E-FILED; Baltimore County Circuit Court
Docket: 9/24/2020 9:50 AM; Submission: 9/24/2020 9:50 AM

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

PETITION OF:

M and S Limited Partnership, et al.

FOR JUDICIAL REVIEW OF THE DECISION OF:
The Baltimore County Board of Appeals

IN THE CASE OF:
In the Matter of: *M and S Limited Partnership*
Board of Appeals Case No. 19-070-SPHX

Case No: C-03-CV-20-002220

STIPULATION OF DISMISSAL

Pursuant to Maryland Rule 2-506(a), Counsel for the Petitioners, Dino C. La Fiandra and The Law Office of Dino C. La Fiandra, LLC, Counsel for the Respondents, Michael R. McCann and Michael R. McCann, P.A., and Respondent Peter M. Zimmerman, Esquire, People's Counsel for Baltimore County, stipulate that the Petition for Judicial Review shall be dismissed.

Respectfully submitted,

/S/

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Email: dcl@lafiandralaw.com
Telephone: 443-204-3473
Client Protection Fund ID: 9512130116
Attorney for Petitioners

/S/

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Email: michael@mmccannlaw.net
Telephone: 410-825-2150
Client Protection Fund ID: 8112010099
Attorneys for Respondents

/S/

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
105 W. Chesapeake Avenue, Suite 204
Towson, Maryland 21204
Email: pzimmerman@baltimorecountymd.gov
Telephone: 410-887-2188
Client Protection Fund ID: 7212010276
Respondent

Date: September 24, 2020

Certificate of Service

I certify that the foregoing Stipulation was served electronically through the MDEC system this 24th day of September, 2020, to Michael McCann, Esquire, 118 W. Pennsylvania Avenue, Towson, Maryland 21204, Counsel for Respondents and Peter Max Zimmerman, People's Counsel for Baltimore County, 105 W. Chesapeake Avenue, Suite 204, Towson, Maryland 21204.

/S/
Dino C. La Fiandra

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 21, 2020

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Peter Max Zimmerman, People's Counsel
Carole Demilio, Deputy People's Counsel
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, Maryland 21204

RE: Petition for Judicial Review
Circuit Court Civil Action No.: C-03-CV-20-002220
In the Matter of: M and S Limited Partnership – Legal Owner and Petitioner (fka Howard Bank)
Board of Appeals Case No.: 19-070-SPHX

Dear Counsel:

Kindly note that the Proceedings before the Administrative Law Judge and the Board of Appeals of Baltimore County have been filed with the Circuit Court for Baltimore County via the Maryland Electronic Courts and E-filing system. Enclosed is a copy for your records.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Tammy A. Zahner

Tammy A. Zahner
Legal Secretary

Multiple Original Cover Letters
Enclosure

c: M and S Limited Partnership
Dale Cassidy, President/Ridgely Manor Community Association
Susan C. Bacon, Treasurer/Ridgely Manor Community Association
Janice Krach, President/Knettishall Community Association, Inc.
Bryan Fischer/Towson Communities Alliance
Peter M. Moulder, Vice President/Associates of Loch Raven Village

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY	*	
PETITION OF: M AND S LIMITED PARTNERSHIP, *et al.*	*	
FOR JUDICIAL REVIEW OF THE OPINION OF THE BOARD OF APPEALS OF BALTIMORE COUNTY Jefferson Building – Suite 203 105 W. Chesapeake Avenue Towson, Maryland 21204	*	CIVIL ACTION NO.: C-03-CV-20-002220
IN THE MATTER OF: M AND S LIMITED PARTNERSHIP - Legal Owner and Petitioner (fka Howard Bank) For the property located at 1641 Joppa Road	*	
9th Election District 5th Councilmanic District	*	
BOARD OF APPEALS CASE NO.: 19-070-SPHX	*	

* * * * * * * * * * * * *

PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW JUDGE AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits, Approvals and Inspections and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS OF BALTIMORE COUNTY

August 31, 2018	Petition for Special Hearing pursuant to Section 500.7 of the BCZR to determine whether or not the Zoning Commissioner should approve an amendment to the previously approved zoning site plan in Case No. 99-

	251-A; and Petition for Special Exception to use the herein described property for a service garage pursuant to Section 230.3 of the BCZR.
September 6, 2018	Entry of Appearance filed by People's Counsel for Baltimore County.
September 20, 2018	Notice of Zoning Hearing
October 16, 2018	Certificate of Posting
October 16, 2018	Certificate of Publication in newspaper
October 21, 2018	Letter to ALJ Beverungen from Councilman David Marks.
October 31, 2018	ZAC Comments
November 3, 2018	Recertification of Posting
November 4, 2018	E-mail to the Office of Administrative Hearings from Bryan Fischer, President of Towson Communities Alliance enclosing October 8, 2018 letter sent to the Design Review Panel.
November 5, 2018	Hearing held before the Administrative Law Judge.
November 15, 2018	Opinion and Order issued by the Administrative Law Judge wherein the Petition for Special Hearing to approve an amendment to the previously approved zoning site plan in Case No. 99-251-A was GRANTED, and the Petition for Special Exception to permit a service garage was GRANTED, with conditions.
December 13, 2018	Notice of Appeal filed by the Associates of Loch Raven Village, Knettishall Community Association, Ridgeleigh Manor Community Association, Towson Communities Alliance, and Peter M. Moulder, Protestants.
December 14, 2018	Appeal received by the Board.
January 22, 2019	Notice of Assignment issued by the Board, Days 1 and 2.
March 5, 2019	Board convened for a Hearing, Day 1.
April 2, 2019	Board convened for a Hearing, Day 2.
April 26, 2019	Notice of Assignment issued by the Board, Day 3.

June 27, 2019 Board convened for a Hearing, Day 3.

Exhibits submitted at Hearings before the Board of Appeals:

Petitioner's Exhibit No.

1 – Curriculum Vitae of Joshua T. Sharon
2 – 8/26/18 Plan to Accompany Special Exception – Morris & Ritchie Associates (MRA)
3 – Existing Conditions & Demolition Plan – MRA
4 – Petition for Zoning Hearing for 1641 Joppa Road
5 – DRP #606 approval recommendations – 11/21/18 letter and 11/8/18 memo
6 – 11/5/18 Redline Plan per DRC comments
7 – Pages from DRP booklet submitted to DRC
8 – Illustrative Site Plan – Landscape
9 – 10/31/18 letter with Zoning Advisory Committee comments attached
10 – Context photograph for DRP booklet – aerial
11 – 5/10/16 Loch Raven Commercial Revitalization District Map
12 – Curriculum Vitae for Kenneth W. Schmid
13 – 2018 Basic Services Map – Transportation Zones
14 – 9/13/18 letter from SHA (Wolcott) to Baltimore County PAI (Lewis)
15 – Petitioner's sign-in sheet
16 – Amended Petition for Zoning
17 – Deed for 1641 Joppa Road (5/24/19)
18 – Amended Site Plan updating owner information (6/25/19)

Protestants' Exhibit No.

1 – 2/9/99 Findings by Zoning Commissioner (First Mariner)
2 – 1/25/99 Jablon correspondence approving variance for First Mariner
3 – 1/25/99 Memo to Kotroco from Van Arsdale re: First Mariner Variance
4 – Master Plan 2020 pages 133 and 137-141
5 – Master Plan 2020 pages 23, 27-31
6 – 10/10/18 Design Review Panel Minutes
7 – DRP Panel Members from Baltimore County website
8 – Valvoline website excerpts for Middle River location
9 – DPW Level of Service Ratings
10 – Level of Service Intersections
11 – 1/5/18 letter from Bureau of Traffic Engineering (Carski) to DPW (Walsh)

12 – 11/19/18 letter from Bureau of Traffic Engineering (Carski) to DPW (Walsh)
13 – 4/10/14 Baltimore County Traffic Engineering Turning Movement Count Data
14 – 3/29/17 Baltimore County Traffic Engineering Turning Movement Count Data
15 – Rule 8 Papers for Associates of Loch Raven Village
16 – Baltimore County My Neighborhood Map for Loch Raven Village
17 – Google Map of oil changes near Loch Raven Blvd. and Joppa Road
18 – Pictures of Auto Service businesses near Loch Raven Blvd. and Joppa Road
19 – Google Map of 1641 E. Joppa Road
20 – 5 Maps – Baltimore County My Neighborhood
21 – Rule 8 Papers for Towson Communities Alliance

People's Counsel Exhibit No.

1 – My Neighborhood Map 1:1, 128
2 – Aerial Map
3 – Baltimore County Web Map 3/5/19
4 – County Council Resolutions
5 – Nov. 98 Petition for Variance for First Mariner Bank (1641 E. Joppa Road)
6 – 1/25/99 letter from Loch Raven Community Council to Zoning Commissioner
7 – Oct. 17 Google Maps pictures of 1698 E. Joppa Road and MD 542
8 – 2/9/99 Findings by Zoning Commissioner with Site Plan (First Mariner)
9 – Petition for Zoning Reclassification for 1641 E. Joppa Road
10 – Zoning history of properties near 1641 E. Joppa Road
11 – Aerial and street views of MD Valvoline facilities
12 – Webster's Third New International Dictionary and internet definitions of inherent
13 – Zoning history for 1701 E. Joppa Road
14 – Webster's Third New International Dictionary definitions of back and front
15 – Google Maps of E. Joppa Road and MD 542
16 – Map of Baltimore County Commercial Revitalization Districts 2019
17 – Map of BL Zoning Districts 2019
18 – Newspaper articles regarding Commercial Revitalization Districts

19 – BCZR §232.1 and §303.2
20 – People's Counsel sign-in sheet
21 – Page 62 of ADC Baltimore City and County Map
22A-J – Google Earth Maps of 1641 E. Joppa Road
23 – County Council Resolution 25-14 (4/7/14)
24 – BCZR §230

August 9, 2019	People's Counsel for Baltimore Count's Post-Hearing Memorandum.
August 9, 2019	Protestants' Post-Hearing Memorandum filed by Michael R. McCann, Esquire.
August 9, 2019	Petitioner's Brief in Lieu of Closing Argument filed by Dino C. La Fiandra, Esquire.
August 27, 2019	Board convened for Public Deliberation.
April 15, 2020	Letter to Dino C. La Fiandra, Esquire from Board returning letter received by his office on April 15, 2020 as record is closed.
April 23, 2020	Majority Opinion and Order issued by the Board wherein the Petitioner's request for Special Hearing to approve an amendment to a site plan previously approved in 99-251-A was DENIED; and the Petitioner's request for Special Exception to permit an automotive service garage in a BL zone was DENIED. Dissenting Opinion issued.
May 22, 2020	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Dino C. La Fiandra, Esquire on behalf of M and S Limited Partnership and Mid-Atlantic Lubes, LLC
May 22, 2020	Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.
May 26, 2020	Certificate of Compliance sent to all parties.
May 28, 2020	Response to Petition for Judicial Review filed by People's Counsel for Baltimore County.
July 21, 2020	Transcript of testimony filed.
July 21, 2020	Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Tammy A. Zahner

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of July, 2020 a copy of the foregoing was mailed first class mail, postage prepaid, or inter-office mail to the following:

Dino C. La Fiandra, Esquire
Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, MD 21204

M and S Limited Partnership
54 Jaconnet Street, Suite 100
Newton Highlands, MA 02461

Mid-Atlantic Lubes, LLC
54 Jaconnet Street, Suite 100
Newton Highlands, MA 02461

Dale Cassidy, President
Ridgely Manor Community Association
1654 Yakona Road
Towson, MD 21286

Susan C. Bacon, Treasurer
Ridgely Manor Community Association
1676 Yakona Road
Towson, MD 21286

Janice Krach, President
Knettishall Community Association, Inc.
8325 Wyton Road
Towson, MD 21286

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, MD 21204

Peter M. Zimmerman, People's Counsel
Office of People's Counsel
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, MD 21204

Bryan Fischer
Towson Communities Alliance
P.O. Box 5421
Towson, MD 21285-5421

Peter M. Moulder, Vice President
Associates of Loch Raven Village
1552 Dellsway Road
Towson, MD 21286

Tammy A. Zahner
Tammy A. Zahner

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY

PETITION OF:
M AND S LIMITED PARTNERSHIP, *et al.* *

FOR JUDICIAL REVIEW OF THE OPINION OF * CIVIL ACTION
THE BOARD OF APPEALS NO.: C-03-CV-20-002220
OF BALTIMORE COUNTY *
Jefferson Building, Suite 203
105 W. Chesapeake Avenue *
Towson, Maryland 21204

*

IN THE MATTER OF:
M AND S LIMITED PARTNERSHIP - *
Legal Owner and Petitioner (fka Howard Bank)
For the property located at 1641 Joppa Road *

*

9th Election District
5th Councilmanic District *

BOARD OF APPEALS CASE NO.: 19-070-SPHX *

* * * * * * * * * * * * * *

RECEIVED
MAY 28 2020
BALTIMORE COUNTY
BOARD OF APPEALS

RESPONSE TO PETITION FOR JUDICIAL REVIEW

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, in accordance with Maryland Rule 7-204, submits this response to the Petition for Judicial Review filed by M AND S LIMITED PARTNERSHIP, et al. and states that it intends to participate in this action for Judicial Review. The undersigned participated in the proceeding before the County Board of Appeals.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 204
Towson, MD 21204
(410) 887-2188
pzimmerman@baltimorecountymd.gov
CPF# 7212010276

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
The Jefferson Building
105 West Chesapeake Avenue, Suite 204
Towson, MD 21204
(410) 887-2188
cdemilio@baltimorecountymd.gov
CPF# 7412010076

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of May, 2020, a copy of the foregoing Response to Petition for Judicial Review was sent, via electronic filing to:

Michael McCann, Esquire
118 West Pennsylvania Avenue
Towson, Maryland 21204

Dino C. LaFiandra, Esquire
Law Office of Dino LaFiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

And via first class mail, postage prepaid, to:

Baltimore County Board of Appeals
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 26, 2020

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

Peter M. Zimmerman, People's Counsel
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Judicial Review
Circuit Court Civil Action No.: C-03-CV-20-002220
In the Matter of: M and S Limited Partnership – Legal Owner and Petitioner (fka Howard Bank)
Board of Appeals Case No.: 19-070-SPHX

Dear Counsel:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed by Dino C. La Fiandra, Esquire on behalf of M and S Limited Partnership and Mid-Atlantic Lubes, LLC in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. The County Board of Appeals received written notification of acceptance on May 22, 2020. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

In accordance with the Maryland Rules, the Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review within 60 days. Mr. La Fiandra, having taken the appeal on behalf of his clients, is responsible for the cost of the transcript of the record and the transcript must be paid for in time to transmit the same to the Circuit Court within the 60 day timeframe as stated in the Maryland Rules.

Courtsmart was the official record of the hearings before the Board. The disk(s) will be copied by this office and provided to you for transcription. The transcriptionist must meet the requirements set forth in Maryland Rules which states: "*a stenographer, court reporter, or transcription service designated by the court for the purpose of preparing an official transcript from the recording.*" The Board of Appeals can assist in obtaining a qualified transcriptionist upon request.

Please be advised that the ORIGINAL transcript must be provided to the Board of Appeals no later than JULY 14, 2020 so that it may be transmitted to the Circuit Court with the record of proceedings, pursuant to the Maryland Rules.

A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,

Tammy A. Zahner

Tammy A. Zahner
Legal Secretary

Multiple Original Cover Letters
Enclosure

c: M and S Limited Partnership
Mid-Atlantic Lubes, LLC
Dale Cassidy, President/Ridgely Manor Community Association
Susan C. Bacon, Treasurer/Ridgely Manor Community Association
Janice Krach, President/Knettishall Community Association, Inc.
Bryan Fischer/Towson Communities Alliance
Peter M. Moulder, Vice President/Associates of Loch Raven Village

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY

*

PETITION OF:
M AND S LIMITED PARTNERSHIP, *et al.* *

FOR JUDICIAL REVIEW OF THE OPINION OF * CIVIL ACTION
THE BOARD OF APPEALS NO.: C-03-CV-20-002220
OF BALTIMORE COUNTY *
Jefferson Building – Suite 203
105 W. Chesapeake Avenue *
Towson, Maryland 21204

*

IN THE MATTER OF:
M AND S LIMITED PARTNERSHIP - *
Legal Owner and Petitioner (fka Howard Bank)
For the property located at 1641 Joppa Road *

9th Election District *
5th Councilmanic District

*

BOARD OF APPEALS CASE NO.: 19-070-SPHX

* * * * * * * * * * * *

CERTIFICATE OF COMPLIANCE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, MD 21204

M and S Limited Partnership
54 Jaconnet Street, Suite 100
Newton Highlands, MA 02461

Mid-Atlantic Lubes, LLC
54 Jaconnet Street, Suite 100
Newton Highlands, MA 02461

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, MD 21204

Peter M. Zimmerman, People's Counsel
Office of People's Counsel
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, MD 21204

Dale Cassidy, President
Ridgely Manor Community Association
1654 Yakona Road
Towson, MD 21286

Susan C. Bacon, Treasurer
Ridgely Manor Community Association
1676 Yakona Road
Towson, MD 21286

Janice Krach, President
Knettishall Community Association, Inc.
8325 Wyton Road
Towson, MD 21286

Bryan Fischer
Towson Communities Alliance
P.O. Box 5421
Towson, MD 21285-5421

Peter M. Moulder, Vice President
Associates of Loch Raven Village
1552 Dellsway Road
Towson, MD 21286

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

I HEREBY CERTIFY that on this 26th day of May, 2020 a copy of the foregoing Certificate of Compliance has been mailed to the individuals listed above.

Tammy A. Zahner

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

-FILED; Baltimore County Circuit Court
Docket: 5/22/2020 9:31 AM; Submission: 5/22/2020 9:31 AM

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

PETITION OF:

M and S Limited Partnership
54 Jaconnet Street, Suite 100
Newton Highlands, MA 02461

and

Mid-Atlantic Lubes, LLC
54 Jaconnet Street, Suite 100
Newton Highlands, MA 02461

FOR JUDICIAL REVIEW OF THE DECISION OF:
The Baltimore County Board of Appeals
105 W. Chesapeake Avenue, Suite 203
Towson, Maryland 21204

IN THE CASE OF:
In the Matter of: *M and S Limited Partnership – Legal Owner and Petitioner (fka Howard Bank)*
Board of Appeals Case No. 19-070-SPHX

Case No: C-03-CV-20-002220

RECEIVED
MAY 22 2020
BALTIMORE COUNTY
BOARD OF APPEALS

PETITION FOR JUDICIAL REVIEW

Petitioners M and S Limited Partnership and Mid-Atlantic Lubes, LLC, ("Petitioners") by and through their counsel, Dino C. La Fiandra, Esquire, and The Law Office of Dino C. La Fiandra, LLC, request judicial review of the Opinion and Order of the Baltimore County Board of Appeals dated April 23, 2020 in the case of *In the Matter of: M and S Limited Partnership – Legal Owner and Petitioner (fka Howard Bank)*, Board of Appeals Case No. 19-070-SPHX. Petitioners were parties before the Board of Appeals. A copy of the Opinion and Order of which Judicial Review is sought is Exhibit 1 to this Petition for Judicial Review.

Respectfully submitted,

May 22, 2020
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Email: dcl@lafiandralaw.com
Telephone: 443-204-3473
Client Protection Fund ID: 9512130116
Attorney for Petitioners

Exhibit 1
Board of Appeals Decision
In the Matter of: *M and S Limited Partnership – Legal Owner and Petitioner (fka Howard Bank)*
Board of Appeals Case No. 19-070-SPHX

IN THE MATTER OF M AND S LIMITED PARTNERSHIP LEGAL OWNERS AND PETITIONERS FOR SPECIAL HEARING AND SPECIAL EXCEPTION FOR THE PROPERTY LOCATED AT 1641 JOPPA ROAD (FORMERLY KNOWN AS HOWARD BANK) 9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	BEFORE THE
	*	BOARD OF APPEALS
	*	OF
	*	BALTIMORE COUNTY
	*	CASE NO.: 19-070-SPHX

* * * * * * * * * * * * *

MAJORITY OPINION

This matter comes before the Board of Appeals for Baltimore County (the "Board") as an appeal from Administrative Law Judge's November 15, 2018 decision which granted a Petition for Special Hearing, pursuant to Baltimore County Zoning Regulations (BCZR) §500.7 to approve an amendment to a site plan previously approved in Case 99-251-A, and granted a Petition for Special Exception, pursuant to BCZR §230.3, to permit an automotive service garage in a Business Local (BL) zone for a property located at 1641 East Joppa Road. The subject property is a half (0.5) acre parcel at the southwest corner of East Joppa Road and Loch Raven Boulevard. It was most recently operating as a First Mariner Bank until it was acquired by Howard Bank on February 28, 2018. The building was idle until Petitioner/Appellee[1] acquired the property. Petitioner proposes to raze the building to construct and operate a Valvoline Instant Oil Change facility.

The Board conducted a *de novo* hearing over the course of three days, March 5, April 2 and June 27, 2019, and deliberated this matter on August 27, 2019. Petitioner (hereinafter referred to as "Valvoline") was represented by Dino C. La Fiandra, Esquire. Peter Max Zimmerman, People's Counsel for Baltimore County, participated in the hearing. Michael R. McCann, Esquire represented Protestants, the Ridgely Manor Community Association, Knettishall Community

[1] The Petitions were originally filed by Mid-Atlantic Lubes, LLC, as Contract Purchaser, and Howard Bank as Legal Owner. This property has since been acquired by M and S Limited Partnership (Pet. Ex. 17.)

Association, Inc., Towson Communities Alliance, Associates of Loch Raven Village, and Peter M. Moulder, individually (collectively referred to as "Protestants"), throughout the hearing.

BACKGROUND

There is a long and varied history relating to the issues in this case. On November 16, 1998, the County Council of Baltimore County designated the official Loch Raven Commercial Revitalization District of Baltimore County pursuant to the recognition of revitalization districts in the Baltimore County Master Plan 1989-2000. Geographic boundaries were set forth. (People's Counsel's Exhibit 4).

On January 25, 1999, the Baltimore County Department of Planning issued inter-office correspondence recommending approval of the variance request of 1641 Joppa Road for the First Mariner Bank with the condition that final building elevations and a final landscape plan be submitted to their office for review and approval. (Protestant's Exhibit 2.) Also on January 25, 1999, the Loch Raven Community Council, Inc. (representing seventeen (17) community associations and three (3) service organizations in the Greater Loch Raven area) issued a letter to the Baltimore County Zoning Commissioner in "enthusiastic support" of the proposed development of a First Mariner Bank at the site of the subject property on the southwest corner of East Joppa Road and Loch Raven Boulevard. The letter noted the site "serves as a gateway into the Loch Raven community". (People's Counsel's Exhibit 6).

On February 9, 1999, a Petition for Variance for 1641 E. Joppa Road (Case No. 99-251-A) was granted to approve setbacks (front yard and side yard), permit a drive-through lane, and approve a modified parking plan. The petition was filed by the Estate of Sol Goldman, the current owner, and First Mariner Bank, the purchaser of the property. (People's Counsel's Exhibits 5 & 8).

On November 1, 2004, the County Council of Baltimore County expanded the Loch Raven

Commercial Revitalization District, and noted the Commercial Revitalization Districts (CRD) provide incentives to property owners and businesses in the Districts to improve the exterior of existing buildings and to develop and redevelop underused properties.

On May 15, 2006, the County Council of Baltimore County expanded the boundaries of the Loch Raven Commercial Revitalization District to include part of the commercial area along Joppa Road that was not included in the original CRD designations.

On February 19, 2013, County Council of Baltimore County revised the boundaries of the Loch Raven CRD. The resolution stated:

> "the County's commercial revitalization districts and their surrounding communities are inseparably linked, with the districts providing a range of retail, service, and entertainment uses for the local community, as well as establishing the overall image of a community; and
> WHEREAS, the County's Commercial Revitalization Program was transferred to the Department of Planning in May, 2011 to more holistically address the issues of community development and neighborhood improvement; and
> WHEREAS, to effectively reposition the County's older downtowns and to target resources more efficiently, the Department re-evaluated some of the revitalization districts in terms of their zoning classification, mix of uses, ownership, need for building improvements, projects completed and potential for reinvestment; and
> WHEREAS, as a result of this evaluation, the geographic boundaries of the existing Loch Raven Commercial Revitalization District are proposed for change in order to highlight the unique characteristics and identities of three separate communities that comprise the District, namely, the Loch Raven – Baynesville area, the Loch Raven – Satyr Hill area, and the Loch Raven- Hillendale area; and
> WHEREAS, it is the further intention to require that a nonresidential development plan for a proposed development located in either the Loch Raven – Baynesville area or the Loch Raven - Hillendale area of the District be subject to review by the Baltimore County Design Review Panel…"

On April 18, 2016, the County Council of Baltimore County expanded the Loch Raven Commercial Revitalization District to add a contiguous property.

On February 28, 2018, Howard Bank closed on its acquisition of First Mariner Bank. At some point thereafter, Howard Bank elected to close its branch on the subject property.

After sitting idle for over one year, Valvoline conditionally acquired the property and

proposes to construct and operate a Valvoline Instant Oil Change facility.

On August 31, 2018, a Petition for Zoning Hearing for the property located at 1641 Joppa Road was filed requesting a Special Hearing under Section 500.7 of the BCZR to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved zoning site plan in case number 99-251-A, and a Special Exception to use the herein described property for a service garage pursuant to BCZR §230.3.

On October 30, 2018, the Design Review Panel (DRP) held a meeting and made recommendations based on that meeting.

On November 5, 2018, the site plan was revised per DRP recommendations.

On November 5, 2018, the Administrative Law Judge (ALJ) held a hearing.

On November 8, 2018, the Department of Planning issued a memorandum approving the DRP#606 for the property located at 1641 East Joppa Road, with conditions.

On November 15, 2018, ALJ's Opinion and Order was issued wherein the requested Special Hearing to approve an amendment to a site plan previously approved in Case 99-251-A, and the requested Petition for Special Exception, pursuant to BCZR §230.3, to permit an automotive service garage in a Business Local (BL) zone were granted with conditions.

On November 21, 2018, the Department of Permits, Approval and Inspections (PAI) issued a letter advising the recommendation for the DRP was accepted and approved for DRP#606, 1641 East Joppa Road, Valvoline Oil project.

On December 13, 2018, a timely appeal was filed by Protestants to this Board.

The Board conducted a *de novo* hearing over three (3) days.

Testimony was received from Petitioner's expert Joshua Sharon, who was accepted as an expert in the fields of civil engineering, zoning and development in Baltimore County. Mr. Sharon

testified the Redlined Site Plan provided by Petitioner meets the definition of a service garage under the Baltimore County Zoning Regulations.

Randolph Kazazian, Valvoline's Vice President of Real Estate, testified regarding the company's operations, other facilities, environmental features, and estimated the current location would serve approximately sixty (60) to eighty (80) vehicles per day with a capacity to service sixteen (16) vehicles per hour in the four (4) bays.

An expert in traffic engineering and transportation planning, Kenneth W. Schmid, testified the signalized intersection at Loch Raven Boulevard and East Joppa Road is rated a "D" Level of Service, which is an acceptable Level of Service to permit the redevelopment of the subject property. Mr. Schmid indicated that the State Highway Administration looked favorably on one of the curb cuts on Loch Raven Boulevard. The estimated trip generation is approximately one hundred sixty (160) average daily trips and that cars traveling north on Loch Raven Boulevard would make a "protected" U-turn at the intersection of Joppa Road, which is a legal maneuver to gain access to the property via the southbound lanes of Loch Raven Boulevard.

Protestants presented testimony from Peter Moulder, representative of Associates of Loch Raven Village, and Paul Hartman, representative of Towson Communities Alliance, regarding their concerns with the over-saturation of the area with businesses providing automotive services. They also argued that the proposed use is not in line with the Loch Raven-Baynesville Commercial Revitalization District which calls for a diversity of uses and adding another auto-related business does not further the goals of the CRD.

People's Counsel presented Jason Bulkeley, the owner of a nearby restaurant, who objected to another auto-related business in the area.

A local resident, John Fiastro, Jr., testified that he supported the Valvoline project.

DISCUSSION

The Petition for Special Hearing was requested pursuant to § 500.7 of the BCZR to approve an amendment to a site plan previously approved in Case 99-251-A. Section 500.7 provides as follows:

> **§ 500.7. - Petitions for public hearing; notice.**
>
> The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided.

The granting of the Special Hearing in this case is contingent upon the Board's finding as to the Petitioner's request for a Special Exception. The threshold issue in this matter is whether there was sufficient evidence to deny the Special Exception. 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. *Schultz v. Pritts*, 291 Md. 1 (1981) and *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017). In the view of the majority of the Board, the evidence submitted fails to satisfy the § 502.1 requirements, which read as follows:

> **§ 502.1. - Conditions determining granting of special exception.**
>
> Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:
>
> A. Be detrimental to the health, safety or general welfare of the locality involved;
> B. Tend to create congestion in roads, streets or alleys therein;
> C. Create a potential hazard from fire, panic or other danger;
> D. Tend to overcrowd land and cause undue concentration of population;
> E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
> F. Interfere with adequate light and air;
> G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C. 2, R.C. 4, R.C. 5 or R.C. 7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.

In particular, the adverse impacts on the general welfare of the locality involved (502.1(A)) and the tendency to create congestion in roads and streets (502.1(B)) overcome the presumption that a Special Exception is in the general interest of the jurisdiction and therefore valid. The Protestants' concerns taken from the available evidence rebut the presumption of validity of the Special Exception in the current matter. This Board provided special consideration to each proposal and found the special exception requested is detrimental to the health, safety, or general welfare of the public and will tend to cause traffic congestion.

BCZR §502.1(A)

Section 32-4-102(a)(1) of the Baltimore County Code (BCC) indicates that conformity with the Master Plan is required and "[s]ubject to the limitations in the Charter and this Code, all development of land shall conform to The Master Plan". The Master Plan lays out the policy groundwork for achieving long-term success in Baltimore County. The policy regarding the Commercial Revitalization Districts (CRD) is to "[r]etain and attract quality retail, office, service, residential, entertainment, and institutional uses that create well balanced and economically vital mixed-use." It notes:

> [t]o remain viable, the CRDs must differentiate themselves by capitalizing upon their downtown development patterns, strengthening the existing base for small businesses, and attracting new and different uses. Each district is unique with its own set of attributes and liabilities and revitalizations efforts must be tailored to address these differences... Attaining a sufficient and balanced mix of quality uses is an important goal that should be accompanied with creating a safe, attractive, and walkable environment. (Protestants' Exhibit 4 - page 139)

It is clear from the legislative history that the County Council has continued to expand the

Loch Raven Commercial Revitalization District. As such, the CRD should be taken into account when considering the health, safety or general welfare analysis of the specific community. Although the goal is to develop and redevelop underused properties, it is clear the current project is inconsistent with the CRD due to the inordinate number of automotive service businesses providing oil changes within a quarter (¼) mile of the subject property. In addition to the lack of diversity, the addition of Valvoline to the Loch Raven community would increase traffic and would jeopardize the neighborhood's safety and walkability. Although some argue that the CRD has not been complied with in the past, it does not negate the fact that the CRD should be considered in a special exemption analysis. The failure to comply with the CRD is a contributing factor to the denial in the current case.

BCZR §502.1(B)

According to the Basic Services Map Transportation Zones, the subject intersection of Loch Raven Boulevard and Joppa Road had an F level-of-service for traffic in 2016, D in 2017 and D in 2018. (Petitioner's Exhibit 13). In Baltimore County, the level-of-service can regulate the issuance of building permits for non-industrial development in urban areas determined to have a significant influence on a particular intersection. Level-of-Service D intersections do not control issuance of building permits, but these areas are identified on the Basic Services Maps Transportation Zones to identify the deficient intersections. The purpose of identifying D intersections is to provide notice to the public that the intersection has the potential of going to an E or F. Areas around a level-of-service F intersection would have a moratorium on building permits for non-industrial development, with some very limited exceptions. Identifying these intersections also allows the County an opportunity to work toward correcting them and lessen congestion *before* it becomes a serious problem (emphasis added). (Protestants' Exhibit 9).

The Board heard testimony from Petitioner's witnesses that they anticipate sixty (60) to eighty (80) vehicles per day (but will have the capability to service one-hundred sixty (160) per day). The location is ideal to receive customers from Interstate 695 (a very busy beltway), but a U-turn will be necessary for customers to enter the property if they are northbound on Loch Raven Boulevard. The negative impact of additional traffic (including additional U-turn traffic) for the intersection as well as resulting health and safety concerns warrants a denial of the requested relief in this case.

DECISION

This Board finds the facts and circumstances showing the adverse impacts of the use at the particular location in question would be beyond those inherently associated with the Special Exception use. The Petitioner did not persuade the Board by a preponderance of the evidence that the special exception will conform to all applicable requirements. *Attar v. DMS Tollgate, LLC*, at 285-6.

ORDER

THEREFORE, IT IS THIS 23rd day of April, 2020, by the Board of Appeals of Baltimore County,

ORDERED that Petitioner's request for Special Hearing to approve an amendment to a site plan previously approved in 99-251-A is hereby DENIED; and it is further

ORDERED that Petitioner's request for Special Exception to permit an automotive service garage in a BL zone is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Kendra Randall Jolivet /kc
Kendra Randall Jolivet

William A. McComas

IN THE MATTER OF M AND S LIMITED PARTNERSHIP LEGAL OWNERS AND PETITIONERS FOR SPECIAL HEARING AND SPECIAL EXCEPTION FOR THE PROPERTY LOCATED AT 1641 JOPPA ROAD (FORMERLY KNOWN AS HOWARD BANK) 9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	BEFORE THE
	*	BOARD OF APPEALS
	*	OF
	*	BALTIMORE COUNTY
	*	CASE NO.: 19-070-SPHX

* * * * * * * * * * * * *

DISSENT

This matter relates to an application for a special exception to replace a vacant Howard Bank building on the southwest corner of Joppa Road and Loch Raven Boulevard with a Valvoline automobile lubrication outlet. The matter was first heard by an Administrative Law Judge who ruled in favor of Valvoline. This *de novo* appeal followed.

I must say that I find it peculiar to be a writing a dissent where I agree with the prevailing party on 99% of the operative principles. It is the application of those principles to these circumstances where we part company. For example, I whole-heartedly adopt the section in People's Counsel post-hearing Memorandum as to the nature and operation of the so-called "presumption" in favor of special exceptions. Beyond the recognition that special exception **uses** have been legislatively pre-determined to be proper, under certain circumstances, within the zoning classification in question – and hence are distinct from variances which involve uses not legislatively pre-approved -- there is absolutely nothing that eases the burden of persuasion as to the criteria in BCZR § 502, *et seq.* It is the applicant's obligation to present convincing evidence as to each aspect of the BCZR special exception requirements and to establish by a preponderance of the evidence that the special exception use is warranted in that particular location. There is no burden shifting to the protestants. Everyone knows and agrees that if the applicant filed its petition, showed that the sought-after use was permitted by special exception, and then rested, the applicant would lose because the

applicant had failed to prove that the statutory criteria had been met. If there were some sort of meaningful evidentiary "presumption" in favor of the special exception, then the special exception would be granted based on that minimalist showing unless the protestants could affirmatively demonstrate that the BCZR criteria were **not** satisfied. The so-called presumption means only that the petitioner does not need to show that the special exception will benefit the area. Nonetheless, the applicant is still required to show that the proposed use will not be detrimental. *See generally Montgomery County v. Butler Landscape Design*, 417 Md. 271, 301-08 (2010). Judge Murphy's concurrence in *People's Counsel vs. Loyola College*, 406 Md. 107 (2008) (Murphy, J., concurring) is the most succinct explanation of how the Baltimore County special exception process fits into the law's fairly grand jurisprudence regarding presumptions. *Id.* at p. 109.

Though not a legal conclusion necessary to the decision in this matter, I also whole-heartedly agree with the sentiment in People's Counsel's Memorandum regarding the deference and respect that local residents and community groups deserve, but too often do not receive, when the impact of proposed special exceptions on their communities is being assessed. The most common method of discounting community views is through the use of self-styled "expert" testimony. Expert testimony is and can be quite useful. At the same time, in certain respects, the day-to-day experience of people who live in an area can be just as probative and should receive the same kind of official recognition that outside "experts" receive solely by reason of their designation. Sometimes expert testimony is needed on particular issues. Traffic engineering is an example of a discipline that often requires specialized training coupled with collection and analysis of data. On the other hand, people who live or work in an area know when traffic snarls and what kind of informal detours to which commuters resort. The balance between the traffic engineer's view and the local citizen's view obviously varies from situation to situation, but typically, both views deserve to be heard. Where the issue involves

nothing more than common sense or practical experience, the expert brings nothing extra to the discussion.

It is also the case that oftentimes the witnesses who are called as experts are deemed to be experts less by reason of special training with the issue or familiarity with the impacted area, and more by reason of longevity and familiarity to the Board. An engineer or surveyor has no real expertise about the relationship between his or her client's project and the general health, safety, and welfare of the public, which is the ultimate issue that the factfinder must decide. It is not as though the typical expert witnesses have special academic credentials that matter or are current. Further, their motives are often financial, and they lack authentic appreciation (or even any actual concern) for the real impact that a proposal may have on the area. To be even more blunt, many of these experts say whatever a party needs them to say to create a record to justify a given project; they do not care in the slightest what happens to the community in question as a result of the project.[1] Such witnesses do not need to live with the consequences of their testimony. Their testimony is little more than some type of talismanic ritual. Many of the "experts" that are called before this Board are the same ones over and over again. Some of them seem to believe that they, counsel for the parties, and the Board are one big happy family. Their demeanor on the stand at times reflects a wholly inappropriate coziness. It is useful to be reminded that the Board is independent from applicants, protestants, witnesses, counsel for any party, and indeed, the County planning apparatus itself.

I also agree with the principle that the Master Plan, commercial revitalization districts (CRD), special development designations, and similar legislative dictates deserve vastly more weight than has come to be the practice over the past two decades. Too often those very important planning directives have been given, at best, passing attention. They are often referred to as being

[1] I want to make it abundantly clear that I am here expressing a general observation. This sentiment, however, does not apply to any expert called as a witness in this specific case.

"aspirational", a term that has now come to be a pejorative -- used when dismissing Master Plan concerns while adopting a disingenuous pose of high regard for the Master Plan. It is damnation by faint praise. More to the point, the legitimacy of the Master Plan and its many subparts and satellites is undermined by consigning them to some lofty region of unrealistic planning idealism. The Master Plan can then be safely and easily ignored. In that world, there is no reason to permit a well-conceived long-term county-wide design assembled by professional planners with substantial collaboration from the County Council to get in the way of a profitable deal. The practical result of this disregard for over-arching development principles, to cite just two examples, is the impending transformation of an officially identified rural village on a designated scenic byway into a truck stop in complete derogation of the Master Plan, and the use of faux expert testimony to justify rescuing a speculator's languishing commercial property by developing it into an isolated (and probably low income) apartment building bounded in part by limited access roadways and otherwise marooned in a commercial and industrial park which the County and the Master Plan had long promised would remain commercial and industrial.

So, having said all of the above, the question then becomes: how can one who holds those views dissent in this case? The Valvoline project is arguably inconsistent with the Master Plan's CRD designation. I have tried, and I think successfully, to convey the notion that the Master Plan deserves substantially more influence than it has been receiving. This is not to say, however, that the Master Plan is sacred or that it can ruff[2] common sense. The CRD is important, but similarly, it is not sacred, and it must also yield to common sense. And simply because one believes, as do I, that the Master Plan has been treated disrespectfully over the past fifteen to twenty years, does not require a reflexive

[2] In the game of Bridge, winning a trick with a trump card is referred to as a "ruff". It can also be used as a verb in the sense of "ruffing a trick".

decision in its favor as to an intersection that was long ago irreparably and irretrievably compromised. The Master Plan, though centrally important, is not mandatory.[3] To elevate the Master Plan over what the naked eye sees does not right the balance nor address historic Master Plan under-valuation. For the most part, development ought to occur where development has occurred. To insist on blind compliance with the Master Plan for the intersection of Loch Raven and Joppa is not simply shutting the barn door after the horse has left. It is the horse leaving, shutting the barn door, and then burning down the barn.

There was some argument that the Valvoline facility would exacerbate the already congested traffic situation. Even if one were to rely only on citizen opinion about traffic impact, it was difficult to see any change, whether great or modest, to an already dense traffic situation. I suspect that the citizen testimony on traffic was more out of frustration with the already congested traffic at that intersection and its environs and less on the extent to which Valvoline would contribute to that congestion. Of course, Valvoline will have customers. But the only calculation that matters is whether Valvoline would generate appreciably more traffic than did Howard Bank or some other future hypothetical business such that it would have an unpermitted adverse impact or constitute a detriment under BCZR § 502.1. On that score, I see no reason in logic nor basis in the record to

---

[3] The Baltimore County Charter recites that the Master Plan is ". . .to serve as a guide". Baltimore County Charter, § 523(a). The Baltimore County Code also indicates that the ". . . Master Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county and its environs. . ." Baltimore County Code, § 32-2-202(a). The case law has consistently held that master plans are not mandatory, often relying on the precise type of authorizing language contained in county charters and statutes that is found in the Baltimore County Charter and Code as quoted above. *See e.g. People's Counsel of Baltimore County v. Webster*, 69 Md. App. 694, 701-03 (1986). *Cf. People's Counsel of Baltimore County v. Beachwood Ltd. Partnership*, 107 Md. App. 627, 656-58 (1995) (Master Plans are "guides" and there is no requirement that comprehensive zoning maps or any amendments thereof conform to a jurisdiction's master plan.). If all of this were not enough, the Master Plan 2020 itself states in its Introduction at p. 1 that ". . .generally the policies and action stated in *Master Plan 2020* are not mandatory. . .".

attribute some Draconian traffic consequence, or even a more modest adverse impact, to Valvoline. *Montgomery County v. Butler*, *supra*, 417 Md. at 307.

To a great extent, the opposition citizen testimony was candidly oriented towards aesthetics, which, as with the other issues already discussed, I also endorse as a significant and important consideration in the Master Plan and in the ongoing development of areas in which to work and live. To the extent possible, there are any number of good and sound reasons why the spaces we utilize for working and living should be pleasing to, and supportive of, our overall human sensibilities. The value of aesthetics is embedded in the Master Plan and all CRDs. *See e.g. Master Plan 2020* at p. 99-102. The problem, however, is that aesthetics invariably has large subjective components. Mr. Moulder, speaking on behalf of the community, thought that the new Starbucks replacing the shopworn Bel-Loc Diner was a great improvement. Personally, I view Starbucks as a commercial ubiquity similar to McDonald's, bringing only familiarity in appearance but long past the time where it can be suggested that it adds any character or style. A refurbished Bel-Loc would have been wonderful as a "gateway" to the community.[4] I wish the community had insisted on that development alternative, or something similar, in lieu of welcoming Starbucks. To me, a Starbucks does not enhance the appearance in the slightest. This reasonable difference in view is why aesthetics, as important as it is, can be problematic. And while focused on Starbucks, one should not forget the incredible traffic it generates during the morning rush hour.

[4] The Protestants repeatedly referred to this intersection as a "gateway". It hearkened back to 1999 when the then Deputy Zoning Commissioner, with no opposition, not surprisingly granted a variance to permit First Mariner Bank to build the building that is now the vacant Howard Bank building. In that friendly litigation, the Deputy Zoning Commissioner referred to this intersection as the "gateway to the Loch Raven communities". *See* Findings of Fact and Conclusions of Law, Case No. 99-251-A, at p. 2. Any validity that those kind (and now rather nostalgic) words may have had in 1999 has surely dissipated in the intervening 20 years as development in that area has raged on unabated. Even more, I am confident that the now departed but iconic Bel-Loc was the defining feature that made the gateway a gateway.

It is my view that the Valvoline facility is better in appearance than anything already at that intersection or within close proximity of it. It certainly is no worse. Being newly built would make it an improvement over a number of its older neighbors. In short order, it would have become largely invisible even to its present opponents. That intersection is already composed of sketchy motels, a furniture store, automotive repair facilities, various shabby retail outlets, and, of course, a Starbucks.

CONCLUSION

A stable multi-State business enterprise is looking to invest millions to refurbish a vacant building at one of Baltimore County's busiest commercial intersections. To invoke the Master Plan to prevent this development is an empty gesture and has only the possible ironic effect of diminishing the Master Plan. It is my opinion that the applicant easily carried its burden of proof, without the assistance of any presumption, and established its entitlement to the special exception. Accordingly, I dissent.

April 23, 2020
Date

Joseph D. Evans

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 23, 2020

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Peter M. Zimmerman, People's Counsel
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

RE: In the Matter of: *M and S Limited Partnership – Legal Owner and Petitioner (fka Howard Bank)*
Case No.: 19-070-SPHX

Dear Counsel:

Enclosed please find a copy of the final Majority Opinion and Order, and Dissent, issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Multiple Original Cover Letters

c: See Distribution List Attached

M and S Limited Partnership
Dale Cassidy, President/Ridgely Manor Community Association
Susan C. Bacon, Treasurer/Ridgely Manor Community Association
Janice Krach, President/Knettishall Community Association, Inc.
Bryan Fischer/Towson Communities Alliance
Peter M. Moulder, Vice President/Associates of Loch Raven Village
C. Pete Gutwald, Director/Department of Planning
Paul M. Mayhew, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 15, 2020

Dino La Fiandra, Esquire
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

Re: In the matter of: Howard Bank, et al.
Case No: 19-070-SPHX

Dear Mr. La Fiandra,

The enclosed material, namely, a letter from you, was received by this office on April 15, 2020, and is herewith returned to you.

As you know, the Board concluded the hearing in the subject matter on August 9, 2019, with the receipt of closing memoranda from the parties to this case, at which time the record was closed. Public Deliberation was held on August 27, 2019.

Accordingly, no further documentation can be submitted at this time, and I am returning to you the enclosed letter, which cannot be placed in the subject file nor become a part of the record in this matter.

Very truly yours,

Sunny Cannington

Krysundra Cannington
Administrator

Enclosure

cc without enclosure:
Michael R. McCann, Esquire
Peter M. Zimmerman, Esquire
People's Counsel for Baltimore County

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Howard Bank, Legal Owner 19-070-SPHX
Mid-Atlantic Lubes, Contract Purchaser

DATE: August 27, 2019

BOARD/PANEL: Joseph L. Evans, Panel Chairman
Kendra Randall Jolivet
William A. McComas

RECORDED BY: Sunny Cannington/Administrator

PURPOSE: To deliberate the following:

1. Petition for Special Hearing to approve an amendment to a site plan previously approved in 99-251-A; and
2. Petition for Special Exception to permit an automotive service garage in a BL zone.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- The Board discussed that the subject property is the site of a vacant building previously occupied by Howard Bank. The Petitioner proposes to raze the vacant building and build a Valvoline Instant Oil Change. The property is zoned BL (Business, Light) where a service station is allowed by Special Exception.
- The Board debated the impact of the commercial revitalization district (CRD) on the subject property. One Board member determined that the CRD and Master Plan have been ignored in this area for so long that to apply them now would make no difference. That member determined that the highly commercialized area can't become less intense. The majority determined it is never too late to apply the CRD.
- The Board specifically discussed the traffic section of 502.1. The majority determined that traffic at the subject intersection is already an issue. By adding another automotive service station to the intersection (there is one across the street) the majority determined that traffic would be worse. Therefore, the majority decided to deny the special hearing and special exception relief requested. One member is dissenting.

CONCLUSION: After thorough review of the evidence and testimony in this matter, the majority of the Board determined that the special hearing and special exception relief will be DENIED. One member is dissenting.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

Sunny Cannington

Sunny Cannington

In the Matter of:	)	**BEFORE THE**
	)	
M and S Limited Partnership, Legal Owner	)	**BOARD OF APPEALS**
(Formerly, Howard Bank, Legal Owner)	)	
1641 Joppa Road	)	**OF**
Petitioner / Appellee	)	
	)	**BALTIMORE COUNTY**
Petition for Special Hearing	)	
Petition for Special Exception	)	**Case No.: 19-070-SPHX**
	)	
5th Councilmanic District	)	
9th Election District	)	
	)	

RECEIVED
AUG 09 2019
BALTIMORE COUNTY
BOARD OF APPEALS

Petitioner's Brief in Lieu of Closing Argument

M and S Limited Partnership, by and through its undersigned counsel, submits this Brief in Lieu of Closing Argument, and states:

Statement of the Case

This appeal originated as Petitions for Special Exception and Special Hearing (collectively, the "Zoning Petitions") before the Baltimore County Office of Administrative Hearings.[1] The Zoning Petitions seek a special exception under BCZR § 230.3 to permit a service garage in a BL zone and a special hearing pursuant to BCZR § 500.7 to approve an amendment to the previously approved zoning site plan in Case No. 99-251-A.[2] The property that is the subject of the Zoning Petitions is 1641 East

[1] The Petitions were originally filed by Mid-Atlantic Lubes, LLC as Contract Purchaser, and Howard Bank as Legal Owner. While this case was pending before the Board of Appeals, the Property was acquired by M and S Limited Partnership, an entity affiliated with Mid-Atlantic Lubes, LLC. *See*, Petitioner's Exhibit 17 (Deed from Howard Bank to M and S Limited Partnership dated May 24, 2019 and recorded among the land records of Baltimore County at Liber 41517, folio 360). Prior to the conclusion of the hearing on June 27, 2019, Mid-Atlantic Lubes, LLC submitted an Amended Petition for Zoning Hearing identifying M and S Limited Partnership as the Legal Owner of the Property. *See*, Petitioner's Exhibit 16 (Amended Zoning Petition). While M and S Limited Partnership is the Legal Owner of the Property, as explained at the hearing, Mid-Atlantic Lubes, LLC will operate the proposed Valvoline Instant Oil Change. Mid-Atlantic Lubes, LLC and M and S Limited Partnership are affiliated entities and collectively referred to herein as "Valvoline" or "Petitioner".

[2] As noted by the Administrative Law Judge in his decision dated November 15, 2019 in this matter, the Petition for Special Hearing does not seek substantive zoning relief, like a variance or a special exception. Instead, it is a "housekeeping matter" included with the Petition for Special Exception at the behest of the Zoning Review Office,

Joppa Road (the "Property"), the site of a former First Mariner Bank branch office at the southwest corner of East Joppa Road and Loch Raven Boulevard which now sits vacant.

The ALJ conducted a hearing on the Zoning Petitions on November 5, 2018 and granted the Zoning Petitions by order dated November 15, 2018. Loch Raven Village, Knettishall Community Association, Ridgeleigh Manor Community Association, Towson Communities Alliance, and Peter Moulder appealed to the Board of Appeals. The Board heard the case over 3 days on March 5, April 2, and June 27, 2019. People's Counsel for Baltimore County participated in the hearing before the Board. At the close of all the evidence, the Board invited the parties to submit briefs in lieu of making a closing argument.

Facts

The Property is 20,082 square feet in size and located at the southwest corner of East Joppa Road and Loch Raven Boulevard. It is currently improved with a two-story commercial building formerly used as a First Mariner Bank branch office. On February 28, 2018, First Mariner Bank was acquired by Howard Bank. As a result of this acquisition, this bank branch was closed and the Property has sat idle for over a year since early 2018. Valvoline has now acquired the Property and proposes to construct and operate a Valvoline Instant Oil Change ("VIOC") facility. The existing conditions on the Property are shown on Petitioner's Exhibit 3, which shows the existing but vacant two-story First Mariner Bank branch building, which is served by a total of three curb cuts (two curb cuts on Loch Raven Boulevard and one curb cut on East Joppa Road), 15 parking spaces, two drive-through lanes, and extensive impervious area. The Property is located entirely within the BL zone.

---

which prefers for record-keeping purposes to have an updated site plan for all new projects along with a reference to any previous zoning cases being amended or modified by the current case.

The proposed improvements to the Property are shown on Petitioner's Exhibit 6, the redlined "Plan to Accompany Special Exception Request" (the "Redlined Site Plan")[3]. Joshua Sharon, Petitioner's civil engineer, was accepted by the Board as an expert in the fields of civil engineering, zoning and development in Baltimore County. Mr. Sharon described the Redlined Site Plan. As noted on the Redlined Site Plan under the heading "Zoning History", the property has a long history of serving automotive related uses for nearly 6 decades prior to the time it was operated as a bank branch with multiple drive through lanes. The Property received variances in 1999 for the First Mariner Bank building, as described on the Redlined Site Plan.

The Property is located in the Loch Raven – Baynesville Commercial Revitalization District, the primary consequence of which is that the project was required to be reviewed by the Baltimore County Design Review Panel ("DRP"). The DRP reviewed the project at a public hearing on October 10, 2018. At the hearing, the DRP made various recommendations for changes to the site plan, all of which have been implemented in their entirety by Valvoline on the Redlined Site Plan. The DRP issued its approval on November 8, 2018. The DRP's approval was adopted by the Director of Permits, Approvals and Inspections on November 21, 2018. *See*, Petitioner's Exhibit 5.[4]

---

[3] Petitioner's Exhibit 6, the Redlined Site Plan, is the plan that was presented to the Administrative Law Judge on November 5, 2018 and approved by him on November 15, 2018. The redlines on this plan reflect the recommendations of the Baltimore County Design Review Panel ("DRP"), which are fully implemented on the plan. Because the Property is located in the Loch Raven – Baynesville Commercial Revitalization District, Valvoline was required to present its plan to the DRP, which it did on October 10, 2018. The DRP made recommendations for a few minor changes to the plan at the public DRP meeting. Valvoline then added these recommended changes to the zoning site plan in advance of the ALJ hearing on November 5, 2018. These changes were reflected on the Redlined Site Plan, which was presented to the ALJ at the hearing on November 5, 2018.

[4] Protestants made the argument at the hearing before the Board that the term of some members of the DRP had expired prior to the DRP's consideration of this project, and for that reason the matter should be remanded to the DRP for further consideration. The Board did not allow every much argument on this point, ruling that the information presented on Protestant's Exhibit 7, showing that the terms of some members had expired, was too out-of-date to be reliable. It should be noted that in his letter adopting the recommendations of the DRP, the Director of Permits, Approvals and Inspections indicated that any appeal of the DRP action must be taken within 30 days following the date of his letter adopting the DRP's recommendation. See, Petitioner's Exhibit 5, "Be further advised, an appeal to this decision must be made within thirty (30) days of the date of this Letter." If the Protestants persist with this argument in their Brief in Lieu of Closing Argument, the Board should find that Protestants have waived this argument, having failed to note an appeal to the Director's letter of November 21,

The Redlined Site Plan shows that the Petitioner proposes to raze the existing bank building and construct on the Property a 4-bay VOIC facility. The building will contain one story plus a basement, totaling 5,070 square feet. As shown on the Redlined Site Plan, the building will be oriented with the front door facing East Joppa Road. There will be 9 parking spaces provided at the rear of the building. Mr. Sharon testified within the scope of his expertise that the proposed VOIC facility as shown on the Redlined Site Plan meets the definition of "service garage" under the BCZR, and as such, requires a special exception.[5] Mr. Sharon further testified that the proposed VIOC facility complies with all bulk and area regulations of the BL zone including the required setbacks and building height limitations.[6] Mr. Sharon stated that the nine parking spaces provided meet the requirements of the parking regulations of the BCZR. Mr. Sharon indicated that once developed with the VOIC facility, the site will have 2,490 square feet *less* impervious area compared to the existing bank building, due to the reduction in the number of parking spaces as well as the removal of the extensive pavement required for the existing multiple curb cuts onto Loch Raven Boulevard and the drive-through lanes required for the bank drive-through. Prominently located at the intersection of Loch Raven Boulevard and East Joppa Road, the new VIOC facility will have extensive landscaping. Mr. Sharon noted that there are no variances, waivers, or modifications of standards from any Baltimore County regulations required for the development as

---

2019. Furthermore, as with other county agencies, the DRP members will continue to serve until their successors are appointed.

[5] "Garage, Service" is as a "garage, other than a residential garage, where motor driven vehicles are stored, equipped for operation, repaired, or kept for remuneration, hire, or sale." BCZR §101. Pursuant to BCZR, § 230.3, a special exception is required for a service garage in the BL zone.

[6] Protestants and People's Counsel may argue that the building actually "fronts" on Loch Raven Boulevard and not on East Joppa Road because customers gain access to the Property via the entrance on Loch Raven Boulevard. The consequence of such a determination would be the building has a deficient "front" yard setback from Loch Raven Boulevard. This argument is a red herring and should be dismissed by the Board. As testified by Mr. Sharon and as appears obvious to anyone reviewing the architecture and site plans, the building is oriented to front on Joppa Road. The front door faces Joppa Road. As Mr. Sharon testified, the Bureau of Zoning Review regards the orientation of the front door of the building as the primary consideration in determining which side is the "front" of the building. The property has a Joppa Road address. The part of the building that faces Loch Raven Boulevard is obviously the side.

shown on the Redlined Site Plan. Mr. Sharon stated that the project received a limited exemption from the development regulations as a "minor commercial structure" from the Development Review Committee.

Randolph Kazazian, Valvoline's Vice President of Real Estate, described the VOIC operation. VOIC is a quick lube operation where customers remain in their cars during service. Cars will enter the Property from the southbound lane of Loch Raven Boulevard and be directed by a service technician to one of the four service bays at the rear of the building to await service. At the appropriate time, the customer will be directed to pull the car into one of the service bays via the garage doors at the rear of the building. The customer remains in the vehicle while the service technicians discuss with the customer which services the customer desires, and while other technicians provide service. Multiple technicians work on each car while it is serviced. Some technicians work on the "top-side" which involves accessing the engine compartment under the hood. Other technicians work on the "bottom-side" which involves accessing the various part of the car from their position in the basement through an open area beneath the car which provides access from the basement to the underside of the vehicle. Once the customer enters the building through the rear service garage doors, the service is typically concluded within about 15 minutes.

When the service is completed, the customer, still in the vehicle, pays for the service and then is directed to exit the building via the garage doors at the front of the building. The operation is a true "drive-through" in that the customer approaches the building in their car from the rear, enters the building via the service bay garage doors at the rear of the building, stays in the vehicle during service, and then completes the drive-through by exiting the building through the service bay doors at the front of the building. The customer will then leave the Property via the only exit from the Property, which will be located along East Joppa Road. There will be a "Right Turn Only" or similar sign at this exit, which will

direct customers eastward on East Joppa Road, toward the signalized intersection at Loch Raven Boulevard.

Because VOIC only provides maintenance service (no repairs), Mr. Kazazian stated that there are no cars left in the parking lot overnight awaiting service. In fact, Mr. Kazazian testified that many employees take public transportation, carpool, or rideshare to get to work, so often the parking spaces at VIOC facilities are dramatically underutilized.

Mr. Kazazian testified that Valvoline owns and operates about 200 VIOC's in various regions of the country, including the Northeast, Mid-Atlantic, Florida and on the west coast, about 27 of which are in the Mid-Atlantic region. He indicated that Valvoline builds their facilities with highly durable materials like brick finish on all sides and 30-year roofs, to ensure the enduring curb appeal and attractiveness of the facilities. *See*, for example, Petitioner's Exhibit 7, showing attractive architecture, high quality finishes, plenty of exterior lighting, and non-intrusive signage. Mr. Kazazian testified that the VOIC operation does not emit excessive noise or vibration, air pollution from dust, fumes, vapors or gases, or odors.

Mr. Kazazian testified that the proposed VIOC facility will have fairly standard hours from 7:30 a.m. to 7:30 p.m. on weekdays (or similar hours), with shorter hours on weekends. He stated that this proposed VIOC facility is designed to service on average 60 vehicles per day, obviously with some days being busier than others. On cross-examination of Mr. Kazazian, opposing counsel challenged the 60 vehicle per day average on the theory that if each customer takes on average 15 minutes for service and there are 4 service bays, that equates to 16 customers per hour. If the facility is open 12 hours per day, obviously the facility's capacity is much greater than 60 cars per day. Opposing counsel implied that perhaps Mr. Kazazian was understating the anticipated volume of cars that Valvoline intends to serve at this location. People's Counsel went as far as suggesting that all other VIOC facilities in the Mid-Atlantic are 2- or 3- bay facilities, which Mr. Kazazian explained is not true. Mr. Kazazian explained that 4 bays

are proposed here and in all of Valvoline's new facilities for several reasons, including 1) reducing customer waiting time during peak hours, and 2) some bays may in the future serve different types of cars, like electric or hybrid cars, which have different maintenance requirements. Mr. Kazazian stated that, for the most part, the 2- and 3- bay facilities pointed out by People's Counsel were acquisitions of other quick lube facilities by Valvoline and were not newly built by them. Valvoline's prototype for newly built facilities has 4-bays. In any event, Mr. Kazazian explained that just because the facility might have a capacity of 16 cars per hour, in Valvoline's experience, that capacity is rarely (if ever) fully utilized because as a practical matter, customers prefer not to wait very long for an express oil change, and most customers would be likely to come back for service during less busy times.

Mr. Kazazian discussed the extensive training the employees will receive before working on any cars and continuing throughout their employment with the company. Mr. Kazazian described flexible hours for employees (many of whom work part time), competitive wages in the industry and a defined path by which employees may earn raises. The company strives to hire locally, with several existing employees from nearby VIOC locations already indicating a desire to work at this proposed facility.

Mr. Kazazian spent considerable time discussing the environmental features of the facility. There are no underground storage tanks on the Property; all tanks holding oil or other fluids are above-ground, in the tank room in the basement of the facility. As shown in Petitioner's Exhibit 7, page 30, which is an excerpt of the pattern book supplied to the DRP showing the floor plan of the basement, there will be a total of 15 tanks in the tank room which hold a total of 2750 gallons. These tanks hold waste oil and other oils that are used in the service of customers' cars. Waste oil is removed from the site weekly and other oils that are used to service cars are delivered regularly, during non-business hours and stored on-site until needed. For these pick-ups and deliveries, the contractor accesses the tank room from outside the building. The tanks are visually inspected daily and undergo more extensive inspections quarterly and annually. Tanks that show signs of wear or rust are repaired or replaced

immediately. In the extraordinarily unlikely event of a simultaneous failure of multiple tanks, the tank room is designed to contain any such spill, with impermeable epoxy finish on the floor and walls and a permanent dike that blocks the bottom of the doorway leading to the tank room. Any large spill would be contained within these environmental safeguard features. Mr. Kazazian testified that Valvoline has never experienced any such tank failure. In the further extraordinarily unlikely event that a spill from these tanks escapes the tank room and gets into the other parts of the basement, Mr. Kazazian described secondary containment features of the basement which likewise includes the same epoxy coating on the floor and several inches of the wall, and which has excess capacity to contain all such fluids that might spill. In addition, there are protocols in place to handle spills of any size, which rarely occur. All employees have been trained in the use of the spill kits that are located in the garage and are accessible to all employees. Almost all spills that occur can be effectively handled with these spill kits, and for anything larger, a waste-oil contractor is on-call at all times to assist with larger clean-ups.

Valvoline's final witness was Ken Schmid. Mr. Schmid was accepted as an expert in traffic engineering and transportation planning. Mr. Schmid indicated that the signalized intersection at Loch Raven Boulevard and East Joppa Road is rated a Level of Service "D" by Baltimore County. Level of Service D is an acceptable Level of Service to permit the redevelopment of this Property. Nonetheless, Mr. Schmid testified that because the Property is located within the Loch Raven – Baynesville Commercial Revitalization District, the adequate public facilities regulations of the BCZR, including the transportation Level of Service maps, do not apply to the redevelopment of this site. *See*, BCZR § 4A02.4.E.1.g (exempting development within the Commercial Revitalization Districts from the operation and effect of the Level of Service maps).

Mr. Schmid testified Loch Raven Boulevard is a state road, and accordingly he met with representatives of the State Highway Administration at the site to discuss the proposed improvements to the Property and whether SHA had any issues that needed to be addressed prior to issuing an SHA

access permit for Valvoline's use of the Property. As noted earlier, the Property is currently served by three curb cuts, two of which are along Loch Raven Boulevard and one along East Joppa Road. The proposed redevelopment of this Property includes the closure of one of the curb cuts along Loch Raven Boulevard. Mr. Schmid indicated that the SHA viewed the closure of this curb cut on Loch Raven Boulevard very favorably. Otherwise, SHA had no other issues with the redevelopment of this Property as proposed, or the ingress and egress access points along Loch Raven Boulevard and East Joppa Road.

Mr. Schmid testified that, according to the Institute of Traffic Engineers *Trip Generation Manual*, which is a standard recognized by Baltimore County, the proposed 4-bay service garage would have an estimated trip generation of approximately 160 average daily trips, with 12 trips in the AM peak hour and 19 trips in the PM peak hour. Comparatively, the existing 4630 square foot bank building with two drive through lanes would be expected to generate approximately 500 average daily trips, primarily driven by visits to the ATM.

Lastly, Mr. Schmid described the manner in which cars will move on the Property and between the Property and the adjoining roads when the site is redeveloped as proposed. As shown on the Redlined Site Plan, cars can only enter the Property through the Loch Raven Boulevard entrance. Because there is a median in Loch Raven Boulevard at this location, cars can only access the Property from the southbound lanes of Loch Raven Boulevard. Accordingly, cars travelling south on Loch Raven Boulevard from locations north of Joppa Road, would travel through the intersection at East Joppa Road and turn right into the Property. Cars traveling from the east or the west on Joppa Road would turn south at the signalized intersection a Loch Raven Boulevard, and then turn right into the Property from the southbound lanes of Loch Raven Boulevard.[7] Cars traveling north on Loch Raven Boulevard would

[7] To date, the East Joppa Road curb cut has served as both an entrance and an exit for the First Mariner Bank building. This curb cut will be exit-only once the Property is redeveloped as proposed by Valvoline. As Mr. Schmid testified, exit-only from this curb cut facilitates the efficient and safe movement of vehicles on the Property and through this area, primarily by preventing drivers from making a left turn into the Property from westbound East

make a "protected"[8] U-turn at the intersection of Joppa Road, which is a legal maneuver at this location, to gain access to Property via the southbound lanes of Loch Raven Boulevard. Once on the Property, Mr. Schmidt testified there is more than adequate stacking capacity for vehicles awaiting service, and Mr. Schmid believed that cars will not stack into Loch Raven Boulevard. In addition, Mr. Schmid testified that because the queues for cars awaiting service are managed by the service technicians, these technicians could direct customers away from the site to avoid having them stack onto Loch Raven Boulevard in the unlikely event that were necessary. However, Mr. Schmidt believed that it would be more likely that if the queues were that long, customers would likely forego the service at that time and come back when the wait is not as long. Mr. Kazazian testified similarly.

Finally, Mr. Schmid testified that when service on the customer's vehicle is completed, the service technicians will direct customers to exit the building and proceed to the exit at Joppa Road. This exit will have a "Right Turn Only" or similar sign, and as a practical matter customers either can proceed through the intersection at Loch Raven Boulevard eastward on East Joppa Road or may turn right to travel south on Loch Raven Boulevard.

Mr. Schmid was firmly of the opinion that VIOC being located at the signalized intersection of East Joppa Road and Loch Raven Boulevard was a tremendous benefit for the flow of traffic on the Property and between the Property and the adjoining road network. The presence of this signalized intersection will facilitate the flow of traffic in this area and creates an efficiency that would not be present if the VIOC were located mid-block, as opposed to at the intersection. With regard to this exit on Joppa Road, Mr. Schmid had three important observations. First, Mr. Schmid noted that multiple

---

Joppa Road, which would require crossing numerous lanes of eastbound traffic and create potential conflicts and congestion in the area.

[8] Mr. Schmid described a "protected" U-turn as one where the driver has a left turn arrow and is able to safely make the U-turn while all other legs of the intersection have red lights and therefore are not moving. This is a legal maneuver at this location.

cars will not exit the Property at the same time, because the service technicians will regulate the flow of cars exiting the building and the site. Essentially, the service technicians will let only one car leave the building at a time and will delay allowing the next customer to leave the building until after the previous customer exits onto Joppa Road. Next, Mr. Schmid noted that at times when Joppa Road is heavily traveled and traffic queues up in the eastbound direction at the traffic signal at Loch Raven Boulevard, it would be unlikely that a car exiting the site could gain access to the left turn lanes on East Joppa Road to turn north on Loch Raven Boulevard. He stated that in his experience, the presence of the traffic at this intersection would force cars to either travel east on East Joppa Road through the intersection at Loch Raven Boulevard, or turn right at Loch Raven Boulevard and travel south. Cars wishing to travel north on Loch Raven Boulevard would then make a legal U-turn to proceed north on Loch Raven Boulevard. Mr. Schmid's third point was that due to the traffic that is present on East Joppa Road, particularly during high traffic times, it would be virtually impossible for a car to turn left out of the Property onto Joppa Road to travel west on East Joppa Road (if the driver desired to do so despite the "Right Turn Only" sign), simply because the presence of other cars would not allow the driver to do so. He described this as "self-policing" and that drivers wishing to travel west on East Joppa Road, like drivers wishing to travel north on Loch Raven Boulevard, would leave the site eastward on East Joppa Road, travel through the intersection at Loch Raven Boulevard or make a right turn to travel south on Loch Raven Boulevard, and from there either make a legal U-turn, or find an alternative route to westbound East Joppa Road. Mr. Schmid expressed the opinion that all of these maneuvers could be executed legally and safely and without creating a hazard or congestion in the neighborhood. Given the existing traffic in the vicinity of the Property, Mr. Schmid viewed the location of the Property at the intersection and the traffic pattern on the site as uniquely beneficial aspects of the proposed use and the site plan, which would not be present if the VIOC were located mid-block.

The Protestants and People's Counsel presented 3 witnesses. Peter Moulder testified as a representative of Associates of Loch Raven Village and Paul Hartman testified as a representative of Towson Communities Alliance. Mr. Moulder and Mr. Hartman testified similarly that there is an abundance of auto-related uses in the area and they do not want any more. They believe that the Loch Raven – Baynesville Commercial Revitalization District calls for a diversity of uses and that adding another auto-related use within the district does not further the goals of the revitalization district.

Nonetheless, Mr. Moulder admitted having supported the Loch Raven Commons project within the district, including the Wawa gas station and convenience store. Fuel service obviously is an automotive use which the community supported, despite the presence of other fuel service stations and convenience stores within the district and obviously not adding any diversity of uses to the district. Mr. Moulder also praised the developers of the Loch Raven Commons project, because they had early discussions with the community and worked with the community on their concerns. On cross-examination, Mr. Moulder admitted that despite the numerous attempts of Valvoline to meet with the affected community groups early in the process (including Mr. Moulder and his group), all of the groups refused to meet with Valvoline. Consequently, Valvoline was not in a position to respond to any of the communities' concerns, because the community would not even meet with Valvoline to tell them what their concerns were.

Likewise, Mr. Moulder also stated that the community supported the Starbucks on the northeast corner of the intersection of East Joppa Road and Loch Raven Boulevard within the district. Starbucks is a fast food restaurant, of which there are already many in the district and which obviously does not further the asserted goal of diversity of uses within the district. Starbucks, with its drive-through, generates far greater average daily trips than the proposed VIOC, and has far greater potential to stack cars onto the local road network. Nonetheless, Mr. Moulder indicated that the Starbucks is a

benefit to the community, despite the negative impact on traffic in the area and the addition of yet another fast food restaurant in the area.

Mr. Moulder made a point several times that the community supported the First Mariner Bank variances in 1999 because they viewed the bank as a benefit for the community, particularly the image that the bank building portrayed to visitors.[9] Nonetheless, Mr. Moulder refused to recognize the positive image that the redevelopment of the now old and vacant First Mariner building will bring to the community, because Valvoline is an automotive use. Mr. Moulder noted that the Bendix Building, which was located within the district and was redeveloped with the Loch Raven Commons development (including the Wawa), was vacant for "10 to 15 years", yet he did not see the benefit of Valvoline redeveloping the First Mariner building, which already has been vacant for about a year and a half. Interestingly, Mr. Moulder also testified that he hoped many of the hotels in the area eventually go out of business.

People's Counsel presented the testimony of Jason Bulkeley, the owner of the Orchard Tree Café. Mr. Bulkeley's main objection to the VIOC facility is that is supports the "industry of vehicles", which he disapproves of.

Lastly, John Fiastro, Jr., of Dellsway Road, testified on his own accord, firmly in support of the VIOC project.

Legal Standard

The legal standard to be applied by the Board of Appeals in evaluating the request for special exception was discussed at length by all counsel at the hearing. BCZR § 502.1 provides:

[9] It should be noted that a variety of automotive uses were operated from the Property for nearly 60 years prior to 1999 when it was acquired by First Mariner Bank for a bank branch. See, Petitioner's Exhibit 6 (Redlined Site Plan), under the heading "Zoning History". This history is further evidence of the suitability of the Property for automobile related services today, particularly with sensitivity to traffic flow on the site and on the adjoining roads, as proposed on the Redlined Site Plan.

§ 502.1 Conditions determining granting of special exception.

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the locality involved;

B. Tend to create congestion in roads, streets or alleys therein;

C. Create a potential hazard from fire, panic or other danger;

D. Tend to overcrowd land and cause undue concentration of population;

E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;

F. Interfere with adequate light and air;

G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.

This relatively straightforward standard and others like it in this state and others have been the subject of countless judicial interpretations by the appellate courts, at times providing varying levels of clarity. Arriving at a proper understanding of the legal standard for the consideration of a request for special exception in the State of Maryland requires an examination of three decisions of the Court of Appeals: *Shultz v. Pritts*, 291 Md. 1, 432 A.2d 1319 (1981), *People's Counsel v. Loyola College in Maryland*, 406 Md. 54, 956 A.2d 166 (2008), and *Attar v. DMS Tollgate, LLC*, 451 Md. 272, 152 A.3d 765 (2017).

When a legislative body, like the County Council, adopts a zoning ordinance, it places various uses in one of three categories for each zone. There are uses that are permitted by right in the zone because they are viewed as uses that are in harmony with each other and in harmony with other uses of other zones that might by applied nearby. There are uses that are prohibited in the zone, because they are viewed as incompatible with other uses in the zone, or with uses of other zones that might be applied nearby. Permitted uses and prohibited uses are polar opposites. Between permitted and

prohibited uses are special exception uses. Special exception uses are viewed as compatible with the permitted uses of the zone, provided there is no evidence to the contrary. In this way, special exception uses enjoy a presumption of compatibility and validity which may be rebutted if facts and circumstances in the particular case show adverse effects unique and different from those that one would typically expect from the use, i.e., the adverse effects of the proposed use that were reasonably anticipated by the legislative body in placing the use in the special exception category in the overall zoning scheme. This is referred to as the "presumptive finding", which is a legislative prerogative. *See, People's Counsel v. Loyola*, 406 Md., at 105, 956 A.3d, at 197 (2008).

As the Board is fully aware, *Shultz v. Pritts* is regarded as the seminal case in Maryland concerning special exception uses. *See, People's Counsel v. Loyola*, 406 Md., at 87, 956 A.2d, at 186, and the cases cited therein. *Shultz* proclaimed the often-repeated legal standard:

> We now hold that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

Schultz v. Pritts, 291 Md. 1, 22–23, 432 A.2d 1319, 1331 (1981) [Underscoring supplied].

The *Shultz* standard is intended to respect the position of special exception uses as presumptively compatible with the other uses permitted in the zone, absent evidence to the contrary. The underscored language clearly calls for an evaluation of the "adverse effects" of the proposed use at the proposed location. *Shultz* requires comparison of those adverse effects to *something else* in determining whether to grant or deny a special exception. If the adverse effects of the proposed use at the proposed location are "above and beyond" the adverse effects of whatever they are being compared to, the special exception should be denied. So, the basis of comparison in the *Shultz* standard is obviously very important. The question has always been, what is the basis of comparison? To what must the adverse effects of the proposed use at the proposed location be compared in evaluating

whether the special exception should be granted or denied? *Shultz* suggests that the answer is that the adverse effects of the proposed use at the proposed location must be compared to "those [adverse effects] inherently associated with such a special exception use irrespective of its location within the zone." But, what is to be made of the language, "irrespective of its location within the zone". What does that mean?

Different Maryland appellate courts at different times have endorsed a view that the phrase "irrespective of its location within the zone" creates a need for a comparative geographic analysis of the impacts of the proposed use at the proposed location to what the impacts of the proposed use would be at other similarly zoned properties. The reasoning goes, if the adverse effects are greater ("above and beyond") at the proposed location than the adverse effects one might expect at another similarly zoned site, the request for special exception must be denied. *See, People's Counsel v. Loyola*, 406 Md., at 105, 956 A.3d, at 197 (discussing *Cecil County v. Holbrook*, 314 Md. 210, 550 A.2d 664 (1988), *Lucas v. People's Counsel*, 147 Md.App. 209, 807 A.2d 1176 (2002), *Futoryan v. Baltimore City*, 150 Md.App. 157, 819 A.2d 1074 (2003), *Hayfields v. Valleys Planning Council*, 122 Md.App. 616, 716 A.2d 311 (1998), and *Mossburg v. Montgomery County,* 107 Md.App.1, 666 A.2d 1253 (1995). Under this standard, if there are similarly zoned sites where the adverse effects of the proposed use would be less than at the proposed site, the request for special exception must be denied. In clarifying the legal standard for a special exception in *People's Counsel v. Loyola*, the Court of Appeals, unambigiously rejects this view.

> [S]ome of the language of Judge Davidson's opinion for the Court in *Schultz* occasionally has been mis-perceived by subsequent appellate courts and frequently misunderstood by some attorneys, planners, governmental authorities, and other citizens. We aim in the present case for greater clarity in explaining the proper evaluative framework for discrete special exception/conditional use applications and dispelling any lingering mis-understandings of what the Court truly intended when it filed the opinion in *Schultz* twenty-seven years ago.

People's Counsel for Baltimore County. v. Loyola Coll. in Maryland, 406 Md., at 57, 956 A.2d, 168 (2008).

People's Counsel v. Loyola makes clear that the point of reference for the comparison required by *Shultz* is the adverse effects inherently associated with the proposed use and the impact on the

neighborhood (i.e., "the locality involved" (BCZR, § 502.1)). A comparative geographic analysis involving similarly zoned properties in the County is not appropriate.

> It is clear in examining the plain language of *Schultz*, and the cases upon which *Schultz* relies, that the *Schultz* analytical overlay for applications for individual special exceptions is focused entirely on the neighborhood involved in each case.
>
> * * *
>
> The *Schultz* standard requires an analysis of the effects of a proposed use "irrespective of its location within the zone." "Irrespective of" is defined by Webster's Collegiate Dictionary (10th ed. 1993) as "regardless of." The same dictionary defines "regardless of" as "without taking into account." Petitioners'[10] argument urges the opposite result. Petitioners contend that *Schultz* requires an applicant for a special exception to compare, and concomitantly the zoning body to consider, the adverse effects of the proposed use at the proposed location to, at least, a reasonable selection or representative sampling of other sites within the same zone throughout the district or jurisdiction, taking into account the particular characteristics of the areas surrounding those other test sites. The *Schultz* standard requires no such evidentiary burden be shouldered by an applicant nor analysis undertaken by the zoning decision-maker.
>
> *Schultz* speaks pointedly to an individual case analysis focused on the particular locality involved around the proposed site. See *Schultz*, 291 Md. at 15, 432 A.2d at 1327 ("These cases establish that a special exception use has an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the requested special exception use would result in an *adverse effect upon adjoining and surrounding properties* **unique and different** from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone."); *Schultz*, 291 Md. at 11, 432 A.2d at 1324 ("The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan[11]." (emphasis added)); id. ("If [the applicant] shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden." * * *)
>
> Furthermore, the cases on which *Schultz* relies also focus on an analysis of the locality involved in the specific proposal. *Schultz* largely relies on five cases[.] Each case contains

---

[10] People's Counsel for Baltimore County was among the Petitioners in *Loyola*.

[11] It must be noted that the "plan", "comprehensive plan" or "comprehensive plan of zoning" referred to with regard to in the quoted language discussing the legal standard for granting or denying a special exception as articulated in *Shultz* and its progeny is the legislative process by which certain uses are classified as permitted uses, special exception uses, or prohibited uses in a particular zone, e.g., the zoning ordinance itself. This is made abundantly clear in a lengthy discussion in footnote 23 of *People's Counsel v. Loyola*. *See, People's Counsel v. Loyola*, 406 Md., at 77, 956 A.2d at 180, fn. 23. This language requires that the proposed special exception use at the proposed location be in harmony with the zoning ordinance, i.e., that there are not "unique and different" adverse effects at the proposed location that create disharmony with the comprehensive plan of zoning as compared to the adverse effects typically associated with the special exception use, "without taking into account" where it might be located. *People's Counsel v. Loyola* specifically states that the "plan" referred to is not a land planning document, like a master plan or a community plan. *Id.*, at fn. 23.

language that directs that the special exception impact analysis focus on the properties surrounding the location of the proposed use, in whatever zone they be placed. See *Turner*, 270 Md. at 55, 310 A.2d at 551 ("If [the special exception applicant] shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material but if there is no probative evidence of harm or disturbance in light of the **nature of the zone involved or of factors causing disharmony to the functioning of the comprehensive plan**[12], a denial of an application for a special exception is arbitrary, capricious and illegal." (emphasis added)); * * * *Merlands Club*, 202 Md. at 287–88, 96 A.2d at 264 (1953) ("The duties given the Board are to judge whether the neighboring properties and the general neighborhood would be adversely affected, and whether the use, in the particular case, is in harmony with the general purpose and intent of the zoning plan."[13](emphasis added)); id. ("[W]here a specific use is permitted by the legislative body in a given area if the general zoning plan is conformed to and there is no adverse effect on the neighborhood, the application can be granted...." (emphasis added)).
* * *
Thus, the *Schultz* standard, as presaged in *Anderson*, requires that the adverse effect "inherent" in a proposed use be determined without recourse to a comparative geographic analysis. Any language to the contrary in *Holbrook*, *Lucas*, *Futoryan*, *Hayfields*, and *Mossburg* is disapproved.

People's Counsel v. Loyola, 406 Md. 54, 102–05, 956 A.2d 166, 195–97 (2008) [Underscoring and bold supplied; italics in the original.]

Finally, in one of its most recent cases discussing the legal standard for granting or denying a special exception, the Court of Appeals provided perhaps its most succinct articulation of the standard to date:

> The *Schultz* special exception test considers whether the proposed use will have a greater impact here than one would ordinarily expect. The Protestants did not present "facts and circumstances [pertaining to congestion in the roads, streets, or alleys] that show that the particular use proposed at the particular location proposed would have any adverse effects *above and beyond those inherently associated with such a special exception use*[.]" 291 Md. at 15, 432 A.2d at 1327 (emphasis added). Thus, the Protestants did not sufficiently rebut the presumption of validity under *Schultz*.[14]

---

[12] See footnote 11.

[13] See footnote 11.

[14] It should be noted that *Attair v. DMS Tollgate* originated at the Baltimore County Board of Appeals, and the traffic expert whose testimony the Court of Appeals relied upon in affirming the decision of the Board of Appeals was Ken Schmid, Valvoline's traffic expert in this case.

Attar v. DMS Tollgate, LLC, 451 Md. 272, 289, 152 A.3d 765, 775 (2017) [bracketed language appears as such in the original]. This recent articulation of the special exception standard by the Court of Appeals dispenses entirely with the reference to "irrespective of its location within the zone," and provides remarkable clarity to the previous somewhat confusing standard. As described by the Court in *Attar*, the *Schultz* special exception test considers whether the proposed use will have a greater impact at the proposed location than one would ordinarily expect. Period. In order to successfully oppose a special exception, protestants must present "facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects *above and beyond those inherently associated with such a special exception use*[.]" Period. There is no "backward-looking reference" to the zone involved. *People's Counsel v. Loyola*, 406 Md., at 106, 956 A.2d, at 198. The basis of comparison is the adverse effects inherently associated with the special exception use. If the adverse effects of a proposed special exception use at a proposed location are not greater than the adverse effects one would ordinarily associate with the special exception use generally (the "inherent" adverse effects), the request for special exception must be granted, because the "presumptive finding" of compatibility by the County Council with the other permitted uses within the zone has not been rebutted.

Against the backdrop of the legal standard for special exceptions announced in *Shultz*, clarified in *People's Counsel v. Loyola*, and simplified in *Attar*, the evidence in this case can easily be evaluated.

<u>The Proposed VIOC Facility Will Not Generate Adverse Effects Greater Than One Would Ordinarily Associate with a Service Garage and Should be Approved</u>

The VIOC service garage described by the Petitioner's witnesses is very standard and indeed is designed to generate even fewer adverse effects than one might ordinarily expect from a typical service garage. The only expert witnesses in the case, Mr. Sharon and Mr. Schmid, both testified that the "locality" or "neighborhood" that must be must be analyzed for the impact of the adverse effects is generally the area consisting of the Loch Raven – Baynesville Commercial Revitalization District,

although perhaps not extending as far to the east along Joppa Road as the Commercial Revitalization District extends. Both witnesses believed that the impacts of the proposed VOIC, if any, would be experienced within this area.

Mr. Sharon testified that the proposed VOIC facility meets all the requirements of the BL zone within which the Property is located. The VOIC facility will meet all requirements for setbacks, building size, height, and parking. Mr. Kazazian described the VOIC operation as a very typical service garage. Customers travel to the site in their cars, wait (in their cars) while their vehicles are serviced, and leave the site with the car when the service is completed. There will be no overnight storage of cars awaiting service, which is not always true of service garages. In addition, all cars must be operational when they come to the facility, because the facility only provides maintenance services. Accordingly, no cars will be towed to the site. These factors mitigate the impact of this service garage on the neighborhood, and certainly will have less of an impact on the neighborhood than a typical service garage.

Within the context of the criteria of BCZR § 502.1, there was no evidence of any of the adverse effects identified in § 502.1.A (health, safety or general welfare); .C (potential for hazard from fire, panic or other danger); .D (overcrowd land and cause undue concentration of population); .E (adequate provisions for schools, parks, water, sewerage, transportation or other public improvements); .F (interfere with adequate light and air); .G (inconsistent with the BL zone or the spirit and intent of the Zoning Regulations); or .H (inconsistent with the impermeable surface and vegetative retention provisions of the Zoning Regulations). The Property is not in any RC zone, so the provisions of § 502.1.I do not apply, which deals with the impact of the proposed special exception use on natural resources in the RC zones.

Within the context of BCZR § 502.1, the only adverse effect that received any attention at the hearing was traffic. Traffic was extensively discussed by Mr. Schmid, who testified that according to the Institute of Traffic Engineers *Trip Generation Manual*, the VOIC facility will generate on average 160 trips

spread out over an entire day. Mr. Schmid testified that this would be a typical number of trips for a 4-bay service garage. He testified that these trips would represent a miniscule percentage of the traffic traveling through the intersection of Loch Raven Boulevard and East Joppa Road and would certainly not be "above and beyond" what one would typically associate with a service garage. As discussed above, Mr. Schmid also testified that the site layout and the access to and from the adjoining roads was specifically designed to avoid conflicts and congestion while facilitating the movement of traffic on and around the site.

Mr. Kazazian's testimony regarding the facility servicing on average 60 cars per day accords with Mr. Schmid's estimate of 160 average daily trips from the Institute of Traffic Engineers *Trip Generation Manual*. If each car being serviced accounts for two trips (one trip traveling to the facility and one trip leaving the facility), 60 cars per day would account for 120 customer trips. A reasonable allowance for incidental trips to and from the site during the course of the day would bring the total number of average daily trips to around 160.

Mr. Schmid and Mr. Sharon both testified that the proposed use at the proposed location would not generate adverse effects above and beyond those one would expect of a service garage without taking into account where it might be located. Theirs was the only expert testimony in the case and the only testimony on the factors contained in BCZR § 502.1. Neither Protestants nor People's Counsel presented any evidence to the contrary on any item required to be considered in § 502.1 A through I. Accordingly, Protestants and People's Counsel failed to rebut the presumption of validity that this proposed service garage enjoys under *Schultz*. *See, Attar*, 451 Md., 289, 152 A.3d, at 775. Under these circumstances, failure to grant the special exception would be arbitrary, capricious and illegal. See, *Merlands Club*, 202 Md. at 287–88, 96 A.2d at 264 (1953) (quoted extensively in *People's Counsel v. Loyola*).

The Loch Raven – Baynesville Commercial Revitalization District Does Not Preclude the Approval of the Special Exception for Service Garage

There was extensive discussion at the hearing as to the impact of the location of the Property within the Loch Raven – Baynesville Commercial Revitalization District on the request for special exception for service garage. Protestants and People's Counsel appear to have been arguing that because there are already numerous automotive uses within the district, and because the Master Plan calls for a diversity of uses within the district, these factors are sufficient to rebut the presumption of validity under *Schultz*. As a matter of law, the Loch Raven – Baynesville Commercial Revitalization District does not and cannot rebut the presumption of validity for at least two reasons.

People's Counsel v. Loyola clarifies that in order to be approvable as a special exception, the proposed use must be in harmony with the general purposes and intent of the "zoning plan". As noted in footnote 11, above, the "zoning plan" that is referred to in *People's Counsel v. Loyola* and other special exception cases is the general zoning scheme that classifies some uses are permitted, some uses as prohibited, and some uses as special exception uses. As discussed at length in *People's Counsel v. Loyola*, the term "zoning plan" means "the zoning ordinance text and the legal document establishing the current zoning of every property in the jurisdiction, the zoning map – ***not*** to a land planning document such as a master plan, general plan or functional master plan." *People's Counsel v. Loyola*, 406 Md., at 77, 956 A.2d at 180, fn. 23 [Emphasis supplied].

Nonetheless, *People's Counsel v. Loyola* goes on to say that a legislature may require an applicant show that a special exception use is in harmony with a land planning document like a master plan. "To be sure, a legislature validly may require that an applicant for a special exception show that a proposed use is in conformance, is consistent, or is in harmony with a land planning document, such as a general plan, master plan, or functional master plan." *Id.* The Court cites the Prince George's County Zoning Ordinance as an example when a legislature affirmatively requires consistency with the Master Plan for approval of a special exception. The Prince George's County Ordinance specifically requires that

for a special exception to be approved, it must be shown that the use will "not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan." *Id.*, quoting Prince George's County Code, § 27-317(a)(3). However, absent such an explicit reference to a land planning document like a master plan or a community plan, *People's Counsel v. Loyola* makes clear that the general requirement that a special exception be consistent with the "comprehensive plan" should not be interpreted to require consistency with a master plan or similar land planning document. *People's Counsel v. Loyola*, 406 Md., at 77, 956 A.2d, at 180, fn. 23 (2008).

Protestants and People's Counsel urge the opposite result in this case, in contravention of *Loyola*. BCZR § 502.1 sets forth the criteria for evaluation of requests for special exception. The Community Revitalization Districts are a creature of the Baltimore County Master Plan. *See*, Protestants' Exhibit 4 (Baltimore County Master Plan discussion of Community Revitalization Areas, p. 137). Protestants and People's Counsel would have the Board ignore the language of *Loyola* and read into § 502.1 a requirement that is not there, specifically that the proposed special exception further the goal of the Community Revitalization District of the Master Plan. The County Council obviously could have made this a requirement in BCZR § 502.1. However, *People's Counsel v. Loyola* makes clear that absent an explicit reference to the Master Plan, this is not a valid consideration in evaluating a special exception request. Nowhere in BCZR § 502.1 is there is a reference to the Master Plan or a requirement that a special exception further its goals. For this reason alone, the Loch Raven – Baynesville Commercial Revitalization District should not be considered in the evaluation of the proposed special exception; neither the County Council nor the Court of Appeals requires that it be considered.

Lastly, the Commercial Revitalization District in this case is analogous to the National Historic District relied upon by the Baltimore County Board of Appeals and the Court of Special Appeals to deny a requested special exception for an airport in the R.C. 2 zone of Baltimore County in *People's Counsel v. Lucas*, 147 Md.App.209, 807 A.2d 1176 (2002). In Lucas, the proposed special exception was to be

located in a National Historic District. The Board found that the proposed airport did not meet the requirements of *Shultz* because there were other sites within the R.C. 2 zone where a proposed airport would not impact the historic district. The Board concluded that that the detrimental effects of the airport upon the National Historic District "would clearly have a greater negative impact than if located elsewhere in the vast acreage constituting the R.C. 2 zone of Baltimore County." *Id.*, at 223-4, 1184-5. The Court of Special Appeals approved this analysis in *dicta*, likewise concluding that there are other parcels within the R.C 2 zone not in proximity to an historic district where an airport would provide a lesser adverse impact than at the proposed location, because the proposed airport was to be located in a special historic district. *Id.*, at 240, 1194. Nonetheless, the Court of Appeals disapproved of this approach in *Loyola,* expressly disapproving of the comparative geographic analysis employed in *Lucas* when evaluating the impact of a proposed special exception in a special district. *People's Counsel v. Loyola*, 406 Md. 54, 102–05, 956 A.2d 166, 195–97 (2008). "

In this case, People's Counsel and Protestants appear to be urging the same justification to deny the requested special exception that the Court of Special Appeals used to affirm the denial of the special exception in *Lucas*, which was disapproved in *Loyola*. In *Lucas*, the Board found that there were other areas within the R.C. 2 zone not within nor in proximity to an historic district, where the detrimental impacts of the airport would be less, and therefore the Board denied the special exception. In this case, People's Counsel appears to be taking the position that there are other areas within the BL zone not within nor in proximity to a Commercial Revitalization District, where the detrimental impacts of the service garage would be less, and therefore the special exception should be denied. The reasoning of both arguments is the exactly the same and should be viewed as equally faulty. This is exactly the approach that was invalidated by *Loyola*. As stated in *Loyola*, "the adverse effect 'inherent' in a proposed use [must] be determined without recourse to a comparative geographic analysis. Any language to the contrary in *Holbrook, Lucas, Futoryan, Hayfields,* and *Mossburg* is disapproved."

People's Counsel v. Loyola, 406 Md., at 105, 956 A.2d, at 197 (2008). This means that the Board may not consider whether the adverse impacts of the proposed special exception service garage are greater because of the presence of the Commercial Revitalization District. The adverse impacts that are "inherent" in the service garage use must be evaluated without consideration of fact that the use is located within a Commercial Revitalization District. People's Counsel's and Protestants argument to the contrary misses the mark.

Conclusion

Valvoline's proposed service garage enjoys a presumption of validity and compatibility in the BL zone, absent evidence to the contrary. Mr. Sharon, Mr. Kazazian and Mr. Schmid all testified consistently with each other that, in the context of the *Shultz* standard, there are no unique or different aspects of this use at this location which would create adverse effects greater than one would expect from a service garage. BCZR § 502.1 sets forth the criteria for evaluating the request for special exception. The only adverse effect identified in that section which received any attention at the hearing was traffic. Mr. Schmid's testimony is particularly relevant in this regard. As demonstrated above, the sum of his testimony is that the proposed use will not have any adverse effects above and beyond those inherently associated with a service garage.

The Protestants and People's Counsel have failed to rebut the presumption of validity under *Shultz*. Their witnesses did not speak to the § 502.1 criteria, instead focusing on their view that there are enough automotive uses in the area, and the proposed service garage does not further the asserted goal of the Commercial Revitalization District that there should be a diversity of uses. A generalized disfavor of the proposed use is insufficient to rebut the presumption. The County Council has not authorized consideration of the Commercial Revitalization District or any other aspect of the Master Plan in evaluating requests for special exceptions. The Court of Appeals has disapproved of the comparative geographic analysis urged by the Protestants and People's Counsel. The only question

presented by the Petition for Special Exception is whether the proposed service garage will generate adverse effects greater than those typically anticipated from a service garage. There is no probative evidence that the adverse effects would be greater. Under these circumstances, the Board must grant the special exception. The Board should also grant the Petition for Special Hearing to amend the approved site plan.

WHEREFORE, Valvoline respectfully requests the Board grant the Petitions for Special Exception and Special Hearing based on the use as shown on the Redlined Site Plan (Petitioner's Exhibit 6) and in accordance with the testimony of Petitioner's witnesses at the hearing.

Respectfully submitted,

August 9, 2019
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
443-204-3473
Attorney for Petitioner / Appellee

Certificate of Service

I certify that on August 9, 2019, I sent a copy of the foregoing Brief in Lieu of Closing Argument, by first class mail, postage prepaid, to:

Peter Max Zimmerman
People's Counsel of Baltimore County
105 W. Chesapeake Avenue
Suite 204
Towson Maryland 21204

and

Michael McCann, Esquire
118 W. Pennsylvania Ave.
Towson MD 21204

Dino C. La Fiandra

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

August 9, 2019

Via Hand-Delivery

Kysundra Cannington, Administrator
County Board of Appeals
105 W. Chesapeake Avenue, 2nd Floor
Towson, Maryland 21204



Re: Petition for Special Exception
Howard Bank/1641 Joppa Road
Case No. 2019-0070-SPHX

Ms. Cannington:

Enclosed for filing in the above-referenced matter please find an original and three (3) copies of the Post-Hearing Memorandum of Protestants.

Thank you for your assistance. Please contact me if you have any questions.

Best regards,

Michael R. McCann

IN RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION (1641 Joppa Road) 9th Election District 5th Councilmanic District	*	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY
Legal Owner: Howard Bank Contract Purchaser/Petitioner: Mid-Atlantic Lubes, LLC	*	Case No: 2019-0070-SPHX

RECEIVED
AUG 09 2019
BALTIMORE COUNTY
BOARD OF APPEALS

* * * * * * * * * * *

PROTESTANTS' POST-HEARING MEMORANDUM

Protestants, the Associates of Loch Raven Village, submit this post-hearing memorandum in support of its opposition to the petition for special exception filed by Mid-Atlantic Lubes, Inc.

FACTUAL SUMMARY

A. The Subject Property And Proposed Service Garage

The subject property is a .5 acre parcel on Joppa Road at the intersection of Joppa and Loch Raven Boulevard. The property is zoned BL. Petitioner proposes a four-bay "service garage," a used permitted only by special exception in the BL zone. BCZR, § 230.3. The proposed service garage is 2535 square feet with nine parking spaces. A single access to the site is proposed on Loch Raven Boulevard. Vehicles would exit onto Joppa Road or *via* the entrance onto Loch Raven. (*See* Pet's Ex. 18).

The service garage would be open seven days a week, from 7 am to 7 pm on Monday through Saturday, and 9 am to 5pm on Sundays. Petitioner anticipates servicing, on average, 60 vehicles per day, but that number could be 75 to 80 per day.

According to its website, Petitioner will offer, in addition to oil changes, preventative maintenance services, transmission service, radiator service, air filter replacement, belt replacement, air conditioning service, differential fluid replacement, fuel system cleaning, battery replacement, and tire rotations. (Prots' Ex. 8). On its website, Petitioner advertises that its rates for non-oil change services are 20-50% less than its competitors. (*Id.*, p. 6).

Petitioner, Mid-Atlantic Lubes, owns and operates 26 other Valvoline service garages in the mid-atlantic region. Its parent company, Henley Enterprises, is based in New Highland, Massachusetts. It has 211 such facilities in 11 states with 2200 employees.[1] The proposed service garage, accordingly, would not be locally owned or operated.

B. <u>The Area Surrounding The Site</u>

Joppa Road is a commercial corridor with restaurants, offices, and numerous service garages (as will be discussed below). The intersection of Joppa and Loch Raven is a busy intersection. (*See* People's Counsel ("PC") Exs. 2, 7, 15). However, the area to the immediate south of the subject property is dominated by long-standing residential neighborhoods, including Ridgley Manor, Loch Raven Village, Ridgeleigh, amd Loch Raven Heights. (*See* Prots' Ex. 16; Pets' Ex. 11; PC Exs. 21, 22). The closest of these neighborhoods to the south is Ridgely Manor. The townhouses along Yakona Road in Ridgely Manor are right behind the site. In fact, residential (DR) zoning begins just 30 feet from the southern property line of the subject property. (Pets' Exs. 11, 18).

[1] During the course of the hearing, the name of the Petitioner on the Petition for Special Exception was changed to M and S Limited Partnership. According to SDAT, M and S Limited Partnership and Henley Enterprises are the same company.

C. The "Gateway" To The Loch Raven Community

The subject property has invariably been characterized as the "gateway" to these residential neighborhoods. The property was previously used for a First Mariner Bank, which was fully supported by the Loch Raven Community Council, an organization representing 20 community and service associations, which noted at that time that "the site serves as a gateway into Loch Raven community and its development is of great importance ...." (PC Ex. 6). In its comments on the First Mariner project, the Planning Office characterized the site as a "community gateway" and emphasized that "it is important to view this proposal within the context of future planning efforts underway in the Loch Raven Community." (Prots' Ex. 2, p. 2). The Planning Office noted that the County and State had budgeted six million dollars for streetscape improvements to Loch Raven Boulevard, between Joppa and Goucher. (*Id.*, p. 2). The Director of Commercial Revitalization in the County's Department of Economic Development likewise noted that "[t]his is a visually prominent site at the crossroads of the [CRD] and its successful redevelopment will be an important step in implementing the Loch Raven Revitalization Plan." (Prots' Ex. 3). In his decision approving the First Mariner project, the Deputy Zoning Commissioner echoed that the subject site "is located at a prominent intersection and is the gateway to the Loch Raven communities." (Prots' Ex. 1).

D. The Commercial Revitalization District

In 1997, the County Council passed a resolution creating the Loch Raven Commercial Revitalization District ("CRD" or the "District"). The subject property is situated roughly in

the center of the District. (*See* Pet's Ex. 11 (map of CRD)). There are only 18 such districts in the County. (PC Ex. 3).[2]

The purpose and intent of Commercial Revitalization Districts are described, in significant detail, in the County's Master Plan. CRDs are "the 'front door' to the residential neighborhoods and help establish the overall image of the community." (Prots' Ex. 4, p. 140) "To remain viable, the CRDs must differentiate themselves by … strengthening the existing base of small businesses and attracting *new and different uses*." (Prots' Ex. 4 at P. 139) (emphasis added). "Attaining a sufficient and *balanced mix of quality uses* is an important goal that should be accompanied with creating a *safe, attractive, and walkable environment*." (*Id.*) (emphasis added). CRDs "create *well balanced* and economically vital *mixed-use[s]*." (*Id.*) (emphasis added).

The Land Use Map in the Master Plan reflects that the subject site is in a "T5" transect (or "urban center zone"). T5 zones are intended for "higher density *mixed-use buildings* that accommodate retail, offices, townhouses, and apartments," more specifically "shops mixed with townhouses, larger apartment houses, offices, workplace, and civic buildings; predominantly attached buildings; trees within the public right of way; [and] substantial pedestrian activity." (Prots' Ex. 5, pp. 28, 29, 30) (emphasis added). Urban Center Zones have "wide sidewalks, steady street planting, and buildings set close to the sidewalks." (*Id.*, p. 29). CRDs should "improve the appearance" and "walkability" of the neighborhood. (Prots' Ex. 4, p. 140).

The Master Plan also states that CRDs should "incorporate *independent and locally owned* businesses," in order to "create more jobs locally and often provide better wages and

[2] Since the District's creation in 1997, the County Council has modified the boundary of the District on several occasions, reflecting the County's continued commitment to the District. (PC Ex. 4) (Council resolutions).

benefits *than nationwide chains*." (Prots' Ex. 4, p. 141) (emphasis added). Studies show that when customers buy from independent locally owned stores, two-third of the money stays in the community and is used for purchases from other local businesses. (*Id.*).

E. The Testimony of Peter Moulder – VP/Board Member

The community is overwhelmingly opposed to the proposed service garage. Paul Hartman expressed the opposition of the Towson Communities Alliance, an organization that represents 30 communities in the Towson area and 20,000 households. Peter Moulder spoke on behalf of Protestant, the Associates of Loch Raven Village, an organization representing 1472 homes in the Loch Raven community.

Mr. Moulder has lived in Loch Raven Village, just southwest of site, for 31 years. His grown son and daughter now each own homes in the Village. The neighborhood was constructed in the 1940's, originally for the purpose of housing families who worked at the nearby Bendix Corporation. The homes are traditional two-story rowhomes, located on the east and west sides of Loch Raven Boulevard. (*See* Prots' Ex. 16).

Mr. Moulder expressed a number of concerns regarding the proposed service garage on behalf of his organization and its members. First, he expressed concern that the service garage would be located at the gateway to the community. Situated on the crest of the hill, the site is the first thing people see as they approach the area, whether coming to shop or looking to live there.

Second, he expressed his concern regarding having yet another automobile-oriented use in the District. He testified that there are already 10 service garages within ¼ mile in either direction. He visited and took photographs of each of these business, and also visited their websites to determine the services they provide. He found that all 10 of them provide

the very same oil change services and other maintenance services as the proposed Valvoline. (Prots' Exs. 17 (map with locations) and 18 (photos)). In his words, the proposed service garage would be "redundant in the extreme."

He further testified that another automobile-oriented business would be inconsistent with the CRD, which contemplates mix-use, walkable developments along Joppa Road and recognizes the importance of the District as the "front door" to the residential neighborhoods to the south. He acknowledged that there are a number other automobile-oriented uses that have been around for some time, including some fast food restaurants, but noted that these uses pre-date the CRD. They are not consistent with CRD and need to be "phased out." He added that this "doesn't happen overnite," but noted that since the CRD was created there have been a number of positive developments along Joppa Road that are entirely consistent with the CRD. For example, to the west is Loch Raven Commons, a recently completed mixed-use development with restaurants, offices, and 230 apartments. On the northeast corner of Joppa and Loch Raven is a new Starbucks. On the southeast corner is Baynesville bike shop, which is under new ownership. To the east is a new Gavigan's furniture store, to the southeast a new bookstore, and to the west is a new Mercy Medical outpatient clinic. His association was involved in these developments, particularly Loch Raven Commons, which he believes are all steps in the right direction. Returning the subject property back to a service garage would, as he put it, a "step backwards." He pointed, in particular, to the statement made by the Deputy Zoning Commissioner Tim Kotrocco in his opinion approving the First Mariner Bank. Mr. Kotroco found that the First Mariner bank would be a "tremendous benefit" over the gas station use that was there before (and before the CRD was established).[3]

[3] One new, arguably automobile-oriented use is the WaWa to the west. However, as Mr. Moulder explained, the WaWa is not stand alone gas station, but rather is integrated into a mixed-use development.

Third, Mr. Moulder expressed his community's concern regarding the direct impacts that a service garage, operating 7 days a week, would have on the residences that are no more than 100-150 feet away. (Prots' Ex. 19). His research revealed that the removal of wheel lug nuts, as many as 20 or them, could reach as high as 100 decibels. He noted also that none of the other service garages in the area have open bay service doors facing the direction (south) of these residences.

Finally, Mr. Moulder expressed concern regarding traffic congestion and safety. He explained that traffic is a constant issue for people in his community, particularly when they are trying to exit from businesses on the south side of Joppa, get across thru lanes into the left turn lanes to head north on Loch Raven Boulevard. He has observed frequent accidents near the site over the past 30 years. He believes the proposed service garage would make this situation even more hazardous because of all the "moving parts." In addition to cars exiting the site on Joppa Road close to the intersection, there will be southbound cars turning right into the site and northbound cars trying to make a u-turn to access the entrance.

ARGUMENT

A. The Proposed Service Garage Would Have Adverse Effects Beyond Those Inherently Associated With Such A Use

1. The special exception standard - generally

Under *Schultz v. Pritts*, the Board, in considering the requested special exception, must determine "whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan." *Schultz v. Pritts*, 291 Md. 1, 11 (1981). The standard for determining whether the use would have an "adverse effect," and, therefore, should be denied

is "whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Schultz v. Pritts*, 291 Md. 1, 22-23 (1981). "These standards dictate that if a requested special exception use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied." *Id.* at 12.

Further, despite the presumption in favor of a special exception, "'both the burden of production and the burden of persuasion on the issue of whether the special exception should be granted' fall on the applicant...." *Attar v. DMS Tollgate, LLC*, 451 Md. 272, 286 (2017) (*quoting People's Counsel for Baltimore County v. Loyola Coll. of Md.*, 406 Md. 54, 109 (2008)). The applicant "must persuade the Board 'by a preponderance of the evidence that the special exception will conform to all applicable requirements.'" *Attar*, 451 Md. at 286.[4]

2. *The proposed service garage is plainly inconsistent with the CRD and the provisions of the Master Plan*

It cannot seriously be disputed that the proposed service garage is entirely inconsistent with the CRD and the Master Plan provisions governing CRDs on a number of fronts. As discussed above, CRDs are the "front door" to residential neighborhoods and establish its overall image. Their purpose is to provide for "new and different uses," specifically "mix-uses" that "accommodate retail, offices, townhouses, and apartments" and provide a "safe, attractive and walkable environment." (Prots' Ex. 4, pp. 139, 140; Prots' Ex. 5, pp. 28, 29, 30) (emphasis added).

[4] Josh Sharon, Petitioner's engineer and sole witness on the special standard, acknowledged that he has not read the *Schultz* and *Loyola* cases in full and could not recall the specific holding in those cases. He has never testified that the special exception standard was not met.

The proposed service garage is none of these things. With all due respect to Valvoline, as attractive as the company may try to make its facilities, such a facility is amongst the least inviting "front doors" imaginable. A service garage at this location would not create a positive image or appearance for the residential neighborhoods to its south. Moreover, a service garage is obviously not a "mixed-use," which is what the Master Plan and the T5 transect call for.[5] Perhaps most glaringly, this service garage is not a "new and different use." As Mr. Moulder testified, there are 10 other such garages within a ¼ mile that offer the very same services.[6] (Prots' Exs. 17 and 18). Finally, contrary to the purpose and intent of the Master Plan, the proposed service garage is not "independent" or "locally owned," but rather is a "nationwide chain" owned by an out of state company with no particular history with or commitment to this area. (Prots' Ex. 4, p. 141). In short, the proposed service garage is the antithesis of the type of business that the CRD was intended to attract. [7]

This blatant inconsistency with the CRD is relevant in two independent respects. First, the CRD is a unique aspect of the subject property, different from the vast majority of other BL zoned property. The fact that the proposed service garage violates the CRD provisions of

---

[5] Mr. Sharon agreed that the proposed use is not "mixed-use."

[6] Mr. Sharon agreed that there are quite a few service garages within very short distance of the site. He and Petitioner's representative, Mr. Kasazin, attempted to distinguish Valvoline from its competitors by noting that Valvoline offers a "quick" lube change. From a zoning and planning perspective, this difference, if it is one, is meaningless. It makes not a wit of difference in terms of the impacts associated with it (i.e., the special exception analysis) or in terms of its consistency with the CRD and the Master Plan. It may offer "quick" oil changes, if that is a different type of oil change, but the other services it offers are the same as the 10 other garages in the area. It is not "new and different."

[7] It was clear that neither Mr. Sharon nor Mr. Kasazin had given any thought to the CRD and the impact of the proposed service garage on the District. Mr. Sharon admitted on cross-examination that he did not look at CRD provisions of the Master Plan in connection with this case, but said he is "aware" of them. Mr. Kasazin, the person who selected on behalf of Petitioner, admitted that he did not review the Master Plan or its CRD provisions.

the Master Plan is an adverse effect that is beyond those inherently associated with such a use (*i.e.*, one that is not within the CRD or not inconsistent with the CRD).[8]

Second, irrespective of the special exception standard, the proposed use **must conform** to the Master Plan. Contrary to what appears to be popular belief in this County, the Master Plan is not merely advisory or a guide to development, but rather mandatory.[9] While the general rule in Maryland is that master plans are a guide and advisory, an important caveat or exception to the rule exists when a local jurisdiction's regulations state that a master plan is mandatory. *Mayor & City Council of Rockville* v. *Rylyns Enters., Inc.*, 372 Md. 514, 530-31 (2002) ("We repeatedly have noted that plans ... are advisory in nature and have no force of law absent statutes or local ordinances linking planning and zoning. Where the latter exist, however, they serve to elevate the status of comprehensive plans to the level of true regulatory device") (footnote and citation omitted). In this County, there is just such a regulation, namely § 32-4-102(a)(1) in the County Code, which states that: "all development of land shall conform to the Master Plan." This very issue was addressed by the Court of Appeals in *HNS Development v. People's Counsel*, 425 Md. 436 (2012), a case originating in Baltimore County. The Court in HNS held that Baltimore County could deny a development solely on the basis that it did not conform to the Master Plan. The Court pointed to then section 22-37 of the Code (which then provided as 32-4-102(a)(1) provides now:

---

[8] During cross-examination, Mr. Sharon acknowledged that the CRD needs to be considered when determining the impact of the proposed service garage, but suggested that the analysis that should be applied is a comparison of (1) the proposed use in the CRD with (2) the same use elsewhere *within the same the CRD*. This cannot be the analysis because the CRD is not a *zoning* designation like the BL zone. The CRD is simply an aspect of this site that makes it unique, different from other properties in the BL zone, and requires separate consideration when determining adverse effects. To the extent Mr. Sharon gave this issue any thought (it sounded like he did not since he admitted he did not even look at the CRD provisions in the Master Plan), he is wrong.

[9] Jennifer Nugent, the County's Division Chief of Development Review and Strategic Planning, testified that the provisions of the Master Plan and adopted community plans are not mandatory. (T1., p. 31). According to Ms. Nugent, that is also the position of the Planning Office. (*Id.*). This view is troubling, to say the least.

"[a]ll development shall conform to the master plan") and concluded that "when the development regulations incorporate Master Plan compliance, the Master Plan itself becomes a regulatory device, rather than a mere guide and recommendation." *Id.* at 457. "[C]onformance to the recommendations of the Master Plan rises to the level of a regulatory device, rather than a mere recommendation." *Id.* at 454; *see also Prince George's County v. Chaney Enter.*, 454 Md. 514, 532 (2017) (same).[10] Here, the proposed service garage's inconsistency with the Master Plan is an independent reason to deny the petition apart from its failure to meet the special exception standard.

3. The road network and traffic volume

A second adverse effect that warrants denial of this special exception are the traffic conditions at this site.

First, the existing road network presents problems and hazards from an operational and safety perspective. This intersection is an already busy intersection with multiple lanes in all directions. Petitioner proposes only one entrance to the site, for southbound vehicles on Loch Raven Boulevard, which is just 140 feet or so from the intersection and the pedestrian cross-walk across Loch Raven. Cars heading north on Loch Raven Boulevard cannot make a left hand turn into the site because there is a median along that road. Thus, vehicles travelling northbound on Loch Raven will have to take a U-turn at the light to gain access. Petitioner proposes an exit onto Loch Raven at the same location as the entrance, but it is clear that the main exit will be onto Joppa Road, just 80 feet from the intersection with Loch Raven.[11] As

[10] Mr. Sharon believes the Master Plan is advisory, a "living document that is subject to interpretation" as he put it. He is unaware of any law that suggests otherwise.

[11] The exit onto Joppa Road would clearly be the main, in not sole, exit because that is the only exit that customers who have passed through the bays of the garage can access. There are no drive lanes on either side of the garage

the Petitioner's expert, Mr. Schmid, conceded, there will no doubt be cars cueing or stacking on eastbound Joppa at that intersection, which will present difficulties for cars exiting the proposed service garage to not only enter eastbound traffic but also driving across two lanes to make a left turn onto northbound Loch Raven.[12]

Second, in terms of traffic volume, the intersection of Joppa and Loch Raven is already operating at a "D" level of service. (*See* Pet's Ex. 13; *see also* Prots' Exs. 11 and 12 (memoranda from DPW for 2018 and 2019)). A "D" rating means that for 31% to 70% of the traffic signal cycles all of the vehicles stopped in line for the signal when it changed green did not get through that signal. "D" intersections are identified by the County in order "to provide notice to the public that the intersection has the potential of going to an E or F." (Prots' Ex. 9, pp. 2, 4).

Notably, however, prior to the current "D" rating, the intersection had been rated "F." (Prots' Ex. 10). It was not explained at the hearing why the rating changed, but the County's traffic count data reflects that the number of cars travelling at this intersection has actually increased, not decreased, significantly over the past couple years:

	2014	2017
AM (6-9 am)	744	834
	1748	1727
	2716	2849
	3677	3887
	4018	4227
	3917	4349
	3892	4174

for customers to access the exit onto Loch Raven. It appears that the exit onto Loch Raven is intended for employees or the random other person who might park in the spaces on the south side of the garage.

[12] Mr. Schmid did not look at other locations in BL zone to compare these difficulties with any that might occur elsewhere.

	3749	4013
PM (3-6 pm)	1146	1171
	2264	2381
	3562	3636
	4619	4830
	4684	5011
	4711	4957
	4701	4808
	4705	4639

(Prots' Ex. 13 and 14).

According to Mr. Schmid, the proposed service garage would generate 44 additional a.m. peak hour trips, 95 additional p.m. peak hour trips, and 501 total average daily trips (ADT's). This may not sound like a large *increase* over existing traffic, but that is not what matters for purposes of applying the special exception standard. The focus of the special exception is not the increase in traffic but rather the impact that this volume would have at this location as opposed to somewhere else in the zone. Given the existing road network and the level "D" rating, the additional trips generated by the serve garage at this location would have a greater impact than would inherently be associated with that use.

B. The Gas Station Use At The Subject Property Pre-dated The CRD Is Are Irrelevant

During the hearing, counsel for Petitioner made much of the fact that the subject property was previously used as a gas station (before the First Mariner Bank use). As discussed above, the proper analysis under the special exception standard is a comparison of the impacts of this use and those inherently associated with the use. The fact that the site was previously approved for a gas station (in 1973 (Case no, 1973-0031-X)) is irrelevant to such a comparison. This is particularly true since the gas station was approved prior to the establishment of the CRD in 1997. In fact, the first use that was approved after the CRD was

established was the First Mariner Bank, a use that the community and Planning Office supported as consistent with the CRD. The Deputy Zoning Commissioner found, in that case, that the bank would be a "tremendous benefit" over the gas station. Mr. Moulder echoed the sentiment and put it best – returning the subject property to a service garage would be a "step backwards."[13]

During the hearing, counsel for Petitioner nevertheless attempted to argue that the proposed service garage would be less impactful than the First Mariner Bank. He noted, for example, that the service garage would be lower in height, have two entrances instead of three, and would require less impervious surface than the bank. Again, the comparison engaged in by counsel has nothing to do with this request for a special exception. The special exception analysis is not a comparison between the proposed use and any preexisting use, but rather of the impacts of the proposed use at this location with the inherent impacts of the use.[14]

[13] Indeed, Mr. Sharon agreed on cross-examination that whether this site was used for service station 30-40 years ago has no effect on impact analysis under the special exception standard.

[14] On cross-examination, Mr. Sharon agreed, once again, that the fact the site was used as a bank is irrelevant to this analysis.

CONCLUSION

For all of the reasons stated, the Board should deny the petition for special exception.

Respectfully submitted,

Michael R. McCann
Michael R. McCann, P.A.
118 W. Pennsylvania Ave.
Towson, MD 21204
(410) 825-2150

Attorneys for Protestants

CERTIFICATE OF SERVICE

I hereby certify that on 9th day of August 2019 a copy of the foregoing post-hearing memorandum was mailed, *via* first-class mail, postage prepaid to:

Dino C. LaFiandra
The Law Office of Dino C. La Fiandra, LLC
100 West Pennsylvania Avenue | Suite 305
Towson, Maryland 21204

Peter Max Zimmerman
People's Counsel for Baltimore County
105 W. Chesapeake, 2nd Floor
Towson, Maryland 21204

Michael R. McCann

RE: AMENDED PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION 1641 Joppa Road; S/S of East Joppa Road, 40' W of c/line of Loch Raven Blvd 9th Election & 5th Councilmanic Districts Legal Owner(s): M & S Limited Partnership Petitioner(s)	*	BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY 2019-070-SPHX

RECEIVED
AUG 09 2019
BALTIMORE COUNTY
BOARD OF APPEALS

* * * * * * * * * * * * *

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY'S POST-HEARING MEMORANDUM

TABLE OF CONTENTS

Prologue 1
I. Special Exception History, Context, Standards 1
A. The Rules of Engagement 1
B. Montgomery County v. Merlands 2
C. Baltimore County Effectively Implements Merlands 3
D. Path of the Law 3
E. Judge Rita Davidson's Classic Opinion: Schultz v. Pritts 4
F. The Holbrook Opinion: Attention Should Be Paid 8
G. Baltimore County: Featured Communities, Revitalization, and Historic Districts 8
H. People's Counsel v. Loyola College 8
I. After Loyola College 9
II. Unintended Consequences – Pitfalls, Playbox, and Propaganda 10
A. Exaggerated Emphasis on the Favorable Presumption 10
B. The Infinite Inherency Heresy 11
C. Harmony with the Comprehensive Zoning Plan and Master Plan Guidance 12
D. Experts and Citizens: A Reality Check 13
E. Moneyball 14
III. Statement of Basic Facts 14

A. The Proposed Valvoline Use and Previously Existing Bank 14
B. Area Geography 15
C. The Neighborhood Boundaries 15
D. Loch Raven Boulevard and Joppa Road 16
E. The Loch Raven-Joppa Intersection 16
F. The Loch Raven-Baynesville Commercial Revitalization District (LRBCRD) 16
G. Predomination of Auto-Related, Fast Food Uses, and Inns 17
H. The Design Review Area 18
I. Character of the Surrounding Neighborhood 18
J. The Business-Local Zone 18
IV. Argument 19
A. There is a Palpable Conflict with Purposes of the LRBCRD 19
B. The Proposed Facility Will Aggravate Traffic Congestion and Hazard 25
C. The Petition Omits the Requisite Front Yard Setback Variance 25
Conclusion 27

RE: AMENDED PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION 1641 Joppa Road; S/S of East Joppa Road, 40' W of c/line of Loch Raven Blvd 9th Election & 5th Councilmanic Districts Legal Owner(s): M & S Limited Partnership Petitioner(s)	*	BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY 2019-070-SPHX

* * * * * * * * * * * * *

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY'S POST-HEARING MEMORANDUM

Prologue

"The time has come to say fair's fair." Midnight Oil, Beds Are Burning

This petition for special exception arrives at the County Board of Appeals (CBA) for *de novo* review. The proposed Valvoline facility is a "Garage, service" within the B.L., Business-Local Zone special exception uses. BCZR Sec. 230.3.

Originally filed by Howard Bank, the M & S Partnership has recently acquired the property. Without objection, the petition was amended accordingly. They are the corporate overseers of regional Valvoline franchises. We call them "Valvoline" for short.

To begin, we review special exception law, history, and context to set the stage for accurate analysis. We then turn to the proposed use, the relevant facts, and the argument. We shall argue the key adverse locational impact involves the major and irreconcilable conflicts with the purposes, spirit and intent of comprehensive zoning plan, the area, the master plan, and the Loch Raven-Baynesville Commercial Revitalization District. (LRBCRD). We shall then address traffic congestion and hazards. There follows a brief review of the omission of a requisite front yard setback variance.

I. Special Exception History, Context, Standards

"I've been a miner for a heart of gold." Neil Young, Heart of Gold

A. The Rules of Engagement

In simple terms, petitioner must satisfy the affirmative burden to prove the proposed use at the chosen location will not have a particular adverse impact on the

surrounding neighborhood, above and beyond the adverse impact likely to occur at other locations generally in the zone.

In People's Counsel v. Loyola College 406 Md. 54, 106 (2008). Judge Glenn Harrell's opinion compared special exception analysis to a Harry Potter "Sorting Hat,"

> "In that sense, the legislature puts on its 'Sorting Hat,' and separates permitted uses, special exceptions and all other uses."

We have also frequently quoted Judge Joseph Murphy's brilliant concurring opinion,

> "It may be helpful to restate the rules of engagement in special exception litigation, and review how those rules were applied in the case at bar. Although it is of no real consequence whether we say that an applicant "is entitled to a special exception, *provided that,*" or that an applicant "is *not* entitled to a special exception, *unless,*" the applicant for a special exception bears both the burden of production and the burden of persuasion on the issue of whether the special exception should be granted. If the zoning authority is presented with evidence that generates a genuine question of fact as to whether the grant of a special exception would violate the applicable legislation and/or the requirements of *Schultz,* the applicant must persuade the zoning authority by a preponderance of the evidence that the special exception will conform to all applicable requirements." 406 Md. at 109-10.

Despite these relatively lucid ground rules, the application and interpretation of special exception law has become much more complicated. The judicial elaborations of special exception law have turned into linguistic web, vulnerable to a variety of interpretations.

B. Montgomery County v. Merlands

The Court of Appeals recognized and articulated standards for special exceptions in Montgomery County v. Merlands 202 Md. 279, 290 (1953). Judge Hall Hammond explained (pages 287-88) the different legislative intent for the special exception to,

> "... delegate to the Zoning Board a ***limited authority*** to permit enumerated uses which legislative body finds in effect ***prima facie*** properly residential, absent any fact or circumstance in a particular case which changes this ***presumptive finding***. The duties given the Board are to ***judge whether the neighboring properties and the general neighborhood would be adversely affected, and whether the use, in the particular case, is in harmony with the general purpose and intent of the zoning plan.***" Emphasis supplied.

Judge Hammond then delineated the applicant's burden of proof,

> "The applicant for such a use need not show either practical difficulty, unnecessary hardship or great urgency, but only that the project is a private club and that

it would be in general harmony with the zoning plan and would not adversely affect the neighboring properties and the general neighborhood." 202 Md. at 290.

Merlands did these notable things: 1) recognize the special exception; 2) articulate the adverse effect/zoning plan disharmony standards; 3) affirm applicant's burden of proof; and 4) differentiate the variance's more onerous standards.

C. Baltimore County Effectively Implements Merlands

The Baltimore County Commissioners implemented Merlands in their 1955 comprehensive zoning legislation. They included BCZR Sec. 502.1.A-F (1955).[1] These elaborate the judicial "adverse affect" standard, starting with "health, safety, or general welfare of the locality" and listing specific standards. The County Council later added consistency with the "purposes of the property's zoning classification" and "the spirit and intent of these Zoning Regulations" and impermeable surface impacts, Bill 45-82, and R.C. Zone environmental impacts, Bills 74-2000 and 37-2017. BCZR Sec. 502.1G-I.

D. Path of the Law

For the next two decades, we cite 18 Court of Appeals special exception decisions. These show 5 approvals, 4 approvals with conditions, and 9 denials. These include a number of Baltimore County cases. The Court consistently recognized applicant's burden of proof and scrutinized the evidence. These illustrate that special exceptions are not intended as *pro forma*, ritualistic, or semi-automatic approvals.[2]

---

[1] "In granting any Special Exception, the Zoning Commissioner and the Board of Zoning Appeals, upon appeal, shall be governed by the following principles and conditions.

502.1 – Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:

a. Be detrimental to the health, safety, or general welfare of the locality involved;
b. Tend to create congestion in roads, streets or alleys therein;
c. Create a potential hazard from fire, panic or other dangers;
d. Tend to overcrowd land and cause undue concentration of population;
e. Interfere with adequate provisions from schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
f. Interfere with adequate light and air.

[2] Oursler v. Board of Zoning Appeals 204 Md. 397 (1954) came next, affirming restaurant grant, with conditions. The Court cited Merlands for the applicant's burden, and sustained the conditional finding of no adverse effects. Erdman v. Board of Zoning Appeals 212 Md. 288 (1957) similarly affirmed

E. Judge Rita Davidson's Classic Opinion: Schultz v. Pritts

Eventually, the Court of Appeals delivered its classic Schultz v. Pritts 291 Md. 1 (1981). Judge Rita Davidson brilliantly articulated the history and function of the special exception, which effectively is a conditional use. She expanded on Merlands. We shall review Judge Davidson's analysis and discuss its faithful application in subsequent cases. We shall then discuss how petitioners often misapply and misuse it.

Schultz overruled Gowl v. Atlantic Richfield 27 Md. App. 410, 417-18 (1975). The Court of Special Appeals (CSA) had held that if special exception adverse impacts were no worse than from a use permitted by right, then it must be approved. Judge Davidson rejected such equivalency. She gave a dissertation on comprehensive zoning law and the role of special exceptions. She wrote,

> "This Court has frequently expressed the applicable standards for judicial review of the grant or denial of a special exception use. The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption. The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and

---

a gas station approval. But Dorsey Enterprises v. Shpak 219 Md. 16 (1959) affirmed the denial of a junkyard – unsightliness, depreciation of property values ---, based on particular facts and burden of proof. Crowther v. Johnson 225 Md. 378 (1961) affirmed trailer park denial, based on adverse impacts to area, finding facts sufficient for denial – departure from zoning plan, depreciation of property values.

Subsequent decisions reviewed particular adverse effects to neighborhoods::Montgomery County v. Mossburg 228 Md. 555 (1962), affirmed conditional restaurant grant; Bonhage v. Cruse 233 Md. 10 (1963), reversed convalescent home grant, inadequate access; Deen v. BGE 240 Md. 377 (1965), affirmed transmission line grant; Bd. of Co. Comm'rs v. Luria 249 Md. 1 (1968), affirmed gas station denial, failure to prove zoning plan harmony; Brouillett v. Eudowood Shopping Plaza 249 Md. 606 (1968), affirmed self-service carwash denial, failure to prove zoning plan conformity, or absence of adverse impacts; Neumann v. Mayor & City Council 251 Md. 92 (1968), affirmed apartment building medical office grant; Eger v. Stone 253 Md. 533 (1969), affirmed offstreet parking denial, traffic congestion; Tauber v. County Bd. of Appeals 257 Md. 202 (1970), affirmed offstreet parking denial, traffic access; City of Takoma Park v. County Bd. of Appeals 259 Md. 619 (1970), affirmed home occupation (slipcovers, reupholstering); Gerachis v. Montgomery Co. Bd. of Appeals 261 Md. 153 (1971), affirmed medical clinic addition denial, traffic congestion, property values, incompatibility; Cason v. Bd. of Co. Comm'rs 261 Md. 699 (1971), affirmed conditional sand and gravel pit approval; Prince George's Co. v. Meininger 264 Md. 148 (1972), affirmed gas station denial, traffic, no need; Skipjack Cove Marina v. Bd. of Co. Comm'rs 264 Md. 381 (1972), affirmed conditional marina/motel approval; Sembly v. County Bd. Of Appeals 269 Md. 177 (1973), affirmed community building grant.

whether the use in the particular case is in harmony with the general purpose and intent of the plan.

> Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal." 291 Md.at 11.

The favorable "presumption" is thus not a free pass. Judge Davidson here described the zoning board's "limited authority," its duty to judge adverse impact and harmony with the comprehensive zoning plan. She confirmed that the burden of proof is on the applicant to meet the prescribed public interest standards and discussed various scenarios.

After review of the relevant precedents, she restated,

> "These cases establish that a special exception use has an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the requested special exception use would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone. Thus, these cases establish that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. 291 Md. at 15.

To shed further light, Judge Davidson revisited the basic purposes and structure of comprehensive zoning, to coordinate harmonious land planning and promote general welfare.[3] Judge Davidson then explained the background and differential functions of uses permitted by right and uses permitted by special exception.[4]

---

[3] The general purpose of adequate land planning is to guide and accomplish the "coordinated, adjusted, and harmonious development of (a) jurisdiction ... which will ... promote ... (the) general welfare." Md.Code (1957, 1978 Repl.Vol.), Art. 66B, s 3.06. Zoning is one of the important elements of

Judge Davidson then elucidated the legislative balancing process. She explained uses permitted by right may be developed because their beneficial purposes are deemed to outweigh their recognized potential adverse effects at some locations; but the same adverse effects are not acceptable for special exception uses.[5] To illuminate this general proposition, Judge Davidson provided several examples involving churches, schools, and funeral homes.[6]

---

land planning that is used to further this purpose. ... The various purposes of zoning regulations, made in accordance with the plan, are:

"(T)o control congestion in the streets; to secure the public safety; to promote health, and the general welfare; to provide adequate light and air; to promote the conservation of natural resources; to prevent environmental pollution, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its suitability for particular uses, and with a view to conserving the value of buildings and encouraging the orderly development and the most appropriate use of land throughout the jurisdiction." Art. 66B, s 4.03.

Zoning provides a tool by which to establish general areas or districts devoted to selected uses. Indeed, the very essence of zoning is the territorial division of land into use districts according to the character of the land and buildings, the suitability of land and buildings for particular uses, and uniformity of use." 291 Md. at 19-20. Citations omitted.

[4] "Generally, when a use district is established, the zoning regulations prescribe that certain uses are permitted as of right (permitted use), while other uses are permitted only under certain conditions (conditional or special exception use).[6] In determining which uses should be designated as permitted or conditional in a given use district, a legislative body considers the variety of possible uses available, examines the impact of the uses upon the various purposes of the zoning ordinance, determines which uses are compatible with each other and can share reciprocal benefits, and decides which uses will provide for coordinated, adjusted, and harmonious development of the district. P. Hagman, Urban Planning and Land Development Control Law 105 (1971). See Art. 66B, s 4.03." 291 Md. at 20-21.

[5] Because the legislative body, in reaching its determination, is engaged in a balancing process, certain uses may be designated as permitted although they may not foster all of the purposes of the zoning regulations and, indeed, may have an adverse effect with respect to some of these purposes. Thus, when the legislative body determines that the beneficial purposes that certain uses serve outweigh their possible adverse effect, such uses are designated as permitted uses and may be developed even though a particular permitted use at the particular location proposed would have an adverse effect above and beyond that ordinarily associated with such uses. 291 Md. at 21.

[6] For example, churches and schools generally are designated as permitted uses. Such uses may be developed, although at the particular location proposed they may have an adverse effect on a factor such as traffic, because the moral and educational purposes served are deemed to outweigh this particular adverse effect."

Judge Davidson concluded with this condensed recap,

> "We now hold that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." 291 Md. at 22-23.

In sum, Judge Davidson placed the special exception in the harmonious coordination of land planning; explained the differential functions of uses by right and special exceptions; and contrasted "inherent" adverse impacts of a land use, which occur virtually identically anywhere in the zone, with adverse impacts which vary in degree at particular locations, and may have effects above and beyond those likely to occur irrespective of the use's location within the zone.

Judge Davidson concluded the CSA had applied the incorrect Gowl standard and failed to analyze properly the particular locational impact. As a result, the Court vacated the CSA decision and remanded for further review of the disputed traffic access issue.

Schultz emphasized that decision-makers must not conflate or confuse special exception uses with uses permitted by right. The opinion also explains and contrasts "inherent" adverse impacts with particular area impacts, which vary according to

---

"When the legislative body determines that other uses are compatible with the permitted uses in a use district, but that the beneficial purposes such other uses serve do not outweigh their possible adverse effect, such uses are designated as conditional or special exception uses. .... Such uses cannot be developed if at the particular location proposed they have an adverse effect above and beyond that ordinarily associated with such uses. For example, funeral establishments generally are designated as special exception uses. Such uses may not be developed if at the particular location proposed they have an adverse effect upon a factor such as traffic because the legislative body has determined that the beneficial purposes that such establishments serve do not necessarily outweigh their possible adverse effects.

"More particularly, by definition, a permitted use may be developed even though it has an adverse effect upon traffic in the particular location proposed. By definition, a requested special exception use producing the same adverse effect at the same location must be denied. Thus, by definition, a church may be developed even if the volume of traffic that it generates causes congestion and unsafe conditions at the particular location proposed. By definition, however, a special exception use for a funeral establishment producing the same volume of traffic and, therefore, the same congestion and unsafe conditions at the particular location proposed must be denied. It is precisely because a permitted use may be developed even though it may have an adverse effect on traffic at the particular location proposed, whereas a special exception use may not, that to grant a requested special exception use on the ground that it generates traffic volume no greater than that generated by a permitted use is logically inconsistent and in conflict with previously established standards." 291 Md. at 21-22. Citations omitted.

location. It is important also to guard against conflation and confusion of these opposite types of impacts. This is a subject to which we will return.

F. The Holbrook Opinion: Attention Should Be Paid

Then came Board of Co. Comm'rs v. Holbrook 314 Md. 210 (1988). The Court sustained denial of a special exception for a mobile home based just on the particular adverse visual impact and depreciation of value of a single-family detached dwelling. Judge Cole wrote, "The Schultz test accords with the general standard for judicial review of the ruling of an administrative agency." 314 Md. at 218. The Court described "countless locations in the zone" where there would be no such adverse impact.

G. Baltimore County: Featured Communities, Revitalization, and Historic Districts

The Court of Special Appeals (CSA) sustained this CBA's denials of special exceptions in People's Counsel v. Mangione 85 Md. App. 738 (1991), convalescent home, residential zone; People's Counsel v. Country Ridge Shopping Center 144 Md. App. 580 (2002), pawnshop, business zone; and Lucas v. People's Counsel 147 Md. App. 209 (2002) helicopter landing area, R.C. 2 agricultural zone.

In each of these cases, the CBA focused broadly on adverse impacts particular to the neighborhood. The Mangione project involved significant visual, stormwater, and traffic impacts in Lutherville. 85 Md. App. at 752. Among other observations, Judge Dale Cathell underlined that, "The size and scope of the project are thus relevant considerations." Mangione, 85 Md. App. at 746-47, n. 6. Country Ridge focused on the health, safety, and general welfare impact to the Essex Commercial Revitalization District. 144 Md. App. at 589-90, 599. Lucas highlighted impacts on the surrounding thoroughbred horse farming area, the iconic Greenspring Valley, and the associated iconic historic district. While the opinion suggested a more precise description of the boundary, the CSA held these adverse impacts to be relevant. 147 Md. App. at 239-51.

H. People's Counsel v. Loyola College

Loyola College carried Schultz forward. Judge Glenn Harrell reviewed the evolution of special exception law. 406 Md. at 70-107. He cited the Harry Potter "Sorting

Hat" scenario as a metaphor.[7] Judge Harrell also highlighted the meaning of "inherent" adverse effects, those "likely to occur wherever in the particular zone they may be located." This is consistent with Judge Davidson's correlative holding which we quoted again, contrasting the type of adverse effects, which are not "inherent," 291 Md. at 21,

> "We now hold that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." 291 Md. at 21.

As we have seen, Loyola College also provided Judge Joseph Murphy the opportunity to encapsulate the rules of engagement, quoted earlier on page 2, *supra.*

I. After Loyola College

The application and interpretation of special exception law has continued to generate controversies. Our research reveals three cases after Loyola College. They are Montgomery County v. Butler 417 Md. 271 (2010); Attar v. DMS Tollgate 451 Md. 272 (2017); and Clarksville Residents Against Donaldson Properties 453 Md. 516 (2017).

In Butler, the Montgomery County CBA concurred with their Hearing Examiner's recommendation to deny a special exception for a landscape contractor's business in an RDT (Rural Density Transfer) Zone. The denial was based on commercial traffic, noise, and site configuration close to adjacent residential properties.

The Court unanimously affirmed the denial as consistent with relevant standards. The Court rejected petitioner's argument that the adverse effects were "inherent."

---

7 "... [t]he local legislature, when it determines to adopt or amend the text of a zoning ordinance with regard to designating various uses as allowed only by special exception in various zones, considers in the generic sense that certain adverse effects, at least in type, potentially associated with (inherent to, if you will) these uses are likely to occur wherever in the particular zone they may be located. In that sense, the local legislature puts on its 'Sorting Hat' and separates permitted uses, special exceptions, and all other uses. That is why the uses are designated special exception uses, not permitted uses. The inherent effects notwithstanding, the legislative determination necessarily is that the uses conceptually are compatible in the particular zone with otherwise permitted uses and with surrounding zones and uses already in place, provided that, at a given location, adduced evidence does not convince the body to whom the power to grant or deny individual applications is given that actual incompatibility would occur." 406 Md. at 105-06.

Notably, Montgomery County had adopted a legislative definition of "non-inherent adverse effects," as, 417 Md. at 276-77,

> "...physical and operational characteristics not necessarily associated with a particular use, or adverse effects created by unusual characteristics of the site."

The Court held the local legislature could enact its own definition of "inherent" or "non-inherent" effects, even if inconsistent with that in the case law. In any event, the Court found the Montgomery County definition to be consistent with the case law.[8]

Attar and Clarksville both follow Schultz and Loyola College. Attar sustained as fairly debatable the CBA's finding the proposed Wawa facility would likely not cause significant adverse traffic and stormwater management impact at the Owings Mills site on Reisterstown Road. The CBA judgment involved the specific facts at issue. The site cornered a local road, and there was no Commercial Revitalization District at issue.

Clarksville illustrates the classic "inherent" depressing effect of funeral homes. The Court addressed the area Asian population's sensitivity to depressing effects of funeral homes. The Court maintained its previous stance that funeral homes are depressing wherever located, so the adverse effect is "inherent." 453 Md. at 548-55.

II. Unintended Consequences – Pitfalls, Playbox, and Propaganda

"Please Don't Let Me Be Misunderstood." The Animals

A. Exaggerated Emphasis on the Favorable Presumption

The first pitfall involves the presumption. Petitioners treat it as a curtain to close off or obscure serious analysis.

---

[8] Judge Harrell wrote,

> Rather, as Judge Rita Davidson explained for the Court, it is for the zoning board to ascertain in each case the adverse effects that the proposed use would have on the *specific, actual* surrounding area.[27] *See id.* ("The extent of any harm or disturbance to the neighboring area and uses is, of course, material."); *Schultz,* 291 Md. at 15, 432 A.2d at 1327 ("[T]he appropriate standard to be used in determining whether a special exception ... should be denied is whether there are facts and circumstances that show that the particular use proposed *at the particular location* proposed would have any adverse effects above and beyond those inherently associated with such a special exception use ....") (emphasis added); *Loyola College,* 406 Md. at 95, 956 A.2d at 191 (stating that the Court in *Bd. of County Comm'rs for Cecil County v. Holbrook,* 314 Md. 210, 550 A.2d 664 (1988), "highlighted characteristics of the particular neighborhood that exacerbated the problems inherent to the placement of a mobile home there"; and that "the *Schultz* analytical overlay for applications for individual special exception is focused entirely on the *neighborhood involved in each case* ");" 417 Md. at 305-06

The presumption in favor of compatibility originated to contrast special exceptions with variances. It is otherwise undefined. Yet it coexists with the petitioner's affirmative burden of proof, which the Court of Appeals has reiterated time after time.

The unfortunate pitfall is that the presumption often displaces or substitutes for the burden of proof and for proper analysis of the particular adverse impacts. At best, the presumption serves as a makeweight or cosmetic addition in a situation where the burden of proof is satisfied. Too often it functions as a superficial cover to approve or justify problematic petitions, which do not meet their burden.

Beware of the exaggerated emphasis on the presumption.

B. The Infinite Inherency Heresy

The second pitfall involves the inflation of "inherent" adverse impacts. Given that such impacts do not lead to denial of a special exception, Petitioners tend to stretch infinitely every possible impact to "inherency," regardless of the particular situation.

To do this, they subvert the teaching of Schultz. They try to evade the key point that special exceptions must be denied where there are particular adverse effects at the location, which are above and beyond those likely to occur generally in the zone.

Indeed, in the present case, Petitioners' counsel went so far as to object to People's Counsel's inquiry of a witness relating to such "above and beyond" locational effects. To do this, counsel recited a quote from Attar, selectively quoting, out of context, the Schultz reference to inherent effects.

Valvoline here employs a tactic which effectively would circumvent the Schultz standards. It conflates special exception uses with uses permitted by right and promotes foregone favorable conclusions. This conflicts with the numerous cases where appellate courts have affirmed denials of special exceptions based on particular adverse locational impacts, beginning with cases from the 1950s/1960s reviewed in footnote 2, *supra*, and evolving to Mangione, Country Ridge, Lucas, and Butler.

As we have seen, Schultz differentiates particular adverse effects from inherent adverse effects. It tracks the linguistic definitions. We introduced the Webster's Third New International Dictionary definitions of "inhere," "inherency," and "inherent" in P.C.

Exh. 12, and the online Merriam-Webster definition and Thesaurus synonyms. At their cores, the verb "inhere" means "... to be inherent, to be a fixed element or attribute ....;" the noun "inherency" means "an inherent character or attribute ...;" and the adjective "inherent" means structural or involved in the constitution or essential character of something: belonging by nature or settled habit: INTRINSIC, ESSENTIAL ..."

As our appellate courts have recognized in the cases cited above, it is clear that adverse impacts to commercial revitalization districts and historic districts, and significant locational traffic impacts are all relevant as particular impacts. They are not inherent. These are the impacts at issue here.

Beware of the infinite inflation of "inherent" effects.

C. Harmony with the Comprehensive Zoning Plan and Master Plan Guidance

The third pitfall involves disregard of general compatibility. There is often overlooked what Judge Davidson delineated as "... whether the use in the particular case is in harmony with the general purpose and intent of the [comprehensive zoning] plan." Schultz, 291 Md. at 11. In turn, Judge Harrell's Harry Potter "Sorting Hat" scenario in Loyola College posited that a special exception could be granted, "..., provided that, at a given location, adduced evidence does not convince the body to whom the power to grant or deny individual applications is given that actual incompatibility would occur."

Otherwise stated, this calls for an overview of the compatibility of the project with the land use planning and character of the neighborhood. This also brings into play the Master Plan. Board of County Comm'rs v. Gaster 285 Md. 233, 247 (1979) explained,

> "There are three integral parts of adequate land planning, the master plan, zoning, and subdivision regulations."

The Baltimore County Charter requires its adoption every ten years as a guide to the comprehensive zoning. Baltimore County Charter Sec. 523(a). See Nottingham v. Baltimore County 266 Md. 339, 353-55 (172). While a guide is not a straitjacket, its guidance remains pertinent in zoning cases, and seems especially valuable for special exceptions so as to evaluate harmony with the comprehensive zoning plan. The Country

Ridge and Lucas cases are illustrative, factoring compatibility, respectively with the Essex CRD and the Greenspring Valley Historic Districts.

Beware of the failure to consider harmony with the comprehensive zoning plan.

D. Experts and Citizens: A Reality Check

The fourth pitfall involves the relative positions of expert and citizen testimony. Petitioners ritualistically elevate their consultants as zoning experts with limitless scope and unimpeachable opinions, including adverse impacts. Correlatively, they object to or downplay opinions articulated by area citizens. Both of these positions are erroneous.

Every expert opinion must have a valid factual and legal basis. This is a frequent problem in zoning cases, where such opinions tend to be subjective. In People's Counsel v. Beachwood 107 Md. App. 627, 649-50 (1995), cert. denied 342 Md. 472 (1996), the Court rejected several "expert" planning opinions. Judge Charles Moylan wrote,

> "A part of that *Boyce v. Sembly* opinion, ... not yet discussed in this opinion, and quoted with approval by the *Dorsey* opinion, observed,
>
> > The Court of Appeals and this Court have stated than an opinion, even that of an expert, is not evidence strong or substantial enough to show some error in the comprehensive rezoning unless the reasons given by the witness as the basis for his opinion, or other supporting facts relied on by him, are themselves substantial and strong enough to do so. ..." Internal citations omitted.

The usual practice is for Petitioners' experts to be engineers, surveyors, landscape architects, or former County zoning employees. They are paid, and they support the requested zoning 100%. Petitioners present them as experts on land use and zoning generally. They usually run through a favorable script on the ultimate issues. But just because they work with the zoning regulations and can prepare or discuss a site plan does not mean they know anything probative about adverse impacts on the neighborhood. That even goes for the consulting traffic engineers, because they do not have the intimate knowledge of area residents. This is not to say that such expert testimony is inadmissible. The point is that the CBA must assess such opinions to decide if within the scope of the expert's knowledge and resting upon a sound basis.

On the other hand, area citizens usually have knowledge and experience to put them in a better position to depict the neighborhood, its characteristics, and the likely adverse impacts. Inevitably, these observations coalesce with opinions concerning the relevant adverse impacts and the function or intent of the zone in the locality.

To illustrate, Eger v. Stone 253 Md. 533, 540-43 (1969) involved a special exception for off-street parking in a rural-residential zone for a shopping center. The Court held admissible the testimony of area resident Irma Raker and her traffic investigation of frequent accidents. She had a detailed list for the key intersection. The CSA in Mangione, Country Ridge, and Lucas likewise relied substantially on citizen testimony.

Beware of the undue elevation of "experts" and disrespect for area citizens.

E. Moneyball

A fifth pitfall involves money. Petitioners promote their financial investments to influence approval. But the size of the investment does not make the use appropriate.

In this context, as an exercise of the police power, zoning law functions to protect the welfare of neighborhoods and their property owners. By dividing the polity into residential, commercial, manufacturing and other zones, zoning functions conceptually to advance and protect the quality of land uses in each mapped area, necessarily affecting property values. See Village of Euclid v. Ambler Realty Co. 272 U.S. 365 (1926). Area residents and business owners also have investments in their properties. These are among the special exception considerations relating to protection surrounding areas.

Beware of the misuse of moneyball.

III. Statement of Basic Facts

A. The Proposed Valvoline Use and Previously Existing Bank

The proposed use is a Valvoline auto service/oil change facility on .46 acres at the southwest corner of Loch Raven Boulevard and Joppa Road. The 4-bay facility would occupy 2535 square feet at grade, with one story, up to 30 feet high, and working basement. The entrance would be from the west side of Loch Raven only and the exit limited to the south side of Joppa, not far from the corner. Necessarily, automobiles

would enter the bays from the Loch Raven side and exit on the Joppa Side. There would be seven parking spaces along the south side of the property, to the left of the Loch Raven Boulevard entrance and two parking spaces to the right of the bay entrances, near Loch Raven. The amended redlined site plan states screening, landscaping, and signage shall conform to county requirements; but they are not shown on the plan.

The facility would replace the closed Howard Bank, a use permitted by right. In 1999, the Deputy Zoning Commissioner approved setback variances for the bank, and a modified parking plan. P.C. Exh. 5-8. That petition placed the front yard on or oriented to Loch Raven Boulevard and granted a variance for 16 feet in lieu of the minimum 29 feet based on BCZR Secs. 232.1 and 303.2

B. Area Geography

The area is at the east end of Towson, just west of Parkville, mainly inside I-695, the Baltimore Beltway, accessible to its Loch Raven Boulevard access.

The record includes ample maps and photographs of the LRBCRD, the entire neighborhood, various sections, the Loch Raven-Joppa intersection and the subject property, and other Valvolines around Maryland. The geographic evidence includes:

(1) an ADC map of the general area. P.C. Exh. 21;

(2) a GIS map centered on the Loch Raven/Joppa intersection. P.C. Exh. 2;

(3) a series of Google Maps satellite photographs with views of and around the intersection. P.C. Exh. 15.

(4) a County Department of Planning Map of the LRBCRD. Pet. Exh. 11;

(5) a variety of current Google Maps satellite photographs of the LRBCRD and residential areas, spanning the entire area and zoomed to sections. P.C. Exh. 22A-J;

(6) street level photographs of existing automotive uses. Prot. Exh. 18; and

(7) a series of photographs of existing Valvoline facilities around the state, including on Martin Boulevard in Baltimore County. Prot. Exh. 11.

C. The Neighborhood Boundaries

We delineate the approximate boundaries of the surrounding neighborhood,

The North: the Beltway, with the addition of Chatterleigh, per Peter Moulder;

The West: to the west of Mylander Lane, including the Loch Ravens Commons PUD, though one could argue for LaSalle Road;

The South: either Putty Hill Avenue or Taylor Avenue, a matter of judgment;

The East: the Beltway crossing over Joppa Road, east of Oakleigh Road.

D. Loch Raven Boulevard and Joppa Road

Loch Raven (State Route 542) and Joppa are major roadways. Loch Raven is mainly a six-lane north-south road from its Beltway access into Baltimore City. Joppa crosses a north county ridge from east to west along an old Indian trail, from Maryland Route 7 in White Marsh to I-83. Here, it is a four-lane road, also with left-turn lanes.

Speed limits vary from 30 to 35 miles per hour, but vehicles speed. There are traffic signal lights at the Mylander Lane and Oakleigh Roads ends. But, aside from Loch Raven, there is only one in between, at Pleasant Plains. There are many curb cuts. All of this contributes to what Jason Bulkeley described as a dangerous raceway along Joppa Road, with multiple in-out movements and many accidents.

E. The Loch Raven-Joppa Intersection

1641 East Joppa Road is at the southwest corner of Loch Raven Boulevard and Joppa Road. This intersection is the central intersection of the Loch Raven-Baynesville Commercial Revitalization District (LRBCRD) and the surrounding mostly residential neighborhood. It is effectively the only through north-south intersection in the area.

The intersection is at the crest of a ridge, from which Loch Raven slopes steeply north to the Beltway and more gently south toward Taylor Avenue. It is a signalized intersection, currently classified as Level D, just slightly above the level to qualify for permits. Prot, Exh. 9-10. BCZR Sec. 4A02.4.D. Protestants introduced Baltimore County Traffic Engineering Turning Count Movement Data (2014, 2017), which shows the heavy traffic at the intersection, especially in and around rush hours. Prot. Exh. 13-14.

F. The Loch Raven-Baynesville Commercial Revitalization District (LRBCRD)

The County Council formed the Loch-Raven CRD in 1998. Res. 83-98. In 2013, Council Res. 11-13 divided the District into three subdistricts: Loch-Raven-Baynesville, Loch Raven-Satyr Hill, and Loch Raven-Hillendale. P.C. Exh. 4. We are in Baynesville.

Master Plan 2020, pages 137-41, addresses the CRDs and their purposes. Prot. Exh. 4. Black's Law Dictionary 1855 (10th Ed. 2014) defines "zone' as ":1. An area that is different or distinguished from surrounding areas." While not codified directly in the BCZR, the CRDs nevertheless function as overlay zones with specific planning foundations. There are now 17 CRDs in the County. P.C. Exh. 16.

The LRBCRD extends for a little more than a mile, east-west, from the Beltway/Oakleigh road area at its eastern edge to just west of Mylander Road on the west. Notably, the Council extended the boundary past Mylander in 2016. Res. 50-16.

On its north-south axis, it extends for a little less than a half mile, from above Joppa Road to its southern edge at Joan Avenue/Mussula Road. As shown on the relevant map, Pet. Exh. 11, its boundaries vary somewhat in distance from Loch Raven and Joppa, so that the LRBCRDs assumes the shape of a bird facing east.

G. Predomination of Auto-Related, Fast Food Uses, and Inns

The satellite maps and testimony reflect various commercial uses in the LRBCRD. These include financial services (banks, insurance), music-oriented, fitness, furniture stores, liquor stores. Nevertheless, there stand out the predominance of auto-related uses and fast-food/convenience store uses, along with several inns.

The extensive auto-related uses provide every service imaginable, as well as sales and rentals.[9] By our count, there are already 22 such uses which are active.

---

[9] Google Satellite Maps, P.C. 22A-J; Map, Photos, Prot. Exh. 17-18; Testimony

Joppa Road – West of Loch Raven (E,F)

Hollenshade's Auto Services; Royal Farms – Gas Station; Monroe Auto Service and Tire Centers; BP Gas Station; Marathon Gas Station; Wawa (W/S Mylander Lane)

Loch Raven Boulevard South of Joppa Road (G)

Mobile 1 Lube Express; Loch Raven Marathon; Baynesville Bicycle Services; Towson Tag and Title; Auto Center (SW corner of Loch Raven and Yakona, not marked); Captain's Car Wash

Joppa Road – East of Loch Raven – Emge Road to Don's Crabs (H)

Pep Boys Auto Parts & Services; Mr. Tire Auto Service Centers; Midas Mufflers; Caspian Motors; Camden Auto Body (S/S Joppa, across from Mr. Tire, not marked)

Joppa Road – East of Loch Raven – Don's Crabs to Oakleigh Road (I)

BMW of Towson Certified Collision Center; Royal Motors; Hertz rental, sales

Joppa Road – East of Loch Raven – Raven Road to Emge Road (J)

Joppa Road Automotive Center; Enterprise Rent a Car (NW corner, Joppa and Lackawanna, not marked)

There are fast-food restaurants, carry-outs, and convenience stores. The majority are on or near Joppa Road, west of Loch Raven Boulevard. [10] There are a few on Joppa east of Loch Raven, and Loch Raven south of Joppa.[11] To this list we add four inns.[12]

H. The Design Review Area

County Code Sec. 32-4-203 sets up the Design Review Panel and its purposes. Sec. 32-4-204 lists the DRP areas. Sec. 32-4-204(c)(6). They include the LRBCRD.

The DRP assesses design, architecture and layout. Sec. 32-4-203(c). It does not cover the more fundamental special exception criteria regarding the appropriateness of the use. The DRP and Department of Planning (DOP) have approved the project's design conditionally, Pet. Exh. 5, 9, but this is not a basis for zoning approval.

I. Character of the Surrounding Neighborhood

South of the LRBCRD, below Joppa Road, there are post-World War II vintage residential neighborhoods with red-brick townhouses. These are on both sides of Loch Raven Boulevard. The west area includes the Knettishall and Loch Raven Village communities. It is bisected by Pleasant Plains Road, with attractive dwellings and landscaping. It includes Pleasant Plains Elementary School, Ridgely Manor Park, and churches. The east area includes Loch Raven Heights and Ridgeleigh, with townhouses at a higher density. The area includes Oakleigh Elementary School and White Oak School.

North of the LRBRCRD, there are commercial uses tucked away on Orchard Tree Lane and along the Loch Raven Boulevard toward the Beltway. There is also a semi-circular enclave of respectable single-family detached dwellings in the area taking the historic name of Baynesville, accessible from Lackawanna Avenue and Emge Road.

J. The Business-Local Zone

The zone is B.L., Business-Local. It is perhaps the most common or prevalent business zone in Baltimore County. As shown in the Baltimore County Department of

[10] Papa John's; Dunkin'; Pizza Hut; Subway; McDonald's; Sonic; Subway; 7-Eleven
[11] Conrad's Crabs; Don's Crabs; Chicken Paul.
[11] Towson East, Welcome Inn, Days Inn, Comfort Inn.

Planning Map, there are 1888.19 acres of B.L. Zones in the county. P.C. Exh. 17. There are also 1,474 acres of B.L. Zones overlain by various zoning districts. Ibid.

The B.L. Zone lists 79 business uses permitted by right, several with multiple uses. BCZR Sec. 230.1. There are also permitted uses enumerated, as limited, in the immediately adjoining residential zone. Ibid. Residential zones include R.C., D.R., R.O., R-O-A, or R.A.E. Zones. BCZR Sec. 101.1. These include residential, institutional, and office uses. The zone adds 33 uses permitted by special exception. BCZR Sec. 230.3.

There are thus available a multitude of uses, most by right, and others by special exception. This latitude is especially relevant to consideration of compatibility with the purposes of the LRBCRD guidance for the comprehensive zoning plan.

IV. Argument

> ***"No reason to get excited, The thief he kindly spoke***
> ***There are many here among us, Who feel that life is but a joke***
> ***But, uh, but you and I, we've been through that, And this is not our fate***
> ***So let us stop talkin' falsely now, The hour's getting late."***
> Bob Dylan, All Along the Watchtower (1967), covered by Jimi Hendrix

A. There is a Palpable Conflict with Purposes of the LRBCRD

Webster's Third New International Dictionary, p. 1944 defines "**revitalize**" as "... to impart new life or vigor or : to restore to a vigorous active state ..." Thus, "**revitalization** is "an act or instance of revitalizing ...." In contrast, "**devitalize**" means "... to deprive of force or effectiveness ...," Webster's op. cit. p. 619

The County Council adopted Master Plan 2020 in Resolution 94-10. MP 2020 addressed CRDs on pages 137-41. Prot. Exh. 4. There were then 14 CRDs mapped on page 138. To provide historical context,

> "These areas were once the commercial hubs of the County's older beltway communities and offered a range of retail, service, and entertainment uses." Page 137

MP 2020 then recited that suburbanization tended to overtake "... the smaller mom and pop shops along neighborhood main streets." Page 139. This led to the need for revitalization, to capitalize on downtown development patterns, and to build upon a series

of small complementary successes.[13] An "important goal" would be to attain "... a sufficient and balanced mix of quality uses."[14]

MP 2020 then reinforced the importance of a synergistic mix of successful downtown housing and office uses which integrate with destination retail and entertainment uses.[15] There was italicized the policy to retain and attract quality uses "... that create well balanced and economically vital mixed-use."[16] Ibid. A series of potential actions followed. MP 2020 then highlighted that the CRDs 'should be the 'front door' to the residential neighborhoods, help establish the overall image, and contribute to important appearance of the business and residential communities.[17]

County Council Resolution 11-13 devised three subdistricts, including LRBCRD, and framed the purposes, P.C. Exh. 4. The Resolution's introductory clause referred to then 17 CRDs designated by the County Council or adopted in the Master Plan. The next clause focused on the function and purpose of this CRD, as follows:

> "WHEREAS, the County's commercial revitalization districts and their surrounding communities are inseparably linked, with the districts providing a range of retail, service, and entertainment uses for the local community, as well as establishing the overall image of a community;"

---

[13] "To remain viable, the CRD's must differentiate themselves by capitalizing upon their downtown development patterns, strengthening the existing base of small businesses, and attracting new and different uses. Each district is unique with its own set of attributes and liabilities and revitalization efforts must be tailored to address these differences. Successful revitalization in smaller districts is built upon a series of small complementary successes and larger districts may benefit from key redevelopment projects that restructure the local economy." Page 139.

[14] Attaining a sufficient and balanced mix of quality uses is an important goal that should be accompanied with creating a safe, attractive, and walkable environment. Page 139

[15] The most successful downtowns have a mix of synergistic uses that support each other. Downtown housing and office uses have residents and employees that patronize retail shops, restaurants, and service uses such as hair salons, banks, and dry cleaners. Theaters and other entertainment uses are destinations."

[16] ***"Policy: Retain and attract quality retail, office, service, residential, entertainment, and institutional uses that create well balanced and economically vital mixed-use."***

[17] The districts, like community enhancement areas, should be the "front door" to the residential neighborhoods, and help establish the overall image of a community. The appearance of the CRD is important to the business and residential communities, and is both a private and public responsibility." Page 140.

The Council reiterated this latter clause in Resolution 50-16. P.C. Exh. 4.

Given the integral relationship between planning and zoning for adequate land planning, and planning/zoning features of the CRDs, these County Council Resolutions and their purposes are critical to special exception analysis. They are relevant to health, safety, and welfare and the intent of the zoning regulations, for which MP 2020 and the Council's LRBCRD Resolutions set a framework. These fit the Schultz standards, relating to particular adverse impacts and harmony with the comprehensive zoning plan. As we have seen, the Country Ridge and Lucas cases focused on the Essex CRD and the Greenspring Valley Historic District.

We perceive that particular adverse impacts to the LRBRCD and surrounding area and disharmony with the comprehensive zoning plan exist for the following reasons:

(1) The LRBCRD now suffers from clutter and saturation of 22 auto-related uses, mostly service uses. The proposed Valvoline facility conflicts with the purpose to provide, incrementally, a balance and mix of synergistic uses to improve the community;

(2) The proposed Valvoline facility is oriented to commuters utilizing the nearby I-695 Beltway access. It is not primarily oriented to serve the local business and residential community. It is a transient rather than destination use.

(3) The Loch Raven-Joppa intersection is the central intersection, "front door," and effective gateway for the area. The proposed facility service garage does not present the intended and necessary positive visual image for this key location.

(4) These adverse impacts are particular to this location in the LRBCRD and this intersection and are above and beyond those likely to occur elsewhere in the 3362 acres of acres of county land zoned B.L. (including B.L. Zones with overlay districts).

(5) There are a plethora of B.L. Zone uses permitted by right or special exception which will have a positive impact in service to the community and which will present a welcoming image at this key intersection.

(6) There are available also by PUD the positive and attractive regeneration of mixed uses commercial/residential uses, such as Loch Raven Commons.

Valvoline's witnesses, Randolph Kazazian and Joshua Sharon, knew of the Loch Raven CRD and had the map. But they ignored the history of Baynesville and the surrounding area, the three subdistricts, the Master Plan, the County Council Resolutions, and the functions and purposes of CRDs generally and LRBCRD specifically. It does not fit their results-oriented narrative. Kazazian focused on corporate franchising policy and strategy. Sharon's boilerplate assertions of meeting the BCZR Sec. 502.1 criteria were conclusory. They failed to pass the threshold and were insubstantial.

Valvoline makes much of their conditional DRP approval and the Planning Department's focus on it in registering "no objection" to the petition. Pet. Exh. 5. 9. But, as we have seen, DRP, and DOP here limit their focus to design issues. They do not address the contextual appropriateness and legitimacy of the special exception.

In opposition, Peter Moulder, Paul Hartman, and Jason Bulkeley presented facts to substantiate the history, character and geography of the LRBCRD and surrounding area. They identified and illustrated the various conflicts listed above. Moulder represented the Associates of Loch Raven Village Association. Prot. Exh. 15. He described the neighborhood history and character; community efforts to identify and support the establishment of the LRBCRD; the Master Plan and Council Resolutions; and multiple existing auto-related uses. He explained well how the Valvoline facility would conflict with CRD purposes. Hartman, Vice-President of the Towson Communities Alliance, placed the importance of improvement of this CRD and neighborhood in the context of the greater Towson area, encapsulating the idea of stepping forward rather than stepping back. Bulkeley, longtime owner-manager of the Orchard Market Café, gave a local business owner perspective. He stressed the importance of local destination businesses to serve the community, rather than in/out operations for commuters. He concurred that the Valvoline would not present an attractive community brand or image at the intersection. He gave ample example of potential positive uses (professional offices, higher grade retail); and dramatized the dangerous traffic conditions on Joppa Road.

Board of County Commissioners v. Luria 249 Md. 1 (1968) reinstated the district council's administrative denial of a special exception for a gasoline station at a key Bladensburg intersection, zoned commercial. The Court of Appeals wrote,

> "The county ordinance set out in footnote 2 makes it abundantly clear that the requisites for the granting of a special exception are a finding that the proposed use is in harmony with the general plan and a finding that the proposed use will not have an adverse effect on health and safety nor be detrimental to adjacent properties or the general neighborhood. **It is our view that such findings must be based on testimony, and that the applicant assumes the burden of adducing such testimony, even in a prima facie case.** ... In the case before us, the applicant did not meet this burden." [18] 249 Md. at 3. Emphasis supplied.

Judge Singley quoted the testimony of Petitioners' expert, a realtor with 21 years experience. The Court found his supportive expert testimony to be conclusory, and reminded that "...where statutory standards are set up, there must be supporting evidence upon which a rational judgment can be based."[19] 249 Md. at 6. The Court found that Petitioners' evidence, being conclusory, failed to meet the burden. Therefore, it sustained the District Council's denial, and overturned the Circuit Court's reversal.

Brouillett v. Eudowood Shopping Plaza 249 Md. 606 (1968), involved a special exception for a self–service carwash at the Eudowood Plaza parking lot, now Towson Marketplace. It was zoned B.L. The carwash was proposed at the intersection of Putty Hill Road and Goucher Boulevard. The CBA denied the petition as "detrimental to the health, safety, and general welfare of the locality involved." 249 Md. at 607. As in Luria, the Circuit Court reversed, but the appellate court reinstated the denial. Notably, this case was decided years before the advent of the now nearby Loch Raven CRD.

Judge Marbury cited the CBA's findings on visibility of the use, availability of other area carwashes, and so a lack of need; and lack of information as to screening,

---

[18] Citing "Oursler v. Board of Zoning Appeals, 204 Md. 397, 402, 104 A.2d 568 (1954); Montgomery County v. Merlands Club, 202 Md. 279, 290, 96 A.2d 261 (1953). See Carson, Reclassification, Variances and Special Exceptions in Maryland, 21 Md.L. Rev. 306, 317 (1961)."

[19] Citing Heath v. M. & C.C. of Baltimore 187 Md. 296 (1946); Mayor & City Council v. Biermann 187 Md. 514 (1947).The

lighting, and signs. He also described the expert testimony from the Director of Planning as lacking with respect to the impact on the area. 249 Md. at 609-10.

The opinion emphasized Oursler v. Board of Zoning Appeals 204 Md. 397, 402, reiterating that in Baltimore County, an applicant for a special exception, albeit a *prima facie* permissible use, still "... must show only that that the exception would be in harmony with the zoning plan and would not be detrimental to the welfare of the neighborhood." Petitioners had failed to meet their burden.

Prince George's County v. Meininger 254 Md. 148 (1972) again reinstated the district council's denial of a special exception after Circuit Court reversal. The gas station/carwash was proposed for the intersection U.S. Route 1 and Indian Lane.

The district council found no need for the gas station. They wrote,

> "We are not able to say that the proposed use will not adversely affect the health and safety of residents or workers in the area, and will not be detrimental to the use and/or development of adjacent properties or the general neighborhood." 254 Md. at 150.

They concluded, "To grant this application may well upset, if not already upset, the balance of land usage in the area."

For the Court of Appeals, Judge Finan noted evidence that the use would likely add traffic accidents and affect vehicular traffic at the intersection. The evidence also showed that the "need" for the facility would relate to transient customers, not the neighborhood, and anyway there were nearby stations available. He highlighted,

> "... that the type of land use proposed, such as a gasoline station or fast-food restaurant, restricted the use of the land, for other trades and commercial purposes, and would thus upset the balance of land usage contrary to the express provisions of the Zoning Ordinance." 248 Md. at 153.

The Court also cited the Mayor and City Council's submittal that "there was an overabundance of gasoline stations in the area, that there was no demonstrated need for another, and that the intended use was not in conformity with the master plan." Under these circumstances, the Court effectively sustained the District Council's denial.

This auto use special exception case trilogy resonates and fits the pattern of the present case. The CBA should deny this proposal as adverse to the neighborhood and not in harmony with the comprehensive zoning plan, area, master plan, and LRBCRD.

B. The Proposed Facility Will Aggravate Traffic Congestion and Hazard

Joppa Road is definitely a congested, hazardous road. The Loch Raven-Joppa D-rated intersection is fraught with hazardous conditions. Jason Bulkeley especially dramatized the dangers and accident history on Joppa Road.

While the Planning Department called for mitigation by limiting Joppa Road to exit only, this barely covers the difficulties. There will still be a hazardous exit condition. There is also the especially frightening U-Turn situation for autos traveling north on Loch Raven and then seeking a turnaround to enter the facility at its Loch Raven south entrance. As described, such U-Turns intersect dangerously with vehicles turning the corner access from the Joppa Road eastward lane into Loch Raven southward.

Any use at this intersection involves traffic challenges. But commuter uses such as Valvoline generate frequent movements. Even branch banks such as Howard Bank, which at least serve the community, generate less traffic now that online banking is popular. Many branch banks are closing. An important consideration is that banks are among the 79 B.L. Zone uses are permitted by right. The County Council has prioritized such uses and weighed them favorably against potential traffic impacts. But for special exceptions, the adverse effect balance weighs negatively for denial.

Valvoline produced a consultant, Kenneth Schmid to say that everything is fine. It is his job to give a positive narrative, and he did it. But it was nothing more than the usual boilerplate support. Schmid does not live in the area or experience the daily hazards.

In sum, the evidence fails to satisfy the burden of proof that there be no particular adverse impact relating to traffic congestion and hazard.

C. The Petition Omits the Requisite Front Yard Setback Variance

We identified an additional problem with the petition. There is an omission of the requisite minimum front yard building setback variance per BCZR Secs.238.1 and 303.2. The front of the property is oriented to Loch Raven Boulevard. The minimum setback is 29 feet, based on the average of setbacks of adjoining properties within 100 feet, as shown in the 1999 case. P.C. Exh. 8, site plan. But the east side of the Valvoline building

is 25 feet from Loch Raven. To avoid the variance, Valvoline argues that Joppa Road is the front of the property.

The 1999 Howard Bank case treated Loch Raven as the front, although there were entry/exit two-way driveways on Loch Raven and Joppa, and the drive-thru lane entered on Joppa and exited Loch Raven. The current plan more clearly orients the frontage to Loch Raven because it is the sole entrance, entry to the bays and access for employees from Loch Raven, entry parking near Loch Raven, and Joppa the sole exit.

Webster's Third New International Dictionary 914 defines "**front**," in part, as,

> "**2** something that confronts or faces forward **as** : a **(1)** the face of a building ; *esp* the face that contains the principal entrance ..."

Correlatively, the definition of "**back**", Webster's 157, states, again in pertinent part,

> " **2 a** (1): the side or surface of something that is opposite to the side that is regarded as the front or face (2) the side that is opposite to the side approached or seen .."

The CSA addressed the front/back issue in Swoboda v. Wilder 173 Md. App. 615 (2007). This involved a Rodgers Forge townhouse end unit at the corner of Pinehurst and Murdock Roads. The CBA found the frontage on Pinehurst, citing the widest part of the building, the entrance, two bay windows, and walkway from sidewalk to front door. 173 Md. App. at 630-31. The CSA cited the physical construction of the building, main entrance door and walkway, exterior appearance, bay windows, interior layout, the length and width of each face, and usage of the property. There were countervailing factors and opposition expert testimony. These supported a detailed argument for Murdock Road frontage. 173 Md. at 625-30. But the CSA found the CBA decision was reasonable.

Here, the entry/exit plan, bay fronts, parking lot, and building configuration all orient the frontage to Loch Raven. The situation is thus stronger for Loch Raven frontage than in the 1999 iteration, and in Swoboda. The deviation from the required setback may not be severe. Nevertheless, the rule of law calls for an application for a variance. Valvoline omitted it, and has continued to resist it at the CBA.

Furthermore, a special exception, as a conditional use, may have its presumption "fall by the wayside" where variances are necessary. Chester Haven Beach Partnership v.

Board of Appeals 103 Md. App. 324, 335-37 (1995); Umerley v. People's Counsel 108 Md. App. 497, cert. denied 342 Md. 584, 509-11 (1996). So, this issue impacts the special exception, albeit there are independent reasons for denial.

Conclusion

For all of the above reasons, the CBA should deny this special exception.

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 9th day of August, 2019, a copy of the Post-Hearing Memorandum of People's Counsel for Baltimore County was mailed to Michael McCann, Esquire, 118 West Pennsylvania Avenue, Towson, Maryland 21204 and Dino LaFiandra, Esquire, 100 West Pennsylvania Avenue, Suite 305, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 3, 2019

NOTICE OF DELIBERATION

IN THE MATTER OF: Howard Bank – Legal Owner
Mid-Atlantic Lubes, LLC – Contract Purchaser
19-070-SPHX 1641 Joppa Road
9th Election District; 5th Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 to approve an amendment to the previously approved zoning site plan in Case No. 99-251-A; and

Petition for Special Exception pursuant to BCZR Section 230.3 to permit a service garage in a BL zone.

11/15/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing and the Petition for Special Exception was GRANTED, subject to conditions.

This matter having been heard March 5, April 2 and concluded on June 27, 2019, a public deliberation has been scheduled for the following:

DATE AND TIME: **AUGUST 27, 2019 AT 9:00 A.M.**

LOCATION: Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: Closing briefs are due on **August 9, 2019 no later than 3:00 p.m.**
(Original and three [3] copies)

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c.	Counsel for Petitioners	: Dino C. La Fiandra, Esquire
	Legal Owner	: Howard Bank
	Contract Purchaser	: Mid-Atlantic Lubes, LLC
	Counsel for Protestants/Appellants	: Michael R. McCann, Esquire
	Protestants/Appellants	: Ridgely Manor Community Association, Dale Cassidy, President; Ridgely Manor Community Association, Susan C. Bacon, Treasurer; Knettishall Community Association, Inc., Janice Krach, President; Towson Communities Alliance, Bryan Fischer; Associates of Loch Raven Village, Peter Moulder, Vice President
	People's Counsel for Baltimore County	: Peter M. Zimmerman, Esquire

C. Pete Gutwald, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Michael E. Field, County Attorney
Nancy C. West, Assistant County Attorney

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 26, 2019

NOTICE OF ASSIGNMENT
Day 3

IN THE MATTER OF: Howard Bank – Legal Owner
Mid-Atlantic Lubes, LLC – Contract Purchaser
19-070-SPHX 1641 Joppa Road
9th Election District; 5th Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 to approve an amendment to the previously approved zoning site plan in Case No. 99-251-A; and

Petition for Special Exception pursuant to BCZR Section 230.3 to permit a service garage in a BL zone.

11/15/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing and the Petition for Special Exception was GRANTED, subject to conditions.

ASSIGNED FOR: **JUNE 27, 2019, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c.	Counsel for Petitioners Legal Owner Contract Purchaser	: Dino C. La Fiandra, Esquire : Howard Bank : Mid-Atlantic Lubes, LLC
	Counsel for Protestants/Appellants Protestants/Appellants	: Michael R. McCann, Esquire : Ridgely Manor Community Association, Dale Cassidy, President; Ridgely Manor Community Association, Susan C. Bacon, Treasurer; Knettishall Community Association, Inc., Janice Krach, President; Towson Communities Alliance, Bryan Fischer; Associates of Loch Raven Village, Peter Moulder, Vice President

C. Pete Gutwald, Director/Department of Planning
Lawrence Stahl, Managing Administrative Law Judge
Michael Field, County Attorney
Mike Mohler, Acting Director/PAI
Nancy C. West, Assistant County Attorney
Office of People's Counsel

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 22, 2019

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Howard Bank – Legal Owner
Mid-Atlantic Lubes, LLC – Contract Purchaser
19-070-SPHX 1641 Joppa Road
9th Election District; 5th Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 to approve an amendment to the previously approved zoning site plan in Case No. 99-251-A; and

Petition for Special Exception pursuant to BCZR Section 230.3 to permit a service garage in a BL zone.

11/15/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing and the Petition for Special Exception was GRANTED, subject to conditions.

ASSIGNED FOR: **MARCH 5, 2019, AT 10:00 A.M.**
and **APRIL 2, 2019, AT 10:00 A.M. (if necessary)**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c.	Counsel for Petitioners	: Dino C. La Fiandra, Esquire
	Legal Owner	: Howard Bank
	Contract Purchaser	: Mid-Atlantic Lubes, LLC
	Protestants/Appellants	: Ridgely Manor Community Association, Dale Cassidy, President; Ridgely Manor Community Association, Susan C. Bacon, Treasurer; Knettishall Community Association, Inc., Janice Krach, President; Towson Communities Alliance, Bryan Fischer; Associates of Loch Raven Village, Peter Moulder, Vice President

Jeff Mayhew, Acting Director/Department of Planning
Lawrence Stahl, Managing Administrative Law Judge
Michael Field, County Attorney
Mike Mohler, Acting Director/PAI
Nancy C. West, Assistant County Attorney
Office of People's Counsel

BALTIMORE COUNTY
MARYLAND

Office of Admin. Hearings
~~Zoning Commissioner~~'s Office
105 West Chesapeake Avenue, Suite 103
Jefferson Building
Towson, Maryland, 21204

BALTIMORE
MD 212
17 DEC '18

Hasler
12/17/2018
US POSTAGE $000.47⁰

FIRST-CLASS MAIL

ZIP 21204
011D12603653

Return Service Requested

RECEIVED
JAN 02 2019
BALTIMORE COUNTY
BOARD OF APPEALS

Beth Behrle
39 Brett Manor Court
Towson, MD 21286

RECEIVED
DEC 27 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

NIXIE 212 DE 1 0012/21/18
RETURN TO SENDER
NO SUCH STREET
UNABLE TO FORWARD

NBS BC: 21204471028 *2127-06266-17-44
21286[illegible]4710

APPEAL

Petitions for Special Hearing and Special Exception
(1641 Joppa Road)
9th Election District – 5th Councilmanic District
Legal Owner: Howard Bank
Contract Purchaser: Mid-Atlantic Lubes, LLC
Case No. 2019-0070-SPHX

Petition for Special Hearing and Special Exception (August 31, 2018)

Zoning Description of Property

Notice of Zoning Hearing (September 20, 2018)

Certificate of Publication (The Daily Record – October 16, 2018)

Certificate of Posting (October 16, 2018) by SSG Robert Black

Entry of Appearance by People's Counsel (September 6, 2018)

Petitioner(s) Sign-in Sheet – 1 Sheet
Citizen(s) Sign-in-Sheet – 1 Sheet

Zoning Advisory Committee Comments

Petitioner(s) Exhibits:
1. Sharon CV
2. Redline Site Plan
3. Schematic Landscape Plan
4. Elevations
5. Signage Detail
6. Illustrative Site Plan
7. Dumpster Enclosure Exhibit
8. Marketing Material Valvoline
9. Schmid CV
10. Basic Services Map – 2018 - 10A
11. Basic Services Map – 2017 - 10B
12. Basic Services Map – 2016 - 10C

Protestant(s) Exhibits:
1. File Folder w/Materials

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order (GRANTED W/CONDITIONS – November 15, 2018)

Appeal & Receipts (2) from Associates of Loch Raven Village, Inc. on December 13, 2018

JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

December 14, 2018

Dino C. La Fiandra, Esq.
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Ave., Suite 305
Towson, MD 21204

RECEIVED
DEC 14 2018
BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing and Special Exception
Case No. 2019-0070-SPHX
Property: 1641 Joppa Road

Dear Mr. La Fiandra:

Please be advised that an appeal of the above-referenced case was filed in this Office on December 13, 2018. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

c: Peter Moulder, 1551 Dellsway Road, Towson, MD 21286
Susan Bacon, 1676 Yakona Road, Towson, MD 21286
Janice Krach, 8325 Wyton Road, Towson, MD 21286
Bruce & Leslea Knauff, 1516 Doxbury Road, Towson, MD 21286
John Rinehart, 10 Resester Avenue, Towson, MD 21212
Dale Cassidy, 1654 Yakona Road, Towson, MD 21286
Riborg Norman, 1842 Edgewood Road, Towson, MD 21286
Andrew Cullinan, 1605 Feldbrook Road, Towson, MD 21286
Roger Gookin, 3 Southerly Ct., Apt. 601, Towson, MD 21286
Jessica Krueger, 1542 Cottage Lane, Towson, MD 21286
Kate Walkinshaw, 1610 Feldbrook Road, Towson, MD 21286
Robert Benedict, 1877 Edgewood Road, Towson, MD 21286
Beth Behrle, 39 Brett Manor Court, Towson, MD 21286
John Fiastro, Jr., 1500 Dellsway Road, Towson, MD 21286
Baltimore County Board of Appeals
People's Counsel

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

No. 174806

Date: 12-14-18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				300.00

Total: 300.00

Rec From: Associates of Loch Raven Village Inc.

For: OAH Appeal
Case No.: 2019-0070-SPHX
Ilona Zoppa RA.
Hearing Date - 11-5-18
Ck. # 1639

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

CASHIER'S VALIDATION

PAID RECEIPT
BUSINESS ACTUAL TIME REV
12/14/2018 12/14/2018 07:40:54 1
REG 0505 WALTER LBK
RECEIPT # 986720 12/14/2018 WALK
5 520 ZONING VERIFICATION
NO. 174806
Recpt Tot $ 300.00
300.00 CK .00 CA
Baltimore County, Maryland

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

No. 174805

Date: 12-13-18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				400.00

Total: 400.00

Rec From: Associates of Loch Raven Village, Inc.

For: OAH Appeals
Case No.: 2019-0070-SPHX
Ilona Zoppa RA.
Hearing Date - 11-5-18
Ck. # 1639

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

CASHIER'S VALIDATION

PAID RECEIPT
BUSINESS ACTUAL TIME REV
12/13/2018 12/13/2018 12:03:50 5
REG 0505 WALTER LBK
RECEIPT # 986720 12/13/2018 WALK
5 520 ZONING VERIFICATION
NO. 174805
Recpt Tot $ 400.00
400.00 CK .00 CA
Baltimore County, Maryland

12/13/2018

RECEIVED
DEC 13 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

Lawrence S. Stahl, Managing Administrative Law Judge
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Petition for: Special Hearing and Special Exception
Howard Bank (Legal Owner), Mid-Atlantic Lubes LLC (Contract Purchaser)
1641 Joppa Road
Ninth Election District, Fifth Councilmanic District
Case No.: 2019-070-SPHX

Dear Mr. Stahl:

Please enter an appeal for the Associates of Loch Raven Village, Knettishall Community Association, Ridgeleigh Manor Community Association, Towson Communities Alliance, and Peter Moulder, to the County Board of Appeals from the Opinion and Order of the Administrative Law Judge dated November 15th, 2018 in the above-entitled case.

Enclosed is our check in the amount of $ 400.00 for the filing fee. Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,
Associates of Loch Raven Village

By: Peter M. Moulder
1552 Dellsway Road
Towson, Maryland 21286
Vice President

Peter M. Moulder

Signatures and print or typed names, addresses, and phone numbers for each association and individual who is appealing (see attached)

cc: People's Counsel for Baltimore County, The Jefferson Building, 105 W. Chesapeake Avenue, Suite 204, Towson, MD 21204.
Dino C. LaFiandra, Towson Commons, Suite 300, One West Pennsylvania Avenue, Towson, MD 21204
John Beverungen, Administrative Law Judge, 105 West Chesapeake Avenue, Suite 103, Towson, MD 21204

NAME: Dale Cassidy

ADDRESS: 1654 Yakona Rd.

CITY, STATE, ZIP: Towson, Md. 21286

PHONE: 410-615-0208

ORGANIZATION: Ridgely Manor Community Association/Pres.

SIGNATURE: Dale J. Cassidy

NAME: Susan Bacon

ADDRESS: 1676 Yakona Rd.

CITY, STATE, ZIP: Towson, Md. 21286

PHONE: 410-852-8056

ORGANIZATION: Ridgely Manor Community Assn./Treasurer

SIGNATURE: Susan C. Bacon

NAME: Janice Krach

ADDRESS: 8325 Wyton Rd

CITY, STATE, ZIP: Towson MD 21286

PHONE: 410 321 1785

ORGANIZATION: Knettishall Comm. Assoc., Inc

SIGNATURE: Janice Krach, President

NAME: Bryan Fischer

ADDRESS: P.O. Box 5421

CITY, STATE, ZIP: Towson, MD 21285-5421

PHONE: 410-207-7212

ORGANIZATION: Towson Communities Alliance

SIGNATURE:

NAME: Peter Moulder

ADDRESS: 1552 Dellsway Road

CITY, STATE, ZIP: Towson, MD 21286

PHONE: 410-456-1256

ORGANIZATION: —

SIGNATURE: Peter M. Moulder

DONALD I. MOHLER III
County Executive

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

November 15, 2018

Dino LaFiandra, Esq.
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception
Case No. 2019-0070-SPHX
Property: 1641 Joppa Road

Dear Mr. LaFiandra:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Peter Moulder, 1551 Dellsway Road, Towson, MD 21286
Janice Krach, 8325 Wyton Road, Towson, MD 21286
Bruce & Leslea Knauff, 1516 Doxbury Road, Towson, MD 21286
John Rinehart, 10 Resester Avenue, Towson, MD 21212
Dale Cassidy, 1654 Yakona Road, Towson, MD 21286
Riborg Norman, 1842 Edgewood Road, Towson, MD 21286

Andrew Cullinan, 1605 Feldbrook Road, Towson, MD 21286
Roger Gookin, 3 Southerly Ct., Apt. 601, Towson, MD 21286
Jessica Krueger, 1542 Cottage Lane, Towson, MD 21286
Kate Walkinshaw, 1610 Feldbrook Road, Towson, MD 21286
Robert Benedict, 1877 Edgewood Road, Towson, MD 21286
Beth Behrle, 39 Brett Manor Court, Towson, MD 21286
John Fiastro, Jr., 1500 Dellsway Road, Towson, MD 21286

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION (1641 Joppa Road) 9th Election District 5th Council District Howard Bank *Legal Owner* Mid-Atlantic Lubes, LLC *Contract Purchaser* Petitioners	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **Case No. 2019-0070-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 Howard Bank, legal owner and Mid-Atlantic Lubes, LLC, contract purchaser ("Petitioners"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve an amendment to the previously approved zoning site plan in Case No. 99-251-A. A Petition for Special Exception was filed to permit a service garage in a BL zone.

Randolph Kazazian, Ken Schmid, and Josh Sharon attended the public hearing in support of the requests. Dino C. La Fiandra, Esq. represented the Petitioners. Several members of the community opposed the requests. The Petition was advertised as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning ("DOP"), the Bureau of Development Plans Review ("DPR") and the State Highway Administration ("SHA"). None of the reviewing agencies opposed the requests.

The subject property is 20,082 square feet in size and zoned BL. The property is improved with a commercial building formerly used as a First Mariner Bank. The bank has closed and the property is vacant. Petitioners propose to construct and operate at the site a Valvoline oil change business.

ORDER RECEIVED FOR FILING
Date 11/15/18
By DLN

SPECIAL HEARING

The Petitioner for special hearing does not seek substantive zoning relief like a variance or special exception. Instead, it is essentially a housekeeping matter included in the Petition at the behest of the Office of Zoning Review. That agency prefers for record-keeping purposes to have an updated site plan for all new projects along with a reference to any earlier zoning case(s) being modified or amended by the current case.

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.

In this case Josh Sharon, a professional engineer accepted as an expert, described the project in detail and opined Petitioners complied with the requirements of BCZR §502.1 and the Maryland case law interpreting that provision. Ken Schmid, a traffic engineer accepted as an expert, testified the project is not located within a "failing" traffic shed as shown on the Baltimore County Basic Services Transportation Map. Pet. Ex. 10. Mr. Schmid noted the intersection at Loch Raven Boulevard & E. Joppa Road was rated "F" on the 2016 map, but that the County Council changed the designation to a "D" on the 2018 Map, which is applicable in this case. Pet. Ex. 10A. Mr. Schmid opined the Valvoline location will generate approximately 160 daily vehicle trips, with 12 trips during the AM peak period and 19 trips in the peak PM period. He noted these totals, according

ORDER RECEIVED FOR FILING
Date 11/15/18
By DLN

to a manual produced by the Institute of Traffic Engineers, are less than the amount of traffic projected to be generated by a bank, which was of course the previous use at this site.

Members of the community oppose the project and testified there are already several oil change facilities in the area. As an eastern gateway to Towson both the community and elected representatives would prefer to have an attractive structure at the site (like the existing bank building which is by all accounts well-designed) and a business or medical office which could repurpose the existing structure. Community members note the site is within the Loch Raven Commercial Revitalization District, which is designed to foster the opening and growth of diverse businesses to serve the neighborhood.

While I appreciate the concerns expressed by the community and understand how they view the transition back to a service garage as a step backwards, I do not believe this testimony is sufficient to rebut the Petitioners' *prima facie* case as outlined above. There are several commercial revitalization areas in Baltimore County and a service garage is a permitted use by special exception in the BL zones in such districts. No evidence was presented which would tend to establish the adverse effects would be more pronounced at this location than at some other BL zoned site within a revitalization district. The Community contends an attractive building would be replaced by a generic one, but I do not believe that can be considered an adverse impact associated with the operation of a service garage. The focus is upon the proposed use itself.

THEREFORE, IT IS ORDERED this **15th** day of **November, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing to approve an amendment to the previously approved zoning site plan in Case No. 99-251-A, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a service garage, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING
Date 11/15/18
By

The relief granted herein shall be subject to 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. Petitioners must comply with the DOP, DPR and SHA ZAC comments, copies of which are attached hereto and made a part hereof.

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 11/15/18
By sln

September 13, 2018

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

Dear Ms. Lewis:

Thank you for the opportunity to review the plan accompanying the special exception request for the proposed Valvoline Instant Oil Change located at the southwest corner of Loch Raven Boulevard (MD 542) and Joppa Road in Baltimore County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the plan submittal listed below and is pleased to respond:

Valvoline Instant Oil Change
Plan to accompany Special Exception Request
Case No. 2019-0070-SPHX
SHA Tracking No. 18APBA021XX
MD 542 (Loch Raven Boulevard) (west side) at Joppa Road southwest corner
Mile Post 2.14
Baltimore County

An access permit will be required for the proposed changes to the existing entrances on MD 542. The following criteria and details will apply and must be reflected on future plan submittals:

The southernmost entrance must be a minimum 25' wide with curbed radii. The plans must be shaded from the edge of existing pavement on MD 542 back to the radius returns within the entrance and one of the following full depth pavement sections utilized and noted on the plans

2" Superpave Asphalt Mix 12.5mm for Surface – PG 64S-22, Level 2
7" Superpave Asphalt Mix 19.0mm for Base – PG 64S-22, Level 2 (2 – 3.5" lifts)
6" Graded Aggregate Base or 12" Capping Borrow

or

8" Portland Cement Concrete Mix #7
6" Graded Aggregate Base or 12" Capping Borrow
Refer to Std. No. MD 577.07 for joints. Refer to Std. Nos. 572.21, 572.61, and 572.61-01 for steel requirements.

The northernmost entrance must be closed with curb & gutter, and sidewalk. The existing streetscape with sidewalk and brick pavers should be utilized and tie-in at both ends of this re-constructed/relocated entrance, and sidewalk on MD 542.

This sidewalk/streetscape must be constructed with no greater than a 2% cross slope.

ORDER RECEIVED FOR FILING
Date 11/15/18
By

Sidewalk ramps must be constructed on the entrance radii (MD 655.11, 655.12, 655.13) whichever is appropriate.

A 60" wide pathway must be maintained across the entrance between the sidewalk ramps having no greater than a 2% cross slope.

All new curb and gutter along MD 542 must be MDOT SHA 8" Type 'A' curb & gutter (MD 620.02).

To initiate the plan review cycle toward the issuance of the access permit the design engineer must submit nine (9) sets of plans reflecting the above criteria and details. The plan submittal should include 1 set of hydraulic computations, and a CD containing plans and all supporting documentation to Wendy Wolcott at 320 West Warren Road, Hunt Valley, MD 21030 to the attention of Mr. Richard Zeller. Please utilize the SHA tracking number when making this submission.

All SHA Policies, Standards and Specifications must be followed when preparing the above plan submittal including but not limited to the following documents:

MDOT SHA Access Manual
MDOT SHA Business Standards and Specifications
MDOT SHA Accessibility Policy and Guidelines for Pedestrian Facilities

The Access Management Plan Review Checklist must be utilized in drafting the SHA Improvement Plans. Please include a copy of the completed checklist when making this submittal. All of these documents along with additional guidance can be found on our web site at www.roads.maryland.gov under Business Center.

If there are any questions, please contact Mr. Richard Zeller at 410-229-2332 or toll free (in Maryland only), 1-866-998-0367 (x2332) 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

cc: Morris & Ritchie Associates, Inc. / 1220-C East Joppa Road, Suite 505, Towson, MD 21286
Valvoline Instant Oil Change / 54 Jaconnet Street, Newton Highlands, MA 02461
Mr. Jan M. Cook / 111 W. Chesapeake Avenue, Towson, MD 21204
Mr. Vishnu Desai / 111 W. Chesapeake Avenue, Towson, MD 21204
Mr. Donald Distance, MDOT SHA District 4 Traffic
Mr. Michael Pasquariello, MDOT SHA District 4 Utilities
Mr. Alan Price, MDOT SHA Resident Maintenance Engineer – Golden Ring Shop

ORDER RECEIVED FOR FILING
Date 11/15/18
By

11-5

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 10/24/2018

RECEIVED
OCT 26 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-070

INFORMATION:
Property Address: 1641 E Joppa Road
Petitioner: Howard Bank
Zoning: BL
Requested Action: Special Hearing, Special Exception

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved zoning site plan in case number 99-251-A and a special exception to use the herein described property for a service garage under Section 230.3 of the BCZR.

A site visit was conducted on 10/3/2018. The site is located in the Loch Raven Commercial Revitalization Area and is also located in the boundaries of the Loch Raven Design Review Panel Area.

The Baltimore County Design Review Panel (DRP) reviewed the project at its October 10, 2018 meeting wherein conditional approval was granted. DRP approval is subject to the following conditions:

- Connect the sidewalks in the front of the building and the back of the building with a connecting paved sidewalk along the side.
- Increase landscaping at the corner in a layered effect.
- Enhance the pedestrian travel ways across the vehicular entrances through striped crosswalks or special paving.
- Provide an exit only sign for the Joppa Road access to the site.

The Department has no objection to granting the petitioned zoning relief provided that all conditions of DRP approval are incorporated into the proposal and shown on the zoning site plan and all other plans submitted to Baltimore County for approval.

ORDER RECEIVED FOR FILING
Date 11/15/18
By Den

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

AVA/JGN/LTM/

c: Laurie Hay
Dino La Fiandra, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/15/18
By Sln

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 24, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 10, 2018
Item No. 2019-0070-SPHX

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

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

* * * * *

VKD: cen
cc: file

ORDER RECEIVED FOR FILING
Date 11/15/18
By

PLEASE PRINT CLEARLY

CASE NAME Valvoline @ Joppa
CASE NUMBER 2019-0070-SPHX
DATE 11/5/18

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Dino LaFiandra	100 W. Pennsylvania Ave #305	21204	dcl@lafiandralaw.com
Randolph Kazazian	54 Jacknet Street, Newton Highlands, MA	02461	RKAZAZIAN@VIRC.NET
Ken Schmidt	7525 Connelly Dr. Suite B 20776	21076	KSCHMIDT@TRAFFIC-CONCEPTS.com
Nicole Reedy	1220-C East Joppa Road suite 505 Towson MD 21286	21286	NREEDY@MRAGTA.com
Josh Sharon	"	"	JSharon@mragta.com

PLEASE PRINT CLEARLY

CASE NAME 2019-0070-SPHX
CASE NUMBER
DATE 11-5-2018

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Peter Moulder	1552 Dellsway Road	Towson, MD 21286	pmoulder49@gmail.com
Janice Krach	8325 Wyton Road	Towson, MD, 21286	Knettishalltowson@gmail.
Leslea Knauff	1516 Duxbury Rd	Towson MD 21286	lesleak@aol.com
JOHN RINEHART	10 REGESTER AVE	TOWSON MD 21212	johnrinehart@yahoo.com
Dale Cassidy	11654 Yakona Rd. 21286	Towson MD. 21286	dale.cassidy49@gmail.com
Bruce Knauff	1516 Duxbury Rd.	Towson MD 21286	brknauff@gmail.com
RIBORG NORMAN	1642 EDGEWOOD RD	TOWSON MD 21286	pwnorman@verizon.net
ANDREW CULLIMAN	1605 FELLBROOK ROAD	TOWSON MD 21286	ANDY_CULLIMAN@COMCAST.NET
ROGER GOOKIN	3 SOUTHERLY CT APT 601	21286	ROGERGOOKIN@ME.COM
Jessica Krueger	1542 Cottage Lane	Towson, MD 21286	jlibby@vt.edu
Kate Wallanshaw	1610 Fellbrook Rd.	" "	Snairwell@hotmail.com
ROBERT BENEDICT	1877 EDGEWOOD RD	" "	BOB.BENEDICT@VERIZON.NET
Beth Behrle	39 Brett Manor Court	" "	bethbehrle@comcast.net
JOHN F CASTRO JR	1500 DELLSWAY RD	TOWSON, MD 21286	jrfiastro@hotmail.com

11-5-18
1:30 PM

Debra Wiley

From: Bryan Fischer <bryanfischer@gmail.com>
Sent: Sunday, November 04, 2018 10:25 PM
To: Administrative Hearings; Debra Wiley
Subject: TCA Statement Re: 2019-0070-SPHX
Attachments: Loch Raven Letter.pdf

Please accept the attached statement for Case # 2019-0070-SPHX.

Regards,

Bryan Fischer
President, TCA

RECEIVED
NOV 05 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

Towson Communities Alliance

P.O. Box 5421
Towson, MD 21285-5421
towsoncommunities.org

October 8, 2018

RECEIVED
NOV 0 5 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

Mr. David Martin et al
Chairman, Baltimore County Design Review Panel
The Jefferson Building, Suite 101
105 West Chesapeake Avenue
Towson, Maryland 21204

CC: Baltimore County Council, Baltimore County Planning Board

Dear Chairman Martin,

We, the constituent communities of the Towson Communities Alliance (TCA) hereby offer our support for our members The Associates of Loch Raven Village and Knettishall Community Association in their opposition to the development of the former 1st Mariner Bank Building at 1641 East Joppa Road, Towson, MD 21286 as a result of a resolution passed in Executive Session on 28 September 2018.

TCA and its constituent communities feel that the proposed "quick lube" service station is an inappropriate usage for this property for the following reasons:

- There are currently 5 (five) auto service stations within one half mile of the proposed location
- The proposed location is sited between 6 (six) food service establishments
- The proposed demolition of an aesthetically pleasing and modern current structure
- Potential for significant traffic disruptions and added congestion
- Storing of hazardous waste, materiel and environmental degradation

Our organization recently engaged in a lengthy and contentious opposition to a proposed fuel station and convenience store at the Towson Gateway and this property represents the eastern entrance to Towson. To place a petroleum-centric business at this important gateway would represent a significant step backwards in the Loch Raven revitalization district and for Towson as a whole. Finally, adding another auto service station to this immediate vicinity has the potential to damage existing businesses causing vacancies and further environmental degradation.

Should you or your colleagues wish to discuss this issue further, please feel free to contact me at president@towsoncommunities.org or at 410-207-7213.

The Towson Communities Alliance is a non-profit umbrella organization representing the interests and concerns of more than thirty community associations and 20,000 households in the Greater Towson area.

Best regards,

Bryan Y. Fischer
President, Towson Communities Alliance

Executive Board 2018

Bryan Fischer, President (Knettishall) **Mike Ertel, 1st Vice President (West Towson)**
John Rinehart, 2nd Vice President (Rodgers Forge)
Lorrie Geiss, Treasurer (Greenbrier) **Jo Marvan, Secretary (Knollwood-Donnybrook)**

JB 11-5-18
1:30 PM

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Sunday, November 04, 2018 7:49 PM
To: Dino La Fiandra; Kristen L Lewis; Administrative Hearings
Subject: Recertification's For 2019-0070-SPHX
Attachments: Re-Cert 1 2019-0070-SPHX.doc; Re-Cert 2 2019-0070-SPHX.doc

Recertification's for 1641 Joppa Road

RECEIVED
NOV 05 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

2019-0070-SPHX

RE: Case No.: _____

Petitioner/Developer: _____

Howard Bank
Mid-Atlantic Lubes, LLC

November 5, 2018

Date of Hearing/Closing: _____

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

RECEIVED
NOV 0 5 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

Attn: Kristen Lewis:

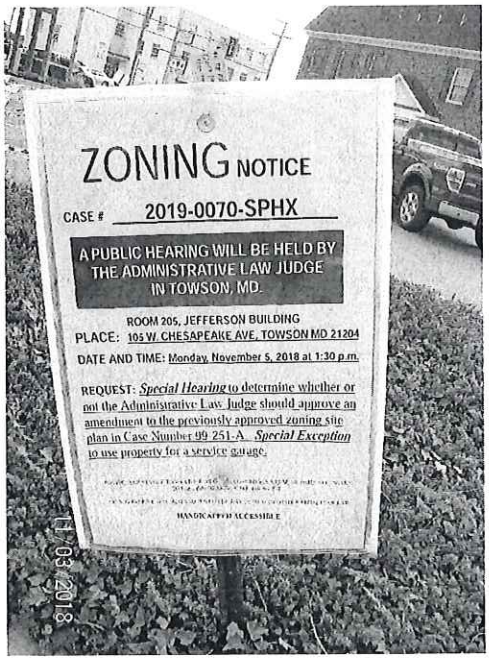
Ladies and Gentlemen:

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: _____

1641 Joppa Road **SIGN 1 Recertification**

October 16, 2018

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



Sincerely,

November 3, 2018

(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)

CERTIFICATE OF POSTING

2019-0070-SPHX

RE: Case No.: _____

Petitioner/Developer: _____

Howard Bank
Mid-Atlantic Lubes, LLC

November 5, 2018

Date of Hearing/Closing: _____

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

RECEIVED
NOV 0 5 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

Attn: Kristen Lewis:

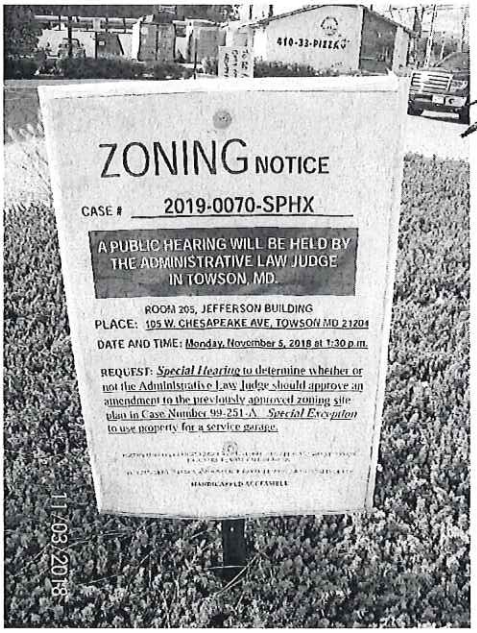
Ladies and Gentlemen:

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: _____

1641 Joppa Road **SIGN 2 Recertification**

October 16, 2018

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



Sincerely,

November 3, 2018

(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)

DONALD I. MOHLER III
County Executive

October 31, 2018

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

Howard Bank
3301 Boston St.
Baltimore, MD 21224

Dear Mr. Bank:

RE: Case Number: 2019-0070SPHX, Address: 1641 Joppa Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 31, 2018. This letter is not an approval, but only a **NOTIFICATION.**

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel
Dino C. La Fiandra, Esq. 100 W. Pennsylvania Ave. Ste 305 Towson, MD 21204
Mid-Atlantic Lubes, LLC Randolph L. Kazazian 54 Jaconnet St. Ste 100 Newton Highlands, MA 02461

11-5-18

RECEIVED
SEP 10 2018
OFFICE OF ADMINISTRATIVE HEARINGS

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: September 10, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0070-SPHX
Address 1641 Joppa Road
(Bank Property)

Zoning Advisory Committee Meeting of **September 10, 2018**.

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

Reviewer: Steve Ford

C:\Users\snuffer\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WPHS9SSK\ZAC 19-0070-SPHX 1641 Joppa Road.doc

September 13, 2018

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

Dear Ms. Lewis:

Thank you for the opportunity to review the plan accompanying the special exception request for the proposed Valvoline Instant Oil Change located at the southwest corner of Loch Raven Boulevard (MD 542) and Joppa Road in Baltimore County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the plan submittal listed below and is pleased to respond:

Valvoline Instant Oil Change
Plan to accompany Special Exception Request
Case No. 2019-0070-SPHX
SHA Tracking No. 18APBA021XX
MD 542 (Loch Raven Boulevard) (west side) at Joppa Road southwest corner
Mile Post 2.14
Baltimore County

An access permit will be required for the proposed changes to the existing entrances on MD 542. The following criteria and details will apply and must be reflected on future plan submittals:

The southernmost entrance must be a minimum 25' wide with curbed radii. The plans must be shaded from the edge of existing pavement on MD 542 back to the radius returns within the entrance and one of the following full depth pavement sections utilized and noted on the plans

2" Superpave Asphalt Mix 12.5mm for Surface – PG 64S-22, Level 2
7" Superpave Asphalt Mix 19.0mm for Base – PG 64S-22, Level 2 (2 – 3.5" lifts)
6" Graded Aggregate Base or 12" Capping Borrow

or

8" Portland Cement Concrete Mix #7
6" Graded Aggregate Base or 12" Capping Borrow
Refer to Std. No. MD 577.07 for joints. Refer to Std. Nos. 572.21, 572.61, and 572.61-01 for steel requirements.

The northernmost entrance must be closed with curb & gutter, and sidewalk. The existing streetscape with sidewalk and brick pavers should be utilized and tie-in at both ends of this re-constructed/relocated entrance, and sidewalk on MD 542.

This sidewalk/streetscape must be constructed with no greater than a 2% cross slope.

Sidewalk ramps must be constructed on the entrance radii (MD 655.11, 655.12, 655.13) whichever is appropriate.

A 60" wide pathway must be maintained across the entrance between the sidewalk ramps having no greater than a 2% cross slope.

All new curb and gutter along MD 542 must be MDOT SHA 8" Type 'A' curb & gutter (MD 620.02).

To initiate the plan review cycle toward the issuance of the access permit the design engineer must submit nine (9) sets of plans reflecting the above criteria and details. The plan submittal should include 1 set of hydraulic computations, and a CD containing plans and all supporting documentation to Wendy Wolcott at 320 West Warren Road, Hunt Valley, MD 21030 to the attention of Mr. Richard Zeller. Please utilize the SHA tracking number when making this submission.

All SHA Policies, Standards and Specifications must be followed when preparing the above plan submittal including but not limited to the following documents:

MDOT SHA Access Manual
MDOT SHA Business Standards and Specifications
MDOT SHA Accessibility Policy and Guidelines for Pedestrian Facilities

The Access Management Plan Review Checklist must be utilized in drafting the SHA Improvement Plans. Please include a copy of the completed checklist when making this submittal. All of these documents along with additional guidance can be found on our web site at www.roads.maryland.gov under Business Center.

If there are any questions, please contact Mr. Richard Zeller at 410-229-2332 or toll free (in Maryland only), 1-866-998-0367 (x2332) 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

cc: Morris & Ritchie Associates, Inc. / 1220-C East Joppa Road, Suite 505, Towson, MD 21286
Valvoline Instant Oil Change / 54 Jaconnet Street, Newton Highlands, MA 02461
Mr. Jan M. Cook / 111 W. Chesapeake Avenue, Towson, MD 21204
Mr. Vishnu Desai / 111 W. Chesapeake Avenue, Towson, MD 21204
Mr. Donald Distance, MDOT SHA District 4 Traffic
Mr. Michael Pasquariello, MDOT SHA District 4 Utilities
Mr. Alan Price, MDOT SHA Resident Maintenance Engineer – Golden Ring Shop

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 24, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 10, 2018
Item No. 2019-0070-SPHX

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

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

* * * * *

VKD: cen
cc: file

11-5

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 10/24/2018



FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-070

INFORMATION:
Property Address: 1641 E Joppa Road
Petitioner: Howard Bank
Zoning: BL
Requested Action: Special Hearing, Special Exception

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved zoning site plan in case number 99-251-A and a special exception to use the herein described property for a service garage under Section 230.3 of the BCZR.

A site visit was conducted on 10/3/2018. The site is located in the Loch Raven Commercial Revitalization Area and is also located in the boundaries of the Loch Raven Design Review Panel Area.

The Baltimore County Design Review Panel (DRP) reviewed the project at its October 10, 2018 meeting wherein conditional approval was granted. DRP approval is subject to the following conditions:

- Connect the sidewalks in the front of the building and the back of the building with a connecting paved sidewalk along the side.
- Increase landscaping at the corner in a layered effect.
- Enhance the pedestrian travel ways across the vehicular entrances through striped crosswalks or special paving.
- Provide an exit only sign for the Joppa Road access to the site.

The Department has no objection to granting the petitioned zoning relief provided that all conditions of DRP approval are incorporated into the proposal and shown on the zoning site plan and all other plans submitted to Baltimore County for approval.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

AVA/JGN/LTM/

c: Laurie Hay
Dino La Fiandra, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

DAVID MARKS
COUNCILMAN, FIFTH DISTRICT
COUNCIL5@BALTIMORECOUNTYMD.GOV

COUNCIL OFFICE: 410-887-3384
FAX: 410-887-5791

October 21, 2018

The Honorable John E. Beverungen
Administrative Law Judge
The Jefferson Building
Towson, MD 21204

Dear Judge Beverungen:

I am writing regarding the request for a special exception to permit a Valvoline Quick Lube center at 1641 East Joppa Road.

I am respectful of the separation of powers spelled out in the Baltimore County charter regarding special exception hearings. Specifically, the charter provides a division between the County Council—which establishes zoning—and the Administrative Law Judge under the executive branch. I do wish, however, to make the following observations.

The petitioner—to their credit—reached out to me and to community organizations prior to the scheduled hearing.

Those community associations are rightly concerned about the redevelopment of the corner of Loch Raven Boulevard and Joppa Road. This is a gateway for neighborhoods like Ridgely Manor, Ridgeleigh and Loch Raven Village, and the aesthetics should be of a superior nature. I have expressed those sentiments to the petitioner.

About six years ago, I sponsored legislation that created the Loch Raven commercial revitalization district. The intent was to have more rigorous metrics for new construction and ultimately have a superior level of development. I thank you in advance for taking the concerns of the community into consideration and looking broadly at the vision we have tried to advance for the Loch Raven area.

Respectfully:

David Marks
Baltimore County Councilman

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
http://www.thedailyrecord.com

Order #: 11624993
Case #: 2019-0070-X
Description:

NOTICE OF ZONING HEARING CASE NUMBER: 2019-0070-X

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

10/16/2018

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0070-X
1641 Joppa Road
S/s of East Joppa Road, west of Loch Raven Boulevard
9th Election District - 5th Councilmanic District
Legal Owners: Howard Bank
Contract Purchaser/Lessee: Mid-Atlantic Lubes, LLC

Special Hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved zoning site plan in Case Number 99-251-A. Special Exception to use property for a service garage.

Hearing: Monday, November 5, 2018 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.

o16

TO: THE DAILY RECORD
Tuesday, October 16, 2018 Issue

Please forward billing to:
Dino LaFiandra 443-204-3473
100 W. Pennsylvania Avenue, Ste. 305
Towson, MD 21204

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: 2019-0070-X
1641 Joppa Road
S/s of East Joppa Road, west of Loch Raven Boulevard
9th Election District – 5th Councilmanic District
Legal Owners: Howard Bank
Contract Purchaser/Lessee: Mid-Atlantic Lubes, LLC

Special Hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved zoning site plan in Case Number 99-251-A. Special Exception to use property for a service garage.

Hearing: Monday, November 5, 2018 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.

CERTIFICATE OF POSTING

RE: Case No.: 2019-0070-SPHX

Petitioner/Developer: Howard Bank
Mid-Atlantic Lubes, LLC

Date of Hearing/Closing: November 5, 2018

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

Attn: Kristen Lewis:

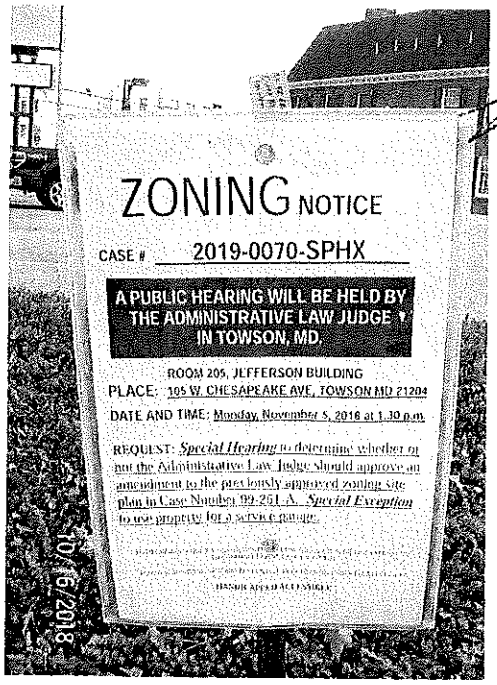
Ladies and Gentlemen:

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:

1641 Joppa Road

SIGN 1

The sign(s) were posted on October 16, 2018
(Month, Day, Year)



Sincerely,

October 16, 2018

(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)

CERTIFICATE OF POSTING

RE: Case No.: 2019-0070-SPHX

Petitioner/Developer: Howard Bank
Mid-Atlantic Lubes, LLC

Date of Hearing/Closing: November 5, 2018

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

Attn: Kristen Lewis:

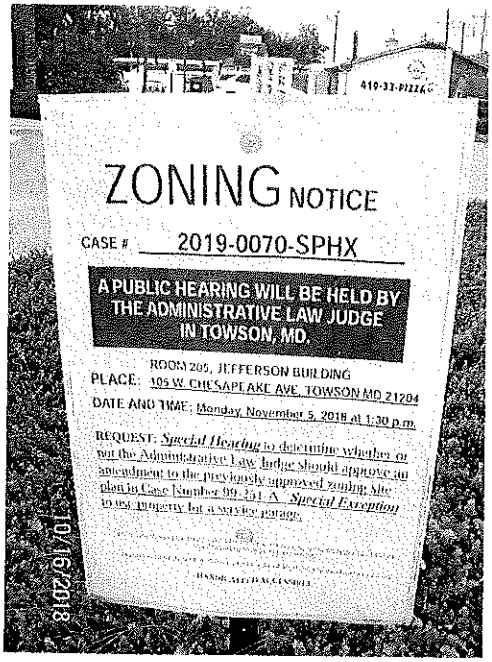
Ladies and Gentlemen:

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:

1641 Joppa Road

SIGN 2

The sign(s) were posted on October 16, 2018
(Month, Day, Year)



Sincerely,

October 16, 2018
(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)

DONALD I. MOHLER III
County Executive

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

September 20, 2018

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: 2019-0070-SPHX
1641 Joppa Road
S/s of East Joppa Road, west of Loch Raven Boulevard
9th Election District – 5th Councilmanic District
Legal Owners: Howard Bank
Contract Purchaser/Lessee: Mid-Atlantic Lubes, LLC

Special Hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved zoning site plan in Case Number 99-251-A. Special Exception to use property for a service garage.

Hearing: Monday, November 5, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Dino LaFiandra, 100 W. Pennsylvania Avenue, Ste. 305, Towson 21204
Mid-Atlantic Lubes, LLC, 54 Jacconet Street, Ste. 100, Newton Highlands MA 02461
Howard Bank, 3301 Boston Street, Baltimore 21224

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 16, 2018.**
(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.

RE:	PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE OFFICE
	1641 Joppa Road; S/S of East Joppa Road, 40' W of c/line of Loch Raven Blvd	*	OF ADMINSTRATIVE
	9th Election & 5th Councilmanic Districts	*	HEARINGS FOR
	Legal Owner(s): Howard Bank		
	Contract Purchaser: Mid-Atlantic Lubes, LLC Petitioner(s)	*	BALTIMORE COUNTY
		*	2019-070-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.

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
SEP 06 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of September, 2018, a copy of the foregoing Entry of Appearance was mailed to Dino LaFiandra, Esquire, 100 West Pennsylvania Avenue, Suite 305, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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 1641 Joppa Road **which is presently zoned** BL

Deed References: 13640/369 10 Digit Tax Account # 1600013383

Property Owner(s) Printed Name(s) Howard Bank (merged with and succeeded to the interests of First Mariner Bank on February 28, 2018).

(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)

   ~~Please see attached~~.

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)**

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:

Mid-Atlantic Lubes, LLC
Name- Type or Print

Randolph L Kazazian, Director of Real Estate

Signature

54 Jaconnet Street, Suite 100, Newton Highlands, MA
Mailing Address City State

02461 / (617) 243-0404 / rkazazian@vioc.net
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Howard Bank /
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 / Signature # 2

3301 Boston Street, Baltimore, MD
Mailing Address City State

21224 / 443-573-2664 / jhowser@howardbank.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Dino C. La Fiandra, Esquire
Name- Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305, Towson, MD
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

Representative to be contacted:

Dino C. La Fiandra, Esquire
Name - Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305, Towson, MD
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING

CASE NUMBER 2019-0070-SPHX Filing Date 8/31/18 Do Not Schedule Dates: 11/12-16 Reviewer

Date 11/15/18

By

REV. 10/4/11

Petition for Zoning Hearing
For the Property Located at 1641 Joppa Road
Continuation Sheet

✔ Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve an amendment to the previously approved zoning site plan in case number 99-251-A.

✔ Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for a service garage. BCZR §230.3

Item #6070

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

August 30,2018

SPECIAL EXCEPTION AREA DESCRIPTION
FOR 1641 EAST JOPPA ROAD

Beginning at a point located at the intersection of Loch Raven Boulevard and East Joppa Road, at the distance of 129.80 and bearing of S 52°05'50" W to a point. Thence, the following courses and distances:

2) South 69°02'35" West 46.58'.
3) South 21°14'00" East 172.93'.
4) South 88°18'00" East 98.56'.
5) North 09°12'36" West 135.20'.
6) South 78°34'19" West 7.33'
7) An arc with a radius of 66.00' and length of 115.52' to a point

Containing 20,082 square feet or 0.461 acres of land, more or less, being located in the 9th Election District and 5th Councilmanic District of Baltimore County Maryland

I certify that this description was either personally prepared by me or I was in responsible charge of its preparation.



1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD (410) 515-9000 ✦ Baltimore, MD (410) 935-5050 ✦ Laurel, MD (410) 792-9792 ✦ Towson, MD (410) 821-1690 ✦ Georgetown, DE (302) 855-5734 ✦ New Castle, DE (302) 326-2200 ✦ Sterling, VA (703) 674-0161 ✦ Raleigh, NC (984) 200-2103

Item #0070

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Tax Exempt:
Special Tax Recapture:
Exempt Class: NONE

Account Identifier: **District** - 09 **Account Number** - 1600013383

Owner Information

Owner Name:	FIRST MARINER BANK	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	1801 S CLINTON ST BALTIMORE MD 21224-6102	**Deed Reference:**	/13640/ 00369

Location & Structure Information

Premises Address:	1641 JOPPA RD 0-0000	**Legal Description:**	SS JOPPA ROAD SW COR LOCH RAVEN BO

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0070	0018	0529		0000				2017	Plat Ref:

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

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1999	4630		22,250 SF	20

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
		BRANCH BANK				

Value Information

	Base Value	Value As of 01/01/2017	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
Land:	522,500	522,500		
Improvements	867,900	865,000		
Total:	1,390,400	1,387,500	1,387,500	1,387,500
Preferential Land:	0			0

Transfer Information

Seller: GOLDMAN SOL	**Date:** 04/01/1999	**Price:** $535,800
Type: ARMS LENGTH VACANT	**Deed1:** /13640/ 00369	**Deed2:**
Seller: UTF-MARYLAND LIM ITED PARTNERSHIP	**Date:** 08/07/1986	**Price:** $509,600
Type: ARMS LENGTH IMPROVED	**Deed1:** /07233/ 00028	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
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

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

MEMO TO FILE (CASE #2019-0070-SPHX):

The representing attorney, Mr. La Fiandra, was advised to be more specific in his Special Hearing request (ie: a change in use from a bank to a service garage) but has decided to continue with the original wording.

IN RE: PETITION FOR VARIANCE
S/S Joppa Road, 170' SW of the c/l
Loch Raven Boulevard
(1641 E. Joppa Road)
9th Election District
6th Councilmanic District

Estate of Sol Goldman. Owners;
First Mariner Bank, Contract Purchaser

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-251-A
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, the Estate of Sol Goldman, by Louisa Little, Executor, and the Contract Purchaser, First Mariner Bank, by Ken Jones, Vice President, through their attorney Deborah C. Dopkin, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 303.2, as referenced by Section 238.1, to permit a front yard setback of 16 feet in lieu of the required 29 feet; from Section 238.1 to permit a side yard setback of 23 feet in lieu of the required 30 feet; from Section 409.10.B to permit a drive-through lane to block entry to, or exit from, the required off-street parking spaces; and, from Section 409.12 to approve a modified parking plan. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner' Exhibit 1.

Appearing at the hearing on behalf of the Petition were Ken Jones, Vice President of First Mariner Bank, Contract Purchasers of the subject property, Robert Capalongo and Robert Bradley, representatives of Morris Ritchie & Associates, Inc., the engineering firm which prepared the site plan of this property, Glenn Cook, a representative of The Traffic Group, traffic engineering consultants, and Deborah C. Dopkin, Esquire, attorney for the Petitioners, Also

ORDER RECEIVED FOR FILING
Date 3/9/99
By

appearing on behalf of the Petitioners were Andrea Van Arsdale, Director of Commercial Revitalization for the Economic Development Commission, and Donna Spicer, a representative of the Loch Raven Community Council. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.46 acres, more or less, split zoned B.L.-A.S. (0.13 acres) and B.R.-A.S. (0.33 acres), and is improved with a Crown Gasoline Service Station. The property is located at the southwest corner of Loch Raven Boulevard and Joppa Road, just west of the I-695 interchange. The Petitioners propose to remove and replace the existing gas station with a two-story bank, as shown on Petitioner's Exhibit 1. Inasmuch as this particular corner is located at a prominent intersection and is the gateway to the Loch Raven communities, the Petitioners have attempted to design a building and landscape package that will further enhance the site and be a benefit to the surrounding locale. Due to the split zoning of the property, however, certain area variances are necessary in order to proceed with the proposed improvements. Furthermore, two parking spaces (for employees) are offset from the drive-through lane, thereby generating an additional variance. Finally, the Petitioners testified that Mr. John Lewis, the Zoning Review Technician who reviewed the Petition filed, suggested that the Petitioners request approval of the overall parking design as a modified parking plan.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

ORDER RECEIVED FOR FILING
Date 2/9/04
By

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After considering the testimony and evidence offered at the hearing, and in view of the support this project has received from the Office of Planning, the Economic Development Commission, and the Loch Raven Business Association, as well as the tremendous benefit the proposed development will offer to the Loch Raven area, I am persuaded to grant the requested variances. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of February, 1999 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 303.2, as referenced by Section 238.1, to permit a front yard setback of 16 feet in lieu of the required 29 feet; from Section 238.1 to permit a side yard setback of 23 feet in lieu of the required 30 feet; from Section 409.10.B to permit a drive-through lane to block entry to, or exit from, the required off-street parking spaces; and, from Section 409.12 to approve a modified parking plan, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILING
Date 2/9/99
By JJG

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The Petitioners have agreed to submit elevation drawings of the proposed building and landscape plans to the Office of Planning for their review and approval prior to the issuance of any permits.

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/19/02
By bjs

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 23, 2020

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Peter M. Zimmerman, People's Counsel
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

RE: In the Matter of: *M and S Limited Partnership – Legal Owner and Petitioner (fka Howard Bank)*
Case No.: 19-070-SPHX

Dear Counsel:

Enclosed please find a copy of the final Majority Opinion and Order, and Dissent, issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Multiple Original Cover Letters

c: See Distribution List Attached

M and S Limited Partnership
Dale Cassidy, President/Ridgely Manor Community Association
Susan C. Bacon, Treasurer/Ridgely Manor Community Association
Janice Krach, President/Knettishall Community Association, Inc.
Bryan Fischer/Towson Communities Alliance
Peter M. Moulder, Vice President/Associates of Loch Raven Village
C. Pete Gutwald, Director/Department of Planning
Paul M. Mayhew, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

IN THE MATTER OF M AND S LIMITED PARTNERSHIP LEGAL OWNERS AND PETITIONERS FOR SPECIAL HEARING AND SPECIAL EXCEPTION FOR THE PROPERTY LOCATED AT 1641 JOPPA ROAD (FORMERLY KNOWN AS HOWARD BANK) 9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	BEFORE THE
	*	BOARD OF APPEALS
	*	OF
	*	BALTIMORE COUNTY
	*	CASE NO.: 19-070-SPHX

* * * * * * * * * * * * *

MAJORITY OPINION

This matter comes before the Board of Appeals for Baltimore County (the "Board") as an appeal from Administrative Law Judge's November 15, 2018 decision which granted a Petition for Special Hearing, pursuant to Baltimore County Zoning Regulations (BCZR) §500.7 to approve an amendment to a site plan previously approved in Case 99-251-A, and granted a Petition for Special Exception, pursuant to BCZR §230.3, to permit an automotive service garage in a Business Local (BL) zone for a property located at 1641 East Joppa Road. The subject property is a half (0.5) acre parcel at the southwest corner of East Joppa Road and Loch Raven Boulevard. It was most recently operating as a First Mariner Bank until it was acquired by Howard Bank on February 28, 2018. The building was idle until Petitioner/Appellee[1] acquired the property. Petitioner proposes to raze the building to construct and operate a Valvoline Instant Oil Change facility.

The Board conducted a *de novo* hearing over the course of three days, March 5, April 2 and June 27, 2019, and deliberated this matter on August 27, 2019. Petitioner (hereinafter referred to as "Valvoline") was represented by Dino C. La Fiandra, Esquire. Peter Max Zimmerman, People's Counsel for Baltimore County, participated in the hearing. Michael R. McCann, Esquire represented Protestants, the Ridgely Manor Community Association, Knettishall Community

[1] The Petitions were originally filed by Mid-Atlantic Lubes, LLC, as Contract Purchaser, and Howard Bank as Legal Owner. This property has since been acquired by M and S Limited Partnership (Pet. Ex. 17.)

Association, Inc., Towson Communities Alliance, Associates of Loch Raven Village, and Peter M. Moulder, individually (collectively referred to as "Protestants"), throughout the hearing.

BACKGROUND

There is a long and varied history relating to the issues in this case. On November 16, 1998, the County Council of Baltimore County designated the official Loch Raven Commercial Revitalization District of Baltimore County pursuant to the recognition of revitalization districts in the Baltimore County Master Plan 1989-2000. Geographic boundaries were set forth. (People's Counsel's Exhibit 4).

On January 25, 1999, the Baltimore County Department of Planning issued inter-office correspondence recommending approval of the variance request of 1641 Joppa Road for the First Mariner Bank with the condition that final building elevations and a final landscape plan be submitted to their office for review and approval. (Protestant's Exhibit 2.) Also on January 25, 1999, the Loch Raven Community Council, Inc. (representing seventeen (17) community associations and three (3) service organizations in the Greater Loch Raven area) issued a letter to the Baltimore County Zoning Commissioner in "enthusiastic support" of the proposed development of a First Mariner Bank at the site of the subject property on the southwest corner of East Joppa Road and Loch Raven Boulevard. The letter noted the site "serves as a gateway into the Loch Raven community". (People's Counsel's Exhibit 6).

On February 9, 1999, a Petition for Variance for 1641 E. Joppa Road (Case No. 99-251-A) was granted to approve setbacks (front yard and side yard), permit a drive-through lane, and approve a modified parking plan. The petition was filed by the Estate of Sol Goldman, the current owner, and First Mariner Bank, the purchaser of the property. (People's Counsel's Exhibits 5 & 8).

On November 1, 2004, the County Council of Baltimore County expanded the Loch Raven

Commercial Revitalization District, and noted the Commercial Revitalization Districts (CRD) provide incentives to property owners and businesses in the Districts to improve the exterior of existing buildings and to develop and redevelop underused properties.

On May 15, 2006, the County Council of Baltimore County expanded the boundaries of the Loch Raven Commercial Revitalization District to include part of the commercial area along Joppa Road that was not included in the original CRD designations.

On February 19, 2013, County Council of Baltimore County revised the boundaries of the Loch Raven CRD. The resolution stated:

> "the County's commercial revitalization districts and their surrounding communities are inseparably linked, with the districts providing a range of retail, service, and entertainment uses for the local community, as well as establishing the overall image of a community; and
> WHEREAS, the County's Commercial Revitalization Program was transferred to the Department of Planning in May, 2011 to more holistically address the issues of community development and neighborhood improvement; and
> WHEREAS, to effectively reposition the County's older downtowns and to target resources more efficiently, the Department re-evaluated some of the revitalization districts in terms of their zoning classification, mix of uses, ownership, need for building improvements, projects completed and potential for reinvestment; and
> WHEREAS, as a result of this evaluation, the geographic boundaries of the existing Loch Raven Commercial Revitalization District are proposed for change in order to highlight the unique characteristics and identities of three separate communities that comprise the District, namely, the Loch Raven – Baynesville area, the Loch Raven – Satyr Hill area, and the Loch Raven- Hillendale area; and
> WHEREAS, it is the further intention to require that a nonresidential development plan for a proposed development located in either the Loch Raven – Baynesville area or the Loch Raven - Hillendale area of the District be subject to review by the Baltimore County Design Review Panel…"

On April 18, 2016, the County Council of Baltimore County expanded the Loch Raven Commercial Revitalization District to add a contiguous property.

On February 28, 2018, Howard Bank closed on its acquisition of First Mariner Bank. At some point thereafter, Howard Bank elected to close its branch on the subject property.

After sitting idle for over one year, Valvoline conditionally acquired the property and

proposes to construct and operate a Valvoline Instant Oil Change facility.

On August 31, 2018, a Petition for Zoning Hearing for the property located at 1641 Joppa Road was filed requesting a Special Hearing under Section 500.7 of the BCZR to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved zoning site plan in case number 99-251-A, and a Special Exception to use the herein described property for a service garage pursuant to BCZR §230.3.

On October 30, 2018, the Design Review Panel (DRP) held a meeting and made recommendations based on that meeting.

On November 5, 2018, the site plan was revised per DRP recommendations.

On November 5, 2018, the Administrative Law Judge (ALJ) held a hearing.

On November 8, 2018, the Department of Planning issued a memorandum approving the DRP#606 for the property located at 1641 East Joppa Road, with conditions.

On November 15, 2018, ALJ's Opinion and Order was issued wherein the requested Special Hearing to approve an amendment to a site plan previously approved in Case 99-251-A, and the requested Petition for Special Exception, pursuant to BCZR §230.3, to permit an automotive service garage in a Business Local (BL) zone were granted with conditions.

On November 21, 2018, the Department of Permits, Approval and Inspections (PAI) issued a letter advising the recommendation for the DRP was accepted and approved for DRP#606, 1641 East Joppa Road, Valvoline Oil project.

On December 13, 2018, a timely appeal was filed by Protestants to this Board.

The Board conducted a *de novo* hearing over three (3) days.

Testimony was received from Petitioner's expert Joshua Sharon, who was accepted as an expert in the fields of civil engineering, zoning and development in Baltimore County. Mr. Sharon

testified the Redlined Site Plan provided by Petitioner meets the definition of a service garage under the Baltimore County Zoning Regulations.

Randolph Kazazian, Valvoline's Vice President of Real Estate, testified regarding the company's operations, other facilities, environmental features, and estimated the current location would serve approximately sixty (60) to eighty (80) vehicles per day with a capacity to service sixteen (16) vehicles per hour in the four (4) bays.

An expert in traffic engineering and transportation planning, Kenneth W. Schmid, testified the signalized intersection at Loch Raven Boulevard and East Joppa Road is rated a "D" Level of Service, which is an acceptable Level of Service to permit the redevelopment of the subject property. Mr. Schmid indicated that the State Highway Administration looked favorably on one of the curb cuts on Loch Raven Boulevard. The estimated trip generation is approximately one hundred sixty (160) average daily trips and that cars traveling north on Loch Raven Boulevard would make a "protected" U-turn at the intersection of Joppa Road, which is a legal maneuver to gain access to the property via the southbound lanes of Loch Raven Boulevard.

Protestants presented testimony from Peter Moulder, representative of Associates of Loch Raven Village, and Paul Hartman, representative of Towson Communities Alliance, regarding their concerns with the over-saturation of the area with businesses providing automotive services. They also argued that the proposed use is not in line with the Loch Raven-Baynesville Commercial Revitalization District which calls for a diversity of uses and adding another auto-related business does not further the goals of the CRD.

People's Counsel presented Jason Bulkeley, the owner of a nearby restaurant, who objected to another auto-related business in the area.

A local resident, John Fiastro, Jr., testified that he supported the Valvoline project.

DISCUSSION

The Petition for Special Hearing was requested pursuant to § 500.7 of the BCZR to approve an amendment to a site plan previously approved in Case 99-251-A. Section 500.7 provides as follows:

> **§ 500.7. - Petitions for public hearing; notice.**
>
> The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided.

The granting of the Special Hearing in this case is contingent upon the Board's finding as to the Petitioner's request for a Special Exception. The threshold issue in this matter is whether there was sufficient evidence to deny the Special Exception. 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. *Schultz v. Pritts*, 291 Md. 1 (1981) and *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017). In the view of the majority of the Board, the evidence submitted fails to satisfy the § 502.1 requirements, which read as follows:

> **§ 502.1. - Conditions determining granting of special exception.**
>
> Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:
>
> A. Be detrimental to the health, safety or general welfare of the locality involved;
> B. Tend to create congestion in roads, streets or alleys therein;
> C. Create a potential hazard from fire, panic or other danger;
> D. Tend to overcrowd land and cause undue concentration of population;
> E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
> F. Interfere with adequate light and air;
> G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C. 2, R.C. 4, R.C. 5 or R.C. 7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.

In particular, the adverse impacts on the general welfare of the locality involved (502.1(A)) and the tendency to create congestion in roads and streets (502.1(B)) overcome the presumption that a Special Exception is in the general interest of the jurisdiction and therefore valid. The Protestants' concerns taken from the available evidence rebut the presumption of validity of the Special Exception in the current matter. This Board provided special consideration to each proposal and found the special exception requested is detrimental to the health, safety, or general welfare of the public and will tend to cause traffic congestion.

BCZR §502.1(A)

Section 32-4-102(a)(1) of the Baltimore County Code (BCC) indicates that conformity with the Master Plan is required and "[s]ubject to the limitations in the Charter and this Code, all development of land shall conform to The Master Plan". The Master Plan lays out the policy groundwork for achieving long-term success in Baltimore County. The policy regarding the Commercial Revitalization Districts (CRD) is to "[r]etain and attract quality retail, office, service, residential, entertainment, and institutional uses that create well balanced and economically vital mixed-use." It notes:

> [t]o remain viable, the CRDs must differentiate themselves by capitalizing upon their downtown development patterns, strengthening the existing base for small businesses, and attracting new and different uses. Each district is unique with its own set of attributes and liabilities and revitalizations efforts must be tailored to address these differences… Attaining a sufficient and balanced mix of quality uses is an important goal that should be accompanied with creating a safe, attractive, and walkable environment. (Protestants' Exhibit 4 - page 139)

It is clear from the legislative history that the County Council has continued to expand the

Loch Raven Commercial Revitalization District. As such, the CRD should be taken into account when considering the health, safety or general welfare analysis of the specific community. Although the goal is to develop and redevelop underused properties, it is clear the current project is inconsistent with the CRD due to the inordinate number of automotive service businesses providing oil changes within a quarter (¼) mile of the subject property. In addition to the lack of diversity, the addition of Valvoline to the Loch Raven community would increase traffic and would jeopardize the neighborhood's safety and walkability. Although some argue that the CRD has not been complied with in the past, it does not negate the fact that the CRD should be considered in a special exemption analysis. The failure to comply with the CRD is a contributing factor to the denial in the current case.

BCZR §502.1(B)

According to the Basic Services Map Transportation Zones, the subject intersection of Loch Raven Boulevard and Joppa Road had an F level-of-service for traffic in 2016, D in 2017 and D in 2018. (Petitioner's Exhibit 13). In Baltimore County, the level-of-service can regulate the issuance of building permits for non-industrial development in urban areas determined to have a significant influence on a particular intersection. Level-of-Service D intersections do not control issuance of building permits, but these areas are identified on the Basic Services Maps Transportation Zones to identify the deficient intersections. The purpose of identifying D intersections is to provide notice to the public that the intersection has the potential of going to an E or F. Areas around a level-of-service F intersection would have a moratorium on building permits for non-industrial development, with some very limited exceptions. Identifying these intersections also allows the County an opportunity to work toward correcting them and lessen congestion *before* it becomes a serious problem (emphasis added). (Protestants' Exhibit 9).

The Board heard testimony from Petitioner's witnesses that they anticipate sixty (60) to eighty (80) vehicles per day (but will have the capability to service one-hundred sixty (160) per day). The location is ideal to receive customers from Interstate 695 (a very busy beltway), but a U-turn will be necessary for customers to enter the property if they are northbound on Loch Raven Boulevard. The negative impact of additional traffic (including additional U-turn traffic) for the intersection as well as resulting health and safety concerns warrants a denial of the requested relief in this case.

DECISION

This Board finds the facts and circumstances showing the adverse impacts of the use at the particular location in question would be beyond those inherently associated with the Special Exception use. The Petitioner did not persuade the Board by a preponderance of the evidence that the special exception will conform to all applicable requirements. *Attar v. DMS Tollgate, LLC*, at 285-6.

ORDER

THEREFORE, IT IS THIS 23rd day of April, 2020, by the Board of Appeals of Baltimore County,

ORDERED that Petitioner's request for Special Hearing to approve an amendment to a site plan previously approved in 99-251-A is hereby DENIED; and it is further

ORDERED that Petitioner's request for Special Exception to permit an automotive service garage in a BL zone is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Kendra Randall Jolivet /kc
Kendra Randall Jolivet

William A. McComas

IN THE MATTER OF M AND S LIMITED PARTNERSHIP LEGAL OWNERS AND	*	BEFORE THE
PETITIONERS FOR SPECIAL HEARING AND SPECIAL EXCEPTION FOR THE PROPERTY	*	BOARD OF APPEALS
LOCATED AT 1641 JOPPA ROAD (FORMERLY KNOWN AS HOWARD BANK)	*	OF
9TH ELECTION DISTRICT	*	BALTIMORE COUNTY
5TH COUNCILMANIC DISTRICT	*	CASE NO.: 19-070-SPHX

* * * * * * * * * * * * *

DISSENT

This matter relates to an application for a special exception to replace a vacant Howard Bank building on the southwest corner of Joppa Road and Loch Raven Boulevard with a Valvoline automobile lubrication outlet. The matter was first heard by an Administrative Law Judge who ruled in favor of Valvoline. This *de novo* appeal followed.

I must say that I find it peculiar to be a writing a dissent where I agree with the prevailing party on 99% of the operative principles. It is the application of those principles to these circumstances where we part company. For example, I whole-heartedly adopt the section in People's Counsel post-hearing Memorandum as to the nature and operation of the so-called "presumption" in favor of special exceptions. Beyond the recognition that special exception **uses** have been legislatively pre-determined to be proper, under certain circumstances, within the zoning classification in question – and hence are distinct from variances which involve uses not legislatively pre-approved -- there is absolutely nothing that eases the burden of persuasion as to the criteria in BCZR § 502, *et seq.* It is the applicant's obligation to present convincing evidence as to each aspect of the BCZR special exception requirements and to establish by a preponderance of the evidence that the special exception use is warranted in that particular location. There is no burden shifting to the protestants. Everyone knows and agrees that if the applicant filed its petition, showed that the sought-after use was permitted by special exception, and then rested, the applicant would lose because the

applicant had failed to prove that the statutory criteria had been met. If there were some sort of meaningful evidentiary "presumption" in favor of the special exception, then the special exception would be granted based on that minimalist showing unless the protestants could affirmatively demonstrate that the BCZR criteria were **not** satisfied. The so-called presumption means only that the petitioner does not need to show that the special exception will benefit the area. Nonetheless, the applicant is still required to show that the proposed use will not be detrimental. *See generally Montgomery County v. Butler Landscape Design*, 417 Md. 271, 301-08 (2010). Judge Murphy's concurrence in *People's Counsel vs. Loyola College*, 406 Md. 107 (2008) (Murphy, J., concurring) is the most succinct explanation of how the Baltimore County special exception process fits into the law's fairly grand jurisprudence regarding presumptions. *Id.* at p. 109.

Though not a legal conclusion necessary to the decision in this matter, I also whole-heartedly agree with the sentiment in People's Counsel's Memorandum regarding the deference and respect that local residents and community groups deserve, but too often do not receive, when the impact of proposed special exceptions on their communities is being assessed. The most common method of discounting community views is through the use of self-styled "expert" testimony. Expert testimony is and can be quite useful. At the same time, in certain respects, the day-to-day experience of people who live in an area can be just as probative and should receive the same kind of official recognition that outside "experts" receive solely by reason of their designation. Sometimes expert testimony is needed on particular issues. Traffic engineering is an example of a discipline that often requires specialized training coupled with collection and analysis of data. On the other hand, people who live or work in an area know when traffic snarls and what kind of informal detours to which commuters resort. The balance between the traffic engineer's view and the local citizen's view obviously varies from situation to situation, but typically, both views deserve to be heard. Where the issue involves

nothing more than common sense or practical experience, the expert brings nothing extra to the discussion.

It is also the case that oftentimes the witnesses who are called as experts are deemed to be experts less by reason of special training with the issue or familiarity with the impacted area, and more by reason of longevity and familiarity to the Board. An engineer or surveyor has no real expertise about the relationship between his or her client's project and the general health, safety, and welfare of the public, which is the ultimate issue that the factfinder must decide. It is not as though the typical expert witnesses have special academic credentials that matter or are current. Further, their motives are often financial, and they lack authentic appreciation (or even any actual concern) for the real impact that a proposal may have on the area. To be even more blunt, many of these experts say whatever a party needs them to say to create a record to justify a given project; they do not care in the slightest what happens to the community in question as a result of the project.[1] Such witnesses do not need to live with the consequences of their testimony. Their testimony is little more than some type of talismanic ritual. Many of the "experts" that are called before this Board are the same ones over and over again. Some of them seem to believe that they, counsel for the parties, and the Board are one big happy family. Their demeanor on the stand at times reflects a wholly inappropriate coziness. It is useful to be reminded that the Board is independent from applicants, protestants, witnesses, counsel for any party, and indeed, the County planning apparatus itself.

I also agree with the principle that the Master Plan, commercial revitalization districts (CRD), special development designations, and similar legislative dictates deserve vastly more weight than has come to be the practice over the past two decades. Too often those very important planning directives have been given, at best, passing attention. They are often referred to as being

[1] I want to make it abundantly clear that I am here expressing a general observation. This sentiment, however, does not apply to any expert called as a witness in this specific case.

"aspirational", a term that has now come to be a pejorative -- used when dismissing Master Plan concerns while adopting a disingenuous pose of high regard for the Master Plan. It is damnation by faint praise. More to the point, the legitimacy of the Master Plan and its many subparts and satellites is undermined by consigning them to some lofty region of unrealistic planning idealism. The Master Plan can then be safely and easily ignored. In that world, there is no reason to permit a well-conceived long-term county-wide design assembled by professional planners with substantial collaboration from the County Council to get in the way of a profitable deal. The practical result of this disregard for over-arching development principles, to cite just two examples, is the impending transformation of an officially identified rural village on a designated scenic byway into a truck stop in complete derogation of the Master Plan, and the use of faux expert testimony to justify rescuing a speculator's languishing commercial property by developing it into an isolated (and probably low income) apartment building bounded in part by limited access roadways and otherwise marooned in a commercial and industrial park which the County and the Master Plan had long promised would remain commercial and industrial.

So, having said all of the above, the question then becomes: how can one who holds those views dissent in this case? The Valvoline project is arguably inconsistent with the Master Plan's CRD designation. I have tried, and I think successfully, to convey the notion that the Master Plan deserves substantially more influence than it has been receiving. This is not to say, however, that the Master Plan is sacred or that it can ruff[2] common sense. The CRD is important, but similarly, it is not sacred, and it must also yield to common sense. And simply because one believes, as do I, that the Master Plan has been treated disrespectfully over the past fifteen to twenty years, does not require a reflexive

[2] In the game of Bridge, winning a trick with a trump card is referred to as a "ruff". It can also be used as a verb in the sense of "ruffing a trick".

decision in its favor as to an intersection that was long ago irreparably and irretrievably compromised. The Master Plan, though centrally important, is not mandatory.[3] To elevate the Master Plan over what the naked eye sees does not right the balance nor address historic Master Plan under-valuation. For the most part, development ought to occur where development has occurred. To insist on blind compliance with the Master Plan for the intersection of Loch Raven and Joppa is not simply shutting the barn door after the horse has left. It is the horse leaving, shutting the barn door, and then burning down the barn.

There was some argument that the Valvoline facility would exacerbate the already congested traffic situation. Even if one were to rely only on citizen opinion about traffic impact, it was difficult to see any change, whether great or modest, to an already dense traffic situation. I suspect that the citizen testimony on traffic was more out of frustration with the already congested traffic at that intersection and its environs and less on the extent to which Valvoline would contribute to that congestion. Of course, Valvoline will have customers. But the only calculation that matters is whether Valvoline would generate appreciably more traffic than did Howard Bank or some other future hypothetical business such that it would have an unpermitted adverse impact or constitute a detriment under BCZR § 502.1. On that score, I see no reason in logic nor basis in the record to

[3] The Baltimore County Charter recites that the Master Plan is ". . .to serve as a guide". Baltimore County Charter, § 523(a). The Baltimore County Code also indicates that the ". . . Master Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county and its environs. . ." Baltimore County Code, § 32-2-202(a). The case law has consistently held that master plans are not mandatory, often relying on the precise type of authorizing language contained in county charters and statutes that is found in the Baltimore County Charter and Code as quoted above. *See e.g. People's Counsel of Baltimore County v. Webster*, 69 Md. App. 694, 701-03 (1986). *Cf. People's Counsel of Baltimore County v. Beachwood Ltd. Partnership*, 107 Md. App. 627, 656-58 (1995) (Master Plans are "guides" and there is no requirement that comprehensive zoning maps or any amendments thereof conform to a jurisdiction's master plan.). If all of this were not enough, the Master Plan 2020 itself states in its Introduction at p. 1 that ". . .generally the policies and action stated in *Master Plan 2020* are not mandatory. . .".

attribute some Draconian traffic consequence, or even a more modest adverse impact, to Valvoline. *Montgomery County v. Butler, supra*, 417 Md. at 307.

To a great extent, the opposition citizen testimony was candidly oriented towards aesthetics, which, as with the other issues already discussed, I also endorse as a significant and important consideration in the Master Plan and in the ongoing development of areas in which to work and live. To the extent possible, there are any number of good and sound reasons why the spaces we utilize for working and living should be pleasing to, and supportive of, our overall human sensibilities. The value of aesthetics is embedded in the Master Plan and all CRDs. *See e.g. Master Plan 2020* at p. 99-102. The problem, however, is that aesthetics invariably has large subjective components. Mr. Moulder, speaking on behalf of the community, thought that the new Starbucks replacing the shopworn Bel-Loc Diner was a great improvement. Personally, I view Starbucks as a commercial ubiquity similar to McDonald's, bringing only familiarity in appearance but long past the time where it can be suggested that it adds any character or style. A refurbished Bel-Loc would have been wonderful as a "gateway" to the community.[4] I wish the community had insisted on that development alternative, or something similar, in lieu of welcoming Starbucks. To me, a Starbucks does not enhance the appearance in the slightest. This reasonable difference in view is why aesthetics, as important as it is, can be problematic. And while focused on Starbucks, one should not forget the incredible traffic it generates during the morning rush hour.

[4] The Protestants repeatedly referred to this intersection as a "gateway". It hearkened back to 1999 when the then Deputy Zoning Commissioner, with no opposition, not surprisingly granted a variance to permit First Mariner Bank to build the building that is now the vacant Howard Bank building. In that friendly litigation, the Deputy Zoning Commissioner referred to this intersection as the "gateway to the Loch Raven communities". *See* Findings of Fact and Conclusions of Law, Case No. 99-251-A, at p. 2. Any validity that those kind (and now rather nostalgic) words may have had in 1999 has surely dissipated in the intervening 20 years as development in that area has raged on unabated. Even more, I am confident that the now departed but iconic Bel-Loc was the defining feature that made the gateway a gateway.

It is my view that the Valvoline facility is better in appearance than anything already at that intersection or within close proximity of it. It certainly is no worse. Being newly built would make it an improvement over a number of its older neighbors. In short order, it would have become largely invisible even to its present opponents. That intersection is already composed of sketchy motels, a furniture store, automotive repair facilities, various shabby retail outlets, and, of course, a Starbucks.

CONCLUSION

A stable multi-State business enterprise is looking to invest millions to refurbish a vacant building at one of Baltimore County's busiest commercial intersections. To invoke the Master Plan to prevent this development is an empty gesture and has only the possible ironic effect of diminishing the Master Plan. It is my opinion that the applicant easily carried its burden of proof, without the assistance of any presumption, and established its entitlement to the special exception. Accordingly, I dissent.

April 23, 2020
Date

Joseph L. Evans

Board of Appeals

Case No: 19-070-SPHX Case Name: Howard Bank / Mid-Atlantic Lubes, LLC

Exhibit List

Party: Petitioner Date: 3/5/19 & 4/2/19

Exhibit No:	Description:
✓ 1	CV of Joshua T. Sharon
✓ 2	8/26/18 Plan to Accompany Sp. Exception - Morris & Ritchie Assoc. (MRA)
✓ 3	Existing Conditions & Demolition Plan - MRA
✓ 4	Petition for Zoning Hearing for 1641 Joppa Rd.
✓ 5	DRP #606 approval recommendation 11/21/18 Ltr. & 11/8/18 memo
✓ 6	11/8/18 Redline plan per DRC Comments
✓ 7	Pages from DRP booklet submitted to DRC
✓ 8	Illustrative Site Plan - Landscape
✓ 9	10/31/18 Ltr. with Zoning Adv. Comm. Comments attached
✓ 10	Context Photograph from DRP booklet - aerial
✓ 11	5/10/16 Loch Raven Commercial Revitalization District Map
✓ 12	CV for Kenneth W. Schmid
✓ 13	2018 Basic Services Map - Transp. Zones
✓ 14	9/13/18 Ltr. from SHA (Wolcott) to Balt. Co. DPAI. (Lewis)
	VERIFIED BY KC DATE: 4/4/19

KC 3/6/19

Board of Appeals

Case No: 19-070-SPHX Case Name: Howard Bank / Mid-Atlantic Lubes, LLC

Exhibit List

Party: Petitioner Date: 3/5/19 & 4/2/19

Exhibit No:	Description:
✓ 15	Petitioner's Sign-In Sheet
✓ 16	Amended Petition for Zoning
✓ 17	Deed for 1641 Joppa Rd. (5/24/19)
✓ 18	Amended Site Plan updating owner info. (6/25/19)
	VERIFIED BY KC DATE: 6/28/19

KC 4/4/19

JOSHUA T. SHARON
P.E, L.S.I.T, LEED AP BD+C.

Project Assignment:

Principal

Years of Experience:

MRA: 13

Education:

B.S., Civil Engineering,
University of Maryland, 2005

Active Registrations:

Professional Engineer - Maryland,

Land Surveyor in Training-
Maryland,

LEED Accredited Professional,

Professional Affiliations:

American Society of Civil Engineers

National Society of Professional
Engineers

Maryland Society of Professional
Engineers

Recognitions:

2009 Consultant of the Year by the
Baltimore County Soil
Conservation District

**MORRIS & RITCHIE
ASSOCIATES, INC.**

Qualifications:

Mr. Sharon is a Principal with Morris & Ritchie Associates, Inc.'s Towson office. Mr. Sharon has a comprehensive background in the civil engineering field. He has worked with Morris & Ritchie Associates on a variety of projects located in Baltimore City, Baltimore County, Anne Arundel County, Harford County, Garrett County and Frederick County.

Mr. Sharon has extensive experience in the design and development of an assortment of site development projects including single-family residential communities, multi-tenant neighborhoods, commercial properties, retail centers, hospitality buildings and telecommunication sites. He has extensive knowledge of the procedures for processing permits and developments through Baltimore County and other jurisdictions.

As a Principal in MRA's Towson office, Mr. Sharon is responsible for engineering design of development projects, day-to-day management of client services and preparation of construction documents.

Mr. Sharon has extensive design experience that includes site layout and design, grading, earthwork analysis, storm drain and utility design, hydrology and hydraulic analysis and design, erosion and sediment control design, culvert analysis and design, roadway design and stormwater management design for both commercial lots and residential subdivision projects.

Petitioner
CBA Exhibit
1

Mr. Sharon is experienced in developing alternatives analysis to evaluate cost effective design options, and solving design problems with severe site constraints.

Examples of Mr. Sharon's project experience include:

10 Light Street, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of the conversion of the 10 Light Street building from office to 430 residential apartments.

1 Light Street, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of the construction of the 28-story mixed use building in the downtown business district.

5601 Eastern Avenue, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of a mixed-use redevelopment PUD project with retail, residential apartments and hospitality.

6300 York Road, Baltimore City, Maryland - Civil Project Engineer for engineering design of an inline-retail addition project to a successful shopping center.

801 Goucher Boulevard, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design for redevelopment of a 14.5 acre shopping center containing over 157,000 s.f. of retail space.

725 Butler Road, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design of a commercial center consisting of historic buildings and new construction. Project work included the first pervious concrete stormwater management design solution in Baltimore County.

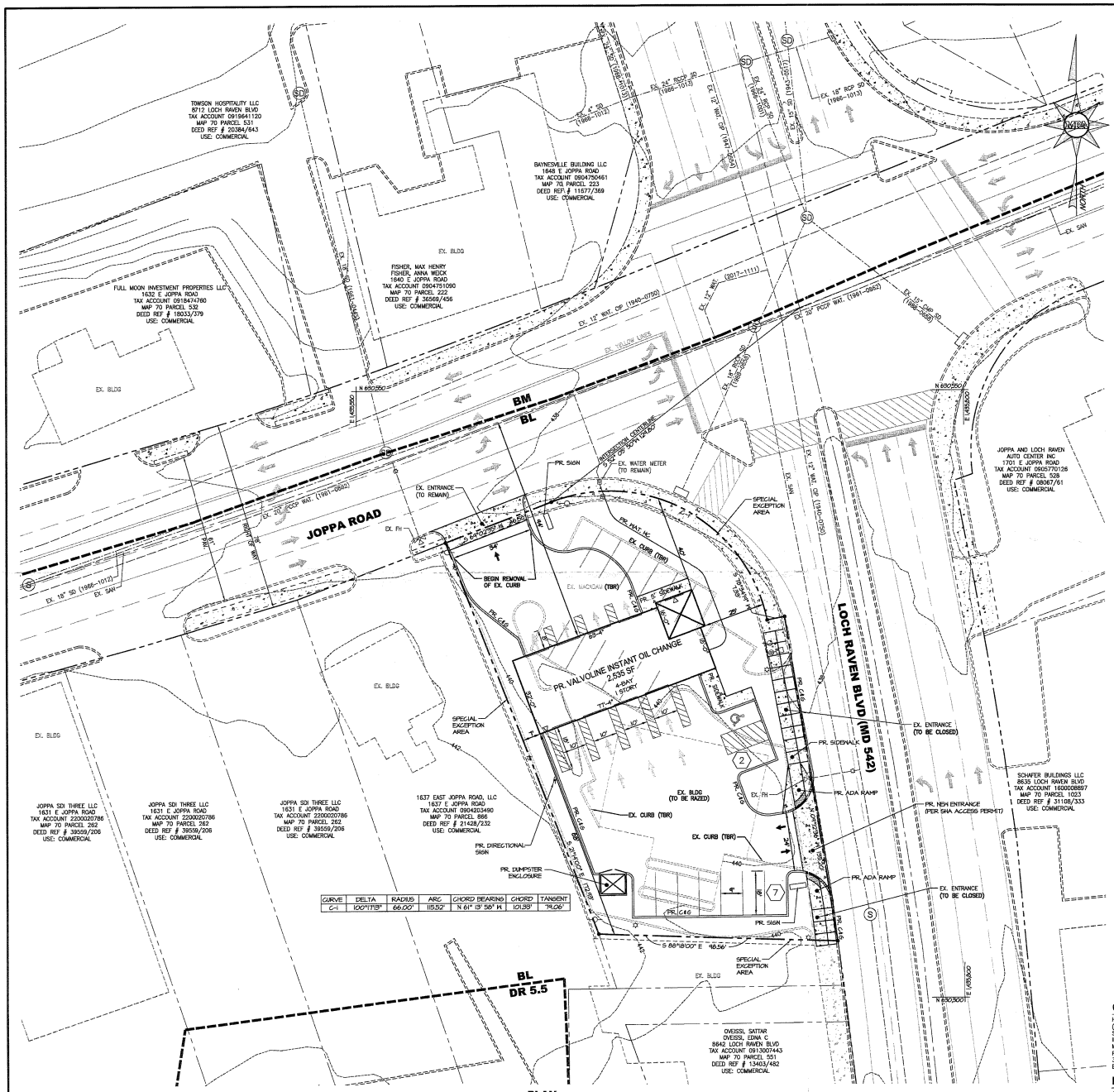
Meadowvale, Baltimore County, Maryland - Civil Project Engineer engineering design team for a 103-unit single family community located in an area of severe grade changes and limited by existing drainage patterns and environmental constraints.

Martin Plaza, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design for redevelopment of the 25 acre shopping center.

Riparius Lot #1, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design of an 87 room Holiday Inn Express located on an undeveloped parcel hindered by grade changes, environmental constraints and requiring an underground stormwater management facility to meet local and state regulations.

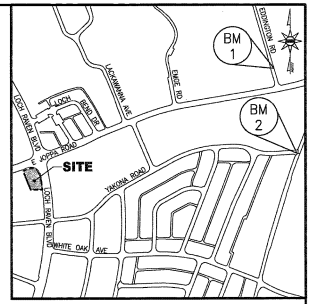
Allender Road, Baltimore County, Maryland - Civil Project Engineer on team designing a 173-unit single-family home community located on Allender Road with stormwater management challenges including dual design discharge points.

The Preserve at Windlass Run, Baltimore County, Maryland - Civil Project Engineer on engineering design team for a 412-unit development mixed with single family and town homes located off of White Marsh Boulevard, surround by environmentally sensitive areas and requiring seven stormwater management facilities.



LEGEND

- PR. PROPERTY LINE AND SPECIAL EXCEPTION AREA
- EX. ADJACENT PROPERTY LINE
- EX. R/W
- ZONING LINE
- EX. CURB & GUTTER
- EX. EDGE OF PAVING
- EX. SIDEWALK
- EX. 8" SAN.
- EX. SANITARY
- EX. 12" W
- EX. STORM DRAIN
- EX. WATER
- EX. GAS
- EX. UTILITY POLE
- EX. UTILITY POLE
- PR. BUILDING
- PR. BUILDING RESTRICTION LINE
- PR. CONCRETE
- PR. DIRECTIONAL ARROW
- PR. CURB
- PR. WATER LINE



VICINITY MAP

SCALE : 1" = 500'

BENCHMARKS

BCO #13468 (BM1) N 3674457
ELEV. 449.934 E 1580022
DESCRIPTION: SET RAILROAD SPIKE IN MAC IN CENTERLINE OF JOPPA ROAD. 140 FEET WEST OF ENGE ROAD.

BCO #13465 (BM2) N 3636357
ELEV. 421.615 E 1695367
DESCRIPTION: RAILROAD SPIKE IN MAC ON NORTHWEST SIDE OF OAKLEIGH ROAD AND YAKONA ROAD.

ZONING HISTORY

1. CASE NO. 1941-0123 – PETITION FOR A ZONING RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO COMMERCIAL AREA TO BE USED AS A GASOLINE SERVICE STATION, GRANTED ON MARCH 17, 1941.
2. CASE NO. 1952-2152-XT – PETITION FOR A SPECIAL PERMIT TO CONSTRUCT A 11' X 25' ADVERTISING SIGN GRANTED ON JANUARY 9, 1952.
3. CASE NO. R-1915-0140-A – PETITION FOR A ZONING RECLASSIFICATION FROM BL TO BM, AND FOR A VARIANCE TO PERMIT A FROM YARD SETBACK OF 20 FEET INSTEAD OF THE REQUIRED 15 FEET, GRANTED ON NOVEMBER 12, 1964.
4. CASE NO. 1973-0031-X – PETITION FOR A SPECIAL EXCEPTION TO USE PROPERTY AS AN AUTOMOTIVE SERVICE STATION BY REASON OF SECTIONS 405 AND 501.2 OF THE BCZR, GRANTED ON AUGUST 24, 1972.
5. CASE NO. 1976-0173-X – PETITION FOR A SPECIAL EXCEPTION FOR EITHER TWO ILLUMINATED 12' X 25' ADVERTISING STRUCTURES OR ONE ILLUMINATED CUSTOM-BUILT PAINTED 500 SF BULLETIN, GRANTED ON MARCH 16, 1976.
6. CASE NO. 1987-0151-A – VARIANCE FOR DOUBLE-FACED FREESTANDING ID SIGN OF 181.3 SF IN LIEU OF 100 SF ALLOWED, GRANTED ON OCTOBER 8, 1986.
7. CASE NO. 1999-0251-A – PETITION FOR VARIANCE TO PERMIT A FRONT YARD SETBACK OF 16 FEET IN LIEU OF THE REQUIRED 29 FEET, A SIDE YARD SETBACK OF 23 FEET IN LIEU OF THE REQUIRED 30 FEET, A DRIVE-THRU LANE TO BLOCK ENTRY TO OR EXIT FROM THE REQUIRED OFF STREET PARING SPACES AND TO APPROVE MODIFIED PARKING PLAN, GRANTED ON FEBRUARY 9 1999.

GENERAL NOTES

1. PROPERTY INFORMATION:
   - A. PROPERTY ADDRESS: 1641 EAST JOPPA ROAD
   - B. NET SITE AREA: 20,082 S.F.±, 0.461 AC.±
   - C. ELECTION DISTRICT: 9
   - D. COUNCILMANIC DISTRICT: 5
   - E. ADC MAP: 29
   - F. CENSUS TRACT: 4912.01
   - G. TAX MAP: 0070
   - H. PARCEL: 0529
   - I. TAX ACCOUNT NO.: 1600013383
   - J. DEED: 13640 / 369
2. ZONING: BL (BUSINESS LOCAL)
3. ZONING MAP & GIS TILE No.: 070C2
4. FLOOR AREA RATIO: PERMITTED = 3.0 PROVIDED = 0.126 (2,535 S.F. / 20,082 S.F.)
5. EXISTING LAND USE: EXISTING BANK WITH TWO DRIVE-THRU LANES
   PROPOSED LAND USE: GARAGE, AUTOMOTIVE SERVICE
6. THERE IS NO COMMERCIAL PERMIT HISTORY FOR THIS SITE.
7. BUILDING SETBACKS:

	REQUIRED	PROVIDED
FRONT (FROM PROPERTY LINE)	10'	40'
FRONT (FROM CENTERLINE OF STREET)	40'	94'
SIDE	0'	7'
REAR	0'	88'

8. PROPOSED BUILDING HEIGHT: MAXIMUM 30' FROM EXTERIOR GRADE, 1 STORY FINISHED GRADE TO TOP OF ROOF
9. SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 32-4-404 OF THE BALTIMORE COUNTY CODE.
10. SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450, OR A VARIANCE WILL BE REQUESTED.
11. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM PROPERTIES AND PUBLIC STREETS.
12. THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
13. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
14. THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES AREAS.
15. THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN. (FEMA MAP 24001C0026F)
16. THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
17. THERE ARE NO HISTORIC BUILDINGS ON THE SITE.

PARKING TABULATIONS CHART

(PARKING SPACES REQUIRED BY BCZR SECTION 405.4.2)

USE	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 405.4.2
GARAGE, AUTOMOTIVE SERVICE	3.3/1000	9
TOTAL PARKING REQUIRED		9
TOTAL PARKING PROVIDED		9

Petitioner
CBA Exhibit
2

DESIGN & DRAWING BASED ON MARYLAND COORDINATE SYSTEM: HORIZONTAL NAD 83 (1991) VERTICAL NAVD 88

OWNER

HOWARD BANK (MERGED WITH AND SUCCEEDED TO THE INTERESTS OF FIRST MARINER BANK ON FEBRUARY 28, 2018) 3301 BOSTON STREET BALTIMORE, MD 21224

DEVELOPER

VALVOLINE INSTANT OIL CHANGE
54 JACKONNET STREET
NEWTON HIGHLANDS, MA 02461
(617) 243-0404
MR. RANDOLPH KAZAZIAN

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 NO. 31479, EXPIRATION DATE: 06/21/2020.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM

Copyright 2018 Morris & Ritchie Associates, Inc.

STATE OF MARYLAND — MICHAEL JOSEPH THOMAS STEVENS — No. 31479 — PROFESSIONAL ENGINEER

VALVOLINE INSTANT OIL CHANGE

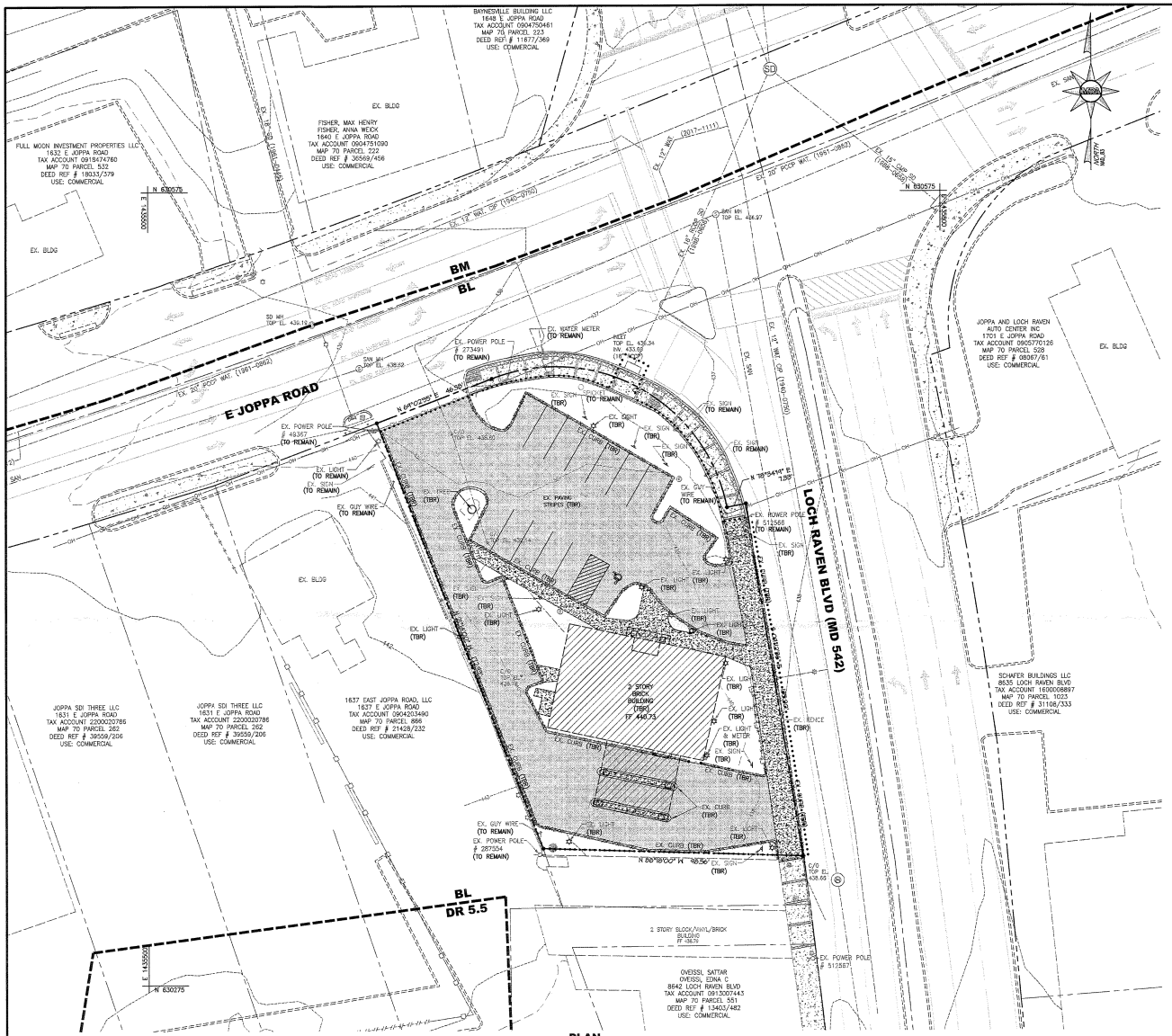
1641 EAST JOPPA ROAD

PLAN TO ACCOMPANY
SPECIAL EXCEPTION REQUEST

DATE	REVISIONS		
		JOB NO.:	20150
		SCALE:	1" = 20'
		DATE:	08/26/2018
		DRAWN BY:	MLE
		DESIGN BY:	MLE
		REVIEW BY:	JTS
		SHEET:	1 OF 1

P:\20150-valvoline 1641 e joppa road\PLOT\20150-VOC-SEP.dwg, 8/31/2018 8:10:12 AM, 111

Copyright 2018 Morris & Ritchie Associates, Inc.


BAYNESVILLE BUILDING LLC
1648 E JOPPA ROAD
TAX ACCOUNT 0904750461
MAP 70 PARCEL 223
DEED REF # 11877/369
USE: COMMERCIAL
EX. BLDG
FISHER, MAX HENRY
FISHER, ANNA WECK
1640 E JOPPA ROAD
TAX ACCOUNT 0904751090
MAP 70 PARCEL 222
DEED REF # 36569/456
USE: COMMERCIAL
FULL MOON INVESTMENT PROPERTIES LLC
1632 E JOPPA ROAD
TAX ACCOUNT 0918474760
MAP 70 PARCEL 532
DEED REF # 19033/579
USE: COMMERCIAL
EX. BLDG
BM
BL
E JOPPA ROAD
EX. POWER POLE # 27349 (TO REMAIN)
EX. WATER METER (TO REMAIN)
EX. POWER POLE # 49367 (TO REMAIN)
EX. LIGHT (TO REMAIN)
EX. SIGN (TO REMAIN)
EX. GUY WIRE (TO REMAIN)
EX. SIGN (TO REMAIN)
EX. LIGHT (TO REMAIN)
EX. SIGN (TO REMAIN)
EX. POWER POLE # 512568 (TO REMAIN)
EX. SIGN (TO REMAIN)
EX. LIGHT (TBR)
EX. PAVING STRIPES (TBR)
EX. BLDG
EX. LIGHT (TBR)
EX. LIGHT (TBR)
EX. LIGHT (TBR)
EX. LIGHT (TBR)
EX. LIGHT (TBR)
EX. LIGHT & METER (TBR)
EX. SIGN (TBR)
EX. CURB (TBR)
EX. LIGHT (TBR)
EX. CURB (TBR)
EX. GUY WIRE (TO REMAIN)
EX. POWER POLE # 287554 (TO REMAIN)
EX. LIGHT (TBR)
EX. CURB (TBR)
N 88°18'00" W 98.56'
EX. SIGN (TBR)
2 STORY BRICK BUILDING (TBR) FF 446.73
EX. LIGHT (TBR)
EX. FENCE (TBR)
EX. LIGHT (TBR)
EX. LIGHT (TBR)
EX. LIGHT (TBR)
EX. LIGHT (TBR)
EX. LIGHT

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 1641 Joppa Road **which is presently zoned** BL

Deed References: 13640/369 10 Digit Tax Account # 1600013383

Property Owner(s) Printed Name(s) Howard Bank (merged with and succeeded to the interests of First Mariner Bank on February 28, 2018).

(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)

   Please see attached.

Petitioner
CBA Exhibit
4

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)**

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:

Mid-Atlantic Lubes, LLC
Name- Type or Print

Randolph L Kazazian, Director of Real Estate
Signature

54 Jaconnet Street, Suite 100, Newton Highlands, MA
Mailing Address City State

02461 / (617) 243-0404 / rkazazian@vioc.net
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Howard Bank /
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 / Signature # 2

3301 Boston Street, Baltimore, MD
Mailing Address City State

21224 / 443-573-2664 / howard@howardbk.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Dino C. La Fiandra, Esquire
Name- Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305, Towson, MD
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

Representative to be contacted:

Dino C. La Fiandra, Esquire
Name - Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305, Towson, MD
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

CASE NUMBER_____ Filing Date ___/___/_____ Do Not Schedule Dates: _____ Reviewer_____

REV. 10/4/11

Petition for Zoning Hearing
For the Property Located at 1641 Joppa Road
Continuation Sheet

✓ Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve an amendment to the previously approved zoning site plan in case number 99-251-A.

✓ Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for a service garage. BCZR §230.3

BALTIMORE COUNTY
Maryland

DONALD I. MOHLER III
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approval and Inspections

21 November 2018

Dino C. LaFiandra
The Law Office of Dino C. LaFiandra, LLC
100 W. Pennsylvania Ave, Suite 305
Towson, MD 21204

Re: DRP # 606 / 1641 East Joppa Road, Valvoline Oil

Dear Mr. LaFiandra,

In accordance with Section 32-4-203(1), Baltimore County Code, and as designee for the Directors of the Departments of Permits, Approval and Inspections, Planning and Environmental Protection and Sustainability, please be advised that the recommendation of the Design Review Panel (DRP) has been accepted and approved. This approval is a condition precedent for the issuance of a permit for the above captioned property.

The DRP met in public forum on 10th, October 2018, and after hearing from the applicant and/or representatives and receiving public comment, the DRP panel has determined to recommend approval as more particularly described in its inter-office correspondence to me, dated 8th, November 2018, and which is attached hereto and incorporated in its entirety hereby.

Should you have any questions, please contact the Department of Planning.

Be further advised, an appeal to this decision must be made within thirty (30) days of the date of this letter.

Sincerely,

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

C:
Jan Cook, PAI
Andrea Van Arsdale, Planning
Marta Kulchytska, Planning

Aej/aj

Petitioner
CBA Exhibit
5

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: November 8, 2018

FROM: Andrea Van Arsdale, Director
Department of Planning

SUBJECT: Design Review Panel – **APPROVAL**

PROJECT NAME: 1641 East Joppa Road, Valvoline Oil

PROJECT: DRP # 606

PROJECT TYPE: Loch Raven Commercial Review

MEETING DATE: October 10, 2018

DESIGN REVIEW PANEL MEMBERS IN ATTENDANCE:

David Martin, Ed Hord, Cecily Bedwell, and Mitchell Kellman.

PROJECT DESCRIPTION:

1641 East Joppa Road, Valvoline Oil project was presented by Dino La Fiandra and Randolph Kazazian, representatives from Mid-Atlantic Lubes, LLC, and Nicole Reedy, Landscape Architect from Morris & Ritchie Associates.

The project proposes to redevelop the former First Mariner Bank property at the southwest corner of East Joppa Road and Loch Raven Boulevard with a Valvoline Instant Oil Change facility. The development includes drive thru lanes which enter off of Loch Raven Boulevard from the back of the new proposed building and exit out onto East Joppa Road. Additionally, the project proposes new signage and landscaping.

SPEAKERS:

Peter Moulder, Vice President, The Associates of Loch Raven Village expressed his concerns about the project. He stated that the proposed project would be a step backward with proposed use and building design.

Janice Krach agreed that the project does not fit with the area and that the traffic flow would be an issue.

Bruce Krauff, Loch Raven area resident for 44-years, indicated that there were major problems with leaking and containment materials from a gas station located up the street and expressed his concerns that the leakage could happen on this site.

Subject: Minutes (Design Review Panel)
Project name: 1641 East Joppa Road, Valvoline Oil **Project #:** DRP 606

DESIGN REVIEW PANEL COMMENTS:

Mr. David Martin, DRP Chairman, opened up the floor to the panel members for discussion.

Mr. Ed Hord suggested to use materials and color changes for the crosswalks at the vehicular entrances for pedestrian safety. He stated that more landscaping was needed at the corner of Loch Raven Boulevard and East Joppa Road and proposed to use tinted glass for the garage door bays.

Ms. Cecily Bedwell suggested to use headers above the rough openings of the brick. She also proposed to use warmer colors for the mortar. Ms. Bedwell agreed with Mr. Hord's suggestion that more landscaping is needed at the corner of Loch Raven Boulevard and East Joppa Road. She also indicated the need to connect the sidewalk in front of the building with the sidewalk in the back of the building.

Mr. David Martin suggested to tint the garage door windows and asked the Baltimore County staff if they have any additional comments.

Ms. Jenifer Nugent referenced the prepared staff report and referenced comment to provide an exit only sign for the Joppa Road access of the site and an outdoor amenity seating for employees.

DISPOSITION:

Ms. Cecily Bedwell made the motion to approve the project with the following conditions:

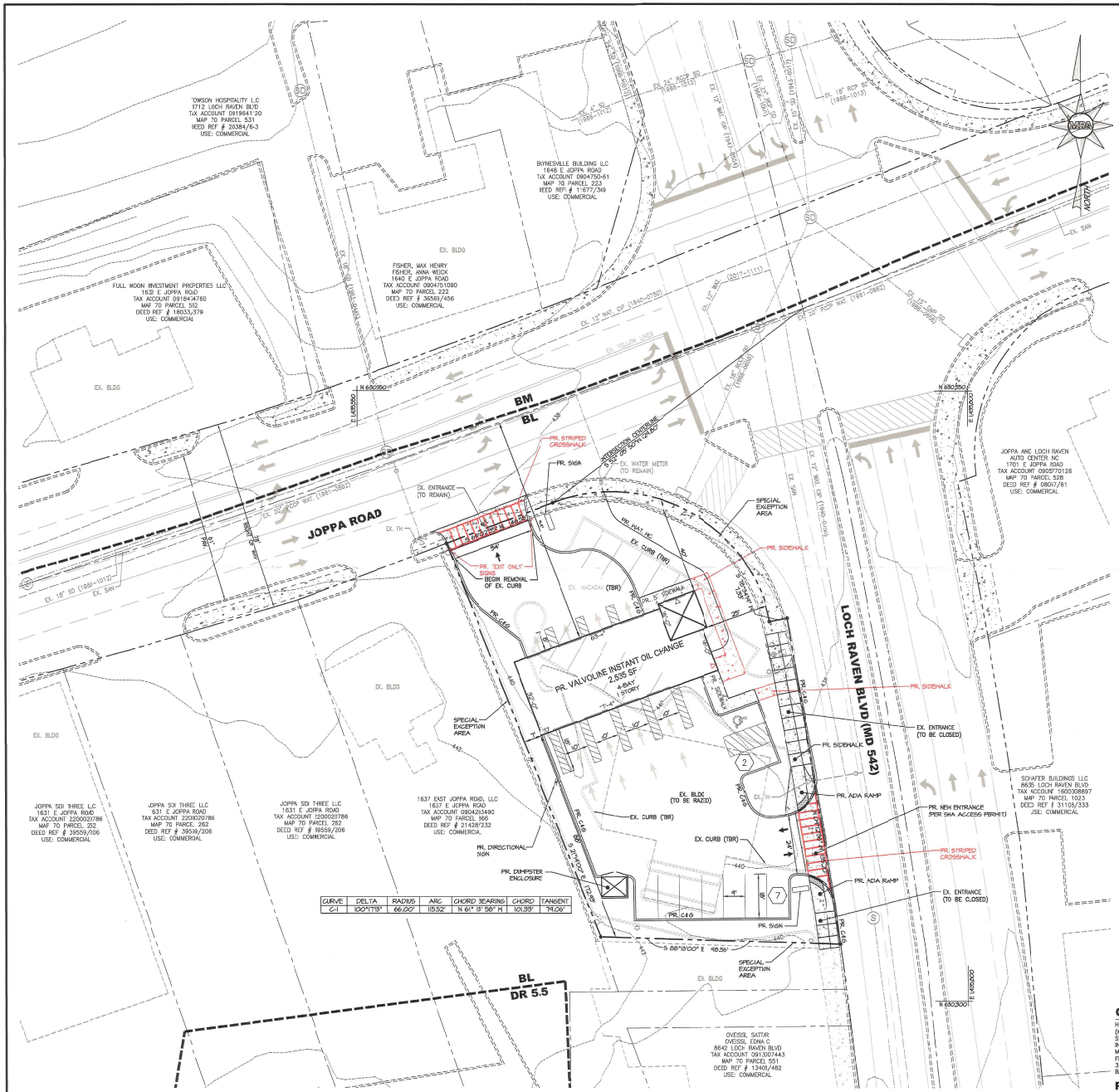
1. Provide headers above all rough openings of the brick (for example, either soldier course brick or stone lintels).
2. A warm mortar color should be used with the brick.
3. Connect the sidewalks in the front of the building and the back of the building with a connecting paved sidewalk along the side.
4. Increase landscaping at the corner of Loch Raven Boulevard and East Joppa Road in a layered effect.
5. Enhance the pedestrian travel ways across the vehicular entrances through either striped crosswalks or special paving.
6. Provide an exit only sign for the Joppa Road access of the site.
7. Provide outdoor amenity seating for employees.
8. The glass garage doors shall be tinted.

The motion was seconded by Mr. Ed Hord and approved by acclamation at 7pm.

As of October 30, 2018 revised plans have been submitted to the Department of Planning for review and approval. The Department of Planning and the DRP Chair find that the revisions respond to the conditions of the DRP review.

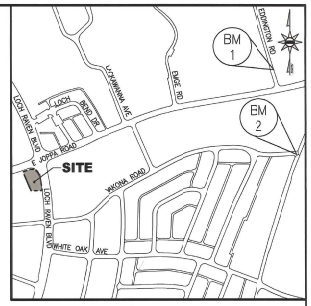
JGN: File

c: DRP members in attendance;
Randolph Kazazian, representative from Mid-Atlantic Lubes, LLC



LEGEND

- PR. PROPERTY LINE AND SPECIAL EXCEPTION AREA
- EX. ADJACENT PROPERTY LINE
- EX. R/W
- ZONING LINE
- EX. CURB & GUTTER
- EX. EDGE OF PAVING
- EX. SIDEWALK
- EX. SANITARY
- EX. STORM DRAIN
- EX. WATER
- EX. GAS
- EX. UTILITY POLE
- EX. UTILITY POLE
- PR. BUILDING
- PR. BUILDING RESTRICTION LINE
- PR. CONCRETE
- PR. DIRECTIONAL ARROW
- PR. CURB
- PR. WATER LINE



VICINITY MAP

SCALE : 1" = 500'

BENCHMARKS

BCO #13468 (BM1) — N 3674457, E 1580022
ELEV. 449.934
DESCRIPTION: SET RAILROAD SPIKE IN MAC IN CENTERLINE OF JOPPA ROAD, 140 FEET WEST OF EMGE ROAD.

BCO #13465 (BM2) — N 3636357, E 1595367
ELEV. 421.615
DESCRIPTION: RAILROAD SPIKE IN MAC ON NORTHWEST SIDE OF OAKLEIGH ROAD AND YAKONA ROAD.

ZONING HISTORY

1. CASE NO. 1941-0123 – PETITION FOR A ZONING RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO COMMERCIAL AREA T) BE USED AS A GASOLINE SERVICE STATION, GRANTED ON MARCH 17, 1941.
2. CASE NO. 1952-2152-X – PETITION FOR A SPECIAL PERMIT TO CONSTRUCT A 12' X 25' ADVERTISING SIGN GRANTED ON JANUARY 9, 1952.
3. CASE NO. R-1965-0140-A – PETITION FOR A ZONING RECLASSIFICATION FROM BL TO BM, AND FOR A VARIANCE TO PERMIT A FROM YARD SETBACK OF 20 FEET INSTEAD OF THE REQUIRED 15 FEET, GRANTED ON NOVEMBER 12, 1964.
4. CASE NO. 1973-0031-X – PETITION FOR A SPECIAL EXCEPTION TO USE PROPERTY AS AN AUTOMOTIVE SERVICE STATION BY REASON OF SECTONS 405 AND 501.2 OF THE BCZR, GRANTED ON AUGUST 24, 1972.
5. CASE NO. 1976-0173-X – PETITION FOR A SPECIAL EXCEPTION FOR EITHER TWO ILLUMINATED 12' X 25' ADVERTISING STRUCTURES OR ONE ILLUMINATED CUSTOM-BUILT PAINTED 500 SF BULLETIN, GRANTED ON MARCH 18, 976.
6. CASE NO. 1987-0151-A – VARIANCE FOR DOUBLE-FACED FREESTANNING ID SIGN OF 181.3 S" IN LIEU OF '00 SF ALLOWED, GRANTED ON OCTOBER 8, 1986.
7. CASE NO. 1999-0251-A – PETITION FOR VARIANCE TO PERMIT A FRONT YARD SETBACK OF 16 FIET IN LIEU OF THE REQUIRED 29 FEET, A SIDE YARD SETBACK OF 23 FIET IN LIEU OF THE REQUIRED 30 FEET, A DRIVE-THRU LANE TO BLOCK ENTRY TO OR EXT FROM THE REQUIRED OFF STREET PARING SPACES AND TO APPROVE MODFIED PARKING PLAN, GRANTED ON FEBRUARY 9, 1999.

GENERAL NOTES

1. PROPERTY INFORMATION:
   - A. PROPERTY ADDRESS: 1641 EAST JOPPA ROAD
   - B. NET SITE AREA: 21,082 S.F.±, 0.461 AC±
   - C. ELECTION DISTRICT: 9
   - D. COUNCILMANIC DISTRICT: 5
   - E. ADC MAP: 25
   - F. CENSUS TRACT: 4612.01
   - G. TAX MAP: 0070
   - H. PARCEL: 0229
   - I. TAX ACCOUNT NO.: 1600013383
   - J. DEED: 13340 / 369
2. ZONING: BL (BUSINESS LOCAL)
3. ZONING MAP & GIS TILE No.: 070C2
4. FLOOR AREA RATIO: PERMITTED = 3.0; PROVIDED = ~~0.126~~ (0.135 S.F. / 20,082 S.I.) ~~2,25~~ 2,270
5. EXISTING LAND USE: EXISTING BANK WITH TWO DRIVE-THRU LANES
   PROPCSED LAND USE: GJRAGE, AUTOMOTIVE SERVICE
6. THERE IS NO COMMERCIAL PERMIT HISTORY FOR THIS SITE.
7. BUILDING SETBACKS:

	REQUIRED	PROVIDED
FRONT (FROM PROPERTY LINE)	10'	40'
FRONT (FROM CENTERLINE OF STREET)	40'	94'
SIDE	0'	3'
REAR	0'	88'

8. PROPCSED BUILDING HEIGHT: MAXIMIM 30' FROM EXTERIOR GRADE, 1 STORY FINISHED GRADE TO "OP OF ROOF
9. SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 32-4-404 3F THE BALTIMORE COUNTY CODE.
10. SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450, OR A VARIANCE WILL BE REQUESTED.
11. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM PROPERTIES AND PUBLIC STREETS.
12. THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
13. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
14. THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES AREAS.
15. THE SITE IS NOT LOCATED IN A 10€ YEAR FLOODPLAIN. (FEMA MAP 2400100268)
16. THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
17. THERE ARE NO HISTORIC BUILDINGS ON THE SITE.

PARKING TABULATIONS CHART

(PARKING SPACES REQUIRID BY BCZR SECTION 105.4.2)

USE	PARING RATE	PARKING SPACES REQUIRED PER SECTION 405.4.2
GARAGE, AUTOMOTIVE SERVICE	3.3/ 000	9
TOTAL PARKING REQUIRED		9
TOTAL PARKING PROVIDED		9

Petitioner
CBA Exhibit
6

DESIGN & DRAWING BASED ON MARYLAND COORDINATE SYSTEM: HORZONTAL NAD 83 (1991) VERTICAL NAVD 88

OWNER

HOWARD BANK
(MERGED WITH AND SUCCEEDED TO THE INTERESTS OF FIRST MARINER BANK ON FEBRUARY 28, 2018)
3301 BOSTON STREET
BALTIMORE, MD 21224

DEVELOPER

VALVOLINE INSTANT OIL CHAIGE
54 JICONNET STREET
NEWTON HIGHLANDS, MA 02-61
(617) 243-0404
MR. RANDOLPH KAZAZIAN

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM \ DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 34479, EXPIRATION DATE: 06/21/2020.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM

Copyright 20.9 Morris & Ritchie Associates, Inc.

VALVOLINE INSTANT OIL CHANGE

1641 EAST JOPPA ROAD

PLAN TO ACCOMPANY
SPECIAL EXCEPTION REQUEST

DATE	REVISIONS
11/05/2018	REDLINE PER DESIGN REVIEW PANEL RECOMMENDATIONS

JOB NO.:	20150
SCALE:	1" = 20'
DATE:	08/26/2018
DRAWN BY:	MLE
DESIGN BY:	MLE
REVIEW BY:	JTS
SHEET:	1 OF 1

ILLUSTRATIVE FRONT ELEVATION



NOT TO SCALE

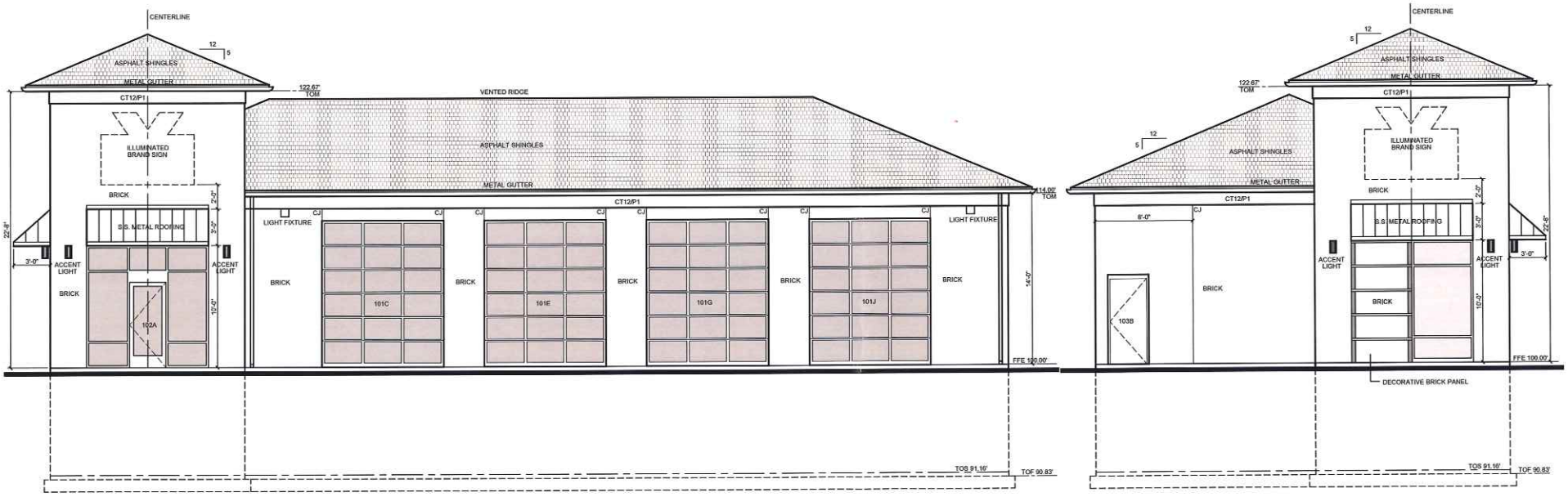
Petitioner
CBA Exhibit
7

ILLUSTRATIVE SIDE ELEVATION



NOT TO SCALE

NORTH AND EAST ELEVATION

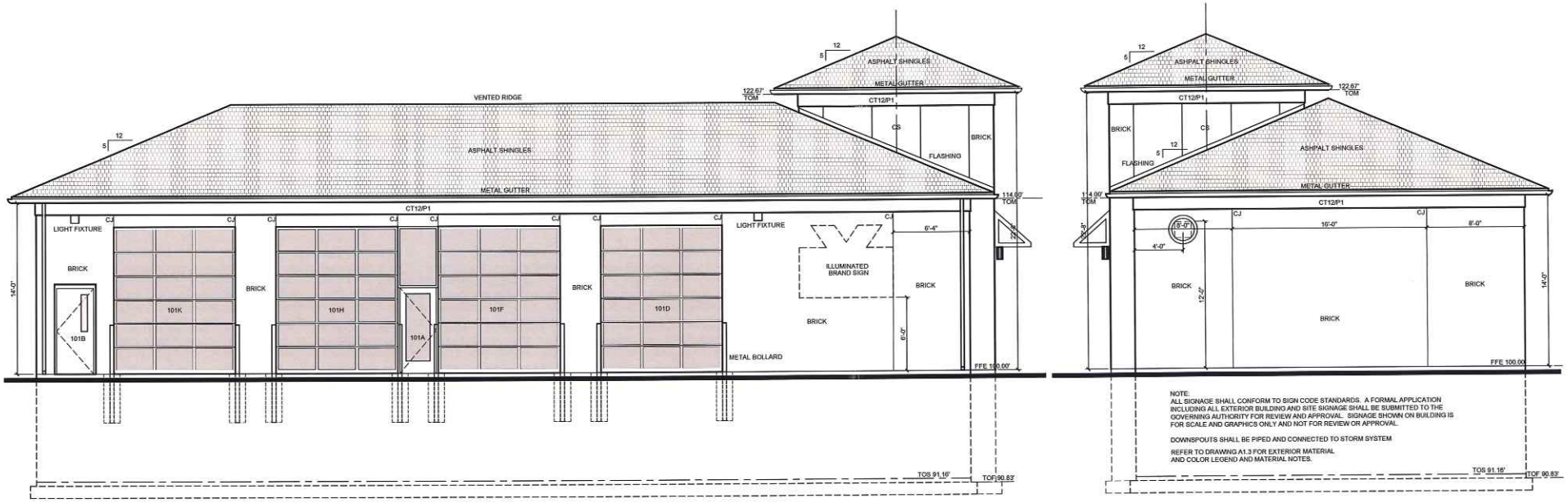


1 SP2.1 NORTH ELEVATION - FRONT
SCALE 1/4" = 1'-0"

2 SP2.1 EAST ELEVATION - RIGHTSIDE
SCALE 1/4" = 1'-0"

NOT TO SCALE

SOUTH AND WEST ELEVATION

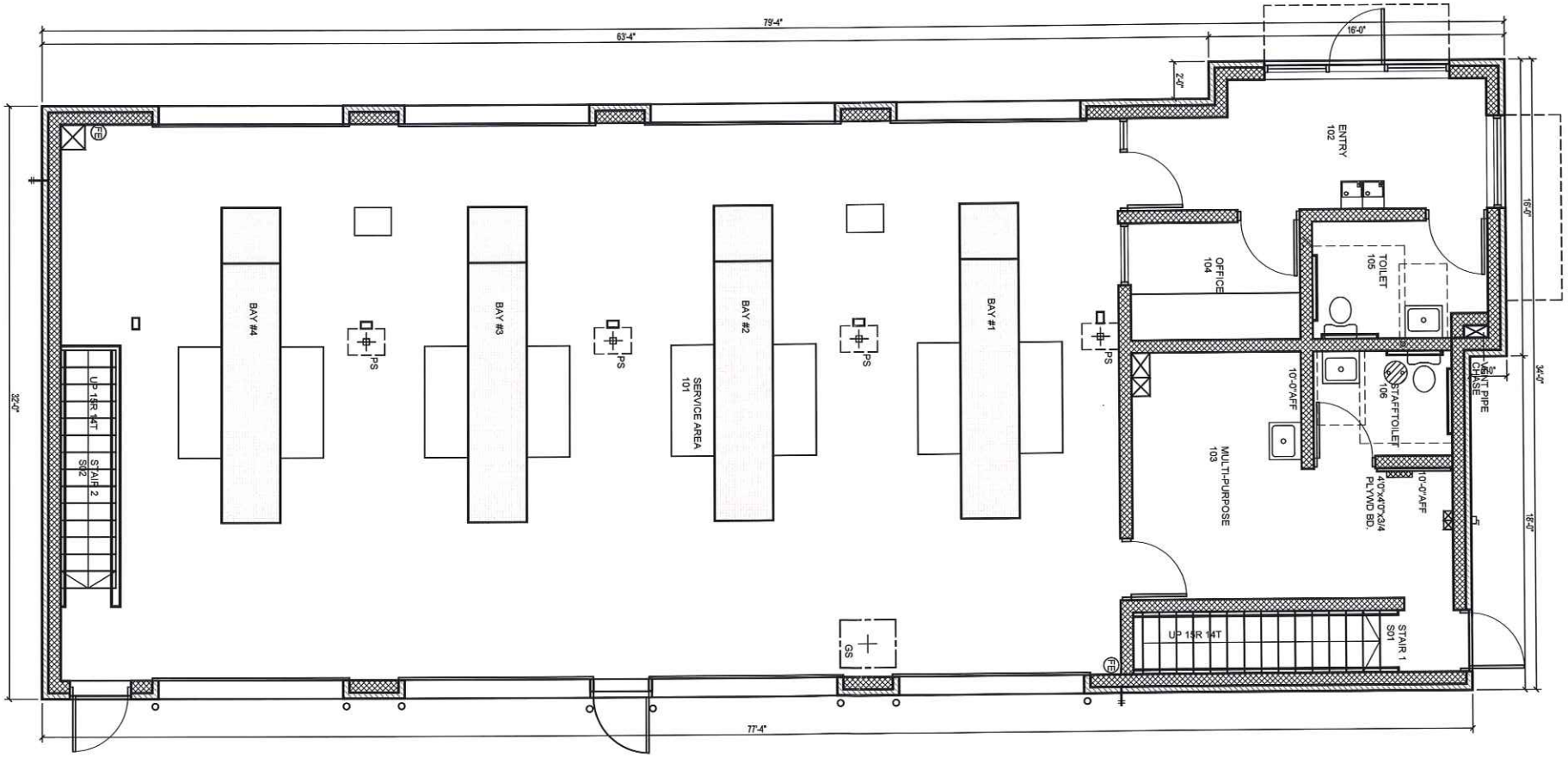


3 SP2.1 SOUTH ELEVATION - REAR — SCALE 1/4" = 1'-0"

4 SP2.1 WEST ELEVATION - LEFTSIDE — SCALE 1/4" = 1'-0"

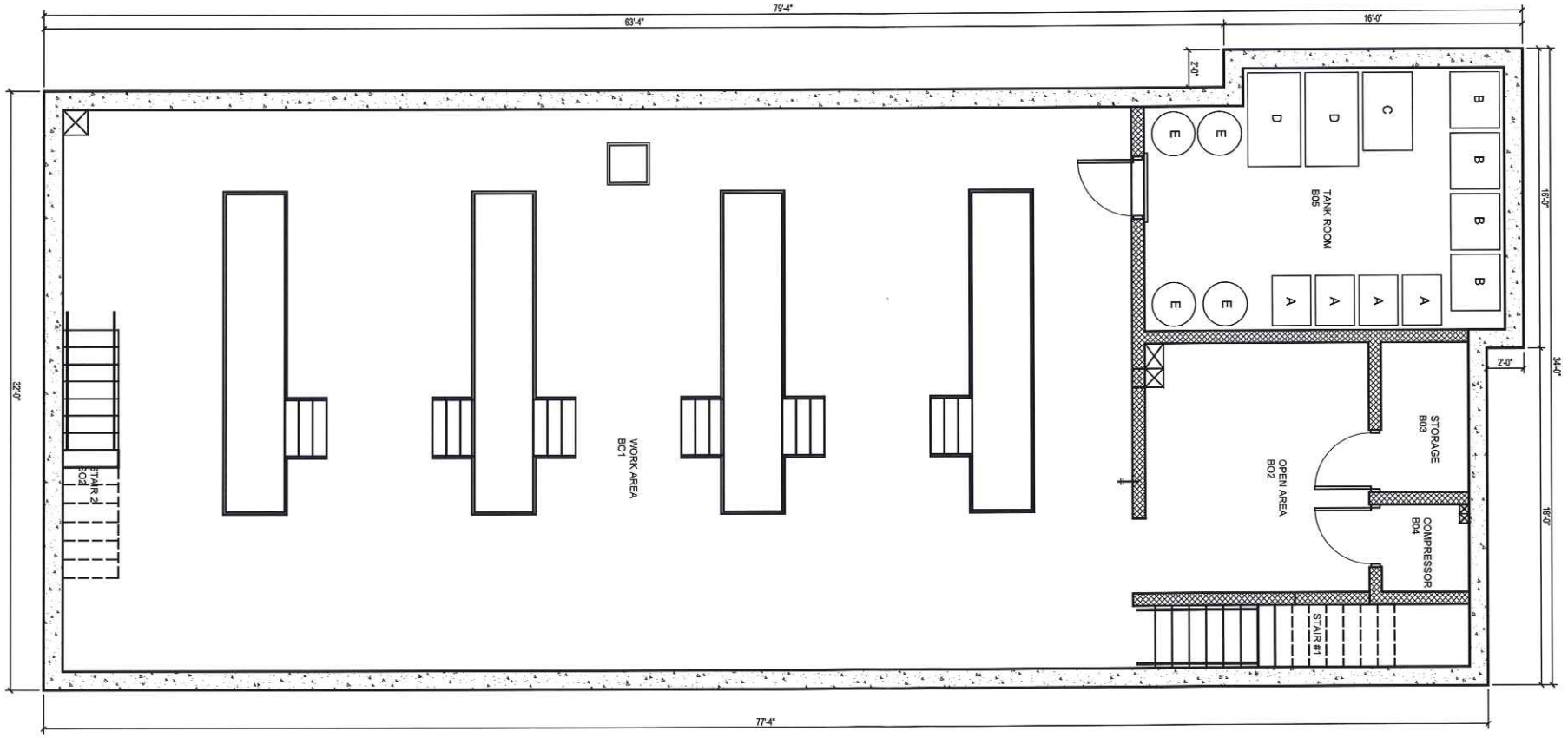
NOT TO SCALE

MAIN LEVEL FLOOR PLAN



NOT TO SCALE

FOUNDATION FLOOR PLAN



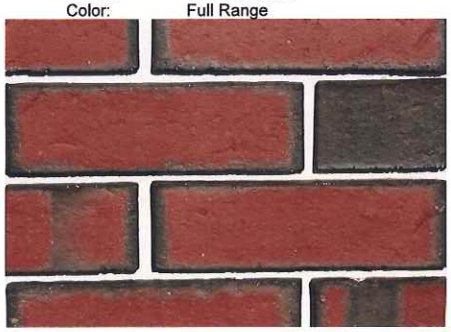
NOT TO SCALE

EXTERIOR FINISHES

Roof Shingles
Manuf.: GAF (IKO, Certainteed, or Equal)
Model: Timberline
Color: Antique Slate



Face Brick
Manuf.: Morin Brick Company
Model: Old Port Blend
Color: Full Range

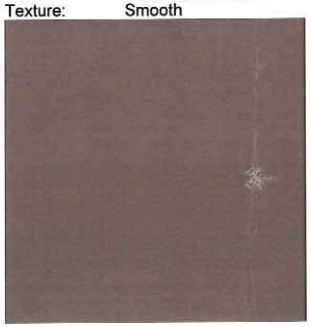


Aluminum framing overhead door frames / aluminum entry framing & doors)
Manuf.: Kawneer or Equal
Color: Clear mill finish (silver)

Metal Bollards
Manuf.:
Color: SW Valvoline Red (Sherwin Williams)

EXTERIOR FINISHES

HM Doors & Frames
Color: SW7515 Homestead Brown (Sherwin Williams)
Texture: Smooth



Composite Siding / Trim
Manuf.: James Hardie
Color: SW7006 Extra White (Sherwin Williams)
Texture: Smooth

VIOC PAINT SCHEDULE

Exterior	Color	Finish	Products
Block Filler/Primer	Tinted to match		Loxon Block Surfacer A24W200
Bottom four rows of Block (2' 8")	SW6124 Cardboard	Semi Gloss	DTM Acrylic B66-200
Walls above 2' 8" (Gutters)	SW6107 Nomadic Desert	Semi Gloss	DTM Acrylic B66-200
Fascia / mansard w/ new signs	SW6107 Nomadic Desert	Semi Gloss	DTM Acrylic B66-200
Exterior Doors / Frames	SW7515 Homestead Brown	Semi Gloss	Sher-Cryl HPA B66-300 Series
Metal flashing (non-new image)	SW6107 Nomadic Desert	Semi Gloss	DTM Acrylic B66-200
Bumper Posts / pylon pole	Valvoline Red	Semi Gloss	Sher-Cryl HPA B66-300 Series & Sher Clear
Area lights & poles	Do not tint	Semi Gloss	DTM Bonding Primer B66A50
	Dark Bronze		Sher-Cryl HPA B66-300 Series
Metal Primer	Do not tint		Pro-Cryl Universal Primer B66-310 Series
Parking Striping	White		TM226 Set Fast Traffic Marking Paint
	Yellow		TM226 Set Fast Traffic Marking Paint
Handicap Parking	ADA Blue		TM2133 Set Fast Traffic Marking Paint
Wood Fence and Gates	SW6107 Nomadic Desert	Semi Gloss	Cabot acrylic semi-solid stain 1400 series

EXTERIOR LIGHTING



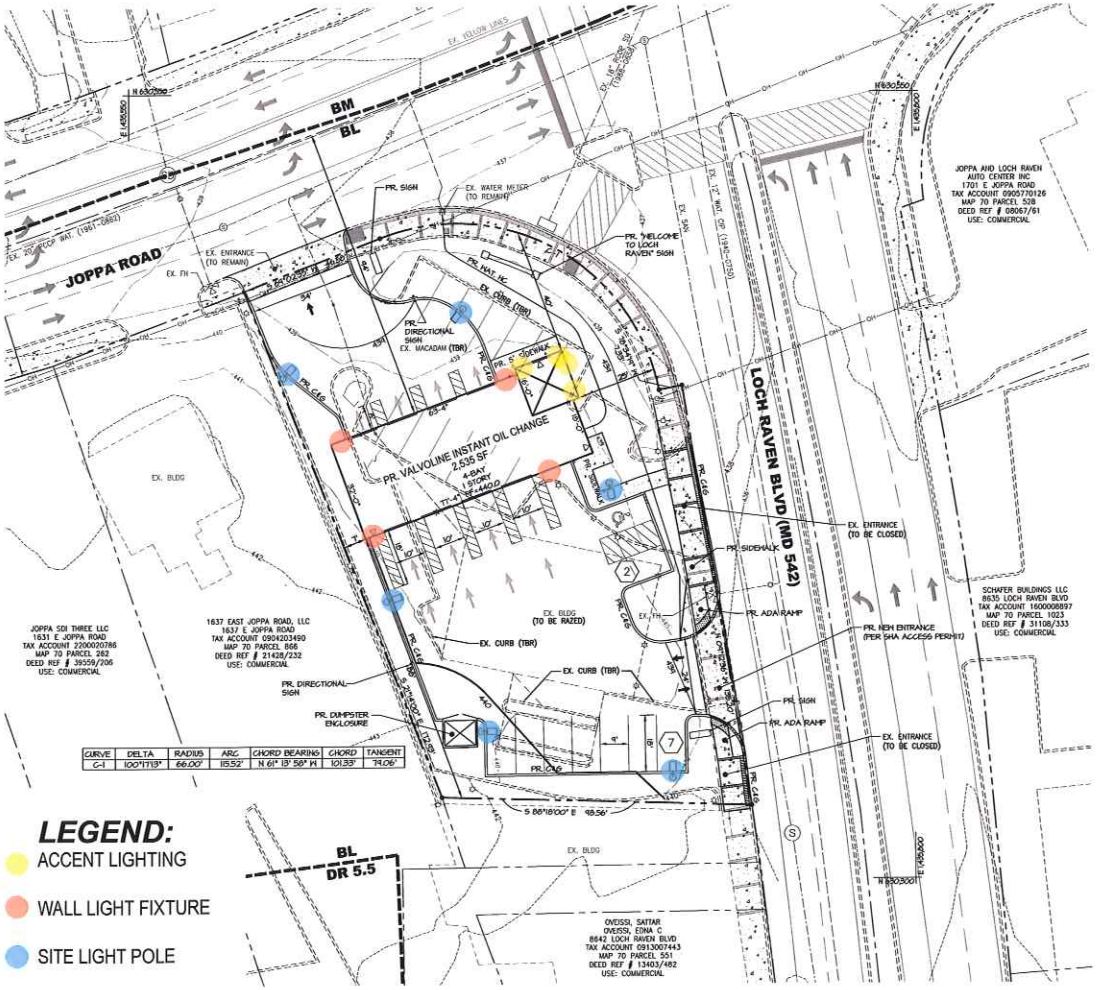
ACCENT LIGHTING



WALL LIGHT FIXTURE



SITE LIGHT POLE



NOT TO SCALE

SITE SIGNAGE: MONUMENT

Internally Illuminated LED Channel Letters

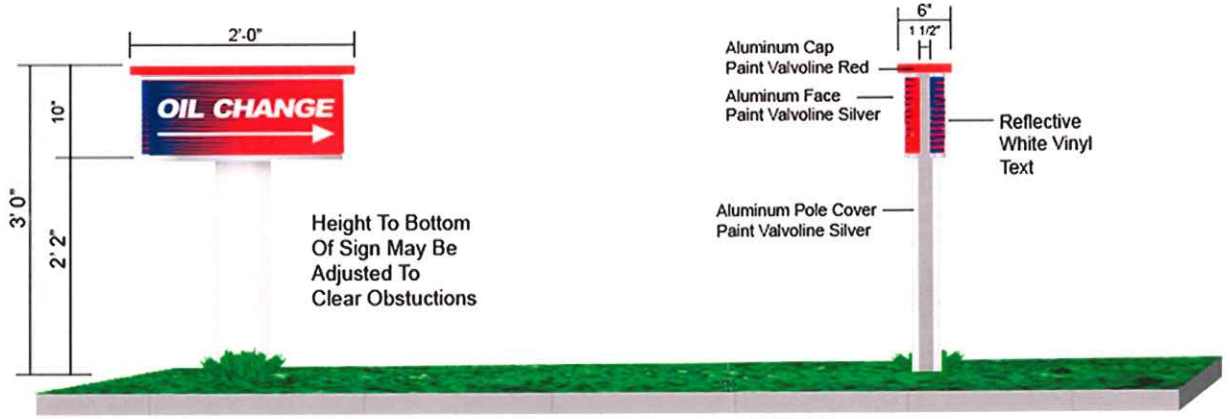
45sqft Sign (Background Opaque)

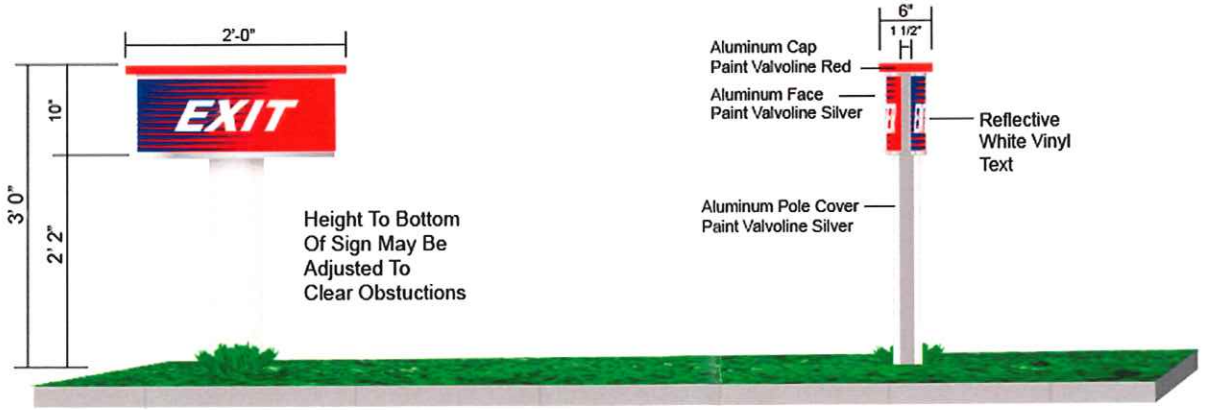
Other monument materials to match building



NOT TO SCALE

SITE SIGNAGE: DIRECTIONAL





NOT TO SCALE

VALVOLINE @ JOPPA ROAD: ILLUSTRATIVE SITE PLAN



Petitioner
CBA Exhibit
8

DONALD I. MOHLER III
County Executive

October 31, 2018

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

Howard Bank
3301 Boston St.
Baltimore, MD 21224

Dear Mr. Bank:

RE: Case Number: 2019-0070SPHX, Address: 1641 Joppa Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 31, 2018. This letter is not an approval, but only a **NOTIFICATION.**

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel
Dino C. La Fiandra, Esq. 100 W. Pennsylvania Ave. Ste 305 Towson, MD 21204
Mid-Atlantic Lubes, LLC Randolph L. Kazazian 54 Jaconnet St. Ste 100 Newton Highlands, MA 02461

Petitioner
CBA Exhibit
9

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 24, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 10, 2018
Item No. 2019-0070-SPHX

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

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

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 10/24/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-070

INFORMATION:
Property Address: 1641 E Joppa Road
Petitioner: Howard Bank
Zoning: BL
Requested Action: Special Hearing, Special Exception

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved zoning site plan in case number 99-251-A and a special exception to use the herein described property for a service garage under Section 230.3 of the BCZR.

A site visit was conducted on 10/3/2018. The site is located in the Loch Raven Commercial Revitalization Area and is also located in the boundaries of the Loch Raven Design Review Panel Area.

The Baltimore County Design Review Panel (DRP) reviewed the project at its October 10, 2018 meeting wherein conditional approval was granted. DRP approval is subject to the following conditions:

- Connect the sidewalks in the front of the building and the back of the building with a connecting paved sidewalk along the side.
- Increase landscaping at the corner in a layered effect.
- Enhance the pedestrian travel ways across the vehicular entrances through striped crosswalks or special paving.
- Provide an exit only sign for the Joppa Road access to the site.

The Department has no objection to granting the petitioned zoning relief provided that all conditions of DRP approval are incorporated into the proposal and shown on the zoning site plan and all other plans submitted to Baltimore County for approval.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Jennifer G. Nugent

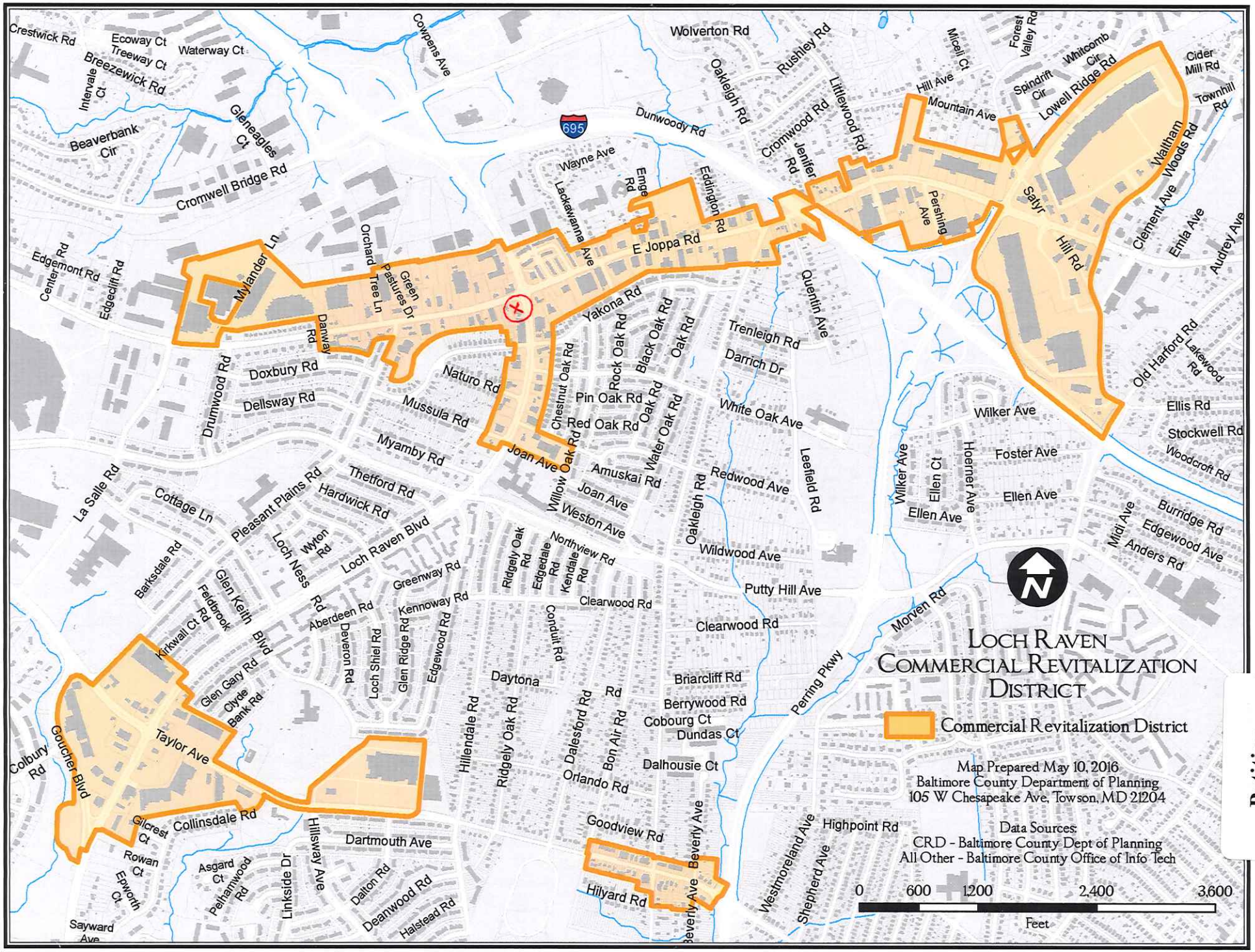
AVA/JGN/LTM/

c: Laurie Hay
Dino La Fiandra, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

CONTEXT PHOTOGRAPH



Petitioner
CBA Exhibit
10


Loch Raven Commercial Revitalization District
Commercial Revitalization District
Map Prepared May 10, 2016
Baltimore County Department of Planning
105 W Chesapeake Ave, Towson, MD 21204
Data Sources:
CRD - Baltimore County Dept of Planning
All Other - Baltimore County Office of Info Tech
0 600 1,200 2,400 3,600
Feet
Petitioner
CBA Exhibit
11

Kenneth W. Schmid
11022 Pfeffers Road
Kingsville MD 21087
410-274-8191 (Cell)
410-670-2911 (Office)

Professional Summary:
Traffic Engineer, 37 years of experience.

Skills:

Traffic Operations Analysis	Speed & Sight Distance Studies
Traffic Impact Studies	Intersection Delay Studies
Intersection Analysis	Parking Studies
Transportation Planning Studies	Trip Generation Analyses
Transportation Management Studies	

Computer software Packages: Microsoft software packages, TP +, MINUTP, Highway Capacity Software (HCS), SIDRA, Critical Lane Volume Analysis

Professional Associations:

- Institute of Transportation Engineers, 1985 - present

Professional Experience:

TRAFFIC CONCEPTS, INC
7525 Connelley Drive, Suite B Hanover, Maryland 21076

Vice-President/Senior Project Manager, January 1993-Present

- Project Manager for Traffic Impact Studies/Traffic Engineering Services Division.
- Develop price proposals and budgets for the preparation of traffic studies.
- Provide expert testimony at public hearings.
- Develop master planning studies, traffic impact studies, and parking studies for private and public sector clients.
- Address technical comments received from reviewing agencies and provide traffic mitigation strategies and solutions for clients.
- Represent clients at project Scoping Meetings, Planning Commission Meetings, Board of Appeals Hearings, and Community Input Meetings.

Petitioner
CBA Exhibit
12

RONALD W. JOHNSON ASSOCIATES, INC.
2661 Riva Road Suite 420, Annapolis, Maryland 21041

Chief – Traffic Engineering Division, December 1989 – January 1993

- Managed the County Adequate Public Facilities Ordinance (Traffic)
- Provided staff support to the Planning Commission and County Council on transportation issues.
- Reviewed approximately 100 traffic impact studies for Queen Anne's County and recommended traffic mitigation measures to meet the APFO requirements.
- Reviewed major and minor subdivision/site plans for compliance with the County's Zoning Ordinance and the Comprehensive Plan.
- Generated technical subdivision/site plan comments and made presentations at County Council and Planning Commission Meetings.
- Initiated and directed general and specialized land use studies, which included vacant land inventories, site impact analysis and transportation corridor studies.
- Appointed liaison to Federal and State Agencies for Maryland's Smart Growth initiatives and the Federal Clean Air Act Amendment (Air Quality Conformity).

ANNE ARUNDEL COUNTY DEPARTMENT OF PUBLIC WORKS
TRAFFIC ENGINEERING DIVISION
Annapolis, Maryland 21401

Administrator, Office of Transportation, July 1999 – September 2002

- Developed the 2000 Transportation Plan, An Element of the Harford County Master Plan.
- Reviewed of more than 400 traffic impact studies and recommended traffic mitigation measures.
- Initiated and directed planning studies relating to land use and transportation planning, which included computer modeling, transit planning, and traffic impact analysis.
- Developed Transportation Demand Management Strategies for the County.
- Managed the County Traffic Count Program.
- Managed the County Rideshare Program.
- Developed the Unified Planning Work Program for each fiscal year.
- Developed the Transportation Improvement Program (TIP).
- Baltimore Metropolitan Council's Transportation Technical Committee Member.
- Baltimore Metropolitan Council's Bicycle and Pedestrian Advisory Group Member.
- Baltimore Metropolitan Council's Travel Analysis Advisory Group Member.

MARYLAND STATE HIGHWAY ADMINISTRATION, DISTRICT #5 OFFICE
Annapolis, MD 21401

Traffic Engineer I, II, III, May 1981 – December 1986

- Develop traffic signal design and signalization plans
- Review traffic signal design plans submitted by consultants
- Develop equipment and construction design specifications
- Development of traffic signal and traffic signal timing .
- Conduct traffic signal construction inspection
- Conduct various traffic engineering studies in order to make recommendations to the District Traffic Engineer

Publications:

- Developed the Signal Design Manual currently in use by the Maryland State Highway Administration Office of Traffic and Safety.

Expert Witness Experience:

Baltimore County, MD
Calvert County, MD
Caroline County, MD
Carroll County, MD
Cecil County, MD
Charles County, MD
Frederick County, MD
Harford County, MD
Howard County, MD
Prince George's County, MD
Queen Anne's County, MD
St. Mary's County, MD
Talbot County, MD

Baltimore City, MD
City of Annapolis
City of Elkton, MD
City of Frederick, MD
City of Bel Air, MD
Town of Bowie, MD
Town of Easton, MD

Education:

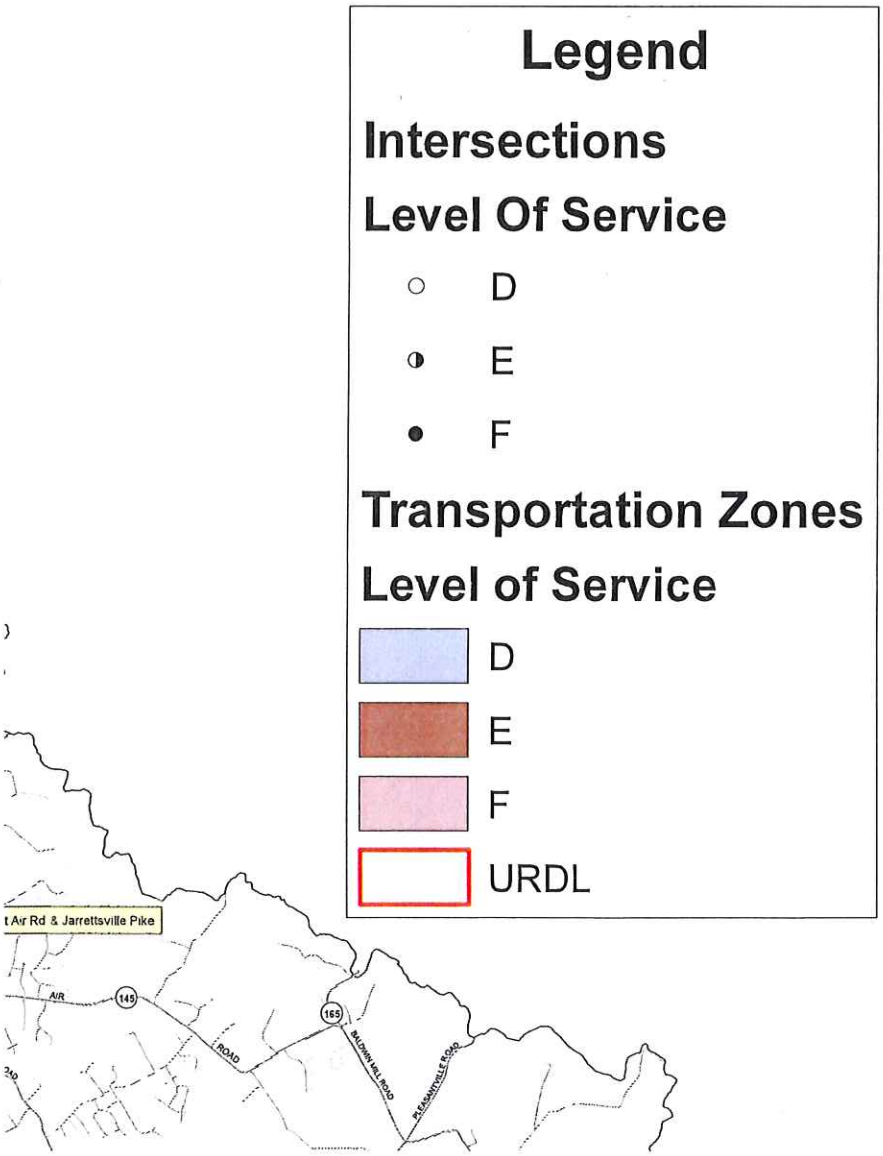
UNIVERSITY OF MARYLAND
College Park, MD 20740
B.A. Degree – Civil Engineering, 1981

ESSEX COMMUNITY COLLEGE
Rosedale, MD 21237
1976 - 1978

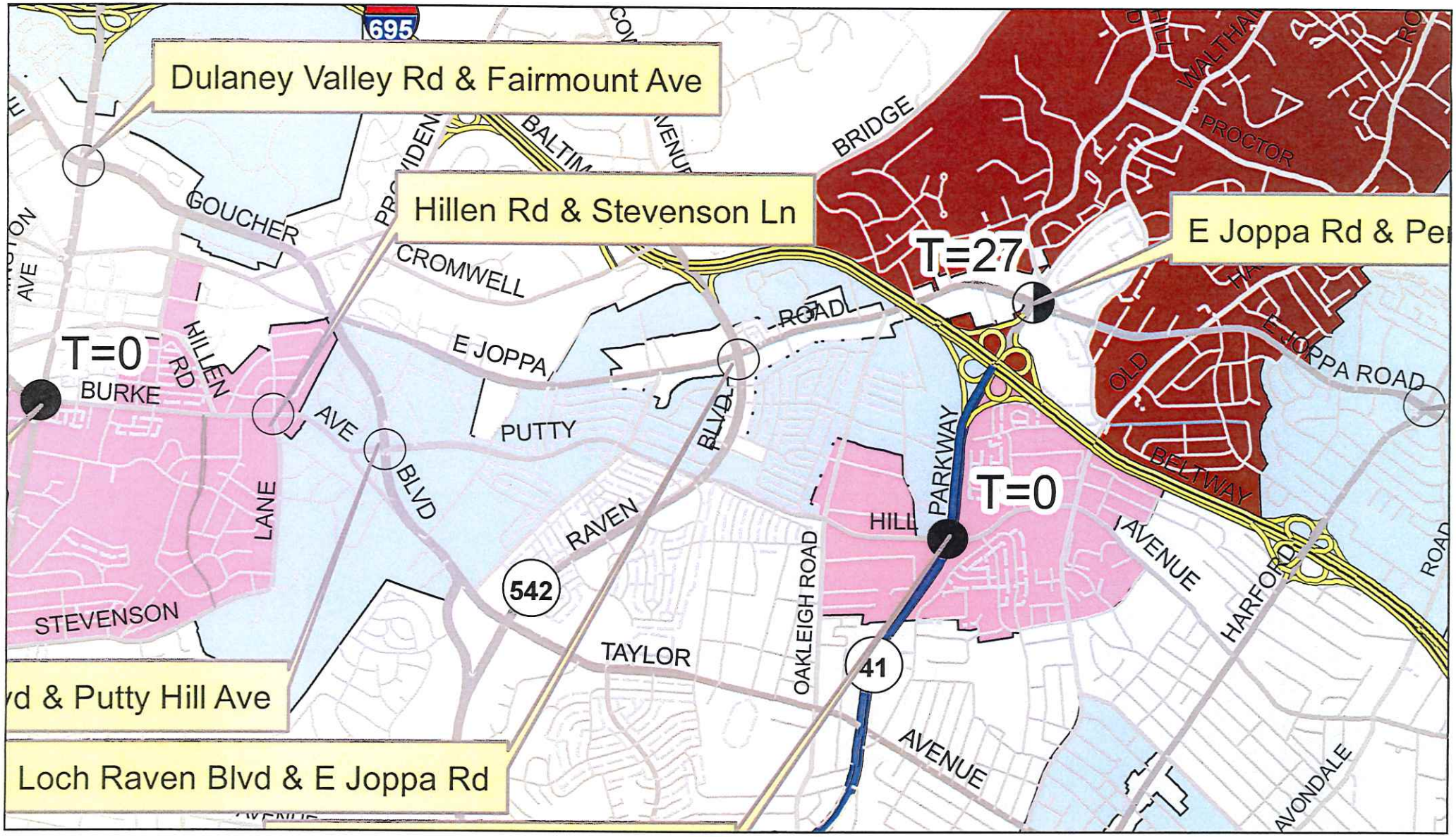
BALTIMORE POLYTECHNIC INSTITUTE
1400 West Cold Spring Lane
Baltimore, MD 21209
Graduated 1976

Department of Public Works

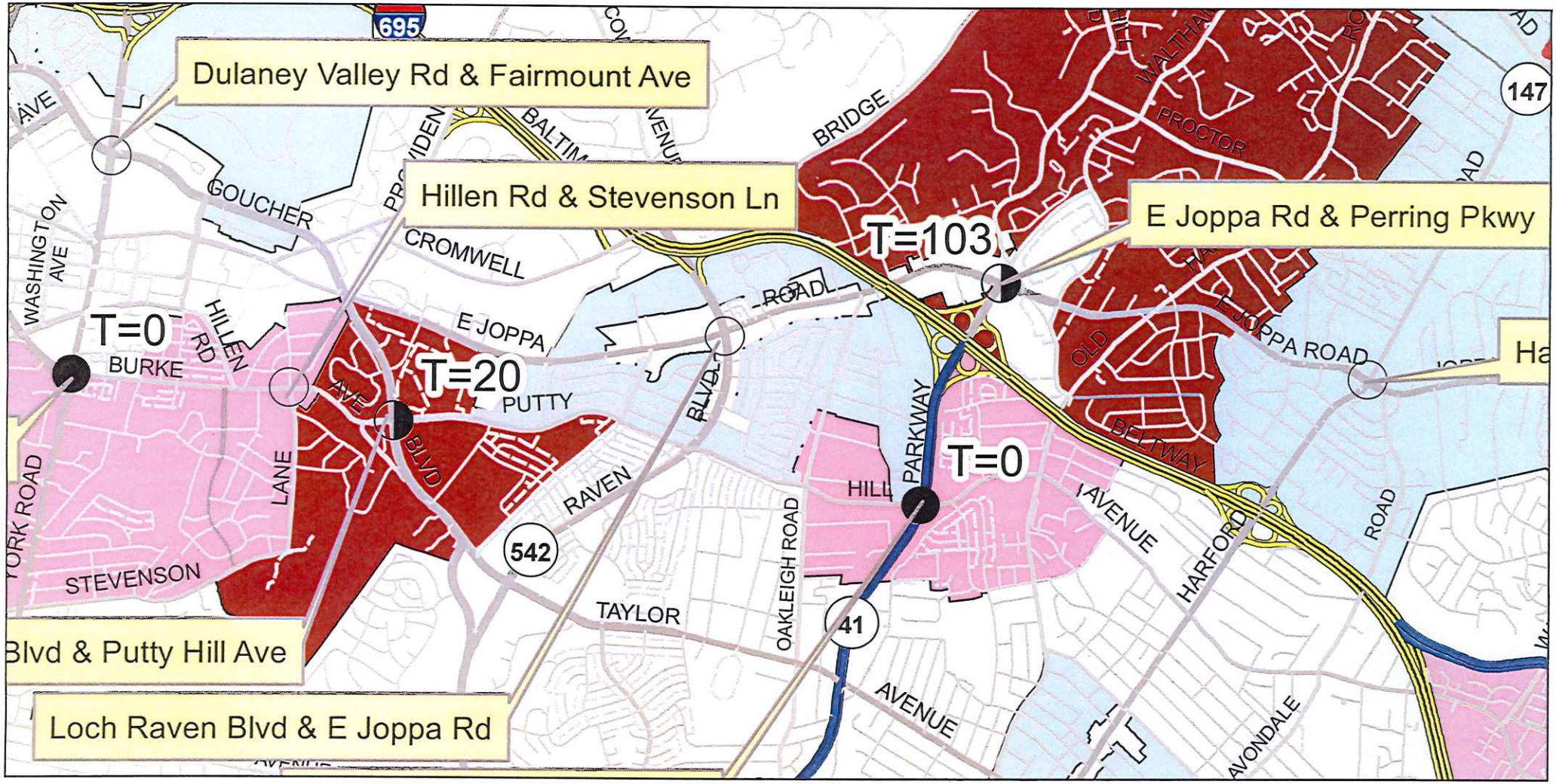
2018 Basic Services Map
Transportation Zones



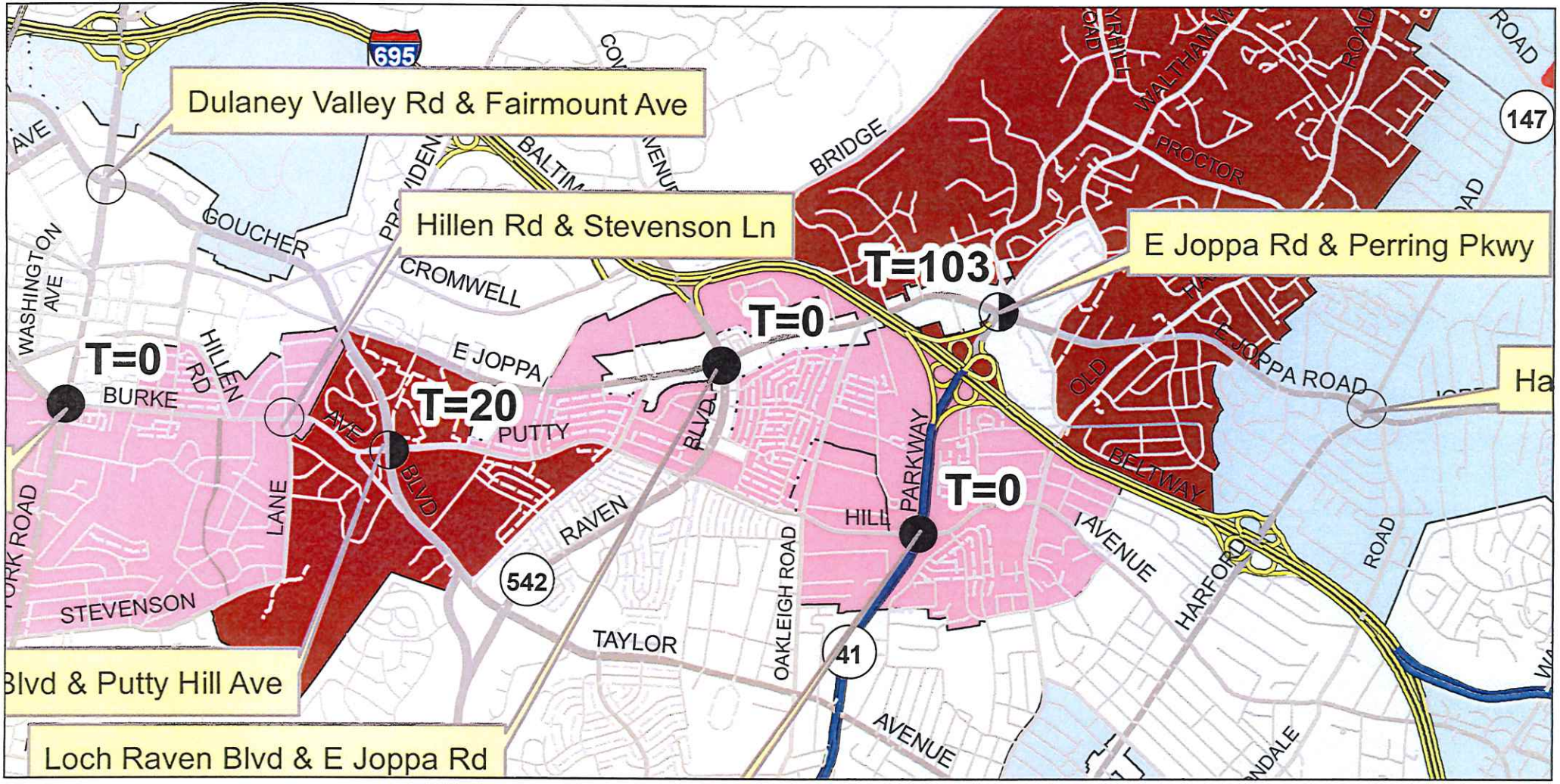
Petitioner
CBA Exhibit
13


Dulaney Valley Rd & Fairmount Ave
Hillen Rd & Stevenson Ln
E Joppa Rd & Pe
T=27
T=0
T=0
vd & Putty Hill Ave
Loch Raven Blvd & E Joppa Rd
695
BRIDGE
PROCTOR
GOUCHER
CROMWELL
E JOPPA
ROAD
BURKE
HILLEN RD
AVE
BLVD
PUTTY
LANE
RAVEN
BLVD
PARKWAY
HILL
OAKLEIGH ROAD
542
STEVENSON
TAYLOR
41
AVENUE
AVENUE
HARFORD
BELTWAY
OLD
E JOPPA ROAD
AVONDALE

2018


Dulaney Valley Rd & Fairmount Ave
Hillen Rd & Stevenson Ln
E Joppa Rd & Perring Pkwy
Blvd & Putty Hill Ave
Loch Raven Blvd & E Joppa Rd
T=0
T=20
T=103
T=0
695
147
542
41
GOUCHER
CROMWELL
BRIDGE
PROCTOR
E JOPPA
ROAD
PUTTY
BURKE
HILLEN RD
WASHINGTON AVE
YORK ROAD
STEVENSON
LANE
RAVEN
TAYLOR
OAKLEIGH ROAD
PARKWAY
AVENUE
HARFORD
BELTWAY
E JOPPA ROAD
AVONDALE
ROAD

2017


Dulaney Valley Rd & Fairmount Ave
Hillen Rd & Stevenson Ln
E Joppa Rd & Perring Pkwy
Blvd & Putty Hill Ave
Loch Raven Blvd & E Joppa Rd
T=0
T=20
T=0
T=103
T=0
695
147
542
41
GOUCHER
CROMWELL
E JOPPA
BURKE
PUTTY
RAVEN
TAYLOR
STEVENSON
OAKLEIGH ROAD
HARFORD
BELTWAY
PARKWAY
PROCTOR
BRIDGE
WASHINGTON AVE
HILLEN RD
LANE
BLVD
AVENUE
ROAD

2016

September 13, 2018

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

Dear Ms. Lewis:

Thank you for the opportunity to review the plan accompanying the special exception request for the proposed Valvoline Instant Oil Change located at the southwest corner of Loch Raven Boulevard (MD 542) and Joppa Road in Baltimore County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the plan submittal listed below and is pleased to respond:

Valvoline Instant Oil Change
Plan to accompany Special Exception Request
Case No. 2019-0070-SPHX
SHA Tracking No. 18APBA021XX
MD 542 (Loch Raven Boulevard) (west side) at Joppa Road southwest corner
Mile Post 2.14
Baltimore County

An access permit will be required for the proposed changes to the existing entrances on MD 542. The following criteria and details will apply and must be reflected on future plan submittals:

The southernmost entrance must be a minimum 25' wide with curbed radii. The plans must be shaded from the edge of existing pavement on MD 542 back to the radius returns within the entrance and one of the following full depth pavement sections utilized and noted on the plans

2" Superpave Asphalt Mix 12.5mm for Surface – PG 64S-22, Level 2
7" Superpave Asphalt Mix 19.0mm for Base – PG 64S-22, Level 2 (2 – 3.5" lifts)
6" Graded Aggregate Base or 12" Capping Borrow

or

8" Portland Cement Concrete Mix #7
6" Graded Aggregate Base or 12" Capping Borrow
Refer to Std. No. MD 577.07 for joints. Refer to Std. Nos. 572.21, 572.61, and 572.61-01 for steel requirements.

The northernmost entrance must be closed with curb & gutter, and sidewalk. The existing streetscape with sidewalk and brick pavers should be utilized and tie-in at both ends of this re-constructed/relocated entrance, and sidewalk on MD 542.

This sidewalk/streetscape must be constructed with no greater than a 2% cross slope.

Petitioner
CBA Exhibit
14

Sidewalk ramps must be constructed on the entrance radii (MD 655.11, 655.12, 655.13) whichever is appropriate.

A 60" wide pathway must be maintained across the entrance between the sidewalk ramps having no greater than a 2% cross slope.

All new curb and gutter along MD 542 must be MDOT SHA 8" Type 'A' curb & gutter (MD 620.02).

To initiate the plan review cycle toward the issuance of the access permit the design engineer must submit nine (9) sets of plans reflecting the above criteria and details. The plan submittal should include 1 set of hydraulic computations, and a CD containing plans and all supporting documentation to Wendy Wolcott at 320 West Warren Road, Hunt Valley, MD 21030 to the attention of Mr. Richard Zeller. Please utilize the SHA tracking number when making this submission.

All SHA Policies, Standards and Specifications must be followed when preparing the above plan submittal including but not limited to the following documents:

MDOT SHA Access Manual
MDOT SHA Business Standards and Specifications
MDOT SHA Accessibility Policy and Guidelines for Pedestrian Facilities

The Access Management Plan Review Checklist must be utilized in drafting the SHA Improvement Plans. Please include a copy of the completed checklist when making this submittal. All of these documents along with additional guidance can be found on our web site at www.roads.maryland.gov under Business Center.

If there are any questions, please contact Mr. Richard Zeller at 410-229-2332 or toll free (in Maryland only), 1-866-998-0367 (x2332) 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

cc: Morris & Ritchie Associates, Inc. / 1220-C East Joppa Road, Suite 505, Towson, MD 21286
Valvoline Instant Oil Change / 54 Jaconnet Street, Newton Highlands, MA 02461
Mr. Jan M. Cook / 111 W. Chesapeake Avenue, Towson, MD 21204
Mr. Vishnu Desai / 111 W. Chesapeake Avenue, Towson, MD 21204
Mr. Donald Distance, MDOT SHA District 4 Traffic
Mr. Michael Pasquariello, MDOT SHA District 4 Utilities
Mr. Alan Price, MDOT SHA Resident Maintenance Engineer – Golden Ring Shop

Petitioner's

Sign-In Sheet

Case Name: Valvoline @ Joppa Rd

Case No.: 6

Date: 4/2/19

The Office of People's Counsel was created by the County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns, whether they have their own attorney or not. If you wish to be assisted by People's Counsel, please sign below.

Check to testify	Name	Address	Phone #	Email	Group you represent	Basis of your concerns
	Joshua Sharon	1220-C E. Joppa Rd Suite 505	4108211690	JSharon@mragta.com		
	RANDOLPH L. KAZAZIAN	54 JACONNET ST	617.340.8979	RKAZAZIAN@VIOC.NET		
	DINO LaFiandra	100W Penn #300	4432043473	dc@lafiandralaw.com	Petitioner	
	Ken Schmid	7525 Connelly Dr.	410-760-2911	KSCHMID@TRAFFICCONCEPTS.com	Traffic Concepts	
	JOHN FIASTRO	1500 DELLSWAY RD	443-416-3842			
		TOWSON, MD, 21286		jcfiastro@hotmail.com		LOCH RAVEN RESIDENT.

Petitioner
CBA Exhibit
15

AMENDED 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 1641 Joppa Road which is presently zoned BL

Deed References: 41517/360 10 Digit Tax Account # 1600013383

Property Owner(s) Printed Name(s) M and S 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

   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)**

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

M and S Limited Partnership
Name #1 – Type or Print

Signature #1

Name #2 – Type or Print
Randolph Kazazian,
Director of Real Estate
Signature # 2

54 Jaconnet Street, Suite 100, Newton Highlands, MA
Mailing Address City State

02461 / 617-243-0404 / rkazazian@vioc.net
Zip Code Telephone # Email Address

Attorney for Petitioner:
Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name- Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

Representative to be contacted:
Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name – Type or Print

Signature

100 W. Pennsylvania Avenue,Suite 305
Towson, Maryland 21204
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

CASE NUMBER _____ **Filing Date** ___/___/_____ **Do Not Schedule Dates:** _____ **Reviewer** _____

REV. 10/4/11

Petitioner
CBA Exhibit
16

Petition for Zoning Hearing
For the Property Located at 1641 Joppa Road
Continuation Sheet

✓ Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve an amendment to the previously approved zoning site plan in case number 99-251-A.

✓ Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for a service garage. BCZR §230.3

PAID RECEIPT
DATE 06/06/2019 TIME 12:18:33
TAX ID: 1600013383
CO. TR TAX $22,500.00
RECORDATION TAX $7,500.00
CR Baltimore County, Maryland

Melissa A. Gravlin
First American Title Insurance Company National Commercial Services
401 E. Pratt Street, Suite 323, Baltimore, MD 2102
NCS 925670-BOS1
Tax ID 09-1600013383 1641 Joppa Road

Baltimore County Cir Crt
IMP FD SURE $40.00
RECORDING FEE $20.00
TR TAX STATE $7,500.00
TOTAL $7,560.00
JLE LH
Jun 13, 2019 03:18 pm

DEED

THIS DEED, is made this 24 day of May 2019 by Howard Bank, a Maryland trust company, having an address of 3301 Boston Street, Baltimore, Maryland 21224 ("**Grantor**"), to and in favor of M and S Limited Partnership, a Massachusetts limited partnership, having an address of 54 Jaconnet Street, Newton Highlands, MA 02461 ("**Grantee**").

WITNESSETH, that for and in consideration of the sum of One Million Five Hundred Thousand and 00/100 Dollars ($1,500,000.00), the receipt and sufficiency whereof is hereby acknowledged, Grantor does hereby grant and convey unto Grantee, in fee simple, all that certain parcel of land, together with the improvements, rights, privileges and appurtenances to the same belonging, situate in Baltimore County, Maryland, as more particularly described on **EXHIBIT A** attached hereto and made a part hereof, commonly known as 1641 East Joppa Road, Towson, MD 21286.

BEING THE SAME PREMISES conveyed to the Grantor and recorded on April 1, 1999 among the Land Records of Baltimore County in Liber 13640, Folio 369.

TOGETHER WITH all right, title and interest of the Grantor in and to all easements, covenants and other rights appurtenant to such land.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, the heirs or successors and assigns of Grantee in fee simple forever.

GRANTOR hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed, except for matters of record; that it will warrant specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite. The within conveyance is not a sale of all, or substantially all of, the assets of the Grantor in the State of Maryland.

[Remainder of Page Intentionally Blank; Signature Page Follows]

Petitioner
CBA Exhibit
17

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 41517, p. 0360, MSA_CE62_41374. Date available 06/18/2019. Printed 06/25/2019.

IN WITNESS WHEREOF, the Grantor has duly executed this Deed as an instrument under seal as of the day and year first above written.

HOWARD BANK, a Maryland trust company

By:_____
Name: Steven M. Poynot
Title: EVP

State of Maryland)
) ss.
City of Baltimore)

On this 23rd day of May 2019, before me, the undersigned notary public of the state aforesaid, personally appeared Steven M. Poynot, known to me, or satisfactorily proven to be, the person whose name is subscriber to the within instrument, and who acknowledged himself to be an Executive Vice President of Howard Bank, and he acknowledged that he executed the foregoing on behalf of Howard Bank for the purposes therein contained and he acknowledged the same to be the lawful act and deed of the aforesaid Howard Bank.

KRISTEN S. MADIGAN NOTARY PUBLIC BALTIMORE CO., MD My Comm. Expires 12/18/22

Notary Public
My Commission Expires: 12/18/22

[SEAL]

THIS IS TO CERTIFY that the Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Joseph F. Howard, Esq.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 41517, p. 0361, MSA_CE62_41374. Date available 06/18/2019. Printed 06/25/2019.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 41517, p. 0362, MSA_CE62_41374. Date available 06/18/2019. Printed 06/25/2019.

MARYLAND FORM WH-AR

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

2019

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor: Howard Bank

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).

1641 East Joppa Road, Towson, MD 21286

3. Reasons for Exemption

Resident Status

☐ As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

☑ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence

☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Name **Date

Signature

3b. Entity Transferors

Witness/Attest

Howard Bank
Name of Entity

By

Steven M. Poynot 5/24/2019
Name **Date

EVP
Title

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

19-49

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 41517, p. 0363, MSA_CE62_41374. Date available 06/18/2019. Printed 06/25/2019.

EXHIBIT A

The Land referred to herein below is situated in the County of Baltimore, State of Maryland, and is described as follows:

BEGINNING FOR A POINT IN WESTERLY LINE OF LOCH RAVEN BOULEVARD, MARYLAND ROUTE 542, SAID POINT BEING AT THE BEGINNING OF THE THIRD OR NORTH 88 DEGREES 17 MINUTES 20 SECONDS WEST 98.56 FEET LINE OF PARCEL IV SCHEDULE A OF THE SPECIAL WARRANTY DEED, DATED DECEMBER 21, 1973 FROM B.P. OIL CORPORATION TO B.P. OIL, INC. AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER NO. 5491, FOLIO 725, THENCE DEPARTING SAID POINT AND RUNNING THE (2) FOLLOWING COURSES AND DISTANCES: (1) NORTH 88 DEGREES 17 MINUTES 20 SECONDS WEST 98.56 FEET, AND (2) NORTH 21 DEGREES 13 MINUTES 20 SECONDS WEST 172.93 FEET TO THE SOUTHERLY SIDE OF JOPPA ROAD, MARYLAND ROUTE 148, THENCE RUNNING WITH THE SOUTHERLY SIDE OF JOPPA ROAD THE FOLLOWING (3) THREE COURSES AND DISTANCES: (3) NORTH 69 DEGREES 25 MINUTES 54 SECONDS EAST 24.82 FEET; (4) NORTH 68 DEGREES 37 MINUTES 25 SECONDS EAST 21.76 FEET, AND (5) 115.52 FEET WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 66.00 FEET, WITH A CHORD BEARING SOUTH 61 DEGREES 13 MINUTES 18 SECONDS EAST 101.33 FEET TO A POINT, THENCE, (6) NORTH 78 DEGREES 34 MINUTES 59 SECONDS EAST 7.33 FEET TO THE WESTERLY LINE OF LOCH RAVEN BOULEVARD, THENCE WITH THE WESTERLY SIDE OF SAID LOCH RAVEN BOULEVARD THE FOLLOWING (2) TWO COURSES AND DISTANCES: (7) SOUTH 09 DEGREES 58 MINUTES 55 SECONDS EAST 79.06 FEET; AND (8) 56.13 FEET WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2045.81 FEET WITH A CHORD BEARING SOUTH 08 DEGREES 05 MINUTES 28 SECONDS EAST 56.13 TO THE POINT OF BEGINNING, CONTAINING 20,154 SQUARE FEET, MORE OR LESS, OR 0.463 ACRE OF LAND, MORE OR LESS, AS NOW SURVEYED BY MCCRONE, INC.

TOGETHER WITH THE RIGHTS GRANTED IN DEED, DATED FEBRUARY 26, 1946 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER RJS NO. 1444, FOLIO 523, REGARDING THE USE OF WALL.

BOOK: 41517 PAGE: 364

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☑ County: Baltimore

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

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

Spaces Reserved for Circuit Court Clerk Recording Validation

1 Type(s) of Instruments (☐ Check Box if addendum Intake Form is Attached.)

X Deed / Deed of Trust	☐ Mortgage / Lease	☐ Other	☐ Other

2 Conveyance Type Check Box

✓ Improved Sale Arms-Length *[1]*	☐ Unimproved Sale Arms-Length *[2]*	☐ Multiple Accounts Arms-Length *[3]*	☐ Not an Arms-Length Sale *[9]*

3 Tax Exemptions (if applicable) Cite or Explain Authority

Recordation	
State Transfer	
County Transfer	

4 Consideration and Tax Calculations

Consideration Amount	
Purchase Price/Consideration	$ 1,500,000.00
Any New Mortgage	$
Balance of Existing Mortgage	$
Other:	$
Other:	$
Full Cash Value:	$

Finance Office Use Only Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	$
X ( ) % =	$
Less Exemption Amount –	$
Total Transfer Tax =	$
Recordation Tax Consideration	$
X ( ) per $500 =	$
TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20.00	$
Surcharge	$ 40.00	$
State Recordation Tax	$ 7,500.00	$
State Transfer Tax	$ 7,500.00	$
County Transfer Tax	$ 22,500.00	$
Other	$	$
Other	$	$

Agent:

Tax Bill: Real Property

C.B. PAID

Ag. Tax/Other:

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
09	1600013383	13640/369			☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)

Location/Address of Property Being Conveyed (2): 1641 Joppa Road

Other Property Identifiers (if applicable): | Water Meter Account No.:

Residential ☐ or Non-Residential ✓ | Fee Simple ✓ or Ground Rent ☐ Amount:

Partial Conveyance? ☐ Yes ✓ No | Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 – Grantor(s) Name(s)	Doc. 2 – Grantor(s) Name(s)
Howard Bank, a Maryland trust company	
Doc. 1 – Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 – Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 – Grantee(s) Name(s)	Doc. 2 – Grantee(s) Name(s)
M and S Limited Partnership, a Massachusetts limited partnership	

New Owner's (Grantee) Mailing Address: 54 Jaconnet Street, Newton Highlands, MA 02461

9 Other Names to Be Indexed

Doc. 1 – Additional Names to be Indexed (Optional)	Doc. 2 – Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: Mark Stanley Jr

Firm: First American Title Insurance Company, National Commercial Services

Address: 401 E. Pratt Street, Suite 323, Baltimore, MD 21202

Phone: (410) 246-6548

☑ Return to Contact Person ☐ Hold for Pickup ☐ Return Address Provided

11 Assessment Information

IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

☐ Yes ✓ No Will the property being conveyed be the grantee's principal residence?

☐ Yes ✓ No Does transfer include personal property? If yes, identify:

☐ Yes ✓ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only – Do Not Write Below This Line

Terminal Verification . Agricultural Verification . Whole . Part . Tran. Process Verification

Transfer Number . Date Received: . Deed Reference: . Assigned Property No.:

	20	20
Year		
Land		
Buildings		
Total		

Geo.	Map	Sub	Block
Zoning	Grid	Plat	Lot
Use	Parcel	Section	Occ. Cd.
Town Cd.	Ex. St.	Ex. Cd.	

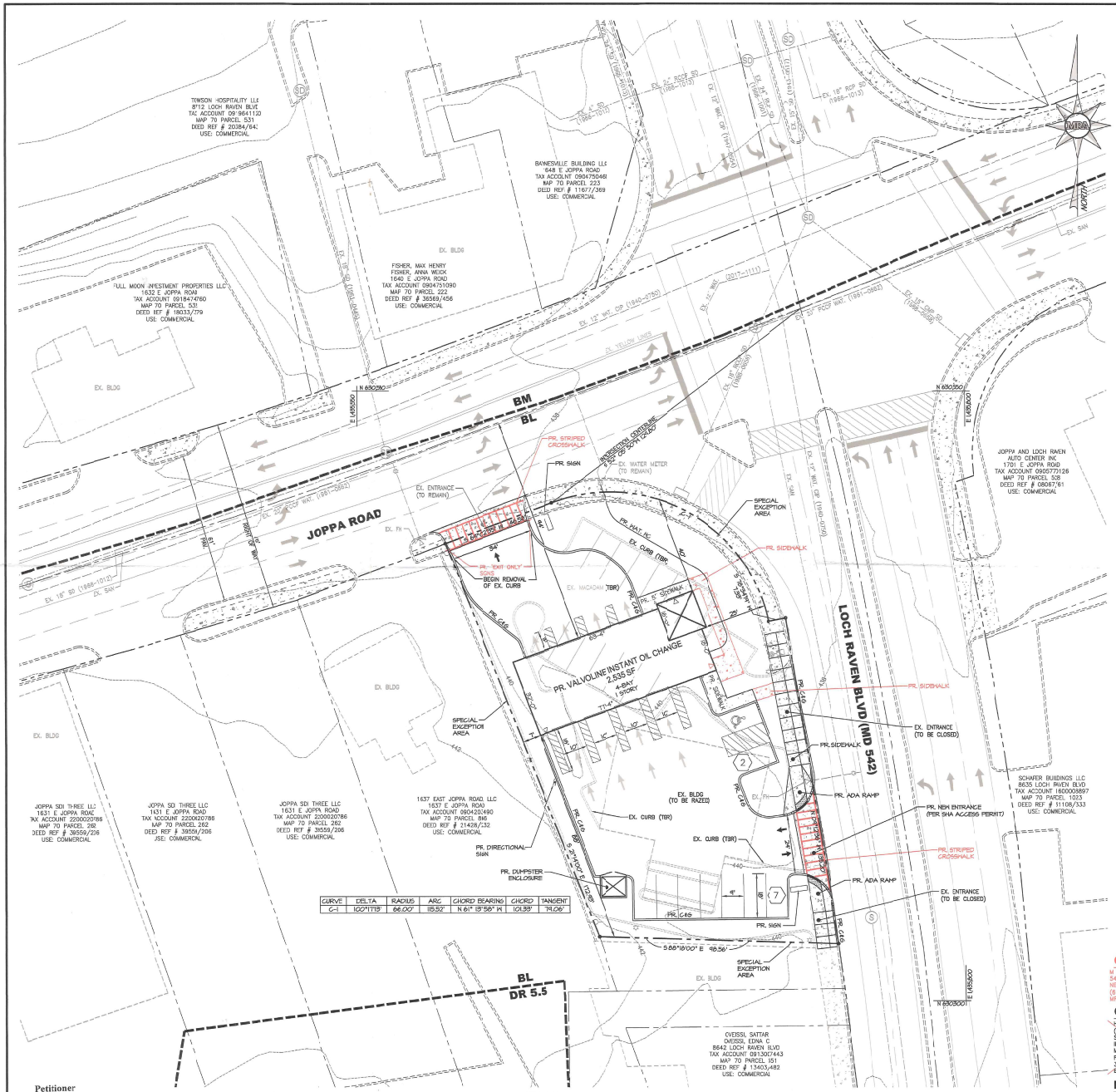
REMARKS:

Space Reserved for County Validation

Distribution: White – Clerk's Office; Pink – Office of Finance; Canary – SDAT; Goldenrod – Preparer

AOC-CC-300 (5/2007)

BALTIMORE COUNTY CIRCUIT COURT (Land Records) LIBER 41517, p. 0364, MSA_CE62_41374. Date available 06/18/2019. Printed 06/25/2019.


JOPPA ROAD
LOCH RAVEN BLVD (MD 542)
PR. VALVOLINE INSTANT OIL CHANGE
2,535 SF
4-BAY
1 STORY
PR. SIGN
PR. STRIPED CROSSWALK
PR. SIDEWALK
PR. 'EXIT ONLY' SIGN
BEGIN REMOVAL OF EX. CURB
SPECIAL EXCEPTION AREA
EX. ENTRANCE (TO REMAIN)
EX. ENTRANCE (TO BE CLOSED)
PR. ADA RAMP
PR. NEW ENTRANCE (PER SHA ACCESS PERMIT)
EX. CURB (TBR)
EX. BLDG (TO BE RAZED)
PR. DIRECTIONAL SIGN
PR. DUMPSTER ENCLOSURE
EX. WATER METER (TO REMAIN)
PR. 6" WATER SERVICE
PR. 4" SEWER SERVICE
PR. 6" SEWER SERVICE
PR. 4" SEWER CLEANOUT
PR. 6" SEWER CLEANOUT
PR. 6" SEWER MANHOLE
PR. 4" SEWER MANHOL

Board of Appeals

Case No: 19-070-SPHX Case Name: HowardBank / Mid-Atlantic Lakes, LLC

Exhibit List

Party: ~~Applicant~~ Protestant Date: 3/5/19 & 4/2/19

Exhibit No:	Description:
✓ 1 ✓	2/9/99 Findings by Zoning Comm (1st Mariner)
✓ 2 ✓	1/25/99 Jablon correspondence approving variance for 1st Mariner
✓ 3 ✓	1/25/99 Memo from Kotroco to Van Arsdale re: 1st Mariner variance
✓ 4 ✓	Master Plan 2020 pgs. 133 & 137-141
✓ 5 ✓	Master Plan 2020 pgs. 23, 27-31
✓ 6 ✓	10/10/18 Design Review Panel Minutes
✓ 7 ✓	DRP Panel members from Balt. Co. Website
✓ 8 ✓	Valvoline website excerpts for Middle River location
✓ 9	DPW Level of Service Ratings
✓ 10	Level of Service Intersection's
✓ 11	1/5/18 Mr from Bureau of Traffic Engineering (Carski) to DPW (Walsh)
✓ 12	11/19/18 Mr. from Bureau of Traffic Engineering (Carski) to DPW (Walsh)
✓ 13	4/10/14 Balt. Co. Traffic Engineering Turning Movement Count Data.
✓ 14	3/29/17 "
	VERIFIED BY KC DATE: 4/4/19

KC 3/6/19

Board of Appeals

Case No: 19-070-SPHX Case Name: Howard Bank/Mid-Atlantic Lubes, LLC

Exhibit List

Party: Protestant Date: 3/5/19 & 4/2/19

Exhibit No:	Description:
✓ 15 ✓	Rule 8 Papers for Associates of Loch Raven Village
✓ 16 ✓	Balto. Co. My Neighborhood for Loch Raven Village
✓ 17 ✓	Google Map of oil changes near Loch Raven & Joppa Rd.
✓ 18 ✓	Pictures of Auto Service businesses near Loch Raven & Joppa Rd.
✓ 19 ✓	Google Map of 1641 E. Joppa Rd.
✓ 20 ✓	5 Maps-Balto. Co. My Neighborhood
✓ 21	Rule 8 papers for Towson Comm. Alliance
	VERIFIED BY KC DATE: 6/28/19

KC 4/4/19

IN RE: PETITION FOR VARIANCE
S/S Joppa Road, 170' SW of the c/l
Loch Raven Boulevard
(1641 E. Joppa Road)
9th Election District
6th Councilmanic District

Estate of Sol Goldman. Owners;
First Mariner Bank, Contract Purchaser

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-251-A
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, the Estate of Sol Goldman, by Louisa Little, Executor, and the Contract Purchaser, First Mariner Bank, by Ken Jones, Vice President, through their attorney Deborah C. Dopkin, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 303.2, as referenced by Section 238.1, to permit a front yard setback of 16 feet in lieu of the required 29 feet; from Section 238.1 to permit a side yard setback of 23 feet in lieu of the required 30 feet; from Section 409.10.B to permit a drive-through lane to block entry to, or exit from, the required off-street parking spaces; and, from Section 409.12 to approve a modified parking plan. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner' Exhibit 1.

Appearing at the hearing on behalf of the Petition were Ken Jones, Vice President of First Mariner Bank, Contract Purchasers of the subject property, Robert Capalongo and Robert Bradley, representatives of Morris Ritchie & Associates, Inc., the engineering firm which prepared the site plan of this property, Glenn Cook, a representative of The Traffic Group, traffic engineering consultants, and Deborah C. Dopkin, Esquire, attorney for the Petitioners, Also

ORDER RECEIVED FOR FILING
Date 7/7/99
By

Protestant
CBA Exhibit
1

appearing on behalf of the Petitioners were Andrea Van Arsdale, Director of Commercial Revitalization for the Economic Development Commission, and Donna Spicer, a representative of the Loch Raven Community Council. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.46 acres, more or less, split zoned B.L.-A.S. (0.13 acres) and B.R.-A.S. (0.33 acres), and is improved with a Crown Gasoline Service Station. The property is located at the southwest corner of Loch Raven Boulevard and Joppa Road, just west of the I-695 interchange. The Petitioners propose to remove and replace the existing gas station with a two-story bank, as shown on Petitioner's Exhibit 1. Inasmuch as this particular corner is located at a prominent intersection and is the gateway to the Loch Raven communities, the Petitioners have attempted to design a building and landscape package that will further enhance the site and be a benefit to the surrounding locale. Due to the split zoning of the property, however, certain area variances are necessary in order to proceed with the proposed improvements. Furthermore, two parking spaces (for employees) are offset from the drive-through lane, thereby generating an additional variance. Finally, the Petitioners testified that Mr. John Lewis, the Zoning Review Technician who reviewed the Petition filed, suggested that the Petitioners request approval of the overall parking design as a modified parking plan.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

ORDER RECEIVED FOR FILING
Date 2/9/99
By

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After considering the testimony and evidence offered at the hearing, and in view of the support this project has received from the Office of Planning, the Economic Development Commission, and the Loch Raven Business Association, as well as the tremendous benefit the proposed development will offer to the Loch Raven area, I am persuaded to grant the requested variances. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of February, 1999 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 303.2, as referenced by Section 238.1, to permit a front yard setback of 16 feet in lieu of the required 29 feet; from Section 238.1 to permit a side yard setback of 23 feet in lieu of the required 30 feet; from Section 409.10.B to permit a drive-through lane to block entry to, or exit from, the required off-street parking spaces; and, from Section 409.12 to approve a modified parking plan, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILING
Date 2/9/99
By

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The Petitioners have agreed to submit elevation drawings of the proposed building and landscape plans to the Office of Planning for their review and approval prior to the issuance of any permits.

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/19/02
By bjs

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: January 25, 1999

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

SUBJECT: 1641 Joppa Road

INFORMATION:

Item Number:	251
Petitioner:	First Mariner Bank
Property Size:	.046±: acres
Zoning:	BL-AS/BR-AS
Requested Action:	Variance
Hearing Date:	January 26, 1999

SUMMARY OF RECOMMENDATIONS:

The variances being requested in this case are from the following sections of the Baltimore County Zoning Regulations: a) 238.1 for a front yard setback of 16 feet in lieu of the required 29 feet, b) 238.1 for a side yard setback of 23 feet in lieu of the required 30 feet, c) 409.10.B to permit a drive through lane to block entry for required off-street parking spaces; and d) 409.12 to approve a modified parking plan.

The subject property is a .046 acre site which was, until recently, improved with a Crown Service Station that is being razed. The site is located on the southwest corner of Joppa Road and Loch Raven Boulevard – a prominent intersection which has historically been considered the northern "gateway" to the Loch Raven Village community.

The applicant, First Mariner Bank, proposes to construct a 4,745 square foot two story bank with a drive through window and canopy. The building will be set back from the street frontage with 16 parking spaces provided in front of the building. The elevations provided indicate a colonial style, masonry building with a mansard roof. Identification signage for the business will be located in several places. Building signs are located both above the main entrance and as an element incorporated into the mansard roof. There are also two additional

Protestant
CBA Exhibit
2

signs located on the parking lot - one freestanding pylon sign located near the intersection of Joppa Road and Loch Raven Boulevard directed at vehicular traffic, and a directional sign for the drive through lane located along the Loch Raven Boulevard street frontage.

In considering this request for variance, it is important to view this proposal within the context of future planning efforts underway in the Loch Raven Community. The State of Maryland and Baltimore County have budgeted six million dollars for streetscape improvements to Loch Raven Boulevard from Joppa Road to Goucher Boulevard. The project will include the introduction of new entryways and unifying design elements such as paving, lighting, signage, etc. to achieve a consistent streetscape treatment throughout the area. Additionally, this area was recently designated and adopted by the County Council as a commercial revitalization district. Design standards, for the revitalization district are in a conceptual stage, and will be reviewed and refined over the next year. As a result of our discussions with First Mariner they have indicated a willingness to make any reasonable alterations/additions to the site to bring it into compliance with those standards once they are more fully developed.

The Development team, consisting of First Mariner Bank, their engineer, architect, and attorney have worked cooperatively with the Loch Raven Community Council as well as this office to incorporate suggested alterations to the site plan and architectural elevations in a effort to design a product that complies with and complements the proposed Loch Raven streetscape standards. Several modifications to the original site plan have been made which we feel will enhance the appearance of the site, and help denote it's significance as a community gateway, including shifting the front orientation of the building, erecting a section of wrought iron and brick pier screening, and installing a false window on the front façade to provide a symmetrical rhythm.

This office recommends approval of this variance request with the condition that final building elevations and a final landscape plan be submitted to this office for review and approval. This development will be a welcome addition to this important revitalization area.

Section Chief: Gary L. Kerns

AFK:lsn

Baltimore County Government
Department of Economic Development

Sept 1/26

400 Washington Avenue
Towson, MD 21204

(410) 887-8000
Fax (410) 887-8017

RECEIVED
JAN 25
ZONING COMMISSIONER

MEMORANDUM

To: Timothy M. Kotroco
Deputy Zoning Commissioner

From: Andrea Van Arsdale
Director, Commercial Revitalization

Date: January 25, 1999

Re: First Mariner Bank
1641 Joppa Road (99-251-A)

The Department of Economic Development has reviewed the plans for the First Mariner Bank at 1641 Joppa Road and recommends approval of the requested variances. This is a visually prominent site at the crossroads of the Loch Raven Revitalization District and its successful redevelopment will be an important step in implementing the Loch Raven Revitalization Plan. The project represents significant new investment into the Revitalization District, will improve the physical appearance of area, and upgrade the mix of commercial uses in the District. The Loch Raven Business Association has met with the developer and also supports the variance requests.

Protestant
CBA Exhibit
3

ECONOMIC VITALITY

A healthy, vibrant economy is important to maintaining Baltimore County's quality of life: a rich variety of family-supporting jobs and tax revenue to pay for schools, roads and other public services.



A healthy, vibrant economy is important to maintaining Baltimore County's quality of life: a rich variety of family-supporting jobs and tax revenue to pay for schools, roads and other public services. This economic strength cannot be taken for granted. The County must ensure that the ingredients for future economic health be in place. This Master Plan lays the policy groundwork for achieving this long-term success.

FOUNDATION OF BALTIMORE'S ECONOMY

Baltimore County is the major economic engine in terms of jobs (515,000) in the region with the second-largest number of jobs of any Maryland jurisdiction. The County economy is highly diversified, not dependent on

Protestant
CBA Exhibit
4

Policy: Maintain zoning appropriate for major employment on infrastructure-served land with good access.

Actions:

(1) Recommend that the County Council evaluate rezoning and PUD proposals that convert M or OT zoned land to residential or retail use to consider the long-term effects on the economy.

(2) Ensure that adequate land and structures remain available to accommodate new and expanding primary employers not suited for mixed-use environments.

(3) Consider ways to guide new employment opportunities to quality mixed-use development.

(4) Preserve the County's limited deep-water access for industrial uses.

(5) Consider amending the BCZR to limit the amount of residential development permitted in the OT zoning classification.

LAND USE BALANCE

A fiscally strong jurisdiction must maintain a healthy balance between residential and non-residential land uses. Different types of land use have variant effects on a county's finances. Some land uses contribute more in tax revenue than they consume in public services, such as schools, police and fire services. Some land uses consume more services than they pay for directly through property taxes. A balanced economy is needed to provide a healthy place to live, work and play. A strong employment sector: industrial, office, and commercial, provide jobs and tax revenue. A diverse choice of housing is essential to providing a qualified work force to fuel the employment sector.

Policy: The County should maintain a healthy balance between residential and non-residential land uses inside the URDL.

Actions:

(1) Consider encouraging zoning requests that promote mixed-use development.

(2) Ensure that land use proposals contribute to a healthy balance of residential and non-residential uses and open space.

(3) Work proactively to promote employment driven projects compatible with residential uses.

(4) Direct mixed-use development to Community Enhancement Areas.

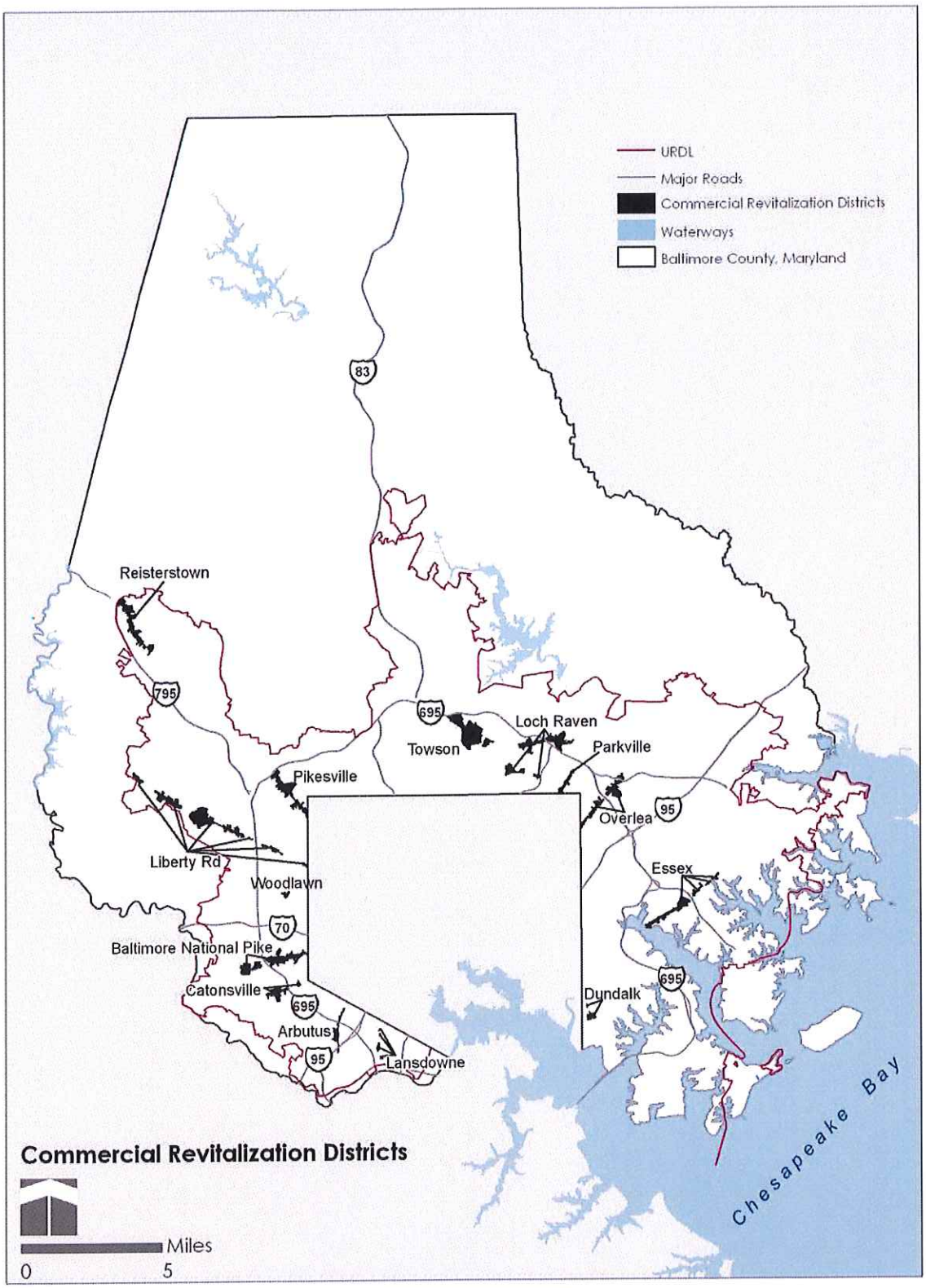
COMMERCIAL REVITALIZATION DISTRICTS

Baltimore County has 14 officially designated Commercial Revitalization Districts (CRDs). These areas were once the commercial hubs of the County's older beltway communities and offered a range of retail, service, and entertainment uses. However, beginning in the 1960s and 70s, changes





Map 35: Commercial Revitalization Districts







in demographics and retail shopping preferences fundamentally altered the role of these main street commercial centers. As people became more dependant upon the automobile, they moved farther out preferring the greater range of retail choices and convenient free parking over smaller mom and pop neighborhood shops along older commercial main streets. This trend continues. Most suburbanites patronize full service grocery stores, big and junior box retailers (e.g. Target, Wal-Mart, Pet Smart, Best Buy), chain specialty shops, and national restaurants.

To remain viable, the CRDs must differentiate themselves by capitalizing upon their downtown development patterns, strengthening the existing base of small businesses, and attracting new and different uses. Each district is unique with its own set of attributes and liabilities and revitalization efforts must be tailored to address these differences. Successful revitalization in smaller districts is built upon a series of small complementary successes and larger districts may benefit from key redevelopment projects that restructure the local economy. Attaining a sufficient and balanced mix of quality uses is an important goal that should be accompanied with creating a safe, attractive, and walkable environment. Another goal is using creative marketing of the districts to businesses and customers.

The most successful downtowns have a mix of synergistic uses that support each other. Downtown housing and office uses have residents and employees that patronize retail shops, restaurants, and service uses such as hair salons, banks, and dry cleaners. Theaters and other entertainment uses are destinations that draw customers into the downtown, who then also patronize restaurants and bars before and after a movie or performance. Institutional uses, supply a high number of patrons and employees for retail and restaurants, and students for downtown housing.

When compared to newer town centers that are trying to replicate the character and qualities of real downtowns, original town centers often have unique challenges. Redevelopment costs can be higher with land assemblage and parking; surrounding household incomes and densities may be more diverse; multiple owners have different perspectives; and the infrastructure may be aging and outdated. Jurisdictions must have an extensive toolbox of incentives to retain and attract the mix of uses needed to keep a CRD healthy. The County has a range of incentives that can be tailored to individual project needs, including: low interest loans, tax credits, and specialized grants, key infrastructure improvements such as parking garages, sewer expansions, and road realignments and improvements, sale of publicly owned land, demolition of obsolete structures, permitting process assistance, flexible zoning, and liquor licensing.

Policy: Retain and attract quality retail, office, service, residential, entertainment, and institutional uses that create well balanced and economically vital mixed-use.

Actions:

(1) Use targeted public investment to encourage private reinvestment.

(2) Identify redevelopment/revitalization opportunities in the CRDs and establish a process to determine land use and development goals of the area.

(3) Conduct specialized analyses of properties and redevelopment proposals.

(4) Utilize the Consultant on Call Program to provide expedited professional studies on market feasibility.

(5) Continue familiarization tours to provide education about the County's CRDs and community enhancement areas to upgrade and expand the types of uses, improve poorly managed properties and marginal businesses, and fill vacancies.

(6) Promote the increased use of the Small Business Resource Center that provides free technical, financial, and marketing assistance.

(7) Study the use of mixed-use codes in designated community enhancement areas.

(8) Periodically review the range and scope of incentives to maximize their effectiveness.



The districts, like community enhancement areas, should be the "front door" to the residential neighborhoods, and help establish the overall image of a community. The appearance of the CRD is important to the business and residential communities, and is both a private and public responsibility. The government, primarily through streetscape programs, is generally responsible for the streets, sidewalks, medians, and sometimes alleys. Individual property owners are responsible for a building's façades, and any private parking lots. Improvements should focus on views from the public areas. A commercial center or corridor with attractive curb appeal and stable and desirable uses may encourage people to invest in the community.

Policy: Improve the appearance and walkability of the Districts.

Actions:

(1) Continue to promote the Architect on Call Program that provides free professional design advice for business or property owners seeking to improve the exterior of their building and/or lot.

(2) Promote the Building Investment Loan Program that provides zero percent loans for exterior and interior improvements through annual mailings to property and business owners, the business organizations, specialized advertising, and "word of mouth" examples.

(3) Promote walkability and enhance the attractiveness of older village centers through implementation of streetscape programs managed by the Baltimore County Office of Community Conservation.

(4) Develop streetscape design around a Complete Streets Program.

(5) Continue beautification-landscaping partnerships with business organizations.

(6) Enforce the County code and fund the Commercial Revitalization Action grants for programs to improve the physical appearance of the business environment.

Studies consistently show that when customers buy from an independent, locally owned business, over two thirds of the money spent stays in the community and is used for purchases from other local businesses. These businesses create more jobs locally, and often provide better wages and benefits than nationwide chains. Owners frequently live in the community where their business is located.

Policy: Market Commercial Districts to potential businesses and patrons.

Actions:

(1) Media campaigns including radio, television, print advertising and social media marketing will be developed and utilized during the winter holiday and spring shopping seasons.

(2) Continue to provide design support in promoting community events and districts through the use of Designer On Call, a resource that offers design services for

local initiatives involving the ReDiscover Your Neighborhood Downtown branding.

(3) Maximize partnership with the Baltimore County Revenue Authority to provide convenient parking opportunities.

(4) Promote the County's CRDs and CEAs at regional and national conferences.

(5) Update district profiles and county websites to attract businesses to the districts.

(6) Participate in statewide organizations and programs that promote the revitalization of downtowns across Maryland.

(7) Continue neighborhood promotional campaigns to encourage consumers to shop and eat in locally owned businesses.

TOURISM

Visitors to Baltimore County added $1.97 billon to the local economy in 2008, according to a study by IHS Global Insight. The study reports that the County's tourism industry supported almost 20,000 jobs, $545 million in wages, and contributed $15 million in hotel, amusement and admission taxes.

Baltimore County's 219 miles of Chesapeake Bay waterfront offer unrealized potential to enhance the visitor experience and quality of life for County residents. Over the past decade, eastern Baltimore County has seen over $600 million in public and private investment. County initiatives have eliminated many aging, blighted apartment complexes, replacing them with open space and hundreds of modern single family and townhomes. Many of the County's 90 marinas and yacht clubs have made significant improvements to their facilities, with waterfront restaurants and a water taxi service adding to eastern Baltimore County's amenities.

Policy: Increase visibility and access to visitor destinations in Baltimore County.

Actions:

(1) Explore methods to unify the waterfront as a regional destination.

(2) Further develop the County's network of bike and walking trails to connect parks, waterfront amenities, and nature centers with



VIBRANT COMMUNITIES

In order to create sustainable communities, citizens and decision–makers must recognize the latest trends in housing choices and changes in family makeup.



SUSTAINABLE COMMUNITIES

In compliance with House Bill 1141, the Department of Environmental Protection and Resource Management (DEPRM) completed a detailed analysis of the impacts of current and future development on all water resources in Baltimore County. The report, called the Water Resources Element (WRE), is incorporated as part of this Master Plan. The results of the investigation reveal that, to protect, enhance, and restore the quality of our natural waters, a significant policy shift regarding future land development is required. It is determined that redevelopment of properties located inside the URDL, including replacement of impervious surface (buildings, parking lots, etc.) with green spaces (pervious surfaces) will allow for the greatest reduction of pollutants in stormwater runoff.

Protestant
CBA Exhibit
5

can be found within the *Towson Urban Area* section of the plan.

Owings Mills Growth Area – The last of the originally designated growth areas. See the *Owing Mills Growth Area* section for more information.

Middle River Redevelopment Area – The newest designated growth area. Details are provided in the *Middle River Redevelopment Area* section in the plan.

Employment Center – These areas generally consist of a variety of commercial uses predominantly employment-oriented, some with retail and housing. They may contain heavy industrial uses as well. These areas include CEAs, CRDs, and strip commercial areas. The preservation of family-supporting wage employment is the primary goal.

Proposed Land Use

The Proposed Land Use Map provides general recommendations for land use, based upon the policies provided in *Master Plan 2020*. The map is conceptual and general, and is intended to reflect land use patterns and support the land use objectives of *Master Plan 2020*, rather than identify land use of individual properties or parcels. The use of transects, and "T-zones", is designed to support compact mixed-use communities, while maintaining the stability of existing community conservation areas (Map 5). The proposed land use map will provide general direction for county land use decisions, and may be amended as needed.

Transect-Based Planning for the Built Environment

A "transect" of nature, first conceived by Alexander Von Humboldt at the close of the 18th century, is a geographical cross-section of a region intended to reveal a sequence of environments. Originally, it was used to analyze natural ecologies, showing varying characteristics through different zones such as shores, wetlands, plains and uplands. It helps study the many elements that contribute to habitats where certain plants and animals thrive in symbiotic relationships to the minerals and microclimate.

This same system can be used to demonstrate different human habitats. Some individuals prefer living on farms while others prefer living in cities. Before the automobile, American development patterns were walkable, and transects within towns and city neighborhoods reflected a variety of development patterns and uses. These degrees of urbanism are represented in a rural-to-urban transect has been developed which provides six "Transect Zones" (T-zones) for application on the proposed land use map.

The transect, as a framework, identifies a range of habitats from the most natural to the most urban (Map 5). Its continuum, when subdivided, lends itself to the creation of zoning categories. These categories include standards that encourage diversity. The standards overlap, reflecting the successional pattern of development and natural ecosystems. The transect thereby integrates environmental and zoning methodologies, enabling the design of compact, mixed-use, walkable communities that support the viability of natural ones.

- **T-1 (Natural Zone)** contains lands approximating a natural condition, including lands unsuitable for settlement due to topography, hydrology, or vegetation.

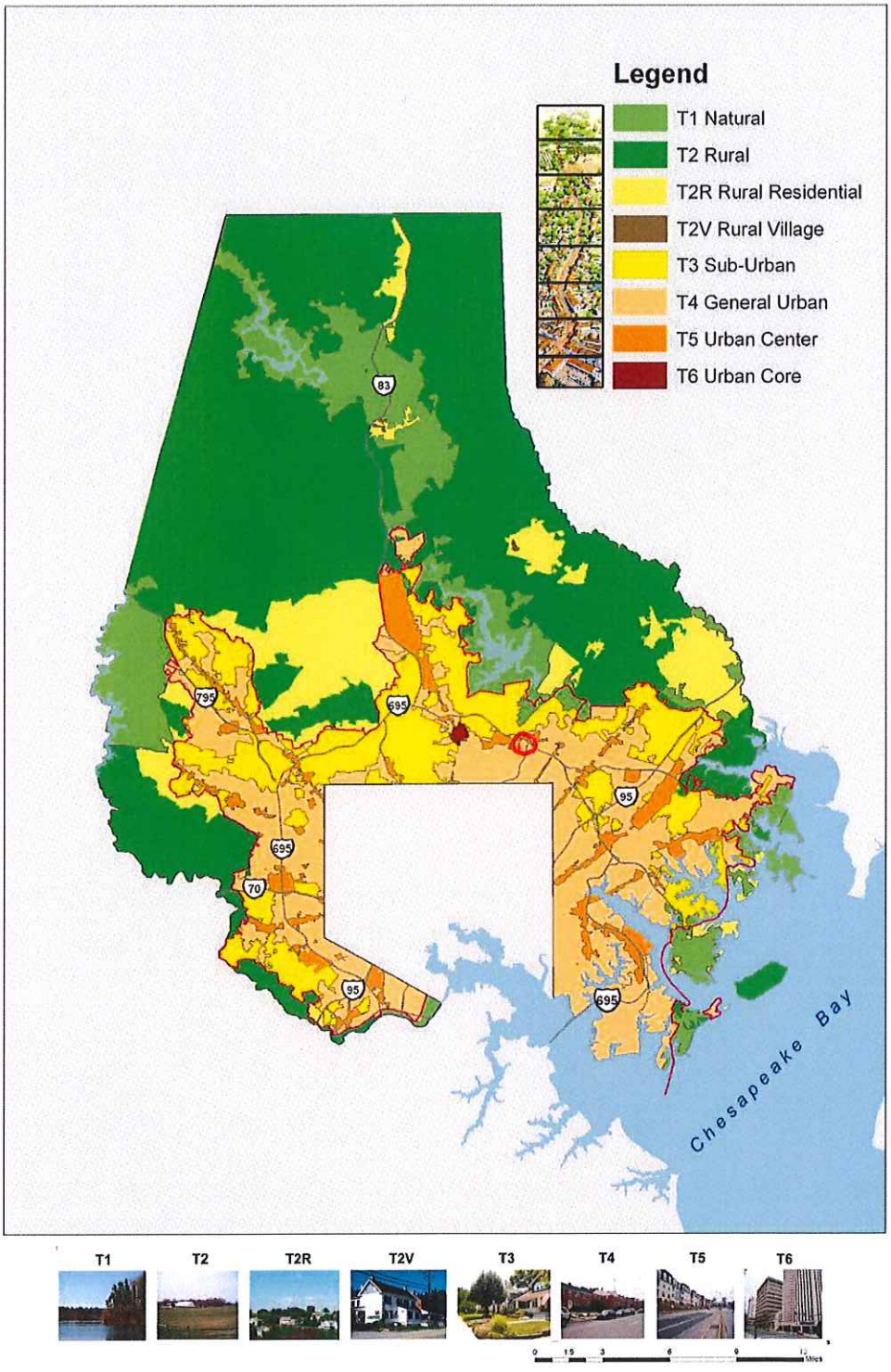
- **T-2 (Rural Zone)** consists of sparsely settled lands in an open or cultivated state. These include woodlands, agricultural lands, and grasslands. Typical buildings may include farmhouses and agricultural buildings.

- **T-2 R (Rural Residential Zone)** consists of large lot single-family detached housing. Plantings are informal. All setbacks are generally 50+ feet. Lots are deep to accommodate a larger backyard. Density varies between 2 to 5 acres per dwelling.

- **T-2 V (Rural Village Zone)** takes into account the rural villages of Hereford and Jacksonville. This zone has a mix of smaller scale retail/ office and some residential uses. T-2 V preserves the rural village character featuring an attractive and traditional pattern of houses,

Map 5: Proposed Land Use

Proposed Land Use
Baltimore County Smart Coded



commercial establishments, open spaces and their relationship to roadways.

- **T-3 (Sub-Urban Zone)** includes low-density residential areas, adjacent to higher zones that contain mixed use. Home occupations and outbuildings may be allowed. Landscaping is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.

- **T-4 (General Urban Zone)** is characterized by mixed-use, but is primarily residential urban fabric. It may have a wide range of building types including single-family detached and attached houses, and townhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.

- **T-5 (Urban Center Zone)** includes higher density mixed-use buildings that accommodate retail, offices, townhouses, and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.

- **T-6 (Urban Core Zone)** has the highest density and height with the greatest variety of uses, and civic buildings of regional importance. It may have larger blocks; streets have steady street tree planting and buildings set close to the wide sidewalks. Typically only large towns and cities have an Urban Core Zone.

- **T-M (Manufacturing Zone)** includes certain industries and manufacturing processes that should not be combined with other uses. By their function, they require that their operations not be closely integrated with other uses (except those with similar characteristics).

- **T-I (Institutional Zone)** many institutional uses should be incorporated into the T-4 and T-5 transects, such as community centers, branch government offices, libraries, etc. However, certain institutions like medical complexes, educational campuses, and others that benefit from having all their functions in one location may need room to grow. That may make inclusion into a Community Enhancement Area impractical. Such facilities should be close enough to be walkable, and be mutually supportive.

The transect system replaces the conventional separate land use zoning system. The T-zones provide the basis for real neighborhood structure, which relies upon compact, walkable streets, mixed-use, transportation options, and housing diversity. The T-zones vary by the ratio and level of intensity of their natural, built, and social components. Uses may overlap between one T-zone and another. The ability of transects to clarify the compatibility among uses makes them particularly useful in planning the built environment.

They may be coordinated to all scales of planning, from the region through the community scale, down to the individual lot and building. However, any new zoning would be applied at the community scale, and it is important to note that each community will have to establish (calibrate) its own unique development criteria. Furthermore, T-zones should be balanced within a neighborhood structure based on pedestrian sheds (walksheds), so that residents of lower density neighborhoods may still walk to different habitats, such as a main street, or civic space.

Transect-based planning is used throughout the County to provide a solid foundation for all other planning. As Baltimore County moves towards compact, mixed-use, higher-density walkable communities, the successful implementation of transect-based planning will play a key role in further developing the T-4 and T-5 zones.

The Transect Zones and the following graphics for the Transect Zone descriptions and civic spaces were originated and developed by Duany Plater-Zyberk & Co.

Transect Zone Descriptions



T-1 NATURAL

T-1 Natural Zone consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.

General Character:	Natural landscape with some agricultural use
Building Placement:	Not applicable
Frontage Types:	Not applicable
Typical Building Height:	Not applicable
Type of Civic Space:	Parks, Greenways



T-2 RURAL

T-2 Rural Zone consists of sparsely settled lands in open or cultivated states. These include woodland, agricultural land, grassland, and irrigable desert. Typical buildings are farmhouses, agricultural buildings, cabins, and villas.

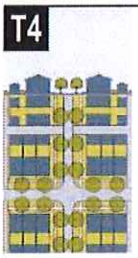
General Character:	Primarily agricultural with woodland & wetland and scattered buildings
Building Placement:	Variable Setbacks
Frontage Types:	Not applicable
Typical Building Height:	1- to 2-Story
Type of Civic Space:	Parks, Greenways



T-3 SUB-URBAN

T-3 Sub-Urban Zone consists of low density residential areas, adjacent to higher zones that some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.

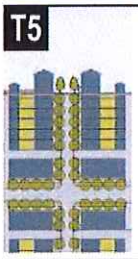
General Character:	Lawns, and landscaped yards surrounding detached single-family houses; pedestrians occasionally
Building Placement:	Large and variable front and side yard Setbacks
Frontage Types:	Porches, fences, naturalistic tree planting
Typical Building Height:	1- to 2-Story with some 3-Story
Type of Civic Space:	Parks, Greenways



T-4 GENERAL URBAN

T-4 General Urban Zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.

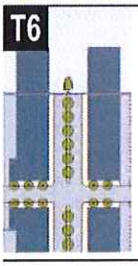
General Character:	Mix of Houses, Townhouses & small Apartment buildings, with scattered Commercial activity; balance between landscape and buildings; presence of pedestrians
Building Placement:	Shallow to medium front and side yard Setbacks
Frontage Types:	Porches, fences, Dooryards
Typical Building Height:	2- to 3-Story with a few taller Mixed Use buildings
Type of Civic Space:	Squares, Greens



T-5 URBAN CENTER

T-5 Urban Center Zone consists of higher density mixed use building that accommodate etail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.

General Character:	Shops mixed with Townhouses, larger Apartment houses, Offices, workplace, and Civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activit
Building Placement:	Shallow Setbacks or none; buildings oriented to street defining a street wall
Frontage Types:	Stoops, Shopfronts, Galleries
Typical Building Height:	3- to 5-Story with some variation
Type of Civic Space:	Parks, Plazas and Squares, median landscaping



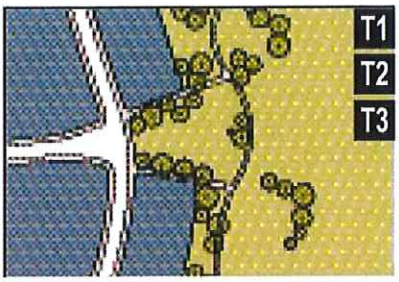
T-6 URBAN CORE

T-6 Urban Core Zone consists of the highest density and height, with the greatest variety of uses, and civic buildings of regional importance. It may have larger blocks; streets have steady street tree planting and buildings are set close to wide sidewalks. Typically only large towns and cities have an Urban Core Zone.

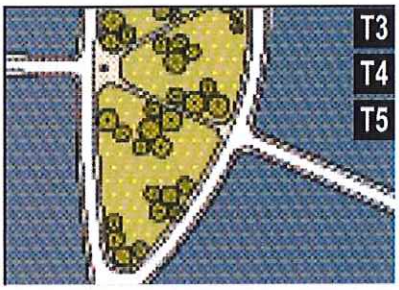
General Character:	Medium to high-Density Mixed Use buildings, entertainment, Civic and cultural uses. Attached buildings forming a continuous street wall; trees within the public right-of-way; highest pedestrian and transit activity
Building Placement:	Shallow Setbacks or none; buildings oriented to street, defining a street wall
Frontage Types:	Stoops, Dooryards, Forecourts, Shopfronts, Galleries, and Arcades
Typical Building Height:	4-plus Story with a few shorter buildings
Type of Civic Space:	Parks, Plazas and Squares; median landscaping

Civic Space Descriptions

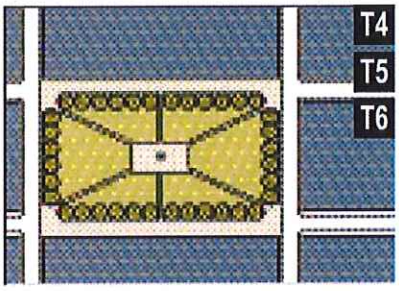
a. Park: A natural preserve available for unstructured recreation. A park may be independent of surrounding building Frontages. Its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be 8 acres. Larger parks may be approved by Warrant as Special Districts in all zones.



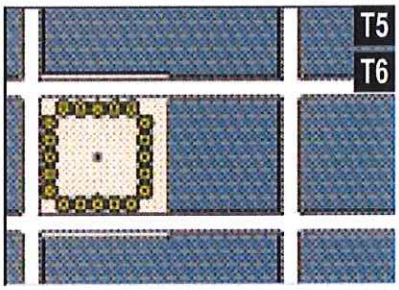
b. Green: An Open Space, available for unstructured recreation. A Green may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 1/2 acre and the maximum shall be 8 acres.



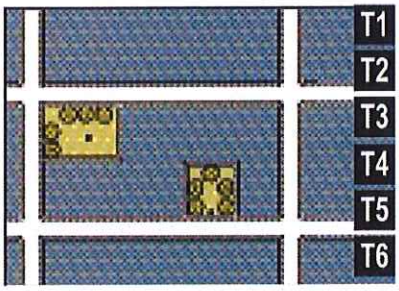
c. Square: An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.



d. Plaza: An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/2 acre and the maximum shall be 2 acres.



e. Playground: An Open Space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.



Minutes
Baltimore County **D**esign **R**eview **P**anel
October 10, 2018
Approved

Call to order

Design Review Panel (DRP) Chairman, Mr. David Martin, called the regularly scheduled meeting of the Baltimore County DRP to order at 6:00 p.m. The following panel members were:

Present	**Not Present**
Mr. David Martin	Ms. Julie Kirsch
Mr. Ed Hord	Mr. Qutub Syed
Ms. Cecily Bedwell	Mr. John DiMenna
Mr. Mitchell Kellman	Mr. Richard Jones
	Mr. Matt D'Amico
	Ms. Nikki Brooks

Residential reviewer: Mr. Bruce Boswell.

County staff present were: Jeff Mayhew, Jenifer Nugent, Marta Kulchytska, Ngone Seye Diop, and Brett Williams.

Minutes of the September 12, 2018 Meeting

Mr. Ed Hord moved the acceptance of the September 12, 2018 draft minutes. The motion was seconded by Mr. Mitchel Kellman and passed by acclamation at 6:01 p.m.

The approved minutes are filed as Appendix B.

Protestant
CBA Exhibit
6

ITEM 1

PROJECT NAME: 1641 East Joppa Road, Valvoline Oil

DRP PROJECT #: 606

PROJECT TYPE: Loch Raven Commercial Review

PROJECT DESCRIPTION:

1641 East Joppa Road, Valvoline Oil project was presented by Dino La Fiandra and Randolph Kazazian, representatives from Mid-Atlantic Lubes, LLC, and Nicole Reedy, Landscape Architect from Morris & Ritchie Associates.

The project proposes to redevelop the former First Mariner Bank property at the southwest corner of East Joppa Road and Loch Raven Boulevard with a Valvoline Instant Oli Change facility. The development includes drive thru lanes which enter off of Loch Raven Boulevard from the back of the new proposed building and exit out onto East Joppa Road. Additionally, the project proposes new signage and landscaping.

SPEAKERS:

Peter Moulder, Vice President, The Associates of Loch Raven Village expressed his concerns about the project. He stated that the proposed project would be a step backward with proposed use and building design.
Janice Krach agreed that the project does not fit with the area and that the traffic flow would be an issue.
Bruce Krauff, Loch Raven area resident for 44-years, indicated that there were major problems with leaking and containment materials from a gas station located up the street and expressed his concerns that the leakage could happen on this site.

DESIGN REVIEW PANEL COMMENTS:

Mr. David Martin, DRP Chairman, opened up the floor to the panel members for discussion.
Mr. Ed Hord suggested to use materials and color changes for the crosswalks at the vehicular entrances for pedestrian safety. He stated that more landscaping was needed at the corner of Loch Raven Boulevard and East Joppa Road and proposed to use tinted glass for the garage door bays.
Ms. Cecily Bedwell suggested to use headers above the rough openings of the brick. She also proposed to use warmer colors for the mortar. Ms. Bedwell agreed with Mr. Hord's suggestion that more landscaping is needed at the corner of Loch Raven Boulevard and East Joppa Road. She also indicated the need to connect the sidewalk in front of the building with the sidewalk in the back of the building.
Mr. David Martin suggested to tint the garage door windows and asked the Baltimore County staff if they have any additional comments.
Ms. Jenifer Nugent referenced the prepared staff report and referenced comment to provide an exit only sign for the Joppa Road access of the site and an outdoor amenity seating for employees.

DISPOSITION:

Ms. Cecily Bedwell made the motion to approve the project with the following conditions:

1. Provide headers above all rough openings of the brick (for example, either soldier course brick or stone lintels).
2. A warm mortar color should be used with the brick.
3. Connect the sidewalks in the front of the building and the back of the building with a connecting paved sidewalk along the side.
4. Increase landscaping at the corner of Loch Raven Boulevard and East Joppa Road in a layered effect.

5. Enhance the pedestrian travel ways across the vehicular entrances through either striped crosswalks or special paving.
6. Provide an exit only sign for the Joppa Road access of the site.
7. Provide outdoor amenity seating for employees.
8. The glass garage doors shall be tinted.

The motion was seconded by Mr. Ed Hord and approved by acclamation at 7pm.

ITEM 2

PROJECT NAME: 208 Woodbrook Lane

DRP PROJECT #: 607

PROJECT TYPE: RRLRAIA Residential Review

PROJECT DESCRIPTION:

208 Woodbrook Lane project was presented by Charles Alexander, of Alexander Design Studio.

The new home is designed as a series of pavilions linked together and forming internal courts as well as an elevated terrace to the rear. The garage is a similar pavilion on a slightly rotated geometry to further reference the informal vernacular of an outbuilding. Vehicular entry is from the high side of the site and curves around to a car court hidden by the garage massing. The main garage doors face away from the street with a side door for a work truck. The entrance to the home is by way of a private garden between two of the pavilions. The largest pavilion houses the main living areas which in turn open onto an elevated terrace between the house and the hill to the north. The exterior areas are screened from the street by the house. Materials are a stone base and board and batten siding with a metal standing seam roof.

DESIGN REVIEW PANEL COMMENTS:

Mr. David Martin, DRP Chairman, opened up the floor to the panel members for discussion.
Mr. Boswell asked if the garage door facing Charles Street can be moved to the back. He suggested to look at the possibilities to soften the east façade garage door with vegetation. Mr. Boswell inquired about the rationale for the design of stepping the stone base for the pavilions.
Mr. Ed Hord commented that he approved of the design.
Ms. Cecily Bedwell asked about the dimensions of the trim around the windows, window sills and if natural stone will be used. Mr. Alexander answered that the trim will be 4" and regarding the other questions they are in the process of negotiation with the contactor.

DISPOSITION:

Ms. Bedwell made the motion to approve the plan with the following conditions:

1. Soften the east façade garage door with landscaping in a natural fashion around the parking and the driveway access area.
2. The detailing of the natural stone veneer is to include proper capstone sills.
3. Provide detailing of the differentiation of sills on the windows and siding elevations.
4. Re-evaluate the design of the stone veneer step transitions to create a less drastic effect.
5. The panel is supportive of the 25' setback from the property line.

The motion was seconded by Mr. Boswell and approved by acclamation at 7:24 pm.

ITEM 3

PROJECT NAME: 904 Applewood Lane

DRP PROJECT #: 608

PROJECT TYPE: RRLRAIA Residential Review

PROJECT DESCRIPTION:

904 Applewood Lane project was presented by Charles Alexander, of Alexander Design Studio.

The proposed single family house is to be located at 904 Applewood Lane. The site is a very deep lot that slopes up moderately for it full depth as well as having a cross slope to the west. The previous house that was demolished had two driveway entrances looping around some evergreen street trees. The project envisions a single entry drive that splits between guest parking in front of a terraced entry and a snaking driveway to a side loaded garage hidden from the entry and street. The garage drive allows movement vertically to a higher garage elevation allowing the rear of the house to match better with the elevations of the back yard. Windows into the basement are along the west side of the house. The massing of the house is primarily one story with a large shed dormer feature on the front and gables and a clerestory dormer on the rear. The lone two story part of the massing is at the entrance. Materials are white board and batten siding over a grey brick base with a grey metallic standing seam roof. Windows are aluminum clad with a dark finish.

DESIGN REVIEW PANEL COMMENTS:

Mr. David Martin, DRP Chairman, opened up the floor to the panel members for discussion.
Mr. Boswell inquired about the garage side elevations, specifically about the use of brick on one side of the door and board and batten materials on the other side.
Mr. Ed Hord had similar comments about the use and transition between materials.
Ms. Cecily Bedwell stated that it is difficult to read and understand from the 3D rendering how the detailing works, the west elevation is geometrically too busy because there are no distinctions between materials. She also commented that landscaping is proposed nicely.
Mr. Mitchell Kellman and Mr. David Martin both had no additional comments.

DISPOSITION:

Ms. Bedwell made the motion to approve the plan with the following conditions:

1. Resolve the changes on the elevations between the brick masonry and board and batten to transition at window frames.
2. Refine the details of the eave trim versus the window surrounds and include differentiated sills.
3. Include a precast sill to top the masonry elements and to cap the masonry site walls.

The motion was seconded by Mr. Ed Hord and approved by acclamation at 7:51pm.

ITEM 4

PROJECT NAME: 1401 W. Joppa Road

DRP PROJECT #: 609

PROJECT TYPE: RRLRAIA Residential Review

PROJECT DESCRIPTION:

1401 W. Joppa Road was presented by Mr. Chris Mudd, followed by Mr. Toby Mink. The proposed single family house is to be located at 1401 Joppa Road. The property will consist of .6995 acres.

The house design will consist of a 4,098 sf of finished space. The house is designed by architect, Mr. Greg Little. The proposed materials include multiple textures, real stone veneer and multiple window applications. The site is well buffered and there will be no visibility from Joppa Road.

DESIGN REVIEW PANEL COMMENTS:

Mr. David Martin, DRP Chairman, opened up the floor to the panel members for discussion.
Mr. Boswell suggested to remove the front windows shutters as there were no shutters proposed on the rest of the house.
Ms. Cecily Bedwell suggested to provide differentiation of windows sills and headers over the windows, and to include a 10' band board to transition between base material and siding.
Mr. Mitchell Kellman and Mr. David Martin had no comments.

DISPOSITION:

Ms. Bedwell made the motion to approve the plan with the following conditions:

1. Provide a 10" nominal band board where the siding meets the water table.
2. Provide differentiation of window sills and headers over windows.
3. The one remaining rake on the front elevation should be properly returned.
4. Remove the shutters from the two front windows.

The motion was seconded by Mr. Ed Hord and approved by acclamation at 8:08pm.

ITEM 5

PROJECT NAME: 1403 W. Joppa Road

DRP PROJECT #: 610

PROJECT TYPE: RRLRAIA Residential Review

PROJECT DESCRIPTION:

The project was presented by the owner, Mr. Chris Mudd.
The proposed single family house, traditional craftsman style home, includes multiple textures, real stone veneer, multiple window applications, a chimney, and 3-car garage.

DESIGN REVIEW PANEL COMMENTS:

Mr. David Martin, DRP Chairman, opened up the floor to the panel members for discussion.
Mr. Boswell stated the neighborhood association contacted him about the run-off from the site and what has been done to mitigate water run-off. Mr. Mudd explained the stormwater management and how the run-off will be directed to the underground drain and to the above ground swale. Additionally, new trees will be planned to assist with stormwater management.
Mr. Ed Hord had no comments.
Ms. Cecily Bedwell was pleased to hear that the applicant is going to use real veneer stone. She suggested to include a 10' nominal trim band board above the water table and commented that the overall details were nicely presented.
Mr. Kellman and Mr. David Martin had no comments.
Ms. Jenifer Nugent asked what kind of material will be used for the base.
Mr. Mudd answered that potentially it will be stone veneer.

DISPOSITION:

Ms. Bedwell made the motion to approve the plan.

Note: Applicant is to provide base material detailing to the Department of Planning prior to submitting building permit application.

The motion was seconded by Mr. Boswell and approved by acclamation at 8:21 pm.

ITEM 6

PROJECT NAME: 1216 Boyce Avenue

DRP PROJECT #: 611

PROJECT TYPE: RRLRAIA Residential Review

PROJECT DESCRIPTION:

The project was presented by Mr. Aaron Feivelson. Sunfire Custom Homes will be constructing a new 4,274 sf home at 1216 Boyce Avenue designed by Dean Thomas Design Group. The new home will feature two story living with a main floor space of 2,569 sf, an upper floor space of 2,463 sf and include 1,990 sf of developed living space below grade. The home includes an attached 1,216 sf. 3-car garage. The property will be landscaped by Stonehill Design to enhance the existing natural vegetation on the property.

SPEAKERS:

Mr. Mark Heckman, resident of 7805 Overbrook Road expressed his concerns about site planning and site grading issues.
Mr. David Wingate, resident of 1218 Boyce Avenue expressed his concern about stormwater and the location of the proposed driveway which is to close to his property. Mr. Wingate suggested to use the existing driveway to the property.

DESIGN REVIEW PANEL COMMENTS:

Mr. David Martin, DRP Chairman, opened up the floor to the panel members for discussion.
Mr. Boswell asked to address community's concerns about stormwater run-off.
The applicant explained that with the current proposed plan about 70% of storm water run-off was reduced.
Mr. Ed Hord stated that east elevation should be redesigned to remove the bulky shaped box.
Ms. Cecily Bedwell agreed with Mr. Hord and asked if material to be used will be stucco, and added that additional landscaping would help with the stormwater issues.
Mr. Kellman asked if sediment and stormwater plans were approved.

DISPOSITION:

Mr. Hord made the motion to approve the plan with the following conditions:

1. Redesign the east façade to remove the bulky shaped box.
2. Provide lime stone base around all facades so stucco does not wick water from the ground plane.

The motion was seconded by Mr. Boswell and approved by acclamation at 8:54 pm.

The DRP meeting adjourned at 8:55 pm.

Design Review Panel Members

The Design Review Panel (DRP) consists of a panel of nine members knowledgeable in matters of design, including architects, landscape architects, engineers and other design professionals. The professional members are appointed by the County Executive and confirmed by the County Council. The County Executive appoints the Chairperson.

For residential development proposed in a Residential Review Area, the DRP consists of a minimum of two, professiona members designated by the chairperson, and one resident member appointed by the County Council. The appointed resident member must be a resident of the councilmanic district in which the development is proposed. The County Council appoints a revolving panel of resident members.

DRP members may serve no more than two, three-year terms.

Protestant
CBA Exhibit
7

Professional Members

Name	Date Appointed	Current Term Expires	Appointed By
Ed Hord	8/1/2012	12/31/2015	County Executive At Large
Richard Jones	6/6/2012	12/31/2015	County Executive At Large
Mitchell J. Kellman	2/1/2012	12/31/2017	County Executive At Large
Julie Kirsch	2/1/2012	12/31/2017	County Executive At Large
David Martin **Chairman**	2/1/2012	12/31/2017	County Executive At Large

Melanie Moser	6/6/2012	12/31/2015	County Executive At Large
Qutub Syed	11/18/2015	12/31/2016	County Executive At Large
Cecily Bedwell	2/17/2016	12/31/2019	County Executive At Large
Nikki Brooks	2/17/2016	12/31/2019	County Executive At Large
Matt D'Amico	2/17/2016	12/31/2019	County Executive At Large

Revised December 14, 2016

DID THIS PAGE HELP?

*elds marked with * are quired.*

age Rating *

-) Excellent
-) Good
-) Average
-) Poor
-) Very Poor

xplain Your Rating

SUBMIT

00 Washington Avenue
owson, Maryland 21204

rections >>

BALTCOGO

Download on the App Store

GET IT ON Google Play

lelp

hone Numbers

nd a County Service

eport a Problem

Copyright 2019 Baltimore County Government



Not the store you're looking for? 1 store near you (http://store.vioc.com/md/middle-river) -or- Change Location (/)

COUPONS SERVICES SERVICE HISTORY

QUICK.

Get a drive thru oil change in about 15 minutes. So quick you won't even have to leave your car.

EASY.

Conveniently located in your neighborhood. More than 900 locations nationwide.

TRUSTED.

Friendly, certified technicians. Our techs complete 270 hours of training in an ASE-certified program.

LEARN MORE (HTTP://WWW.VIOC.COM/ABOUT?STORE=%2FMD%2FMIDDLE-RIVER%2F1324-MARTIN-BLVD-21220-BA0016)

In observance of Easter, Valvoline Instant Oil Change will be closed Sunday, April 21st.

HOME (//WWW.VIOC.COM/?STORE=%2FMD%2FMIDDLE-RIVER%2F1324-MARTIN-BLVD-21220-BA0016)

Protestant
CBA Exhibit
8



COUPONS

Save now with these great offers.

Valvoline

GET $10 OFF

Select Preventive Maintenance Services

SEND THIS VIA TEXT

SEND THIS VIA EMAIL

PRINT THIS COUPON

Expires: 2019-05-17 **ABWWEX**

Offer Details

Valvoline

HOME (//WWW.VIOC.COM/?STORE=%2FMD%2FMIDDLE-RIVER%2F1324-MARTIN-BLVD-21220-BA0016)



GET $7 OFF

Valvoline™ Full-Service Full Synthetic or Synthetic Blend Oil Change

SEND THIS VIA TEXT

SEND THIS VIA EMAIL

PRINT THIS COUPON

Expires: 2019-05-17 **ABWWDM**

Offer Details

GET $5 OFF

Valvoline™ Full-Service Conventional Oil Change

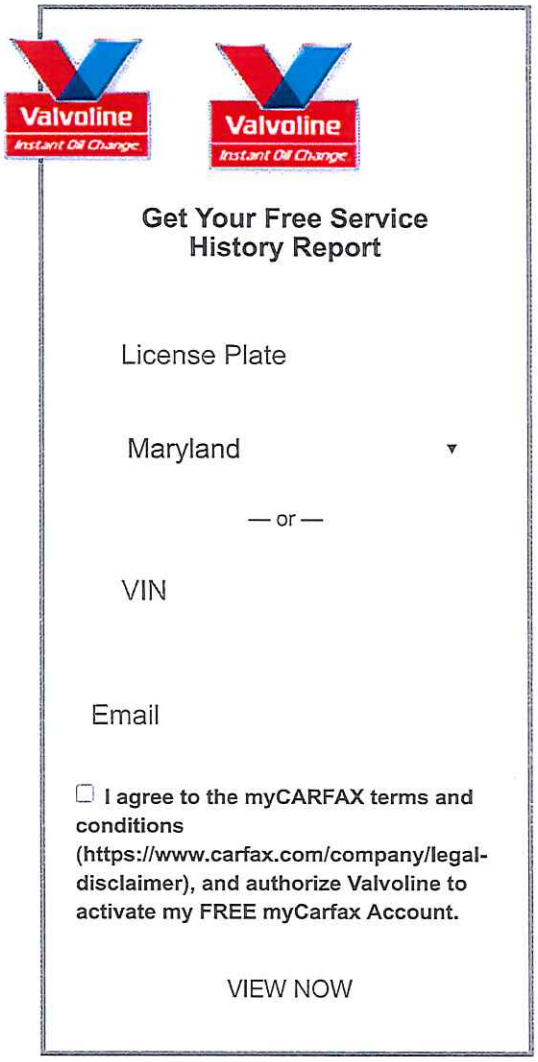
SEND THIS VIA TEXT

SEND THIS VIA EMAIL

PRINT THIS COUPON

Expires: 2019-05-17 **ABWWAF**

Offer Details



TAKING CARE OF YOUR CAR IS EASIER THAN EVER

myCARFAX and Valvoline Instant Oil Change have partnered to make taking care of your car a little easier. Interested in seeing your vehicle's service history? Just enter your car's VIN or license plate info to see your free service history report online. myCARFAX offers you all of these benefits:

- Notice of any open recalls for your vehicle
- CARFAX vehicle service history
- Alerts for upcoming recommended services
- Address of your nearest Valvoline Instant Oil Change

RECOMMENDED SERVICES

- FULL-SERVICE OIL CHANGE
- TRANSMISSION SERVICE

FULL-SERVICE OIL CHANGE

Get a drive thru oil change with free, detailed maintenance check in about 15 minutes.



CLOSE ×

- RADIATOR SERVICE
- AIR FILTER REPLACEMENT
- SERPENTINE BELT REPLACEMENT
- AIR CONDITIONING SERVICE
- DIFFERENTIAL FLUID REPLACEMENT
- HEADLIGHT/TAILLIGHT REPLACEMENT
- FUEL SYSTEM CLEANING SERVICE
- BATTERY REPLACEMENT
- TIRE ROTATION
- WINDSHIELD WIPER REPLACEMENT

Did You Know?

The cost for accidents resulting from unperformed vehicle maintenance tops $2 billion a year, according to a 2004 study by Car Care Council. Here are three good

- FULL-SERVICE OIL CHANGE
- TRANSMISSION SERVICE
- RADIATOR SERVICE

HOME (//WWW.VIOC.COM/?STORE=%2FMD%2FMIDDLE-RIVER%2F1324-MARTIN-BLVD-21220-BA0016)

reasons to choose Valvoline for your car maintenance needs:

1 skilled technicians are rigorously trained in an rtified training program

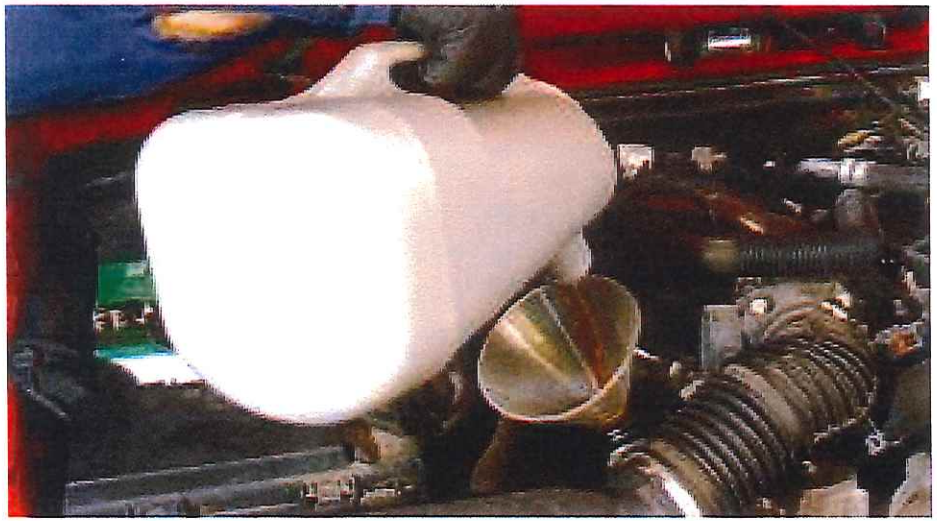
2 For most of our services, you won't even have to leave your car

3 On average, you'll save up to 20%–50% on non-oil change services over the dealer[1]

Valvoline Instant Oil Change Middle River, MD, 1324 Martin Blvd.

FULL-SERVICE OIL CHANGE

Get a drive thru oil change with free, detailed maintenance check in about 15 minutes.



CLOSE ×

- HEADLIGHT/TAILLIGHT REPLACEMENT
- AIR FILTER REPLACEMENT
- FUEL SYSTEM CLEANING SERVICE
- SERPENTINE BELT REPLACEMENT
- BATTERY REPLACEMENT
- AIR CONDITIONING SERVICE
- TIRE ROTATION
- DIFFERENTIAL FLUID REPLACEMENT
- WINDSHIELD WIPER REPLACEMENT

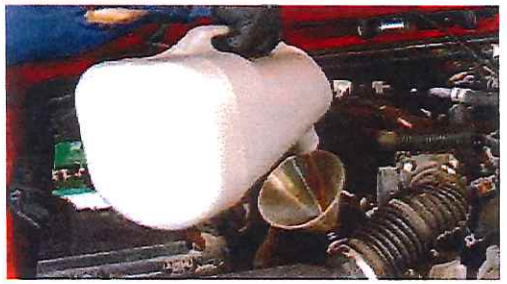


TRANSMISSION SERVICE | RADIATOR SERVICE | HEADLIGHT/TAILLIGHT REPLACEMENT | AIR FILTER REPLACEMENT | FUEL SYSTEM CLEANING SERVICE

FULL-SERVICE OIL CHANGE

Get a drive thru oil change with free, detailed maintenance check in about 15 minutes.

HOME (//WWW.VIOC.COM/?STORE=%2FMD%2FMIDDLE-RIVER%2F1324-MARTIN-BLVD-21220-BA0016)



SERPENTINE BELT REPLACEMENT | BATTERY REPLACEMENT | AIR CONDITIONING SERVICE | TIRE ROTATION | DIFFERENTIAL FLUID REPLACEMENT | WINDSHIELD WIPER REPLACEMENT

DID YOU KNOW?

Routine maintenance can help keep you safely on the road and improve the fuel efficiency and performance of your vehicle. Stop in today for a free, maintenance check of fluids, air filter, bulbs, tires and wipers when you purchase an oil change.

Motor Oil: Motor Oil: Use the grade of motor oil recommended by your manufacturer and improve gas mileage by 1 to 2 percent. *

Air Filter: Replace your clogged air filter and improve your vehicle's acceleration. *

Tire Pressure: Keep tires properly inflated and improve gas mileage up 3.3%. *

** U.S. Department of Energy, fueleconomy.gov*

CUSTOMER REVIEWS

TAY

Great Service!

MORE

TAY

Great Service!

MORE

NIKKI B

Once I finally got into the bay, my oil change went quickly.

MORE

LORETTAL

I am always highly satisfied that is why I only use Valvoline

MORE

FLEET SERVICES

JOB OPPORTUNITIES





No one does quick, easy and trusted fleet maintenance better than Valvoline Instant Oil Change. Help keep your drivers on the road and taking care of business.

(//www.vioc.com/fleet?

Ready to get on the fast track to success? Explore career opportunities with Valvoline Instant Oil Change™. Check out the great job opportunities below.

- Click here to see a list of career opportunities for this location (https://jobs.vioc.com/listjobs/all/search/val-store-number/BA0016)

Connect with Us (https://www.facebook.com/VIOCMiddleRiverMD) (https://plus.google.com/104885553376862582290/about)











Copyright © 2018 Valvoline. All rights reserved.
Privacy Policy (//www.vioc.com/privacy-policy?store=%2Fmd%2Fmiddle-river%2F1324-martin-blvd-21220-BA0016) Terms & Conditions (//www.vioc.com/terms-conditions?store=%2Fmd%2Fmiddle-river%2F1324-martin-blvd-21220-BA0016)

DEPARTMENT OF PUBLIC WORKS

Traffic Signal Shop

Traffic Engineering Overview

Public Works Overview

Level-of-Service Ratings

The level-of-service of an intersection is determined by analyzing each approach individually. A computation is made of each approach to determine its load factor (LF) during both the morning and afternoon peak hours. The LF is determined by recording the number of loaded cycles on each approach during the two-hour study periods in the morning and afternoon. View the level-of-service (PDF) for signaled intersections in Baltimore County.

Criteria

Cycle of the Signal

A cycle of the signal is the period that encompasses one green indication. During each cycle of the traffic signal, an observer determines which vehicle is the last vehicle stopped in the queue at the time the signal turns green. If that last vehicle does not get through the intersection during that one green indication, the cycle is recorded as being loaded. This continues through an entire two-hour study period, with each approach of the intersection being independently evaluated.

Each approach is studied to determine the particular

DID THIS PAG HELP?

Fields marked with required.

Page Rating *

- Excellent
- Good
- Average
- Poor
- Very Poor

Explain Your R

SUBMIT

Protestant
CBA Exhibit
9

60-minute period that had the highest percentage of cycles which were loaded. Thus each approach is given a separate maximum percentage of loaded cycles, and this percentage is called the load factor.

Load Factor

The load factor can range from zero percent to 100 percent. If an approach had a load factor of 40 percent, it would mean that during 40 percent of the cycles (in the most congested 60-minute period on that approach) all of the vehicles stopped in line for the signal when it changed green did not get through that signal. If there were 25 vehicles in the queue at the time the signal changed green and the last vehicle was the only one that did not get through the intersection the cycle would still be recorded as a loaded cycle.

The load factor for the intersection is determined by looking at the approach with the highest load factor in the morning and the same in the afternoon. The highest load factor for the morning and afternoon is then used to determine the level-of-service. In timing signals, it is the intent to try and equalize the load factor on each approach to be as equal as possible so that no one approach is being delayed more than the other. Therefore, if an intersection was evaluated and determined to have a load factor on one approach of 15 percent and on the cross-street approach of 60 percent, the signal would first be retimed to try and equalize them and then the intersection would be restudied.

Ratings

The Level-of-Service is determined by using the following chart with the load factor for the intersection as computed above:

Level-of-Service	Load Factor
A	0%
B	1% to 10%
C	11% to 30%
D	31% to 70%
E	71% to 85%
F	86% to 100%

In Baltimore County, the level-of-service can regulate the issuance of building permits for non-industrial development in urban areas determined to have a significant influence on a particular intersection.

- **Level-of-Service D**
  Level-of-Service D intersections do not control issuance of building permits, but their areas

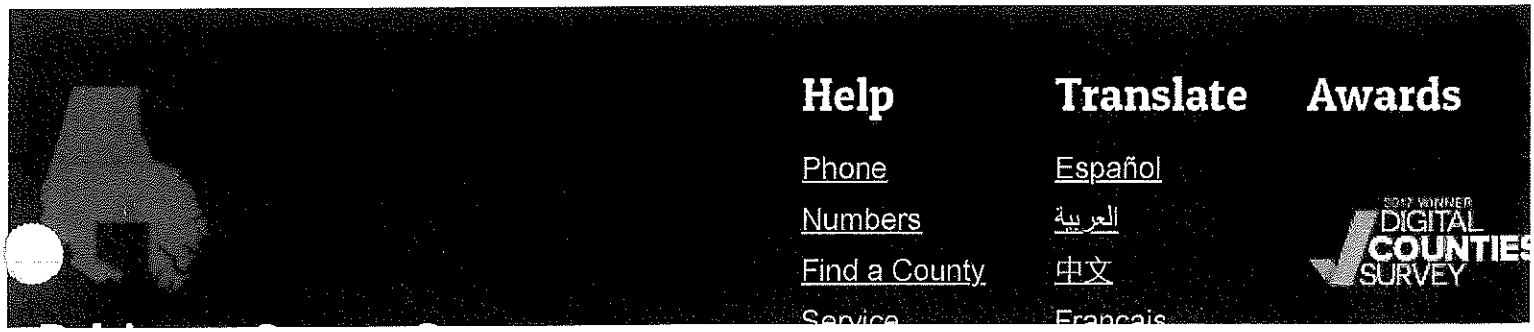
are identified on Baltimore County's Basic Services Transportation Maps to identify the deficiency. The purpose of identifying D intersections is to provide notice to the public that the intersection has the potential of going to an E or F.

- **Level-of-Service E**
  Areas around a level-of-service E intersection would be allowed to have a limited number of building permits issued.

- **Level-of-Service F**
  Areas around a level-of-service F intersection would have a moratorium on building permits for non-industrial development, with some very limited exceptions.

Identifying these intersections also allows the County an opportunity to work toward correcting them and lessen congestion before it becomes a serious problem. The level-of-service does not in any way evaluate the safety aspects of an intersection but is strictly a congestion measure.

Revised November 15, 2016



Baltimore County Government

Historic Courthouse
00 Washington Avenue
Towson, Maryland 21204

Directions >>

Report a Problem

Русский

English

BEST OF THE WEB 2016 WINNER

BALTCOGO

Download on the App Store

GET IT ON Google Play

© Copyright 2019 Baltimore County Government

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Highfalcon Rd	Reisterstown Rd			7/16/2015	A	11/8/2012	A
Highview Ave	Maiden Choice Ln	Westland Blvd		6/22/2015	B	11/14/2012	B
Hillen Rd	Stevenson Ln			5/27/2014	D	4/9/2013	D
Hillsway Ave	Wentworth Ave			10/17/2013	A	12/24/2010	A
Hillsway Ave	Taylor Ave			7/29/2013	B	6/1/2010	A
Hillsway Ave	McClean Blvd	Perring Pkwy		9/29/2015	B	12/5/2012	B
Holabird Ave	Portship Rd	Snyder Ave		5/2/2013	A	4/1/2010	A
Holabird Ave	Monumental Ave	Sollers Point Rd		10/6/2014	A	12/28/2011	A
Holabird Ave	Searles Rd			11/3/2014	A	11/3/2014	A
Holabird Ave	Merritt Blvd	Wise Ave		10/8/2014	C	9/13/2011	B
Honeygo Blvd	Silver Spring Rd			10/8/2014	C	8/26/2010	B
Honeygo Blvd	White Marsh Blvd			4/27/2011	D	3/24/2010	D
Honeygo Blvd	Sandpiper Cir			6/4/2015	A	10/23/2012	B
Honeygo Blvd	Perry Hall Blvd			6/24/2014	A	6/21/2011	B
Honeygo Blvd	Joppa Rd			2/26/2015	B	11/26/2012	B
Honeygo Blvd	Mercantile Rd			7/2/2014	C	7/26/2011	B
Honeygo Blvd	White Marsh Mall Exit			6/27/2013	A	2/25/2010	A
Honeygo Blvd	Honeygo Center Dr			6/6/2013	A	2/3/2010	A
Hooks Ln	Reisterstown Rd	Woodholme Ave		11/2/2015	C	10/22/2012	C
Hooks Ln	Michelle Way	Park Heights Ave		5/20/2013	B	9/2/2010	C
Hospital Dr.	Philadelphia Rd.			8/27/2014	A		
Industrial Park Rd	Philadelphia Rd			7/23/2013	B	6/17/2010	A
Industry Ln	York Rd			8/18/2015	B	11/20/2012	A
Ingleside Ave	Ingleside SC	Westview Mall Ent		12/8/2014	A	2/27/2012	A
Ingleside Ave	Johnnycake Rd			5/5/2014	B	7/25/2011	B
Ingleside Ave	Parallel Dr			12/15/2014	A	5/14/2012	A
International Cir	McCormick Rd	Hunt Valley Mall		3/19/2013	C	1/21/2010	B
Inverness Ave	Wise Ave			4/16/2014	A	7/7/2011	A
Jarrettsville Pike	Manor Rd			6/20/2013	C	1/13/2010	B
Jarrettsville Pike	Merrymans Mill Rd			8/20/2015	B	3/8/2012	C
Jarrettsville Pike	Paper Mill Rd	Sweet Air Rd		8/24/2015	D	5/16/2013	D
Joan Ave	Loch Raven Blvd	Mussula Rd		5/29/2013	A	4/5/2010	A
Johnnycake Rd	Rolling Rd N			11/3/2014	A	3/5/2012	B
Joppa Rd	Seven Courts Dr			5/13/2015	A	8/8/2012	A
Joppa Rd	Magledt Rd			12/23/2014	A	6/21/2012	A
Joppa Rd	Walther Blvd			5/2/2013	A	1/24/2010	A
Joppa Rd	Silver Spring Rd	Springtowne Cir		9/2/2014	C	9/28/2011	C
Joppa Rd E	Mylander Ln	Raytheon Parking Lot		5/16/2013	A	2/1/2010	A
Joppa Rd E	Providence Rd	Black & Decker Ent		4/30/2015	B	10/3/2012	A
Joppa Rd E	Satyr Hill Rd	Perring Plaza		2/3/2015	A	6/28/2012	A
Joppa Rd E	Old Harford Rd			1/3/2013	A	10/19/2009	C
Joppa Rd E	Satyr Hill Rd	Waltham Woods Rd		12/15/2014	C	6/1/2012	B
Joppa Rd E	Loch Raven Blvd			4/10/2014	F	4/12/2013	F

Protestant
CBA Exhibit
10

BALTIMORE COUNTY, MARYLAND
BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING
INTER-OFFICE CORRESPONDENCE

DATE: January 5, 2018

TO: Steve Walsh., Director
Department of Public Works

FROM: Greg Carski. Bureau Chief
Bureau of Traffic Engineering and Transportation Planning

SUBJECT: 2018 Basic Service Map – Transportation: Final Report

Our bureau has restudied all of the intersections currently on the Basic Services Map for 2017 as well as continued the update of all other signalized intersections. Based on these studies over the past year, we are recommending the following changes to the Transportation Map for 2018:

CHANGES:

Goucher Blvd / Putty Hill Ave	E to D
Baltimore Nat'l Pike (US 40)/ Rolling Rd N	D to F

With the changes above, there are nine "F" level intersections and one "E" level intersections that are being proposed on the 2018 Basic Service Transportation Map that would control development. These intersections are:

Baltimore Nat'l Pike (US 40)/ Rolling Rd N	LOS = F
Belair Rd (US 1) / Rossville Blvd	LOS = F
Bloomsbury Ave / Frederick Rd (MD 144) / Ingleside Ave	LOS = F
Burke Ave / Burke Ave W / York Rd (MD 45)	LOS = F
Ebenezer Rd / Pulaski Hwy (US 40)	LOS = F
Falls Rd (MD 25) / Seminary Ave W (MD 131)	LOS = F
Falls Rd (MD 25) / Joppa Rd W	LOS = F
Falls Rd (MD 25) / Greenspring Valley Rd (MD 130)	LOS = F
Perring Pkwy (MD 41) / Putty Hill Ave	LOS = F
Joppa Rd E / Perring Pkwy (MD 41)	LOS = E

The intersection of Goucher Blvd / Putty Hill Ave went from LOS E to D. This intersection has been historically LOS D, but became an E from last year's count. The construction last year at Harford Rd / Joppa Rd may have contributed to vehicles taking an alternate route, and increasing the volume through Goucher Blvd / Putty Hill Ave. With Harford

Protestant
CBA Exhibit
11

Rd / Joppa Rd back in normal operations, the LOS at Goucher Blvd / Putty Hill Ave returned to its historical typical LOS.

The intersection of Baltimore Nat'l Pike (US 40)/ Rolling Rd N went from LOS D to F, which could be attributed to changes in traffic demand. Even with timing adjustments from SHA, the LOS was not able to be improved. Due to increased traffic volumes in the area, capacity of these intersections is being pressed during certain times of the day for a significant duration.

The commuter shed at Belair Rd (US 1) / Rossville Blvd is LOS F per County Bill No. 15-17.

Commuter sheds for the intersections noted above are being updated and will be shown on the 2018 Basic Service Map.

Enclosed is a list of the current D, E, and F intersections for your use. Should you have any questions in regard to the Basic Services Transportation Map for 2018, please contact me at ext. 3554.

Sig#	Prev Date	Prev L	Curr Date	Curr L	Time	1st Rd Name	2nd Rd Name	3rd Rd Name	Notes
S0284	4/06/16	D	2/06/17	F		Baltimore Nat'l Pik	Rolling Rd N		
C0712	3/15/16	D	2/07/17	D		Beaver Dam Rd	Cuba Rd	Shawan Rd	
S0564	3/08/16	D	2/08/17	D		Belair Rd	Ebenezer Rd	Joppa Rd	
S0619	4/05/16	D	2/13/17	D		Belair Rd	Fullerton Ave	Taylor Ave	
S2325	3/01/16	D	2/14/17	F		Belair Rd	Rossville Blvd		Bill 15-17
S1594	5/12/16	D	2/15/17	D		Bellona Ave	Charles St	Kenilworth Dr	
C4270	11/30/16	F	2/16/17	F		Bloomsbury Ave	Frederick Rd	Ingleside Ave	
	4/25/16	F	2/23/17	F		Burke Ave	York Rd		
S1927	5/09/16	D	2/28/17	D		Dulaney Valley Rd	Fairmount Ave		
S2294	3/09/16	D	3/03/17	D		Dulaney Valley Rd	Timonium Rd E		
S0616	2/08/16	D	3/02/17	D		Eastern Ave	Rolling Mill Rd	Eastpoint Mall	
S0605	2/25/16	F	3/06/17	F		Ebenezer Rd	Pulaski Hwy		
S3981	3/07/16	D	3/07/17	D		Fairmount Ave	York Rd		
S0268	4/20/16	F	2/21/17	F		Falls Rd	Greenspring Valley	Station Dr	
S0271	4/20/16	F	2/21/17	F		Falls Rd	Jones Falls Expwy	Joppa Rd	
S2231	5/24/16	F	5/24/17	F		Falls Rd	Seminary Ave W		
S0428	3/14/16	D	2/22/17	D		Falls Rd	Shawan Rd	Tufton Ave	
S3356	4/12/16	D	3/08/17	D		Frederick Rd	Rolling Rd S		
C0036	3/23/16	E	3/09/17	D		Goucher Blvd	Putty Hill Ave		
S3016	10/06/15	D	5/02/17	D		Harford Rd	Joppa Rd		
S2167	4/07/16	D	3/16/17	D		Harford Rd	Taylor Ave		
S0591	5/27/14	D	2/27/17	D		Hillen Rd	Stevenson Ln		
S2512	4/19/16	D	3/27/17	D		Honeygo Blvd	White Marsh Blvd		
S0917	5/05/16	D	3/28/17	D		Jarrettsville Pike	Paper Mill Rd	Sweet Air Rd	
S2015	4/21/16	D	3/29/17	D		Joppa Rd E	Loch Raven Blvd		
S4320	4/14/16	E	3/30/17	E		Joppa Rd E	Perring Pkwy		
S1911	4/18/16	D	4/03/17	D		Liberty Rd	Washington Ave		
S0628	3/24/16	D	4/04/17	D		Middle River Rd	Pulaski Hwy		
S4310	3/16/16	D	4/06/17	D		Padonia Rd E/W	York Rd		
S0852	3/22/16	F	4/05/17	F		Perring Pkwy	Putty Hill Ave		
S0889	3/03/16	D	4/25/17	D		Pulaski Hwy	66th St		
S0885	3/10/16	D	4/18/17	D		Pulaski Hwy	Rossville Blvd		
C0220	4/13/17	D	4/19/17	D		Rolling Rd	Windsor Mill Rd		
S1580	3/17/16	D	4/20/17	D		Seminary Ave E/W	York Rd		

Sig#	Prev Date	Prev LC	Curr Date	Curr L	Time	1st Rd Name	2nd Rd Name	3rd Rd Name	Notes
S3008	3/21/16	D	4/24/17	D		Timonium Rd E/W	York Rd		

BALTIMORE COUNTY, MARYLAND
BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING
INTER-OFFICE CORRESPONDENCE

DATE: November 19, 2018

TO: Steve Walsh., Director
Department of Public Works

FROM: Greg Carski. Bureau Chief
Bureau of Traffic Engineering and Transportation Planning

SUBJECT: 2019 Basic Service Map – Transportation: Draft Report

Our bureau has restudied all of the intersections currently on the Basic Services Map for 2018 as well as continued the update of all other signalized intersections. Based on these studies over the past year, we are have determined no changes or additions to the 2018 Map.

There are nine "F" level intersections and one"E" level intersections that are being proposed on the 2019 Basic Service Transportation Map that would control development. These intersections are:

Baltimore Nat'l Pike (US 40)/ Rolling Rd N	LOS = F
Belair Rd (US 1)/ Rossville Blvd	LOS = F
Bloomsbury Ave / Frederick Rd (MD 144) / Ingleside Ave	LOS = F
Burke Ave / Burke Ave W / York Rd (MD 45)	LOS = F
Falls Rd (MD 25) / Seminary Ave W (MD 131)	LOS = F
Falls Rd (MD 25) / Joppa Rd W	LOS = F
Falls Rd (MD 25) / Greenspring Valley Rd (MD 130)	LOS = F
Perring Pkwy (MD 41) / Putty Hill Ave	LOS = F
Ebenezer Rd / Pulaski Hwy (US 40)	LOS = F
Joppa Rd E / Perring Pkwy (MD 41)	LOS = E

The commuter shed at Belair Rd (US 1)/Rossville Blvd is LOS F per County Bill No. 15-17.

Commuter sheds for the intersections noted above are unchanged from the 2018 Basic Service Map and will be shown as such on the 2019 Basic Services Map.

Enclosed is a list of the current D, E, and F intersections for your use. Should you have any questions in regard to the Basic Services Transportation Map for 2019, please contact me at ext. 3554.

Protestant
CBA Exhibit
12

Sig#	Prev Date	Prev LC	Curr Date	Curr L	Time	1st Rd Name	2nd Rd Name	3rd Rd Name	Notes
S0284	2/06/17	F	2/12/18	F		Baltimore Nat'l Pik	Rolling Rd N		
C0712	2/07/17	D	2/13/18	D		Beaver Dam Rd	Cuba Rd	Shawan Rd	
S0564	2/08/17	D	2/14/18	D		Belair Rd	Ebenezer Rd	Joppa Rd	
S0619	2/13/17	D	2/16/18	D		Belair Rd	Fullerton Ave	Taylor Ave	
S2325	2/14/17	F	2/20/18	F		Belair Rd	Rossville Blvd		Bill 15-17
S1594	2/15/17	D	2/21/18	D		Bellona Ave	Charles St	Kenilworth Dr	
C4270	2/16/17	F	2/22/18	F		Bloomsbury Ave	Frederick Rd	Ingleside Ave	
S 087	2/23/17	F	2/26/18	F		Burke Ave	York Rd		
S1927	2/28/17	D	2/27/18	D		Dulaney Valley Rd	Fairmount Ave		
S2294	3/03/17	D	2/28/18	D		Dulaney Valley Rd	Timonium Rd E		
S0616	3/02/17	D	3/01/18	D		Eastern Ave	Rolling Mill Rd	Mall Ent	
S0605	3/06/17	F	3/08/18	F		Ebenezer Rd	Pulaski Hwy		
S3981	3/07/17	D	3/20/18	D		Fairmount Ave	York Rd		
S0268	2/21/17	F	3/06/18	F		Falls Rd	Greenspring Valley	Station Dr	
S0271	2/21/17	F	3/06/18	F		Falls Rd	Jones Falls Expwy	Joppa Rd W	
S2231	5/24/17	F	3/06/18	F		Falls Rd	Seminary Ave W		
S0428	2/22/17	D	3/12/18	D		Falls Rd	Shawan Rd	Tufton Ave	
S3356	3/08/17	D	3/13/18	D		Frederick Rd	Rolling Rd S		
C0036	3/09/17	D	3/14/18	D		Goucher Blvd	Putty Hill Ave		
S3016	5/02/17	D	3/15/18	D		Harford Rd	Joppa Rd		
S2167	3/16/17	D	3/19/18	D		Harford Rd	Taylor Ave		
S0591	2/27/17	D	3/28/18	D		Hillen Rd	Stevenson Ln		
S2512	3/27/17	D	3/27/18	D		Honeygo Blvd	White Marsh Blvd		
S0917	3/28/17	D	3/29/18	D		Jarrettsville Pike	Paper Mill Rd	Sweet Air Rd	
S2015	3/29/17	D	4/09/18	D		Joppa Rd E	Loch Raven Blvd		
S4320	3/30/17	E	4/10/18	E		Joppa Rd E	Perring Pkwy		
S1911	4/03/17	D	4/11/18	D		Liberty Rd	Washington Ave		
S0628	4/04/17	D	4/12/18	D		Middle River Rd	Pulaski Hwy		
S4310	4/06/17	D	4/16/18	D		Padonia Rd E/W	York Rd		
S0852	4/05/17	F	4/17/18	F		Perring Pkwy	Putty Hill Ave		
S0889	4/25/17	D	4/18/18	D		Pulaski Hwy	66th St		
S0885	4/18/17	D	4/25/18	D		Pulaski Hwy	Rossville Blvd		
C0220	4/19/17	D	4/19/18	D		Rolling Rd	Windsor Mill Rd		

Sig#	Prev Date	Prev LC	Curr Date	Curr L	Time	1st Rd Name	2nd Rd Name	3rd Rd Name	Notes
S1580	4/20/17	D	4/23/18	D		Seminary Ave E/W	York Rd		
S3008	4/24/17	D	4/24/18	D		Timonium Rd E/W	York Rd		

Protestant
CBA Exhibit
13

BALTIMORE COUNTY TRAFFIC ENGINEERING
TURNING MOVEMENT COUNT DATA

LOCATION JOPPA RD - LOCH RAVEN BLVD

DATE OF COUNT A.M. 4/10/2014
P.M. 4/10/2014

ROADS: LOCH RAVEN BLVD / LOCH RAVEN BLVD / JOPPA RD / JOPPA RD

	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
AM	L	S	R	TOTAL	L	S	R	TOTAL	N+S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E+W TOTAL	GRAND TOTAL
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	11	169	7	187	19	90	93	202	389	62	22	13	97	23	176	59	258	355	744
7:15-7:30	14	234	13	261	18	104	113	235	496	85	50	13	148	14	258	88	360	508	1004
7:30-7:45	20	237	4	261	31	112	122	265	526	74	39	10	123	19	218	82	319	442	968
7:45-8:00	18	189	9	216	28	116	104	248	464	58	38	11	107	20	281	89	390	497	961
8:00-8:15	22	208	24	254	41	137	176	354	608	95	59	6	160	12	243	62	317	477	1085
8:15-8:30	33	209	20	262	29	87	102	218	480	37	49	10	96	16	255	56	327	423	903
8:30-8:45	46	212	16	274	36	64	90	190	464	50	44	13	107	21	290	61	372	479	943
8:45-9:00	36	168	18	222	28	79	97	204	426	53	50	20	123	14	206	49	269	392	818
AM HOUR TOTALS																			
6:00-7:00	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
6:15-7:15	11	169	7	187	19	90	93	202	389	62	22	13	97	23	176	59	258	355	744
6:30-7:30	25	403	20	448	37	194	206	437	885	147	72	26	245	37	434	147	618	863	1748
6:45-7:45	42	640	24	709	68	306	328	702	1411	221	111	36	368	56	652	229	937	1305	2716
7:00-8:00	**63**	**829**	**33**	**925**	**96**	**422**	**432**	**950**	**1875**	**279**	**149**	**47**	**475**	**76**	**933**	**318**	**1327**	**1802**	**3677**
7:15-8:15	74	868	50	992	118	469	515	1102	2094	312	186	40	538	65	1000	321	1386	1924	4018
7:30-8:30	93	843	57	993	129	452	504	1085	2078	264	185	37	486	67	997	289	1353	1839	3917
7:45-8:45	119	818	69	1006	134	404	472	1010	2016	240	190	40	470	69	1069	268	1406	1876	3892
8:00-9:00	**137**	**797**	**78**	**1012**	**134**	**367**	**465**	**966**	**1978**	**235**	**202**	**49**	**486**	**63**	**994**	**228**	**1285**	**1771**	**3749**

	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
PM	L	S	R	TOTAL	L	S	R	TOTAL	N+S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E+W TOTAL	GRAND TOTAL
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	36	171	37	244	37	100	86	223	467	135	284	25	444	33	112	90	235	679	1146
4:15-4:30	25	148	43	216	48	128	79	255	471	121	270	31	422	26	117	82	225	647	1118
4:30-4:45	35	184	38	257	73	134	118	325	582	140	307	23	470	41	121	84	246	716	1298
4:45-5:00	23	140	38	201	43	103	72	218	419	123	279	29	431	37	103	67	207	638	1057
5:00-5:15	32	156	29	217	61	107	81	249	466	159	346	31	536	39	87	83	209	745	1211
5:15-5:30	28	140	31	199	45	102	72	219	418	124	311	49	484	51	124	68	243	727	1145
5:30-5:45	41	169	41	251	69	145	75	289	540	147	343	27	517	39	113	79	231	748	1288
5:45-6:00	24	123	30	177	59	131	67	257	434	103	279	24	406	41	109	71	221	627	1061
PM HOUR TOTALS																			
3:00-4:00	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
3:15-4:15	36	171	37	244	37	100	86	223	467	135	284	25	444	33	112	90	235	679	1146
3:30-4:30	61	319	80	460	85	228	165	478	938	256	554	56	866	59	229	172	460	1326	2264
3:45-4:45	96	503	118	717	158	362	283	803	1520	396	861	79	1336	100	350	256	706	2042	3562
4:00-5:00	**119**	**643**	**156**	**918**	**201**	**465**	**355**	**1021**	**1939**	**519**	**1140**	**108**	**1767**	**137**	**453**	**323**	**913**	**2680**	**4619**
4:15-5:15	115	628	148	891	225	472	350	1047	1938	543	1202	114	1859	143	428	316	887	2746	4684
4:30-5:30	118	620	136	874	222	446	343	1011	1885	546	1243	132	1921	168	435	302	905	2826	4711
4:45-5:45	124	605	139	868	218	457	300	975	1843	553	1279	136	1968	166	427	297	890	2858	4701
5:00-6:00	**125**	**588**	**131**	**844**	**234**	**485**	**295**	**1014**	**1858**	**533**	**1279**	**131**	**1943**	**170**	**433**	**301**	**904**	**2847**	**4705**

LOCATION JOPPA RD - LOCH RAVEN BLVD

	RECORDER	WEATHER	ROAD SURFACE	DAY OF THE WEEK	DATE OF COUNT
A.M.	DT	CLEAR	DRY	THUR	4/10/2014
P.M.	DT	CLEAR	DRY	THUR	4/10/2014

PERCENTAGE TURNING MOVEMENTS AND TOTAL VOLUMES

ROADS:	LOCH RAVEN BLVD				LOCH RAVEN BLVD					JOPPA RD				JOPPA RD				
	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND				
	L	S	R	TOTAL	L	S	R	TOTAL		L	S	R	TOTAL	L	S	R	TOTAL	
%TURNING	10%	84%	6%	100%	12%	41%	47%	100%	AM	53%	37%	10%	100%	5%	74%	21%	100%	N/A
MOVEMENT	14%	70%	16%	100%	21%	47%	32%	100%	PM	28%	65%	6%	100%	17%	49%	34%	100%	N/A
TOTAL	200	1626	111	1937	230	789	897	1916	AM	514	351	96	961	139	1927	546	2612	7426
VOLUMES	244	1231	287	1762	435	950	650	2035	PM	###	2419	239	3710	307	886	624	1817	9324
GRAND TOTALS	444	2857	398	3699	665	1739	###	3951		###	2770	335	4671	446	2813	###	4429	####

ESTIMATED ADTS	SOUTH LEG	NORTH LEG	WEST LEG	EAST LEG
	20390	31292	31066	27089

ESTIMATED VEHICLES ENTERING THE INTERSECTION ----------> 54918

INTERSECTION: JOPPA RD - LOCH RAVEN BLVD

DESCRIPTION: LOCH RAVEN IS A SIX LANE STATE RD WITH LEFT TURN LANES AND ARROWS. JOPPA RD IS A FOUR LANE COUNTY RD WITH LEFT TURN LANES AND ARROWS.

THE SIGNAL FUNCTIONS AS A 8 PHASE LIGHT. THE CYCLE LENGTHS AVERAGE 189 SECONDS IN THE MORNING AND 189 SECONDS IN THE AFTERNOON. THE PEAK HOUR IN THE MORNIN 7:15 TO 8:15 AND IS 4:30 TO 5:30 THE AFTERNOON. THE PEAK FLOW OCCURS IN THE W/B DIRECTION OF JOPPA RD DURING THE AM AND IN THE E/B DIRECTION OF JOPPA RD IN THE PM.

LOADED CYCLES

	NORTHBOUND	SOUTHBOUND	EASTBOUND	WESTBOUND
% OF LOADS	31%	*	6%	70%
AM HOUR	7:30-8:30	*	8:00-9:00	7:45-8:45
% OF LOADS	20%	16%	42%	*
PM HOUR	4:00-5:00	4:00-5:00	5:00-6:00	*

REMARKS: *

THE LEVEL OF SERVICE IS: D

A = 0% B = 1-10% C = 11-30% D = 31-70% E = 71-85% F = 86-100%

FOR UPDATED LIST YES OR N DATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: _____

Protestant
CBA Exhibit
14

BALTIMORE COUNTY TRAFFIC ENGINEERING
TURNING MOVEMENT COUNT DATA

LOCATION JOPPA RD - LOCH RAVEN BLVD

DATE OF COUNT A.M. 3/29/2017
P.M. 3/29/2017

ROADS: LOCH RAVEN BLVD | LOCH RAVEN BLVD | JOPPA RD | JOPPA RD

	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
AM	L	S	R	TOTAL	L	S	R	TOTAL	N + S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E + W TOTAL	GRAND TOTAL
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	14	183	11	208	23	102	88	213	421	70	41	18	129	22	191	71	284	413	834
7:15-7:30	19	196	9	224	32	127	92	251	475	86	55	12	153	14	167	84	265	418	893
7:30-7:45	26	257	7	290	35	145	114	294	584	84	52	15	151	16	269	102	387	538	1122
7:45-8:00	18	193	14	225	28	122	175	325	550	76	51	16	143	11	243	91	345	488	1038
8:00-8:15	35	185	26	246	34	150	188	372	618	101	68	10	179	22	277	98	397	576	1194
8:15-8:30	27	238	20	285	30	121	120	271	556	69	59	15	143	20	217	59	296	439	995
8:30-8:45	28	179	22	229	33	96	90	219	448	57	54	22	133	25	257	84	366	499	947
8:45-9:00	23	167	18	208	22	99	82	203	411	65	47	25	137	19	231	79	329	466	877

AM HOUR TOTALS

6:00-7:00	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
6:15-7:15	14	183	11	208	23	102	88	213	421	70	41	18	129	22	191	71	284	413	834
6:30-7:30	33	379	20	432	55	229	180	464	896	156	96	30	282	36	358	155	549	831	1727
6:45-7:45	54	636	27	722	90	374	294	758	1480	240	148	45	433	52	627	257	936	1369	2849
7:00-8:00	**77**	**829**	**41**	**947**	**118**	**496**	**469**	**1083**	**2030**	**316**	**199**	**61**	**576**	**63**	**870**	**348**	**1281**	**1857**	**3887**
7:15-8:15	98	831	56	985	129	544	569	1242	2227	347	226	53	626	63	956	375	1394	2020	4247
7:30-8:30	106	873	67	1046	127	538	597	1262	2308	330	230	56	616	69	1006	350	1425	2041	4349
7:45-8:45	108	795	82	985	125	489	573	1187	2172	303	232	63	598	78	994	332	1404	2002	4174
8:00-9:00	**113**	**769**	**86**	**968**	**119**	**466**	**480**	**1065**	**2033**	**292**	**228**	**72**	**592**	**86**	**982**	**320**	**1388**	**1980**	**4013**

	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
PM	L	S	R	TOTAL	L	S	R	TOTAL	N + S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E + W TOTAL	GRAND TOTAL
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	21	134	31	186	43	138	80	261	447	146	286	30	462	41	142	79	262	724	1171
4:15-4:30	35	182	37	254	57	156	77	290	544	152	283	34	469	25	116	56	197	666	1210
4:30-4:45	23	154	34	211	68	137	101	306	517	141	312	29	482	40	134	82	256	738	1255
4:45-5:00	26	122	21	169	89	125	109	323	492	154	316	27	497	44	101	60	205	702	1194
5:00-5:15	24	164	40	228	92	114	98	304	532	170	347	39	556	49	127	88	264	820	1352
5:15-5:30	25	146	42	213	55	68	96	219	432	144	320	48	512	40	112	60	212	724	1156
5:30-5:45	16	121	35	172	53	46	84	183	355	153	333	41	527	39	123	62	224	751	1106
5:45-6:00	19	131	41	191	56	50	66	172	363	128	298	29	455	36	117	54	207	662	1025

PM HOUR TOTALS

3:00-4:00	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
3:15-4:15	21	134	31	186	43	138	80	261	447	146	286	30	462	41	142	79	262	724	1171
3:30-4:30	56	316	68	440	100	294	157	551	991	298	569	64	931	66	258	135	459	1390	2381
3:45-4:45	79	470	102	651	168	431	258	857	1508	439	881	93	1413	106	392	217	715	2128	3636
4:00-5:00	**105**	**592**	**123**	**820**	**257**	**556**	**367**	**1180**	**2000**	**593**	**1197**	**120**	**1910**	**150**	**493**	**277**	**920**	**2830**	**4830**
4:15-5:15	108	622	132	862	306	532	385	1223	2085	617	1258	129	2004	158	478	286	922	2926	5011
4:30-5:30	98	586	137	821	304	444	404	1152	1973	609	1295	143	2047	173	474	290	937	2984	4957
4:45-5:45	91	553	138	782	289	353	387	1029	1811	621	1316	155	2092	172	463	270	905	2997	4808
5:00-6:00	**84**	**562**	**158**	**804**	**256**	**278**	**344**	**878**	**1682**	**595**	**1298**	**157**	**2050**	**164**	**479**	**264**	**907**	**2957**	**4639**

LOCATION JOPPA RD - LOCH RAVEN BLVD

	RECORDER	WEATHER	ROAD SURFACE	DAY OF THE WEEK	DATE OF COUNT
A.M.	KF	CLEAR	DRY	WED	3/29/2017
P.M.	KF	CLEAR	DRY	WED	3/29/2017

PERCENTAGE TURNING MOVEMENTS AND TOTAL VOLUMES

ROADS:	LOCH RAVEN BLVD				LOCH RAVEN BLVD					JOPPA RD				JOPPA RD				
	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND				
	L	S	R	TOTAL	L	S	R	TOTAL		L	S	R	TOTAL	L	S	R	TOTAL	
%TURNING	10%	83%	7%	100%	11%	45%	44%	100%	AM	52%	37%	11%	100%	6%	69%	25%	100%	N/A
MOVEMENT	12%	71%	17%	100%	25%	41%	35%	100%	PM	30%	63%	7%	100%	17%	53%	30%	100%	N/A
TOTAL	190	1598	127	1915	237	962	949	2148	AM	608	427	133	1168	149	1852	668	2669	7900
VOLUMES	189	1154	281	1624	513	834	711	2058	PM	###	2495	277	3960	314	972	541	1827	9469
GRAND TOTALS	379	2752	408	3539	750	1796	###	4206		###	2922	410	5128	463	2824	###	4496	####

ESTIMATED ADTS	SOUTH LEG	NORTH LEG	WEST LEG	EAST LEG
	20354	32666	32757	28118

ESTIMATED VEHICLES ENTERING THE INTERSECTION ----------> 56948

INTERSECTION: JOPPA RD - LOCH RAVEN BLVD

DESCRIPTION: LOCH RAVEN IS A SIX LANE STATE RD WITH LEFT TURN LANES AND ARROWS. JOPPA RD IS A FOUR LANE COUNTY RD WITH LEFT TURN LANES AND ARROWS.

THE SIGNAL FUNCTIONS AS A 8 PHASE LIGHT. THE CYCLE LENGTHS AVERAGE 153 SECONDS IN THE MORNING AND 180 SECONDS IN THE AFTERNOON. THE PEAK HOUR IN THE MORNIN 7:30 TO 8:30 AND IS 4:15 TO 5:15 THE AFTERNOON. THE PEAK FLOW OCCURS IN THE W/B DIRECTION OF JOPPA RD DURING THE AM AND IN THE E/B DIRECTION OF JOPPA RD IN THE PM.

LOADED CYCLES

	NORTHBOUND	SOUTHBOUND	EASTBOUND	WESTBOUND
% OF LOADS	48%	*	52%	*
AM HOUR	7:45 - 8:45	*	4:40 - 5:30	*
% OF LOADS	24%	*	*	*
PM HOUR	4:15 - 5:15	*	*	*

REMARKS: *

THE LEVEL OF SERVICE IS: D

A = 0% B = 1-10% C = 11-30% D = 31-70% E = 71-85% F = 86-100%

FOR UPDATED LIST YES OR N DATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: _____

Associates of Loch Raven Village (ALRV) **ASSOCIATION**

RESOLVED: That the position of the ALRV Association as adopted by the (Board of Directors) (Zoning Committee) on the zoning matter known as:

Appeal to Board of Appeals
Petitions for Special Hearing and Special Exception
Case No. 2010-0070-SPHX
Property: 1641 Joppa Road

is that:

we oppose the granting of the Special Exception.

AS WITNESS OUR HANDS AND SEAL THIS 4th day of March, 2019.

ATTEST:

Associates of Loch Raven Village Association

Susan Redpath
Secretary

Nicholas Hyndman
President

Protestant
CBA Exhibit

15

Associates of Loch Raven Village (ALRV) **ASSOCIATION**

RESOLVED: That at the Special meeting meeting of the ALRV Association held on [DATE], it was decided by the Association that responsibility for review and action on all zoning matters for the period November 14, 2018 - March 15, 2019 be placed in the (Board of Directors) (~~Zoning Committee~~) consisting of the following members, each of whom is hereby authorized to testify on behalf of the Association before the County Board of Appeals or other duly constituted zoning agency, body, or commission:

Peter M. Moulder

AS WITNESS OUR HANDS AND SEAL THIS 4th day of March, 2019

ATTEST:

Associates of Loch Raven Village Association

Secretary

President

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) ~~(Zoning Committee)~~ of the Associates of Loch Raven Village Association.

ATTEST: Associates of Loch Raven Village Association

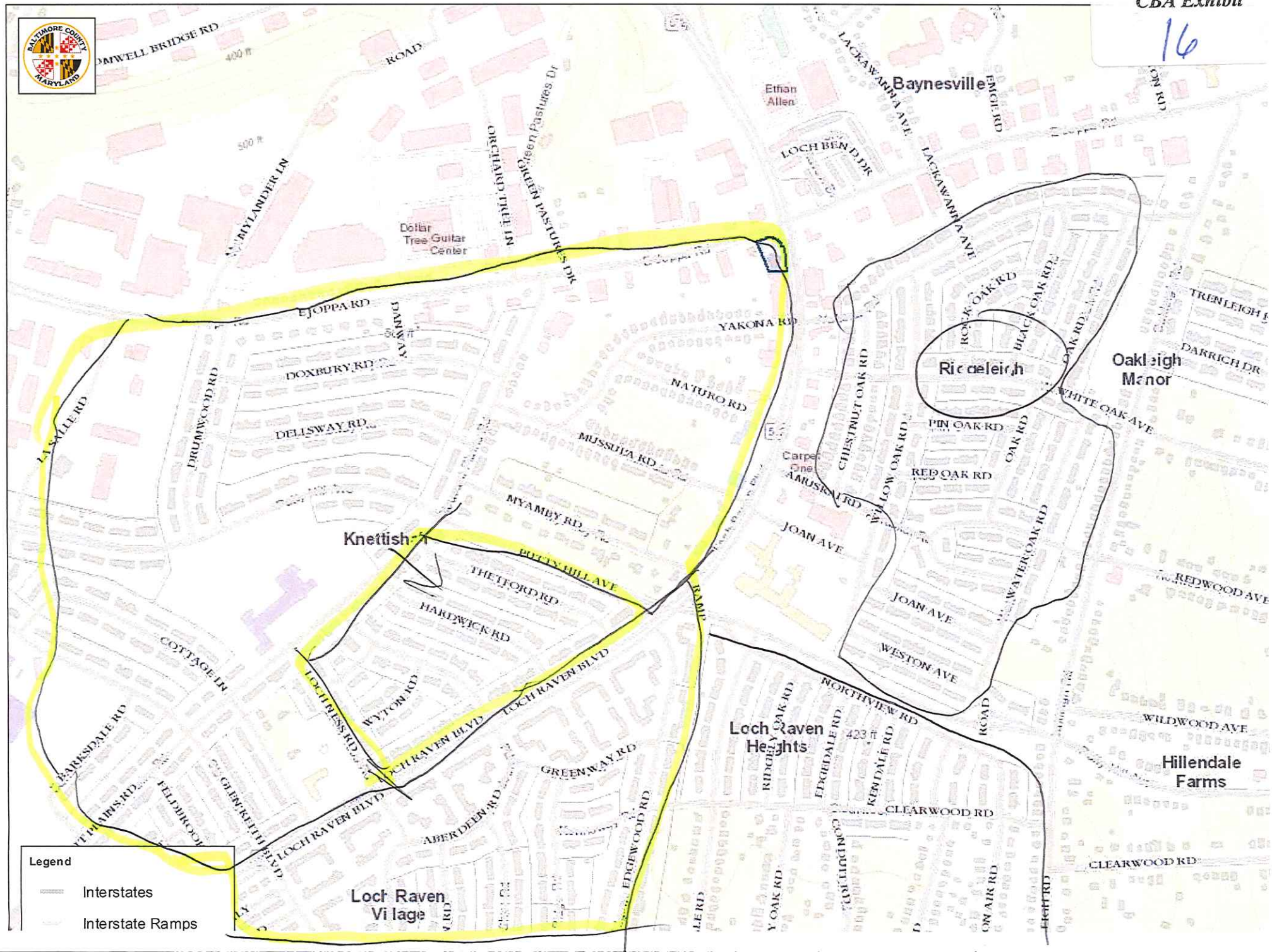
Susan Redpath
Secretary

President

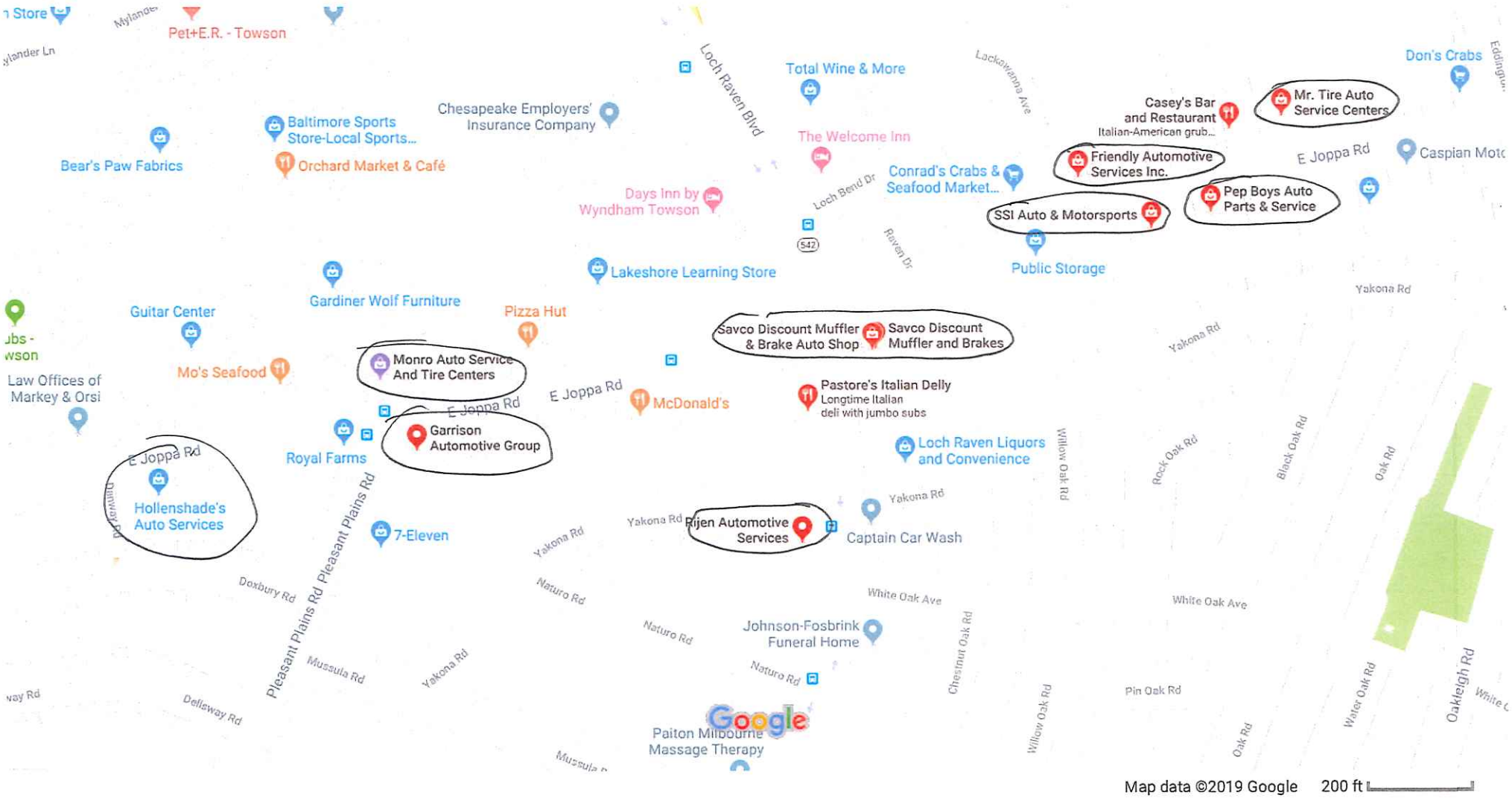
DATE: March 4, 2019

Baltimore County - My Neighborhood

Protestant
CBA Exhibit
16



Google Maps oil changes near me – within ¼ mile of Loch Raven & Joppa Rd.



Protestant
CBA Exhibit
17



Protestant
CBA Exhibit
18


NOW OPEN
KENO


MONRO
MUFFLER/BRAKE
& SERVICE
OIL CHANGE $17.9
GOOD BETTER BES
AND ULTIMATE O


PARS


1501
Hollenshade's
AUTO
SERVICE

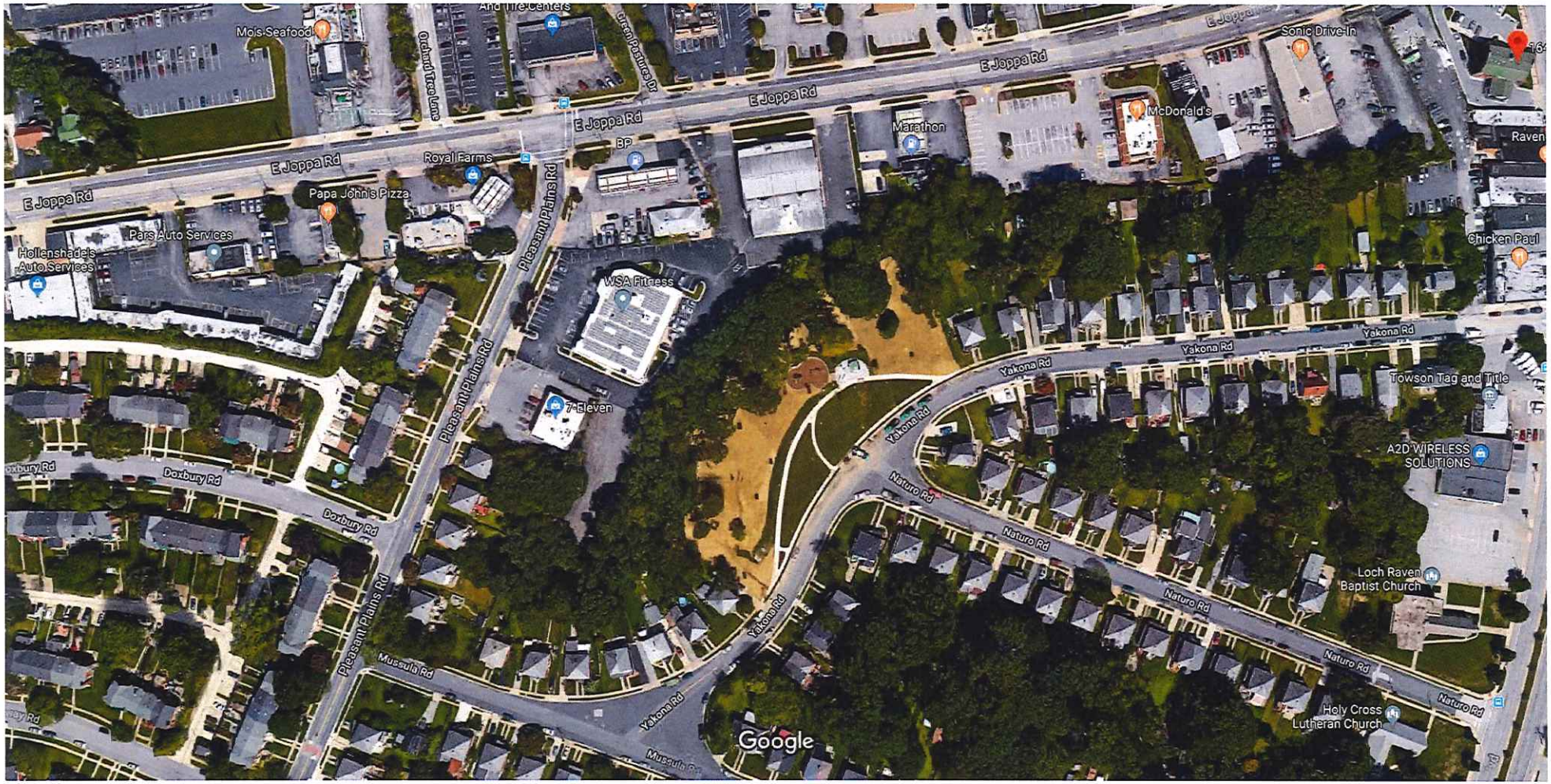

30 MIN. TUNE-UP
30 MIN. BRAKES
LUBE n TUNE
TINT
AUTO GLASS


ACURA
HONDA
ORCHARD AUTOMOTIVE L.L.C.
FOREIGN 339 - 739 DOMESTIC
ORCHARD AUTOMOTIVE L.L.C.
HONDA


CASPIAN
MOTORS
Foreign
&
Domestic



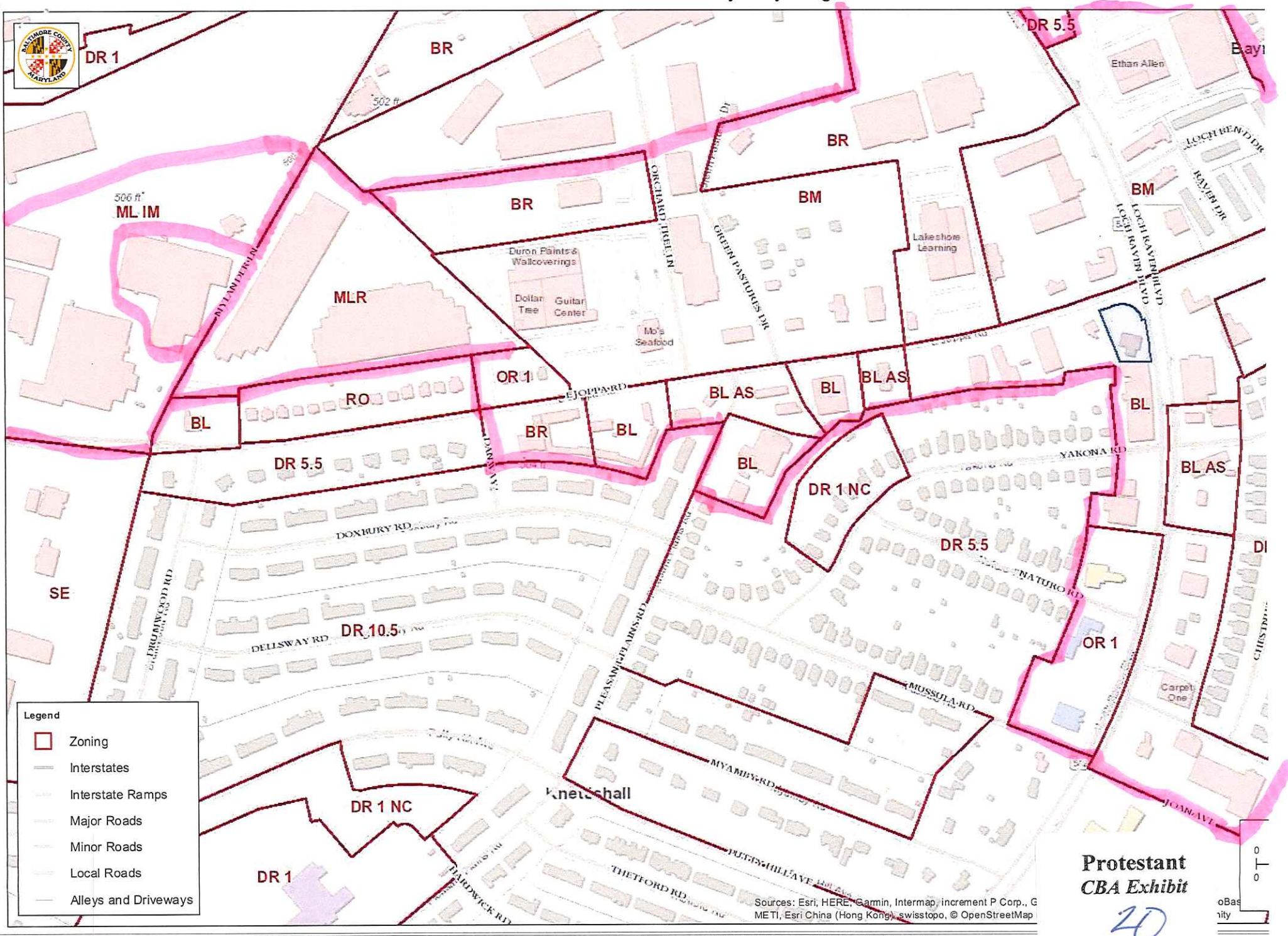
Google Maps 1641 E Joppa Rd



Imagery ©2019 Google, Map data ©2019 Google 100 ft

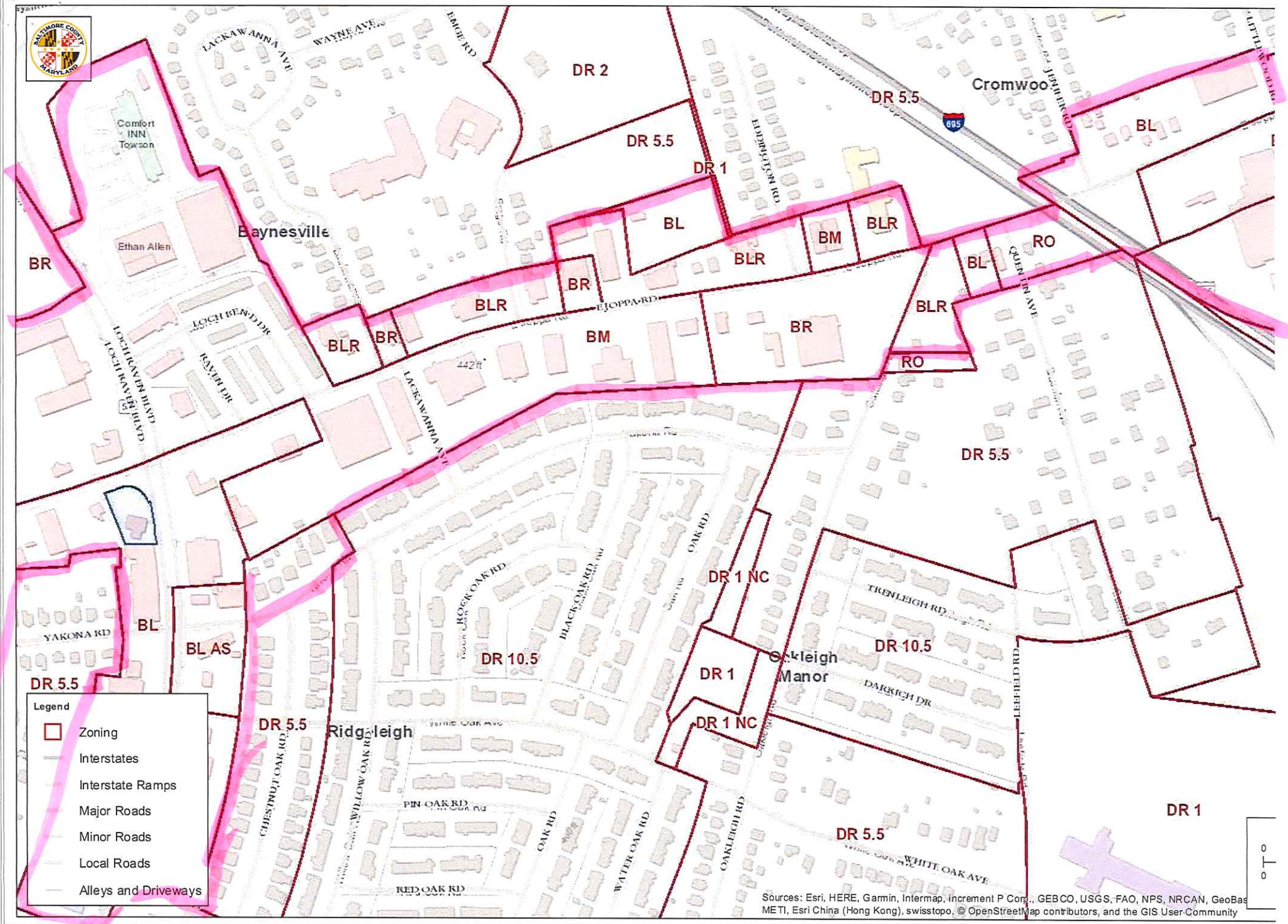
Protestant
CBA Exhibit
19

Baltimore County - My Neighborhood



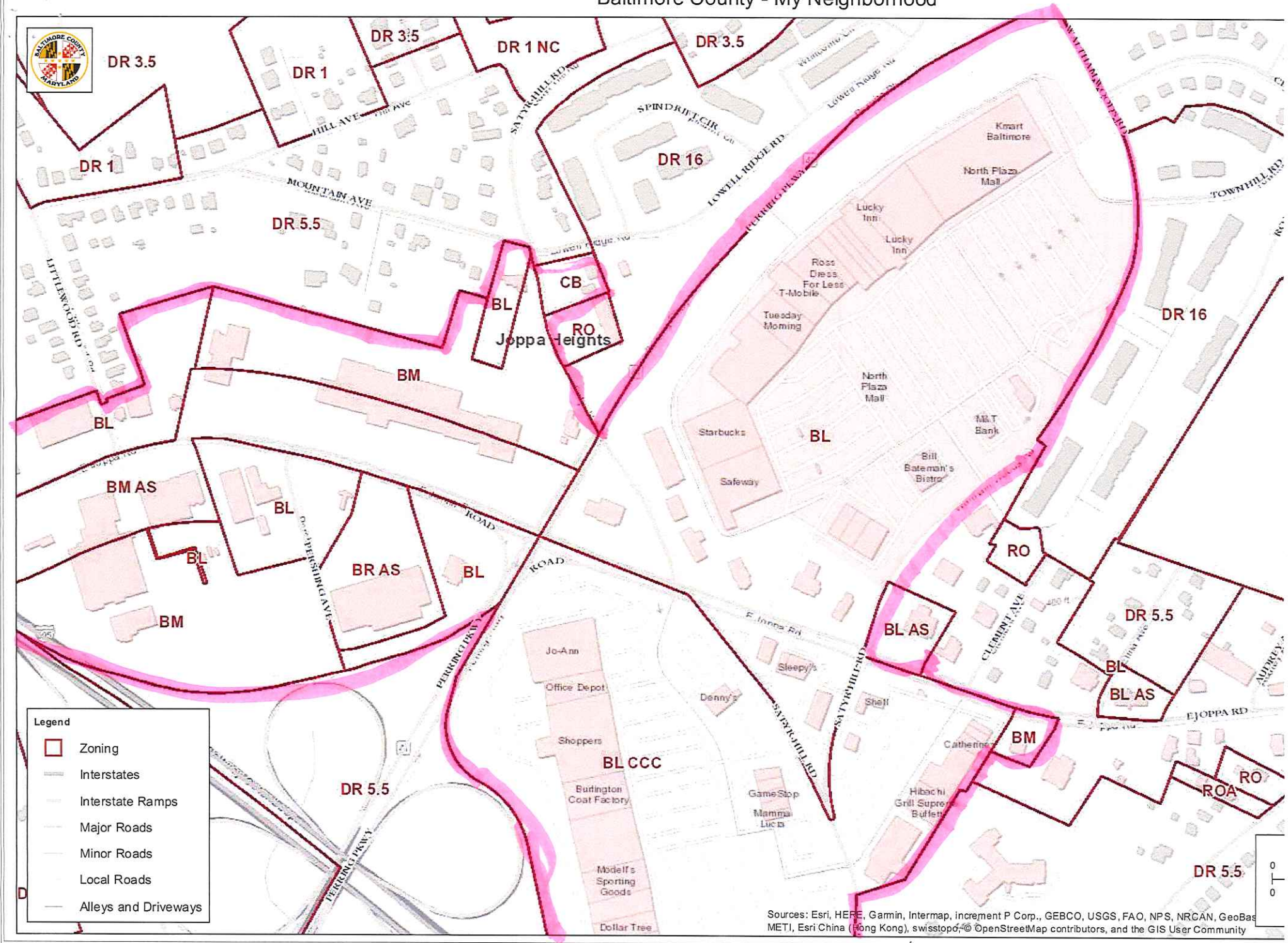
Protestant
CBA Exhibit
20

Baltimore County - My Neighborhood



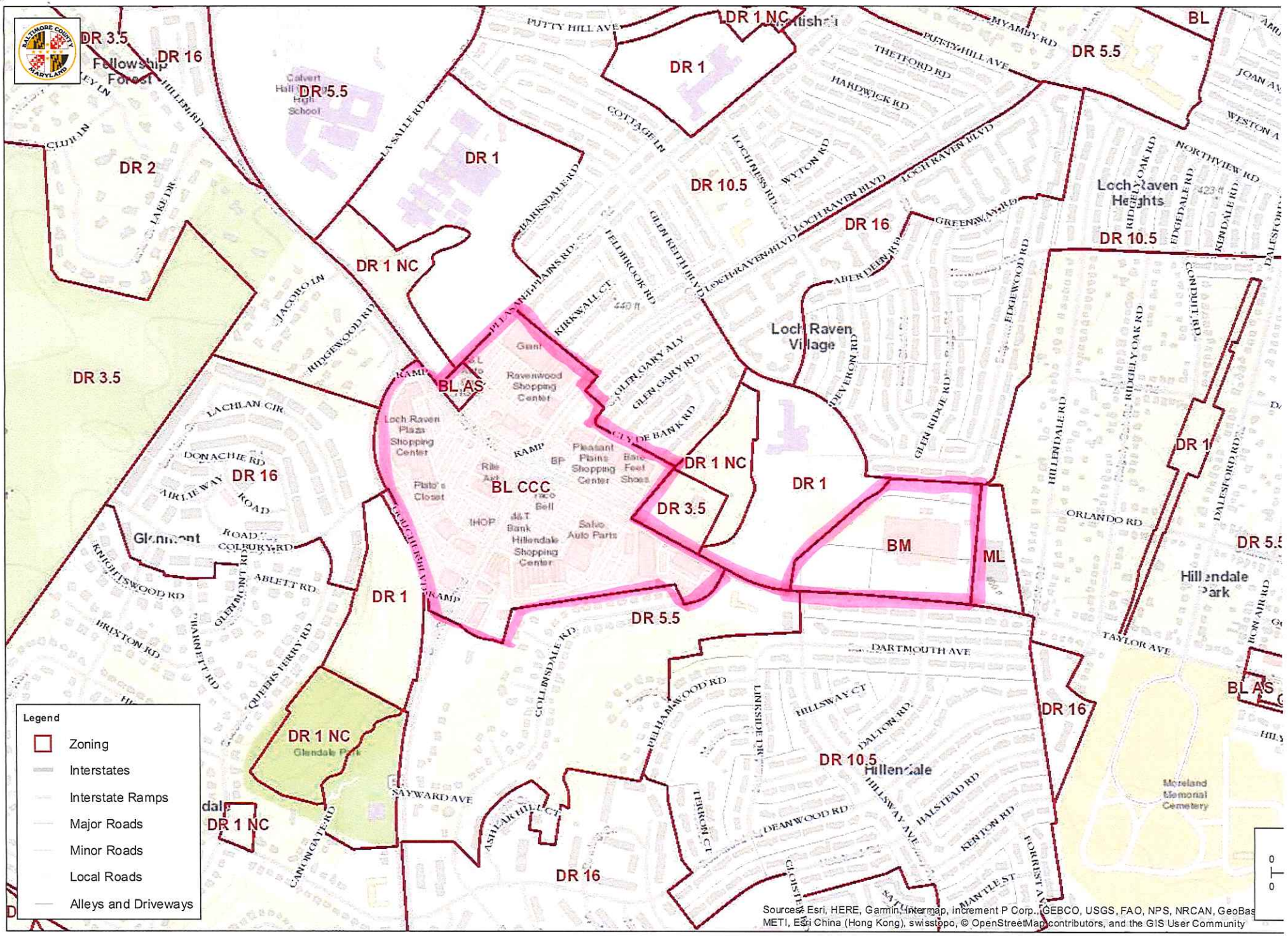
Baltimore County Government, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, FPA, USDA

Baltimore County - My Neighborhood



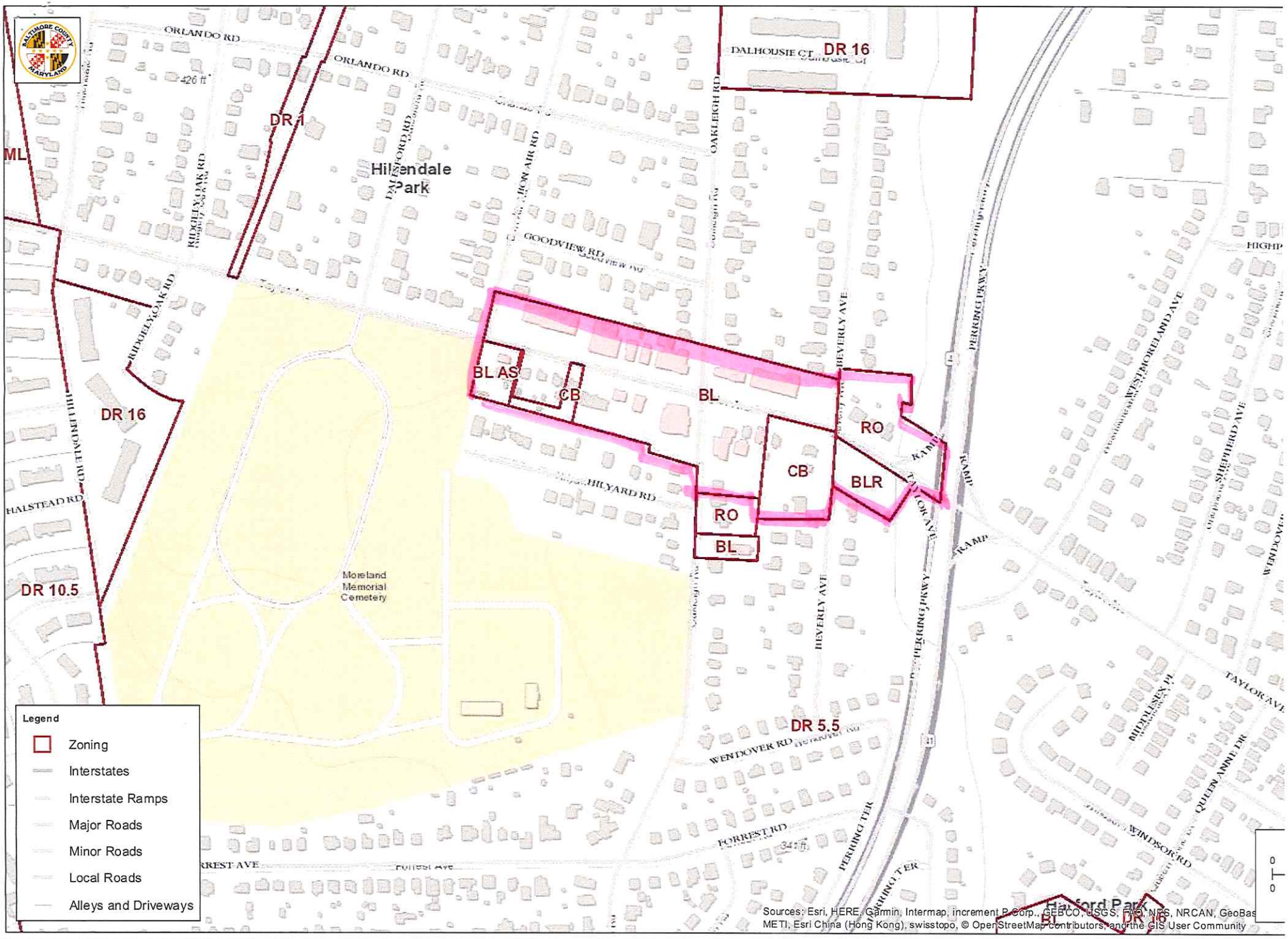
Baltimore County Government, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Baltimore County - My Neighborhood



Baltimore County Government, VITA, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA |

Baltimore County - My Neighborhood



Baltimore County Government, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, FPA, USDAI

Towson Communities Alliance
(a.k.a. Greater Towson Council of Community Associations)
P.O. Box 5421
Towson, MD 21285-5421
info@gtcca.org • www.tca.org

The TOWSON COMMUNITIES ALLIANCE ("TCA") RESOLVED:

That at the December 19, 2018 meeting of the TCA, responsibility for review, representation and action on matters of zoning and code enforcement for the period:

January 1, 2019 – December 31, 2019

be placed in the duly elected Board of Directors, consisting of the following members, each of whom is authorized to testify on behalf of the Association (TCA or GTCCA) before the County Board of Appeals or other duly constituted zoning agency, body or commission.

- Lorrie Geiss, President
- Bryan Fischer vice-president and immediate past president
- Michael Ertel,,vice-president
- John Rinehart, vice-president
- Joe Goodman, Treasurer
- Jo Marvan, Secretary
- Paul Hartman, director
- Ed Kilcullen, director

AS WITNESS: Our hands and seal this **December 19, 2018**

ATTEST: Towson Communities Alliance (also known as Greater Towson Council of Community Associations)

Lorrie Geiss

President (Lorrie Geiss)

Johanna Marvan

Secretary (Jo Marvan)

Towson Communities Alliance (aka GTCCA)
P.O. Box 5421
Towson, MD 21285-5421
gtccainformation@gmail.com
www.TowsonCommunities.org

The TOWSON COMMUNITIES ALLIANCE
(aka Greater Towson Council of Community Associations)

AFFIDAVIT

State of Maryland,

Baltimore County, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am a duly elected member of the Board of Directors of the Towson Communities Alliance (aka Greater Towson Council of Community Associations)

Paul Hoffman

ATTEST: The TOWSON COMMUNITIES ALLIANCE
(aka Greater Towson Council of Community Associations)

Johanna Marvan

Johanna Marvan, Secretary

Lorrie Geiss

Lorrie Geiss, President

Date: January 1, 2019

Towson Communities Alliance (aka GTCCA)
P.O. Box 5421
Towson, MD 21285-5421
gtccainformation@gmail.com
www.TowsonCommunities.org

The TOWSON COMMUNITIES ALLIANCE
(aka Greater Towson Council of Community Associations)

RESOLVED:

That the position of the TOWSON COMMUNITIES ALLIANCE, as adopted by the board of directors on the zoning matter of the proposed Valvoline station at 1641 East Joppa Road,

IS THAT:

WE ARE OPPOSED TO THE DESTRUCTION OF THE ORIGINAL BANK BUILDING TO CONSTRUCT A QUICK STOP SERVICE STATION AT THIS JUNCTION FOR A VARIETY OF REASONS PRESENTED.

AS WITNESS OUR HANDS AND SEAL THIS 1st day of January 2019

ATTEST: Towson Communities Alliance (Greater Towson Council of Community Associations)

Johanna Marvan, Secretary

Lorrie Geiss, President

Board of Appeals

Case No: 19-070-SPHX Case Name: Howard Bank / Mid-Atlantic Lubes, LLC

Exhibit List

Party: People's Counsel Date: 3/5/19 & 4/2/19

Exhibit No:	Description:
✓ 1	My Neighborhood Map 1:1,128
✓ 2	Aerial map
✓ 3	Balto. Co. web map 3/5/19
✓ 4	County Council Resolutions
✓ 5	Nov. '98 Petition for Variance for 1st Mariner Bank (1691E Joppa)
✓ 6	1/25/99 ltr. from Loch Raven to Zoning Comm.
✓ 7	Oct. '17 Google Maps pictures of 1695 E. Joppa & MD 542
✓ 8	2/9/99 Findings by Zoning Comm. w/ Site Plan (1st Mariner)
✓ 9	Petition for Zoning Reclassification for ~~1701~~ 1691 E. Joppa
✓ 10	Zoning history of properties near 1691 E. Joppa
KC 3/6/19 ✓ 11	Aerial & Street Views of MD Valvoline Facilities
✓ 12 ✓	Webster's 3rd New Int'l Dictionary & internet definitions of inherent
✓ 13	Zoning history for 1701 E. Joppa Rd
✓ 14	Webster's 3rd New Int'l Dictionary definitions of back & front
	VERIFIED BY KC DATE: 4/4/19

Board of Appeals

Case No: 19-070-SPHX Case Name: Howard Bank / Mid-Atlantic Lubes, LLC

Exhibit List

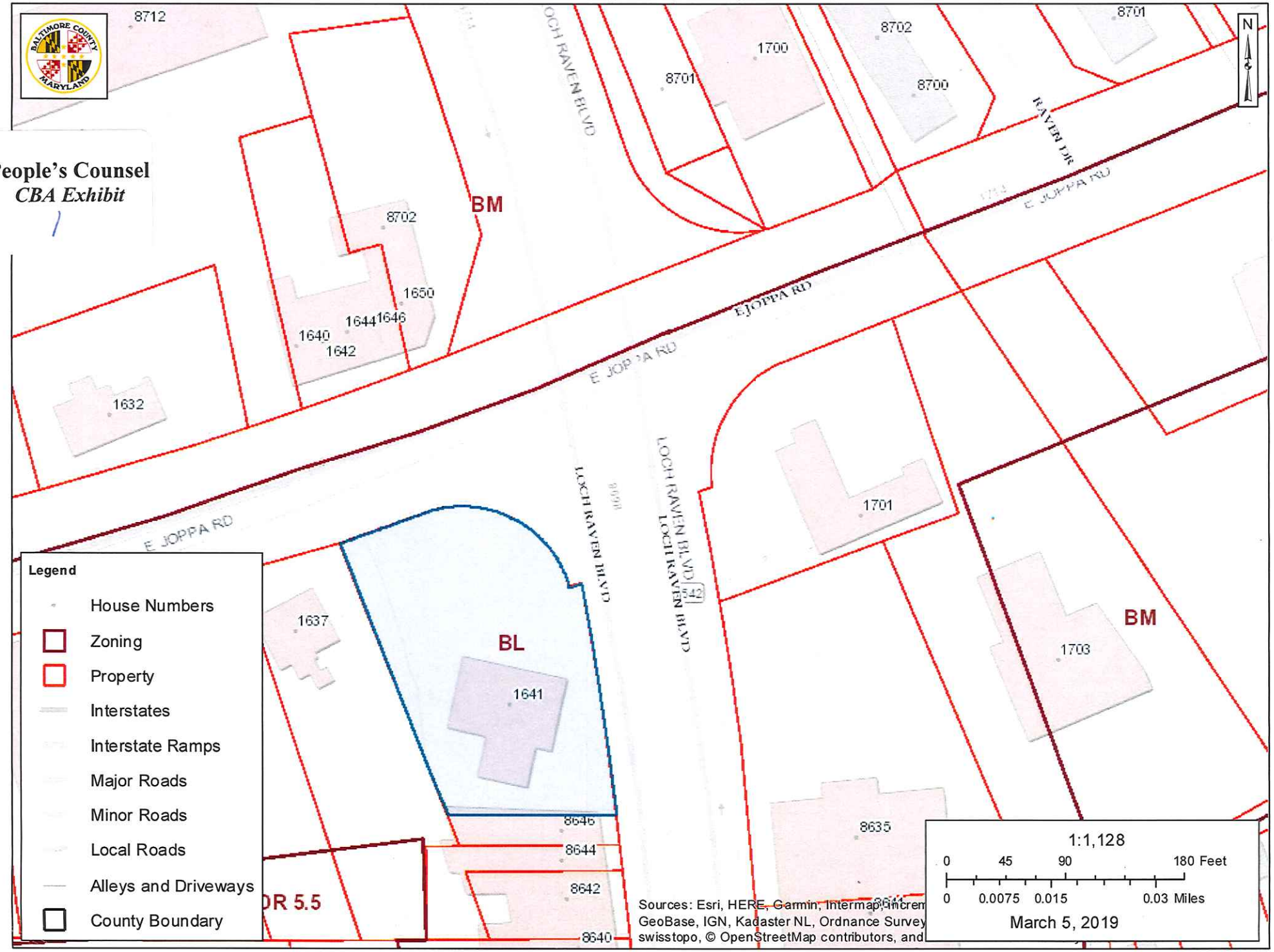
Party: People's Counsel Date: 3/6/1949/2/19

Exhibit No:	Description:
✓ 15	Google Maps of E. Joppa Rd. + MD 542
✓ 16	Map of Balto. Co. Commercial Revitalization Districts
✓ 17	BL Zoning Districts 2019
✓ 18	Newspaper articles re: commercial revitalization districts
✓ 19	BCZR §232.1 + §303.2
✓ 20	People's Counsel Sign-in Sheet
✓ 21	Page 62 of ADC Balto. City + County Map
✓ 22A-J	Google Earth maps 1641 E. Joppa Rd.
✓ 23	County Council Resolution 25-14 (8/7/14)
✓ 24	BCZR 1955 §230
	VERIFIED BY KC DATE: 6/28/19

KC 4/4/19

Baltimore County - My Neighborhood

People's Counsel
CBA Exhibit

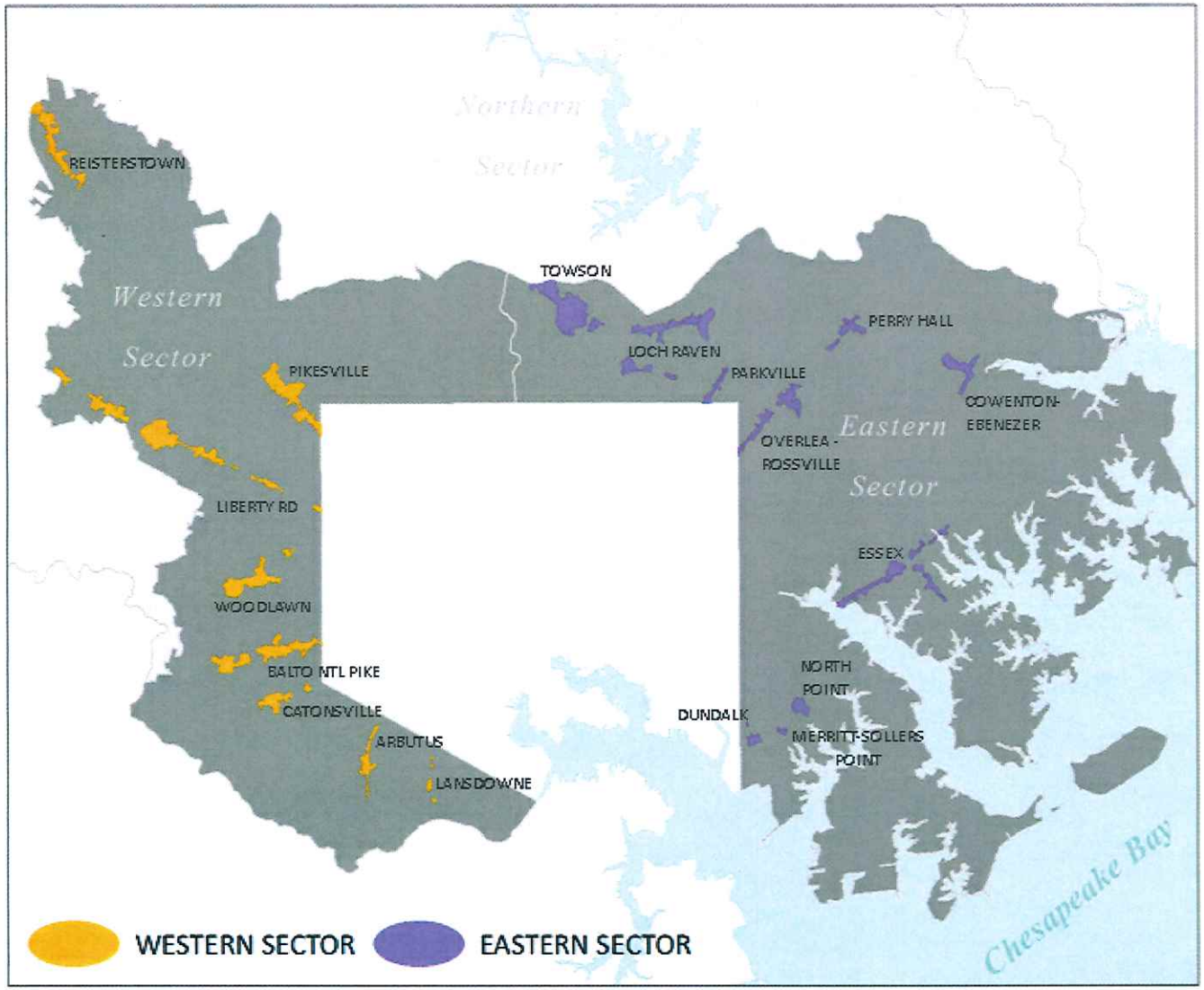




Prepared by Geographic Information Services
Baltimore County Office of Information Technology
Date: February 12, 2019
2017 Imagery

1 inch = 25 feet

People's Counsel
CBA Exhibit
2



People's Counsel
CBA Exhibit
3

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1998, Legislative Day No. 20

Resolution No. 83-98

Mr. Douglas B. Riley, Councilman

By the County Council, November 16, 1998

A RESOLUTION for the purpose of designating the official Loch Raven Commercial Revitalization District of Baltimore County.

WHEREAS, the Baltimore County Master Plan 1989-2000 recognizes commercial revitalization districts for Baltimore County; and

WHEREAS, the County Council, by the adoption of Resolution 114-97, identified and designated Baltimore County's twelve Commercial Revitalization Districts, including the Joppa-Loch Raven Commercial Revitalization District; and

WHEREAS, the County Council deems it necessary to alter the boundaries of the Joppa-Loch Raven Commercial Revitalization District in order to expand the opportunity for area businesses to participate in County programs, and to change the name of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the following area, as shown on Exhibit A attached hereto, is hereby established as the Loch Raven Commercial Revitalization District; and

BE IT FURTHER RESOLVED, that the geographic boundaries of the Loch Raven Commercial Revitalization District are as set forth on Exhibit A attached hereto; and

BE IT FURTHER RESOLVED, that copies of this Resolution shall be sent to the Office of Planning, the Office of Economic Development, and the Office of Community Conservation; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect from the date of its enactment.

JOPPALOC.RES

People's Counsel
CBA Exhibit
4

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2004, Legislative Day No. 21
Resolution No. 119-04

Mr. Vincent J. Gardina, Councilman

By the County Council, November 1, 2004

A RESOLUTION for the purpose of expanding the Loch Raven Commercial Revitalization District.

WHEREAS, the County has 13 Commercial Revitalization Districts that were officially designated by Resolution No. 81-99, as amended by Resolutions 18-00,70-00 and 69-03; and

WHEREAS, the Commercial Revitalization Districts provide incentives to property owners and businesses in the Districts to improve the exterior of existing buildings and to develop and redevelop underused properties; and

WHEREAS, the expansion of the Loch Raven Commercial Revitalization District will expand commercial redevelopment opportunities in this area; now, therefore

BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the following area, as shown on Exhibit A attached hereto, is hereby established as the boundaries for the Loch Raven Commercial Revitalization District; and

BE IT FURTHER RESOLVED, that copies of this Resolution shall be sent to the Department of Economic Development, the Office of Planning, the Department of Public Works and the Office of Community Conservation to be used for programming departmental operations; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect from the date of its enactment.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2006, Legislative Day No. 10

Resolution No. 38-06

Mr. Vincent J. Gardina, Councilman

By the County Council, May 15, 2006

A RESOLUTION for the purpose of expanding the existing boundaries of the Loch Raven Commercial Revitalization District.

WHEREAS, the County has 13 Commercial Revitalization Districts that have been officially designated, either by resolution of the County Council or by adoption of the Master Plan or Master Plan amendment; and

WHEREAS, a portion of the Loch Raven Commercial Revitalization District currently extends along Joppa Road; and

WHEREAS, part of the commercial area along Joppa Road is not currently in the designated Commercial Revitalization District; and

WHEREAS, the expansion of the district will provide incentives to property owners and businesses in this area to improve the exterior of existing buildings and to develop or redevelop underused properties; now, therefore

BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the following area, as shown on Exhibit A attached hereto, is hereby established as the new boundaries for the Loch Raven Commercial Revitalization District; and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the Department of Economic Development, the Department of Public Works, the Office of Planning, and the Office of Community Conservation to be used for programming departmental operations; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect from the date of its enactment.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2013, Legislative Day No. 4

Resolution No. 11-13

Mr. David Marks, Councilman

By the County Council, February 19, 2013

A RESOLUTION of the Baltimore County Council for the purpose of revising the boundaries of the Loch Raven Commercial Revitalization District.

WHEREAS, the County has 17 Commercial Revitalization Districts that have been officially designated, either by resolution of the County Council or by adoption of the Master Plan or a Master Plan Amendment; and

WHEREAS, the County's commercial revitalization districts and their surrounding communities are inseparably linked, with the districts providing a range of retail, service, and entertainment uses for the local community, as well as establishing the overall image of a community; and

WHEREAS, the County's Commercial Revitalization Program was transferred to the Department of Planning in May, 2011 to more holistically address the issues of community development and neighborhood improvement; and

WHEREAS, to effectively reposition the County's older downtowns and to target resources more efficiently, the Department re-evaluated some of the revitalization districts in terms of their zoning classification, mix of uses, ownership, need for building improvements, projects completed and potential for reinvestment; and

WHEREAS, as a result of this evaluation, the geographic boundaries of the existing Loch Raven Commercial Revitalization District are proposed for change in order to highlight the unique characteristics and identities of three separate communities that comprise the District, namely, the Loch Raven - Baynesville area, the Loch Raven - Satyr Hill area, and the Loch Raven - Hillendale area; and

WHEREAS, it is the further intention to require that a nonresidential development plan for a proposed development located in either the Loch Raven - Baynesville area or the Loch Raven - Hillendale area of the District be subject to review by the Baltimore County Design Review Panel; now, therefore

BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the following area, as shown on Exhibit A attached hereto, is hereby established as the Loch Raven Commercial Revitalization District;

AND BE IT FURTHER RESOLVED, that the following area, as shown on Exhibit B attached hereto, is hereby established as the Loch Raven - Baynesville area of the District;

AND BE IT FURTHER RESOLVED, that the revision of the boundaries of the Loch Raven

Commercial Revitalization District shall have no application to or effect upon any tax credit or other benefit previously granted for the benefit of a property located within the former District boundaries;

AND BE IT FURTHER RESOLVED, that the geographic boundaries of the Loch Raven Commercial Revitalization District, and of the Loch Raven - Baynesville area of the Loch Raven Commercial Revitalization District, are as set forth on Exhibits A and B, respectively, attached hereto;

AND BE IT FURTHER RESOLVED, that copies of this Resolution shall be sent to the Department of Planning; and

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect from the date of its enactment.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2016, Legislative Day No. 8

Resolution No. 50-16

Mr. David Marks, Councilman

By the County Council, April 18, 2016

A RESOLUTION of the Baltimore County Council for the purpose of expanding the Loch Raven Commercial Revitalization District.

WHEREAS, the County has 17 Commercial Revitalization Districts that have been officially designated, either by resolution of the County Council or by adoption of the Master Plan or a Master Plan Amendment; and

WHEREAS, the County's commercial revitalization districts and their surrounding communities are inseparably linked, with the districts providing a range of retail, service, and entertainment uses for the local community, as well as establishing the overall image of a community; and

WHEREAS, the commercial revitalization districts provide incentives to property owners and businesses in the districts to improve the exterior of existing buildings and to develop and redevelop underused properties; and

WHEREAS, the County Council deems it appropriate at this time to amend the Loch Raven Commercial Revitalization District to add a contiguous property; now therefore,

BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, that the area shown on the Map identified as Exhibit A and attached hereto, is hereby added to the Loch Raven Commercial Revitalization District; and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the Department of Planning; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect from the date of its passage by the County Council.

Cromwell Bridge Rd
Area to be added to Loch Raven Commercial Revit. District
Edgecliff Rd
BPG
Merritt
Highlander Ln
Orchard Tree Ln
Danway Rd
LRCRD (existing)
Doxbury Rd

251

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1641 E. Joppa Road

which is presently zoned BR-AS and BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) practical difficulty and such other reasons as will be presented at the hearing.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser/Lessee:

First Mariner Bank
(Type or Print Name)

By: Ken Jones V.P.
Signature

1801 South Clinton Street
Address

Baltimore, Maryland 21224
City State Zipcode

Attorney for Petitioner:

Deborah C. Dopkin
(Type or Print Name)

Deborah C. Dopkin
Signature

409 Washington Avenue (410) 494-8080
Address Suite 920 Phone No.

Towson, MD 21204
City State Zipcode

Legal Owner(s):

Estate of Sol Goldman
(Type or Print Name)

By: Louisa Little
Signature

Louisa Little, Executor of the Estate of Sol
(Type or Print Name) Goldman,

Signature

640 Fifth Ave., 3rd Floor 212-265-2280
Address Phone No.

New York New York 10019
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Anthony Williams, Crown Central Petroleum Corp.
Name

1 North Charles St., Baltimore, 410-659-4774
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hour or less

unavailable for Hearing

the following dates 11/21 - 11/30/98 Next Two Months

ALL OTHER

REVIEWED BY: DATE

ORDER RECEIVED FOR FILING
Date 2/9/98
By:

Zoning Administration & Development Management

People's Counsel
CBA Exhibit
5

251

PETITION FOR VARIANCE ATTACHMENT

hereby petition for a Variance from Sections

1. §303.2 as referenced by §238.1 for a front yard setback of 16' in lieu of the required 29';

2. §238.1 for a side yard of 23' in lieu of the required 30';

3. §409.10.B to permit a drive-through lane to block entry to or exit from required off-street parking spaces; and

4. to approve a modified parking plan pursuant to 409.12.

d\d\z\1stmariner.var2

ORDER RECEIVED FOR FILING
Date 4/19/99

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

#9951

ZONING DESCRIPTION

BEGINNING for the same on the south side of Joppa Road (Md Rte 148), variable width, which is located 170 feet, more or less, southwesterly from the intersection of the centerline of Joppa Road with the centerline of Loch Raven Boulevard (Md Rte 542), variable width, thence the following courses and distances:

1. North 69°20' 54" East, 24.82 feet,
2. North 68°32' 25" East, 21.76 feet,
3. By a curve to the right with a radius of 66 feet and an arclength of 115.56 feet,
4. North 78°29' 59" East, 7.33 feet,
5. South 10°03' 55" East, 79.06 feet,
6. By a curve to the right with a radius of 2045.81 feet and an arclength of 56.13 feet,
7. North 88°28' 15" West, 98.49 feet, and
8. North 21°18' 20" West, 173.11 feet to the place of beginning.

CONTAINING 0.463 Acres of land more or less.

BEING known as 1641 Joppa Road and located in the Ninth District of Baltimore County, Maryland.

STATE OF MARYLAND
MARK A. BUSCH
508
PROPERTY LINE SURVEYOR

Mark A. Busch
Registered Property Line Surveyor #508

GP:mak\s\10921\descrip.doc\121798

☐ 139 N. MAIN STREET, SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

☒ 110 WEST ROAD, SUITE ~~105~~ 245
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

☐ 9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9792 (301) 776-1690
FAX (410) 792-7395

99-251-A

LRCC

Loch Raven Community Council, Inc.
P.O. Box 42115
Loch Raven, Maryland 21284-2115

25 January 1999

People's Counsel
CBA Exhibit
6

Mr. Lawrence Schmidt, Commissioner
Baltimore County Zoning Commission
401 Bosley Avenue, Room 405
Towson, MD 21204

Re: Case Number 99-251-A

Commissioner Schmidt:

The Loch Raven Community Council, Inc. (LRCC) represents seventeen community associations and three service organizations in the Greater Loch Raven area and follows local zoning and development issues in that capacity. The Council would like to signal its enthusiastic support for the proposed development of a First Mariner Bank at the current site of a Crown gasoline station on the southwest corner of East Joppa Road and Loch Raven Boulevard. This site serves as a gateway into the Loch Raven community and its development is of great importance in light of the community's work on the Loch Raven Boulevard Enhancement Project. That Project, undertaken jointly by LRCC and the Loch Raven Business Association, has attracted a great deal of support from the community, the County, and the State. County and State funding for the Project amount, so far, to $5.7 million.

Members of the First Mariner development team have met several times with community leaders to discuss the proposed development and to consider community concerns. They have been exceptionally cooperative in working with the community and have been highly receptive to suggestions we have made about various issues. It is our understanding that three specific requests made by the community have been incorporated into the plan.

(1) A faux window will be installed to disguise the fact that no actual window opens into the bank's secure storage area. (The original plan showed a bricked-in relief intended to carry on the pattern of windows on the building's façade.)

(2) A low wrought-iron fence with brick columns will be installed along the front of the property to echo motifs present or planned in other areas of the community.

(3) Enhanced landscaping will be installed on the bank property in keeping with the high-profile of its location and its importance to the Loch Raven Boulevard Enhancement Project.

It has been a pleasure working with this cooperative team. The Council welcomes the proposed First Mariner development of this site and strongly supports their request for variances required for the development

Sincerely,

Murry D. Bentley, President
Loch Raven Community Council

cc: Ms. Laurie Hay, Baltimore County Planning Office
Mr. Kenneth C. Jones, Vice President, First Mariner Bank
Mr. Robert F. Bradley, President, Morris & Ritchie Associates, Inc.
Ms. Deborah Dobkin, Esq.

Google Maps 1698 E Joppa Rd



Image capture: Oct 2017 © 2019 Google

Towson, Maryland

Google

Street View - Oct 2017

People's Counsel
CBA Exhibit
7

Google Maps MD-542

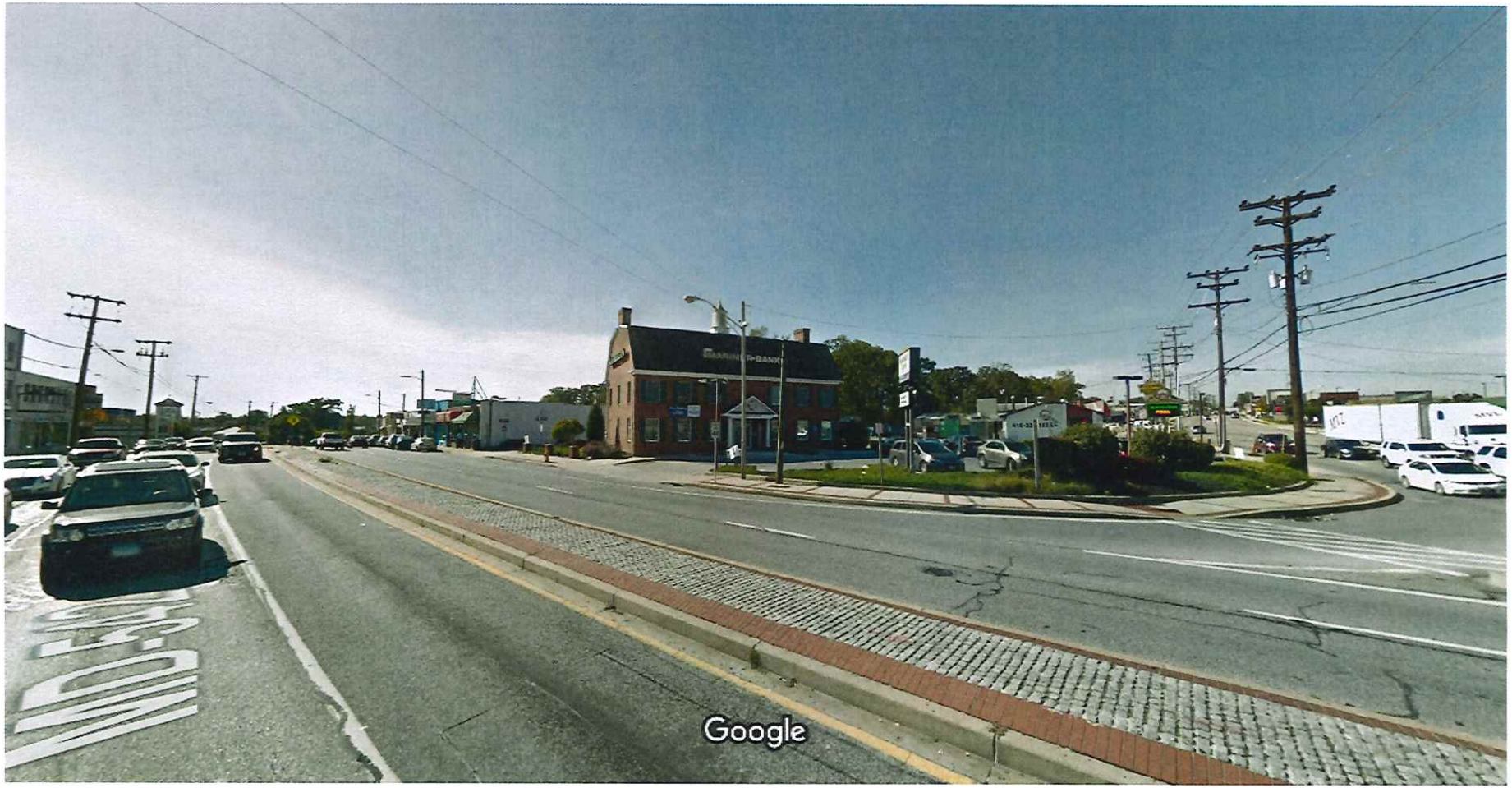


Image capture: Oct 2017 © 2019 Google

Towson, Maryland

Google

Street View - Oct 2017

Google Maps MD-542



Image capture: Oct 2017 © 2019 Google

Towson, Maryland

Google

Street View - Oct 2017

Google Maps 8688 MD-542

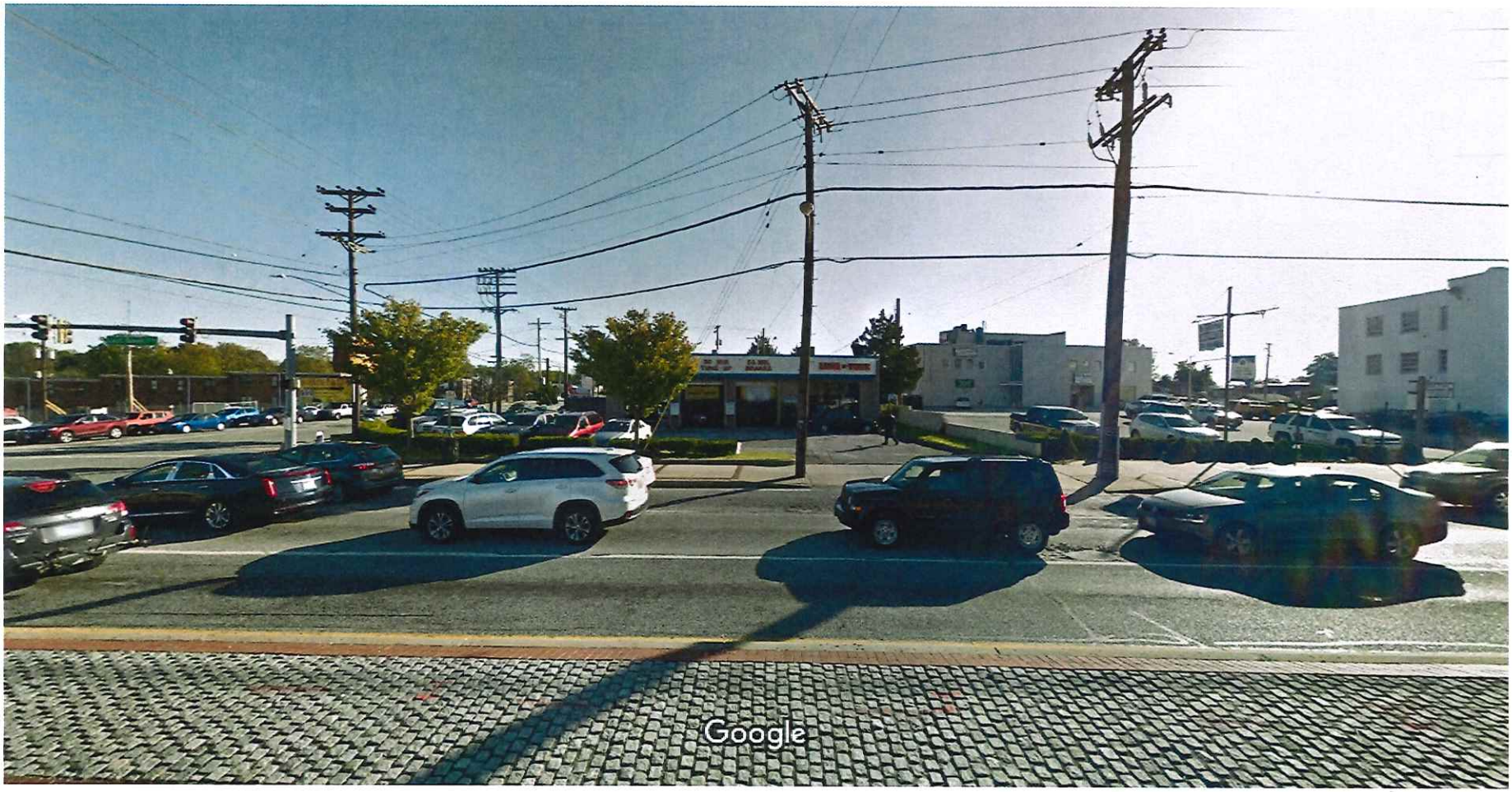


Image capture: Oct 2017 © 2019 Google

Towson, Maryland

Google

Street View - Oct 2017

Google Maps 1698 E Joppa Rd

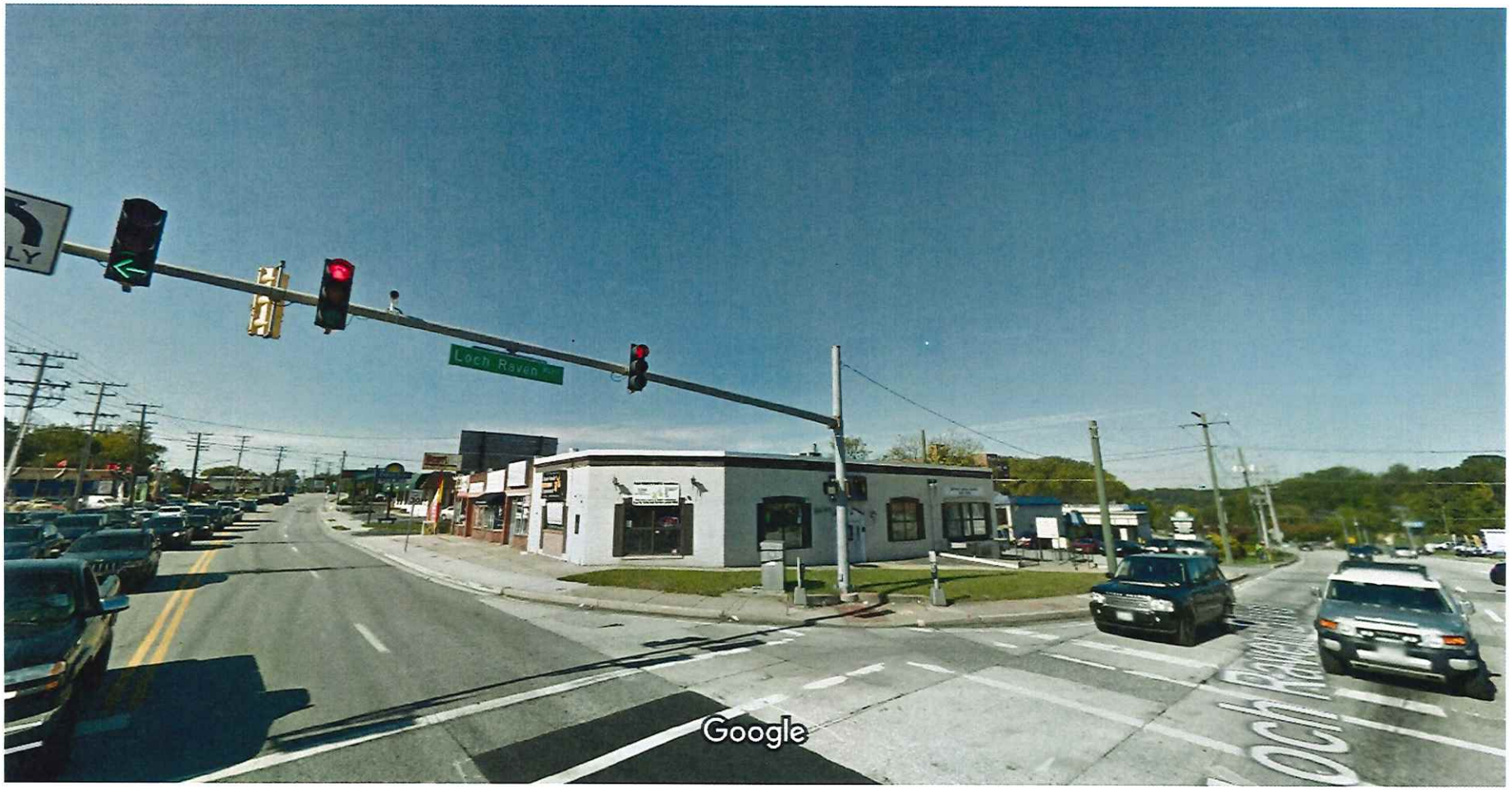


Image capture: Oct 2017 © 2019 Google

Towson, Maryland

Google

Street View - Oct 2017

Google Maps 1698 E Joppa Rd



Image capture: Oct 2017 © 2019 Google

Towson, Maryland

Google

Street View - Oct 2017

IN RE: PETITION FOR VARIANCE
S/S Joppa Road, 170' SW of the c/l
Loch Raven Boulevard
(1641 E. Joppa Road)
9th Election District
6th Councilmanic District

Estate of Sol Goldman. Owners;
First Mariner Bank, Contract Purchaser

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-251-A
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, the Estate of Sol Goldman, by Louisa Little, Executor, and the Contract Purchaser, First Mariner Bank, by Ken Jones, Vice President, through their attorney Deborah C. Dopkin, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 303.2, as referenced by Section 238.1, to permit a front yard setback of 16 feet in lieu of the required 29 feet; from Section 238.1 to permit a side yard setback of 23 feet in lieu of the required 30 feet; from Section 409:10.B to permit a drive-through lane to block entry to, or exit from, the required off-street parking spaces; and, from Section 409.12 to approve a modified parking plan. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner' Exhibit 1.

Appearing at the hearing on behalf of the Petition were Ken Jones, Vice President of First Mariner Bank, Contract Purchasers of the subject property, Robert Capalongo and Robert Bradley, representatives of Morris Ritchie & Associates, Inc., the engineering firm which prepared the site plan of this property, Glenn Cook, a representative of The Traffic Group, traffic engineering consultants, and Deborah C. Dopkin, Esquire, attorney for the Petitioners, Also

ORDER RECEIVED FOR FILING
Date
By

appearing on behalf of the Petitioners were Andrea Van Arsdale, Director of Commercial Revitalization for the Economic Development Commission, and Donna Spicer, a representative of the Loch Raven Community Council. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.46 acres, more or less, split zoned B.L.-A.S. (0.13 acres) and B.R.-A.S. (0.33 acres), and is improved with a Crown Gasoline Service Station. The property is located at the southwest corner of Loch Raven Boulevard and Joppa Road, just west of the I-695 interchange. The Petitioners propose to remove and replace the existing gas station with a two-story bank, as shown on Petitioner's Exhibit 1. Inasmuch as this particular corner is located at a prominent intersection and is the gateway to the Loch Raven communities, the Petitioners have attempted to design a building and landscape package that will further enhance the site and be a benefit to the surrounding locale. Due to the split zoning of the property, however, certain area variances are necessary in order to proceed with the proposed improvements. Furthermore, two parking spaces (for employees) are offset from the drive-through lane, thereby generating an additional variance. Finally, the Petitioners testified that Mr. John Lewis, the Zoning Review Technician who reviewed the Petition filed, suggested that the Petitioners request approval of the overall parking design as a modified parking plan.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

ORDER RECEIVED FOR FILING
Date
By

People's Counsel
CBA Exhibit
8

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After considering the testimony and evidence offered at the hearing, and in view of the support this project has received from the Office of Planning, the Economic Development Commission, and the Loch Raven Business Association, as well as the tremendous benefit the proposed development will offer to the Loch Raven area, I am persuaded to grant the requested variances. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of February, 1999 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 303.2, as referenced by Section 238.1, to permit a front yard setback of 16 feet in lieu of the required 29 feet; from Section 238.1 to permit a side yard setback of 23 feet in lieu of the required 30 feet; from Section 409.10.B to permit a drive-through lane to block entry to, or exit from, the required off-street parking spaces; and, from Section 409.12 to approve a modified parking plan, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILING
Date 2/9/99
By

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The Petitioners have agreed to submit elevation drawings of the proposed building and landscape plans to the Office of Planning for their review and approval prior to the issuance of any permits.

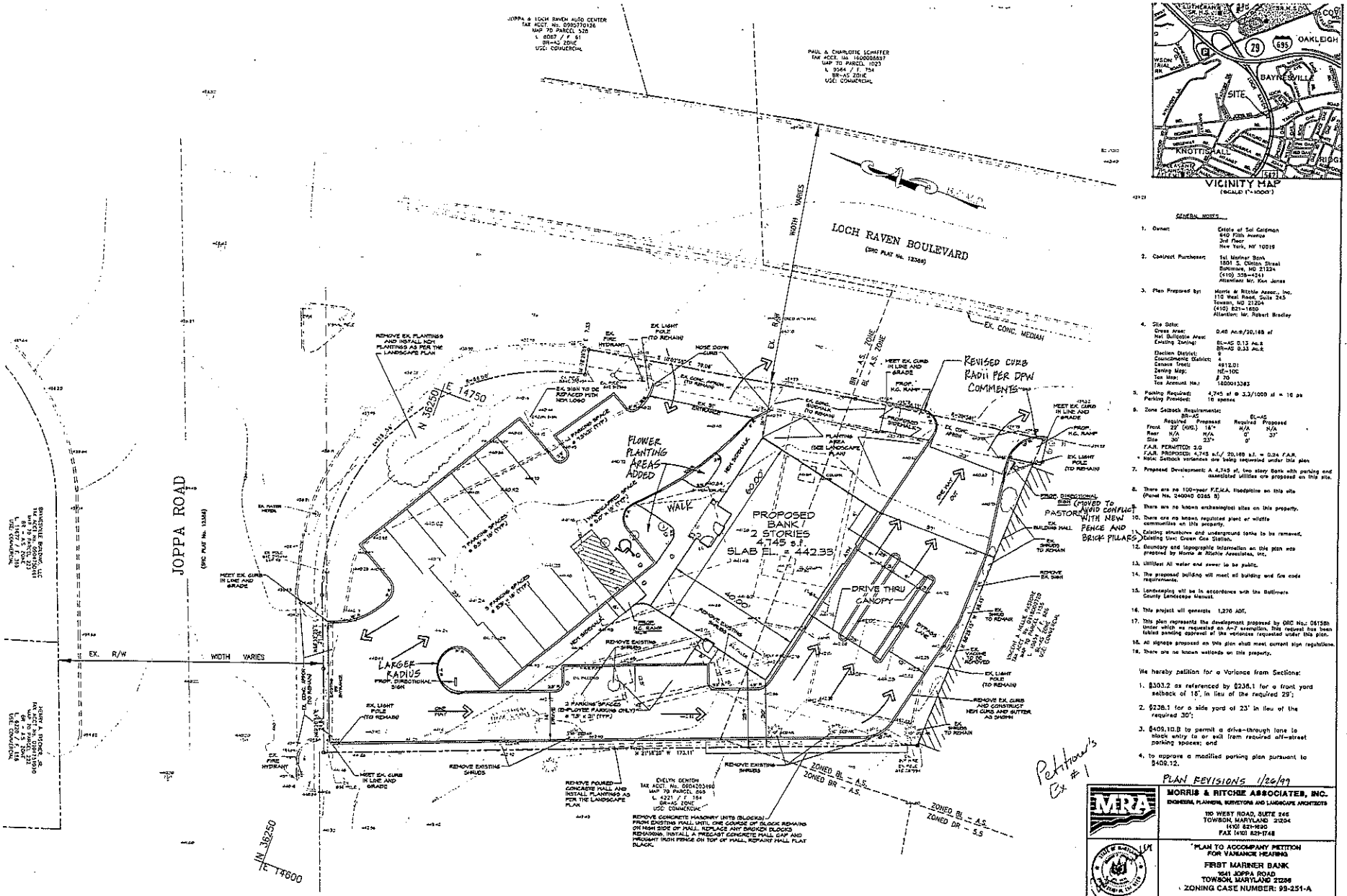
3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

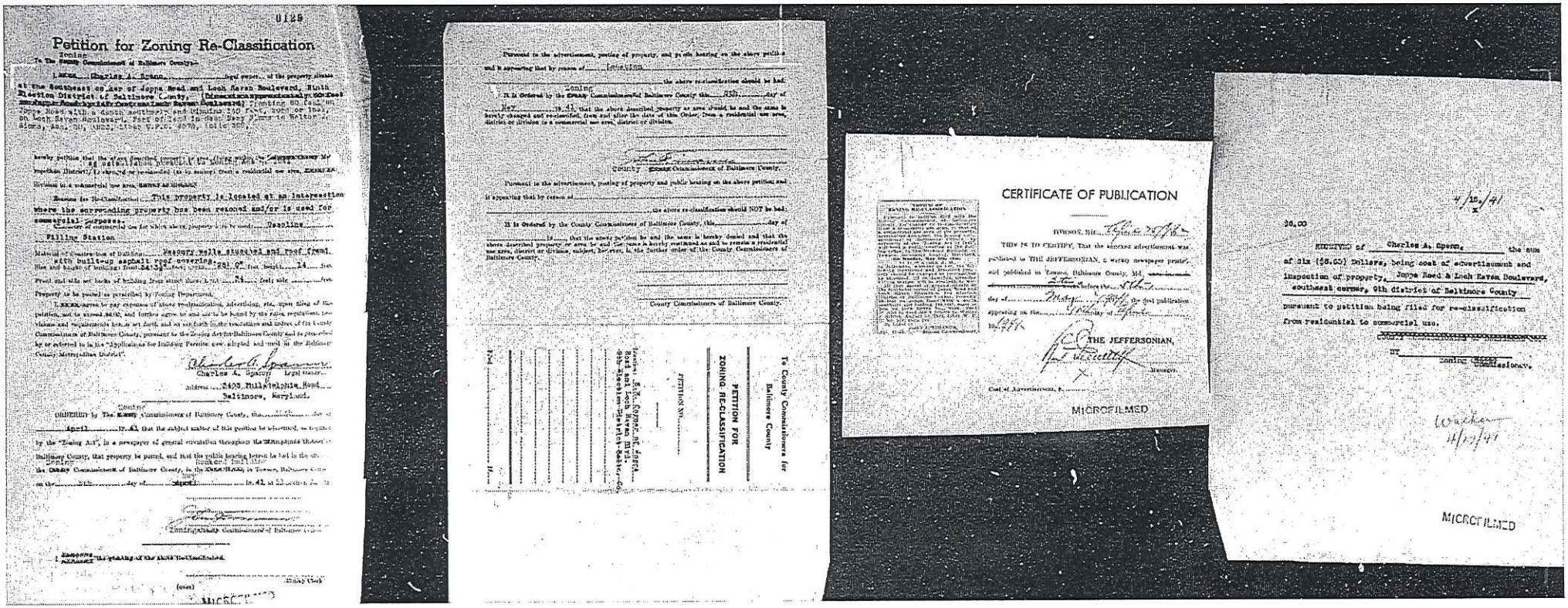
Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/9/99
By


LOCH RAVEN BOULEVARD
(SRC PLAT No. 13368)
JOPPA ROAD
(SRC PLAT No. 13368)
PROPOSED BANK
2 STORIES
4,745 s.f.
SLAB EL. = 442.33
DRIVE THRU CANOPY
FLOWER PLANTING AREAS ADDED
REVISED CURB RADII PER DPW COMMENTS
LARGER RADIUS
PROP. DIRECTIONAL SIGN
(MOVED TO AVOID CONFLICT WITH NEW FENCE AND BRICK PILARS)
PASTOR'S
EX. R/W
WIDTH VARIES
N 38250
E 14750
N 38250
E 14600
REMOVE EX. PLANTINGS AND INSTALL NEW PLANTINGS AS PER THE LANDSCAPE PLAN
REMOVE EXISTING SHRUBS
REMOVE EXISTING CONCRETE MALL AND INSTALL PLANTINGS AS PER THE LANDSCAPE PLAN
REMOVE CONCRETE MASONRY UNITS (BLOCKS) FROM EXISTING MALL UNTIL ONE COURSE OF BLOCK REMAINS ON HIGH SIDE OF MALL. REPLACE ANY BROKEN BLOCKS REMAINING. INSTALL A PRECAST CONCRETE MALL CAP AND WROUGHT IRON FENCE ON TOP OF MALL. REPAINT MALL FLAT BLACK.
REMOVE EX. CURB AND CONSTRUCT NEW CURB AND GUTTER AS SHOWN
EX. CONC. MEDIAN
EX. CONC. APRON
EX. BUILDING TO REMAIN
EX. SHRUBS TO REMAIN
EX. LIGHT POLE (TO REMAIN)
EX. FIRE HYDRANT
EX. SIGN TO BE REPLACED WITH NEW LOGO
NOSE DOWN CURBS
PROP. H.C. RAMP
MEET EX. CURB IN LINE AND GRADE
MEET H.C. CURB IN LINE AND GRADE
EX. ENTRANCE
PROP. ENTRANCE
PLANTING AREA (SEE LANDSCAPE PLAN)
WALK
CHEVRON
NOT SCHEDULED
3 PARKING SPACES (EMPLOYEE PARKING ONLY)
2 PARKING SPACES
5 PARKING SPACES
EX. WATER METER
EX. SRC DIRECTIONAL SIGN
EX. CONC. CURB TO REMAIN
EX. CONC. CURB TO BE REMOVED
EX. CONC. SIDEWALK TO REMAIN
EX. CONC. SIDEWALK TO BE REMOVED
EX. CURB INLET TO REMAIN
EX. CURB INLET TO BE REMOVED
EX. GAS LINE
EX. WATER LINE
EX. SANITARY SEWER
EX. STORM DRAIN
EX. OVERHEAD UTILITY
EX. UTILITY POLE
EX. GUY WIRE
EX. TREE LINE
EX. TREE
EX. BUILDING
EX. ASPHALT
EX. CONCRETE
EX. GRAVEL
EX. GRASS
EX. CURB
EX. SIDEWALK
EX. FENCE
EX. SIGN
EX. MAILBOX
EX. TRANSFORMER
EX. MANHOLE
EX. INLET
EX. CLEANOUT
EX. VALVE
EX. METER
EX. GAS METER
EX. ELECTRIC METER
EX. TELEPHONE PEDESTAL
EX. CABLE TV PEDESTAL
EX. UNDERGROUND TELEPHONE
EX. UNDERGROUND ELECTRIC
EX. UNDERGROUND CABLE TV
EX. OVERHEAD ELECTRIC
EX. OVERHEAD TELEPHONE
EX. OVERHEAD CABLE TV
EX. OVERHEAD ELECTRIC & TELEPHONE
EX. OVERHEAD ELECTRIC & CABLE TV
EX. OVERHEAD TELEPHONE & CABLE TV
EX. OVERHEAD ELECTRIC, TELEPHONE & CABLE TV
EX. UNDERGROUND ELECTRIC & TELEPHONE
EX. UNDERGROUND ELECTRIC & CABLE TV
EX. UNDERGROUND TELEPHONE & CABLE TV
EX. UNDERGROUND ELECTRIC, TELEPHONE & CABLE TV
EX. OVERHEAD ELECTRIC & UNDERGROUND TELEPHONE
EX. OVERHEAD ELECTRIC & UNDERGROUND CABLE TV
EX. OVERHEAD TELEPHONE & UNDERGROUND ELECTRIC
EX. OVERHEAD TELEPHONE & UNDERGROUND CABLE TV
EX. OVERHEAD CABLE TV & UNDERGROUND ELECTRIC
EX. OVERHEAD CABLE TV & UNDERGROUND TELEPHONE
EX. OVERHEAD ELECTRIC, TELEPHONE & UNDERGROUND CABLE TV
EX. OVERHEAD ELECTRIC, CABLE TV & UNDERGROUND TELEPHONE
EX. OVERHEAD TELEPHONE, CABLE TV & UNDERGROUND ELECTRIC
EX. OVERHEAD ELECTRIC, TELEPHONE, CABLE TV & UNDERGROUND
EX. UNDERGROUND ELECTRIC, TELEPHONE & CABLE TV
EX. UNDERGROUND ELECTRIC, TELEPHONE, CABLE TV & OVERHEAD
EX. UNDERGROUND TELEPHONE, CABLE TV & OVERHEAD ELECTRIC
EX. UNDERGROUND ELECTRIC, TELEPHONE, CABLE TV & OVERHEAD



0129

Petition for Zoning Re-Classification

Zoning

To the County Commissioners of Baltimore County:

I, We, Charles A. Sparn, legal owner... of the property situate on the Southeast ear of Joppa Road and Loch Raven Boulevard, Ninth Election District of Baltimore County, (Directions approximately Southeast from Joppa Road with a direct southerly and distance 150 feet, more or less, on Loch Raven Boulevard. Part of land in deed Mary Plumb to Nelson Sparn, Aug. 30, 1922, Liber W.P.C. 457, folio 303,

hereby petition that the zoning status of the above property in Joppa County 9th Election District, be changed or re-classified (as to zoning) from a residential use area, XXXXXXX Division to a commercial use area, XXXXX as follows:

Reason for Re-Classification: This property is located at an intersection where the surrounding property has been rezoned and/or is used for commercial purposes.

Character of commercial use for which above property is to be used: Gasoline Filling Station

Material and size of building: Masonry walls, structural steel roof framed, with built-up asphalt roof covering.

Plan and height of building: Front 24.5 feet, width 28.0 feet, height 14 feet.

Front and side set backs of building from street lines: Front 84 feet, side feet.

Property to be posted as provided by Zoning Department.

I, XXXX agree to pay expenses of above re-classification, advertising, etc. upon filing of this petition, not to exceed $40.00, and further agree to and are to be bound by the rules, regulations, restrictions and requirements both as set forth and as set forth in the regulations and orders of the County Commissioners of Baltimore County, pursuant to the Zoning Act for Baltimore County and as provided by or referred to in the "Application for Building Permits now adopted and used in the Baltimore County Metropolitan District".

Charles A. Sparn (L.S.)
Charles A. Sparn Legal Owner...
Address 5403 Philadelphia Road...
Baltimore, Maryland.

Zoning

ORDERED by The County Commissioners of Baltimore County, this... day of April, 19 41 that the subject matter of this petition be advertised, as required by the "Zoning Act", in a newspaper of general circulation throughout the Ninth Election District of Baltimore County, that property be posted, and that the public hearing hereon be held in the office of the County Commissioners of Baltimore County, in the Court House, in Towson, Baltimore County, on the 5th day of April, 19 41 at 11 o'clock A. M.

Zoning Commissioner/Chief Commissioner of Baltimore County

Zoning
I, We, hereby accept the posting of the above Re-Classification.

(over)

MICROFILMED

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of... the above re-classification should be had

Zoning

It Is Ordered by the County Commissioners of Baltimore County this 5th day of May, 19 41 that the above described property or area should be and the same is hereby changed and re-classified, from and after the date of this Order, from a residential use area, district or division to a commercial use area, district or division.

County Commissioners of Baltimore County.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of... the above re-classification should NOT be had,

It Is Ordered by the County Commissioners of Baltimore County, this... day of... 19... that the above petition be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain a residential use area, district or division, subject, however, to the further order of the County Commissioners of Baltimore County.

County Commissioners of Baltimore County.

To County Commissioners for Baltimore County

PETITION FOR ZONING RE-CLASSIFICATION

PETITION No.

Location: S.E. corner of Joppa Road and Loch Raven Blvd. 9th Election District Easter...

No.

CERTIFICATE OF PUBLICATION

TOWSON, Md., April 26, 1941

THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. once in each of 1 time before the 5th day of May, 1941, the first publication appearing on the 25th day of April, 1941.

THE JEFFERSONIAN,

Manager.

Cost of Advertisement, $...

MICROFILMED

4/25/41

$6.00

RECEIVED of Charles A. Sparn, the sum of Six ($6.00) Dollars, being cost of advertisement and inspection of property, Joppa Road & Loch Raven Boulevard, southeast corner, 9th district of Baltimore County pursuant to petition being filed for re-classification from residential to commercial use.

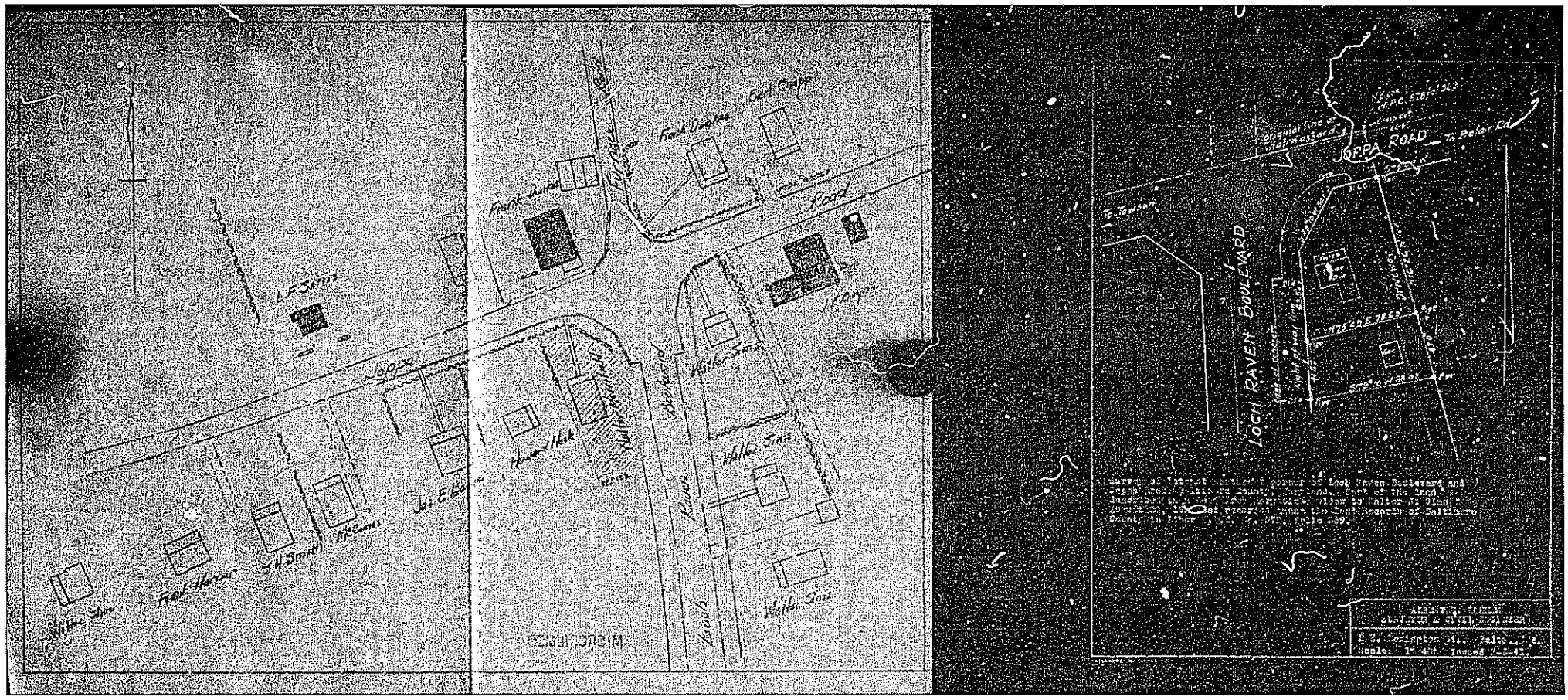
BY... Zoning Commissioner.

Walker 11/13/41

MICROFILMED

People's Counsel
CBA Exhibit

9



Joppa
Road
Frank Dunkel
Frank Dunkel
Bert Crapper
Walter Sims
Walter Sims
Walter Sims
Howard Hook
Frank Harner
J.H. Smith
Walter Sims
Loch Raven
Boulevard
Joppa Road
To Towson
To Belair Rd
Loch Raven Boulevard

People's Counsel
CBA Exhibit
10

IN RE: PETITIONS FOR SPECIAL HEARING
AND ZONING VARIANCE - SE/Corner
Loch Raven & Joppa Roads
(1701 East Joppa Road)
9th Election District
4th Councilmanic District
James & Loch Raven Auto Ctrs.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-510-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the previously approved site plan in Case No. 86-19-XA; and a variance to permit a side yard setback of 6 feet in lieu of the required 30 feet for a proposed building in accordance with Petitioner's Exhibit 1.

The Petitioners, by James N. Porter, President, appeared and testified. Also appearing on behalf of the Petition were Anthony J. Corteal with STV/Lyon Associates, and Joseph P. Martin. There were no Protestants.

Testimony indicated that the subject property, known as 1701 East Joppa Road, consists of 0.77± acres zoned B.R.-C.N.S., and is presently operated with a one story service station which was previously operated as an Exxon service station. Testimony indicated that in Case No. 86-19-XA, Petitioners were granted a special exception and variances to construct a gas "in" operation in combination with a convenience store. Petitioners testified these improvements never took place and that the site has remained unimproved for several years. In the prior case, a variance was granted to the rear yard, which was originally established on the western property border adjacent to the Paul Schafer property. However, the Petitioners station at that time was to be oriented towards Loch Raven Boulevard. The proposed service station will be oriented towards Joppa Road as set forth in Petitioner's Exhibit 1. Accordingly, the southern property line will become the side yard. Petitioners presented testimony and evidence in support of the requested variance for the affected side yard and the requested amendment to the previously approved site plan. Additional testimony was presented to support the use of the variance previously granted for the rear property line. Testimony indicated the existing service station will be razed and a new building constructed for use as a Exxon Lube and Tune - station. The drive thru bays in the center of the property will be used to perform oil and lube jobs; the bays to the rear of the building will be used for tune ups and brake work.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the use proposed is permitted as a matter of right in the B.R. zone and the requested amendment to the previously approved site plan to permit an Exxon Tune and Lube station in lieu of a gas "in" operation on the subject property should be granted with certain restrictions as more particularly described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

- 2 -

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. ... (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of June, 1989 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 86-19-XA; and the Petition for Zoning Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet for a proposed building in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Compliance with all Zoning Plans Advisory Committee comments submitted hereto and made a part of the file.

3) A landscaping plan shall be developed and submitted for approval by the Baltimore County Landscape Planner.

4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforce-

- 3 -

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
ANTHONY J. CORTEAL	21 GOVERNORS CT.
JAMES N. PORTER	140 BACK RIVER NECK RD.
JOSEPH P. MARTIN	1720 ILLINGTON RD

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

June 23, 1989

Mr. James N. Porter
140 Back River Neck Road
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
SE/Corner Loch Raven Boulevard and Joppa Road
(1701 East Joppa Road)
9th Election District - 4th Councilmanic District
Joppa and Loch Raven Auto Centers, Inc. - Petitioners
Case No. 89-510-SPHA

Dear Mr. Porter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel
File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: AND SPECIAL HEARING

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

Variance from Section 230.2 to allow a side yard building setback of 6 feet in lieu of the required 30 feet. Also Special Hearing to amend variances approved in Case No. 86-19-XA

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Size of site (0.35 Ac) and required setbacks in a BR Zone preclude a workable development on this site.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of the petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.:

Legal Owner(s):
Joppa Loch Raven Auto Centers Inc
(Type or Print Name)
James N. Porter Pres.
Signature
James N. Porter
(Type or Print Name)
Signature
140 Back River Neck Rd. 686-8220
Address Phone No.
Baltimore, Md 21221
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Anthony J. Corteal
Name
21 Governors Ct. 21207 944-9112
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of May, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of June, 1989 at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

STV/LYON ASSOCIATES
ENGINEERS ARCHITECTS PLANNERS
21 GOVERNORS COURT
BALTIMORE, MARYLAND 21207 3722
301/944 9112

ANTHONY J. CORTEAL

355

STV/LYON ASSOCIATES
ENGINEERS ARCHITECTS PLANNERS
21 GOVERNORS COURT
BALTIMORE, MD 21207 3722
301/944 9112

ZONING DESCRIPTION
NO. 1701 EAST JOPPA ROAD AT LOCH RAVEN BOULEVARD
NINTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

BEGINNING FOR THE SAME at a point along the southeast side of Joppa Road, at a point located along the two following courses and distances from the intersection formed by the centerlines of the existing paving of Loch Raven Boulevard and Joppa Road; with the centerline of Joppa Road, North 68°30'20" East 162 feet ± and South 21°29'40" East 33 feet ± to said point of beginning, thence leaving the southeast side of Joppa Road and running,

1. South 22°49'15" East 127.04 feet thence,
2. South 68°54'45" West 66.00 feet thence,
3. North 22°49'15" West 4.92 feet thence,
4. South 72°25'45" West 84.05 feet to a point on the east side of Loch Raven Boulevard, thence along same, by a curve to the left having,
5. A radius of 2,123.48 feet, an arc length of 76.00 feet, said curve being subtended by a chord bearing North 21°35'44" West 76.00 feet thence,
6. North 77°22'30" East 7.90 feet to the beginning of a site flare, thence by a curve to the right having,
7. A radius of 51.00 feet, an arc length of 72.10 feet, said curve being subtended by a chord bearing North 28°00'19" East 66.24 feet to a point along the southeast side of Joppa Road, thence along same,
8. North 68°30'20" East 75.76 feet to the point of beginning . . . containing 0.375 acre of land or 16,336 square feet, more or less.

Mark A. Riddle
STV/LYON ASSOCIATES
Mark A. Riddle
Md. Reg. Property Line Surveyor No. 244

January 25, 1989

STV ENGINEERS Architects Engineers Planners Interior Designers Transportation Architects/Engineers STV Incorporated STV Group Inc. STV Engineers, Inc. Stevens & Lee/STV Inc. Stevens & Lee/STV Engineers STV Architects/Engineers STV Hill International Stevens & Lee/STV Inc. Stevens & Lee/STV Engineers

CERTIFICATE OF PUBLICATION

89-510-SPHA
TOWSON, MD., May 22, 19 89

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 22, 19 89.

NORTHEAST TIMES
THE JEFFERSONIAN,
S. E. McCullough
Publisher

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 5/27/89
Posted for: Special Hearing & Variance
Petitioner: Joppa Loch Raven Auto Centers Inc.
Location of property: SE/C Loch Raven Blvd & Joppa Rd
Location of Signs: Facing Joppa Rd
Remarks:
Posted by [signature] Date of return: 5/29/89
Number of Signs: 4

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 6-9-89

Donald P. Rasmussen
County Executive

James A Loch Raven Auto Centers, Inc.
c/o James H. Porter
140 Back River Neck Road
Baltimore, Maryland 21221

Re: Petitions for Special Hearing and Zoning Variances
SE Cor. Loch Raven Blvd. & Joppa Road
1701 E. Joppa Road
8th Election District - 4th Councilmanic
Petitioner(s): James and Loch Raven Auto Centers, etc.
HEARING SCHEDULED WEDNESDAY, JULY 26, 1989 at 2:00 p.m.

Gentlemen:

Please be advised that $ 187.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE- REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

For: post set(s), three
each not

DATE: ACCOUNT:
AMOUNT $
RECEIVED
FROM:
FOR:
DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

May 11, 1989

Donald P. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Zoning Variances
SE Cor. Loch Raven Blvd. & Joppa Road
1701 E. Joppa Road
8th Election District - 4th Councilmanic
Petitioner(s): James and Loch Raven Auto Centers, Inc.
HEARING SCHEDULED WEDNESDAY, JULY 26, 1989 at 2:00 p.m.

Special Hearings to amend variances approved in Case #86-19-A.
Variances to allow a side yard building setback of 8 feet in lieu of the required 20 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: James H. Porter/Joppa & Loch Raven Auto Centers, Inc.
Anthony J. Cortesi
R. David Adelberg, Esq.
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 9, 1989

Donald P. Rasmussen
County Executive

Mr. Anthony J. Cortesi
ATCO Inc Associates
21 Overmore's Court
Baltimore, Maryland 21207-7722

Re: Petitions for Zoning Variance and Special Exception
S/E Corner Loch Raven Boulevard and Joppa Road
Item #355

Dear Mr. Cortesi:

This is acknowledge and thank you for your letter of May 5, 1989.

Investigation into the matter reveals circumstances within our office regarding this file. As you stated, your client did pay the additional filing fee and same was received by this office on March 8, 1989. And the file have so noted on that date, hearing of this item would have been scheduled within the normal cycle, on or about June 5, 1989.

The fee payment was accomplished on May 2, 1989, making May 2nd the acceptance date. Thus, the projected August hearing date.

Again, thank you for your letter of May 5, 1989 calling my attention to these facts. In light of same, I have instructed the Docket Clerk to schedule hearing of this matter on the earliest possible June date.

Formal notification of hearing will be mailed to you shortly.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
Baltimore County, Maryland

JRH:ge

cc: R. David Adelberg, Esq.

R. DAVID ADELBERG
[illegible]
TOWSON, MARYLAND 21204

May 8, 1989

ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Towson, MD 21204

Re: Petition for Zoning Variance and Special Exception
Southeast Corner of Loch Raven Blvd. and Joppa Road
File #2189, Item No. 355

Dear Mr. Haines:

I represent the Petitioner in the above case. A Petition was filed in late February and all fees paid on or about March 1, 1989. Due to an administrative error, the fees here not credited to the account and our engineers have been advised that a hearing date is not available until August. This delay is causing the owner undue hardship.

It is requested that your office place the matter for hearing on an expedited basis with the date as soon as possible after the expiration of the requisite posting period.

Very truly yours,

R. David Adelberg

RDA:ca
cc: Mr. James H. Porter

STV/Lyon ASSOCIATES
ENGINEERS-ARCHITECTS-PLANNERS
[illegible]

May 5, 1989
PM-827

RECEIVED
MAY 8 1989
ZONING OFFICE

Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Attention: Mr. J. Robert Haines
Zoning Commissioner

Reference: Petition for Zoning Variance
and Special Exception
Southeast Corner Loch Raven Blvd. and Joppa Road
File 22189 Item No. 355

Our Job No.: 81-8193

Dear Mr. Haines:

On behalf of our client, Mr. James Porter, I would like to express my concern over the delay we have incurred for obtaining a hearing date on the above referenced project. On Wednesday, May 3, I checked on the status of this project with your office and was told that a hearing date could be expected some time in August. My client and I find this date totally unacceptable and it imposes severe hardship on my client, if in fact the August date is correct. In questioning your staff for the reason for such a long period from the date of filing to the date of the actual hearing, there did not seem to be any explanation.

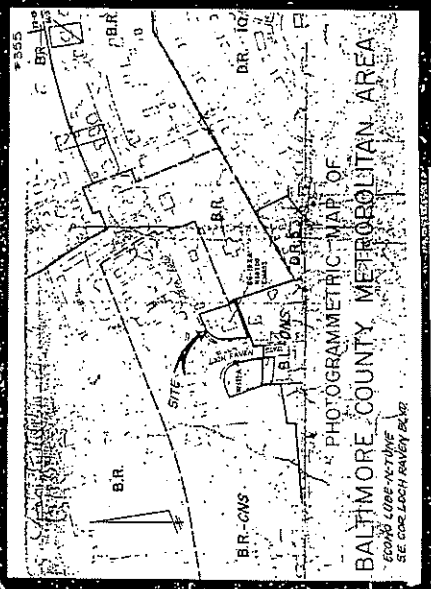
However, there does appear to be a mix-up within your office as to payment of the following fees. Upon application, STV/Lyon Associates paid a fee of $100.00 and was notified March 7 that an additional fee of $100.00 was required. This fee was paid immediately by my client directly to your office and was not credited to this account. April 19 my client received another letter from your office requesting an additional fee of $100.00 stating that if this fee was not paid within 15 days the petition would be dismissed and that previous fees would not be refunded.

Your cooperation in obtaining an earlier hearing date would be appreciated. Should you have any questions or require additional information, please do not hesitate to contact me at 301-944-3112.

Very truly yours,
STV/LYON ASSOCIATES

Anthony J. Cortesi
Vice President

cc: James Porter



89-510-SPHA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
10th day of May, 19 89

J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner James H. Porter
Petitioner's Attorney

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 11, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. James H. Porter
140 Back River Neck Road
Baltimore, Md 21221

RE: Item No. 355, Case No. 89-510-SPHA
Petitioner: James H. Porter
Petition for Zoning Variance

Dear Mr. Porter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD REVIEW YOUR PETITION CAREFULLY TO ASSURE ALL NECESSARY ITEMS HAVE BEEN INCLUDED, IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT ME AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:kkb

Enclosures

cc: Mr. Anthony J. Cortesi
21 Overmore Court
Baltimore, MD 21207

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

May 12, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Bruno Lube-N-Tune
Zoning Meeting of 5-9-89
S/S Loch Raven Blvd.
(MD 542) at Joppa Road
(Item #355)

Attn: Mr. James Dyer

Dear Mr. Haines:

After reviewing the submittal for a variance to allow a side yard building setback of 6' in lieu of the required 30', we have the following comment.

The plan must be revised to show a future right of way line 5' behind the existing right of way line along Loch Raven Blvd. and no permanent structures may be placed within these limits.

It is requested this revision be made prior to a hearing date being set.

If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,

Creston J. Mills, Jr., Chief
Engineering Access Permits
Division

CJM:lb

cc: ESI/Lyon Associates
Mr. D. Cook

RECEIVED
MAY 16 1989
ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Department of Environmental Protection and Resource Management

5-12-89
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item #355, Zoning Advisory Committee Meeting of May 9, 1989

Property Owner: Joppa & Loch Raven Auto Centers, Inc.

Location: SE/ Joppa Rd & Loch Raven Blvd Districts 9

Water Supply: Public Sewage Disposal: Public

Comments are as follows:

( ) 1 Prior to approval of a building permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Baltimore County Bureau of Regional Community Services, for review and approval.

( ) 2 A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or processes which release odors to the atmosphere.

( ) 3 A permit to construct from the Bureau of Air Quality Management may be required for any incinerator located on site. The construction, operation, modification and maintenance of any incinerator must be in accordance with COMAR 10.18.06 et seq. and all local regulations.

( ) 4 Prior to approval of a building permit application for any sauna, he exercise or massage establishment, the owner or operator must submit complete floor plans and specifications of the building, food service area and facilities, and the plans must receive approval from the Division of Engineering and Maintenance, State Department of Health and Mental Hygiene prior to construction.

( ) 5 Prior to razing of any structure, the owner or his agent must comply with all Baltimore County, State and Federal laws. For more information, contact the Division of Waste Management at 887-3745.

( ) 6 Soil percolation tests, have been ( ), must be ( ), additional tests are required.

( ) 7 Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County standards must be drilled.

( ) 8 In accordance with Section 13-117 of the Baltimore County Code, the following must apply:
( ) a well is to be used
( ) the existing ( ) proposed ( ) sewage system is to be abandoned, filled and properly sealed prior to the issuance of a building permit.

( ) 9 Prior to occupancy approval, the operation of the water supply must be verified by the Division of Environmental Management.

( ) 10 If haul-in of fill to the site is necessary, a Baltimore County Grading Permit is required.

(X) 11 Others Attorney from Whiteford, Taylor & Preston to be advised re: County policy on Environmental Interruption.

MAY 9 1989

Bureau of Water Quality and Resource Management

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

Fenwick P. Hollsworth
Deputy Chief

May 2, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: Joppa & Loch Raven Auto Centers, Inc.
Location: #1701 East Joppa Road
Item No.: 355 Zoning Agenda: May 9, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Cpt. Lawrence E. Gelber Noted and Approved: [signature]
Planning Group
Special Inspection Division

JP/lee

MAY 9 1989

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Jim Dyer Date: January 5, 1989

FROM: Robert W. Bowling, P.E.

SUBJECT: Bruno Lube-N-Tune

S/S Greater Loch Raven Boulevard & Joppa Road
Districts 9C4

The site plan for the subject site dated August 17, 1988 has been reviewed by the Developers Engineering Division and the following comments are furnished.

Highway Comments:

The Plan as submitted is satisfactory.

All improvements, interconnections, relocations, restoration and considerations affecting a State road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Entrance Comments:

The entrance locations are subject to approval by the Bureau of Traffic Engineering.

Entrances shall be a minimum of 24 feet and a maximum of 35 feet wide, shall have 10-foot minimum radii curb returns, shall be located a minimum of 10 feet from property lines, and shall be constructed in accordance with Baltimore County standards (Detail 9-A, 1987 Edition), at the Developer's own expense(s).

Prior to removal of any existing curb for entrances, the Developer shall obtain a permit from the Bureau of Public Services (telephone 494-3811) for curb removals.

Sidewalks are required adjacent to the public roads serving this site. The walks shall be 5 feet wide and shall be installed to conform with Baltimore County standards.

Bruno Lube-N-Tune
Page 2
January 5, 1989

Storm Drainage and Stormwater Management Comments:

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damage to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

Relevant general provisions will be required for the Building Permit application and for any grading approval.

Water and Sanitary Sewer Comments:

The Developer is responsible for the cost of capping or plugging any existing house connection not used to serve the proposed site.

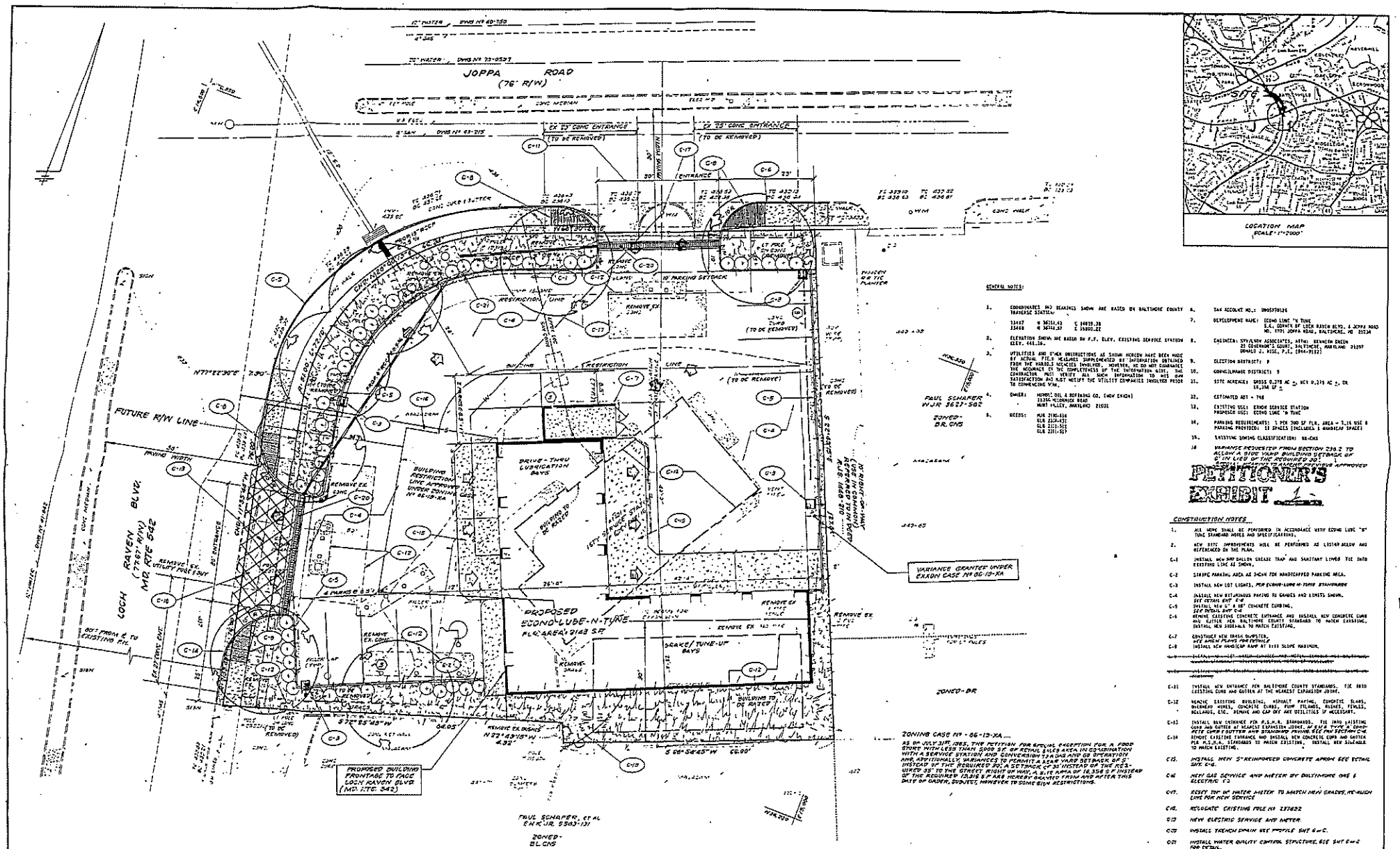
The Developer will be given credit for any square foot credit for each building to be razed which is now connected into the public sanitary.

Computation to support the water & sanitary credit fixtures and the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

Robert W. Bowling, P.E., Chief
Development Engineering Division

RWB:GH:rmp
cc: File

Bruno/Jamison



GENERAL NOTES:

1. COORDINATES AND BEARINGS SHOWN ARE BASED ON BALTIMORE COUNTY TRAVERSE STATION:
   13467 N 36151.43 E 14939.38
   13468 N 36741.37 E 15800.22
2. ELEVATION SHOWN ARE BASED ON P.F. ELEV. EXISTING SERVICE STATION ELEV. 441.16.
3. UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN MADE BY ACTUAL FIELD MEASURES SUPPLEMENTED BY INFORMATION OBTAINED FROM THE VARIOUS AGENCIES INVOLVED. HOWEVER, WE DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF THE INFORMATION GIVEN. THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION AND ALSO NOTIFY THE UTILITY COMPANIES INVOLVED PRIOR TO COMMENCING WORK.
4. OWNER: MOHOIL OIL & REFINING CO. (EXXON EXXON)
   10356 YUCONICO ROAD
   HUNT VALLEY, MARYLAND 21031
5. DEEDS: WJR 2130-414
   ELH 2334-401
   ELH 2213-501
   ELH 2211-519
6. TAX ACCOUNT NO.: 0905970125
7. DEVELOPMENT NAME: ECONO LUBE 'N TUNE
   S.E. CORNER OF LOCH RAVEN BLVD. & JOPPA ROAD
   NO. 9701 JOPPA ROAD, BALTIMORE, MD 21234
8. ENGINEER: STV/LYON ASSOCIATES, ATTN: KENNETH SHEEN
   21 GOVERNOR'S COURT, BALTIMORE, MARYLAND 21207
   DONALD J. HISE, P.E. (944-9112)
9. ELECTION DISTRICT: 9
10. COUNCILMANIC DISTRICT: 5
11. SITE ACREAGE: GROSS 0.278 AC ±, NET 0.275 AC ±, OR 12,354 SF ±
12. ESTIMATED ADT = 748
13. EXISTING USE: EXXON SERVICE STATION
    PROPOSED USE: ECONO LUBE 'N TUNE
14. PARKING REQUIREMENTS: 1 PER 200 SF FLR. AREA = 2.16 USE 8
    PARKING PROVIDED: 11 SPACES INCLUDES 1 HANDICAP SPACE
15. EXISTING ZONING CLASSIFICATION: BR-CNS
16. VARIANCE REQUESTED FROM SECTION 238.2 TO ALLOW A SIDE YARD BUILDING SETBACK OF 6'-IN LIEU OF THE REQUIRED 30'.

CONSTRUCTION NOTES

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ECONO LUBE 'N TUNE STANDARD NOTES AND SPECIFICATIONS.
2. NEW SITE IMPROVEMENTS WILL BE PERFORMED AS LISTED BELOW AND REFERENCED ON THE PLAN.
C-1 INSTALL NEW 500 GALLON GREASE TRAP AND SANITARY LINES TIE INTO EXISTING LINE AS SHOWN.
C-2 STRIPE PARKING AREA AS SHOWN FOR HANDICAPPED PARKING AREA.
C-3 INSTALL NEW LOT LIGHTS, PER ECONO-LUBE-N-TUNE STANDARDS
C-4 INSTALL NEW BITUMINOUS PAVING TO GRADES AND LIMITS SHOWN. SEE DETAILS SHT C-6
C-5 INSTALL NEW 6" X 18" CONCRETE CURBING. SEE DETAIL SHT C-6
C-6 REMOVE EXISTING CONCRETE ENTRANCE AND BUILDING, NEW CONCRETE CURB AND GUTTER PER BALTIMORE COUNTY STANDARDS TO MATCH EXISTING. INSTALL NEW SIDEWALK TO MATCH EXISTING.
C-7 CONSTRUCT NEW TRASH DUMPSTER. SEE ARCHITECTURAL PLANS FOR DETAILS
C-8 INSTALL NEW HANDICAP RAMP AT LESS SLOPE MAXIMUM.
C-11 INSTALL NEW ENTRANCE PER BALTIMORE COUNTY STANDARDS. TIE INTO EXISTING CURB AND GUTTER AT THE NEAREST EXPANSION JOINT.
C-12 REMOVE EXISTING BUILDING, ASPHALT, PAVING, CONCRETE SLABS, UNDERGROUND TANKS, CONCRETE CURBS, PUMP ISLANDS, RUBBISH, FENCES, BOLLARDS, ETC. REMOVE AND CAP OFF ANY UTILITIES IF NECESSARY.
C-13 INSTALL NEW CURBINGS PER M.S.H.A. STANDARDS. TIE INTO EXISTING CURB AND GUTTER AT NEAREST EXPANSION JOINT. AT E.O.G. TYPE A CONCRETE CURB & GUTTER AND STANDARD PAVING SEE PAVEMENT DETAIL SHT C-6
C-14 REMOVE EXISTING ENTRANCE AND INSTALL NEW CONCRETE CURB AND GUTTER PER M.S.H.A. STANDARDS TO MATCH EXISTING. INSTALL NEW SIDEWALK TO MATCH EXISTING.
C-15 INSTALL NEW 5" REINFORCED CONCRETE APRON SEE DETAIL SHT. C-6.
C-16 NEW GAS SERVICE AND METER BY BALTIMORE GAS & ELECTRIC CO.
C-17 RESET TOP OF WATER METER TO MATCH NEW GRADES, RE-MUCH LINE FOR NEW SERVICE
C-18 RELOCATE EXISTING POLE NO. 537622
C-19 NEW ELECTRIC SERVICE AND METER.
C-20 INSTALL TRENCH DRAIN SEE PROFILE SHT C-6
C-21 INSTALL WATER QUALITY CONTROL STRUCTURE, SEE SHT C-6 FOR DETAIL.

STV / LYON ASSOCIATES	REVISIONS	PLAN PREPARATION	ACCOMPANY PETITION FOR ZONING VARIANCE	DRAWING NO.
Engineers Surveyors Planners	NO. DATE DESCRIPTION	DESIGNED BY S.J.C. DATE 7/30/85	ECONO LUBE-N-TUNE	V-1
21 Governor's Court Baltimore, Maryland 21207	1 10/1/85 MOVE CURB 3' PER ECONO-LUBE COMMENTS; ALSO WATER & SEWER CONNECTION.	DRAWN BY S.J.C. A.K.G. SCALE 1"=40'	S.E. COR. LOCH RAVEN BLVD.& JOPPA ROAD	SHEET NO.
Telephone : 301-944-9112	2 11/8/85 CHANGE ENTR & PARKING	CHECKED BY S.J.C. A.K.G.	ELECT.-DIST.9 BALTO. CO.,MD.	1 of 1
	3 12/18/85 PER ZONING REVIEW COMMENTS	CHECKED BY	JOB NO. 61-8193	
	4 2/11/86 ADD FUTURE R/W LINE PER SHA COMMENTS			

Google Maps 5515 Ritchie Hwy



Imagery ©2019 Google, Map data ©2019 Google 50 ft

https://www.google.com/maps/place/5515+Ritchie+Hwy,+Brooklyn+Park,+MD+21225/@39.22006,-76.6153924,125a,35y,93.... 2/26/2019

Google Maps 5515 Ritchie Hwy

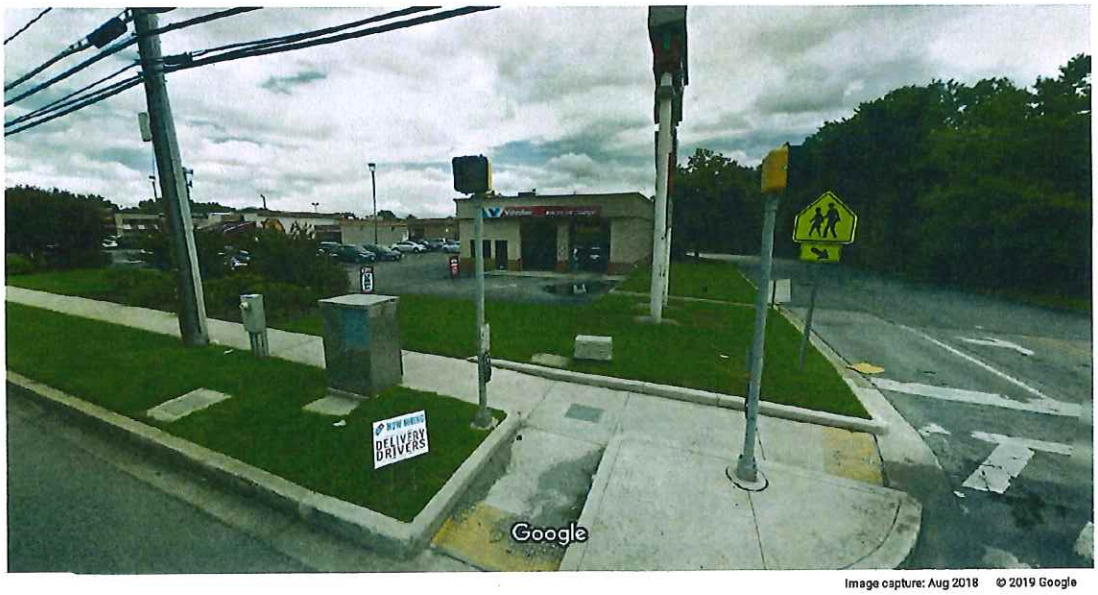


Image capture: Aug 2018 © 2019 Google

Brooklyn Park, Maryland

Google

Street View - Aug 2018

People's Counsel
CBA Exhibit

https://www.google.com/maps/place/5515+Ritchie+Hwy,+Brooklyn+Park,+MD+21225/@39.2197115,-76.6139591,3a,75y,70.... 2/26/2019

Google Maps 4215 Montgomery Rd



Imagery ©2019 Google, Map data ©2019 Google 50 ft

https://www.google.com/maps/place/4215+Montgomery+Rd,+Ellicott+City,+MD+21043/@39.2553822,-76.819845,205m/data... 2/26/2019

Google Maps 4215 MD-103



Image capture: Aug 2018 © 2019 Google

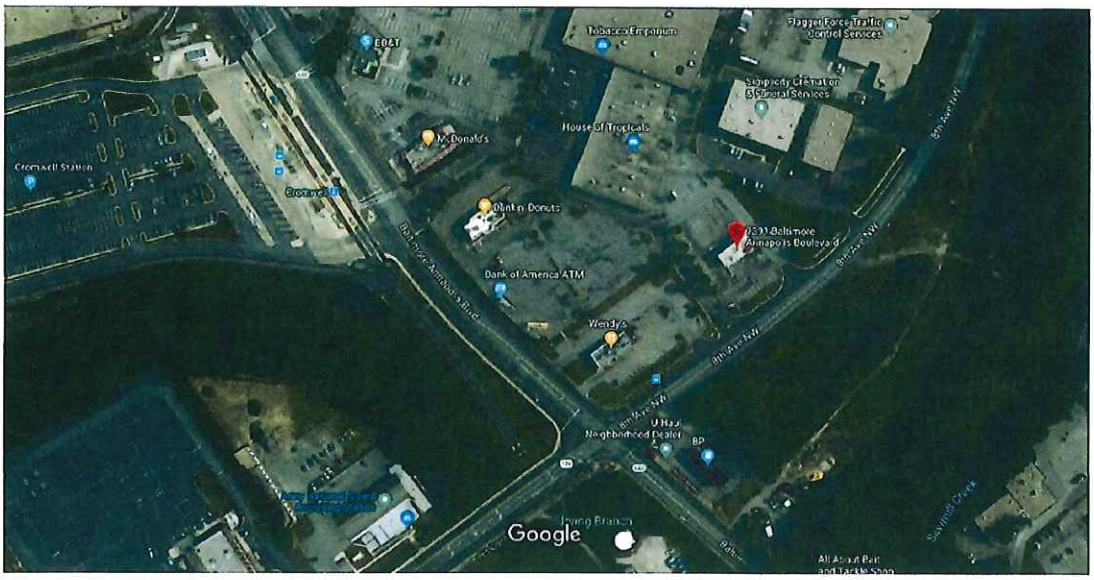
Ellicott City, Maryland

Google

Street View - Aug 2018

https://www.google.com/maps/place/4215+Montgomery+Rd,+Ellicott+City,+MD+21043/@39.2553674,-76.8192867,3a,84y,47... 2/26/2019

Google Maps 7391 Baltimore Annapolis Blvd



Imagery ©2019 Google, Map data ©2019 Google 100 ft

https://www.google.com/maps/place/7391+Baltimore+Annapolis+Blvd,+Glen+Burnie,+MD+21061/@39.1713438,-76.6314355... 2/26/2019

Google Maps 360 8th Ave NW



Image capture: Aug 2018 © 2019 Google

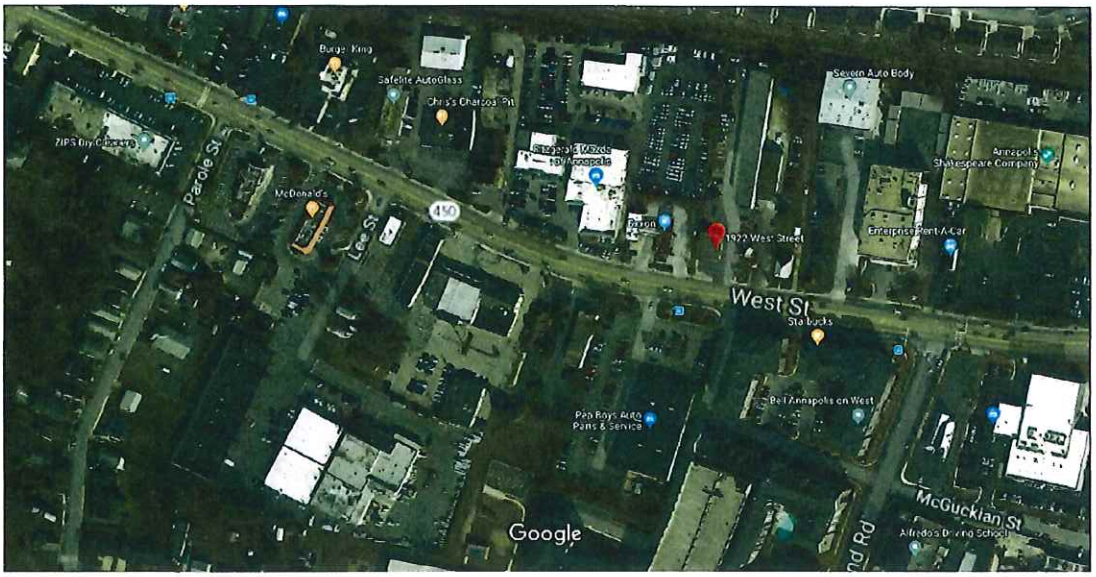
Glen Burnie, Maryland

Google

Street View - Aug 2018

https://www.google.com/maps/place/7391+Baltimore+Annapolis+Blvd,+Glen+Burnie,+MD+21061/@39.1713977,-76.6296352... 2/26/2019

Google Maps 1922 West St



Imagery ©2019 Google, Map data ©2019 Google 100 ft

https://www.google.com/maps/place/1922+West+St,+Annapolis,+MD+21401/@38.9801849,-76.5260691,335m/data=!3m1!1e... 2/26/2019

Google Maps 1909 MD-450



Image capture: Oct 2017 © 2019 Google

Annapolis, Maryland

Google

Street View - Oct 2017

https://www.google.com/maps/place/1922+West+St,+Annapolis,+MD+21401/@38.9801763,-76.5248778,3a,90y,356.17h,78.9... 2/26/2019

Google Maps 8301 Spruce Hill Dr



Imagery ©2019 Google, Map data ©2019 Google 100 ft

https://www.google.com/maps/place/8301+Spruce+Hill+Dr,+Laurel,+MD+20707/@39.0831462,-76.8645064,334m/data=!3m1... 2/26/2019

Google Maps 13999 US-1



Image capture: Jul 2018 © 2019 Google

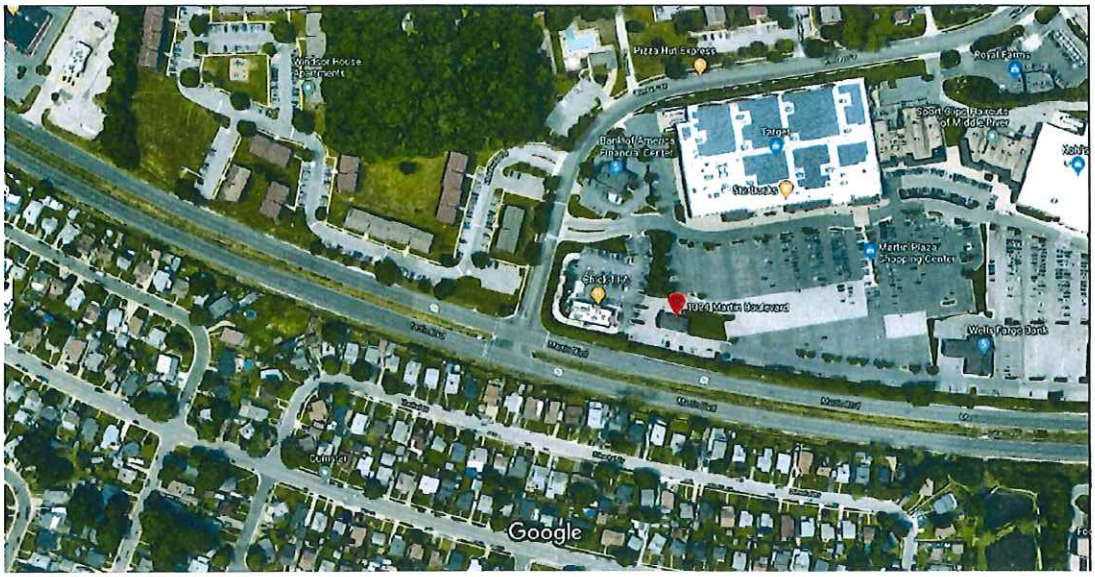
Laurel, Maryland

Google

Street View - Jul 2018

https://www.google.com/maps/place/8301+Spruce+Hill+Dr,+Laurel,+MD+20707/@39.0830349,-76.863213,3a,90y,121.51h,95... 2/26/2019

Google Maps 1324 Martin Blvd



Imagery ©2019 Google, Map data ©2019 Google 100 ft

https://www.google.com/maps/place/1324+Martin+Blvd,+Middle+River,+MD+21220/@39.3341621,-76.4507412,412m/data=!... 2/26/2019

Google Maps MD-700



Image capture: Jun 2017 © 2019 Google

Middle River, Maryland

Google

Street View - Jun 2017

https://www.google.com/maps/place/1324+Martin+Blvd,+Middle+River,+MD+21220/@39.3336452,-76.4498586,3a,75y,11.03... 2/26/2019

People's Counsel
CBA Exhibit
12

shan\ *n* -s **1** : the act of ingrati-
self in favor (practice the various
that ingratiates (American art ...
vith which to resist this wealth of

ə,tōrē\ *adj* : tending to ingratiate

[ME, fr. MF, fr. ML *ingratitudo*
o gratitude — more at ORATITUDE]
ulness of or poor return for kind-
JLNESS (blow, thou winter wind]
nan's. —Shak.)
ɪsˈtin(t)s\ *n* -s : the desire
e (persistence and ~ of behavior
proved circumstances. —Norman

\ *adj* [L *ingravescent-*, *ingraves-*
cere to become heavier, to become
scere to become heavy, fr. *gravis*
ORIEVE] : gradually increasing in
normality of function)
\ *vt* -ED/-ING/-S [L *ingravidatus*,
fr. L *in-* ²in- + LL *gravidare* to
dus pregnant — more at GRAVID]

(t)s\ *n* -s [in sense 1, alter. of
nt; in sense 2, fr. L *ingredi* + E
redient or a mixture of ingredients
ity and combined up to ¼ other
d H.W.Holzer) **b** : the fact of
his complete ~ in an occasion, so
lividual essence with other eternal
2 *obs* : ENTRANCE, INGRESS
ME, fr. L *ingredient-*, *ingredi-*
nto, enter, fr. *in-* ²in- + *-gredi* (fr.
; at GRADE] **1** : something that
is a component part of any com-
TITUENT (formula which will have
mother's milk —Morris Fishbein)
e must read, because they are ~ —
L.Peacock) ⟨understanding is one
of a successful marriage —Grace
g that moves into or penetrates

gredient-, *ingrediens*, pres. part.]
ATING **2** : present as or forming
(can be used as an ~ product in
older) ⟨when a sequence of words
phrase, while we can ask whether
words —Gilbert Ryle)
-rēm-\ *adv* [L, in the bosom, in

ME *ingresse*, fr. L *ingressus*, fr.
redi to go into, enter — more at
f entering : ENTRANCE (~ of air
igrants) (~ of summer tourists)
ntrance or access (~ visa) : means
~ to the meadow) **3** : a point
where a significator transits the
t, the ascendant, or midheaven
on into the shadow of the earth
erior planet upon the sun's disk
or its shadow on a planet : the
m)
\ *vi* -ED/-ING/-ES [L *ingressus*,
INTER **2** : to mark an ingress —
ification*
n -s [ME, fr. L *ingression-*, *in-*
part.) + *-ion-*, *-io* -ion] **1** : the
NCE **2** : the process whereby
ects enter into or become complex
the ~ of an object into an event
he event shapes itself in virtue of
A.N.Whitehead) **3** : inward mi-
ge yolk-laden macromeres formed
unequal cleavage
n's\ *adj* [L *ingressus* (past part.)
o ingress : ENTERING; *specif* : IN-
-gres-sive-ness *n* -es
gressive verb
p [*Ingria*, district of early Russia
ll of Finland + E *-an*] : a member
e Finns native to the old Baltic
rsburg was built — called also

b [*in* + *group*] : a social group
rity or community of interests as
ups — compare OUTGROUP
+ *growing* (after *grow in*, v.)]
rds (~ emotions) : developing
senal) (French playwriting was
ncial —Sheldon Cheney)
grown] **1** : grown in : ENCLOSED;
ng the free tip or edge embedded
direction of growth or activity
an outward : WITHDRAWN, CON-
en an outgoing, cultural, vibrant,
and an ~, inbred, militaristic,
Cousins) **3** *of a stream* : having
e by undercutting the banks of
n-ness \-nnəs\ *n* -ES
ised meander (as of a river) with
ie side and a gentle slip-off slope

with] : a growth or development
omething that grows inward

n, pl **ingui·na** \-ˌgwənə\ [L]

orm [NL, fr. L *inguin-*, *inguen*]
nguinal and ⟨*inguinocrotal*⟩ ...
L *inguinalis*, fr. *inguin-*, *inguen*
ADEN-] **1** : of, relating to, or in
: of or relating to either of the
abdomen — compare ABDOMINAL

ie plates on the posterior surface

about one and one half inches
half inch above Poupart's liga-
e male through which the testis
nd in which lies the spermatic
male accommodating the round

he superficial lymphatic glands
more or less distinct groups of
g Poupart's ligament and the
pening
T'S LIGAMENT
RING

NG/-S [L *ingurgitatus*, past part.
urgit-, *gurges* whirlpool, abyss —
swallow, devour, or drink greed-
ZLE ⟨produces cocktails . . . and
out reflection —Aldous Huxley⟩
r drinking : CRAM — *vi* : GUZZLE,

[LL *ingurgitation-*, *ingurgitatio*,
-ion] : the act of devouring or
foundations were undermined
ndentalism —Oskar Seidlin)
ingush *or* ingushes *usu cap* **1** : a
orth of the Caucasian mountains
: a member of the Ingush people
L *inhabilis*, fr. *in-* ²in- + *habilis*
- more at ABLE] *archaic* : not fit

in·hab·it \ənˈhabət, *usu* -ədˌ+V\ *vb* -ED/-ING/-S [ME *en-*
habiten, fr. MF & L; MF *enhabiter*, fr. L *inhabitare*,
fr. *in-* ²in- + *habitare* to live — more at HABIT] *vt* **1** : to
occupy as a place of settled residence or habitat : live or dwell
in ⟨~*ed* by a rich fauna and flora —W.H.Dowdeswell⟩ ⟨~*ed* a
small apartment —Alfred Hayes⟩ **2 a** : to be at home in (a
particular sphere of activity or thought) : OCCUPY ⟨endlessly
varied characters who ~ the world of medicine —*N.Y.Times*⟩
⟨the intellectual world we ~ —Cyril Connolly⟩ **b** : to occupy,
be present in, or be inside of in any manner or form ⟨the
human beings who ~ this tale —Al Newman⟩ ⟨the individual is
~*ed* by multiple wills, persons, or spirits —Weston La Barre⟩
⟨a sculptural quality that ~s many of his most successful
prints —Vincent Garofalo⟩ ~ *vi*, *archaic* : to have residence in
a place : DWELL, LIVE
in·hab·it·abil·i·ty \ənˌhabəd·əˈbilәd·ē, -bātə-, -lətē, -i\ *n* : the
condition of being inhabitable
inhabitable *adj* [ME, fr. MF, fr. L *inhabitabilis*, fr. *in-* ²in- +
habitabilis habitable — more at HABITABLE] *obs* : not habitable;
also : UNINHABITED
in·hab·it·able \ənˈhabəd·əbəl, -bātə-\ *adj* [LL *inhabitabilis*,
fr. L *inhabitare* + *-abilis* -able] : capable of being inhabited
: HABITABLE
in·hab·i·tance \-bəd·ən(t)s, -bətən- *also* -bətˈn-\ *n*-s [*inhabit*
+ *-ance*] : RESIDENCE (grateful for his almost solitary ~ of the
city —William Saroyan)
in·hab·i·tan·cy \-nsē,-nsi\ *n* **1** : the act of inhabiting or
the state of being inhabited : the state, rights, or privileges of
one who is an inhabitant : RESIDENCE, OCCUPANCY **2** : the
site of the principal office or place of business of a corporation
or association; *sometimes* : a fixed place of abode
in·hab·i·tant \-nt\ *n* [ME *inhabitaunt*, fr. AF *enhabitant*,
fr. MF (pres. part. of *enhabiter*), fr. L *inhabitant-*, *inhabitans*,
pres. part. of *inhabitare* to inhabit] **1** : a person who dwells or
resides permanently in a place as distinguished from a transient
lodger or visitor ⟨an ~ of a house⟩ ⟨an ~ of a state⟩ —
compare CITIZEN, DOMICILE, RESIDENT **2** : one that makes its
habitat or is commonly found in a place ⟨with respect to its
insect ~s —*Am Guide Series: N.H.*⟩ ⟨a normal ~ of the
intestines of both man and animals —*Farmer's Weekly (So.*
Africa)⟩
²**inhabitant** \"\ *adj* [L *inhabitant-*, *inhabitans*, pres. part.]
archaic : RESIDENT, DWELLING
inhabitate *vt* -ED/-ING/-S [L *inhabitatus*, past part.] *archaic*
: HOUSE, *esp* : a permanent or valuable possession that is
in·hab·i·ta·tion \ənˌhabəˈtāshən\ *n* [ME *inhabitacioun*, fr. LL
inhabitation-, *inhabitatio*, fr. L *inhabitatus* (past part. of
inhabitare to inhabit) + *-ion-*, *-io* -ion — more at INHABIT]
: the act or an instance of inhabiting : the state of being
inhabited : SETTLEMENT ⟨the ~ of the Leonard⟩
inhabited *adj* : having inhabitants ⟨an ~ area⟩
in·hab·it·er \ənˈhabəd·ə(r), -ātə-\ *n* -s [ME *enhabiter*, *in-*
habiter, fr. *enhabiten*, *inhabiten* to inhabit + *-er* — more at
INHABIT] *archaic* : one that inhabits
inhabiting *n* -s [ME *enhabiting*, *inhabiting*, fr. gerund of
enhabiten, *inhabiten*] *archaic* : a dwelling place
in·hab·i·tive·ness \-bəd·ivnəs, -bətiv-\ *n* -ES [*inhabit* + *-ive*
+ *-ness*] : a propensity to remain permanently in the same
place or residence ⟨you know my (what the phrenologists call)
~ —J.R.Lowell⟩
in·hab·i·tress \-bə·trəs\ *n* -ES [*inhabiter* + *-ess*] *archaic* : a
female inhabitant
in·hal·ant \(ˌ)inˈhālənt, ənˈh-\ *n* -s [*inhale* + *-ant* (n.
suffix)] : something (as an allergen, an anesthetic vapor, or
a medicated nasal spray) that is inhaled
²**inhalant** *adj* [*inhale* + *-ant* or *-ent* (adj. suffixes)] **1** : used for inhaling or constituting an inhalant ⟨~ allergens⟩ **2** : INCURRENT ⟨~ pores⟩
in·ha·la·tion \ˌin(h)əˈlāshən\ *n* -s *often attrib* [*inhale* +
-ation] : the act or an instance of inhaling; *specif* : the action of drawing air into the lungs by means of a complex of essentially reflex actions that involve changes in the diaphragm and in muscles of the abdomen and thorax which cause enlargement of the chest cavity and lungs resulting in production of relatively negative pressure within the lungs so that air flows in until the pressure is restored to equality with that of the atmosphere
in·ha·la·tion·al \ˌ=ˈlāshənˀl,-shnəl\ *adj* : by or involving inhalation ⟨~ therapy⟩
in·ha·la·tor \ˈ=ˌlād·ə(r), -ātə-\ *n* -s [*inhale* + *-ator*] : a device designed to provide a suitable mixture of oxygen and carbon dioxide for inhalation and used esp. in conjunction with manual artificial respiration
in·hale \ənˈhāl, *chiefly before pause or consonant* -āə\ *vb*
-ED/-ING/-S [*in-* + *-hale* (as in *exhale*)] *vt* **1** : to draw in by breathing ⟨~ air⟩ **2** : to consume or swallow esp. eagerly or greedily ⟨*inhaled* about four meals at once —Ring Lardner⟩ ⟨*inhaling* it from their cupped fingers until their cheeks bulged —R.D.Bowen⟩ ⟨*inhaled* a strong love decoction —Abram Kardiner⟩ ~ *vi* : to breathe in : inhale air, gas, smoke, or other vapor — opposed to *exhale*
in·hale \", ˈin,ˈ\ *n*-s : the act or an instance of inhaling ⟨kept taking deep ~s —J.W.Ellison b. 1891⟩
in·hal·er \ənˈhālə(r)\ *n* -s **1** : one that inhales **2** : a device by means of which vapors, volatilized remedies, medicinal dusts, or anesthetics can be inhaled — compare INHALATOR **3** : something ⟨pouring a liberal amount of brandy into an ~ —Caroline Slade⟩
in·harmonic \ˌin+\ *adj* [*in-* + *harmonic*] : not harmonic : DISCORDANT
inharmonic theory *n* : a postulate in phonetics: the reinforcing vibrations produced in the superglottic cavities in vowel articulation need not be multiples of the fundamental vocal-cord note — compare FORMANT, HARMONIC THEORY
in·harmonious \ˌin+\ *adj* [*in-* + *harmonious*] **1** : UNMUSICAL, DISCORDANT ⟨~ sounds⟩ **2** : being not in harmony : CONFLICTING, JARRING, UNCONGENIAL ⟨~ surroundings⟩ — **in·harmoniously** \"+\ *adv* — **in·harmoniousness** \"+\ *n*
in·harmony \(ˌ)in, ənˈ+ *n* [*in-* + *harmony*] : lack of harmony : DISCORD
inhaul \ˈ=ˌ=\ *n* [*in* + *haul* (after *haul in*, v.)] : a rope used to draw in a ship's sail (as a spanker on its gaff)
in·haust \ənˈhȯst\ *vt* -ED/-ING/-S [*in-* + *-haust* (as in *exhaust*)] : INHALE, IMBIBE ⟨~ing mint juleps —Virginius Dabney⟩
in·hell \ənˈ+\ *vt* [²*in-* + *hell*] *archaic* : to put or fix in hell
in·here \ənˈhi(ə)r, -iə\ *vi* -ED/-ING/-S [L *inhaerēre*, fr. *in-* ²in- + *haerēre* to stick, adhere — more at HESITATE] : to be inherent : be a fixed element or attribute : BELONG ⟨thought all virtue *inhered* in the farmer —H.S.Commager⟩ ⟨the excellence *inhering* in the democratic faith —V.L.Parrington⟩
in·her·ence \ənˈhirən(t)s, -herˌ-, -hērˌ- *n* -s [ML *inhaerentia*, fr. L *inhaerent-*, *inhaerens* + *-ia* -y] **1** : the quality, state, or fact of inhering or of being inherent ; permanent existence as an attribute ⟨the ~ of multiple meanings and allusions in the particulars of a literary work —B.T.Spencer⟩ **2** : the relation of a quality to a substance or subject ⟨~ rather than existence is said of accidents —James Alberston⟩
in·her·en·cy \-nsē, -nsi\ *n* -ES [ML *inhaerentia*] **1** : INHERENCE **2** : an inherent character or attribute (culture classifications with purely taxonomic *inherencies* —W.W.Taylor⟩
in·her·ent \-nt\ *adj* [L *inhaerent-*, *inhaerens*, pres. part. of *inhaerēre*] **1** : existing in some conjunct or by some constitution or essential character of something ; belonging by nature or settled habit : INTRINSIC, ESSENTIAL (~ rights) ⟨shortcomings ~ in our approach —David Cherin⟩ ⟨an ~ laziness⟩ — **in·her·ent·ly** *adv*
in·her·it \ənˈherət, *usu* -ədˌ+V\ *vb* -ED/-ING/-S [ME *enheriten* to make heir, inherit (influenced in meaning by MF *heriter* & L *hereditare* to inherit), fr. MF *enheriter* to make heir, fr. LL *inhereditare*, fr. L *in-* ²in- + LL *hereditare* to inherit — more at HERITAGE] *vt* **1** : to come into possession of : POSSESS, RECEIVE ⟨power . . . which he ~s from the Creator himself. —Eric Linklater⟩ **2 a** : to take by descent from an ancestor ; take by inheritance ; receive as a right or title descendible by law from an ancestor at his decease **b** : to be heir to : SUCCEED ⟨a son ~s his father⟩ **3 a** : to receive by genetic transmission ; derive or acquire from ancestors (~ a strong constitution) **b** : to have in turn or receive as if from an ancestor ⟨much of the girl's clothing had been ~*ed* from the more fortunate children —Grace Metalious⟩ ⟨~*ed* from antiquity two rather contradictory views of the organic world —S.F.Mason⟩ ~ *vi* : to take or hold a possession, property, estate, or rights by inheritance
in·her·it·abil·i·ty \-ˌherəd·əˈbilәd·ē, -rətə-, -lətē, -i\ *n* : the quality of being inheritable or descendible to heirs
in·her·it·able \-ˈherəd·əbəl, -rətə-\ *adj* [ME *enheritable*, fr. AF, fr. MF *enheriter* + *-able*] **1 a** : capable of being inherited : TRANSMISSIBLE, DESCENDIBLE (an ~ title) **b** (1) : capable of taking by inheritance (2) : entitled to as a birthright **2** : capable of being transmitted from parent to child (~ qualities) — **in·her·it·able·ness** \-nəs\ *n* -ES — **in·her·it·ably** \-blē,-bli\ *adv*
in·her·i·tage \-ˈherəd·ij\ *n* [*inherit* + *-age*] *archaic* : INHERITANCE
in·her·i·tance \ənˈherəd·ən(t)s, -rətən-,-rətˈn-\ *n* -s [ME *enheritaunce*, fr. AF *enheritance*, fr. MF *enheriter* + *-ance*] **1 a** : the act of inheriting property: as (1) : the acquisition of real or personal property as heir to another ; the perpetual or continuing right which a person and his heirs have to an estate or property (2) *common, feudal, & Scots law* : the acquisition of an ancestor's real estate upon his death by the heir under the Statute of Descent as distinguished from the succession to his personal property by the next of kin under the Statute of Distribution (3) *Roman & Civil law* : the succession upon the death of an owner either by testament or by operation of law by the heir to all the estate, rights, and liabilities of the decedent, the liabilities being restricted to the value of the estate when the heir was given the benefit of inventory **b** : the reception or acquisition of genetic characters or qualities by transmission from parent to offspring **c** : the acquisition of a material or immaterial possession, condition, or trait by transmission from the past or from past generations ⟨resented his children's ~ of slavery from their mothers —Anne K. Gregorie⟩ ⟨hard-won freedoms that are ours by just ~⟩ **2** : something that is or may be inherited: as **a** (1) : something that is derived by an heir from an ancestor or other person or that may be transmitted to an heir by a person (2) *common, feudal, & Scots law* : an estate of inheritance (as a fee simple or fee tail) **b** : the sum total of genetic characters or qualities transmitted from parent to offspring ⟨on the maternal side his ~ was a happy one⟩ **c** : something material or immaterial that is derived or acquired from the past or from past generations ⟨the random brutality that is the ~ of centuries of blackness — Irving Howe⟩ *esp* : a permanent or valuable possession that is a common heritage or that is received from God or nature ⟨our great ~ of water and land —A.E.Stevenson †1965⟩ ⟨their most precious ~, that thin layer of topsoil —K.D. White⟩ ⟨books are the major channel by which the intellectual ~ is handed down —*New Republic*⟩ **3** *obs* : right of possession : POSSESSION, OWNERSHIP
inheritance tax *n* **1** : an excise tax levied upon the privilege of receiving property as heir or next of kin under the law governing intestate succession, measured by the value of the interest each successor receives, and usu. increased in rate as kinship with the deceased becomes more remote — compare LEGACY TAX **2** : ESTATE TAX
inherited *adj* : constituting something received by inheritance (~ characteristics) ⟨shackled by a mass of ~ conventions — J.L.Lowes⟩ ⟨a city which follows an ~ type of industry — Samuel Van Valkenburg & Ellsworth Huntington⟩ syn see INNATE
in·her·i·tor \ənˈherəd·ə(r), -rətə-\ *n* [ME *enheritour*, *enheriter*, fr. *enheriten* to inherit + *-our* -or or *-er* — more at INHERIT] : one that inherits : HEIR ⟨~s of an ancient culture⟩
in·her·i·tress \-rəd·rəs\, *also* **in·her·i·trix** \-rəˌtriks\ *n* -ES [*inheritress* fr. *inheritor* + *-ess*; *inheritrix* fr. *inheritor*, after such pairs as E *mediator: mediatrix*] : a female inheritor
inherits *pres 3d sing of* INHERIT
in·he·sion \ənˈhēzhən\ *n* -s [L *inhaesus* (past part. of *inhaerēre* to inhere) + E *-ion* — more at INHERE] : the condition of being inherent in something : INHERENCE
in·hib·it \ənˈhibət, *usu* -bədˌ+V\ *vb* -ED/-ING/-S [ME *inhibiten*, fr. L *inhibitus*, past part. of *inhibēre*, fr. *in-* ²in- + *-hibēre* (fr. *habēre* to have, hold) — more at GIVE] *vt* **1** : to prohibit from doing something ⟨~ the legislature from levying an income tax —*Britannica Bk. of the Yr.*⟩ **2 a** (1) : to repress, restrain, or discourage from free or spontaneous activity esp. through the operation of inner psychological impediments or conflicts or of social and cultural controls ⟨~ from bold speculation by his personal loyalties and interests —V.L.Parrington⟩ ⟨a people long ~*ed* by the prevailing taboos —R.S.Ellery⟩ (2) : to operate against the full development or activity of ; check, restrain, or diminish the force, intensity, or vitality of ⟨~*ed* the creative process at its sources —Harry Sylvester⟩ ⟨the heavy tax load that ~s investment in capital goods —*Time*⟩ **b** (1) : to reduce or suppress the activity of (many of the iron or copper enzymes are ~*ed* by cyanides — Felix Haurowitz⟩ ⟨lubricating oil ~*ed* against rust, corrosion, and oxidation⟩ (2) ; to retard or prevent the formation of ⟨~ rust⟩ (3) ; to retard, interfere with, or prevent (a chemical process or reaction) ⟨~ *oxidation*⟩ ~ *vi* : to cause inhibition ⟨something that entraps and ~s —John Portz⟩ syn see FORBID, RESTRAIN
in·hib·it·able \-əbəl\ *adj* : capable of being inhibited
inhibited *adj* : being repressed, discouraged, reduced, or retarded: as **a** : characterized by, displaying, or reflecting inhibition ⟨a shy and ~ boy —Alan Harrington⟩ ⟨~ respectability —H.C.Webster⟩ **b** : having its activity reduced or suppressed ⟨~ oils⟩
inhibiting *adj* : tending to inhibit or causing inhibition ⟨an overly strict or ~ discipline —H.V.Gregory⟩
in·hi·bi·tion \ˌinəˈbishən, ˌinhə-, ˌin(ˌ)hiˈ-\ *n* -s [ME *inhibicioun*, fr. MF *inhibition*, fr. L *inhibition-*, *inhibitio*, fr. *inhibitus* + *-ion-*, *-io* -ion] : the act or an instance of inhibiting or the state of being inhibited: as **a** : the act or an instance of formally forbidding or barring something from being done : PROHIBITION (plain ~s to the exercise of that power in a particular way —John Marshall); *also* : something that formally forbids or debars : IMPEDIMENT ⟨the constitutional ~ of his alien birth —F.L.Paxson⟩ **b** (1) : a writ from a higher court (as an ecclesiastical court) staying an inferior judge from further proceedings (2) *Eng: eccl law* : a command of an ecclesiastical authority (as a bishop) to a minister not to perform ministerial duties (3) *Scots law* : a personal order prohibiting a party from contracting debts to the prejudice of the rights of others in his heritable property or reality; *also* : an order procured by a husband prohibiting the giving of credit to his wife **c** (1) : a stopping or checking of a bodily action ; a restraining of the function of an organ or an agent (as a digestive fluid or enzyme) ⟨~ of the heartbeat by stimulation of the vagus nerve⟩ ⟨~ of plantar reflexes⟩ (2) ; interference with or retardation or prevention of a chemical process or activity (~ of a catalyst) ⟨~ of rust⟩ **d** (1) : a desirable restraint or check upon the free or spontaneous instincts or impulses of an individual effected through the operation of the human will guided or directed by the social and cultural forces of the environment ⟨the self-control so developed is called ~ —C.W.Russell⟩ ⟨creating ~s, socializing the child, obviously should be one of the goals of a training school —Erwin Schepses⟩ (2) : a neurotic restraint upon a normal or beneficial impulse or activity caused by internal inner conflicts or by social and cultural forces of the environment ⟨other outspoken neurotic manifestations are general ~s such as inability to think, to concentrate —Muriel Ivimey⟩ ⟨~s, phobias, compulsions, and other neurotic patterns —*Psychological Abstracts*⟩ (3) ; repression of or restraint upon an urge, impulse, or activity of any kind ⟨locked in Puritan ~s —H.S.Canby⟩ ⟨obstacles and ~s to rural-reading —C.M.Wieting⟩ ⟨throwing all her moral teachings and ~s overboard —Ruth Park⟩ ⟨laughed without ~ —Jean Stafford⟩
in·hib·i·tive \ənˈhibəd·iv, -bətiv\ *adj* : INHIBITORY
in·hib·i·tor *or* **in·hib·it·er** \-bəd·ə(r), -bātə-\ *n* -s : one that inhibits: as **a** (1) : a substance for reducing corrosion or rust formation (as in an antifreeze) (2) : a substance for delaying gum formation (as in gasoline) (3) : ANTIOXIDANT **b** : a substance that interferes with a chemical process or reaction (polymerization ~s) ; NEGATIVE CATALYST **c** : a substance that reduces the activity of another substance (as an enzyme)

— compare ANTIMETABOLITE **d** : a gene that checks the normal effect of another nonallelic gene when both are present
in·hib·i·to·ry \ənˈhibəˌtōrē, -tȯr-, -rī\ *adj* [ML *inhibitorius*, fr. L *inhibitus* (past part. of *inhibēre* to inhibit) + *-orius* -ory — more at INHIBIT] : of, relating to, or producing inhibition : tending or serving to inhibit : PROHIBITORY (~ nervous action) ⟨the ~ action of fluorides —*Americana Annual*⟩
inholding \ˈ=ˌ=\ *n* [*in* + *holding*] : privately owned land inside the boundary of a national park
in home *n* : INSIDE HOME
in·homogeneity \(ˌ)in, ənˌ+\ *n* [*in-* + *homogeneity*] **1** : lack of homogeneity : the condition of not being homogeneous ⟨the degree of microscopic ~ in an alloy⟩ **2** : a part that is not homogeneous with the larger homogeneous mass in which it is incorporated
in·homogeneous \"+\ *adj* [*in-* + *homogeneous*] : not homogeneous : lacking homogeneity — **in·homogeneously** \"+\ *adv*
inhoop *vb* [*in-* + *hoop* (n.)] *obs* : to enclose in a hoop
in·hospitable \(ˌ)in, ənˈ+\ *adj* [*in-* + *hospitable*] **1 a** : not hospitable : not disposed to show hospitality (an ~ person) **b** : reflecting or evidencing inhospitality : UNFRIENDLY ⟨gave me a brief, ~ look —Louis Auchincloss⟩ **2** : providing no shelter or sustenance : BARREN, DESERT (~ mountain areas) — **in·hospitableness** \"+\ *n* -ES — **in·hospitably** \"+\ *adv*
inhospital *adj* [prob. fr. MF, fr. L *inhospitalis*, fr. *in-* ²in- + *hospitalis* hospitable — more at HOSPITAL] *obs* : INHOSPITABLE
in·hospitality \(ˌ)in, ənˈ+\ *n* [prob. fr. MF *inhospitalité*, fr. L *inhospitalitat-*, *inhospitalitas*, fr. *inhospitalis* + *-itat-*, *-itas* -ity] : the quality or state of being inhospitable ; a cold or unfriendly reception or treatment of a guest or visitor
in·human \(ˌ)in, ənˈ+ *adj* [MF & L; MF *inhumain*, fr. L *inhumanus*, fr. *in-* ²in- + *humanus* human — more at HUMAN] **1 a** : lacking the qualities of mercy, pity, kindness, or tenderness : CRUEL, BARBAROUS, SAVAGE (an ~ tyrant) ⟨what ~ rogues there are in the world —A. Conan Doyle⟩ **b** : lacking warmth or geniality : COLD, IMPERSONAL, MECHANICAL (his usual quiet, almost ~ courtesy —F. Tennyson Jesse⟩ **c** : not worthy of or conforming to the needs of human beings (living in conditions that are ~ —*Collier's Yr. Bk.*⟩ ⟨has the world's most ~ subways —*Time*⟩ ⟨one large block which would tend to be ~ and monotonous —*Architect & Building News*⟩ **2 a** : belonging to, resembling, or suggesting a nonhuman species or class of beings ⟨there is something a little ~ about them —Lewis Mumford⟩ ⟨a momentary glimpse . . . of something I didn't understand: something dark and ~—Kenneth Roberts⟩ **b** : SUPERHUMAN ⟨models of ~ perfection —H.B. Parkes⟩ syn see FIERCE
in·humane \(ˌ)in, ənˈ+ *adj* [MF *inhumain* & L *inhumanus*] : not humane ; INHUMAN **1** — **in·humanely** \"+\ *adv*
in·humanity \ˌinˈ+\ *n* [MF *inhumanité*, fr. L *inhumanitat-*, *inhumanitas*, fr. *inhumanus* + *-itat-*, *-itas* -ity] **1** : the quality or state of being cruel or barbarous : CRUELTY ⟨abhorrence of its sickening ~ —G.B.Shaw⟩; *also* : a cruel or barbarous act **2** : absence of warmth or geniality : IMPERSONALITY ⟨a professional ~ toward their job —Nicholas Monsarrat⟩
in·hu·man·ly *adv* ; in an inhuman manner
in·hu·man·ness \-n(n)əs\ *n* : the quality or state of being inhuman
in·hu·ma·tion \ˌinhyüˈmāshən\ *n* -s [F *inhumation*, fr. *inhumer* to inhume (fr. L *inhumare*) + *-ation*] : BURIAL, INTERMENT
in·hume \ənˈhyüm\ *vt* -ED/-ING/-S [prob. fr. F *inhumer*, fr. L *inhumare*, fr. *in-* ²in- + *humus* earth — more at HUMBLE] : deposit in the earth : BURY, INTER
i-ni \ēˈnē,ˈnī, ˈē(ˌ)nē, ˈēniˌ, ˈīniˌ\ *n pl suffix* [NL, fr. L, masc. pl. of *-inus* -ine] : animals that are or have the form of — in names of higher taxa esp. of tribes and orders ⟨Anacanthini⟩
in·i·ac \ˈinēˌak\ *also* **in·i·al** \-ēəl\ *adj* [NL *inion* + E *-ac* (as in *iliac*) or *-al*] : relating to the inion
in·im·i·ca·ble \əˈnimikəbəl\ *adj* [L *inimicus* + E *-able* (as in *amicable*)] : INIMICAL, HOSTILE (~ to the public peace or safety —*U.S. Code*⟩
in·im·i·cal \əˈnimikəl, -mēk-\ *adj* [LL *inimicalis*, fr. L *inimicus* enemy + *-alis* -al — more at ENEMY] **1 a** : having the disposition or temper of an enemy ; viewing with disfavor ; HOSTILE (mutually ~ blocs —*Wall Street Jour.*⟩ (~ to that heresy —George Meredith⟩ **b** : reflecting or indicating hostility ; UNFRIENDLY ⟨a voice apparently cold and ~ —Arthur Train⟩ ⟨under the ~ gaze of his father —Marguerite Steen⟩ **2** : prejudicial in tendency, influence, or effects ; HARMFUL, ADVERSE (~ to the interests of the consumer —*Current Blog.*⟩ ⟨~ to the best interests of the company —L.M.Hughes⟩ syn see ADVERSE
in·im·i·cal·ly \-mikəlē, -mēk-, -lī\ *adv* : in an inimical manner
in·im·i·cal·ness \-kəlnəs\ *n* -ES : the quality or state of being inimical
in·im·i·ci·tious \əˌnimaˈsishəs\ *adj* [L *inimicitia* hostility (fr. *inimicus* enemy + *-tia*, suffix used to form abstract nouns) + E *-ous*] *archaic* : INIMICAL
inimicous *adj* [L *inimicus*, fr. *inimicus*, n., enemy] *obs* : INIMICAL
in·im·i·ta·bil·i·ty \(ˌ)i,nimәd·əˈbilәd·ē, əˌn-, -mətə-, -lətē, -i\ *n* : the quality or state of being inimitable : INIMITABLENESS
in·im·i·table \(ˌ)iˈnimәd·əbəl, əˈn-, -mətə-\ *adj* [ME or L; MF, fr. L *inimitabilis*, fr. *in-* ²in- + *imitabilis* imitable — more at IMITABLE] : not capable of being imitated : being beyond imitation : MATCHLESS (an ~ style) ; not worthy of imitation — **in·im·i·ta·ble·ness** \-nəs\ *n* — **in·im·i·ta·bly** \-blē, -bli\ *adv*
in in·vi·tum \ˌinənˈwēˌtüm, -ˈvīd·əm\ *adv* [L, against an unwilling person] : against a person's will or consent ; by force of law irrespective of assent
in·i·o·mi \ˌinēˈōˌmī\ *n pl, cap* [NL, fr. *inion* + *-omi* (fr. Gk *ōmoi* shoulder) — more at HUMERUS] : an order of mostly deep-sea teleost fishes lacking fin spines and air bladder and usu. having a dorsal adipose fin and including the lantern fishes, the lizard fishes, and related forms — **in·i·o·mous** \ˌ=ˈōməs\ *adj*
in·i·on \ˈinēˌän, -ēən\ *n* -S [NL, fr. Gk, back of the head, dim. of *in-*, *is* sinew, tendon — more at WITHY] : the external occipital protuberance of the skull — see CRANIOMETRY illustration
in·iq·ui·tous \əˈnikwəd·əs, -wətəs\ *adj* [*iniquity* + *-ous*] : characterized by iniquity ; UNJUST, WICKED (~ deeds) syn see VICIOUS
in·iq·ui·tous·ly *adv* ; in an iniquitous manner
in·iq·ui·tous·ness *n* -ES ; the quality or state of being iniquitous
in·iq·ui·ty \əˈnikwəd·ē, -wətē, -i\ *n* -ES [ME *iniquite*, fr. MF *iniquité*, fr. L *iniquitat-*, *iniquitas*, fr. *iniquus* uneven, unjust (fr. *in-* ²in- + *-iquus*, fr. *aequus* level, equal) + *-itat-*, *-itas* -ity] **1** : absence-of or deviation from just dealing ; wrongful conduct : WICKEDNESS (the ~ of bribery) **2** : an iniquitous act or thing : SIN (whose *iniquities* are forgiven —Ps 31:1 (DV)) **3** *Scots law* : INEQUITY, INJUSTICE — used of a decision contrary to law
iniquous *adj* [L *iniquus*] *obs* : INIQUITOUS
in·irritability \(ˌ)in, ənˈ+\ *n* : the quality or state of not being irritable
in·irritable \"+\ *adj* [*in-* + *irritable*] : not irritable
in·isle \ənˈ+\ *archaic var of* ENISLE
i·ni·tial \əˈnishəl\ *adj* [MF & L; MF, fr. L *initialis*, fr. *initium* beginning (fr. *initus* — past part. of *inire* to go into, begin, fr. *in-* ²in- + *ire* to go — + *-ium*, suffix used to form abstract nouns) + *-alis* -al — more at ISSUE] **1** : of or relating to the beginning : marking the commencement : INCIPIENT, FIRST (~ symptoms of a disease) ⟨this ~ series of outbreaks —Thomas Cadell⟩ **2** : placed or standing at the beginning (the ~ word of a verse) **3** : of that form regularly employed only at the beginning of a word — used of a letter in an alphabet that has two or more positional forms
²initial \"\ *n* -s **1 a** (1) : the first letter of a proper name (2) **initials** *pl* : the initial letters of an individual's name and surname; *also* : the initial letters of the name of an organization; state, or other entity (as U.S.A. for "United States of America" or C.I.O. for "Congress of Industrial Organizations") or of any group of words (the ~s "PE" (meaning

https://www.merriam-webster.com/dictionary/inherent
BCnet: Your Workplace Conne... | Baltimore County, MD Zoning ... | Inherent | Definition of Inhe...
Case Header Information | Unreported Opinions - M... | Suggested Sites | BCnet | BCweb | Citrix | Employee Self Services | GroupWise | OIT Service Request | Safety | Tools
JOIN MWU | GAMES | BROWSE THESAURUS | WORD OF THE DAY | VIDEO | WORDS AT PLAY | FAVORITES
Merriam-Webster SINCE 1828
inherent
DICTIONARY | THESAURUS
Helping the Mission
GIVE HOPE DONATE

inherent adjective

in·her·ent | \ in-ˈher-ənt *also* -ˈhir- \

Definition of *inherent*

: involved in the constitution or essential character of something : belonging by nature or habit : INTRINSIC

// risks *inherent* in the venture



- Other Words from *inherent*
- Synonyms & Antonyms
- Don't Get Stuck on the Meaning of *inherent*
- More Example Sentences
- Learn More about *inherent*

WORD OF THE DAY

shard

a piece or fragment (as of pottery)

Get Word of the Day daily email!

Your email address SUBSCRIBE

90%
Address.doc [Co... | 5260.White.doc [... | Inbox - rwheatley... | inherent | Definiti...
11:40 AM 3/8/2019

Merriam-Webster

SINCE 1828
Menu

- JOIN MWU

  Gain access to thousands of additional definitions and advanced search features—ad free! JOIN NOW

- GAMES
- BROWSE THESAURUS
- WORD OF THE DAY
- VIDEO
- MORE
  WORD OF THE DAY VIDEO WORDS AT PLAYFAVORITES
- WORDS AT PLAY
- FAVORITES

Facebook Twitter YouTube Instagram

inherent

dictionary thesaurus

- JOIN MWU
- GAMES
- THESAURUS
- WORD OF THE DAY
- VIDEO
- WORDS AT PLAY
- FAVORITES

Follow: Facebook Twitter YouTube Instagram

Helping Up Mission GIVE HOPE DONATE

inherent

adjective

in·her·ent | \ in-ˈher-ənt also -ˈhir- \

Definition of *inherent*

: involved in the constitution or essential character of something : belonging by nature or habit : intrinsic risks inherent in the venture

Other Words from *inherent* Synonyms & Antonyms Don't Get Stuck on the Meaning of Inherent More Example Sentences Learn More about *inherent*

Keep scrolling for more



Trending: AOC: Wall Based on Racist Trope

Other Words from *inherent*

inherently adverb

Synonyms & Antonyms for *inherent*

Synonyms

built-in, constitutional, constitutive, essential, hardwired, immanent, inborn, inbred, indigenous, ingrain, ingrained (also engrained), innate, integral, intrinsic, native, natural

Antonyms

adventitious, extraneous, extrinsic

inherent

see definition of inherent

adj **basic, hereditary**

Synonyms for inherent

adj **basic, hereditary**

built-in	characteristic	inherited
constitutional	congenital	inner
deep-rooted	connate	integral
deep-seated	distinctive	integrated
essential	elementary	intimate
fundamental	fixed	inward
genetic	immanent	native
implicit	in the grain	original
ingrained	inborn	part and parcel
innate	inbred	resident
instinctive	inbuilt	running in the family
internal	indigenous	subjective
intrinsic	indispensable	unalienable
latent	individual	
natural	indwelling	

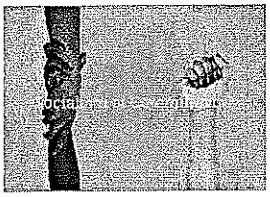
Word Orig

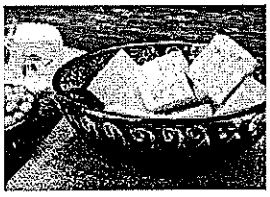
1570s, from L
(nominative ir
of inhaerere "
literally "adhe
(2)) + haerere
Related: Inhe

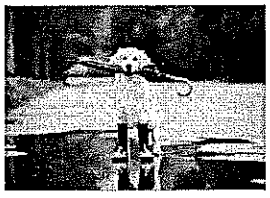
Explore Dictionary.com



7 Ways "Bad" Can Be Good


What's The Difference Between Socialism And Communism?


Can We Call Products "Meat" or "Milk" If They Don't Come From An Animal?


What's The Word For How It Smells After It Rains?

Example S forinherer

Let us now ex
described as
of the people.

He must belie
goodness of t

Is immortality
property of th

Such irregula
Byzantine me

In all things th
corruption; an
them, nothing

Antonyms for inherent

acquired	learned	unimportant
auxiliary	minor	added
extra	secondary	external
extrinsic	superficial	incidental

Roget's 21st Century Thesaurus, Third Edition Copyright © 2013 by the Philip Lief Group.

More words related to **inherent**

basic
adjective. elementary, fundamental

basal	inherent	principal
capital	intrinsic	radical
central	key	substratal
chief	main	underlying
elemental	necessary	vital
essential	primary	
indispensable	primitive	

born
adjective. innate

built-in	essential	inherent
congenital	inborn	intrinsic
constitutional	inbred	natural
deep-seated	ingenerate	

built-in
adjective. included

congenital	inborn	innate
constitutional	inbred	inseparable
deep-seated	incorporated	integral
essential	indwelling	part and parcel
implicit	ingrained	
in-built	inherent	

characteristic
adjective. typical; distinguishing

appropriate	especial	individual
diagnostic	essential	individualistic
differentiating	exclusive	individualizing
discriminating	fixed	ingrained
discriminative	idiosyncratic	inherent
distinctive	inborn	innate
distinguishing	inbred	local
emblematic	indicative	marked

native
normal
original
particular
peculiar
personal
private
proper
regular
representative
singular
special
specific
symbolic
symptomatic
unique

component
adjective. constituent

basic
composing
elemental
fundamental
inherent
integral
intrinsic
part and parcel of
part of

congenital
adjective. inborn

complete
connate
connatural
constitutional
inbred
indigenous
indwelling
ingrained
inherent
inherited
innate
intrinsic
inveterate
latent
native
natural
thorough
unacquired
utter

Roget's 21st Century Thesaurus, Third Edition Copyright © 2013 by the Philip Lief Group.

▷ ×

WHAT'S SKYROCKETING?

The cost of your medicine or what your insurer is making you pay for it?

LET'S TALK ABOUT COST.

ADVERTISEMENT

Merriam-Webster

SINCE 1828
Menu

- JOIN MWU

Gain access to thousands of additional definitions and advanced search features—ad free! JOIN NOW

- GAMES
- BROWSE THESAURUS
- WORD OF THE DAY
- VIDEO
- MORE
  WORD OF THE DAY VIDEO WORDS AT PLAYFAVORITES
- WORDS AT PLAY
- FAVORITES

Facebook Twitter YouTube Instagram

inhere

dictionary thesaurus

- JOIN MWU
- GAMES
- THESAURUS
- WORD OF THE DAY
- VIDEO
- WORDS AT PLAY
- FAVORITES

Follow: Facebook Twitter YouTube Instagram



inhere

verb

in·here | \ in-ˈhir \
inhered; inhering

Definition of *inhere*

intransitive verb

: to be inherent does selfishness inhere in each of us?

Did You Know? More Example Sentences Learn More about *inhere*

Keep scrolling for more

Did You Know?

You're probably familiar with "inherent," the adjective meaning "part of the constitution or natural character of something," but were you aware of its less common relative "inhere"? This verb looks like it could be a back-formation of "inherent" (a back-formation is a word created by removing a prefix or suffix from an existing word). But "inhere" is actually the older word. It first appeared in print in the 15th century, while "inherent" didn't show up until the late 16th century. Both are derived from the Latin verb *inhaerēre* ("to inhere"), which was itself formed by combining "in-" with "haerēre," a verb meaning "to adhere."

Examples of *inhere* in a Sentence

Recent Examples on the Web

Methodologically speaking, though, the gap between these two more basic strategies may speak to a fundamental paradox that *inheres* in archival projects more generally.— Jacob Brogan, *Slate Magazine*, "Preserving the Art of Play," 22 Feb. 2017 So is the cult of personality that *inheres* in the presidency, augmented by Trump's celebrity.— Rich Lowry, *National Review*, "Trump Is the GOP Mainstream," 27 Oct. 2017

These example sentences are selected automatically from various online news sources to reflect current usage of the word 'inhere.' Views expressed in the examples do not represent the opinion of Merriam-Webster or its editors. Send us feedback.

First Known Use of *inhere*

1586, in the meaning defined above

History and Etymology for *inhere*

Middle English *enheren* to be a companion, belong, from Latin *inhaerēre* to be attached, from *in-* + *haerēre* to adhere

Keep scrolling for more

Learn More about *inhere*

Share *inhere*

Resources for *inhere*

LEARN MORE FROM M-W



Trending: Barr: 'Redacted' Report Coming in April

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 23, 1989

Dennis F. Rasmussen
County Executive

Mr. James N. Porter
140 Back River Neck Road
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
SE/Corner Loch Raven Boulevard and Joppa Road
(1701 East Joppa Road)
9th Election District - 4th Councilmanic District
Joppa and Loch Raven Auto Centers, Inc. - Petitioners
Case No. 89-510-SPHA

Dear Mr. Porter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

People's Counsel
CBA Exhibit
13

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - SE/Corner Loch Raven & Joppa Roads (1701 East Joppa Road) 9th Election District 4th Councilmanic District

Joppa & Loch Raven Auto Ctrs. Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-510-SPHA
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the previously approved site plan in Case No. 86-19-XA; and a variance to permit a side yard setback of 6 feet in lieu of the required 50 feet for a proposed building in accordance with Petitioner's Exhibit 1.

The Petitioners, by James H. Porter, President, appeared and testified. Also appearing on behalf of the Petition were Anthony J. Corteal with STV/Lyon Associates, and Joseph P. Martin. There were no Protestants.

Testimony indicated that the subject property, known as 1701 East Joppa Road, consists of 0.175 acres zoned B.R.-C.N.S., and is presently improved with a one story service station which was previously operated as an Exxon service station. Testimony indicated that in Case No. 86-19-XA, Petitioners were granted a special exception and variances to construct a gas 'n' go station in combination with a convenience store. Petitioners testified these improvements never took place and that the site has remained inoperable for several years. In the prior case, a variance was granted to the rear yard, which was originally established as the eastern property border adjacent to the Paul Schafer property. However, the service station at that time was to be oriented towards Loch Raven Boulevard. The proposed service station will be oriented towards Joppa Road as

ORDER FOR FILING
Date 6/23/89
By Bill Schulmann

set forth in
line now be
dence in supp
the requeste
testimony as
granted for
service stat
Econo Lube
property wil
of the build
Aft
In the opini
as a matt
previously
lieu of a
with certai
An
zoning re
his propert
difficulty

ORDER FOR FILING
Date 6/23/89
By Bill Schulmann

PE
TO THE ZONING
The undersign
described in the d
Variance from Sect
of 6 fee
Special
Case
of the Zoning Reg
following reasons:
Size of

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

set forth in Petitioner's Exhibit 1. Accordingly, the southern property line now becomes the side yard. Petitioners presented testimony and evidence in support of the requested variance for the affected side yard and the requested amendment to the previously approved site plan. Additional testimony as presented to support the use of the variance previously granted for the rear property line. Testimony indicated the existing service station will be razed and a new building constructed for use as a Econo Lube and Tune operation. The drive thru bays in the center of the property will be used to perform oil and lube jobs; the bays to the rear of the building will be used for tune ups and brake work.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the use proposed is permitted as a matter of right in the B.R. zones and the requested amendment to the previously approved site plan to permit an Econo Tune and Lube station in lieu of a gas 'n' go operation on the subject property should be granted with certain restrictions as more particularly described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 268 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

ORDER RECEIVED FOR FILING

6/23/87

By [signature]

ORDER RECEIVED FOR FILING

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: AND SPECIAL HEARING

89-570-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to allow a side yard building setback of 6 feet in lieu of the required 30 feet. Also Special Hearing to amend variances approved in

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. [illegible] (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of June, 1989 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 86-13-XA; and the Petition for Zoning Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet for a proposed building in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Compliance with all Zoning Plans Advisory Committee comments submitted hereto and made a part of the file.

3) A landscaping plan shall be developed and submitted for approval by the Baltimore County Landscape Planner.

4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforce-

ORDER RECEIVED FOR FILING
Date 6/23/89
By [signature]

355

STV/[illegible]ON ASSOCIATES
ENGINEERS ARCHITECTS PLANNERS
21 GOVERNOR'S COURT
BALTIMORE MD 21207 2722

that the site has re-
prior case, a variance was
tablished on the eastern
operty. However, the ser-
wards Loch Raven Boule-
nued towards Joppa Road as

Dennis F. Rasmussen
County Executive

id

istrict
etitioners

ie decision rendered in the
ecial Hearing and Zoning
attached Order.

ision rendered is unfavor-
Board of Appeals within
For further information on
ndcliffe at 494-3391.

truly yours,

Robert Haines

ROBERT HAINES
ing Commissioner
Baltimore County

reasoning;

2) whether the grant would do substantial injurtice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

- 2 -

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: AND SPECIAL HEARING

89-270-SPHA

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

Variance from Section 238.2 to allow a side yard building setback of 6 feet in lieu of the required 30 feet. Also Special Hearing to amend variances approved in Case No 86-19XA.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Size of site (0.38 Ac) and required setbacks in a BR Zone preclude a workable development on this site.

MAP NE 10C
3C
E.D. 9th
DATE 4-18-89
200 ft
1000 ft
DP

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Joppa Loch Raven Assoc Centers, Inc
(Type or Print Name)

Signature

James N. Porter
(Type or Print Name)

Signature

140 Back River Neck Rd. 686-5040
Address Phone No.

Baltimore, Md 21221
City and State

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

Anthony J. Cortese
Name

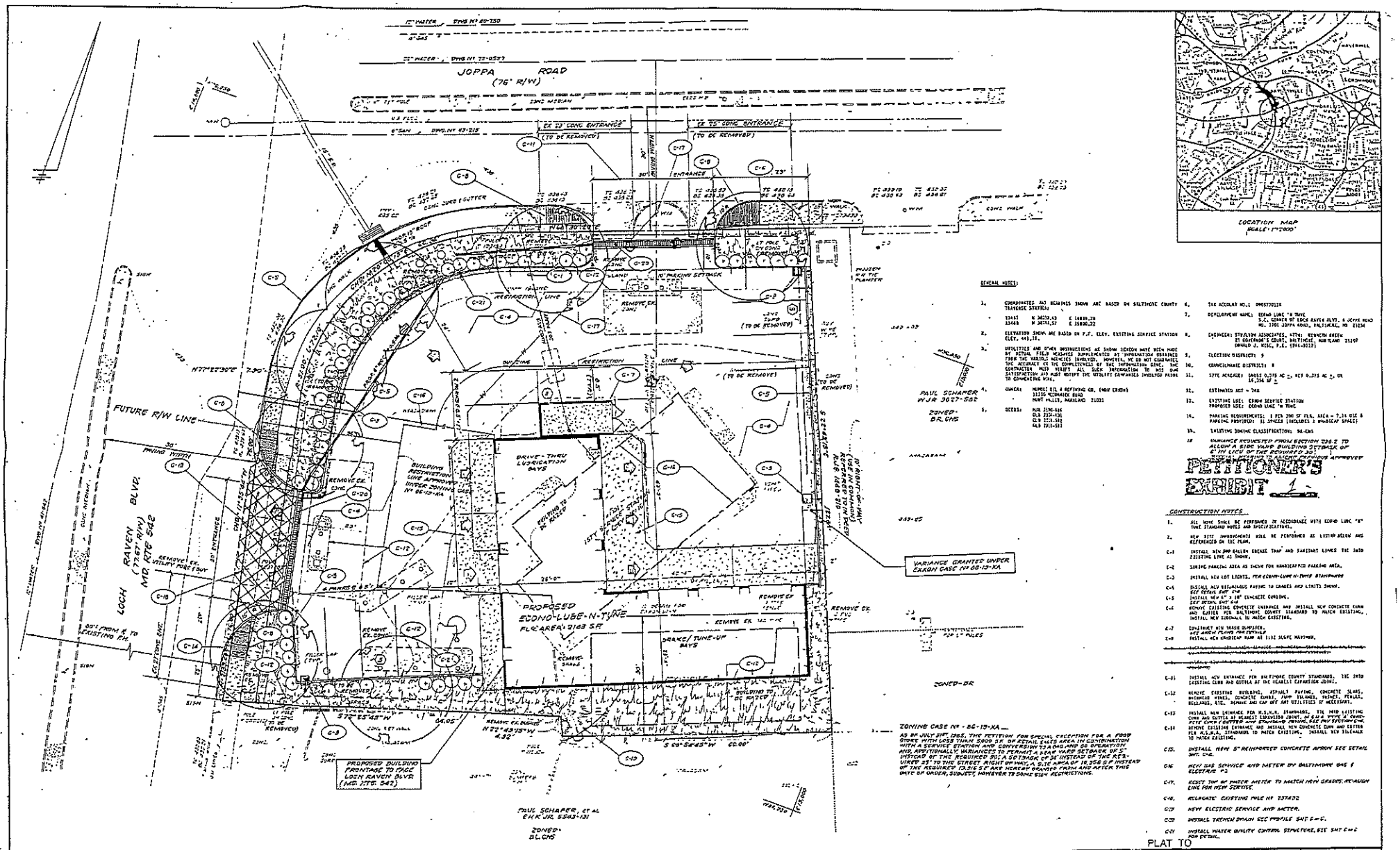
21 Governors Ct. 21207 944-9112
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of May, 19 89, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson Baltimore County, on the 14th day of June, 19 89, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

STV/LYON ASSOCIATES
ENGINEERS ARCHITECTS PLANNERS
21 GOVERNOR'S COURT
BALTIMORE MARYLAND 21207-5222
(301) 944-9112



LOCATION MAP
SCALE: 1"=2000'

GENERAL NOTES:

1. COORDINATES AND BEARINGS SHOWN ARE BASED ON BALTIMORE COUNTY TRAVERSE STATIONS:
   13467 N 34237.43 E 16839.39
   13468 N 34741.57 E 16800.22
2. ELEVATIONS SHOWN ARE BASED ON P.F. ELEV. EXISTING SERVICE STATION ELEV. 441.34.
3. UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN PLOTTED BY ACTUAL FIELD MEASURES SUPPLEMENTED BY INFORMATION OBTAINED FROM THE VARIOUS AGENCIES INVOLVED. HOWEVER, WE DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF THE INFORMATION GIVEN. THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION AND MUST NOTIFY THE UTILITY COMPANIES INVOLVED PRIOR TO COMMENCING WORK.
4. OWNER: MURREL OIL & REFINING CO. (NEW EDISON)
   10330 MCCORMICK ROAD
   HUNT VALLEY, MARYLAND 21031
5. DEEDS: NEW 3780-534
   OLD 2337-431
   OLD 2351-582
   OLD 2811-587
6. TAX ACCOUNT NO.: 0905770126
7. DEVELOPMENT NAME: ECONO LUBE 'N TUNE
   S.E. CORNER OF LOCH RAVEN BLVD. & JOPPA ROAD
   NO. 7301 JOPPA ROAD, BALTIMORE, MD 21234
8. ENGINEER: STV/LYON ASSOCIATES, ATTN: KENNETH GREEN
   21 GOVERNOR'S COURT, BALTIMORE, MARYLAND 21207
   DONALD J. NIGG, P.E. (301-944-9112)
9. ELECTION DISTRICT: 9
10. COUNCILMANIC DISTRICT: 5
11. SITE ACREAGE: GROSS 0.375 AC ±, NET 0.335 AC ±, OR 14,594 SF ±
12. ESTIMATED ADT = 748
13. EXISTING USE: CONOCO SERVICE STATION
    PROPOSED USE: ECONO LUBE 'N TUNE
14. PARKING REQUIREMENTS: 1 PER 200 SF FLR. AREA = 2.16 USE 6
    PARKING PROVIDED: 11 SPACES (INCLUDES 1 HANDICAP SPACE)
15. EXISTING ZONING CLASSIFICATION: BR-CNS
16. VARIANCE REQUESTED FROM SECTION 238.2 TO ALLOW A 81.8' WIDE BUILDING SETBACK OF 6' IN LIEU OF THE REQUIRED 30'.
    VARIANCE APPROVED UNDER ZONING CASE Nº 86-13-XA

PETITIONER'S EXHIBIT 1

CONSTRUCTION NOTES

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ECONO LUBE "N" TUNE STANDARD NOTES AND SPECIFICATIONS.
2. NEW SITE IMPROVEMENTS WILL BE PERFORMED AS LISTED BELOW AND REFERENCED ON SITE PLAN.
C-3 INSTALL NEW 500 GALLON GREASE TRAP AND SANITARY LINES TIE INTO EXISTING LINE AS SHOWN.
C-4 STRIPE PARKING AREA AS SHOWN FOR HANDICAPPED PARKING AREA.
C-5 INSTALL NEW LOT LIGHTS. PER ECONO-LUBE 'N-TUNE STANDARDS
C-6 INSTALL NEW BITUMINOUS PAVING TO GRADES AND LIMITS SHOWN. SEE DETAIL SHT. C-4
C-7 INSTALL NEW 6" x 18" CONCRETE CURBING. SEE DETAIL SHT. C-4
C-8 REMOVE EXISTING CONCRETE ENTRANCE AND INSTALL NEW CONCRETE CURB AND GUTTER PER BALTIMORE COUNTY STANDARD TO MATCH EXISTING. INSTALL NEW SIDEWALK TO MATCH EXISTING.
C-9 CONSTRUCT NEW TRASH DUMPSTER. SEE DETAILS FOR DETAILS.
C-10 INSTALL NEW HANDICAP RAMP AS 5.1% SLOPE MAXIMUM.
C-11 INSTALL NEW ENTRANCE PER BALTIMORE COUNTY STANDARDS. TIE INTO EXISTING CURB AND GUTTER AT THE NEAREST EXPANSION JOINT.
C-12 REMOVE EXISTING BUILDING, ASPHALT PAVING, CONCRETE SLABS, BITUMINOUS FENCE, CONCRETE CURBS, PUMP ISLANDS, PUMPS, FENCES, BUILDINGS, ETC. REMOVE AND CAP OFF ANY UTILITIES IF NECESSARY.
C-13 INSTALL NEW ENTRANCE PER B.C.P.W. STANDARDS. TIE INTO EXISTING CURB AND GUTTER AT NEAREST EXPANSION JOINT. SEE P.F.P. FOR SPECIFIC PIPE TYPE CONFIGURATION AND STANDARD PAVING. SEE THE SPECIFICATIONS
C-14 REMOVE EXISTING ENTRANCE AND INSTALL NEW CONCRETE CURB AND GUTTER PER B.C.P.W. STANDARDS TO MATCH EXISTING. INSTALL NEW SIDEWALK TO MATCH EXISTING.
C-15 INSTALL NEW 5" REINFORCED CONCRETE APRON SEE DETAIL SHT. C-4.
C-16 NEW GAS SERVICE AND METER BY BALTIMORE GAS & ELECTRIC CO.
C-17 RELOCATE TOP OF WATER METER TO MATCH NEW GRADES. RE-ALIGN LINE FOR NEW SERVICE.
C-18 RELOCATE EXISTING POLE Nº 237402
C-19 NEW ELECTRIC SERVICE AND METER.
C-20 INSTALL TRENCH DRAIN SEE PROFILE SHT. C-4.
C-21 INSTALL WATER QUALITY CONTROL STRUCTURE, SEE SHT. C-2 FOR DETAIL.

ZONING CASE Nº - 86-13-XA -
AS OF JULY 21ST, 1985, THE PETITION FOR SPECIAL EXCEPTION FOR A FOOD STORE WITH LESS THAN 5000 SF OF RETAIL SALES AREA IN COMBINATION WITH A SERVICE STATION AND CONVENIENCE STORE AND OR OTHERWISE AND, ADDITIONALLY, VARIANCES TO PERMIT A REAR YARD SETBACK OF 5' INSTEAD OF THE REQUIRED 30'; A SETBACK OF 26' INSTEAD OF THE REQUIRED 75' FROM THE CENTERLINE OF LOCH RAVEN BLVD. (MD. RTE. 542); A SETBACK OF 25' TO THE STREET RIGHT OF WAY; A SITE AREA OF 18,256 S.F. INSTEAD OF THE REQUIRED 43,560 S.F. AND WHERE GRANTED FROM AND AFTER THIS DATE OF ORDER, SUBJECT, HOWEVER TO SOME SIGN RESTRICTIONS.

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

ECONO LUBE-N-TUNE
S.E. COR. LOCH RAVEN BLVD.& JOPPA ROAD
ELECT.-DIST.9 BALTO. CO.,MD.

DRAWING NO. V-1
SHEET NO. 1 of 1

STV / LYON ASSOCIATES
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 301-944-9112

REVISIONS		
NO.	DATE	DESCRIPTION
1	2/11/86	ADD'L CURB & DEL ECONO-LUBE COMMENTS
		ALSO WATER & SEWER CONNECTION.
2	3/6/86	CHANGE ONE-WAY PARKING
3	3/24/86	PER ZONING REVIEW COMMENTS
4	4/15/86	ADD FUTURE R/W LINE PER B.M.A. COMMENTS

PLAN PREPARATION

DRAWN BY	S.J.C.	DATE	1/22/86
DESIGNED BY	S.J.C. A.K.G.	SCALE	1"=10'
CHECKED BY		JOB NO.	81-8193

Webster's Third New International Dictionary

OF THE ENGLISH LANGUAGE
UNABRIDGED

People's Counsel
CBA Exhibit
14

Babylonia or Babylon 3 : affording abundant or excessive gratification to the senses : LUXURIOUS, SUMPTUOUS, LAVISH 4 : of, relating to, or characteristic of the Babylonian language 5 *obs* : ROMAN CATHOLIC

babylonian-assyrian *n, usu cap B&A* : †AKKADIAN 3a

baby-lon-ia \ˌbabə'lōnēə\ *adj, usu cap* [*Babylonia* or *Babylon* + E *-ia*] 1 : †BABYLONIAN 1 2 : †BABYLONIAN 3

bab-y-lon-ish \'babəˌlōnish, ˌbabə'lōnish, ˌbabə'lōnish\ *adj, usu cap* [*Babylonia* or *Babylon* + E *-ish*] 1 : †BABYLONIAN 1 — usu. used in the phrase *Babylonish captivity* 2 : †BABYLONIAN 3

baby louis heel *n, usu cap L* : a low Louis heel

baby-minder \'ˌ••ˌ••\ *n, Brit* : BABY-SITTER

baby orchid *n* : a Guatemalan epiphytic orchid (*Odontoglossum grande*) that is often cultivated in the greenhouse for its large (typically orange-yellow flowers which have a wavy-edged creamy lip and are blotched and barred with darker color and usu. chestnut brown

baby-pig disease *n* : an acute hypoglycemia of newborn pigs accompanied by weakness, loss of appetite, and diarrhea, and usu. fatal if untreated

baby point *n* : a variable color averaging a light yellowish pink that is redder and deeper than average shell pink (sense 1) or petal pink and redder and stronger than opera pink

baby primrose *n* 1 : a Chinese primrose (*Primula forbesii*) having numerous small pale lilac flowers 2 : FAIRY PRIMROSE

baby number *n* : POLYANTHA

ba-by's breath *or* **ba-bies' breath** *n* [so called fr. its light fragrance and dainty blossoms] 1 : a plant of the genus *Gypsophila: as* a : a tall much-branched perennial herb (*G. paniculata*) having clusters of small fragrant white or pink flowers b : an annual herb (*G. elegans*) with larger white or rosy flowers 2 : any of several plants having delicately scented flowers: as a : GRAPE HYACINTH b : a bedstraw (*Galium sylvaticum*) with thin lanceolate leaves and white flowers

baby-sit \'ˌ••ˌ••\ *vi* : to act or become employed as a baby-sitter (sat her to *baby-sit* during church service) (I had to *baby-sit* with my grandchildren —Robert Frost)

baby-sitter \'ˌ••ˌ••\ *n* : a person engaged usu. for pay and for relatively short periods of time to take care of a child or children while the parents are away from the home

baby spot *n* : a small usu. hooded spotlight used to concentrate light on an object or area (as on a stage) from a short distance

baby's tears *also* **baby tears** *n pl but sing or pl in constr* : a prostrate or creeping sparsely hairy Corsican herb (*Helxine soleirolii*) of the family Urticaceae often grown esp. as a house plant for its mossilike small round short-stalked leaves

baby talk *n* : the syntactically imperfect speech or phonetically modified forms used by small children learning to talk b : the consciously imperfect or mutilated speech or prattle often used by adults in speaking to small children 2 : a deliberately oversimplified, ingenuous, or naive talk or explanation (indulge in intellectual *baby talk* —S.L.Payne)

baby tooth *n* : MILK TOOTH

baby walker *n* : WALKER

bac *abbr* [ML *baccalaureus*] bachelor

ba-ca-ba \baˈkibə\ *or* **bacaba** palm *n* -s [Pg *bacaba* fruit of the bacaba palm, fr. Tupi] : a palm of the genus *Oenocarpus* (esp. *O. bacaba* and *O. distichus*) the drupelike fruits of which yield oil used in soap manufacture

ba-ca-lão \ˌbikəˈlau̇, ˌbə-\ *n -s* [Sp] 1 : CODFISH 2 : any of various locally important marine food fishes

ba-ca-uan \baˈkäwən\ *also* **ba-kau-an** \-ˈkau̇ən\ *n -s* [Tag *bakawan, bakaw*] *Philippines* : any of various Asiatic mangroves (as those of the genera *Rhizophora* and *Bruguiera*)

bac-ba-ki-ri *or* **back-bac-ki-ri** \ˌbakbəˈkirē\ *n -s* [imit.] : BOKMAKIERIE

bac-ca \'bakə\ *n, pl* **bac-cae** \-aˌkē, -aˌkī, -akˌə̄, -akˌsī\ [L *bacca, bacco* — more at BAY] : BERRY 1c

2bac-ca \'bakə\ *n -s* [by shortening & alter.] *slang* : TOBACCO

bac-ca-lau-re-ate \ˌbakəˈlôrēət, -lär-\ *n -s* [ML *baccalaureatus*, fr. *baccalaureus* advanced student, bachelor (alter. influenced by L *bacca* berry & *laureus* laurel — *cf baccalarius* dependent farmer, young clerk, advanced student) + L *-atus* -ate — more at BACHELOR] 1 : the degree of bachelor conferred by universities and colleges 2 a : a religious or semireligious service held at many educational institutions the Sunday before commencement b : the sermon or address delivered at this service

baccalaureate \"\ *adj* : of or relating to the degree of bachelor or to the ceremonies attending the conferral of that degree (a ~ degree is required for many jobs) (the ~ service) (a ~ address)

bac-ca-rat *also* **bac-ca-ra** \ˈbäkəˌrä, ˌ••ˈ*also* -ak-\ *n -s* [F *baccara*] 1 : a card game played in European casinos identical with chemin de fer except that in baccarat the dealer gives hands to each of two opponents and to himself 2 : a hand counting zero in this game or in chemin de fer

bac-ca-rat glass \"\ *n, usu cap B* [*fr. Baccarat*, a trademark] : fine blown, molded, and cut glass made at Baccarat, France, from 1765 to the present time

bac-cate \'bakˌāt\ *adj* [L *baca, bacca* berry + E *-ate*] 1 : pulpy throughout like a berry 2 : bearing berries

bac-chae \'bakˌē, -kīˌ\ *n pl, cap* [L, fr. Gk *Bakchai*, pl. of *Bakchē* MAENAD] : MAENADS

bac-cha-nal \'bakənᵊl\ *adj* [L *bacchanalis* of Bacchus, irreg. fr. *Bacchus*, a name of Dionysus, god of fruits including esp. the grape (fr. Gk *Bakchos*, prob. of non-IE origin) + *-alis* -al — more at BAY] : BACCHANALIAN

bac-cha-nal \ˌbakəˈnal, ˌbakəˈnal, ˈbak-; ˈbakəˌnal\ *n -s* 1 : a devotee of Bacchus; *esp* : one who celebrates the bacchanalian rites : REVELER, CAROUSER 2 a : drunken revelry or carousal : excessive indulgence : BACCHANALIA b : a bacchanalian song or dance

bac-cha-nale \"\ *n -s* [F, back-formation fr. *bacchanales* bacchanalia, fr. L *bacchanalia*] : a ballet whose dances are marked by voluptuousness or pagan abandon

bac-cha-na-lia \ˌbakəˈnālyə, -lēə\ *n, pl* **bacchanalia** *or* **bacchanalias** [L, fr. neut. pl. of *bacchanalis*] : a bacchanalian celebration : a drunken feast : ORGY

bac-cha-na-lian \ˌbakəˈnālyən, -lēən\ *adj* : of, relating to, or suggesting the ancient Roman religious rites marked by orgiastic revelry and drunkenness that were held in honor of Bacchus, the god of wine

2bacchanalian \"\ *n -s* : a bacchanalian reveler : †BACCHANAL 1

bac-chant \'bakənt, bə-, -aa(ə)nt; bəˈkil-, bə-, -ˈkā-, bilˈkil-,bəˈkā-\ *n -s* [F, fr. L *bacchant-, bacchans*, pres. part.] : a priestess or female follower of Bacchus : MAENAD

bac-chan-tic \-ntik, -ˈtē-\ *adj* : of, relating to, or like a bacchant

bac-cha-ris \'bakərəs\ *n, cap* [NL, fr. L *baccar, bacchar*, a plant having a fragrant root, fr. Gk *bakcharis* sowbread] : a genus of smooth and resinous or glutinous shrubs (family Compositae) having whitish or yellow flower heads in pyramidal panicles

bac-chi-ol \-ˌōl\ *adj* [NL *Baccharis* + E *-ol*] : belonging to or resembling the genus *Baccharis*

bac-chi-ac \baˈkīəkˌ, ba-; ˈbakēˌak\ *adj* [Gk *bakchelakos*, fr. *bakchelos* bacchus] : composed of or relating to bacchii

bac-chic \'bakik, -ēk\ *adj* [L *Bacchicus*, fr. Gk *Bakchikos*, fr. *Bakchos* Bacchus + *-ikos* -ic] : BACCHANALIAN

bacchic \"\ *adj* [L *bacchius* + E *-ic*] : relating to or composed of bacchii

bacchio \"\ *n -s* : a bacchius or bacchic cadence

bac-chi-us \baˈkīəs, ba-\ *n, pl* **bac-chii** \-kīˌī\ [L, fr. Gk *Bakcheîos*, fr. *Bakcheîos*, adj., of Bacchus, fr. *Bakchos* Bacchus] 1 *in accentual prosody* : a metrical foot of three syllables, the first unstressed, the other two having either primary or intermediate stress 2 *in classical prosody* : a foot of three syllables, the first short, the other two long

bac-cif-er-ous \ˌbakˈsifərəs\ *adj* [L *bacifer, baccifer* bearing berries (fr. *baca, bacca* berry + *-fer* -ferous) + E *-ous*] : bearing berries

baccubert *usu cap, var of* BACUBERT

bach-ay \'bakē\ *n -es* [by shortening & alter.] *slang* : TOBACCO

2bach \'bach\ *n -es* [by shortening] *slang* : BACHELOR

2bach *also* **batch** \"\ *vi -ED/-ING/-ES slang* : to live as a bachelor; *esp* : to keep house in the absence of a wife — often used with *it* (while their wives were away the two men ~*ed it* in a cabin by a lake and fished)

3bach \"\ *n -es* [prob. fr. *\bach\ NewZeal* : a small house or weekend cottage

bache \'bach\ *n -s* [ME, fr. OE *bece, bece* — more at BECK] *dial Eng* : the valley of a small stream — now used chiefly in place names

bach-e-lor \'bach(ə)lə(r)\ *n -s* [ME *bacheler*, fr. OF, young man, squire, fr. ML *baccalarius* dependent farmer, tenant, young clerk, advanced student, *of* Celt origin; akin to OIrGael *bachlach* peasant, shepherd, fr. OIr *bachall* staff, fr. L *baculus, baculum* — more at BACTERIUM] 1 a : a usu. young knight who was entitled to display his own pennon but who followed the banner of another : KNIGHT BACHELOR b : an apprentice or novice knight 2 : a person who has received what is usu. the first or lowest degree conferred by a college or university or by some professional schools (~ of letters) (~ of divinity) (~ of laws) 3 a : an unmarried person of marriageable age; *esp* : a man of marriageable age (remained a ~ for seven years after his first wife's death) (a ~ girl) b : a male animal; *specif* : a young male fur seal when without a mate during breeding time 4 : WHITE CRAPPIE — **bach-e-lor-dom** \-dəm\ *n -s* — **bach-e-lor-hood** \-ˌhu̇d\ *n -s*

bachelor dinner *n* : a party attended only by men and given by or for a man just prior to his wedding

bach-e-lor-ism \-laˌrizəm\ *n -s* 1 : the state of being a bachelor 2 : a peculiarity of a bachelor

bach-e-lor-ly \-la(r)lē\ *adj* : of or like a bachelor

bachelor of arts *usu cap B&A* 1 : the recipient of a bachelor's degree which usu. signifies that the recipient has passed a certain number of courses in the humanities — abbr. *B.A.* 2 : a person who has received a *Bachelor of Arts* after only three years of university attendance) (requires a year of Latin of the *Bachelors of Arts*) 2 : the degree making one a Bachelor of Arts — abbr. *B.A., A.B.* (require a *Bachelor of Arts* of all high-school teachers) (get an *A.B.* in classics) (get a *B.A.* in history)

bachelor of science *usu cap B&S* 1 : the recipient of a bachelor's degree which usu. signifies that the recipient has done the greater part of his course work in the sciences with some specialization in a particular science 2 : the degree making one a Bachelor of Science — abbr. *B.S., B.Sc., S.B.* (the degree of *Bachelor of Science* in agronomy) (a *B.S.* in chemical engineering) (a *B.Sc.* in architecture)

bachelor's-breeches \ˈ•(ə)zˌ••ˌ•\ *n pl but sing or pl in constr* : DUTCHMAN'S-BREECHES

bachelor's button \ˈ•(ə)zˌ••ˌ•\ *also* **bachelor button** \ˈ•(ə)r••ˌ•\ *n, pl* **bachelor's buttons** *also* **bachelor buttons** 1 : any of numerous plants with flowers or flower heads that suggest buttons: as a : DAISY 1a b : ORANGE MILKWORT c : BLUE-EYED GRASS d : GLOBE AMARANTH e : BLUE-BOTTLE 1a 2 *usu bachelor button* : a deep pink that is bluer than average coral (sense 3b) and bluer and duller than fiesta or begonia



bachelor's button 1e

bachelor's chest *n* : a low chest of drawers with a pull-out slide for writing

bachelor's hall *n* : the residence of a bachelor or of a man whose wife is absent — usu. used in the phrase *to keep bachelor's hall*

bach-e-lor-ship \-laˌ(r),ship\ *n -s* : the state of being unmarried

bach-man's sparrow \'bikmənz-\ *also* **bach-man sparrow** \-ən-\ *n, usu cap B* [after John *Bachman* †1874 Am. Lutheran clergyman and naturalist] : a sparrow (*Aimophila aestivalis bachmani*) of the central and southern U.S. that is reddish brown above and white below with the breast and sides washed with warm light brown

bacill- *or* **bacilli-** *or* **bacillo-** *comb form* [NL *bacillus*] : bacillus (*bacillosis*) (*bacilliculture*) (*bacillogenic*)

bac-il-la-ce-ae \ˌbasəˈlāsēˌē\ *n pl, cap* [NL, fr. *Bacillus*, type genus + *-aceae*] : a family comprising typically rod-shaped usu. gram-positive bacteria (order Eubacteriales) that produce endospores and including the genera *Bacillus* and *Clostridium*

bac-il-la-ri-a-ce-ae \ˌbasəˌlerēˈāsēˌē\ *n pl, cap* [NL, fr. *Bacillaria*, type genus (fr. ML *bacillus* small rod + NL *-aria*) + *-aceae* — more at BACILLUS] *in some esp former classifications* : a family equivalent to Bacillariophyceae — **bac-il-la-ri-a-ceous** \-ˌ••ˌ••ˈēshəs\ *adj*

bac-il-la-ri-a-les \ˌbasəˌlerēˈāˌlēz\ *n pl, cap* [NL, fr. *Bacillaria* + *-ales*] *in some esp former classifications* : an order equivalent to Bacillariophyceae

bac-il-la-ri-o-ae \-ēˌēˌē\ *n pl, cap* [NL, fr. *Bacillaria* + *-eae*] *in some classifications* : a group of algae comprising the diatoms and usu. regarded as a distinct class but sometimes esp. formerly treated as a subclass and included in the Zygophyceae

bac-il-lar-i-o-phy-ce-ae \-əˈfīsēˌē, -əˈfis-\ *n pl, cap* [NL, fr. *Bacillaria* + *-o-* + *-phyceae*] : a class of yellow-green algae (division Chrysophyta) comprising the diatoms

bac-il-la-ri-o-ph-y-ta \-ˈfēədə\ *n pl, cap* [NL, fr. *Bacillaria* + *-o-* + *-phyta*] *in some classifications* : a division of plants coextensive with the class Bacillariophyceae

bac-il-lary \'basəˌlerē, -il *also* bəˈsilər-\ *or* **ba-cil-lar** \bəˈsil(ə), basəˈ\ *adj* [ISV *bacill-* + *-ary, -ar*] 1 : shaped like a rod : consisting of small rods or rodlike bodies 2 : belonging to, resembling, produced by, or containing bacilli

bacillary dysentery *n* : SHIGELLOSIS

bacillary white diarrhiea *n* : pullorum disease of the young bird

bac-il-le-mia \ˌbasəˈlēmēə\ *n -s* [NL, fr. *bacill-* + *-emia*] : BACTEREMIA

bacilli *pl of* BACILLUS

bac-il-li-form \bəˈsiləˌfȯrm, -ˌfō(ə)m\ *adj* [NL *bacilliformis*, fr. *bacill-* + L *-formis* -form] : shaped like a rod : BACILLARY

bac-il-lite \bəˈsiˌlīt\ *n -s* [L *bacillum* + E *-ite*] : a rodlike crystallite formed by a number of parallel longulites

bac-il-lo-sis \ˌbasəˈlōsəs\ *n, pl* **bacillo-ses** \-ˌsēz\ [NL, fr. *bacill-* + *-osis*] : a state of infection with bacilli

bac-il-lu-ria \ˌbasəˈlu̇rēə, -ralˈyu̇-\ *n -s* [NL, fr. *bacill-* + *-uria*] : the passage of bacilli with the urine — **bac-il-lu-ric** \-ˈ•ˌ•rik\ *adj*

1bac-il-lus \bəˈsiləs\ *n* [NL, fr. ML *bacillus* small staff, alter. of L *baculum* — more at BACTERIUM] 1 *cap* : a large genus (the type of the family Bacillaceae) of aerobic rod-shaped bacteria producing endospores that do not thicken the rod, often forming long chains and rhizoid colonies, and as now restricted including (1) many saprophytes of soil, water, and comparable habitats that are important in the natural decay of organic matter and (2) a number of parasites (as *B. anthracis* the cause of anthrax, *B. larvae* of American foulbrood, and *B. paraphilus* causing milky disease in the Japanese beetle) — compare CLOSTRIDIUM 2 *pl* **bacil-li** \-ˌlī, -ilē\ : any member of the genus *Bacillus*; *broadly* : any straight rod-shaped bacterium — distinguished from *coccus* and *spirillum* b : BACTERIUM; *esp* : a disease-producing bacterium SYN see BACTERIUM

2bacillus \"\ *n, cap* [NL, fr. ML, small staff] : a genus of long slender wingless Old World stick insects commonly made type of a widely distributed family

bacillus cal-mette-gué-rin \-ˌkal'met(ˌ)gāˈraⁿ, -ranˈ\ *n, usu cap C&G* [trans. of F *bacille Calmette-Guérin*, after Albert L.C.*Calmette* †1933 and Camille *Guérin* *b*1872 Fr. bacteriologists] : an attenuated strain of tubercle bacillus developed by repeated culture on a medium containing bile and used in preparation of tuberculosis vaccines — compare BCG VACCINE

ba-ci-tra \ˌbasəˈträ\ *n, pl* **bacitra** *or* **bacitras** *usu cap* [Sp, of AmerInd origin] 1 : a Taracahitian people in the state of Sonora, Mexico 2 : a member of the Bacirea people

bac-i-tra-cin \ˌbasəˈträsᵊn\ *n -s* [NL *Bacillus* (genus name of *Bacillus subtilis*, the species producing the toxin) + Mar-

garet *Tracy b ab*1936 Am. child in whose tissue it was found + E *-in*] : a water-soluble toxic polypeptide antibiotic or mixture of antibiotics isolated as a whitish powder from one strain of the hay bacillus, effective esp. against streptococci, staphylococci, pneumococci, and other gram-positive organisms, and administered chiefly topically

back \'bak\ *n -s* [ME *bak, back*, fr. OE *bæc*; akin to OHG *bah* back, OIr *bak*, OHG *bahho* side of bacon] 1 a (1) : the rear part of the human body extending from the neck to the end of the spine, esp. the portion from shoulder to waist (turned his ~ to the fire) (trudging down the road with a load on his ~) (2) : the whole body considered as the wearer of clothing (food for his belly and a fine blue uniform for his ~) (3) : capacity esp. for labor, effort, or endurance (imposing crushing burdens on the ~s of the working class) (know where you desire to go in life and put your ~ into getting there —*Architect & Building News*) b : the corresponding part of the body of vertebrates other than man : DORSUM (ride on a horse's ~) (a bird with reddish coloring on ~ and wings) (an odd marking along the ~ of a snake) c : the backbone or the muscles and ligaments of this part of the body (break your ~) (strain her ~) d : a surface analogous to this portion of a vertebrate (riding the ~s of waves) : the portion of a tanned leather hide resulting from cutting longitudinally down the backbone of the hide and trimming off the head and belly f : BACKBONE 3 *g in leapfrog* : the position of the player who is to be jumped over (make a ~); *also* : the player who is jumped over 2 a (1) : the side or surface of something that is opposite to the side that is regarded as its front or face (the ~ of the head) or that is opposite to the more important, functional, or useful side (scribbling his verses on the ~s of old letters) (the dingy ~ of the hotel contrasting with its brilliant facade) (2) : the side that is opposite to the *side* approached or seen (the ~ of the mountain) (the ~ of the door) (3) : the side or part of any object or space that is most remote from the observer or from its front or forward part (the chorus was massed at the ~ of the stage) (moved to the ~ of the room) (a journey into the thinly settled ~s of the province) b (1) : the upper, outer, or convex side or part of something as opposed to the inner, lower, or concave side or part (rest a hand on the ~ of a handrail) (the ~ of an arch) (~ of a hoop) (2) : the upper surface of a beam (3) : the side of a piece of printer's type opposite the belly — see TYPE illustration (4) : the roof, arch, or top surface of mine workings (5) : the mass of ore existing above a mine working — sometimes used in pl. (6) : a plane of cleavage in a coal seam c : the side or edge of something opposite to a side or edge designed for grasping, cutting, or striking (the ~ of a knife) (the ~ of a saw) (the ~ of an ax) d : the portion of a chair that supports the back of a sitter e : BACKING 4 (1) : the last few pages of a book (2) : the inside margin of a printed page g : the reverse of a currency note h : BACKYARD (leave a bicycle in the ~) i : the main or longest leaf of a leaf spring j : the upper part or convex portion of a saw tooth *3 of a blind dog* : the action of backing 3 : the part of the upper surface of the tongue behind the front and lying opposite the soft palate when the tongue is at rest 5 a : a primarily defensive player (as in soccer or polo) with a position nearest his own goal — compare FORWARD b : a rugby player who is not a forward; *esp* : FULLBACK c : a primarily offensive player in football whose position is behind that of his linemen (starred as a triple-threat ~) — see FULLBACK, HALFBACK, QUARTERBACK — at one's back : close behind in support or pursuit (in the battle the infantry stayed right *at our backs*) — behind one's back : when one is *not* present; without one's knowledge (a letter to Rome was forwarded *behind your back*) — in back of *prep* : BEHIND (the tiny parlor *in back of* the store — John McNulty) (always been strongly *in back of* the venture —Thomas Wood b. 1910) — the back of beyond : a place far out of the way : a remote region — the back of one's hand : a show of contempt — the back of one's mind : the remote or hidden part of one's thoughts (the stranger's name hovered *in the back of his mind*); *also* : the store of thoughts or memories that can be drawn upon on the appropriate occasion (to keep someone's good advice *in the back of your mind* as a constant goad to activity) — with one's back to the wall : at bay : in a position from which there is no retreat : CORNERED

2back \"\ *adv* [ME *bak*, fr. *bak*, n.] 1 a : to or toward the rear : to or toward a place away from any place regarded as the front, center, or forward position (move ~ from the front lines) (move ~ in the bus) (ask the crowd to move ~ from the scene of an accident) b : at the rear or a position behind : at a place considered away from the front, center, or forward position (a chapter beginning several pages ~) (left his friends two miles ~) c : in or into the part (to look over the south) (an event ~ in the last century) 3 *obs* (several years ~) (met him in the street two days ~) d : at an angle off the vertical (banks slant evenly ~ from the highway); *esp* : in a reclining position (lying ~ in the boat —Frank Gallagher) (the ~ on a couch) e (1) : in a condition of check or restraint (would have leaped if his friends had not held him ~) (poverty may hold a talented man ~) (hold ~ a laugh) (2) : in a delayed or retarded condition : in a condition less advanced or advantageous than before — often used with *set* (landslides set the construction job ~ many days) (unfortunate speculations set the firm ~) f : in one's keeping or possession — usu. used of something that should be given up, yielded, or declared freely (hold ~ part of the money) (keep ~ the truth) g : in arrears (he was ~ in payment of rent) h : BACKSTAGE i 2 a : to, toward, or in a place from which a person or thing came or was taken (go ~ for something left behind) (go ~ home) (put a book ~) b : to or toward a former condition : to or toward a former or original state (as of activity, consciousness, or productivity) (go ~ to private life) (go ~ to barbarism) (needed two transfusions to bring him ~ —Bill Alcine) (good farming practices were needed to bring the fields ~) c (1) : in return or requital (as of a loan or favor) (gave ~ the borrowed money) (2) : in retaliation (hit him right ~) (3) : in reply usu. in the manner of a retort (repressed a strong impulse to talk ~) or a retraction (refused to take ~ his charges) or a withdrawal (drew ~ from his earlier promise) 3 : OVER (read your shortened notes ~) — **ever** ~ : in the last century : AGO (several years ~) (met him in the street two days ~) d : at an angle off the vertical (banks slant evenly ~ from the highway); *esp* : in a reclining position (lying ~ in the boat —Frank Gallagher) (the ~ on a couch) e (1) : in a condition of check or restraint (would have leaped if his friends had not held him ~) (poverty may hold a talented man ~) (hold ~ a laugh) (2) : in a delayed or retarded condition : in a condition less advanced or advantageous than before — often used with *set* (landslides set the construction job ~ many days) (unfortunate speculations set the firm ~) f : in one's keeping or possession — usu. used of something that should be given up, yielded, or declared freely (hold ~ part of the money) (keep ~ the truth) g : in arrears (he was ~ in payment of rent) h : BACKSTAGE i 2 a : to, toward, or in a place from which a person or thing came or was taken (go ~ for something left behind) (go ~ home) (put a book ~) b : to or toward a former condition : to or toward a former or original state (as of activity, consciousness, or productivity) (go ~ to private life) (go ~ to barbarism) (needed two transfusions to bring him ~ —Bill Alcine) (good farming practices were needed to bring the fields ~) c (1) : in return or requital (as of a loan or favor) (gave ~ the borrowed money) (2) : in retaliation (hit him right ~) (3) : in reply usu. in the manner of a retort (repressed a strong impulse to talk ~) or a retraction (refused to take ~ his charges) or a withdrawal (drew ~ from his earlier promise) 3 : OVER (read your shortened notes ~)

3back \"\ *adj* [ME *bak*, fr. *bak*, n.] 1 a : being at the back or in the rear (the ~ door) (the ~ porch) (a ~ alley) b : distant from a center of population or habitation or off the main routes of travel (~ settlements) (the near woodlands and ~ pastures afford good hunting —*Amer. Guide Series: Tenn.*) (a ~ river port) (~ roads and picturesque lanes) c *comparative sometimes* backer : articulated at or toward the back of the oral passage (the vowels \ü\ and \u\ and \ə\ in *go are* ~ sounds) 2 a : OVERDUE : in arrears (pay ~ rent due for several months) b : due for services performed prior to the latest pay period (a retroactive increase results in ~ wages for workers) 3 a : moving or operating backward (~ action with oars that drives a boat sternward) b : moved or moving in a return direction (pick up ~ cargo) (~ freight) (a ~ current) (~ washing in the 9 holes of an 18-hole golf course (play the ~ nine in record time) 4 *of a publication* : not current (a ~ number of a magazine) (a ~ issue)

4back \"\ *vb -ED/-ING/-S* [*\back\ vi* 1 a : to support or help by physical, moral, or financial assistance : UPHOLD : strengthen or encourage by aid or influence (~ a check); *also* : to assume financial responsibility for : provide financial security for (~ an enterprise) (~ a currency) b : to supply the first stage of exhaustion in a pumping operation in connection with (another pump) (a mechanical rotary pump ~*ing* an oil diffusion pump) 2 : to get upon the back of : MOUNT (~ a

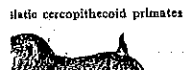
ilatic cercopithecoid primates



aboon (*Papio leucophaeus*)

, activity, or attitudes that are uely humorous (never . . . in taste . . . descended to similar

F, fr. Ar *bābūl, bābush*, fr. Per



babouche

ng a program of egalitarianism ated by Babeuf

cap [F *babouviste*, fr. F.E. ocate of Babouvism

rob. native name in So. Americ wooden grating used by So. ing and smoking of meat and

okeown] : SAMPSON SNAKEROOT

n -s [Hindi *bābā, bābu*, lit., —a form of address correspond indian clerk who writes English ication in English — often used

[NL, fr. F *babouin* baboon — iboon

or ba-blah \-ˈblä\ *n -s* [Per *abla* (*Acacia arabica*)] 1 a : an at is probably native to the Su rthern Africa and across Asia it is a source of gum arabic and range of fodder and timber — e hard tough durable reddish. esp. in India for agricultural im n, and carving 2 *usu bablah* bark of the babul that are rich ig and dyeing; *also* : the pods are similarly used

in sente 2 usu ba'bŭshke *or* bŭ xandmother, to Pol *baba* ith *bába* old ANDMOTHER, ler or, trian ver the head b : a head

ka

ME *babie* — sn extremely : still in arms n animal (of of breeding , along the) a (~ band) roup, esp. of (the ~ mem inee —Drew t that is one's ement, or interest (though other ut, the case is really the bomb 2 a *obs* : DOLL b *archaic* : a ll in the pupil of another's eye — *look babies in (another's) eyes* character or conflict; *esp* : one n another, or unable to endure n 4 *slang* a : GIRL, WOMAN — Y, MAN — often used in address chap . . . is a tough ~ —D.G. had sent a picture of the plane is the ~ I'm going to fly" — ys)

or relating to a baby 2 : much for a particular class of things ot Commander had set forth in chwood's) (a ~ extension ladder ry Firemen) (~ pine trees)

a : to tend solicitously : make f : HUMOR (*babied* her strapping ly spoiled) (~ a sick husband) with special or food care (~ the ows, behind any one of which a ng, ~*ing* his rifle —Irwin Shaw) stroke of the bat or racket (as in

eef steer or heifer ready for mar from a baby beef

blue that is greener, lighter, and ase 2) and stronger and slightly id blue 2 : a pale blue that is rage powder blue, Sistine, or

but sing or pl in constr (so called cate California herb (*Nemophila* s marked with dark spots a face value of $10, $25, $50, or one of $500 or $1000 — called

n : a 4-wheeled push carriage baby

n : ESCORT CARRIER

Island : BABY CARRIAGE

in constr : a variety (*Nemophila* blue-eyes with white or pale blue

face that gives the impression of — baby-faced \ˈ•ˌ•\ *adj*

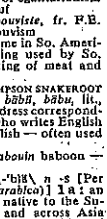
ursing and care of babies is pro erogatively — baby farming *n* piano five to six feet in length

INFANCY

sembling a baby : CHILDISH, IN gave her a peculiarly ~ appear y) — ba-by-ish-ly *adv*

n sometimes \-ˌlān *or* -ēˌlān\ *n -s* city of Babylonia noted for its *lon, Babilonia*, fr. L *Babylon*, fr. *bel*] : a large city regarded as o the gratification of the senses , -nēən\ *n -s usu cap* [*Babylonia*, rn Asia + E *-an*] 1 : a native or a or of its capital city, Babylon lan language that was used in lso employed widely as a diplo-

usu cap [*Babylon* or *Babylonia* + characteristic of Babylonia, an Mesopotamia, or its capital city, or characteristic of the people of



babushka 2a

'horse); *esp* : to break (a horse) to the saddle 3 a : to drive, force, or cause to move back, retreat, recede, or go in reverse — often used with *up* (~ a car into a garage) (~ a car up) (~ a propeller at full speed) b : to articulate (a sound) with the tongue further back 4 a : to make or form a back for ; furnish with a back ; put a back to — often used with *up*, sometimes with *off* (a row of hills ~s the town) (~ a skirt with still material) (~ up a bookcase with cardboard) (~ off a wall with bricks) b : to be at the back of — often used with *up* (a barn ~*ing* the house) (a row of garages ~ the building up) c (1) : to print the second side of (a sheet with one printed side) : PERFECT, REITERATE; *esp* : to so print in close register — often used with *up* (2) : to fill (an electrotype shell) with molten metal to form a printing plate — often used with *up* (3) : to reinforce (a stereotype matrix) to enable it to withstand molten-metal pressure in molding d : to widen the backbone of (an unbound book) by spreading the backs of the sections gradually from the center of the back thereby forming longitudinal ridges at each side in order to increase the thickness (the book) and facilitate attachment of the cover e : to provide (a film or plate) with a photographic backing 5 *dial* : to write an address on (an envelope) 6 *of a bird dog* : to assume pointing stance behind (another dog that has pointed a covey of birds) 7 : to fasten a weight (as a second anchor) to the rear of (an anchor) to increase holding power 8 : to brace (a sail) so that the wind presses upon the forward side thus checking headway or driving the bow over onto a new course ~ *vi* 1 : to move backward (~ up three paces) (~*ed* off in preparation for his leap) (~*ed* away from the door) 2 *of a bird dog* : to stop and point behind another pointing dog 3 *of the wind* : to shift in a counterclockwise direction — opposed to *veer* 4 : to have the back in the direction of and often close to something — used with *on*; *onto*, or *against* (seaside resorts . . . seem to ~ onto the sea, instead of facing it —Stephen Potter) (house ~*ing* onto a wall) syn see RECEDE — back and fill 1 : to alternately back the sails and fill the sails of a ship so as to keep it clear of the shore and obstructions while the current of a river or channel carries it down 2 : to take opposite positions alternately ; alternately favor and disfavor ; SHILLY-SHALLY (he *backed and filled* and finally came to no decision at all) 3 : to maneuver esp. backward and forward (turn the wheel to *back and fill* the car around) (the boat *backed and filled* as the dogs circulated and took nips —*Newsweek*)

²back \"\ *n* -s [D *bak*, fr. MD *bac*, fr. OF, fr. (assumed) VL *bacca* water vessel — more at BASIN] : a large shallow vat : a cistern, tub, or trough used (as by brewers, dyers, or glue-makers) esp. for mixing or cooling wort or holding water or hot glue

back *abbr* backwardation

backache \'ə,k\ *n* : a pain in the lower back (complains of ~s)

backache brake *or* backache fern \'ə,k-\ *n* : LADY FERN

backaching \'ə,kiŋ\ *adj* : demanding much physical exertion (a ~ job)

back action *n* : action reversing the usual or direct action

back-alley *adj* : having a mean, furtive, or squalid character or air (*back-alley* gossip)

back along *adv, dial* : some time back ; in the past ; some time ago (a good old-timer dating *back along* —Robert Frost)

back and forth *adv* : backwards and forwards ; to and fro (a loose window shutter swinging *back and forth*) (to rock *back and forth* on his heels)

back answer *n* [*back*] : a disrespectful retort (hero-worshiping girl, absolutely dependent and submissive, with never a *back answer* —Richard Mallett)

back away *vi* : to withdraw or retreat gradually (as from a principle or a theoretical position) (*back* slowly *away* from their insistence on repeal —Benjamin Rathbun)

backbakiri *var of* BACDAKIRI

back bacon *n* : CANADIAN BACON

backband \'ə,s\ *n* 1 : a band passing over a horse's neck and holding up the shafts of a vehicle 2 : the outside molding of the trim around an opening (as a door or window)

backbar \'ə,s\ *n* 1 : a horizontal bar in the chimney of an open fireplace on which to hang a vessel over the fire 2 : the shelf or counter space along the wall or backing of a bar area

back beam *n* : the cylinder of wood on a loom on which the warp is wound before the weaving process

back bench *n* : a bench in the British House of Commons or House of Lords occupied by backbenchers (he would leave the shadow cabinet and return to the freedom of the *back benches* —Denis Healey) — compare FRONT BENCH

backbencher \'ə,s-\ *n* -s : a rank-and-file member of a legislature; *esp* : such a member of the British House of Commons or House of Lords (is cordially disliked by the ~s in Commons and some of the party intellectuals —M.H.Rubin)

backband \'ə,s\ *n* : a tumbling stunt in which from a standing position with the knees straight the body is arched backwards until the hands touch the floor over the head

back-ber-end *or* back-ber-and \'bak,berənd\ *or* back-bearing \'ə,s\ *adj* [ME *bakberende*, fr. *bak* back + *berende*, pres. part. of *beren* to bear — more at BACK, BEAR] *law* : having in one's possession — used of a person carrying away stolen property

¹back-bite \'bak,bīt, *usu* -id- + V\ *vb* [ME *bakbiten*, fr. *bak* back + *biten* to bite — more at BITE] *vt* : to say mean or spiteful things about (one absent) : SLANDER (if a reader does not like what you have written, he ~s you to the editor, but if he is particularly pleased, he writes to you personally —Corra Harris) (had all *backbitten* and double-crossed each other while pretending to work together —Sir Winston Churchill) ~ *vi* : to backbite a person

²backbite \"\ *n* : the act or an instance of backbiting (manipulating a hundred and one strands of gossip and ~ —Eugene Weber)

back-bit·er \-id-ə(r), -īd-\ *n* -s [ME *bacbiter*, fr. *bakbiten* v.] : one that backbites

backbiting *n* -s [ME *bakbiting*, fr. *bak* back + *biting*] : the action of one who backbites or an instance of such action (bickering and ~ —Margaret Stewart) syn see DETRACTION

backblast \'ə,s\ *n* : the rush of powder gases from the open or vented breech of a recoilless weapon

backblock \'ə,s\ *n, Austral* : remote or sparsely settled country esp. far from a river or seacoast — usu. used in pl. (he lived in the ~s of Queensland) (the difficulties of a ~s sheep farmer)

backboard \'ə,s\ *n* : a board or other construction placed at or fastened to the back of some object (as a picture) or serving as the back (as of a wagon); *specif* : a rounded or rectangular board that is behind the basket on a basketball court and that serves to keep missed shots from going out of bounds and as a surface from which the ball can be made to rebound into the basket

back bond *n* [*back*] *Scots law* : an instrument by which one apparently taking as absolute owner under another instrument acknowledges that he is only a trustee or mortgagee

backbone \'ə,s\ *n* [ME *bakbon*, fr. *bak* back + *bon* bone] 1 : SPINE, SPINAL COLUMN, VERTEBRAL COLUMN 2 a (1) : the chief mountain ridge, range, or system of a country or region (the broad uplands of the Pennines form . . . the ~ of England —L.D.Stamp) (down the small rod-shaped peninsula . . . runs a ~ of high mountains —I.B.P.Robinson) (2) : the foundation or most substantial or sturdiest part of any material object (a heavy length of wood . . . which forms the ~ of the boat —*Manual of Seamanship*) (saw the girders, the gaunt steel ~ of the building, rising in the air) b (1) : the mainstay, principal support, or most substantial element or part of something (the clothiers have been described as the ~ of the middle class —Roy Lewis & Angus Maude) (those branches of general medicine which form the ~ of aviation medicine —H.G. Armstrong) (corn is the ~ of our agriculture —P.C.Mangelsdorf) (2) : firm and resolute character ; strength of will (she is dealing with a man who has ~ —Margaret Deland) (displayed ~ by his frank admission of guilt) 3 : the edge of a book along which the sections are secured together in binding ; the part that shows as the book ordinarily stands on a shelf and that is often lettered with the title and the author's and publisher's names — called also *back*, *backstrip*, *shelfback*, *spine* 4 : a rope attached fore and aft along the center of a ship's awning to support and strengthen it 5 : a main railroad-yard track from which other tracks branch syn see FORTITUDE — to the backbone *adv* : THOROUGHLY, COMPLETELY (O'Connor was Irish *to the backbone* —*Irish Digest*)

backboned \'ə,s\ *adj* : having a backbone : VERTEBRATE

back-bone-less \'ə,lәs\ *adj* 1 : without backbone or a backbone 2 : SPINELESS, PLIANT (a ~ submission to ill-treatment) — back-bone-less-ness \(')ə,nәs\ *n* -es

backbreak \'ə,s\ *n* -s : backbreaking labor (a countryman tired of the ~ of a tenant farm —Hamilton Basso)

backbreaker \'ə,sə\ *n* -s 1 : a backbreaking task 2 : a refinery worker who breaks crust formed on the surface of the electrolytic bath in aluminum-reduction pots to free anode for lowering or raising during tapping

backbreaking \'ə,s\ *adj* [*back* + *breaking*] : greatly taxing one's strength or endurance (~ labor) (a ~ effort)

back bulb *n* : a pseudobulb on certain types of orchid plants that remains on the plant after the terminal growth has been removed and is used in the propagation of certain orchids

back-calving \'ə,sə\ *adj, Scot* : calving during the last part of the year

backcast \'ə,s\ *n* -s [*back* + *cast*] *dial Brit* : a relapse esp. during convalescence : REVERSAL

back center *n* : the center in the tailstock of a lathe

backchain \'ə,s\ *n* : a chain attached to each side of a rudder and to a point under the counter to support the rudder in backing

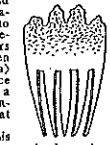
backchat \'ə,s\ *n* [*back* + *chat*] : gossipy or bantering conversation : SMALL TALK (~ that hardly went beyond tennis and dancing and cricket —Frank Sargeson) : REPARTEE (good humored ~ between audience and speaker —Alan Edwards)

back-check \'ə,s\ *vb* [*back*] *vt* : to check over (as a computation) ~ *vi* : to skate back towards one's own goal covering the rushes of opposing players in a hockey game

back choir *n* : RETROCHOIR

back cloth *n* 1 : a piece of canvas secured to the after part of a topsail yard to stow the bunt of the topsail in 2 *or* back gray : an unfinished cloth used in cylinder printing of fabrics to absorb excess dye 3 *chiefly Brit* : BACKDROP

back comb *n* : an ornamental comb with a wide top and a few long teeth worn high at the back of the head



back comb

back-country \'ə,s-\ *n* 1 : a rural and relatively thinly settled and undeveloped area to the rear of a more densely peopled and developed region containing the main centers of population (the antagonism between Tidewater and ~ in colonial Virginia) ; farming area (trucks daily bring in produce from the ~) 2 : the country to the rear of a settled district ; a frontier area ; BORDERLAND (the first white men to set foot in that vast ~)

backcourt \'ə,s\ *n* 1 : the part of a tennis court between the service line and the base line 2 : the space near or nearest the back boundary lines or back wall or walls of the playing area in net and wall games; *esp* : a basketball team's defensive half of the court

¹backcross \'ə,s\ *vt* [*back* + *cross*] : to cross (a first-generation hybrid) with one parent or with an individual of the same genetic composition as the parent

²backcross \"\ *n* -es : an instance of backcrossing; *also* : an individual produced by backcrossing

³backcross \"\ *adj* [²*backcross*] : of, relating to, or produced by a backcross or by backcrossing

backdate \'ə,s\ *vt* [*back* + *date*] : PREDATE (indicted for *backdating* tax returns to save interest and penalty payments —*Time*)

back dive *n* [*back*] 1 : a dive from a position facing the diving board — see CUTAWAY; compare BACKWARD DIVE 2 : a category in competitive diving that includes those dives in which the body rotates backward from a backward standing takeoff — compare FRONT DIVE, REVERSE DIVE, TWIST DIVE

back door *n* 1 a : a door in the back or to the rear of something, esp. a habitation b : an entrance or approach (as to a country) regarded as at the back and usu. distant or geographically opposite the main route of approach (but the richest area of all the peninsula was found . . . at the *back door* of Nome —*Encyc. Americana*) (the *back door* of Egypt —Hassoldt Davis) 2 : an indirect, surreptitious, underhanded, or illegal means or way (the West entered America's popular literature through the *back door* of humor —J.D. Hart) (depends more and more on western *back doors* for essential war supplies —*Interavia*) (a junk shop with a *backs door* trade in hides from illegally killed cattle —H.L.Davis)

backdoor trots *n pl but sing or pl in constr, dial* : DIARRHEA

back down *vi* : to retreat or withdraw from a previous commitment, position, or claim (wished he had not undertaken the errand, but he was afraid to *back down* —Harold Sinclair)

backdown \'ə,s\ *n* -s [*back down*] : the action or an instance of backing down on a stand or position (a ~ on the explosive German question —*Newsweek*)

back draft *n* : an explosion of the gaseous products of incomplete combustion in admixture with air sometimes occurring during a fire (as in a building or mine) — called also *smoke explosion*

backdrop \'ə,s\ *n* -s 1 a : a cloth usu. painted or decorated in some way and hung across the rear of a stage or stage setting to mask the backstage area or to serve as scenic background b : a background used by a photographer consisting of a drapery or painted canvas stretched on a frame or hung from a support 2 : BACKGROUND; *esp* : a background against which something is observed or stands out (Indochina is the ~ for this tensely written story —*N.Y. Times*)

back drop *n* : a fundamental trampoline stunt in which from a bounce the performer lands on his back on the bed with head forward, hands in front of the body, and the legs at a 45 degree angle, then rebounds to an erect standing position

²bound \'bak\ *adj* [ME, having a back, fr. ²*back* + *-ed*] 1 *of an archer's bow* : made of two or more strips glued together, one piece forming the back and another the belly — contrasted with *self* 2 *of cloth* : woven with a second set of threads in the warp or weft for additional weight or reversibility — see DOUBLE CLOTH 3 *of photographic film or plate* : coated on the side opposite the emulsion with a substance to absorb light and hence reduce halation

backed-blade \'ə,s\ *n* : a prehistoric flint knife having one edge blunted

backed-off \'ə,s\ *adj* : having metal removed from the back to provide clearance — used esp. of a milling cutter

back electromotive force *n* : COUNTER ELECTROMOTIVE FORCE

back-en \'bakən\ *vt* -ED/-ING/-S [*back* + *-en*] *now dial* : to retard the progress of : DELAY (cold weather will ~ the corn)

back end *n* 1 : the rear end 2 *dial Brit* : the latter part of the year : the autumn and early winter

²back-er \'bakə(r)\ *comparative of* BACK

³backer \"\ *n* -s 1 : one that supports 2 : a worker who works with backs or backing: as a : a slaughterhouse worker who removes the back, shoulders, and base of the tail of a hide from a carcass b : a worker who reinforces parts of shoes (as vamps, uppers, or straps) by pasting in pieces of lining material c : a worker who forms the ridges to which covers are hinged at the back of rounded book bodies 3 : material used for backing; *specif* : a piece of canvas, flannel, or other material used to reinforce parts of linings or uppers of shoes 4 : a strap usu. of sennit secured to a ship's yard and carrying a thimble through which an earing runs

⁴backer \"\ *n* -s [by shortening & alter.] *dial* : TOBACCO

backer-up \'ə,s\ *n, pl* backers-up : one that backs up: as a : SPONSOR b : linebacker in football c : a worker who mounts calendars between metal strips and staples calendar pads to metal

back-et \'bakət\ *n* -s [F *baquet*, dim. of *bac* tub — more at BACK] *Scot, t* : a shallow wooden box used esp. to carry fuel or ashes

backfall \'ə,s\ *n* [*back* + *fall*] 1 *obs* : a descending appogiatura in music 2 : the sloping surface in a beater or washing engine down which paper pulp passes on leaving the knives

back-fanged \'ə,s\ *adj, of a snake* : having grooved venom-conducting teeth located posteriorly in the roof of the mouth — compare FRONT-FANGED, OPISTHOGLYPHA

back-feed *vt* : to put (as a paper) into a typewriter by inserting it bottom-first behind the top of a paper already in the machine and rolling the platen backward

back-fence \'ə,s\ *adj* [*back fence*] : having an intimate informal but often malicious or slanderous character — used chiefly of conversation (cheery *back-fence* chats) (vicious *back-fence* gossip)

back-field \'ə,s\ *n* : the football players whose positions are behind the line of scrimmage; *also* : the positions themselves

back file *n* [*back*] : a file of back numbers (as of a newspaper or documentary material) to be used for use in the future

backfill \'ə,s\ *vt* [*back* + *fill*] : to replace earth in (as a trench or the open space around a foundation wall); *also* : to refill (as an excavation) with any material

²backfill \"\ *n* -s 1 : the refilling of a trench or other excavation or of the space around a foundation 2 : the material used in backfilling

backfilled \'ə,s\ *adj* [²*back* + *filled*] *of an esp cotton fabric* : stiffened by applying size or finish to the back only

back-fill·er \'ə,s-\ *n* -s [²*backfill* + *-er*] 1 : a machine for backfilling 2 : a worker who moves backfilling material 3 : a tool or part of the edge or fillet by which a slightly projecting part (as a quoin or architrave) returns to the face of the wall — back-filleted \'ə,s-\ *adj*

back-fill-ing \'ə,s\ *n* -s [²*back* + *filling*] : BACKFILL

¹backfire \'ə,s\ *n* [²*back* + *fire*] 1 a : a fire started counter to an advancing forest or prairie fire to check the latter by clearing an area b : a vigorous countermovement or activity (delegates come under the influence of a strong ~ of opinion from the country —Allen Johnson) 2 a : an improperly timed explosion of fuel mixture in the cylinder of an internal-combustion engine; *esp* : one occurring when either the exhaust or intake valve is open and resulting in a loud detonation b : combustion in a fuel-supply line (as of a welding torch)

²backfire \"\ *vi* 1 a : to make a backfire b : to make a sound like that of a backfire (a big coffee urn *backfiring* with alarming pops and bangs —Frederick Way) 2 : to have or experience a backfire or backfires — used of an internal-combustion engine or a firearm 3 : to light so that the flame proceeds from the internal gas jet instead of from the external jet of mixed gas and air — used of a Bunsen or similar atmospheric burner 4 : to have the reverse of the desired effect by causing loss or injury to the user or doer ; BOOMERANG (when the opposition publicized the lady candidate's photograph in a bathing suit, the strategy *backfired* —Emily T. Douglas) ; fail to have the desired effect ; MISCARRY (some of the marriages have been happy, some have badly *backfired* —Frank Gibney) — backfiring *n* -s

back-fisch \'bik,fish\ *n, pl* back-fische \-shə\ [G, lit., fish for baking or frying, fr. *backen* to bake, fry (fr. OHG *backan*) + *fisch* fish, fr. OHG *fisc* — more at BAKE, FISH] : an adolescent immature girl (his family . . . two grown-up gawky sons, and a ~ daughter —A.L.Mikhelson)

backflap \'ə,s\ *n* : a flap that folds back or hangs down in back; *specif* : the part of a book jacket that folds over and onto the inside of the back cover

¹backflash \'ə,s\ *n* -ES [²*back* + *flash*] 1 : FLASHBACK 2 : the act or an instance of backflashing 3 : a groove formed around the outer portion of the flash to receive the metal squeezed through the flash in slaking an upper die — called also *gutter*

²backflash \"\ *vi* 1 : to flash back (as of a gas) and burn at a point where combustion is not intended 2 *of a literary or dramatic work* : to introduce a flashback into the narrative (the script ~*es* to a day in his life 10 years before)

¹backflip \'ə,s\ *n* [²*back* + *flip*] 1 : a backward somersault 2 : a complete reversal of position or belief : VOLTE-FACE

²backflip \"\ *vi* : to do a backflip (~ off a diving board)

backflow \'ə,s\ *n* [²*back* + *flow*] 1 : a flowing back or returning toward a source 2 : the entrance of water or other liquid from any but the regular source of a potable water supply system — compare CROSS-CONNECTION

back focus *n* : the distance from the rear glass surface of a photographic lens to the focal plane when the lens is focused on a very distant object

back-formation \'ə,fȯ(ə)rmā-\ *n* 1 : a word formed by subtraction of a real or supposed affix (as a suffix) from an already existing longer word (as *butte* from *butler*, the final *-er* being taken as the suffix found in such words as *maker* or *player*, or as *pea* from *pease*, the final *-se* \z\ being taken as a plural ending) 2 : the formation of a back-formation

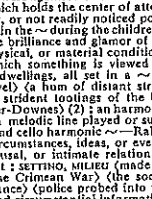
back-friend \'ə,s\ *n* [perh. fr. ²*back* + *friend*] *archaic* : a seeming friend who is secretly an enemy

back-front \'ə,s\ *n* : the rear side of a building

backfurrow \'ə,fə(r)ō\ *vb* [²*back* + *furrow*] *t* : to plow by throwing or turning the soil from the first two furrows together, leaving clear furrows on the sides

backgame \'ə,s\ *n* : a strategy in backgammon that aims at hindering the opponent's progress instead of advancing one's own men

backgammon \'bak,gam, *see sometimes* ²bagamon *or* ba'gam-*or* ba'gam-\ *n* -s [perh. fr. ²*back* + *gammon*, alter. of ME *gamen* game, sport — more at GAME] 1 : a game played with dice and counters on a board divided into two tables each marked with 12 points in which each player tries to move his own counters from point to point and off the board trying at the same time to block or capture those of his opponent — called also *tables* 2 : the winning of a backgammon game before the loser has borne off any men and while one or more men remain on the winner's inner table or on the bar, the winner receiving triple score



backgammon board with pieces arranged as at beginning of game

²backgammon \"\ *vt* -ED/-ING/-S : to beat (an opponent) in a backgammon game by scoring a backgammon

back gear *or* back gearing *n* : the gearing at the headstock of a lathe for reducing the speed of the spindle from that of the driving pulley — back-geared \'ə,s\ *adj*

back gray *n* : BACK CLOTH 2

background \'ə,s\ *n, often attrib* 1 a : the ground, space, or its contents being or represented as being at the rear or behind the principal object or objects observed: as (1) : the rear part of a stage or its contents (as painted scenery) (as the curtain rises, a rustic festival is in progress in the ~) (2) : the space or ground and its contents shown in a pictorial representation as being at the rear of the principal figure or figures (stands in a graceful pose against a ~ of peaceful stream and rolling hills) b : the surface upon or against which the principal figures or parts of a two-dimensional representation or pattern are seen (a study of white flowers against a solid black ~) 2 : a position away from that which holds the center of attention ; an obscure, less prominent, or not readily noticed position or status (the parents stayed in the ~ during the children's party) (pushed into the ~ by the brilliance and glamor of his *rival*) 3 a (1) : the natural, physical, or material conditions that form the setting within which something is viewed or experienced (attractive private dwellings, all set in a ~ of tropical luxuriance —Tom Marvel) (a hum of distant street noises made a gentle ~ to the strident tootings of the big . . . American cars —Mollie Panter-Downes) (2) : an harmonic or rhythmic accompaniment to a melodic line played or sung (a violin duet with a bare viola and cello harmonic ~ —Ralph Hill) b (1) : the conditions, circumstances, ideas, or events that stand in an antecedent, causal, or intimate relation to any phenomenon or development : SETTING, MILIEU (made an exhaustive study of the ~ of the Crimean War) (the social and economic ~ of the Renaissance) (police probed into the ~ of the murder) (2) : factual and circumstantial information that is essential to full understanding of a particular problem or situation (take along a good standard book on British history to give you some ~ on what you'll be seeing —Richard Joseph) c (1) : the environmental conditions or circumstances esp. of childhood and youth that form or contribute to the formation of an individual's cultural makeup (Lincoln's pi
leisure, and cultivated taste
side) (2) : the area or area
tion (as in training or empl
(a ~ in medieval history) (
ing for oil) (has unusual
ternational affairs —F.L.Mo
or past career (investigate
success in all his varied e
constant sound that conf
received or recorded electr
or recording); *also* : ad
electronic instrument read
level of radiation or sound
activity) being measured by
is detected

²background \"\ *vt* [²*back*
to (films that have ~*ed*
—Frank Thone) 2 : to pu
~*ed* study of a silent movi

background music *also* b
esp. by unseen performers
tivity essentially unrelated
work); *specif* : music spec
company the dialogue or
of a motion picture or rad

background projection *n*
pictures onto a translucen
from the opposite side an
action sequences of a phot
process projection

¹backhand \'ə,s *sometime*
stroke with the back of t
in the direction of the mo
~ across the cheek) 2 :
(tennis) made from his l
handed player or from
left-handed player — oppo
(a good ~ in squash) (a
2 : handwriting whose up-a
slant at a downward an
right (to write a bold ~

²backhand \"\ *or* back-h
1 : using a backhand (de
~ on a tricky bounce) 2 :
backhand (~ the body to t
to the left in left-handed o

³backhand \"\ *vt* : to do
backhand (~ *ed* the col
guy —R.V.Williams) (he
across the cheek) — a hit

back-hand·ed \'ə,s\ *adj*
or a backhand (~ writing
in tennis) 2 : HESITANT,
for second helpings) 3
(a ~, dishonest way of ac
outcome opposed to the
statement (attacks from th
ment to the man's integrit
information "channels"
—Dale Kramer) ~·ly *adv*
~·ness *n* -es : comp
letters of the alphabet :
right

backhanded rope *or* bac

back-hand·er \'ə,s-\ *also*
backhanded blow, stroke,

backhaul \'ə,s\ *n* [²*back*
a transportation vehicle
haul esp. transportation
the route

back-heel \'ə,s\ *n* [²*back*
wrestling opponent by g
pushing him backward; *al*

backhoe \'ə,s\ *n* [²*back*
which the bucket is rigidl
boom and is drawn towar

back-house \'ə,s\ *n* : PRI

backhouse \'ə,s\ *n* : PRI

back in *vi* 1 *in poker* : to
opportunity 2 *in bridge*
the bidding after having
the bidding *pres part of* BACK

²backing \'ə,s\ *n* -s : somethi
as a : unsquared ston
concrete block used at th
supporting masonry itself
serving as a foundation
on a cloth belt) b : a thick
warship *d* : the silvering
of scenery placed behind
a stage setting to preve
lies behind it 3 : the me
or surface structure to
facing is attached g : a l
back of a photographic p
and the base reducing li
and hence reducing halo
of wood, floor, or other
had the solid ~ of the pa
ments providing support
stantial elements in the c
a warrant by a magistrat
a casting line and wound

backing hammer *n* : a ha
of the head and a flat he
the backbones of books

backing light *or* backing
backing pump *n* : roughi

backing ring *n* : a metal
to reinforce the joint and
the pipe at the joint

backing strip *n* : long ligh
(as behind doors, windo

backing yarn *n* : the yar
skeleton of a pile fabric

backjoint \'ə,s\ *n* : a rab
a permanent slab or oth

backkick \'ə,s\ *n* : KICK

backland \'ə,s\ *n* 1 :
used in pl. (the remote
river floodplain separate

¹backlash \'ə,s\ *n* [²*back*
backward movement or
play in machinery between adjacent m
series of gears) or the l
clearance when the parts
irregular action c : an
tion suggesting such a
snarl in that part of a list
of the real caused by ove
movement of the trigger
hammer or firing pin is
of an imperfectly recili
positive ions produced d
impact of thermoelectro

²backlash \"\ *vi* : to mo

back-less \'baklәs\ *adj*

¹backlight \'ə,s\ *n* [²*ba*
an object from behind
floating white in the da

²backlight \"\ *vt* : to illu
ing (the sun dropped
Walker) (a ~*ed* camera
backlighting *n* -s : cont
rear or from the side aw
graphic effects

backlining \'ə,sə\ *n* -s [
to the backbone of a bo
backbone area to provi

fron·dif·er·ous \(ˌ)fränˈdif(ə)rəs\ *adj* [L *frondifer*, fr. *frond-*, *frons* leaf + *-i-* + *-fer* -ferous] : bearing fronds or leaves

frond·let \ˈfrändlət\ *n -s* : a small frond

fron·dose \ˈfränˌdōs\ *adj* [L *frondosus*, fr. *frond-* *frons* + *-osus* -ose] : bearing fronds : resembling a frond : THALLOID

frond-dose·ly *adv*

frons \ˈfränz\ *n, pl* **fron·tes** \-nˌtēz\ [L] **1** : FOREHEAD **2** [NL, fr. L] : the upper anterior part of the head capsule of an insect usu. consisting of a separate sclerite between the epicranium and clypeus

front \ˈfrənt\ *n -s* [ME *fraunt*, *front*, fr. OF *front*, fr. L *front-*, *frons* — more at BRINK] **1 a** : FOREHEAD, BROW (slavery will be branded on our ~ —W.E.Channing); *also* : the whole face (tears ran down that noble ~) **b** (1) : countenance, demeanor, bearing, or posture esp. in the face of danger or other trial (let us . . . take with unshaken ~ what comes —Theodore Roosevelt) (appeared with dauntless ~ accompanied by his paramour —F.B.Macinnis) (2) : the outward, visible, or feigned bearing or behavior of a person as contrasted with his true or essential character, feelings, or condition (the brave ~ she had maintained so long —F.B.Costain) (has good within him, behind a perfectly abominable ~ —Irving Stone) (a perpetually phony ~ of good fellowship is maintained —V.A. Young) (was putting up a ~ . . . in order not to distress this girl —Mary R. Rinehart); *also* : external and often feigned appearance (as of material prosperity or high social position) (very good clothes at bargain prices — tain) (the house was built mainly for the ~ and had remained so long —F.B.Costain) (has good within him, behind a perfectly abominable ~ —Irving Stone) (a perpetually phony ~ of good fellowship is maintained —V.A. Young) (was putting up a ~ . . . in order not to distress this girl —Mary R. Rinehart); *also* : external and often feigned appearance (as of material prosperity or high social position) (very good clothes at bargain prices — [illegible] had maint

Merriam-Webster

SINCE 1828
Menu

- JOIN MWU

Gain access to thousands of additional definitions and advanced search features—ad free! JOIN NOW

- GAMES
- BROWSE THESAURUS
- WORD OF THE DAY
- VIDEO
- MORE
  WORD OF THE DAY VIDEO WORDS AT PLAYFAVORITES
- WORDS AT PLAY
- FAVORITES

Facebook Twitter YouTube Instagram

front

dictionary thesaurus

- JOIN MWU
- GAMES
- THESAURUS
- WORD OF THE DAY
- VIDEO
- WORDS AT PLAY
- FAVORITES

Follow: Facebook Twitter YouTube Instagram

front

noun
\ 'frənt \

Definition of *front*

(Entry 1 of 4)

1a : forehead also : the whole face
b : external and often feigned appearance especially in the face of danger or adversity
2a(1) : vanguard
(2) : a line of battle
(3) : a zone of conflict between armies
b(1) : a stand on an issue : policy
(2) : an area of activity or interest progress on the educational front
(3) : a movement linking divergent elements to achieve common objectives especially : a political coalition
3 : a side of a building especially : the side that contains the principal entrance
4a : the forward part or surface
b(1) : frontage
(2) : a beach promenade at a seaside resort
c : dickey sense 1a
d : the boundary between two dissimilar air masses
5 archaic : beginning
6a(1) : a position ahead of a person or of the foremost part of a thing
(2) —used as a call by a hotel desk clerk in summoning a bellhop
b : a position of leadership or superiority
7a : a person, group, or thing used to mask the identity or true character or activity of the actual controlling agent
b : a person who serves as the nominal head or spokesman of an enterprise or group to lend it prestige
in front of
: directly before or ahead of
out front
: in the audience

front

verb
fronted; fronting; fronts

Definition of *front* (Entry 2 of 4)

intransitive verb

LEARN MORE FROM M-W



The Sartorial Secret Behind the 'Schneid'

1 : to have the front or principal side adjacent to something also : to have frontage on something a ten-acre plot fronting on a lake — *Current Biography*
2a : to act or serve as a cover or front (see front entry 1 sense 7a) for something or someone … a new initiative targeting brothels and massage parlors fronting for sex trafficking rings.— St. John Barned-Smith
b US, informal : to assume a fake or false personality to conceal one's true identity and character Don't front, don't put something out there that you feel isn't realistic and doesn't portray who you are.— Chloë Grace Moretz Look, we all know you got your heart broken. Stop fronting and write a love song.— Ailison Keyes

transitive verb

1a : confront went to the woods because I wished … to front only the essential facts of life— H. D. Thoreau
b : to appear before daily fronted him in some fresh splendor— Alfred Tennyson
2a : to be in front of a lawn fronting the house
b : to be the leader of (a musical group) appeared as a soloist and fronted bands
3 : to face toward or have frontage on the house fronts the street
4 : to supply a front to fronted the building with bricks
5a : to articulate (a sound) with the tongue farther forward
b : to move (a word or phrase) to the beginning of a sentence
6 basketball : to play in front of (an opposing player) rather than between the player and the basket
7 : to give (someone) the money, material, etc. needed to do something : advance sense 7 She fronted them a loan to get the start-up going.

front

adjective

Definition of *front* (Entry 3 of 4)

1a : of, relating to, or situated at the front
b : acting as a front front company
2 : articulated at or toward the front of the oral passage front vowels
3 : constituting the first nine holes of an 18-hole golf course

front

abbreviation

Definition of *front* (Entry 4 of 4)

frontispiece

Other Words from *front* Synonyms & Antonyms More Example Sentences Learn More about *front*

Keep scrolling for more

Other Words from *front*

Adjective

front adverb

Synonyms & Antonyms for *front*

Synonyms: Noun

facade (also façade), face, forehead, forepart

Synonyms: Verb

face, look (toward), point (toward)

Synonyms: Adjective

anterior, fore, forward, frontal, frontward (or frontwards)

Antonyms: Noun

back, rear, rearward, reverse

Antonyms: Adjective

aft, after, hind, hinder, hindmost, posterior, rear, rearward

Visit the Thesaurus for More

Examples of *front* in a Sentence

Noun

the *front* of the church features a magnificent stained-glass window that smile is just a *front*—I don't think she actually likes me at all
See More

Recent Examples on the Web: Verb

El Cigala *fronts* a ten-member band in his first Chicago date since 2011.— Peter Margasak, *Chicago Reader*, "Flamenco singer Diego el Cigala pushes his Spanish roots into the fiery sound of New World salsa on Indestructible," 29 Mar. 2018 Commissioners put off a vote on the project last month so Hudson Holdings could scale back some parts of the project — changes included splitting one of the buildings into two and moving back a part of a building *fronting* Atlantic Avenue.— Aric Chokey, *Sun-Sentinel.com*, "Midtown Delray development project inches closer to approval," 7 Mar. 2018

These example sentences are selected automatically from various online news sources to reflect current usage of the word 'front.' Views expressed in the examples do not repres Webster or its editors. Send us feedback.

See More

First Known Use of *front*

Noun

13th century, in the meaning defined at sense 1a

Verb

1523, in the meaning defined at intransitive sense 1

LEARN MORE FROM M-W

The Sartorial Secret Behind the 'Schneid'

Adjective

1600, in the meaning defined at sense 1a

History and Etymology for *front*

Noun

Middle English, from Anglo-French *frunt, front*, from Latin *front-, frons*

Keep scrolling for more

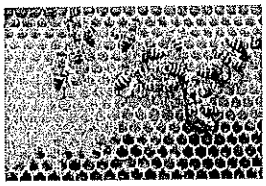
Learn More about *front*

Share *front*

Resources for *front*

Time Traveler! Explore the year a word first appeared

From the Editors at Merriam-Webster



Welcome to the New Words

Welcome to the New Words

We've expanded the dictionary with more than 250 words and definitions

Dictionary Entries near *front*

Frondizi

frondlet

frondose

front

frontage

frontager

frontage road

Statistics for *front*

Look-up Popularity

Top 30% of words

Time Traveler for *front*

The first known use of *front* was in the 13th century

See more words from the same century

Keep scrolling for more

More Definitions for *front*

front

noun

English Language Learners Definition of *front*

(Entry 1 of 3)

: the forward part or surface of something : the part of something that is seen first
: a place, position, or area that is most forward or is directly ahead
: the part of your body that faces forward and includes your face and chest

front

verb

English Language Learners Definition of *front* (Entry 2 of 3)

: to have the face or front toward (something)
: to be the leader or lead singer of (a musical group)

LEARN MORE FROM M-W



The Sartorial Secret Behind the 'Schneid'

British : to host or present (a radio or TV program)

front

adjective

English Language Learners Definition of *front* (Entry 3 of 3)

: of or relating to the front : located at the front
golf —used to refer to the first 9 holes of an 18-hole golf course

See the full definition for *front* in the English Language Learners Dictionary

front

noun
\ ˈfrənt \

Kids Definition of *front*

(Entry 1 of 3)

1 : the forward part or surface the *front* of a shirtI stood at the *front* of the line.
2 : a region in which active warfare is taking place
3 : the boundary between bodies of air at different temperatures a cold *front*
in front of
: directly before or ahead of She sat *in front of* me.

front

verb
fronted; fronting

Kids Definition of *front* (Entry 2 of 3)

: face entry 2 sense 1 Their cottage *fronts* the lake.

front

adjective

Kids Definition of *front* (Entry 3 of 3)

: situated at the front *front* legsthe *front* door

front

noun

Legal Definition of *front*

: something or someone (as a person or group) used to mask the identity or true character or activity of the actual person or organization in control

Other Words from *front*

front verb

Keep scrolling for more

More from Merriam-Webster on *front*

Rhyming Dictionary: Words that rhyme with *front*

Thesaurus: All synonyms and antonyms for *front*

Spanish Central: Translation of *front*

Nglish: Translation of *front* for Spanish Speakers

Britannica English: Translation of *front* for Arabic Speakers

Britannica.com: Encyclopedia article about *front*

Comments on *front*

What made you want to look up *front*? Please tell us where you read or heard it (including the quote, if possible).

SHOW COMMENTS

LEARN MORE FROM M-W



The Sartorial Secret Behind the 'Schneid'

Merriam-Webster

SINCE 1828

Menu

- JOIN MWU

  Gain access to thousands of additional definitions and advanced search features—ad free! JOIN NOW

- GAMES
- BROWSE THESAURUS
- WORD OF THE DAY
- VIDEO
- MORE
  WORD OF THE DAY VIDEO WORDS AT PLAYFAVORITES
- WORDS AT PLAY
- FAVORITES

Facebook Twitter YouTube Instagram

back

dictionary thesaurus

- JOIN MWU
- GAMES
- THESAURUS
- WORD OF THE DAY
- VIDEO
- WORDS AT PLAY
- FAVORITES

Follow: Facebook Twitter YouTube Instagram



back

noun

\ 'bak \

plural backs

Definition of *back*

(Entry 1 of 5)

1a(1) : the rear part of the human body especially from the neck to the end of the spine
(2) : the body considered as the wearer of clothes They were left with nothing but the clothes on their backs.
(3) : capacity for labor, effort, or endurance Put your back into it!
(4) : the back considered as the seat of one's awareness of duty or failings get off my back
(5) : the back considered as an area of vulnerability the police officer's partner always watches his back
b : the part of a lower animal (such as a quadruped) corresponding to the human back riding on the back of an elephant
c : spinal column She had surgery on her back.
d : spine sense 1c The title is on the book's back.
2a : the side or surface opposite the front or face I only saw him from the back.: the rear part the back of the headthe back of the mirroralso : the farther or reverse side wrote the number on the back of an envelope
b : something at or on the back for support back of a chair
c : a place away from the front sat in back
3 : a position in some games (such as football or soccer) behind the front line of players also : a player in this position a defensive back
4 informal : a swimming race in which swimmers use the backstroke She placed first in the 100-meter back.
back of one's hand or back of the hand
: a show of contempt
back of one's mind
: the part of one's mind where thoughts and memories are stored to be drawn on
behind one's back
: without one's knowledge talking about me *behind my back*
in back of
: behind One day, I was sitting in the tiny parlor *in back of* the store ...— John McNulty

back

adverb

Definition of *back* (Entry 2 of 5)

1a : to, toward, or at the rear asked the crowd to move back
b : in or into the past : backward in time looking back on her youthan event back in the last centuryBack then, no one had ever heard of chronic fatigue syndrome. also : ago several years back met him in the street two days back
c : to or at an angle off the vertical leaned back on his chair

d(1) : under restraint He wanted to fight but his friends held him back.holding back a laugh
(2) : in a delayed or retarded condition Bad weather set the launch date back several days.
e : in an inferior or secondary position especially : behind a competitor in points or ranking finished three strokes back
2a : to, toward, or in a place from which a person or thing came She left home and never went back.put the book back
b : to or toward a former state went back to private life
c : in return or reply forgot to write back

back

adjective

Definition of *back* (Entry 3 of 5)

1a : being at or in the back back door
b : distant from a central or main area back roads
c of a speech sound : articulated at or toward the back of the oral passage : formed deep within the mouth back vowels
2 : having returned or been returned
3 : being in arrears : overdue is owed several months in back pay
4 : moving or operating backward : reverse back action with oars
5 : not current back issues of a magazine
6 golf : constituting the final 9 holes of an 18-hole course

back

verb
backed; backing; backs

Definition of *back* (Entry 4 of 5)

transitive verb

1a : to support by material or moral assistance backing a candidate for governor—often used with *up* back up a friend in a fight
b : substantiate —often used with *up* needs to back up her argument with evidence
c : to assume financial responsibility for back a new company
d : to provide musical accompaniment for —often used with *up* a singer backed up by a guitarist
2a : to cause to go back (see back entry 2 sense 1a) or in reverse back the car into the garage
b : to articulate (a speech sound) with the tongue farther back : to form deeper within the mouth
3a : to furnish with a rear part : to furnish with a back (see back entry 1 sense 2) back a skirt with stiff material
b : to be at the rear part of : to be at the back (see back entry 1 sense 2) of a row of garages back the building

intransitive verb

1 : to move backward backed into a parking space—often used with *up* back up to give him some spaceLet's back up a little to clarify what we're saying.
2 of the wind : to shift counterclockwise — compare veer entry 1 sense 2
3 : to have the rear part facing in the direction of something The house backs onto a golf course.
back and fill
1 nautical : to manage the sails of a ship so as to keep it clear of obstructions as it floats down with the current of a river or channel
2 : to take opposite positions alternately : shilly-shally has been *back and filling* on the issue
back into
: to get into inadvertently *backed into* the antiques business

Back

geographical name
\ 'bak \

Definition of *Back* (Entry 5 of 5)

river 605 miles (974 kilometers) long in Nunavut, Canada, rising along the border with the Northwest Territories and flowing east-northeast into the Arctic Ocean

Other Words from *back* Synonyms & Antonyms Choose the Right Synonym More Example Sentences Learn More about *back*

Keep scrolling for more

Other Words from *back*

Noun

backed \ 'bakt \ adjective
backless \ 'bak-ləs \ adjective

Verb

backer \ 'ba-kər \ noun

Synonyms & Antonyms for *back*

Synonyms: Noun

rear, reverse, tail

Synonyms: Adverb

ago, agone [archaic], since, syne [chiefly Scottish]

Synonyms: Adjective

aft, after, hind, hinder, hindmost, posterior, rear, rearward

Synonyms: Verb

advocate, champion, endorse (also indorse), patronize, plump (for), plunk (for) or plonk (for) , support

Antonyms: Noun

face, forehead, forepart, front

Antonyms: Adverb

hence

Antonyms: Adjective

anterior, fore, forward, front, frontal

Visit the Thesaurus for More

Choose the Right Synonym for *back*

Verb

support, uphold, advocate, back, champion mean to favor actively one that meets opposition. support is least explicit about the nature of the assistance given. *supports* waterfront development uphold implies extended support given to something attacked. *upheld* the legitimacy of the military action advocate stresses urging or pleading. *advocated* prison reform back suggests supporting by lending assistance to one failing or falling. refusing to *back* the call for sanctions champion suggests publicly defending one unjustly attacked or too weak to advocate his or her own cause. *championed* the rights of children

recede, retreat, retract, back mean to move backward. recede implies a gradual withdrawing from a forward or high fixed point in time or space. the flood waters gradually *receded* retreat implies withdrawal from a point or position reached. *retreating* soldiers retract implies drawing back from an extended position. a cat *retracting* its claws back is used with *up*, *down*, *out*, or *off* to refer to any retrograde motion. *backed* off on the throttle

Examples of *back* in a Sentence

Noun

She was carrying her little daughter on her *back*. She has a pain in the small of her *back*.
See More

Recent Examples on the Web: Noun

The maker of Revlon hair dryers and Pert shampoo has put the business up for sale, according to people familiar with the matter, as shoppers turn their *backs* on mass-market personal-care brands.— Sharon Terlep, *WSJ*, "Owner of Revlon Hair Dryers, Pert Shampoo Looks to Exit Beauty Business," 10 Mar. 2019 The high-rise lands just above my belly button, without space leftover in the *back*; my thighs and butt, meanwhile, are hugged by the fabric, not choked.— *Glamour*, "These American Eagle Jeans Solve This Annoying Denim Problem for Good," 7 Mar. 2019

These example sentences are selected automatically from various online news sources to reflect current usage of the word 'back.' Views expressed in the examples do not represent the opinion of Merriam-Webster or its editors. Send us feedback.

See More

First Known Use of *back*

Noun

before the 12th century, in the meaning defined at sense 1a(1)

Adverb

13th century, in the meaning defined at sense 1a

Adjective

15th century, in the meaning defined at sense 1a

Verb

1548, in the meaning defined at transitive sense 1a

History and Etymology for *back*

Noun

Middle English, from Old English *bæc*; akin to Old High German *bah* back, Old Norse *bak*

Adverb

Middle English *bac*, aphetic form of *abak* aback

Adjective

Middle English, partly attributive use of *bac*, *back* back entry 1, partly derivative of *back* back entry 2

Verb

verbal derivative of back entry 1

Keep scrolling for more

Learn More about *back*

Share *back*

Resources for *back*

Time Traveler! Explore the year a word first appeared

Watch More on *back*

Google Maps 1648 E Joppa Rd

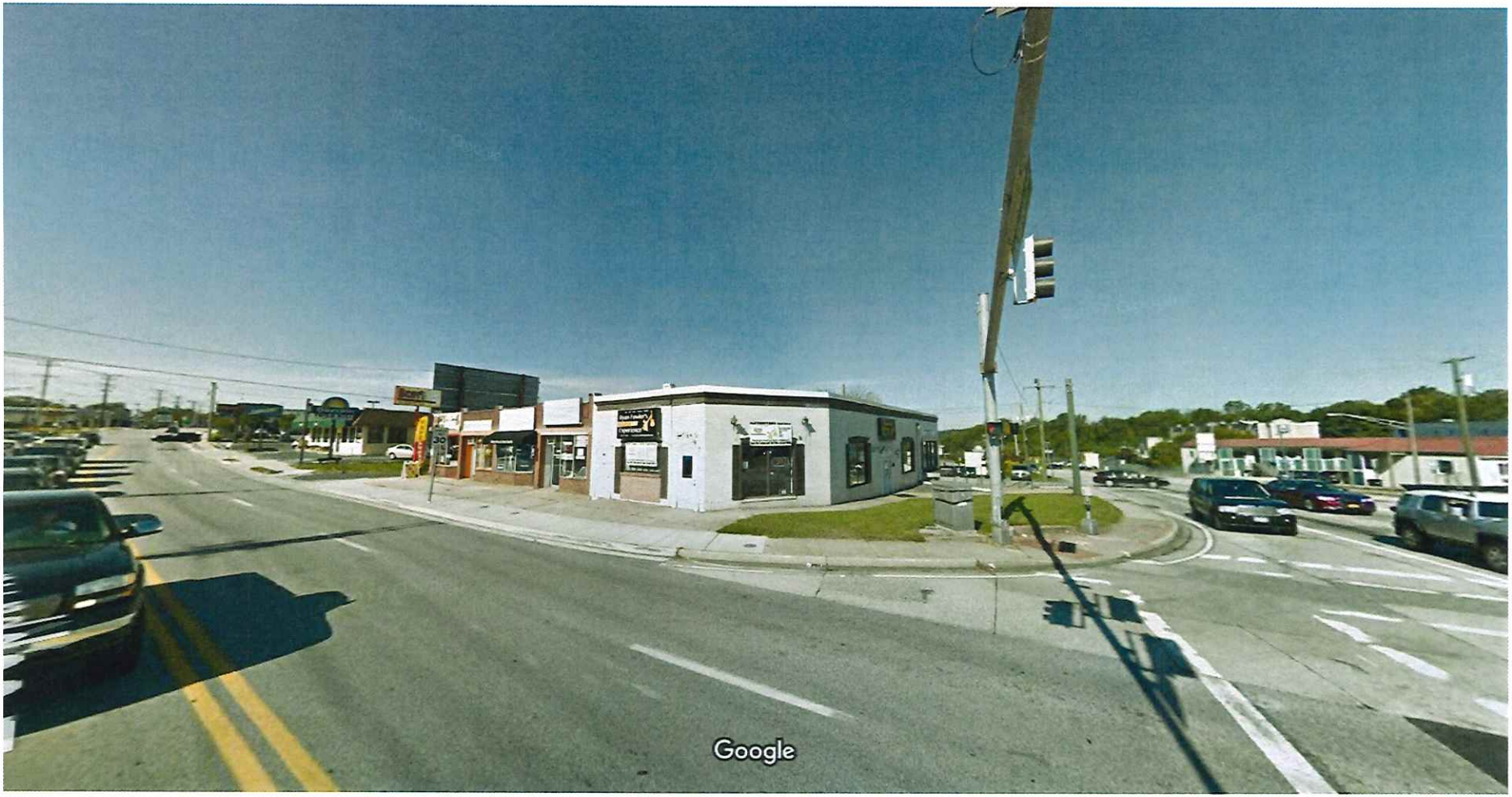


Image capture: Oct 2017 © 2019 Google

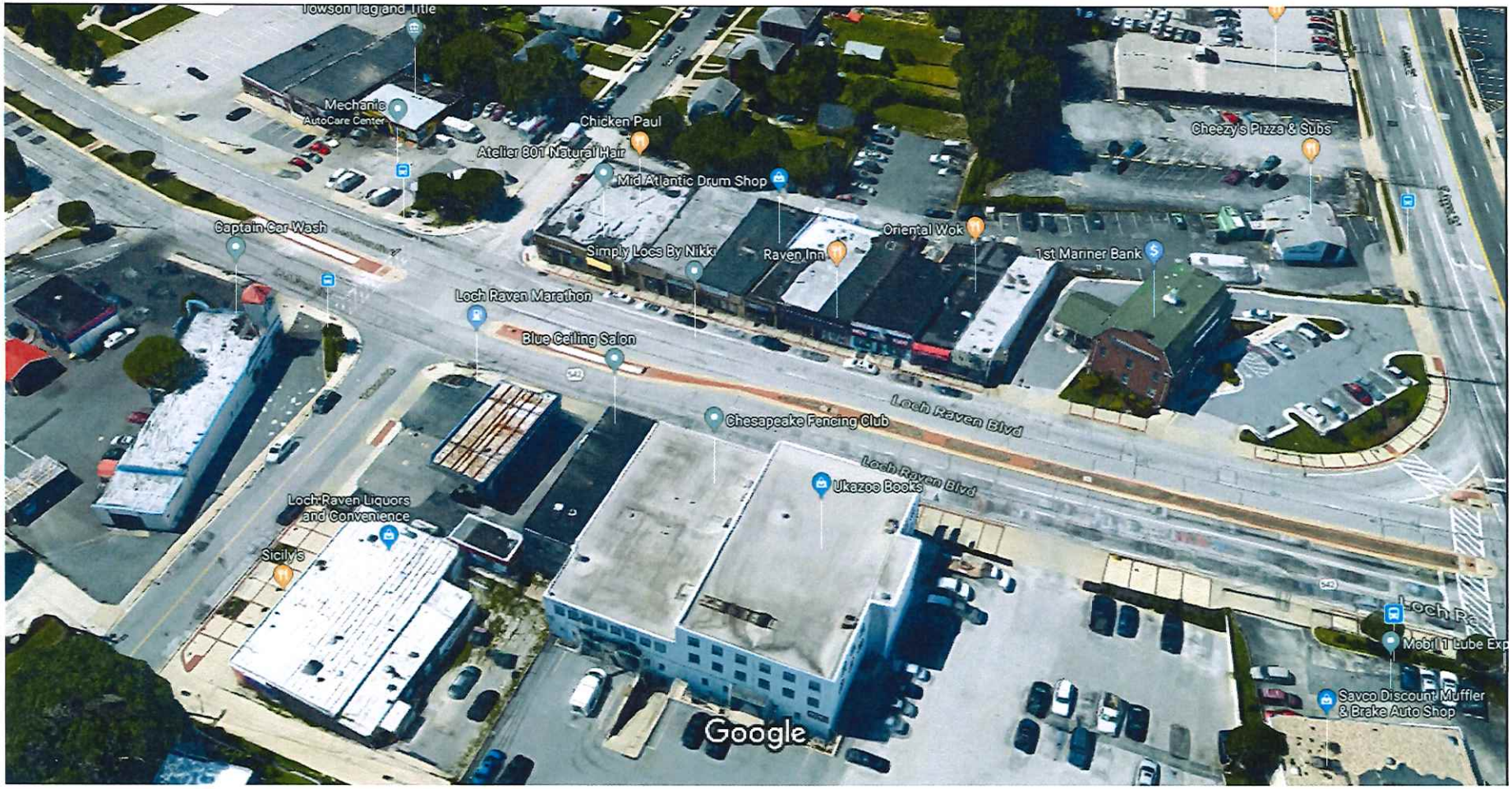
Towson, Maryland

Google

Street View - Oct 2017

People's Counsel
CBA Exhibit
15

Google Maps 1641 E Joppa Rd



Imagery ©2019 Google, Map data ©2019 Google 50 ft

Google Maps 1641 E Joppa Rd



Google Maps 8701 MD-542

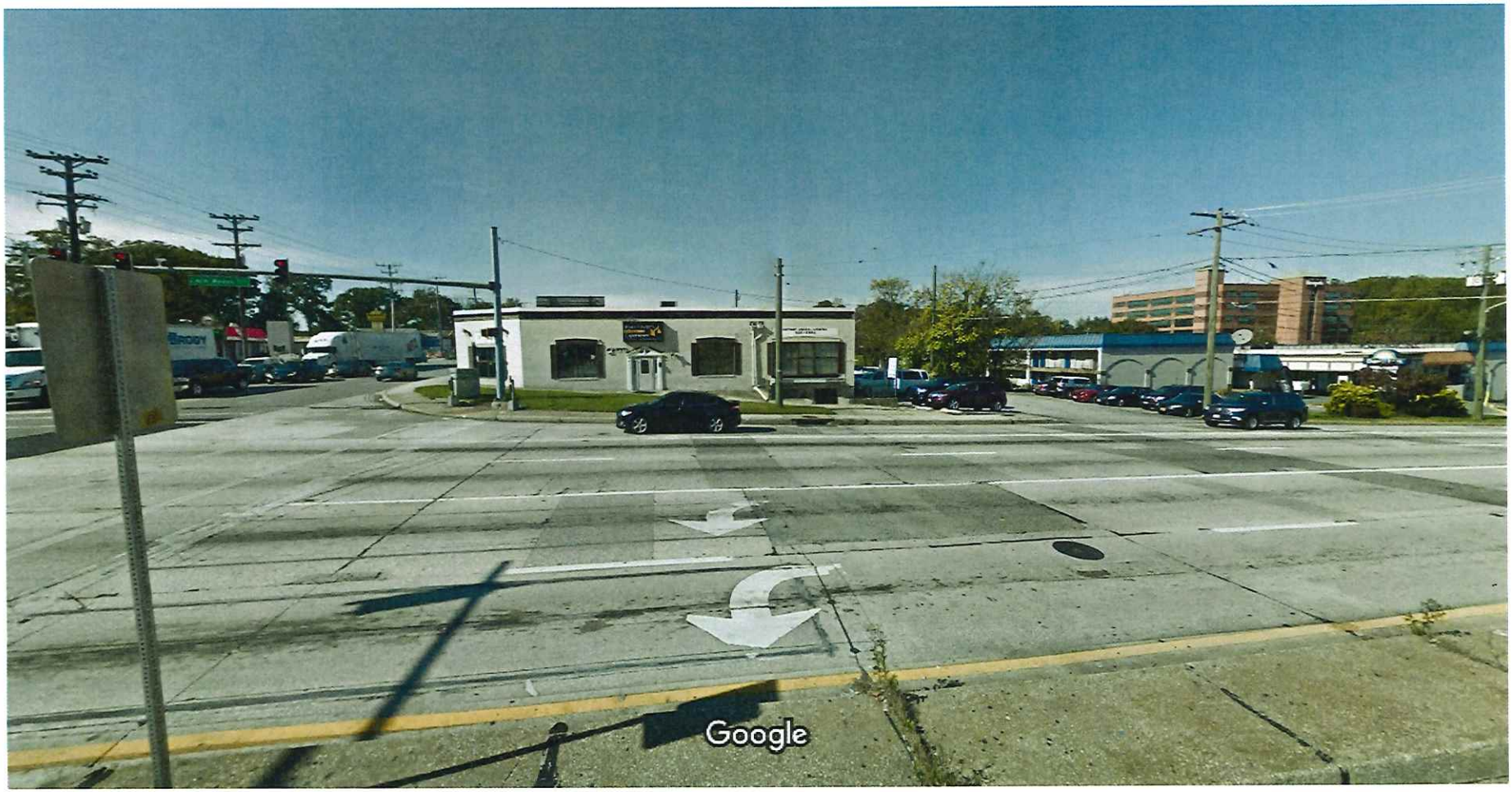


Image capture: Oct 2017 © 2019 Google

Towson, Maryland

Google

Street View - Oct 2017

Google Maps MD-542

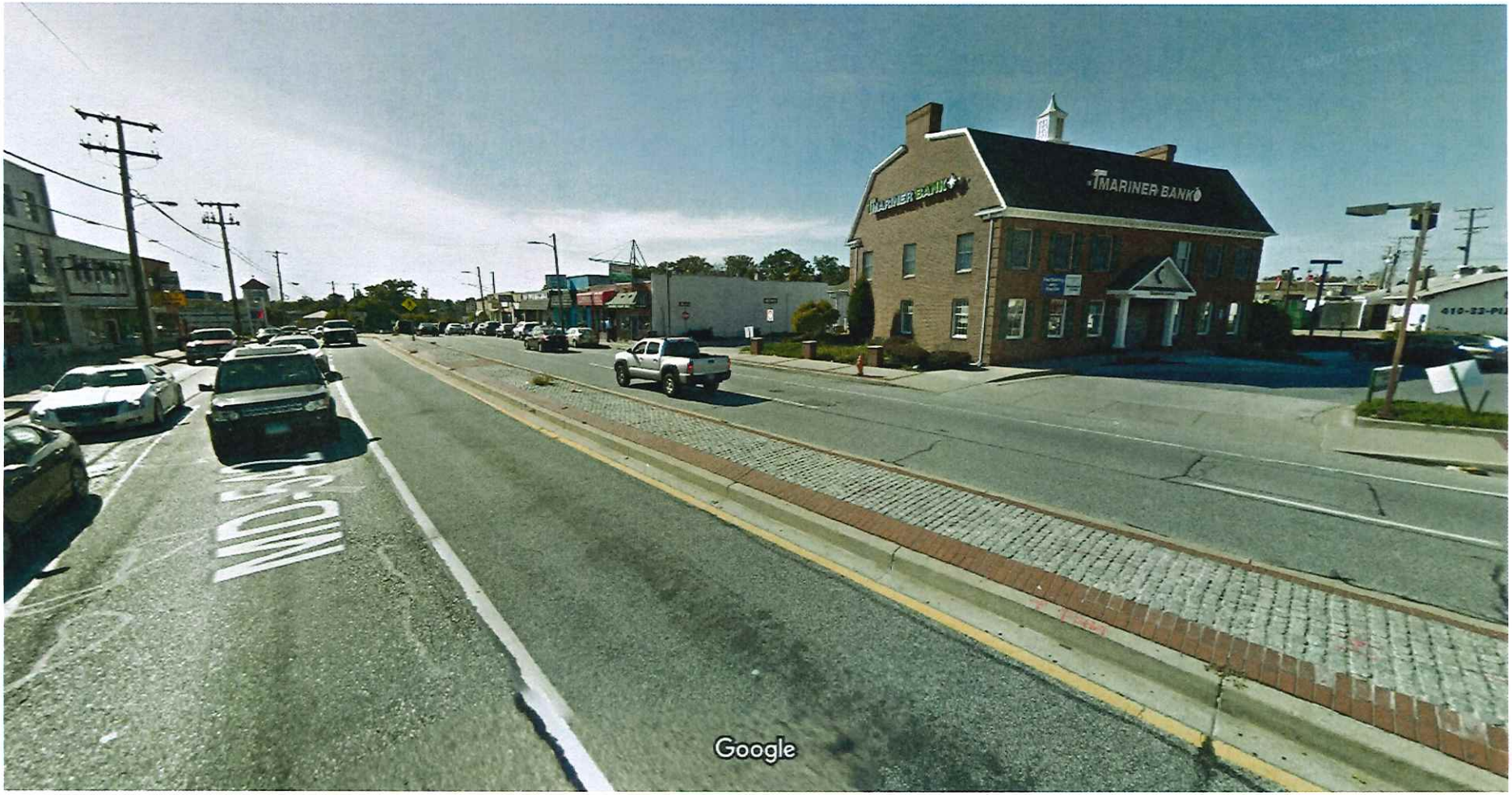


Image capture: Oct 2017 © 2019 Google

Towson, Maryland

Google

Street View - Oct 2017

Google Maps MD-542

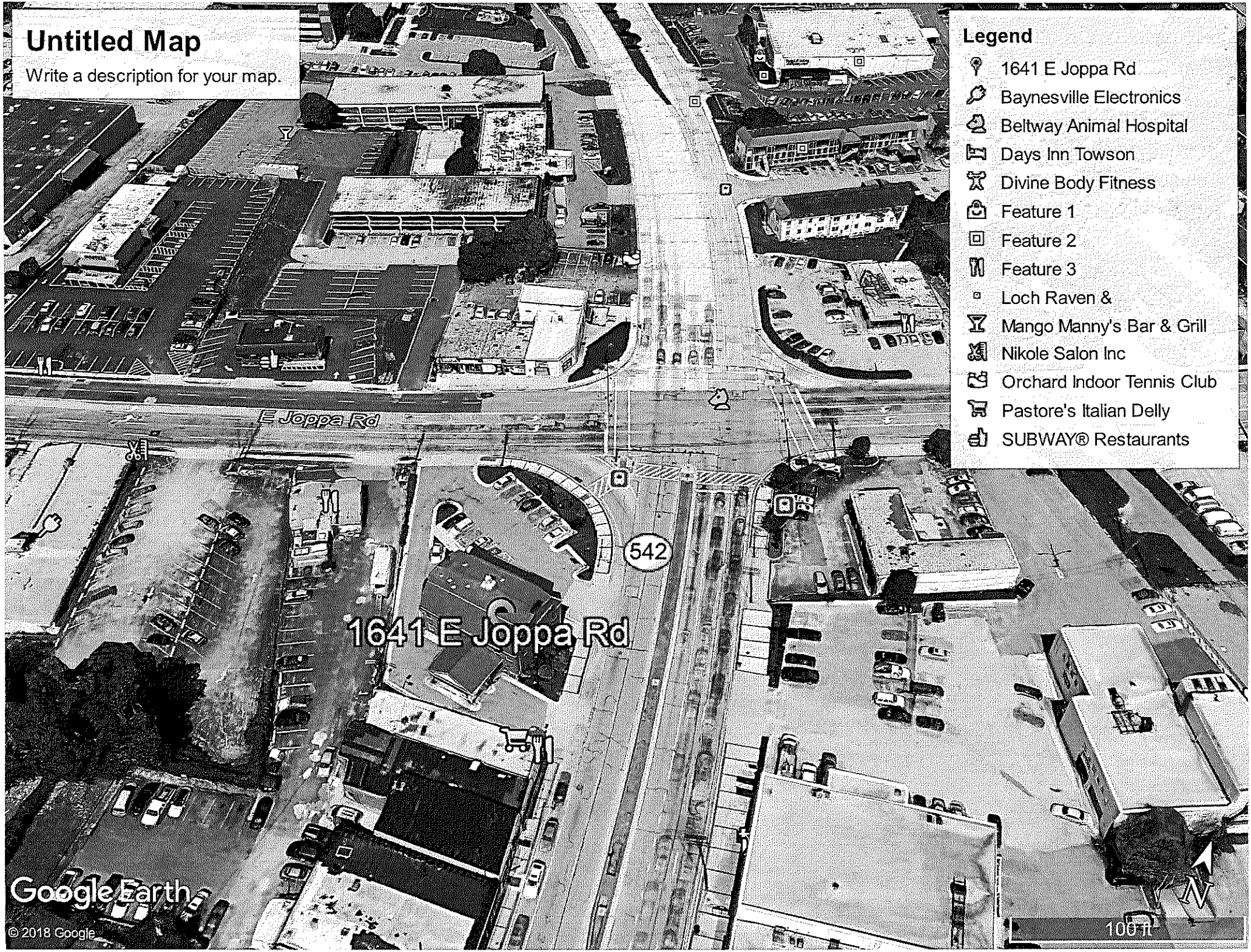


Image capture: Oct 2017 © 2019 Google

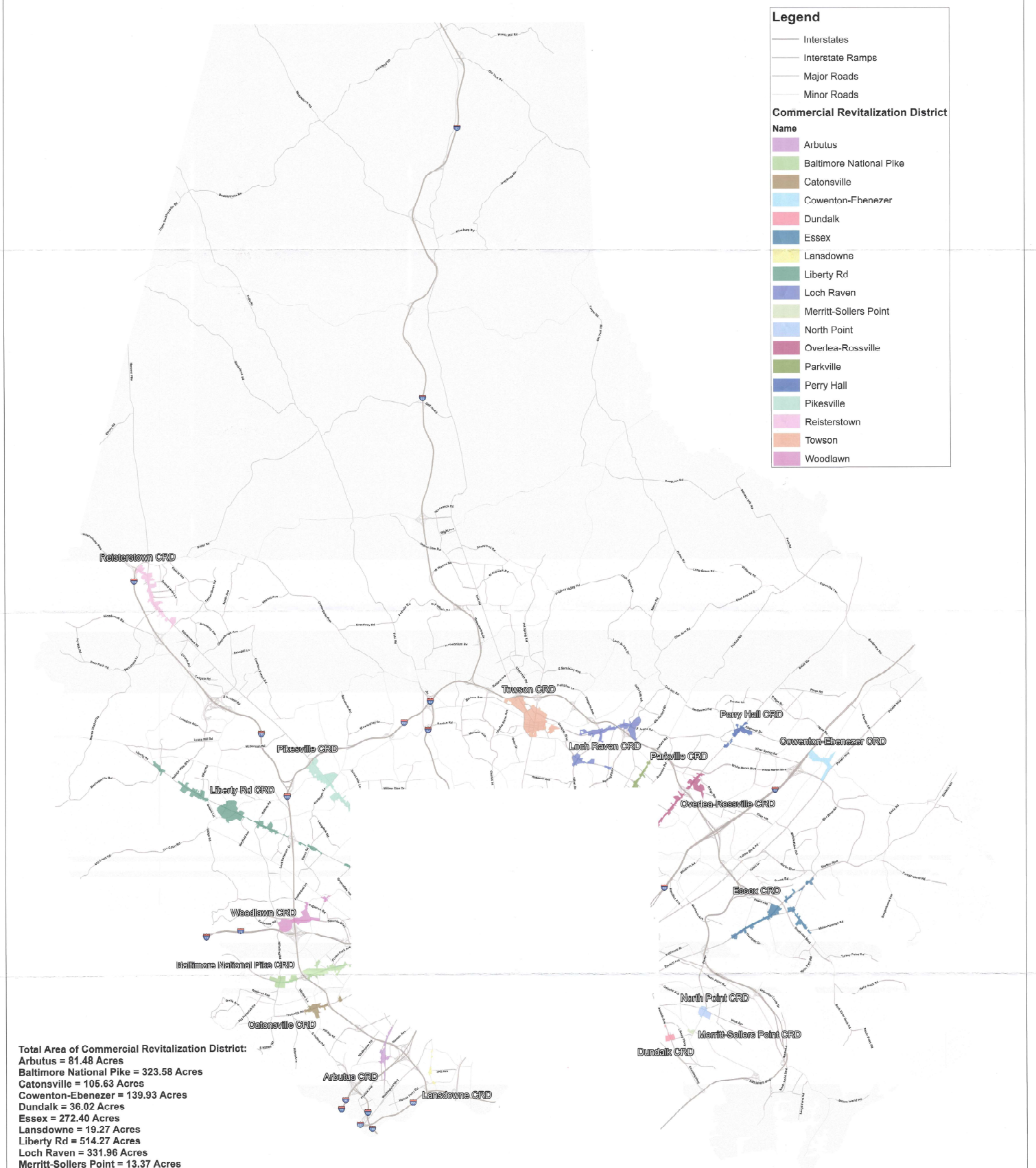
Towson, Maryland

Google

Street View - Oct 2017


Untitled Map
Write a description for your map.
Legend
1641 E Joppa Rd
Baynesville Electronics
Beltway Animal Hospital
Days Inn Towson
Divine Body Fitness
Feature 1
Feature 2
Feature 3
Loch Raven &
Mango Manny's Bar & Grill
Nikole Salon Inc
Orchard Indoor Tennis Club
Pastore's Italian Delly
SUBWAY® Restaurants
E Joppa Rd
542
1641 E Joppa Rd
Google Earth
© 2018 Google
100 ft
N

Commercial Revitalization Districts 2019



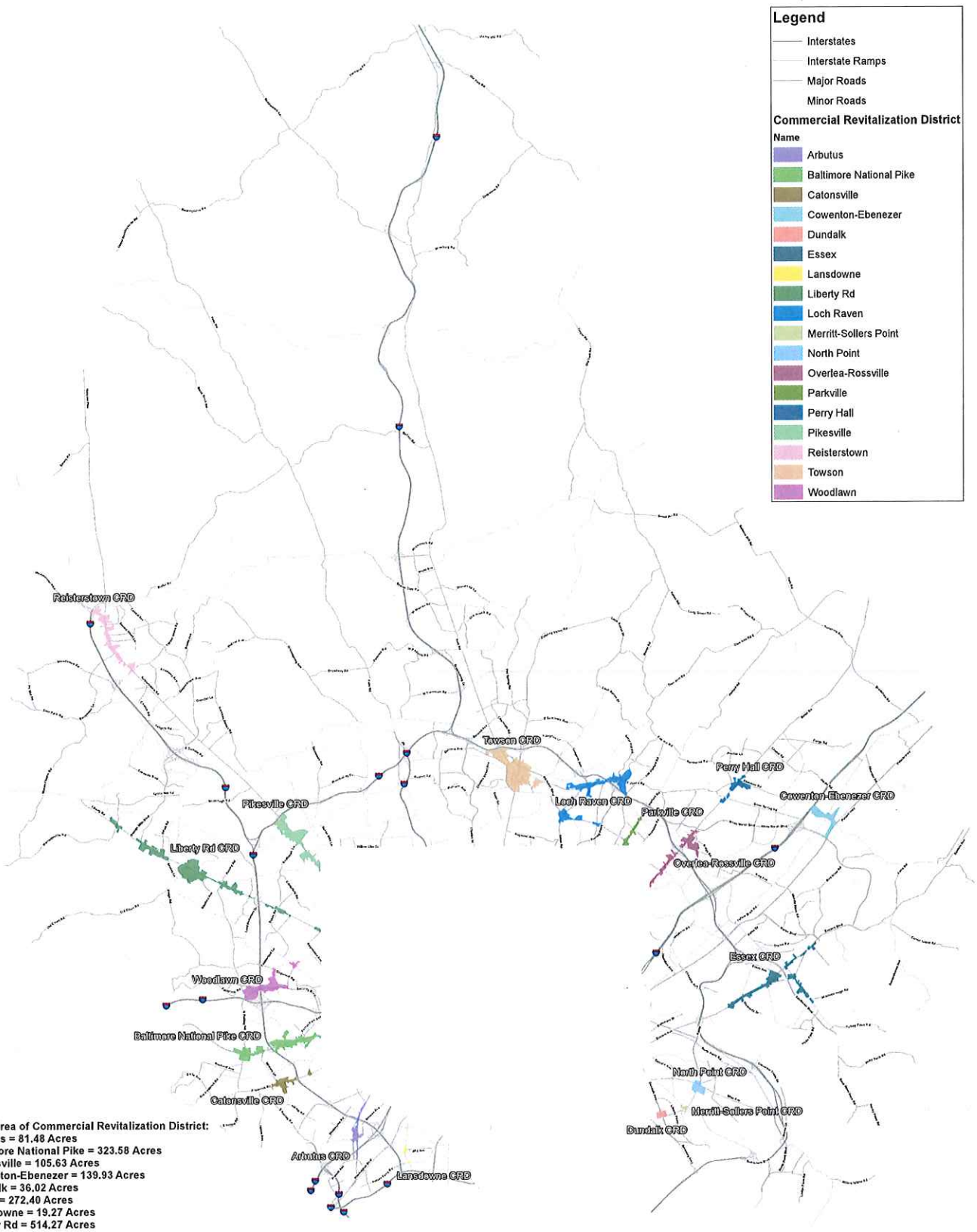
Total Area of Commercial Revitalization District:
Arbutus = 81.48 Acres
Baltimore National Pike = 323.58 Acres
Catonsville = 105.63 Acres
Cowenton-Ebenezer = 139.93 Acres
Dundalk = 36.02 Acres
Essex = 272.40 Acres
Lansdowne = 19.27 Acres
Liberty Rd = 514.27 Acres
Loch Raven = 331.96 Acres
Merritt-Sollers Point = 13.37 Acres
North Point = 68.54 Acres
Overlea-Rossville = 191.91 Acres
Parkville = 55.33 Acres
Perry Hall = 91.12 Acres
Pikesville = 301.80 Acres
Reisterstown = 245.55 Acres
Towson = 473.33 Acres
Woodlawn = 236.27 Acres

Prepared by Geographic Information Services
Baltimore County Office of Information Technology
Commercial revitalization district source: Baltimore County Department of Planning
Date: March 6, 2019

1 INCH = 1 Miles
0 1 2 4 6 8
Miles

People's Counsel
CRA Exhibit
16

Commercial Revitalization Districts 2019



Total Area of Commercial Revitalization District:
Arbutus = 81.48 Acres
Baltimore National Pike = 323.58 Acres
Catonsville = 105.63 Acres
Cowenton-Ebenezer = 139.93 Acres
Dundalk = 36.02 Acres
Essex = 272.40 Acres
Lansdowne = 19.27 Acres
Liberty Rd = 514.27 Acres
Loch Raven = 331.96 Acres
Merritt-Sollers Point = 13.37 Acres
North Point = 68.54 Acres
Overlea-Rossville = 191.91 Acres
Parkville = 55.33 Acres
Perry Hall = 91.12 Acres
Pikesville = 301.80 Acres
Reisterstown = 245.55 Acres
Towson = 473.33 Acres
Woodlawn = 236.27 Acres

People's Counsel
CBA Exhibit
16 (Miniature)

BL Zoning Districts 2019



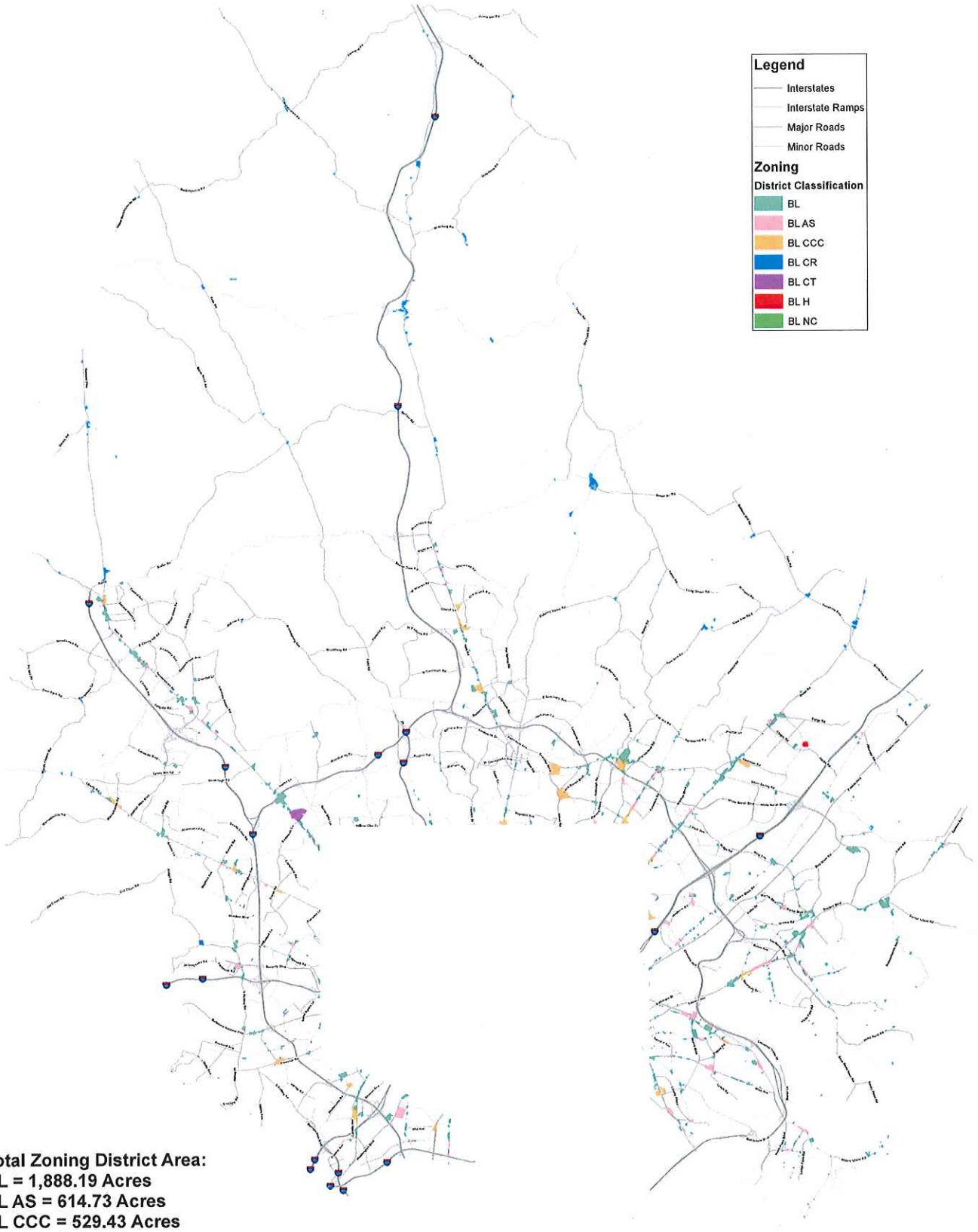
Total Zoning District Area:
BL = 1,888.19 Acres
BL AS = 614.73 Acres
BL CCC = 529.43 Acres
BL CR = 240.37 Acres
BL CT = 71.47 Acres
BL H = 14.91 Acres
BL NC = 3.39 Acres

Prepared by Geographic Information Services
Baltimore County Office of Information Technology
Zoning District: Baltimore County Legislative or Planning
Date: March 6, 2019

1 INCH = 1 miles

People's Counsel
CBA Exhibit
17

BL Zoning Districts 2019



Total Zoning District Area:
BL = 1,888.19 Acres
BL AS = 614.73 Acres
BL CCC = 529.43 Acres
BL CR = 240.37 Acres
BL CT = 71.47 Acres
BL H = 14.91 Acres
BL NC = 3.39 Acres

People's Counsel
CBA Exhibit
17 (Mini)

Proposed changes to Loch Raven commercial district would tighten design standards

By **Jon Meoli, jmeoli@tribune.com**

FEBRUARY 20, 2013, 12:26 PM

County Councilman David Marks on Wednesday announced a bill that would reform and tighten design standards for new projects in the Loch Raven commercial revitalization district.

"Community leaders have talked about reducing some of the visual clutter along Joppa Road and Loch Raven Boulevard for years, and now is the time to do it," Marks, whose 5th District stretches from Towson east to Perry Hall, said in a statement.

Advertisement

Bill 13-13, which was introduced Tuesday, reduces the district's size east of Loch Raven Boulevard so resources and efforts can be focused on the area around Joppa Road and Loch Raven Boulevard, Marks said in the statement.

According to Marks, the remaining area would comprise three sub-districts: Baynesville near Joppa Road and Loch Raven Boulevard, Hillendale near Loch Raven Boulevard and Taylor Avenue, and Satyr Hill near Joppa Road and Perring Parkway.

People's Counsel
CBA Exhibit
18

In Hillendale and Baynesville, new construction would require approval from the county's Design Review Panel, which consists of architects and engineers, Marks said.

"When new construction occurs in these areas, it will be subject to tighter standards so we can hopefully have much more attractive buildings," Marks said in the statement. "We will have to live with new construction for 40 or 50 years, so let's make it look better."

Copyright © 2019, The Baltimore Sun, a Baltimore Sun Media Group publication | Place an Ad

This 'attr(data-c-typename)' is related to: David Marks

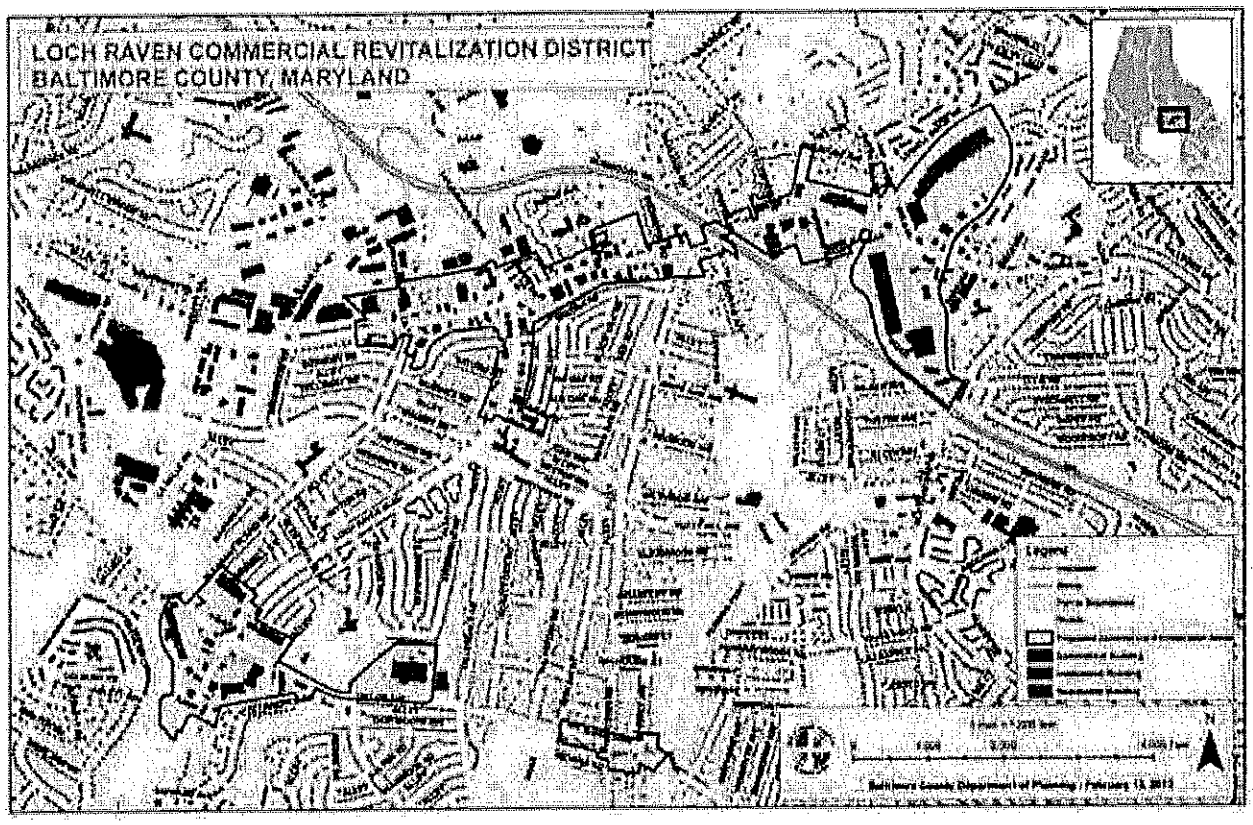
Missing comments? We've turned off comments across Baltimore Sun while we review our commenting platform and consider ways to improve the system. If you purchased points through the Solid Opinion platform and would like a refund, please let us know at circsupport@tronc.com.

https://www.avenuenews.com/news/marks-proposes-restructuring-loch-raven-commercial-revitalization-district/article_feb6b2ba-7c22-11e2-af46-001a4bcf887a.html

FEATURED

Marks proposes restructuring Loch Raven commercial revitalization district

Feb 21, 2013



Under Councilman David Marks' proposed legislation, the Loch Raven district would shrink in the east so that county resources could be better focused on the area centered at Joppa Road and Loch Raven Boulevard. The district would be splintered into three district subareas: Baynesville near Joppa Road and Loch Raven Boulevard; Hillendale near Loch Raven Boulevard and Taylor Avenue; Satyr Hill near Joppa Road and Perring Parkway.

Baltimore County Councilman David Marks has introduced legislation that would restructure the existing Loch Raven commercial revitalization district and tighten the design standards for new construction in this area.

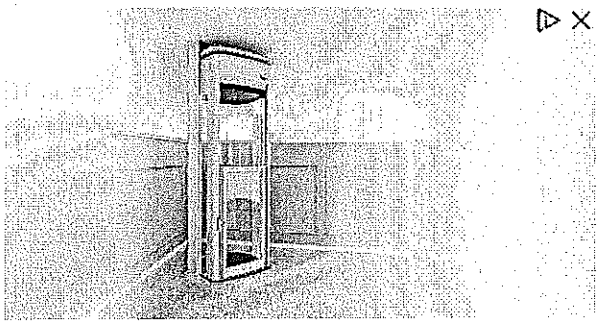
Under the proposed legislation, expected to be voted on at the March 19 council session, the Loch Raven district would shrink in the east so that county resources could be better focused on the area centered at Joppa Road and Loch Raven Boulevard.

The district would be splintered into three district subareas:

Baynesville near Joppa Road and Loch Raven Boulevard;

Hillendale near Loch Raven Boulevard and Taylor Avenue;

Satyr Hill near Joppa Road and Perring Parkway.



Residential Elevators
The Home Elevator That Fits in Easily, And Is Easy To Fit. Enquire Online Now
Stiltz Lifts
OPEN >

In two of those areas, Baynesville and Hillendale, new construction would be subject to the Baltimore County Design Review Panel, a body of professional architects and engineers.

The goal is to improve the look of future development," Marks said in a press statement, and minor changes would not be subject to review.

"Community leaders have talked about reducing some of the visual clutter along Joppa Road and Loch Raven Boulevard for years, and now is the time to do it," Marks said. "When new construction occurs in these areas, it will be subject to tighter standards so we can hopefully have much more attractive buildings. We will have to live with new construction for 40 or 50 years, so let's make it look better."

Loch Raven Master Plan
Feb 21, 2013

Loch Raven Revitalization Plan
Feb 21, 2013

Community leaders have talked about reducing some of the visual clutter along Joppa Road and Loch Raven Boulevard for years, and now is the time to do it. When new construction occurs in these areas, it will be subject to tighter standards so we can hopefully have much more attractive buildings. We will have to live with new construction for 40 or 50 years, so let's make it look better."



A LifeBridge Health Partner
ExpressCare
URGENT CARE CENTERS

Visit us on-line to find an ExpressCare Center i
why wait in the EF

Politics & Government (https://Patch.com/Maryland/Parkville/Politics)

Design Review Coming to Baynesville, Hillendale

Community leaders say they welcome county regulations that will improve the commercials areas that are the gateways to both neighborhoods.

By Bryen P. Sears, Patch Staff (https://patch.com/users/bryan-p-sears-2) | Mar 19, 2013 5:11 am ET | Updated Mar 19, 2013 3:23 pm ET

(https://patch.com/maryland/parkville/amp/14355513/design-review-coming-to-baynesville-hillendale)





The Baltimore County Council (http://towson.patch.com/search?keywords=baltimore+county+council) Monday unanimously approved a bill that seeks to add a more formal review of redevelopment efforts in the Baynesville and Hillendale communities.

The bill, sponsored by Councilman David Marks (http://perryhall.patch.com/search?keywords=david+marks), revises the boundaries of the Loch Raven Commercial Revitalization District borders. The county Design Review Panel is required review nonresidential development plans in the Loch Raven-Baynesville and Loch Raven-Hillendale sections of the revitalization district.

"It's a very important area to the county and I do think that over some time it has been neglected, said Bob Kemp, president of the Hillendale Park Community Association.

:Design%
w%
ng%

esville%

idale&body=Design%
w%
ng%

esville%

idale%

munity%
rs%

s
me%
y%
ations%

ve%

nercials%
%

ways%

s
borhoods.%

://patch.com/maryland/parkville/design-

ille-
le)

(https:/

Nick Linehan, a member of the Loch Raven Community Assocation board, said he welcomes the county's review of the commercial areas that are the gateway to the community he lives in.

"We feel this is a step in the right direction to encourage compatible redevelopment in our area," Linehan said.

Subscribe > (/)

Sixteen homes in the Baynesville neighborhood will be razed as part of a settlement following more than 25 years of petroleum contamination from a nearby independently-owned Hess gas station (http://towson.patch.com/search?_utf8=%E2%98%83&keywords=Hess). The demolition will result in a four-acre open space.

Karen Fitze, vice president of the Ridgeleigh Community Association, said her neighborhood supports the bill because of "considerable commercial development we're keeping an eye on."

"We would love to see this whole community, especially those of us who were raised around here, to be put under not necessarily homogeneous buildings but something that looks nice," Fitze said during a March 12 hearing on the bill. "Something that has some sort of design quality to it. Something with a landscaping quality to it. Something that would boost the whole area and help us keep our property values up and everyone can drive down there and say 'this is nice.'"

The newly-passed law takes effect on April 1.

More from Parkville-Overlea


(https://patch.com/maryland/parkville/s/gnmdd/terrible-tuesdays-will-county-jail-march-19)

Terrible Tuesdays: Will County Jail March 19
(https://patch.com/maryland/parkville/s/gnmdd/terrible-tuesdays-will-county-jail-march-19)
2h

Drunk Driver

(https:/

§ 232.1. - Front yard.

For residences, as in Sections 302 and 303.1; for commercial buildings the front building line shall be not less than ten feet from the front property line and not less than 40 feet from the center line of the street, except as specified in Section 303.2.

§ 303.2. - Standards for B.L., B.M. and B.R. Zones.

In B.L., B.M. and B.R. Zones, the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, provided such adjoining lots are improved with permanent commercial buildings constructed of fire-resisting materials situate within 100 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above.

People's Counsel
CBA Exhibit
19

People's Counsel Sign-In Sheet

Case Name: Howard Bank / Mid-Atlantic Lubes, LLC
Case No.: 2019-070-SPHX
Date: April 2, 2019 - Day 2

The Office of People's Counsel was created by the County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns, whether they have their own attorney or not. If you wish to be assisted by People's Counsel, please sign below.

Check to testify	Name	Address	Phone #	Email	Group you represent	Basis of your concerns
✓	Janice Krach	8325 Wytan Rd 21286	4103211785	janice_8325@yahoo.com	Knotts hall Com. Ass.	Gateway to Towson
✓	BRYAN Fischer	1629 Aberdeen Rd 21286	207-7213	bryanfischer@gmail.com	Knotts hill / TCA	Comm. property values
✓	Paul Hartman	18 1/2 Cedar Ave 21286	410-622-8386	paul@towsoncommunities.org	TCA	Compatibility with community
✓	Peter Moulder	1552 Dellsway Rd 21286	410-456-1256	pmoulder49@gmail.com	At RV	Inappropriate use, etc.

People's Counsel
CBA Exhibit
20

ADC The Map People®
by Kappa Map Group

STREET ATLAS

Baltimore City & County

Maryland

4 **Regional Maps**
User's Guide

9 **City of Baltimore**
Large-Scale Maps

12 **Baltimore City & County**
Street Maps

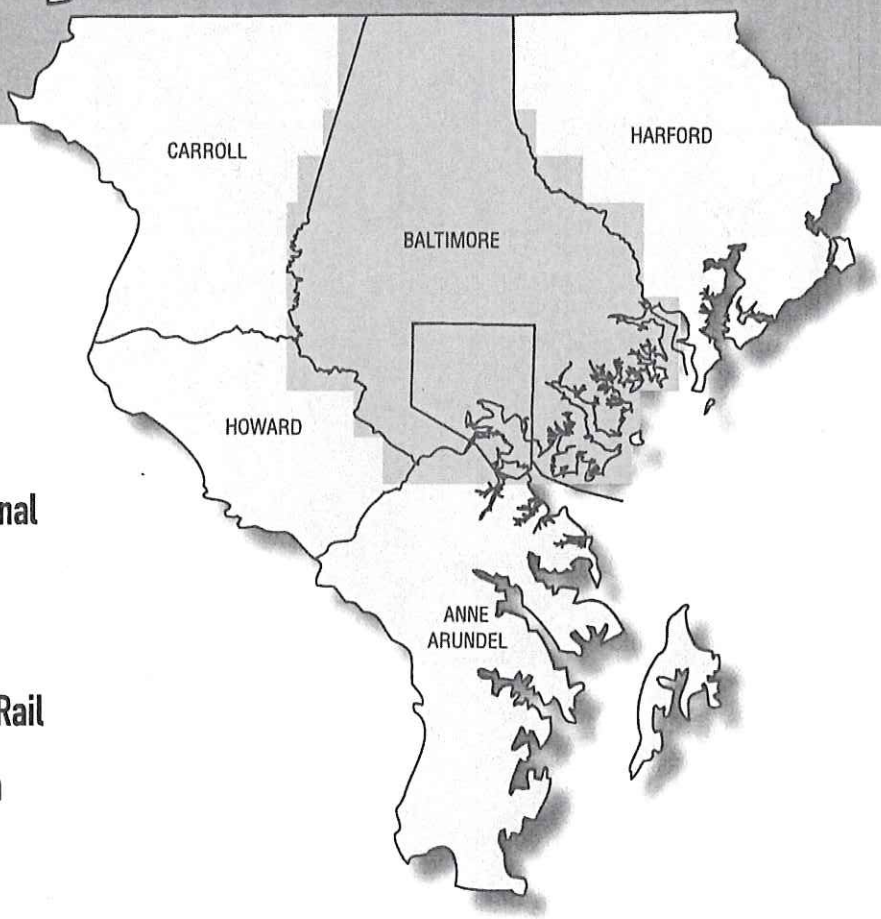
93 **Baltimore/Washington International Thurgood Marshall Airport (BWI)**

94 **Downtown Baltimore**

96 **Baltimore Metro & Central Light Rail**

97 **Maryland Rail Commuter System**

98 **Indexes**
Index of Places
Street Index
Places of Interest

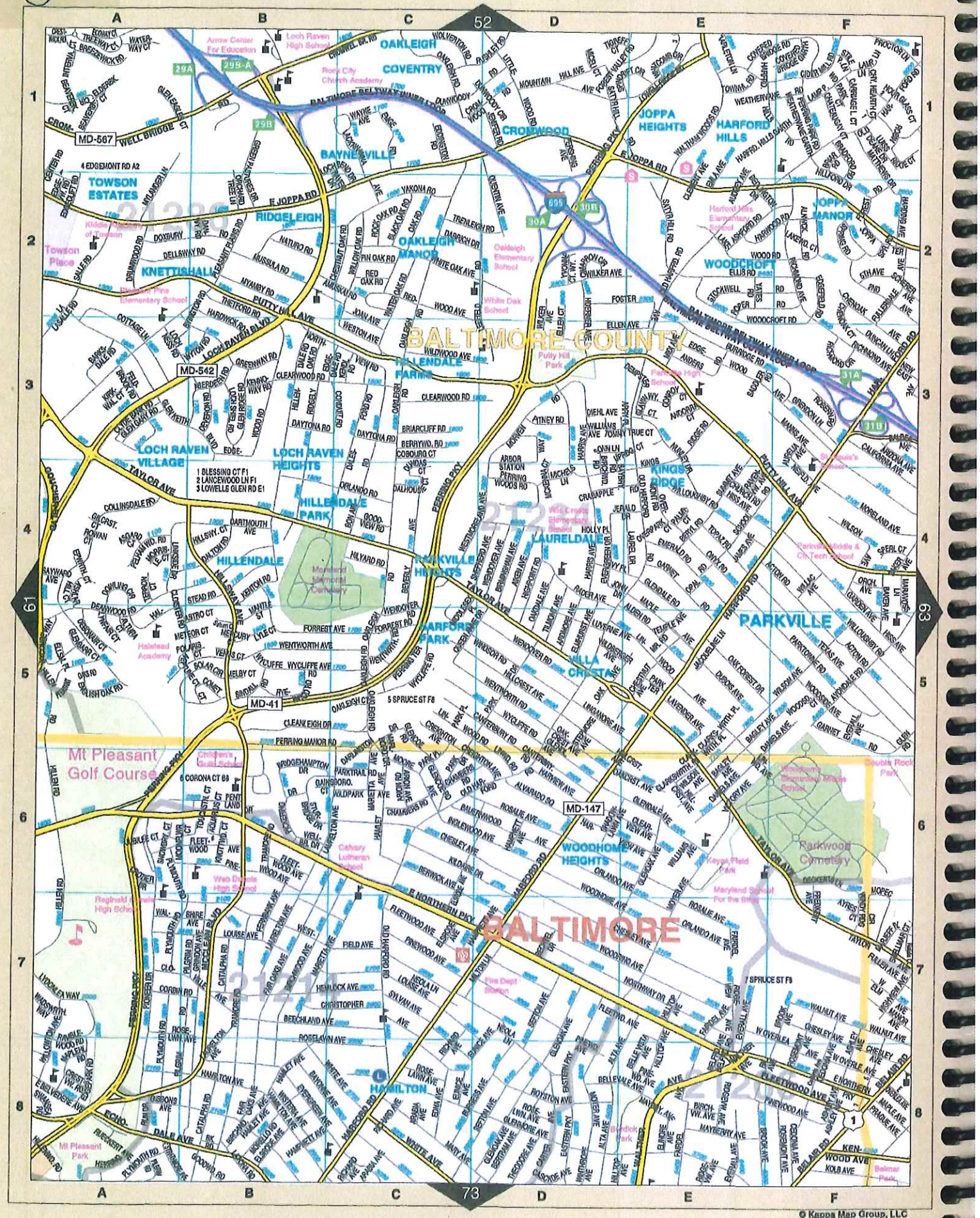


NAVTEQ ON BOARD

People's Counsel
CBA Exhibit
21

Copyright © Kappa Map Group, LLC 2012. Portions © Navteq 2011. All rights reserved. Reproduction, in whole or part, by any means whatsoever, is expressly prohibited without permission from the publisher. Information is not warranted by us. Publisher assumes no liability for damages arising from errors or omissions.

(800) 829-6277 **www.kappamapgroup.com**



© Kappa Map Group, LLC

People's Counsel
CBA Exhibit
22 A



B



Imagery ©2019 Google, Map data ©2019 Google 200 ft

People's Counsel
CBA Exhibit
22B

C



Imagery ©2019 Google, Map data ©2019 200 ft

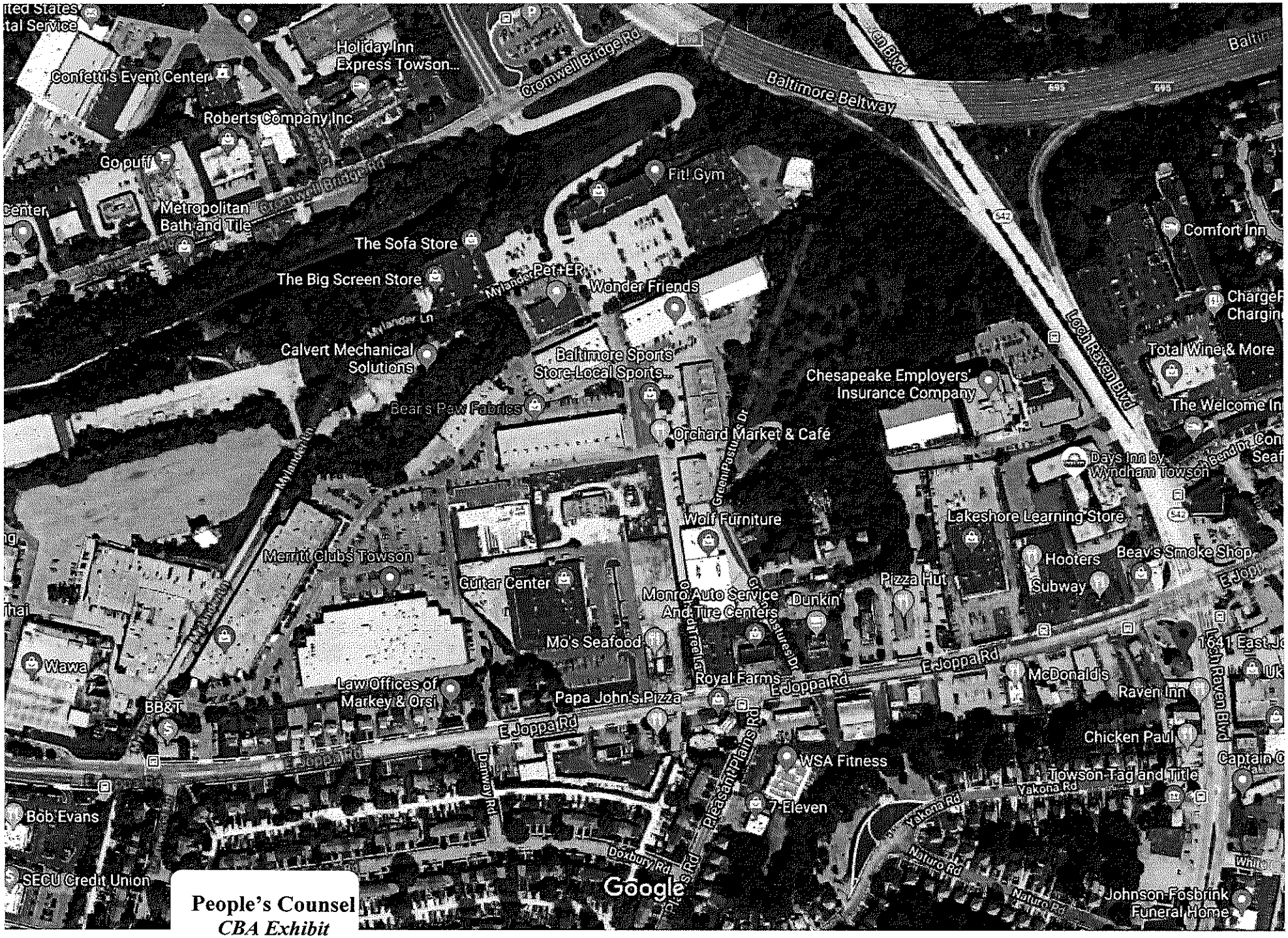
People's Counsel
CBA Exhibit
22C

D



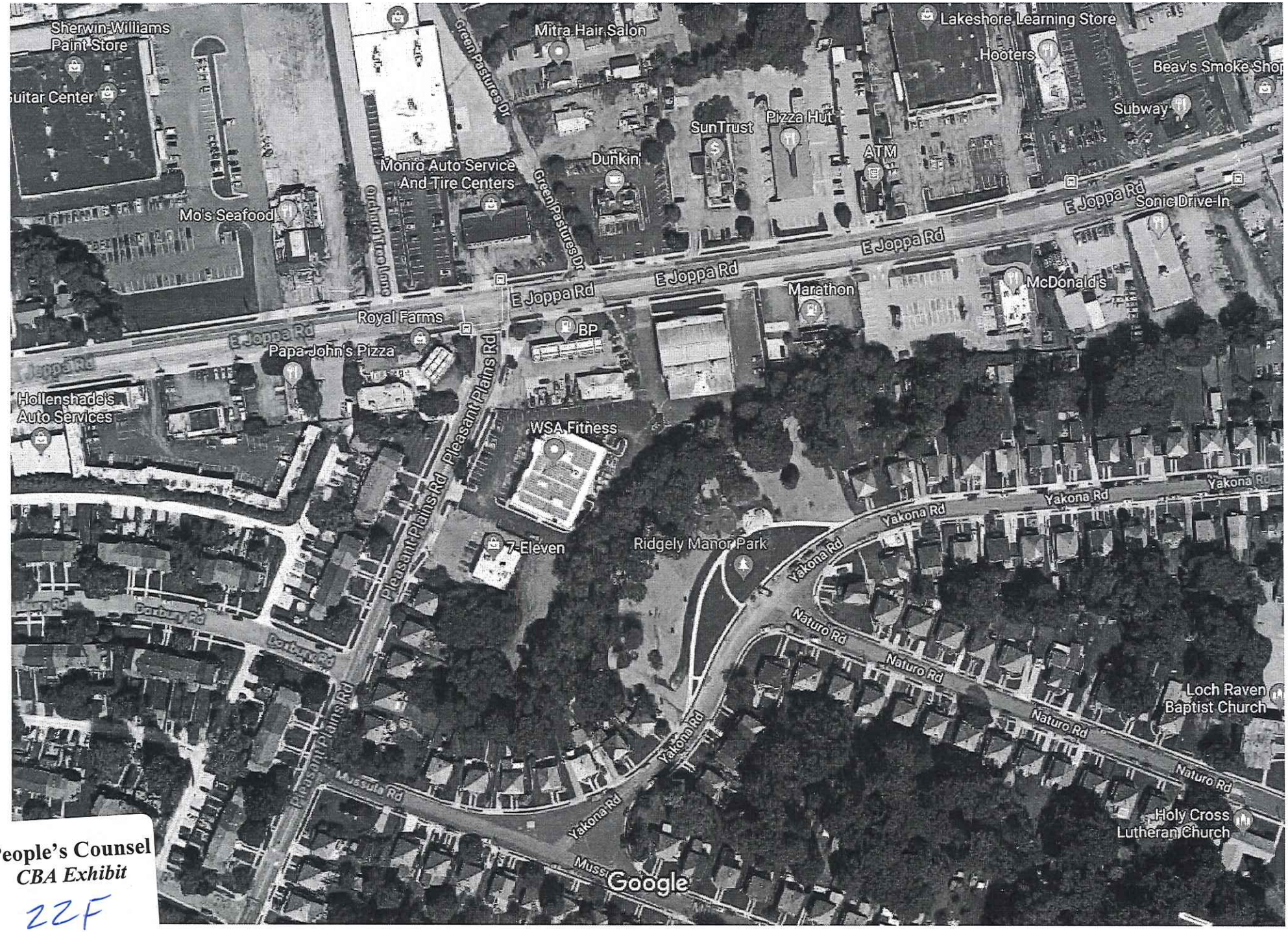
Imagery ©2019 Google, Map data ©2019 200 ft

People's Counsel
CBA Exhibit
22D



People's Counsel
CBA Exhibit
22E

Imagery ©2019 Google, Map data ©2019 Google 200 ft



Imagery ©2019 Google, Map data ©2019 Google 100 ft

People's Counsel
CBA Exhibit
22F

G



Imagery ©2019 Google, Map data ©2019 50 ft

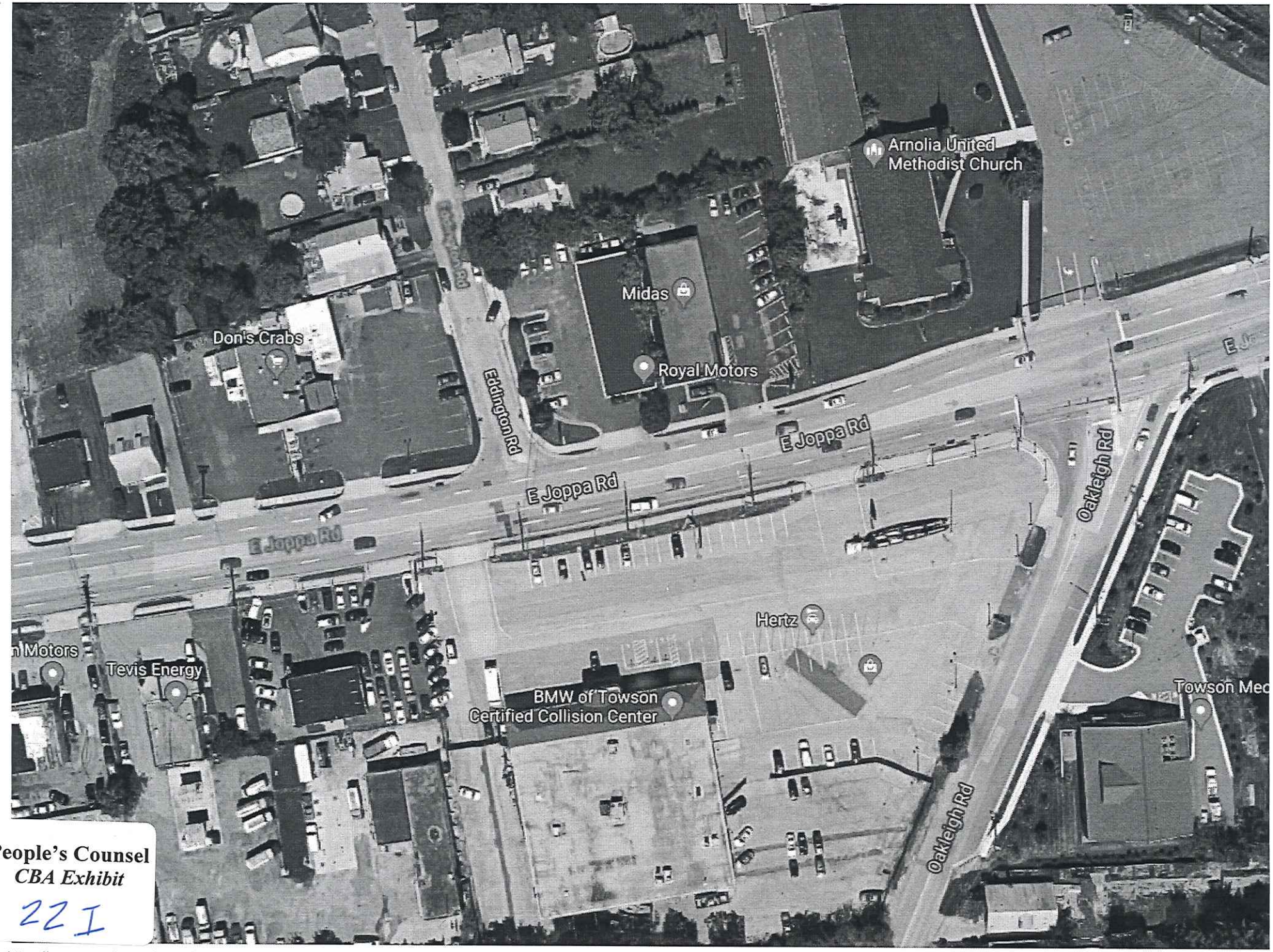
People's Counsel
CBA Exhibit
226

/maps/place/1641+E+Joppa+Rd,+Towson,+MD+21286/@39.3963952,-76.5624221,213m/data=!3m1!1e3!4m5!3m4!1s0x89c80f2455b7a611:0x4d855fe4b9f0b100!8m2!3d39.396... 2/3



People's Counsel
CBA Exhibit
22H

I



People's Counsel
CBA Exhibit
22 I

J



Imagery ©2019 Google, Map data ©2019 50 ft

People's Counsel
CBA Exhibit
22 J

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2014, Legislative Day No. 7

Resolution No. 25-14

Mr. David Marks, Councilman

By the County Council, April 7, 2014

A RESOLUTION of the Baltimore County Council to approve the review of a proposed planned unit development in accordance with County law.

WHEREAS, County law requires that an application for approval of a site for a planned unit development be submitted to the County Council member in whose district the development is proposed to be located; and

WHEREAS, Joppa Mylander Properties, LLC (Applicant) has submitted an application for review and approval of a 9.35± acre site located at 1300 East Joppa Road in the Towson area in the 5th Councilmanic District, to be developed as a general development planned unit development (PUD). The property is zoned ML-IM and is located within the Urban Rural Demarcation Line (URDL). The property is improved with an existing building, which has been vacant for years and is functionally obsolete; and

WHEREAS, Applicant proposes to redevelop the property with a mixed-use development, to be known as *Loch Raven Commons*, which will include a residential component (maximum of 225 rental apartment units on 5.87± acres), a commercial component (25,000-35,000± square feet) with a mix of general retail, restaurant, fuel service station/convenience store, and other possible uses, and related amenities, such as a public village center; and

WHEREAS, the property's zoning classification of ML-IM would permit some commercial use of the property by right and fuel service station/convenience store use by special exception. However, Applicant desires to have greater flexibility in uses than is permitted under the existing zoning and is seeking to obtain that flexibility through the PUD process; and

WHEREAS, with approval of a PUD, property classified as a manufacturing zone may be developed for residential purposes up to a maximum residential density of 40 density units per acre. Applicant's proposal to develop a maximum of 225 apartment units on approximately 5.87± acres (maximum density of 234± density units) will not exceed the maximum density permitted by Section 430.3.C.3 of the Baltimore County Zoning Regulations; and

WHEREAS, the Council finds that the proposed mixed-use development is consistent with goals and objectives of the *Master Plan 2020*, considering the property's designations as T-5 – Urban Center transect, Employment Center, and Community Enhancement Area, which encourage high-density redevelopment of underutilized properties in the urban portion of the County, particularly when such redevelopment results in walkable, sustainable development that complements adjacent land uses and uses existing public facilities; and

WHEREAS, Applicant proposes a financial contribution of $50,000 as a capital improvement benefit under Section 32-4-242(b)(6)(iii) of the Baltimore County Code. This contribution will be distributed as follows: $26,000 for planting trees and landscaping, or constructing pedestrian improvements, on publicly-owned land in Loch Raven Village, with the advice of the Associates of Loch Raven Village, Inc.; and $24,000 for capital improvements on publicly-owned land in the Towson Estates neighborhood, with the advice of the Towson Estates Association, Inc. Any local open space waiver fee paid (amount depends on the number of units constructed, maximum of $25,000) shall be applied to exterior improvements at Loch Raven

People's Counsel
CBA Exhibit
23

Elementary School or Pleasant Plains Elementary School, with the advice of the Associates of Loch Raven Village, Inc.; and

WHEREAS, prior to submission of the PUD Application, Applicant shared preliminary plans for the proposed development with a citizens' committee that included representatives of the nearby Towson Estates and Loch Raven Village neighborhoods; and

WHEREAS, Applicant has conducted a post-submission community meeting in compliance with Section 32-4-242(c) of the Baltimore County Code; and

WHEREAS, Applicant has compiled comprehensive minutes of the meeting, together with a record of the names, addresses, and electronic mail addresses, if available, of the attendees and has forwarded the same to the Council member in whose district the property is located and to the Department of Permits, Approvals and Inspections; and

WHEREAS, Applicant has submitted copies of the application to the Department of Permits, Approvals and Inspections, and the appropriate County reviewing agencies have provided a written preliminary evaluation of the proposed PUD to the Council Member, which have been posted on the County's internet website; and

WHEREAS, Applicant has posted the subject property at least 10 business days prior to the final vote on the resolution in accordance with Section 32-4-242(d)(1) of the Baltimore County Code; and

WHEREAS, after review of the application and related materials, written preliminary evaluation from County agencies, and input from attendees of the post-submission community meeting, the County Council finds that the proposed PUD will achieve a development of substantially higher quality than a conventional development and will achieve a compatible and

efficient use of land, subject to the following development upgrades or actions that will further enhance the greater Towson Estates/Loch Raven Village community:

1. Applicant shall provide additional landscaping along East Joppa Road ~~and, where possible, along Mylander Lane~~ WITH PARTICULAR EMPHASIS ON ADDITIONAL LANDSCAPING AND A WIDER SETBACK AT THE INTERSECTION OF EAST JOPPA ROAD AND MYLANDER LANE CLOSEST TO THE LOCH RAVEN VILLAGE COMMUNITY IN ORDER TO PROTECT THE VIEW OF LOCH RAVEN COMMONS FROM LOCH RAVEN VILLAGE RESIDENTS, including a combination of hedges, flowering trees, and shade trees. Applicant shall attempt to preserve the four mature trees along Joppa Road and incorporate them into the landscape design. All landscaping on site shall meet or exceed the requirements of the Baltimore County Landscape Manual.
2. Architectural design and building materials, INCLUDING THAT OF THE FUEL SERVICE STATION, shall be compatible with the adjacent Loch Raven Village with dark red brick being the predominant building material AND SHALL BE DESIGNED WITH A CONSISTENT ARCHITECTURAL THEME.
3. Applicant shall provide a 20 foot front property line setback along East Joppa Road for the fuel service station use, which area shall serve as a landscape transition area for the fuel service station.
4. Applicant shall design buildings so that loading areas and dumpsters are not visible from ~~Joppa Road~~ A PUBLIC ROAD or are appropriately screened IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

5. Access to the site from Joppa Road shall be through the joint access point with Radio Park at Lasalle Road. If Applicant wishes to have an additional access point to Joppa Road in the future, this request would require a public hearing.
6. The design of the fuel service station canopy, OF WHICH THERE MAY BE ONLY ONE, shall be compatible with the principal fuel service station building, and the support columns for the canopy shall include brick. To avoid light spill onto neighboring properties and reduce glare, lighting under the canopy shall be directed downward, and LED fixtures (or later technology) shall be used. TEMPORARY SIGNAGE OR ADVERTISEMENTS ARE NOT PERMITTED ON THE FUEL SERVICE STATION BUILDING FACADE, WINDOWS, OR DOORS.
7. Except as provided in #8, signage in the proposed development may not include changeable copy.
8. Signage for the fuel service station shall be monumental in form with a brick base, and the sign may not include changeable copy, with the exception of fuel pricing.
9. Applicant shall erect a small community sign along the East Joppa Road frontage to mark the transition from Loch Raven to Towson ("Leaving Loch Raven and Entering Towson"). This sign shall be a monument sign, have a brick base, and be consistent with the style of existing Loch Raven Village community signs. Applicant shall consult with Councilman David Marks as to the sign's location, appearance, and message.
10. Tattoo parlors, bail bonds businesses, hookah lounges, and automobile dealerships are prohibited on the property.
11. Applicant shall provide bike parking in accordance with the requirements of the adjacent Loch Raven Commercial Revitalization District.

12. Any shopping carts used on site shall be equipped with electronic wheel locking devices.
13. Applicant shall resurface the public portion of Mylander Lane from Joppa Road to the cul-de-sac and make it function safely for two-way traffic and pedestrians. Applicant also shall resurface the entire width of East Joppa Road from the western entrance of the property to Mylander Lane.
14. Applicant shall eliminate any potential access to the existing tunnel under Joppa Road by filling the space with structural flowable fill or other similar measures, under the direction of a structural engineer, and abandon the tunnel; and

WHEREAS, the County Council finds that the proposed site for the PUD is eligible for County review in accordance with Section 32-4-241, et seq. of the County Code and has given public notice of this Resolution as required by law; and now, therefore

BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the proposed site for the general development planned unit development, filed by Applicant, is eligible for County review in accordance with Section 32-4-241, et seq. of the County Code; and be it further

RESOLVED, that the County Council finds, as set forth herein, that the proposed PUD will provide an acceptable community benefit pursuant to Section 32-4-242(b)(6)(iii) of the County Code; and be it further

RESOLVED, that a copy of this Resolution be sent to the Baltimore County Department of Permits, Approvals and Inspections and the Department of Planning for processing the PUD plan in accordance with law.

10/29/15

IN RE: **PLANNED UNIT DEVELOPMENT** 9th Election District 5th Council District **(Loch Raven Commons)** Joppa Mylander Properties, LLC *Owner/Developer*	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 09-0844**

* * * * * * *

ADMINISTRATIVE LAW JUDGE'S OPINION AND ORDER ON PLANNED UNIT DEVELOPMENT (PUD)

This matter comes before the Office of Administrative Hearings (OAH) for a hearing pursuant to § 32-4-245 of the Baltimore County Code (B.C.C.), which governs planned unit developments ("PUD"). In accordance with that regulation, Developer seeks approval of a Development Plan (the "Plan") prepared by Martin and Phillips Design Associates, Inc., for the Loch Raven Commons (the "subject property"). The proposed development is more particularly described on the two (2) sheet redlined Plan submitted into evidence and marked as Developer's Exhibit 1A and 1B.

On April 7, 2014, the Baltimore County Council approved Resolution No. 25-14 (Developer's Exhibit 4) finding that the Loch Raven Commons PUD is eligible for Baltimore County review in accordance with § 32-4-242 of the B.C.C. The current request proposes a mixed-use development, which will include a residential component (maximum of 225 rental apartment units), a commercial component (25,000-35,000 square feet) with a mix of general retail, restaurant, fuel service station/convenience store, and other possible uses and related amenities, such as a public village center.

A Development Plan Conference (DPC) was held between the Developer's consultants and various Baltimore County agencies, to consider the project. In this case, the DPC was held on September 23, 2015. At the DPC, the Baltimore County agencies responsible for the review of the Development Plan submit written comments regarding the compliance of the Development Plan with the various Baltimore County regulations governing land development in the County. The Hearing Officer's Hearing was held on October 15, 2015.

The property was posted with the Notice of Hearing on September 15, 2015 for 20 working days prior to the hearing, in order to inform all interested citizens of the date and location of the hearing. Appearing at the public hearing on behalf of the Developer was Mickey Cornelius, Rob Buccini, Ken Kearns, Wes Schwandt and David Martin, with Martin and Phillips Design Associates, Inc., the engineering firm that prepared the Plan. Patricia A. Malone, Esquire and Robert Hoffman, Esq., both with Venable, LLP appeared on behalf of the Developer. J. Carroll Holzer, Esq. appeared on behalf of the Loch Raven Village Community Association, and several members of the community also attended to obtain additional information about the project.

Representatives of the various Baltimore County agencies who reviewed the Plan attended the hearing, including the following individuals from the Department of Permits, Approvals and Inspections (PAI): Darryl D. Putty, Project Manager; Dennis A. Kennedy, Development Plans Review (DPR); Jeffrey Perlow, Office of Zoning Review, and Brad Knatz, Real Estate Compliance. Also appearing on behalf of the County were Jenifer Nugent, Department of Planning (DOP), and Jeff Livingston and Steve Ford, Department of Environmental Protection and Sustainability (DEPS). All agency representatives indicated that the redlined Development Plan (Exhibit 1A) satisfied all Baltimore County rules and regulations, and their agencies recommended approval of the Plan.

DEVELOPER'S CASE

The first witness in Developer's case was David Martin, a registered landscape architect accepted as an expert. Mr. Martin explained in general the layout of the development, and testified that the PUD regulations provide necessary flexibility for creative redevelopment projects. Mr. Martin opined that the Plan satisfies all requirements set forth in the Baltimore County Zoning Regulations (B.C.Z.R.) and B.C.C.

The next witness was Matt D'Amico, a registered landscape architect who was also accepted as an expert. Mr. D'Amico described the project and opined the project was consistent with Master Plan 2020 (which emphasizes mixed-use projects) and would make the Joppa Road corridor more attractive. Mr. D'Amico explained that the commercial uses at the site would be closest to Joppa Road while the residential portion would be on the interior of the site set back from the roadway.

The final witness in Developer's case was Mickey Cornelius, a professional engineer accepted as an expert. Mr. Cornelius prepared a traffic analysis for the site (Developer's Exhibit 8) and opined that all intersections within the study area would function at acceptable levels of service. The witness testified the intersection of Loch Raven and Joppa Road is designated as failing (level of service "E") but that the site is not within the traffic shed shown on the Basic Services Map. In summary, the witness opined the project would not cause congestion in the area's roadway network.

COMMUNITY CONCERNS

Nicholas Linehan testified the Loch Raven Village Community Association voted to approve the project. The Towson Estates Association also supports the project. Even so, both community groups requested that certain changes be incorporated into any final order. While not

every issue identified by the community (i.e., the 24 hour operation of the fuel service station and convenience store) can be accommodated, the Order below contains several conditions designed to minimize the potential for adverse impacts upon the community.

The Hearing Officer can approve a PUD Development Plan only upon finding:

(1) The proposed development meets the intent, purpose, conditions, and standards of this section;

(2) The proposed development will conform with § 502.1.A, B, C, D, E and F of the Baltimore County Zoning Regulations and will constitute a good design, use, and layout of the proposed site;

(3) There is a reasonable expectation that the proposed development, including development schedules contained in the PUD development plan, will be developed to the full extent of the plan;

(4) Subject to the provisions of § 32-4-242(c)(2), the development is in compliance with § 430 of the Baltimore County Zoning Regulations; and

(5) The PUD development plan is in conformance with the goals, objectives, and recommendations of the Master Plan, area plans, or the Department of Planning.

B.C.C. § 32-4-245(c)(1)-(5).

In this case, the Developer presented evidence which, when coupled with the findings of agency witnesses, establishes each of these elements. The DOP indicated in its final report dated September 23, 2015 that the PUD Development Plan was in conformance with the Master Plan, satisfied the B.C.Z.R. § 260 residential performance standards, and the compatibility requirements of the B.C.C. David Martin testified the Developer complied with B.C.Z.R. § 430 and that the

development would be completed to the full extent of the Plan, so B.C.C. § 32-4-245(c)(3) is satisfied. Finally, all of the experts presented by Developer testified the project satisfied the B.C.Z.R. § 502 special exception requirements and met the intent and standards set forth in the B.C.C. (including but not limited to B.C.C. § 32-4-245(c)(1)-(5)) and B.C.Z.R. In light of this testimony, and the positive recommendation of all County reviewing agencies, the PUD Development Plan shall be approved.

THEREFORE, IT IS ORDERED by this Hearing Officer/Administrative Law Judge this 29th day of **October, 2015**, that the two (2) sheet redlined Development Plan known as "**LOCH RAVEN COMMONS**" (Developer's Exhibit 1A and 1B), be and is hereby **APPROVED**, subject to the conditions noted below.

(1) No loudspeakers may be attached to the fuel service station/convenience store canopy or associated building. This restriction does not prevent the use of speakers located inside the multi-product dispensers themselves.

(2) The commercial portion of the development will be served by a private trash collection service. Private trash collection shall only be permitted to take place between the hours of 8 AM and 10 PM.

(3) Developer will offer suggestions for increasing the amount of landscaping and/or screening at the corner of Joppa Road and Mylander Lane, which could include replacing the proposed directional sign structure with landscaping and/or screening (with or without signage bearing a similar message to that proposed in the Pattern Book). Developer will share these suggestions with the President of The Loch Raven Village Association, Inc. prior to submission of the final landscape plan to Baltimore County. Any landscaping, screening, or signage proposed with Baltimore County's right-of-way is subject to County approval. With the final landscape plan, Developer will also submit a photometric plan for review by the Baltimore County Landscape Architect.

(4) After initial plan signature, no amendments to the PUD Development Plan shall be made unless the amendment is proposed in compliance with the procedures outlined in Section 32-4-245(e) of the Baltimore County Code. Additionally, Developer will send a copy of any amendment proposed to the Officers of The Loch Raven Village Association, Inc. (or successor community association) at the same time it is submitted to the Director of the Department of Permits, Approvals and Inspections. This obligation to provide specific notification to the association shall end upon build out of the project in accordance with the PUD Development Plan.

Any appeal of this Order shall be taken in accordance with Baltimore County Code, § 32-4-281.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

IN THE MATTER OF Joppa Mylander Properties, LLC aka Loch Raven Commons PUD DRC Number 09-0844	*	BEFORE THE BOARD OF APPEALS OF
9th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT	*	BALTIMORE COUNTY CASE NO. CBA-16-025

* * * * * * * * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Michael R. McCann, Esquire on behalf of El Taller, LLC and Bryan Hamilton Loane, Protestants/Appellants, from a final decision of the Administrative Law Judge dated October 29, 2015, in which the two sheet redlined Development Plan for the property known as "Loch Raven Commons" was approved with conditions.

WHEREAS, the Board is in receipt of a Notice of Dismissal filed on April 4, 2016, by Michael R. McCann, Esquire on behalf of El Taller, LLC and Bryan Hamilton Loane, Protestants/Appellants voluntarily dismissing the appeal in this matter (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Protestants/Appellants request that the appeal taken in this matter be withdrawn and dismissed as of April 4, 2016,

IT IS ORDERED this 14th day of April, 2016 by the Board of Appeals of Baltimore County that the appeal taken in Case No. CBA-16-025 be and the same is hereby **DISMISSED**.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Maureen E. Murphy, Chairman

Jane M. Hanley

James H. West

IN RE: PLANNED UNIT DEVELOPMENT 9th Election District 5th Council District (Loch Raven Commons) Joppa Mylander Properties, LLC *Owner/Developer*	*	BEFORE THE OFFICE OF ADMINISTRATIVE APPEALS FOR BALTIMORE COUNTY CASE NO. 09-0844

* * * * * * * * * * * * *

NOTICE OF DISMISSAL

Appellants, El Taller, LLC and Bryan Hamilton Loane, by undersigned counsel, hereby dismiss their appeal in this matter.

Respectfully submitted,

Michael R. McCann
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(410) 825-2150

Attorneys for Appellants

Dated: April 1, 2016

RECEIVED
APR 04 2016
BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April, 2016 copy of the foregoing Notice of Dismissal was mailed first-class, postage prepaid, to the Baltimore County Board of Appeals, and to:

Patricia A. Malone, Esq.
Adam Rosenblatt, Esq.
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

Michael R. McCann

SECTION 230 - Business, Local (B.L.) Zone Use Regulations

[BCZR 1955]

§ 230.1. - Permitted uses.

A. The following uses only are permitted (See Section 230.2.):

1. Uses permitted and as limited in the residential zone immediately adjoining, except that animal boarding place, Class A, is permitted only as a special exception and kennel is prohibited.

[Bill No. 85-1967]

2. Convalescent home.
3. Tourist home, boarding or rooming houses.
4. Fast-food, drive-through-only restaurant, carry-out restaurant, fast-food restaurant, and standard restaurant, tearoom, convenience store and dairy barn.

[Bill Nos. 40-1967; 110-1993; 86-1994; 27-2003; 49-2016]

5. Bank, building and loan association.
6. Offices and office buildings.
7. Private colleges, dancing schools, conservatory for music and the arts, dormitories and fraternity and sorority houses.

[Resolution of 11-21-1956; Bill No. 47-1985]

8. Business and trade schools.
9.

Alcoholic beverage package store

Amusement devices, subject to the provisions of Section 422

[Bill No. 29-1982]

Animal grooming facility

[Bill No. 93-2006]

Antique shop

Arborist, licensed, located in the Parkville Commercial Revitalization District, and provided that no active tree work is performed, no retail sales occur, and no materials including tree limbs, firewood, mulch, wood chips or similar materials are kept or stored, upon the premises. In addition, appropriate screening of the property shall be installed, to the extent possible, in accordance with the Baltimore County Landscape Manual.

[Bill No. 23-2017]

Arcade, subject to the provisions of Section 423. A

[Bill No. 29-1982]

Automobile accessory shop

Automobile parking lot

Bakery, but goods baked on the premises must be sold only at retail on the premises, except that wholesale operations are permitted if the bakery is located in a commercial revitalization district and if the retail component of the bakery fronts the street and the wholesale operations are limited to no more than 30 percent of the building's square footage

[Bill No. 86-2009]

Barbershops and beauty shops

[Bill No. 9-1999]

Billiard and pool rooms

[Bill Nos. 61-1967; 85-1967]

Bowling alley

[Resolution of 11-21-1956; Bill Nos. 58-1957; 85-1967]

Camera, photo-supply or film-processing shops or pickup stations (including "drive-by" facilities)

[Bill No. 43-1970]

People's Counsel
CBA Exhibit
24

Candy store, but goods made on the premises must be sold only at retail on the premises, except that retail sales may be supplemented with Internet sales, provided that the retail component of the store fronts the street

[Bill No. 4-2013]

Clothing and accessory stores

Commercial film production, subject to Section 435

[Bill No. 57-1990]

Dairy products store

Department store [1]

Dressmaking and millinery establishments

Drugstore

Dry-cleaning establishment, coin-operated, or retail store plant, etc. (as regulated by the Baltimore County Building Code, Baltimore County Fire, Health and Police Regulations)

[Bill Nos. 142-1962; 85-1967]

Dry-cleaning pickup station

Duplicating service business

[Bill No. 117-1983]

Electrical contractors and appliance repair shop

[Bill Nos. 58-1957; 85-1967]

Florist

Food store

Fortune-telling establishments

[Bill No. 124-1978]

Fuel service stations in a planned shopping center or drive-in cluster only,

subject to Section 405

[Bill No. 172-1993] [2]

Furniture and upholstery stores

Garden center

[Bill No. 41-1992]

Gift shop

Hand laundry employing not more than five persons

Hardware store

Helistop

[Bill No. 85-1967]

Hobby shop

Hookah lounge

[Bill No. 16-2014]

Household appliance store

Jewelry store

Laundromat or self-service laundry

Laundry-pickup station

Medical clinic

[Bill No. 37-1988]

Neighborhood car rental agency, subject to Section 408A

[Bill No. 122-2005]

Parking lot

[Resolution of 11-21-1956; Bill No. 85-1967]

Pet shop

Photographic studio

Picnic grove

[Resolution of 11-21-1956; Bill No. 85-1967]

Public utility service center

Radio shop

Radio studio

Rail passenger stations, subject to Section 434

[Bill No. 91-1990]

Recreational vehicle parking lot

[Bill No. 102-2006]

Regional outlet shopping center

[Bill No. 53-2015]

Residential art salon

[Bill No. 85-1967]

Secondhand store

[Bill No. 102-2005]

Shoe repair shop

Social clubs and fraternal organizations

Sporting goods store

Stationery store

Swimming pool

Tailor shop

Tavern

[Bill Nos. 43-1963 [1]

Television shop

Television studio

Temporary or occasional outdoor sales of cut flowers or live plants (not in connection with florists' establishments), provided that the sales area does not exceed 200 square feet and that the sales are carried on for no more than 120 days per year. Before approving an application for any license required, the Zoning Commissioner must approve a site plan for the premises, showing the sales area and the dates on which flowers or plants are to be sold. Any provision of these regulations to the contrary notwithstanding, the Zoning Commissioner's approval of such a license shall expire one year after its issuance; however, such a license may be reapproved annually upon request of the licensee

[Bill No. 174-1981]

Theater, if located in a Commercial Revitalization District on a site formerly used as a theater

[Bill No. 21-2013]

Transit facilities

[Bill No. 91-1990]

Vapor lounge

[Bill No. 16-2014]

Variety and dry goods store

Veterinarian's office

[Bill No. 85-1967]

Veterinarium

[Bill No. 85-1967]

Wireless telecommunications antennas or wireless telecommunications towers, subject to Section 426.

[Bill Nos. 64-1986; 30-1998]

10. Combinations of the above uses.

[Bill No. 111-1968]

11. Accessory uses or structures, including signs (See Section 450), garages and parking spaces for the use of owners, employees, tenants and invitees. A maximum of six coin-operated children's rides are permitted as an accessory use.

[Bill Nos. 111-1968; 29-1982; 89-1997]

12. Nanobrewery.

[Bill No. 19-2015]

§ 230.2. - Permitted use conditions.

All the above uses in Section 230.1 are subject to the following conditions:

A. They shall be contained, except for signs, restaurants, swimming pools, outdoor sales or display areas, parking lots, helistops or picnic groves within completely enclosed buildings.

[Bill No. 85-1967]

B. Not more than five persons shall be engaged in the repair or fabrication of goods on the premises.

C. Not more than five horsepower shall be employed in the operation of any one machine used in repair or fabrication, and not more than 15 horsepower in the operation of all such machines.

D. Storage and display of materials, vehicles and equipment are permitted in the front yard, but not more than five feet in front of the required front building line.

E. In case any property line of a commercially zoned corner lot abuts a residential zone on a side street, no separate and distinct commercial use may be made of that portion of the lot which abuts on the side street unless a site plan for the entire corner lot as a commercial unit shall have been approved by the Baltimore

County Department of Planning and the Baltimore County Bureau of Engineering, Department of Public Works. Any division of ownership of such lots shall be a subdivision and require approval of the Department of Planning.

[Resolution of 11-21-1956; Bill No. 55-2011]

F. Where the requirements in Section 230.2.A, B or C would create an undue hardship, the Zoning Commissioner may approve a modified plan upon petition and public hearing thereon. [4]

G. A recreational vehicle parking lot is permitted with a use permit, subject to the following:

[Bill No. 102-2006]

1. The recreational vehicle parking lot shall be affiliated with and located within 1,000 feet of a recreational vehicle sales facility.
2. A site plan shall be submitted indicating location and type of structure on the lot in question, ingress and egress, parking arrangement and proximity of buildings on adjacent lots.
3. On the property in question, notice of the application for the use permit shall be conspicuously posted by the Zoning Commissioner for a period of 30 days following the filing of the application.
4. Within the 30-day posting period, any occupant or owner of real property within 1,000 feet of the lot in question may file a formal request for a public hearing with the Zoning Commissioner in accordance with Section 500.7.
5. If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit for a recreational vehicle parking lot if the proposed use meets all the requirements of this subsection and any other applicable requirements. The use permit may be issued with such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of this section and to ensure that the recreational vehicle parking lot is not detrimental to the health, safety or general welfare of the surrounding community.
6. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing to be held not less than 15 days following public notice of such hearing in two newspapers of general

circulation and not more than 60 days from the date of filing of the request for public hearing. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:

a. His findings following the public hearing; and

b. The manner in which the requirements of this section and other applicable requirements are met and any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the recreational vehicle parking lot is not detrimental to the health, safety or general welfare of the surrounding community.

7. Signs are permitted, subject to Section 450.

H. Nanobrewery.

[Bill No. 19-2015]

1. A nanobrewery may sell retail prepackaged beer and growlers for off-site consumption.
2. A nanobrewery may apply for a temporary use permit for an off-site event not exceeding three consecutive days in duration.
3. Food may not be prepared, cooked, sold, or dispensed in any manner on the premises of a nanobrewery. Food purchased off site may be brought onto the premises, if permitted by the establishment.
4. Alcoholic beverages, other than those purchased at a nanobrewery, may not be brought onto or consumed on the premises.

§ 230.3. - Special exception uses.

The following uses when permitted as special exceptions (See Sections 270 and 502.):

Animal boarding place, Class A

[Bill No. 85-1967]

Arcade, subject to the provisions of Section 423B

[Bill No. 29-1982]

Automotive-service station, subject to the provisions of Section 405

[Bill Nos. 40-1967; 85-1967]

Boatyard

[Bill Nos. 64-1963; 85-1967]

Car wash

[Bill Nos. 108-1964; 85-1967]

Commercial beach; with provision of adequate parking area, and permitting dressing facilities, snack bar, picnic area and boat rental

[Bill Nos. 64-1963; 85-1967]

Community building, swimming pool or other structural or land use devoted to civic, social, recreational and educational activities, including use of the building as a catering hall

[Bill Nos. 64-1963; 85-1967; 26-1988; 110-1993]

Community care center

[Bill No. 91-1974]

Drive-in restaurant

[Bill Nos. 40-1967; 85-1967]

Dry-cleaning plant (See Section 416.)

[Bill Nos. 133-1958; 85-1967]

Excavations, controlled (See Section 403.) [5]

Funeral establishment, except that any funeral establishment which was a legal use immediately prior to this provision's taking effect [6] and which has since remained continuously in operation is a conforming use, permitted as of right; as such, it may be expanded or otherwise changed in the same manner as any other use permitted as of right. Such funeral establishments shall be a permitted use without the necessity of obtaining a special exception, provided said site was either owned or leased for a term in excess of 15 years by a funeral director who is duly registered as such in accordance with state law, prior to April 9, 1970 and provided said ownership or lease is either as an individual person or in the name of a

corporation, the majority of the common stock of which is owned by said registered funeral director or together with a spouse as joint owners, or joint lessees, or as tenants in common or joint lessees by virtue of a partnership or joint venture with one or more other duly registered funeral directors; and provided further said registered funeral director files with the Zoning Commissioner of Baltimore County no later than December 31, 1970 satisfactory evidence of ownership or leasehold interest as outlined above

[Bill Nos. 43-1970; 105-1970]

Garage, service

Golf course, country club or other outdoor recreational clubs; also quasi-public camp, including day camps, but no such uses shall be located on less than five acres, and no building, parking lot or out-of-water marine craft storage thereon shall be located within 60 feet of any residential property line

[Bill Nos. 64-1963; 85-1967]

Golf driving range, miniature golf and baseball batting range

Heliport, Type II

[Bill No. 85-1967]

Hotel

Laboratory

Living quarters in a commercial building

Marina

[Bill Nos. 64-1963; 85-1967]

Motel or motor court

Public utility uses other than those noted in Sections 200.11 [4] and 230.1.A.9 (See Section 411.)

Retail business located in a single, freestanding structure that has more than 80,000 square feet of gross floor area, which is not located in a C.T., C.C.C., A.S., I.M., or MD 43 District, is not part of a planned shopping center, or is not located in a revitalization district

[Bill No. 88-2010 [5]]

Signs, outdoor advertising (See Section 450.)

[Bill No. 89-1997]

Sludge disposal facility — co-landfilling (See Section 412A.2.A.)

[Bill No. 46-1982]

Sludge disposal facility — composting (See Section 412A.2.B.)

[Bill No. 46-1982]

Sludge disposal facility — handling in general (See Section 412A.2.C.)

[Bill No. 46-1982]

Sludge disposal facility — incineration (See Section 412A.2.D.)

[Bill No. 46-1982]

Sludge disposal facility — landspreading (See Section 412A.2.E.)

[Bill No. 46-1982]

Theater, excluding drive-in

Volunteer fire company

Warehouse, if part of a planned shopping center with a minimum of 30 acres, and if the building for warehouse use does not occupy more than 15 percent of the planned shopping center acreage

[Bill No. 6-2009 [6]]

Wireless telecommunications towers, subject to Section 426

[Bill Nos. 61-1967; 85-1967; 64-1986; 30-1998]

§ 230.4. - Uses in B.L. Zones nearby the MD 43 Overlay District.

[Bill No. 30-2018]

Notwithstanding other provisions of these regulations to the contrary, all uses permitted under Sections 253.1.A through H and 253.2.B through E shall be permitted, by right or by special exception as applicable, on any tract of land: (1) within the URDL; (2) zoned B.L. as of April 16, 2018, (3) having at least a portion of its boundaries within 1,250 feet of property that is zoned within the MD 43 Overlay District as of April 16, 2018, and (4) that is under common ownership or control with at least 800 acres of property zoned within the MD 43 Overlay District.

SECTION 231 - B.L. Zone Height Regulations

[Bill No. 7-1962 [2]]

§ 231.1. - Height regulations and limitations.

A. Purpose and intent. The intent of the following method of height determination is to permit maximum flexibility in proportioning height and bulk in the architectural design and functional planning of buildings in commercial zones, while assuring that a new building will not deprive existing or potential adjacent buildings of adequate light and air circulation. Terms placed in quotation marks are not found as definitions in Section 101 and apply specifically to this section only. The regulations impose a flexible height "tent" within which the building may rise. Along a street, alley or other public way, such "tent" extends upward at a 45-degree angle toward the subject property from the opposite side of the street or alley along its front, side or rear. The height may be averaged; that is, some portions of the building may project above the "tent," provided other portions, equal in total area, stay proportionately below it. From any rear or side lot line which does not adjoin a street, alley or other public way, a similar "tent" would extend upward more steeply with no averaging of height. These provisions make it practicable to assure adequate light and air to adjacent properties if the building height exceeds 40 feet.

B. Height determination. The height limitation of a building shall be determined as follows: The "basic height" of the front or rear wall of a building along a street, alley or other public way is determined by a "base line plane" extending upward at a 45-

degree angle from a "base line" at the average elevation on the property line on the opposite side of the right-of-way, toward a vertical plane (the "measure plane") on the building line, as defined in Section 101. The horizontal line formed by the intersection of these two planes determines the "basic height," which is the vertical distance above the building line. Regardless of the right-of-way width the "basic height" shall not exceed 100 feet, except as permitted hereinafter as "averaged height," nor shall it be required to be less than 40 feet. In calculating "averaged height" on the "measure plane," the area resulting from multiplying the sum of the heights of portions remaining below the "basic height" by their respective widths shall not exceed the area resulting from multiplying the sum of the heights of portions extending above the basic height by their respective widths. In averaging the heights of component parts of the said wall along a public right-of-way, the total horizontal distances used for averaging shall not exceed twice the "basic height," nor shall the maximum height at the building line, resulting from averaging the height of said wall, exceed twice the "basic height." Any part of the building which is set back from the building line shall not project above a plane or planes sloping inward and upward at a 45-degree angle from the averaged permitted heights at the building line, except that heights of such portions of the building so set back may be used to determine the averaged height by projecting them downward at 45 degrees to the "measure plane [3]."

C. On a corner lot a building may have a height along the side street equal to the permitted height of the front wall of the building, determined as provided in Subsection B for a distance from the front corner of the lot equal to the width of the front right-of-way. For the remainder of the building wall along this side of such lot, the permitted height shall be computed in the manner specified in Subsection B.

D. No part of any building wall adjacent to a side or rear lot line that does not adjoin a street or other public way shall exceed a height of 40 feet above the average ground level along such wall, except that any part of such wall may exceed that height, provided that no portion of the building would project above a plane sloping inward and upward from the lot line at the rate of one-foot horizontally for each five feet of vertical distance above said average ground level. [4]

SECTION 232 - B.L. Zone Area Regulations

[BCZR 1955]

Minimum requirements, except as provided in Article 3, shall be as follows:

§ 232.1. - Front yard.

For residences, as in Sections 302 and 303.1; for commercial buildings the front building line shall be not less than ten feet from the front property line and not less than 40 feet from the center line of the street, except as specified in Section 303.2.

§ 232.2. - Side yards.

A. For residences, as in Section 302.

B. For commercial buildings, none required on interior lots, except that where the lot abuts a lot in a residence zone there must be a side yard not less than the greater minimum width required for a dwelling on the abutting lot and on corner lots the side yard on the street side shall be not less than ten feet in width.

§ 232.3. - Rear yard.

[Bill No. 26-1963]

A. For residences, as in Section 302.

B. For commercial buildings, none required, except that where the rear lot line abuts a lot in a residence zone there shall be a rear yard not less than 20 feet deep.

§ 232.4. - Parking area and loading space.

In accordance with the provisions of Section 409.

§ 232.5. - Floor area ratio.

[Bill Nos. 7-1962; 111-1968; 100-1970]

The maximum permitted floor area ratio for any site in a B.L. Zone, excepting C.C.C. and C.T. Districts, shall be 3.0.

SECTION 232A - Special Regulations for C.C.C. Districts

[Bill Nos. 111-1968; 100-1970 [1]; 26-1988]

Contrary provisions of these zoning regulations notwithstanding, the regulations of this section shall apply in C.C.C. Districts superimposed upon B.L. Zones. (All aspects of matters not governed by the following provisions of this section shall be governed by all other applicable provisions of these zoning regulations.)

§ 232A.1. - Apartments; elderly housing facilities.

[Bill Nos. 36-1988; 1-2014]

A. Apartments shall be permitted, but only above the first story of a building. Elderly housing facilities and apartments restricted to those age 55 and older shall be permitted in any story of a building.

B. Notwithstanding any provision of law or regulation to the contrary, all laws and regulations governing the development of elderly housing facilities, including but not limited to height, area, bulk, parking and open space regulations, shall be the only laws and regulations applicable to a conversion of an existing elderly housing facility to apartments restricted to those age 55 and older.

§ 232A.2. - Apartment windows.

No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.

§ 232A.3. - Floor area ratio; number of dwelling units.

The maximum permitted floor area ratio for any site shall be 4.0; the specific number of dwelling or density units, as such, shall not be directly limited.

§ 232A.4. - Open space ratio.

The minimum permitted amenity open space ratio shall be 0.2.

§ 232A.5. - Breweries.

[Bill No. 185-1995]

A brewery, Class 7, is permitted if within the urban rural demarcation line.

SECTION 232B - Special Regulations for C.T. Districts

[Bill Nos. 111-1968, Section 232A; 100-1970; 115-1982; 26-1988; 36-1988]

Notwithstanding other provisions of these zoning regulations to the contrary, the following regulations shall apply in C.T. Districts superimposed upon B.L. Zones. (All aspects of matters not governed by the following provisions of this subsection shall be governed by all other applicable provisions of these zoning regulations.)

§ 232B.1. - Apartments; elderly housing facilities.

Apartments shall be permitted, but only above the first story of a building. Elderly housing facilities shall be permitted in any story of a building.

§ 232B.2. - Apartment windows.

No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.

§ 232B.3. - Floor area ratio; number of dwelling units.

The maximum permitted floor area ratio for any site shall be 5.5; the specific number of dwelling or density units, as such, shall not be directly limited.

§ 232B.4. - Open space ratio.

The minimum permitted amenity open space ratio shall be 0.1, except that for abovegrade floor space used for accessory off-street parking spaces, the ratio shall be 0.02.

§ 232B.5. - Building height.

The maximum average permitted height of any building shall be 1½ times the maximum average height otherwise permitted in B.L. Zones.

SECTION 232C - Special Regulations for B.L. Lots Within 750 Feet of an R.C. Zone

[Bill No. 111-1998 [1]]

Notwithstanding other provisions of these zoning regulations to the contrary, if the exterior wall of any proposed building located on a B.L. lot is within 750 feet of an R.C. Zone, the provisions of this section apply to the entire lot. The provisions of this section do not apply if, as of October 5, 1998, the lot is governed by a C.R., I.M., C.T. or C.C.C. District or is located in a planned unit development or in the White Marsh or Owings Mills growth areas. (All aspects not governed by the provisions of this section are governed by all other applicable provisions of these zoning regulations.)

§ 232C.1. - Building height; floor area ratio.

Except as provided in Section 232C.2:

A. The height of a building may not exceed 35 feet; and
B. The floor area ratio of a building may not exceed 0.5.

§ 232C.2. - Exceeding of height and area standards.

The Hearing Officer may approve a plan which exceeds the height and area standards in Section 232C.1 if:

A. The requirements of Section 502.1 are met;
B. The proposed height and floor area ratio requirements do not exceed the standards otherwise permitted for a B.L. Zone; and
C. Based on the recommendations of the Directors of Planning, Environmental Protection and Sustainability, Permits, Approvals and Inspections and Public Works, the Hearing Officer determines that the proposed use is compatible, as determined in accordance with § 32-4-402 of the Baltimore County Code, with the existing uses of the contiguous R.C. Zone.

[Bill No. 122-2010]

IN THE MATTER OF:

M AND S LIMITED PARTNERSHIP – LEGAL OWNER AND PETITIONER
(f/k/a HOWARD BANK)

CASE NUMBER: 19-070-SPHX

Hearing Date: June 27, 2019

Pursuant to Notice, the above-entitled hearing was held before the Board of Appeals for Baltimore County at the Jefferson Building, Second Floor, Suite 203, 105 West Chesapeake Avenue, Towson, Maryland 21204.

PANEL PRESIDING:

JOSEPH L. EVANS, CHAIR

WILLIAM A. MCCOMAS, BOARD

KENDRA RANDALL JOLIVET, BOARD

PRESENT ON BEHALF OF THE PARTIES:

DINO C. LA FIANDRA, ESQUIRE
Counsel for Petitioners

MICHAEL R. MCCANN, ESQUIRE
Counsel for Protestants

PETER MAX ZIMMERMAN, PEOPLE'S COUNSEL

Christine R. Leary
3129 Hiss Avenue
Baltimore, Maryland 21234

TABLE OF CONTENTS

Description	Page
Petitioner's Exhibit 16	7
Petitioner's Exhibits 17, 18	8
Cross exam of Peter Moulder by Mr. Zimmerman	10
People's Counsel Exhibit 21	12
People's Counsel Exhibit 22	13
Cross exam of Mr. Moulder by Mr. La Fiandra	78
Re-direct exam of Mr. Moulder by Mr. McCann	95
Re-cross exam of Mr. Moulder by Mr. Zimmerman	99
People's Counsel Exhibit 23	99
Re-cross exam of Mr. Moulder by Mr. La Fiandra	103
Re-direct exam of Mr. Moulder by Mr. McCann	106
Direct exam of Paul Hartman by Mr. McCann	109
Protestant's Exhibit 21	112
Cross exam of Mr. Hartman by Mr. Zimmerman	117
Direct exam of Jason Bulkeley by Mr. Zimmerman	120
Direct testimony of John Fiastro	135
People's Counsel Exhibit 24	142

(ON RECORD – 10:02:57 AM)

CHAIR: Okay. So, folks, we are here for day three of case number 99-251, I'm sorry, 19-070-SPHX regarding the Valvoline Outlet at basically at Loch Raven and Joppa.

MR. LA FIANDRA: That's correct.

CHAIR: And we've heard the Protest, I mean, we've heard the, oh, you can all be seated, sorry. We've, thank you for that.

MR. MCCANN: Thank you.

CHAIR: We've, we've heard, we've heard from the Petitioner and the Petitioner presented your entire case.

MR. LA FIANDRA: That's correct.

CHAIR: And we were in the Protestant's case. So, are we ready to resume with that or?

MR. MCCANN: We are.

CHAIR: Okay.

MR. MCCANN: Good morning, everybody.

MS. JOLIVET: Good morning.

MR. MCCANN: Michael McCann for the Protestants.

CHAIR: Yes.

MR. LA FIANDRA: Good morning. Dino La Fiandra for the Petitioners. We do have a preliminary matter.

MR. ZIMMERMAN: Can I identify myself? May I?

CHAIR: Oh, yeah, and --

MR. ZIMMERMAN: May I?

CHAIR: Mr. Zimmerman is here also for People's Counsel.

MR. ZIMMERMAN: Peter Max Zimmerman, People's Counsel for Baltimore County, Towson, Maryland.

CHAIR: Yes. Okay, so we have a preliminary matter?

MR. LA FIANDRA: Very briefly.

CHAIR: Sure.

MR. LA FIANDRA: Since the time of the last hearing, the property, Valvoline has purchased the property. We have the Deed for the property that we'd like to submit, as well as an Amended Petition identifying the entity which owns the property, which is M and S Limited Partnership, which is a Massachusetts limited partnership. We're in the process of getting the name of the resident agent. Mr. Zimmerman wanted us to put that on the record. But otherwise, I just have the, the Deed, the Amended Petition and an amended site plan, a redline site plan. The only change on this redline site plan is the, the name of the property owner.

CHAIR: Okay.

MR. LA FIANDRA: Everything else is the same and that is identified under the revisions. It says June 25th, redlined to update owner information and identifies the new owner, the owner, the new owner as M and S Limited Partnership with the address. And Mr. Kazazian, his name is under that as well. He's the agent for the partnership.

CHAIR: Okay.

MR. LA FIANDRA: So, if I may, I don't think this requires any testimony. I just wanted to submit the red, the amended Petition, as well as the Deed for the property and copies for the Board and counsel of the red, the redline site plan.

CHAIR: Okay. Is there any objection?

MR. ZIMMERMAN: Well, comment. I've decided to be like super cooperative and not object to this amendment.

CHAIR: Okay.

MR. ZIMMERMAN: So, at, at the beginning of the hearing, we would like to get this done. I would like it clarified that this is a Massachusetts corp, limited partnership. I would like to know if this limited partnership is just for this location or, or whether this is a, kind of an ongoing limited partnership that operates elsewhere.

CHAIR: Okay.

MR. ZIMMERMAN: And I'd like to clarify, I believe we did look at, we did find out, I think last week, that the sale had, you know, the sale had occurred. We did some research and I think the resident agent is one of these corporate pro forma resident agents. So, --

CHAIR: Well, there's nothing illegal about that.

MR. ZIMMERMAN: No, but, but I, but I, I just would like to know if this is a limited partnership. I'm sure Mr.

Kaz --

MR. LA FIANDRA: Kazazian.

MR. ZIMMERMAN: -- Kazazian knows if this limited partnership is just for this site or whether this is a, an ongoing limited partnership that has many sites.

MR. LA FIANDRA: I can proffer the answer or we have Mr. Kazazian here.

MR. ZIMMERMAN: No, a proffer is fine. I trust Mr. La Fiandra.

CHAIR: Yeah, and okay, yeah, sure.

MR. LA FIANDRA: This is an entity that owns multiple sites.

CHAIR: Okay.

MR. LA FIANDRA: Yes. In Maryland and elsewhere.

CHAIR: Okay.

MR. LA FIANDRA: Yes.

CHAIR: Is that --

MR. ZIMMERMAN: Yeah, I just wanted to get that clarified.

CHAIR: Is that itch scratched now?

MR. ZIMMERMAN: Yes, and it is for Massachusetts, so that's clear.

MR. LA FIANDRA: And it has an in state resident agent and we will supply the name to the Board.

CHAIR: Okay, that's fine. So, Mr. McCann, --

MR. MCCANN: No objection, no objection.

CHAIR: -- no, okay.

MR. LA FIANDRA: Okay. So, then, with the Board's permission, I'd like to submit these items.

CHAIR: Absolutely.

MR. LA FIANDRA: I believe our next exhibit is number fifteen.

MS. JOLIVET: I have sixteen.

MR. MCCANN: Sixteen.

MR. LA FIANDRA: Sixteen, okay, thank you.

MS. JOLIVET: I have that because Petitioner's sign in sheet is number fifteen.

MR. LA FIANDRA: Okay, wonderful.

MR. ZIMMERMAN: The Amended Petition, is that an exhibit?

MR. LA FIANDRA: I, I'm marking it as an exhibit right now, it's number sixteen. Thank you. And would the Board members like a copy? It --

CHAIR: It probably makes sense, yes.

MS. JOLIVET: Yes.

MR. LA FIANDRA: Sure. There you are.

MS. JOLIVET: Thank you.

MR. LA FIANDRA: Sure. One for you.

CHAIR: Thank you.

MR. LA FIANDRA: And Peter, I already gave you one.

MR. ZIMMERMAN: Yes.

MR. MCCANN: Thank you.

MR. LA FIANDRA: And then, pardon me. The Deed will be number seventeen.

MR. MCCANN: Thank you.

MR. LA FIANDRA: Peter, I gave you one as well.

MR. ZIMMERMAN: You got, I got it.

MR. LA FIANDRA: Thank you. This one is number seventeen.

MS. JOLIVET: All right.

MR. LA FIANDRA: Thank you. And one for you.

MS. JOLIVET: Thank you.

MR. LA FIANDRA: Thank you.

CHAIR: Thank you.

MR. LA FIANDRA: And lastly, the redline site plan which will be number eighteen. That's for the exhibit.

MS. JOLIVET: Thank you.

MR. LA FIANDRA: That's one for you.

MS. JOLIVET: Thank you.

MR. LA FIANDRA: And for you.

CHAIR: Thank you.

MR. ZIMMERMAN: The site plan.

MR. LA FIANDRA: One for you. And Peter, I don't think I gave you this.

MR. ZIMMERMAN: No, I, I would have agreed to just

redline (inaudible). Okay.

CHAIR: Are these pre-marked or, no?

MS. JOLIVET: No.

CHAIR: No.

MR. LA FIANDRA: That concludes my preliminary matter. Thank you.

CHAIR: Okay.

MR. ZIMMERMAN: I think my turn, I believe.

MR. MCCANN: Yeah, just, just to remind everybody where we left off is I, I called our first witness, which I think, who was Peter Moulder.

CHAIR: Right.

MR. MCCANN: And then Peter Zimmerman had some cross examination questions.

CHAIR: Okay.

MR. MCCANN: Beyond that, the only, I think we're going to call one more witness, who is Paul Hartman.

CHAIR: Okay.

MR. MCCANN: And that should be our case.

MR. ZIMMERMAN: Yeah.

CHAIR: All right. Okay. So, Mr. Moulder, --

MR. ZIMMERMAN: In fairness, I wouldn't call Mr. Moulder an adverse witness with respect to my office.

CHAIR: Yeah.

MR. ZIMMERMAN: So, supplemental examination.

CHAIR: Well, if that makes a difference we'll deal with it.

MR. ZIMMERMAN: Just trying to call things by their right name maybe.

CHAIR: Right. So, I guess he, he should take the stand again and maybe we should re-swear you since it's been --

MR. MOULDER: I can hardly remember what I swore to before, so, it's been a while.

MR. MCCOMAS: It's written down here. If everybody can shut, turn off their cell phones. Do you swear and affirm under the penalties of perjury, the testimony you're about to give is true and correct to the best of your knowledge and belief?

MR. MOULDER: I do.

MR. MCCOMAS: Please state your name, your business, your address for the record and spell your last name, please.

MR. MOULDER: Peter Moulder, retired. My address 1552 Dellsway Road, Towson, Maryland 21286. And last name is spelled Moulder, M-O-U-L-D-E-R.

CHAIR: Okay. You can sit down.

MR. MOULDER: Okay.

CHAIR: Just try and speak into the microphone so that we can all hear you, okay?

MR. MOULDER: Okay.

CHAIR: Mr. Zimmerman?

MR. ZIMMERMAN: Okay. Mr. Moulder, just to clarify, you and I early on when this Petition was filed chatted, you contacted my office and we chatted a bit.

MR. MOULDER: That's correct.

MR. ZIMMERMAN: All right. But you, do you know what I'm going to ask you this morning?

MR. MOULDER: I have no idea.

MR. ZIMMERMAN: If I ask a question that was already asked before, I apologize. I'll try not to be repetitive. You grew up in the Baltimore area?

MR. MOULDER: I did.

MR. ZIMMERMAN: And you've been in, in, in this area for how many years? Meaning this Loch Raven --

MR. MOULDER: It'll be thirty-one years in September.

MR. ZIMMERMAN: Okay and, and where did you go to high school?

MR. MOULDER: I went to North Western High School in Baltimore City.

MR. ZIMMERMAN: And what year did you graduate?

MR. MOULDER: Nineteen seventy-three.

MR. ZIMMERMAN: Okay and did you go to college?

MR. MOULDER: I went to Washington College in Chestertown, Maryland. Graduated in 1977.

MR. ZIMMERMAN: Okay and then for many years, you, you had your career in, was it (inaudible), advertising, what

was your career again?

MR. MOULDER: I was in sales and marketing for twenty-five years with Proctor & Gamble and then ten years with the J.M. Smucker Company, Smucker's.

MR. ZIMMERMAN: Okay.

MR. MOULDER: Got to sell jam and jelly and coffee.

MR. ZIMMERMAN: Okay. All right. I have a couple of, some exhibits, which I already provided to the other counsel that at this point I'd like to introduce.

CHAIR: Is there going to be any objection to any of those?

MR. LA FIANDRA: I, I don't know really what they are. It doesn't look like they're objectionable.

MR. ZIMMERMAN: What, what number are we up to, Madam --

MS. JOLIVET: You're on number twenty-one.

MR. ZIMMERMAN: Okay. So, this is the, the standard Baltimore City/County ADC highway map with the, the excerpt, the page that relates to this area. I'm looking for the page numbers. I think the page number is covered by the staple, sorry. But, and the map is in color.

CHAIR: Thank you.

MS. JOLIVET: Do you have an extra copy?

MR. ZIMMERMAN: I do, I do, of course.

MS. JOLIVET: Thank you. Appreciate it.

MR. MCCANN: Just so you guys know, I'm, I might stand up every once in a while, I'm having some back issues, so.

CHAIR: Okay. So, we don't necessarily have to call on you?

MR. MCCANN: No, I'll keep quiet otherwise. I may scream in pain, but.

MR. ZIMMERMAN: Okay and to speed things up, I have a series of Google maps, satellite maps, of the area from different perspectives, different parts of the area. So, this would be People's Counsel twenty-two and I've already pre-marked them A to J.

CHAIR: Okay.

MR. ZIMMERMAN: So, the, all you, all we have to have is a number.

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: And I'll, in a little while I'll get to questions on these, but I thought it'd be quicker to --

CHAIR: I think it is.

MR. ZIMMERMAN: -- get, (inaudible). Okay, all right. I would like to show Mr. Moulder the, People's Counsel's twenty-one. I think, think the Board has an extra, if I can --

MS. JOLIVET: Sure.

MR. ZIMMERMAN: -- we permit him to look at it.

MS. JOLIVET: Um hm.

MR. ZIMMERMAN: Can, can Mr., Mr. Moulder, as we see towards the top of the map, which is actually page sixty-two, are you familiar with the ADC map system, by the way?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay. So, we can see Joppa and Mylander Lane, toward the left hand top of the page?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay and we know that the, the Loch Raven/Baynesville district, as we've previously seen, starts a little bit west of Mylander, are you with me on that?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Then, at least east/west it, it goes to the beltway, does it not?

MR. MOULDER: Yes, pretty much.

MR. ZIMMERMAN: Okay and that's where actually at a point on the other side of the beltway we've seen from a Petitioner's exhibit that the Loch Raven/Satyr Hill district part of the overall district starts, correct?

MR. MOULDER: Correct.

MR. ZIMMERMAN: Okay. Now, we have a, there's a scale on the top of the map and I would suggest to you, just to speed things up, and tell me if this sounds about right to you, that it's a, it's a little bit more than a mile from Mylander to the beltway? So, in other words, east/west the district

extends for a little over a mile?

MR. MOULDER: Correct.

MR. ZIMMERMAN: Okay and then as we go north/south at Loch Raven, do you recall the, the district starts somewhat above Joppa Road, we'll look again at the actual district map, and goes down to Joan Avenue, do you recall that?

MR. MOULDER: Well, it actually would go down to Taylor Avenue.

MR. ZIMMERMAN: Well, the Loch Raven/Baynesville section, just so, just so, to refresh your recollection, Petitioner's exhibit, Petitioner was nice enough to put in, I think it's number eleven, the district. And the Board has, the Board has it. So, the Loch Raven/Baynesville section goes down to --

MR. MOULDER: Oh, we're speaking --

MR. ZIMMERMAN: -- yeah, the Loch Raven/Baynesville revitalization district --

MR. MOULDER: -- commercial, right, okay. Okay, okay.

MR. ZIMMERMAN: -- then there's that separate Loch Raven/Hillendale district down, down by Loch Raven and Taylor.

MR. MOULDER: Yes.

MR. ZIMMERMAN: Then it's, and counsel divided up the Loch Raven/Baynesville from Loch Raven/Satyr Hill at, where the beltway crosses.

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay and I would suggest to you it's a little less than half of a mile from the north end of Loch Raven in the district down to Joan Avenue. Does that look about right? We can scale it with a ruler.

MR. MOULDER: It's less than half a miles, yes.

MR. ZIMMERMAN: Yeah. And whether or not this is helpful, well, if we look at, while we're at it, the shape of the district, that is, the Loch Raven/Baynesville district, it, it almost looks like a, see if you think this is at all helpful in understanding, it's kind of shaped like a bird with a beak near Oakleigh Road and kind of extends back to a tail at Mylander, with the feet --

MR. MOULDER: Sure.

MR. ZIMMERMAN: -- and leg going down to Joan Avenue. So, by the way, does the shape of the district make sense to you? Where they draw, where the Council draws the boundaries, from a citizens, I mean, does this reflect the --

MR. LA FIANDRA: Excuse me, I'm going to object to that question.

MR. ZIMMERMAN: All right.

CHAIR: Yeah, I think that's --

MR. ZIMMERMAN: Okay.

CHAIR: -- not, not really relevant.

MR. ZIMMERMAN: Well, --

CHAIR: For our purposes.

MR. ZIMMERMAN: All right. Okay. Anyway, wouldn't you say that the, the land uses in the district are predominantly commercial, is that clear?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Now, you have still People's Counsel twenty-one in front of you, the ADC map?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay. Take a look at Joppa Road east/west in the district from Mylander to the beltway. Can you, do you see any other thru road that intersects with Joppa and, and goes north, north/south through both sides of Joppa Road?

MR. MOULDER: I, I don't, I don't believe there is one that goes all the way to the beltway, no, or underneath the beltway --

MR. ZIMMERMAN: Or, or even goes north and south to any, well, let's, let's take a look at, Mylander Lane only goes north, correct?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Extending back into a kind of commercial area, is that, would, would you say where that goes?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Then Drumwood goes south but only for a few blocks to Putty Hill. That's, is that residential back

there on Drumwood?

MR. MOULDER: Yes, Drumwood extends from Joppa Road on the north to Putty Hill on the south.

MR. ZIMMERMAN: Now, there's a traffic light at Pleasant, just to quicken this thing, there's a traffic light at Pleasant Plains and Joppa, correct?

MR. MOULDER: Yes.

MR. ZIMMERMAN: But Pleasant Plains only goes south to Taylor for about a half a mile, is that right?

MR. MOULDER: Yes.

MR. ZIMMERMAN: And that's residential along, if you go south on Pleasant Plains and eventually Pleasant Plains Elementary School, correct?

MR. MOULDER: It is when it gets to Taylor Avenue. There's the, I think it's Ravenwood Shopping Center.

MR. ZIMMERMAN: Yeah.

MR. MOULDER: On that north, I guess it would be the north west corner of Loch Raven and Taylor.

MR. ZIMMERMAN: Yeah.

MR. MOULDER: Where the Giant Food Store is located.

MR. ZIMMERMAN: Okay. That would be, I don't know, between half a mile and a mile down to Taylor?

MR. MOULDER: Correct.

MR. ZIMMERMAN: Yeah. And then the elementary school is shown on the map, misnamed Pleasant Pine. It's actually

Pleasant Plains, isn't it?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay and then you have these, these north drives or lanes, Orchard Tree, just goes north into a shopping area?

MR. MOULDER: It's, it's a commercial area, yeah.

MR. ZIMMERMAN: Yeah. And the same with Green Pastures Drive?

MR. MOULDER: Correct.

MR. ZIMMERMAN: Okay and then if you go east, that is between Loch Raven and Oakleigh and the beltway, there's only one road that goes through at all, that would be Lackawanna, correct?

MR. MOULDER: Yes.

MR. ZIMMERMAN: But it only goes one block south to Yakona off Joppa, then it goes north into a, an old Baynesville residential area, right?

MR. MOULDER: Yes.

MR. ZIMMERMAN: So, so what I want to ask you is your thought process. Given that Loch Raven Boulevard and Joppa, that, that's really the only thru intersection in the, in the entire mile, you know, what's your thought process as to how unique that intersection is in this area?

MR. LA FIANDRA: Your Honor, I'm going to object to that question. There's no foundation for him to express an

opinion as to uniqueness, he's not a, he's not an expert and there's been no basis of comparison offered.

CHAIR: Well, he's lived there thirty-one years, --

MR. LA FIANDRA: It still doesn't --

CHAIR: He's familiar with the area.

MR. LA FIANDRA: -- it doesn't give him a basis to say that it's unique in any fashion. I mean, all we know is that certain, certain roads go north and certain roads go south.

CHAIR: Okay. Well, how about this? Mr. Moulder, can you describe for us your, your assessment of the intersection of Loch Raven and Joppa?

MR. MOULDER: Sure.

CHAIR: I think that's the question that's being asked, is it not?

MR. ZIMMERMAN: Well, I'll, it's not exactly the same but I'll be happy to have that, the Board's question asked.

CHAIR: Okay. I mean, whether it's unique or not is perhaps conclusory.

MR. ZIMMERMAN: Well, well, the, the witness is a college graduate and does understand the English language, so I don't think that was --

CHAIR: Well, he does.

MR. ZIMMERMAN: -- an esoteric question, to be honest. But I'll defer to the Board's --

CHAIR: Right. Well, describe for us that intersection and, and what, if any, significant it has with regard to the community.

MR. MOULDER: Okay. It, it, it is and, and it's not just me that's recognized it as such, but it is the, kind of the gateway to the Loch Raven communities and to greater Towson. If you go back to, I think things that have already been entered into evidence, like the 1999 zoning variance decision. I think Zoning Commissioner Kotroco recognized it as such. I think there has been previous testimony as to the fact that he considered it in his decision to grant the zoning variances at the time as a gateway to the Loch Raven communities and to greater Towson and that's the way it's viewed in our neighborhood, I believe.

I'm the, I'm part of the Associates of Loch Raven Village Community Association and I think that's, I think it's fair to say that that's the way people view it. It's an area of great concern for our association and the people in the neighborhood what goes on there, in, in that area. We have multiple concerns with that intersection, not just with the Valvoline but with the, the other things there like the situation with the, the hotels and everything that are there, that have been kind of an issue.

CHAIR: An issue in the sense that they, some unseemly behavior occurs at these hotels?

MR. MOULDER: So, so if you've, there, there have been some articles in, in, for example, in the Baltimore Sun referencing the fact that some of those motels may be centers for human trafficking and that kind of thing and so we're working actively with the Baltimore County Police and with Councilman Marks and other people to try to do whatever we can to keep that intersection and that district vital and get it revitalized for the benefit of the community.

We're one of the, one of those county, older communities that's really kind of fighting to preserve itself and that's, that's a big part of it.

CHAIR: So, when you use the word gateway, and I know that that's also in some County documents about this intersection, what, what actually do you mean by that? What, what do you mean by the, by the word gateway, the phrase gateway to the community?

MR. MOULDER: Well, if you're, if you're coming to the Loch Raven Village area from anywhere, if you access it from the beltway, that's where you come up to Loch Raven Village typically. As you would get off at Loch Raven Boulevard, drive north and the first traffic signal you hit there is Loch Raven and Joppa Road and that's kind of the corner of our communities. If you take a right on Joppa, you're now in the postal zone which is Towson. So, it's a gateway to the, the east end of Towson. My, my address is

Towson, Maryland in Loch Raven Village and it's, it's, it's the first thing you see when you come, either coming westbound on Joppa Road or off of the beltway, if you're coming to look at homes in the area, you know, from out of town, chances are that's the way you get there. So, in that sense, we look at it as the gateway to the community.

CHAIR: Um hm. But, when you use the word, when you use the word gateway, you're not necessarily referring to, I guess, to the aesthetics of the situation, or the aesthetics of the intersection, is that, is that correct or?

MR. MOULDER: Well, --

CHAIR: I mean, this is a highly densely commercial intersection.

MR. MOULDER: Yes, and with respect to that, we'd like to see it be an aesthetically pleasing highly commercial district as well.

CHAIR: Um hm.

MR. MOULDER: And I think that's the point of the commercial revitalization district. That's kind of, you know, that's one of the reasons why we're here is because we want to try to preserve what's there that's aesthetically pleasing and then improve upon those things that are there and it will be changed or, or could possibly be changed.

For example, you know, the Bel Loc Diner was there for years and years and years and recently was demolished and

the Starbuck's there was erected on the corner. I, I drove through the intersection this morning and I just looked at the, the, the Starbuck's building and, you know, as much as I loved the Bel Loc Diner and there was some history there, you know, the Starbuck's is a pretty nice building and it's been hugely successful. The only thing I will say, it's almost impossible to get in and out of the parking lot sometimes, you know, it's so busy. But we think that added to, to the intersection and to the image of the, the area.

CHAIR: Okay, all right.

MR. MOULDER: So, did that answer your question? I'm sorry, --

CHAIR: Yeah, it, it did, it did, yeah.

MR. MOULDER: Okay.

CHAIR: Thank you.

MR. ZIMMERMAN: All right. Putting aside for a moment the, the word gateway, what would you say as to whether this intersection is the most prominent intersection in the district?

MR. MOULDER: Oh, yes, it would be, yeah.

MR. ZIMMERMAN: And geographically, if you look at People's Counsel twenty-one, what would you say as to whether it's about midway between the west and east ends of the district?

MR. MOULDER: Yes, that's correct.

MR. ZIMMERMAN: And anyone and, and of course, it's quite close, say what, within a thousand feet of the beltway, have I got that approximate or maybe a little, it's, it's pretty close to the beltway as you go north on Loch Raven?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Correct, so, anyone on the beltway, whether, whether they're people who live in your area or come into work in your area who use that intersection, who use that exit, entrance or exit off the beltway, chances are they're, they're going through that Loch Raven/Joppa intersection, correct? If you want to go to the beltway, and --

MR. MOULDER: Yeah, there's, there's only --

MR. ZIMMERMAN: -- and go somewhere, chances --

MR. MOULDER: From, from the Loch Raven Boulevard beltway exit there's only one other option and that is to get on Cromwell Bridge Road. Other than that, you're coming north on Loch Raven because there is no option to go north, north of the beltway, you would be coming, I'm sorry, south on Loch Raven Boulevard to that intersection.

MR. ZIMMERMAN: So, that intersection would serve people who live in the area as well as commuters, people who work in the area or, or are, are going to, at least in this section of whether we call it Towson or, as you go east to Parkville. Okay and in terms of gateway to residential or access, at least, once you get to Loch Raven and Joppa, it, and

forgive me if I'm leading a bit, but you, you got to, if you're in that Pleasant Plains Road residential area, it's a short turn west on Joppa to go to Pleasant Plains and then you're into a significant residential area, correct?

MR. MOULDER: Yes, and actually if you continue southbound on Loch Raven Boulevard one block from Joppa and take a right, you're into the Ridgely neighborhood.

MR. ZIMMERMAN: Now you got (inaudible) Road, Mussula Road, Myamby Road, (inaudible) to the east and so on. So, --

MR. MOULDER: Yes.

MR. ZIMMERMAN: And you've already actually listed some of the residential neighborhoods on a previous exhibit which would you say there's some additional residential areas that maybe are not exactly the same as the areas noted on this map.

MR. MOULDER: I'm not, I'm not sure what you're referring.

MR. ZIMMERMAN: All right. Well, the Knettishall, Ridgely, you mentioned already. Isn't Ridge, I thought Ridgely was to the east of Loch Raven. Have I got --

MR. MOULDER: That's Ridgely Manor.

MR. ZIMMERMAN: Ridgely Manor, all right.

MR. MOULDER: Yeah, that's not on this map.

MR. ZIMMERMAN: Okay. Okay. Okay. Okay. Do you happen to know what the speed limits are on Joppa Road in the

area?

MR. MOULDER: Yeah, thirty-five miles an hour.

MR. ZIMMERMAN: Okay and based on your experience, what's your observation as to whether that speed limit is often exceeded?

MR. MOULDER: I would say that it's fairly often exceeded.

MR. ZIMMERMAN: Okay.

MR. MOULDER: Yeah.

MR. ZIMMERMAN: And in terms of making left turns off Joppa, crossing, crossing over the street, what, what would you say as to whether that is easy, difficult, challenging in that area?

MR. MOULDER: To make a left turn onto Joppa to go --

MR. ZIMMERMAN: No, if you're on Joppa --

MR. MOULDER: Uh huh.

MR. ZIMMERMAN: -- let's say you're going eastbound on Joppa and you want to go into the Dunkin' Donuts that, I think Mr. Sharon kind of liked, how, how challenging is it to make a left turn when you're going east on Joppa?

MR. MOULDER: It, it's very challenging, particularly in the mornings when the predominant flow of traffic is, is westbound commuter traffic coming into Towson.

MR. ZIMMERMAN: And, and a few months ago when Mr. McCann questioned you, did you comment at all on the accident

experience? I don't remember. You know what, what, I mean, how, have you seen or known or become familiar with the frequency of accidents on Joppa Road?

MR. MOULDER: I can't speak to the frequency but I can speak to the fact that I've seen multiple accidents in that corridor and especially at the intersection, it's, it's quite a heavy traffic --

CHAIR: The intersection of?

MR. MOULDER: Loch Raven and Joppa.

CHAIR: Loch Raven.

MR. MOULDER: Yeah.

MR. ZIMMERMAN: But even a, you know, west on Joppa, east on Joppa, what about --

MR. MOULDER: Sure, at, at, at Loch, Joppa Road and Mylander, Joppa Road and LaSalle, you go Joppa Road and Pleasant Plains even, so.

MR. ZIMMERMAN: Okay. So, let me ask you this. Let's assume for the sake of argument that the Board decides to grant this Valvoline, let's suppose the driver is coming up north on Loch Raven, get, and there's a left turn lane, isn't there, Loch, northbound Loch Raven and Joppa?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Yeah, so you get a left turn, there's a left turn arrow signal?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay. So, they want to get into Valvoline, they got to make that left turn and meanwhile there's a bunch of cars stopped at the light going eastbound on Joppa, how in the world are they going to get into Valvoline, that's my question.

MR. MOULDER: They would have to make a U-turn.

MR. ZIMMERMAN: And where are they going to make that U-turn?

MR. MOULDER: If they're northbound on Loch Raven?

MR. ZIMMERMAN: Yeah, are they going to make a U-turn once they get on Joppa?

MR. MOULDER: No, they would have to make a U-turn off of Loch Raven, it's a controlled intersection, controlled, there's a, an arrow signal --

MR. ZIMMERMAN: You seriously think people make U-turns over there?

MR. MOULDER: I've seen them do it.

MR. ZIMMERMAN: Are they, is that legal?

MR. MOULDER: It is legal.

MR. ZIMMERMAN: It is legal?

MR. MOULDER: Yeah, but it's, it's difficult to do depending on the size of your vehicle because of where the island sits where the traffic comes eastbound on Joppa, there's a right turn lane at the intersection to go southbound on Loch Raven Boulevard. That island for pedestrians kind of sits

there and it sits out in the intersection a little bit. I've seen people make the turn in passenger cars, I tried it myself. I'm driving a Suburban and it's not possible for me to make it without backing up or it's a --

MR. ZIMMERMAN: Well, whether or not it's legal and what would you say is to the level of hazard in trying to make a U-turn when you're going northbound on Joppa, then you want to go to southbound, excuse me, northbound Loch Raven and all of a sudden you're trying to get into the southbound lane immediately?

MR. LA FIANDRA: Your Honor, I'm going to object to that question. He hasn't expressed any expertise in traffic safety. I don't think he's competent to testify to the level of hazard to a legal U-turn at the light.

MR. ZIMMERMAN: Well, I, I'm not asking him about legality now. I'm asking him, you know, the case of *Eager v. Stone*, the Court of Appeals said that citizens are allowed to testify regarding traffic. In fact, it happens all the time.

CHAIR: All right.

MR. LA FIANDRA: Yes, and --

MR. ZIMMERMAN: And this is common sense.

MR. LA FIANDRA: And his testimony has not been objectionable until this question, which is why I'm objecting to it now.

MR. ZIMMERMAN: Well, --

MR. LA FIANDRA: He was asked a question that's suitable for an expert witness, who knows something about the level of hazard. It, we don't even know what level of hazard means.

MR. ZIMMERMAN: No, I'm not talking about A, B, C, D, E, F, I'm talking about a commonsense citizen experience and understanding based on observation.

MR. LA FIANDRA: And, and I understand the, I understand the question and I understand that he's not asking about A through F ratings, that's already been discussed by Mr. Schmid, but the question has to do with a level of hazard, we don't know even what that means and he's expressed no basis to find the, that, that he's competent to testify to, to what even hazard means regardless of what the level of hazard is in the context of that question at this intersection.

CHAIR: So, so, Mr. Moulder, you've lived in this area thirty-one years?

MR. MOULDER: Correct.

CHAIR: You've traveled through this intersection, what, thousands of times?

MR. MOULDER: Thousands of times.

CHAIR: Yes.

MR. MOULDER: Okay. Based on your own experience, can you describe for us what, if any, difficulties or what, if any, characteristics of this intersection that you can based on

your own experience?

MR. MOULDER: So, at that intersection, if you're attempting to make a U-turn from the northbound lane of Loch Raven Boulevard on the green arrow, the big issue for me is that there are people making a right turn off of eastbound Joppa, so you're, you're, you're coming around if you will like this, they're coming over here and there, there's, this is not controlled, this is just kind of a, almost a, a, an exit, well, I can --

CHAIR: Yeah, why don't you show us on that, yeah.

MR. MOULDER: -- show you up here. This is the left turn lane right here on north bound Joppa. You have to come up and around here and turn to come down here. Meanwhile, there's traffic from eastbound Joppa that's going to come, make a right turn onto southbound Loch Raven Boulevard. So, that's, that's the only way that you get into --

CHAIR: Right.

MR. MOULDER: -- the proposed Valvoline location from northbound.

CHAIR: If you're northbound on, if you're northbound on --

MR. MOULDER: Loch Raven.

CHAIR: -- Loch Raven and you want to turn and you want to utilize what would be the Valvoline property, you have to go to the intersection with Joppa and make a U-turn and then

come back and then you would turn right into Valvoline, is that correct?

MR. MOULDER: Correct.

CHAIR: Okay.

MR. MOULDER: Yeah.

CHAIR: And what you're saying is that merging traffic on, going southbound on Loch Raven or intending to go southbound on Loch Raven but merging from eastbound traffic on Joppa, can create a situation with a number of moving parts that --

MR. MOULDER: Correct.

CHAIR: -- at least in your experience, is potentially hazardous?

MR. MOULDER: In, in my experience, if you're making this turn, you know, you're not necessarily looking for somebody coming from this direction, you're more concerned with getting around and avoiding the island that, as you can see, kind of sits out towards the intersection.

CHAIR: And, and how, if at all, would that differ from someone heading northbound on Loch Raven who wanted to go to Howard Bank?

MR. MOULDER: It, it wouldn't except that Howard Bank had an entrance over here also. I, I, --

CHAIR: But that doesn't --

MR. MOULDER: -- but that would be for people

eastbound on --

CHAIR: On Joppa.

MR. MOULDER: -- on Joppa. So, --

CHAIR: And it doesn't, it doesn't really address any question of the, the merging traffic coming from eastbound Joppa and southbound Loch Raven?

MR. MOULDER: Right.

CHAIR: Right.

MR. MOULDER: It's be the same, it'd be the same.

CHAIR: It'd be the same, okay. Okay.

MR. ZIMMERMAN: What's your observation as to whether with the Valvoline, with the in and out, quick in and out, that may be an aggravating situation compared even to a bank or, for that matter, an office building where people stay all day? You know, is the fact that you've got an in/out type of use, what effect, if any, does that have on the, you know, potential increased number of trips?

MR. MOULDER: Well, I, I, I guess the concern is that the, the facility, as it's designed as, you know, four bays that do an oil change every fifteen minutes, it's sixteen potential, you know, full, at full utilization an hour, if my math is right, and it's, it's, has the potential to be a very, very heavy use at that intersection which is already a very, very busy intersection as we've heard I think in previous testimony.

MR. ZIMMERMAN: Yeah, plus following up on the Chairman's question, what would you say as to many people are doing their banking online these days, so traffic is much less at banks than it used to be?

MR. MOULDER: I, I kind of feel like that's why there's not a bank there anymore. I mean, --

MR. ZIMMERMAN: A lot of branches are closing, right?

MR. MOULDER: Yeah. I'm, --

MR. ZIMMERMAN: And if you had an office building where people stay all day, I mean, that would much reduce the problem.

MR. MOULDER: I, I would agree.

MR. ZIMMERMAN: Like a midrise office building. All right. All right, let's move to People's Counsel twenty-two. Okay. Mr. McCann reminds me just, I think the Board knows this, but the only entrance in the proposal is on Loch Raven and then there's the exit only on Joppa Road. So, that, that has something to do with the only option for anyone going north on Loch Raven then if they're brave enough to make a U-turn.

MS. JOLIVET: I'm sorry. May I have a question, that you ask a question.

MR. ZIMMERMAN: Okay.

MS. JOLIVET: And so that he can answer it (inaudible).

MR. ZIMMERMAN: All right. All right.

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: So, --

MR. MCCANN: Or take the oath.

MR. ZIMMERMAN: -- okay, so just so, so in the context to the previous questions, what would you say is to your understanding that the, the only entrance, based on the proposal is on Loch Raven at a, at a location the, towards the south end of the property and the only exit would be eastbound on Joppa Road at the north end of the property?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Yes, okay. All right. I think that's a question.

MS. JOLIVET: You think so?

MR. ZIMMERMAN: I think, hopefully, hopefully I understand what the word question means. There is no word that is beyond debate in a zoning case. All right. All right, do you have, I think I gave you an extra copy of People's Counsel twenty-two. And so, so we, we've taken a look at the commercial revitalization district. Now, what I want to ask you, perhaps again, but I just want, with the help of this map, 22-A, do you see I've got them noted A, B, C and so on, up to J?

MR. MOULDER: Yes.

MR. ZIMMERMAN: So, the, this A gives kind of a panorama of the area and I want to ask you to, you know, if

your general description of the neighborhood where, where you would draw the boundary of the, the overall area and, and what the character of the area is, both commercial and residential?

MR. MOULDER: Well, I would say in terms of Loch Raven Village itself, those homes are primarily west of Loch Raven Boulevard, south of Joppa Road, east of LaSalle, which doesn't, I think, appear on here.

MR. ZIMMERMAN: No, we go up to Mylander on the west side of the --

MR. MOULDER: Yes, --

MR. ZIMMERMAN: -- and, and maybe Drumwood, which is not marked exactly.

MR. MOULDER: And then south to Taylor Avenue and Loch Raven Boulevard and then there's a section of Loch Raven Boule, Loch Raven Village, which is on the east side of Loch Raven, basically runs along Edgewood Road, which I don't think is marked on here.

MR. ZIMMERMAN: Okay. Well, all right, --

MR. MOULDER: Up to Putty Hill Avenue and Immaculate Heart of Mary Church.

MR. ZIMMERMAN: Okay and you see Pleasant Plains Elementary on the bottom left of the exhibit?

MR. MOULDER: Yes.

MR. ZIMMERMAN: And while we're at it, what are the nature of the, the homes west of Loch Raven, south of Joppa?

MR. MOULDER: They're rowhomes, primarily built in the 1950's. They're in, in the Loch Raven Village community there are fourteen hundred and seventy-two homes.

MR. ZIMMERMAN: Okay and what, do the rows vary in number, you know, four, six, eight? What, what, can you give us some sense of, I mean, how many in each row?

MR. MOULDER: Oh, there's --

MR. ZIMMERMAN: What's the range?

MR. MOULDER: -- usually, for the most part, I believe there's six homes in each group.

MR. ZIMMERMAN: And what, what would you say about the fair amount of yard space, pretty nice homes, I mean, what's, what's the quality of these homes?

MR. MOULDER: I, I, I would say they're very substantial in quality, I'm a property owner so I'm interested in my property values and --

MR. ZIMMERMAN: And where, did you note where exactly where you live in this area? I know you mentioned the address but, --

MR. MOULDER: Sure, if you --

MR. ZIMMERMAN: -- on this map, where, what road are you on?

MR. MOULDER: I'm on Dellsway Road.

MR. ZIMMERMAN: Okay. So, that's shown on the left.

MR. MOULDER: Yes.

MR. ZIMMERMAN: And how far --

MS. JOLIVET: Are you still on A?

CHAIR: Yeah, we're on A.

MR. MOULDER: Still on A.

MS. JOLIVET: Still on A, (inaudible).

MR. ZIMMERMAN: So, that's west of Pleasant Plains?

MR. MOULDER: Yes, west of Pleasant Plains, north of Putty Hill and south of Joppa.

MR. ZIMMERMAN: Okay. Okay, so if we're trying to come up with an approximate, you know, south boundary of the overall neighborhood, I'm not telling you, but I, I, I would ask you, what would you say to whether or not Putty Hill and the Pleasant Plains Elementary would be in it or would you go, would you go all the way to Taylor, I mean?

MR. MOULDER: Yes, yeah, the --

MR. ZIMMERMAN: You'd go all the way to Taylor?

MR. MOULDER: I would go all the way to Taylor and include Loch Raven Middle School there on LaSalle Road.

MR. ZIMMERMAN: Okay.

MR. MOULDER: And the, the houses down in between --

MR. ZIMMERMAN: Okay.

MR. MOULDER: -- LaSalle Road and on the west, and Loch Raven Boulevard on the east, although there, like I said, there is a section of Loch Raven Village which is on the east side of Loch Raven, Glen Keith Boulevard, Edgewood Road.

MR. ZIMMERMAN: All right. And of course, Taylor is shown on People's Counsel twenty-one, is, if you wanted to go back to that.

MR. MOULDER: Okay.

MR. ZIMMERMAN: Do you still have twenty-one with you because that's actually the Board's --

MR. MOULDER: I do.

MR. ZIMMERMAN: -- that belongs to the Board.

MR. MOULDER: Oh.

MR. ZIMMERMAN: So, let's, let's get that back to the Board.

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: And just in terms of geography, if, if we assume the neighborhood extends down to Taylor, could we say that Putty Hill kind of bisects that area? In other words, Putty Hill more or less parallels it, parallel to Taylor and not parallel to Joppa but, but all, but Putty Hill pretty much east/west as well?

MR. MOULDER: Correct, yeah.

MR. ZIMMERMAN: Okay.

MR. MOULDER: It, it divides our neighborhood into two councilmanic districts. Putty Hill is the dividing line between the fifth councilmanic district and the sixth.

MR. ZIMMERMAN: Yeah, and obviously the areas north of Putty Hill would be closest to the commercial revitalization

district?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Then as you go east, would Oakleigh be, I don't want to put words in your mouth, I mean, where, where do we put the boundary east? The east area here?

MR. MOULDER: It would be, and it's not noted on here, but Loch Raven Boulevard would be the boundary on the east down to the intersection of Loch Raven and Putty Hill and then if you go east on Putty Hill and then south on Edgewood Road, there's a section of Loch Raven Village down there as well.

MR. ZIMMERMAN: Yeah, well, what about Joppa, I'm talking, what about Joppa Road east toward the beltway?

MR. MOULDER: That's a neighborhood called The Oaks. You can see all the, you know, red oak, pin oak.

MR. ZIMMERMAN: But is that part of the neighborhood of the Loch Raven/Joppa intersection?

MR. MOULDER: It would, it'd be Ridgely Oak would the --

MR. ZIMMERMAN: I mean, there are different names --

MR. LA FIANDRA: Your Honor, this question has been asked and answered a number of times.

CHAIR: Well, I don't know. I'm a little confused, but.

MR. ZIMMERMAN: Yeah. I mean, Mr. Moulder, --

CHAIR: Maybe --

MR. LA FIANDRA: I, I, I think I understand that he's trying to elicit a specific answer from the witness but that's called a leading question.

CHAIR: Yes, no, he's leading, no question about it. But, --

MR. ZIMMERMAN: All right. I think we're not on the same wavelength so I was trying to clarify.

CHAIR: You know, just keep, keep going.

MR. ZIMMERMAN: Okay. Mr., Mr. Moulder, I'm not talking about the boundary for Loch Raven Village, okay?

MR. MOULDER: Okay.

MR. ZIMMERMAN: I'm talking about the overall neighborhood --

MR. MOULDER: That would be --

MR. ZIMMERMAN: -- north, west, east, south of, of the Loch Raven/Joppa intersection. Is the area east of Loch Raven south of Joppa fairly close or actually bordering this intersection, obviously, the farther you go away it's a little more distance.

MR. MOULDER: Yes, yes.

MR. ZIMMERMAN: Okay. So, let's look at the area east of Loch Raven and south of Joppa. How would you characterize the townhouses in that area compared to the, the west side of Loch Raven?

MR. MOULDER: They are similar red brick townhomes for the most part. I believe they are a bit narrower. Homes in Loch Raven Village are twenty or twenty-four feet wide. I believe those are, I think, sixteen to twenty over there, if memory serves.

MR. ZIMMERMAN: More dense? More dense?

MR. MOULDER: A little bit more dense, correct.

MR. ZIMMERMAN: A little bit more dense or a fair amount more dense?

MR. LA FIANDRA: Your Honor, that's a leading question.

CHAIR: Yeah, well, --

MR. ZIMMERMAN: All right.

CHAIR: Yeah.

MR. ZIMMERMAN: Or the map shows. Okay and do we see on the right hand side of the exhibit, although ironically with, despite the many names, do you see where Oakleigh Road extends just to the west of the beltway on Joppa Road and then extending south, would that be Oakleigh?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Just to the west of Quinton Avenue?

MR. MOULDER: Correct.

MR. ZIMMERMAN: Okay and that ex, that goes all the way down to Perring Parkway, doesn't it?

MR. MOULDER: It does.

MR. ZIMMERMAN: And that's where there was a traffic light at Oakleigh, is there not?

MR. MOULDER: Um hm, yes.

MR. ZIMMERMAN: And Joppa and Oakleigh, yeah. That's basically one lane in each direction, Oakleigh, is, is it?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay. So, Loch Raven is the only road that, that's more than one way in each direction, is that correct? North/south, that's the only road that has more than one lane in each direction?

MR. MOULDER: Yes.

MR. ZIMMERMAN: In this area. All right. So, let's go to 22-B, and we won't spend too much time on this, but this gives a little more close up of your Loch Raven, you call it Loch Raven Village or some, Knettishall, that, you know, this area west of Loch Raven, a little more close up?

MR. MOULDER: Yep.

MR. ZIMMERMAN: Okay and it starts to, to actually name a few of the uses on Joppa Road, which the Board can, can see. So, so that's your knowledge, those uses that are mentioned, those are not all the uses on Joppa Road, right, but just some of them, correct?

MR. MOULDER: That's correct.

MR. ZIMMERMAN: But the ones that they do mention, do you know that they are there, that that's, that's accurate?

MR. MOULDER: Yes.

MR. ZIMMERMAN: McDonald's and Dunkin' Donuts, Mo's Seafood, Pizza Hut, a fair number of fast food places on Joppa Road, correct?

MR. MOULDER: Yes.

MR. ZIMMERMAN: All right. Okay. Then 22-C, gives a sense of Loch Raven going south from Joppa, correct?

MR. MOULDER: Yes.

MR. ZIMMERMAN: All right. I notice you, you have a fairly big church, Immaculate Heart of Mary?

MR. LA FIANDRA: Your Honor, if, if I may? Counsel made a point of saying that this witness was not a hostile witness. He has done nothing but ask leading questions the entire time. I would, if he has, if he has questions that he'd like to ask for the witness to testify that's not objectionable. However, counsel is testifying and, and all that's happening is that Mr. Moulder is ratifying his answers.

MR. ZIMMERMAN: All right. I'll re --

CHAIR: So, --

MR. ZIMMERMAN: -- they're not all leading, but I'm going to rephrase the questions to make them not leading, Mr. Chairman, excuse me. I didn't mean to interrupt.

CHAIR: Okay.

MR. ZIMMERMAN: All right. Let's take a look at 22-C, this might take a little longer.

CHAIR: That, that was actually my concern.

MR. LA FIANDRA: It was mine as well. However, it, it's just been, every question has been a leading question.

CHAIR: In, indeed it has and, and so, we've, we, we've --

MR. LA FIANDRA: I mean, if counsel would like to testify, I'm happy to have him do that.

CHAIR: Well, no, we, we don't want that.

MR. MCCOMAS: And the maps speak for themselves too.

CHAIR: The, the maps do speak for themselves. And the, so two things about the leading questions, sort of pro and con. They're leading, it's probably not proper. It is, however, quicker, given that the maps speak for themselves. The other point, and I would just make this as a general comment, is it, it doesn't enhance the probative value of the testimony to simply ask leading questions. It doesn't really make it --

MR. LA FIANDRA: I understand, thank you.

CHAIR: -- more convincing, it makes it probably less convincing --

MR. ZIMMERMAN: All right.

CHAIR: -- in a theoretical sense, anyway and --

MR. LA FIANDRA: Thank you.

CHAIR: -- but I wasn't really thinking of that in terms of --

MR. LA FIANDRA: I, I agree.

CHAIR: -- acquiescing in the, in the, in the leading questions, it just, it, it did, the maps speak for themselves.

MR. LA FIANDRA: I did, I did wait quite a while, yes.

CHAIR: And it speeds things up and, not that I, not that there's a rush, not that there's a hurry to get through it but it does pick up the pace a bit.

MR. LA FIANDRA: I understand, I get it.

MR. ZIMMERMAN: I'm going to rephrase my questioning.

CHAIR: Okay.

MR. ZIMMERMAN: In light of the, these observations. All right. Would you des, what would you say with regard to the type and character of commercial uses along Loch Raven south of Joppa Road?

MR. MOULDER: There is at the corner of Yakona and Loch Raven there's a service station, gas station/convenience store. On Joan Avenue there, which is also just to the east, I believe there's a bakery and another convenience store. There are various businesses, Johnson Funeral Home is down on the east side of Loch Raven, the car wash is on there and there's a shopping center down closer to Immaculate Heart of Mary. There's a pizza place, I think there's a bank, fitness center, that kind of thing in that shopping center.

MR. ZIMMERMAN: Okay. Do you happen to know the name

of that shopping center on Joan Avenue?

MR. MOULDER: I don't.

MR. ZIMMERMAN: Okay. All right, let's, as the Board says, the map, but and, is this satellite map accurate, as far as you can tell, based on your experience?

MR. MOULDER: Yes.

MR. ZIMMERMAN: All right. Let's go to 22-D. Now, what section of the neighborhood does this show?

MR. MOULDER: This would be the area, Baynesville area on the north east corner of Loch Raven and Joppa and the, The Oaks, Ridgely Oak area on that south east corner.

MR. ZIMMERMAN: What's the character of the area as you go north on Lackawanna Avenue off Joppa Road around to Emge Road? What's, what's that area like?

MR. MOULDER: Those are predominantly small single family homes.

MR. ZIMMERMAN: Okay.

MR. MOULDER: There is a nursing home up there as well, I believe that's that, on there as Cromwell Center.

MR. ZIMMERMAN: Okay.

MR. MOULDER: I think it's a Genesis Elder Care facility now.

MR. ZIMMERMAN: Okay and to the extent that the map identifies certain uses, what would you say as to whether or not those are uses that, in general, are familiar to you that

at least they're there?

MR. MOULDER: To the best of my knowledge, those are the current uses.

MR. ZIMMERMAN: Okay. The map actually has a copyright of 2019 on it, imagery 2019.

MR. MOULDER: Although the Hooter's closed this week.

MR. ZIMMERMAN: So, would that, what's your observation as to whether that's, is that what --

MR. MOULDER: That'll be your next case, I hate to tell you this, but that's, that's coming.

MR. ZIMMERMAN: Is that a bust? So, that would be a, an area that's open for a new use or hopefully would have a new use at some point, right?

MR. MOULDER: Apparently. They put a sign on the door Tuesday, I guess it was.

MR. ZIMMERMAN: So, so --

MR. MOULDER: Not, not, not that I saw it personally but I read it about it in the paper.

MR. ZIMMERMAN: So, what's your thought process as to whether that's a, a potential positive or negative or, or just neutral?

MR. MOULDER: I, I think we'd have to wait and see, yeah.

MR. ZIMMERMAN: All right. And anyway, 22-D, does show Oakleigh Road, which we've mentioned a few times toward

the right side of the exhibit, excuse me for that leading question, but. Let's go to 22-E. What's your observation as to the character of this section of the commercial revitalization district?

MR. MOULDER: Well, the north, north side is almost entirely commercial. There's a Merritt Office Park and the Merritt Fitness Club is up there in that facility. The new Loch Raven Commons Development is over there by the Wawa, which is on the very left side of the page. And they are building what, what appears to be an open space there is, is going to be, I think, two hundred and twenty apartments that are currently under construction, they're going up now.

MR. ZIMMERMAN: What's, in reference to that, what familiarity, if any, do you have as to whether that development involves a planned unit development?

MR. MOULDER: I believe that it did. Our association was closely involved with the, the work on that.

MR. ZIMMERMAN: And what's the nature of the uses in that planned unit development?

MR. MOULDER: It's a mixed, mixed use. There's an Aspen Dental there at the corner, across from the BB&T Bank and also an ATI Physical Therapy Center. There will be office space in the back as well as some, some retail and then there will be the apartments in the back.

MR. ZIMMERMAN: Okay and what's your comment, if any,

on the Wawa gas station in light of your support of that (inaudible) and yet not supporting the current proposal?

MR. MOULDER: The, the, the previous facility there was the old Bendix plant and it was in a state of disrepair and had been vacant for, I think, ten or fifteen years. The developer of the project worked closely with, with our association and other associations, Towson Manor to the west, on the design and proposals for the facility. They matched, tried to match to the extent that they could the features of the homes in the Village and also worked with us on lighting and design and other issues.

MR. ZIMMERMAN: Okay. Okay and what comment, if any, would you make as to what makes sense as the north boundary of this entire neighborhood?

MR. MOULDER: I would say the north boundary of our, our neighborhood is, is really Joppa Road. But the commercial district, you know, extends on the north side of that, so I would say, you know, somewhere on the north side is what we would consider part of our area.

MR. ZIMMERMAN: Well, what was, based on these maps, what would you say as to whether or not the entire neighborhood is inside the beltway, south of the beltway?

MR. MOULDER: That, yes, that would be correct.

MR. ZIMMERMAN: Okay. When you talk about Joppa Road being the north, you're talking about your own, --

MR. MOULDER: The residential, the residential area primarily.

MR. ZIMMERMAN: All right and I'm not going to go through one by one, which I'm sure is, the Board will be pleased to know, but let's, on 22-F, that gives you a little more close up of the south of Joppa Road, part of the west of Loch Raven and the Pleasant Plains area. Do you see, are you on 22-F?

MR. MOULDER: Yes, I have it.

MR. ZIMMERMAN: So, and beginning with Hollenshade's Auto Services on the left hand side, without going through them one by one, does, does this map show a number of the auto related uses accurately? Monro, excuse, I don't want to lead, but does it show, what would you say as to what this shows as to several of the auto related uses?

MR. MOULDER: It shows several of them but not all of them.

MR. ZIMMERMAN: Okay.

MR. MOULDER: We, I think we've introduced into evidence that there are nine or ten within a half mile of either side of the intersection of Loch Raven and Joppa.

MR. ZIMMERMAN: Nine or ten that, that have oil service?

MR. MOULDER: Correct.

MR. ZIMMERMAN: Okay and just to, to take one

illustration, what, what comment is, would you make as to the history and character of Hollenshade's, for example?

MR. MOULDER: Hollenshade's has been in the area since, I think they've been there seventy years, they've been in that location, I believe, for fifty. Full disclosure, Lee, Lee Hollenshade, who started the business was my mother-in-law's cousin, so Smalltimore.

MR. ZIMMERMAN: Okay.

MR. MOULDER: But they have been in that location for fifty years --

MR. ZIMMERMAN: Right.

MR. MOULDER: -- and they've been a fixture in the neighborhood.

MR. ZIMMERMAN: Okay and then, what's your observation as to the recency of gas stations along Joppa in this section?

MR. MOULDER: Well, there was a gas station at Loch Raven and Joppa or in this section, in this particular section?

MR. ZIMMERMAN: Yeah, on this map, on this map, 22-F.

MR. MOULDER: There's always been a service station there at the corner of Pleasant Plains and Joppa where the Royal Farms is located.

MR. ZIMMERMAN: Does the Royal Farms have gasoline, that one?

MR. MOULDER: It does. And then there's a BP

Station, which has been there for as long as I think I can remember and what's noted on here as Marathon, was formerly the Hess Station.

MR. ZIMMERMAN: Okay. All right. What would you say as to whether this map accurately shows various fast food operations?

MR. MOULDER: I, I'd say it's fairly accurate.

MR. ZIMMERMAN: All right. Let's move on to 22-G, excuse me, I wanted, I wanted to ask you one more thing on 22-F. Do you see in the center of the map, Ridgely Manor Park?

MR. MOULDER: Yes.

MR. ZIMMERMAN: How recent, what would you say for the recency of that and the charac, the nature of that park?

MR. MOULDER: I believe that park was established, I, I can't be entirely accurate as to the number of years ago, but I would say it was at least seven or eight years ago. When the Hess Station was closed and that park was developed as part of a settlement with Hess because of the, the problem that they had with ground contamination from the, from the underground storage tanks at the Hess Station so they remediated that, removed a bunch of soil there. They tore down the homes that were where the park is now and converted it, and the County pervert, con, converted it to a park using the settlement with Hess.

MR. ZIMMERMAN: Yeah. What knowledge, if any, do you

have about the involvement of Neighbor's Space in that one? No?

MR. MOULDER: No, --

MR. ZIMMERMAN: Neighbor's Space, you're not, okay.

MR. MOULDER: No.

MR. ZIMMERMAN: All right. All right, 22-G, showing kind of the, the south part of the intersection, Loch Raven and Joppa and or the intersection then going south on Loch Raven, correct? Excuse me for that leading question. All right. What would you say as to whether this kind of closer up view gives, gives you an idea of the commercial along Loch Raven?

MR. MOULDER: Yes, it looks correct.

MR. ZIMMERMAN: And I got to ask you this, in terms of the naming, on the, just across from the Howard Bank of the proposed Valvoline, it says Mobile One Lube Express, right? What, is that, is that the correct name of that use? Is that accurate?

MR. MOULDER: The signage on the building is Savco, S-A-V-C-O and they do all kinds of mechanical work at that location, auto, auto mechanical work.

MR. ZIMMERMAN: Does that include lube?

MR. MOULDER: Yes, and they, they have signage up for Mobile One Lube Express.

MR. ZIMMERMAN: Yeah, so how do you account for the name Mobile One Lube Express? Was that a previous name or do

you have any comment on that?

MR. MOULDER: I have no idea.

MR. ZIMMERMAN: Okay and just for sake of completion, at the south west corner of Yakona and Loch Raven near the Towson Tag and Title, what knowledge do you have if there's also an auto service place on that corner, if any? That's not named on the map.

MR. MOULDER: Yes, that would be Rigen Automotive.

MR. ZIMMERMAN: Which you mention in your answer to Mr. McCann a few months ago?

MR. MOULDER: Yes, I think so.

MR. ZIMMERMAN: So, the map doesn't necessarily show every single use?

MR. MOULDER: No, it doesn't.

MR. ZIMMERMAN: Okay. Let's move on to 22-H, moving right along. Now, this would be Joppa Road, more or less from, excuse me for, I mean, I can ask you what part of Joppa Road, I won't be leading, what part of Joppa Road does this show, section?

MR. MOULDER: This would be to the east of the intersection.

MR. ZIMMERMAN: Okay. All right. Just to move it along. From Emge Road to Don's Crabs?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay and without going through one by

one. The, the, the various auto uses are shown, that are shown on this, what would you say as to whether the, they're accurately named? Namely, Pep Boys, Caspian Motors, so on.

MR. MOULDER: Yes, that, yes that would be accurate.

MR. ZIMMERMAN: Okay. What, what knowledge, if any, do you have as to whether there's, in this area, there's also a Camden Auto Body?

MR. MOULDER: Yeah, I believe that's on the south side here somewhere.

MR. ZIMMERMAN: But not named, right?

MR. MOULDER: Not named.

MR. ZIMMERMAN: Then Mr. Tire, I think you mentioned in your direct testimony?

MR. MOULDER: Yes.

MR. ZIMMERMAN: And what is Caspian Motors, by the way?

MR. MOULDER: It is an auto repair location.

MR. ZIMMERMAN: So, it's not just a used, not like a used car lot?

MR. MOULDER: No, it's not, no.

MR. ZIMMERMAN: Do you know where the name Caspian comes from?

MR. MOULDER: I don't.

MR. ZIMMERMAN: Okay. All right. Let's move along to, only two more to go, 22-I. Headed toward Oakleigh, I'll

just ask you whether this shows some additional auto related, whether this is accurate or what would, what's your comment as to the accuracy of the, the various auto uses and, and how would you describe them?

MR. MOULDER: I, I believe that's current, to the best of my knowledge.

MR. ZIMMERMAN: So, what --

MR. MOULDER: I don't, I don't believe the BMW of Towson Certified Collision Center is, is what I would, I mean, they, they fix, you know, cars that have been in accidents but they don't do auto service, they don't do oil changes and that kind of thing.

MR. ZIMMERMAN: But cars come in and out of there, don't they?

MR. MOULDER: That's correct.

MR. ZIMMERMAN: All right.

MR. MOULDER: Yeah.

MR. ZIMMERMAN: And then, what's your comment on Midas Royal Motors, Hertz?

MR. MOULDER: Midas and Royal Motors, I do believe, provide full auto service and then Hertz is just a car rental agency.

MR. ZIMMERMAN: Okay. Last but not least, 22-J, what's your comment there on the commercial, including any auto related facilities?

MR. MOULDER: I believe that captures what is there accurately.

MR. ZIMMERMAN: Any, what comment, if any, do you have on the Joppa Road Automotive Center?

MR. MOULDER: That's part of the Audio Connection. They do car stereo, car security and that kind of thing at that location.

MR. ZIMMERMAN: That's not a service --

MR. MOULDER: No, it's not.

MR. ZIMMERMAN: And what would you say as to whether this area, you're getting fairly close to the intersection but still east of Loch Raven?

MR. MOULDER: Yes, you're, Easter's Lock & Key is probably a hundred and fifty feet from the intersection.

MR. ZIMMERMAN: Okay. Okay and while we're at it, you mentioned a little while ago and maybe to some extent in answering Mr. McCann, that there's some motels in the area, into the area, of varying types. What, what inns are in this area?

MR. MOULDER: On Joppa Road on the south side is the Towson East Motel.

MR. ZIMMERMAN: What about on Loch, on Loch Raven, on Loch Raven, north of --

MR. MOULDER: On Loch Raven, there's a Comfort Inn, on the east side there's the Welcome Inn Motel and there's some

apartments or whatever, they, they have there as well. On the west side, across from it, I think it's an independent hotel property now. It used to be the Holiday Inn.

MR. ZIMMERMAN: Any Days Inns in the area? Any Days Inns? No Days Inns?

MR. MOULDER: I think, I, I can't remember what the signage is on that property on the east side now, it's Comfort Inn or, or Days, Days Inn.

MR. ZIMMERMAN: What would, what would you say would be the quality of those inns? Substandard, I don't want to say --

MR. MOULDER: I, I, I would not rec --

MS. JOLIVET: So, what (inaudible)?

MR. ZIMMERMAN: The quality of those inns.

MS. JOLIVET: All of them?

MR. ZIMMERMAN: The character of those inns and how they contribute or don't contribute.

CHAIR: This is a little far afield, is it not?

MR. ZIMMERMAN: Okay. All right. I'll withdraw the question.

MR. MOULDER: I'm happy to comment but that's probably for another hearing. I have a strong opinion.

MR. ZIMMERMAN: So, so, let me ask you this. Given the various uses in the area that you have, well, let me, besides fast food restaurants, I have to ask you. Are, are

there some more like sit down restaurants of some quality in the area, aside from just the fast food?

MR. MOULDER: Well, the, the Pizza Hut is primarily sit down, Mo's Seafood primarily is a sit down location, Casey's on the north side of Joppa on, east of the intersection is primarily sit down restaurant/bar type facility. As you go over toward LaSalle Road to the west, there's a Bob Evans, which is sit down.

MR. ZIMMERMAN: Well, that's outside the district, isn't it?

MR. MOULDER: I don't believe so.

MR. ZIMMERMAN: Okay.

MR. MOULDER: I think, I think it extends over to LaSalle Road.

MR. ZIMMERMAN: All right. Not to lead to much, Johnny D's, (inaudible)?

MR. MOULDER: Yes, Johnny D's, they're Joan Avenue.

MR. ZIMMERMAN: Any other restaurants you want to mention?

CHAIR: Do you ever go to the Orchard Market?

MR. MOULDER: I have, yes. Good sandwiches, yeah. And then there's --

MR. ZIMMERMAN: Anything else besides the sandwiches?

MR. MOULDER: I, I'd highly recommend Pastore's.

MR. ZIMMERMAN: Okay. There's no Arby's in the area,

is there?

MR. MOULDER: I don't think so.

MR. ZIMMERMAN: Okay, all right. So, before I get to the next question, I want to go back to, I think it's People's Counsel's four. I think the Board has an extra copy. I believe they're the Count Council resolutions, am I right?

MS. JOLIVET: Yes, I have it.

MR. ZIMMERMAN: Do we have an extra copy for the witness?

MS. JOLIVET: I'll give you the original. The original exhibit?

MR. ZIMMERMAN: Well, actually, usually we give you, oh. Did we give the original to the witness? Yes.

MS. JOLIVET: Just to review, sure.

MR. ZIMMERMAN: Okay and I think, and each of the Board members hopefully has a copy.

MS. JOLIVET: Yes, we do.

MR. ZIMMERMAN: Okay. So, I want to, there are a number of resolutions in this exhibit, but I want to draw your attention to resolution number 11-13, modifying the (inaudible). Do you have that in front of you? Or can you get to that?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay. So, my first question is, does, does your group or, have any involvement in, you know,

participating in the proceedings which led to the, the adoption of this resolution?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay. Would you describe that?

MR. MOULDER: Just from consulting with Councilman Marks as to the goals and objectives for the commercial revitalization district.

MR. ZIMMERMAN: Okay. Okay.

CHAIR: Which, which number was that, number --

MR. ZIMMERMAN: Resolution 11-13.

CHAIR: Okay.

MR. ZIMMERMAN: Okay and from a citizen's point of view, what's, what's your general assessment, looking at the, the second whereas clause of the range of retail service and entertainment uses in, in your Loch Raven/Baynesville district? The good, the bad and the ugly, what, you know, what's good about it, what's not so good about it, the range of uses?

MR. MOULDER: Well, and I, I, you know, I've also read the, the County's, what's available on the County website about the commercial revitalization districts and, and one of the things that we were in favor of and concerned about was insuring that there were a variety of uses within the commercial revitalization district, that it wasn't focused on one particular type of commercial enterprise for example.

MR. ZIMMERMAN: Well, in light of what we've already

seen, what's your assessment of whether or not there's a tremendous need for another auto service use in the area to balance the use --

MR. LA FIANDRA: Your Honor, I'm not, I'm not sure, A, that it's relevant, or B, that he's established any foundation for that type of question or answer. So, I object to the question.

MR. ZIMMERMAN: It's a perfectly legitimate question.

CHAIR: Yeah, okay. Overruled. Go ahead.

MR. ZIMMERMAN: From a citizen's point of view.

MR. MOULDER: From a citizen's point of view, I would say that there are nine or ten facilities available currently for oil changes, all kinds of auto services that would be offered at the Valvoline. I think it's, to be honest, I think it's redundant and extreme in this area.

MR. ZIMMERMAN: What concern, if any, would there be that any of the established businesses may suffer?

CHAIR: I, I don't know that he can actually get into that.

MR. ZIMMERMAN: All right, all right.

CHAIR: That's, that's a little, that's beyond the can of an ordinary citizen, I think.

MR. ZIMMERMAN: From a citizen's point of view, what is, what are the main things, if any, that bring about the desire to revitalize this area?

MR. MOULDER: Well, from a citizen's point of view, I guess, is that the, previous to the establishment of the commercial revitalization district and, in a sense I guess, even since it's been established, there's been concern about the haphazard nature of the development along the corridor there and that it's all, not always consistent with those goals that are outlined in the resolution for mixed uses, variety of uses and that, and that type of thing.

MR. ZIMMERMAN: Okay and what do you think accounts for the fact that we have this resolution in 2013, modifying previous resolutions going back to 1998? What, what is it you, from your experience that spurred, you know, an additional resolution?

MR. MOULDER: Well, based on my experience, I think that, what I, what I just testified to was the, the lack of variety and, and the mixed use. I think it was in danger of just coming nothing but fast food and, and frankly, auto service and I think that people in the area generally favored more variety and, as I testified to previously, I think we've had some success in the Mercy Medical Surg Center, which replaced the Lazy Boy store there on the south side of Joppa Road, just east of Pleasant Plains, the development at Loch Raven Commons, which we feel is a mixed use development, which is consistent with those goals and, and a few of the other locations, Lake Shore Learning Center, those types of places.

MR. ZIMMERMAN: Okay. Now, let me move on. In that same second whereas clause, there's the lang, language I'm quoting, as well as establishing the overall image of a community, unquote. Okay. My first question is, what, what concern, if any, is there about the image of this community, from your perspective?

MR. MOULDER: Well, the concern would be that, that the way that commercial district reflects on the immediate community and the residential areas there. I mean, because we're concerned about, you know, like I said before, our housing values and our quality of life and how it's impacted by those things that are established, you know, in some cases a block away from people's homes. So, it, it, it, it impacts everybody up and down the Loch Raven Village area in that respect.

MR. ZIMMERMAN: All right. In light of your previous observations about the Loch Raven/Joppa intersection, what's your thought process as to how this proposed Valvoline affects the image of the area for better or for worse?

MR. MOULDER: Well, and again, it's, it's, it's not just me, but it's been in previously introduced evidence from the 1999 decision that the conversion of this location from an auto service use to what's now a Class B office building was recognized as being located at a prominent in, intersection that's the gateway to the Loch Raven communities, it was

recognized as a tremendous benefit and an improvement at that time by both the Zoning Commissioner and the County Director of Commercial Revitalization.

MR. ZIMMERMAN: Well, that was twenty years ago, right?

MR. MOULDER: Yes.

MR. ZIMMERMAN: What I want to know is what your perspective is now and --

MR. MOULDER: Well, my perspective --

MR. ZIMMERMAN: -- wait a minute, let me finish the question. As to the effect of this proposal on the image of the community, for better or for worse, good, bad, indifferent?

MR. MOULDER: My perspective now is that to convert this back to an auto service use after it being recognized as a tremendous improvement at a prominent intersection that is a gateway to our communities is a step backwards, and in that sense, has to be detrimental to the general welfare, health and safety of the community. I mean, that's what the zoning regulation says and if it was, if it was an improvement before it can't be an improvement to go backwards, it's just not logical.

MR. ZIMMERMAN: Unless there was a major change in the neighborhood in twenty years that somehow justified that, right? Was there any change in the last twenty years that would cause you to say --

CHAIR: No, I mean, it's been a fact that the commercial activity on Joppa Road, and particularly at that intersection, has over the past twenty years, has become more dense, more active, more pronounced than it was even in 1999 when it was pretty pronounced?

MR. MOULDER: Right.

CHAIR: Now it's even more so.

MR. MOULDER: I, I guess --

CHAIR: Correct or not?

MR. MOULDER: I'm, it's a, it's a difficult one to answer.

CHAIR: Okay.

MR. MOULDER: First of all, it's always been pretty, it's been a pretty active intersection and the commercial, there's always been a lot of commercial activity at that intersection.

CHAIR: And on Joppa Road in general in that stretch that we've been looking at, right?

MR. MOULDER: Yes, yeah, it's always been pretty dense. You know, I don't know that this changed that that much in that sense, but I'm just talking about primarily the, the use going from again, auto service, which there is a, a great deal of density of that use in the area, and going away from a Class B office building, which the Loch Raven business association at the time in '99 supported and, and felt was an

improvement.

CHAIR: Okay.

MR. ZIMMERMAN: Let me ask you this, Mr. Moulder. Other than the Towson Commons that you've supported on the west end of the district with a mixed use, and you mentioned, was it a medical facility that replaced the Lazy Boy?

MR. MOULDER: Yes, it's a --

MR. ZIMMERMAN: Okay.

MR. MOULDER: -- Mercy Medical Systems Medical Surgical Center Outpatient.

MR. ZIMMERMAN: And other than perhaps some changes in names to some of the uses, can you identify any significant changes in use in the last twenty years in that area, along Joppa Road? Maybe a furniture store coming in, going out, I mean, what, are there any significant changes? That's what I want to know, in the last twenty years.

MR. MOULDER: Well, the, over to the east side there's a new Gavigan's furniture store that replaced Harold's fruit market over there, Harold's market. The Starbuck's, as I said previously, replaced the Bel Loc Diner. The Lake Shore Learning Center and --

MR. ZIMMERMAN: Well, let me, and you regard --

MR. MCCANN: Well, let him finish, let him finish.

MR. LA FIANDRA: Excuse me, he's answering the question.

MR. MOULDER: Lake Shore Learning Center and the United Rental Center on the north side, across, I think they're across from the McDonald's parking lot, relatively new, I'd say probably twenty years.

MR. ZIMMERMAN: And what would you say as to whether those several things you mentioned have changed the character of the neighborhood or the density of the neighborhood?

MR. MOULDER: Don't know that they've changed the density. We, we felt like the, the Starbuck's was an upgrade at the corner, quite honestly. I mean, we all, like I said before, we all liked the Bel Loc Diner and Mr. Doxanis (phonetic), but we felt like it, you know, the, the building was, was not in good shape and what's replaced it has been an improvement in most people's eyes, I would say.

MR. ZIMMERMAN: Okay. Based on all that, what reason, if any, would there be to take a different approach now than you took in 1999?

CHAIR: Well, it's a, sort of a confusing question, but go ahead and, if you can answer that.

MR. MOULDER: I, I don't, --

CHAIR: He's saying how come you supported the Howard Bank in 1999 and don't support Valvoline now.

MR. ZIMMERMAN: No, that's not actually --

CHAIR: No, not right?

MR. ZIMMERMAN: No.

CHAIR: Okay.

MR. ZIMMERMAN: No, well, --

MR. LA FIANDRA: Although that's a good question.

CHAIR: Pardon?

MR. LA FIANDRA: I said, although that's a good question.

CHAIR: Okay. I misunderstood then.

MR. ZIMMERMAN: Well, let me back up.

CHAIR: So, again, not to, not to cut anyone off, okay? Because we --

MR. ZIMMERMAN: All right.

CHAIR: -- want to make sure the community is heard and heard sincerely, but I, I'm guessing that my colleagues would agree with me that we understand the argument about the health, safety and welfare, how that relates to a special exception. We understand from the maps the questions of residential and commercial density and active, and relative levels of activity and we, I think we get all that actually.

MR. ZIMMERMAN: All right. All right, let me move on to one, on this resolution in 2013, the, the first whereas clause on the top of the second page describing the three separate communities of Loch Raven/Baynesville, Loch Raven/Satyr Hill and Loch Raven/Hillendale, and, and the quote unquote, unique characteristics and identifies. What, what I want to ask you is what, if any, would you say would be the

unique characteristics of Loch Raven/Baynesville that relate to the, to this case in your opinion?

MR. MOULDER: In my opinion, I would think that one of the unique characteristics is that as one of the older communities we're now seventy years old, in that general area, we have worked very, not, not that older, that there are other older communities that haven't, but that we're working very hard and struggling to maintain that sense of community. I think we're very focused on seeing comm, continual improvement in these adjacent areas as, as part of that.

MR. ZIMMERMAN: Okay. All right, I've got just a few more questions. I, I wonder if the witness could be given Protestant's Exhibit 4, the master plan 2020? And let's give the Board back People's Counsel four.

MR. LA FIANDRA: That was Protestant's number four?

MR. ZIMMERMAN: Yeah. Now, I'd like to talk about, or ask about Protestant's number four. And I believe there was some question about it by Mr. McCann, so I'm hoping not to, to repeat. Okay. So, this begins on page one thirty-three, are we all on the same wavelength here?

MR. MOULDER: Um hm.

MR. ZIMMERMAN: Yeah?

MR. MOULDER: Yes.

MR. ZIMMERMAN: So, let's go to page one thirty-nine, bottom left paragraph, beginning with the words to remain

viable. What, if you look at that paragraph, what's your observation, if any, as to whether this proposal fits with the master plan concept of attracting new and different uses?

MR. LA FIANDRA: Your Honor, I'm going to object to the question. He has provided no basis for an opinion and that, and that is far afield, even for a community representative. He's asking for, essentially, compatibility with the, the master plan. The master plan speaks for itself. And there's been no basis for an opinion that's been set forth and he's not an expert witness. So, I object to the question.

MR. ZIMMERMAN: One doesn't have to be an expert to, to provide --

CHAIR: Okay. Sometimes it's quicker to just have the witness answer the question then to fight over it. We, we understand the witness' limitations, I guess, with regards to such opinions.

MR. LA FIANDRA: Okay, thank you.

CHAIR: We, we, we do get that. So, with that in mind, Mr. Moulder, can you, you're, you're familiar with the, with what the master plan says about this area?

MR. MOULDER: Yes.

CHAIR: Okay and your community defers to the master plan often, I take it, in, in your determination as to positions you take on these matters?

MR. MOULDER: I would say yes, I, I'd say that it's

one of the first things we looked at when we heard from Councilman Marks, maybe last September, that this proposal was in the offing.

CHAIR: Right, and I'm guessing that it's your view that this is not compatible with the master plan?

MR. MOULDER: That's correct.

CHAIR: Okay. Okay.

MR. ZIMMERMAN: And what, what would your reasoning be? What were your, your main concerns about that?

MR. MOULDER: Our main concerns, there, there, there, there are many but the preponderance of auto service uses in that district today, the conversion of what was, what is a Class B office building into another auto service use that was converted, that we converted from twenty years ago and the community, the Loch Raven Business Association, all supported that conversion at the time because it was an improvement to that prominent intersection and also the proximity to some of the residential areas and concerns about, residents have expressed about noise, traffic, etcetera.

MR. ZIMMERMAN: Okay. Just, I think, probably just one more question in line with that. Take a look at page one forty, the top right. I'm going to quote and then ask you a question. The districts like community enhancement areas should be the, quote, front door to the residential neighborhood and help establish the overall (inaudible) of the

community, unquote. What relevant, if any, does that have to your observations of this intersection as a gateway?

MR. MOULDER: Well, we, we, you know, I think we agree with that part of the master plan and I think we worked with, actively with the State, for example, on enhancements to Loch Raven Boulevard. I think if you drive up and down Loch Raven Boulevard, you'll see a median strip that's brick and trying to make sure that that, that intersection and that corridor are, you know, an attractive entrance to our community. We, we totally support that, that's why we're here.

MR. ZIMMERMAN: That's all I have, Mr. Chairman.

CHAIR: Thank you.

MR. LA FIANDRA: I will have questions for him.

CHAIR: You do?

MR. LA FIANDRA: Yes.

CHAIR: Okay.

MR. LA FIANDRA: I haven't had a chance to question him yet.

CHAIR: Okay. You're not being prevented from anything.

MR. LA FIANDRA: All right. I thought that maybe you thought that I had already asked him questions.

CHAIR: No, I, no, I, I realize you haven't.

MR. MCCANN: Should I go first or not, does it matter?

CHAIR: Well, you asked questions on direct, so I think you should, I think Mr. La Fiandra gets to go at this point. Let, let me just ask for scheduling purposes, where, where are we here today?

MR. LA FIANDRA: I, I'm very hopeful we are going to wrap up today. I thought that we would be less than hour but I see that we're coming up on two already.

CHAIR: All right.

MR. LA FIANDRA: So, my understanding of things was that Mr. Moulder was Mr. McCann's last witness. I, I, oh, pardon me, --

MR. MCCANN: One more short witness.

MR. LA FIANDRA: -- one more short witness after that.

CHAIR: All right.

MR. MCCANN: Very short.

MR. ZIMMERMAN: I have one witness.

CHAIR: You have one witness and is your witness --

MR. ZIMMERMAN: Will not, should not be that long.

CHAIR: Okay. So, --

MR. ZIMMERMAN: Not, certainly not, not near as long as --

CHAIR: As Mr. Moulder. So, --

MR. LA FIANDRA: And just so you know, I don't have any witnesses. I don't anticipate having a sur --

CHAIR: Any rebuttal.

MR. LA FIANDRA: -- rebut, rebuttal case or anything like that.

CHAIR: Right. Yes, sir?

VOICE: My name is John (inaudible). I came to the April meeting. I would like to make comments (inaudible) if possible.

CHAIR: Okay. That will be possible, okay? Just make sure you're here. So, in, in terms, I guess we're going to have to break for lunch at some point, is that, or are we going to be done, let's say, by 1:00?

MR. LA FIANDRA: So, I don't anticipate having more than fifteen minutes of questions for Mr. Moulder.

CHAIR: Okay. All right.

MR. LA FIANDRA: And then I don't know about the other witnesses.

MR. MCCANN: If it's the Board's preference, I say we, we push on.

CHAIR: Okay, yeah, it would be my personal preference.

MR. MCCANN: I think (inaudible) what, five, ten minutes maybe?

CHAIR: Okay, all right. Okay.

MR. MCCANN: If that's okay.

CHAIR: Yeah, okay. All right. So, so, can we take

a five minute break?

MR. MCCANN: Yeah.

CHAIR: How's that?

MR. LA FIANDRA: Absolutely.

MS. JOLIVET: Thank you.

MR. LA FIANDRA: Very good.

CHAIR: So, we'll be back at 11:56.

MR. LA FIANDRA: Okay, thank you.

CHAIR: Or 11:51, I'm sorry.

MR. LA FIANDRA: Eleven fifty-one. I'll be --

(RECORDING PAUSED – 11:43:47 AM)

(ON RECORD – 11:54:11 AM)

CHAIR: Okay. We're back on the record and Mr. Moulder, you're still under oath.

MR. MOULDER: Thank you.

MR. LA FIANDRA: Okay. Mr. Moulder, you testified on a wide range of issues and I don't intend to ask you questions about all of them but there were a few things I wanted to go back to. The first, when, when did you first learn about this proposal?

MR. MOULDER: I believe it was September 2018, --

MR. LA FIANDRA: Less, less than a year ago?

MR. MOULDER: Yes, less than a year ago.

MR. LA FIANDRA: How, how did you learn of it?

MR. MOULDER: I learned about it from Councilman

David Marks.

MR. LA FIANDRA: And what did he tell you about it at the time?

MR. MOULDER: Simply that there was a proposal to demolish the, what was the 1st Mariner Bank building at the corner of Loch Raven and Joppa and replace it with a Valvoline Quick Lube, I think.

MR. LA FIANDRA: At that time, did he tell you that my client and I met with him?

MR. MOULDER: I don't recall, I'm sorry.

MR. LA FIANDRA: Okay and then you, you, did, you received notice, did you not, of the Design Review Panel meeting?

MR. MOULDER: That's correct.

MR. LA FIANDRA: So, to speak, would that be your first official notice that, of the, of the process in, involved in this?

MR. MOULDER: Yes.

MR. LA FIANDRA: And you went to that meeting, is that correct?

MR. MOULDER: I did.

MR. LA FIANDRA: And you saw my client and I there? Mr. Kazazian?

MR. MOULDER: Yes, I think, I think so.

MR. LA FIANDRA: And do you remember seeing me there?

MR. MOULDER: Yes.

MR. LA FIANDRA: Okay.

MR. MOULDER: Yes.

MR. LA FIANDRA: The, and there were other members of your community there, Mrs. Krach, I believe, and there was, I don't know if she's, she's another community representative.

MR. MOULDER: Yes, Janice Krach was there.

MR. LA FIANDRA: Yeah.

MR. MOULDER: I believe Leslie Noff and Bruce Noff (phonetic) were there.

MR. LA FIANDRA: Yes. The, do you remember that I offered to meet with you at that time?

MR. MOULDER: Yes.

MR. LA FIANDRA: And we were never able to meet?

MR. MOULDER: That's correct.

MR. LA FIANDRA: Okay.

MR. MOULDER: We had scheduling issues, I believe, as well as just, you know, whatever.

MR. LA FIANDRA: As, what, what is whatever?

MR. MOULDER: And, you know, we, we felt like we'd made the decision to oppose the proposed project.

MR. LA FIANDRA: So, so how many times would you say that I reached out to you to discuss the project?

MR. MOULDER: I, I can't recall exactly. I'd say it was, we had probably a couple of phone calls and a couple

inter, e-mail exchanges maybe.

MR. LA FIANDRA: Okay, thank you.

MR. MOULDER: Something --

MR. LA FIANDRA: So, the, and there were other, ultimately you decided you did not want to meet with us because you didn't want the use at that location, is that correct?

MR. MOULDER: Correct.

MR. LA FIANDRA: And by the use, I mean a, an oil change facility.

MR. MOULDER: Auto service facility, --

MR. LA FIANDRA: Or auto, auto service facility.

MR. MOULDER: Yes.

MR. LA FIANDRA: Now, you mentioned that you, so you never had an opportunity to tell us what about the use you didn't like or other design features that we could have changed to accommodate you because you wouldn't meet with us, is that correct?

MR. ZIMMERMAN: Objection.

MR. LA FIANDRA: It's a question.

MR. ZIMMERMAN: I mean, I don't see the relevance.

CHAIR: Well, overruled.

MR. MOULDER: We didn't, we did not have an opportunity to tell you that, no.

MR. LA FIANDRA: Okay. So, obviously Valvoline had no opportunity to respond to you?

MR. MOULDER: That's correct.

MR. LA FIANDRA: Okay. Now, you did meet with some other people who have developed in the area over the years. You mentioned you were involved with the Starbuck's. I think you mentioned you were involved with the Wawa, is that correct?

MR. MOULDER: That's correct.

MR. LA FIANDRA: And were you involved with the Sonic?

MR. MOULDER: We were.

MR. LA FIANDRA: Now, sticking with, do you view Starbuck's as an auto use?

MR. MOULDER: No.

MR. LA FIANDRA: Do you know how many trips per day Starbuck's generates?

MR. MOULDER: I don't.

MR. LA FIANDRA: Or per hour?

MR. MOULDER: No.

MR. LA FIANDRA: And when you've been over by the Starbuck's have you noticed that cars stack into the road sometimes when they're trying to turn into the Starbuck's?

MR. MOULDER: Yes.

MR. LA FIANDRA: How frequently does that happen?

MR. MOULDER: I, I couldn't, I couldn't tell you. I mean, I'm there occasionally but I don't, I don't know how frequent that is.

MR. LA FIANDRA: Okay. The --

CHAIR: Is, is the entrance to Starbuck's on Loch Raven or is it on Joppa?

MR. MOULDER: Both.

CHAIR: Both, okay --

MR. LA FIANDRA: Now, --

CHAIR: -- and the exit is on both also?

MR. MOULDER: Both.

CHAIR: Okay.

MR. LA FIANDRA: The, the, sticking with the Starbuck's, that has a drive thru, doesn't it?

MR. MOULDER: It does.

MR. LA FIANDRA: Is it a two lane drive thru or one lane drive thru?

MR. MOULDER: Single lane.

MR. LA FIANDRA: Single lane. Have you ever waited for coffee there at the, in the drive thru? Have you cued up?

MR. MOULDER: Yes.

MR. LA FIANDRA: You have?

MR. MOULDER: Yes.

MR. LA FIANDRA: How long does that take?

MR. MOULDER: I think it depends time of day but --

MR. LA FIANDRA: What's the longest it's taken?

MR. MOULDER: Five minutes, maybe.

MR. LA FIANDRA: Okay.

MR. MOULDER: They're pretty efficient.

MR. LA FIANDRA: So, the, do you, you said yes to being involved with the Wawa, is that correct?

MR. MOULDER: Yes.

MR. LA FIANDRA: That's where the Bendix building was, right?

MR. MOULDER: Correct.

MR. LA FIANDRA: Now, was the Bendix building, I may have seen it at some point, I don't recall, was it an office building?

MR. MOULDER: I believe it was an office building. They also did, I think, some manufacturing there, light manufacturing maybe, but from, primarily I think it was office space.

MR. LA FIANDRA: Do you consider the Wawa to be an auto oriented use?

MR. MOULDER: I don't think it's focused primarily on the auto use, no.

MR. LA FIANDRA: What do they, do, I mean, they sell gasoline there?

MR. MOULDER: They sell gasoline.

MR. LA FIANDRA: Do people typically, people bring their cars to gas up their cars, yes?

MR. MOULDER: Correct.

MR. LA FIANDRA: Okay.

MR. MOULDER: But other than that, they're a convenience store operator, I think that's their focus. They're one of the largest convenience store operators on the east coast.

MR. LA FIANDRA: Do you know the size of the convenience store?

MR. MOULDER: Square footage wise?

MR. LA FIANDRA: Yes.

MR. MOULDER: I, I don't.

MR. LA FIANDRA: Okay.

MR. MOULDER: But I know that they, they serve food there, they have a convenience food location, they make sandwiches, they have, I am familiar from my career, they have the most highly developed coffee business in the convenience store industry at Wawa's.

MR. LA FIANDRA: Okay, yes.

MR. MOULDER: I tried to sell it to them for years.

MR. LA FIANDRA: I'm sure. The, what, what was the extent, so you mentioned with regard to Wawa that you, the Bendix building had been vacant for ten to fifteen years before that, is that right?

MR. MOULDER: I believe that's correct, yeah.

MR. LA FIANDRA: And by the way, do you know how long the 1st Mariner building has been empty?

MR. MOULDER: I want to say it's been at least two

years.

MR. LA FIANDRA: Okay. The, and you worked, this is, if, correct me if I'm wrong, but I believe you testified that you worked with Wawa to match features of the homes in the community and on lighting and design issues, is that right?

MR. MCCANN: Objection. It wasn't Wawa, this is Loch Ravens Commons. He keeps on referring to the Wawa. The Wawa is part of Loch Raven.

MR. LA FIANDRA: Okay. Loch Raven Commons.

MR. MOULDER: Yes.

MR. LA FIANDRA: Okay. What are the other uses in Loch Raven Commons?

MR. MOULDER: I think as I previously testified there is a physical therapy office buil, office, there is a dental office, Aspen Dental, I'm not sure what the, there's office space that's being located behind the Wawa there next to Loan Brothers, then the apartments that are going to be built behind there, behind the office buildings and just north of where the Glory Days Grill restaurant is.

MR. LA FIANDRA: Okay. The, you had, oh, and then the Sonic. Were you involved with the Sonic?

MR. MOULDER: I was not involved with the negotiations with the Sonic myself, but our association was, yes.

MR. LA FIANDRA: Okay and you're here speaking on

behalf of your association?

MR. MOULDER: I am.

MR. LA FIANDRA: Okay.

MR. MOULDER: Yeah, I am on the (inaudible) I was on the board before, at the last hearing, I'm now the president because I couldn't get out of the room fast enough, so.

MR. LA FIANDRA: Sorry about that, right.

CHAIR: Yeah, everyone else took a step backward and you were left --

MR. MOULDER: All of a sudden I was the only one there.

CHAIR: Um hm, been there.

MR. LA FIANDRA: The, what was the position of your association with regard to the Sonic?

MR. MOULDER: We were not in, in favor of another fast food location there on, on Joppa Road. We were opposed, we opposed the Sonic and opposed the, the zoning request for that, as I recall.

MR. LA FIANDRA: And is that a, would you view that as an automotive oriented use?

MR. MOULDER: No.

MR. LA FIANDRA: Okay. That is, but to be clear, that is the type of use where people drive in, park their car and then eat in their car after the food has like been delivered to them, is that right?

MR. MOULDER: Either that or they take the food to go, yes.

MR. LA FIANDRA: Okay.

MR. MOULDER: It's fast food.

MR. LA FIANDRA: Often times, people are driving to that location?

MR. MOULDER: That's correct, yes.

MR. LA FIANDRA: Okay and then they're obviously driving away from it as well.

MR. MOULDER: Yeah, no, nobody is walking to Sonic pretty much (inaudible).

MR. LA FIANDRA: Okay. The, you mentioned about the, the motels. And I don't mean to put words in your mouth but did I hear you say the first time you testified, which was two months ago, so, but you're, you, I believe you said you were hoping that those hotels failed, those motels failed?

MR. MOULDER: I, I could have said that, yes.

MR. LA FIANDRA: Okay and you, in fact, that, that would not be a bad result for you?

MR. MOULDER: Yes, if they were gone, I would, it would not bother me in the slightest.

MR. LA FIANDRA: So, with regard to the Hooter's that just went out of business, would you share your opinion of that, that you would hope, you, you're somewhat happy that it failed?

MR. MOULDER: I mean, not, I'm pretty indifferent as to the, the Hooter's. It's never been, we, the, I would say that the Hooter's had never presented issues for our neighborhood. I think just maybe my personal opinion is that in the current environment there's an opportunity for something that would improve the area to go in there instead of the Hooter's, but.

CHAIR: Where, where is actually the Hooter's? I'm sort of --

MR. LA FIANDRA: I believe it was shown, I don't want to --

CHAIR: Yeah, where, where's, where is the Hooter's?

MR. LA FIANDRA: Yeah.

MR. MOULDER: It's on the north side of Joppa Road, kind of right across from the McDonald's there.

CHAIR: Okay, all right.

MR. MOULDER: Yeah.

CHAIR: Okay.

MR. LA FIANDRA: Now, --

MR. MOULDER: It used to be a nightclub --

MR. ZIMMERMAN: Rascal's.

MR. MOULDER: Rascal's night club.

MR. MCCANN: He knew right away what it was.

MR. MOULDER: We know where Peter was spending his time.

CHAIR: It's not where Kaos was though?

MR. ZIMMERMAN: No, no.

MR. MOULDER: No, Kaos was in the back up Orchard Tree Lane and then that is actually one place that we were happy went out of business, so.

MR. LA FIANDRA: The, --

CHAIR: I mean, I've only heard of Kaos, I've never actually been there.

MR. MOULDER: (inaudible).

MR. ZIMMERMAN: It's been a while since Rascal's closed.

MR. LA FIANDRA: Do you know what my client's investment in the 1st Mariner property and this entire project is?

MR. MOULDER: I, I don't know specifically what the entire project is. I, I saw the property listed for something in the neighborhood of $1.65 million.

MR. LA FIANDRA: Were you here when he testified that his budget for the project is $3.2 million?

MR. MOULDER: Yes, I think I was, but I didn't recall that, sorry.

MR. LA FIANDRA: Okay. That's okay. The, and is that not the type of community investment or reinvestment that you are looking for as part of the master plan?

MR. MOULDER: Well, I, I, I think we'd, we'd love to

have people invest money in the commercial revitalization district as long as it's consistent with the goals and objectives of the master plan and the commercial revitalization district, yes.

MR. LA FIANDRA: And just sticking with that point for a moment, just so I understood your testimony correctly, your primary issue with regard to the master plan is that this is one of, this would be another auto related use in, in the area that we have discussed as the neighborhood?

MR. ZIMMERMAN: Objection. I think that's not what the witness said.

CHAIR: Well, overruled. I mean, if that's not, he, he can answer no, you know.

MR. ZIMMERMAN: Okay.

MR. MOULDER: I would say that's, that's, that's part, part, part, part of our objection. I think it, again, we're looking to insure that the uses in the district are consistent with the master plan and the goals and objectives of the commercial revitalization district, as well as to preserve what we con, concern, or what we recognize as improvements to the district going back to 1999 where it was converted from the Crown Gasoline Station to Class B office space.

MR. LA FIANDRA: Okay.

MR. MOULDER: We felt like that was an improvement and we don't want to see a step backwards.

MR. LA FIANDRA: The, through, I, I've seen you present at most, I think all of the hearings. Have you been at, to all the hearings?

MR. MOULDER: I have.

MR. LA FIANDRA: Okay. The, and there was the, there was the one night, you were at the Administrative Law Judge, is that correct?

MR. MOULDER: Yes.

MR. LA FIANDRA: And you were also at the Design Review Panel, as we said earlier?

MR. MOULDER: Yes.

MR. LA FIANDRA: Do you recall that in the context of the discussion of this being a gateway that --

MS. JOLIVET: Which, which (inaudible) are you talking about?

MR. LA FIANDRA: Oh, this is, pardon me.

MS. JOLIVET: You said, does he remember. Is this the Design Review Panel or the ALJ hearing?

MR. LA FIANDRA: Thank you for asking. The, the Design Review Panel.

MS. JOLIVET: Okay.

MR. LA FIANDRA: Yes, just with regard to the Design Review Panel, do you remember there being a discussion of the, there being a monument sign in the front of this property to welcome people to the Loch Raven community?

MR. MOULDER: There was a discussion about that, yes.

MR. LA FIANDRA: And do you remember, what is your position on that? Would, do, do you want to see that?

MR. MOULDER: The, the ques, I think the question would be what would be on the sign. I think the proposal was like welcome to Loch Raven and as you can see from some of the verbiage on all these different documents, that's kind of a, a soft target there and that, you know, there's Loch Raven/Hillendale, there's Loch Raven/Baynesville and all these different areas. So, something, Loch Raven is not, I mean, it's, it's a big name around here, you know, Loch, you know, it could refer to the Loch Raven Res, you know, Watershed.

MR. LA FIANDRA: Sure.

MR. MOULDER: So, we weren't, we weren't quite sure what the, the reference was and --

MR. LA FIANDRA: But you never asked us about that, is that correct?

MR. MOULDER: No, I don't believe we did.

MR. LA FIANDRA: You never asked us for clarification at that point?

MR. MOULDER: No.

MR. LA FIANDRA: Or asked us to change it?

MR. MOULDER: No.

MR. LA FIANDRA: Okay and would it surprise you to know that Councilman Marks asked us to put that sign on the

plan?

MR. MOULDER: No, I guess not.

MR. LA FIANDRA: Okay and --

CHAIR: Now, you know that's not evidence, that Council Marks, Councilman Marks did ask to do that?

MR. LA FIANDRA: I understand.

CHAIR: Okay.

MR. MOULDER: I'm, yeah, --

MR. LA FIANDRA: Okay.

MR. MOULDER: -- I'm not aware that he did or didn't so.

CHAIR: All right.

MR. LA FIANDRA: The, how long as the Royal Farms been there on Joppa Road?

MR. MOULDER: I can't say with certainty but it's been, it's been quite a long time, yeah. The property used to belong to the Hollenshade family, as a matter of fact.

MR. LA FIANDRA: And were you, did you live in the neighbor, did you live where you currently live when that was switched from the Hollenshade family to Royal Farm?

MR. MOULDER: I, I did. The Hollenshades sold it to the Royal Farms business entity a few years ago. They, Royal Farms had been leasing it. Mr. Hollenshade, they had an option to buy at the end of that lease agreement and so they ended up selling it to them. I, I'm guessing five or six years ago.

MR. LA FIANDRA: And so, that went from being an auto use, the Hollenshade Auto Service --

MR. MOULDER: That's not where, no. Hollenshade --

MR. LA FIANDRA: That's not where, where it was?

MR. MOULDER: -- (inaudible) located, Lee just owned the property, Mr. Hollenshade, I should say.

MR. LA FIANDRA: Okay. What was there before?

MR. MOULDER: I don't remember what was there before.

MR. LA FIANDRA: Did you take a position on the Royal Farm at the time?

MR. MOULDER: I don't recall.

MR. LA FIANDRA: Okay.

MR. MOULDER: I mean, that's a long, long time ago.

MR. LA FIANDRA: The, thank you. Thank you, I appreciate your time.

CHAIR: Mr. McCann?

MR. MCCANN: Yeah, just a couple follow-up. Maybe I want to try to simplify some of what you talked about with respect to Mr. Zimmerman's questions and Mr. La Fiandra's questions and maybe keep it simple. Am, am I correct it's your opinion that there's a lot of commercial uses in this corridor that have been around for a long time that aren't today necessarily consistent with the commercial revitalization district and its goals?

MR. MOULDER: Yes.

MR. MCCANN: Okay. You mentioned some of those. Would, would those include even some of the, the automobile service establishments and fast food establishments that we've been talking about?

MR. MOULDER: Yes, I think that, you know, we'd like to see improvements in terms of, you know, walkability and, like I said, variety of uses other than that --

MR. MCCANN: So, a lot, so, I'm sorry. So, a lot of those uses, fast food, automobile service, even some of the, the Royal Farms for instance, a lot of those uses if they were proposed today post commercial revitalization district, you would not support, you and the community would not support them, is that fair?

MR. MOULDER: Well, I, I think it's, we, we'd assess each one individually but I think that's, that's correct. We'd be looking for some different uses maybe.

MR. MCCANN: Okay and in terms of all those commercial uses that have been around for a long time, even though it's pre commercial revitalization district, that really hasn't changed in the last twenty years?

MR. MOULDER: No.

MR. MCCANN: There's always been a lot?

MR. MOULDER: Yes.

MR. MCCANN: Okay. But then again, there have been, and you've mentioned a number of them, there have been a lot of

positive changes to the district in, in recent, recent memory? That is, post commercial revitalization district, is that fair?

MR. MOULDER: Yes.

MR. MCCANN: Among other things, Towson Commons?

MR. MOULDER: Correct.

MR. MCCANN: Starbuck's?

MR. MOULDER: Yep.

MR. MCCANN: Okay. Just, could you clarify why you didn't meet with Mr. La Fiandra? I'm not sure quite, if you, if you quite said why you would, you did not or would not meet with him.

MR. MOULDER: I think the feeling was that we looked at the, the design of the building and the use and found that we felt it would be a step backwards and that we would be in opposition to that development --

MR. MCCANN: Okay.

MR. MOULDER: -- in any case, I mean, it could be, I mean, I'm sure they design very nice buildings and that kind of thing but it was, regardless of how nice the building was, we didn't think the use was appropriate for that corner.

MR. MCCANN: Okay. With respect to the Starbuck's, why, if you could explain, why is the Starbuck's okay, even though it, when I say okay, you, you believe it's consistent with the district, even though it has some increased traffic? Explain why that is.

MR. MOULDER: Well, I guess, you know, from, from my experience, Starbuck's, you know, has an upscale image that would project to the area that surrounds it. We, you know, one would hope and we, we thought that would be beneficial to the community to, to see that there. We had, the, the Starbuck's was previously located down in the Ravenwood Shopping Center, not very prominent, you know, next to the bank and the Giant there and they closed that one and opened the one there where the former Bel Loc Diner was and we thought that was a, a good addition, so.

MR. MCCANN: So, the, the, the Starbuck's that's there, in your opinion, does that achieve some of the purposes of the commercial revitalization district? Some of the ones we've been talking about?

MR. MOULDER: I believe so, yeah. It, it's different from the other fast food locations in terms of the things that, the, the offerings it has and the, and the image that it has, yeah.

MR. MCCANN: Okay. That's all I have. Thank you very much.

CHAIR: Mr. Zimmerman?

MR. ZIMMERMAN: Yeah, following up on --

CHAIR: Remember this is rebuttal, right?

MR. ZIMMERMAN: I get --

CHAIR: So, this is limited to what was on cross.

MR. ZIMMERMAN: I have that exactly (inaudible).

CHAIR: Okay.

MR. ZIMMERMAN: So, as far as the Starbuck's goes, do you know whether or not that required a special exception or there was ever any special exception review on that one?

MR. MOULDER: I, I, I don't recall.

MR. ZIMMERMAN: Yeah, so, so to the best of your knowledge, it, that might have been permitted by right?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Yeah, and just briefly, in terms of visual comparison between a Starbuck's and a Valvoline, would, you know, how do you, how do you view them? Which is better, which is worse?

MR. LA FIANDRA: Your Honor, I'm going to object.

CHAIR: Well, yeah, well, that's like do you like vanilla or chocolate.

MR. ZIMMERMAN: Well, --

CHAIR: That's really just an idiosyncratic --

MR. ZIMMERMAN: I know. All right. (inaudible) the Towson Commons, I happen to have, I guess this is People's Counsel twenty-three.

MR. LA FIANDRA: Thank you.

MR. MCCANN: Thank you.

MR. LA FIANDRA: Can I ask a clarifying question? Because I heard him refer to Towson Commons earlier but do you

mean Loch Raven Commons?

MR. ZIMMERMAN: Oh, did I, yeah, my, my fault. Loch Raven Commons.

MR. LA FIANDRA: Okay, thank you.

MR. ZIMMERMAN: Sorry. Thank you, Mr. La Fiandra. Loch Raven Commons.

CHAIR: Thank you, counsel.

MR. ZIMMERMAN: Let's see. I'm not going to spend a lot of time on this but.

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: Okay. This resolution number twenty-five fourteen, adopted April 7, 2014. Mr. Moulder, do you recognize this resolution of initiating the planned unit development process for Loch Raven Commons?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay and does, without going through it paragraph by paragraph, does that describe the mix of uses, including the Wawa, the residential an so on and so forth in the background?

MR. MOULDER: I believe so.

MR. ZIMMERMAN: Okay. Has there been any PUD proposed for the Loch Raven/Joppa intersection to the best of your knowledge?

MR. MOULDER: No.

MR. ZIMMERMAN: And by the way, does the PUD include

some community enhancement or benefit by --

MR. LA FIANDRA: Your Honor, we've gone quite, very far afield. I don't really understand the relevance of the question.

MR. ZIMMERMAN: Well, Mr. La Fiandra was asking about the Wawa as if it were isolated from Towson Commons.

CHAIR: No, it's part of Towson Commons.

MR. ZIMMERMAN: Right.

MR. LA FIANDRA: Loch Raven Commons.

CHAIR: I mean, Loch Raven Commons.

MR. ZIMMERMAN: Loch Raven, excuse me. So, yeah, so, so I think we needed to give some context to the Loch Raven Commons.

CHAIR: Okay. What, what exhibit number is this?

MR. LA FIANDRA: Yeah, is there a number --

MS. JOLIVET: Twenty-three.

CHAIR: Twenty-three.

MR. ZIMMERMAN: Twenty-three.

CHAIR: Okay.

MR. ZIMMERMAN: Okay. That's all I'm going to, I mean, the Board can, it speaks for itself, I get that. So, Mr. La Fiandra asked you, Mr. Moulder, about, some questions relating to how much money the Petitioner was spending, whether it was a million or a million and a half, I can't remember.

CHAIR: I think it was closer to three.

MR. ZIMMERMAN: Three million.

CHAIR: In excess of three, actually.

MR. ZIMMERMAN: Yeah, what, what, if anything, as far as you know, is in the master plan that says if a Petitioner is going to spend several million dollars they can get whatever they want, can you tell me?

CHAIR: Well, that, that, that's a little argumentative I think.

MR. ZIMMERMAN: All right. I mean, what relevance, if any, do you as a citizen see that they're spending a lot of money?

CHAIR: I, I, I think that's also --

MR. ZIMMERMAN: All right.

CHAIR: -- not really germane.

MR. ZIMMERMAN: All right.

CHAIR: I mean, it shows that there's a financial commitment to the area by Valvoline, doesn't show anything more, doesn't show anything less.

MR. ZIMMERMAN: Well, Valvoline is a profit making operation.

CHAIR: Indeed.

MR. ZIMMERMAN: Mr. La Fiandra asked you a few questions about Councilman Marks, do you remember that?

MR. MOULDER: Yes.

MR. ZIMMERMAN: What, if anything, would you like to

say about whether or not Councilman Marks supports this project?

MR. MOULDER: I, I met with David some time ago, with Councilman Marks. I, I don't want to speak for him but it didn't seem like this was a project that he felt was consistent with what he wanted for, I think it's fair to say, he didn't think it was consistent with what he wanted for the commercial revitalization district. He did write a letter to the, to Judge Beverungen but I think was, tried to be very careful in that, I don't know if I have the distinction right between the administrative process and councilman, councilmanic process, kind of (inaudible) process and there were distinctions and differences. But he wanted to make sure that the concerns of the community were heard.

MR. ZIMMERMAN: Okay. Thank you. That's all I have, Mr. Chairman.

CHAIR: Anything else?

MR. LA FIANDRA: Very quickly.

CHAIR: Sure.

MR. LA FIANDRA: Just with regard to the questions that you were asked by Mr. McCann with regard to the Starbuck's. The, how long has the Dunkin' Donuts been there?

MR. MOULDER: It's been quite some time.

MR. LA FIANDRA: And there, Dunkin' Donuts and, Dunkin' Donuts or Dunkin' and Starbuck's, they both sell coffee

and other foods. It's like, they're both similar operations, am I right?

MR. MOULDER: Yes.

MR. LA FIANDRA: And does the Dunkin' Donuts have a drive thru as well?

MR. MOULDER: They do.

MR. LA FIANDRA: Okay. The, one of the things that you mentioned was the predominance of fast food in the corridor, is that right?

MR. MOULDER: I, I guess, yeah.

MR. LA FIANDRA: And yet you, despite the predominance of food that you identified, you chose to support the Starbuck's?

MR. ZIMMERMAN: I'm going to object in the sense of Starbuck's did not require a special exception so I don't see--

MR. LA FIANDRA: Well, he testified that he was in favor of the Starbuck's, it was a fact in the record.

MR. ZIMMERMAN: It's kind of apples and oranges legally, that's all.

CHAIR: Yeah. No, well, it's, both points are well taken.

MR. LA FIANDRA: There was a question, yes, go ahead.

MR. MOULDER: Okay. Can you ask me the question again?

MR. LA FIANDRA: The, despite the predominance of

fast food in the corridor that you discussed, you supported the Starbuck's when it came in for approval?

MR. MOULDER: Yes. I, and I have some, some experience with this from my career, which at both Proctor & Gamble and Smucker's was primarily serving the away from home industry so Starbuck's was a customer, Dunkin' was a customer, at both companies.

MR. LA FIANDRA: And --

MR. MOULDER: And I would say the Star, Starbuck's, if you segment the industry, has a distinctly different image and demographic than Dunkin' Donuts. So, Dunkin' Donuts would skew older, for example, less upscale, no offense to the folks from Massachusetts where Dunkin' is really, really popular. And I think the Starbuck's, you would view as something that would have more appeal to younger people, millennials and that kind of thing, so we saw that perhaps as, or, you know, or, or in my view, it's a distinctly different type of coffee and food operation than Dunkin'.

MR. LA FIANDRA: And McDonald's sells quite a bit of coffee as well, is that not right?

MR. MOULDER: I believe they do.

MR. LA FIANDRA: And the, there's a McDonald's in this corridor as well, is that right?

MR. MOULDER: Yes.

MR. LA FIANDRA: Were you present for the testimony

where Mr. Kazazian discussed how Valvoline segments the market, so to speak, using your terminology that you just used, with regard to oil changes?

MR. MOULDER: I don't recall that.

MR. LA FIANDRA: Okay.

MR. MOULDER: I don't recall.

MR. LA FIANDRA: Okay, thank you.

MR. MCCANN: One follow-up?

CHAIR: Go ahead.

MR. MCCANN: I understand your testimony Starbuck's is different than Dunkin' Donuts, but Starbuck's isn't fast food like McDonald's is, is it? We wouldn't put those in the same category, would you?

MR. MOULDER: No, no. McDonald's would be what we call the QSR, quick serve restaurant, you know. Starbuck's and Dunkin' Donuts, to the limited extent would be what we call limited service restaurant.

MR. MCCANN: Yeah, I've never heard them referred to as fast food restaurants, have you?

MR. MOULDER: No.

MR. MCCANN: Okay.

MR. MOULDER: No.

MR. MCCANN: Okay. Nothing else. Thank you.

CHAIR: Yeah, okay. You're excused, Mr. Moulder.

MR. MCCANN: I've never seen a witness do that

before.

MR. MOULDER: May I just, on my own behalf, offer something up?

CHAIR: Sure.

MR. MOULDER: I've, I want to thank the Board for your, your time and your extreme amount of time on this, I guess. But I just want to, you know, kind of re-emphasize from, from our point of view, I think we talked about the fact that we think that this project would be a step backwards for our community and, therefore, doesn't satisfy the County requirements for special exception. We, you know, we're fully invested in Loch Raven Village. It's a diverse community, we have younger people moving in there. My son lives in the village, he was born, you know, not born there but raised in the village. My daughter lives in the village, my niece lives across the street, so from a family perspective, we're fully invested.

There are a lot of older people in the village. Some of whom are original owners of these houses, believe it or not. And it represents, for a lot of them, you know, the biggest investment they have in their lives and for some of the younger, the younger people in the village it's, it's the biggest initial investment that they've ever made. When they buy a house in Loch Raven Village and so, that's kind of why we're here. That's what we're after and I appreciate the Thank

you.

CHAIR: Yeah, so, I, I think that message is loud and clear.

MR. MOULDER: All right, thank you.

CHAIR: Okay?

MR. MOULDER: Yeah. I don't want to beat a dead horse.

CHAIR: No.

MR. MOULDER: Thank you.

CHAIR: Sure. Mr. McCann?

MR. MCCANN: Yeah, two things. I have Mr. Hartman here and I do have his Rule 8 papers. (inaudible).

MR. ZIMMERMAN: You go ahead with yours. No, you go ahead. That's fine.

MR. MCCANN: Okay. Before I do that, when I, I was listening to the CD from the last hearing and I realized that I was supposed to make copies of Protestant's Exhibit 20 for you guys and I never did. In fact, I may have the original, that's twenty.

MS. JOLIVET: Yes, you do. Do you have an extra for me?

MR. MCCANN: After all that, I didn't bring my copies. How did I do that?

VOICE: Aren't we supposed to be going to a paperless society?

MR. MCCANN: Yeah.

MR. LA FIANDRA: Thank you.

MS. JOLIVET: Thank you.

MR. MCCANN: Sorry about that.

CHAIR: Oh, yes.

MR. MCCOMAS: Do you, do you swear and affirm under the penalties of perjury, that the testimony you're about to give is true and correct to the best of your knowledge and belief?

MR. HARTMAN: I do.

MR. MCCOMAS: Please state your name, your business, your address for the record and spell your last name.

MR. HARTMAN: Paul Hartman, H-A-R-T-M-A-N. Address 18 ½ Cedar Avenue, Towson 21286. And business is Computer Engineering Group, Inc.

MR. MCCOMAS: You can sit down. Just adjust that microphone too if you don't mind.

MR. HARTMAN: Sure. I think we got it. I also do radio, so kind of used to microphones. I get yelled at when I, people can't hear. Sorry.

MR. MCCANN: That's okay. Mr. Hartman, what's your affiliation with Towson Communities Alliance?

MR. HARTMAN: I'm an at large board member of Towson Communities Alliance. I'm a former, or past president of what at that time was called the Greater Towson Counsel of Community

Associations or GTCCA.

MR. MCCANN: Okay. In fact, that organization was known for, for a long time as GTCCA, correct?

MR. HARTMAN: Correct. It was the, established in the early seventies.

MR. MCCANN: But Towson Communities Alliance is the same entity just a different name?

MR. HARTMAN: Right. Rebranding.

MR. MCCANN: Rebranding, okay. And tell us what, what I'll refer to as TCA, what, what do they do?

MR. HARTMAN: TCA is an umbrella group that represents approximately thirty community associations in the Towson area, roughly between the Baltimore City line and the beltway on the south and north and from 83 on the west to Perring Parkway on the, on the east. But we do have some communities that are outside of those borders, so it's not strictly hard and fact border lines.

MR. MCCANN: Okay. How many members, thirty associations but how many households does that represent?

MR. HARTMAN: Well, we're, we're told that Towson has approximately fifty-five thousand residents. I would guess maybe at least seventy-five percent of them are in communities that submit or that, that are members of TCA and submit, have delegates that come to our meetings.

MR. MCCANN: Okay and is that how it works? You just

mentioned delegates, how does it work?

MR. HARTMAN: Yeah, each community has one or more delegates that come to meetings, they only get one vote regardless of how many people come to meetings. But they designate several people because some people can't get to every meeting, so they cast votes as needed at our monthly meetings.

MR. MCCANN: Okay and was there such a vote in connection with this proposal?

MR. HARTMAN: Yes, the, the project was discussed and the membership voted to oppose it. Members from Loch Raven Village, Associates of Loch Raven Village and Knettishall spoke at that particular meeting.

MR. MCCANN: Okay and are you in both, both you and TCA, are you familiar with what is proposed?

MR. HARTMAN: Yes, and I was here for the second day of hearings as well.

MR. MCCANN: Okay, all right. And do you live in Towson, Mr. Hartman?

MR. HARTMAN: Yes, Cedar, I mean, yes, Cedar Avenue now, which is near Towson High School, Towson University, near York Road for thirty-one years in July. And for ten years prior to that, I lived in Loch Hill, which is just south of the Loch Raven and, and Joppa intersection. It's south of Taylor Avenue, about a block from York, from Loch Raven.

MR. MCCANN: So, you're familiar with the area?

MR. HARTMAN: Yes.

MR. MCCANN: Okay, all right. I have some Rule 8 papers that I'll give to the Board, I have a copy for Mr. La Fiandra, of course.

MR. LA FIANDRA: Thank you.

MR. MCCANN: And these are, there's three pages to them and I think they're self-explanatory. Here's the original.

MS. JOLIVET: Thank you.

MR. MCCANN: Copy, copy. Pete, you want one?

MR. ZIMMERMAN: Sure.

CHAIR: And this would be Protestant's exhibit?

MR. MCCANN: Twenty-one.

MS. JOLIVET: That's correct.

MR. MCCANN: So, I'm going to show Mr. Hartman, if I could, a copy of that Exhibit 21 and just tell us what that document is.

MR. HARTMAN: Well, this is resolution of the members, the board of directions, that are authorized to testify on behalf of the association.

MR. MCCANN: Okay. That's the first page, what about the second page.

MR. HARTMAN: First page. Second page is signed by me that I am a duly elected member of the board of directors.

MR. MCCANN: Okay.

MR. HARTMAN: And then the third page is our position

on the, the issue at hand today, Valvoline, that's all.

MR. MCCANN: Okay, great. Thank you. I would move exhibit, Protestant's Exhibit 21 in evidence. Is it, is it admitted?

MR. LA FIANDRA: I have no objection to it, no.

MR. MCCANN: Oh, I'm sorry, okay. Okay.

CHAIR: Yes, so it's admitted.

MR. MCCANN: Thank you. Mr. Hartman, I guess where you left off was that this sort of last resolution in Exhibit 21 identifies TCA opp, opposition to this proposal. Could you explain to the Board why it is that TCA has taken this position?

MR. HARTMAN: Well, it's, I, the association agrees with much of Mr. Moulder's testimony in that we feel that being in a commercial revital, revitalization district, the point of that is to improve the mix of uses in the area, to improve the, the architecture, to increase walkability, none of which this project does. In fact, as, as Mr. Moulder said, and I was planning to say exactly the same thing, is that it is a step backward to, before the bank building was there it was a gas station and this is basically an auto, auto, automobile usage for that.

So, it, it's not, it's not an improvement and unfortunately, things like commercial revitalization districts, it doesn't happen overnight when you designate an area. It,

it's an incremental procedure and, in fact, this, I think it was twenty years ago that this area was designated as such by the County Council and as Mr. Moulder testified, there have been improvements, the, the furniture store, the Loch Raven Commons, the, the Starbuck's and, and the, the surgical center and things like that. The surgical center back there used to be Towson Dodge Honda, or Mazda and I had a Mazda and had it served in that area. So, that's a, an improvement over what used to be there, as just another example.

So, we just feel that the, that this project is not in keeping with the, the goals of not only the commercial revitalization district but there's also another way to look at zoning in, in, using transects and this has been designated a T-5 transect, which is urban center zone, which is different from traditional zoning where you have DR-5.5 or BL or BM or whatever for zoning for a particular parcel. This looks at a, an area and the T-5 says for, which is designated for the Joppa Road corridor and the, the section of Loch Raven that again is stressing mixed use, with a variety of uses, and also emphasis on walkability and, for example, an auto service place would be kind of silly to walk to, that's the whole point, you have a car.

So, things like a Starbuck's, whether it has a drive thru or not, are places that you could walk to but you need a, kind of a, a critical mass of those kinds of places in, in an

area to, to make it walkable and, and that doesn't happen overnight. You have to replace things one at a time and then you get to a place where people in Loch Raven Village or what's, Ridgely Manor, another one of our members, could just walk up Loch Raven or whatever through street and, and take advantage of some of these businesses without having to get into a car. I think that's a big plus, especially for people looking for a home, maybe with families that, that have children that they could, you know, go to dinner at one of these places without having to drive. Parents could have a drink without worrying about driving. And, and I think that's a very good incentive to, to purchase a home in, in a particular area.

MR. MCCANN: Okay, great. Anything else, Mr. Hartman, or did that cover it?

MR. HARTMAN: Yeah, well, I want to also reinforce the, the gateway aspect of this, the, it's been touched on. As you come off the beltway and head south on Loch Raven, you come up a big hill and at the top of the hill is the intersection with Joppa Road and it just seems, from my point of view, I always end up hitting a red light there, so that's the view you get at that light is right now the, the Howard, or 1st Mariner Bank building and I think it would be, again, going backwards to have an auto service facility there and that's more primarily for the, the people who pass through.

That's a, Loch Raven is a, a vital artery for people getting downtown to work in rush hour and, excuse me, you know, it makes it a more attractive area, even if they're just passing through. If they go by there every day, if they're looking for a house some day in the future, they might think that this is, you know, if the other, rest of the, some of the other commercial areas are cleaned up a bit, this might be, you know, attractive to them to, to invest in and that keeps residential communities strong, that's part of TCA's efforts is to try and, and maintain and, and enhance the, the strength of the, and the stability of communities. You don't want to have people moving out after every, you know, couple of years because they don't like it anymore, found out it wasn't as good an area as they expected. Having long term homeowners and families, that's, that's what keeps a great community.

MR. MCCANN: Yeah, I didn't ask, and I should have, what TCA's mission is. You mentioned something that may have covered it but.

MR. HARTMAN: Well, it, it's to improve the Towson area in what ways we can, particularly the residential areas. Towson has many older areas. My home in Agreth Manor (phonetic) is 1953, but the home behind me is 1800 and I've got an 1890 house on one side of me and then Civil War era homes two houses down. So, we, we have a great mix of communities that have been built over different eras, a lot of post-war

townhouses. I, I think Loch Raven Village might be, fall into that category, that each have their own identity and their own characteristics and that's what attracted me to Towson.

I, I grew up in Baltimore City near Memorial Stadium and that's what attracted me to the Towson area forty years ago and when we were looking to upsize our home from the one on, in Loch Hill, we really wanted to look in the Towson area and, and that's when I became involved with, at that time, GTCCA, when it's like, well, I have this big investment, I want to, you know, keep it as a good investment, so.

MR. MCCANN: Okay, great. Thank you, Mr. Hartman. No other questions.

MR. HARTMAN: Sure.

MR. ZIMMERMAN: Just a couple of geography questions.

MR. HARTMAN: Sure.

MR. ZIMMERMAN: What's the approximate boundary if, if, if there is such a thing, of Towson east of the downtown area? How far does Towson go?

MR. HARTMAN: Well, it, it, since there are no incorporated towns in Baltimore County there is no hard and fast boundary lines. Some would put it maybe at Loch Raven, some maybe at Perring Parkway or somewhere in between. Just for our TCA purposes, we would, we use Perring Parkway as the eastern boundary. We had Cromwood Coventry is a neighborhood that's on the north side of Joppa Road, was a member of ours

for a while. They no longer are but because communities drop in and out occasionally.

MR. ZIMMERMAN: Is the beltway the north boundary?

MR. HARTMAN: Pretty much but again, we do have Chatterleigh (phonetic) is outside the beltway, Hampton Estates and, and they're members, so we, we do have members outside of what you might consider the boundaries of Towson.

MR. ZIMMERMAN: Okay. South --

MR. HARTMAN: Because they're concerned, they, they're part of the area and they're concerned with what happens. What happens in the Towson area affects them.

MR. ZIMMERMAN: South boundary?

MR. HARTMAN: South boundary is the city line. Although we, again, we have Bellona Gittings, for example, has members of their community on both sides of the city line, they straddle the, the border.

MR. ZIMMERMAN: If we just take Towson east of downtown, (inaudible), do you have any idea of the approximate population in that area?

MR. HARTMAN: No, I don't, sorry.

MR. ZIMMERMAN: Just a couple more geography. You pointed out that when you get off the beltway at the Loch Raven exit you're going uphill to Loch Raven/Joppa intersection, correct?

MR. HARTMAN: Correct, yes.

MR. ZIMMERMAN: And then, as you go south, what's the slope?

MR. HARTMAN: It's pretty steep. You could go sledding on that.

MR. ZIMMERMAN: I mean, go, is it a downward slope once again?

MR. HARTMAN: From, from the, Joppa Road if you're going northbound it's downward toward Cromwell Bridge Road and, and the beltway entrances.

MR. ZIMMERMAN: And southbound?

MR. HARTMAN: And southbound from there, you come up the hill and you're at, at the crest of the hill is where the Joppa Road intersection is.

MR. ZIMMERMAN: You mean, if you're coming north, you're coming uphill?

MR. HARTMAN: Coming north from the Joppa Road intersection?

CHAIR: Coming south.

MR. ZIMMERMAN: No.

MR. HARTMAN: No, from, to the Joppa Road intersection?

MR. ZIMMERMAN: Right.

MR. HARTMAN: Yes, there is a slight hill that comes up from the, the businesses south of that.

MR. ZIMMERMAN: In other words, you're going down to

Joan Avenue and the church and so on and so forth?

MR. HARTMAN: Right, correct. Yes, yeah. So, that, the Joppa Road, I believe, was an old Indian trail so it followed the ridge line and, and then, so both sides of it go down, yeah.

MR. ZIMMERMAN: Okay. One of the reasons it's so prominent in our area.

MR. HARTMAN: Well, exactly. But the hill coming up from --

MR. ZIMMERMAN: Yeah.

MR. HARTMAN: -- or southbound on, on Loch Raven is extremely steep in that, you know.

MR. ZIMMERMAN: Thank you, that's all I have.

MR. LA FIANDRA: Nothing, thank you.

CHAIR: Okay. You're excused, Mr. Hartman.

MR. HARTMAN: Thank you.

CHAIR: Thank you.

MR. ZIMMERMAN: A short witness, I think short.

CHAIR: Okay and then Mr. Castro. Okay.

MR. ZIMMERMAN: Mr. Bulkeley?

MR. MCCOMAS: You have to stay standing, I have to swear you in. Do you swear or affirm under the penalties of perjury, that the testimony you're about to give is true and correct to the best of your knowledge and belief?

MR. BULKELEY: Yes, I do.

MR. MCCOMAS: Please state your name, your business, your address for the record and spell your last name.
-Yeah, Jason David Buckley, address that I live at, where my business is at is 8815 Orchard Tree Lane and my residential address is 9005 Harford Road in Parkville. What, I'm sorry, what was the other information you needed?
MS. JOLIVET: Spell your last name.
MR. MCCOMAS: What's your business?
MR. BULKELEY: The Orchard Market (inaudible).
MR. MCCOMAS: Oh, that's right. And then spell your last name.
MR. BULKELEY: Last name B-U-L-K-E-L-E-Y.
MR. ZIMMERMAN: Okay.
MR. MCCOMAS: You, you can sit down and just make, adjust that microphone so we can hear you.
MR. BULKELEY: Certainly.
MR. MCCOMAS: The recorder can pick you up.
MR. BULKELEY: Is that okay?
CHAIR: It's B-U-L-K --
MR. BULKELEY: E-L-E-Y
CHAIR: Okay.
MR. BULKELEY: Yes, sir. Yes, Your Honor.
MR. ZIMMERMAN: Okay. For location purposes, I'm going to show you People's Counsel twenty, Exhibit 22-E. And more or less in the center of the map, does that show the

location?

MR. BULKELEY: Of my restaurant?

MR. ZIMMERMAN: Right.

MR. BULKELEY: Yes.

MR. ZIMMERMAN: And does it actually name it?

MR. BULKELEY: I'm taking a look --

MR. ZIMMERMAN: If you can find it.

MR. BULKELEY: Yes, actually, I see it, yes, they do.

MR. ZIMMERMAN: Okay. So, you're basically from Joppa Road, you go north on, not, not to be leading too much, go north on Orchard Tree Lane?

MR. BULKELEY: Yes.

MR. ZIMMERMAN: Okay. How long have you operated a business there?

MR. BULKELEY: The restaurant has been there since 1988. I have been there since 1990 in the same location.

MR. ZIMMERMAN: Okay and what has been your function at the restaurant?

MR. BULKELEY: We're a fully service restaurant and I am the manager and co-owner along with my ex-wife.

MR. ZIMMERMAN: Okay and just to, to clarify, what would you say as to whether or not it's a fast food restaurant?

MR. BULKELEY: Oh, we're definitely not fast food. People stay there all, all day, sometimes I'm hard pressed to get them out late at night. We don't have a liquor license but

we've managed to survive for thirty years and we have quite a, a presence on the internet as well as in the local community. People walk across the street when the traffic is not bad to come to the restaurant and have a nice dinner out. They, we're BYOB. I think we're the old, longest sit down restaurant in the area, longest standing that I know of.

MR. ZIMMERMAN: Okay and, and you've been here this morning during the testimony of Mr. Moulder?

MR. BULKELEY: Oh, yes, I have. The, the whole time.

MR. ZIMMERMAN: Okay and what familiar, to what extent are you familiar with the concept that a Valvoline is being proposed at the Howard Bank location at the corner of Loch Raven and Joppa?

MR. BULKELEY: Oh, I had known about it now for about a month.

MR. ZIMMERMAN: Okay.

MR. BULKELEY: I think it's pretty common knowledge that that's going to, that's the plan.

MR. ZIMMERMAN: Okay and have, actually this morning, had a chance to look at the site plan?

MR. BULKELEY: Yeah, very, not, not for a very long period of time but I, I know, I know where it's going to be constructed where the Mariner Bank used to be.

MR. ZIMMERMAN: Okay. As an introductory kind of question, what would be your main concerns and observations

about the proposal?

MR. BULKELEY: Well, as somebody who has owned and operated a business that's a sit down business rather than a drive thru or, you know, a car related service business, my main concern would be that it supports the, the industry of vehicles, which seems to be the main problem on Joppa Road. We have a huge traffic problem there.

I recall maybe ten years ago a police officer was killed in a driving accident in front of my restaurant. Several of my customers have been involved in accidents making a left turn out of Orchard Tree Lane. I know that just the other week down the road from Hollenshade's, there was a, a collision. Usually every week or two there's some major collision at one of the crossroads. There was a tractor trailer that overturned a couple of months ago with a pile of cars on their way to Jerry's Chevrolet.

So, the, the vehicle industry is, is, is, is my concern as well as fast food because they involve vehicles coming in and going. I'm not involved in that industry. My customers come in cars and they'll stay there for three or four hours. We don't have a liquor license. So, so my concern is the volume of traffic and my business has been impacted over the past twenty, thirty years because of the enormous traffic. People are afraid to make that turn to come into my restaurant because of people coming and going in and out of these fast

food places.

I think that's the problem why Hooter's closed, why Rascal's ended up closing and a lot of places where people, they just don't feel like sitting down for any long period of time, they feel like, you know, this is an old Indian trail and I don't think that's changed since, you know, the Civil War. People are on the move.

But there are communities, you know, next door, there are people that live in houses and I think sometimes they're afraid to cross the road to, to enjoy a nice venue like mine and, and that's a concern of mine.

MR. ZIMMERMAN: Okay. When you say afraid to cross the road, what, if anything, would you, might you be referring to in terms of traffic going east on Joppa Road trying to make a left turn into Orchard Tree Lane?

MR. BULKELEY: Either way. Traffic that comes up from either the beltway or the city has to go through that intersection. So, if I have customers coming from the beltway, either from the city or from, you know, Harford, the County, they're going to be coming up Loch Raven making that right turn onto Joppa.

If the traffic increases or the amount of accidents increases, or, people are, are definitely going to see it in the news. I know every time there's a huge accident and the news cameras are out there, businesses are featured in the

background. I remember the Hess Station, there, there was a murder over there some time ago and then there was a lawsuit where the ground water was contaminated, multi-million dollar lawsuit. That was in the news and it was always a gas station and, and, and it was always something involved in either fast food, gas or franchise.

My, my business doesn't get any publicity, hopefully, like that and, and it's a good thing for me but I'm concerned that, that all the publicity, all the fast action, all the moving, the cars, is, people are going to be afraid to come to my business and my business has decreased probably by sixty percent in the last ten to twenty years alone. I don't know if we can stay there much longer. So, this is my concern and, of course, I'm not really anybody, you know, I'm one of the, the last bastions, I guess, of the, a sit down restaurant. But then we've seen Rascal's or, and Hooter's go away. So, are there going to be any real restaurants in the future?

My other concern is in twenty years when we have electrical cars, electric cars don't use oil, European, you know, cities and, and, I just came back from Vietnam and, and I noticed how their communities are so far ahead of ours. There are, you know, flowers planted on the side of the road, the streets are excellently maintained, they have very few cars, there's a lot of pedestrian traffic.

It seems like to step backwards that we're talking

about is, is, is happening again. We're servicing these fast moving vehicles which result in, you know, you know, accidents and lawsuits and, and, and I've seen people, you know, die in car accidents in front of my restaurant. This police officer was killed. I remember seeing the wreck of the car after I left the restaurant. So, I'm concerned about the traffic and I'm concerned not, you know, just about my own survivability in this restaurant but in twenty years, you know, where are we going to plug in our electric cars? You know, why, why all this oil and gas and fast food? This, this is my main concern.

MR. ZIMMERMAN: Okay. Suppose playing devil's advocate, (inaudible) given all these problems that exist, who cares if there's just one more at the moment?

MR. BULKELEY: Well, I think the Court cares about that and the community does because it all involves loss of money and even the oil industry is, you know, if, if there's an accident or a lawsuit like the Hess Station, they have to pay out. Why not find a better location that's a little bit more off the beaten track?

I understand we need to have oil changes but we've got like twenty, probably ten or twenty oil service stations and gas stations all along Joppa Road. What, you know, and I think they're all listed here. So, do we need another one and will Valvoline be able to survive this? Who knows? There are already so many fast food restaurants putting each other out of

business. But I've been there for thirty years and I'm, you know, I'm hold, you know, I'm just holding on but that's because I'm a private owner, but some franchises that are owned by big corporations may not be able to take that hit. It would be nice to see something stable in the community that lasts.

MR. ZIMMERMAN: Is there any, are there any districts, commercial districts, in Baltimore County near the beltway that you would hold up as a, something to emulate? A, a nicely revitalized district that, that would be a good goal to, to emulate?

MR. BULKELEY: Yeah, you know, Towson, the center of Towson where the roundabout is, is a nice little area. You, that roundabout really slows down traffic in the middle of, middle of Towson. You have some theaters, and you have some nice old fashioned shops that are doing quite well. And I think the reason is is the traffic has slowed down at that point. People want to spend money with local merchants because they're not in a hurry to get from one location to another one, you know, they, they drive at a slower speed, they park, they get out an eat. There's a farmer's market, I believe, every Thursday and that attracts a great deal of publicity. You see it on television. That's the kind of image that I would like, you know, to emulate. And I think one that's survivable maybe in the next twenty years when we have more pedestrian traffic, hopefully.

MR. ZIMMERMAN: What about Catonsville, for example?

MR. BULKELEY: Oh, Catonsville. I, I, I lived in Catonsville about twenty-five years ago and I moved away from Catonsville because of all the traffic and I moved up to Towson because I thought Towson was more gentrified. But in the last twenty years, the traffic patterns changed, my business went down. It seems like we're going backwards but Frederick Road in Catonsville has a lot of nice little shops, speed bumps in the middle of the road. I don't know of any service stations or gas stations. They may be separated from a great distance, but in the middle, you have good tire shops, coffee shops, you know, places where people walk and they have a bicycle lane and they do a 4th of July parade down the middle of the road. And that's been going on, you know, the last twenty years or so and it's attracted tourists and college students and it's thriving.

I'd like to see Joppa Road become a little bit more gentrified rather than a, you know, a racetrack or a speedway, for, you know, vehicles on their way to other destinations.

MR. ZIMMERMAN: And, and, and do you happen to know the speed limit on Joppa Road?

MR. BULKELEY: The official speed limit or the speed limit that --

MR. ZIMMERMAN: Both.

MR. BULKELEY: Well, I, I think it's probably thirty to thirty-five, perhaps thirty-five because it's commercial, I

think thirty is residential. But people do speed and that, that causes accidents I know.

MR. ZIMMERMAN: Okay. What concern, if any, do you have relating to environmental issues that may, may occur?

MR. BULKELEY: Well, again, I mentioned, you know, the Hess Station at one point, probably ten, fifteen years ago, was involved in a lawsuit where the, the, the gasoline had leached into the ground water and that caused a, a great problem. They had to build a park, which is a really nice little park now. So, you know, again, it's like the Exxon Valdez, it, you know, it was a horrible thing but then it caused legislation. But I think that's already been, that's already been proved.

The other issue is, is that if we build, you know, a, a gas and oil, or an oil service station at the, the, the top of the hill, we have quite a bit of rain nowadays and, and my concern is is the reservoir is down here and any, any oil or any, any, any sort of pollutants could be washed, you know, down the hill to the reservoir.

It, it, to me, it just doesn't seem like the greatest location. I, I certainly understand that we need to change oil but why there in the middle of this, you know, crossroads at the top of the hill where the oil could go downhill? I, I don't think it could make it, that's, that would be my primary concern. Not that I'm against these gentlemen or anybody else,

it just seems to me like a very impractical location.

MR. ZIMMERMAN: Just a couple more questions. What about the visual aspect of the oil change operation at that prominent location?

MR. BULKELEY: Well, I'm sure it's, it's probably very, very upscale and very attractive looking operation, probably a lot better than some of the other oil change facilities. But I don't think, you know, necessarily that that's the issue. I mean, what's going to happen is people go up the hill and enter Towson. The first thing they see is Valvoline, the first thing they're going to think is gas and oil and cars. So, it's going to become a point where people just pass through on their way to other destinations.

I'd like them to come to a destination like mine where people can sit down, not drive their cars, you know, forty, fifty miles an hour, be focused on their vehicles, but maybe focused on sitting down and, you know, relaxing, enjoying a nice meal or, you know, taking their time and maybe not being so focused on being in a hurry or, you know, traveling somewhere in a car and polluting and, you know, again, twenty years in the future, who knows, we might have electric cars so this business may not be there for very long, we don't know.

MR. ZIMMERMAN: Okay. What, given that this is a commercial intersection, what sort of businesses would you consider to be the type of businesses that would help

revitalize the area?

MR. BULKELEY: I think something that would stand out, you know, you're at the top of the hill and if you have a flat business, people aren't going to see it from the top of the hill. If you had a building that had diff, multiple stories where you could actually see a sign on the top, you know, medical, dental, legal associates, so that the center of Towson, as you're approaching from, you know, either the city or from the beltway would be wow, you know, Towson is a professional center. There, with, with services where I could park my car for three or four hours, talk to my lawyer, go to the doctor.

I know York Road, they're calling it the green mile because of all the, the cannabis stores down there and, and yet there's none on Joppa Road. Harford Road and Belair Road have quite a few and these are places where people, medical marijuana patients can go to get their, their products and they'll probably stay there for, for, for an hour or two just to get in. That might be one avenue. And of course, that's income and revenue for the State as well, I believe.

But, but some professional organization like that, eye clinic, I believe, that took the place of the, the Mazda service shop, you know, some medical place, something professional, something to sort of enhance the image of Towson as being something, again, mixed use. We keep talking about

mixed use. But all I hear is, you know, all these car repair and oil change facilities and fast food places. So, mixed use to me would be do we have a, do we have a bookstore? We have Yukazoo (phonetic) there, but it's just this tiny little, little place. We don't have a, really a bookstore other than Yukazoo, there's no new bookstore in Towson that I know of. Readings and Readings is gone, or maybe it's still there, I'm not sure. But or --

CHAIR: But Barnes and Noble went out of business at the --

MS. JOLIVET: They closed.

MR. BULKELEY: Yes, yeah.

CHAIR: -- at the, at the circle.

MS. JOLIVET: Um hm.

MR. BULKELEY: Yeah, I was very disappointed and again, it's a place where people can sit for hours with their laptops, not causing accidents, sitting down enjoying, getting some coffee, having waiters or people attend to you and I, to me it was a great place to, an employable place.

CHAIR: Apparently not though.

MR. BULKELEY: I guess not.

MR. ZIMMERMAN: (inaudible)?

MR. BULKELEY: Yeah. And then there was the, the one in Belvedere Square that went out of business, that was my favorite.

MR. ZIMMERMAN: The Ivy is still there, right? Do you know if the Ivy --

MR. BULKELEY: I believe, yeah, I, I think so. But it would be nice to see something like that.

MR. ZIMMERMAN: Okay.

CHAIR: I think the one at Belvedere Square, I think that person fled to Switzerland, if I'm --

MR. BULKELEY: Oh, really? Must have been very lucrative, or not.

CHAIR: Not particularly legal.

MR. BULKELEY: Oh, really? Oh, I did not know. Well, a legal bookstore would be a good option.

CHAIR: Well, I think, the, the books were legal.

MR. ZIMMERMAN: Okay.

MS. JOLIVET: The books --

MR. ZIMMERMAN: Almost done. What relevance, if any, is there that there's a lube operation across the street? In other words, at the south east corner of Joppa and --

MR. BULKELEY: Oh, on the other side of the road to the proposed location?

MR. ZIMMERMAN: Yeah, right across, yeah.

MR. BULKELEY: Oh, it's very prominent. I mean, it's obvious what that, that, that location does. As a matter of fact, right in front of my restaurant we have a, an all tune and lube or Munro Muffler and there, they do oil changes there

too. There's no place where you can't get an oil change, so, you know, I'm mystified why we need another one. I mean, you know, unless you want more volume of cars, which we don't need. It's nice to have such a facility but I'm just saying perhaps the location is, is not ideal.

MR. ZIMMERMAN: Okay. Thank you. I don't have any further questions, Mr. Chairman.

MR. MCCANN: Nothing, thank you.

MR. LA FIANDRA: Nothing, thank you.

CHAIR: Thank you.

MR. BULKELEY: Thank you.

MR. ZIMMERMAN: Thank you, Mr. Bulkeley.

MR. BULKELEY: Thank you.

MR. MCCANN: Thank you very much.

CHAIR: Any more witnesses from counsel?

MR. MCCANN: No.

MR. LA FIANDRA: None from me, thank you.

CHAIR: No? Okay. Mr. Castro?

MR. MCCOMAS: Do you swear and affirm under the penalties of perjury, that the testimony you're about to give is true, correct to the best of your knowledge and belief?

MR. FIASTRO: Yes.

MR. MCCOMAS: Please state your name, your business, your address for the record and spell your last name.

MR. FIASTRO: Sure. My name is John Fiastro, Jr.

CHAIR: Is that J-O-H-N?

MR. FIASTRO: J-O-H-N, that's right. I'm not a Jonathan. John Fiastro, Jr., John Carl Fiastro, Jr., 1500 Dellsway Road, Towson, Maryland 21286. I am a lobbyist registered with the State of Maryland. I work for Greenwill Consulting Group. And as a matter of disclosure, while I'm a member of the Associates of Loch Raven Village Board, I was not a member at the last convening of this Board to hear this case and my views do not represent in any way, shape or form the opinions, visions or interests of the Board but these alone are mine.

CHAIR: What, can you spell your last name for us?

MR. FIASTRO: F as in Frank-I-A-S as in Sam-T as in Tom-R-O.

CHAIR: F-I?

MR. FIASTRO: A-S-T-R-O.

CHAIR: I think I've been mispronouncing your name, I apologize.

MR. FIASTRO: No, that's fine, that's fine. It's, you know, it, more often than not I hear fiasco, so yours was welcome, frankly.

CHAIR: Okay. Go ahead.

MR. FIASTRO: Thank you very much. Good afternoon, now, members of the Board. My name is John Fiastro, as I had mentioned. I do reside in Loch Raven Village and I have no

opposition, in fact, I support this project. It's a massive amount of money and a massive amount of investment.

I do own several properties in the Loch Raven area. In fact, I own four properties, three of which are in the Ridgely neighborhood, 8614 Chestnut Oak Road, 8543 Chestnut Oak Road, owned through an LLC and 8553 Wateroak Road, which is person, personally owned. All of them are rental properties.

The reason why I bring that up is one, is that I too am invested to (inaudible) close to $700,000. The first property that I mentioned is 8614 Chestnut Oak Road. In fact, is in close proximity, it may even be the closest in proximity residence to this property.

Between my property, 8614 Chestnut Oak Road and the Valvoline proposed project, is a gas station, a, a, excuse me, gas station, a car wash, Captain's Car Wash and Ridgen Automotive. So, there are three automotive, it should be noted though, that each of these automotive, automotive businesses are unique in their delivery of services to customers. And so, I think that over the last couple meetings we've heard that, that, that there is already a full saturation of businesses, of automotive businesses within the corridor.

And in fact, while there may be a number of businesses that serve auto, automobiles, they're all unique in, in many ways, shapes and forms. Some of them offer very specified. It was mentioned earlier, I think Mr. Zimmerman

asked what the businesses of Caspian Motors was. Caspian Motors actually has the Mercedes Benz logo prominently displayed on its signage. They are a foreign motor, they do domestic work as well, but they are a specializing, they specialize in foreign motors. They, so I think the notion that one, there is a saturation of automobile businesses is, is, maybe correct but I would also argue, (inaudible) you could also argue that every business on Joppa Road is automotive eccentric because ninety-nine percent of the customers that participate or use the services or buy goods at those particular retail locations take a car to get there. So, I think that it's kind of disingenuous to say that there's a saturation.

I think that the unfortunate extension of that line of thinking is this. Is that once you suggest that there's a saturation, then the question to this Board is please establish a monopoly, close a door and forever block the inclusion of any more automotive businesses and I don't think that's what the charge of this Board is to do. There are --

MR. ZIMMERMAN: I move, I move to strike this kind of legal conclusion and argument. It's, I think --

CHAIR: Well, it's just his, his lay view of the situation.

MR. ZIMMERMAN: I mean, that's kind of, more lobbying than testimony.

CHAIR: Indeed. But, you know, we're here to hear what he has to say.

MR. FIASTRO: So, there are questions also about the, the types of business that are to be included within, within the corridor and I don't think, you know, one man's treasure is another man's trash or vice versa.

CHAIR: Let, let, let me interrupt for, for one second. We need to take a quick break.

MR. FIASTRO: Sure.

CHAIR: Five, five minute break, if we could? That's acceptable with everyone?

MR. LA FIANDRA: That's fine, thank you.

CHAIR: For the Board's convenience. So, don't go away.

MR. FIASTRO: Okay, sure.

(RECORDING PAUSED – 01:09:09 PM)

(ON RECORD – 01:18:46 PM)

CHAIR: Okay, thank you. Thank you for that. Okay, we're back on the record and you can continue --

MR. FIASTRO: Thank you, Mr. Chair.

CHAIR: -- your, your testimony --

MR. FIASTRO: And I'll wrap up.

CHAIR: -- and we apologize for that brief delay.

MR. FIASTRO: No, it's fine. It's fine, it's fine. I was on the point of saturation and, and, and Mr. Zimmerman

did (inaudible) I'd like to clarify something. Mr. Zimmerman insinuated that I was lobbying. Just to clarify, make sure the Board understands, I'm not here as a lobbyist registered for Mid-Atlantic Lubes, I'm not under contract with Mid-Atlantic Lubes. I'm coming here solely as a citizen, resident and homeowner of, and property owner within, with, within the area.

MR. ZIMMERMAN: For the record, I wasn't implying that. It was kind of a metaphor.

CHAIR: Right, we didn't, we didn't take it as, as so.

MR. FIASTRO: Very well. I just wanted to make sure it was clarified.

MR. ZIMMERMAN: No, I wasn't, I wasn't implying anything wrong, it was just metaphorical.

CHAIR: Right, right. What he meant was you're being a strong advocate for your position.

MR. FIASTRO: Well, hey, listen, man. I've waited two days, so. (inaudible) nothing less. I, I will just say I'm very supportive of the project. I think anybody who wants to spend $3 million close to my house is fine with me. The Starbuck's was a, I, I believe a $7 million investment and if this encourages more similar type investments on the remaining two corners, one occupied by Savco, which is another automotive site, but who, I understand, their lease is up within the next couple years and Class C office space on the south east corner

of Joppa and Loch Raven Boulevard. That is, at this point, really functionally commercially obsolete at this point. It's not really conformed to any kind of modern standard of office space.

And the north west corner, where, where my Vette actually is, which is Class C retail with limited parking that is not convenient. So, if this type of development continues around that intersection, I think it's best for the community. I think it's hard to envision now, but we don't know what would come on those remaining two, on those remaining two corners. So, I'm supportive of the project, I'd like to see more types of projects like these and anybody who wants to spend $3 million close to my house is more than welcome to do so. Thank you.

CHAIR: Okay, thank you. Anyone have any questions for --

MR. LA FIANDRA: No, thank you.

CHAIR: Okay, thank you --

MR. FIASTRO: Thank you.

CHAIR: -- for your contribution.

MR. ZIMMERMAN: I'm questioned out. I do have one more document.

CHAIR: Okay.

MR. LA FIANDRA: Thank you, Mr. Fiastro.

MR. MCCANN: He's not documented out, but he's

questioned out.

CHAIR: You're not documented out, right.

MR. ZIMMERMAN: This is more (inaudible) convenience but we made a copy of the BL zone, Section 230. Section 230 through 232-C, the BL zone, we thought it would be convenient to give it to the Board now --

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: -- rather than waiting to attach it to our memo.

CHAIR: Thank you. Should we mark this as an exhibit?

MR. ZIMMERMAN: Yes.

CHAIR: Is that acceptable?

MR. LA FIANDRA: That's no problem.

MR. ZIMMERMAN: I believe Mr. La Fiandra may have introduced some, some excerpts.

MR. MCCANN: Ms. Jolivet, what, what exhibit is that?

MS. JOLIVET: This is People's Counsel twenty-four.

MR. ZIMMERMAN: Yes.

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: Yeah, I bel, I believe, anyway, sometimes we introduce these for convenience.

CHAIR: Yeah, well, it is convenient.

MR. ZIMMERMAN: Does everyone --

CHAIR: Yeah.

MR. LA FIANDRA: Thank you. Thank you very much.
MR. ZIMMERMAN: And that's my last document.
CHAIR: Okay. So, --
MR. LA FIANDRA: This is twenty-four?
MS. JOLIVET: Yes.
CHAIR: -- we, we want to make sure before we close the record that everyone has offered, actually offered into evidence the exhibits that have been marked for identification. If there are any --
MR. LA FIANDRA: For the record, --
CHAIR: -- that are only for i.d. we want to make sure --
MR. LA FIANDRA: There was nothing for i.d. only on my part.
CHAIR: Okay.
MR. LA FIANDRA: So, I, I would make, I would, just to be clear, --
CHAIR: Just for the record, everything that you've provided you, --
MR. LA FIANDRA: Yes.
CHAIR: -- if you haven't already moved it into evidence you do now?
MR. LA FIANDRA: Yes, I do, I do so now, that's correct.
MS. JOLIVET: That's Petitioner's one through

eighteen, that's what I have.

MR. LA FIANDRA: Yes, thank you.

CHAIR: Okay and the same with you, Mr. McCann?

MR. MCCANN: Yes, one through twenty-one is what I have.

CHAIR: Okay.

MR. ZIMMERMAN: We have the Board's list from last time and everything was, from everybody, I think, was admitted.

CHAIR: Okay. Well, we just want to make sure. We don't want --

MR. ZIMMERMAN: Yeah, I'm pretty sure everything was admitted.

MR. LA FIANDRA: Thank you.

CHAIR: -- we don't want any snafu of that sort.

MR. LA FIANDRA: Yeah.

MS. JOLIVET: And one through twenty-four for Mr. Zimmerman?

MR. ZIMMERMAN: Right, one through twenty-four.

MS. JOLIVET: Yes.

CHAIR: Okay.

MS. JOLIVET: That's what I have.

CHAIR: All right. So, I guess that leaves the question of briefing. What, what is, what's the parties' preference on that?

MR. LA FIANDRA: Closing briefs --

CHAIR: Like thirty days, sixty days?

MR. LA FIANDRA: Thirty days, I, I do not see a need for sixty days. I would ask for thirty days.

MR. MCCANN: Yeah. The only thing I would, I have a horrid July and I'm going away in the middle and I have something due before I leave, I have something due while I'm away and I'm, have something due right when I get back.

CHAIR: Okay.

MR. MCCANN: So, the first week of Aug, August.

CHAIR: So, you're talking eight, forty-five days, fif, something like that?

MR. LA FIANDRA: Would that be the 9th of August, that's like two weeks after, that's like forty-five days. It's a Friday.

MR. MCCANN: That would be great.

MR. LA FIANDRA: August 9th.

CHAIR: Yeah, that would be, that's certainly fine with us. Mr. Zimmerman?

MR. ZIMMERMAN: Well, I, I always cooperate on the scheduling so, no problem.

CHAIR: Yeah, I mean, sure, okay.

MR. LA FIANDRA: Okay.

CHAIR: So, you want to say August 9th?

MR. LA FIANDRA: Is that okay with you, Michael?

MR. MCCANN: That's great, thank you. I appreciate

it.

CHAIR: August 9, is that the date?

MR. LA FIANDRA: Yes.

CHAIR: Okay.

MR. MCCANN: Is that a Friday or?

MR. LA FIANDRA: Yes, it's a Friday, August 9th.

MR. MCCANN: Okay, great.

CHAIR: Okay and so that will be briefs from the parties or memos from the parties. And then we'll have to get involved with Sunny to determine a deliberation date.

MR. MCCANN: Okay, great.

CHAIR: Anything else anyone needs, wants? Needs to talk about? On the record?

MR. ZIMMERMAN: We can talk about the sandwiches at the Orchard Tree.

CHAIR: Yeah, okay. All right. Well, I guess we're adjourned then. Thank you all very much.

MR. LA FIANDRA: Okay, good. Thank you.

CHAIR: Appreciate it. We appreciate --

(OFF THE RECORD - 01:24:51 PM)

CERTIFICATE OF TRANSCRIBER

I hereby certify that the hearing in the matter of M and S Limited Partnership, case number 19-070-SPHX, heard before the Board of Appeals of Baltimore County, June 27, 2019 were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers 1 through 146 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 26th day of June, 2020.

Christine R. Leary

Christine R. Leary

Transcriber

RECEIVED
JUL 13 2020
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF:

M AND S LIMITED PARTNERSHIP – LEGAL OWNER AND PETITIONER
(f/k/a HOWARD BANK)

CASE NUMBER: 19-070-SPHX

Hearing Date: April 2, 2019

Pursuant to Notice, the above-entitled hearing was held before the Board of Appeals for Baltimore County at the Jefferson Building, Second Floor, Suite 203, 105 West Chesapeake Avenue, Towson, Maryland 21204.

PANEL PRESIDING:

JOSEPH L. EVANS, CHAIR

WILLIAM A. MCCOMAS, BOARD

KENDRA RANDALL JOLIVET, BOARD

PRESENT ON BEHALF OF THE PARTIES:

DINO C. LA FIANDRA, ESQUIRE
Counsel for Petitioners

MICHAEL R. MCCANN, ESQUIRE
Counsel for Protestants

PETER MAX ZIMMERMAN, PEOPLE'S COUNSEL

Christine R. Leary
3129 Hiss Avenue
Baltimore, Maryland 21234

TABLE OF CONTENTS

Description	Page
Direct exam of Randolph Kazazian by Mr. La Fiandra.....	6
Cross exam of Mr. Kazazian by Mr. McCann.....	28
Protestant's Exhibit 8.....	30
Cross exam of Mr. Kazazian by Mr. Zimmerman.....	45
People's Counsel Exhibit 12.....	67
Re-direct exam of Mr. Kazazian by Mr. La Fiandra.....	83
Re-cross exam of Mr. Kazazian by Mr. McCann.....	85
Kenneth Schmid offered as expert by Mr. La Fiandra.....	89
Petitioner's Exhibit 12.....	90
Voir dire of Mr. Schmid by Mr. Zimmerman.....	91
Direct exam of Kenneth Schmid by Mr. La Fiandra.....	96
Petitioner's Exhibit 13.....	97
Petitioner's Exhibit 14.....	103
Cross exam of Mr. Schmid by Mr. McCann.....	142
Protestant's Exhibit 9.....	150
Protestant's Exhibits 10, 11, 12.....	155
Protestant's Exhibit 13.....	161
Protestant's Exhibit 14.....	162
Cross exam of Mr. Schmid by Mr. Zimmerman.....	164
Re-direct exam of Mr. Schmid by Mr. La Fiandra.....	191
Re-cross exam of Mr. Schmid by Mr. Zimmerman.....	197
People's Counsel's Exhibit 13.....	207
People's Counsel's Exhibit 14.....	208

People's Counsel's Exhibit 15..... 210
People's Counsel's Exhibit 16..... 213
People's Counsel's Exhibit 17..... 215
People's Counsel's Exhibit 18..... 220
Direct exam of Peter Moulder by Mr. McCann..... 222
Protestant's Exhibit 15..... 225
Protestant's Exhibit 16..... 228
Protestant's Exhibit 17..... 244
Protestant's Exhibit 18..... 248
Protestant's Exhibit 19..... 249
Protestant's Exhibit 20..... 256

(ON RECORD – 10:26:11 AM)

CHAIR: Okay. So, we are now on the record here for, excuse me? Oh, yeah, sit down. For the resumption of this matter, which is case number 19-070-SPHX. It's Howard Bank, Mid-Atlantic Lubes, LLC.

MR. LA FIANDRA: That's correct.

CHAIR: And we're here for day two. So, these are the exhibit lists here. That's already been, oh, that's from before.

MS. JOLIVET: Yes.

CHAIR: Right, okay. All right. So, we're here for day two.

MR. LA FIANDRA: Yes.

CHAIR: And Petitioners will resume. Let me just say this and I apologize, we're now a half hour late and as many of you saw, we were in a deliberation which took longer than we had anticipated. But one thing we do anticipate is concluding today. So, I just want to make sure all counsel is aware that we're going to try and really keep this focused and we really, really, really want to get done today, okay?

MR. LA FIANDRA: Thank you.

CHAIR: All right.

MR. ZIMMERMAN: Consist with (inaudible) due process.

CHAIR: We, we're not going to violate the Constitution.

MR. LA FIANDRA: Thank you very much. Your Honor, Dino La Fiandra, continuing to represent Mid-Atlantic Lubes in this case.

CHAIR: Sure.

MR. LA FIANDRA: If you'll recall, we were, we had just concluded Mid-Atlantic Lubes' first witness.

CHAIR: Correct.

MR. LA FIANDRA: Who was Josh Sharon, who is a professional engineer. And I'd like to move to our second witness now.

CHAIR: Good. Perfect.

MR. LA FIANDRA: That would be Randy Kazazian.

MR. MCCOMAS: Do you swear and affirm under the penalties of perjury, that testimony you're about to give is true and correct to the best of your knowledge and belief?

MR. KAZAZIAN: I do.

MR. MCCOMAS: Please state your name, your business, your address for the record and spell your last name.

MR. KAZAZIAN: It's Randolph L. Kazazian, III, Kazazian --

MR. MCCOMAS: Can you pick up the speaker there? And can you raise, just raise it up because you're tall.

MR. KAZAZIAN: Sure.

MR. MCCOMAS: There you go.

MR. KAZAZIAN: Randolph L. Kazazian, III. Kazazian

is spelled K-A-Z-A-Z-I-A-N. I'm the Director of Real Estate for Mid-Atlantic Lubes. We're located at 54 Jackinette (phonetic) Street in New Highlands, Mass and the zip is 02461.

MR. MCCOMAS: Please take a seat and you can just lower that mic there so we can pick you up.

CHAIR: And please keep your voice up, okay?

MR. KAZAZIAN: Yes.

MR. LA FIANDRA: Thank you. Mr. Kazazian, you mentioned that you're with a company called Mid-Atlantic Lubes. What is Mid-Atlantic Lubes?

MR. KAZAZIAN: So, Mid-Atlantic Lubes is an operating unit of Henley Enterprises and Henley Enterprises is the largest franchisee of Valvoline Instant Oil Change. We operate currently two hundred locations in eleven states. Mid-Atlantic Lubes operates from southern New Jersey, Delaware, Maryland and a store in Virginia at this point, and we have twenty-seven units.

MR. LA FIANDRA: And there, are there other operating units of Henley Enterprises that --

MR. KAZAZIAN: Yes, so there's four other units. There's one in New England, there's one in southern Florida, L.A. and San Francisco.

MR. LA FIANDRA: And altogether, how many enterprises has two, I think you said two hundred --

MR. KAZAZIAN: Two, currently two hundred, two

hundred operating units.

MR. LA FIANDRA: And, and how many operating units are there for Mid-Atlantic Lubes?

MR. KAZAZIAN: Currently twenty-seven with three under construction.

MR. LA FIANDRA: Okay and you mentioned that you are the Director of Real Estate. Recently, your title changed to Vice President of Real Estate, is that correct?

MR. KAZAZIAN: That's correct.

MR. LA FIANDRA: And what are your duties as Vice President of Real Estate?

MR. KAZAZIAN: My primary duties are site selection and permitting for new stores, the acquisition of existing quick lubes and then there's an asset management component. We own about fifty percent of our stores and the other fifty percent are ground leased and so there's landlord relations that go along with that lease, renewals and extensions and things of that nature.

MR. LA FIANDRA: And how long have you been with, with Mid-Atlantic Lubes and Hen, Henley Enterprises?

MR. KAZAZIAN: It will be ten years on October 3rd of this year.

MR. LA FIANDRA: Okay. Now, what is a Valvoline Instant Oil Change? What is Valvoline Instant Oil Change?

MR. KAZAZIAN: So, Valvoline Instant Oil Change is

essentially a quick lube change. Where we differ from most of the competition is that we use pits. So, we have a full basement in our facility and the customer stays in the car through the service, so it's typically a fifteen minute service from the time the customer is guided into the bay until they leave.

MR. LA FIANDRA: Now, I've, I've posted on this board from the Board's file Petitioner's Exhibit 8. So, this is from the Board's file. And I'm just going to move it a little closer. If I don't make it fall. Okay. And you should feel free to approach the board if, if you'd like to but I'm going to ask you some questions about this site plan, which is Petitioner's number eight. Can you describe, you recognize Petitioner's number eight?

MR. KAZAZIAN: Yes.

MR. LA FIANDRA: And that's the site plan for the site that we've been talking about?

MR. KAZAZIAN: Correct.

MR. LA FIANDRA: What is the customer's experience as, as it relates to, or what will be the customer's experience once this is, is built in the manner that it's shown here?

MR. KAZAZIAN: Sure. So, the customer would enter the property off of Loch Raven Boulevard. As they come to the back of the facility, they'll be greeted by a customer service representative. That representative will ask the customer if

they visited a Valvoline Instant Oil Change before. If they have, they'll be asked what services or services they're looking for that day. And then they'll be guided either into a bay by another technician or they'll be asked to park behind one of the four bays until one becomes free. If it's a new customer, they'll explain that our service, they stay in the car and what, what services we offer.

Once the customer is guided into the bay, a customer service representative will then work with them to tell them what the manufacturer's recommendation is for the oil to be used in that car. At the same time, our technicians will then perform a light check, check other fluids, filters and things of that nature. Once the oil has been selected by the customer and the technicians have done some other work, there may be some other recommendations based on mileage or the condition of some of the filters. In that particular instance, we're often time trying to educate the customer so manufacturers will recommend that transmission fluid or power steering fluid or coolant be changed at certain interval, mileage intervals. So, while that customer may have not come to the store today, they're at least given that information and they've got an opportunity to do it then or on a subsequent visit to the store.

The oil change takes place both on the top and the bottom side, the top side being where the customer is seated in

the car. So, during that service they can witness what's happening. On the bottom side, technician is removing the plug, any skid plates, those types of things, removing the used oil. On the top side, they're topping off filters and then ultimately they're, they're pouring fresh oil into the crank case of the motor.

At the conclusion of the oil change, the customer is shown the dip stick, and that will show them that there's new fresh clean oil in the crank case and that it's the correct level. The customer is then cashed out and then they'll be guided out of the, the service center. Only one car at a time is guided out of the service center, just because we don't want any issues. So, the technicians coordinate with each other as the door goes up.

Once that customer is guided out and banked, the process starts over. That technician would close the door, walk to the back of the bay and then greet a customer and then guide them into the, to the bay and start the process over.

MR. LA FIANDRA: What is the range of mechanical work that you do onsite for any --

MR. KAZAZIAN: So, we, we, we don't do any mechanical work. So, we do maintenance. So, we do fluid exchanges which is oil, coolant, transmission, power steering. We do wiper blades, we do tire rotations. We will do a serpentine belt in certain cars where it's, where it's easy. But beyond that,

there's, there's, that's what we're doing. So, we're, you know, to the extent someone comes in and they have a problem with that car, we would instruct them to either go to a dealership or to a trusted mechanic.

MR. LA FIANDRA: And in the same vein, you, do you do any body work on cars?

MR. KAZAZIAN: We do not.

MR. LA FIANDRA: And do you paint any cars?

MR. KAZAZIAN: We do not.

MR. LA FIANDRA: Okay. The, if you could tell us about where you're going to, how, how you're going to hire the employees for this facility.

MR. KAZAZIAN: So, we, we have a, a, through our human resources department, we have a, a local recruiter here who works out of Glen Burnie. So, he'll use Indeed and a variety of other online resources to attract folks and in this particular instance, we'll let them know that there's an opportunity here at the Towson store. But the unit itself will be staffed by both experienced and existing employees. In his particular case, there's a gentleman that would like to manage this store who lives in Towson. He'll be supplemented by some other experienced employees, as well as some new employees that we'll hire.

MR. LA FIANDRA: And just for context, Henley Enterprises, how many, how many employees do you have, just to

give us some --

MR. KAZAZIAN: So, Henley in total has twenty-two hundred employees.

MR. LA FIANDRA: Okay and do you know how, how many there will be at this facility?

MR. KAZAZIAN: I would expect there'd be fourteen or fifteen, it'll be a mix of full and part-time employees.

MR. LA FIANDRA: And the part-time employees, how, how long are those shifts?

MR. KAZAZIAN: They typically can be a four hour shift, but, but part-time employees, we often get students and other, kids that go to school or training, they night work an eight hour shift on Saturday and Sunday as well.

MR. LA FIANDRA: And the training that the employees get, if you could briefly and concisely go over that because I think it would be helpful for the Board to understand the operation.

MR. KAZAZIAN: So, if an employee chooses to, to work for us, they'll come in, they'll have an orientation. Once they get through that orientation, they'll then go to the service center. The first week is spent in what's called Valvoline University. So, it's a, it's an online training program that familiarizes with the, with the car and our system and we use a system called Super Pro. And that's how we complete the fifteen minute oil change.

That employee will then apprentice in the store under a senior technician and will have to gain a variety of certifications before they can perform certain services on the car. Ultimately, an employee, typically over the first ninety days, would get their tech certification. That would result in an increase in pay. Then they can go on and secure senior tech, customer service, then move on to assistant manager and manager and then ultimately a multi-unit manager.

MR. LA FIANDRA: Okay and then, now we talked about the activities that you're going to conduct there. Do any of those uses or those things that we discussed in terms of the maintenance work that you do, do they emit excessive noise or vibration, air pollution from dust, fumes or vapors or gases or any odors?

MR. ZIMMERMAN: Objection. Leading question.

MR. LA FIANDRA: Okay.

CHAIR: It's overruled.

MR. LA FIANDRA: Thank you. You can answer the question.

MR. KAZAZIAN: No.

MR. LA FIANDRA: And, in fact, have you, is Mid-Atlantic Lubes making an effort to move away from the pneumatic wrenches that you used to use?

MR. ZIMMERMAN: Objection. It's a leading question. (inaudible).

CHAIR: Well, it's okay for everyone to ask leading questions. You get to ask leading questions as well.

MR. ZIMMERMAN: Well, cross exam is different.

CHAIR: Yeah. Well, if --

MR. ZIMMERMAN: I try not to ask leading questions on direct.

CHAIR: Okay. Well, we'll --

MR. LA FIANDRA: Your Honor, I'm, I'm trying to be respectful of the, the, the Board's earlier --

CHAIR: Right, right --

MR. LA FIANDRA: -- discussion of moving through as quickly as possible.

CHAIR: -- I mean, these aren't, these aren't questions that where the leading nature of the question undermines the probative value of the question.

MR. ZIMMERMAN: Well, I don't agree with that actually.

CHAIR: Okay, all right.

MR. ZIMMERMAN: Respectfully.

CHAIR: All right.

MR. ZIMMERMAN: Especially, you know, are there going to be bad noises? No. You know, is this going to be a problem? No. Is this, you know.

CHAIR: Okay.

MR. ZIMMERMAN: It's going to be one after another.

CHAIR: All right.

MR. ZIMMERMAN: So, I've made my point.

CHAIR: Well, okay, well, that's a point well taken so let's try and --

MR. LA FIANDRA: Okay.

CHAIR: -- make it less leading, I'll say.

MR. LA FIANDRA: Thank you. I will do that.

CHAIR: Okay.

MR. LA FIANDRA: How many cars per day are you anticipating servicing?

MR. KAZAZIAN: We anticipate, once it gets up and running, which typically takes between two and three years, to service on average sixty cars a day.

MR. LA FIANDRA: And will there be peak days?

MR. KAZAZIAN: Typically, Friday afternoons and Saturdays are the highest volume days, so I expect, you know, car count could reach seventy-five, perhaps close to eighty if it's a holiday weekend. And Wednesday typically tends to be the lowest day and that could be as low as thirty to thirty-five cars.

MR. LA FIANDRA: The, Your Honor, may I have Petitioner's exhibit number seven? Thank you very much.

MS. JOLIVET: Um hm.

MR. LA FIANDRA: This is page thirty from Petitioner's exhibit number seven. I'm going to post it over

here for the witness to refer to. Now, the, can you see that okay?

MR. KAZAZIAN: Yeah.

MR. LA FIANDRA: Okay. This is the, the floor plan, the foundation floor plan for the basement level of the facility.

MR. KAZAZIAN: Yes.

MR. LA FIANDRA: Do you recognize that?

MR. KAZAZIAN: That's correct.

MR. LA FIANDRA: Now, I see that there's a room called the tank room?

MR. KAZAZIAN: Correct.

MR. LA FIANDRA: Can you, can you tell us what happens in that tank room?

MR. KAZAZIAN: Sure. So, the, the tank room is a self-contained room that's concrete on all sides and in that, that's where we have our bulk tank. So, those tanks in total, the capacity would be about two thousand seven hundred and fifty gallons, of which five hundred gallons would be waste oil. And oil to those tanks would be delivered just like home heating fuel is delivered.

What's interesting about that room is there is a (inaudible) fire rated door, but there's a concrete dike in front of that. The floor is coated with an epoxy that rolls up about twenty-four to twenty-eight inches and that acts as a

containment area in the event that a tank would leak.

In the, the tanks are checked each day, as well as monthly and quarterly inspections that go for the entire facility that have to do with cleanliness, curb appeal and things of that nature.

MR. LA FIANDRA: So, the, the dike that you mentioned, that's in the door space?

MR. KAZAZIAN: That's correct.

MR. LA FIANDRA: And how high is that dike?

MR. KAZAZIAN: It's about twenty-eight inches and --

MR. LA FIANDRA: And is that movable?

MR. KAZAZIAN: No, it's block.

MR. LA FIANDRA: That does not move with the door?

MR. KAZAZIAN: No, it does not.

MR. LA FIANDRA: And the, and you mentioned that there's an epoxy that comes up about twenty-four inches around the whole room?

MR. KAZAZIAN: That's correct, to seal the concrete floor and the walls.

MR. LA FIANDRA: And what is the function of that, of that, is that an environmental safety feature?

MR. KAZAZIAN: So, yes. So, we do, we wouldn't want, to the extent any oil would spill or there was an oil leak, we wouldn't want it to penetrate the raw concrete, so it would just, it acts as a barrier and then it's easily cleaned off of

that surface. The, the epoxy actually has a silica added to it so that it's slip resistant as well.

MR. LA FIANDRA: Okay. The, is that a fire door?

MR. KAZAZIAN: Yeah, it's a two hour fire rated door.

MR. LA FIANDRA: Now, are there any other environmental features of the, of the rest of the basement area?

MR. KAZAZIAN: So, the, the remainder of the basement, it doesn't have floor drains, that is sealed as well with the epoxy. So, that would be another level of containment if there was some larger issue with the tank room, as well as if you have splashing or something happens with a car where it misses the rolling drain pan that would be under the car at the, the time of an oil change.

CHAIR: You say there are drains or not, no drains?

MR. KAZAZIAN: There's no, there's no drains, no.

CHAIR: No drains, sorry.

MR. KAZAZIAN: Just another level of containment.

MR. LA FIANDRA: Now, how does the oil get in and out of these tanks?

MR. KAZAZIAN: There is a, on the outside of the building, just like there would be on a home, there are multiple connections and those connections are within a box. That box actually has a, a, it's containerized and any oil that would drip would flow to the waste oil tanks that are in the

tank room. That's where it would be captured, so.

MR. LA FIANDRA: And so, those, those boxes that you were talking about.

MR. KAZAZIAN: Yeah.

MR. LA FIANDRA: Those are on the outside of the building?

MR. KAZAZIAN: That's correct.

MR. LA FIANDRA: And that catches anything that would spill when the tank is being filled?

MR. KAZAZIAN: Yeah, during, during the delivery process if, in fact, there was anything dripped, yeah.

MR. LA FIANDRA: And, now you said there are some waste oil tanks. Are those, are those D here?

MR. KAZAZIAN: Yes, those two larges tanks are waste oil tanks.

MR. LA FIANDRA: And how does that oil get off the site?

MR. KAZAZIAN: A recycler would typically come once a week. They would drop a hose through the closest pit opening and then bring it over to those, they open the top of that tank and they, essentially, stick a probe down that, that sucks the oil out and into the truck where it's, it goes off to be recycled.

MR. LA FIANDRA: And how often does that happen?

MR. KAZAZIAN: Typically, weekly.

MR. LA FIANDRA: That's about once a week and you receive oil deliveries for the other tanks about once a week, is that what you said?

MR. KAZAZIAN: Correct.

MR. LA FIANDRA: The, if, if you know, do you know what the holding capacity of the tank room is as it relates to the epoxy that comes up the floor?

MR. KAZAZIAN: I, I haven't done the calculation. The room is sixteen by sixteen, or a little bit bigger than sixteen by sixteen and then it's about twenty-four inches but I don't think that the room, quite honestly, would hold if every tank and that's the reason that the remainder of the basement, in my ten years, I've seen, heard about one tank leak. They are checked, they are UL approved, steel tanks. The three round circles there are polytanks that hold the coolant and the, and the windshield washer fluid.

MR. LA FIANDRA: So, two hundred stores, ten years of experience and you recall one tank leak?

MR. KAZAZIAN: That's all I am aware of.

MR. LA FIANDRA: Now, do, is, do you think that there's enough capacity to hold at least more than one tank failure?

MR. KAZAZIAN: Oh, I, I would assume, if I did the calculation, it's probably forty to fifty percent.

MR. LA FIANDRA: Okay and then outside you said, if

I, if I heard you correctly, there's an epoxy floor and does that come up the, the wall as well?

MR. KAZAZIAN: It does, it does as well.

MR. LA FIANDRA: And that, that would act as a separate containment if it were to actually breach the dike that's over there?

MR. KAZAZIAN: Yeah, it would be secondary containment.

MR. LA FIANDRA: And, now if any of those things would happen, what is the procedure that the store would follow to, to clean, to clean up the --

MR. KAZAZIAN: So, in, in that case, if there was a large spill, they would immediately contract the, the local group that we use to evacuate the waste oil. So, they would come with a truck and go through the normal procedures and there would be paperwork that would have to be filed with Maryland Department of the Environment. But it would be cleaned up and recycled.

MR. LA FIANDRA: I see that there is a compressor room. It, I assume that's an air compressor in there?

MR. KAZAZIAN: Correct. We use pneumatics to drive all the pumps to deliver the oil.

MR. LA FIANDRA: Okay and is, can, can you hear the compressor outside of that room?

MR. KAZAZIAN: No, that room is vented but it's also

insulated. So, we don't, because of the customer experience, we don't want the customer to hear that.

MR. LA FIANDRA: Okay and then, what if there were an oil spill of some type outside the building, how would that be handled?

MR. KAZAZIAN: So, in, in the, in the, in the service center, there's actually a fifty-five (inaudible) drum that has absorbent materials and a variety of other things that the store manager, assistant store manager, would use to contain that while they called someone. There's annual training for that and every employee in the, in the store has to be made aware and certified with that training.

MR. LA FIANDRA: Did you conduct any environmental assessments to the property before you contracted to purchase the property?

MR. KAZAZIAN: We did. We, we got a copy of the phase one that Howard Bank did in 1999 and then we used Tetra Check to do another phase one assessment for us.

MR. LA FIANDRA: And were you present at the last hearing when there was some discussion of, or questioning whether the property was within the area that was identified contaminated for the fuel spill that happened up the street?

MR. KAZAZIAN: I was.

MR. LA FIANDRA: And did your environmental assessment indicate that this property was in that area?

MR. KAZAZIAN: It, it did not. Our, it did not --

MR. MCCANN: Objection. I'm sorry to interrupt.

MR. LA FIANDRA: Sure.

MR. MCCANN: We're talking about an environmental assessment that we don't have in front of us that is clearly hearsay and if we had the opportunity to look at it, I don't think he should be talking about an environmental assessment that he didn't do that someone else did is my point, Mr. Evans.

MR. LA FIANDRA: Your Honor, he's the Director of Real Estate. He reads environmental assessments all the time. And certainly he is capable of relaying how they base their decision on whether to, to buy the property or contract for the property.

MR. MCCANN: Well, that's a different issue. I just don't want him talking about what the results of that, and I, I'm not trying to --

CHAIR: No, that's okay.

MR. MCCANN: I just don't think he should be talking about, about that stuff. It's clearly hearsay and he's offering it to prove the truth of the matter asserted, which is that this is, assumedly, a safe site to do this type of work, so.

CHAIR: Well, in, in the, were you involved in the process, were, were you involved in the decision making with regard to whether to purchase this site?

MR. KAZAZIAN: Yes, I was.

CHAIR: Okay and what, if any, environmental assessments do, do you make or does your team make in terms of whether or not to, well, that you made with regard to whether or not to purchase this particular property?

MR. KAZAZIAN: So, in this particular case, we review the conclusions. There's a team of folks in corporate development that would review the conclusions from the environmental assessment and then we would, you know, depending on what was presented in that, we would decide what risks we were willing to take.

CHAIR: All right and --

MR. MCCANN: Well, I guess the problem with that question is we're getting to why they purchased the property and why they went forward with it. That, that point in and of itself is not relevant. So, really what we're getting out it's not relevant to this case at all, (inaudible) to a special exception.

MR. ZIMMERMAN: May, may I concur with --

MR. MCCANN: It's background information, so. My point, I'm sorry.

MR. ZIMMERMAN: (inaudible) I'm just going to concur in part because this witness is not an environmental expert. If he, if they want to show us an environ, phase one environmental assessment, they want to produce an environmental

expert that's one thing. But for this witness simply to say in conclusory fashion that the environmental, no environmental problems, we've done the review, that's not his expertise and so, so I don't think that's competent evidence from the Petitioner's side.

MR. LA FIANDRA: We don't expect to go much further with the environmental discussion.

CHAIR: Okay, all right.

MR. ZIMMERMAN: Well, I think whatever has been done is already not competent.

MR. MCCANN: Yeah, I, I think where Mr., Mr. La Fiandra is heading is that to prove some effect upon, you know, the, under the hearsay exception, some effect upon the hear, of, of the hearsay and I don't think that in and of itself is relevant to this case at all. So, why should it come in through that, that backdoor which, you know, --

CHAIR: Well, maybe I'm misunderstanding the point. I, I, I, I understood the, the point, if it's an acceptable one, to be that there were no unusual environmental concerns that prompted Valvoline not to purchase the property. Is that really the point?

MR. LA FIANDRA: That's as far as we intend to go with that question.

CHAIR: Yeah, is that, is that an acceptable point?

MR. ZIMMERMAN: No, not really. Not from this, I

mean, other than, I mean, it's acceptable to say that he doesn't think there are any problems.

CHAIR: Yeah, okay.

MR. ZIMMERMAN: It's not acceptable to prove that there are no environmental problems.

CHAIR: Okay. Well, he, he didn't believe there were any.

MR. KAZAZIAN: Could, could I --

CHAIR: And it's, and it's within the scope of his response, corporate responsibilities to flag potential problems. He didn't flag any so he didn't think there were any, is that, that's --

MR. KAZAZIAN: Could I offer clarification?

CHAIR: Sure, yeah, go ahead.

MR. KAZAZIAN: So, I, I think what Mr. La Fiandra was trying to ask me is whether or not the spill up the street impacted this, this property. It was the conclusion of our environmental engineer that it had not. For other people that know the site and the history of the site, this was a gas station until it was redeveloped into the Howard Bank in 1999.

CHAIR: Okay.

MR. MCCANN: I'm not sure what relevance that has, but.

CHAIR: I, I'm not sure either.

MR. LA FIANDRA: I'm prepared to move on.

MR. KAZAZIAN: Just giving you a history.

CHAIR: Move on, yeah, that's okay.

MR. LA FIANDRA: Thank you. Now, what about the building materials that you use, moving back to non-environmental issues. I'm just going to remove this number seven and this is the site plan, it doesn't show the building materials but it gives us a little context, actually those building materials are reflected right here on number seven. Is there, this is brick. Is there, what's the goal of using such high quality materials?

MR. KAZAZIAN: The goal is twofold. One is reduce maintenance since brick typically doesn't have to have anything done to it for a hundred years. And second, consistent curb appeal. So, also the building, it's a red brick veneer, but it's a block building and the reason we use block in the interior is because drywall or some of those other materials aren't durable enough for some of the, the things that go on in the, the building, the procedures.

MR. LA FIANDRA: And the roof?

MR. KAZAZIAN: It's a forty year architectural shingle roof.

MR. LA FIANDRA: Now, because of the way that you operate the site and the work that you do, are there any cars that remain on the site overnight?

MR. KAZAZIAN: No, no. Employees would leave and we

don't do any repairs so if we can't perform a service to that car, the, the customer is asked again, or directed to a dealership or, you know, to use their trusted mechanic.

MR. LA FIANDRA: Okay. Thank you. Those are the questions that I have for Mr. Kazazian.

CHAIR: Mr. McCann?

MR. MCCANN: Thank you. Just a few. Good morning, sir.

MR. KAZAZIAN: Good morning.

MR. MCCANN: I'm not going to try your name.

MR. KAZAZIAN: Kazazian.

MR. MCCANN: Kazazian. It's not that bad, I like it. So, the twenty-seven units that you said that Mid-Atlantic Lube owns, when you say units you mean individual stores like this one?

MR. KAZAZIAN: Correct, service centers.

MR. MCCANN: Okay and this one, if approved, would also be owned and operated by Mid-Atlantic Lubes, correct?

MR. KAZAZIAN: That's correct.

MR. MCCANN: Okay. So, there wouldn't be some local owner of the, of this unit who lived in the community and owned just this store, correct?

MR. KAZAZIAN: That is correct.

MR. MCCANN: You mentioned the services that instant oil change units provide and I, I, from what I gathered from

your company's website, this instant oil change is, is sort of a trade, trademark, that's what you call these, these centers, correct?

MR. KAZAZIAN: Yeah, Valvoline Instant Oil Change.

MR. MCCANN: Valvoline Instant Oil Change Centers or what do you call them?

MR. KAZAZIAN: Just Valvoline Instant Oil Change.

MR. MCCANN: Okay. Are there different types of facilities or units that Mid-Atlantic Lubes owns and operates?

MR. KAZAZIAN: There are quick lubes. The number of bays can vary.

MR. MCCANN: Okay. Okay. So, when you say, again, when you say quick lube, that's the same thing as a Valvoline Instant Oil Change? Are they the same thing, quick lube?

MR. KAZAZIAN: Well, Valvoline Instant Oil Change operates quick lubes. Quick lubes is typically defined as an oil change facility that would have pits and a full basement so that procedures could be done to car from both the bottom side and the top side versus a lift procedure where a car would come in and come on a lift.

MR. MCCANN: Okay.

MR. KAZAZIAN: So, that's where the speed of service comes in with the pit.

MR. MCCANN: Okay.

MR. KAZAZIAN: Which essentially is the basement.

MR. MCCANN: I'm just getting to the phrases that you've been using. So quick lube is the type of service that's provided?

MR. KAZAZIAN: Yeah, and typically defines the facility as well.

MR. MCCANN: And the facilities themselves are sometimes called Valvoline Instant Oil Change?

MR. KAZAZIAN: Um hm.

MR. MCCANN: Okay. Is that a yes?

MR. KAZAZIAN: Yes.

MR. MCCANN: Okay.

MR. KAZAZIAN: Sorry.

MR. MCCANN: That's all right. So, I think we're at Protestant's Exhibit 8, but I could be completely wrong about that Ms. Jolivet.

MS. JOLIVET: You are correct.

MR. MCCANN: I am correct?

MS. JOLIVET: You are correct.

MR. MCCANN: Oh, wow. All right. Starting off good. I'm going to have this marked if I could as the next exhibit and, and I know --

MS. JOLIVET: Do you have another for me?

MR. MCCANN: (inaudible).

MR. KAZAZIAN: If you're going to ask me to read something, I'm going to have to get my glasses (inaudible).

MR. MCCANN: Okay, yeah, sure, go ahead.

MR. KAZAZIAN: Sorry.

MR. LA FIANDRA: That was number eight?

MR. MCCANN: This is eight. So, just take a moment if you would and familiarize yourself with what's been marked as Protestant's Exhibit 8. And I just have a couple of questions about it. And while you're doing that, if you don't mind, sir, I'll represent to you that what I did is I got online, on your website, and searched for Valvoline Instant Oil Changes near us and this came up with the Middle River store. There is, in fact, a store in Middle River, is that correct?

MR. KAZAZIAN: That's correct.

MR. MCCANN: Okay.

MR. KAZAZIAN: The website is actually run by Valvoline itself. We're a franchisee so it's not our website. Our company doesn't operate a website.

MR. MCCANN: Okay, okay. Well, thank you for that clarification. So, nevertheless, I still want to ask you questions about what's on this website and very difficult to see, but on the first page there's a reference at the top but also on the left hand side to the Middle River store. Are you familiar with that, with that store, or unit does in terms of its business?

MR. KAZAZIAN: Somewhat.

MR. MCCANN: Okay. Is, would you characterize it as

a Valvoline Instant Oil Change unit?

MR. KAZAZIAN: Oh, yes.

MR. MCCANN: Okay. Providing quick lube?

MR. KAZAZIAN: Correct.

MR. MCCANN: Okay. Okay. Let me know when you're ready for questions. I don't (inaudible). So page one of Protestant's Exhibit 8, on the right hand side of the bottom, it makes reference to certified technicians and their completion of two hundred and seventy hours of training. Is that the training that you were referring to during direct examination?

MR. KAZAZIAN: Yes.

MR. MCCANN: Okay and what is ASC certified program mean? What is that?

MR. KAZAZIAN: To my understanding, it's an automotive certification that Valvoline has worked to attain so that the training meets their standards.

MR. MCCANN: Do, can you tell us what the scope of that training is? Is it, in other words, maybe more specifically does the training include things other than just oil changes?

MR. KAZAZIAN: It could include checking the fluids, everything that would be part of our super pro procedure. So, we don't check brake fluid, but we check filters, both air and cabin filters. We would check the levels of coolant as well as

windshield washer. It would involve using certain machines to extract coolant or transmission fluid or oil or transmission fluid from the cars.

MR. MCCANN: Okay.

MR. KAZAZIAN: But ours is a very targeted service as opposed to a, a full mechanic's ASE certification.

MR. MCCANN: Okay. Well, that was my question. Were, were you just describing all the things that Valvoline Instant Oil Change units do or were you describing the program, the certification program?

MR. KAZAZIAN: I was describing the, the training that our technicians receive so that the use of those certain machines to provide the services that we offer our customers in our quick lube facility.

MR. MCCANN: Okay and that entire two hundred and seventy hours deals solely with that as opposed to --

MR. KAZAZIAN: It's, it's a cumulative process, as I said, so you'd start to reach your first certification as technician and then senior technician, customer service representative, on up.

MR. MCCANN: Okay. All right. Moving quickly through this, on page four, and actually four, five, six and seven, and these things all, only, don't always print out well but at the bottom of the fourth page, where, see where it says recommended services?

MR. KAZAZIAN: Yes.

MR. MCCANN: And then, it says full service oil change and then to the right it says transmission service and then on the next page there are bullet points for these other type of services, some of which you've mentioned. And then the same thing with respect to page six and seven of this exhibit, you see that? All types of services that are being identified, you see all that?

MR. KAZAZIAN: I do.

MR. MCCANN: Okay. Are those all the same type of services that would be provided at this location if it was approved?

MR. KAZAZIAN: Looking at page five, we, excuse me. I misread so, yeah, it would appear we would offer all these services.

MR. MCCANN: Okay. So, would you agree with me that many of these services, other than just the, the service oil change, would involve the customer getting out of the car and waiting in the waiting room as opposed to just sitting in the car as you described?

MR. KAZAZIAN: We don't have waiting rooms and our customers don't leave their vehicles during any of our service.

MR. MCCANN: Even, even for all of these?

MR. KAZAZIAN: That's correct.

MR. MCCANN: Some, some of which may take longer, if

not significantly longer, significantly longer than fifteen minutes? Some?

MR. KAZAZIAN: Typ, typically fifteen, possibly twenty minutes, depending on the model of the car.

MR. MCCANN: For all of these services?

MR. KAZAZIAN: That's correct.

CHAIR: How, how do you do tire rotations?

MR. KAZAZIAN: There's actually lifts on the pits, so the, you know, they just position it, it goes up and then we actually use the battery powered guns, remove the lug nuts and then rotate the tires, front and back.

MR. MCCANN: So, no services are provided while the customer is out of the vehicle?

MR. KAZAZIAN: That's correct.

MR. MCCANN: Okay.

MR. KAZAZIAN: I mean, if a, if a customer would like to use the bathroom, they have to be guided through the service center just because of the open pits and the liability.

MR. MCCANN: Okay. Okay. Well, given that testimony, I don't think I need to add anything, ask anything specific about other things. Okay. You mentioned that part of your responsibilities as director and now vice president is site selection.

MR. KAZAZIAN: That's correct.

MR. MCCANN: Okay. So, were you personally involved

in selecting this site?

MR. KAZAZIAN: Yes, it was brought to me by a local broker.

MR. MCCANN: Okay and who was that local broker?

MR. KAZAZIAN: Henry DeFord of McKenzie Retail.

MR. MCCANN: Okay and when you say brought to you, what do you mean by that? What did he tell you? What information did he give you?

MR. KAZAZIAN: Henry knows our criteria and they brought us a number of transactions over the last five to seven years.

MR. MCCANN: Okay. His company?

MR. KAZAZIAN: Yes.

MR. MCCANN: And Henry himself?

MR. KAZAZIAN: Henry and he has a co-worker.

MR. MCCANN: Okay and when you say criteria, what are, what are your company's criteria for a site?

MR. KAZAZIAN: We typically like to be located on a busy corner. The site typically has to be fifteen to twenty thousand square feet. We look at traffic counts. We typically would like something at fifteen thousand or greater and then we would look at demographics and population density. In some instances, we would look at larger draws if it's a, kind of a county situation where people drive larger distances versus urban.

MR. MCCANN: Okay.

MR. KAZAZIAN: Where the, the market draw would be from.

MR. MCCANN: Okay. When you say look for busy corners, literally you look for intersections as opposed to --

MR. KAZAZIAN: We, we prefer intersections, it has the highest visibility.

MR. MCCANN: Okay. Your store in, or unit rather, in Middle River, is not on a corner, is it?

MR. KAZAZIAN: It's not.

MR. MCCANN: What about the other stores in the vicinity? I forget where the other ones are located, but any, any other store in Maryland located on a corner of a busy intersection?

MR. KAZAZIAN: I, I don't come, most of the portfolio here we purchased. Middle River we did build, so we do take parcels in, in various out lot parcels, if you will. But we came in 2000, rolled up a variety of small franchisees that were in financial trouble.

MR. MCCANN: Okay. So, a busy corner would be ideal.

MR. KAZAZIAN: That's correct.

MR. MCCANN: From a bus, and strictly from a business perspective, that is, the more, I think you used the term visibility.

MR. KAZAZIAN: Correct.

MR. MCCANN: That would help your business if it was on a, on a visible corner.

MR. KAZAZIAN: Yes.

MR. MCCANN: Okay and would you characterize this site, that is on the corner of Joppa and Loch Raven Boulevard, the south west corner, as a vis, visibly prominent site?

MR. KAZAZIAN: Yes.

MR. MCCANN: Okay. Plenty of traffic, right?

MR. KAZAZIAN: Yes.

MR. MCCANN: Okay. Were you the person at the company that actually made the decision to purchase this site?

MR. KAZAZIAN: I was one of five.

MR. MCCANN: Okay.

MR. KAZAZIAN: So, we, I present to a board.

MR. MCCANN: Okay. All people in your office up in Massachusetts?

MR. KAZAZIAN: Correct.

MR. MCCANN: Okay. And I take it when, when you present to the board for purposes of proposing a site, you identi, you, you speak to the criteria that you just identified?

MR. KAZAZIAN: That's correct.

MR. MCCANN: Okay. Anything else that you recall or are those the main things?

MR. KAZAZIAN: Those are the main.

MR. MCCANN: Okay. So, you present it to the board and the decision was made to purchase this site?

MR. KAZAZIAN: That's correct.

MR. MCCANN: Okay. Have you, in fact, purchased it or is it, is there some type of contingency in the contract of sale?

MR. KAZAZIAN: We have not purchased it.

MR. MCCANN: Okay. So, you're a contract purchaser?

MR. KAZAZIAN: That's correct, we're under contract.

MR. MCCANN: Contingent on the outcome of this hearing?

MR. KAZAZIAN: Not necessarily.

MR. MCCANN: Among other things?

MR. KAZAZIAN: Yes.

MR. MCCANN: Okay. Have you personally, sir, ever reviewed, reviewed or any portion of Baltimore County's master plan?

MR. KAZAZIAN: I have not.

MR. MCCANN: Specifically, have you personally reviewed any portion of the master plan per, pertaining to commercial revitalization districts?

MR. KAZAZIAN: I have not.

MR. MCCANN: Okay. Did any of the, did you present any of that info, any of that information, that is, information in the master plan regarding commercial revitalization

districts, to the five directors, or the directors to whom you presented this site?

MR. KAZAZIAN: I do not believe so.

MR. MCCANN: Okay. Since you were involved in the site selection, I take it you're familiar with the fact that there are within a very short distance of this site, a number, quite a few other businesses that provide all of the things that we just went through in Protestant's Exhibit 8? I take it you're familiar with that?

MR. KAZAZIAN: There are, are more uses, yes.

MR. MCCANN: Okay. A number of them, correct?

MR. KAZAZIAN: I, I don't know the exact number. I know there's one directly across the street.

MR. MCCANN: Okay. You mentioned that there will be fourteen or fifteen employees, some of whom will be part-time, right?

MR. KAZAZIAN: That's correct, full and part-time.

MR. MCCANN: How many employees on site at any one time?

MR. KAZAZIAN: At peak, there would be eight employees.

MR. MCCANN: Okay and assumedly all those employees would, would drive to the site. Is there, is there room on site for those eight employees to park?

MR. KAZAZIAN: That's not necessarily the case so.

Typically, we have employees that carpool, we have younger employees that are sometimes dropped off, we have folks that take transit, mass transportation. So, I would, I would say on average, typically for a center of this type, there would be five or six cars on site at that time.

MR. MCCANN: That's just based on your experience?

MR. KAZAZIAN: Yeah.

MR. MCCANN: Okay. But sitting here today, we don't know who those employees will be, right?

MR. KAZAZIAN: We don't.

MR. MCCANN: How many, how many, just to refresh my recollection, how many parking spaces on this site are allocated for employees?

MR. KAZAZIAN: All of them.

MR. MCCANN: All of them?

CHAIR: How many is that?

MR. KAZAZIAN: It appears to be seven, plus a handicap spot.

CHAIR: Plus the handicap spot?

MR. KAZAZIAN: Plus the handicap spot.

MR. MCCANN: So, if all the employees, I'm sorry, and how many employees you said at any given time?

MR. KAZAZIAN: At peak hours it would be eight employees.

MR. MCCANN: So, if all the employees traveled by car

individually, there wouldn't be enough spaces, right? Unless one of the persons was handicapped.

MR. KAZAZIAN: That's correct.

MR. MCCANN: Doing the math.

MR. KAZAZIAN: Okay.

MR. MCCANN: You mentioned some of the, the precautions that you would take in the, the lower floor where the oil is stored. I'm somewhat familiar with those regulations but am I, am I correct that sort of, the things that you mentioned, the, the concrete floor, the epoxy, the dike, all those things are things that are required by law, by regulation?

MR. KAZAZIAN: I'm, I'm not certain about that. Those are just precautions that we take as a firm.

MR. MCCANN: Okay.

MR. KAZAZIAN: We do have to apply for tank permits with Maryland Department of the Environment and we obviously meet or exceed their standards.

MR. MCCANN: Okay. Do you know whether you meet or exceed them, which one? I mean, in other words, can you sit here today, it sounds like you're not familiar with those specific regulations.

MR. KAZAZIAN: I'm not familiar with the specific, I just know that our policy is to meet or exceed any environmental requirement or standard.

MR. MCCANN: Okay. But for this particular location, you can't tell us what, whether the precautions you've talked about meet or exceed?

MR. KAZAZIAN: I cannot.

MR. MCCANN: Okay.

MR. KAZAZIAN: I'm not even sure that some of the precautions we take are required.

MR. MCCANN: Well, that's what I'm asking, you just don't know.

MR. KAZAZIAN: I don't know.

MR. MCCANN: You talked about, and I'll wrap up here, you talked about the, the anticipated traffic or customer flow on average days and, and sort of the peak days, Friday afternoon, Saturdays, you said as many as seventy-five to eighty, seventy-five to eighty services per day.

MR. KAZAZIAN: That's right, total car count for the day.

MR. MCCANN: For, for the day. Do you have a sense of on, at any given, given time what the, the average number of vehicles will be at the store that is, that are being serviced? In other words, does that eighty, seventy-five to eighty, contemplate that they'll be folks in each of the bays and then a car cuing or do you have a sense of that?

MR. KAZAZIAN: Yeah, at times, at, at peak times I would expect that the four bays would be filled and there would

be four or possibly six cars cuing behind that.

MR. MCCANN: Sitting there.

MR. KAZAZIAN: Yes.

MR. MCCANN: Typically, --

CHAIR: One, one per bay you mean or four, --

MR. KAZAZIAN: One per bay across and then in some instances, you might have two per bay.

CHAIR: Two.

MR. MCCANN: Okay. And those cars would be, well, they wouldn't be parked, they would be running waiting, I guess, is what the way, typically in your experience --

MR. KAZAZIAN: We, we typically ask customers to turn off their cars.

MR. MCCANN: Okay. Okay. I would move Protestant's Exhibit 8 into evidence before I forget and --

CHAIR: It's admitted.

MR. MCCANN: Thank you. And no other questions.

MR. ZIMMERMAN: Okay. Good, good morning, Mr. Kazazian. Am I pronouncing it correctly?

MR. KAZAZIAN: Close enough, yes.

MR. ZIMMERMAN: Would it be Kazazian or --

MR. KAZAZIAN: Kazazian.

MR. ZIMMERMAN: Yeah. Why is it pronounced one way rather than the other?

MR. KAZAZIAN: My family pronounces it that way.

MR. ZIMMERMAN: What is your educational background?

MR. KAZAZIAN: Graduated high school, I have a B.S. in Science from North East University and Mechanical Structural Engineer and I have an M.B.A. from Northeastern.

MR. ZIMMERMAN: Okay and what year did you graduate from college and get your M.B.A. or --

MR. KAZAZIAN: I graduated college in 1984 and I received my M.B.A. in 1986.

MR. ZIMMERMAN: How long have you been working in the auto industry?

MR. KAZAZIAN: Since, it will be ten years in October.

MR. ZIMMERMAN: Okay and what specific training did you get to familiarize yourself with, with the auto services that you deal with?

MR. KAZAZIAN: I've been a car enthusiast since a teenager and I've also sat in on some of our company training.

MR. ZIMMERMAN: Okay. What, you went to the Valvoline University, for example?

MR. KAZAZIAN: I did not. I just sit in on certain pieces of it when it's offered in our home offices because I'm interested in it. I've reviewed the book. There's a manual and I flip through it on various occasions.

MR. ZIMMERMAN: So, what qualifications did you have to start working in the position that you have?

MR. KAZAZIAN: Well, I, I've always been in the real estate industry for over thirty years. So, prior to coming here, I worked for two pension fund advisory firms and represented institutional clients as well as pension plans and endowments.

MR. ZIMMERMAN: And as part of that work, is it your job to be familiar with zoning?

MR. KAZAZIAN: To some degree, but I obviously hire professionals.

MR. ZIMMERMAN: Okay. Now, you said Mid-Atlantic Lubes is a subsidiary of, is it Henley Enterprises?

MR. KAZAZIAN: Henley Enterprises.

MR. ZIMMERMAN: Okay and what is the geographic territory of Mid-Atlantic Lubes?

MR. KAZAZIAN: From southern New Jersey, Delaware, Maryland and portions of northern Virginia.

MR. ZIMMERMAN: Okay and did you say how many franchises there are in, in that area?

MR. KAZAZIAN: So, Mid-Atlantic Lubes, there's currently twenty-seven operating and three under development.

MR. ZIMMERMAN: Okay and some of those are, were existing sites that you took over, is that correct?

MR. KAZAZIAN: That's correct, from multiple small franchisees.

MR. ZIMMERMAN: Yeah. For example, you were here at

the last hearing date, were you not?

MR. KAZAZIAN: Correct.

MR. ZIMMERMAN: Do you recall there were photographs of a number of sites around Maryland that had two bays, three bays?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: Okay. But at this point, you prefer to have four bays, is that --

MR. KAZAZIAN: Right. So, our business, our business has evolved. It started as a, in two bays and then it went to three and today we build four bays so the, the, the last number of units here, I guess, the last two that were constructed and then the three that are currently being constructed are all four bays and everything I am working on today is a four bay.

MR. ZIMMERMAN: Okay.

MR. KAZAZIAN: And that's just an evolution in services.

MR. ZIMMERMAN: So, how many, I'm sorry, I didn't mean to interrupt you. Go ahead and finish your answer.

MR. KAZAZIAN: No, the, the four bay we look to, and part of the reason we like it is electric cars are obviously coming and so we're thinking that one of those bays might be used for charging or battery replacement, you know, oil change intervals have been extending over the years. Manufacturers are using higher quality oils in the engine and so there's

other services to be provided in the evolution of the car.

MR. ZIMMERMAN: How many of the existing sites have four bays that are actually operating now?

MR. KAZAZIAN: To my knowledge, the only one that comes to mind that I can think of is the site in Bowie, Maryland.

MR. ZIMMERMAN: That's one out of twenty-seven, did I, did I get the number right?

MR. KAZAZIAN: Yeah. I, I don't know, I can't think of all of the stores in the portfolio because some I have not been involved in, they were purchased before my time.

MR. ZIMMERMAN: And if electric cars become predominant, your facility can adjust to that?

MR. KAZAZIAN: That's our thought process. There's, there's quite a bit of work coming on. I think we're, we're looking at hybrids being the predominant form because of the range that they can achieve.

MR. ZIMMERMAN: Do electric cars still need oil?

MR. KAZAZIAN: They do not. Full electric cars.

MR. ZIMMERMAN: Okay. Now, if this facility is approved, what would your estimate be as to how long it will be there?

MR. KAZAZIAN: I suspect it will be there as long as we can provide services for automotive, for autos.

MR. ZIMMERMAN: For decades to come?

MR. KAZAZIAN: Yes, we have stores that are over thirty years old in our portfolio that continue to operate.

MR. ZIMMERMAN: So, this will have a, for better for worse, this will have a major impact on this intersection in this area, would you agree with that?

MR. KAZAZIAN: I, I don't know how to define the impact, but we would expect to be there.

MR. ZIMMERMAN: Okay. Okay. What are the normal hours for the operation?

MR. KAZAZIAN: Typically, 7:00 a.m. to 7:00 p.m., Monday through Saturday, Sunday tends to be 9:00 to 5:00.

MR. ZIMMERMAN: Your, so you're open seven days a week?

MR. KAZAZIAN: Correct. Our customers, we opened Sundays about seven years ago for, after customers requesting it.

MR. ZIMMERMAN: Okay and you mentioned that some employees may, use mass transit, correct?

MR. KAZAZIAN: Yes, we have employees who use bus or Uber, Lyft, a variety of ways to get to work.

MR. ZIMMERMAN: And you compensate them for that?

MR. KAZAZIAN: We do not.

MR. ZIMMERMAN: So, what's the nearest bus stop?

MR. KAZAZIAN: I'm, I'm not familiar with the mass transit on Joppa Road.

MR. ZIMMERMAN: You didn't investigate that?
MR. KAZAZIAN: I did not.
MR. ZIMMERMAN: So, if somebody applies and would prefer to use mass transit at the moment you could not give them an answer?
MR. KAZAZIAN: I couldn't, but perhaps our recruiter could.
MR. ZIMMERMAN: Do they know now or, or they would just have to investigate, has anyone investigated yet what the mass transit situation is, is regarding that location?
MR. KAZAZIAN: I, I do not know that.
MR. ZIMMERMAN: So, it's potentially quite inconvenient?
MR. KAZAZIAN: Potentially.
MR. ZIMMERMAN: And if that's true, then the employees really would have to use cars or get Lyft, pay for Lyft or Uber?
MR. KAZAZIAN: I suppose they could bike. There's a variety of options, I guess.
MR. ZIMMERMAN: What's the hourly wage for your starting employees?
MR. KAZAZIAN: Starting employees, I believe start at $13.00 an hour.
MR. ZIMMERMAN: Including the students?
MR. KAZAZIAN: That's correct. There's no

differentiation.

MR. ZIMMERMAN: Okay.

MR. KAZAZIAN: They're also eligible for full benefits as well.

MR. ZIMMERMAN: Full medical benefits?

MR. KAZAZIAN: Medical, dental, eye, five percent 401k contribution.

MR. ZIMMERMAN: Do they have to contribute?

MR. KAZAZIAN: In order to get the contribution, yes.

MR. ZIMMERMAN: How much?

MR. KAZAZIAN: It's up to five percent, they would be matched a hundred percent.

MR. ZIMMERMAN: Up to five percent of the medical costs, you pay ninety-five percent of your employees medical?

MR. KAZAZIAN: Oh, excuse me. I thought you were talking about the 401k. So, for a, a single person to get medical, I believe they pay about $26 a week for full medical.

MR. ZIMMERMAN: How much do you pay for the --

MR. KAZAZIAN: I have a family, I pay --

MR. ZIMMERMAN: No, I mean, how much for these students? How much does the company pay for the students?

MR. KAZAZIAN: They pay, I believe, sixty-five percent of the cost.

MR. ZIMMERMAN: That includes full hospitalization?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: Okay. Okay. As far as the location goes, you, you pointed out the people, customers will enter on Loch Raven Boulevard, correct?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: And if they have to wait before going into the bays, they would wait in the area closest to Loch Raven Boulevard, is that also correct?

MR. KAZAZIAN: They would be positioned in front of each one of the bay doors.

MR. ZIMMERMAN: Could you point out on the, the site plan what you're talking about, in front of the bay doors?

MR. KAZAZIAN: Sure. So, these, these three cars here are positioned in front of the door and then you see --

MR. ZIMMERMAN: I'm sorry, could you raise your voice?

MR. KAZAZIAN: Sure. Right here you have this, it illustrates three cars up in front of the bay doors with a fourth pulling up to it.

MR. ZIMMERMAN: So, that's between the Loch Raven entrance and the bay doors is where they wait?

MR. KAZAZIAN: That's correct. So, the entrance is here and the bay doors are --

MR. ZIMMERMAN: Okay. All right and the, did you say there were nine parking spaces, one handicap did, of the nine?

MR. KAZAZIAN: I believe there's, there's several

along the back boundary here and the eighth is the handicap.

MR. ZIMMERMAN: Okay. So, it's eight total?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: Okay and the seven, the row of seven, is closest to Loch Raven Boulevard, is that correct?

MR. KAZAZIAN: Yes, that's, you'd enter the parking lot from Loch Raven (inaudible) --

MR. ZIMMERMAN: And the eighth is also closest to Loch Raven rather than Joppa?

MR. KAZAZIAN: Correct.

MR. ZIMMERMAN: Okay. All right and the, and the four front doors of the bays, those are facing at an angle Loch Raven, would you agree?

MR. KAZAZIAN: I believe the bay doors are facing Joppa.

MR. ZIMMERMAN: The front, where you go in, where the cars go in? They face, are you, are you serious?

MR. KAZAZIAN: Well, I mean, this, this is Joppa Road, right? So, when you pull in here and you look through the doors, you're seeing Joppa.

MR. ZIMMERMAN: Okay. When you look through you see Joppa where the exit is, correct? The exit is on Joppa?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: Okay. So, when the doors are closed, the doors where you enter, those doors are oriented to Loch

Raven?

MR. KAZAZIAN: They're actually --

MR. ZIMMERMAN: If you're standing in front of those doors and they're closed or sitting in your car, you can look over and see Loch Raven. You can't see Joppa if those doors are closed.

MR. KAZAZIAN: Well, they're full glass doors so you can see through them, but yeah.

MR. ZIMMERMAN: Oh, but you can also see Joppa or, excuse me, Loch Raven, can't you?

MR. KAZAZIAN: You can see a portion of Loch Raven Boulevard, yes.

MR. ZIMMERMAN: Okay. Okay and the, the exit doors, is that a correct way to describe the doors where you leave?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: Okay. The exit doors face Joppa Road, would you agree with that?

MR. KAZAZIAN: Yes.

MR. ZIMMERMAN: Okay. Now, what are, are the other doors, again, I think Mr. Sharon described some of them. What are the other doors on the site?

MR. KAZAZIAN: There's, there's some man doors on the site. There's typically --

MR. ZIMMERMAN: When you say man doors, you mean a door where a normal human being could walk through?

MR. KAZAZIAN: Correct. Versus the overhead doors.

MR. ZIMMERMAN: Right.

MR. KAZAZIAN: Right, so --

MR. ZIMMERMAN: And where are those so called man doors?

MR. KAZAZIAN: So, there would be an entry here into, just an open space. We don't have chairs so it just leads you to a customer bathroom.

MR. ZIMMERMAN: Can you, I'm sorry, can you speak up?

CHAIR: That's in the tower portion?

MR. KAZAZIAN: Yeah, in the tower portion. So, if you came through the front door here, --

MS. JOLIVET: Can I (inaudible)?

MR. KAZAZIAN: Oh, sure.

MS. JOLIVET: Okay.

MR. KAZAZIAN: So, there's an entrance into the tower here on this side of the building. I guess we'll call it the Joppa Road side of the building. When you come in there, there's just a small entrance way. There's a customer bathroom as well as the manager's office and then there would be a door that would lead you into the service bays. I'd have to look at the other pictures, but there's typically a man door that would be placed between the overhead doors here, that would be so that someone could leave the center and greet you when you came on site if there wasn't someone out here on a full-time basis

or at that particular time of the day and I believe there's a man door on one of these other ends because it's an exit coming up the staircase from the basement.

MR. ZIMMERMAN: Okay. Didn't Mr. Sharon indicate that there's a so called employee door on the side of the building?

MR. KAZAZIAN: I, I don't recall. I, we, if you'd like to bring out the renderance --

MS. JOLIVET: You've answered the question. He can go on to the next one.

MR. KAZAZIAN: It, it's been my experience that the employees would come through this man door.

MR. ZIMMERMAN: Okay. So, yeah, so, the employees in the morning when they come in, they go through one of the bay doors, is that correct?

MR. KAZAZIAN: They would go through a man door.

MR. ZIMMERMAN: They would go through a man door. Which man door?

MR. KAZAZIAN: I would assume that the manager that would open or the assistant manager would come through the front door and there would be an alarm pad that he would have to turn off that's in his office.

MR. ZIMMERMAN: And then what?

MR. KAZAZIAN: I would, I would assume that he would open the remainder of the man doors to allow employees to

enter, since they'd be parking here.

MR. ZIMMERMAN: Right.

MR. KAZAZIAN: They'd come up to the man doors on the entrance side of the building.

MR. ZIMMERMAN: Okay. So, when you say the, there are, is there one man door on the entrance side of the building or more than one?

MR. KAZAZIAN: I, without looking at the rendering, I don't recall.

MR. ZIMMERMAN: There could be more than one?

MR. KAZAZIAN: There could be.

MR. ZIMMERMAN: In your experience.

MR. KAZAZIAN: Depending on the design and the requirements of fire marshals, sometimes we have to add an additional door.

MR. ZIMMERMAN: And what's the situation here, do you know, based on --

MR. KAZAZIAN: I, I do not know, I --

MR. ZIMMERMAN: So, there might be, there might be one man, so called man door, there might be more than one?

MR. KAZAZIAN: There could be two.

MR. ZIMMERMAN: And those would be on the same side as where the cars enter the bays?

MR. KAZAZIAN: Yes.

MR. ZIMMERMAN: And that would be, the employees

would then be going, coming in, whether walking or having parked their cars, they would be coming from Loch Raven side of the location.

MR. KAZAZIAN: They would, they would park on the, the rear of the, of the parcel and then walk to the, to the entrance side --

MR. ZIMMERMAN: They, they wouldn't even see Joppa Road at that point.

MR. KAZAZIAN: They could look through the glass doors.

MR. ZIMMERMAN: If they were surveying the entire site.

MR. KAZAZIAN: Um hm.

MR. ZIMMERMAN: Okay. You don't recall whether there was, Mr. Sharon said there was a separate employee door planned, oriented to Loch Raven?

MR. KAZAZIAN: I, I don't have that recollection, I apologize.

MR. ZIMMERMAN: All right. All right, we'll come back to that in a few minutes. In terms of site selection, let me ask you this. You mentioned there are several contingencies in the contract between, is it Mid-Atlantic Lubes, is that the corporate entity that will --

MR. KAZAZIAN: No, there, there's a real estate company that will take title to it and will do an internal

lease with Mid-Atlantic Lubes.

MR. ZIMMERMAN: Okay. But that's not one of the Petitioners? Mid-Atlantic Lubes is your only Petitioner listed as contract purchaser, correct?

MR. KAZAZIAN: I think they have it under agreement, will likely assign it at some point.

MR. ZIMMERMAN: To some real estate company?

MR. KAZAZIAN: It will be a wholly owned subsidiary of Henley Enterprises.

MR. ZIMMERMAN: And that hasn't been determined?

MR. KAZAZIAN: Legal handles (inaudible).

MR. ZIMMERMAN: But I mean, it hasn't been determined yet? There, --

MR. KAZAZIAN: I, I would assume it would, there's one that typically holds this but I, I haven't talked to our legal folks.

MR. ZIMMERMAN: Okay and incidentally, are there, does Henley have like the Pacific Lubes, Mid-West Lubes, is this, is this a national company that has regional lubes all over the United States?

MR. KAZAZIAN: So, we, we, we operate in east in New England, we operate here in the Mid-Atlantic, we operate on the west, southern west coast of Florida, we operate in San Diego, L.A. and San Francisco Bay area.

MR. ZIMMERMAN: So, it's like you have California

lubes, Florida lubes and, under some name?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: Okay and what are the other contingencies besides zoning approval that, that your, your acquisition of this site depends on?

MR. KAZAZIAN: I don't believe I can share those with you due to, there's actually provisions in the agreement that talk about exclusivity and confidentiality.

MR. ZIMMERMAN: So, even if the zoning is approved, this may or may not go forward depending on satisfaction of these other contingencies that you can't tell us about?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: And what, if anything, has been done so far to satisfy these other contingencies?

MR. KAZAZIAN: We've done an environmental report and we've done title search.

MR. ZIMMERMAN: Did you bring with you any environmental report?

MR. KAZAZIAN: I did not.

MR. ZIMMERMAN: And that's done, who, who actually did that report (inaudible)?

MR. KAZAZIAN: A company, a company by the name of Tetritech (phonetic).

MR. ZIMMERMAN: And that's a written report?

MR. KAZAZIAN: Electronic version, don't do much in

paper anymore.

MR. ZIMMERMAN: And why didn't you produce that for the Board of Appeals?

MR. KAZAZIAN: I didn't think it was pertinent to this hearing.

MR. ZIMMERMAN: Wouldn't the environmental impact of the proposal have some relevance?

MR. KAZAZIAN: I don't have any below ground tanks or anything that I would think would impact.

MR. ZIMMERMAN: You have tanks.

MR. KAZAZIAN: I have tanks, but I do not have buried or, I have above ground tanks in a tank room.

MR. ZIMMERMAN: There's waste oil that has to be disposed of, correct?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: Have you had any interaction yet with the Maryland Department of Environment to review your proposal?

MR. KAZAZIAN: As I understand it, we will submit them a tank plan when we get ready to do the install.

MR. ZIMMERMAN: Have you done that yet?

MR. KAZAZIAN: We have not.

MR. ZIMMERMAN: So, how do you expect the Board of Appeals to evaluate the environmental issues if that has not been even preliminarily reviewed by the Maryland Department of Environment?

MR. LA FIANDRA: Your Honor, I'm going to object to the question. The Board is capable of assessing the environmental impact that, through this witness and through the other witnesses that are, have testified and are going to testify. None of the zoning regulations require any involvement with MDE whatsoever and, and he's testified what the procedure is that his company is going to take to have the tanks approved by MDE at the appropriate time.

MR. ZIMMERMAN: Well, that's their opinion, but special exceptions standards and several of them include environmental impacts so it's certainly a legitimate question as to what stage something should be done to show to the Board that the, the environmental issues have been taken care of, whether, and I would suggest sooner rather than later, although certainly in many cases it's not, I'm not surprised that the Petitioners take the position that lots of things will be done later. It's my view that they need to be done earlier. So, that's, that's a, a point of contention.

CHAIR: Right. So, your question, the specific question, was how do you expect the Board of Appeals to evaluate and so that question is really sort of a tad bit argumentative. But, I mean, the point, I, we understand the point, which is it may be that environmental issues need to be --

MR. ZIMMERMAN: All right.

CHAIR: -- assessed and, of course, obviously, if the Petitioner, if that's the case and the Petitioner doesn't present any evidence to that effect, then that's a failure of proof.

MR. ZIMMERMAN: Okay.

CHAIR: So, so I'll, I'll, I'm going --

MR. ZIMMERMAN: I get it.

CHAIR: -- to sustain the objection because the form of the question.

MR. ZIMMERMAN: I get it. All right.

CHAIR: Okay.

MR. ZIMMERMAN: Okay. I think I'll move on, perceiving the Board's instructions, so to speak.

CHAIR: Well, we intend to, as I said earlier, we intend to abide by both the Maryland Declaration of Rights and the United States Constitution, so.

MR. ZIMMERMAN: Okay. So, let's, let's go back to site selection, Mr. Kazazian. When did you begin looking for a site in this part of Baltimore County? What was the scope of the area you were looking at?

MR. KAZAZIAN: So, I, I looked, we identified a number of areas we'd like to be into so we identified Towson, Westminster, a variety of other cities where we don't currently operate. And then we worked through our own contacts with gas companies, as well as with the brokerage community.

MR. ZIMMERMAN: Including McKenzie?
MR. KAZAZIAN: That's correct.
MR. ZIMMERMAN: So, what was the scope of the Towson area that you were looking at, the geographic scope?
MR. KAZAZIAN: It was most major thoroughfares.
MR. ZIMMERMAN: Well, give me a, a west, east north and south.
MR. KAZAZIAN: I didn't, I didn't put that parameter on it, to be quite honest. I mean, we --
MR. ZIMMERMAN: Can you give me a radius in miles of what, what you are talking about? I mean, could it have been over at, by Interstate 83 for example?
MR. KAZAZIAN: It could have been if a site presented itself.
MR. ZIMMERMAN: Could it have been as far east as Belair Road, for example?
MR. KAZAZIAN: Certainly. I, I'd have to look. Without a map and to look at the demographics and driving patents and shopping patents and --
MR. ZIMMERMAN: Was one of your criteria to be close to an interstate highway?
MR. KAZAZIAN: Not necessarily, no.
MR. ZIMMERMAN: Okay and I think you've already indicated that the, you didn't evaluate preliminarily whether or not the location would be in a Baltimore County designated

commercial revitalization district?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: You could have chosen a site not in one of those districts, correct? Depending on what your search showed?

MR. KAZAZIAN: Yeah, it didn't, it didn't have bearing on my decision making. I was just aware of the special exception.

MR. ZIMMERMAN: So, at what point did you become aware the special exception? After you had selected this site as a potential site?

MR. KAZAZIAN: Yes, we, I contacted Dino, just to understand what, what the permitting would be if we went forward with the site.

MR. ZIMMERMAN: Okay. But at no time did you require an understanding that this is in a Baltimore County designated commercial revitalization district?

MR. KAZAZIAN: Mr. La Fiandra could have told me that but I don't have a recollection. I just wanted to understand the process.

MR. ZIMMERMAN: Okay.

MR. KAZAZIAN: To, to gain a special exception.

MR. ZIMMERMAN: Okay. Even as we're here today, what, if anything, can you tell me about the Loch Raven commercial revitalization district?

MR. KAZAZIAN: Only what I heard in the last meeting.

MR. ZIMMERMAN: Um hm, okay. Now, you mentioned several other people involved in the site selection from your company, not apart from the representative from McKenzie Real Estate, correct?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: Okay. Did anyone else do any land use, zoning review of, of your so called, we will call them a team of people or reviewers?

MR. KAZAZIAN: They did not.

MR. ZIMMERMAN: Okay. Okay. I wanted to ask you a few questions about what aspects of your land use and your operation would be inherent and which ones perhaps may not be inherent. Are you familiar with the word inherent?

MR. KAZAZIAN: You might want to define it for me.

MR. ZIMMERMAN: Okay. You know whether it's defined in the zoning regulations?

MR. KAZAZIAN: I do not.

MR. ZIMMERMAN: Let's assume that the dictionary is a good source. I have an exhibit for the Board of Appeals, which I'll describe in a moment.

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: I think I have enough for Mr. Kazazian too.

MR. KAZAZIAN: Okay.

MR. LA FIANDRA: Thank you.
MR. ZIMMERMAN: Even enough for Mr. McCann.
MR. MCCANN: Thank you, sir.
MS. JOLIVET: (inaudible) like an extra copy.
MR. ZIMMERMAN: Oh, --
MS. JOLIVET: I can take the witness copy. I'll take that one (inaudible).
MR. ZIMMERMAN: All right. Well, I'm certainly going to --
MS. JOLIVET: That's fine. I'll take it --
MR. ZIMMERMAN: -- ask the witness to look at it.
MS. JOLIVET: Yes.
MR. ZIMMERMAN: All right and what this exhibit is, so there's no confusion, is a page from Webster's 3rd New International Dictionary, which I think we can stipulate under Section 101.1 of the zoning regulations is the source when there's no specific definition. And then we, we also went further and attached the Miriam Webster online dictionary and also a reference from thesoraus.com. And this would be People's Counsel Exhibit 12 if my numbering is correct.
MR. LA FIANDRA: Your Honor, may I have an offer of proof what this is being offered for?
MR. ZIMMERMAN: I'm, I'm going to ask the witness a number of questions about what may or may not be inherent about the proposed land use here, understanding that this is one of

the issues, or one of the aspects of the special exception criteria, one of which Mr. La Fiandra himself focused on in one of his observations at the last hearing. So, my goal is to help assist the Board and the parties with an understanding of what, what is inherent about this operation, what inherent impacts there may be and what impacts may not be inherent.

CHAIR: Okay. Well, --

MR. ZIMMERMAN: I think we can, I think it will be --

CHAIR: -- why, why don't you, I'm going to overrule the objection for the moment and --

MR. LA FIANDRA: Actually, I was asking for an offer of proof, --

CHAIR: An offer of proof. Well, --

MR. LA FIANDRA: I was about to object but I get the feeling that you're going to overrule that objection.

CHAIR: Why, why, why don't you just proceed, Mr. Zimmerman, okay?

MR. ZIMMERMAN: Thank you. I will. Mr. Kazazian, and, and I know the, the wording in the dictionary, the, the print is small. But do you see the, the definition of inherent at the lower left hand side, which I'll quote. Structural or involved in the constitution or essential character of something, belonging by nature or settled habit, intrinsic essential. Do you see that?

MR. KAZAZIAN: I do.

MR. ZIMMERMAN: Okay and if you'd like to take a look, because I don't want to be misleading, if you'd like to take a look at the Miriam Webster, very similar, right?

CHAIR: We're talking about page two now?

MR. ZIMMERMAN: Right. On the next page, and that inherently is an adverb. All right. Inherent would be an adjective, would it not?

MR. KAZAZIAN: English isn't my strongest point.

MR. ZIMMERMAN: Okay. So, you see where on, on the Miriam Webster it says inherently is an adverb, do you see that towards the bottom? And then you see inherent, adjective? And actually if you go back to the, Webster's, you see the adj?

MR. KAZAZIAN: I, you lost me in inherently and it says adv, so is that an adverb?

CHAIR: So, inherent is an adjective, inherently is an adverb.

MR. ZIMMERMAN: Right.

CHAIR: Okay, so.

MR. ZIMMERMAN: Okay. Okay and then do you see all the synonyms for inherent? We're not going to go through every one of them.

MR. KAZAZIAN: What, what page are you on now?

MR. ZIMMERMAN: We're on the, I think third, fourth page of the exhibit.

MR. KAZAZIAN: Okay. It says one of four on the top?

MR. ZIMMERMAN: It does.

MR. KAZAZIAN: Thank you.

MR. ZIMMERMAN: Synonyms for inherent and, gosh, there probably are thirty or so synonyms, right? And then the next page is, we're not going to go through all the words but. Anyway, hopefully this at least focusing centrally on the Webster's definition I want to proceed with the understanding that that's the basic meaning of the word inherent and then I'm going to ask you some questions regarding the proposed land use.

MR. KAZAZIAN: Okay.

MR. ZIMMERMAN: Okay. So, could we agree that it's inherent and we'll just call it the Valvoline operation, am I pronouncing that correctly, Valvoline?

MR. KAZAZIAN: Yep, Valvoline.

MR. ZIMMERMAN: Okay. It's inherent that there be some service provided to automobiles. That would be inherent, it would be in every single operation.

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: It would be inherent that there'd be some number of seats, or you call them drive through bays, what seats, what (inaudible) --

MR. KAZAZIAN: Yes, drive, drive through bays.

MR. ZIMMERMAN: Okay. So, that would be inherent in every service garage operation, would it? There are many

service garages that don't --

MR. KAZAZIAN: Not, not necessarily.

MR. ZIMMERMAN: Okay. It would be inherent that you have some number of, of employees?

MR. KAZAZIAN: Correct.

MR. ZIMMERMAN: But the precise number would be a matter of choice, depending on the operation. So, the precise number of employees is not necessarily inherent, not necessarily inherent that you have fifteen. You could have a site with eight or twenty, depending on the size?

MR. KAZAZIAN: It's, yes, I, I'm not that --

MR. ZIMMERMAN: Okay, all right. Okay. It would be inherent that there'd be some use of oil?

MR. KAZAZIAN: Correct.

MR. ZIMMERMAN: Because that's in every, every location, wherever it is, right?

MR. KAZAZIAN: Right. Our primary service is in oil change.

MR. ZIMMERMAN: Okay. It would be inherent that there'd be some tanks in the operation as you've described?

MR. KAZAZIAN: For Valvoline Instant Oil Change, yes.

MR. ZIMMERMAN: Okay. Okay. Okay. But it, it would not necessarily be inherent that it be on a corner, would it?

MR. LA FIANDRA: Your Honor, I'm going to object at this point. These questions are irrelevant in the context of

the word inherent as it relates to the *Schultz v. Pritz* test, which I can see is where we're going. *Schultz v. Pritz* speaks about adverse effects inherently associated with the use, not inherent factors in the use such as the number of, the fact that there are employees, the fact that there is traffic, the fact that it may be on a corner or in the middle of a block. Those are factors, that are not effects. If counsel wants to speak about inherent effects, that's a different story. But we're talking about factors that are irrelevant to the discussion of *Schultz v. Pritz*.

MR. ZIMMERMAN: Well, this all connects up with effects, but I, I will go to effects. While we're at it, so, so there's no misunderstanding, I have a copy of *Schultz v. Pritz*, which I'll refer to. Okay.

MR. LA FIANDRA: (inaudible) give me one?

MR. ZIMMERMAN: I even have one for Mr. La Fiandra.

MR. LA FIANDRA: You, you, you did give me one (inaudible), thank you very much.

MR. ZIMMERMAN: I gave him one already.

MS. JOLIVET: And you do have the extra for, for me?

MR. ZIMMERMAN: I wasn't submitting these as an exhibit.

MS. JOLIVET: Oh.

MR. ZIMMERMAN: But I do have an extra.

MS. JOLIVET: Okay.

MR. LA FIANDRA: Just a matter of clarification, is the definition of an exhibit?

MS. JOLIVET: Oh, yeah. I, because I didn't mark that as an exhibit.

MR. ZIMMERMAN: Oh, I, I was submitting that as People's Counsel Exhibit 12.

MS. JOLIVET: Yes.

CHAIR: Exhibit 12, I guess? Okay.

MR. LA FIANDRA: And I'm going to object, --

CHAIR: Okay. That's a, that's a --

MR. LA FIANDRA: -- I'm going to object to that as irrelevant.

CHAIR: Okay, all right.

MR. LA FIANDRA: And on other basis.

CHAIR: That, that objection is noted and the exhibit is admitted.

MR. LA FIANDRA: Thank you.

MR. ZIMMERMAN: So, --

MS. JOLIVET: You are not offering this?

MR. ZIMMERMAN: Not as an exhibit, but I want to make some reference to it so that, and --

CHAIR: So, I'm just having a little bit of trouble understanding where, where we are going with this.

MR. ZIMMERMAN: Yeah, well, let's, so I can explain to the Board where we're going, and this is part of *Schultz v.*

Pritz actually that was, part of this was quoted last time by Mr. La Fiandra from the more recent *Attar v. DMS Tollgate* case, which I also have a copy of incidentally. So, let's, so, so, sort of the ground rules for the next questions, let's look at Westlaw page nine, bracket thirteen. Which, so the Court of Appeals among, and certainly there's more to the case than just this paragraph.

But quote, these cases, cases establish that a special exception use has an adverse effect and must be denied when it is determined from facts and circumstances that the grant of a requested special exception use would result in an adverse effect upon joining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone. And here we're coming to the point that I think, actually, Mr. La Fiandra quoted last time.

MS. JOLIVET: I'm sorry. I, I'm just going to interject. I'm just wondering, you're supposed to be asking questions of the witness and so now you're interjecting case law and it's (inaudible) --

MR. ZIMMERMAN: Well, there was an objection and I'm explaining, I'm explaining the connection. Because there was an objection, you'll notice that the, the next sentence, which Mr. La Fiandra --

MS. JOLIVET: Didn't, I thought the objection was

overruled, that's why I don't understand why you're doing this.

MR. ZIMMERMAN: Oh, okay. I thought he was objecting again.

MS. JOLIVET: No, he didn't, he didn't say anything else.

MR. ZIMMERMAN: All right. All right. Now, so we're going to get to the so called inherent, the question of inherent effects. The question of whether an effect is inherent or not inherent. Okay. I would suggest to you, for example, that whether or not there is an adverse traffic effect at this location particularly, it's not an inherent effect relating to the land use, but it's particular as to this location, would you agree with that?

MR. LA FIANDRA: Your Honor, counsel is asking an opinion question of a fact witness. If he would like to bring in his own expert witness, he's welcome to do so. My witness has not been qualified as an expert, he has not expressed any opinions and now to ask him about his opinion about effects in the context of a case that he's already discussed he's not familiar with is, it's unfair to the witness and it's improper in the context of the rules of evidence of this case.

CHAIR: So, the, the, the, the question is a, is a little bit tough here for this witness. I mean, if it's a four bay store, then there's more traffic than if it's a two bay store if that's your point.

MR. ZIMMERMAN: That's one, that's one point, that's not the only point.

CHAIR: Okay. I mean, the, those are points which actually are readily understood without testimony I, I believe. I mean, I understand that, I think my colleagues understand that.

MR. ZIMMERMAN: Well, the witness did testify about site selection and --

MS. JOLIVET: But you're asking him to draw legal conclusions and that's beyond the scope of this fact witness' testimony. You need to, you need to fashion your questions accordingly. I don't think that you, I don't think what you're doing is appropriate for this particular witness.

MR. MCCOMAS: And, and aren't some of those arguments made in your briefs that you submit to us? He hasn't held himself out as a traffic expert.

MS. JOLIVET: No.

MR. ZIMMERMAN: All right. I'll move on to something else.

CHAIR: Thank you. Okay, good. Thank you.

MR. ZIMMERMAN: Okay. And I think we can wrap up fairly soon. To make a long story short, you have not evaluated whether or not there may be some particular adverse effects of the proposed use in relation to the commercial revitalization district?

MR. KAZAZIAN: I don't believe so, no.

MR. ZIMMERMAN: And nobody on your, if I call it your team, has done that, to the best of your knowledge, is that correct?

MR. KAZAZIAN: Correct.

MR. ZIMMERMAN: Okay, all right. All right. Based on, separately, it's a different question, based on the configuration of the site, the entry on Loch Raven Boulevard, the exit on Joppa Road and everything else, the location of the parking spaces, where, where the employees come in, whether walking or driving, wouldn't you agree as a matter of common English language usage that the front is Loch, is oriented towards Loch Raven Boulevard?

MR. LA FIANDRA: Your Honor, this draws, this calls for a legal conclusion in the context of the zoning regulations. We discussed this at length at the last hearing. I'm going to object to the question.

MR. ZIMMERMAN: No, this is common factual English, use of the English language really. Not asking for a legal conclusion, I'm asking him a basic descriptive question.

CHAIR: You're asking him where's the front of the property?

MR. ZIMMERMAN: Right. Based on all of the circumstances, the way the orientation is, the entry, the exit.

CHAIR: So, where, where is the front of the

property?

MR. KAZAZIAN: I believe the front of the property is Joppa Road.

CHAIR: Okay.

MR. ZIMMERMAN: And your explanation for that, please?

MR. KAZAZIAN: The, the address is Joppa Road. It just happens for my particular operations that we ask customers to come to the rear of the property and we selected Loch Raven because we thought it was the safest place for people to come and also afforded most customers to come from every direction except for one where they could turn at the intersection and then enter the property.

MR. ZIMMERMAN: Do you know what the definition of the word front is?

MR. LA FIANDRA: Objection.

CHAIR: Sustained.

MR. ZIMMERMAN: So, so it's, it's your understanding that the front is not ordinarily the place where you enter?

MR. LA FIANDRA: Objection.

MR. ZIMMERMAN: It has nothing to do where you enter a property?

MR. LA FIANDRA: Same objection.

MR. ZIMMERMAN: The front is really the exit? Is that your, is that your belief?

CHAIR: Well, that's a pretty muddled question there, Mr. Zimmerman.

MR. ZIMMERMAN: All right.

CHAIR: In, in any given situation, can the front be where the cars enter or can the front be where the cars exit, depending upon the configuration of the roads?

MR. KAZAZIAN: Am I supposed to answer you?

CHAIR: Can you?

MR. KAZAZIAN: So, we, we've, we put the front of the building on Joppa, that's where the entrance is that I talked about for, to come into the building. The reality is is we're a drive thru, customers don't get out of their car, so it's just, the only reason that perhaps he's confused about what the front of the building is is because of the particular operation on the site.

CHAIR: Okay.

MR. ZIMMERMAN: What is your definition of front? What, what do you understand to be the meaning of the word front?

CHAIR: Well, I think he said that he, he, for his purposes anyway, it's where the front door is, the front entrance door.

MR. ZIMMERMAN: Don't even the employees come in through the bay door? They don't, they don't use that door that you called the front door.

MR. LA FIANDRA: Asked and answered.

CHAIR: Yeah. I, I think, again, I, I think, I think we're clear on the point.

MR. ZIMMERMAN: All right.

CHAIR: I mean, I think the Board is clear on what the argument is and, you know, he, he has indicated that from his point of view the front is the, is the portion of the building that's facing Joppa Road.

MR. ZIMMERMAN: Have you, did you review the 1999 zoning case, (inaudible)?

MR. KAZAZIAN: I did not.

MR. ZIMMERMAN: You were, you were here last time, correct?

MR. KAZAZIAN: I was here.

MR. ZIMMERMAN: Did you, have you ever taken the opportunity to review that, the opinion in that case and the Petition?

MR. KAZAZIAN: I did not. I rely on Mr. La Fiandra.

MR. ZIMMERMAN: You've never looked at it?

MR. KAZAZIAN: I have not.

MR. ZIMMERMAN: So, if that Petition, --

CHAIR: Well, he's not in a position to answer questions about it.

MR. ZIMMERMAN: All right. So, you would not, just one or two more, you would not agree that ordinarily the front

is where one enters and the back is where one exits?

MR. LA FIANDRA: I'm going to object to the question.

MR. ZIMMERMAN: You, you would not agree, would not agree with that?

CHAIR: That's, well, it's sustained for a couple of reasons. But, it's sustained. Not the least of which is it's a confusing question. I'm not sure if the answer is yes or no, I'm not sure what a yes means or a no means.

MR. ZIMMERMAN: Okay. So, the last thing, at the risk of (inaudible) to New Castle, you would not agree with me, Mr. Kazazian, that the front means the side of a building, especially the side that contains the principal entrance?

MR. LA FIANDRA: Objection to the question.

CHAIR: Well, --

MR. LA FIANDRA: The form of the question, the relevancy.

CHAIR: -- I'm, again, I'm going to sustain, I'm going to sustain the object.

MR. ZIMMERMAN: All right. Let me, let me --

CHAIR: Actually, I think he, he actually responded to your question because he indicated that this, this operation is a little, a little different than the norm because there are no pedestrian, pedestrians entering the building, so.

MR. ZIMMERMAN: All right. Well, let me ask one or two more. Wouldn't you agree that the principal entrance for

cars coming to the site, that's Loch Raven Boulevard, correct?

MR. KAZAZIAN: Cars would enter from Loch Raven Boulevard, that's correct.

MR. ZIMMERMAN: And the principal entrance for employees who have cars, that's Loch Raven also?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: And if anyone is walking up Loch Raven Boulevard to get into the site, they're going to enter on Loch Raven also, are they not?

MR. KAZAZIAN: There is a sidewalk that would lead them to the front door.

CHAIR: Well, as a matter of common, as a matter of common sense, they'll probably cut in the drive.

MR. ZIMMERMAN: Yeah, I mean, --

CHAIR: Okay.

MR. ZIMMERMAN: -- there is a way to get into that building from the Loch Raven side, isn't there? Whether from the --

MR. KAZAZIAN: There, there are man doors, yes.

MR. ZIMMERMAN: Yeah.

MR. KAZAZIAN: Or at least a man door.

MR. ZIMMERMAN: And then the bay doors, there's, there's a connection between the bay area and the tower?

MR. KAZAZIAN: There's, yes.

MR. ZIMMERMAN: Yeah.

MR. KAZAZIAN: But folks, unless you're an employee, you're not allowed into the bay area.

MR. ZIMMERMAN: All right. But an employee could walk through the bay area and into the tower in the morning?

MR. KAZAZIAN: Correct.

CHAIR: If the bay area is already open and he's coming to work, he can walk through the bay area.

MR. ZIMMERMAN: Right, right.

CHAIR: And if it's shorter probably would.

MR. ZIMMERMAN: All right.

CHAIR: Okay.

MR. ZIMMERMAN: Okay. That's all I have, (inaudible).

CHAIR: Okay. Any re-direct?

MR. LA FIANDRA: There are a couple of very quick follow-ups.

CHAIR: Okay.

MR. LA FIANDRA: There was some discussion, Mr. Kazazian, about the number of stores that you have that have four bays versus fewer than four bays. Do you recall that just now?

MR. KAZAZIAN: Could you repeat the question? I apologize.

MR. LA FIANDRA: There was some discussion, People's Counsel asked you some questions about the number of stores

that you have that have four bays or fewer than four bays?

MR. KAZAZIAN: Correct.

MR. LA FIANDRA: And, and now you had mentioned Hensley has two hundred, two hundred and one stores altogether, is that correct?

MR. KAZAZIAN: Correct, today.

MR. LA FIANDRA: And what percentage of those stores are four bays?

MR. KAZAZIAN: I would say today, because the four way adopt, was adopted about five years ago, there's probably fifteen to eighteen percent of the portfolio that have four bays.

MR. LA FIANDRA: And so, and there was one other four bay store that you identified in Maryland that is operating now, is that right?

MR. KAZAZIAN: Yes, I actually permitted that building, it's in Bowie, Maryland.

MR. LA FIANDRA: Bowie, Maryland. Are there other four bay stores, either in development or under construction that may not, in Maryland, that may not be operating now?

MR. KAZAZIAN: Currently, there's three four bay stores under construction, one is in Glen Burnie, one is in Baltimore City and the third is in Bel Air, Maryland and I'm working on multiple other four bay locations.

MR. LA FIANDRA: Now, turning to the discussion of

wages and benefits. I think that you said starting wage is about $13 an hour?

MR. KAZAZIAN: I believe it's thirteen. We typically are several, a dollar or more above minimum wage.

MR. LA FIANDRA: And then, the, in terms, how quickly do raises come after that?

MR. KAZAZIAN: So, there would, the first raise for a new employee would be sixty days if they got their initial certification, that's typically twenty-five or fifty cents, and they continue as they get other certifications.

MR. LA FIANDRA: So, as the employee progresses with the training, achieves these certifications, their hourly wage will go up?

MR. KAZAZIAN: Correct.

MR. LA FIANDRA: Okay. The, I think that's, that's, that's all the follow-up questions that I have for this witness.

CHAIR: Thank you. Mr. McCann?

MR. MCCANN: I do have one that my client is handing me.

CHAIR: Okay.

MR. MCCANN: Do you have, are you aware if any stores have closed in the, in Maryland?

MR. KAZAZIAN: I personally closed a store in Manassas Park, but that's Virginia.

MR. MCCANN: Any in Maryland that you're aware?

MR. KAZAZIAN: Cockeysville. There was a store some time ago we had in Cockeysville. It came as part of a multi-unit purchase, I believe, and it was an inferior location. It was also a Jiffy Lube not too far away. So, we were out positioned. That's the only one I can think of.

MR. MCCANN: Why was it an inferior location?

MR. KAZAZIAN: It's, as I recall, I haven't been by the site in a number of years, it, it sat down off the road and didn't have good exposure.

CHAIR: It had pretty poor exposure, actually.

MR. MCCANN: Yeah, I don't recall where it is. What happened to those store locations, do you know? Specifically, the one in Cockeysville and the one in Manassas Park?

MR. KAZAZIAN: Manassas Park, we, we didn't own either one of those sites, they were leased. I assume they've been put back into service with some other type of automotive use.

MR. MCCANN: Okay. But you don't know?

MR. KAZAZIAN: It doesn't concern me.

MR. MCCANN: It, it seems to me though this is the type of use that would require redevelopment. In other words, you're, if you're going to, if a McDonald's is going to come along, and I'm not suggesting McDonald's, McDonald's at this corner, but if a McDonald's was to come along, you'd have to

tear down the existing structure. There's only one thing that can come in if Valvoline leaves in these sites and that is another similar quick lube type facility, correct?

MR. KAZAZIAN: That's not correct.

MR. MCCANN: Okay.

MR. KAZAZIAN: So, we, we do, on the owned properties that we own, so if we buy a portfolio and then we have stores that are too close together and we close one, the bay door, in this particular instance with this brick building, we would put brick, I guess about three foot up in each one of the bay doors and put typical store front in and we'd add other doors. The, the cuing area here would become parking, we might make some reconfiguration of parking here. But we do put them into other use. They've been turned into offices, they've been turned into, let's see, Subway restaurants have gone into one that I know of. So, there, there have been other uses so we do transform them in our own portfolio and put them back into use because we don't want competitors.

MR. MCCANN: In a case where there's another one close by, that is?

MR. KAZAZIAN: Yeah, so we typically close stores because they're too close together.

MR. MCCANN: Okay.

MR. KAZAZIAN: And it typically results because of an acquisition.

MR. MCCANN: Okay, all right. No other questions, thank you.

CHAIR: Mr. Zimmerman?

MR. ZIMMERMAN: No questions, Mr. Chair.

CHAIR: All right.

MR. MCCOMAS: Do you, I, I got one.

CHAIR: Okay, I'm sorry.

MR. MCCOMAS: Do, do you know whether, under the EPA regs, that your facility would be considered like an unloading and loading terminal?

MR. KAZAZIAN: I, I don't know that. I do know that we're considered a small something generator of waste. We have a variety of permits that we have to apply for and abide by.

MR. MCCOMAS: Thank you.

CHAIR: (inaudible)?

MS. JOLIVET: (inaudible).

CHAIR: Okay, all right. Okay, this witness is concluded then.

MR. LA FIANDRA: Okay, thank you. You're excused. So, what's the Board's pleasure?

CHAIR: So, do you want to break for lunch now or?

MS. JOLIVET: What, what do you have?

MR. LA FIANDRA: I have one more witness. I would expect my direct examination to maybe be a half hour and, and then obviously cross examination. My only question, my only

issue is if we were to start the examination, if we break, I would like our witness to be able to confer with us during the break.

CHAIR: Okay. Well, why don't we stop now then?

MR. LA FIANDRA: All right.

CHAIR: That's probably cleaner.

MR. LA FIANDRA: Okay.

CHAIR: And how about if we take thirty minutes, can we do that? That way we'll be able to --

(RECORDING PAUSED – 12:09:35 PM)

(ON RECORD – 12:48:05 PM)

CHAIR: Okay, everyone please be seated. Your cell phones are off.

MR. LA FIANDRA: Yes.

CHAIR: And we're ready for our next witness.

MR. LA FIANDRA: I'd call Mr. Ken Schmid.

MR. MCCOMAS: Raise your right hand. Do you swear and affirm under the penalties of perjury, that testimony you're about to give is true and correct to the best of your knowledge and belief?

MR. SCHMID: I do.

MR. MCCOMAS: Please state your name, your address, your business for the record and spell your last name.

MR. SCHMID: My name is Kenneth William Schmid, that's S-C-H-M-I-D. I'm Vice President, firm Traffic Concepts

Incorporated. My address is 7525 Connolly Drive in Hanover, Maryland.

MR. LA FIANDRA: I intend to offer Mr. Schmid as an expert.

CHAIR: Okay.

MR. LA FIANDRA: Mr. Schmid, have you testified in Baltimore County as an expert before?

MR. SCHMID: Many times.

MR. LA FIANDRA: And have you testified before the Board of Appeals?

MR. SCHMID: Yes.

MR. LA FIANDRA: And what are you typically qualified as as an expert?

MR. SCHMID: Traffic, transportation planner.

MR. LA FIANDRA: Trans, transportation planning?

MR. SCHMID: Yeah.

MR. LA FIANDRA: Okay. The, I think, I've lost track of the number that I'm on, it may be twelve.

MS. JOLIVET: Yes, you are on number twelve.

MR. LA FIANDRA: Thank you. That's for you.

MR. MCCANN: Thank you.

MR. LA FIANDRA: (inaudible).

CHAIR: This is his c.v.

MR. LA FIANDRA: Yes. We'll mark this as number twelve. Mr. Schmid, do you recognize this document?

MR. SCHMID: Yes, it's my resume.

MR. LA FIANDRA: And, and does it accurately reflect your professional qualifications and your experience?

MR. SCHMID: Yes, it does.

MR. LA FIANDRA: So, I'm going to offer Mr. Schmid, I think that counsel had indicated that perhaps we could --

MR. MCCANN: Yeah, I have no problem with him being accepted in those areas.

MR. ZIMMERMAN: I just got a couple questions actually.

CHAIR: Okay.

MR. ZIMMERMAN: Mr. Schmid, how many Baltimore County special exception cases have you testified in?

MR. SCHMID: Probably a hundred.

MR. ZIMMERMAN: Before the Board of Appeals?

MR. SCHMID: Probably twenty-five, I guess.

MR. ZIMMERMAN: And when's the last time?

MR. SCHMID: I think the last time I was here, people from my office have been here testifying but myself, the last time I was here was probably the Royal Farms on, in Hereford.

MR. ZIMMERMAN: Oh.

MR. MCCANN: Famous case.

MR. ZIMMERMAN: One of our favorite cases.

MR. SCHMID: Yes, sir.

MR. ZIMMERMAN: And you testified that the, okay.

Everything was copacetic in that one, right?

MR. SCHMID: Yes, sir.

MR. ZIMMERMAN: Have you ever seen a special exception that you thought was not appropriate from a traffic point of view in your life?

MR. SCHMID: Sure, um hm. And if I couldn't, if I couldn't work out the site plan to where I felt it was appropriate I bow out of the case.

MR. ZIMMERMAN: Have you ever testified in opposition to a special exception?

MR. SCHMID: I've made a practice not, at twenty years ago, not to do opposition cases.

MR. ZIMMERMAN: Would it be fair to suggest that implies that you tend to be biased in favor of zoning petitions?

MR. SCHMID: I'm not biased at all.

MR. ZIMMERMAN: Are, are you familiar with the level of service criteria for intersections A, B, C, D, E, F?

MR. SCHMID: In Baltimore County?

MR. ZIMMERMAN: Yes.

MR. SCHMID: They're all different, each county is different, so.

MR. ZIMMERMAN: Okay. Are you familiar with the Baltimore County criteria?

MR. SCHMID: Yes, yes.

MR. ZIMMERMAN: Where do they come from? Do you know where, where, where the definitions are with respect to those criterias?

MR. SCHMID: Well, the definitions of those, they're assigned a level of service A through F based on the operating condition of the intersection. Baltimore County has a method called the double cycle method, meaning basically they go out and look at traffic on, during the peak hours in the morning and afternoon and they see if any of the approaches are, somebody has to wait two phases to get through the light and they record that. And they do that throughout the hour and based on the percentages, percentages of double cycling, it's, it's given a level of service.

MR. ZIMMERMAN: And where is that written? If the Board or any of us want to look that up, where do we see that in writing?

MR. SCHMID: It's in the County Code, it's in the County Code.

MR. ZIMMERMAN: In the Baltimore County Code?

MR. SCHMID: I believe the basic services map is, is referred to in the Code, yes.

MR. ZIMMERMAN: Can you give us a section?

MR. SCHMID: No.

MR. ZIMMERMAN: Are you sure it's in the County Code?

MR. SCHMID: I know the reference to the, the, the

level of service charts are in the Code, are referenced in the Code. You can actually go to the Baltimore County website and look up the basic services map and get an actual map of the basic service areas in the County.

MR. ZIMMERMAN: Can you give us any idea of what part of the Baltimore County Code we should be looking at to find anything written about the level of service?

MR. SCHMID: I don't know the Code section but I know it's in there.

MR. ZIMMERMAN: Okay.

MR. SCHMID: (inaudible) developments inside the URDL, doesn't apply to any development outside the URDL.

MR. ZIMMERMAN: When's the last time you looked at it?

MR. SCHMID: Basic services map?

MR. ZIMMERMAN: No, the Code section that you're --

MR. SCHMID: Oh, I don't know. Probably back when I was, I think when I was working on the, the golf course case off of, up in Hunt Valley area.

MR. ZIMMERMAN: The golf course case in Hunt Valley?

MR. SCHMID: Yeah, they changed the golf course over into some residential units.

CHAIR: Are you talking about Chesapeake Ridge?

MR. SCHMID: Yes, sir.

CHAIR: Okay.

MR. ZIMMERMAN: Chestnut Ridge?

CHAIR: Chestnut Ridge, I mean, yes.

MR. SCHMID: Chestnut Ridge, yes, sir.

MR. ZIMMERMAN: Well, that was years, years ago or was --

MR. SCHMID: Yeah, I don't have to look it up every time I testify about it.

MR. ZIMMERMAN: Well, how do you know it hasn't been modified?

MR. SCHMID: Code? I would have known by, somebody would have told me that. The, the map changes every year, basic services map.

MR. ZIMMERMAN: Well, when's the last time you, when's the last time you, you say the last time you actually looked at the Code was several years ago?

MR. SCHMID: Probably, yeah, in reference to the basic services map, yeah.

MR. ZIMMERMAN: And you're sure it's in the County Code?

MR. LA FIANDRA: Your Honor, this question has been asked several times.

CHAIR: Okay, yeah. We, we, we've been through that.

MR. ZIMMERMAN: All right.

CHAIR: Okay. We're, we're suspecting it's not and you're going to make that point so let's, let's move on, okay?

MR. ZIMMERMAN: No, actually, I, all right. That's all I have.

CHAIR: Okay.

MR. ZIMMERMAN: I think, obviously, the witness does have some expertise and the weight of the different things will be for the Board.

CHAIR: Okay. Well, then he's accepted as an expert and we'll --

MR. LA FIANDRA: Thank you.

CHAIR: -- accept his --

MR. MCCANN: As a transportation planner, is that the area, I'm sorry?

CHAIR: Yes.

MR. MCCANN: Okay.

CHAIR: As a transportation planner.

MR. LA FIANDRA: Thank you very much.

MR. MCCANN: Great, thank you.

MR. LA FIANDRA: Mr. Schmid, you were asked on voir dire about level of service. What is, what is, what is level of service? What's that mean?

MR. SCHMID: Level of service is, I guess, a determination of the actual flow through the intersection, the A being a, pretty much no delay, pretty much flow, free flow and F being a condition where there's congestion.

MR. LA FIANDRA: So, if I understand then, level of

service is a, a letter system where they rank the service, so to speak, --

MR. SCHMID: Yeah.

MR. LA FIANDRA: -- of the intersection based on the delay that one might expect at certain times of the day.

MR. SCHMID: Yeah, it's A, B, C, D, E, F and there's no, as far as I'm concerned, there's no meaning to the word F, letter F or E. F doesn't mean failed and E doesn't mean excellent, so. It's just a gradation of all levels, so to speak.

MR. LA FIANDRA: There we go. And, --

MR. ZIMMERMAN: And can I get one? All, every time it seems like I'm left out with all these exhibits.

MR. MCCANN: I actually, this has already been parked, hasn't it?

MR. LA FIANDRA: No, I don't think so. That must have been somebody else's, it wasn't mine.

MR. ZIMMERMAN: I don't mean to complain.

MR. LA FIANDRA: I might have given that to you.

MR. MCCANN: Okay. (inaudible).

MR. LA FIANDRA: Thank you very much. Sir, I'm showing you this.

MR. SCHMID: Yes.

MR. LA FIANDRA: Copies for the Board.

CHAIR: Is this thirteen?

MS. JOLIVET: Yes.

MR. LA FIANDRA: Yes. Thank you very much. Do these, what, what have I handed you? What, what is this document?

MR. SCHMID: It's, first there's a cover sheet or legend from the County's basic services transportation map.

MR. LA FIANDRA: Okay.

MR. SCHMID: The second page is the 2018 version of the area around the subject site. Page is 2017 and 2016. As I said, the County updates their basic services map every year.

MR. LA FIANDRA: And this is the basic services map for transportation, is that correct?

MR. SCHMID: That's correct.

MR. LA FIANDRA: And to your knowledge, there are other basic services besides transportation?

MR. SCHMID: Sewer.

MR. LA FIANDRA: Sewer and water, okay.

MR. SCHMID: Correct.

MR. LA FIANDRA: And there are other maps for those and we're not interested in that right now.

MR. SCHMID: That's correct.

MR. LA FIANDRA: Okay. The, does this indicate what the current basic level of service is for transportation at the intersection of East Joppa Road and Loch Raven?

MR. SCHMID: It's currently rated by the County as a

D level service.

MR. LA FIANDRA: And just to round out the conversation, you said these are updated every year?

MR. SCHMID: Yeah, every intersection that has an E or F, D, E or F rating, is updated every year.

MR. LA FIANDRA: Did you say D, E or F?

MR. SCHMID: D, E or F is counted and re-evaluated every year.

MR. LA FIANDRA: And --

MR. SCHMID: Those that are A, B, C are evaluated at least once, once every three years.

MR. LA FIANDRA: And does, does the packet of information that you have say what the level of service of this intersection was in 2017?

MR. SCHMID: Yes, in 2017, if you look at the third page, you'll see a hollow circle around the intersection. If you go to the front page you'll see the hollow circle represents the D level of service.

MR. LA FIANDRA: So, '17 and '18 it was both a D level of service?

MR. SCHMID: That's correct.

MR. LA FIANDRA: And what about '16?

MR. SCHMID: Sixteen is identified as an F level of service.

MR. LA FIANDRA: Okay. So, what are the --

CHAIR: I'm just a bit confused, I'm sorry. Unless I'm looking at the wrong intersection, it looks like a circle that's half filled, right?

MR. SCHMID: That's the intersection at East Joppa --

CHAIR: Oh, that's at Perring Parkway.

MR. SCHMID: -- and Perring Parkway.

CHAIR: That's at Perring Parkway.

MR. SCHMID: Yes, sir.

CHAIR: Sorry. I see. So, the Joppa Road --

MR. SCHMID: At Loch Raven is a D in '18, a D in '17 and an F in 2016.

MR. LA FIANDRA: Now, from a transportation perspective, what are the, what is the level of service used for?

MR. SCHMID: On Baltimore County, basically, if, if the County rates an intersection as an E, E or an F, then they create a transportation zone around that intersection where new development could impact, it could further degregate the intersection. So, it's, it's, it's assigned a, (inaudible) project is in the, the shed that was developed around the intersection you're not allowed to develop.

MR. LA FIANDRA: So, if you're at E or an F, you're not allowed to develop?

MR. SCHMID: That's correct.

MR. LA FIANDRA: But if you're a D or a C, a B or an

A, then there, there's no reason that you couldn't develop from that perspective?

MR. SCHMID: That's correct, you can develop, yes.

MR. LA FIANDRA: Okay. The, now you mentioned an area around the intersection. Would that be called the traffic shed?

MR. SCHMID: That's the traffic shed they draw around each (inaudible).

MR. LA FIANDRA: So, we're at D level intersection. Is there a traffic shed around this intersection?

MR. SCHMID: There is, but there's also inside of that traffic, no, there is no traffic shed around --

MR. SCHMID: There is no traffic shed, okay. So, and we are, our property, if I may approach the Board, this is number eight, we are right on the south west corner of the intersection that we've been talking about.

MR. SCHMID: That's correct.

MR. LA FIANDRA: Okay. Now, you've been present for this hearing since the beginning?

MR. SCHMID: Yes, um hm.

MR. LA FIANDRA: And that includes the March 5th date?

MR. SCHMID: That's correct.

MR. LA FIANDRA: Now, did you hear conver, discussion among counsel and the Board on, that this property is in a

commercial revitalization district?

MR. SCHMID: Yes.

MR. LA FIANDRA: Now, what is the impact of the commercial revitalization district on the, the level of service indicators that we've been discussing?

MR. SCHMID: Well, if you're a revitalization district, you're exempt from the basic services map.

MR. LA FIANDRA: So, if you're in a revitalization district, then if I understand what you're saying, you may proceed with your development even if you're in an E or an F?

MR. SCHMID: That's correct.

MR. LA FIANDRA: There's no zoning --

MR. ZIMMERMAN: I'm going to move to strike unless the answer to the question is limited to the level of service issue. Now, the witness is not implying or saying that the commercial revitalization district is irrelevant to the special exception --

CHAIR: No, no. He's, all he's saying is that if you're, if it's a revitalization district, the level of service grades are waived.

MR. ZIMMERMAN: Yeah, I think that's in the zoning regulations.

CHAIR: Okay, all right.

MR. ZIMMERMAN: In fairness, I just wanted to make sure that was clear.

CHAIR: It's clear, I think so.

MR. ZIMMERMAN: Just as to the, the basic services map issue.

CHAIR: Okay, good.

MR. ZIMMERMAN: In terms of --

CHAIR: I think that's all the question was. If I'm not mistaken.

MR. LA FIANDRA: Thank you. That, that's correct.

CHAIR: Okay.

MR. LA FIANDRA: That's all the question was, yes.

CHAIR: All right.

MR. LA FIANDRA: Did you visit the site with State Highway Administration?

MR. SCHMID: Yes, I did. I met the access permit rep from district four out there, Richard Zeller.

MR. LA FIANDRA: And I'm going to hand this to Peter, (inaudible).

MS. JOLIVET: Oh, thank you.

MR. LA FIANDRA: Thank you very much. Sorry. Mark this as number fourteen. When you visited the site with Mr. Zeller, Mr. Zeller deals with access permits?

MR. SCHMID: Yes, for State Highway.

MR. LA FIANDRA: Does that deal with access to and from State roads to properties?

MR. SCHMID: Only in, in this case, Loch Raven

Boulevard is a State road, Joppa Road is a County road, so the County controls access to Joppa Road.

MR. LA FIANDRA: Did, when you explained to Mr. Zeller, did, what did, did you explain to Mr. Zeller, he was present on the property so he saw the existing two curb cuts?

MR. SCHMID: Yeah, we, and we talked about the two curb cuts that are existing and that we were going to, we planned on closing the acc, the existing access closest to the intersection, which he was very happy about, --

MR. MCCANN: Again, can, I'm sorry to interrupt again, Mr. Evans.

CHAIR: Okay.

MR. MCCANN: Just, again, we're talking about conversations with a witness who isn't here. I understand hearsay is allowed sometimes but this, this just, the letter is coming in obviously it is, so.

CHAIR: Right, right. Yeah, right. We don't need any editorial comments, okay?

MR. LA FIANDRA: Okay. The, but then let's just authenticate the letter. What is that letter?

MR. SCHMID: This is a letter that the State Highway generated to the County based on the review of the special exception plan.

MR. LA FIANDRA: And the, the letter is coming in but does the, does the letter indicate any technical issues or

access, access permit issues beyond that which you would typically expect for an access permit at this location?

MR. SCHMID: No, it just explains what kind of curb and gutter they want, what kind of section and how they want the existing access removed and rebuilt.

MR. LA FIANDRA: Okay. Are you aware that the site is presently improved with a four thousand six hundred and thirty square foot bank building with two drive thru lanes?

MR. SCHMID: Yeah, I, it was, operated as a bank before, I think, and now it's just an empty building on, on the property, yes.

MR. LA FIANDRA: Now, within the scope of your expertise, are you capable of determining the, the number of trips to and from a bank building of that site at this location?

MR. ZIMMERMAN: Objection. It's irrelevant. We're not dealing with a bank at this point that was approved twenty years ago. So, it's just total irrelevant.

CHAIR: Well, I think the point is going to be measuring the level of service now compared to what it was when there was a bank, is that correct?

MR. SCHMID: That's correct.

MR. MCCANN: Which, which is irrelevant. In fact, there was a similar issue about getting into the prior zoning and I think the Board agreed, if I recall Mr. Evans, that the

prior zoning, when we're talking about special exceptions, we're not comparing current to past.

CHAIR: No, you're right.

MR. MCCANN: Yeah, so.

CHAIR: You're right.

MR. LA FIANDRA: Well, Your Honor, if I may? People's Counsel already indicated that the level of service question is not irrelevant as it relates to the special exception, although it might be irrelevant with regard to other zoning regulations.

MR. MCCANN: I agree it's relevant, it is relevant, absolutely, --

MR. LA FIANDRA: And to the, and, and if this witness has a statement that he can provide about how this, the, the proposed use is going to impact the level of service at the intersection, then that would be relevant within the con, within the scope of the special exception.

MR. ZIMMERMAN: I'd just like to add, we don't know what the traffic situation was twenty years ago and we're dealing with a case where there was no opposition twenty years ago. So, I --

MR. LA FIANDRA: I would add that we're not talking about twenty years ago, we're talking about today.

MR. MCCANN: Okay, yeah.

MR. ZIMMERMAN: Well, no, I mean, the bank was

approved twenty years ago without, without opposition and we don't, it's not clear whether the traffic situation --

CHAIR: Well, let's see what the witness knows and then we can make a more informed decision to it.

MR. LA FIANDRA: Great. So, are you able to make those calculations what the, let's say, average number of daily trips to and from a bank building of that size would, are?

MR. MCCANN: Objection. Who cares?

MR. LA FIANDRA: That's the question, that --

MR. MCCANN: What about a gas station that was there four years ago or what about a, you know, a food stand --

CHAIR: Well, let, let's, let's see if he can answer the question. Maybe it is not relevant, okay? But let's --

MR. MCCANN: If he's able to, I guess, is the question.

CHAIR: -- let's see if he's able to answer this question.

MR. SCHMID: Yes, we can, we can predict traffic flow from various sites and various uses based on information provided in the Institute of Transportation Engineers' trip generation manual, which the County requires us to follow when we do any kind of traffic analysis.

CHAIR: Okay, all right.

MR. MCCANN: That's fine. No objection to that.

CHAIR: Okay.

MR. MCCANN: The question is going to be, is it going to be improved here. Are we changing, are we making things better, is there going to be less traffic here than there was at a bank, or will the level of service be different here than it was at a bank? That question to me is irrelevant.

MR. LA FIANDRA: Your Honor, the, People's Counsel already indicated that level of service is a relevant indication when it comes to special exceptions. And if changing the use from one to another is going to impact the level of service at the intersection, that is a relevant inquiry for the special exception.

MR. MCCANN: He keeps on missing when he says that and he said it twice now, level of service for a bank that is no longer there. That's the level of service that he's now asking about.

MR. LA FIANDRA: Because the existing level of service is based on the fact that there is a bank there and if it is going to change as a result of changing the use to a different use, then the Board is entitled to know what the impact of changing the use is going to be on the level of service at the intersection.

MR. MCCANN: The impact on the change of level of service is entirely irrelevant. The question is, we're talking about the, the volume, level of service, for this use. Is that greater, lesser, the same then the same use or what is

inherently associated with that use? That's the comparison, the delta between what's inherently associated with this use and with this particular location with this use --

CHAIR: Well, that is, that is, indeed, the ultimate question.

MR. MCCANN: That's the delta. So, whether or not a bank is, how that, that analysis compares to a bank is entirely irrelevant.

CHAIR: Well, I thought that what was being said earlier by Mr. Zimmerman, at the risk of misquoting him or mis, mischaracterizing him, is that, you know, in general terms, in, in the assessment of whether some, a special exception should be granted, that the, the affect, the impact that the proposed use will have on that particular site is relevant. So, if the proposed use is actually going to decrease traffic, then that is arguably relevant, not to whether it's an A, B, C, D, E or F. But whether it generally, from a, the health, the general health and welfare of, you don't think so?

MR. MCCANN: (inaudible).

MR. ZIMMERMAN: May I, may I clarify what I meant?

CHAIR: Sure. Let's, let's try and keep it succinct though, okay?

MR. ZIMMERMAN: Yeah, I'm going to try and keep it really quick.

CHAIR: Yeah.

MR. ZIMMERMAN: Without repetition. May I clarify? Yes, I believe that the level of service, well, maybe an exemption from the so called basic servicing, which is a permit prohibition standard, it is relevant to the special exception. What I'm trying to say is that a bank that was approved twenty years ago without opposition at a time when the level of service situation may have been different, the traffic situation may have been different twenty years ago, I just don't think that rises to the level of relevance, that's, that's my only --

CHAIR: Well, I, I don't know that the witness is going to be talking about levels of traffic twenty years ago. I mean, the bank --

MR. ZIMMERMAN: But the bank is gone. I mean, the bank is gone.

CHAIR: Well, when, when did the bank leave?

MR. ZIMMERMAN: A year ago, it's vacant, I mean, the bank --

CHAIR: Okay. It's been, it's been vacant --

MR. ZIMMERMAN: -- it's gone.

CHAIR: It's been vacant, it became vacant recently, okay? So, if he's applying these standards, he's apply the standards as they exist today or within a couple of years of today, is he not?

MR. ZIMMERMAN: Well, I'm saying, it doesn't matter

what the bank is or is not at this point, is my view. But it is relevant to consider this proposal under the current situation. I don't think it's helpful to go back and, and talk about what the bank --

CHAIR: But, I mean, well, --

MR. ZIMMERMAN: -- what the bank might be in the future because there's not going to be a bank.

CHAIR: I, I get that. So, let, let's do it this way. We'll reserve on the, on the objection because you may well be correct.

MR. MCCANN: I, I think we're, we're speaking, and we're not, level of service is absolutely relevant, that the level of service that this will generate is relevant.

CHAIR: Okay.

MR. MCCANN: When you start talking about impacts of level of service, I think you're suggesting that some change in the level of service from the current use to this use or some use fifty years ago, whether it was last year --

CHAIR: Or one year ago.

MR. MCCANN: Or one year ago, six months ago.

CHAIR: Yeah.

MR. MCCANN: That change, delta, that's a completely different delta. That has nothing whatsoever to do with this case. We're talking about this, so take this very same Valvoline and put it somewhere else in the district and see

what the, see what the level of service is there and compare that to the level of service for, for this Valvoline in this spot. That's the delta we're talking about.

MR. LA FIANDRA: And Your Honor, I, that is not the law of the State of Maryland.

CHAIR: Okay. So, --

MR. LA FIANDRA: That is absolutely not correct.

CHAIR: -- so, I get that. I understand your point. I get it, I understand your point. So, let's hear the witness and we'll, we'll, we'll deal with, we'll deal with that point down the road, okay?

MR. MCCANN: Okay.

CHAIR: But let's at least, we'll, this way the record will be complete and we'll be able to understand. Maybe we should end up striking it, maybe we should disregard it. We'll, we'll see.

MR. MCCANN: Okay.

CHAIR: Okay.

MR. MCCANN: Thank you.

CHAIR: All right.

MR. LA FIANDRA: Did you have occasion to compute or estimate the average daily trips from a four thousand six hundred thirty square foot bank building with two drive thru lanes as a result of the methodology that you, you described earlier?

MR. SCHMID: Yes. We determined that the, a bank of that size would generate forty-four trips in the morning peak hour, ninety-five trips in the p.m. peak hour and five hundred trips, 501 trips daily.

MR. LA FIANDRA: Okay. So, you said three numbers, 501 daily trips.

MR. SCHMID: That's correct.

MR. LA FIANDRA: And what do you mean in the peak hour as it relates to the ninety-five and the forty-four?

MR. SCHMID: Well, we, we look at things and when we, we analyze intersections, we look at the highest hour of traffic volume in the morning and during the peak times, which is typically the morning and afternoon. So, trip generation manual tells me between 7:00 and 9:00, the peak hour may be 7:30 to 8:30. So, between 7:30 and 8:30 it predicts that we're going to have forty-four cars either coming in or coming out of the site.

MR. LA FIANDRA: Okay. Now, 501 average daily trips sounds like quite a lot from a forty-six hundred square foot bank building in Towson, Maryland, 501 trips. Is there, --

MR. ZIMMERMAN: Object, objection. That's a (inaudible) --

CHAIR: Okay.

MR. LA FIANDRA: I, I'm asking the witness a question.

CHAIR: That's a preface to it, that's just a preface to his question, okay?

MR. LA FIANDRA: Do you, do, do you know, or can you infer from what, what generates that number as it relates to, particularly between 7:00 and 9:00 a.m., like would people be going to the bank?

MR. SCHMID: Well, over the past ten years, banks have certainly changed their hours of operations. I normally used to go to a bank from 10:00 in the morning till 2:00 in the afternoon and that was it. But most banks now are, lobbies are open or drive ups are open till 6:00 at night. And now, we've introduced ATM's, so people can drive up to the drive thru, use the ATM at any time of the day --

MR. LA FIANDRA: Okay.

MR. SCHMID: -- so people are using the, the bank at 10:00 at night to go to the ATM to get cash. It's not during the peak hour, but it's, it's certainly daily traffic.

MR. LA FIANDRA: And how, do you base those numbers that you gave, ninety-nine a.m. peak trips, forty-four p.m. peak trips and 501 average daily trips on the square footage of the building?

MR. SCHMID: That's correct. That's where the most, the best data is for this land use.

MS. JOLIVET: I'm sorry, can you get him to say the, the numbers again?

MR. LA FIANDRA: Sure.

MS. JOLIVET: Can you say that again?

MR. SCHMID: A.m. trips are forty-four.

MS. JOLIVET: That's what I thought, okay. Go ahead, next one?

MR. SCHMID: P.m. trips are at ninety-five.

MR. LA FIANDRA: Thank you.

MR. SCHMID: And daily trips are one, 501.

MS. JOLIVET: (inaudible), thank you.

MR. LA FIANDRA: Thank you very much.

CHAIR: So, there's a hundred and fifty trips, a hundred and forty trips, the forty-four and the ninety-five, and then, but throughout the entire course of the day --

MR. SCHMID: Throughout the rest of the day.

CHAIR: -- there's a total of five hundred, basically?

MR. SCHMID: That's correct.

MR. LA FIANDRA: I may be moving through this too quickly.

CHAIR: Okay.

MR. LA FIANDRA: So, let's make sure that we understand what the peak hour number means. And for both the a.m. and the p.m., if you would just state, clarify what you mean by that?

MR. SCHMID: Well, generally, we determine the peak

hour. You go out and count the traffic at an intersection between 6:30 and 9:30 or 7:00 to 9:00 or, or a two or three hour time period. And then you look at that data and you find out the, the highest consecutive five minute periods and that's considered the peak hour and that's what we generate all our analysis on that peak hour of traffic.

CHAIR: Okay, all right.

MR. LA FIANDRA: Okay. Are you able to generate the estimated number of average daily trips from a two thousand five hundred and thirty-five square foot service garage or perhaps from a, let me clarify the question. What's the average estimated trip generation of a five thousand seventy square foot service garage with four service bays?

MR. MCCANN: I'm, I'm just going to object. I know you want to hear the answer (inaudible) object, move to strike. Everything that was just answered, object, ask for a continuing objection on all questions going forward. And the reason, one more time, I'm sorry if I haven't made it clear and I haven't, I know --

CHAIR: I, I think you have made it clear actually.

MR. MCCANN: But I can just read what *Schultz v. Pritz* says?

CHAIR: Sure, sure, sure, sure. Make the record. Okay.

MR. MCCANN: (inaudible) it says, it's so clear to me

and this is, what he's obviously doing is, hearkens back to what Mr. Zimmerman said at the beginning of this hearing was what sometimes is engaged in, when people apply special exception standard is, is this a good project?

CHAIR: Um hm.

MR. MCCANN: And if I were, if I were here, sitting here, not knowing anything about the special exception standard, if someone told me wow, this is going to be less traffic, which is where we're headed, you know, he's not hiding it. This is going to be less traffic than a bank, I'd say wow, this is a good development, that would be a reason we should grant approval. And that has nothing to do with (inaudible) and I'll just read it to you.

CHAIR: Okay, fine.

MR. MCCANN: And this is at page, I'm sorry, it's on page ten of the printout, which Mr. Zimmerman has handed out. A special exception has an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the request of special exception use would result in an adverse effect upon adjoining and surrounding properties, unique and different from the adverse effect that would otherwise result from the (inaudible) of such a special exception use located anywhere within the zone. So, we're comparing two diff, the same use and, under two different circumstances.

It goes on to say, the appropriate standard, I'm sorry, I'll just paraphrase. The special exception should be denied, should be denied, I'm sorry. The, the appropriate standard for whether a special exception should be denied is quote, whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such special exception use irrespective of its location within the zone, so --

CHAIR: Okay.

MR. MCCANN: -- we're here, if we're here to look at good developments, that would be a relevant question, but we're not here about good developments, we're here on the special exceptions.

CHAIR: Okay. So, we understand the point.

MR. MCCANN: Okay.

CHAIR: Okay? I'm not even sure that, you know, when you're talking about a bank that's open five days a week for certain hours and a, other facility that's open seven days a week for expanded hours --

MR. MCCANN: Yeah.

CHAIR: -- not even sure that, you know, that we're not talking about apples and oranges, okay?

MR. ZIMMERMAN: Took the words right out of my mouth.

CHAIR: But, let's, let's just finish it up.

MR. MCCANN: Okay.

CHAIR: Okay? And --

MR. MCCANN: That's fine if it comes in, I just want a continuing objection, that's all.

CHAIR: You, you have a continuing, --

MR. MCCANN: Okay.

CHAIR: -- you have a continuing objection.

MR. MCCANN: Thank you.

MR. LA FIANDRA: And I will address counsel's assertion of the law at the appropriate time because--

CHAIR: At the appropriate time, wonderful.

MR. LA FIANDRA: That's fine.

CHAIR: Right.

MR. LA FIANDRA: Thank you.

CHAIR: Okay.

MR. LA FIANDRA: The question on the table, sir, was whether you can estimate the trip generation from a five thousand seventy square foot service garage that has four service bays?

MR. SCHMID: Yes, the IT trip generation manual has a land use code for automotive lube centers, which is oil changes and lubes, and based on the size proposed it would generate twelve a.m. trips.

CHAIR: Twelve what?

MR. SCHMID: Twelve a.m. peak hour trips, nineteen

p.m. peak hour trips and a hundred and sixty daily trips.

MR. LA FIANDRA: And does the manual require that you take the square footage of the building or the number of service bays into account or both?

MR. SCHMID: Well, there's different variables but the most data on this use is by the number of bays.

MR. LA FIANDRA: So, that number is generated primarily by the number of bays?

MR. SCHMID: That's correct.

MR. LA FIANDRA: Okay. Will the reduction in trips have an adverse effect or beneficial effect on the intersection of the traffic shed?

MR. MCCANN: Objection.

CHAIR: The, the objection is noted.

MR. MCCANN: Oh, I'm sorry.

CHAIR: Right.

MR. SCHMID: Less traffic is always better.

MR. LA FIANDRA: Okay.

CHAIR: So, am, am I, am I correct in saying that Mr. Kazazian indicated that, that Valvoline's estimate would be significantly higher than, in terms of car, daily car trips, than what --

MR. SCHMID: No, sir.

MR. LA FIANDRA: If I may?

CHAIR: Okay.

MR. LA FIANDRA: I believe that Mr. Kazazian said that there would be sixty on average customers per day. I don't think he expressed an opinion --

CHAIR: Yes, you're right, you're right. Sixty a day, right. Sorry. Okay.

MR. LA FIANDRA: Okay. Have you had an opportunity to review the site plans that deal with this case?

MR. SCHMID: Yes, yes, um hm.

MR. LA FIANDRA: And are you familiar with Petitioner's number eight, which is this colorized landscape composite plan that shows the proposed building on the site?

MR. SCHMID: Yes, that looks like the site, yes.

MR. LA FIANDRA: Now, can you explain for the Board what the flow of traffic is going to be with regard to this onsite, how that works?

MR. SCHMID: Yeah. And I think that's one of the compelling arguments about this case is this, the, the circulation pattern, the ingress and egress pattern is set up to minimize impact to the adjacent road system. In bound traffic will be controlled through the, the traffic light at Loch Raven and, and Joppa so anybody coming into the site will either make a, make a right turn and come into the site on Loch Raven, come straight across Loch Raven and come in, make a left turn at a protected light at Loch Raven Boulevard to come in or they'll make a protected U-turn at north bound Loch Raven

Boulevard to get back to the site and (inaudible).

CHAIR: There's a permitted U-turn there?

MR. SCHMID: Yes, sir. And it's a protected phase, so the, the green arrow is up, there's no, it's exclusive phasing and there's exclusive permissive phasing. Exclusive phasing is when the arrow is up all the time and you have the right of way, as a left turning or U-turning vehicle. Exclusive permissive means you have an arrow for some of it, then the arrow goes out and you get a green ball, then you can make a green ball when, this is an exclusive left turn. You can't make the U-turn on a green ball. All the left turn movements around this intersection are exclusive. So, it's all protected, that U-turn movement is well protected by the phasing of the light.

CHAIR: Okay.

MR. LA FIANDRA: So, anybody approaching this site from any direction needs to enter on the, on Loch Raven.

MR. SCHMID: And that's for a specific purpose. You don't want people entering or trying to make a left turn across Joppa Road.

MR. LA FIANDRA: So, that left turn that you're talking about it would be if somebody was trying to enter the site from Joppa Road?

MR. SCHMID: Yeah, if they were traveling west bound on Joppa Road and the access was here, they would be stopping

out here in the thru lane to try to get across the two left turn lanes and the two thru lanes of traffic. Not something I would advise anybody doing, but it is pretty common along this corridor. So, we've basically eliminated these left turn movements that are much more impact to, to our area road system than simple right, right ins and right outs, is basically what we have. So, the one way system has allowed us to utilize the light to get people in and to prohibit, we've agreed to prohibit left turns out of this site and, and force people to go to the right, which again is the simplest movement you can have, you only have to yield to the people on east bound Joppa Road.

MR. LA FIANDRA: So, when you say right turn out only, that avoids a situation where you have somebody exiting the site, crossing over multiple lanes of east bound traffic to get into the west bound lane of Joppa Road, is that right?

MR. SCHMID: That's correct, yes.

MR. LA FIANDRA: Okay. So, all the traffic enters the site, regardless of which direction it's approaching from on Loch Raven.

MR. SCHMID: Right.

MR. LA FIANDRA: And can you make a left turn from north bound Loch Raven into the site?

MR. SCHMID: No, there's a raised median.

MR. LA FIANDRA: There's a raised median there?

MR. SCHMID: Yes, yes. And so, like the, the adjacent property, which is a sandwich shop or sub shop, doesn't have that ability to have access to two roads and set up that kind of right in, right out movements. So, people forced in here, they want to come out, they only have one way out. They have to wait and cross those four lanes of traffic, which in this area is pretty difficult during the peak times. So, this location and this location are far inferior to a site here where we can utilize the two frontages and create this one way, right in, right out type flow.

CHAIR: Is that roughly what the bank had as well?

MR. SCHMID: No, the bank had full movement access to Joppa Road.

CHAIR: Had what?

MR. SCHMID: Had full movement access to Joppa Road.

MR. LA FIANDRA: What does full movement access mean?

MR. SCHMID: It means you can come in with a left or right and you can leave with a left or right.

MR. MCCANN: I'll object to that question as well, Mr. Evans, if you don't mind.

CHAIR: Okay. I'm just trying to understand the dynamics of the intersection.

MR. MCCOMAS: And the only thing that's prohibiting from as they exit the facility on making a left is Valvoline's direction that they have to make a right there? Because

there's no curb or median there, right, on Joppa?

MR. SCHMID: No, but in reality, if you go up there and look during peak times, the phasing and the level of traffic basically prohibits you from trying to even get in the left turn lane, because if you look at the way the traffic flows along Joppa Road, traffic is stacked up, it's serving Loch Raven Boulevard and traffic, when, when the green comes to Joppa Road, the first thing that gets green phase is the left turns, okay? So, the left turns go and they go and, and then once the left turn stays out, the, the thru movements go. And when the thru movements go, they flow through but some of the thru movements are going to fill back into the left turn lane and once you have two or three cars to the left turn lane, you physically can't get in the left turn lane. I sat out there for, twice, for two or three hours and through two hours there was one time when you could squeeze across and get in the left turn lane so it's self-policing during the peak times.

MR. LA FIANDRA: Do you have an opinion whether there would be any cars stacking on the street during the peak hours or any other time to get into the site or --

MR. SCHMID: No, I mean, we, we, we calculated we could get about eleven cars on the site, outside of the four that's already in the service bay. I checked IT and there's really no cuing criteria for, a lube, a Valvoline site like this but, in reality, the way we set this up with four bays, it

minimizes the impact of cuing on site and minimizes the need for people to wait in line, where if you had a two car bay you might have some cuing that extends back and maybe out on the road but in this location, we're provided, we're able to provide eleven stacking spaces on site, in addition to the four cars that are already in the bay and we'll never reach that kind of, based on the testimony of the operator.

MR. LA FIANDRA: Now, just that one quick question. Do you know how many parking spaces are provided for on the plan?

MR. SCHMID: There's nine spaces.

MR. LA FIANDRA: Nine.

MR. SCHMID: Say eight regular spaces and one handicapped space.

MR. LA FIANDRA: Okay. So, Mr. Kazazian testified earlier that there eight. He, he was mistaken?

MR. SCHMID: Yeah, there's a, it's under the tree.

MR. LA FIANDRA: Okay, thank you. Now, are you aware that the Valvoline operations allow the technicians to control the release of cars back onto the local roads?

MR. SCHMID: Yes, they, the, their, their policy is, or procedure is that if two cars are ready to leave at the same time, the tech (inaudible) employees will only let one car go and once he egresses out onto the road, they let the other car go, just to avoid any congestion up at the access point.

MR. LA FIANDRA: The, now, I'd like to ask you a series of questions to discuss the impact of the revitalization district.

MR. SCHMID: Okay.

MR. LA FIANDRA: On, on, on this site and on the approvals that are necessary for the site.

MR. SCHMID: Okay.

MR. LA FIANDRA: Okay?

MR. SCHMID: I'll do the best I can.

MR. ZIMMERMAN: I'm going to, I'm going to object right away. I don't think this witness has shown any expertise about commercial revitalization districts.

MR. MCCANN: I would, I would agree with that.

MR. LA FIANDRA: I, I, I can't even hear counsel's objection.

MR. ZIMMERMAN: I'm sorry. I don't think this witness has any expertise with respect to commercial revitalization district planning. (inaudible) because he's a traffic engineer does not make him an expert on commercial revitalization --

CHAIR: Well, he's a, he's a transportation planner and I imagine that in the course of planning transportation, he has to take into account characteristics like revitalization districts, is that --

MR. ZIMMERMAN: I don't imagine that that's true.

CHAIR: You don't imagine that's --

MR. LA FIANDRA: We can ask the witness.

CHAIR: Yeah, why don't you.

MR. ZIMMERMAN: I mean, he'll probably say, oh, yeah, he knows everything about it but, but --

CHAIR: Well, I mean, --

MR. ZIMMERMAN: -- I don't think traffic engineers --

CHAIR: -- and, and if he does, we're kind of stuck with that, I mean, you know.

MR. ZIMMERMAN: Well, not necessarily. It's a matter of credibility.

CHAIR: Well, right. Okay, you can --

MR. ZIMMERMAN: I just don't think, I just don't think his expertise, so far as we know, just because he's a traffic engineer makes him an expert planner with respect to commercial revitalization, that's --

MR. MCCANN: Yeah, I, I, I would just add --

CHAIR: Okay. Well, that, that, that's fair enough.

MR. MCCANN: Yes.

MR. ZIMMERMAN: That's what I was trying to say if imperfectly.

CHAIR: Okay.

MR. MCCANN: And a transportation planner, I think, is a bit of a misnomer, frankly, because he's not a, he's not a planner, like you know, some other expert may be. He tran, he

plans traffic movements, he plans, that's what he plans. But he's not a planner, like we all know planners to be.

CHAIR: Right.

MR. MCCANN: So, and CRD clearly deals with planning aspects, so.

CHAIR: So, so let's, as with these other issues, let's, let's move on and see what we have and then we'll be in a better position to --

MR. MCCANN: Okay, thank you.

CHAIR: -- assess whether it makes a difference or not.

MR. MCCANN: Okay.

CHAIR: Whether it's probative or not, whether his expertise extends to that point, okay?

MR. MCCANN: Okay.

MR. LA FIANDRA: Okay, thank you. Now, what, are you aware, do you know what the impact of the revitalization district is on the regulations that govern level of service?

MR. SCHMID: In regards to traffic, yes.

MR. ZIMMERMAN: Objection. This is rep, rep, now this is repetitious.

CHAIR: Okay, okay. Yeah, and, and let's, you know, it's quicker to repeat the question than it is to like object to it.

MR. ZIMMERMAN: Well, --

CHAIR: Let, let's just move on.

MR. ZIMMERMAN: -- we've been through part of it.

CHAIR: Okay.

MR. ZIMMERMAN: We, the regulations say, we know that with respect to level of services that it's exempt from the permitting prohibition.

MR. MCCANN: Okay.

CHAIR: Okay.

MR. ZIMMERMAN: We know that, so that was just a repetition and hopefully if that objection were sustained we wouldn't have more repetitive questions, --

CHAIR: Well, we'll, we'll see how repetitive this gets, okay? Proceed.

MR. LA FIANDRA: Thank you. The, the level of service of this intersection being D, the, am I correct in understanding that the revitalization district in this area doesn't change the prohibitions or the regulatory requirements of permitting for a level of service D?

MR. SCHMID: No, a level service D is an acceptable level of service so any use could go in there and any use allowed in the zone by a right or special exception if it, it was granted would, could be developed there, yes.

MR. LA FIANDRA: Now, if the intersection were an E or an F, if the intersection were an E or an F, the property is still in a revitalization district.

MR. SCHMID: That's correct, and any permitted use or special exception use could be constructed in a revitalization district.

MR. LA FIANDRA: Regardless of the level of service being E or F?

MR. SCHMID: That's correct.

MR. LA FIANDRA: Now, if the intersection were E or F and there was no permitting prohibition, there would be a great, am I correct in my understanding of things, there would be a greater impact from any use, regardless of what the use was actually, on that intersection if it were, if the use were permitted under that clause that says if you're in a revitalization district --

MR. SCHMID: Right.

MR. LA FIANDRA: We, we, we don't care about the E or F?

MR. MCCANN: Objection.

MR. SCHMID: Right.

CHAIR: Well, now, okay. So, I'm going to have to sustain that objection. The, --

MR. LA FIANDRA: On what basis? I don't understand why you --

CHAIR: Well, the, I didn't understand the question, frankly.

MR. LA FIANDRA: Maybe I can ask it again.

CHAIR: If, if the question, let, let, let's do it this way. One would expect greater impact, greater traffic impact if the intersection is an E or an F then if it's a D, is that correct? Is that not correct?

MR. SCHMID: Yes, I mean, I mean, it's a fairly general question but it depends on what traffic flow it is and what, what's critical and what's not, but generally speaking, yes. The higher the traffic (inaudible).

CHAIR: Well, this intersection is a D.

MR. SCHMID: Correct.

CHAIR: And so, the revitalization, the fact of re, that it's a revitalization district does not impact the level of service, is that correct? The level of, you know, is that correct?

MR. SCHMID: It's D level of service, we're allowed to develop. It's, it's a known D level service --

CHAIR: Right.

MR. MCCANN: Just for purposes of permitting, we're just dealing with that one, --

CHAIR: One --

MR. MCCANN: -- nothing to do with the commercial revitalization district itself, none of the things that we've been talking about --

CHAIR: Right, just permitting.

MR. MCCANN: Just permitting.

CHAIR: Just permitting.

MR. MCCANN: You can get a permit in a commercial revitalization --

CHAIR: (inaudible).

MR. MCCANN: That's it.

CHAIR: Okay.

MR. MCCANN: Just a permit.

CHAIR: Just a permit.

MR. MCCANN: Yeah.

MR. ZIMMERMAN: And briefly, we'll get into it in cross to explain the different set of regulations for growth management and transportation standards versus special exception, which is a totally different --

CHAIR: Different --

MR. ZIMMERMAN: -- set of regulations.

CHAIR: Got that. Okay, all right.

MR. LA FIANDRA: Okay. I think that concludes that question.

CHAIR: Okay, great.

MR. LA FIANDRA: I think that will satisfy everybody.

CHAIR: Okay.

MR. LA FIANDRA: Now, what, you've been involved with special exceptions on other automotive type uses?

MR. SCHMID: Yeah, I mean, mostly gas stations.

MR. LA FIANDRA: Okay. Now, what are the adverse

effects that you would typically associate with a service garage, from a transportation perspective or traffic perspective?

MR. ZIMMERMAN: Objection.

MR. LA FIANDRA: This is what the witness is, his, basis of his testimony.

CHAIR: Okay. Overruled.

MR. ZIMMERMAN: Well, we're talking about this particular use.

CHAIR: Yes. Okay. Let, let's, --

MR. ZIMMERMAN: Not a hundred other gas stations, I mean.

CHAIR: Right, so --

MR. LA FIANDRA: I asked a question about service garage.

MS. JOLIVET: It was overruled, so.

MR. ZIMMERMAN: (inaudible).

CHAIR: Yeah, let, let's just move on, okay?

MR. SCHMID: Well, generally, the inherent impacts for this is that you're going to have people coming in and out of the store throughout the day when it's opened. Those impact with, those in, inbound and outbound movements do affect the traffic flow along the corridor. You'll have employees coming in and deliveries coming in at this location. Generally, this, this type of use wants to be on a high, high visibility, high

volume corner, like most smaller retail type service businesses. So, it's generally the traffic flow that I would expect to be generated out of this kind of site, the access points and how those access points work and the load of traffic and how it, and, the movements and how, what are the movements like. Are they simple movements, are they complicated left turn movements across arterial traffic flow?

MR. ZIMMERMAN: I'm moving to strike. Is the witness finished? I'm moving to strike because a service station is a different category.

MR. SCHMID: I didn't talk about a service station.

CHAIR: He, he was specifically about this, this project.

MR. MCCOMAS: Yeah.

CHAIR: He had limited himself to this, this particular site.

MR. ZIMMERMAN: All right.

CHAIR: Okay? At least that's what I heard. Is that --

MR. MCCOMAS: Yeah, I thought he was --

MR. ZIMMERMAN: I thought he was talking about service stations.

CHAIR: No, no, he limited himself to this, this particular site.

MR. ZIMMERMAN: Well, but he was comparing to service

stations.

CHAIR: No.

MR. ZIMMERMAN: Wrong about that, that was my sense of it, not service garages or Valvoline.

CHAIR: No, he was just talking about the traffic flow with regard to this particular site at that, this particular business, that particular site, okay?

MR. LA FIANDRA: Does the site design that you see here minimize the impact of those, of those, minimize the effect of those of, adverse effects that you previously discussed?

MR. SCHMID: Yes, mainly in terms of access and access flow and how traffic will get out and in. And the way we have it set up is a one way loop with coming in off of Loch Raven and making a right out onto Joppa Road simplifies our movements and those movements are the lowest conflicting movements you can have. So, we've limited ourself to right in/right outs and abandoned any kind of left turns or in or out that caused conflict.

MR. LA FIANDRA: Are those adverse effects that you identified, I'm going to ask a very specific question. Will the proposed use, being this service garage, this Valvoline service garage, at this proposed location, at the south west intersection of Joppa and Loch Raven, create any adverse effects from a traffic perspective above and beyond the adverse

effects typically associated with the proposed use being a service garage regardless --

MR. ZIMMERMAN: (inaudible) --

MR. LA FIANDRA: -- of where it is located in the, in the zone?

MR. ZIMMERMAN: Object. It's leading and --

CHAIR: Okay.

MR. ZIMMERMAN: -- and ambiguous.

CHAIR: Well, --

MR. LA FIANDRA: How could it be ambiguous? It's directly from the case.

MR. ZIMMERMAN: Well, lead, leading.

CHAIR: What, what, what zone are we talking about? Can you define the zone?

MR. ZIMMERMAN: Yeah.

MR. LA FIANDRA: Are you aware of which, what zone it is?

MR. SCHMID: It's BL zone.

CHAIR: Okay. So, the question is, what im, --

MR. LA FIANDRA: It's not a leading question.

CHAIR: -- how does the impact here compare with the impact at a similar zone?

MR. LA FIANDRA: No, no, it's not.

MR. ZIMMERMAN: There's no foundation for it. There's really no foundation for being aware of other --

CHAIR: Could, could you, could you repeat the question?

MR. LA FIANDRA: Sure. Maybe I'll rephrase the question.

CHAIR: Okay.

MR. LA FIANDRA: And see if we can do better.

CHAIR: All right.

MR. LA FIANDRA: Are you aware, you previously testified what you would expect for adverse effects from a service garage, just, five minutes ago.

MR. SCHMID: Yes, yes.

MR. LA FIANDRA: And there were a number of objections and they were overruled. And you're aware this is in the BL zone?

MR. SCHMID: Yes.

MR. LA FIANDRA: Now, the adverse effects that you identified here, specifically with regard to this site design at this location, are they above and beyond the adverse effects that you previously identified as being those that are typical for this proposed use, regardless of where it might be located in the zone?

MR. SCHMID: No, this, this is a fairly typical impact and, as a matter of fact, as I've already testified to based on the, the access pattern we've implemented here, we're eliminating some of the more conflicting movements that could

have occurred at a, if this site, site was next door.

MR. LA FIANDRA: Okay, thank you. The, what about impacts on the secondary road system? And by that, I mean, like right down Loch Raven, there are a number of side streets that enter into like a residential community. Do you have a, do you have an opinion on what the adverse effects from this use at this location would be on that road system?

MR. MCCANN: I'm sorry, Dino, would you mind repeating the question?

MR. LA FIANDRA: Sure.

MR. MCCANN: I'm sorry, I missed it.

MR. LA FIANDRA: There are, I was identifying that there were a number of side streets that enter off of Loch Raven and off of Joppa Road and I was asking him if this, this proposed use at this location, what the impact on those side streets would be.

MR. MCCANN: Okay, thank you.

MR. SCHMID: Well, they would be minimal at best. I mean, like we said, we're at an arterial, arterial intersection so most people are going to arrive to the site and leave the site by the arterial road system. The only movement that I think that people who are familiar with the area maybe that want to proceed back to the west, west on Joppa Road, I would assume they would go down and make a U-turn into Takoma, is it Takoma? And then come back out to the light and make a left

turn at the protected light. Some people if they have a GPS or something that tells them to go somewhere else, they could go, cut across the side street over here to Pleasant, I think it's Pleasant Plains Road, that goes up to Joppa Road at a traffic light.

But the impact to that kind of flow would be minor because this, we don't, there is a peak, there's a peak time at the, that he testified to, that generally afternoon, but generally this is pretty busy all day long. It's pretty over, the traffic is spread over a whole day, not like an office building that everybody comes in in the morning and stays. This, this is sort of generating traffic throughout the day, spread out through the day so there's possibilities of impact back there, but any use in that location would have that same issue.

MR. LA FIANDRA: The, speaking of Yakoma, do you know where the nearest bus stop is?

MR. SCHMID: At Yakoma.

MR. LA FIANDRA: And is that, what, about a block away?

MR. SCHMID: Yeah, that's right down here.

MR. LA FIANDRA: Okay.

CHAIR: When you say down there, you mean?

MR. SCHMID: First street --

CHAIR: South, south bond on Joppa Road, south of the

site?

MR. SCHMID: Yes, the first, first intersection south of the --

MR. LA FIANDRA: And Your Honor, you said Joppa Road, but I think he was pointing to Loch Raven.

MS. JOLIVET: Loch Raven.

CHAIR: I, I meant Loch Raven, yes.

MR. LA FIANDRA: Okay.

CHAIR: You're, thank you.

MR. SCHMID: Yeah, there's, I think three different bus lines that run up Loch Raven Boulevard and go straight across and then go to the park and ride down at the interchange, then circle back around. One of the buses, I think, actually makes a left turn at Joppa Road and goes into Towson.

MR. LA FIANDRA: The, will the, if the special exception, if granted, would it create any congestion in the road, streets or alleys of the general vicinity of this area?

MR. SCHMID: No, and what would you, so what would you identify as the vicinity of this area? The locality, so to speak?

MR. LA FIANDRA: If I had to come up with an area, I would probably say the revital, revitalization district from, probably the beltway, it goes beyond the beltway to, to Perring Parkway but I don't think it's the same, different land uses up

there. I would go from the beltway over past (inaudible) around Pleasant Plains Road, that strip along the corridor.

MR. LA FIANDRA: And north and south, what about along --

MR. SCHMID: It goes down along Loch Raven Boulevard down some ways.

MR. LA FIANDRA: Okay.

MR. SCHMID: Yeah. And these are old, this is, neighborhood, there's older uses that have their own access points and sometimes they have two access points and (inaudible) a very old, older designs and, and it's a plethora of access points all along the corridor.

MR. LA FIANDRA: That's all I have for him. Thank you.

CHAIR: So, it's time for cross. Let, let, let me just say this. I, I'll have to consult with my colleagues here, but my inclination is that you, Mr. McCann, you were correct in terms of the prior use, prior bank use, and how that's not particularly relevant here today.

MR. MCCANN: Yeah.

CHAIR: So, I just want to give you that heads up before you start your cross, okay?

MR. MCCANN: Okay, great. Great.

CHAIR: Okay.

MR. MCCANN: Thank you.

CHAIR: I think you're probably right on that.

MR. MCCANN: Thank you.

CHAIR: Some, some of us, some of our minds don't work quite as quickly as others.

MR. MCCANN: Okay, good. So, I won't address that. I wasn't going to anyway but.

CHAIR: Okay.

MR. MCCANN: Good afternoon, Mr. Schmid.

MR. SCHMID: Good afternoon.

MR. MCCANN: So, I, I guess I'll start sort of where you ended. You, you, you testified that you did not believe that this proposal would create congestion and you, you recall that?

MR. SCHMID: Yes, um hm.

MR. MCCANN: But you, but you do agree, and it sounds like you agree with this, that since we're having this one turn or loop movement, that since all the cars are going to be coming out of the exit on Joppa Road, that there will be, for those cars coming out certainly and the cars that are receiving those cars, there will be some congestion as they, as they head, as they're forced to east bound? It will be some congestion there?

MR. SCHMID: It'll be some conflicting movements but that, I wouldn't call that congestion. That's all along this corridor when somebody tries to make a right turn out of an

access and, and somebody slows down in the thru, thru lane and it's, perceive a gap, they, they go out into the gap.

MR. MCCANN: Okay.

MR. SCHMID: It's not causing congestion.

MR. MCCANN: Well, I guess congestion is a relative term but cars coming out are going to have to turn right and they're going to face difficulties sometimes getting into the flow of traffic, particularly since that exit is so close to the light at Joppa and Loch Raven?

MR. SCHMID: We would anticipate during the peak times that people are going to go either straight or right.

MR. MCCANN: Yeah. But either, you would, you would also agree with me that people are going to try to get in the left hand lane, left hand, as they make that turn out of the exit to head east on Joppa, they're going to try to get, some people are, I mean, you know how people are, are going to try to get into that left lane to turn left to go north on Loch Raven so they can get to 695 or wherever. You would agree that's going to happen, right?

MR. SCHMID: I agree there's outliners that'll do some stupid things, yeah.

MR. MCCANN: Well, --

MR. SCHMID: I don't even think they're going to be able to do it. As I explained before, you can't leave this driveway access from 3:00 till 6:00 because the traffic is cued

past the entrance.

MR. MCCANN: Yeah.

MR. SCHMID: So, you can't get across the thru lanes and the left turn lanes to get in that left turn lane.

MR. MCCANN: Well, people, people, some people will try to do it. I mean, let's be honest, right?

MR. SCHMID: And since we're so close to the intersection it's probably better than if we were further back, because again, the way the lights are faced, --

MR. MCCANN: Yeah.

MR. SCHMID: -- if somebody happens to be an idiot and pulls out and blocks the thru lane to get into the left turn lane that they can't get into --

MR. MCCANN: Yeah.

MR. SCHMID: -- they're just going to stop the cue from that point back and soon as the light, the first thing that goes green is the left turn, left turn, that guy gets in the left turn lane and goes and then the, the thru traffic pulls up to the red light.

MR. MCCANN: Yeah. How far is the exit onto Joppa from the actual intersection roughly?

MR. SCHMID: It's seventy-five feet.

MR. MCCANN: Yeah, and, and to get to that left turn lane as you're heading east bound on Joppa and to take a left, if you were to take a left, there is a turn lane there, right,

a left turn lane?

MR. SCHMID: Could you, could you repeat that? I was (inaudible).

MR. MCCANN: Yeah, I'm sorry. If you, for a person pulling out of the exit, going east on Joppa, if they wanted to take a left hand turn lane on north, going north on Loch Raven, there is a turn lane that they'd have to get to to do that, right?

MR. SCHMID: Yeah, there's a double left turn lane.

MR. MCCANN: Yeah, so two left turn lanes.

MR. SCHMID: Two left turn lanes.

MR. MCCANN: And then in addition to those two left hand turn lanes, there's also one or two just --

MR. SCHMID: Two thru lanes.

MR. MCCANN: Two thru, so there's four east bound lanes on, on, on Joppa?

MR. SCHMID: But you'd only cross two of them to get to the left turn lanes.

MR. MCCANN: Cross two to get to the two turning lanes.

MR. SCHMID: Yeah.

MR. MCCANN: Okay, I'm sorry.

MR. SCHMID: And, you know, and --

CHAIR: Is, is the, is the further, furthest most right hand lane, that's not a right turn only?

MR. SCHMID: No, sir, it's a right and a thru.

CHAIR: Okay.

MR. SCHMID: Yeah. And you know, during, it's, it's a, it's, it's a function, the difficulty of movement is a function of the time of day. You go out there at 7:30 in the morning, like I was this morning, the heavy traffic is west bound towards Annapolis.

MR. MCCANN: Um hm.

MR. SCHMID: East bound is not that heavy and the right, the left turn is not that heavy. So, once that flushes out, there's gaps galore for you to pull out and get in the left turn lane.

MR. MCCANN: Same is not the case in the, in the evening though?

MR. SCHMID: Evening it's, you can't, there's a point where you cannot make that movement if, even if you tried because of the stacking I, that I, I talked about.

MR. MCCANN: Well, as you said, it's self-policing.

MR. SCHMID: Right.

MR. MCCANN: You said, so there, there are folks on this road, I'm sorry, that are leaving, that are going to leave this site, if it's, if it's approved, that are going to engage in some level of self-policing as they try to head out and head east bound on Joppa?

MR. SCHMID: Yeah, we try to hope people know how to

drive, make good decisions.

MR. MCCANN: Okay and you said, you talked about inherent impacts and the impacts associated with this use. What, if any, other intersections did you look at and by look at, I don't, I'm not asking that you're familiar with, I'm asking you did you take this site plan and move it to any other intersections along Joppa or any similar thoroughfare and see what the impacts might be there? Did you engage in that analysis?

MR. LA FIANDRA: Your Honor, that, I would object to that question.

CHAIR: Okay. Well, we're --

MR. LA FIANDRA: Just note the objection.

CHAIR: I'll note the objection.

MR. MCCANN: (inaudible).

CHAIR: It's overruled.

MR. MCCANN: Thank you.

CHAIR: Okay.

MR. MCCANN: Did you look at other intersections, specifically?

MR. SCHMID: No, because once we believed that this site had less impacts that are inherent to a typical use because of the way we set up our access points, my determination is the inherent impacts here at this location for this use is less than --

MR. MCCANN: Well, it's less?
MR. SCHMID: Less.
MR. MCCANN: You didn't say less before, you just said not more.
MR. SCHMID: I'm saying it now, it's less.
MR. MCCANN: Okay.
MR. SCHMID: Because of the removal of those left turn movements in and out.
MR. MCCANN: Because of the loop you created?
MR. SCHMID: Yeah. Now, if you put this site next door where the sub shop is, much greater impact because it only has one access point to Joppa Road and all the inbound and outbound movements have to come out of that access.
MR. MCCANN: Okay. Can you think of any other intersection along Joppa Road where there is, well, strike that. That's okay, I'll move on. Okay. You mentioned in discussing level of service, you called the, the County's methodology, did you call it double cycle?
MR. SCHMID: Yes, my, I sometimes call it double cycle, they call it something else too sometimes, loaded cycle.
MR. MCCANN: Loaded cycle?
MR. SCHMID: Yeah. And loaded cycle means you couldn't through on the green phase so it's a loaded cycle.
MR. MCCANN: Okay. And we'll get to that in a moment. But and I, and you may have just been overstating this

but you said A through F are the, the grades, right, for the load cycle method?

MR. SCHMID: Yes.

MR. MCCANN: You, and you said F being congestion.

MR. SCHMID: Um hm.

MR. MCCANN: You actually said those words.

MR. SCHMID: Yes.

MR. MCCANN: You would agree with me that there is congestion short of F for, for levels, certainly with level, with respect to level D, there's congestion associated with a level D intersection, right?

MR. SCHMID: There's double cycling associated with D, yes.

MR. MCCANN: Yeah, in other words, and just for, maybe this would be most helpful at this point forward, start talking about double cycling. Let me give, this would be number nine? (inaudible)?

MS. JOLIVET: You are.

MR. MCCANN: Great. It's unusual for me to be on top of that. Okay. So, this is Protestant's nine. I'll represent to you that this is a printout from Baltimore County's website describing level of service ratings and this load factor that we've been discussing.

MR. SCHMID: Okay.

MR. MCCANN: Do you agree with me, that's what it is?

MR. SCHMID: I don't know, I haven't read it, but.

MR. MCCANN: Okay. Well, take a look at it. Just make sure I'm not making anything up.

MR. SCHMID: This appears to be a synopsis of their methodology, yes.

MR. MCCANN: Okay and I don't want to go into too much details, try and move things along here, but let's just go directly to page three of five, if you would, in this exhibit?

MR. SCHMID: Yeah, um hm.

MR. MCCANN: And this is a chart indicating the level of service A through F and the load factor, just, you could probably explain this better than I, but let me just get, take a shot at it. With the percentages to the right of that level of service is the percentage of time that it takes more than one change in lights to accommodate the traffic that has cued.

MR. LA FIANDRA: Your Honor, if the, counsel would like to cross examine the witness on the methodology, perhaps he can provide the actual methodology and not just a snippet from the County's website.

CHAIR: Well, --

MR. LA FIANDRA: I think this is a very limited probative value. I don't think if, the witness may know these things off the top of his head, but if there's some type of question here about what the methodology actually is and whether this intersection somehow complies with it or doesn't,

perhaps that methodology could be supplied to him in a form that's not from a website that was last updated three years ago.

CHAIR: Well, let's see if the, so --

MR. MCCANN: I'm just asking a question about a chart.

CHAIR: -- the, the, the way objections are handled is kind of sauce for the goose and sauce for the gander, okay?

MR. LA FIANDRA: Okay.

CHAIR: Okay? So, Mr. McCann gets to ask his question, all right? And if the witness can't answer it because he doesn't have the information or this is an inadeq, insufficient document then he'll, he can say so.

MR. LA FIANDRA: Okay.

MR. MCCANN: Yeah. Yeah, I'm just focusing on the chart, that's all. Just that, and do you recognize the chart?

MR. SCHMID: Yes, um hm.

MR. MCCANN: Okay. In fact, it's the same chart that's in the, the Code, isn't it? Or --

MR. SCHMID: Same percentages.

MR. MCCANN: Yeah, okay. So, that's all I'm asking about and my question again is with respect to D in particular, level of service D, what that percentage means is that, that's the percentage of time, thirty-one to seventy percent of the time it'll take more than one change in the traffic signal to

accommodate the traffic that has cued?

MR. SCHMID: Along one approach.

MR. MCCANN: Along one, right.

MR. SCHMID: One approach. It's the worst --

CHAIR: Okay.

MR. SCHMID: -- approach is what gives it the level of service. So, --

MR. MCCANN: So, in other words, --

MR. SCHMID: -- you could have one double cycling sixty, sixty-five percent of the time and get a D for the other three approaches double cycle (inaudible).

MR. MCCANN: Right, as long as one of the four approaches?

MR. SCHMID: That's correct.

MR. MCCANN: Okay. Do you know how many approaches here are, are, are D?

MR. SCHMID: No.

MR. MCCANN: Okay and that, okay.

MR. SCHMID: Well, all the approaches are D. At least D.

MR. MCCANN: Right.

MR. SCHMID: Some of the approaches may be F.

CHAIR: Right, if one approach is D, they're all D.

MR. SCHMID: They're all D, sorry.

MR. MCCANN: Got it, okay. Got it.

CHAIR: What, what he was asking --

MR. SCHMID: Right.

CHAIR: -- is do, do you know which particular --

MR. SCHMID: No, I don't.

CHAIR: -- access was, is worse than any other particular access and the answer is no.

MR. SCHMID: I don't know that.

MR. MCCANN: And I know congestion is, we were talking about congestion before, I know that's a relative term but --

MR. SCHMID: Um hm.

MR. MCCANN: -- would you agree with me that a, that a set of cuing vehicles that has to wait thirty-one to seventy percent of the time to, to, to get through a cycle is, is some level of congestion? I mean, that's congestion, isn't it?

MR. SCHMID: Well, I didn't make up these levels of service and criteria, the County Council did.

MR. MCCANN: Okay and then is this accurate, at the bottom of page three, since there's some question about the accuracy of the County's website, it says level of service D intersection do not control issuance of building permits but the areas are identified on the basic service transportation maps to identify the deficiency. The purpose of identifying D intersection is to provide notice to the public that the intersection has the potential of going to an E or F. Is that

an accurate statement, what I just read to you?

MR. SCHMID: Yeah, and sometimes they can go from an E to a D.

MR. MCCANN: Yeah, okay.

MR. SCHMID: Like it did here.

MR. MCCANN: And I think you've acknowledged as much in, in one of the Petitioner's exhibits reflects that this intersection previously was, in 2016, rated F, right?

MR. SCHMID: That's correct.

MR. MCCANN: And is it true, in fact, that prior to 2016, in 2013 and '14 included, it was likewise an F intersection?

MR. SCHMID: I don't know, I know as far back as four years, I don't know, '18, '17, '16 and '15.

MR. MCCANN: Okay. Do this quickly. I got a couple exhibits that I'm, will essentially introduce but I'm asking a question or two. This will be ten. Ten.

MS. JOLIVET: Thank you.

MR. MCCANN: Ten, Mr. Schmid.

MR. LA FIANDRA: Thank you. This is ten?

MR. MCCANN: Ten. Eleven.

MR. SCHMID: Thank you.

MR. MCCANN: Eleven. And twelve. Twelve. Thank you. Twelve, Mr. Schmid.

MR. LA FIANDRA: Is this, okay, thank you.

MR. MCCANN: So, I don't want to spend a lot of time on these other than ask you maybe to help me identify them. They are public records, but beginning with Exhibit 10, Mr. Schmid, that's the one page, you have that in front of you, correct?

MR. SCHMID: Yes.

MR. MCCANN: Do you recognize this, this type of document? This is a County document that --

MR. SCHMID: Yeah, this is what they produce when they do their yearly --

MR. MCCANN: Okay. So, my point simply on this exhibit is, is it, does this exhibit not confirm that the intersection of Joppa Road and Loch Raven Boulevard, which is the last line item, reflects a level of service F for 2013 and 2014?

MR. SCHMID: That's correct.

MR. MCCANN: And then quickly moving to eleven, this is, do you recognize this document as the, --

MR. SCHMID: What's the date?

MR. MCCANN: The November 19th, 2018.

MR. SCHMID: Okay, okay.

MR. MCCANN: Do that one first maybe?

CHAIR: No, don't you mean the Jan, the January 5th one?

MR. MCCANN: Oh, the other one, I'm sorry. Yeah,

January 5th, 2018.

MR. SCHMID: January 5th, okay.

MR. MCCANN: This is, this is the type of memo that's issued every year by the Department of Public Works, I'm sorry, by the Bureau of Traffic Engineering that identifies the D, E and F intersections in the County?

MR. SCHMID: That is correct, they do a report to the Council people.

MR. MCCANN: Right.

MR. SCHMID: (inaudible) then they say what changed from the year before.

MR. MCCANN: Right. So, this, this is sort of a standard document that, every year, right?

MR. SCHMID: Yeah.

MR. MCCANN: And then this document is used by the County Council to develop the basic services maps, right?

MR. SCHMID: Hold on. The Council develops the basic services map --

MR. MCCANN: Well, they don't, they approve them, I'm sorry.

MR. SCHMID: They approve them, right.

MR. MCCANN: Or not.

MR. SCHMID: Right.

MR. MCCANN: Okay and real quick, another question on Exhibit 10, this document reflects, does it not, that the level

of ser, reflects the, the D level of service for Joppa Road and Loch Raven and that's on sort of page one of the attachment to the memo, about two-thirds of the way down, do you see that?

MR. SCHMID: Yes, um hm.

MR. MCCANN: Okay.

MR. SCHMID: A D in '16 and a D in '17.

MR. LA FIANDRA: You were referring to number eleven, were you?

CHAIR: Number ten.

MR. MCCANN: Ten, which is January 5th, 2018.

MR. LA FIANDRA: I thought that, pardon me, I'm sorry, I thought that ten was just this, is this not a separate exhibit?

CHAIR: Oh, right, right, right.

MR. MCCANN: That, that's ten.

MR. LA FIANDRA: Yes.

MR. MCCANN: Well, I made --

CHAIR: It's actually in eleven. You're right.

MR. LA FIANDRA: Okay.

MR. MCCANN: This is eleven, I'm sorry.

MR. LA FIANDRA: Eleven is January 5th, 2018?

MR. MCCANN: Correct.

MR. LA FIANDRA: Okay.

MR. MCCANN: Okay. And these are, correct me if I'm wrong, Mr. Schmid, these are all of the, the, the two page or

attachment to the memo, these are all of the D, E and F intersections in the entire County, correct?

MR. SCHMID: I don't know, but I would think that's true, yes.

MR. MCCANN: Okay. So, relatively speaking, there, in comparison to the total number of intersections, it's, it's relative rare, would you agree with me, that an intersection be, have a level of service D, E or F?

MR. SCHMID: D, E or F?

MR. MCCANN: Yes.

MR. SCHMID: I think probably D is pretty common along arterial roads.

MR. MCCANN: Pretty common? Well, how, how many arterial, how many intersections are there within the URDL in Baltimore County?

MR. SCHMID: They're just signalized intersections.

MR. MCCANN: I know. But how many, how many sig, signalized intersections are there in Baltimore County within the URDL?

MR. SCHMID: I have no idea.

MR. MCCANN: Okay.

MR. SCHMID: But it wouldn't be uncommon for me to see D levels of service along arterials like U.S. 40 or Harford Road or Joppa Road or, you know. I always say if it's not a D level of service we're underutilizing the intersection.

MR. ZIMMERMAN: Move to strike. That is total speculation and conclusory without any foundation.

CHAIR: Okay. That, that's granted. That's granted.

MR. MCCANN: Okay. So, then with respect to Protestant's Exhibit 12, I guess the same questions, Mr. Schmid. This is the, sort of the same type of memo, this is dated November 19, 2018 that identifies the D, E and F intersections as, as proposed by the Bureau of Traffic Engineering, correct?

MR. SCHMID: Yes.

MR. MCCANN: Okay. All right. You have any knowledge or information that would support why the intersection was changed from an F to a D?

MR. SCHMID: I don't think I saw any physical changes out there. So, it has to be timing.

MR. MCCANN: It has to be what?

MR. SCHMID: Seq, sequencing to the lights, the timing.

MR. MCCANN: Okay.

MR. SCHMID: They may have spread out the delay along all the approaches to keep it from --

MR. MCCANN: Okay.

MR. SCHMID: -- being seventy percent on when approach.

MR. MCCANN: So, are, are you familiar with any data

or information that would support that there's been a decrease in the volume on Joppa Road? You're, you're not aware of any such information are you?

MR. SCHMID: No, but I don't, I don't believe volumes are, are, are increasing that significantly anymore.

MR. MCCANN: All right. Let me show you Exhibit 13. This is the last one. And there's a lot of information on here so I'll just sort of cut to the chase, but number one, do you recognize Exhibit 13 as turning movement count data of Baltimore County?

MR. SCHMID: (inaudible) turning movement count is also the field sheet that shows the counts and the, and the percent of double cycling --

MR. MCCANN: Right.

MR. SCHMID: -- on each approach during the a.m. and p.m. peak hour.

MR. MCCANN: Right. So, and this is, up, upper right hand column, this is from April 2014, right?

MR. SCHMID: Yes.

MR. MCCANN: So, if we were to look at just pure volume for Loch Raven and Joppa in the a.m., we would like at about a third of the way down where it says a.m. hour totals and then look to the right, those totals on the right hand side of zero to three thousand seven hundred forty-nine, those would reflect the, collectively would reflect the, the ADT's, the

average daily trips or actually daily trips for those hours in the a.m., correct? That's traffic volume, that last column?

MR. SCHMID: That's peak hour.

MR. MCCANN: Peak hour.

MR. SCHMID: Not daily.

MR. MCCANN: Right, I'm sorry. From 6:00 to 7:00, 7:00 to 8:00 and 8:00 to 9:00, correct.

MR. SCHMID: So, you can see from the chart the, the peak hour is 7:00 to 8:00 because that's, well 7:15 to 8:15, because that's the highest total volume.

MR. MCCANN: Okay and then just to, at the bottom of the same first page are the p.m. hour totals, that last column on the right hand side. You see those numbers?

MR. SCHMID: Um hm.

MR. MCCANN: Okay. And I lied, I have another exhibit for 2017, the same document.

MR. ZIMMERMAN: Could Mr. McCann keep his voice up?

MR. MCCANN: Sure. Just real quick, is this document, this two page document, which is Protestant's Exhibit 14, is this the same turning movement count data only for March of 2017?

MR. SCHMID: Oh, yeah, it's a different day.

MR. MCCANN: Yeah.

MR. SCHMID: Different month.

MR. MCCANN: Okay and if we were to compare the peak

hour a.m. and peak hour p.m. totals on the right hand column in 2017, would you agree with me that the volume of traffic as reflected in these two reports, Exhibits 13 and 14, has increased from 2014 to 2017?

MR. SCHMID: Yeah, along, along Joppa Road.

MR. MCCANN: Yeah. Okay. So, before I forget, I would move ten, eleven, twelve, thirteen and fourteen into evidence.

CHAIR: They're admitted.

MR. MCCANN: Thank you. Okay. Just a couple more questions. We talked about the commercial revitalization district and I understand your testimony that when it comes to commercial revitalization districts, level of services D, E and F don't have any effect on or don't, are not subject to the prohibition against permits being issued, correct?

MR. SCHMID: That's correct.

MR. MCCANN: Okay. Other than that, did, did you personally take a look at the master plan and its provisions regarding commercial revitalization districts in conducting your analysis?

MR. SCHMID: No.

MR. MCCANN: No.

MR. SCHMID: Just, I just worried about the traffic part.

MR. MCCANN: Okay.

CHAIR: He's not a planner.

MR. MCCANN: Right, that's right. I should know that before I asked. Okay. And that is all I have, thank you, Mr. Schmid.

CHAIR: Okay. Mr. Zimmerman?

MR. ZIMMERMAN: Okay. So, briefly, Mr., Mr. Schmid, your degree from the University of Maryland, College Park is in, Master's in Civil Engineering in 1981, correct?

MR. SCHMID: That's correct.

MR. ZIMMERMAN: Okay. You don't have a degree in Comprehensive Planning or Urban Planning?

MR. SCHMID: No, I have a Civil Engineering degree from the University of Maryland.

MR. ZIMMERMAN: Okay. All right. Just a, you mentioned the, the County Code and I'm not trying to be picky but let's take a look at the zoning regulations, Section 4-A-0-2, or actually beginning with Section 4-A-0-1, but I presume at some point you've read these, section that I'm showing you --

MR. SCHMID: Yes.

MR. ZIMMERMAN: -- on page 4-A:10 on the transportation basic services dis, provision.

MR. SCHMID: Um hm.

MR. ZIMMERMAN: Is that what you were referring to when you were talking about the County Code?

MR. SCHMID: Yes, I mean, (inaudible).

MR. ZIMMERMAN: Yeah, no, just want to --

MR. SCHMID: Um hm.

MR. ZIMMERMAN: So, so, without reading everything, it looks like the level of service references the so called highway capacity manual of 1965. Is that your understanding of where these levels of service come from?

MR. SCHMID: No.

MR. ZIMMERMAN: And how, why does the, the law then refer to the highway capacity manual?

MR. SCHMID: I have no idea.

MR. ZIMMERMAN: Well, isn't that what's supposed to be followed according to the law?

MR. SCHMID: No, I follow the, I, I don't do any calculations. I look at the basic services map and the County identifies what do that level of service, how they operate, period.

MR. ZIMMERMAN: Okay. Well, there are references in this section to, to C, F, E, D and so on, correct?

MR. SCHMID: Yeah.

MR. ZIMMERMAN: They're very, okay.

MR. SCHMID: Um hm.

MR. ZIMMERMAN: So, --

MR. LA FIANDRA: Your Honor, may, can we just ask counsel to identify the sections that he's referring to?

MR. ZIMMERMAN: Well, I'm in 4-A --

MR. LA FIANDRA: Because I'm having a hard time following.

MR. ZIMMERMAN: -- 0-2.4D, excuse me, did I say, 4-A-0-2 --

CHAIR: Point.

MR. ZIMMERMAN: -- .4 generally, basic services mapping standards, subsection D, transportation.

MR. LA FIANDRA: Point four, okay.

CHAIR: Okay?

MR. ZIMMERMAN: Okay and I'm, pages 4-A:10 and 4-A:11. Okay and there are references to levels of service in various parts of this subsection, correct?

MR. SCHMID: Yes.

MR. ZIMMERMAN: And I'm just trying to figure out, according to the law at least, what, what is the source by which the Public Works Department is, is supposed to define or delineate, what is A, B, C, D and F, D, E, F. And I see the highway capacity manual mentioned and you say oh, no, that's not --

MR. SCHMID: Well, the highway capacity manual in 1965, I was six. I'm not sure that it had a reference to loaded cycle methodology but maybe it did.

MR. ZIMMERMAN: Well, that's, but that's in our law, right? I mean, that's in the law here. So, you're saying the law has nothing to do with it?

CHAIR: No, he's really not saying that.

MR. LA FIANDRA: Your Honor, --

MR. ZIMMERMAN: Okay, all right. Well, --

CHAIR: Okay?

MR. ZIMMERMAN: -- well, what, you know, so what then, so what document do we go to, what piece of paper do we go to? Is it the, Mr. McCann did give you a, the loading factors in, in the document that the Public Works Department publishes online, correct?

MR. SCHMID: I went to the County's website and I have it on my wall at my office.

MR. ZIMMERMAN: Okay. Well, is Mr., is what, you agree what Mr. McCann gave you is accurate as to what the County publishes?

MR. SCHMID: Oh, yes, yes, yeah, um hm.

MR. ZIMMERMAN: And do you know where they get those definitions of A, B, C, D, E and F? Or they make them up, I mean, what, where do they come from?

MR. SCHMID: Somebody developed the procedure to do this. I'm not sure when, but the procedure was --

CHAIR: Right, that, that, that's absolutely the point here, I think. Is it's, the County, through whatever process it undertakes, whether it refers to the 1965 transportation manual or not, the County is the one that comes up with the grades and the, and then the County Council

ratifies it. So, it's not actually Mr., it's not the witness' job to come up with those definitions. He simply follows what the County issues, for good or ill.

MR. ZIMMERMAN: Okay. Well, I just, since this is an expert, I thought perhaps the expert might know where these come from.

CHAIR: Okay. Well, --

MR. ZIMMERMAN: But I, I get the Chairman's point.

CHAIR: Yeah.

MR. ZIMMERMAN: And I'll move on.

CHAIR: I mean, it, it comes from the County.

MR. ZIMMERMAN: Okay. Anyway --

CHAIR: (inaudible).

MR. ZIMMERMAN: -- there's no, there's no dispute about what Mr. McCann submitted, right? About the authenticity of it?

MR. SCHMID: All the grades that back, back, years ago?

MR. ZIMMERMAN: I would, right.

MR. SCHMID: Yeah, correct.

MR. ZIMMERMAN: And just to clarify rather than waiting to brief it, the reference to the commercial revitalization district exemption, or actually so called general exception to basic services mapping standards, is on page 4-A-12 and 13, Subsection E-1-I. Do you see that? This

is what really you've been referring to?

MR. SCHMID: Yes.

MR. ZIMMERMAN: Exception, quote, to any development located in a commercial revitalization district, unquote.

MR. SCHMID: Right.

MR. ZIMMERMAN: Okay.

MR. SCHMID: Like all industrial developments (inaudible) there's exceptions to the map.

MR. ZIMMERMAN: Now, if it were not exempt, then there would be a, at least temporary prohibition on permitting --

MR. SCHMID: Not (inaudible) --

MR. ZIMMERMAN: -- not exempt, if it were an E or F, if it were an E?

MR. SCHMID: If it was an E or F.

MR. ZIMMERMAN: Yes, that's my point.

MR. SCHMID: Well, if it was in a revitalization district, no, it --

MR. ZIMMERMAN: Well, but I'm saying if it were not, if there were no such exemptions in the law.

MR. LA FIANDRA: Your Honor, this is the same line of questioning that his objection against my questions were sustained.

CHAIR: Okay.

MR. ZIMMERMAN: I'm just trying to clarify --

CHAIR: We, we get the point.

MR. ZIMMERMAN: -- what the issue is. Okay.

CHAIR: Okay.

MR. ZIMMERMAN: But, and, and the point is, whether the use is permitted by right or special exception, other than those that are exempt or excepted, any E or F would be subject to that prohibition.

MR. SCHMID: That's correct. Unless you got a variance, applied for a variance.

MR. ZIMMERMAN: All right. There's a so called special variance provision, right, in the law.

MR. SCHMID: Yes.

MR. ZIMMERMAN: I get that.

MR. SCHMID: Yes.

MR. ZIMMERMAN: All right. But this is a different set of regulations from the special exception regulations.

MR. SCHMID: In *Schultz v. Pritz,* you mean?

MR. ZIMMERMAN: No, I mean, do you know where the special exception standards are located in the zoning regulations?

MR. SCHMID: Yeah.

MR. ZIMMERMAN: What section? Now, without, this is not an open book exam. Do you know what section?

CHAIR: Well, --

MR. LA FIANDRA: Come on, I mean is that for real?

MR. SCHMID: 502.1.
MR. ZIMMERMAN: Yeah.
CHAIR: Okay. So, we, --
MR. ZIMMERMAN: All right.
CHAIR: -- it's clear, we understand --
MR. ZIMMERMAN: All right.
CHAIR: -- the point is made that --
MR. ZIMMERMAN: All right.
CHAIR: -- that the special exception provisions have their own set of criteria.
MR. ZIMMERMAN: Well, in fairness, I, I think the whole issue has been confused by bringing up all this stuff.
MR. ZIMMERMAN: Okay.
MR. ZIMMERMAN: About the exemption. It could have been done in like one sentence, maybe.
CHAIR: Okay. Well, in any event, --
MR. ZIMMERMAN: All right. All right. So, --
CHAIR: -- we're, we're, where we are now, we understand the, the distinction --
MR. ZIMMERMAN: -- the Board has it. Okay.
CHAIR: -- and the, and we're happy to move on.
MR. ZIMMERMAN: All right. I, and I will. All right. So, I'm, I'm interested in a few further questions about the exhibit that Mr. McCann produced about the loading factors and I don't remember what the number is.

CHAIR: I think that's nine.

MR. MCCANN: It is nine.

MR. ZIMMERMAN: And let me show it to the witness, Protestant's nine. (inaudible). Okay. So, the, so first, well, we know there are six different levels, correct?

MR. SCHMID: That's correct.

MR. ZIMMERMAN: And A is best, F is worst, we, we all agree on that?

MR. SCHMID: Yes.

MR. ZIMMERMAN: Okay. Now, D, as it's been pointed out, says load factor of thirty-one percent to seventy percent, correct?

MR. SCHMID: Correct.

MR. ZIMMERMAN: That, and that translates to, did you say, you have to go through a full cycle before, before you're able to get through the intersection?

MR. SCHMID: During, during a peak hour, when the light goes green on whatever approach failed, which I think is west bound Joppa Road in the morning or got the highest percentage. Seventy percent of the time during that peak hour people had to wait through more than one cycle of light.

MR. ZIMMERMAN: Okay. Now, the peak hours are which again? Can, if you --

MR. SCHMID: They're the highest fifteen minute --

MR. ZIMMERMAN: Well, what are the peak hours? And

what, what are we talking about? Seven to 9:00, 4:00 to 6:00, I mean, what are we --

MR. SCHMID: That's not a peak hour, that's two hours.

MR. ZIMMERMAN: Well, I'm asking what you --

MR. SCHMID: A peak hour, as I explained before, is the hour of the, the, the hour of con, the highest volume of flow within an hour period in the morning travel time. Travel time in the morning could be, you could count from 6:00 to 9:00, you could count from 7:00 to 9:00. Normally, it falls within the 7:00 to 9:00 time period.

MR. ZIMMERMAN: But are you saying it's a sixty minute period somewhere --

MR. SCHMID: Yes.

MR. ZIMMERMAN: -- that you, you pick --

MR. SCHMID: Yes.

MR. ZIMMERMAN: -- the, the worst of the sixty minute period --

MR. SCHMID: The highest sixty, sixty minute volume consecutively.

MR. ZIMMERMAN: Okay.

MR. SCHMID: Not just --

CHAIR: It could go from 7:15 to 8:15?

MR. SCHMID: Right, exactly, right.

CHAIR: Okay.

MR. ZIMMERMAN: Okay. All right. Now, at the risk of asking a, too simple a question, where it says thirty-one percent to seventy percent, does that mean, let's say the load factor is thirty-five percent, that still would be within D, yes?

MR. SCHMID: That's correct.

MR. ZIMMERMAN: So, it doesn't have to be seventy percent to get up to D?

MR. SCHMID: Up, up to seventy percent.

MR. ZIMMERMAN: Okay. It could be forty percent and you're in a D level?

MR. SCHMID: That's correct, um hm.

MR. ZIMMERMAN: Okay and as you said, they can be measured for each of the four potential movements of, of the signalized intersection?

MR. SCHMID: They, they look, yes, yes, they look at each, they have people watching each approach in the intersection.

MR. ZIMMERMAN: Okay and if any one of the four hits a level D or whatever level, then that's the way it's classified, is that --

MR. SCHMID: The worst approach level is the overall level, yes.

MR. ZIMMERMAN: Okay, all right. I have a few more questions on this. I think you, I think the indication is that

this intersection changed from F to D in, was it, --

MR. SCHMID: The last, the last two years it's been D.

MR. ZIMMERMAN: Okay.

MR. SCHMID: The year before that it was an F.

MR. ZIMMERMAN: So, presumably the, and this is measured by the Public Works Department, traffic engineering staff, am I correct?

MR. SCHMID: That's correct.

MR. ZIMMERMAN: Okay and they would have numbers for each approach as to what the percentage is, correct?

MR. SCHMID: That's correct, yes.

MR. ZIMMERMAN: Okay. Well, have you looked at the numbers for, the current numbers for this intersection, whether it's thirty-five percent, fifty percent, seventy percent --

MR. SCHMID: I think it was just given to me.

MR. ZIMMERMAN: -- for each --

MR. SCHMID: I haven't looked at it.

MR. ZIMMERMAN: Excuse me?

MR. SCHMID: I think it was given to me by Mr. McCann and I looked at it.

MR. ZIMMERMAN: Well, what, maybe I didn't have the exhibit. So, what is the, what's the number for this intersection at the moment? Or the latest computation for each approach?

MR. SCHMID: I'd have to get a copy of that again (inaudible).

MR. ZIMMERMAN: Well, let's do it. I want to see what it is.

CHAIR: So, this is eleven and twelve, I think, right? Protestant's eleven and twelve?

MR. ZIMMERMAN: I want to know what the percentage is, I want to know if it's thirty-six percent, I want to know if it's sixty-nine --

MR. SCHMID: I believe it was seventy, but I'll check.

MR. ZIMMERMAN: I, I want to pin this down.

MR. LA FIANDRA: The witness needs an exhibit --

MR. ZIMMERMAN: Yeah, the exhibit, fine, look at --

MR. MCCANN: Exhibit 13 and 14.

CHAIR: Thirteen and fourteen.

MR. ZIMMERMAN: Look at the exhibit. No tricks here. Whatever the answer is, it is. I don't even know the answer because it's Mr. McCann's exhibit. I'll, I'll trust, I'll trust Mr. Schmid to read it accurately.

MR. SCHMID: The highest load was eastbound in the morning at fifty-two percent.

MR. ZIMMERMAN: And what are the other three?

MR. SCHMID: Southbound had no loaded cycles, westbound had no loaded cycles, northbound had forty-eight

percent.

MR. ZIMMERMAN: Okay.

CHAIR: And where, where do you see that on the --

MR. MCCOMAS: Yeah, where do you see that?

MR. SCHMID: Page two.

MR. MCCOMAS: Oh.

MR. MCCANN: Loaded cycles.

MR. SCHMID: Near the bottom, loaded cycles.

MR. MCCOMAS: Yeah.

CHAIR: Okay, great. Thank you.

MR. SCHMID: Okay.

MR. ZIMMERMAN: Okay. So, two of the four are within level D?

MR. SCHMID: Right, in the afternoon northbound is twenty-four percent but all the other approaches are zero double cycle.

MR. ZIMMERMAN: Okay. But I asked you whether two of the four approaches are within level D, that's why --

MR. SCHMID: It's a D level service whether there's two or one.

MR. ZIMMERMAN: Okay. Okay and these levels of service fluctuate, do they not, from year to year?

MR. SCHMID: They, they, I mean, Mr. McCann showed me some traffic counts that showed an increase, but traffic counts, traffic counts on typical roads vary five percent a

day, you know. It depends on what the traffic flow is and if there's a, somebody is being diverted to Joppa Road because something is on the beltway, so traffic can change every day. But consistently it's normally within five percent unless there's an incident.

MR. ZIMMERMAN: So, we're dealing here with an intersection that's fluctuated between F and D over the last five years, correct?

MR. SCHMID: Well, fluctuated from an F to a D two years ago and it's been a D for the last two years.

MR. ZIMMERMAN: Okay and it could go back to, it could go back to F next year, as far as we, it could go back to F?

MR. LA FIANDRA: Your Honor, that's, I object to that.

MS. JOLIVET: I'm sorry. I had, I, I have to ask him about an exhibit, I apologize.

MR. ZIMMERMAN: Oh, no.

MS. JOLIVET: So, please ask your question again, because I know he was probably listening to me, so I apologize.

MR. ZIMMERMAN: So, we, I mean, we're dealing with an intersection which includes a history of F level, not current but it has a history, right?

MR. SCHMID: In the past, but we're not, we're fifty-three percent, pretty far away, that's half the time we got to

get to seventy percent of the time, so.

MR. ZIMMERMAN: Well, it went from F to D, so that was a fairly big move maybe.

MR. SCHMID: Um hm.

MR. ZIMMERMAN: But it could go back to F at any time.

MR. SCHMID: Well, no, --

CHAIR: Well, I think it can go back to F if --

MR. ZIMMERMAN: I mean, --

MR. SCHMID: It could stay a D.

MR. ZIMMERMAN: Right. Now, do you have any ballpark idea of how many signalized intersections there are in commercial areas?

MR. SCHMID: No idea.

MR. ZIMMERMAN: Does the County have any listing of A, B and C intersections as far as you know?

MR. SCHMID: No.

MR. ZIMMERMAN: Did you attempt to find out whether there are commercial intersections in the County within the urban rural development line, which are rated A, B or C?

MR. SCHMID: Well, I'd have to call the County and get the printout because they don't list, they don't list the intersection's level of service. So, I'd have to go, if there's a signalized intersection that's not shown on the map as a D, E or F, it's an A, B or C.

MR. ZIMMERMAN: Yeah. But you don't know how many there are?

MR. SCHMID: I would think there's probably many more working intersections than non-working. Many, many more intersections work at D level of service or better than work at E and F.

MR. ZIMMERMAN: But what I'm asking you is about A, B and C.

MR. MCCOMAS: Mr. McCann, I'm confused for a second here. Isn't this from the County? This exhibit that you gave?

MR. MCCANN: Yes.

MR. MCCOMAS: And doesn't this have A, B and C on it?

MR. MCCANN: Yes. Well, that one does, yeah, I think you're right.

MR. MCCOMAS: It has all of them.

MR. ZIMMERMAN: Well, thank you, Mr. McComas, there weren't enough (inaudible) --

MR. MCCOMAS: So, so maybe if Mr. McCann, yeah, because I'm confused, if --

MR. MCCANN: This is just one page, yeah.

MR. MCCOMAS: I know, but is this coming from the County?

MR. MCCANN: It is, yes.

MR. MCCOMAS: So, so the County maintains it?

MR. MCCANN: Yes.

MR. MCCOMAS: All right. Because I wasn't --

MR. ZIMMERMAN: Does the County have --

MR. SCHMID: They're not shown on the, they're not shown on the basic services map, they're just listed.

MR. ZIMMERMAN: So, the County has records showing A, B and C intersections, correct?

MR. MCCANN: It's ten.

MR. MCCOMAS: Ten.

MR. SCHMID: Yeah, um hm. Um hm.

MR. ZIMMERMAN: And you could have gone, whether by request or by asking for the documents, you could have surveyed the number of A, B and C intersections in the County and identified in the commercial --

MR. SCHMID: Why would I do that?

MR. ZIMMERMAN: Excuse me?

MR. SCHMID: I would have no purpose to do that.

CHAIR: Okay. Well, you don't need to, you don't need, it's just a yes or a no. You don't need to fight with him.

MR. SCHMID: I have no purpose, reason to do that.

MR. ZIMMERMAN: Well, the purpose would be to evaluate this particular zone, location at the, at this, in the zone here, relative, whether it's above and beyond the traffic level of service situations at other locations in the zone, which might be A, B or C. That would be the purpose.

MR. LA FIANDRA: Your Honor, that's not the legal standard, Your Honor.

MR. ZIMMERMAN: Yes, it is.

MS. JOLIVET: Well, I haven't heard a question.

MR. ZIMMERMAN: Well, the ques, I asked the question and then he, then it was objected to.

CHAIR: The ques, the, the witness has indicated that he didn't compare this --

MR. ZIMMERMAN: He didn't.

CHAIR: -- intersection with any of the other --

MR. ZIMMERMAN: Right.

CHAIR: -- intersections in, in A, B or C.

MR. ZIMMERMAN: And then he said there's no purpose to it. And then my next question, I thought, maybe my memory is, short term memory is gone, but I'll rephrase then. Wouldn't the purpose be to evaluate whether the level of service situation here is more problematic than at other commercial zone locations at intersections with A, B or C?

MR. SCHMID: I was looking at D.

MR. LA FIANDRA: And it was at that point that I said that that's not the legal test.

CHAIR: Right. Well, --

MR. ZIMMERMAN: It, it absolutely is part of the legal test, in my opinion.

MR. LA FIANDRA: And in my opinion it's different.

CHAIR: Okay, all right. So, can you answer the question?

MR. SCHMID: My, my look at this was are the inherent impacts of this use at this location greater or is it unique and different than if it was located some, elsewhere out, similar zone else, elsewhere in the zone. Since I determined that there was no above and beyond impacts at this site and this location, I didn't look at other sites.

MR. ZIMMERMAN: Well, the impact at a, a D level in terms of you've got cars stacking, you've got more, you've got more cars stopped, the impact has got to be greater than at a location in, with A, B or C, it's just, logically has to be greater. You don't agree with that?

MR. SCHMID: No.

MR. ZIMMERMAN: So, so the ideal thing, so, at --

CHAIR: So, doesn't that hurt your, doesn't that hurt your position?

MR. ZIMMERMAN: -- at this, at this level of, excuse me?

CHAIR: Doesn't that hurt your position?

MR. ZIMMERMAN: Well, I, I, with all due respect, I think the answer is not, not credible.

CHAIR: Okay.

MR. ZIMMERMAN: I don't, I don't think it makes sense consistent with the standard.

CHAIR: All right.

MR. ZIMMERMAN: So, if that were true, you could take an F level intersection and if, let's assume hypothetically, this were an F intersection, and you would say that's no, that's no more problematic than locating the site next to an A, B or C intersection, if that, if, if your answer is, has any basis.

MR. SCHMID: But the way, the way we, it depends on how your site is going to operate. Our site is going to operate in a very efficient manner with the one way system we talked about and, and having right ins and right outs only. That's, that's my point at this location. I mean, I, I don't know that we're going to put too many jiffy, it's, too many Valvoline Oils at an A level service intersection. These, these belong along arterial, arterial roads, just like a plethora of uses along this corridor are.

MR. ZIMMERMAN: All right. So, they belong at the worst intersections, basically, is what you're saying?

MR. SCHMID: Excuse me?

MR. ZIMMERMAN: They belong at the worst intersections.

MR. SCHMID: They belong at the heaviest traveled intersections.

MR. ZIMMERMAN: Yeah.

MR. SCHMID: I wouldn't call them worst.

MR. ZIMMERMAN: And you don't, but you don't see that as being a problem?

MR. SCHMID: No, I see it as an advantage to the customers going to Valvoline Oil.

MR. ZIMMERMAN: But not to the people in the area necessarily.

MR. SCHMID: Well, the impact of this Valvoline Oil is very small.

MR. ZIMMERMAN: Yeah, I wanted to, back to that. You, you pointed out that by making, maybe at the request of the County, do you know how the, the right turn only exit on Joppa came up and the enter only on Loch Raven? Wasn't that a request of the County? Or was that, was that, was that your idea?

MR. SCHMID: That was, I got a copy of the site plan that MRA had done and it showed the, the one way circulation off of Loch Raven. At that time, it didn't really show that they were limiting access to Joppa, it's one of the things I told, told Josh and, and Dino, and I said you, you can't allow left turns out of this site.

MR. ZIMMERMAN: Okay. So, that was your, as far as you know, that was your suggestion?

MR. SCHMID: It was my suggestion, but it might have already been suggested by somebody else at that point in time. But my review of the site plan, is that, what I told them.

MR. ZIMMERMAN: What that tells you is that there is a problem at this intersection but you've attempted to mitigate it with, with the right turn only on Joppa Road.

MR. SCHMID: We, well, there would be problems with left turns trying to, out of our site make a left turn to go westbound on Joppa Road, just like --

MR. ZIMMERMAN: And what about the people going north on Loch Raven, if they want to go, how do they, did you, can you explain how they would get there?

MR. SCHMID: They'd make a U-turn at the light.

MR. ZIMMERMAN: What, you, are you suggesting you can go north on Loch Raven and make a U-turn at that intersection?

MR. SCHMID: At Joppa?

MR. ZIMMERMAN: Yes.

MR. SCHMID: Yeah, I did it today.

MR. ZIMMERMAN: Without risking your life?

MR. SCHMID: It's an exclusive phased light. There's no other traffic movement except the left turns.

MR. ZIMMERMAN: All right. Okay and you think that's obvious to the normal rider, that they can do that?

MR. SCHMID: I think it's very obvious when you have a green arrow that you're protected.

MR. ZIMMERMAN: Okay. You don't think some of the people are going to make the left turn on Joppa and then try to get in what they think is an entrance but is actually the exit?

You're going to have people making your left in there?

MR. SCHMID: I, well, they'd have to drive by the site that says enter.

MR. ZIMMERMAN: Um hm.

MR. SCHMID: And try to go and make a left turn where they can't. I, I can't imagine somebody trying to do that.

MR. ZIMMERMAN: Yeah. Do you acknowledge that there, even with the right turn exit, that there is a, you have cars stacked at a red light, which could make it quite difficult to get out on Joppa, especially if you want to go straight or make a left turn onto Loch Raven?

MR. SCHMID: Certain times of day to make a left turn would be difficult to do and I don't think people are going to do it, that's why I said it's self-policing. The right turn out is going to be a function of people that, that's along this entire corridor, people makes rights in, at the thru lane. Somebody supposedly going eastbound on Joppa Road and somebody slows down to make a turn into the sandwich shop next to us.

MR. ZIMMERMAN: But what you call self-policing --

MR. SCHMID: Well, I didn't finish yet.

MR. ZIMMERMAN: Oh, excuse me.

MR. SCHMID: So, he's traveling eastbound and he, he slows down to turn into McDonald's or Sonic or, or the sandwich shop, he's then creating a gap for somebody at my site to get out and make a right. And that happens up and down along this

corridor, that's how people get out. It's not unique.

MR. ZIMMERMAN: And, and you call it self-policing. There are some drivers that are reckless and impatient and may not self-police very well.

MR. SCHMID: Well, they could do that in any level of service intersection too.

MR. ZIMMERMAN: But if, if the location were away from the intersection, then the flow of traffic would be more intermittent and not so stacked, wouldn't it? Isn't it worse at this corner intersection than it would be where traffic is more periodic?

MR. SCHMID: Along this corridor, it's better to be where we're at, where you physically can't make a movement, than it was if we were at Sonic, where there is no left turn lane, it's part of the double left turn lane to go onto Loch Raven Boulevard and you're sitting out in the thru lane trying to make a left. That's a lot more situation. Or you at, or you can come out and you can actually think you can weave across those lanes to get to that right, left turn lane. Where we're at, there's no question you can't do that.

MR. ZIMMERMAN: Well, how do you know people are going to think they can do that over there? Have you done a survey on that?

MR. SCHMID: I've sat out there for two, two nights so far watching, watching the flow of traffic and the cuing of

traffic and it's pretty consistent every, every phase of the light. So, there's no way possible to get to the left turn lane at certain times of day.

MR. ZIMMERMAN: And you've seen a lot of near accidents by Sonic? Have you observed --

MR. SCHMID: No.

MR. ZIMMERMAN: No. Now, let me ask, let me ask you this. According to Mr. Kazazian, if I'm pronouncing it correctly, they're looking for sixty customers a day, is that, did, am I correct?

MR. SCHMID: That's, that's an average.

MR. ZIMMERMAN: On the average.

MR. SCHMID: Yeah.

MR. ZIMMERMAN: And they're open 7:00 to, 7:00 a.m. to 7:00 p.m., am I right?

MR. SCHMID: That's correct.

MR. ZIMMERMAN: That's twelve hours. Now, if Mr. Kazazian is correct, we're talking five vehicles an hour.

MR. SCHMID: Well, if you average it all out.

MR. ZIMMERMAN: Right.

MR. SCHMID: Um hm.

MR. ZIMMERMAN: So, why in the world would they need four bays?

MR. SCHMID: Keep people from waiting and keep people from cuing. It's just like gas pumps at a gas station. You

don't always need six, sixteen pumps, but you always want to make sure some, one is available when somebody comes in to gas up. And I would think that this is the same way here. If they can fit four in there. Now, he, he said that one of the bays may be converted for electric cars in the future, that's their model. But, you know, the more bays I have, the less internal cuing I have and the less my site, site is clogged.

MR. ZIMMERMAN: It usually takes fifteen minutes, did he say fifteen minutes would be the usual period?

MR. SCHMID: Yeah, he said, I, I, I go to Valvoline. I go to the one in, on 8th Avenue in Glen Burnie by my office and I'm in and out of there in ten minutes at the most.

MR. ZIMMERMAN: Well, if that's true and you only get, on the average, five cars an hour, it seems like two or three bays would be more than adequate, wouldn't it?

MR. SCHMID: Well, we don't want to take a chance that on those days when we do eighty to ninety cars, we're going to have a problem with cuing. And the investment into, if you're going to build the building, I guess the investments makes sense to build a third bay and a fourth bay instead of just building two.

MR. ZIMMERMAN: But even at ninety, you would, you may be seven cars an hour, maybe occasionally you would get ten but, that could be a, now, is it, isn't the, isn't it realistic that they're probably looking for much more than sixty?

MR. SCHMID: No.

MR. ZIMMERMAN: No? Okay. Okay. Thank you. That's all I have, Mr. Chairman.

CHAIR: Mr. --

MR. LA FIANDRA: Thank you very much. Sir, do you have access to the Community's Exhibits 13 and 14, the Protestant's?

MR. SCHMID: No.

MR. LA FIANDRA: Okay. I'll show you my copy and does that tell you how many cars go through that intersection in the a.m. peak hour in, in 2017? I think that was the date of that, was it?

MR. ZIMMERMAN: Can Mr. La Fiandra clarify which hour he's talking about?

MR. LA FIANDRA: The a.m. peak hour.

CHAIR: He's talking about a.m. peak.

MR. ZIMMERMAN: Well, I mean, from 8:00 to 9:00, 7:00 to 8:00?

CHAIR: Well, I think the witness will have to identify that.

MR. ZIMMERMAN: All right.

CHAIR: I think you said the 7:15 to 8:15, I guess, right?

MR. SCHMID: I think you could add some numbers together.

MR. LA FIANDRA: So, --

MS. JOLIVET: That's what he said for thirteen, he didn't say fourteen.

CHAIR: Oh, he didn't say fourteen.

MR. SCHMID: No, no. Yeah, I had --

MR. LA FIANDRA: Fourteen total.

CHAIR: Seven-thirty to 8:30.

MR. SCHMID: Well, in the a.m. peak hour, the peak time is, is identified as 7:00 to 8:00 and has thirty-eight eighty-seven cars going to the intersection.

MR. LA FIANDRA: That's thru the intersection, all dir, all approaches?

MR. SCHMID: All approaches.

MR. LA FIANDRA: Okay and did you say that you would expect twelve a.m. peak hour trips by a four bay service garage based on your analysis?

MR. SCHMID: I believe that was my answer, yes. Yeah, twelve in the morning.

MR. LA FIANDRA: And so, twelve as a fraction of the number that you just mentioned is like less than one percent, is that right? It's about a third of a percent?

MR. SCHMID: (inaudible).

MR. LA FIANDRA: Third of a percent?

MR. SCHMID: Yeah.

MR. LA FIANDRA: And how about for the p.m. peak

hour? Does that tell you how many cars go through that intersection?

MR. SCHMID: It's listed forty-eight thirty.

MR. LA FIANDRA: Okay. So, then --

MR. SCHMID: We have nineteen.

MR. LA FIANDRA: Nineteen would be about --

MR. SCHMID: Point four percent.

MR. LA FIANDRA: Point four percent?

MR. SCHMID: Yeah.

MR. LA FIANDRA: Okay and is that a de minimis impact?

MR. SCHMID: Yes, it's a very de minimis --

MR. LA FIANDRA: Was that my copy?

MR. SCHMID: That's your copy.

MR. LA FIANDRA: Thank you.

CHAIR: So, isn't the real question though, not the total number of, in the intersection, isn't it really the eastbound Joppa Road?

MR. SCHMID: It's the critical part that's controlling --

CHAIR: That, that, that's really the point you have to look at, right?

MR. SCHMID: Yeah, um hm.

CHAIR: Okay.

MR. LA FIANDRA: So, if we look at that then, I want

to make sure I give you the right one. Can you determine what that is? That's the eastbound a.m. peak.

MR. SCHMID: Is six hundred and twenty-six.

MR. LA FIANDRA: And we had just said that the a.m. peak is, you established, you're estimating twelve?

MR. MCCANN: Objection. It's actually relative impact.

MR. SCHMID: Right.

MR. MCCANN: Compared to --

CHAIR: Yeah.

MR. SCHMID: But we're all not, we're, all that traffic is not coming from that direction obviously.

MR. LA FIANDRA: Okay. So, explain that for me. I don't understand.

MR. SCHMID: Well, we're going to have people coming from eastbound Joppa Road, westbound Joppa Road.

MR. LA FIANDRA: So, that's an apples and oranges comparison, we can't do that. But we can look at the twelve compared to the overall number that you said, like the thirty-seven hundred.

MR. SCHMID: It's, I mean, this is the de minimis, this, I mean, --

MR. LA FIANDRA: This is de minimis de minimis.

MR. SCHMID: There's so many --

MR. MCCANN: Objection. Objection for the record and

ask for a continuing objection.

CHAIR: Okay.

MR. LA FIANDRA: He was just cross examined for an hour on the impact of the intersection.

CHAIR: Okay. I overruled the objection.

MR. MCCANN: The percentage of impact is irrelevant.

CHAIR: Okay.

MR. MCCANN: It's the percentage of impact compared to what it would be inherently associated.

CHAIR: Gotcha.

MR. MCCANN: That's the, the delta we're talking about.

CHAIR: Okay.

MR. MCCANN: Not this amount of traffic compared to the total amount of traffic.

CHAIR: Well, well, now, you know, really in fairness --

MR. MCCANN: Yeah.

CHAIR: -- okay, Mr. Zimmerman spent --

MR. MCCANN: Okay.

CHAIR: -- a fair amount of time I think on this point actually. If I understood him correctly, understood his cross. Maybe I didn't.

MR. MCCANN: That's fine, I'll, I'll address it (inaudible).

CHAIR: Okay.

MR. LA FIANDRA: Do you know what the, if you, if you know, what is the average daily volume, daily volume through the intersection? Do you, is that not on here?

MR. SCHMID: It was on there. Maybe the second page. Fifty-six thousand nine hundred and forty-eight.

MR. LA FIANDRA: And the average daily number of trips from this use is one hundred and sixty?

MR. SCHMID: One sixty.

MR. LA FIANDRA: Right, okay. And then there was a question from the Chair and then another question by Mr. Zimmerman, the, the U-turn at the light at Joppa Road on, from, approaching Loch Raven traveling north at, at Joppa Road, first of all, that's, that's a legal U-turn at that light, is that correct?

MR. SCHMID: That's correct.

MR. LA FIANDRA: And, and you were saying, but I may not have understood, the phasing of the lights protects the turner, the, the person making the U-turn?

MR. SCHMID: There's a green arrow, that's only, the left turn proceed on a green arrow only.

MR. LA FIANDRA: Okay.

MR. SCHMID: And the green arrow means they have the right of way.

MR. LA FIANDRA: Okay.

MR. SCHMID: Nobody else is conflicting.

MR. LA FIANDRA: Now, there was one other point that you made that I wanted to clarify. This use would be, generate more or less adverse effects if it were mid-block compared to at the corner?

MR. SCHMID: It would generate a much higher impact if it was mid-block.

MR. LA FIANDRA: And is that because of the, you called it earlier, full movement, in and out?

MR. SCHMID: There's, you're going to be allowing those conflicting movements and those con, conflicting movements would cause much more of an impact than the right in and the right out we're proposing.

MR. LA FIANDRA: So, here we have, everybody's always making a right turn to get on or off of the sites?

MR. SCHMID: That's correct. It's the simplest move that you can make at an intersection.

MR. LA FIANDRA: Okay. Thank you.

CHAIR: Mr. McCann?

MR. MCCANN: No questions, thank you.

MR. ZIMMERMAN: Just a couple. The estimate that you gave of twelve potential peak hour trips, is that, is that based on some national --

MR. SCHMID: It's based on the Institute of Transportation Engineers Manual.

MR. ZIMMERMAN: Okay. But Valvoline's actual use might be different from that indicated in the manual?

MR. SCHMID: Oh, yeah. I mean, there are averages of studies all over the country so, yeah, they could be slight, they could be different in one location versus another.

MR. ZIMMERMAN: And when was that manual, when were those numbers done?

MR. SCHMID: Tenth edition just came out this year.

MR. ZIMMERMAN: And you did review the tenth edition?

MR. SCHMID: Yes, sir.

MR. ZIMMERMAN: And the category was oil lubrication?

MR. SCHMID: Quick lube center, quick oil lube center, is the, is the land use category. It's not a gas station or, there's another land use code for automobile service facility that has something like across the street, much better, bigger services and more services.

MR. ZIMMERMAN: Okay. Now, you've heard Mr. Kazazian indicate there are twenty-seven Val, Valvolines in the State of Maryland.

MR. SCHMID: Twenty-seven and three in process.

MR. ZIMMERMAN: Okay. Did you attempt to get a survey of how many peak hour uses there are at those locations?

MR. SCHMID: No, if I, if I did that, I'd have to, I'd have to sample like ten stores to be accurate. They, the County wants me to use the IT manual and I use the IT manual

when, when there's land use code in there that reflects my use.

MR. ZIMMERMAN: Well, whatever the so called County wants, could you have even have asked Mr. Kazazian, well, what's been your experience peak hour?

MR. SCHMID: Well, his experience is averaging sixty people a day, which makes a lot of sense because if he averages sixty ve, sixty customers a day, that's a hundred and twenty trips, coming in is one trip, you go out as another trip. And then you have employees, eight employees and some on shifts, some go to lunch and such, so you add another thirty or so trips and IS, ITS made it one sixty and we're at about one fifty, one sixty, so.

MR. ZIMMERMAN: Let me just ask you this, you, following up on your observation, you can get through a Valvoline in ten minutes, correct?

MR. SCHMID: Yeah, um hm.

MR. ZIMMERMAN: So, if that, if that's true, then with maybe a, arguably a slight variation, you could have six per hour in one bay, six times ten is sixty minutes.

MR. SCHMID: Yeah, if everybody didn't, if everybody was there at the same time.

MR. ZIMMERMAN: (inaudible).

MR. SCHMID: Waiting to get in, you could do that.

MR. ZIMMERMAN: Well, you could potentially --

MR. SCHMID: But that doesn't happen.

MR. ZIMMERMAN: -- you know, you could potentially get six at each bay, twenty-four, you could get twenty-four in one hour, if that were true, and if it were fifteen minutes, you're at sixteen per hour. That seems like a lot bigger capacity then, then matches up with what, what your traffic estimates are.

MR. SCHMID: I don't know what your point is. The capacity of a McDonald's drive in is ten times what comes in and out of a McDonald's. I don't understand your point.

MR. ZIMMERMAN: Well, the point is, with this capacity, there could be much more use than is being estimated and, and wouldn't it make sense then, even if the Board otherwise thinks this is an appropriate special exception, wouldn't it be appropriate to, to moderate it and have two or three bays, could easily handle the, the estimated traffic, even without waiting. I mean, the numbers I gave you are so nobody has to wait a minute. Isn't this, isn't this, you know, excessive use of the site if, if those numbers are correct?

CHAIR: Isn't that sort of a business question, more than a question?

MR. SCHMID: Yeah. I mean, we try, on any of these uses, we try to contain the impact to the site. So, if I have a car wash at a Royal Farms, I want to make sure I have enough stacking area in site to do it, to take care of that. Same thing here. I want to make sure a customer, if I go to

Valvoline, I like going to Valvoline because I don't wait. I can pull up there and if I wait for one guy to get done then that's the most I wait. And the more drive thrus I have the less chance I have to wait which is, makes me a happy customer.

MR. ZIMMERMAN: Yeah. Well, and I'm going to get off this in a minute. The point of my question is this. It, it's possible, you know, the Board could say oh, there's no, zero problems at this site. The Board could say yeah, there's significant problems or, from a traffic point of view. Or it could be a gray area. It could, I know you think there's zero problems, I get that. But if, let's say, the Board concludes well, there's, there is some problems here and there's some legitimate concern. So, maybe two or three bays is enough for this small, relatively small site, that four is too much, they don't need four and --

MR. SCHMID: Oh, I guess that's your opinion.

MR. ZIMMERMAN: That, that's a, I'm just giving you a hypothetical. I don't know what the Board is going to conclude. Maybe they'll agree with you that it's, whatever. All right. That's all I have, Mr. Chair.

CHAIR: Okay, thank you.

MR. MCCOMAS: I have a couple questions.

CHAIR: Sure.

MR. SCHMID: Sure.

MR. MCCOMAS: Will, will the, in your opinion, will

the U-turn exasperate the stacking because the right hand turn lane will have to wait for them?

MR. SCHMID: Oh, the right hand coming off of --

MR. MCCOMAS: Yeah, yeah, coming off, you know, the eastbound --

MR. SCHMID: They'll have to yield to them, yes.

MR. MCCOMAS: The, do you think that will exasperate the stacking or, or do you think it's just because there's not enough cars here?

MR. SCHMID: I mean, the, the numbers we're talking about here, we're probably, from that direction we may get three peak hour U-turns.

MR. MCCOMAS: That's it. And then the other, just sort of similar question is, on the exit out from the, the north side of the, is that a two lane exit or is that a one lane exit?

MR. SCHMID: One lane exit.

MR. MCCOMAS: So, how would, how would like one of the tanker trucks or UPS truck or anybody like that make a delivery in this facility?

MR. SCHMID: Well, it's striped, so it's striped down as a one lane --

MR. MCCOMAS: Yeah, but how would they make a, if somebody is sitting there, how, how, how are they going to make the turn in there? I mean, is there enough room, basically,

for, for the tanker trucks and the, you know, UPS, somebody mentioned in one of the testimony earlier about deliveries, maybe it was you.

MR. SCHMID: Um hm.

MR. MCCOMAS: How's that all going to happen because it looks like it can only happen on the north side of the facility?

MR. SCHMID: No, the, the entrance on Loch Raven Boulevard is built to commercial standards, State Highway commercial standards.

MR. MCCOMAS: I understand that, but I think the, the prior witness testified that the storage units of the tank, of the, of the oil tanks are all on the north side.

MR. SCHMID: Um hm.

MR. MCCOMAS: And that's where all the pieces are. So, I'm assuming, like, let's say a tanker truck would come in on the north side and he, and maybe the UPS because they're thinking that's the front of the facility, how's that, how's all that traffic --

MR. SCHMID: But they can't come in the front.

MR. MCCOMAS: No, then okay. So, --

MR. SCHMID: Do not enter, one way.

MR. MCCOMAS: So, then they're going to have to go through, so they have to go in and then U-turn out the wrong way or go through the, the --

MR. SCHMID: Well, you can go right out on Loch Raven for the employees, yeah. You can come in the back --

MR. MCCOMAS: Then can you describe to me --

MR. SCHMID: -- deliver and then come back out on Loch Raven Boulevard.

MR. MCCOMAS: Out against traffic that's one way?

MR. SCHMID: No, the --

MR. MCCOMAS: Maybe I'm missing something, but if it's all one way facility, how --

MR. SCHMID: -- the, the access on Loch, the access on Loch Raven Road is two way, inbound and outbound.

MR. MCCOMAS: On Loch Raven it's two way?

MR. SCHMID: Yes, inbound and outbound.

MR. MCCOMAS: Okay. Because that's how the employees are getting, all right, got it.

MR. SCHMID: Because that's how the, that's how the parking spaces get out.

MR. MCCOMAS: All right, that's the part I'm missing. All right.

MR. SCHMID: Yeah, that's how the parking spaces get out.

MR. MCCOMAS: And so, the tanker trucks are coming in that way as well and the UPS trucks are all going to come in that way?

MR. SCHMID: I would assume the civil engineer has

already looked at the turning radiuses when you lay out the site.

MR. MCCOMAS: Right, that's what I'm getting to, right.

MR. SCHMID: I, I did not. I did not, no. I typically would on a gas station site because, but I'm not sure how big the tankers are that deliver oil here, so.

MR. MCCOMAS: All right. Thanks.

MR. SCHMID: Okay.

CHAIR: Any other, further questions?

MR. LA FIANDRA: Nothing.

MR. MCCANN: No.

CHAIR: Okay.

MR. LA FIANDRA: I mean, I just would like to make sure that all my exhibits are in before I close my case.

CHAIR: Okay.

MR. LA FIANDRA: (inaudible). Just so the record is clear, I'll move twelve, thir, Petitioner's twelve, thirteen and fourteen in.

CHAIR: Yes. So, how many witnesses do you think, Mr. McCann?

MR. MCCANN: Well, I may just have one and then maybe, assuming, I represent two clients --

CHAIR: I, I'm not trying to cut you short.

MR. MCCANN: Yeah. But what I'd like to do is one

and --

CHAIR: Okay? And, and you know what? If we can't finish today, we can't finish today.

MR. MCCOMAS: We have a hard stop at 4:30 anyway so, just so --

MR. MCCANN: Yeah, no, we're, we're not putting on all these witnesses. I, I, what I'd like to do is put on one and as long as that goes well --

CHAIR: But, I mean, --

MR. MCCANN: -- I may just ask the other witness to say do you agree with everything that was just said or maybe even make that proffer.

CHAIR: That, that, that's fine. But I, please understand that I am, we, we have no, we, we will not cut you short, okay? You take the time you need and if we have to come back another day, we will, we will come back another day, that's what we're all paid to do, so.

MR. MCCANN: These will be short witnesses.

CHAIR: Okay, all right.

MR. MCCANN: If there's more than one, it will be short.

CHAIR: Okay.

MR. ZIMMERMAN: And I have no witnesses. I do have some documents, which it may facilitate if I get these documents in before Mr. McCann --

CHAIR: Before the witnesses?

MR. ZIMMERMAN: Yeah, before his witness.

CHAIR: Okay.

MR. ZIMMERMAN: It may be helpful.

CHAIR: Is that okay with you?

MR. MCCANN: It doesn't matter to me.

MR. ZIMMERMAN: For most, at least most of my documents and I think I can do it quickly.

CHAIR: Okay. Have you seen the documents?

MR. ZIMMERMAN: Some.

MR. LA FIANDRA: I was given a couple of documents, I don't know about what he has.

CHAIR: Okay.

MR. ZIMMERMAN: So, this, are we up to thirteen?

MS. JOLIVET: This is thirteen.

MR. ZIMMERMAN: Yeah. So, last time we had a document, it may have been ten or eleven, anyway it was some history of the 1989 case, which Mr. La Fiandra pointed out was difficult to read. So, we got a copy of a more legible version, okay?

CHAIR: Okay.

MR. ZIMMERMAN: Which I did --

MR. LA FIANDRA: Yes.

MR. ZIMMERMAN: -- provide to Mr. --

CHAIR: And this would be then People's Exhibit --

MR. ZIMMERMAN: Thirteen?

CHAIR: Thirteen.

MS. JOLIVET: Well, you're not replacing it with the first, you're making it a separate exhibit?

MR. ZIMMERMAN: Well, I, I thought, well, whatever the Board prefers but this is, this is case number 89-510-SPHA. This actually deals with 1701 East Joppa Road, which is the, it shows the history of that site for what it's worth. The, that it's long standing use. I think it --

MS. JOLIVET: Okay. Yes, thank you.

MR. MCCANN: (inaudible) while Mr. Zimmerman is doing this? Okay.

CHAIR: Sure, yeah.

MR. ZIMMERMAN: You don't want to see what I've got? Okay.

MR. MCCANN: Well, I'll look at it and, when it's in.

MR. ZIMMERMAN: All right. So, and I think this one I gave to Mr., the next one, number fourteen, --

MR. LA FIANDRA: So, pardon me, is that going to be number thirteen?

MS. JOLIVET: Yes.

MR. LA FIANDRA: The revised? Okay.

MR. ZIMMERMAN: Yeah, it's simpler that way. Fourteen, I, rather than waiting till the memo, I, I have the dictionary and Miriam Webster's dictionary, front and back.

CHAIR: Okay.

MR. ZIMMERMAN: So, Mr. La Fiandra will have advance notice.

CHAIR: So, that's People's fourteen, all right.

MR. ZIMMERMAN: All right.

CHAIR: Just give it to him.

MR. LA FIANDRA: Is that the exhibit that you showed Mr. Kazazian?

MR. ZIMMERMAN: Yes.

CHAIR: No, no.

MR. LA FIANDRA: Is that the same one?

CHAIR: This is different.

MR. ZIMMERMAN: No, no, it's diff, no, I, that was in, I was discussing inherent, that's already, the definition of inherent is already in.

MR. LA FIANDRA: And which number was that?

MR. ZIMMERMAN: Twelve?

MS. JOLIVET: Twelve.

MR. ZIMMERMAN: Twelve was Webster's on inherent.

MR. LA FIANDRA: Oh, oh, yes, that's right. Oh, oh, I see.

MR. ZIMMERMAN: And fourteen, fourteen is Webster's on front and back, which I think I gave you.

MR. LA FIANDRA: Got it. You did. I think it, let me just make sure that that's in here.

MR. ZIMMERMAN: Okay.

MR. LA FIANDRA: Yes.

CHAIR: Okay. That's, that's admitted.

MR. LA FIANDRA: Okay.

MR. ZIMMERMAN: All right. Then fifteen, although maybe the Board has many, many photos but I, we took a number of other photos of the intersection from different perspectives I think I gave this to Mr. La Fiandra as well.

CHAIR: Okay.

MR. ZIMMERMAN: I guess I didn't mark them A, B, C, D but, but it's a series of photos. I wasn't going to ask questions about them.

CHAIR: Okay.

MR. ZIMMERMAN: If, if questions are asked, we can mark them A, B, C, but and, and I think we attempted to get each --

CHAIR: I think that's, I think (inaudible).

MS. JOLIVET: Do you have extras for me (inaudible)?

MR. ZIMMERMAN: Did I give, how many did I give?

MS. JOLIVET: Not for the dictionary you didn't.

MR. ZIMMERMAN: I didn't give you one for the dictionary?

MS. JOLIVET: Or, or thirteen.

MR. MCCOMAS: Yeah.

MR. ZIMMERMAN: I think, I think (inaudible).

MS. JOLIVET: Okay.

MR. MCCOMAS: Here you go, here you go.

MR. ZIMMERMAN: Do we have enough?

CHAIR: Yeah, yeah, we're good.

MR. ZIMMERMAN: Are we missing any for Ms. Randall Jolivet?

MS. JOLIVET: This is fifteen.

MR. ZIMMERMAN: Do, do you have --

MS. JOLIVET: I don't have, this is --

MR. ZIMMERMAN: Which one is, the dictionary?

MS. JOLIVET: Fourteen or thirteen, the dictionary or this. Thank you.

MR. ZIMMERMAN: And, and, and the other one, --

MS. JOLIVET: Is thirteen.

MR. ZIMMERMAN: Thirteen was --

MS. JOLIVET: Which is the, this --

MR. MCCOMAS: That's not here. Hey, Pete, I got a quick question for you. I'm looking at this. It looks like you're giving me something from 6/3/89, but I'm looking at the revision history and I, I can't tell whether that's 0 or 8, they don't look like they're matching up. Look at the re, I'm assuming that's tracking the revisions by the engineers, not by the development.

MR. ZIMMERMAN: Well, the --

MR. MCCOMAS: And I can't see it that well.

MR. ZIMMERMAN: -- the dates, the revision dates are 1989.

MR. MCCOMAS: They are ’89?

MR. ZIMMERMAN: It’s hard to read.

MR. MCCOMAS: I’ll never profess to be 20/20 vision anymore.

MR. ZIMMERMAN: I, I, I believe, looking at plan preparation, if my, if my vision is good enough, it looks like ’89 and I think it matches up with the Petition. I admit it would be good, ah, and then at the bottom there’s a signature 6/23/89.

MR. MCCOMAS: Well, that, that’s the part I was trying to reconcile, whether (inaudible) --

MR. ZIMMERMAN: Oh, oh, that was the other page.

MR. MCCOMAS: -- whether that’s the right design document for that, and they --

MR. ZIMMERMAN: I, I believe, I believe it is and it came with, it came from the microfilm with this. If we go back and find that it’s incorrect will, or if Mr. La Fiandra can, can find that we’ll get it. The main point was to show that in 1989 that was approved. It wasn’t so much to get the details of the site plan. But, I mean, the site plan looks consistent with the opinion. And then I, I think Madam, Chair panelist, are we missing one extra exhibit?

MS. JOLIVET: Thirteen.

MR. ZIMMERMAN: Is that, is that the 1989 document?

MS. JOLIVET: The zoning history, yes. Thank you.

MR. MCCANN: This is fourteen?

MR. ZIMMERMAN: Yeah. And sixteen, which I think Mr. McCann wants to make use of, which I haven't yet shown to Mr. La Fiandra.

MR. MCCANN: Yeah.

MR. ZIMMERMAN: We asked the GIS staff as we often do to, to get maps and they provided a map of the County commercial revitalization districts County wide, along with the naming of them and, and acreage and I have smaller copies. I'm going to show it to Mr. La Fiandra.

MR. LA FIANDRA: So, what's the source of this?

MR. ZIMMERMAN: The source of this is the, the GIS and the County planning sources in comm, and information technology. They have Planning Department sources.

MR. LA FIANDRA: So, this was prepared on March 8th?

MR. ZIMMERMAN: Yes.

MR. LA FIANDRA: This is not, is this an official document of Baltimore County?

MR. ZIMMERMAN: It's prepared by the GIS staff based on the Planning Department sources that they have.

CHAIR: GIS staff is part of Baltimore County?

MR. ZIMMERMAN: Baltimore County.

CHAIR: Yeah.

MR. ZIMMERMAN: Geographic Information Services. I mean, we can bring in the witness, Ryan Sale (phonetic), he's been qualified in other cases.

MR. LA FIANDRA: What does the, this, what does this --

MR. ZIMMERMAN: Which, he was cal, he was able to calculate the number of acres in each commercial revitalization district.

MR. LA FIANDRA: Do you have, do you have a copy for me?

MR. ZIMMERMAN: Oh, yes.

MR. LA FIANDRA: I won't have any objection to this.

MR. ZIMMERMAN: So, the, and I'm sure Mr. La Fiandra can, can double check on the County website.

CHAIR: So, the large one is the exhibit, right?

MR. ZIMMERMAN: The large one is the exhibit but we facilitate by providing the Board with eight and a half by eleven versions of the same exhibit. We can give the Board two of the miniatures.

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: And I guess at the moment we'll just stick it on. If Mr. McCann may want to use it, but, we'll put it on the easel.

MS. JOLIVET: Okay, thank you.

MR. LA FIANDRA: Did you have a copy for me?

MR. ZIMMERMAN: Yes.

CHAIR: Is this thirteen?

MR. ZIMMERMAN: I think we're up to sixteen.

CHAIR: Sixteen, I'm sorry.

MR. ZIMMERMAN: And sim, we did, we asked GIS staff, Ryan Sale, who has been, did testify in one of the solar cases and was accepted, we asked him to locate the, the BL zoning districts, including those with overlays and I'm going to show the miniature copy to Mr., or give Mr. La Fiandra a copy.

MR. LA FIANDRA: Thank you. So, these are the zoning overlays, not the revitalization district?

MR. ZIMMERMAN: These are, these are the BL zones, including the BL without a AS or CCC and so one. But also the BL's that have overlay districts.

MR. LA FIANDRA: So, let me just ask, you say BL zoning area is one thousand eight hundred and eighty-eight acres. Does that include these other acres?

MR. ZIMMERMAN: No, those are separate.

MR. LA FIANDRA: Those are separate, okay.

MR. ZIMMERMAN: Those are separate. And we simply asked GIS to come up with this information for what it's worth for the, you know, obviously we think it has some relevance.

CHAIR: And this is seventeen, right?

MR. ZIMMERMAN: Seventeen. To, to give some idea of the County wide scope of the BL zone, noting also we didn't do

this, but the business major zones allows the uses in the BL zone as well, but.

MR. LA FIANDRA: As does the BR.

MS. JOLIVET: Can I have the extra one?

MR. ZIMMERMAN: As, Mr. La Fiandra points out, does the BR zone. So, there is some interrelationship, but we just did the BL and, and again, we have the larger version, which is easier to read, so I'll just put the sticker on the larger version which, yeah. And again, our.

MS. JOLIVET: Do you have two more?

MR. ZIMMERMAN: I may have one more.

MS. JOLIVET: One more.

MR. ZIMMERMAN: I may, well, Mr. McCann may have some overlap on this but what we did do, and, and incidentally, the reason for this is, under *Schultz v. Pritz*, they're requesting are, are there adverse effects to, and are they significantly over and above what might be elsewhere in the zone? So, we thought it provides some perspective to see just where the BL zones are.

CHAIR: Okay.

MR. ZIMMERMAN: And the other thing, we, we did what we consider to be some legislative history relating to the ongoing establishments and revisions of the commer, Loch Raven commercial revitalization district. And these are, this exhibit has several newspaper articles, which we think is, you

know, part of the history. And I know in some other cases, I know the, we had a case involving the constitutionality of the County's hookah lounge midnight curfew and we did introduce this sort of document as part of the legislative history.

MS. JOLIVET: Thank you.

MR. LA FIANDRA: I don't see any legislative history here. I would object to this.

MR. ZIMMERMAN: All right.

CHAIR: Well, what is it, a collection of newspaper articles?

MR. LA FIANDRA: Yeah.

MR. ZIMMERMAN: Yeah, giving, quoting Councilman Marks and others --

CHAIR: Sort of the anecdotal history.

MR. ZIMMERMAN: -- relating to the background of the commercial revitalization districts.

MR. LA FIANDRA: Your Honor, --

MR. ZIMMERMAN: It's an administrative hearing and I, I think it has some value.

CHAIR: Okay.

MR. LA FIANDRA: And these are, these are newspaper articles written by people who are not subject to cross examination. This is obviously being offered for the truth of the matter contained here and it, and this is not legislative history.

CHAIR: No.

MR. LA FIANDRA: If they had committee reports or tallies of votes or --

MR. ZIMMERMAN: No.

MR. LA FIANDRA: -- different planning documents that they, reports of different types that they wanted to introduce, I would have no objection. But this is not, there's, there's no exception in the rules for this type of document.

CHAIR: So, so these are articles. One of them is from the Baltimore Sun.

CHAIR: Yeah. Well, the Board, may, may I just observe that classically, according to my understanding, there's such a thing as internal legislative history and external legislative history. Internal legislative history would be committee reports, such as we have in congressional committees or the official County fiscal notes, that would be internal legislative history. But Courts will sometimes take a look at the so called external legislative history for what it's worth and I, this being an administrative hearing, I, I do submit that it's of some value and it does dovetail with the various Council resolutions which we, which we did submit.

CHAIR: All right. Well, we'll, we'll admit it, I mean, you don't, I mean, this, this is pretty marginal stuff.

MR. ZIMMERMAN: All right.

MR. LA FIANDRA: This is oral history. This is not

legislat --

CHAIR: Yeah, this is an oral his, this is anecdotal history --

MR. LA FIANDRA: -- this is not legislative history.

MR. ZIMMERMAN: Okay.

CHAIR: And it's, it goes, the first article is six years old and, --

MR. LA FIANDRA: I renew my objection. This should not be let in, Your Honor.

MR. ZIMMERMAN: I think, I think they dovetail with some of the Council resolutions so I, I think there's, it's a little better than marginal but the Board will decide what --

CHAIR: Whether it's, it may be a little less than marginal actually but.

MR. ZIMMERMAN: All right. I think it's consis, I think, I mean, I think we could make the same points --

CHAIR: It's, it's, it's --

MR. ZIMMERMAN: -- without putting this in. I admit, but.

CHAIR: I, I think that's probably true. But we'll admit it because let's have the record be complete for all parties, okay?

MR. ZIMMERMAN: All right. And the other thing, this is partly to give Mr. La Fiandra fair notice, since one of the issues that we've had in the case is just what is the front and

is there a front yard setback issue, if the Board finds that the front is Loch Raven, we have the County zoning regulations for, for BL front yard, which is Section 232.1. I think Mr. La Fiandra would have to admit that and then it refers to Section 303.2. So, we have, we have those for People's Counsel eighteen. And we will be arguing eventually in the memo that Loch Raven is the front yard and then consistent with the 1999 case, twenty-nine feet is the cal, the minimum calculation. So, the variance is actually necessary.

CHAIR: Okay.

MR. ZIMMERMAN: And I'm giving Mr. La Fiandra kind of --

CHAIR: Okay.

MR. ZIMMERMAN: -- a heads up so, so he can --

MR. LA FIANDRA: I appreciate the heads up.

MR. ZIMMERMAN: -- tell us why --

MR. LA FIANDRA: And for the record, I don't think this needs to be admitted but obviously I understand that's the practice of the Board so.

CHAIR: Well, it's, right, so.

MR. ZIMMERMAN: Does the Board --

MS. JOLIVET: I need an extra. Thank you.

MR. ZIMMERMAN: Okay and I think that completes my exhibits and hopefully we can perhaps conclude today.

CHAIR: Okay.

MS. JOLIVET: Okay. I need to run out, I'll be right back, for just a moment.

CHAIR: Should we take a five minute break here?

MS. JOLIVET: You don't have to. I was just going to run out, I was going to be right back.

CHAIR: Okay.

MS. JOLIVET: You don't have to, I'll be right back.

MR. ZIMMERMAN: I would love five minutes.

MR. LA FIANDRA: Maybe you need five, I need five.

MR. ZIMMERMAN: I, I need --

CHAIR: We're going to take five min --

(RECORDING PAUSED - 03:10:18 PM)

(ON RECORD – 03:19:05 PM)

CHAIR: Everyone can be seated. We're back on the record, --

MR. MCCOMAS: No, not yet. I screwed up.

CHAIR: No, not yet.

MR. MCCOMAS: There you go.

CHAIR: We're back on the record and we've got all the exhibits in and Mr. McCann, you can call your first witness.

MR. MCCANN: Thank you very much.

MR. ZIMMERMAN: Thank you, Mr. Chairman.

MR. MCCANN: I'm going to move this if that's okay.

VOICE: (inaudible).

MR. LA FIANDRA: Your Honor, this is the attendant sheet.

CHAIR: Okay.

MR. LA FIANDRA: This is the sign in sheet for the Petitioners. Oh, and then there's People's Counsel's (inaudible).

CHAIR: Okay.

MR. LA FIANDRA: Also, there's a gentleman in the audience who just asked me to make sure that you were aware that he was here. He's unrepresented by counsel. It's Mr. Gastro (phonetic), right back there. He, he asked me to just make sure that he has an opportunity to say something.

CHAIR: Okay, sure. Fine.

MR. MCCOMAS: You all set? Raise your hand. Do you swear and affirm under the penalties of perjury the testimony you're about to give is true and correct to the best of your knowledge and belief?

MR. MOULDER: I do.

MR. MCCOMAS: Please state your name, your address for the record and spell your last name and your business.

MR. MOULDER: My name is Peter Moulder, last name is M-O-U-L-D-E-R. I live at 1552 Dellsway Road, Towson, Maryland 21286. Was there something else, what was, what was the last part?

MR. MCCOMAS: Your business, yeah.

MR. MOULDER: I am currently retired, so.
CHAIR: Okay.
MR. MCCOMAS: You can sit.
MR. MOULDER: All right.
MR. MCCOMAS: Just adjust the microphone there.
MR. MOULDER: Okay.
CHAIR: And as you've heard us say to everyone else, try and keep your voice up.
MR. MOULDER: Keep my voice up. Thank you. All right.
MR. MCCANN: Okay, Mr. Moulder, good afternoon, finally. Tell us, if you would, where you live?
MR. MOULDER: I, I, as I said, I live at 1552 Dellsway Road in Loch Raven Village.
MR. MCCANN: Okay and explain generally where Loch Raven Village is in relationship to this site?
MR. MOULDER: Generally to the south and west --
MR. MCCANN: Okay.
MR. MOULDER: -- of the site. Loch Raven Village, I'd say general boundaries would be about Joppa Road to the north, Loch Raven Boulevard to the east, Taylor Avenue/Goucher Boulevard to the south and LaSalle Road to the west.
MR. MCCANN: I'm sorry, so you're now, you just described Loch Raven Village itself, the development, the development?

MR. MOULDER: Correct.
MR. MCCANN: Okay.
MR. MOULDER: Yeah.
MR. MCCANN: Yeah, I was just asking you where your house was.
MR. MOULDER: Oh, I'm sorry.
MR. MCCANN: But, I don't think your house is that big.
MR. MOULDER: Sorry.
MR. MCCANN: That's okay.
MR. MOULDER: It's been a long day.
MR. MCCANN: It's okay, it has. So, you are affiliated with the organization known as Associates of Loch Raven Village?
MR. MOULDER: Yes, I am. I'm the Vice President and Board member of the Associates of Loch Raven Village.
MR. MCCANN: Okay and how long have you been Vice President and a Board member of that organization?
MR. MOULDER: I think I've been three years.
MR. MCCANN: Okay, all right. I'm, I have some Rule 8 papers here, Mr. Evans.
CHAIR: Okay.
MR. MCCANN: I'd like to take care of first.
CHAIR: All right.
MR. MCCANN: Before I ask the witness any more

questions and I've given a copy to Mr. La Fiandra.

MR. LA FIANDRA: Yes.

MR. MCCANN: And I have an original here.

CHAIR: Okay.

MR. MCCANN: So, I don't know if you want to mark it collectively as a single exhibit, there's three pages, of course. So, maybe that would be easier for this, if that's okay.

CHAIR: Sure.

MR. MCCANN: A single exhibit which would be Protestant's Exhibit 15, I believe.

MS. JOLIVET: Yes.

MR. MCCANN: So, I guess it would be 15-A, B and C. And I don't have an extra copy for the Board (inaudible) necessary.

CHAIR: No, it really isn't necessary.

MR. MCCANN: Okay and, and the documents speak for themselves. I'll ask the question some more, the witness some more questions. But maybe I'll do that first.

CHAIR: Are, are the Rule 8 documents good with you?

MR. LA FIANDRA: Your Honor, I wanted to point out that this Rule 8 paper, the resolution appears to have expired on March 15th by its own terms. This is not something that I'm making up. It's right here on page two of the papers. So, I know Mr. Moulder, I know he's testified in these cases before.

But I would note that, for the record, and I'll note an objection to his participation.

CHAIR: Okay, all right. Well, --

MR. MCCANN: I think that may be, in fact, and I can ask the witness this, was it because of the, we were scheduled, if you recall, prior to that, we were here a couple weeks ago and this is now an additional day, so.

CHAIR: Right, right.

MR. MCCANN: Maybe they weren't anticipating the, the delay in the hearing.

CHAIR: Okay.

MR. LA FIANDRA: I, I would note that there was a second day of the hearing that was advertised initially. This was not a, an, an add on day. When the dates first came out back in January that these, these dates were, both of these dates were selected. I understand the ruling is, what your ruling will be, I don't even need to really wait for it --

CHAIR: Right, right. We want to hear from Mr. Moulder.

MR. LA FIANDRA: That's fine.

CHAIR: From the community association.

MR. LA FIANDRA: Thank you.

CHAIR: So, we will overrule --

MR. ZIMMERMAN: And for the record --

CHAIR: -- your, we will overrule your objection.

MR. ZIMMERMAN: The hearing started on March 5th, so it would seem to me the Rule 8 would be --

CHAIR: Would be timely, yes. I think that's correct.

MR. MCCANN: Okay, thank you.

MR. LA FIANDRA: That's fine, thank you.

MR. MCCANN: So, Mr. Moulder, I know I'm jumping around a lot, but just tell us a little bit about Loch Raven Village, the, the, the neighborhood, the number of homes there, the type of homes there, generally speaking.

MR. MOULDER: Sure, there are fourteen hundred and seventy-two homes --

MR. MCCANN: Okay.

MR. MOULDER: -- in Loch Raven Village. The first homes were built in, starting in the late forties when the land on the east side of Loch Raven Boulevard was acquired. And then subsequent to that, land was acquired on the west side of Loch Raven, the old, I think it was called the Eudowood Sanitarium, home for consumptives. Those buildings were acquired over closer to what is, where Loch Raven Middle School is today. We're approaching, I guess, our seventy-fifth anniversary as a neighborhood. It's typical Baltimore townhomes, or row houses if you will, Georgian style architecture. The first people who purchased their lot worked at Bendix up on Joppa Road. The houses sold initially, inside

groups, inside of the groups, for about $6,000 and end of groups for $8,000, okay? When they first opened up selling in the last forties and early fifties.

MR. MCCANN: Okay. How, how big are the lots, generally speaking?

MR. MOULDER: The lots, inside group is generally I think about twenty by ninety and out, the end of groups I think are twenty, they are two feet wider, they are twenty-two feet wide and about the same length. It, it, there are some that vary. We'll find someone, some of the streets where there's a curve in the street or bend in the street where they, you know, some of them will have a bigger backyard or something like that, but that's generally correct.

CHAIR: These are two story or?

MR. MOULDER: Two story.

CHAIR: Two stories, yeah.

MR. MOULDER: Row homes, yes. With a, with a full basement.

MR. MCCANN: And these may be the easiest way to handle this. I have a map and maybe I can just have you circle where the neighborhood is because I'm sure we're all generally familiar where Loch Raven Village is. This will be sixteen.

MS. JOLIVET: Thank you.

MR. LA FIANDRA: Did the other copies have things circled or is it just --

MR. MCCANN: No, that's me.

MR. LA FIANDRA: Okay, okay.

MR. MCCANN: He's going to circle them for us.

MR. LA FIANDRA: Sure.

MR. MCCANN: It's hard to find a spot. Maybe the upper, upper right hand corner may be best.

MS. JOLIVET: Okay.

MR. MCCANN: (inaudible).

MR. LA FIANDRA: What is this?

MS. JOLIVET: Thank you.

MR. MCCANN: It's a My Neighborhood map.

MR. LA FIANDRA: I, I know. The number?

MR. MCCANN: Sixteen.

MR. LA FIANDRA: Sixteen.

MR. MCCANN: Thank you, Ms. Jolivet.

MS. JOLIVET: Sure.

MR. MCCANN: Okay. Mr. Moulder, take a look at Exhibit 16 if you would and do you recognize this map as a map of your neighborhood and the surrounding neighborhoods?

MR. MOULDER: I do.

MR. MCCANN: Okay. Real quick, and I don't want to belabor this, but I want to actually take a pen and roughly circle Loch Raven Village. It's, it's, Loch Raven Village is, is to the south of, actually on the bottom portion of the exhibit. But I just wanted to, if you could encompass sort of

the neighborhood. Okay. Is that, does Loch Raven Village include this neighborhood here or is that separate?

MR. MOULDER: Knettishall is actually its own community.

MR. MCCANN: Okay. Did you separate that out or?

MR. MOULDER: I can.

MR. MCCANN: Okay. It is separate? I'll ask you to identify these circles in a second. Okay. So, okay. Does Loch Raven Village also extend down here as well, where the word is written? I don't mean to rush you. It may seem like I'm rushing you, I don't want to do that.

MR. MOULDER: It, it does.

MR. MCCANN: Okay.

MR. MOULDER: Sorry. That's my mistake.

MR. MCCANN: Okay. Now I've really messed things up. Let's do this. Real quick, just highlight in yellow, if you would, the neighborhood of Loch Raven Village and I'll give you a yellow marker and the other ones we'll leave there, so go ahead and circle that.

CHAIR: And these are the, the geographic boundaries for the community association?

MR. MCCANN: Is that correct, Mr. Moulder?

MR. MOULDER: Yes.

MR. MCCANN: Okay. Okay. Okay, great. Thank you. Dino, you want to take a quick look at that?

MR. LA FIANDRA: Sure, thank you.

MR. MCCANN: We can mark it if you want but (inaudible).

MR. LA FIANDRA: Okay, thank you.

MR. MCCANN: Okay, great. And what I'll ask, also ask you to do are, are you familiar with the other neighborhoods around, that is Loch Raven Heights and Ridgely, and Ridgely Manor?

MR. MOULDER: Yes.

MR. MCCANN: Could you circle those in black ink, if you would, to distinguish them from the yellow of Loch Raven Village? Circle the houses, not the word Ridgely.

MR. MOULDER: Oh, okay.

MR. MCCANN: Yeah, I'm not being clear. (inaudible). What about Loch Raven Heights? Okay, all right, great. Dino, you want to take a quick look at that?

MR. LA FIANDRA: Yep. Got it.

MR. MCCANN: Okay.

MR. LA FIANDRA: Yep, thank you.

MR. MCCANN: All right. So, I would go ahead and move Exhibit 16 into evidence. And Mr. Moulder, how long have you lived in your home in Loch Raven Village, if I didn't ask that already?

MR. MOULDER: I'll be there thirty-one years in September.

MR. MCCANN: Okay. Do you have a family that grew up there?

MR. MOULDER: I do. I have a son and a daughter who both now own homes in Loch Raven Village. Our son is on Edgewood Road and my daughter is on Putty Hill Avenue.

MR. MCCANN: Okay and grandkids as well, I understand.

MR. MOULDER: I do have one, yes.

MR. MCCANN: Okay.

MR. MOULDER: On, on, that one is on Edgewood.

MR. MCCANN: Okay. The, could you briefly describe sort of the demographics of the neighborhood? That is, young folks, old folks, mix?

MR. MOULDER: There's a, there's a pretty good mix. The neighborhood is somewhat in transition. It, we still have some, believe it or not, original owners in the neighborhood. But we do have a lot of young families who are moving into the neighborhood. It's a, it's a neighborhood that's affordable for young families with good solid houses, great access to the Towson area, great access to transportation and all kinds of facilities, schools, etcetera, etcetera. So, it's, it's very convenient for people to live in. That's why I'm still there after thirty plus years.

MR. MCCANN: Okay. What did you do for a living, by the way?

MR. MOULDER: I worked in sales and marketing for twenty-five years with Proctor & Gamble, and then finished up the last ten years of my career with the J.M. Smucker Company, Smucker's.

MR. MCCANN: Jellies?

MR. MOULDER: Yeah.

MR. MCCANN: Among other things.

MR. MOULDER: Sold jam, jelly, coffee and cleaning products for a living, so.

MR. MCCANN: Okay. Are you familiar with the, the proposed Valvoline at this site at the corner of Joppa and, and Loch Raven?

MR. MOULDER: Yes.

MR. MCCANN: Okay and you've attended the hearings in this case?

MR. MOULDER: I have.

MR. MCCANN: And you've attended other meetings about the development over the course of, of time?

MR. MOULDER: That's correct. We were first informed about the project, I guess, I think it was back in September --

MR. MCCANN: Okay.

MR. MOULDER: -- perhaps by Councilman Marks, who brought it to our attention. We had several subsequent meetings about the project after that, both within the Associates of Loch Raven Village Board and with some of the

other nearby community associations and with the Towson Communities Alliance.

MR. MCCANN: TCA?

MR. MOULDER: Yes, correct.

MR. MCCANN: Okay and are you familiar with the commercial revitalization district that this site forms part of?

MR. MOULDER: I am, yeah.

MR. MCCANN: Okay and have you been involved over your tenure and maybe before that in the development of the commercial revitalization district and some of the other developments that have gone on within it?

MR. MOULDER: I have, yes.

MR. MCCANN: Could you give us some of that history?

MR. MOULDER: There had been a number of what we consider pretty positive developments along the corridor. For example, Loch Raven Commons project at LaSalle and Joppa Road. They're --

MR. MCCANN: Where is that, where is that in relationship to this site?

MR. MOULDER: That would be east, maybe a half mile.

MR. MCCANN: East or west?

CHAIR: East.

MR. MOULDER: I'm sorry, west.

CHAIR: West. Yeah, west.

MS. JOLIVET: West.

MR. MOULDER: West. West, maybe a half mile.

MR. MCCANN: Okay. What kind of development is that?

MR. MOULDER: It is a mixed use development.

MR. MCCANN: Okay.

MR. MOULDER: There's a Wawa, a new Wawa there, there will be some new restaurants, there is an Aspen Dental, an API, ATI Physical Therapy.

MR. MCCANN: Um hm.

MR. MOULDER: And there will be two hundred and thirty apartments back behind that development that are currently under construction.

MR. MCCANN: And that development fronts on, on Joppa Road, correct?

MR. MOULDER: Correct.

MR. MCCANN: Just to the west?

MR. MOULDER: Yeah, yeah.

MR. MCCANN: Okay. Other than Loch Raven Commons, anything else that has gone on with the commercial district over the last several years?

MR. MOULDER: Yes. Recently, the, the owner of the Bel Loc Diner, Mr. Docsanis (phonetic), decided to get out of that business and sell that location and Starbuck's bought the location and there is a new Starbuck's there at Joppa and Loch Raven.

MR. MCCANN: And where is that?

MR. MOULDER: Hm?

MR. MCCANN: Where is that in relation, what corner is that on?

MR. MOULDER: That is on the north east corner.

MR. MCCANN: So, diagonally across --

MR. MOULDER: Catty corner from, if you will, --

MR. MCCANN: Okay.

MR. MOULDER: -- from the proposed location.

MR. MCCANN: Okay and is that a, is that, is that Starbuck's a beneficial, benefits the community in, in your opinion? That is, as far as the commercial revitalization district is concerned?

MR. MOULDER: We looked at that as a positive development, yes. The Bel Loc Diner, for better, for worse, for all the memories that people had of going in there after proms or whatever it was, you know, and getting breakfast, the, the building was not in good condition and had suffered as a result, business had suffered. Two, I think it wasn't really viable in the evenings anymore so, it's just trends, things changing.

MR. MCCANN: Okay.

MR. MOULDER: So, the Starbuck's has been, you know, by all accounts, wildly successful in that location.

MR. MCCANN: Okay. Anything else along the Loch,

along the Joppa Road corridor?

MR. MOULDER: On the east side of Loch Raven Boulevard, the, Harold's Fruit Stand, Fruit and Garden Stand, they are closed. That property was sold and there's now a Gavigan's Furniture Store there, brand new store. In my opinion, you know, pretty nice building, everything. Yukazoo (phonetic) Books relocated out of the shopping center on Dulaney Valley Road across from the Towson Center Mall to the corner, to the south east corner of Loch Raven and Joppa, in one of the buildings over there. They --

MR. MCCANN: And book, it's a bookstore?

MR. MOULDER: It is a bookstore.

MR. MCCANN: Okay.

MR. MOULDER: Primarily used books. Baynesville Bike Shop, the new owner has reopened and kind of reinvigorated that business and that's in that same south east corner building.

MR. MCCANN: Okay.

MR. MOULDER: The Lazy Boy Furniture Store, which is closer to Pleasant Plains Road closed. That building is now a Mercy Medical, Medical Surgical Center, outpatient surgical center.

MR. MCCANN: And where is that, in what direction?

MR. MOULDER: That is west of the proposed location, maybe a tenth of a mile.

CHAIR: Is that on the north side of Joppa?

MR. MOULDER: That is on the south side.

CHAIR: South side of Joppa?

MR. MOULDER: Yeah. I'd say it's across from the Dunkin' Donuts.

MR. MCCANN: Okay.

CHAIR: Okay.

MR. MOULDER: Trying to do the best I can.

CHAIR: Yeah, no, no, that's --

MR. MCCANN: Is, and these are all things in the last several years that have come in?

MR. MOULDER: They are, yeah.

MR. MCCANN: Okay and has your association and other associations been involved in that process?

MR. MOULDER: We have been involved in quite a few, yes.

MR. MCCANN: And in what way?

MR. MOULDER: Particularly in the Loch Raven Commons project. The developers of that project came to the association early on in the process, talked to us about design features, types of uses that the community would be interested in seeing at that site and we were able to work with them and they matched up a lot of the design features of the site to kind of match up with the design features in the neighborhood. The Wawa is a red brick building, which kind of blends in. The only thing that, that didn't happen perhaps, it was that the

folks that own Loan Brothers, the party tent rental place there, he's fixed in that building and he didn't want to move so.

MR. MCCANN: Right next door?

MR. MOULDER: Yeah, that's a little bit different.

MR. MCCANN: Right.

MR. MOULDER: But it --

MR. MCCANN: But things are happening?

MR. MOULDER: Yeah, they worked quite closely with us and we felt like it was a real, real step forward. The Bendix building had been empty for, I don't know, ten or fifteen years and was a real eyesore. It was a place that we had to constantly call about, you know, just getting them to cut the grass and, you know, get the weeds down at the place.

MR. MCCANN: Okay. Are there properties along the Joppa Road corridor to the east or west of the subject site that are sort of on their way out, if that's a good way of putting it? That aren't doing well that you think are, are going to be changing over the --

MR. MOULDER: Well, M&M Auto, which is, I believe next to the McDonald's on the south side, just up the, very, very close to this proposed development, they have closed. They moved to Glen Burnie. That lot is vacant right now. You don't see a lot of traffic at some of the food service locations located around the south side there. The Sonic, the

McDonald's, the, there's a Hooters across the street and a Subway on the north side. How they're doing is questionable. We also have three motels in the district, which we're kind of hoping they, we're kind of hoping they do poorly actually because --

MR. MCCANN: Yeah.

MR. MOULDER: -- they're a detriment to the community right now.

MR. MCCANN: Okay. Were you involved, or was the, was the association involved in any way in the, the 1st Mariner Bank that was previously located at this site?

MR. MOULDER: We were. That was well before my time but the communities, Loch Raven Community Associations at the time supported that pretty vigorously. I think Donna Spicer was involved in that, as a representative of the community. They testified in support of that project.

MR. MCCANN: And, and, okay. And I know you're here on behalf of, of your association. Given your familiarity with what's been proposed and having sat through the hearing in this case, what concerns can you express to the Board today on behalf of the association about the project?

MR. MOULDER: Well, I, I feel like I've done considerable research on the, on the project and what's been, what's gone before.

If you look at the 1999 decision that approved a

bank, which was actually designed by Mr. Sharon's firm, I believe, the, the Zoning Commissioner who approved the variances in that case, Mr. Kotroco, he said that inasmuch as this particular corner is located at a prominent intersection and is the gateway to the Loch Raven communities, the Petitioners have attempted to design a design landscape package that will further enhance the site and be a benefit to the surrounding locale.

And we would still, we would agree with the Commissioner's assessment that he made then and we would kin of advocate that that's the same today. That it is a very prominent intersection. And it's different from the other intersections maybe along Joppa Road headed east and west, and that it is the gateway to our communities and to the greater Towson community.

MR. MCCANN: Okay. So, what's wrong with the Valvoline then at that site? What are your concerns about the Valvoline in particular?

MR. MOULDER: Well, our, our concerns are that we're going to return to an auto service use, something that was replaced by Class B office building twenty years ago, which by many people's accounts, it is a pretty attractive structure, pretty valuable structure. The property itself is listed for over $1.5 million if I'm not mistaken. We think it presents a better look for our community. If people are coming to our

community from the beltway, whether they're, you know, friends, relatives, people who are, are looking to look at homes in our neighborhood, the first thing they see is a four bay auto service garage, we don't think is particularly positively impactful.

There are also some concerns around the preponderance of auto service use locations within the district. This would represent the tenth auto service location within a quarter mile in either direction of the intersection. All of them serve basically the same function. Some do more mechanical work than others but you can get your oil changed at any of them and with it being within a commercial revitalization district, where one of the goals of that district is to encourage diversity of use, walkability, those types of things, we feel like there's not much benefit to the community from going backwards, when that's exactly what the Zoning Commissioner said in 1999, was this was a tremendous benefit and represented a step in the right direction. And that was a decision that was rendered at about the same time that the commercial revitalization districts were being put in place in Baltimore County.

MR. MCCANN: Okay. Do you believe some of the newer developments you just mentioned in the last several years are also a step in the right direction?

MR. MOULDER: We do. We do. There's been, again, work with the community to provide input and there's more of a

process in place to allow for some planning. You know, our, our, our greatest concern is that in that commercial revitalization district, there's been a lack of planning in the past and the development has been haphazard and not positive for the community.

CHAIR: Has, has it been, has that been a revitalization district for twenty years?

MR. MOULDER: I believe it has, yeah.

CHAIR: Okay.

MR. ZIMMERMAN: The resolutions are in the --

CHAIR: Okay.

MR. ZIMMERMAN: -- exhibits that, I think 1998.

MR. MCCANN: Yeah.

CHAIR: Okay. I, that, that's fine. You don't have to find it.

MR. MCCANN: In the last couple years, they've been subject to design review for the first time and new things have come, you know, sort of evolved.

CHAIR: Okay, all right.

MR. MCCANN: But that's all in evidence.

CHAIR: Okay, good. Thank you.

MR. MCCANN: Okay. So, go ahead, I'm sorry.

MR. MOULDER: This was a Zoning Commissioner who, who said that in approving the variances at that time, said it was a tremendous benefit the proposed development will offer to the

Loch Raven area. So, if it was a tremendous benefit to move from an auto service use twenty years ago, to a Class B office building, we feel kind of like there, it's illogical to think that it wouldn't have an adverse impact, if you will, to move back to an auto service use today.

MR. MCCANN: Okay.

MR. MOULDER: So.

MR. MCCANN: You mentioned the, the other auto services uses within a quarter mile of the site. Did you conduct any investigation into those various uses?

MR. MOULDER: I did.

MR. MCCANN: Okay. Let me show you, this would be seventeen, Dino.

MR. LA FIANDRA: Yeah. Thank you.

MS. JOLIVET: Thank you.

MR. MCCANN: Here's an extra for you.

MS. JOLIVET: Thank you. Number seventeen?

MR. MCCANN: Seventeen, yes. So, take a look, if you would, Mr. Moulder, at Exhibit 17 and tell us what that is.

MR. MOULDER: This is a map of the area. Did a search on Google Maps of oil changes near me with the target centered at the intersection of the proposed development and this is what came up within a quarter mile in either direction from the intersection of Loch Raven and Joppa Road. On the west, on East Joppa Road at Danway, you have Hollenshade's Auto

Services.

MR. MCCANN: Yeah.

MR. MOULDER: They've been there at that location since 1976, which is where they're, they were previously located on Goucher Boulevard.

MR. MCCANN: Okay.

MR. MOULDER: They've been, it's a family business, it's been there for eighty years.

MR. MCCANN: What type of work do they do?

MR. MOULDER: They do all kinds of mechanical work on automobiles. They don't do any auto body work.

MR. MCCANN: But they, do they do, provide this, the type of services that Valvoline provides?

MR. MOULDER: They do.

MR. MCCANN: And how do you know that?

MR. MOULDER: Because I just, I had my oil changed there last week.

MR. MCCANN: Okay and maybe, let me back up. So, --

MR. MOULDER: Not to mention about $1,600 worth of auto work that they did.

MR. MCCANN: Okay.

MR. MOULDER: Belts and transmission and that kind of thing.

MR. MCCANN: Let me, let me ask this before we get into some of the other uses. You pulled this off of Google

Maps.

MR. MOULDER: Um hm.

MR. MCCANN: How else did you acquire information about these, how did you confirm that they're actually there and how else, if at all, did you acquire information about what it is that they do?

MR. MOULDER: I, I drove the corridor, took photographs.

MR. MCCANN: Yeah.

MR. MOULDER: And also looked at the websites where these, where they have them, to see what services were offered at the different locations.

MR. MCCANN: And it sounds like you have some familiarity with some of them, at least in terms of bringing your car there, this one place. How about any of the others? Have you ever brought your car to some of the other places?

MR. MOULDER: I have not, no.

MR. MCCANN: Okay. All right. So, go ahead, you were describing, if you would, a couple of them. I'm not sure it's necessary to go through all of them but just, yeah.

MR. MOULDER: Okay. Well, Munro Tire Auto Service & Tire Centers, you can actually get your oil changed there with Valvoline for $22.99 right now.

MR. MCCANN: Okay.

MR. MOULDER: With Valvoline motor oil, sorry.

Garrison Automotive Group is actually the, it's actually the BP Station at the corner of Pleasant Plains and Joppa Road.

MR. MCCANN: Okay.

MR. MOULDER: (inaudible) is on Loch Raven Boulevard about a block south of the proposed location. Savco is dir, located directly across the street on the south east corner of Loch Raven and Joppa. The other ones are located further east on Joppa Road.

MR. MCCANN: Okay.

MR. MOULDER: Almost all of them, when I drove around to take the pictures, either in the signage or in the services listed on their website, listed oil change and all the ser, same services that will be available, you know, what we heard previously at the Valvoline Quick Lube.

MR. MCCANN: Okay. So, that, I want to make sure I was clear about that question, I may have asked it already. But each of the auto service establishments identified in that exhibit, are you able to confirm that, that they provide the same services that Valvoline provides?

MR. MOULDER: Yes.

MR. MCCANN: Okay.

MR. MOULDER: Yes, based, --

MR. MCCANN: Based on --

MR. MOULDER: -- based on the signage available at the locations and the services listed on their websites.

MR. MCCANN: Okay.

MR. MOULDER: Correct.

MR. MCCANN: And your familiarity with them, at least in, in one case, right?

MR. MOULDER: Um hm.

MR. MCCANN: Okay. Okay. I've got photographs that you've been referring. This will be eighteen.

MR. LA FIANDRA: Thank you.

MR. MCCANN: Not the best quality unfortunately.

CHAIR: These are the photographs of the locations marked on the map, right?

MR. MCCANN: Yes. Is that correct, Mr. Moulder?

MR. MOULDER: Yes.

MR. MCCANN: Okay and I think that, without any exceptions, the photographs reflect the name, is that correct, Mr. Moulder?

MR. MOULDER: Pretty much, yes.

MR. MCCANN: Okay and you took these photographs?

MR. MOULDER: I did.

MR. MCCANN: When did you take them? Just recently or?

MR. MOULDER: I took them prior to the first hearing, so I'm going to say the beginning of March.

MR. MCCANN: Of this year?

MR. MOULDER: Yes.

MR. MCCANN: Okay and I don't think it's necessary, Mr. Evans, for me to go through all the photographs. I think they --

CHAIR: Okay, that's fine.

MR. MCCANN: -- they correlate, just to save some time --

CHAIR: Sure.

MR. MCCANN: -- to the, the names that are in Exhibit 17, so. With that, I'd move Exhibits 17 and 18 into evidence.

CHAIR: They're admitted.

MR. MCCANN: Thank you.

MS. JOLIVET: Thank you. Fifteen and sixteen, you never moved those in, that's what I was saying.

MR. MCCANN: Oh, okay, thank you.

MS. JOLIVET: You want to move those in as well?

MR. MCCANN: Yes, please.

MS. JOLIVET: Okay.

MR. LA FIANDRA: No problem. No objection.

MR. MCCANN: Thank you. And lastly, this would be nineteen.

MR. LA FIANDRA: Thank you.

MS. JOLIVET: Thank you.

MR. MCCANN: Take a look at Exhibit 19, if you would, Mr. Moulder, and you recognize that photograph?

MR. MOULDER: I do.

MR. MCCANN: Aerial. Is this, this site depicted in that aerial, for the record?

MR. MOULDER: It is, it's in the upper right hand corner.

MR. MCCANN: Indicated by the red dot?

MR. MOULDER: Correct.

MR. MCCANN: Okay. So, the sort of houses to the south or below that are houses that belong, are a part of what neighborhood?

MR. MOULDER: They would be the Ridgely Manor --

MR. MCCANN: Okay.

MR. MOULDER: -- portion of the Village.

MR. MCCANN: So, Loch Raven is south of that, right? Your, your association is south of that?

MR. MOULDER: Correct.

MR. MCCANN: Okay. I think you were here for the testimony of, of Mr. Sharon about the proximity of the subject site to the, the residential neighborhoods to the, to the south east. Do you recall that testimony?

MR. MOULDER: I do.

MR. MCCANN: And what do you recall that distance to be?

MR. MOULDER: I do believe that it was from the corner, which I guess would be the south west corner of the site, to the nearest DR zone, would be twenty-nine feet.

MR. MCCANN: Okay.

MR. MOULDER: I believe that was --

MR. MCCANN: I'm sorry?

MR. MOULDER: I believe that was the previous testimony.

MR. MCCANN: Yeah, okay. And I think you heard testimony from a couple folks in this case about the direction in which the, the service doors will be, will be facing for the proposed Valvoline. Did you look at any of the service doors for the other uses in the nine or ten that you looked at in the neighborhood, that is, the service doors where they stood in relationship to any neighboring residential properties?

MR. MOULDER: Yes.

MR. MCCANN: And what, what, if anything, did you find out about that?

MR. MOULDER: On the south side of Loch Raven Boulevard, there are no open service bay, there are no service bay doors that face south, which is where the predominantly residential areas are.

MR. MCCANN: Okay. Getting back to your concerns and the concerns of the association, Mr. Moulder, I think you mentioned a couple in relation to the commercial revitalization district. I just wanted to make sure that I, that you had expressed all of the concerns that you and the community have.

MR. MOULDER: Well, of course, we're concerned about

the, the congestion from the traffic, the noise.

MR. MCCANN: Yeah.

MR. MOULDER: One of the functions that they'll serve there at the Valvoline is, you know, tire rotations and as you can see on the map there, or in that photograph, you've got people's homes that are a hundred feet away, hundred, hundred to a hundred and fifty feet away and when you're doing a tire rotation, taking twenty lug nuts off of tires and then putting twenty lug nuts back on with an impact air wrench.

MR. MCCANN: Okay.

MR. MOULDER: It's pretty loud. If you've been in a service garage, I think they operate somewhere around a hundred decibels, which roughly the, you know, noise level, you know, at Ravens stadium. Kind of concerned for those folks there that, you know, when, you know, it's, it's more than a mere inconvenience when you have that going from 7:00 a.m. to 7:00 p.m. and seven days a week, 9:00 to 5:00 on Sundays. You know, I have a two year old grandchild who sometimes I'm tasked with trying to put down for a nap. I can only imagine how difficult that would be with an impact air wrench going on, you know, a hundred feet away or cars stacked up waiting to get into a service garage.

MR. MCCANN: Okay. You, you men, you did mention traffic. What, what are your concerns about traffic?

MR. MOULDER: I don't know where to start. That, the

business there on the south side of Joppa Road, there's, there's a constant issue with folks attempting to make their way across the two thru lanes of Joppa Road to get into the left turn lanes to turn north on Loch Raven Boulevard to get to the beltway or wherever. That exit, although it's close to the intersection, people come out of the carryout next door.

I was on my way to a diff, a different place the other night, for example, to pick up dinner and someone come, came across, got stuck in the two thru lanes because the light turned red and couldn't get into the left turn lanes because the traffic was backed up going to the intersection and had to wait through several, you know, a couple of light cycles just so that person could get out into the left turn lane and go north on Loch Raven Boulevard. That happens out of the Sonic, even though they have signs, signage up that says, you know, no left turn onto Joppa Road. People constantly try to make left turns coming out of there onto Joppa Road and at a couple of the other businesses there.

It's, it's a really congested area. You know, my experience being there for thirty years, there are frequent accidents as a result. The afternoon traffic flow predom, is predominantly eastbound there and anyone trying to get out of that exit there is going to face a mighty tall task trying to get out into that lane to go through east on Joppa Road. There are only two options, go east on Joppa Road or you go south on

Loch Raven, Loch Raven Boulevard.

If you go south on Loch Raven Boulevard and that's not, and if you want to go west, you may actually go down to Yakona Road, which you can see in the, in the photograph is where the houses, and go through the neighborhood to Pleasant Plains Road to get back up to Joppa and then take a left to go westbound. That's a concern.

MR. MCCANN: But that's going to be a concern no matter what's there, right? Why, why, if at all, are you more, are you concerned about a Valvoline going at this corner in terms of traffic? What makes a Valvoline worse than anything else if it does?

MR. MOULDER: Well, there's no, there, there, there are no, there's, there are no other options other than that right turn. That the traffic flow has been reversed. Yeah, at least when the bank was, was there, you could enter from Joppa Road, you could exit onto Joppa Road, you could enter and exit off of Loch Raven Boulevard. You had a few more options there, so.

MR. MCCANN: Okay. Any other concerns? You mentioned traffic, noise and you, and the commercial revitalization district. Anything that you haven't touched upon? And take your time.

MR. MOULDER: Just, just a prepon, preponderance of auto service locations within that --

MR. MCCANN: Yeah.

MR. MOULDER: -- part of the commercial revitalization district. We, we kind of feel like we're, it's an auto service district, there's just too many. And, and it doesn't fit in with, you know, like, like I said, with the goals of the commercial revit, revitalization district, which (inaudible) diversity of use and to support local small businesses.

MR. MCCANN: And you mentioned walkability. Do you believe this site will, is, is walkable?

MR. MOULDER: No.

MR. MCCANN: Why not?

MR. MOULDER: No. There, there's, there's not much walkable there today but with what, the ingress and egress out of that site, I wouldn't want to go across there. There's just too much traffic and too much congestion.

MR. MCCANN: Okay. I would move, I think it's the photograph, is that Exhibit 19, Mr. Evans?

CHAIR: That'll be admitted.

MR. MCCANN: Thank you. Lastly, I'm going to ask Mr. Moulder to do this, only because he's the one that did the artwork. I have a My Neighborhood map of the district and he highlighted in, in pink. I, unfortunately, I, I don't, I didn't make copies --

MR. LA FIANDRA: Can I just take a quick look?

MR. MCCANN: Sure.

CHAIR: Is that the revitalization district?

MR. MCCANN: It is, yeah. With the zoning overlay. For some reason I didn't make copies (inaudible).

MR. LA FIANDRA: If you could just send a copy.

MR. MCCANN: Yeah.

MR. LA FIANDRA: I don't have any objection to it.

CHAIR: Okay. That'll be admitted then.

MR. MCCANN: Okay and if I, could I hold on to it and give it back to you?

CHAIR: Sure, oh, yeah.

MR. MCCANN: So, this would be twenty. Okay and I would just identify it as a My Neighborhood map or something. Great. Okay.

MS. JOLIVET: (inaudible).

MR. MCCANN: Okay. So, I will make copies for Dino and the Board as well and give that back to you. Put that in a safe spot. Anything else, Mr. Moulder, that you haven't said that you wanted to convey to the Board while you have a chance?

MR. MOULDER: Not that comes to mind.

MR. MCCANN: Okay, great. Thank you. No other questions.

MR. MOULDER: Okay.

MR. ZIMMERMAN: It might make sense if I go next?

CHAIR: Okay. So, we have to have, in turns out we

need to leave at 4:15, so.

MR. ZIMMERMAN: I do have some questions, I mean, --

CHAIR: Right. I was wondering if maybe we should hear from Mr. Castro?

MR. LA FIANDRA: Fiastro.

CHAIR: Gastro?

MR. LA FIANDRA: Oh, pardon me.

VOICE: Whatever you want to do. Act, actually, I prefer to wait.

CHAIR: You prefer to wait? Okay, all right. Well, I was just doing that for --

VOICE: No, no, I'll come back. Thank you.

CHAIR: -- your, your convenience.

VOICE: Thank you, though.

CHAIR: But, --

MR. ZIMMERMAN: Unfortunately, I do have some questions.

CHAIR: Yeah.

MR. ZIMMERMAN: I'll do the best I can.

CHAIR: Okay. Well, we'll have to schedule another day.

MS. JOLIVET: (inaudible).

MR. ZIMMERMAN: I'll be glad to begin.

CHAIR: Sure.

MR. ZIMMERMAN: All right. A few questions about --

CHAIR: But we're going to stop in seven minutes, six minutes, okay?

MR. ZIMMERMAN: Oh, all right. Well, --

CHAIR: I mean, does it make sense to just (inaudible)?

MR. LA FIANDRA: So, perhaps, perhaps we could have a few, since we only have a few minutes left, if there are closing issues, not closing issues, but housekeeping issues that we need to address before we adjourn.

CHAIR: Okay.

MR. LA FIANDRA: Maybe this is the time to do it. I, I --

MR. MCCOMAS: Yeah, because I think she had a couple questions there.

CHAIR: Okay, why don't we do that? So, why don't we excuse --

MR. LA FIANDRA: So, Mr. Moulder is still on the stand.

CHAIR: He's still on the stand.

MR. LA FIANDRA: Okay.

CHAIR: But --

MR. ZIMMERMAN: I think Mr. McCann might have another witness, I don't want to speak for him. I don't know what he's feeling but --

MR. MCCANN: A short witness.

MR. ZIMMERMAN: -- there, there's some other neighbors here so I'm just saying, I don't, I don't think it would have been possible to end today.

CHAIR: Yes, right. No, I get that, I get that.

MR. LA FIANDRA: So, can I get a sense, if I might, do, do you think we could finish in like less than a full day? I mean, --

MR. MCCANN: Yeah, I have, I have one witness and maybe two, right?

CHAIR: Hold on one second. We're going to, we're going to go off the record here --

MR. LA FIANDRA: Okay.

CHAIR: -- so that you, you and all of us --

(OFF THE RECORD - 04:05:34 PM)

CERTIFICATE OF TRANSCRIBER

I hereby certify that the hearing in the matter of M and S Limited Partnership, case number 19-070-SPHX, heard before the Board of Appeals of Baltimore County, April 2, 2019 were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers 1 through 259 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 21st day of June, 2020.

Christine R. Leary

Christine R. Leary

Transcriber

RECEIVED
JUL 13 2020
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF:

M AND S LIMITED PARTNERSHIP – LEGAL OWNER AND PETITIONER
(f/k/a HOWARD BANK)

CASE NUMBER: 19-070-SPHX

Hearing Date: March 5, 2019

Pursuant to Notice, the above-entitled hearing was held before the Board of Appeals for Baltimore County at the Jefferson Building, Second Floor, Suite 203, 105 West Chesapeake Avenue, Towson, Maryland 21204.

PANEL PRESIDING:

JOSEPH L. EVANS, CHAIR

WILLIAM A. MCCOMAS, BOARD

KENDRA RANDALL JOLIVET, BOARD

PRESENT ON BEHALF OF THE PARTIES:

DINO C. LA FIANDRA, ESQUIRE
Counsel for Petitioners

MICHAEL R. MCCANN, ESQUIRE
Counsel for Protestants

PETER MAX ZIMMERMAN, PEOPLE'S COUNSEL

Christine R. Leary
3129 Hiss Avenue
Baltimore, Maryland 21234

TABLE OF CONTENTS

Description	Page
Opening statement of Mr. La Fiandra	5
Opening statement of Mr. Zimmerman	8
Mr. La Fiandra offers Joshua Sharon as an expert	17
Voir dire of Mr. Sharon by Mr. McCann	26
Voir dire of Mr. Sharon by Mr. Zimmerman	32
Petitioner's Exhibit 1	38
Direct exam of Joshua Sharon by Mr. La Fiandra	38
Petitioner's Exhibit 2	39
Petitioner's Exhibit 3	41
Petitioner's Exhibit 4	55
Petitioner's Exhibit 5	57
Petitioner's Exhibit 6	58
Petitioner's Exhibit 7	62
Petitioner's Exhibit 8	71
Petitioner's Exhibit 9	74
Petitioner's Exhibit 10	79
Petitioner's Exhibit 11	81
Cross exam of Mr. Sharon by Mr. McCann	93
Protestant's Exhibits 1, 2, 3	117
Protestant's Exhibit 4	127
Protestant's Exhibit 5	135
Protestant's Exhibit 6	140
Protestant's Exhibit 7	142

Cross exam of Mr. Sharon by Mr. Zimmerman..... 151
People's Counsel Exhibit 1..... 151
People's Counsel Exhibit 2..... 152
People's Counsel Exhibit 3..... 154
People's Counsel Exhibit 4..... 155
People's Counsel Exhibits 5, 6..... 156
People's Counsel Exhibit 7..... 157
People's Counsel Exhibit 8..... 181
People's Counsel Exhibit 9..... 193
People's Counsel Exhibit 10..... 195
People's Counsel Exhibit 11..... 209
Re-direct exam of Mr. Sharon by Mr. La Fiandra..... 213

(ON RECORD - 10:13:18 AM)

CHAIR: Okay. So, we are on the record now. This is case number 19-070-SPHX and it's in the matter of Howard Bank and Mid-Atlantic Lubes, LLC. So, if counsel could identify yourselves for the record, please.

MR. LA FIANDRA: Good morning. I'm Dino La Fiandra. My address is 100 West Pennsylvania Avenue, Suite 305. I am an attorney in Towson and I represent Mid-Atlantic Lubes, trading as Valvoline.

CHAIR: Okay.

MR. LA FIANDRA: The Petitioner in the case.

CHAIR: And?

MR. MCCANN: Good morning, everyone. Michael McCann on behalf of the Protestants, whom I will identify in a moment. My address is 118 West Pennsylvania Avenue here in Towson and I am here on behalf of the Towson Communities Alliance, which is an organization of thirty community associations and approximately twenty thousand households and one of those associations is the Associates of Loch Raven Village, a representative of which will be here to testify.

CHAIR: Okay, great.

MR. ZIMMERMAN: And Peter Max Zimmerman here, People's Counsel for Baltimore County, Jefferson Building, Towson, Maryland. Thank you.

CHAIR: Okay. So, before we begin, everyone check

your phones, right? Everyone's phones are either off or on silent. Do you mind? So, today's hearing is a request to modify the, the development plan, or amend the development plan and also a request for a special exception, is that correct?

MR. LA FIANDRA: Yes. Your Honor, it's a Petition for a Special Hearing to amend an approved zoning plan.

CHAIR: Okay.

MR. LA FIANDRA: And a Petition for Special Exception.

CHAIR: Okay. Are there any preliminary matters that we need to take up before we begin?

MR. LA FIANDRA: None that I know of.

CHAIR: Okay.

MR. ZIMMERMAN: Yeah, I have an opening statement, you didn't --

CHAIR: Yes, I, okay, yeah. I was going to say, --

MR. LA FIANDRA: Yes.

CHAIR: -- if we have opening statements that would be useful --

MR. LA FIANDRA: I would like to do that, yes.

CHAIR: -- to us. Okay, go ahead.

MR. LA FIANDRA: Thank you very much.

CHAIR: Um hm.

MR. LA FIANDRA: Your Honor, thank you very much. It's a pleasure to be back before the Board. I'm here, as I

said, representing Mid-Atlantic Lubes, which is a franchisee of Valvoline. They operate two hundred, two hundred and one Valvoline Quick, Valvoline Instant Oil Change facilities throughout the United States, primarily on the coasts. Maryland, Virginia, Delaware, California, Florida, other places as well.

The, they are here today asking for a Petition for Special Exception for a service garage in the, in the BL zone. The property is located at the south west corner of the intersection of Joppa Road and Loch Raven Boulevard, which is on the eastern side of Towson.

The property is about a half an acre and you might be familiar with it. There's a two story Howard Bank, it used to be I think a 1st Mariner Bank and then it recently was sold to Howard Bank and, and then they closed it. So, you'll hear from a number of witnesses, including Josh Sharon who is the engineer who prepared the plan. Josh will tell you the technical aspects of the plan and he'll go over the process that was used to get to this point, which included going to the, the Design Review Panel in October, being approved by the Design Review Panel with only a few modifications to the design and the architecture and the site layout.

And, and you'll also hear from Randy Kazazian, who is the director of real estate for Valvoline. He'll tell you about the operation of the facility, how it works, what the

instant oil change model is, what the consumer experiences, the customer and also the employees and other things that are going on in the building. He'll also tell you about the environmental features of the building because I know that environmental features has been a con, an item of concern for the community and so he'll go into some detail about the environmental features about the, of the, of the building itself.

Lastly, you will hear from Ken Schmeed (phonetic), who is a traffic expert and he will testify in general about the, the traffic impacts of this proposed use at this location. He'll tell you about how the, the flow of traffic on the site optimizes the, the safety and also the, the, the, the, the road network. It minimizes the impacts on the local roads.

The, but in the end, you'll see that as enunciated in the *Schultz v. Pritz* case and in the recent case, *D&S Tollgate* case, which is a special exception case from the Court of Appeals, the, as you know, on the special exception cases, the standard is whether there are, whether it's anticipated that there would be adverse effects generated by this use at this location above and beyond those which you would typically associate with a service garage use and you will hear from our witnesses that that is not the case. There will be no, the, the impact here at this location will, in fact, be less than the existing impact of the bank. And also, less than you would

typically associate with a service garage.

So, and just a brief housekeeping matter as it relates to the Petition for Special Hearing to amend the zoning plan, there's a, an approved zoning site plan from this case. There's been a number of variances and special exceptions and whatnot granted in the past dating back to 1941 and most recently in 1999 for this property. The 1999 was for variances for the bank building that's currently on the site and as a housekeeping matter, the Zoning Office asks us to do this special hearing to amend that approved zoning site plan. But in all practical terms, it's a fresh zoning site plan, (inaudible) this is really what we're asking for. There's, it's so, so much of an amendment that it's unrecognizable so, that, that would, that would be what we intend to present and at the appropriate time I'll call my witnesses.

CHAIR: Thank you.

MR. LA FIANDRA: Thank you.

CHAIR: Mr. McCann?

MR. MCCANN: Nothing from me, Mr. Evans.

CHAIR: Nothing, thank you. Mr. Zimmerman?

MR. ZIMMERMAN: Yeah, I will make an opening statement. Thank you. First, I'm going to go over some preliminary observations about the proposal, what I think the issues may be in the case. Then I do want to say something about my perspective on special exceptions and how it differs

from, I think, the perspective that we've seen from the Board of Appeals in recent cases. All right.

So, we're talking about, yes, the Valvoline proposal at the south west corner of Loch Raven Boulevard and Joppa Road. As some of you may know, there's, at the diagonally opposite corner there used to be the Bel Loc Diner, now there's a Starbucks. There is a service garage that's been there for many, many years on the south east corner and then here's kind of a mixed commercial use on the north west corner.

The zoning is BL. But interestingly, not AS. There is an automotive service district, overlay district potential, but that district precludes service stations and car washes, it does not preclude service garages. There's no specific designated use for oil change operations so for many years it's been put under the umbrella of service garage when we're talking about special exceptions.

You will learn that the Howard Bank is, is there now. I think it's still in operation but I may be corrected on that, but that building is still there and the entrance is actually on Joppa Road and the exit only is on Loch Raven (inaudible) it's going to be the opposite on this one because there's, unless something has changed in a major way, there's a red line site plan with the condition that the exit here has to be on Joppa Road, so the only, exit only on Joppa Road, so the only entrance would be on Loch Raven. And that was part of the

conditions of the ALJ approval. That is, the exit only and the Planning Department had recommended that. And there's some sidewalks on the red line site plan that was added.

The zoning history, as, as we'll see from the site plan is rather lengthy but in 1999, the last version was the special exception and variances, set back variances granted for the bank. So, the bank has been there for close to twenty years and there was no Protestants from the community. In fact, the community at that time, the relevant association, was fine with the bank. So, it was granted and there was no appeal. (inaudible) the 1999 decision.

As far as some of the issues since, since that time in 1999, we, we know that this area is part of a so called commercial revitalization district. We'll have the map on that. We'll have, there's some master plan information on that. We won't, we do want to look at the site geometry, what's the front, what's the back, what's the side? Are there really a setback issues? And are there any variance issues?

We want to look at the size and scale of the proposal. Four bays, the proposed building takes up most of the area of the site from Loch Raven to, to the west. So, is there a proportionality issue? Is, is this a, even assuming that the special exception otherwise should be granted, is the size excessive for this property, which is a little less than a half an acre in size?

We will, again, look at the zoning history, look at the general idea in the context of the commercial revitalization district. Is, is it compatible in this area? And then I think the citizens had some concern about the access issues, exit and entrance. I'm not going to say, you know, a statement whether I think the Board should grant or deny the Petition, we'll see what the evidence shows. But I think those are some of the things I'm going to be looking at and asking about.

I think we have some information on some other Valvoline sites around the state, which do not have four bays. Four bays is not, you do not always have four bays on the Valvoline sites or in oil change operations in general. So, this looks like larger than usual.

I have to say something, I don't know if I have to, but I will say something about special exceptions. In the context, I think, of what's been going on in the 21st century of the Board of Appeals and in the context especially we've had just a cluster of solar facility special exception cases and, in the last year, four of which I think the trials are over with, two decided, three others the trials are rescheduled so we've had a chance to really look hard at the special exception issues again.

And even though the standards have not, on paper, changed much or if at all since *Schultz v. Pritz* in 1981, ever

since I've been doing the zoning cases, people have argued about having to argue special exception cases, to the point where if one looks at *People's Counsel v. Loyola College*, I think Judge (inaudible) went on for perhaps thirty pages or more in discussing how to deal with it and then Judge Murphy wrote a much more concise concurring opinion discussing the burden of proof.

And what I want to emphasize and it may seem obvious, but it doesn't seem obvious the, the way, the way it's functioned, my comments about the Board of Appeals are really institutionally and not necessarily to this panel. The function of the Board of Appeals is to differentiate between appropriate and inappropriate locations. It's different from uses permitted by right.

So, it is possible to deny a special exception. Whether, whether that should be done in this case, we'll see but it is actually possible to deny them.

So, my main concern is to, to hope perhaps that the Board of Appeals takes a different and new per, newer perspective on a special exceptions than we've seen recently. I read an article in the National Interest from March 1st that quotes a Chinese proverb, that if you do not change direction you may end up where you are heading. An article on actually the (inaudible) Summit and a journey of a thousand miles begins with a single step.

I'm basically kind of asking for a kind of change in direction for the Board and at least it's in, and its perspective on special exceptions. Number one, the burden of proof is actually on the Petitioners in these cases and I believe that the correlative language in the case law about a presumption in favor of special exceptions has been taken out of context often in, in Board decisions and intentionally or not, the burden of proof has been reversed. I don't think that's the intent of the so called presumption.

And in terms of burden of proof, the Court has for almost fifty years maintained that the burden of proof is on the Petitioner. And I often quote Judge Murphy's concurring opinion where he lays out the burden of production, the burden of persuasion and so on.

As far as the case law goes, *Schultz v. Pritz*, and subsequent cases, there actually are two major criteria. The first is as Mr. La Fiandra actually did mention is there an adverse impact and if it's, and I would say, put it this way, if there's a significant adverse impact then is it over and above what we would likely find in locations, in the zone generally. It doesn't have to be the worst location in the zone, just has to be particular, above average.

So, if there are no significant impacts, if the Board believes there's no significant impact at all, you know, relating to the statutory criteria which are fairly broad, then

that's the end of the inquiry and no comparison need be made with the other locations.

But if there is a substantial adverse impact, then the question is is it above and beyond those likely elsewhere locations in the zone. In that case, it is relevant to do a comparison. It is a relative concept but sometimes Petitioners have construed the *Loyola* case as saying you can never compare locations. I don't believe that's what *Loyola* held. I think *Loyola* simply held that in that case the Board found there were no significant adverse impacts, so then they were not required to do a comparison.

But the criterion of whether the, the adverse impacts are above and beyond, that is, that is by nature, a, a relative or comparative concept. And the comparisons could be in general terms or in specific terms or both.

Another criterion which I think tends to be either downplayed or ignored is whether the proposal is in harmony with the comprehensive zoning plan. This is in *Schultz v. Pritz*. It's in every other case. And I've rarely seen the Board mention that.

And what does that mean? To me it means is there compatibility in the context of the neighborhood, the property, the area, the zoning of the area. And it also fits in with public safety, health and welfare, which is a very broad concept and the legislative intent of the zone.

And I believe, intentionally or unintentionally, in many cases, the Board has tended effectively to reverse the burden of proof and, and really place it on the Protestants as a practical matter. I think the legislative intent of the zone criterion has been misinterpreted to infer that simply because the County Council placed a special exception in the zone that, therefore, it almost always should be approved and it's, it's virtually always within the intent of the zone. Just because it's listed there, I think that's a misinterpretation and a mis, misunderstanding.

And again, I, I don't think attention has been paid much to the criterion of harmony with the comprehensive zoning plan. I also think that it rarely, if ever, does the Board of Appeals mention the master plan, even though it is intended as a guide to zoning.

The result of all this is that in this century, with, with rare anomalies, I think the Board has treated special exceptions effectively as virtually uses by right. And virtually every time there's some statutory interpretation it seems to go in favor of Petitioners.

I also wanted to say something about the so called experts in these cases and certainly the engineers have expertise in their area as the landscape architects, the surveyors and so on. Just because they're capable of producing a site plan and capable of reading some of the zoning

regulations doesn't mean they necessarily are experts on what's appropriate at, at the location.

But I believe that in many cases, if not all, there's excessive deference given to the so called experts and I think citizens who may know more about the neighborhood and the issues are downplayed. As a result, and I don't have the statistics this morning (inaudible) try to look at it, unlike ESPN with all their sports statistics, I won't say that every special exception has been granted by the Board in the 21st century, but the predominant trend has been to grant them almost routinely, with the placement of some conditions. Conditions which would have to be met even if there was a use by right. Whether it be landscaping, whether it be hours of operation, height and so on.

So, in light of, I guess, the pattern for the last twenty years or so, and I guess it's really been brought, illuminated in solar facility cases with which my perception of special exception has been quite different from the Board's, I, I just wanted to get it on record as I, I, if we're dealing with a bell shaped curve in terms of approvals and denials, I think the Board has been way at the favorable end of the bell shaped curve for the last, for this century for the most part and I'd like to see the curve back in the middle in terms of the thought process. So, that's my editorializing, so to speak.

Having said that, I, as I said, I'm, I'm not, I'm not saying in advance whether the evidence will, will satisfy the burden of proof. Maybe it will, maybe it will. But I've given you my perspective on special exceptions and I guess I'm hoping that we'll be able to reboot in terms of the thought process for the Board in line with the way I read the case law. So, that's my, that's my take on it.

CHAIR: Okay, great. And you're deferring at this point, right, Mr. McCann?

MR. MCCANN: I am, thank you.

MR. LA FIANDRA: Thank you very much.

CHAIR: So, I guess we're ready then.

MR. LA FIANDRA: Okay, very well. Thank you. I will call Mr. Josh Sharon.

MR. MCCOMAS: Do you swear and affirm under the penalties of perjury, that the testimony you're about to give is true and correct to the best of your knowledge and belief?

MR. SHARON: Yes, I do.

MR. MCCOMAS: Please state your name, your business, your address for the record and please spell your last name.

MR. SHARON: Sure. My name is Joshua Sharon, last name is spelled S-H-A-R-O-N. I work with Morris & Richie Associates. Our business address is 1220-C East Joppa Road, Suite 505 and that is Towson, Maryland.

MR. LA FIANDRA: Thank you very much. Mr. Sharon,

I'm handing you what I believe is your resume. I'd just like you to verify that for the Board. I'm handing copies to the Board and I also gave a copy to opposing counsel. I, I, I didn't have a copy.

MR. ZIMMERMAN: All right.

MR. LA FIANDRA: Thank you.

MS. JOLIVET: And I just want to state just, if possible, could you provide two copies for me? One for the file and one for me to keep in the future?

MR. LA FIANDRA: Absolutely. Mr. Sharon can use his copy for the --

MS. JOLIVET: After he's done, that's fine.

MR. LA FIANDRA: Yes. Thank you very much.

MS. JOLIVET: Thank you, appreciate it.

MR. SHARON: Yes, you want to verify this is my resume.

MS. JOLIVET: Is that you?

MR. SHARON: Correct.

MS. JOLIVET: Okay.

MR. LA FIANDRA: Now, I had just a moment to speak with Mr. McCann and I intend to offer Mr. Sharon as an expert in civil engineering, the zoning regulations in Baltimore County and the development regulations in Baltimore County. And Mr. McCann had indicated, I don't, I think he had no objection to that. I didn't speak to Mr. Zimmerman.

MR. ZIMMERMAN: Yep. I think in line with what I said in opening statement, I'm sure that it's on the c.v. that Mr. Sharon has some zoning expertise and can read the zoning regulations, prepare a site plan. But I'm not going to concede that he can give any particularly probative testimony as to whether this is an appropriate location or it meets all the special exception requirements.

CHAIR: Okay. Well, we'll consider those issues as they arise.

MR. LA FIANDRA: Okay.

MR. MCCANN: I would concur, number one, that he should be accepted as an expert in these areas, three areas.

CHAIR: Yeah, and what was --

MR. MCCANN: Subject, subject to --

CHAIR: -- the third area, I'm sorry?

MR. LA FIANDRA: Zoning regulations, development regulations and civil engineering.

CHAIR: Okay.

MR. MCCANN: Subject to Mr. Zimmerman's point, which I agree with.

MR. LA FIANDRA: Well, in light of Mr. Zimmerman's point, I will gladly ask him some questions on qualification.

CHAIR: Okay. Well, that would probably be useful.

MR. LA FIANDRA: Thank you. How long have you been with MRA?

MR. SHARON: I'm in my fourteenth year.

MR. LA FIANDRA: And so that means you started approximately 2005?

MR. SHARON: Two thousand six, (inaudible).

MR. LA FIANDRA: And what did, what did you do, what, what do you do for MRA?

MR. SHARON: I'm a principal at MRA. I'm responsible for both our commercial and residential projects from land planning, civil engineering in Baltimore County, Baltimore City and some Anne Arundel County.

MR. LA FIANDRA: And what does, what does, what do those tasks involve in terms of technical knowledge?

MR. SHARON: We are very familiar with the zoning regs, we're very familiar with the development regs so we rely on those on a daily basis, as well as other policy and guidelines, both from a Federal, State and local level for the design of subdivisions, commercial properties.

MR. LA FIANDRA: Now, sticking with the zoning regulations for a minute, you, do you, you regularly consult the Baltimore County zoning regulations?

MR. SHARON: On a regular basis, consult, get into the definitions and what's allowed and what's permitted by right and also by special exception.

MR. LA FIANDRA: And you, you're familiar with the zoning regulations in the BL zone?

MR. SHARON: Yes, I am, business local.

MR. LA FIANDRA: And does that include the zoning regulations as they relate to the uses?

MR. SHARON: It does.

MR. LA FIANDRA: And does it include the zoning regulations as it relates to the bulk and area regulations, things like setbacks, height, open area, --

MR. SHARON: Correct, all of those. Amenity open space, etcetera.

MR. LA FIANDRA: And on, what is your exposure to the Baltimore County development regulations?

MR. SHARON: We use those also on a regular basis. We're familiar with all the processes from DRC development plan, appearing before the Administrative Law Judge, also appearing before the Board here as well.

MR. LA FIANDRA: And do you have occasion to look at the per, the provisions of the development regulations that deal with the design guidelines and the standards that are required in Baltimore County?

MR. SHARON: Correct, the design guidelines, other policies from the other zoning office, planning, etcetera.

MR. LA FIANDRA: And do you, do you deal with the provisions that deal with the public improvements?

MR. SHARON: Correct, yes.

MR. LA FIANDRA: And in the context of those

sections, do you often have interactions with Baltimore County employees?

MR. SHARON: Yes, on a daily basis we meet with Development Plan Review, the Planning Department, Environmental Protection, Sustainability, they have various sections, Environmental Impact Review, Storm Water Management Group, Ground Water Management, the Zoning Office and also Development Management.

MR. LA FIANDRA: Now, you mentioned you're a principal. How long have you been a principal at MRA?

MR. SHARON: This is my first year.

MR. LA FIANDRA: And before that, what was your status at MRA?

MR. SHARON: I was an associate for the last, previous three years and worked my way up as a design engineer to a project manager associate and now an owner of the company.

MR. LA FIANDRA: The, do you testify before the Administrative Law Judge in Baltimore County?

MR. SHARON: Numerous times before the Administrative Law Judge, probably a dozen times in 2018.

MR. LA FIANDRA: Have you been qualified as an expert before the Administrative Law Judge?

MR. SHARON: Yes, I have.

MR. LA FIANDRA: Have you been qualified as an expert before the Board of Appeals in Baltimore County?

MR. SHARON: Yes, I have.

MR. LA FIANDRA: And the, in what areas have you been qualified as an expert before the Board of Appeals?

MR. SHARON: Zoning, civil engineering and land development regulations.

MR. LA FIANDRA: Specifically as it relates to Baltimore County, I would assume?

MR. SHARON: That is correct.

MR. LA FIANDRA: Thank you. The, what is your education?

MR. SHARON: I have a B.S. from the University of Maryland in College Park.

MR. LA FIANDRA: And what year did you graduate?

MR. SHARON: December of 2005.

MR. LA FIANDRA: The, have you, have you done civil engineering, so are you a professional, a P.E.?

MR. SHARON: Yes. I received my license, professional engineering, in 2009. I'm also a land surveyor in training. I will probably never achieve their professional surveyor, it takes too much, too many hours in the field, but it is something I'm striving to, to get.

MR. LA FIANDRA: And for the Board, what professional affiliations do you have?

MR. SHARON: American Society of Civil Engineers, National Society of Professional Engineers, USGBC, Green

counsel, before they've gone to attorneys and stuff? They, they come to you to see what is possible at a particular location?

MR. SHARON: I would say it varies. Land use attorneys are involved a lot in Baltimore County because the regulations are, are stringent and protective. So, some, if they have an existing relationship with the attorney will bring an attorney in at the same time they engage us but many times developers rely on us to see what would fit on, on a site so we're into the zoning regulations a lot just to see what would be allowed.

CHAIR: Then the development regulations?

MR. SHARON: And, yes, and the development regulations.

CHAIR: And you, you provide advice to your clients about those various areas?

MR. SHARON: Yes, I do.

CHAIR: Okay. Questions?

MR. MCCANN: I just have a couple. Okay. Good morning, Mr. Sharon.

MR. SHARON: Good morning, Mr. McCann.

MR. MCCANN: You mentioned, we were just talking about the zoning regulations and you mentioned your familiarity with the, what are called the bulk regulations, that are, that is things dealing with areas, setbacks, heights, things of that

nature, correct?

MR. SHARON: That's correct.

MR. MCCANN: And you even just mentioned in response to Mr. Evans' question that developers come to you to find out whether a particular project might fit on a site, for instance.

MR. SHARON: Yes.

MR. MCCANN: That would require application of the bulk regulations, correct?

MR. SHARON: Yes, it would.

MR. MCCANN: You didn't mention any particular expertise in, in that precise portion of the zoning regulations for which we're here today and that is Section 502.1 of, of the zoning regulations. I take it you've read those before, that section, correct?

MR. SHARON: Correct.

MR. MCCANN: But what particular expertise do you have in 502.1 other than on those occasions when you've come in and testified before the Board about your, your, your opinion on their, on their application to a particular case?

MR. LA FIANDRA: If I may interpose an objection to the question. I believe the witness testified that he was familiar and had testified in relation to the zoning criteria on things like special exceptions and variances, which are in 502.1, among other sections. So, to have him, to have Mr. McCann characterize his experience, his testimony as having not

offered anything in terms of expertise in those areas I think is misleading.

MR. MCCANN: That wasn't my, my question, in fact, contemplated that very thing. I said what expertise do you have other than coming and testifying before the Board on the application of 502.1 factors. That includes things he does outside of this Board's hearings then, then he can respond but --

CHAIR: Well, so you can ask the question and he can answer.

MR. MCCANN: Okay.

CHAIR: But, and you know, take it from there. But I don't think that in order for an individual to be qualified as an expert, that he has to be intimately fam, familiar with each specific code provision or regulation that might be operative. I mean, theoretically, I suppose Mr. Sharon could come from Sacramento and say he's read all the zoning regs here in Baltimore County and he's got an opinion about how they operate and that's probably good enough. So, you know.

MR. MCCANN: Oh, I would agree with you completely. In fact, I agree with the latter point as well, that you don't need to do work in Baltimore County to --

CHAIR: To, to be a Bal, to be an expert in Baltimore County in front of this Board.

MR. MCCANN: I agree and the argument to the contrary

is often made.

CHAIR: Right.

MR. MCCANN: My point is that we're here for 502.1, that is the issue in this case. There may be other things we'll talk about in connection with the site plan that they'll say it complies with everything else, but 502.1 is it. And all I'm doing is asking him what expertise does he bring to you guys other than just when it comes time for a hearing he looks at those and says, the section is met. What, what, what else is there, that's all.

CHAIR: Sure. Well, you can go ahead and ask him but I mean, I, I think it goes ultimately, if it goes to anything, it goes to the weight of his testimony and the probative value of his testimony but not to his ultimate expertise. His qualifications as an expert, I don't think it goes to his qualifications as an expert. But, you know.

MR. MCCANN: Okay.

CHAIR: Have at it.

MR. MCCANN: I'll just, I'll ask that one, maybe one more question after that.

CHAIR: Okay.

MR. MCCANN: Then I'll move on.

CHAIR: Okay.

MR. MCCANN: Thank you, Mr. Evans. You can answer, Mr. Sharon.

MR. SHARON: Sure. I would base it on my experience as a consumer, so I, I travel the roads, I am a shopper, I experience restaurants, retail, like any other citizen would. But having the experience of, knowledge of the zoning regulations and the bulk regulations, I'm able to apply how those things might impact site design on my daily experience.

MR. MCCANN: Anything else other than that?

MR. SHARON: No, sir.

MR. MCCANN: Okay. Outside of the zoning regulations, I know you weren't offered an expert in this area, but are you familiar with the *Schultz v. Pritz* and the *Loyola* case that we, that have been mentioned this morning?

MR. SHARON: Yes.

MR. MCCANN: Have you ever read those decisions?

MR. SHARON: Not in full, no.

MR. MCCANN: Have you, what do you mean, what do you mean not in full?

MR. SHARON: I don't recall reading word for word every single, the entire brief or opinion from each.

MR. MCCANN: Brief, what do you mean by brief?

MR. SHARON: Where the, the Order.

MR. MCCANN: The Order, what do you mean by Order?

MR. SHARON: The judgment, the written judgment.

MR. MCCANN: Okay. Do you recall, what part, portion of those cases do you do recall reading?

MR. SHARON: Let's see. With the *Schultz* case, I recall reading on the opinion, what the reliance were for determining whether a special exception should be approved.

MR. MCCANN: Okay. What about the *Loyola* case?

MR. SHARON: I don't recall specific sections of that case.

MR. MCCANN: Okay. You mentioned that you've been involved in two hundred cases. Are those cases that have had hearings associated with them or they're just total projects?

MR. SHARON: Sure. Yeah, I think he asked me total projects.

MR. MCCANN: Okay. Of those two hundred cases, how many times have you testified, either before the ALJ or the Board of Appeals?

MR. SHARON: I'd say probably thirty of those have required testimony.

MR. MCCANN: And of those thirty cases, how many of those cases involved, number one, application of 502.1? Where you were asked to do that and didn't do that.

MR. SHARON: Probably twenty-five of thirty.

MR. MCCANN: Okay. How about in any of those cases did you also, well, strike that. Okay. No other questions. Thank you, Mr. Evans.

MR. ZIMMERMAN: Housekeeping. Are these microphones here sufficient? Some, occasionally we get a microphone right

on our desk but (inaudible).

CHAIR: I can't answer that question.

MR. ZIMMERMAN: Okay.

CHAIR: So, I would just encourage you to keep your voice up.

MR. ZIMMERMAN: I'll try to keep my voice up. All right, thank you, Mr. Chair.

CHAIR: All right.

MR. ZIMMERMAN: Mr., it's Mr. Sharon, am I pronouncing it correctly? Not Sharon, not Sharon?

MR. SHARON: Yes, you are, thank you. I've gotten that once or twice.

MR. ZIMMERMAN: All right. So, your degree from Maryland is in civil engineering, correct?

MR. SHARON: That is correct.

MR. ZIMMERMAN: Does that involve any particular course work in planning and zoning?

MR. SHARON: It does not.

MR. ZIMMERMAN: Okay. Do you know whether or not there are degree programs in planning?

MR. SHARON: There are.

MR. ZIMMERMAN: All right. Is there anyone else in your office that's, well, that's not a qualification question. Let me ask you, with regard to the case law that's been mentioned, when did you read *Schultz v. Pritz* last?

MR. SHARON: Probably two thousand seven, early, late 2017, early 2018, we had a number of cases that required me to, to brush up on that.

MR. ZIMMERMAN: Okay and you read parts of the case, correct? You didn't read the opinion from beginning to end or you did?

MR. SHARON: I would honestly say I mostly browsed and did not read word for word.

MR. ZIMMERMAN: Okay. Do you know what use was involved in that case?

MR. SHARON: Special exception?

MR. ZIMMERMAN: No, what, what it, precisely what was proposed in that case?

MR. SHARON: Oh, no, sir, I do not.

MR. ZIMMERMAN: Okay. Do you know what the special exception issue was in that case?

MR. SHARON: I just recall it was special exception, sir.

MR. ZIMMERMAN: Do you know anything about what the Court said about uses by special exception versus uses by right?

MR. SHARON: I'm sorry, repeat that?

MR. ZIMMERMAN: Do you know what, if anything, the Court said in comparing uses by right versus uses, versus special exception uses?

MR. SHARON: I do not.

MR. ZIMMERMAN: Do you know who wrote the opinion?

MR. SHARON: Off the top of my head, I do not.

MR. ZIMMERMAN: All right. So, the *Loyola College* case, when did you read that one last?

CHAIR: So, I think he said he hadn't read *Loyola*.

MR. SHARON: Correct, I don't recall.

MR. ZIMMERMAN: Oh, you haven't read the *Loyola College* case.

MR. SHARON: Correct. I'm aware of it but I have not read it.

MR. ZIMMERMAN: Okay. All right. All right, in your own words, what's your understanding of the burden of proof and the criteria to obtain a special exception in brief?

MR. SHARON: Okay. I would say that to show that the use at this specific location is no more burdensome at that location than it would in a similar zone or, in this case, revitalization district in this case in Baltimore County.

MR. ZIMMERMAN: No more concern than a property in another revitalization district or in any location in the zone?

MR. SHARON: To a similar zone, but in this case more specifically, revitalization district to --

MR. ZIMMERMAN: So, the fact, the fact that it's in a revitalization district, is that relevant or not?

MR. SHARON: I would say in my opinion it is because

I'd want to confirm that it is an equal comparison.

MR. ZIMMERMAN: Equal to what?

MR. SHARON: To, in this location, to the (inaudible) of BL and a revitalization, I think it would be fair to compare that to a similar zone also in a revitalization district to determine if the impacts here are greater than they would at the other location.

MR. ZIMMERMAN: So, in your opinion, it would not be fair to compare it to another BL zone location which is not in a commercial revitalization district, is that what you're telling us?

MR. SHARON: I would say it would be more appropriate. You could still compare it to another BL zone, but further enhancing that analysis I would say you want to focus on a revitalization zone.

MR. ZIMMERMAN: Okay. So, you don't agree that, assuming there's an adverse impact, assuming one finds that there's an incompatibility with the commercial revitalization district you don't think it's relevant or, or very little relevance to compare with locations in the BL zone that are outside revitalization districts?

MR. SHARON: It's still relevant, as I believe I said. I would just lend more weight to a comparison within a revitalization zone as that would be the most comparable.

MR. ZIMMERMAN: But what does case law say about

comparing, relating to the zone?

CHAIR: So, so I think, I think we're getting a little far afield here.

MR. ZIMMERMAN: All right. All right.

CHAIR: I think he's actually given you far more than you expected to get.

MR. ZIMMERMAN: Well, I don't know what I expected there but.

CHAIR: Right, but, I mean, --

MR. ZIMMERMAN: I was just asking the questions. All right. Let me ask you --

CHAIR: -- he, he, he's not a lawyer.

MR. ZIMMERMAN: Well, he's --

CHAIR: I mean, --

MR. ZIMMERMAN: -- coming in as an ex, so called expert on zoning, so.

CHAIR: Well, he is but that doesn't mean he's, has experience parsing case law.

MR. ZIMMERMAN: All right. All right. All right, let me move on then. What information in Baltimore County zoning or planning sources is there relating to commercial revitalization districts?

MR. SHARON: Information in the zoning regulations and also the master plan?

MR. ZIMMERMAN: Yeah, anywhere. Can you tell us?

MR. SHARON: Sure, I rely on the master plan which would come from the Planning Department.

MR. ZIMMERMAN: Okay and have you read the master plan relating to commercial revitalization districts?

CHAIR: Can you keep your voice up?

MR. ZIMMERMAN: Have you read the master, what, what if anything have you read in the master plan relating to commercial revitalization districts?

MR. SHARON: Sure. That, that section as well as browsing through the entire master plan.

MR. ZIMMERMAN: Okay and what is your understanding of the relevance of the master plan to the zoning cases, if any?

MR. SHARON: I'm sorry, can you repeat that one time?

MR. ZIMMERMAN: What is your understanding, if any, of the relevance of the master plan to zoning cases?

MR. SHARON: Sure. We want to confirm that our plan is not in conflict with that master plan.

MR. ZIMMERMAN: Okay. And let me ask you this. What familiarity, if any, do you have with the law concerning how to describe corner properties, what's front, what's back, what's side? Are you familiar with any law relating to that subject?

MR. SHARON: I rely really on the zoning guidelines for that.

MR. ZIMMERMAN: Okay. All right. That's all I have

for Mr. Sharon.

CHAIR: So, --

MR. LA FIANDRA: I'd like to amend my motion on this witness. I'd like to offer him in the context of, as an expert in zoning regulations in Baltimore County, development regulations in Baltimore County, specifically Section 502.1 in the Baltimore County zoning regulations as that relates to the cases that you've heard about and civil engineering. And I would also, just as a housekeeping measure, I've marked his resume as Petitioner's number one and I'd like to move that into evidence.

MR. MCCANN: Same objection to the, to that specific area of qualifications, otherwise I'm okay with him being offered in the areas that he's been, he's been offered.

MR. ZIMMERMAN: Yeh, I think at this point I would say Mr. Sharon has some level of expertise but we'll, we'll see at the end of the case, based on whatever else he says the extent of either his qualifications and/or his reasoning in support of his opinions.

CHAIR: All right. Well, I think the Board will accept Mr. Sharon as an expert in the, in the areas identified by Mr. La Fiandra as amended.

MR. LA FIANDRA: Thank you. Mr. Sharon, did you, just pull up the correct plan here, here we go. This plan marked as Petitioner's number two. Thank you very much. And

I've got copies. A copy, pardon me. Thank you.

MR. MCCANN: Thank you, appreciate it.

MR. LA FIANDRA: Mr. Sharon, I'm showing you what's marked, been marked as Petitioner's number two. Do you recognize this?

MR. SHARON: Yes, I do.

MR. LA FIANDRA: And do you, can you describe it? What is that?

MR. SHARON: Sure. That is a plan prepared by my office entitled the plan to accompany a special exception request that has my engineer's seal on that plan.

MR. LA FIANDRA: Now, what does that show?

MR. SHARON: This is a proposal for a four bay Valvoline Instant Oil Change with a footprint of two thousand five hundred and thirty-five square feet.

MR. LA FIANDRA: And where is the property located?

MR. SHARON: The property is located on the south west intersection of Joppa Road and Loch Raven Boulevard, which is Maryland Route 542.

MR. LA FIANDRA: Now, you prepared, you prepared or had this prepared under your supervision?

MR. SHARON: That is correct.

MR. LA FIANDRA: So, there are no trick questions and so if you need to refer to the plan to answer any of my questions, feel free to do that.

MR. SHARON: Okay.

MR. LA FIANDRA: The, do, do you know the size of the parcel?

MR. SHARON: Yes, it's a little over twenty thousand square feet, just under a half acre.

MR. LA FIANDRA: And the, have you been to the site?

MR. SHARON: Yes, I have. I've driven by for the last fourteen years.

MR. LA FIANDRA: Now, why is that?

MR. SHARON: I, I come up Loch Raven Boulevard every morning and I make a right onto Joppa Road. Our office is just west of, of this location in the Radio Park Development, so I've been passing it every day for fourteen years.

MR. LA FIANDRA: What is presently on the site?

MR. SHARON: Sure. It's a vacant bank building.

MR. ZIMMERMAN: Has the site plan been introduced?

MR. LA FIANDRA: Oh, pardon me.

MR. ZIMMERMAN: I don't mean to interrupt.

MR. LA FIANDRA: Just for housekeeping, I'll move number two in.

MR. ZIMMERMAN: What was number one?

MR. LA FIANDRA: Number one was the resume.

CHAIR: C.v.

MR. ZIMMERMAN: Oh, right. May I simply ask whether this is the original, what the date, is this the original site

plan or the, I know there's been a red line site plan in the file --

MR. SHARON: That is the original, correct.

MR. ZIMMERMAN: Okay.

MR. LA FIANDRA: So, it's a copy of the original.

MR. ZIMMERMAN: August 26th, 2018. No objection.

MR. LA FIANDRA: Now, I'm showing you another plan here. The, may I have exhibit number, this will be number three. Do you recognize this exhibit?

MR. SHARON: Yes, this is the existing conditions and demolition plan also prepared under my direction from our office.

MR. LA FIANDRA: Okay. Now, this existing conditions plan, this shows the, (inaudible).

MR. MCCANN: Thank you.

MR. LA FIANDRA: This shows obviously what is out there right now?

MR. SHARON: Correct.

MR. LA FIANDRA: Now, do you, I see, what is all this gray that I see here?

MR. SHARON: Sure.

MR. LA FIANDRA: That gray that you referred to, that is the existing asphalt parking lot.

MR. LA FIANDRA: Okay and this striped area over here?

MR. SHARON: That's the existing bank building, which is approximately four thousand six hundred and thirty square feet.

MR. LA FIANDRA: Okay. So, the, the bank building, four thousand six hundred and thirty square feet and then this, this is an asphalt parking lot. Do you happen to know the square footage of the asphalt parking lot?

MR. SHARON: It's about sixteen thousand eight hundred, plus or minus.

MR. LA FIANDRA: Sixteen thousand eight hundred or so?

MR. SHARON: Well, that, that's the, just for clarification, that's the total impervious area. So, the asphalt and the building all impervious is about sixteen thousand eight hundred.

MR. LA FIANDRA: Now, do you recall how many parking spaces there are actually out there right now?

MR. SHARON: There are fifteen parking spaces.

MR. LA FIANDRA: And as for the access of this property as it exists today, where are the access points?

MR. SHARON: You have a two way access point on Joppa Road that's existing. You have a two way access point on Loch Raven Boulevard, and that's the entrance that is closest to Joppa Road and then you have an exit only onto Loch Raven Boulevard, which is the exit from the bank teller windows.

MR. LA FIANDRA: So, there are a total of three access points to the local road system from this property, on the corner of Loch Raven and Joppa?

MR. SHARON: That is correct.

MR. LA FIANDRA: And two of them are on Loch Raven?

MR. SHARON: That's exactly correct.

MR. LA FIANDRA: And one is on Joppa?

MR. SHARON: Correct.

MR. LA FIANDRA: And Joppa is two, in and out?

MR. SHARON: Correct.

MR. LA FIANDRA: And one of these, I think that you said that the northern of the two on Loch Raven is in and out and the, the southern of the two is exit only?

MR. SHARON: That is also correct.

MR. LA FIANDRA: Now, Loch Raven, right in the vicinity of this property, is there a median in, in the center of Loch Raven?

MR. SHARON: Yes, there is. It's a brick and stone median.

MR. LA FIANDRA: And if you recall, or perhaps it says here, Loch Raven is four or five lanes in this area?

MR. SHARON: It's a total of five moving lanes, so.

MR. LA FIANDRA: Okay. Now, are you familiar with the zoning history of this property?

MR. SHARON: Yes, I am and we do have that on the

site plan that I prepared.

MR. LA FIANDRA: Okay. So, the record is clear, I'll move number three in. I don't know if there are any objections.

MR. ZIMMERMAN: No objection.

MR. MCCANN: No objection.

MR. LA FIANDRA: Now, back to number two, the proposal here. Can you tell us about the proposed improvements to this, to this property?

MR. SHARON: Sure. So, as previously --

MR. LA FIANDRA: Oh, pardon me, I was asking you about the zoning history before I was sidetracked for just a moment. They, if you, if you would, just tell, tell us about the zoning history of the property.

MR. SHARON: Sure. Let me stand up here. We've listed the existing zoning history cases here on the right side of the plan. In 1941, --

MS. JOLIVET: Would this help you?

MR. SHARON: That would help, thank you.

MS. JOLIVET: Okay.

MR. SHARON: In 1941, the first case we have listed, that was a zoning reclassification to allow a service garage. Second case,--

MR. LA FIANDRA: Pardon me just one second.

MR. SHARON: Sure.

MR. LA FIANDRA: Do you recall what, does that, do, does it, does it indicate what the zoning was in 1941 before it was reclassified?

MR. SHARON: So if I can just read it. It's a Petition for Zoning Reclassification from a residential use to a commercial area to be used as a gasoline service station and that was granted in March 17th of 1941.

MR. LA FIANDRA: Thank you.

MR. SHARON: All right. Second case from 1952 was a Petition for a Special Permit to construct an advertising sign, which was also granted. The third case from 1965 was a Petition for a Zoning Reclassification from BL to BM, and a variance to permit a front yard setback of twenty feet instead of the required fifteen feet, that was also granted in 1964. A fourth case from 1973, this was a Petition for a Special Exception to use the property, again, as an automotive service station.

MS. JOLIVET: What year was that?

MR. SHARON: That was granted August 24th of 1972.

MS. JOLIVET: Thank you.

CHAIR: Nineteen seventy-three?

MS. JOLIVET: Two.

CHAIR: Two.

MR. SHARON: Granted in '72, I will say the case number is 1973-0031X.

MS. JOLIVET: And I'm sorry, and just say what that one was again.

MR. SHARON: Sure. The case number 1973-0031X and that was a Petition for a Special Exception to use the property as an automotive service station.

MS. JOLIVET: Thank you.

MR. SHARON: No problem. The fifth case listed is a case from 1976. This was a special exception for two illuminated advertising structures and that was also granted. The sixth case on the property is from 1987 and that was a request for a variance for a double faced free standing sign, which was also granted. And the last zoning history case, number seven from 1999, was a Petition to variance to permit front yard setback reduction and a side yard setback reduction and that was also approved in 1999.

MR. LA FIANDRA: Okay. So, specifically with regard to 1999, it, the plan indicates that there was a var, variance was granted.

MR. SHARON: Correct.

MR. LA FIANDRA: With a modified parking plan in 1999, a variance for a front yard setback of sixteen feet in lieu of the twenty-nine feet that was required, a side yard setback of twenty-nine feet in lieu of the required thirty feet and a drive thru lane to block the entry or exit from the required off street parking spaces and to approve the modified

parking plan and that was all granted in 1979. And it would appear that that's what the bank needed in order to be on that site.

MR. SHARON: That is correct. That was for the bank.

MR. LA FIANDRA: Okay.

CHAIR: That's in 1999, right?

MR. SHARON: Right.

MR. LA FIANDRA: Pardon me. Thank you very much for clarifying. My mistake, thank you. The, so sticking with this exhibit number two, if you could tell us now about the proposed site, the site layout and the proposed conditions.

MR. SHARON: Okay. So, again, a proposed Valvoline Instant Oil Change, a footprint two thousand five hundred and thirty-five square feet. We have oriented the building so that it faces Joppa Road. Joppa Road will be an exit only. As a comment from the Design Review Panel, they asked us to place signage to prevent customers from entering from Joppa.

Access will be to the rear of the building from Loch Raven Boulevard. We currently have two entrances there as I discussed. We will be closing one of the entrance, so it will be a reduction to a single. So, you would enter from Loch Raven Boulevard, approach the rear of the building. We have four stacking locations behind each door. The customer would enter the door, you know, a worker would, would raise that door, they would enter through direction. They would stay in

their car as the technicians perform that service. At the end of that fifteen minute oil change service, the customers would be directed by the employees to exit the building and then at that exit, they would then enter onto Joppa Road.

MR. LA FIANDRA: So, we have one point of access for entrance, that's correct?

MR. SHARON: Correct.

MR. LA FIANDRA: And so, and two points of access overall. So, we're, we're, we're closing one, is that right?

MR. SHARON: Correct. You have the reduction in one entrance overall with the development.

MR. LA FIANDRA: Now, the, the entrances, sticking with them for a moment, this, the Loch Raven entrance that's proposed, is that in the location where the, the existing entrance, exit actually, I think you identified it as --

MR. SHARON: It's close but we're actually shifting it a little bit to the north. The existing exit from the, on the bank teller windows is right up against the Pastore's building and so we're shifting that a little further away.

MR. LA FIANDRA: So, you're providing further distance from the Pastore's building, which is the next door property, is that correct?

MR. SHARON: Yeah, yeah, correct. Sorry, the, the southern building is Pastore's.

MR. LA FIANDRA: Okay and then do you happen to know

the building height? Because that's one of the things that we are required to have on this plan.

MR. SHARON: Sure, we have it listed on the plan. I know it, it does not exceed thirty feet. I believe we are, we are just under thirty to the top of the building.

MR. LA FIANDRA: And you said four stacking spaces, we actually, this is a four bay service garage, is that right?

MR. SHARON: Correct. It, it's a four bay garage, you can stack more than four, but there are four direct spaces behind the door.

MR. LA FIANDRA: Now, --

CHAIR: So, on Joppa Road there --

MR. SHARON: Um hm.

CHAIR: I mean, on, I'm sorry, Loch Raven Boulevard there, that, there's, so there will be one entrance onto the property from Loch Raven?

MR. SHARON: Correct.

CHAIR: And, and is that for traffic going in either direction on Loch Raven?

MR. SHARON: No. Because there is a median in Loch Raven, in order to, if you were traveling north bound on Loch Raven, you would need to get to the south bound side and then you would access from the south bound side.

CHAIR: So, you'd have to do a U-turn or --

MR. SHARON: Correct.

CHAIR: -- turn around or something in order to --

MR. SHARON: That is correct, yep.

CHAIR: Okay.

MR. LA FIANDRA: And so you're aware, we will have a traffic expert --

CHAIR: Okay.

MR. LA FIANDRA: -- who will testify as to those issues.

CHAIR: Okay.

MR. LA FIANDRA: But you're happy to ask him any questions you'd like obviously.

CHAIR: Thank you.

MR. LA FIANDRA: So, now, the, as you've laid out this plan, are there any variances required?

MR. SHARON: There are none required.

MR. LA FIANDRA: And are there any modifications of any standards in the development regulations required?

MR. SHARON: No, there is not.

MR. LA FIANDRA: Now, did, did you present this matter to the Development Review Committee?

MR. SHARON: Yes, I did.

MR. LA FIANDRA: And what was their action on it?

MR. SHARON: It was approved.

MR. LA FIANDRA: It was, as what, did it get an exemption?

MR. SHARON: Oh, sorry, yeah, approved for a special exception.

MR. LA FIANDRA: And a special limited exemption?

MR. SHARON: Limited exemption at the DRC.

MR. LA FIANDRA: At the DRC, that's right.

MR. SHARON: Correct.

MR. LA FIANDRA: Thank you. The, as, that's the only exception of any type that we're actually seeking for this, is that right?

MR. SHARON: Sure, yes.

MR. LA FIANDRA: Okay. The, do you happen to know the impervious area of the site as laid out?

MR. SHARON: Fourteen thousand square feet, plus or minus. So, our calculations that we did for storm water management showed there was a reduction in an impervious area of two thousand four hundred and ninety plus or minus square feet.

MR. LA FIANDRA: Okay. So, overall reduction in impervious area, which includes things like pavement, but also this, the building --

MR. SHARON: Yep.

MR. LA FIANDRA: -- is an impervious area as well.

MR. SHARON: Sure. The parking lot, the sidewalks, the building itself, all consider impervious area.

MR. LA FIANDRA: Okay. So, now, I may have forgotten

to ask you this but the bank is actually a drive thru, is that correct?

MR. SHARON: Yes, it is.

MR. LA FIANDRA: And how many windows or drive thru positions do they have at that bank?

MR. SHARON: Two and then you have a, a bypass on the outside --

MR. LA FIANDRA: And you've been to the property, is that right?

MR. SHARON: Yes.

MR. LA FIANDRA: And you've actually seen those, those --

MR. SHARON: I have seen those. I do not bank with them, but I've been through the property.

MR. LA FIANDRA: And speaking of banking with them, I, there was actually an issue earlier. Do you know if that bank is still in operation?

MR. SHARON: It is not in operation.

MR. LA FIANDRA: Do, do, do you recall about how long it's been closed?

MR. SHARON: It feels like it's been at least a year.

MR. LA FIANDRA: Okay. The, I suspect we'll be getting to this so let's go over it now. The, the setbacks, the required, if you could go over the setbacks and if you could approach the board, that might be easier for you to do

that.

MR. SHARON: So, for --

MR. LA FIANDRA: Now, when you mention the, each setback, will you, will show the Board with --

MR. SHARON: Sure.

MR. LA FIANDRA: -- the pointer where the setback is?

MR. SHARON: Okay. So, from the bulk regulations the front setback to the property line has a required distance of ten feet.

MR. MCCOMAS: You're talking about Joppa Road there?

MR. SHARON: That is correct, yep. From Joppa Road is required to ten and at the closest point here it is forty feet. The front setback from the center line of the existing street, which would be Joppa Road, has a requirement of forty feet and that distance here is ninety-four feet. From the side, the requirement is zero but we are providing seven and that is at this narrow point here, of seven feet.

MR. MCCOMAS: Which is the south western corner where old Baynesville used to be or is it, give, if you can just give a description for the record.

MR. SHARON: Correct. Yep, that is the south west side, close to the pizza shop or towards the Sonic now.

MR. MCCOMAS: Where there's no road.

MR. SHARON: Where there is no road there, that is correct, it's a parking lot. And then the last setback is the

rear setback, which is required of zero and we have provided eighty-eight feet at this closest point which is to the south in the direction of the Pastore's sandwich and Italian sub shop.

MR. MCCOMAS: And what's the setback on Loch Raven Boulevard?

MR. SHARON: The setback here, we've provided twenty-five feet. Again, zero is the requirement but there is twenty-five to that least, to Loch Raven Boulevard.

MR. LA FIANDRA: Thank you. Thanks. Now, under the Baltimore County zoning regulations, the use that you described, why don't you describe the use? That might be a better place to start.

MR. SHARON: Sure. This is a service garage and under the zoning regulations that is a garage, other than a residential garage, used for vehicle storage, service for operation, repair and also it can be used for renting or sale of, of motorized vehicles as well.

MR. LA FIANDRA: And that's a definition in the Baltimore County zoning regulations?

MR. SHARON: Correct, yes.

MR. LA FIANDRA: Okay. The, and a service garage, does that require any special approvals in the BL zone?

MR. SHARON: A special exception approval.

MR. LA FIANDRA: And, in fact, --

MR. MCCANN: Thank you. Is that four?

MR. LA FIANDRA: Please mark this number --

MS. JOLIVET: Four.

MR. LA FIANDRA: Four. Thank you very much.

MS. JOLIVET: You're welcome. Do you have an extra?

MR. LA FIANDRA: (inaudible).

MS. JOLIVET: Thank you.

MR. LA FIANDRA: Here you are. Do you re, do you recognize this document?

MR. SHARON: Yes, I do.

MR. LA FIANDRA: And what is that?

MR. SHARON: This is a Petition for Zoning Hearings.

MR. LA FIANDRA: And, and what does this ask for? What does, what does this Petition?

MR. SHARON: Specifically on page two, the Petition is for a zoning hearing and for the hearing, it is for an amendment to a previously approved zoning site plan in case number 1999-251-A, as well as a request for a special exception for the use described on the property as a service garage.

MR. LA FIANDRA: The, and turning to the front page of this document, this Petition pertains to the property at issue here, is that correct?

MR. SHARON: Correct. Addressed at 1641 Joppa Road.

MR. LA FIANDRA: And is that the address of the property that we're discussing?

MR. SHARON: Yes, it is.

MR. LA FIANDRA: Okay. Okay, I'll move number five in.

MS. JOLIVET: Four.

CHAIR: Four.

MR. LA FIANDRA: Four, thank you very much.

MR. MCCANN: No objection.

MR. ZIMMERMAN: No objection. That's the Petition in this case, correct?

MR. LA FIANDRA: Yes, it is. Now, as a result of filing the Petition for Special Exception, did this matter go to the Design Review Panel?

MR. SHARON: Yes, it did.

MR. LA FIANDRA: And were, did you participate in that proceeding?

MR. SHARON: Yes, I did. I did attend the Design Review Panel meeting.

MR. LA FIANDRA: And did, I'm not sure if the Board, perhaps you can describe what the, what function the Design Review Panel serves.

MR. SHARON: Sure. Design Review Panel is mostly a group of architects currently that evaluates projects from a site and architectural point.

MR. LA FIANDRA: And was this project required to go to the Design Review Panel because it's in a commercial

revitalization district?

MR. SHARON: That is correct.

MR. LA FIANDRA: Now, did the, --

MR. MCCANN: Thank you.

MR. LA FIANDRA: Sure. There you are and his copy will be (inaudible).

MS. JOLIVET: Thank you.

MR. LA FIANDRA: Thank you very much.

MS. JOLIVET: Um hm.

MR. LA FIANDRA: If I've got my numbers right --

MS. JOLIVET: Five.

MR. LA FIANDRA: -- this will be number five. Thank you very much. Did the Design Review Panel approve this proposal?

MR. SHARON: Yes, they did.

MR. LA FIANDRA: Now, I'm showing you what's been marked as number five. Do you recognize this?

MR. SHARON: I do.

MR. LA FIANDRA: And what is that?

MR. SHARON: This is a letter from Arnold Jablon, at the time was the Deputy Administrator, Administrative Officer and the Director of Permits, Approvals and Inspection. This was dated November 21st of 2018. The letter is sent to Dino La Fiandra and this is the findings and the approval of the Design Review Panel.

MR. LA FIANDRA: And in, were there conditions attached to the approval?

MR. SHARON: Yes, there were.

MR. LA FIANDRA: And are those on the third page of the document that I've handed you?

MR. SHARON: Yes, they are.

MR. LA FIANDRA: And are these, did, did you take steps to prepare a plan that addressed these conditions?

MR. SHARON: Yes, we did.

MR. LA FIANDRA: Okay. So, then number five, that's my number six. There we go. Thank you very much. Thank you. I've marked this plan here as number six and there are, could you describe what this plan is?

MR. SHARON: Sure. This --

MR. LA FIANDRA: Oh, pardon me just one second. I'll move number five into evidence.

MS. JOLIVET: And four?

MR. LA FIANDRA: And four, thank you.

MR. MCCANN: No objection.

MR. ZIMMERMAN: No objection.

MR. LA FIANDRA: And then if, if you could describe what number six is?

MR. SHARON: Yes. This is a red line plan. The plan is entitled plan to accompany a special exception request and it has a red line date on it of November 5th of 2018. And this

is the red line to show the requested changes from the Design Review Panel.

MR. LA FIANDRA: Now, sticking with the date for just a moment, if I could. There, if somebody were to see a red line plan that had a different date, perhaps you could go and describe what that is?

MR. SHARON: Correct. So, the red line date that was probably on the plan in the file would be October 5th of 2018. The date should have been November 5th of 2018. That's simply a, an order of when the events occurred as far as plans (inaudible).

MR. LA FIANDRA: So, but the date that the plan was actually red lined was November 5th, 2018, is that right?

MR. SHARON: That is correct.

MR. LA FIANDRA: And the October 5th was just a typo?

MR. SHARON: It's just a simple typo.

MR. LA FIANDRA: And you, you've corrected that on Petitioner's number six, is that right?

MR. SHARON: Correct. The plan on the board is corrected.

MR. LA FIANDRA: Otherwise, I'm not going to introduce the other plan, the October 5th plan, --

MR. SHARON: Um hm.

MR. LA FIANDRA: -- but it, does this reflect the plan that is in the file that has the date October 5th?

MR. SHARON: Yes, it does.

MR. LA FIANDRA: Okay, thank you. So, you're sticking with that. So, that's just a matter, a matter of clarifying the actual date for the record, is that right?

MR. SHARON: That is correct, yes.

MR. LA FIANDRA: Thank you. The, can you address these red lines on the plan, if you would?

MR. SHARON: Certainly. Several of the comments from the Design Review Panel related to the site itself in addition to some architectural comments. The site comments at the entrance to Joppa and the entrance to Loch Raven Boulevard, they requested that we add striping to indicate to cars that there would be a pedestrian crossing across both of those entrances. At the entrance to Joppa Road, as part of enhancing the safety, they requested that we place signs to indicate to potential customers that the Joppa Road was an exit only so that vehicles did not try to come into that side of the project.

Additionally, a design comment was to make a sidewalk connection from Loch Raven Boulevard, so we were, as part of closing the entrances, we would be installing sidewalks that match the existing sidewalks along Loch Raven Boulevard with the brick inset and the Panel felt that to, to further enhance the pedestrian connectivity, we provide a connection from our sidewalk to the Loch Raven as well as to allow pedestrian to,

to walk around to the front of the building, just as an easier path of travel, versus potentially walking around and entering from a different side as, as folks tend to take the shortest path. And then just showing here again the, the proposed cross walk striping across the entrance.

MR. LA FIANDRA: Now, you've actually raised my attention to an issue that Mr. Zimmerman raised in his opening statement. Was this ever, this exit onto Joppa Road, was this ever proposed to be two way?

MR. SHARON: Originally, yeah, we proposed it to be, give you the ability to come into that side.

MR. LA FIANDRA: And then early on, was it decided amongst the team to make that a one way exit only?

MR. SHARON: Correct.

MR. LA FIANDRA: Okay. So, when the Design Review Panel mentioned on, in their comments that number six, provide an exit only side for the Joppa Road access of the site, that really just had to do with the sign, not change the direction or alter the movement of the access, access point, is that correct?

MR. SHARON: Correct. That was just additional signage they thought would be beneficial to the, the general public.

MR. LA FIANDRA: Okay. Now, so the DRP Panel approved this, the site plan and the associated architectural

material and the director adopted that recommendation, is that correct?

MR. SHARON: That is correct.

MR. LA FIANDRA: And that's what we see in number five?

MR. SHARON: That is correct.

MR. LA FIANDRA: Okay and sticking with architecture for a moment.

MR. MCCANN: Thank you.

MR. LA FIANDRA: Number six, number seven, here you go. This will be marked as number seven.

MS. JOLIVET: Yes.

MR. LA FIANDRA: Thank you very much.

MS. JOLIVET: Um hm.

MR. LA FIANDRA: Now, what is this that I've handed you that's marked as number seven?

MR. SHARON: These are pages taken from the Design Review Panel booklet that we submitted to the DRP.

MR. LA FIANDRA: Now, the first page, well, we'll mark this entire exhibit as number six and the pages --

VOICE: Number seven.

MR. ZIMMERMAN: Don't we have six already?

MR. LA FIANDRA: Pardon me, I'm so sorry. Number seven. And we can refer to each page because there are page numbers on the pages, is that right?

MR. SHARON: That is correct.

MR. LA FIANDRA: Okay. So, sticking with the first page, which is page number twenty-five, what does this show?

MR. SHARON: This is the front elevation. So, this is the view a customer or pedestrian would have if they were standing on Joppa Road looking at the proposed building.

MR. LA FIANDRA: And the, the finish of the building?

MR. SHARON: The proposal is, this is a red brick architectural shingle and then you see the four bay garage doors for cars that would be exiting the front to Joppa Road.

MR. LA FIANDRA: The, the signage is that actually proposed for this site?

MR. SHARON: Yes, it is.

MR. LA FIANDRA: The signage that you see on this building?

MR. SHARON: Correct.

MR. LA FIANDRA: Okay. So, changing to the next page, which is page twenty-six, what is this that we see?

MR. SHARON: Page twenty-six from the, from the booklet, this is the side elevation that a pedestrian or vehicle would see when on Loch Raven Boulevard. You can see the tower would be on your right side, as we call it, and then again, red brick architectural shingle as well as some lightly tinted glass and then a man door on the western side.

MR. LA FIANDRA: Now, I see right near the awning on

the left and right side just below the awning, there are two dark spots, one on the left, one on the right side, what are, what are those?

MR. SHARON: Those are accent lights that will be on the building just to make it, you know, a little more attractive.

MR. LA FIANDRA: Okay and, in fact, those are on the front of the building as well, is that right?

MR. SHARON: That is correct, at the front entrance that's two of those accent lights.

MR. LA FIANDRA: Now, will those, will those lights that are shown there, will that spill onto any residential properties?

MR. SHARON: No, they will not.

MR. LA FIANDRA: Okay.

MR. SHARON: Those lights were designed to cast directly down and, and then onto the building.

MR. LA FIANDRA: Okay. The next page, page twenty-seven, what does this show?

MR. SHARON: Page twenty-seven is a, the north on the left and then the east side elevation. This is more of an architectural elevation, you can see the, the doors. It calls out the materials as well as the, the various elevations.

MR. LA FIANDRA: Now, sticking with page twenty-seven, are there other lights shown on the building here?

MR. SHARON: Yes, so we previously talked about what is labeled the accent lights. And then you also have what are labeled as light fixtures at the, the header of the garage doors and those are security lights that shine down adjacent to the building.

MR. LA FIANDRA: Now, will those lights spill onto any residential properties?

MR. SHARON: No, they will not.

MR. LA FIANDRA: All right. Now, switching to page twenty-eight, what does this show?

MR. SHARON: Page twenty-eight is the south and west elevation, similar to page twenty-seven. It shows the materials and doors and it also labels the light fixtures at the, the roof line which are security lights that shine down on the building to the ground.

MR. LA FIANDRA: Now, so if I'm following correctly, this is what somebody would see if they entered off of Loch Raven and pulled up to the building from, from the Loch Raven entrance?

MR. SHARON: That is correct. This would be the rear elevation that a customer would see as they enter the project.

MR. LA FIANDRA: Now, actually that raises an interesting point. Number, the first page again, number twenty-five, is that the front of the building?

MR. SHARON: Yes, it is.

MR. LA FIANDRA: And how do you know that's the front of the building?

MR. SHARON: For me, I'm familiar with the orientation and the, the tower is on the left.

MR. LA FIANDRA: And from a zoning perspective, is that the front of the building?

MR. SHARON: Yes, it is.

MR. LA FIANDRA: And is that because that's where the front door is?

MR. SHARON: That is (inaudible) we have two little people on the front door.

MR. LA FIANDRA: Okay.

MR. SHARON: On that exhibit.

MR. LA FIANDRA: Thank you. Now, going to page twenty-nine, what is this page?

MR. SHARON: Page twenty-nine is entitled the main level floor plan. And you can see the bays, those are, the bays are actually openings in that garage floor to where the technicians would reach out to perform service on a vehicle.

MR. LA FIANDRA: So, you see on page twenty-nine there's an area for people who may enter the site through the front door, that's on the top right of the page?

MR. SHARON: Correct. We've labeled that as entry 102, that's the room number, and we show that front door, single opening out towards Joppa Road.

MR. LA FIANDRA: And then you see a, actually there's no entrance to the Loch Raven Road from that entrance foyer, is that right?

MR. SHARON: Correct. There is a door there, but that's employees only, it's not a customer entrance.

MR. LA FIANDRA: And that's what you referred to at the, that's at the rear of the building on the Loch Raven side and that's the man door that you referred to?

MR. SHARON: That, yeah, the man door, correct.

MR. LA FIANDRA: Okay. So, this is the floor plan for the main level and then the next page, so oh, and then, bays, you said these bays are open. That's open to the basement, is that correct?

MR. SHARON: That is correct.

MR. LA FIANDRA: And then this next page, what does this show?

MR. SHARON: We've entitled this the foundation floor plan. This is the basement. So, this is the work area where the technicians would service the vehicle from below. That's the main part of the building. In the upper right of this page is the tank room, where they keep the oil and other fluids for service, as well as you can see, we have labeled the compressor and the storage and then the stairwells to get back to the main level.

MR. LA FIANDRA: Okay and is the building designed so

that people can work from this foundation level on, on the cars from underneath?

MR. SHARON: That is correct. That's the purpose.

MR. LA FIANDRA: Okay. Thank you. Page thirty-one, what does this show?

MR. SHARON: Page thirty-one is entitled exterior finishes. As I spoke to earlier, these are the shingles, the color as well as the brick that's proposed for the building.

MR. LA FIANDRA: Now, these were items of concern to the Development Review, Design Review Panel?

MR. SHARON: Yeah, one of the comments was to use a warm mortar color along with the brick.

MR. LA FIANDRA: And so, they reviewed things like the brick and the mortar color and other things like that and the items that are shown here, the colors and other, other things like that?

MR. SHARON: That is correct.

MR. LA FIANDRA: Okay. Now, page thirty-two, what do we here?

MR. SHARON: Page thirty-two, this is our exterior lighting proposal. On the left side, we have little pictures of our accent lighting, the wall fixture lighting, site lighting poles and on the right side of the plan, we have color coordinated the legend, the locations of these wall light fixtures and the site light poles and the accent lighting

throughout the property.

MR. LA FIANDRA: Now, we talked about the wall fixture lights. We specifically spoke about them on the front of the building and, although I don't think we discussed them. There's the same lighting on the rear side of the building, is that right?

MR. SHARON: That is correct.

MR. LA FIANDRA: And we also discussed the accent lighting and that's on this part of the building you called the tower?

MR. SHARON: Correct. On the north east corner, we refer to that as the tower.

MR. LA FIANDRA: Now, the site lighting, I don't think that we addressed that point yet. Where, so those are the, the blue dots on this little site plan that's on page thirty-two?

MR. SHARON: Correct. Yep, we've identified in the blue for ease of evaluating the plan and then we have a picture of the site light pole head and these pole heads are facing straight down towards the ground.

MR. LA FIANDRA: Now, is that light of a type that will, that will spill onto residential properties?

MR. SHARON: It is not. These are LED fixtures and they are (inaudible) compliant as you can make them and they shine straight down to prevent bleeding of light into adjacent

properties.

MR. LA FIANDRA: Now, sticking with residential properties for a moment, are, do we have any adjacent properties that are residentially zoned?

MR. SHARON: Not directly adjacent, but there is residential zoned property, the zoning line actually can be seen on, both on the site plan and this diagram. And that location is about twenty-three feet away from our south west property corner to the zoning line.

MR. LA FIANDRA: Thank you.

CHAIR: That's the part marked DR-5.5, is that --

MR. SHARON: That's the residential zone, correct.

MR. LA FIANDRA: Turning to page thirty-seven, what is this?

MR. SHARON: This is the site signage. This is our, our monument sign. You can see they're about six feet tall, it's a brick, it's a very attractive structure, it's kind of low to the ground compared to other typical signs.

MR. LA FIANDRA: Now, do you still have that pointer?

MR. SHARON: Sure.

MR. LA FIANDRA: Now, will you show us where these monument, where the monument sign is going to be located?

MR. SHARON: So, we're proposing to have one on the Joppa Road frontage and a second monument sign on the Loch Raven Boulevard frontage.

MR. LA FIANDRA: And those signs are permitted by right?

MR. SHARON: Yes, they are.

MR. LA FIANDRA: And --

VOICES: Bless you.

MR. LA FIANDRA: Thank you.

MS. JOLIVET: And they're the same size?

MR. SHARON: They are the same size.

MR. LA FIANDRA: Now, page thirty-eight, what is this?

MR. SHARON: Page thirty-eight is the site signage. These are small directional signs located throughout the property. As you enter off of Loch Raven, we would have a, a directional sign that, you know, points you to the direction for vehicle navigation and upon exiting the vehicle, we have signage to indicate which way is the exit.

MR. LA FIANDRA: Okay, thank you.

MR. MCCOMAS: I have a couple questions on your exhibit, exhibit page thirty. A couple of them. What's the largest container there of oil out of those drums in there?

MR. SHARON: We have a, an expert here that can speak to that. That's not something I'm familiar with.

MR. MCCOMAS: Okay.

MR. LA FIANDRA: So, if I, if I may? I do have a representative from Valvoline here.

MR. MCCOMAS: Okay.

MR. LA FIANDRA: The --

MR. MCCOMAS: That's the, that's the nature of my questions are, or a series of them, so I'll wait.

MR. LA FIANDRA: Thank you. Did you develop a landscaping plan that, that incorporates all of, items that we discussed in terms of the red lines, the DRP approval and the other adjustments that we made to the plan?

MR. SHARON: Yes, Nicole Reedy, Registered Landscape Architect with our firm prepared this plan.

MR. LA FIANDRA: Now, this would be number eight?

MS. JOLIVET: Yes.

MR. LA FIANDRA: And if I may have a sticker?

MR. MCCANN: Okay, thank you.

MR. LA FIANDRA: So, what is this that we're looking at, number eight?

MR. SHARON: Number eight, this is an illustrative site plan. It is really a colored landscape plan.

MR. LA FIANDRA: So, tell us what this plan kind of incorporates.

MR. SHARON: The plan incorporates the requirements of the Baltimore County Landscape Manual, at a minimum. It also incorporates several of the Design Review Panel recordations and, and comments. The first being that they desired a, a layered effect at the intersection of, of Joppa

and Loch Raven so that it appears as the landscaping would, would be tiered. This also does show, although not in red, the, the sidewalk connections that were requested by the DRP. You can see the signs are shown at both entrances, as well as complimentary landscaping around those signs.

MR. LA FIANDRA: Now, the DRP had asked, had they not, that we enhance the landscaping in the corner of the property?

MR. ZIMMERMAN: Could Mr. La Fiandra keep his voice a little more, further up --

MR. LA FIANDRA: Pardon me, thank you.

MR. ZIMMERMAN: -- consistently? If I may.

MR. LA FIANDRA: The DRP had asked that we enhance the landscaping in the front of the property lot in the corner?

MR. SHARON: Correct. Yeah, specifically, at the, the intersection here in the Design Review Panel comments and in the booklet you can see you, we, you know, tier the landscaping and we do propose a, a welcome to Loch Raven signage, similar to other projects in this area.

MR. LA FIANDRA: And do you recall where the origin of that, the idea for that sign came from?

MR. SHARON: I, I do. There's a project known as the Loch Raven Commons that is adjacent to Radio Park, if you're familiar with this area. There is a new Wawa and if you, as you enter that new Wawa you'll park on the right, there's a

brick sign that says Loch Raven Commons and that was kind of the, the present signage that we wanted to keep with the community and construct a similar sign.

MR. LA FIANDRA: And, okay. The, how many parking spaces are on this plan?

MR. SHARON: We are proposing nine parking spaces here.

MR. LA FIANDRA: Does that meet the parking requirements under the Baltimore County zoning regulations?

MR. SHARON: Yes it does.

MR. LA FIANDRA: I'll show you what I will mark as number nine.

MR. ZIMMERMAN: By the way, could we get a date on that landscape plan?

MR. SHARON: It's undated, but it is taken from the Design Review Panel booklet.

MR. LA FIANDRA: Do you recognize what I handed you as number nine?

MR. SHARON: Yes, I do.

MR. LA FIANDRA: These are the ZAC comment or Zoning Advisory Comments. The first sheet, it's from Mr. Karl Richards, who is the supervisor of Zoning Review. Page two, this is from Bureau of Development Plans Review, Vishnu Desai (phonetic).

MR. LA FIANDRA: And let's just, just stick with

Development Plans Review. The date of this comment?

MR. SHARON: This letter is, the memo is dated September 24th of 2018.

MR. LA FIANDRA: And that was obviously before you prepared the landscape plan, or Nicole Reedy prepared the landscape plan in this case?

MR. SHARON: That is correct.

MR. LA FIANDRA: So, in fact, Mr. Jasai says that a landscape plan would be required per the landscape manual and a lighting plan and, of course, that was in September. By the time this plan had come before the DRP and the, after the DRP, you, you and your colleague had prepared those plans?

MR. SHARON: That is correct.

MR. LA FIANDRA: Okay and that's what's reflected on number eight over here?

MR. SHARON: Yes, it is.

MR. LA FIANDRA: Thank you. Okay, the next page?

MR. SHARON: Page three, this is an interoffice memorandum from Andrea VanArsdale, the Director of Planning. And this is the, the Planning's comments on a ZAC.

MR. LA FIANDRA: Now, and of course, this comment dated September, pardon me, October 24th, 2018, this, this refers to the Design Review Panel having had, reviewed the project on October 10th 2018 and granted a conditional approval and it, it identifies the conditions here, four bullet points?

MR. SHARON: That is correct.

MR. LA FIANDRA: Yes, and those are the items that we discussed earlier?

MR. SHARON: Yes, they are.

MR. LA FIANDRA: And, of course, the Department has no objection to granting the Petition for Zoning Relief provided that all the conditions of the DRP approval are incorporated into the plan and, into the proposal and shown on the site plan and, of course, that's what we've done through all these plans that we've shown, specifically number eight?

MR. SHARON: That is correct.

MR. LA FIANDRA: Okay, thank you. Now, oh, I'll move all the exhibits that haven't been previously moved in, that might include eight and nine.

MS. JOLIVET: Six and seven?

MR. LA FIANDRA: Six and seven as well into evidence.

MR. MCCANN: No objection.

MR. ZIMMERMAN: No objection.

MR. LA FIANDRA: Thank you. The, the property, on voir dire you were asked a number of questions on 502.1 and *Schultz v. Pritz* and the other cases that discuss special exceptions. The, do, do you, can you describe for the Board in the context of 502.1, what does 502.1 require?

MR. SHARON: As explained to Mr. Zimmerman, 502.1, looking for does the use at this location offer more adverse

impacts than would at a similar zoned location in Baltimore County.

MR. LA FIANDRA: Now, there's a, there's a requirement in our interpretation of 502.1 as discussed in cases like *Schultz v. Pritz* that you, that you had indicated that you'd looked at, that discusses the area of the comparison, where you're going to compare the different properties.

MR. SHARON: Sure.

MR. LA FIANDRA: And the different effects, not so much the properties, the, the, the impacts, is that right?

MR. SHARON: Correct. And the, and the locale.

MR. LA FIANDRA: Now, for, and I think that we got into this pretty deeply with your voir dire, but would you, where would you consider the locality to be with regard to this particular property?

MR. SHARON: Sure.

MR. LA FIANDRA: As it relates to the zoning question that we have before us.

MR. SHARON: Okay. (inaudible).

MR. LA FIANDRA: Yes, please, go ahead.

MR. SHARON: This is a --

MR. LA FIANDRA: May I?

MS. JOLIVET: What number?

MR. LA FIANDRA: Number ten.

MS. JOLIVET: Yeah.

MR. LA FIANDRA: Thank you very much.

MS. JOLIVET: Sure.

CHAIR: So, before we get into number ten, I think we need to take a ten minute break for everyone's convenience.

MR. LA FIANDRA: Thank you very much.

MR. ZIMMERMAN: Thank you so much.

(RECORDING PAUSED - 11:52:44 AM)

(ON RECORD - 12:05:45 PM)

CHAIR: All right. So, we'll plan on breaking as close to 1:00 as we can.

MR. LA FIANDRA: Sure.

CHAIR: As is appropriate.

MR. LA FIANDRA: Sure. Thank you.

CHAIR: Okay. We're back on the record. Mr. Sharon, you're still under oath.

MR. SHARON: Yes, sir.

MR. LA FIANDRA: Now, we were talking about *Schultz v. Pritz* and you were about to tell me what you thought was the affected area --

MR. SHARON: Sure.

MR. LA FIANDRA: -- in terms of the locality.

MR. SHARON: So, using this as the context photograph, --

MR. LA FIANDRA: So, let's describe this. I'm not

sure we got that into the record.

MR. SHARON: Sure.

MR. LA FIANDRA: This is number ten. And what is, what are we looking at?

MR. SHARON: Exhibit number ten is context photograph, this is taken from the Design Review Panel booklet.

MR. LA FIANDRA: And aerial photograph of (inaudible)?

MR. SHARON: Sure. Essentially, it's a Google Earth aerial image and we added some additional labels to various neighborhoods, roadways, adjacent to our site.

MR. ZIMMERMAN: Again, could the witness keep his voice up more (inaudible)?

CHAIR: Sure. Yes, please, please try and do that.

MR. SHARON: Yes, I'll do my best.

MR. LA FIANDRA: Okay, thank you. So, let's, why don't you point out where our site is located on this photograph?

MR. SHARON: So, we made it pretty easy. In yellow here, this is our site labeled as such. We've also labeled Joppa Road and then this is Loch Raven Boulevard. And you can just see in the north east corner, this is the Baltimore Beltway Interstate 695.

MR. LA FIANDRA: Okay. So, then the site is the south, this, the photograph is oriented north and so the site

is on the south west corner of Joppa Road and this, this, this line that runs north and south in a kind of bended fashion through the site?

MR. SHARON: Correct, both of those.

MR. LA FIANDRA: Okay. How would you describe the locality --

MR. SHARON: Sure.

MR. LA FIANDRA: -- that we're discussing?

MR. SHARON: For me, the locality is really bounded by some of our major roadways. To the east, Baltimore Beltway, so I would include this piece of Joppa Road till it gets to the beltway, the beltway because it's, it's an overpass at that point. It feels like kind of a, a boundary line. To the north along Loch Raven Boulevard, again reaches Cromwell Bridge and the beltway, so it's kind of bounded. I would include that area as well. To the south along Loch Raven, we have, you k now, we have the commercial zone here at the intersection along the frontage of Loch Raven and that really transitions into the residential neighborhood of Ridgely and Brookland, you know, arriving down to Putty Hill and I think that's kind of a, again, a natural boundary of, of the neighborhood.

From the intersection, along Joppa Road and including this, we have the commercial corridor here heading west in front of the Loch Raven Manor. And then for me, it kind of stops at Mylander Road here on, on, on the north. It's really

starting to get into some larger shopping centers, you know, LaSalle Road, heading in, in towards Towson. So, really, so again, just bounded on the west side here at Mylander. To the east, Baltimore Beltway, to the north Baltimore Beltway Interstate 695 and then to the south along Loch Raven, Putty Hill Avenue, incorporating the Loch Raven Manor, residential community, Ridgely residential community and Brookland residential community, as well as on the east side Loch Raven and, and into Oakmar a little bit as well.

MR. LA FIANDRA: So, how do you, how do you decide what's, what's in the locality and what's not? Where, where the locality ends, so to speak?

MR. SHARON: I try to think of it as, you know, what is the service corridor and it would also be very walkable. A lot of uses here, you know, the residents could, could walk to those restaurants and retail and services, as well as it's also a short drive for those residents. For me, that's kind of how I define it.

MR. LA FIANDRA: So, it's not necessarily walkable, is that correct?

MR. SHARON: Not necessarily, no, but it does, you know, incorporate some walkable features.

MR. LA FIANDRA: Okay. The, now, in your voir dire you, you were asked questions about the commercial revitalization area.

MR. SHARON: Correct, yes.

MR. LA FIANDRA: And this will be number eleven. What is this that I handed you, number eleven?

MR. SHARON: This is an exhibit entitled the Loch Raven Commercial Revitalization District. And it shows, as outlined in a bold orange line and shaded with a peach color, that district area.

MR. LA FIANDRA: Now, and is the site located in the commercial revitalization area that's shown?

MR. SHARON: Yes, it is.

MR. LA FIANDRA: And that's shown on that map that I handed to you?

MR. SHARON: Correct. The site falls within that encompassed area.

MR. LA FIANDRA: Now, you indicated that you thought the locality was roughly along Joppa Road from the Baltimore Beltway to Mylander and from, on Loch Raven from the Baltimore Beltway to Putty Hill. But it seems like the commercial revitalization district is broader in scope than that.

MR. SHARON: Yes, that is correct.

MR. LA FIANDRA: And how, so how do you reconcile that? What is that?

MR. SHARON: Sure. The revitalization district is, is significantly larger. For me, all the way over to Satyr Hill feels a little bit further away than what I would consider

the locale.

MR. LA FIANDRA: Okay, thank you. Now, the, let's move number ten and number eleven in.

MR. MCCANN: No objection.

MR. LA FIANDRA: Oh, thank you very much. That will be yours and this will be your copy.

MS. JOLIVET: Thank you.

MR. LA FIANDRA: Thank you very much.

MR. ZIMMERMAN: So, we're up to eleven?

MS. JOLIVET: Yes.

MR. LA FIANDRA: That was number eleven.

MR. ZIMMERMAN: Okay.

MR. LA FIANDRA: The, do you have an opinion, you're familiar with 502.1 of the Baltimore County zoning regulations?

MR. SHARON: Yes.

MR. LA FIANDRA: And it, that's the section of the Code that governs whether a special exception should be granted or not, in the Code?

MR. SHARON: In the Code, correct.

MR. LA FIANDRA: The, do you have an opinion whether the proposed use, do you have an opinion whether the proposed use at this location would be detrimental to the health, safety or general welfare of the locality that we discussed?

MR. MCCANN: Mr. Evans, I'm sorry to interrupt. Just want to apologize for the record and ask for, I mean, object

for the record rather, apologize for interrupting. And then ask for a continuing objection as to all questions directed to 502, specific, on the same reasons we discussed earlier.

CHAIR: Sure.

MR. MCCANN: And (inaudible) --

CHAIR: You can have a continuing objection, if that's okay with you, Mr. La Fiandra?

MR. LA FIANDRA: That would be fine.

CHAIR: Yeah, therefore, you don't need to object to each relevant question --

MR. MCCANN: Great, thank you.

CHAIR: -- that would be otherwise objectionable.

MR. MCCANN: Thank you.

MR. LA FIANDRA: Thank you. Do you have an opinion whether the proposed use at the loc, would be detrimental to the health, safety or general welfare of the locality that we discussed?

MR. SHARON: Yes, I have an opinion.

MR. LA FIANDRA: Okay. What is the opinion?

MR. SHARON: The opinion is that there are no instances here that would cause further adverse impact to the locale than they would at another location of a service garage with a, a similar zone.

MR. LA FIANDRA: Okay. So, within the locality that we discussed?

MR. SHARON: That is correct.

MR. LA FIANDRA: Now, the, sticking with just the use, where it is proposed to be, do you have an opinion whether it would be detrimental to the health, safety or general welfare?

MR. SHARON: Yes, I have an opinion.

MR. LA FIANDRA: And what is that?

MR. SHARON: It would not be detrimental to the health, safety or general welfare.

MR. LA FIANDRA: Thank you. The, will it create a potential from, from hazard or fire or panic or other danger?

MR. SHARON: It will not.

MR. LA FIANDRA: The, would it overcrowd the land or cause undue concentration of population?

MR. SHARON: No, it would not.

MR. LA FIANDRA: Will it interfere with adequate provisions for schools, parks, water, sewage, transportation or other public requirements, conveniences or improvements?

MR. SHARON: No, to all those.

MR. LA FIANDRA: Will it interfere with adequate light and air?

MR. SHARON: It will not.

MR. LA FIANDRA: Will, is it, will it be inconsistent with the purposes of the BL zoning classification or in any other way inconsistent with the spirit and intent of the zoning

regulations?

MR. SHARON: It will not.

MR. LA FIANDRA: Will it be inconsistent with the impermeable surface and vegetative retention provisions of the zoning regulations?

MR. SHARON: It would not be.

MR. LA FIANDRA: And to be clear, we are in a BL zone and, so any requirement that is specific to any of the RC zones does not apply, is that right?

MR. SHARON: They would not apply, correct.

MR. LA FIANDRA: Okay. The, referring you to number six, which is the red line plan, what are the uses in the immediate vicinity of this property?

MR. SHARON: Okay. To our west, the building directly to our west is a small pizza shop. Slightly for, to the west of that is a recently constructed Sonic Drive-Thru Restaurant. To the north west, there's another restaurant, Hooters. Directly to the north, there's some (inaudible) retail there, guitar store and an animal hospital. To the east is an automotive service garage, Safco, on the opposite side of, of Loch Raven Boulevard. And then to the north east is the recently constructed Starbuck's drive thru. And to the south, our next door neighbor, is a sandwich shop, Pastore's.

MR. LA FIANDRA: Okay and is it fair to say that in the area that you identified as the neighbor, as the locality,

primarily, except for the residential areas, I'm, I'm talking about, I'd like to know what the uses on Loch Raven and Joppa Road within the area that you, that you identified as the locality, are they predominantly commercial, residential, how would you define them?

MR. SHARON: They are predominantly commercial along those road corridors. But they're just, actually to the west a quarter mile there are some residential units that do front Joppa Road and also to the south there are some residential units long Loch Raven that do front, that, that frontage. But predominantly, it is a commercial corridor.

MR. LA FIANDRA: And the ad, the adverse effects, the adverse effects that you would expect from a service garage, are they, are the, let me rephrase the question, pardon me. The adverse effects that you would anticipate from the proposed use being a service garage at this location, the proposed location, are they above and beyond the adverse effects that you would typically associate with a service garage?

MR. SHARON: They are not. I would say they would be less than a typical service garage.

MR. LA FIANDRA: Now, why are they less than a typical service --

CHAIR: Well, what are the adverse effects?

MR. SHARON: Sure. Some of the items, lighting, a really big concern with the community typically, light

collusion. So, because this is a, a modern design with, with new light fixtures and new poles, those light poles would be oriented to, to cast light towards the ground and also not over the, the property line.

Another item would be sound. This service station does have a pneumatic air gun for the few customers that desire to have their tires rotated. But unlike the garage across the street, that garage would use its pneumatic a lot for tires and other operations. But it's really infrequently used here on Valvoline where sole use of the, or the, the main use is, you know, oil change. What doesn't really require, doesn't require that pneumatic gun, device. You don't have that, that, that noise and that sound.

Also, a lot of people would say parked cars. One of the, the things about the service garage, Valvoline, is that there are no cars left overnight. The employees take their vehicles and leave, there's no ongoing maintenance that would have those cars stored. And, you know, just across the street, the Safco, you know, has cars stored there all the time.

So, sound, light, aesthetics, car storage, those would be some of the adverse impacts of, you know, people would argue against.

MR. LA FIANDRA: To your knowledge, does the use generate any dust or fumes?

MR. SHARON: The only fumes would, would be coming

from the cars themselves idling, but that would be it.

MR. LA FIANDRA: Okay and obnoxious odors, have, have you been to a Valvoline?

MR. SHARON: Yes, many times. I've been doing business with Valvoline since 2008 and I frequent their store on, in Middle River, the closest one to me every time I need an oil change.

MR. LA FIANDRA: And have you perceived any obnoxious odors when you've been there?

MR. SHARON: I have not. You sit in the vehicle while the, the, the work is being done and I've never had any complaints or have noticed any obnoxious odors.

MR. LA FIANDRA: Now, what, in your voir dire, you were asked a series of questions on the fact that this property, on the, on the interaction between the master plan and the, and, and zoning applications in general. And what effect does the, the property status as being in the Loch Raven commercial revitalization district, which is part of the master plan.

MR. SHARON: Correct.

MR. LA FIANDRA: Have on, on, on the, the, your measurement of the impacts and, and the locality that we discussed?

MR. SHARON: So, first of all, as you were looking for, you know, not to have a conflict with the master plan,

we're also relying on to insure that it's not in a failed basic service location as maps produced each year --

CHAIR: Can you keep your voice up?

MR. SHARON: Sure. Sorry about that. I tend to, it's not inside a, a failed basic service location of the most recent maps.

MR. LA FIANDRA: And basic services are for what services?

MR. SHARON: For your water, your sewer and your transportation.

MR. LA FIANDRA: And we're not in that failing district for any of those?

MR. SHARON: Correct.

MR. LA FIANDRA: Now, are there other aspects of the master plan like uses or density of population or intensity of uses that are discussed in the master plan that you would take into consideration when determining whether this is compatible or incompatible with the master plan?

MR. SHARON: Yeah, sure. For the density, again, this is not residential, so we don't, we're not proposing any units that would, you know, impact the schools. It's a smaller building, it generates less traffic and I think you'll hear more testimony on, on that as well. But those would be two, just two example items that, you know, we look for for compliance with the master plan.

MR. LA FIANDRA: And, in fact, with regard to the, how do you measure the intensity of a use in terms of square footage or the sign of a use in, under the zoning regulations?

MR. SHARON: For, for this commercial, it's the floor area ratio.

MR. LA FIANDRA: Now, --

CHAIR: It's the what?

MR. SHARON: Floor area ratio.

MR. LA FIANDRA: The floor area ratio. What is the floor area ratio?

MR. SHARON: Sure. So, the floor area ratio is the adjusted gross floor area ratio divided by the gross property area. And so, in this case you're allowed to have, the ratio is three, the maximum, and we have a proposal of 0.26.

MR. LA FIANDRA: It's 0.25, but I'm not sure it matters that much.

MR. SHARON: 0.25, so our ratio is 0.25. You can go up to a 3.0.

MR. LA FIANDRA: So, what does floor area ratio of 0.25 mean?

MR. SHARON: Sure. It means that we could add additional gross floor area ratio to this property with additional stories of land, or excuse me, a building if we wanted to. Assuming we could meet all the other zoning and development regulations, parking, etcetera.

MR. LA FIANDRA: So, if you've got a site that's twenty thousand square feet like this one and permitted FAR of 3.0.

MR. SHARON: Sure.

MR. LA FIANDRA: How large a building could you build on that site?

MR. SHARON: Sixty thousand square feet.

MR. LA FIANDRA: Sixty thousand square feet of improvements and it might be building or it could be parking garage or whatever else the definition calls for?

MR. SHARON: Correct.

MR. LA FIANDRA: But you could certainly build more than twenty-five hundred square feet?

MR. SHARON: Significantly more could be built.

MR. LA FIANDRA: And, in fact, a floor area ratio of 0.25 is one-twelfth the amount that you could actually build on this site, is that right?

MR. SHARON: Don't, yeah, that math sounds correct.

MR. LA FIANDRA: Okay. The, is there a restriction on the number of service bays that you can have in this zone for a service garage?

MR. SHARON: There's not a restriction on the number of bays, no.

MR. LA FIANDRA: And that would be regulated by the floor area ratio and the other parameters, like the bulk and

area parameters that we discussed earlier?

MR. SHARON: Correct, yes.

MR. LA FIANDRA: Okay. Will the proposed use at the proposed location create any adverse effects that you identified above and beyond the adverse effects typically associated with the service garage regardless of its location within the locality that you discussed?

MR. SHARON: They would not be.

MR. LA FIANDRA: Okay. That's what I have for this witness. Thank you.

CHAIR: Cross?

MR. MCCANN: Great. Thank you, Mr. Evans. Good afternoon, Mr. Sharon.

MR. SHARON: Good afternoon, Mr. McCann.

MR. MCCANN: First off, just tell us what your understanding is of what this business will do if it is approved.

MR. SHARON: Valvoline is mainly an oil change facility.

MR. MCCANN: Anything else? You said mainly. What else do you believe it will do?

MR. SHARON: I know from experience they will also change your windshield wipers, they will check your other fluids for the car.

MR. MCCANN: You know that from experience?

MR. SHARON: I have not needed to partake in those services.

MR. MCCANN: I'm sorry?

MR. SHARON: I have not needed to partake of those services.

MR. MCCANN: So, how do you know that from experience? What do you mean?

MR. SHARON: They have a menu board.

MR. MCCANN: Okay. Again, other than oil changes, changing windshield wipers and checking fluids, what, do you have any understanding, do you have an understanding of what else that the business will do if it is approved?

MR. SHARON: One other item and that is rotate your tires.

MR. MCCANN: Okay. Anything else that you're aware?

MR. SHARON: Not that I'm aware of, no.

MR. MCCANN: Okay. So, that the definition of service garage is in the zoning regulations, correct?

MR. SHARON: Correct.

MR. MCCANN: And I'm just going to read it to you because it's a, it's a single sentence and, in fact, if you need me to, I'll show it to you but let me just read it first. This is in 101.1, of course, of the zoning regulations. Quote, a garage, other than a residential garage, where motor driven vehicles are stored, equipped for operation, repaired or kept

for remuneration, hire or sale. So, just to break that down, is it your understanding that there will not be a motor, motor driven vehicles stored at this location?

MR. SHARON: Correct.

MR. MCCANN: Is it also your understanding that there will not be any motor vehicles equipped for operation at this location?

MR. SHARON: No, I would say equipped for operation is the changing of the oil and the lubricants, etcetera.

MR. MCCANN: Okay and I, I take it the things you've described would constitute repair under that definition?

MR. SHARON: No, I would say equipped for operation, repair I would typically categorize as you're replacing a, a part.

MR. MCCANN: And then lastly, kept for remuneration higher or sale, was it your understanding that this pro, this business would not engage in that?

MR. SHARON: That is my understanding, yes.

MR. MCCANN: Do you agree with me that if this is approved for special exception for a service garage, it could do all of those things, right?

MR. SHARON: I would agree with you, yes.

MR. MCCANN: Okay. Because it's allowed in, in, by special exception in the zone, correct?

MR. SHARON: Allowed by the definition.

MR. MCCANN: Okay, all right. And Mr. Evans asked you --

MS. JOLIVET: Can I just ask real quick, just a small, the wipers, --

MR. MCCANN: Sure.

MS. JOLIVET: -- would that be under equipped for operation or repair?

MR. SHARON: Equipped for operation.

MS. JOLIVET: All right, thank you. Thank you.

MR. MCCANN: Sure, good question. And Mr. Evans asked another good question, that was what, what are the impacts and you identified, let me clarify that. I, I think his question was and what will be the impacts associated with this use that you considered in applying the 502.1 and special exception standard and you identified three. You said lighting, sound and aesthetics, correct?

MR. SHARON: Correct.

MR. MCCANN: Anything other than those that you're aware of?

MR. SHARON: I would say also traffic.

MR. MCCANN: All right.

MR. SHARON: (inaudible) traffic engineer, traffic engineer here to speak to that.

MR. MCCANN: Okay. So, those are all impacts that we should expect with this use, correct?

MR. SHARON: Yes.

MR. MCCANN: Okay. With respect to sound in particular, you said that there's a, a, and I may mispronounce the word, but pneumatic gun? I think we all know what that is. I'm not sure I could spell it, but. It was your testimony that that would be used infrequently. And I guess my question is why, on what basis do you say that?

MR. SHARON: In the numerous times I've been there, I've actually never heard of it, it's only through explanation by my client, the operator, that they do offer that service.

MR. MCCANN: When you say been there, been where?

MR. SHARON: To the Valvoline Instant Oil Change facility that is in the Martin Plaza Shopping Center on Middle River Boulevard.

MR. MCCANN: In Glen Burnie?

MR. SHARON: No, sir. That's not Glen Burnie. Middle River.

MR. MCCANN: Middle River, okay. So, you're been to that location?

MR. SHARON: Yes, I have. Sorry, which location?

MR. MCCANN: The location in Middle River?

MR. SHARON: Yes, I have.

MR. MCCANN: Okay and how many times?

MR. SHARON: Since 2008, probably approaching, I guess, sixty or seventy based on three thousand miles per

change, the number of miles I drive a year.

MR. MCCANN: Really?

MR. SHARON: I might have done the math wrong. Yeah, that's.

MR. MCCANN: To that specific location?

MR. SHARON: Yeah, just trying to support a client.

MR. MCCANN: Okay and during the times that you've been there, you have a specific recollection of infrequently hearing a pneumatic gun?

MR. SHARON: I don't recall ever hearing a pneumatic gun.

MR. MCCANN: Okay.

MR. SHARON: Device.

MR. MCCANN: Okay. By the way, I meant to ask this on voir dire and I think it was more appropriate on cross examination but the twenty-five cases in which you've testified on the special exception standard, in any of those cases, did you testify that the standard was not met? Do you really have to think about it, Mr. Sharon?

MR. SHARON: I do. There was a, a Royal Farms that, they were unable to meet the sound requirement.

MR. MCCANN: I'm sorry?

MR. SHARON: There was a Royal Farm Store that we have a sound expert on, as part of the case, but we were unable to say that that impact would be less there than it would at

any other location.

MR. MCCANN: I'm talking about your testimony. Have you ever testified, based on your area of expertise and experience that the special exception was not met? The special exception standard rather was not met?

MR. SHARON: I apologize. My, my testimony, no, I have not.

MR. MCCANN: Okay. Have you ever told a client who came to you for a project and told him or her that this project would not fly because of special exception standards would not be met?

MR. SHARON: Yes, I have.

MR. MCCANN: Okay. How many times?

MR. SHARON: Probably a half dozen.

MR. MCCANN: Okay. In terms of the standard itself, you agree, I, I take it, based on Mr. Zimmerman's questioning of you that, and by, by your own direct examination that the existence of this commercial revitalization district is, is something that needs to be considered in term, in terms of impacts under the standard?

MR. SHARON: Yes.

MR. MCCANN: Okay. Explain to me how it is, articular for me, if you would, how it is that the commercial revitalization district should be considered when applying the special exception standard.

MR. SHARON: Okay. For the commercial revitalization district, the goal being to enhance communities that may have suffered because of the change in economics of development so communities that had smaller Ma and Pa shops during the transition to more car oriented activities suffer. And so, the goal, I believe, in the revitalization district was to offer incentives to revitalize those areas to bring them, make them more sustainable inside the community.

CHAIR: To, to bring what?

MR. SHARON: To make them more sustainable, less shuttered doors, less vacancies.

MR. MCCANN: Okay. I, I wasn't asking about what the CR district provides for or its goals, I'm asking you how does the existence of this CRD district, or maybe any commercial revitalization district or for that matter any commercial revitalization district factors in. Explain, explain to me that analysis.

MR. SHARON: Sure. The zoning is what, really what would govern but with the commercial revitalization there are certain items that would be waived. So, you could, as an example, construct this facility if there was a, inside of a failed traffic shed, that would be waived under the commercial revitalization district, so that would factor in.

MR. MCCANN: I'm, I'm sorry. I'm, I'm not, I, I'm trying to rush things along, I'm not asking my question

properly. I'm talking about the special exception standard itself and how it is that the commercial revitalization district, or any commercial revitalization district, applies. For example, I think you said in response to Mr. Zimmerman's questions that you look at this property or this use rather in this district and I think you even said something, and I'm not sure if this, you meant to say it, whether or not the, this use would have a greater or different impact in another commercial revitalization district. I'm just trying to figure out where the CRD, and I'll use that term, that acronym if that's okay,--

MR. SHARON: Sure.

MR. MCCANN: -- how the CRD fits into this comparison, without getting to the specifics of the CRD itself, if you follow me.

MR. SHARON: I think I understand the question, yes.

MR. MCCANN: Okay, go ahead.

MR. SHARON: So, the CRD, I would say, factors in in my opinion as we are trying to enhance this area so we would want to see businesses that, while they do have adverse impacts, we want those to be evaluated in comparison.

MR. MCCANN: To what? What's the comparison? You're getting back to the goals.

MR. SHARON: Sure.

MR. MCCANN: I'm asking about the, what, what's the comparison? May be apples, oranges, what is, what are we

looking at?

MR. SHARON: Comparison of this use in a similar zone inside of that revitalization district, whether the adverse impact of this location would be greater than a different location.

MR. MCCANN: Okay. Did you do that in this case?

MR. SHARON: I did.

MR. MCCANN: Where, where? Because that analysis that you just described, it's my understanding, is not part of Petitioner's Exhibit 10, this, this locality that you described for purposes of a special exception standard.

MR. SHARON: I don't have the zoning map in front of me but there is also some additional BL zone property within the commercial revitalization district.

MR. MCCANN: Within this one?

MR. SHARON: Correct.

MR. MCCANN: So, what did you do in that regard?

MR. SHARON: We looked at other parcels of land that have that same zoning to look at should that facility be located there, would there be additional impacts because of the surrounding locale at that location.

MR. MCCANN: When you say we, who's we, you?

MR. SHARON: Me and several engineers and planners from our, our team.

MR. MCCANN: Okay. What location did you look at?

MR. SHARON: Two, the Gavigan site, which is just to the east.

MR. MCCANN: I'm sorry, the what?

MR. SHARON: Gavigan's, also commercial zoned along Joppa Road, formerly the Harold's Fruit Stand, was a site that was, was talked about and so, we would look at, you know, what would be the impact at that location as well.

MR. MCCANN: Okay. Did you write that down anywhere or is this just something you discussed?

MR. SHARON: Just something we discussed, you know, internally looking at, you know, zoning and what's required.

MR. MCCANN: Any other sites in, other than the Gavigan that you can recall?

MR. SHARON: Yeah, we had talked about whether the, the adjacent parcel, the restaurant, would have any additional impact if that property was acquired.

MR. MCCANN: If acquired?

MR. SHARON: Acquired, should it sell. If the project was located there, would there be additional impacts because of the surrounding, you know, community.

MR. MCCANN: Okay. Any other sites that you recall?

MR. SHARON: I do not.

MR. MCCANN: Did you look at those sites for the purposes of the special exception analysis or did, were those sites that your client, Valvoline, was looking at for, in terms

of purchasing?

MR. SHARON: It was not properties that our client was looking to purchase (inaudible) landowner, that was just part of our study of the area.

MR. MCCANN: Okay. Why, why didn't you tell us about that? I mean, is there a reason?

MR. SHARON: No, sir.

MR. MCCANN: Okay. In fact, the, as I think you've acknowledged, that the, you called a locality, which is, I guess, demonstrated in Petitioner's Exhibit 10, this, this aerial photograph, is different than both the commercial revitalization district itself, which is Petitioner's Exhibit 11 and is also different than the BL zoned boundary, correct?

MR. SHARON: They are all different.

MR. MCCANN: Okay. But it's your testimony, I thought you said that you thought the CRD was bigger than the area that you considered, is that --

MR. SHARON: I did say that.

MR. MCCANN: When you say bigger, do you mean in terms of area?

MR. SHARON: Yeah, just in terms of area.

MR. MCCANN: Okay.

MR. SHARON: And the extent.

MR. MCCANN: Okay. So, the impacts that you've identified, there was four of them, those are all impacts that

you acknowledge will, will be experienced by this locality, it's your, it's your testimony that the impacts are, aren't any greater than they might be elsewhere in that locality is that--

MR. SHARON: That's correct.

MR. MCCANN: Okay. Did you actually look at the CRD provisions in the master plan?

MR. SHARON: Not in detail, it's been some time since I've gone through them.

MR. MCCANN: Did, did you look at them in connection with this case?

MR. SHARON: Aware of them, but I did not do a, a comparison of each item.

MR. MCCANN: So, does that, so in other words, you're, you're fam, it sounds like you're familiar with them but in connection with this case, you didn't look at this project side by side with those provisions in the master plan, is that fair?

MR. SHARON: Not side by side for each item, that is correct.

MR. MCCANN: Okay. In addition to the CRD provisions of the master plan, you, I think you also agree because I think you said as much that there are other provisions in the master plan that need to be considered in connection with the impact analysis of the special exception standard, is that fair?

MR. SHARON: Yes.

MR. MCCANN: And you mentioned density?

MR. SHARON: Correct.

MR. MCCANN: I'm not so sure what that has to do with this but would you agree with me since we're comparing this proposal, its impacts to, to its impacts somewhere else, the fact that you could develop this property at a greater density, residential or otherwise, is really, has, has no relevance to that analysis?

MR. SHARON: In my opinion, I think density does matter.

MR. MCCANN: Well, the, the special exception analysis is this use at this location as opposed to this use at some other location, generally, that's a, a, a, --

MR. SHARON: Yes.

MR. MCCANN: Okay. So, if we're talking about in both A and B, if we're talking about this use, what is the, what is the potential for density under some residential development have anything to do with that analysis?

MR. SHARON: So, when I said density I was speaking to the floor area ratio density --

MR. MCCANN: Well, you know, same thing. In other words, --

MR. SHARON: Sure, --

MR. MCCANN: -- so the floor area ratio of this use compared to the floor area ratio of the same use that may be a

little different, but different floor area ratio is I guess what you're saying, right?

MR. SHARON: Correct.

MR. MCCANN: As the comparison?

MR. SHARON: The comparison is, for example, a four bay facility versus an eight bay facility if one existed. I would say that there would be additional impacts with the, a facility twice the size.

MR. MCCANN: Okay, which is related to floor area ratio?

MR. SHARON: Correct.

MR. MCCANN: But you got, you couldn't fit more than four bays on this site, could you? Without getting a variance? Probably not, right?

MR. SHARON: Anything is possible.

MR. MCCANN: What's that?

MR. SHARON: Anything is possible.

MR. MCCANN: Well, I know, I know anything is possible, believe me. I hear it every day. I know anything is possible. I'm just asking you, could you get a fifth bay of the size of the existing bays without getting a variance?

MR. SHARON: I, possibly.

MR. MCCANN: Okay. Are you able to say sitting here today whether or not this is, this meaning this proposal with four bays, is the largest number of bays that can be

accommodated or not? Do you have a say one way or the other?

MR. SHARON: I'm not, I did not look at any, anything larger.

MR. MCCANN: Okay. Also, on this comparison analysis, under the special exception standard, you also spent a good deal, bit of time talking about the zoning history of this case and I saw everybody taking notes but what, what difference does it make at all to this special exception analysis whether or not in 1976 a special exception was granted for an advertising structure? What difference does that make? What was your point when you went through that?

MR. SHARON: The point wasn't any of the requirements under 502, only that it had previously functioned as a, a service garage and so, therefore, if it, you know, successful it could function there again.

MR. MCCANN: How, how do you know it was successful?

MR. SHARON: Oh, sorry, that the proposal was successful.

MR. MCCANN: What proposal, this proposal?

MR. SHARON: Yes, sir.

MR. MCCANN: So, I'm just talking, we're just talking about the special exception standard. Would you agree with me that whether or not this site thirty, forty years ago was used as a service station, that has no impact, I shouldn't use that term, has no effect on the impact analysis for purposes of the

special exception? Would you agree with that?

MR. SHARON: I would agree with that.

MR. MCCANN: Okay. And I think you were trying to make the same point with respect to the bank. In fact, you spent a lot of time talking about the impervious surface, the differences between the bank that was there and this one. Would you agree with me that the fact that this, by special exception, could be used for a, well, strike that. Do you agree with me the fact that this was previously used as a bank, that's a completely different use, is irrelevant to the comparison analysis under the special exception standard, whereby we're comparing, again, A and B, the same use?

MR. LA FIANDRA: Your Honor, the witness has gone pretty far down the lane here and I, I believe those are actually questions for the Board, if, if I may. He has testified as an expert, but we've kind of gotten pretty far down the line as it relates to permitted uses and, and he was not even voir dired on the specific standard that counsel is asking him about, which is whether permitted uses can be incorporated into the calculus of determining whether adverse impacts are greater or less than you would typically associate. And I believe there is case law that says that they are allowed to be considered.

MR. MCCANN: May I?

CHAIR: Yes.

MR. MCCANN: I know it sounds like you've already made up your mind on it, Mr. Evans, but I, I know that, I'm not, I know the Board understands this, I hope that it does. But the, to me, and I think that was the point of this testimony. They spent a good bit of time about the bank and about these other, these past uses. I, I should have objected but I thought it was sort of factual foundation.

But if we're going to make the argument at the end of the day, and it hasn't been made by this witness yet, but if it is made that, well, this was a service station fifty years ago, which is, by the way, it was well before the commercial district even came about, if we're going to make that part of the analysis, I think that's legally incorrect, legally irrelevant. So, you can consider any of that. We're talking about this use at this location in comparison to this use somewhere else in the zone. So, I don't under, you know, it sounds good and that's the, you know, I think this is sort of what Mr. Zimmerman was getting to.

I think it, sometimes what we engage in, sometimes, I'm not accusing this Board at all, is what, is this a good plan? Wow, it looks wonderful, it looks great. It used to be a service station and now it's a Valvoline that has a lot of nice landscaping in it. That's sort of the analysis that sometimes, sometimes takes over in these cases and I think we need to focus in on what the standard is, is all, is my point

and I think since they raised all this stuff about the bank and they raised all this stuff about this prior zoning history, I'm, I'm just cross examining as to how that relates, if it all, for a special, to the special exception standard which is what we're here for.

CHAIR: Okay. Well, I'm going to overrule the objection, so.

MR. MCCANN: Okay.

MR. ZIMMERMAN: I was going to suggest the Board overrule it so I'll be quiet.

MR. LA FIANDRA: Okay.

CHAIR: Well, your suggestion is accepted.

MR. MCCANN: Thank you, Mr. Evans.

CHAIR: Post hoc.

MR. MCCANN: So, I guess, should I rephrase the question?

MR. SHARON: I'd appreciate that.

MR. MCCANN: If I remember what it was.

CHAIR: Yeah.

MR. MCCANN: I think my question was, would you agree with me --

CHAIR: Well, the, the question is, what, if any, significance is there in the fact that this, at some point in the past, some forty years ago, that this was a service station? What, what is, what is the significance of that with

regard to the application of the special exception standard now with regard to this property? Is that, is that the question?

MR. MCCANN: It is, thank you.

CHAIR: Okay.

MR. SHARON: I don't know the, the zoning at the time, (inaudible) zoning manual but, I would say at that time, assuming there was a special exception as well, it was determined that the impacts at that location were not more detrimental at that location than another. So, I would say at, at that time and I don't know how many cars were traveling or passing by at the time, but it was acceptable then and a similar, and assuming we have, you know, a similar operation today, Valvoline Instant Oil Change, that we would again show that the impacts here are no worse than another location and it would be an approved proposal.

CHAIR: Well, I think his point is that, Mr. McCann's point is that we don't really know what the circumstances were forty years ago. So, it's difficult to say that the fact that a special exception was granted then informs on the question of whether a special exception be, should be granted now. Is that the point here?

MR. MCCANN: Correct. And a follow-up to that, do you know whether or not there were, in fact, impacts as a result of this service station that apparently was approved by special exception forty, fifty years ago?

MR. SHARON: No, sir, I do not.

MR. MCCANN: Okay. I, I take it you don't know any of the details of what that service station did or what type of business it did?

MR. SHARON: No, sir, I would not.

MR. MCCANN: And is it also true that we are, this commercial revitalization district was applied, adopted to this area many years after the last of these zoning cases on Petitioner's Exhibit 2?

MR. SHARON: Yes, that would be many years, approximately twenty years.

MR. MCCANN: Okay. Let me move on. It's five of one, this is probably a good time to stop if the Board's agreeable to it. I mean, I, I'll keep on going and finish but it will be well past 1:00. So, if you were thinking about breaking at 1:00 --

CHAIR: You think this is an appropriate breaking, breaking point?

MR. MCCANN: From, just from my perspective, yeah.

CHAIR: Okay. Well, I'll defer to counsel's assessment on that.

MR. MCCANN: Okay.

CHAIR: So, I guess we'll break until 1:25, is that okay?

(RECORDING PAUSED - 12:52:26 PM)

(ON RECORD - 01:30:11 PM)

CHAIR: Okay, we're back on the record. Mr. Sharon can take the stand, you're still under oath.

MR. SHARON: Yes, sir.

CHAIR: And so, just for scheduling purposes, I was thinking we would go till close to 3:00 and then take a short break and then resume and then go till 4:00. Is that --

MR. MCCANN: Sounds good.

MR. LA FIANDRA: That sounds fine.

CHAIR: -- suit everyone's schedule?

MR. ZIMMERMAN: Yes.

CHAIR: Okay and it appears as though we will not finish your case by 4:00?

MR. LA FIANDRA: It appears that way.

CHAIR: Okay. So, if you want to excuse anyone, you can do that.

MR. MCCANN: Okay.

MR. LA FIANDRA: Okay.

CHAIR: All right. I guess we're all set.

MR. LA FIANDRA: Pardon me, before we start.

CHAIR: Yes.

MR. LA FIANDRA: In light of the fact that it looks like we may not, we, we likely will not finish my case, I don't know if, perhaps my witness can leave or if he should stay.

CHAIR: Well, your witness --

MR. LA FIANDRA: You think we might get to him? Yeah.

CHAIR: I would hate to have to --

MR. LA FIANDRA: Yeah, okay.

CHAIR: -- stop early because he's not here.

MR. LA FIANDRA: That's fine.

CHAIR: I apologize.

MR. LA FIANDRA: No, no, no, no, that's fine. Thank you, yep.

VOICE: Apologize to me.

CHAIR: Apologize to you, right.

MR. ZIMMERMAN: Our office will cooperate either way. We wouldn't penalize Mr. La Fiandra if he excuses his witness and then (inaudible).

MR. LA FIANDRA: No, he'll stay. Thank you very much, thank you very much. (inaudible).

CHAIR: Yes, well, we're all having a lovefest here so, let's continue though with the cross, okay?

MR. MCCANN: Okay. Thank you. I'm just turning my phone off, Mr. Evans. Mr. Sharon, I wanted to show you what's been introduced as Petitioner's Exhibit 11, which was the, the map of the CRD and, you know, I was going to have him identify where the site is. Would you mind if I do that on your exhibits?

MR. LA FIANDRA: No, go ahead. That's fine, thank

you.

MR. MCCANN: You have a pen? No?

MR. ZIMMERMAN: I think I'm going to ask Mr. McCann to keep his voice up.

MR. MCCANN: I shall, I apologize.

CHAIR: Yeah, everyone. And everyone's phone is off, right, still? Yeah, and keep your voice up.

MR. MCCANN: So, if you would put, put an X on Petitioner's Exhibit 11 where the site is. Maybe circle it so it can be, is that not working?

MR. SHARON: No, that's good.

MR. MCCANN: Okay, fantastic.

MS. JOLIVET: I'm sorry, what is he marking (inaudible)?

MR. MCCANN: The, the site.

MS. JOLIVET: Okay.

MR. MCCANN: On Exhibit 11.

MS. JOLIVET: Thank you.

MR. MCCANN: So, yeah, thank you very much.

MR. SHARON: Of course.

MR. MCCANN: (inaudible).

CHAIR: Yeah, I want to see if it matches up with mine.

MS. JOLIVET: Do you want him to mark it on the actual --

MR. LA FIANDRA: It doesn't matter to me.

MS. JOLIVET: Oh, okay.

MR. LA FIANDRA: Thank you very much.

MS. JOLIVET: All right.

MR. MCCANN: Oh, he marked it on mine, didn't he?

MS. JOLIVET: Yes.

MR. MCCANN: That doesn't make much sense.

MR. SHARON: That's the one you gave me.

MR. MCCANN: Thank you for doing my job. I don't know what the heck I was thinking.

MR. SHARON: Can I borrow your red pen? That might make it a little easier.

MS. JOLIVET: Sure. Here you are.

MR. SHARON: Thank you.

MS. JOLIVET: Um hm, sure. Thank you.

MR. MCCANN: Okay. Would you agree with me, Mr. Sharon, that this site, this property, is the gateway to sort of the, the residential communities to its south?

MR. SHARON: I really don't have an opinion on that.

MR. MCCANN: Okay. Let me mark a couple exhibits. I'll do this quickly. This would be Protestant's one, two and three. Pete, I think I have extras for you. In that order.

MR. LA FIANDRA: Thank you.

MR. MCCANN: I don't have an extra. Let me give them to you first.

MS. JOLIVET: Thank you.

MR. MCCANN: That will be one, that's one, one, this will be two, two, Mr. McComas, and three, three.

MS. JOLIVET: Yes. Now, are you showing him a copy that I will eventually have for myself?

MR. MCCANN: Yeah, I'll just show it to him real quick. I'm not going to be long with --

MS. JOLIVET: No worries.

MR. MCCANN: -- them, I'll give them right back to you.

MS. JOLIVET: Thank you.

MR. MCCANN: Okay. Let me show you if I could, Mr. Sharon, this is Protestant's Exhibit 1. It's a copy of the Zoning Commissioner's decision in the 1st Mariner Bank case. Are you familiar with that case generally?

MR. SHARON: Yes, --

MR. MCCANN: The 1st Mariner Bank being the, the prior, was Howard Bank subsequently, but the prior use, bank use of the property? Okay.

MR. SHARON: Yes.

MR. MCCANN: And let me just direct your attention to page two of Exhibit 1.

MR. SHARON: Okay.

MR. MCCANN: That paragraph beginning testimony and evidence, about halfway down in the sentence, beginning in as

much as this particular corner is located at a prominent intersection and is the gateway to the Loch Raven communities. Is that, does that, do you see that?

MR. SHARON: Yes, I do see that.

MR. MCCANN: Would you agree with that assessment?

MR. SHARON: Read the whole sentence real quick.

MR. MCCANN: In as much as this particular corner is located at a prominent intersection and is the gateway to the Loch Raven communities. Do you agree with that, that part of the sentence at least?

MR. SHARON: To the communities, including residential and commercial, sure.

MR. MCCANN: So, you think it's the, I'm sorry, you think it's, in addition to residential, you think it's commercial?

MR. SHARON: I would say so, yes.

MR. MCCANN: It's the gateway to, to the, to the Loch Raven commercial or just the gateway to commercial?

MR. SHARON: I would say this is saying that it's the gateway to the Loch Raven communities.

MR. MCCANN: And you, you interpret that to read, mean residential and commercial?

MR. SHARON: I would, yes.

MR. MCCANN: Why do you say that?

MR. SHARON: Well, community is both the residents

and the businesses that are in it, in my opinion.

MR. MCCANN: Okay. In, in what way is, is this site a gateway to, to Loch Raven commercial sites?

MR. SHARON: If you are approaching from the Baltimore Beltway, there are other businesses that you would pass but as you approach that first traffic light and you're heading towards, you know, on Loch Raven, I could see that being the gateway and I think we put signage on our project to welcome people to Loch Raven.

MR. MCCANN: Is, is that what the sign that you're proposing is, is doing? Is that what you're suggesting? Is that the sign that you talked about in connection with the landscape plan is a, a sign to the gateway of the Loch Raven residential and commercial --

MR. SHARON: Yes.

MR. MCCANN: -- area? Okay. All right. Likewise, with respect to Exhibit 2, I'll show that to you and then I'll give the exhibits back to the Board. Let me show you, can I have that back and I'll give you that.

MR. SHARON: Certainly, sir.

MR. MCCANN: Sorry.

MS. JOLIVET: Do you have an extra set for me?

MR. MCCANN: I gave it to Mr. Zimmerman.

MR. ZIMMERMAN: That's all right, whatever. I give it, give it to the Board.

MR. MCCANN: Can I get it back?

MR. ZIMMERMAN: Let me find it. That's okay. I, I already have copies of the opinion so.

MR. MCCANN: So, these are extras for you.

MS. JOLIVET: Okay.

MR. MCCANN: Okay, one, two and three.

MS. JOLIVET: Appreciate it.

MR. MCCANN: Okay. So, if you would take a look at Exhibit 2 and I'm going to refer you to the second page. First of all, do you recognize this as a, a comment of the Planning Office in connection with that same case, the 1st Mariner Bank case back in 1999?

MR. SHARON: I don't recognize it, I have not seen it before but if you give me one minute, I can --

MR. MCCANN: Okay. Number two is the Planning Office comment. And, --

MR. SHARON: Yes, this is a, a letter from the Office of Planning to Arnold Jablon, the Director of Permits, Approvals and Development Management at that time.

MR. MCCANN: Okay. Let me just direct you to the second page, the second to the last paragraph, the, the last sentence of that paragraph beginning with several modifications. Are you there?

MR. SHARON: Yes, sir.

MR. MCCANN: And then that part of the sentence that

says, and I'm just, obviously I'm not reading the whole sentence, but it says denote its significance as a community gateway, etcetera, etcetera. Again, do you agree with the sentiment expressed in this sentence, this part of the sentence, anyway, that this property is a community gateway?

MR. SHARON: Community gateway for residential and commercial, absolutely.

MR. MCCANN: Okay, all right.

MR. ZIMMERMAN: Can we get a date or did we already have the date mentioned?

MR. SHARON: No, the date on the memo is January 25th of 1999.

MR. MCCANN: Then lastly, Exhibit 3.

MR. SHARON: You can have this back.

MR. MCCANN: Yes, please. Thank you. Here's the original.

MS. JOLIVET: Thank you.

MR. MCCANN: Take a look at Exhibit 3, which is a January 25th, 1999 memo, Mr. Zimmerman, from Andrea VanArsdale to Mr. Kotroco, Deputy Zoning Commissioner. And I want to direct you to the second sentence of this memo, which describes this site as visually prominent site at the crossroads of the Loch Raven revitalization district and its successful redevelopment, etcetera, etcetera. Do you agree with the sentiment that this is a visually prominent site?

MR. SHARON: Being located at that intersection, I would agree with that.

MR. MCCANN: Okay and there's reference in here to the revitalization district. Do you know when the revitalization district was first adopted, at least in connection, or as it relates to this date of January 1999?

MR. SHARON: I believe it was around 1999.

MR. MCCANN: Okay.

MR. SHARON: I don't know the exact date.

MR. MCCANN: Okay, all right. Mr. Evans, I would move one, two and three into evidence.

MR. LA FIANDRA: No objection.

MR. ZIMMERMAN: No objection.

CHAIR: No objection, they're admitted.

MR. MCCANN: Okay. A quick question about the Design Review Panel and the, would you agree with me that, this would be Petitioner's Exhibit 5, which is the November 21st, 2018 memo from --

MS. JOLIVET: Are you skipping four?

MR. MCCANN: No, no, no, I'm sorry. This is an exhibit already marked.

MS. JOLIVET: Oh, I'm sorry.

MR. MCCANN: Yeah.

MS. JOLIVET: I thought you --

MR. MCCANN: Petitioner's Exhibit 5 which is the DRP,

I'll call it the DRP letter from Mr. Jablon to Mr. La Fiandra, indicating the DRP's approval. And I'm not asking specifically about this letter but about the DRP in general. Would you agree with me that the DRP strictly looks at, I think you said as much, design and architecture. It does not look at in any way the special exception standard or its factors, would you agree with that?

MR. SHARON: I would agree with that.

MR. MCCANN: Okay and then likewise, with respect to the County agencies, this is Exhibit 9, these are the ZAC comments that we, you, you mentioned, attached to the ZAC comments, cover letter are the comments of Development Plans Review and the Planning Office. Would you agree with me that we, the Board should not look to this exhibit or, or to the agency's findings as any indication of whether or not the special excep, they believe the special exception standard to be met in this case?

MR. SHARON: I would agree that they would not be looking at the standard of the special exception.

MR. MCCANN: Okay. So, in, until this hearing started, until today, no one in the County has actually looked at that issue, that is applied the special exception standards and determined that a special exception should be granted, that's what we're here for today, right?

MR. SHARON: No, I would say the Administrative Law

Judge.

MR. MCCANN: Oh, I'm sorry, other than the Administrative Law Judge, anyone else in the County that you're aware?

MR. SHARON: Not that I'm aware of, no.

MR. MCCANN: Okay.

CHAIR: Mr. Sharon, does the County typically weigh in on whether a special exception should be granted or not?

MR. SHARON: Not that I'm aware of, no. They support the project based on analysis of zoning, planning, master plan, etcetera, but not on the special exception that I'm aware of.

MR. MCCANN: You, you indicated, I think you've indicated a couple of times, Mr. Sharon, that when considering the, the special exception in this case, we need to take a look at the CRD, the commercial revitalization district, and, and those provisions in the master plan that apply to it. I think you even referred to some of them, correct?

MR. SHARON: I'm sorry, can you re, rephrase that or say that again? I apologize.

MR. MCCANN: I think you've said as much already but would you agree that in, in this case, we need to take a look at, or we, we can look at the, those provisions of the master plan dealing with commercial revitalization districts?

MR. SHARON: Yes, related to, not to the special exception but related to the project.

MR. MCCANN: Okay. So, is the, well, you, you have indicated that commercial revitalization districts, the fact that this is one, is part of the special exception analysis, correct?

MR. SHARON: No.

MR. MCCANN: It's not?

MR. SHARON: It is not.

MR. MCCANN: I thought you testified at least a couple times now that when considering impacts and considering special except standard we need to take into consideration the fact that this is in a commercial revitalization district.

MR. SHARON: I said my analysis, I can, I would compare it to a site with similar zoning in a commercial revitalization district but it was not one of the requirements for a special exception that it be in a commercial revitalization district.

MR. MCCANN: Well, I'm not saying it's a requirement, I'm just, do, do you, do you take into consideration, however that may be, the fact that this is a commercial revitalization district when applying the special exception standards?

MR. SHARON: I did take it for a comparison purpose, yes.

MR. MCCANN: Okay and, strike that. We're at four, is that right?

MS. JOLIVET: Yes.

MR. MCCANN: Okay.

MS. JOLIVET: And I still need number three.

MR. LA FIANDRA: Thank you.

MS. JOLIVET: Thank you.

MR. MCCANN: Here's an extra one for you.

MS. JOLIVET: Appreciate it.

MR. MCCANN: I'll show the witness the exhibit. Oh, you have it. Do you recognize Exhibit 4 as excerpts from the County's master plan pertaining to commercial revitalization districts?

MR. SHARON: I do.

MR. MCCANN: Okay.

MR. SHARON: The cover page, but I recognize this section, yes.

MR. MCCANN: Okay.

MR. ZIMMERMAN: Could we get the pages that are introduced, please.

MR. MCCANN: Sure, sure. One thirty-three through one forty-one.

MR. SHARON: That's not correct. Pages one thirty-three, one thirty-seven, one thirty-eight and one thirty-eight, one forty, one forty-one. It seems to be missing pages one thirty-four, one thirty-five and one thirty-six.

MR. MCCANN: Yeah, one forty, one thirty-three is simply included as the cover page for this section so, for

everybody's benefit, that's why I included it.

MR. ZIMMERMAN: This is the master plan 2020 for the record?

MR. MCCANN: Correct, it is. There are, am I correct, Mr. Sharon, only a limited number of commercial revitalization districts in Baltimore County, would you agree with that?

MR. SHARON: There, it says here there are fourteen, so.

MR. MCCANN: Okay, that's fine.

MR. SHARON: That may be considered limited by some opinion.

MR. MCCANN: Okay. So, there are, and, and you're referring to page one thirty-seven, correct?

MR. SHARON: Yes, sir.

MR. MCCANN: And then one thirty-eight is a map identifying where those districts are, correct?

MR. SHARON: That is correct.

MR. MCCANN: Okay. Just a couple things in this and then we'll move on. I'd like to refer you to page one thirty-nine of this exhibit, the left hand column, the paragraph beginning to remain viable. And I'll just read it to you and ask you a question. To remain viable, the CRD's must differentiate themselves by capitalizing upon their downtown development patterns, strengthening the existing basis, small

businesses and attracting new and different uses. Did I read that correctly?

MR. SHARON: Yes, you did.

MR. MCCANN: My question simply is, is directed to the latter part of that sentence and is it your opinion that this, that this proposal, this Valvoline, is a new and different use?

MR. SHARON: It is a new use and it has similar but different services compared to other businesses.

MR. MCCANN: How so?

MR. SHARON: The businesses and locale, to my knowledge, none are solely focused on the oil change procedure.

MR. MCCANN: Okay. You would agree with me that there are quite a few service garages, including service garages that do oil changes and change windshield wipers and check fluids within a very short distance of this site, would you agree with that?

MR. SHARON: Yes, I would.

MR. MCCANN: Okay. So, at the top of the right hand paragraph on that same page, one thirty-nine of Exhibit 4, again, I'll just read you a sentence. Obtaining a sufficient and balanced mix of quality uses is an important goal, etcetera. Do you, is it your testimony that this use achieves a mix of uses? A sufficient and balanced mix?

MR. SHARON: I apologize. Yes, yes, it is.

MR. MCCANN: Okay and why is that?

MR. SHARON: Valvoline offers a use that the, the main focus is a quick lube or a fifteen minute oil change. None of the other automotive service garages in the area, that I know of, offer that same service.

MR. MCCANN: Have you done any investigation into that?

MR. SHARON: I've done business at Munroe Muffler.

MR. MCCANN: Uh huh.

MR. SHARON: And also had my oil changed there as well as tires rotated and it did not take fifteen minutes, it took several hours, I would drop my vehicle off and return. Also, my company does business with Hollenshades and we drop our vehicles off there usually in the morning, returning in the evening to pick those, those vehicles up. So, that would be my experience in the, the locale.

MS. JOLIVET: What was the name of the second place you said?

MR. SHARON: Hollenshades.

MS. JOLIVET: Oh, thank you.

MR. MCCANN: Okay. In addition to those two, there's, there's several other businesses that change oil, change windshield wipers and check fluids, correct?

MR. SHARON: Yes, correct.

MR. MCCANN: Okay and the, one of the words used or

terms used in that sentence that I just read is quality uses. Is it your opinion that this proposed use is a quality use?

MR. SHARON: Yes, it is.

MR. MCCANN: And how so?

MR. SHARON: I think Valvoline sets themselves apart by building, building a quality building, they spend extra money on the architectural materials that even some of the surrounding buildings don't spend that money on. The customer experience is very important to them. They have individuals that greet you as you enter the door. I think that makes it a good customer service at a quality facility.

MR. MCCANN: What money are they spending on materials that other companies don't use, that don't spend? What do you mean by that?

MR. SHARON: Sure. I don't know the exact dollar figures but in the area, just across the street, the buildings are usually cement block, CMU. The Valvoline would have a, a brick look aesthetic, which is traditionally more expensive.

MR. MCCANN: Okay. The DRP required some of those material changes, correct?

MR. SHARON: That was not one of the DRP requirements, no.

MR. MCCANN: Turning to the next page, which is page one forty of Exhibit 4, the second column on the right, first sentence. I'll just read it to you. The district (inaudible)

community enhancement areas should be the front door to the residential neighborhoods and help establish the overall image of the community. Did I read that correctly?

MR. SHARON: Yes, you did.

MR. MCCANN: Okay. How, how does this business establish or help establish the overall image of the residential community? How, if at all, does it?

MR. SHARON: I think enhancement is a key word. By using architectural materials that are not required, but offered as, as a quality building product, by adding to, going above and beyond additional landscaping requirements in the landscape manual, by adding a, kind of a welcome sign, if you will, which is not required, I think goes towards enhancement of that intersection.

MR. MCCANN: Other than, you keep on saying that, other than what the DRP has required Valvoline to do, what extra things is it doing in addition to this, I guess, brick façade? What, what extra things is it doing on its own?

MR. SHARON: The DRP did not require the brick.

MR. MCCANN: I didn't say it did. I'm just, other, the DRP required the sign.

MR. SHARON: The DRP did not require the sign, it was offered (inaudible). There's an existing sign there or, excuse me, there's an existing feature and we've modeled our sign similar to that.

MR. MCCANN: Again, my question is and I'll, I'll look at that, but my question is, what additional things is Valvoline doing that the, the DRP has not requested, other than the brick façade?

MR. SHARON: Other than the façade, I would say the signage, additional landscaping beyond that of the landscape manual, I would say also an attractive sign that was not requested but they're spending the mon, extra money on a monument sign versus a pylon sign.

MR. MCCANN: Okay. Did you testify already that there's additional landscaping above and beyond the, the landscape manual? Is that --

MR. SHARON: Just recently, but not prior to the last five minutes.

MR. MCCANN: During direct examination you indicated, I thought you said it was going to meet the landscape manual. I'm asking above and beyond what's required.

MR. SHARON: It would be above and beyond, the minimum requirements would, we would meet the minimum requirements of the landscape manual, as required for a permit. But Valvoline has indicated a willingness to provide additional landscaping above and beyond what the minimum requirements are.

MR. MCCANN: Well, what specifically are they providing above and beyond what the landscape manual requires?

MR. SHARON: Sorry, I'm not a landscape architect, I

just know that additional plants and trees are being provided.

MR. MCCANN: Anything else other than the things you identified that you believe help establish the overall image of the residential community?

MR. SHARON: I think the lighting is an improvement. There's a lot of commercial facilities in that location that have old lighting that is not LED, that is not designed to cast light down or across property lines and Valvoline will be doing that. And some of the neighbors are not.

MR. MCCANN: Okay. Same page, farther down. Aside from the sidewalks that DRP required be installed, how, if at all, does this use improve the walkability of the district?

MR. SHARON: I don't think the use itself improves the walkability but closing one entrance on Loch Raven Boulevard reduces the chances of a, of a vehicle safety concern.

MR. MCCANN: Well, that's a, that's a State Highway requirement, right?

MR. SHARON: Yes, it is.

MR. MCCANN: Okay. People aren't going to walk to this business, you would, that much we can agree on, right?

MR. SHARON: I think that there is a, a good chance that employees from the neighborhood will walk to this business, yes.

MR. MCCANN: What do you mean, good chance? How do

you know that? How can you even say that?

MR. SHARON: Sure. Valvoline, as you'll hear in testimony, prides itself on being involved in the community. It encouraged applicants, teenagers, young college kids to work there and certainly if those kids or young adults are in the neighborhood, it would be an opportunity for them to, to have a summer job and I would see them walking to that location.

MR. MCCANN: But you don't know that, you don't know who is going to be employed or not, do you?

MR. SHARON: No, nec, not, no, not at this time.

MR. MCCANN: Okay. That, just so we're clear, Valvoline itself, Mid-Atlantic, I forget the full name, is not a locally owned business, correct? It is a business as Ms., Mr. La Fiandra indicated in his opening statement that is a franchee, franchisee rather, that does business in a lot of states, correct?

MR. SHARON: They do do business in a lot of states, yes.

MR. MCCANN: Okay. Turning to page one forty-one of this exhibit, first sentence on the left hand column, quote, studies consist, consistently show that when customers buy from an independent locally owned business over two-thirds of their money spent stays in the community and is used for the purchases, for purchases from other local businesses, end quote. Did I read that correctly?

MR. SHARON: Sorry.

MR. MCCANN: First sentence.

MR. SHARON: Oh, I'm sorry. It's cut off at the staple, my apologies. Would you mind reading that again?

MR. MCCANN: Well, let me just ask you.

MR. SHARON: Sure.

MR. MCCANN: You would agree that this Valvoline franchisee, Mid-Atlantic, I forget its name, is not an independent locally owned business?

MR. SHARON: Correct.

MR. MCCANN: Okay. Okay. Before I forget, I would move Exhibit 4 into evidence.

MR. LA FIANDRA: No objection.

CHAIR: It's admitted.

MR. MCCANN: Thank you.

MR. SHARON: Welcome.

MR. MCCANN: Exhibit 5, there's two copies.

MS. JOLIVET: Thank you.

MR. MCCANN: Mr. Evans.

CHAIR: Thank you.

MR. MCCANN: If you would familiarize yourself with Exhibit 5, Mr. Sharon. My first question is simply whether you recognize this document as an excerpt from the master, two, 2020 master plan, specifically page twenty-three, which is the cover page of the vibrant community section and then subsequent

pages twenty-seven through thirty-one?

MR. SHARON: Yes, I do recognize it.

MR. MCCANN: Okay. Do you know what the proposed land use designation is for this site?

MR. SHARON: I believe it's T-5.

MR. MCCANN: Which is urban center, correct?

MR. SHARON: I believe that's, yes, urban center, correct.

MR. MCCANN: Would you be able to take a look at the map at page twenty-eight and circle where the site is, just to confirm that. It's a tough map, small. Just roughly where it is.

MR. SHARON: Yes.

MR. MCCANN: Could you do that for us on the exhibit?

MR. SHARON: Just a circle?

MR. MCCANN: Great, thank you. So, just, I guess, essentially, just one question about this and that is T-5 urban center zone is described on page twenty-nine, correct?

MR. SHARON: Yes, it is, correct.

MR. MCCANN: And would you agree with me that this proposal does not comport with that transect, that T-5 transect, would you agree with that?

MR. SHARON: I would not.

MR. MCCANN: Okay.

MR. SHARON: I would consider it part of the urban

center. It's not an urban core like downtown Towson. But I think it's of, of higher density than I would associate with the, the urban center.

MR. MCCANN: My question may be more specific.

MR. SHARON: Sure.

MR. MCCANN: And I probably should have asked this question rather than trying to move too quickly. It says T-5 includes higher density mix buildings. Would you agree with me that this is not a higher density mixed use building?

MR. SHARON: I would agree, this is not a mixed use, this is a single use building.

MR. MCCANN: Okay and likewise, with respect to the T-5 description on page thirty of this exhibit, there's a, if you look down near the bottom where T-5 is discussed, bless you.

MS. JOLIVET: Bless you.

MR. MCCANN: Would you agree with me that this particular use does not comport with this description, that is shops mixed with townhouses, larger apartment houses, offices, workplace and civic buildings, predominantly attached buildings, would you agree with that?

MR. SHARON: I would not. I would say that this is a commercial, it is closer to the street, surrounding has a, a residential attached, semi-detached, large sidewalks. I think a lot of these characteristics would describe the property.

MR. MCCANN: I'm not asking about all the characteristics, I'm just asking about the general character. Is this a, is this a shop mixed with a townhouse or is this a, well, is this a, yeah, I mean, is this a shop mixed with townhouses, larger apartment houses, offices, workplace or civil buildings?

MR. SHARON: It's a single use project.

MR. MCCANN: Okay. Okay. I would move Exhibit 5 in evidence. And --

MR. ZIMMERMAN: No objection.

MR. LA FIANDRA: No objection.

CHAIR: It's admitted.

MR. MCCANN: Thank you.

MS. JOLIVET: Thank you.

MR. MCCANN: And then finally, you, you indicated that you attended the Design Review Panel meeting in this case, correct?

MR. SHARON: Correct.

MR. MCCANN: Okay and I take it you're familiar, you've been to the Design Review Panel before?

MR. SHARON: Yes, I have.

MR. MCCANN: And am I correct that the Design Review Panel, there are minutes taken of that meeting? Have you ever seen minutes of the Design Review Panel meetings?

MR. SHARON: Yes, I have.

MR. MCCANN: Okay.

MR. LA FIANDRA: Thank you.

MR. MCCANN: Take a look, if you would, at Exhibit 6 and just confirm for us, if you would, that, to your knowledge, this is a copy of the minutes from the DRP meeting for this project, amongst others of April, I'm sorry, October 10th, 2018.

CHAIR: I think this is already in evidence, isn't it? Isn't this already in?

MR. LA FIANDRA: This was not.

MR. SHARON: This is not.

MS. JOLIVET: No.

CHAIR: It was not part of your, okay.

MR. SHARON: Counsel, I would say that I recognize item number one as the minutes.

MR. MCCANN: Right.

MR. SHARON: I have not reviewed the items of different projects that are included in this packet.

MR. MCCANN: All right. So, page two of this exhibit, where it says item one at the top, is this project and then the rest of exhibit, at least the beginning at the top of page three is dealing with other projects, correct, as far as you know?

MR. SHARON: The top is dealing with our project and the latter half of page three is dealing with a different project. I would agree with that.

MR. MCCANN: Okay. But directing your attention to the first page, do you recall that the members of the DRP that were present that day were Mr. Martin, Mr. Hoard, Ms. Bedwell and Mr. Kelman (all phonetic)?

MR. SHARON: I do.

MR. MCCANN: You know those folks, I take it?

MR. SHARON: Yes, sir, I do.

MR. MCCANN: Okay and are you aware whether or not, as of October 10th, 2018, whether any of those individuals, Mr. Martin, Mr. Hoard, Mr. Bedwell, I'm sorry, Mrs. Bedwell or Mr. Kelman, whether or not their tenure, their statutory tenure on the DRP, had expired?

MR. SHARON: I'm not aware of any of that situation.

MR. MCCANN: Are you familiar with Baltimore County's website? You've been to Baltimore County's website before?

MR. SHARON: Yes, sir.

MR. MCCANN: Are you familiar with that part of the website that identifies who the members of the DRP panel are, sort of like they do with the Planning Board as well?

MR. SHARON: I have not been to that website specifically to the DRP panel.

MR. ZIMMERMAN: Has six been admitted?

CHAIR: This would be seven?

MS. JOLIVET: No, it has not.

MR. MCCANN: Yeah, I would move six in.

MR. LA FIANDRA: No objection to six.

MR. MCCANN: Okay.

CHAIR: It's admitted.

MR. MCCANN: Do you have a copy of seven, Mr. Sharon?

MS. JOLIVET: Not yet, he doesn't.

MR. MCCANN: Okay.

MS. JOLIVET: Here you are.

MR. SHARON: Thank you.

MS. JOLIVET: Um hm.

MR. MCCANN: Do you recognize this is a printout from the Baltimore County website?

MR. SHARON: I do not. I would take that on good faith (inaudible).

MR. MCCANN: Okay and do you recognize the names on here as the, the members of the, current members of the Design Review Panel?

MR. SHARON: I recognize the panel members that were present, as well as Matt Demico.

MR. MCCANN: Okay. But you know, recognize the four that were present, right?

MR. SHARON: Correct.

MR. MCCANN: And would you agree with me that assuming, as it says right above the, the Board's professional members, that members shall serve no more than two three year terms, that the appointments of Mr. Hoard, Mr. Kelman and Ms.,

Mr. Martin had expired as of the date of the DRP meeting of October 10th, 2018?

MR. SHARON: I can't confirm that because on page two it says revised December 14th of 2016.

MR. MCCANN: Okay.

MR. SHARON: I have no way of knowing that.

MR. MCCANN: Well, assume, assuming that the, that, in fact, they're only allowed to serve two three year terms, regardless of when this document was prepared, six years from the date of Mr. Hoard, Mr. Kelman's and Mr. Martin's appointment would have passed earlier in 2018 and prior to the DRP meeting of October 10th, 2018?

MR. LA FIANDRA: I'm going to object to the question. I think we're going pretty, down far, down the road in terms of speculation. He testified this, this website was last updated over two years ago.

CHAIR: Well, yeah, no, I got that point.

MR. LA FIANDRA: And who knows even if these people have been reappointed, if there's been a change in the law, --

MR. MCCANN: They can't be reappointed.

MR. LA FIANDRA: -- we have, we have absolutely no idea.

MR. MCCANN: They can't be reappointed.

MS. JOLIVET: But why is he testifying to that?

MR. MCCANN: Well, --

MS. JOLIVET: That was, that was my question.

MR. MCCANN: Yeah, that's not a bad question, it's not, but it's, Mr. Evans, you look perplexed. These folks, I don't, it doesn't matter whether it's updated or not, they can only serve six years and the six years has expired. And there's a statutory provision, I can cite the Board on that.

MR. SHARON: Is that math right?

MR. MCCANN: Yeah, August 1st, 2012, plus six years is August 1st, 2018, which is --

MR. SHARON: Well, wouldn't it expire December 31st? And so, December 31st of '18 would have been the next expiration.

MR. MCCANN: Well, --

MR. LA FIANDRA: I'm going to move to strike this whole line of questioning. It just doesn't make any sense.

CHAIR: Well, I'm not going to grant that but let's move on, because this, this actually has, I'm not sure that this has any particular probative value. I mean, if you're suggesting that somehow this was an invalid meeting, therefore it's, therefore it's, its conclusions are invalid ab initio or something than, you know, I don't know.

MR. MCCANN: Yeah, that --

CHAIR: Is that what you're saying?

MR. MCCANN: That's, to me that's not a, a stretch by any means. If you, if you were, as of today, Mr. Evans, if

your, you had not been reappointed, you just happened to be sitting up here because you wanted to enjoy the, the good fun we're having, your, any decision you made would absolutely be, would have no legal effect whatsoever.

CHAIR: I, I think I'm being reappointed tonight actually.

MR. MCCANN: Are you?

MR. LA FIANDRA: Congratulations, I wish you the best.

CHAIR: That's not true, --

MS. JOLIVET: But no, the law is that you continue.

MR. LA FIANDRA: That's right.

MS. JOLIVET: In your position until your, your successor is appointment. You, by law, you continue.

MR. MCCANN: Well, that may be the Board of Appeals law, but I, I mean, there are statutory --

MS. JOLIVET: (inaudible).

MR. MCCOMAS: Isn't, isn't, isn't some of this better for brief and argument?

MR. MCCANN: Yeah, it is. I just wanted to raise this, --

MR. MCCOMAS: Because I think some of these, people are picking up in the middle of the term and then, so some of it is, we probably need a little more help for, for the evidence that you're trying to submit here. Because on some of

these, like one of them, Sayed had, I mean, if you use your, the math here, he's only in there for one year and I, I think he's probably picking up because somebody resigned or something like that. So, I think it's better left in arguments. Because that, that's your point is, is whether or not they had, it was an authorized ruling and I think that's better for an argument.

MR. MCCANN: Yeah, I mean, I, whether it was or was, I agree with that, Mr. McComas, number one.

MR. MCCOMAS: Yeah.

MR. MCCANN: Number two, whether it was or was not authorized I think is, is an important decision. I mean, the implication of that may be, the implication of that may be it needs to go back to the DRP or if, if the Board member is correct, and she probably is, about the, that's not my reading of the statute that deals with the DRP but there may be other law that says, it sounds like there is other law that says that, so.

CHAIR: Well, yeah, let's, let's move on. I mean, for one thing, I don't know that this witness is, I mean, all he's doing is reading what you're putting in front of him. I mean, it's not very helpful to us.

MR. MCCANN: Well, he attended the DRP, he knows these folks, so I thought, you know, he would be the only witness, otherwise it would, I would ask that it just come in because it's a, it's a public document as --

CHAIR: Well, I'm not saying it can't come in but, but what I'm suggesting is, it's not particularly useful, given all the questions that have been raised, for this witness to simply read these documents and then --

MR. MCCANN: Well, I understand. I'll, I'm done with the witness.

CHAIR: Okay.

MR. MCCANN: The witness, I --

MR. LA FIANDRA: If I, if --

MR. MCCANN: Yeah.

MR. LA FIANDRA: I would like to be heard on this point. If you'd like to hear --

CHAIR: I think you, you won the point.

MR. LA FIANDRA: Well, okay, okay.

CHAIR: I mean, we're not striking it, but.

MR. LA FIANDRA: But that's the first rule of law school, so I will stop, thank you.

CHAIR: Right, right. But, I mean, you, we're moving on.

MR. LA FIANDRA: Thank you.

MR. MCCANN: Okay.

CHAIR: And I don't think any of us here are particularly moved at this point with the weight and impact of this particular line of inquiry.

MR. MCCANN: Well, I understand as of right now, but,

--

CHAIR: As of right now, right.

MR. MCCANN: -- but I, I, but if it is truth, if I am able to support it with additional evidence, probative evidence, then I think it is a big issue.

CHAIR: If you can --

MR. MCCANN: I just, I raised it, by the way, I raised it with Dino before --

MR. LA FIANDRA: He did and thank, I, I thank him for that publicly. Thank you very much for doing that.

MR. MCCANN: Yeah.

CHAIR: Yeah, I mean, we're all good with that and if you can establish this through some other witness, that's great and we'll consider it at that point.

MR. MCCANN: Okay.

CHAIR: More significantly than I think we're prepared to consider it at this point. But this exhibit and this witness --

MR. MCCANN: Before I do that, I'll look for law (inaudible), yeah.

CHAIR: Okay.

MS. JOLIVET: (inaudible) case law, okay, go ahead.

CHAIR: Yeah.

MR. MCCANN: Yeah.

MS. JOLIVET: Um hm.

MR. MCCANN: So, I'll also look at that before I introduce anything else.

CHAIR: Okay.

MR. LA FIANDRA: And I've, I've reserved all my comments on the issue, so.

CHAIR: Okay.

MR. LA FIANDRA: At the appropriate time I'll make other comments. Thank you.

CHAIR: Sure.

MR. MCCANN: And let me, that may be all I have, so.

CHAIR: Oh, okay.

MR. MCCANN: Okay. I like to end on a strong note.

CHAIR: Are you moving seven in?

MR. MCCANN: Yeah, I mean, at least I want to identify, at least for i.d. purposes, seven. I understand the Board won't, may not accept it at this point. I mean, it is a public document.

MS. JOLIVET: So, just mark for i.d., is that what you're asking?

MR. MCCANN: Well, I'm asking it be introduced but I understand the Board's --

CHAIR: Well, I don't have any problem intro, accepting it.

MR. LA FIANDRA: I don't have a problem with it being admitted for the value of what it is.

CHAIR: Yeah, for, yeah, --

MR. LA FIANDRA: It's a printout from a website.

CHAIR: -- it is what it is and --

MR. MCCANN: Okay, very well. I'll move on. Let me just make sure I have nothing else.

MR. LA FIANDRA: So, it's admitted?

CHAIR: It's admitted.

MS. JOLIVET: Yes.

MR. LA FIANDRA: Yes.

MR. MCCANN: I guess I have one last question, Mr. Sharon.

MR. SHARON: Yes, sir.

MR. MCCANN: The master plan, do you know, strike that. In your opinion, is the master plan mandatory or advisory in Baltimore County?

MR. SHARON: I believe it's advisory.

MR. MCCANN: Okay and why do you say that?

MR. SHARON: I consider it a living document, it's to be interpreted and in this case, the Planning Department supported that we were not in conflict with the master plan.

MR. MCCANN: Okay. Are you aware of any law that suggests otherwise?

MR. SHARON: I do not believe so.

MR. MCCANN: Okay. Nothing else, thank you.

CHAIR: Okay. Mr. Zimmerman?

MR. ZIMMERMAN: Okay, thank you. Okay. Mr. La Fiandra, Mr. McCann have been so thorough one might think that there's nothing else to ask.

CHAIR: One would think.

MR. ZIMMERMAN: Nevertheless. And, and first of all, I don't know if I should say I totally agree with the way the Board handles the situation, the DRP membership issue. All right. I think to get through this as efficiently as possible, what I'd like to do is submit a number of documents, maybe not all my documents, but if we do this as quickly as possible, it may expedite the proceedings. Now, my first exhibit is --

MR. LA FIANDRA: Are these going to be called Pet --

MR. ZIMMERMAN: People's Counsel Exhibit 1.

MR. LA FIANDRA: -- People's Counsel.

MR. ZIMMERMAN: I already gave it to Mr. La Fiandra.

MR. LA FIANDRA: Yes, you did. Thank you very much.

MR. ZIMMERMAN: And Mr. McCann. This is a, a typical My Neighborhood zoning configuration for the area for the property and the intersection.

MR. MCCOMAS: If you give them to me, I'll pass them down the row.

MR. ZIMMERMAN: Yeah, so, I need one for myself.

MR. MCCOMAS: Yeah, I'll give you, if you need (inaudible) I'll just pass them on down the row.

MR. ZIMMERMAN: Yeah, my, my dexterity in separating

papers seems to be (inaudible).

MR. MCCOMAS: Here's yours. (inaudible).

MS. JOLIVET: Oh, thank you.

MR. ZIMMERMAN: And Exhibit 2 is, I have a large aerial photo of which I've given reduced, reduced versions to Mr. La Fiandra --

MR. LA FIANDRA: Yes, thank you.

MR. ZIMMERMAN: -- and Mr. McCann.

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: And this is a typical GIS, I'll get the date of it in a moment. It's taken a few years ago, so I will, I don't think there's any dispute that the corner where the, the Starbuck's is now located appears on the photo as kind of a vacant property but apparently the Bel Loc Diner at that point was, had been razed, but I think we would all agree. I think the witness will agree there's a Starbuck's there or already has agreed.

MR. LA FIANDRA: Would you like help?

MR. ZIMMERMAN: Well, it's 2017 photography and I'm going to leave this for, off the easel for the time being, if I may, but the actual photo would be People's Counsel two. I don't know if the Board can mark that.

MS. JOLIVET: (inaudible).

MR. ZIMMERMAN: I think probably --

MS. JOLIVET: Over here?

MR. ZIMMERMAN: -- makes sense down at the, the corner.

MS. JOLIVET: Sure.

MR. ZIMMERMAN: Okay. So, I think we'll just hold on to that for future use.

MS. JOLIVET: Sure.

MR. SHARON: Is that large one number two?

MR. ZIMMERMAN: Yes.

MR. SHARON: And you said the Bel Loc --

MR. ZIMMERMAN: And the --

MR. SHARON: The Bel Loc Diner was razed on that aerial image?

MR. ZIMMERMAN: That, I'm going to show --

MR. SHARON: Is that different than what I have in my hand?

MR. ZIMMERMAN: -- Mr. Sharon, I'm going to show you the photograph. This is a reduced, oh, you have it.

MR. SHARON: Yeah, I agree, but this Bel Loc Diner is not razed in this, in the (inaudible).

MR. ZIMMERMAN: You can see the Bel Loc Diner in the photo?

MR. SHARON: Yes, sir, I can.

MR. ZIMMERMAN: All right. Then I, I'll stand corrected. I, I wasn't reading the photograph correctly.

MR. SHARON: Well, as long as (inaudible) talk about

it. See, there's the building.

MR. ZIMMERMAN: All right. My, my eyesight on the photo then, I misunderstood. So, I'll, then good, then this shows the aerial --

CHAIR: So, where, where's the Bel Loc Diner on this?

MR. ZIMMERMAN: On the north west, excuse me, north east corner of the Loch Raven/Joppa intersection. We see --

MR. MCCOMAS: You have to turn it around, yeah.

MR. ZIMMERMAN: We see the Bel Loc Diner in the north east corner, we see the bank south west corner diagonally across, we see the service garage that's been referenced on the south east corner and then the mixed, I think it's animal either hospital or service and mixed use on the north west corner.

CHAIR: Okay.

MR. ZIMMERMAN: Again, this was taken in 2017 according to the GIS document. Okay. I have People's Counsel Exhibit 3, a map taken from the County website, the current County website, of the array of commercial revitalization districts around the County. And this, this was, I will proffer, obtained today. Let's see.

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: I may show this to Mr. Sharon later but I'll show it to him briefly now. Yeah, at the bottom of the exhibit it shows the Baltimore County website reference and

actually it shows today's date and date of access. Okay. All right. People's Counsel four, this is an assemblage of County Council resolutions establishing and then amending or adding to the Loch Raven commercial revitalization district.

MR. LA FIANDRA: Thank you.

MR. MCCANN: Thank you.

MR. ZIMMERMAN: And I, for the record, I should say we begin with Resolution 83-98 and, of course, by 98 means it was in 1998, followed by Resolution 119-04, number 38-06, Resolution 11-13 and Resolution 50-16. And, of course, the resolutions will speak for themselves and we have, may have questions but I will note that the 2013 resolution identifies three sections of the Loch Raven commercial revitalization district as the Loch Raven/Baynesville area, Loch Raven/Satyr Hill area and Loch Raven/Hillendale area and, and that would kind of correlate to the maps that the Petitioner has introduced.

MR. MCCANN: Is this part, that's part of the exhibit?

MR. ZIMMERMAN: Yeah.

MR. LA FIANDRA: That's People's Counsel six?

MR. ZIMMERMAN: Yeah, no.

MR. LA FIANDRA: Oh, five.

CHAIR: Four.

MR. ZIMMERMAN: I think we're up to four.

MR. LA FIANDRA: Oh, I'm so sorry, thank you.

MR. ZIMMERMAN: And I would say we obtained these from County Council website or, or, --

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: -- or from the County Council. By way of sub, Petitioner's five, by way of kind of supplementing the exhibits on the 1999 zoning case, we have the actual Petition for Variance that was filed in that case. Is that one or two?

CHAIR: It's two.

MS. JOLIVET: Thank you.

MR. LA FIANDRA: Five.

MR. ZIMMERMAN: That's number five. And I will say the third page of that exhibit, by the way, this exhibit is dated November 21st, well, I'm trying to find the date on it but it looks like it was filed in 1998, that was the 1999 fiscal year. And it does have the MRA, Morris Richie Associates, document on the third page on the zoning restriction. One more. And then of interest, also relating to the '99, 1999 case, --

MR. LA FIANDRA: Thank you.

MR. ZIMMERMAN: Was that one or two pages?

MR. LA FIANDRA: It's multiple pages, here, three.

MR. ZIMMERMAN: This is a letter dated January 25th, 1999 from the Loch Raven Community Council, again, (inaudible).

Actually supporting that Petition. That may be two of them. Did you get yours?

MR. LA FIANDRA: I got one.

MR. MCCANN: Thank you.

MR. ZIMMERMAN: Okay. All right and then I, I do have also a set of photographs of the, around the intersection from different perspectives from Google Maps. Well, actually that's the, that's the only color one.

MR. MCCOMAS: Oh, then here.

MR. ZIMMERMAN: The rest are black and white.

MS. JOLIVET: Thank you.

CHAIR: And this is number seven, I guess.

MR. ZIMMERMAN: I can't remember how, what number we're up to. Is it seven?

MS. JOLIVET: This is seven.

MR. ZIMMERMAN: Did you get this?

MS. JOLIVET: No, I have an extra, thank you.

MR. ZIMMERMAN: Okay.

MR. LA FIANDRA: Thank you.

MR. MCCANN: Thank you.

MR. ZIMMERMAN: All right. Hopefully, that helps save a little time the way that was done, I hope. And now I'll start to ask some questions. Okay. So, Mr. Sharon, when did you first get involved with this project, approximately?

MR. SHARON: In early 2018.

MR. ZIMMERMAN: Okay and at that point did, and Valvoline was already a client, correct?

MR. SHARON: Correct.

MR. ZIMMERMAN: Okay and did they come to you with this, had they already chosen this site?

MR. SHARON: I believe so, yes.

MR. ZIMMERMAN: And did they come to you with the idea of a four bay project?

MR. SHARON: Yes, they would have come to us with four bay.

MR. ZIMMERMAN: Okay. Okay and within those parameters, you prepared the original site plan?

MR. SHARON: Correct.

MR. ZIMMERMAN: Okay. Now, just a couple of points. On, on Petitioner's Exhibit 1, which I do think I have a copy of, actually it's sort of, I, I see the redline site plan is up on the board but the original site plan, which is Petitioner's Exhibit 1, did have existing, looking at the, other than the redline parts, existing entrance to remain is stated on this plan isn't, is that right?

MR. SHARON: Yes, sir, it is.

MR. ZIMMERMAN: Okay. But it was never intended as an entrance, right? I mean, you've indicated that was always intended as an exit only?

MR. SHARON: At one time we did have a plan that

showed in and out movement, thinking that customers may come into that incorrectly and if they --

MR. ZIMMERMAN: Could, could you raise your voice? I'm sorry. Could you speak up?

MR. SHARON: Sure. At one time, we did have a layout where we had labeled that as the in and out.

MR. ZIMMERMAN: Okay. But, but, so by the time, however this site plan was submitted, the arrows clearly show that they've got to be coming in from Loch Raven, then kind of gearing to the right to get to the bays, then they go through the bays on way and they're out Joppa Road?

MR. SHARON: Correct.

MR. ZIMMERMAN: Okay. So, that was never really, whether it was an entrance at some point in the previous thought process, by the time the site plan was filed, that was no longer really an entrance, can we agree on that?

MR. SHARON: Yes.

MR. ZIMMERMAN: So, really, that, that should have been removed from the site plan existing entrance? You could have said existing access, you know.

MR. SHARON: I would have called it an existing entrance.

MR. ZIMMERMAN: Even though you're not a, you can't enter there.

MR. SHARON: Really talking about that as existing

may (inaudible) concrete apron.

MR. ZIMMERMAN: Okay. But you didn't put proposed exit, you could have put proposed exit.

MR. SHARON: That would (inaudible) --

MR. ZIMMERMAN: All right, all right.

MR. SHARON: -- speaking to the --

MR. ZIMMERMAN: All right. Well, anyway, --

MR. SHARON: -- concrete --

MR. ZIMMERMAN: -- there's no dispute that --

MR. SHARON: Sure.

MR. ZIMMERMAN: -- the idea is you have to enter on Loch Raven and then you, you, you take a, each car takes a, stacks up or, or gets right to a bay, taking somewhat of a right turn, goes through the bay and then out Joppa Road.

MS. JOLIVET: I'm sorry, Mr. Zimmerman, can I ask you to hold on for one minute? I just have to run out, I'll be right back, I promise, okay?

MR. ZIMMERMAN: Okay. I hope I wasn't aggravating everybody.

MR. MCCANN: She may not come back.

CHAIR: We'll let her know when (inaudible).

(RECORDING PAUSED - 02:31:32 PM)

(ON RECORD - 02:31:51 PM)

MR. ZIMMERMAN: All right. Just so we, we have a general idea, that people are supposed to get out of their cars

at some point, correct? The customers get out of their cars?

MR. SHARON: That's incorrect.

MR. ZIMMERMAN: Incorrect. They stay in their cars the whole time?

MR. SHARON: Yes.

MR. ZIMMERMAN: Okay, I didn't know that. All right. So, and where do they pay? Do they, is somebody standing there and takes the payment or credit card before they get in the bay, is that the idea?

MR. SHARON: Operationally, they get into the bay, have the service while remaining in their car, a technician or a customer sales associate, then does the, the payment while they're sitting in the car.

MR. ZIMMERMAN: Okay. So, they never get out of their car. Okay. So, it's not like there's a seating area for customers at that corner of the building that's, that's I guess closer to the intersection, that square area?

MR. SHARON: Correct. It's not intended to be, you know, a customer waiting room.

MR. ZIMMERMAN: Okay.

MR. SHARON: As with other operations.

MR. ZIMMERMAN: That's an office? There, that's an office area?

MR. SHARON: Yes.

MR. ZIMMERMAN: And just to clarify, there are two

doors in the building, is that correct?

MR. SHARON: No, there, there are several doors.

MR. ZIMMERMAN: All right.

MR. SHARON: So, a front door is on that tower, you have the four garage doors, --

MR. ZIMMERMAN: Well, wait, okay. I didn't mean the garage doors, but other than the garage, you mean the bays? Okay, the bay doors, that's one thing. There are four of them?

MR. SHARON: Four on the front, four on the back.

MR. ZIMMERMAN: Okay. One for each drive through bay?

MR. SHARON: Exactly right.

MR. ZIMMERMAN: Right, okay. But the normal sized --

CHAIR: Two, two being two for each drive through bay.

MR. ZIMMERMAN: I'm sorry, did I, what did I say?

MR. SHARON: One on each side.

CHAIR: One on each side, right?

MR. ZIMMERMAN: Yeah, two for each, you know, two for each bay, getting in, getting out.

CHAIR: Right.

MR. SHARON: Correct.

MR. ZIMMERMAN: All right. And then there are two, can we say pedestrian or human size doors?

MR. SHARON: There are four of those.

MR. ZIMMERMAN: There are four of those. And where are they?

MR. SHARON: The front door, which is on the tower, and we have a little triangle pointed to that.

MR. ZIMMERMAN: Okay. In, in your view, that's pointing to Joppa Road, correct?

MR. SHARON: Correct.

MR. ZIMMERMAN: And where are the other three doors? And what's that door for? Who goes through that door?

MR. SHARON: That could be a customer door if someone would come off the street, questions, looking for a job application.

MR. ZIMMERMAN: All right.

MR. SHARON: We would want them to walk through that front door.

MR. ZIMMERMAN: Or an employee?

MR. SHARON: Or an employee as well. There's also on the east side facing Loch Raven a small, I'll call them a man door, but that's intended for employees only.

MR. ZIMMERMAN: Okay.

MR. SHARON: On the south side there are two doors, man doors, one in the middle and one on the far left side or the western edge.

MR. ZIMMERMAN: Okay. That, are those last two doors in the main building area?

MR. SHARON: Correct.

MR. ZIMMERMAN: The, the, the side, the part of the building away from Joppa Road?

MR. SHARON: Correct.

MR. ZIMMERMAN: Okay, okay. But in terms of traffic circulation, the only entrance is on Loch Raven Boulevard?

MR. SHARON: Yeah, that's correct.

MR. ZIMMERMAN: I mean, that's where you enter the site in terms of the use of the site and the function of the site, correct?

MR. SHARON: Yes, that's where we want them to come in.

MR. ZIMMERMAN: Okay, okay. And no doubt this is a corner property, we all agree on that?

MR. SHARON: Yeah, yes.

MR. ZIMMERMAN: So, okay. Okay. Have, suppose somebody suggested that as a matter of common sense, since the entry for use of the property is on Loch Raven Boulevard, well, the front of the property, the front side is Loch Raven? Doesn't that make some sense?

MR. SHARON: I would say the front is to Joppa, where we face the front door that customers or the general public could walk up.

MR. ZIMMERMAN: But hardly any customers are going to be coming in there.

MR. SHARON: That may be the case, but they still have the opportunity.

MR. ZIMMERMAN: Okay. But they, you don't know, they could be walking from Loch Raven around the building and get in from, then they would be coming from the back.

MR. SHARON: So, I think the Design Review Panel stumbled across a pedestrian question and they asked us to provide and we show in red, the connection to Loch Raven, as well as the connection to the front of the building, which was intended for customer entrance.

MR. ZIMMERMAN: Okay, all right. Now, what's the length of the property on the Loch Raven Boulevard side, either going in a straight line or, or going to the curbed corner, can you give us the length? Give it to the straight line first.

MR. SHARON: Sure. So, --

MS. JOLIVET: Do you want the pointer again?

MR. SHARON: I (inaudible).

MR. ZIMMERMAN: You need a ruler?

MR. SHARON: So, from here, projecting --

MR. MCCOMAS: That's south on Putty, on Loch Raven Boulevard going north, right?

MR. SHARON: South on, east side of the property on the south bound direction of Loch Raven Boulevard, on a line running north bound on the western side of Loch Raven Boulevard, projecting to the intersection of the curb line

would be approximately one hundred and seventy feet.

MR. ZIMMERMAN: Okay and, and do the same for the Joppa Road side.

MR. SHARON: Okay. On the east side of Joppa Road, on the east bound side, from the property corner shared with the western property owner projecting on a north east bearing to that same point of intersection is approximately seventy feet.

MR. ZIMMERMAN: Okay. Okay and we also know that there is a sidewalk down Loch Raven where Pastore's is and what the Ravens, you know the Ravens place?

MR. SHARON: The Raven, yeah, the Raven Inn.

MR. ZIMMERMAN: Raven Inn, is it?

MR. SHARON: No S, it's a little bar.

MR. ZIMMERMAN: Raven Inn?

MR. SHARON: Yeah.

MR. ZIMMERMAN: And what else is on that street?

MR. SHARON: There's a music store.

MR. ZIMMERMAN: Okay.

MR. SHARON: I think a Chinese, but I had a couple cocktails at the Raven and I did munch at Pastore's quite often.

MR. ZIMMERMAN: Yeah, and there's not, and there's a nice sidewalk there, right? You can walk on the sidewalk to Raven Inn?

MR. SHARON: Yes, you can.

MR. ZIMMERMAN: Okay. What about on Joppa? Is there much of a sidewalk on Joppa to the west?

MR. SHARON: Yes, there is a sidewalk that goes down there. It's not as wide as the Loch Raven sidewalk.

MR. ZIMMERMAN: Okay. So, it, it makes sense, wouldn't you say it's more likely than not that anyone even walking to this site is going to be coming up Loch Raven, parking somewhere, I mean, where are they going to park or where, I mean, aren't they going to be probably coming up Loch Raven rather than on Joppa? (inaudible) logically?

MR. SHARON: I think they could come from both directions.

MR. ZIMMERMAN: Okay, all right.

MR. SHARON: It's a corner lot.

MR. ZIMMERMAN: Okay, all right. What did you calculate as the front yard setback requirement, requirement?

MR. SHARON: We show it on the plan. Under the general notes, we have the building setback from the bulk regulation. The front being from the property line a required distance of forty feet and the front setback from the center line of the street thirty feet.

MR. ZIMMERMAN: Okay. Where do you get, where do you get, are you getting that under Section 303.2?

MR. SHARON: I don't recall the exact section off the

top of my head but it would be under the BL.

MR. ZIMMERMAN: Do you remember whether Section 303.2 is involved, just so --

MR. SHARON: I don't recall specifically.

MR. ZIMMERMAN: Well, did you do anything relating to the average front yard depths of lots immediately adjoining?

MR. SHARON: I did not.

MR. ZIMMERMAN: Okay, all right. Okay, all right. All right, one, now let me ask you a few questions, if I may, relating to your, you did compare in certain respects the bank use and the proposed Valvoline use, did you not?

MR. SHARON: In certain aspects, yes.

MR. ZIMMERMAN: Okay. What is the height, you said the proposed height of the Valvoline is about thirty feet, is that correct?

MR. SHARON: It, it's slightly less than thirty, yes.

MR. ZIMMERMAN: Would that be about a three story building?

MR. SHARON: No, it's one story above grade.

MR. ZIMMERMAN: Thirty feet, one story, is, is that because of you've got a tower or --

MR. SHARON: Correct, yes. Architectural feature.

MR. ZIMMERMAN: Okay. So, what's the main, the, the height of the majority is how many feet?

MR. SHARON: I think the roof line for the majority

is twenty and, low twenties, twenty, twenty to twenty-three.

MR. ZIMMERMAN: How high is the highest point of the bank building?

MR. SHARON: I don't know off the top of my head.

MR. ZIMMERMAN: Okay. It's listed as a two story building on the site plan, on your demolition plan, right?

MR. SHARON: Correct.

MR. ZIMMERMAN: In terms of traffic circulation, do you, maybe this is for the traffic engineer, but do you know what the estimated gen, you know, how many cars they expect to serve, based on their projections?

MR. LA FIANDRA: We, we will have that testimony.

MR. SHARON: I do not know.

MR. ZIMMERMAN: Okay. I wanted to ask you this. Based on your site, based on the, Petitioner's Exhibit 11, showing the commercial revitalization district, this is the Loch Raven one, if I may?

MS. JOLIVET: Yes, sure.

MR. ZIMMERMAN: Although I think I could have dug one out. May I take --

MS. JOLIVET: (inaudible).

MR. ZIMMERMAN: I think I could ask you this without the map but in fairly close proximity is the, the entrance and exit to the beltway, correct?

MR. SHARON: Yes.

MR. ZIMMERMAN: Okay. Do you know about how far from the intersection the beltway entrance is? Can you give us approximately?

MR. SHARON: I drive it okay so I'm going to say --

MR. ZIMMERMAN: Well, there's a scale on the, Petitioner's Exhibit 11, would that help you?

MR. SHARON: Sure, that would be helpful. That would be helpful.

MR. ZIMMERMAN: I have a ruler if you --

MR. LA FIANDRA: Which one are you referring to? Is that number eleven?

MR. ZIMMERMAN: Yes.

MR. LA FIANDRA: All right.

MR. ZIMMERMAN: If it helps, I have a ruler. If you can do it without a ruler.

MR. SHARON: I would approximate about thirteen hundred feet.

MR. ZIMMERMAN: Okay. That's about a quarter of a mile, correct? Fifty-two eighty feet in a mile? Thanks.

MR. SHARON: Fifty-two sixty.

MR. ZIMMERMAN: So, that would suggest that this use is, is either primarily or at least substantially intended to serve commuters going up and back from the beltway?

MR. SHARON: I don't believe so, no, that's not my opinion.

MR. ZIMMERMAN: Were you involved in the marketing studies?

MR. SHARON: I was not.

MR. ZIMMERMAN: How would you know what percentage is estimated or thought to be likely to come from commuters versus people who live in the local community?

MR. SHARON: I wouldn't know the percentages, but in talking to our client, they are looking for locations with high traffic volume, near residential communities where there's people.

MR. ZIMMERMAN: Okay. It just doesn't happen to hurt that it's near the beltway? Okay.

MR. SHARON: I can't speak to that but probably not a bad business idea.

MR. ZIMMERMAN: Okay. A few questions on the zoning history. On this, for this side, let's start with that. You listed, if my arithmetic is correct, is it seven previous cases?

MR. SHARON: That is correct.

MR. ZIMMERMAN: Beginning in 1941, right?

MR. SHARON: That's correct.

MR. ZIMMERMAN: It's interesting, because I didn't even know we had zoning in 1941 in Baltimore County, but. Did you read each one of the opinions and orders from, from every one of those cases?

MR. SHARON: No, I did not.

MR. ZIMMERMAN: Well, how did you even find these items?

MR. SHARON: Sure. They're available to the public through the Baltimore County My Neighborhood website by typing in the address and location, you can click on the property and generally the zoning history cases have been scanned in or available for download.

MR. ZIMMERMAN: So, you copied what you put on the site plan, you simply copied from what you saw on the website, is that correct?

MR. SHARON: What we downloaded from the website, correct.

MR. ZIMMERMAN: Okay. You, and you didn't go back and try to actually get the actual opinions and orders?

MR. SHARON: They're available for download.

MR. ZIMMERMAN: Right, they're available but, but my question is, did you read them?

MR. SHARON: Not in entirety, we would focus (inaudible), no, I did not.

MR. ZIMMERMAN: Did you read the ninth, particularly, did you read the 1999 opinion prior to your testimony or in preparation for this case?

MR. SHARON: Yes, I did.

MR. ZIMMERMAN: Okay. I'm going to get to that in a

moment but let me ask you something. You have pointed out that item number three in the zoning history there was a rezoning from BL to BM granted, correct? November 1964.

MR. SHARON: Correct.

MR. ZIMMERMAN: Okay. But the property is now BL, correct?

MR. SHARON: Correct.

MR. ZIMMERMAN: When was it rezoned back to BL? Well, it doesn't, it, not to make, not to be difficult, but it doesn't show from your zoning history, does it?

MR. SHARON: Okay. It is not in the zoning history. I wouldn't, I won't know the date off the top of my head.

MR. ZIMMERMAN: Wasn't that something you should have put in there, looked at, that you're going to tell us the zoning history?

MR. SHARON: Well, it was done under a CZMP, probably would have listed it there, but it wasn't available for --

MR. ZIMMERMAN: Well, you could have found it out, right? I mean, it's not a secret, it's not classified national security?

MR. SHARON: Yes.

MR. ZIMMERMAN: Okay, all right. All right. So, let's, let's take another look at the 1999 opinion which Protestants, and I'll give it to you in a second, I'm just looking for the Protestants numbered here. It looks like it's

--

MR. MCCANN: One.

MR. ZIMMERMAN: -- number one. I think the Board has plenty of copies, so. So, here's one, copies for you (inaudible).

MS. JOLIVET: Is it already in evidence?

VOICE: Isn't it in evidence?

MR. ZIMMERMAN: Yeah, it's Protestant's one, --

MR. LA FIANDRA: Can we refer to the one that's in evidence?

MR. ZIMMERMAN: Of course. It's the same thing.

MS. JOLIVET: We have it if it's in evidence.

MR. ZIMMERMAN: Right, can, should we, (inaudible) should we check to make sure what I just gave the witness is the same as --

MS. JOLIVET: How about if I give him Protestant's Exhibit 1?

MR. ZIMMERMAN: Yes, yes. Okay.

MS. JOLIVET: And that was (inaudible).

MR. SHARON: Thank you.

MS. JOLIVET: You're welcome.

MR. ZIMMERMAN: And hopefully what I'm reading from is the same, my copy. All right. So, so this is the case involving the bank, correct, the Howard Bank that's now closed probably for a year according to your testimony?

MR. SHARON: Correct.

MR. ZIMMERMAN: Okay and for the record, do you know whether or not the citizens opposed this one? Did, did you research that?

MR. SHARON: I did not.

MR. ZIMMERMAN: Okay. But, but just submitted an exhibit which I would proffer indicated they were, they were, one particular association was fine with it. But you, you, that's not something that you haven't, you haven't looked at?

MR. SHARON: No, sir.

MR. ZIMMERMAN: Okay. Does the fact that a citizen's group is either supportive or opposing it, I mean, does that have any weight in your mind one way or the other?

MR. SHARON: In what regard?

MR. ZIMMERMAN: Well, I mean, is that to be considered, what, what the citizens in the community view is the appropriateness of the project? Does it matter at all to you as the Petitioner's consultant?

MR. SHARON: Yeah, it does matter.

MR. ZIMMERMAN: In what way?

MR. SHARON: We understand projects are in people's backyards and not, not everyone is in favor of projects. We try to make accommodations where we can or items that fit in the operation, economics of the project to attempt to meet some of the requests.

MR. ZIMMERMAN: Did you meet with any of the citizens or community associations prior to preparing your site plan and Petition?

MR. SHARON: No, I did not.

MR. ZIMMERMAN: Do you know what community associations exist in the area?

MR. SHARON: The, the ones that are being represented here, which is an alliance of several Towson community organizations. But I --

MR. ZIMMERMAN: Do you know that because that was mentioned earlier today, correct?

MR. SHARON: No, because they showed up at the previous ALJ.

MR. ZIMMERMAN: Oh, okay. Well, can you name any of the constituent associations in the immediate neighborhood?

MR. SHARON: Not off the top of my head, no.

MR. ZIMMERMAN: Did you ever know the names of them?

MR. SHARON: Yes, if they are written down and we have discussed them internally as part of the project but I don't recall their exact titles.

MR. ZIMMERMAN: What about their approximate titles, any idea?

MR. SHARON: There's a Greater Towson Alliance, I believe.

MR. ZIMMERMAN: But what about to the immediate

neighborhood, do you know any of the names of the immediate neighborhood associations?

MR. SHARON: Sorry, I, I --

MR. LA FIANDRA: Your Honor, I believe this question has been asked (inaudible).

MR. ZIMMERMAN: All right, all right. I'll move on. I'll move on.

CHAIR: Okay, move on.

MR. ZIMMERMAN: All right. So, I'm not going to ask you about the parts of the 1999 opinion that Mr. McCann asked about. In any event, to, to go back into it, your company, the company you currently work for was mentioned on page one, correct?

MR. SHARON: That is correct, yes.

MR. ZIMMERMAN: Morris Richie and Associates?

MR. SHARON: That is correct?

MR. ZIMMERMAN: Is it now called MRA? Has the name changed or --

MR. SHARON: No, MRA is an acronym for Morris & Richie Associates.

MR. ZIMMERMAN: Okay, okay and there's reference to Robert Kapalongo and Robert Bradley. Were they working for MRA at the time?

MR. SHARON: Based on this document, yes.

MR. ZIMMERMAN: Okay. Do they still work for MRA?

MR. SHARON: Mr. Bradley I know does not, I am not familiar with Mr. Kapalongo.

MR. ZIMMERMAN: Okay. How many people work for MRA?

MR. SHARON: About a hundred and eighty individuals.

MR. ZIMMERMAN: Okay. Did you attempt to con, confer with Mr., or find out if Mr. Kapalongo was still working on, for MRA when you did your work?

MR. SHARON: I did not.

MR. ZIMMERMAN: All right. Now, I asked a question too about Section 303.2 of the zoning regulations. Do you see that mentioned in the first paragraph?

MR. SHARON: I do, yes.

MR. ZIMMERMAN: Okay and what, what yard setback does it relate to?

MR. SHARON: Well, reading from this document, from Section 303.2 as referenced by Section 238.1 to permit a front yard setback continuing.

MR. ZIMMERMAN: How many feet, versus how many?

MR. SHARON: Sixteen feet in lieu of the required twenty-nine.

MR. ZIMMERMAN: Okay. Is there anything on your current site plan that points out a requirement of a twenty-nine feet setback, a front yard setback?

MR. SHARON: There is not because the regulations are changed, have changed.

MR. ZIMMERMAN: On what, what change has there been in the regulations since 1999 on, on, on the BL zone setbacks, tell me?

MR. SHARON: Oh, sorry. I can't confirm the title of 303.2, but I don't believe it is the BL bulk density.

MR. ZIMMERMAN: You, you don't believe it has anything to do with the BL zone?

MR. SHARON: I don't recall the number 303.2 specifically, but if you could show me, I'd be glad to look at it.

MR. ZIMMERMAN: I better show you the book instead of my copies. You don't happen to have the zoning regulations with you?

MR. SHARON: No, (inaudible).

MR. MCCANN: You want my copy?

MR. ZIMMERMAN: No, I got it. Do you know what section in the regulations deals with the BL zone?

MR. SHARON: In the two, two hundreds, but I don't recall specifically the number off the top of my head.

MR. ZIMMERMAN: Okay. All right. Well, let's take a look to, to save a little bit of time, the BR zone area regulations, front yard.

MR. SHARON: BL.

MR. ZIMMERMAN: Oh, excuse me, I meant to get the BL. Let's see. I'm sorry. All right. Section 232.1, since not,

not all the Board members may have the book in front of them, it's not that long a section. Why don't you just read the section?

MR. SHARON: Sure. Section 232, BL zone, area of regulations. 232.1 front yard. For residents, as in Section 302 and 303.1, for commercial buildings the front building line shall not be less than ten feet from the front property line and not less than forty feet from the center line of the street, except as specified in Section 303.2.

MR. ZIMMERMAN: Now, just to clarify, when you did your review and your site plan, you used the ten foot and forty foot requirement but you didn't look at Section 303.2, is that correct?

MR. SHARON: I would have looked at it, (inaudible) in front of me, it must not apply.

MR. ZIMMERMAN: All right. Okay. So, you don't know where the twenty-nine feet requirement comes from and the front yard setback variance in the 1999 case, correct?

MR. SHARON: I do not, I was not involved.

MR. ZIMMERMAN: Okay. Does Protestant's Exhibit 1 include the site plan, may I ask?

MR. LA FIANDRA: No, it was number two.

MR. ZIMMERMAN: No, the site plan for the 1999 case?

MR. LA FIANDRA: Oh, I'm sorry, I thought you were talking about something else.

MR. ZIMMERMAN: It doesn't? All right, well, --

MS. JOLIVET: No, I don't see it.

MR. ZIMMERMAN: -- okay, it's a good thing then. I made a number of, I'm going to have to add this as People's Counsel Exhibit 8. Are we up to eight?

MS. JOLIVET: Yes.

MR. ZIMMERMAN: And hopefully I've got enough copies here. I think I do. So, this is the same opinion as Protestant's one, but it has the site plan as well, so.

MS. JOLIVET: (inaudible).

MR. ZIMMERMAN: Do you have, did I give it to you?

MR. LA FIANDRA: You did not. Thank you very much.

MR. MCCANN: Is that eight?

MR. ZIMMERMAN: Yes. Okay. Let me ask another question. Okay. So, well, maybe I better give you one of them, the actual exhibits. If you take a look at the site plan that's attached to, to the opinion, do you see where it says Petitioner's Exhibit 1?

MR. SHARON: I do.

MR. ZIMMERMAN: Do you see the MRA logo?

MR. SHARON: I do.

MR. ZIMMERMAN: Does that look like the, your company's logo as of that year?

MR. SHARON: Yes, sir, it hasn't changed since 1979.

MR. ZIMMERMAN: Right. Okay and can you see the

dates on that plan at the lower right hand? I know it's small print.

MR. SHARON: Yes, I can. It is dated January 26th, 1999.

MR. ZIMMERMAN: Okay and we've seen from the opinion that there's a request for a variance, for a front yard setback from, for sixteen feet instead of twenty-nine, right?

MR. SHARON: I believe that is correct, yes.

MR. ZIMMERMAN: Okay. So, what does the site plan show as to the, the sixteen feet, where is it?

MR. SHARON: You may have to point it out for me, I've, I've not studied this site plan.

MR. ZIMMERMAN: Well, it's pretty small print, so maybe we, (inaudible) could read it, but maybe with a magnifying glass, (inaudible). Okay. Do you see the corner of the proposed bank building that's closest to Loch Raven Boulevard?

MR. SHARON: Yes, sir, I do.

MR. ZIMMERMAN: Okay. Do you see the line between that corner and Loch Raven Boulevard?

MR. SHARON: Yes, sir, I do.

MR. ZIMMERMAN: Can you read the small print of sixteen feet on that line?

MR. SHARON: I believe I can, yes.

MR. ZIMMERMAN: So, at least somebody at Morris

Richie Associates thought that the front yard was Loch Raven Boulevard, correct?

MR. SHARON: That would be correct.

MR. ZIMMERMAN: And yet in that case, the only entrance was on Joppa, the only exit on Loch Raven.

MR. SHARON: That's incorrect.

MR. ZIMMERMAN: Okay. What was it? Both ways on Joppa?

MR. SHARON: And both ways on Loch Raven.

MR. ZIMMERMAN: Okay. One of the, one of the accesses is exit only on Loch Raven, the other is both ways, correct?

MR. SHARON: That's correct.

MR. ZIMMERMAN: Okay. So, the only one way exit, one of the two accesses, is on Loch Raven?

MR. SHARON: That's correct.

MR. ZIMMERMAN: And the front door of the bank is toward Joppa, what you would call the front door of the bank is called Joppa, on Joppa, or toward Joppa, correct? Have you been to the bank building?

MR. SHARON: Not when it was in business.

MR. ZIMMERMAN: But, I mean, have you seen the bank building?

MR. SHARON: Yes, I have.

MR. ZIMMERMAN: Isn't the, the front door and the

windows facing Joppa more or less?

MR. SHARON: Correct.

MR. ZIMMERMAN: Yeah. So, even though, with all that, your experts from MRA thought that from a functional point of view the front was on Loch Raven apparently, correct?

MR. SHARON: I was not involved with the case at that time.

MR. ZIMMERMAN: Well, no, you didn't try to talk to anyone to figure out why everybody thought it was, the front was Loch Raven?

MR. SHARON: Mr. Bradley is happily retired in Florida.

MR. ZIMMERMAN: Okay. Well, you could, does he have a telephone?

MR. SHARON: I'm sure he does, but that's a phone number I have.

MR. ZIMMERMAN: Well, well, did, did, I mean, did you even look at, you didn't even look at that point? I mean, you did a lot of work on this case but that's something you didn't have to, happen to look at?

MR. SHARON: No, I saw this, this exhibit as attached to the back of the 1999 case, yes.

MR. ZIMMERMAN: So, so you did see it?

MR. SHARON: Yes.

MR. ZIMMERMAN: So, but it didn't it come to your

attention that the front yard was viewed by everybody, including the zoning commissioner, as Loch Raven Boulevard/

MR. SHARON: That was for a different project.

MR. ZIMMERMAN: But your project is even more oriented to Loch Raven than, than the bank with the entrance only, the only entrance on Loch Raven?

MR. SHARON: I would disagree with that because our front door is facing Joppa Road.

MR. ZIMMERMAN: The only car, most of your use is car use, correct?

MR. SHARON: That's correct, yes.

MR. ZIMMERMAN: And they can only come in on Loch Raven, correct?

MR. SHARON: Yes, and they can only access service from Loch Raven.

MR. ZIMMERMAN: And from a convenience and safety point of view, anyone walking to that site is probably, if they're, if they have common sense, to be coming up Loch Raven, wouldn't they?

MR. SHARON: Well, if I'm walking down Joppa Road, I would not walk to Loch Raven to come back.

MR. ZIMMERMAN: Well, who walks on Joppa Road over there anyway? I mean, you have to take your life in your hands, don't you?

MR. LA FIANDRA: Is this really the questions that

we're going --

MR. ZIMMERMAN: Yeah, it is.

MR. LA FIANDRA: -- I mean, --

MR. SHARON: I walk on Joppa Road --

MR. LA FIANDRA: -- (inaudible) walking on Joppa Road, is this serious?

MR. ZIMMERMAN: Yeah.

MR. SHARON: Do I need to answer?

MR. ZIMMERMAN: Yeah, who would walk on Joppa, have you seen anyone walking on Joppa Road right there really?

MR. SHARON: Yes, absolutely.

MR. ZIMMERMAN: In any event, to kind of move on a little bit, I mean, knowing what you know now, with the history here, with the orientation of the car use from Loch Raven only entrance, I mean, wouldn't it be reasonable to conclude that even more so than the 1999 case, the front yard is really from Loch Raven?

MR. SHARON: Our project's front door is facing Joppa Road --

MR. ZIMMERMAN: Okay.

MR. SHARON: -- and that's the setback I used.

MR. ZIMMERMAN: Have you read any of the appellate cases on the subject of how you tell front from back on corner properties?

MR. SHARON: I have not.

MR. ZIMMERMAN: Do you know whether any exist?

MR. SHARON: I'm sure there are some.

MR. ZIMMERMAN: Okay, all right. Okay, let's move on from there.

CHAIR: So, it's five after three. We, we had talked about taking a break at three.

MR. ZIMMERMAN: This is a good time to break.

CHAIR: It's a good time to break? So, how, how much longer are we going to be with Sharon do you think?

MR. ZIMMERMAN: I'm looking at my notes. I'm hoping no more than half an hour.

CHAIR: Okay.

MR. ZIMMERMAN: Maybe less, I mean, --

CHAIR: (inaudible) little bit of re-direct, but not much.

MR. LA FIANDRA: A little, exactly right. Not very much.

MR. ZIMMERMAN: I'll try to go as quickly as I can.

CHAIR: Okay. So, --

(RECORDING PAUSED - 03:03:50 PM)

(ON RECORD - 03:13:35 PM)

CHAIR: Okay, we're back on the record. It's now 3:15.

MR. ZIMMERMAN: All right.

CHAIR: Mr. Zimmerman you can continue with Mr.

Sharon, who's still under oath.

MR. ZIMMERMAN: I'll move as quickly as I can. Just a couple follow-ups. If it turns out that the front yard is Loch Raven and, and the setback is as MRA thought it was in 1999, and your plan is showing twenty-five feet to Loch Raven from the office boundary, correct?

MR. SHARON: Yes, our plan does show twenty-five feet from that side of that building.

MR. ZIMMERMAN: Okay and so, you wouldn't need a variance to that extent if that turned out to be correct, that it was the front yard? If --

MR. SHARON: (inaudible) --

MR. ZIMMERMAN: -- twenty-nine feet is, if, as MRA showed with the bank, if twenty-nine feet is the requirement then some, a variance to that extent would be required.

MR. LA FIANDRA: I'm going to object to the question. There's no, been no showing by counsel whatsoever that the other requirements of this section of law apply in current day. We don't know what the situation was in 1999 because those items are not identified on the exhibit that was provided. But we certainly don't, he has not provided anything to say that any other requirements of Section 303.2 have been, have been met, that would otherwise require an analysis under 303.2.

MR. ZIMMERMAN: Well, we'll, we'll brief it but let me just --

CHAIR: Yeah, why don't you do that.

MR. ZIMMERMAN: -- I'll, we'll brief it and --

CHAIR: Why don't you brief it and --

MR. ZIMMERMAN: -- I'll just ask this witness, this witness. Do you know of any law that has changed since 1999 regarding setbacks?

MR. SHARON: I do not.

MR. ZIMMERMAN: Okay, all right. I'm moving on. All right. With reference to the, the intersection or, the properties in the area, so we note, did we not, that Starbuck's has come in at the north east corner, replacing the, the old historic Bel Loc Diner, correct?

MR. SHARON: That's correct.

MR. ZIMMERMAN: Okay. Do you know when Starbuck's opened? Approximately? Because you go there every day --

MR. SHARON: Sure, in probably the last year. No, I go to Dunkin' Donuts, not Starbuck's.

MR. ZIMMERMAN: Well, I didn't mean, I mean you pass the intersection, you see Star, you see the Starbuck's --

MR. SHARON: Yes, sir, I do.

MR. ZIMMERMAN: -- when you're, you come off the beltway, up Loch Raven, make a right turn on Joppa to MRA?

MR. SHARON: Most times, yes.

MR. ZIMMERMAN: Okay. Okay and is the Starbuck's one story or two stories, do you, do you remember?

MR. SHARON: It's one story.

MR. ZIMMERMAN: One story, okay. Really nice building, would you say?

MR. SHARON: I would say it has high quality materials as well.

MR. ZIMMERMAN: Okay and Starbuck's is a high quality in the world these days, wouldn't you agree with that? Whether you like their coffee or not?

MR. LA FIANDRA: Your Honor, object, objection to this question.

CHAIR: Yeah, that's sustained.

MR. LA FIANDRA: Thank you very much.

MR. ZIMMERMAN: Okay, sorry. Okay. So, that's the, the north east corner, correct?

MR. SHARON: Yes, sir.

MR. ZIMMERMAN: Okay. So, let's move to the, the north west corner is that mixed use that you've described, did you say was an animal hospital plus whatever, music was it?

MR. SHARON: Correct.

MR. ZIMMERMAN: Okay. Can you tell from your experience, that that looks like a very old building?

MR. SHARON: It does look fairly old, older than the existing bank building.

MR. ZIMMERMAN: Yeah, okay. And one story?

MR. SHARON: I believe it's two story.

MR. ZIMMERMAN: Okay. Okay and do you know how, let's move to the, I'm looking at my exhibits for a moment. Okay. So, People's Counsel, the assembly, assemblage of photographs and I've lost track of the numbers.

MS. JOLIVET: Tell me what (inaudible).

MR. ZIMMERMAN: If I can show the actual exhibit?

MS. JOLIVET: Sure. Number seven.

MR. ZIMMERMAN: People's Counsel Exhibit 7 is a group of photographs, and I didn't make them A, B, C but let's look at the last, next to last one. And 1698 East Joppa Road, does that look like the north west corner prominently on that photograph, Mr. Sharon?

MR. SHARON: Yes, it does.

MR. ZIMMERMAN: Does it look like a one story building to you or a two story?

MR. SHARON: It's one story along Joppa Road but on the rear of the property it's two story I believe.

MR. ZIMMERMAN: You can see two stories?

MR. SHARON: I can see the well on the right side of the building that I know goes down to a door.

MR. ZIMMERMAN: Would you say predominantly in fairness one story?

MR. SHARON: Yes, sir, I would.

MR. ZIMMERMAN: Okay and what kind of architecture is that? Do you, do you have enough experience to characterize

that architecture?

MR. SHARON: I, I do not but I know that this side is made of TMU and the front --

MR. ZIMMERMAN: Yeah.

MR. SHARON: -- where Beav's Smoke Shop is located, that's brick.

MR. ZIMMERMAN: Okay. Okay, thanks. Just wanted to clarify the height of that building.

MR. SHARON: Sure.

MR. ZIMMERMAN: All right. That leaves us with the other corner, which you mentioned is more of a conventional service garage?

MR. SHARON: Yes.

MR. ZIMMERMAN: What you thought actually was a more obnoxious use than the proposed Valvoline, correct?

MR. SHARON: Yes.

CHAIR: Yeah, well, I think what he said was there was more pneumatic --

MR. ZIMMERMAN: Yeah.

CHAIR: -- use of pneumatic device here and hence, to that extent, it was more obnoxious.

MR. ZIMMERMAN: Right. So, just a little zoning history, would it surprise you if the, on that corner there had been automotive either service station, a service garage use, since the 1940's?

MR. SHARON: It would not.

MR. ZIMMERMAN: Okay. Did you research that?

MR. SHARON: I did not.

MR. ZIMMERMAN: Okay. Just like to, I guess this will be People's Counsel Exhibit 9. This is a Petition for Zoning Reclassification on that property. And amazingly enough, in 1941, or if my, my vision is good enough it's a service station. Let's see, have I given you one, did I give anyone two copies?

MR. LA FIANDRA: Yes, you gave me two.

MR. ZIMMERMAN: Thanks, Mr. La Fiandra.

MS. JOLIVET: Thank you. I have two.

MR. ZIMMERMAN: Okay. Okay. I'm just going to, I'm just going to, just one question for Mr. Sharon. Does this, you know, from your knowledge of researching County zoning records, does this look like a, a County zoning record from that period of time?

MR. SHARON: It looks like a County record.

MR. ZIMMERMAN: All right.

MR. SHARON: I can't comment on the period of time.

MR. ZIMMERMAN: Okay. So, that would be People's Counsel Exhibit 8.

MS. JOLIVET: That was nine.

MR. ZIMMERMAN: Nine, excuse me. And then going to move through this quickly --

MR. LA FIANDRA: I, I, I hate to slow things down, but can I get an offer of proof of what this actually is? Because the witness didn't testify and I can't read it.

MR. ZIMMERMAN: Okay.

CHAIR: Yeah, yeah, why don't you just tell us what this is?

MR. ZIMMERMAN: It's a Petition for Zoning Reclassification to use the property as a service station.

MR. LA FIANDRA: And which property is it?

MR. ZIMMERMAN: Six, 1690, it's the, excuse me, this is for 1701 East Joppa Road, the south east corner.

MR. LA FIANDRA: Okay, I, Your Honor, --

MR. ZIMMERMAN: Sorry, sorry, excuse me for going too quickly.

MR. LA FIANDRA: With, with all due respect to counsel and to the Board, it appears from the diagram that's attached that it is actually 1641 East Joppa Road that the property deals with.

MR. ZIMMERMAN: Okay, all right. It's my mistake. All right. I accept Mr. La Fiandra's comment.

CHAIR: Yeah, and that's the subject property.

MR. ZIMMERMAN: Yes, the subject property, still submit.

MR. LA FIANDRA: So, and in fact, as you know, we operated that in 1941, there was a (inaudible) property.

MR. ZIMMERMAN: Yeah, so it's consistent. Yeah, in fairness, my, my oversight on that one. Okay. So, I apologize for that. Our next exhibit --

MR. LA FIANDRA: So, is, is this still number nine?

MR. ZIMMERMAN: Yeah, it's still number nine.

MR. LA FIANDRA: Okay.

MR. ZIMMERMAN: But it is as you, as you said, Mr. La Fiandra. Thank you. My next exhibit, which admittedly it's in small print again, from the County records microfilm, is I believe relating to the south east corner and it's 1989 vintage and it reflects the, some of the history of that site (inaudible) service station and/or garage use.

CHAIR: So, I, I'm like the last person in the world to tell counsel what counsel ought to be doing --

MR. ZIMMERMAN: The relevance?

CHAIR: -- but I'm, I'm having a little bit of trouble here following the relevance of the zoning history of the surrounding properties.

MR. ZIMMERMAN: Okay.

MS. JOLIVET: Thank you.

CHAIR: Okay? That's --

MR. ZIMMERMAN: Well, if I may then, the reason and, and the reason is to reflect and connecting, if I can connect it up as sometimes as I'm, lately I've been watching a lot of Perry Mason, I'm connecting it up with the idea that this is a

commercial revitalization area and you do have some older uses, some of which maybe have seen their better day. But the idea of the commercial revitalization is to upgrade and improve the area and I'm just showing that some of these other properties actually including what's now the Starbuck's, this whole intersection had very, very old uses. And now the idea is to revitalize and improve.

So, I'm providing that perspective that this, for example, this service garage, it's not some modern new use. It's been there a long, long, long time. So, the fact that you have a service garage on the opposite corner does not necessarily mean you should have another (inaudible) use on this corner in terms of revitalization. So, that's my thought process and that's why, given, even though we have, without objection, history as to the subject property, I think it's helpful to have the history of the entire intersection, so, that may or may not impress the Board but that's my thought process. And I'll connect it up with some additional questions regarding commercial revitalization.

CHAIR: Well, --

MR. ZIMMERMAN: Anyway, that's all I have on that point.

CHAIR: Okay, good.

MR. LA FIANDRA: So, --

MR. ZIMMERMAN: So, I mean, --

MR. LA FIANDRA: Would it be possible to get this exhibit in a format that we could read? I, I don't mean to be difficult --

MR. ZIMMERMAN: All right.

MR. LA FIANDRA: -- but I cannot make anything out on this page.

MR. ZIMMERMAN: We'll see if we can do better but that's, but that's what we could get from the County microfilm. I'll, I'll inquire of my staff if we can do that.

MR. LA FIANDRA: Okay. In the absence of that, I would object to this because I cannot make out anything on this. If, if we, if he can offer something that, that is legible, I, I have no objection to it.

MR. ZIMMERMAN: Well, I can read it, tell you that.

CHAIR: Well, I mean, can you read it with a mic, a magnifying glass or --

MR. LA FIANDRA: I, I'm, I'm wearing corrective lenses, I can't read almost everything else, I, I can't read this so I don't know.

MR. ZIMMERMAN: All right. We'll do the best we can but I can read it without the mic, you know, magnifying glasses. The, the main, I can get the gist of it for sure. Anyway, the, the main point of that, --

CHAIR: We'll, we'll see what we can do to enhance this to make it --

MR. ZIMMERMAN: Yeah, for what, I mean, the whole, the whole point of it is to reflect that this is a very old use, that's all. All right, let me move on. So, Mr. Sharon, and I'm not going to ask a lot of questions on this, but I did introduce various County Council resolutions concerning the Loch Raven commercial revitalization district. And they're exhibit, let me get the actual exhibit from Panel Member Randall Jolivet. Okay and I, I briefly, earlier described the resolution numbers. I just want to ask you, have you read these? Have you seen these?

MR. SHARON: I have not seen this resolution number eighty-three ninety-eight.

MR. ZIMMERMAN: Or any of the other res, take a look, any of the other resolutions, have you read any of them or even seen any of them? So, we're talking about 2004, 2006.

MR. SHARON: Um hm.

MS. JOLIVET: Oh, thank you.

MR. ZIMMERMAN: Up to 2016.

MR. SHARON: I don't recall specifically reading these resolutions.

MR. ZIMMERMAN: Okay.

MR. SHARON: Is this part of the resolution?

MR. ZIMMERMAN: Apparently.

MR. SHARON: Okay. I do not recall seeing that.

MR. ZIMMERMAN: Okay.

CHAIR: Keep your voice up.

MR. SHARON: I do not recall seeing that.

MR. ZIMMERMAN: Well, everyone will be relieved to know I'm not going to ask Mr. Sharon about documents he hasn't read. But interestingly enough, if they've separated out Loch Raven/Baynesville from Loch Raven/Satyr Hill, that, that would be actually consistent with your thought process that you don't have to go all the way to Satyr Hill in this revitalization district situation. Do you get what I'm --

MR. SHARON: Is that a question or comment, sorry?

MR. ZIMMERMAN: Well, I'm, I'm asking you, would that be consistent? The fact that if the County Council has separated out Loch Raven/Baynesville from well, you, you saw in the, in, let me just show you, well, that's Petitioner's Exhibit 11, let's take another look at it. Oh, and in terms of, okay. Do you see where the, at six, at I-695 to the left, you have what we might call Loch Raven/Baynesville and then touching only at a, a cor, at two corners lightly touching it is the area, whether we call it north or east of the beltway and the Satyr Hill Road area.

MR. SHARON: I see that location but I don't see anything with labels other than commercial revitalization district.

MR. ZIMMERMAN: No, no, label, but all I'm suggesting is that if those districts are, are actually identified

separately, that, that would kind of go along with your idea that we don't have to go all the way to Satyr Hill Road, I'm actually kind of agreeing with you, do you see that?

MR. SHARON: I understand that's your point, yes.

MR. ZIMMERMAN: All right, okay. So, you've heard of Baynes, does the name Baynesville mean anything to you?

MR. SHARON: Not off the top of my head, no.

MR. ZIMMERMAN: Okay. You don't know whether this intersection has in the past traditionally been called the Baynesville area?

MR. SHARON: I do not.

MR. ZIMMERMAN: Okay. Have you ever hear of Baynesville Electronics?

MR. SHARON: I do not.

MR. ZIMMERMAN: The past use? All right.

MR. SHARON: Sorry.

MR. ZIMMERMAN: All right. Let me ask you this. Do you know how many commercial revitalization districts there are currently?

MR. SHARON: Fourteen or seventeen.

MR. ZIMMERMAN: Okay and by the way, the master plan 2020 that we've been talking about, you know that was actually adopted in 2010?

MR. SHARON: Yes.

MR. ZIMMERMAN: Okay.

separately, that, that would kind of go along with your idea that we don't have to go all the way to Satyr Hill Road, I'm actually kind of agreeing with you, do you see that?

MR. SHARON: I understand that's your point, yes.

MR. ZIMMERMAN: All right, okay. So, you've heard of Baynes, does the name Baynesville mean anything to you?

MR. SHARON: Not off the top of my head, no.

MR. ZIMMERMAN: Okay. You don't know whether this intersection has in the past traditionally been called the Baynesville area?

MR. SHARON: I do not.

MR. ZIMMERMAN: Okay. Have you ever hear of Baynesville Electronics?

MR. SHARON: I do not.

MR. ZIMMERMAN: The past use? All right.

MR. SHARON: Sorry.

MR. ZIMMERMAN: All right. Let me ask you this. Do you know how many commercial revitalization districts there are currently?

MR. SHARON: Fourteen or seventeen.

MR. ZIMMERMAN: Okay and by the way, the master plan 2020 that we've been talking about, you know that was actually adopted in 2010?

MR. SHARON: Yes.

MR. ZIMMERMAN: Okay.

MR. SHARON: Fourteen in that document.

MR. ZIMMERMAN: So, so, whatever Mr. McCann submitted was written in 2010 or adopted in 2010, correct? Do you know that?

MR. SHARON: Mr., sorry?

MR. ZIMMERMAN: The, the master plan 2020 excerpts that he submitted while, while 2020 is the name of the master plan, it was actually adopted in 2010 looking forward to 2020, right?

MR. SHARON: Correct, I'm aware of that.

MR. ZIMMERMAN: Okay. Just to clarify.

MR. SHARON: Sure.

MR. ZIMMERMAN: Just to clarify that. Let's see if I have, looking for my additional exhibits. Maybe, I think I already submitted this actually. So, so my People's Counsel exhibit with the array of commercial revitalization districts. Okay. This is People's Counsel three, okay? So, again, this is taken from the County's website today, okay? And I'll just, to speed things up, let's assume my arithmetic is correct and we've got seventeen now.

MR. SHARON: Eighteen?

MR. ZIMMERMAN: Oh, is it eighteen? All right. I'll, I'll trust you're arithmetic. I thought it was seventeen, but. And let's assume maybe it was fourteen as of 2010 and several may have been added, okay? You, you're not,

I'm not expecting you to know the detail history. But if we look at this exhibit, do we see something relatively in common about all these districts that they're either downtown areas or older commercial strips, Pikesville, Parkville, Overlea, Perry Hall and, and so on and so forth?

MR. SHARON: I wouldn't call Perry Hall very old but.

MR. ZIMMERMAN: Parts of it?

MR. SHARON: Sure.

MR. ZIMMERMAN: Historic, isn't Perry Hall a historic area?

MR. SHARON: Parts of it.

MR. ZIMMERMAN: Parts of it, okay. All right. Did you happen to look at this, this array, this map prior to today's case?

MR. SHARON: I have not, no.

MR. ZIMMERMAN: Okay. Okay. Okay, you've got the, okay.

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: So, would it be reasonable, based on everything we know about revitalization districts, that the idea is to improve these older districts which, to some extent, in part, if not in whole, deteriorated?

MR. SHARON: The goal is to revitalize, yes.

MR. ZIMMERMAN: Okay. Okay. Okay. All right. Trying, I'm trying to move through this. Okay. I just want to

clarify because I, I know there's some, been some questions about what sort of comparison you did in reference to the special exception review. But the zone is BL, we, we agree with that. We, that's undisputed, correct?

MR. SHARON: Yes.

MR. ZIMMERMAN: The current zone is BL. Now, there's no AS overlay district, is there?

MR. SHARON: That is also correct.

MR. ZIMMERMAN: Do you know what the AS district is, basically?

MR. SHARON: Automatic Service.

MR. ZIMMERMAN: That's an overlay district, correct?

MR. SHARON: That's correct.

MR. ZIMMERMAN: Okay. Does that matter, in your opinion? Should, should that be a factor, the factor this does not happen to be also in an AS district?

MR. SHARON: It, it does not.

MR. ZIMMERMAN: Okay. Okay. Now, the commercial revitalization district, they are not zones, would you agree with me on that? There are master plan areas?

MR. SHARON: I would agree they are districts and not zones.

MR. ZIMMERMAN: Okay and they're, they're set, they're set forth generally speaking in the master plan and then there are resolutions adopt, the County Council adopts

resolutions, they're not adopted by legislation, do you agree with that?

MR. SHARON: Yes.

MR. ZIMMERMAN: Okay, all right. So, would you agree with me that when, assuming there are any significant adverse impacts, then the inquiry is whether they are above and beyond what, what is likely at other locations in the zone generally regardless of whether or not those locations happen to be in a commercial revitalization district? Would you agree with me about that?

MR. SHARON: One more time, please, sorry?

MR. ZIMMERMAN: Would you agree that the relevant comparison, if, if the Board should see that there are any significant adverse impacts at this location, the relevant comparison would be with other locations in the zone generally, locations which happen to be in one of the other commercial revitalization districts or this one, or prop, many properties in BL zones that don't happen to be in revitalization districts, one has to look at all of them.

MR. LA FIANDRA: Your Honor, I, I think, --

MR. ZIMMERMAN: Do you agree, that's my --

MR. LA FIANDRA: -- I think counsel is mischaracterizing the legal test in an effort to confuse the witness. I think the legal test is very clear. It's set forth in a number of cases that have been cited today and I know the

Board is very familiar with, as is both counsel, both of whom are extraordinarily experienced. It, it does, this test does not have to do with comparing other, dropping the use in other locations in the zone. It has to do with whether or not there are adverse impacts above and beyond those that you would typically associate with the use. That's it. And I think that counsel is trying to confuse the witness by asking this convoluted question about where, the basis of comparison.

CHAIR: Well, the, the question is convoluted, okay? The, but is, isn't it correct that in order to do a *Schultz v. Pritz* analysis, that you have to define the locale?

MR. LA FIANDRA: Absolutely.

CHAIR: Okay.

MR. LA FIANDRA: And you heard the witness do that. But I think that where we're, where we're entering the area of confusion is taking the use and comparing it to what the impacts would be if it were elsewhere in the zone. And none of the cases say that and, in fact, cases that Mr. Zimmerman have been involved in and won say that that is not the case, that is not the appropriate standard to use. That the standard to use is what are the adverse impacts anticipated from the proposed use at the propose location and are they greater than you would typically associate with the proposed use period.

MR. ZIMMERMAN: May I? That's absolutely wrong.

CHAIR: Yeah, I don't think he's saying that.

MR. ZIMMERMAN: It's above and beyond at other locations, that would, other locations in the zone, I can get the *Schultz v. Pritz* case out and quote it.

CHAIR: Right.

MR. ZIMMERMAN: I mean, we've seen it many, many times.

MR. LA FIANDRA: And --

MR. ZIMMERMAN: And I can ask a more simpler question.

MR. LA FIANDRA: We, we, we have, we have this case, *Attar v. Tollgate, DMS Tollgate* and this case says very clearly that the, the, I'll read it to you, it's right here. The Protestants did not present facts and circumstances pertaining to the adverse impact at issue that show that the particular use at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use period and they emphasize the period. I'm not making it up. I'm, I'm being serious. The Court has, it's a Court of Appeals case from 2017.

MR. ZIMMERMAN: The quotation is out of context. If one reads the entire language since *Schultz v. Pritz*, page eleven, okay? 291 Md. 1, page eleven and it's been quoted in *Loyola College* and every other case. The, the language goes on for a paragraph or two, so you can't take one sentence out of context. It's the above and be, the question is, are the

adverse effects particular, meaning above and beyond those likely in the zone? And I can get the quote out --

MR. LA FIANDRA: Yeah, you --

MR. ZIMMERMAN: -- and, and I can simplify my question, by the way.

CHAIR: Well, may, maybe if you simplified the question we could move on.

MR. ZIMMERMAN: All right.

CHAIR: Without having to resolve this. But, --

MR. ZIMMERMAN: Yeah, let me, let me see if I can simplify it and move on.

CHAIR: Please do.

MR. ZIMMERMAN: Okay, all right. Mr. Sharon, you have, in answer to questions either from Mr. La Fiandra or Mr. McCann or both, commented on your view as to whether the use here has adverse effects over and above that would be antic, which would be anticipated in other locations, is that correct? Did you comment on that?

MR. SHARON: Correct.

MR. ZIMMERMAN: Okay. My question is, in your opinion and/or based on your review of this case, is it relevant to consider by way of comparison, locations that are in the BL zone but which do not happen to be in the commercial, any commercial revitalization district? Relevant or irrelevant?

MR. SHARON: In my opinion, I did do the analysis so I thought it was somewhat relevant.

MR. ZIMMERMAN: And what other BL zone areas did you look at that are not, that are not in commercial revitalization districts?

MR. SHARON: I, I focused on, I think I said, my testimony earlier the areas in the BL and overlay district and I gave you an example as to Gavigan's down the street.

MR. ZIMMERMAN: Okay, which is also in the commercial revitalization district?

MR. SHARON: Correct.

MR. ZIMMERMAN: Can you identify any other property you looked at that's zoned BL but not in the commercial revitalization district?

MR. SHARON: I did some comparisons with other properties that the client was looking at on York Road, I believe also zoned BL.

MR. ZIMMERMAN: But that was for site selection.

MR. SHARON: Correct, but the same criteria would apply.

MR. ZIMMERMAN: Okay, all right. I'm going to move on, Mr. Chairman, from that. Just a couple more questions. Now, you've indicated that you've represented, you've done work for Valvoline Group for a fair amount of time, correct?

MR. SHARON: Correct.

MR. ZIMMERMAN: Would it be fair to say that either many or most of their operations are two bay operations?

MR. SHARON: No, Valvoline tries to have four bay, on occasion there will be a three bay but I do know of a two bay but it was a takeover, not a facility they constructed.

MR. ZIMMERMAN: Okay. Okay. Okay, my next exhibit is a series of photographs.

MR. LA FIANDRA: Thank you.

MR. ZIMMERMAN: Of Valvoline operations. Let's see.

MS. JOLIVET: Thank you.

MR. MCCANN: Thank you.

MR. ZIMMERMAN: So, and I'd, I'd like to show, this People's Counsel eleven. Okay and I'm going to show you this and before I ask a question, I'll ask you to take, take a look at these Google Map photographs of what appear to be Valvoline facilities around the State of Maryland, Ritchie Highway, Montgomery Road, Baltimore Annapolis Boulevard, Glen Burnie, and West Street, Annapolis, both aerials and street views, Laurel, Maryland and, and Middle River, I believe that being the Martin's that you mentioned. And, and I guess the first thing I'll ask you is whether, either are you familiar with these or do you question --

MR. SHARON: Some of them.

MR. ZIMMERMAN: Yeah, and aren't these either two or three bay operations, generally speaking, on properties as

large or larger than, than the site here --

MR. SHARON: Sure. Can't speak to the size of the property but, sorry. I can't speak to all the sizes of the property but I'm familiar with the Brooklyn Park. I've had my vehicle serviced at that location and I believe Mr. Kazazian can confirm, but that was not one they constructed, that two bay facility. That was a, a takeover and that's not a prototype that we'd be proposing today.

MR. ZIMMERMAN: Okay. What about Ritchie Highway? Or is that the same thing as Brooklyn Park?

MR. SHARON: Sorry, yeah, Ritchie Highway, that, that, that first page is the same facility, you're just looking at an, an image from angle and then street level. But, again, that's not the, the same building that we're proposing. That was an existing facility that Valvoline took over.

MR. ZIMMERMAN: All right. What about Ellicott City, 4215 Montgomery Road?

MR. SHARON: I have not had my vehicle serviced at that location.

MR. ZIMMERMAN: Looks like two, two bays, doesn't it?

MR. SHARON: It actually looks like three to me. I see on the left, and that could just be a shadow but perhaps you're right. Glen Burnie is a three bay facility.

MR. ZIMMERMAN: Yeah. Okay, so maybe your other witness could also comment --

MR. SHARON: Sure. I'd say the, the Annapolis one also looks like a takeover, that two bay. That doesn't look like a prototype that I'm familiar with.

MR. ZIMMERMAN: Okay. So, I just I want, getting back to my thought process regarding the Interstate 695 being close by. Wouldn't the idea of a four bay facility be consistent with the idea that really you're looking for commuter traffic, at least substantially and not, not so much, you know, people who, who live, you know, within a quarter mile or half a mile?

MR. SHARON: It's more of an operational and long term business plan, which I think Mr. Kazazian would be better to answer that, why a four versus a three.

MR. ZIMMERMAN: Or two for that matter.

MR. SHARON: I'm not aware of a two that Valvoline has in the prototype.

MR. ZIMMERMAN: Okay. Okay and from a, if you can, from an engineering point of view, the idea of, of limiting the Joppa Road access to exit only, you agreed with that, correct? Or the Petitioner did?

MR. SHARON: I didn't see an issue with it.

MR. ZIMMERMAN: Okay. But, I mean, does that have anything to do with recognizing that, that that's a congested intersection and that's a problem situation at that inter, you know, having this so near that intersection?

MR. SHARON: No, it did not. It was more of a, the operation. You enter from the rear, you exit from that side. In fact, at the Design Review Panel, we discussed this, that someone, I believe Mr. Hoard, had suggested that we put a parking space on that side and we thought that would actually be confusing for the public to, you know, have that movement. So, nothing to do with the intersection being busy, just more of an operational thing and where we want the flow of traffic.

MR. ZIMMERMAN: Okay. Do you know what the level of service is at that intersection under the County coding? Is it Level D, do you know?

MR. SHARON: I believe it's in the D traffic shed.

MR. ZIMMERMAN: Okay. That may not be failing, but that's not a great grade, is it?

MR. SHARON: I don't have an opinion on that, but you can consult the traffic engineer.

MR. ZIMMERMAN: As a civil engineer, you have no opinion on --

CHAIR: Really, we don't need to fight about it, okay?

MR. ZIMMERMAN: All right.

CHAIR: Let's just kind of keep it moving here.

MR. ZIMMERMAN: All right. Okay. That's all I have, Mr. Chairman.

CHAIR: Okay. So, your re-direct is going to be

short and crisp, correct?

MR. LA FIANDRA: As quick as, as crisp as I can make it. I think I have --

CHAIR: Sometimes, sometimes less is more.

MR. LA FIANDRA: I understand completely.

CHAIR: Okay.

MR. LA FIANDRA: The, what's the address of the property?

MR. SHARON: 1641 East, or Joppa Road, sorry.

MR. LA FIANDRA: And where is, just to be clear, the front door, if --

MR. SHARON: The front door is facing Joppa Road.

MR. LA FIANDRA: And, okay, thank you. And the other doors, because you said there were four doors altogether.

MR. SHARON: Four other man doors.

MR. LA FIANDRA: Man doors, yes.

MR. SHARON: Correct.

MR. LA FIANDRA: And they are not of the architectural style that would invite the public in through them, is that correct?

MR. SHARON: Correct.

MR. LA FIANDRA: Okay and from a zoning perspective, how does one determine where the front of the building is? How does one determine the orientation of the building?

MR. SHARON: Which way the front door is facing.

MR. LA FIANDRA: Okay. Now, do you, do you ever have occasions within your office to disagree with other professionals?

MR. SHARON: All the time, yes.

MR. LA FIANDRA: And does the fact that Mr. Bradley or one of the other engineers had made a judgment call at the time to request a variance of whatever type they asked for, does that, what does that mean to you in coming, in coming up with your plan here?

MR. SHARON: It doesn't mean anything.

MR. LA FIANDRA: Okay. So, and is it possible that the orientation of a lot on a corner could change depending on, pardon me, let me rephrase the question. Is it possible that the, that a building that's situate on a corner might be oriented tow, in, in one direction and then be re, and the site be redeveloped and the building be oriented in another direction?

MR. SHARON: Absolutely.

MR. LA FIANDRA: Okay and is that perhaps what's happening here?

MR. SHARON: It is possible, yes.

MR. LA FIANDRA: And the, to your way of thinking, does the fact that customers will gain entrance in their cars from Loch Raven to the site bear on the orientation of the property being toward Joppa Road?

MR. SHARON: It does not.

MR. LA FIANDRA: Okay. Now, if the property was rezoned to BL during the CZMP, which was pointed out to you, that would not come up in your search of the zoning cases which you had described, is that correct?

MR. SHARON: That's correct.

MR. LA FIANDRA: And that wouldn't mean the property wasn't rezoned, it just means it wasn't in the zoning cases that you're required to look for, through?

MR. SHARON: That is also correct.

MR. LA FIANDRA: Okay and because there were some questions about what does it even matter, why do you even, why do we even go through this? These zoning, this zoning history is a requirement from the Zoning Office to put on this site plan, is that right?

MR. SHARON: Yes, it is. It's on the zoning checklist.

MR. LA FIANDRA: And they won't take our, your plan if you don't put the zoning history on it, on the, --

MR. SHARON: That is correct, they won't.

MR. LA FIANDRA: And that's a, that's a plan requirement?

MR. SHARON: Yes, it is. They would reject the plan and not allow it to be filed.

MR. LA FIANDRA: And, and that's not say that that

information, and it's required for a reason, which we might discuss at another time but that might or might not bear on the suitability of the site for an approval or a use or a special exception or a use permit or something like that, is that right?

MR. SHARON: Yep, correct.

MR. LA FIANDRA: Okay and is there any requirement that the zoning history of surrounding properties be on, on the site plan?

MR. ZIMMERMAN: Objection, objection.

MR. SHARON: That's not in the checklist.

MR. LA FIANDRA: Okay.

MR. ZIMMERMAN: That's really not re-direct. Nobody said it was required to have a zoning history of other properties on the site plan.

CHAIR: Well, I'm, I'm overruling it.

MR. LA FIANDRA: Thank you. This is Protestant's number four and you were asked a question by Mr. McCann about, on page one forty-one, do you have that before you?

MR. SHARON: No.

MR. LA FIANDRA: This is my copy of number four and it says here studies consistently show that when customers buy from an independent, locally owned business over two-thirds of the money spent stays in the community and is used for purchasers from other local businesses. To your knowledge, is

Howard Bank a local business?

MR. SHARON: I'm unaware.

MR. LA FIANDRA: All right and do you recall if First National Bank was a local business?

CHAIR: It was 1st Mariner --

MR. SHARON: 1st Mariner?

MR. LA FIANDRA: Oh, pardon me, 1st Mariner, yes.

MR. SHARON: I believe 1st Mariner was, they had a large tower in Canton.

MR. LA FIANDRA: And that, and this was a 1st Mariner Bank, is that correct?

MR. SHARON: That is correct.

MR. LA FIANDRA: That was before Howard Bank bought it?

MR. SHARON: Yes, that's correct.

MR. LA FIANDRA: And, of course, it's been shut for over a year now, is that right?

MR. SHARON: Yeah, my memory is at least a year.

MR. LA FIANDRA: Okay. Your Honor, I'm happy to say I think that's it.

CHAIR: Great.

MR. LA FIANDRA: Thank you.

CHAIR: Mr. McCann, anything?

MR. MCCANN: No, nothing.

CHAIR: Okay.

MR. ZIMMERMAN: Nothing.

CHAIR: Nothing. All right.

MR. MCCOMAS: I, I have, I have three questions for you.

CHAIR: Okay.

MR. MCCOMAS: Did you make a professional decision not to continue the variance on Loch Raven Boulevard because of the readjustment in the doors?

MR. SHARON: I did not weight that.

MR. MCCOMAS: You didn't weigh that?

MR. SHARON: Correct.

MR. MCCOMAS: The other question is, do you know whether or not this property is in the, is it the (inaudible) zone?

MR. SHARON: I don't believe it is. Since I've been there, the houses in the back were torn down from that spill and the park was constructed. It is not nearby but to the extent of where that, that fuel would have leaked to, I'm uncertain.

MR. MCCOMAS: You, you didn't do that any, in preparation for this site?

MR. SHARON: No, I did not study where --

MR. MCCOMAS: You didn't do that?

MR. SHARON: -- that --

MR. MCCOMAS: How about the prior existence of the

gasoline stations? Did, did you do anything with respect to anything that they may have left behind?

MR. SHARON: No, sir, that's outside of my jurisdiction.

MR. MCCOMAS: That's my three.

MR. SHARON: Okay.

CHAIR: Okay. Anyone have anything else? Okay. Well, Mr. Sharon, you've been excused and I guess we will stop now.

MR. LA FIANDRA: Okay.

CHAIR: And we're scheduled to resume on April --

MR. LA FIANDRA: April 2nd.

CHAIR: April 2nd.

MR. LA FIANDRA: Yep.

CHAIR: Okay and we --

(OFF THE RECORD - 03:57:06 PM)

CERTIFICATE OF TRANSCRIBER

I hereby certify that the hearing in the matter of M and S Limited Partnership, case number 19-070-SPHX, heard before the Board of Appeals of Baltimore County, March 5, 2019 were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers 1 through 219 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 14th day of June, 2020.

Christine R. Leary

Christine R. Leary

Transcriber

RECEIVED
JUL 13 2020
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF:

M AND S LIMITED PARTNERSHIP – LEGAL OWNER AND PETITIONER
(f/k/a HOWARD BANK)

CASE NUMBER: 19-070-SPHX

Hearing Date: June 27, 2019

Pursuant to Notice, the above-entitled hearing was held before the Board of Appeals for Baltimore County at the Jefferson Building, Second Floor, Suite 203, 105 West Chesapeake Avenue, Towson, Maryland 21204.

PANEL PRESIDING:

JOSEPH L. EVANS, CHAIR

WILLIAM A. MCCOMAS, BOARD

KENDRA RANDALL JOLIVET, BOARD

PRESENT ON BEHALF OF THE PARTIES:

DINO C. LA FIANDRA, ESQUIRE
Counsel for Petitioners

MICHAEL R. MCCANN, ESQUIRE
Counsel for Protestants

PETER MAX ZIMMERMAN, PEOPLE'S COUNSEL

Christine R. Leary
3129 Hiss Avenue
Baltimore, Maryland 21234

TABLE OF CONTENTS

Description	Page
Petitioner's Exhibit 16	7
Petitioner's Exhibits 17, 18	8
Cross exam of Peter Moulder by Mr. Zimmerman	10
People's Counsel Exhibit 21	12
People's Counsel Exhibit 22	13
Cross exam of Mr. Moulder by Mr. La Fiandra	78
Re-direct exam of Mr. Moulder by Mr. McCann	95
Re-cross exam of Mr. Moulder by Mr. Zimmerman	99
People's Counsel Exhibit 23	99
Re-cross exam of Mr. Moulder by Mr. La Fiandra	103
Re-direct exam of Mr. Moulder by Mr. McCann	106
Direct exam of Paul Hartman by Mr. McCann	109
Protestant's Exhibit 21	112
Cross exam of Mr. Hartman by Mr. Zimmerman	117
Direct exam of Jason Bulkeley by Mr. Zimmerman	120
Direct testimony of John Fiastro	135
People's Counsel Exhibit 24	142

(ON RECORD - 10:02:57 AM)

CHAIR: Okay. So, folks, we are here for day three of case number 99-251, I'm sorry, 19-070-SPHX regarding the Valvoline Outlet at basically at Loch Raven and Joppa.

MR. LA FIANDRA: That's correct.

CHAIR: And we've heard the Protest, I mean, we've heard the, oh, you can all be seated, sorry. We've, thank you for that.

MR. MCCANN: Thank you.

CHAIR: We've, we've heard, we've heard from the Petitioner and the Petitioner presented your entire case.

MR. LA FIANDRA: That's correct.

CHAIR: And we were in the Protestant's case. So, are we ready to resume with that or?

MR. MCCANN: We are.

CHAIR: Okay.

MR. MCCANN: Good morning, everybody.

MS. JOLIVET: Good morning.

MR. MCCANN: Michael McCann for the Protestants.

CHAIR: Yes.

MR. LA FIANDRA: Good morning. Dino La Fiandra for the Petitioners. We do have a preliminary matter.

MR. ZIMMERMAN: Can I identify myself? May I?

CHAIR: Oh, yeah, and --

MR. ZIMMERMAN: May I?

CHAIR: Mr. Zimmerman is here also for People's Counsel.

MR. ZIMMERMAN: Peter Max Zimmerman, People's Counsel for Baltimore County, Towson, Maryland.

CHAIR: Yes. Okay, so we have a preliminary matter?

MR. LA FIANDRA: Very briefly.

CHAIR: Sure.

MR. LA FIANDRA: Since the time of the last hearing, the property, Valvoline has purchased the property. We have the Deed for the property that we'd like to submit, as well as an Amended Petition identifying the entity which owns the property, which is M and S Limited Partnership, which is a Massachusetts limited partnership. We're in the process of getting the name of the resident agent. Mr. Zimmerman wanted us to put that on the record. But otherwise, I just have the, the Deed, the Amended Petition and an amended site plan, a redline site plan. The only change on this redline site plan is the, the name of the property owner.

CHAIR: Okay.

MR. LA FIANDRA: Everything else is the same and that is identified under the revisions. It says June 25th, redlined to update owner information and identifies the new owner, the owner, the new owner as M and S Limited Partnership with the address. And Mr. Kazazian, his name is under that as well. He's the agent for the partnership.

CHAIR: Okay.

MR. LA FIANDRA: So, if I may, I don't think this requires any testimony. I just wanted to submit the red, the amended Petition, as well as the Deed for the property and copies for the Board and counsel of the red, the redline site plan.

CHAIR: Okay. Is there any objection?

MR. ZIMMERMAN: Well, comment. I've decided to be like super cooperative and not object to this amendment.

CHAIR: Okay.

MR. ZIMMERMAN: So, at, at the beginning of the hearing, we would like to get this done. I would like it clarified that this is a Massachusetts corp, limited partnership. I would like to know if this limited partnership is just for this location or, or whether this is a, kind of an ongoing limited partnership that operates elsewhere.

CHAIR: Okay.

MR. ZIMMERMAN: And I'd like to clarify, I believe we did look at, we did find out, I think last week, that the sale had, you know, the sale had occurred. We did some research and I think the resident agent is one of these corporate pro forma resident agents. So, --

CHAIR: Well, there's nothing illegal about that.

MR. ZIMMERMAN: No, but, but I, but I, I just would like to know if this is a limited partnership. I'm sure Mr.

Kaz --

MR. LA FIANDRA: Kazazian.

MR. ZIMMERMAN: -- Kazazian knows if this limited partnership is just for this site or whether this is a, an ongoing limited partnership that has many sites.

MR. LA FIANDRA: I can proffer the answer or we have Mr. Kazazian here.

MR. ZIMMERMAN: No, a proffer is fine. I trust Mr. La Fiandra.

CHAIR: Yeah, and okay, yeah, sure.

MR. LA FIANDRA: This is an entity that owns multiple sites.

CHAIR: Okay.

MR. LA FIANDRA: Yes. In Maryland and elsewhere.

CHAIR: Okay.

MR. LA FIANDRA: Yes.

CHAIR: Is that --

MR. ZIMMERMAN: Yeah, I just wanted to get that clarified.

CHAIR: Is that itch scratched now?

MR. ZIMMERMAN: Yes, and it is for Massachusetts, so that's clear.

MR. LA FIANDRA: And it has an in state resident agent and we will supply the name to the Board.

CHAIR: Okay, that's fine. So, Mr. McCann, --

MR. MCCANN: No objection, no objection.

CHAIR: -- no, okay.

MR. LA FIANDRA: Okay. So, then, with the Board's permission, I'd like to submit these items.

CHAIR: Absolutely.

MR. LA FIANDRA: I believe our next exhibit is number fifteen.

MS. JOLIVET: I have sixteen.

MR. MCCANN: Sixteen.

MR. LA FIANDRA: Sixteen, okay, thank you.

MS. JOLIVET: I have that because Petitioner's sign in sheet is number fifteen.

MR. LA FIANDRA: Okay, wonderful.

MR. ZIMMERMAN: The Amended Petition, is that an exhibit?

MR. LA FIANDRA: I, I'm marking it as an exhibit right now, it's number sixteen. Thank you. And would the Board members like a copy? It --

CHAIR: It probably makes sense, yes.

MS. JOLIVET: Yes.

MR. LA FIANDRA: Sure. There you are.

MS. JOLIVET: Thank you.

MR. LA FIANDRA: Sure. One for you.

CHAIR: Thank you.

MR. LA FIANDRA: And Peter, I already gave you one.

MR. ZIMMERMAN: Yes.

MR. MCCANN: Thank you.

MR. LA FIANDRA: And then, pardon me. The Deed will be number seventeen.

MR. MCCANN: Thank you.

MR. LA FIANDRA: Peter, I gave you one as well.

MR. ZIMMERMAN: You got, I got it.

MR. LA FIANDRA: Thank you. This one is number seventeen.

MS. JOLIVET: All right.

MR. LA FIANDRA: Thank you. And one for you.

MS. JOLIVET: Thank you.

MR. LA FIANDRA: Thank you.

CHAIR: Thank you.

MR. LA FIANDRA: And lastly, the redline site plan which will be number eighteen. That's for the exhibit.

MS. JOLIVET: Thank you.

MR. LA FIANDRA: That's one for you.

MS. JOLIVET: Thank you.

MR. LA FIANDRA: And for you.

CHAIR: Thank you.

MR. ZIMMERMAN: The site plan.

MR. LA FIANDRA: One for you. And Peter, I don't think I gave you this.

MR. ZIMMERMAN: No, I, I would have agreed to just

redline (inaudible). Okay.

CHAIR: Are these pre-marked or, no?

MS. JOLIVET: No.

CHAIR: No.

MR. LA FIANDRA: That concludes my preliminary matter. Thank you.

CHAIR: Okay.

MR. ZIMMERMAN: I think my turn, I believe.

MR. MCCANN: Yeah, just, just to remind everybody where we left off is I, I called our first witness, which I think, who was Peter Moulder.

CHAIR: Right.

MR. MCCANN: And then Peter Zimmerman had some cross examination questions.

CHAIR: Okay.

MR. MCCANN: Beyond that, the only, I think we're going to call one more witness, who is Paul Hartman.

CHAIR: Okay.

MR. MCCANN: And that should be our case.

MR. ZIMMERMAN: Yeah.

CHAIR: All right. Okay. So, Mr. Moulder, --

MR. ZIMMERMAN: In fairness, I wouldn't call Mr. Moulder an adverse witness with respect to my office.

CHAIR: Yeah.

MR. ZIMMERMAN: So, supplemental examination.

CHAIR: Well, if that makes a difference we'll deal with it.

MR. ZIMMERMAN: Just trying to call things by their right name maybe.

CHAIR: Right. So, I guess he, he should take the stand again and maybe we should re-swear you since it's been --

MR. MOULDER: I can hardly remember what I swore to before, so, it's been a while.

MR. MCCOMAS: It's written down here. If everybody can shut, turn off their cell phones. Do you swear and affirm under the penalties of perjury, the testimony you're about to give is true and correct to the best of your knowledge and belief?

MR. MOULDER: I do.

MR. MCCOMAS: Please state your name, your business, your address for the record and spell your last name, please.

MR. MOULDER: Peter Moulder, retired. My address 1552 Dellsway Road, Towson, Maryland 21286. And last name is spelled Moulder, M-O-U-L-D-E-R.

CHAIR: Okay. You can sit down.

MR. MOULDER: Okay.

CHAIR: Just try and speak into the microphone so that we can all hear you, okay?

MR. MOULDER: Okay.

CHAIR: Mr. Zimmerman?

MR. ZIMMERMAN: Okay. Mr. Moulder, just to clarify, you and I early on when this Petition was filed chatted, you contacted my office and we chatted a bit.

MR. MOULDER: That's correct.

MR. ZIMMERMAN: All right. But you, do you know what I'm going to ask you this morning?

MR. MOULDER: I have no idea.

MR. ZIMMERMAN: If I ask a question that was already asked before, I apologize. I'll try not to be repetitive. You grew up in the Baltimore area?

MR. MOULDER: I did.

MR. ZIMMERMAN: And you've been in, in, in this area for how many years? Meaning this Loch Raven --

MR. MOULDER: It'll be thirty-one years in September.

MR. ZIMMERMAN: Okay and, and where did you go to high school?

MR. MOULDER: I went to North Western High School in Baltimore City.

MR. ZIMMERMAN: And what year did you graduate?

MR. MOULDER: Nineteen seventy-three.

MR. ZIMMERMAN: Okay and did you go to college?

MR. MOULDER: I went to Washington College in Chestertown, Maryland. Graduated in 1977.

MR. ZIMMERMAN: Okay and then for many years, you, you had your career in, was it (inaudible), advertising, what

was your career again?

MR. MOULDER: I was in sales and marketing for twenty-five years with Proctor & Gamble and then ten years with the J.M. Smucker Company, Smucker's.

MR. ZIMMERMAN: Okay.

MR. MOULDER: Got to sell jam and jelly and coffee.

MR. ZIMMERMAN: Okay. All right. I have a couple of, some exhibits, which I already provided to the other counsel that at this point I'd like to introduce.

CHAIR: Is there going to be any objection to any of those?

MR. LA FIANDRA: I, I don't know really what they are. It doesn't look like they're objectionable.

MR. ZIMMERMAN: What, what number are we up to, Madam --

MS. JOLIVET: You're on number twenty-one.

MR. ZIMMERMAN: Okay. So, this is the, the standard Baltimore City/County ADC highway map with the, the excerpt, the page that relates to this area. I'm looking for the page numbers. I think the page number is covered by the staple, sorry. But, and the map is in color.

CHAIR: Thank you.

MS. JOLIVET: Do you have an extra copy?

MR. ZIMMERMAN: I do, I do, of course.

MS. JOLIVET: Thank you. Appreciate it.

MR. MCCANN: Just so you guys know, I'm, I might stand up every once in a while, I'm having some back issues, so.

CHAIR: Okay. So, we don't necessarily have to call on you?

MR. MCCANN: No, I'll keep quiet otherwise. I may scream in pain, but.

MR. ZIMMERMAN: Okay and to speed things up, I have a series of Google maps, satellite maps, of the area from different perspectives, different parts of the area. So, this would be People's Counsel twenty-two and I've already pre-marked them A to J.

CHAIR: Okay.

MR. ZIMMERMAN: So, the, all you, all we have to have is a number.

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: And I'll, in a little while I'll get to questions on these, but I thought it'd be quicker to --

CHAIR: I think it is.

MR. ZIMMERMAN: -- get, (inaudible). Okay, all right. I would like to show Mr. Moulder the, People's Counsel's twenty-one. I think, think the Board has an extra, if I can --

MS. JOLIVET: Sure.

MR. ZIMMERMAN: -- we permit him to look at it.

MS. JOLIVET: Um hm.

MR. ZIMMERMAN: Can, can Mr., Mr. Moulder, as we see towards the top of the map, which is actually page sixty-two, are you familiar with the ADC map system, by the way?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay. So, we can see Joppa and Mylander Lane, toward the left hand top of the page?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay and we know that the, the Loch Raven/Baynesville district, as we've previously seen, starts a little bit west of Mylander, are you with me on that?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Then, at least east/west it, it goes to the beltway, does it not?

MR. MOULDER: Yes, pretty much.

MR. ZIMMERMAN: Okay and that's where actually at a point on the other side of the beltway we've seen from a Petitioner's exhibit that the Loch Raven/Satyr Hill district part of the overall district starts, correct?

MR. MOULDER: Correct.

MR. ZIMMERMAN: Okay. Now, we have a, there's a scale on the top of the map and I would suggest to you, just to speed things up, and tell me if this sounds about right to you, that it's a, it's a little bit more than a mile from Mylander to the beltway? So, in other words, east/west the district

extends for a little over a mile?

MR. MOULDER: Correct.

MR. ZIMMERMAN: Okay and then as we go north/south at Loch Raven, do you recall the, the district starts somewhat above Joppa Road, we'll look again at the actual district map, and goes down to Joan Avenue, do you recall that?

MR. MOULDER: Well, it actually would go down to Taylor Avenue.

MR. ZIMMERMAN: Well, the Loch Raven/Baynesville section, just so, just so, to refresh your recollection, Petitioner's exhibit, Petitioner was nice enough to put in, I think it's number eleven, the district. And the Board has, the Board has it. So, the Loch Raven/Baynesville section goes down to --

MR. MOULDER: Oh, we're speaking --

MR. ZIMMERMAN: -- yeah, the Loch Raven/Baynesville revitalization district --

MR. MOULDER: -- commercial, right, okay. Okay, okay.

MR. ZIMMERMAN: -- then there's that separate Loch Raven/Hillendale district down, down by Loch Raven and Taylor.

MR. MOULDER: Yes.

MR. ZIMMERMAN: Then it's, and counsel divided up the Loch Raven/Baynesville from Loch Raven/Satyr Hill at, where the beltway crosses.

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay and I would suggest to you it's a little less than half of a mile from the north end of Loch Raven in the district down to Joan Avenue. Does that look about right? We can scale it with a ruler.

MR. MOULDER: It's less than half a miles, yes.

MR. ZIMMERMAN: Yeah. And whether or not this is helpful, well, if we look at, while we're at it, the shape of the district, that is, the Loch Raven/Baynesville district, it, it almost looks like a, see if you think this is at all helpful in understanding, it's kind of shaped like a bird with a beak near Oakleigh Road and kind of extends back to a tail at Mylander, with the feet --

MR. MOULDER: Sure.

MR. ZIMMERMAN: -- and leg going down to Joan Avenue. So, by the way, does the shape of the district make sense to you? Where they draw, where the Council draws the boundaries, from a citizens, I mean, does this reflect the --

MR. LA FIANDRA: Excuse me, I'm going to object to that question.

MR. ZIMMERMAN: All right.

CHAIR: Yeah, I think that's --

MR. ZIMMERMAN: Okay.

CHAIR: -- not, not really relevant.

MR. ZIMMERMAN: Well, --

CHAIR: For our purposes.

MR. ZIMMERMAN: All right. Okay. Anyway, wouldn't you say that the, the land uses in the district are predominantly commercial, is that clear?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Now, you have still People's Counsel twenty-one in front of you, the ADC map?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay. Take a look at Joppa Road east/west in the district from Mylander to the beltway. Can you, do you see any other thru road that intersects with Joppa and, and goes north, north/south through both sides of Joppa Road?

MR. MOULDER: I, I don't, I don't believe there is one that goes all the way to the beltway, no, or underneath the beltway --

MR. ZIMMERMAN: Or, or even goes north and south to any, well, let's, let's take a look at, Mylander Lane only goes north, correct?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Extending back into a kind of commercial area, is that, would, would you say where that goes?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Then Drumwood goes south but only for a few blocks to Putty Hill. That's, is that residential back

there on Drumwood?

MR. MOULDER: Yes, Drumwood extends from Joppa Road on the north to Putty Hill on the south.

MR. ZIMMERMAN: Now, there's a traffic light at Pleasant, just to quicken this thing, there's a traffic light at Pleasant Plains and Joppa, correct?

MR. MOULDER: Yes.

MR. ZIMMERMAN: But Pleasant Plains only goes south to Taylor for about a half a mile, is that right?

MR. MOULDER: Yes.

MR. ZIMMERMAN: And that's residential along, if you go south on Pleasant Plains and eventually Pleasant Plains Elementary School, correct?

MR. MOULDER: It is when it gets to Taylor Avenue. There's the, I think it's Ravenwood Shopping Center.

MR. ZIMMERMAN: Yeah.

MR. MOULDER: On that north, I guess it would be the north west corner of Loch Raven and Taylor.

MR. ZIMMERMAN: Yeah.

MR. MOULDER: Where the Giant Food Store is located.

MR. ZIMMERMAN: Okay. That would be, I don't know, between half a mile and a mile down to Taylor?

MR. MOULDER: Correct.

MR. ZIMMERMAN: Yeah. And then the elementary school is shown on the map, misnamed Pleasant Pine. It's actually

Pleasant Plains, isn't it?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay and then you have these, these north drives or lanes, Orchard Tree, just goes north into a shopping area?

MR. MOULDER: It's, it's a commercial area, yeah.

MR. ZIMMERMAN: Yeah. And the same with Green Pastures Drive?

MR. MOULDER: Correct.

MR. ZIMMERMAN: Okay and then if you go east, that is between Loch Raven and Oakleigh and the beltway, there's only one road that goes through at all, that would be Lackawanna, correct?

MR. MOULDER: Yes.

MR. ZIMMERMAN: But it only goes one block south to Yakona off Joppa, then it goes north into a, an old Baynesville residential area, right?

MR. MOULDER: Yes.

MR. ZIMMERMAN: So, so what I want to ask you is your thought process. Given that Loch Raven Boulevard and Joppa, that, that's really the only thru intersection in the, in the entire mile, you know, what's your thought process as to how unique that intersection is in this area?

MR. LA FIANDRA: Your Honor, I'm going to object to that question. There's no foundation for him to express an

opinion as to uniqueness, he's not a, he's not an expert and there's been no basis of comparison offered.

CHAIR: Well, he's lived there thirty-one years, --

MR. LA FIANDRA: It still doesn't --

CHAIR: He's familiar with the area.

MR. LA FIANDRA: -- it doesn't give him a basis to say that it's unique in any fashion. I mean, all we know is that certain, certain roads go north and certain roads go south.

CHAIR: Okay. Well, how about this? Mr. Moulder, can you describe for us your, your assessment of the intersection of Loch Raven and Joppa?

MR. MOULDER: Sure.

CHAIR: I think that's the question that's being asked, is it not?

MR. ZIMMERMAN: Well, I'll, it's not exactly the same but I'll be happy to have that, the Board's question asked.

CHAIR: Okay. I mean, whether it's unique or not is perhaps conclusory.

MR. ZIMMERMAN: Well, well, the, the witness is a college graduate and does understand the English language, so I don't think that was --

CHAIR: Well, he does.

MR. ZIMMERMAN: -- an esoteric question, to be honest. But I'll defer to the Board's --

CHAIR: Right. Well, describe for us that intersection and, and what, if any, significant it has with regard to the community.

MR. MOULDER: Okay. It, it, it is and, and it's not just me that's recognized it as such, but it is the, kind of the gateway to the Loch Raven communities and to greater Towson. If you go back to, I think things that have already been entered into evidence, like the 1999 zoning variance decision. I think Zoning Commissioner Kotroco recognized it as such. I think there has been previous testimony as to the fact that he considered it in his decision to grant the zoning variances at the time as a gateway to the Loch Raven communities and to greater Towson and that's the way it's viewed in our neighborhood, I believe.

I'm the, I'm part of the Associates of Loch Raven Village Community Association and I think that's, I think it's fair to say that that's the way people view it. It's an area of great concern for our association and the people in the neighborhood what goes on there, in, in that area. We have multiple concerns with that intersection, not just with the Valvoline but with the, the other things there like the situation with the, the hotels and everything that are there, that have been kind of an issue.

CHAIR: An issue in the sense that they, some unseemly behavior occurs at these hotels?

MR. MOULDER: So, so if you've, there, there have been some articles in, in, for example, in the Baltimore Sun referencing the fact that some of those motels may be centers for human trafficking and that kind of thing and so we're working actively with the Baltimore County Police and with Councilman Marks and other people to try to do whatever we can to keep that intersection and that district vital and get it revitalized for the benefit of the community.

We're one of the, one of those county, older communities that's really kind of fighting to preserve itself and that's, that's a big part of it.

CHAIR: So, when you use the word gateway, and I know that that's also in some County documents about this intersection, what, what actually do you mean by that? What, what do you mean by the, by the word gateway, the phrase gateway to the community?

MR. MOULDER: Well, if you're, if you're coming to the Loch Raven Village area from anywhere, if you access it from the beltway, that's where you come up to Loch Raven Village typically. As you would get off at Loch Raven Boulevard, drive north and the first traffic signal you hit there is Loch Raven and Joppa Road and that's kind of the corner of our communities. If you take a right on Joppa, you're now in the postal zone which is Towson. So, it's a gateway to the, the east end of Towson. My, my address is

Towson, Maryland in Loch Raven Village and it's, it's, it's the first thing you see when you come, either coming westbound on Joppa Road or off of the beltway, if you're coming to look at homes in the area, you know, from out of town, chances are that's the way you get there. So, in that sense, we look at it as the gateway to the community.

CHAIR: Um hm. But, when you use the word, when you use the word gateway, you're not necessarily referring to, I guess, to the aesthetics of the situation, or the aesthetics of the intersection, is that, is that correct or?

MR. MOULDER: Well, --

CHAIR: I mean, this is a highly densely commercial intersection.

MR. MOULDER: Yes, and with respect to that, we'd like to see it be an aesthetically pleasing highly commercial district as well.

CHAIR: Um hm.

MR. MOULDER: And I think that's the point of the commercial revitalization district. That's kind of, you know, that's one of the reasons why we're here is because we want to try to preserve what's there that's aesthetically pleasing and then improve upon those things that are there and it will be changed or, or could possibly be changed.

For example, you know, the Bel Loc Diner was there for years and years and years and recently was demolished and

the Starbuck's there was erected on the corner. I, I drove through the intersection this morning and I just looked at the, the, the Starbuck's building and, you know, as much as I loved the Bel Loc Diner and there was some history there, you know, the Starbuck's is a pretty nice building and it's been hugely successful. The only thing I will say, it's almost impossible to get in and out of the parking lot sometimes, you know, it's so busy. But we think that added to, to the intersection and to the image of the, the area.

CHAIR: Okay, all right.

MR. MOULDER: So, did that answer your question? I'm sorry, --

CHAIR: Yeah, it, it did, it did, yeah.

MR. MOULDER: Okay.

CHAIR: Thank you.

MR. ZIMMERMAN: All right. Putting aside for a moment the, the word gateway, what would you say as to whether this intersection is the most prominent intersection in the district?

MR. MOULDER: Oh, yes, it would be, yeah.

MR. ZIMMERMAN: And geographically, if you look at People's Counsel twenty-one, what would you say as to whether it's about midway between the west and east ends of the district?

MR. MOULDER: Yes, that's correct.

MR. ZIMMERMAN: And anyone and, and of course, it's quite close, say what, within a thousand feet of the beltway, have I got that approximate or maybe a little, it's, it's pretty close to the beltway as you go north on Loch Raven?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Correct, so, anyone on the beltway, whether, whether they're people who live in your area or come into work in your area who use that intersection, who use that exit, entrance or exit off the beltway, chances are they're, they're going through that Loch Raven/Joppa intersection, correct? If you want to go to the beltway, and --

MR. MOULDER: Yeah, there's, there's only --

MR. ZIMMERMAN: -- and go somewhere, chances --

MR. MOULDER: From, from the Loch Raven Boulevard beltway exit there's only one other option and that is to get on Cromwell Bridge Road. Other than that, you're coming north on Loch Raven because there is no option to go north, north of the beltway, you would be coming, I'm sorry, south on Loch Raven Boulevard to that intersection.

MR. ZIMMERMAN: So, that intersection would serve people who live in the area as well as commuters, people who work in the area or, or are, are going to, at least in this section of whether we call it Towson or, as you go east to Parkville. Okay and in terms of gateway to residential or access, at least, once you get to Loch Raven and Joppa, it, and

forgive me if I'm leading a bit, but you, you got to, if you're in that Pleasant Plains Road residential area, it's a short turn west on Joppa to go to Pleasant Plains and then you're into a significant residential area, correct?

MR. MOULDER: Yes, and actually if you continue southbound on Loch Raven Boulevard one block from Joppa and take a right, you're into the Ridgely neighborhood.

MR. ZIMMERMAN: Now you got (inaudible) Road, Mussula Road, Myamby Road, (inaudible) to the east and so on. So, --

MR. MOULDER: Yes.

MR. ZIMMERMAN: And you've already actually listed some of the residential neighborhoods on a previous exhibit which would you say there's some additional residential areas that maybe are not exactly the same as the areas noted on this map.

MR. MOULDER: I'm not, I'm not sure what you're referring.

MR. ZIMMERMAN: All right. Well, the Knettishall, Ridgely, you mentioned already. Isn't Ridge, I thought Ridgely was to the east of Loch Raven. Have I got --

MR. MOULDER: That's Ridgely Manor.

MR. ZIMMERMAN: Ridgely Manor, all right.

MR. MOULDER: Yeah, that's not on this map.

MR. ZIMMERMAN: Okay. Okay. Okay. Okay. Do you happen to know what the speed limits are on Joppa Road in the

area?

MR. MOULDER: Yeah, thirty-five miles an hour.

MR. ZIMMERMAN: Okay and based on your experience, what's your observation as to whether that speed limit is often exceeded?

MR. MOULDER: I would say that it's fairly often exceeded.

MR. ZIMMERMAN: Okay.

MR. MOULDER: Yeah.

MR. ZIMMERMAN: And in terms of making left turns off Joppa, crossing, crossing over the street, what, what would you say as to whether that is easy, difficult, challenging in that area?

MR. MOULDER: To make a left turn onto Joppa to go --

MR. ZIMMERMAN: No, if you're on Joppa --

MR. MOULDER: Uh huh.

MR. ZIMMERMAN: -- let's say you're going eastbound on Joppa and you want to go into the Dunkin' Donuts that, I think Mr. Sharon kind of liked, how, how challenging is it to make a left turn when you're going east on Joppa?

MR. MOULDER: It, it's very challenging, particularly in the mornings when the predominant flow of traffic is, is westbound commuter traffic coming into Towson.

MR. ZIMMERMAN: And, and a few months ago when Mr. McCann questioned you, did you comment at all on the accident

experience? I don't remember. You know what, what, I mean, how, have you seen or known or become familiar with the frequency of accidents on Joppa Road?

MR. MOULDER: I can't speak to the frequency but I can speak to the fact that I've seen multiple accidents in that corridor and especially at the intersection, it's, it's quite a heavy traffic --

CHAIR: The intersection of?

MR. MOULDER: Loch Raven and Joppa.

CHAIR: Loch Raven.

MR. MOULDER: Yeah.

MR. ZIMMERMAN: But even a, you know, west on Joppa, east on Joppa, what about --

MR. MOULDER: Sure, at, at, at Loch, Joppa Road and Mylander, Joppa Road and LaSalle, you go Joppa Road and Pleasant Plains even, so.

MR. ZIMMERMAN: Okay. So, let me ask you this. Let's assume for the sake of argument that the Board decides to grant this Valvoline, let's suppose the driver is coming up north on Loch Raven, get, and there's a left turn lane, isn't there, Loch, northbound Loch Raven and Joppa?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Yeah, so you get a left turn, there's a left turn arrow signal?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay. So, they want to get into Valvoline, they got to make that left turn and meanwhile there's a bunch of cars stopped at the light going eastbound on Joppa, how in the world are they going to get into Valvoline, that's my question.

MR. MOULDER: They would have to make a U-turn.

MR. ZIMMERMAN: And where are they going to make that U-turn?

MR. MOULDER: If they're northbound on Loch Raven?

MR. ZIMMERMAN: Yeah, are they going to make a U-turn once they get on Joppa?

MR. MOULDER: No, they would have to make a U-turn off of Loch Raven, it's a controlled intersection, controlled, there's a, an arrow signal --

MR. ZIMMERMAN: You seriously think people make U-turns over there?

MR. MOULDER: I've seen them do it.

MR. ZIMMERMAN: Are they, is that legal?

MR. MOULDER: It is legal.

MR. ZIMMERMAN: It is legal?

MR. MOULDER: Yeah, but it's, it's difficult to do depending on the size of your vehicle because of where the island sits where the traffic comes eastbound on Joppa, there's a right turn lane at the intersection to go southbound on Loch Raven Boulevard. That island for pedestrians kind of sits

there and it sits out in the intersection a little bit. I've seen people make the turn in passenger cars, I tried it myself. I'm driving a Suburban and it's not possible for me to make it without backing up or it's a --

MR. ZIMMERMAN: Well, whether or not it's legal and what would you say is to the level of hazard in trying to make a U-turn when you're going northbound on Joppa, then you want to go to southbound, excuse me, northbound Loch Raven and all of a sudden you're trying to get into the southbound lane immediately?

MR. LA FIANDRA: Your Honor, I'm going to object to that question. He hasn't expressed any expertise in traffic safety. I don't think he's competent to testify to the level of hazard to a legal U-turn at the light.

MR. ZIMMERMAN: Well, I, I'm not asking him about legality now. I'm asking him, you know, the case of *Eager v. Stone*, the Court of Appeals said that citizens are allowed to testify regarding traffic. In fact, it happens all the time.

CHAIR: All right.

MR. LA FIANDRA: Yes, and --

MR. ZIMMERMAN: And this is common sense.

MR. LA FIANDRA: And his testimony has not been objectionable until this question, which is why I'm objecting to it now.

MR. ZIMMERMAN: Well, --

MR. LA FIANDRA: He was asked a question that's suitable for an expert witness, who knows something about the level of hazard. It, we don't even know what level of hazard means.

MR. ZIMMERMAN: No, I'm not talking about A, B, C, D, E, F, I'm talking about a commonsense citizen experience and understanding based on observation.

MR. LA FIANDRA: And, and I understand the, I understand the question and I understand that he's not asking about A through F ratings, that's already been discussed by Mr. Schmid, but the question has to do with a level of hazard, we don't know even what that means and he's expressed no basis to find the, that, that he's competent to testify to, to what even hazard means regardless of what the level of hazard is in the context of that question at this intersection.

CHAIR: So, so, Mr. Moulder, you've lived in this area thirty-one years?

MR. MOULDER: Correct.

CHAIR: You've traveled through this intersection, what, thousands of times?

MR. MOULDER: Thousands of times.

CHAIR: Yes.

MR. MOULDER: Okay. Based on your own experience, can you describe for us what, if any, difficulties or what, if any, characteristics of this intersection that you can based on

your own experience?

MR. MOULDER: So, at that intersection, if you're attempting to make a U-turn from the northbound lane of Loch Raven Boulevard on the green arrow, the big issue for me is that there are people making a right turn off of eastbound Joppa, so you're, you're, you're coming around if you will like this, they're coming over here and there, there's, this is not controlled, this is just kind of a, almost a, a, an exit, well, I can --

CHAIR: Yeah, why don't you show us on that, yeah.

MR. MOULDER: -- show you up here. This is the left turn lane right here on north bound Joppa. You have to come up and around here and turn to come down here. Meanwhile, there's traffic from eastbound Joppa that's going to come, make a right turn onto southbound Loch Raven Boulevard. So, that's, that's the only way that you get into --

CHAIR: Right.

MR. MOULDER: -- the proposed Valvoline location from northbound.

CHAIR: If you're northbound on, if you're northbound on --

MR. MOULDER: Loch Raven.

CHAIR: -- Loch Raven and you want to turn and you want to utilize what would be the Valvoline property, you have to go to the intersection with Joppa and make a U-turn and then

come back and then you would turn right into Valvoline, is that correct?

MR. MOULDER: Correct.

CHAIR: Okay.

MR. MOULDER: Yeah.

CHAIR: And what you're saying is that merging traffic on, going southbound on Loch Raven or intending to go southbound on Loch Raven but merging from eastbound traffic on Joppa, can create a situation with a number of moving parts that --

MR. MOULDER: Correct.

CHAIR: -- at least in your experience, is potentially hazardous?

MR. MOULDER: In, in my experience, if you're making this turn, you know, you're not necessarily looking for somebody coming from this direction, you're more concerned with getting around and avoiding the island that, as you can see, kind of sits out towards the intersection.

CHAIR: And, and how, if at all, would that differ from someone heading northbound on Loch Raven who wanted to go to Howard Bank?

MR. MOULDER: It, it wouldn't except that Howard Bank had an entrance over here also. I, I, --

CHAIR: But that doesn't --

MR. MOULDER: -- but that would be for people

eastbound on --

CHAIR: On Joppa.

MR. MOULDER: -- on Joppa. So, --

CHAIR: And it doesn't, it doesn't really address any question of the, the merging traffic coming from eastbound Joppa and southbound Loch Raven?

MR. MOULDER: Right.

CHAIR: Right.

MR. MOULDER: It's be the same, it'd be the same.

CHAIR: It'd be the same, okay. Okay.

MR. ZIMMERMAN: What's your observation as to whether with the Valvoline, with the in and out, quick in and out, that may be an aggravating situation compared even to a bank or, for that matter, an office building where people stay all day? You know, is the fact that you've got an in/out type of use, what effect, if any, does that have on the, you know, potential increased number of trips?

MR. MOULDER: Well, I, I, I guess the concern is that the, the facility, as it's designed as, you know, four bays that do an oil change every fifteen minutes, it's sixteen potential, you know, full, at full utilization an hour, if my math is right, and it's, it's, has the potential to be a very, very heavy use at that intersection which is already a very, very busy intersection as we've heard I think in previous testimony.

MR. ZIMMERMAN: Yeah, plus following up on the Chairman's question, what would you say as to many people are doing their banking online these days, so traffic is much less at banks than it used to be?

MR. MOULDER: I, I kind of feel like that's why there's not a bank there anymore. I mean, --

MR. ZIMMERMAN: A lot of branches are closing, right?

MR. MOULDER: Yeah. I'm, --

MR. ZIMMERMAN: And if you had an office building where people stay all day, I mean, that would much reduce the problem.

MR. MOULDER: I, I would agree.

MR. ZIMMERMAN: Like a midrise office building. All right. All right, let's move to People's Counsel twenty-two. Okay. Mr. McCann reminds me just, I think the Board knows this, but the only entrance in the proposal is on Loch Raven and then there's the exit only on Joppa Road. So, that, that has something to do with the only option for anyone going north on Loch Raven then if they're brave enough to make a U-turn.

MS. JOLIVET: I'm sorry. May I have a question, that you ask a question.

MR. ZIMMERMAN: Okay.

MS. JOLIVET: And so that he can answer it (inaudible).

MR. ZIMMERMAN: All right. All right.

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: So, --

MR. MCCANN: Or take the oath.

MR. ZIMMERMAN: -- okay, so just so, so in the context to the previous questions, what would you say is to your understanding that the, the only entrance, based on the proposal is on Loch Raven at a, at a location the, towards the south end of the property and the only exit would be eastbound on Joppa Road at the north end of the property?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Yes, okay. All right. I think that's a question.

MS. JOLIVET: You think so?

MR. ZIMMERMAN: I think, hopefully, hopefully I understand what the word question means. There is no word that is beyond debate in a zoning case. All right. All right, do you have, I think I gave you an extra copy of People's Counsel twenty-two. And so, so we, we've taken a look at the commercial revitalization district. Now, what I want to ask you, perhaps again, but I just want, with the help of this map, 22-A, do you see I've got them noted A, B, C and so on, up to J?

MR. MOULDER: Yes.

MR. ZIMMERMAN: So, the, this A gives kind of a panorama of the area and I want to ask you to, you know, if

your general description of the neighborhood where, where you would draw the boundary of the, the overall area and, and what the character of the area is, both commercial and residential?

MR. MOULDER: Well, I would say in terms of Loch Raven Village itself, those homes are primarily west of Loch Raven Boulevard, south of Joppa Road, east of LaSalle, which doesn't, I think, appear on here.

MR. ZIMMERMAN: No, we go up to Mylander on the west side of the --

MR. MOULDER: Yes, --

MR. ZIMMERMAN: -- and, and maybe Drumwood, which is not marked exactly.

MR. MOULDER: And then south to Taylor Avenue and Loch Raven Boulevard and then there's a section of Loch Raven Boule, Loch Raven Village, which is on the east side of Loch Raven, basically runs along Edgewood Road, which I don't think is marked on here.

MR. ZIMMERMAN: Okay. Well, all right, --

MR. MOULDER: Up to Putty Hill Avenue and Immaculate Heart of Mary Church.

MR. ZIMMERMAN: Okay and you see Pleasant Plains Elementary on the bottom left of the exhibit?

MR. MOULDER: Yes.

MR. ZIMMERMAN: And while we're at it, what are the nature of the, the homes west of Loch Raven, south of Joppa?

MR. MOULDER: They're rowhomes, primarily built in the 1950's. They're in, in the Loch Raven Village community there are fourteen hundred and seventy-two homes.

MR. ZIMMERMAN: Okay and what, do the rows vary in number, you know, four, six, eight? What, what, can you give us some sense of, I mean, how many in each row?

MR. MOULDER: Oh, there's --

MR. ZIMMERMAN: What's the range?

MR. MOULDER: -- usually, for the most part, I believe there's six homes in each group.

MR. ZIMMERMAN: And what, what would you say about the fair amount of yard space, pretty nice homes, I mean, what's, what's the quality of these homes?

MR. MOULDER: I, I, I would say they're very substantial in quality, I'm a property owner so I'm interested in my property values and --

MR. ZIMMERMAN: And where, did you note where exactly where you live in this area? I know you mentioned the address but, --

MR. MOULDER: Sure, if you --

MR. ZIMMERMAN: -- on this map, where, what road are you on?

MR. MOULDER: I'm on Dellsway Road.

MR. ZIMMERMAN: Okay. So, that's shown on the left.

MR. MOULDER: Yes.

MR. ZIMMERMAN: And how far --

MS. JOLIVET: Are you still on A?

CHAIR: Yeah, we're on A.

MR. MOULDER: Still on A.

MS. JOLIVET: Still on A, (inaudible).

MR. ZIMMERMAN: So, that's west of Pleasant Plains?

MR. MOULDER: Yes, west of Pleasant Plains, north of Putty Hill and south of Joppa.

MR. ZIMMERMAN: Okay. Okay, so if we're trying to come up with an approximate, you know, south boundary of the overall neighborhood, I'm not telling you, but I, I, I would ask you, what would you say to whether or not Putty Hill and the Pleasant Plains Elementary would be in it or would you go, would you go all the way to Taylor, I mean?

MR. MOULDER: Yes, yeah, the --

MR. ZIMMERMAN: You'd go all the way to Taylor?

MR. MOULDER: I would go all the way to Taylor and include Loch Raven Middle School there on LaSalle Road.

MR. ZIMMERMAN: Okay.

MR. MOULDER: And the, the houses down in between --

MR. ZIMMERMAN: Okay.

MR. MOULDER: -- LaSalle Road and on the west, and Loch Raven Boulevard on the east, although there, like I said, there is a section of Loch Raven Village which is on the east side of Loch Raven, Glen Keith Boulevard, Edgewood Road.

MR. ZIMMERMAN: All right. And of course, Taylor is shown on People's Counsel twenty-one, is, if you wanted to go back to that.

MR. MOULDER: Okay.

MR. ZIMMERMAN: Do you still have twenty-one with you because that's actually the Board's --

MR. MOULDER: I do.

MR. ZIMMERMAN: -- that belongs to the Board.

MR. MOULDER: Oh.

MR. ZIMMERMAN: So, let's, let's get that back to the Board.

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: And just in terms of geography, if, if we assume the neighborhood extends down to Taylor, could we say that Putty Hill kind of bisects that area? In other words, Putty Hill more or less parallels it, parallel to Taylor and not parallel to Joppa but, but all, but Putty Hill pretty much east/west as well?

MR. MOULDER: Correct, yeah.

MR. ZIMMERMAN: Okay.

MR. MOULDER: It, it divides our neighborhood into two councilmanic districts. Putty Hill is the dividing line between the fifth councilmanic district and the sixth.

MR. ZIMMERMAN: Yeah, and obviously the areas north of Putty Hill would be closest to the commercial revitalization

district?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Then as you go east, would Oakleigh be, I don't want to put words in your mouth, I mean, where, where do we put the boundary east? The east area here?

MR. MOULDER: It would be, and it's not noted on here, but Loch Raven Boulevard would be the boundary on the east down to the intersection of Loch Raven and Putty Hill and then if you go east on Putty Hill and then south on Edgewood Road, there's a section of Loch Raven Village down there as well.

MR. ZIMMERMAN: Yeah, well, what about Joppa, I'm talking, what about Joppa Road east toward the beltway?

MR. MOULDER: That's a neighborhood called The Oaks. You can see all the, you know, red oak, pin oak.

MR. ZIMMERMAN: But is that part of the neighborhood of the Loch Raven/Joppa intersection?

MR. MOULDER: It would, it'd be Ridgely Oak would the --

MR. ZIMMERMAN: I mean, there are different names --

MR. LA FIANDRA: Your Honor, this question has been asked and answered a number of times.

CHAIR: Well, I don't know. I'm a little confused, but.

MR. ZIMMERMAN: Yeah. I mean, Mr. Moulder, --

CHAIR: Maybe --

MR. LA FIANDRA: I, I, I think I understand that he's trying to elicit a specific answer from the witness but that's called a leading question.

CHAIR: Yes, no, he's leading, no question about it. But, --

MR. ZIMMERMAN: All right. I think we're not on the same wavelength so I was trying to clarify.

CHAIR: You know, just keep, keep going.

MR. ZIMMERMAN: Okay. Mr., Mr. Moulder, I'm not talking about the boundary for Loch Raven Village, okay?

MR. MOULDER: Okay.

MR. ZIMMERMAN: I'm talking about the overall neighborhood --

MR. MOULDER: That would be --

MR. ZIMMERMAN: -- north, west, east, south of, of the Loch Raven/Joppa intersection. Is the area east of Loch Raven south of Joppa fairly close or actually bordering this intersection, obviously, the farther you go away it's a little more distance.

MR. MOULDER: Yes, yes.

MR. ZIMMERMAN: Okay. So, let's look at the area east of Loch Raven and south of Joppa. How would you characterize the townhouses in that area compared to the, the west side of Loch Raven?

MR. MOULDER: They are similar red brick townhomes for the most part. I believe they are a bit narrower. Homes in Loch Raven Village are twenty or twenty-four feet wide. I believe those are, I think, sixteen to twenty over there, if memory serves.

MR. ZIMMERMAN: More dense? More dense?

MR. MOULDER: A little bit more dense, correct.

MR. ZIMMERMAN: A little bit more dense or a fair amount more dense?

MR. LA FIANDRA: Your Honor, that's a leading question.

CHAIR: Yeah, well, --

MR. ZIMMERMAN: All right.

CHAIR: Yeah.

MR. ZIMMERMAN: Or the map shows. Okay and do we see on the right hand side of the exhibit, although ironically with, despite the many names, do you see where Oakleigh Road extends just to the west of the beltway on Joppa Road and then extending south, would that be Oakleigh?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Just to the west of Quinton Avenue?

MR. MOULDER: Correct.

MR. ZIMMERMAN: Okay and that ex, that goes all the way down to Perring Parkway, doesn't it?

MR. MOULDER: It does.

MR. ZIMMERMAN: And that's where there was a traffic light at Oakleigh, is there not?

MR. MOULDER: Um hm, yes.

MR. ZIMMERMAN: And Joppa and Oakleigh, yeah. That's basically one lane in each direction, Oakleigh, is, is it?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay. So, Loch Raven is the only road that, that's more than one way in each direction, is that correct? North/south, that's the only road that has more than one lane in each direction?

MR. MOULDER: Yes.

MR. ZIMMERMAN: In this area. All right. So, let's go to 22-B, and we won't spend too much time on this, but this gives a little more close up of your Loch Raven, you call it Loch Raven Village or some, Knettishall, that, you know, this area west of Loch Raven, a little more close up?

MR. MOULDER: Yep.

MR. ZIMMERMAN: Okay and it starts to, to actually name a few of the uses on Joppa Road, which the Board can, can see. So, so that's your knowledge, those uses that are mentioned, those are not all the uses on Joppa Road, right, but just some of them, correct?

MR. MOULDER: That's correct.

MR. ZIMMERMAN: But the ones that they do mention, do you know that they are there, that that's, that's accurate?

MR. MOULDER: Yes.

MR. ZIMMERMAN: McDonald's and Dunkin' Donuts, Mo's Seafood, Pizza Hut, a fair number of fast food places on Joppa Road, correct?

MR. MOULDER: Yes.

MR. ZIMMERMAN: All right. Okay. Then 22-C, gives a sense of Loch Raven going south from Joppa, correct?

MR. MOULDER: Yes.

MR. ZIMMERMAN: All right. I notice you, you have a fairly big church, Immaculate Heart of Mary?

MR. LA FIANDRA: Your Honor, if, if I may? Counsel made a point of saying that this witness was not a hostile witness. He has done nothing but ask leading questions the entire time. I would, if he has, if he has questions that he'd like to ask for the witness to testify that's not objectionable. However, counsel is testifying and, and all that's happening is that Mr. Moulder is ratifying his answers.

MR. ZIMMERMAN: All right. I'll re --

CHAIR: So, --

MR. ZIMMERMAN: -- they're not all leading, but I'm going to rephrase the questions to make them not leading, Mr. Chairman, excuse me. I didn't mean to interrupt.

CHAIR: Okay.

MR. ZIMMERMAN: All right. Let's take a look at 22-C, this might take a little longer.

CHAIR: That, that was actually my concern.

MR. LA FIANDRA: It was mine as well. However, it, it's just been, every question has been a leading question.

CHAIR: In, indeed it has and, and so, we've, we, we've --

MR. LA FIANDRA: I mean, if counsel would like to testify, I'm happy to have him do that.

CHAIR: Well, no, we, we don't want that.

MR. MCCOMAS: And the maps speak for themselves too.

CHAIR: The, the maps do speak for themselves. And the, so two things about the leading questions, sort of pro and con. They're leading, it's probably not proper. It is, however, quicker, given that the maps speak for themselves. The other point, and I would just make this as a general comment, is it, it doesn't enhance the probative value of the testimony to simply ask leading questions. It doesn't really make it --

MR. LA FIANDRA: I understand, thank you.

CHAIR: -- more convincing, it makes it probably less convincing --

MR. ZIMMERMAN: All right.

CHAIR: -- in a theoretical sense, anyway and --

MR. LA FIANDRA: Thank you.

CHAIR: -- but I wasn't really thinking of that in terms of --

MR. LA FIANDRA: I, I agree.

CHAIR: -- acquiescing in the, in the, in the leading questions, it just, it, it did, the maps speak for themselves.

MR. LA FIANDRA: I did, I did wait quite a while, yes.

CHAIR: And it speeds things up and, not that I, not that there's a rush, not that there's a hurry to get through it but it does pick up the pace a bit.

MR. LA FIANDRA: I understand, I get it.

MR. ZIMMERMAN: I'm going to rephrase my questioning.

CHAIR: Okay.

MR. ZIMMERMAN: In light of the, these observations. All right. Would you des, what would you say with regard to the type and character of commercial uses along Loch Raven south of Joppa Road?

MR. MOULDER: There is at the corner of Yakona and Loch Raven there's a service station, gas station/convenience store. On Joan Avenue there, which is also just to the east, I believe there's a bakery and another convenience store. There are various businesses, Johnson Funeral Home is down on the east side of Loch Raven, the car wash is on there and there's a shopping center down closer to Immaculate Heart of Mary. There's a pizza place, I think there's a bank, fitness center, that kind of thing in that shopping center.

MR. ZIMMERMAN: Okay. Do you happen to know the name

of that shopping center on Joan Avenue?

MR. MOULDER: I don't.

MR. ZIMMERMAN: Okay. All right, let's, as the Board says, the map, but and, is this satellite map accurate, as far as you can tell, based on your experience?

MR. MOULDER: Yes.

MR. ZIMMERMAN: All right. Let's go to 22-D. Now, what section of the neighborhood does this show?

MR. MOULDER: This would be the area, Baynesville area on the north east corner of Loch Raven and Joppa and the, The Oaks, Ridgely Oak area on that south east corner.

MR. ZIMMERMAN: What's the character of the area as you go north on Lackawanna Avenue off Joppa Road around to Emge Road? What's, what's that area like?

MR. MOULDER: Those are predominantly small single family homes.

MR. ZIMMERMAN: Okay.

MR. MOULDER: There is a nursing home up there as well, I believe that's that, on there as Cromwell Center.

MR. ZIMMERMAN: Okay.

MR. MOULDER: I think it's a Genesis Elder Care facility now.

MR. ZIMMERMAN: Okay and to the extent that the map identifies certain uses, what would you say as to whether or not those are uses that, in general, are familiar to you that

at least they're there?

MR. MOULDER: To the best of my knowledge, those are the current uses.

MR. ZIMMERMAN: Okay. The map actually has a copyright of 2019 on it, imagery 2019.

MR. MOULDER: Although the Hooter's closed this week.

MR. ZIMMERMAN: So, would that, what's your observation as to whether that's, is that what --

MR. MOULDER: That'll be your next case, I hate to tell you this, but that's, that's coming.

MR. ZIMMERMAN: Is that a bust? So, that would be a, an area that's open for a new use or hopefully would have a new use at some point, right?

MR. MOULDER: Apparently. They put a sign on the door Tuesday, I guess it was.

MR. ZIMMERMAN: So, so --

MR. MOULDER: Not, not, not that I saw it personally but I read it about it in the paper.

MR. ZIMMERMAN: So, what's your thought process as to whether that's a, a potential positive or negative or, or just neutral?

MR. MOULDER: I, I think we'd have to wait and see, yeah.

MR. ZIMMERMAN: All right. And anyway, 22-D, does show Oakleigh Road, which we've mentioned a few times toward

the right side of the exhibit, excuse me for that leading question, but. Let's go to 22-E. What's your observation as to the character of this section of the commercial revitalization district?

MR. MOULDER: Well, the north, north side is almost entirely commercial. There's a Merritt Office Park and the Merritt Fitness Club is up there in that facility. The new Loch Raven Commons Development is over there by the Wawa, which is on the very left side of the page. And they are building what, what appears to be an open space there is, is going to be, I think, two hundred and twenty apartments that are currently under construction, they're going up now.

MR. ZIMMERMAN: What's, in reference to that, what familiarity, if any, do you have as to whether that development involves a planned unit development?

MR. MOULDER: I believe that it did. Our association was closely involved with the, the work on that.

MR. ZIMMERMAN: And what's the nature of the uses in that planned unit development?

MR. MOULDER: It's a mixed, mixed use. There's an Aspen Dental there at the corner, across from the BB&T Bank and also an ATI Physical Therapy Center. There will be office space in the back as well as some, some retail and then there will be the apartments in the back.

MR. ZIMMERMAN: Okay and what's your comment, if any,

on the Wawa gas station in light of your support of that (inaudible) and yet not supporting the current proposal?

MR. MOULDER: The, the, the previous facility there was the old Bendix plant and it was in a state of disrepair and had been vacant for, I think, ten or fifteen years. The developer of the project worked closely with, with our association and other associations, Towson Manor to the west, on the design and proposals for the facility. They matched, tried to match to the extent that they could the features of the homes in the Village and also worked with us on lighting and design and other issues.

MR. ZIMMERMAN: Okay. Okay and what comment, if any, would you make as to what makes sense as the north boundary of this entire neighborhood?

MR. MOULDER: I would say the north boundary of our, our neighborhood is, is really Joppa Road. But the commercial district, you know, extends on the north side of that, so I would say, you know, somewhere on the north side is what we would consider part of our area.

MR. ZIMMERMAN: Well, what was, based on these maps, what would you say as to whether or not the entire neighborhood is inside the beltway, south of the beltway?

MR. MOULDER: That, yes, that would be correct.

MR. ZIMMERMAN: Okay. When you talk about Joppa Road being the north, you're talking about your own, --

MR. MOULDER: The residential, the residential area primarily.

MR. ZIMMERMAN: All right and I'm not going to go through one by one, which I'm sure is, the Board will be pleased to know, but let's, on 22-F, that gives you a little more close up of the south of Joppa Road, part of the west of Loch Raven and the Pleasant Plains area. Do you see, are you on 22-F?

MR. MOULDER: Yes, I have it.

MR. ZIMMERMAN: So, and beginning with Hollenshade's Auto Services on the left hand side, without going through them one by one, does, does this map show a number of the auto related uses accurately? Monro, excuse, I don't want to lead, but does it show, what would you say as to what this shows as to several of the auto related uses?

MR. MOULDER: It shows several of them but not all of them.

MR. ZIMMERMAN: Okay.

MR. MOULDER: We, I think we've introduced into evidence that there are nine or ten within a half mile of either side of the intersection of Loch Raven and Joppa.

MR. ZIMMERMAN: Nine or ten that, that have oil service?

MR. MOULDER: Correct.

MR. ZIMMERMAN: Okay and just to, to take one

illustration, what, what comment is, would you make as to the history and character of Hollenshade's, for example?

MR. MOULDER: Hollenshade's has been in the area since, I think they've been there seventy years, they've been in that location, I believe, for fifty. Full disclosure, Lee, Lee Hollenshade, who started the business was my mother-in-law's cousin, so Smalltimore.

MR. ZIMMERMAN: Okay.

MR. MOULDER: But they have been in that location for fifty years --

MR. ZIMMERMAN: Right.

MR. MOULDER: -- and they've been a fixture in the neighborhood.

MR. ZIMMERMAN: Okay and then, what's your observation as to the recency of gas stations along Joppa in this section?

MR. MOULDER: Well, there was a gas station at Loch Raven and Joppa or in this section, in this particular section?

MR. ZIMMERMAN: Yeah, on this map, on this map, 22-F.

MR. MOULDER: There's always been a service station there at the corner of Pleasant Plains and Joppa where the Royal Farms is located.

MR. ZIMMERMAN: Does the Royal Farms have gasoline, that one?

MR. MOULDER: It does. And then there's a BP

Station, which has been there for as long as I think I can remember and what's noted on here as Marathon, was formerly the Hess Station.

MR. ZIMMERMAN: Okay. All right. What would you say as to whether this map accurately shows various fast food operations?

MR. MOULDER: I, I'd say it's fairly accurate.

MR. ZIMMERMAN: All right. Let's move on to 22-G, excuse me, I wanted, I wanted to ask you one more thing on 22-F. Do you see in the center of the map, Ridgely Manor Park?

MR. MOULDER: Yes.

MR. ZIMMERMAN: How recent, what would you say for the recency of that and the charac, the nature of that park?

MR. MOULDER: I believe that park was established, I, I can't be entirely accurate as to the number of years ago, but I would say it was at least seven or eight years ago. When the Hess Station was closed and that park was developed as part of a settlement with Hess because of the, the problem that they had with ground contamination from the, from the underground storage tanks at the Hess Station so they remediated that, removed a bunch of soil there. They tore down the homes that were where the park is now and converted it, and the County pervert, con, converted it to a park using the settlement with Hess.

MR. ZIMMERMAN: Yeah. What knowledge, if any, do you

have about the involvement of Neighbor's Space in that one? No?

MR. MOULDER: No, --

MR. ZIMMERMAN: Neighbor's Space, you're not, okay.

MR. MOULDER: No.

MR. ZIMMERMAN: All right. All right, 22-G, showing kind of the, the south part of the intersection, Loch Raven and Joppa and or the intersection then going south on Loch Raven, correct? Excuse me for that leading question. All right. What would you say as to whether this kind of closer up view gives, gives you an idea of the commercial along Loch Raven?

MR. MOULDER: Yes, it looks correct.

MR. ZIMMERMAN: And I got to ask you this, in terms of the naming, on the, just across from the Howard Bank of the proposed Valvoline, it says Mobile One Lube Express, right? What, is that, is that the correct name of that use? Is that accurate?

MR. MOULDER: The signage on the building is Savco, S-A-V-C-O and they do all kinds of mechanical work at that location, auto, auto mechanical work.

MR. ZIMMERMAN: Does that include lube?

MR. MOULDER: Yes, and they, they have signage up for Mobile One Lube Express.

MR. ZIMMERMAN: Yeah, so how do you account for the name Mobile One Lube Express? Was that a previous name or do

you have any comment on that?

MR. MOULDER: I have no idea.

MR. ZIMMERMAN: Okay and just for sake of completion, at the south west corner of Yakona and Loch Raven near the Towson Tag and Title, what knowledge do you have if there's also an auto service place on that corner, if any? That's not named on the map.

MR. MOULDER: Yes, that would be Rigen Automotive.

MR. ZIMMERMAN: Which you mention in your answer to Mr. McCann a few months ago?

MR. MOULDER: Yes, I think so.

MR. ZIMMERMAN: So, the map doesn't necessarily show every single use?

MR. MOULDER: No, it doesn't.

MR. ZIMMERMAN: Okay. Let's move on to 22-H, moving right along. Now, this would be Joppa Road, more or less from, excuse me for, I mean, I can ask you what part of Joppa Road, I won't be leading, what part of Joppa Road does this show, section?

MR. MOULDER: This would be to the east of the intersection.

MR. ZIMMERMAN: Okay. All right. Just to move it along. From Emge Road to Don's Crabs?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay and without going through one by

one. The, the, the various auto uses are shown, that are shown on this, what would you say as to whether the, they're accurately named? Namely, Pep Boys, Caspian Motors, so on.

MR. MOULDER: Yes, that, yes that would be accurate.

MR. ZIMMERMAN: Okay. What, what knowledge, if any, do you have as to whether there's, in this area, there's also a Camden Auto Body?

MR. MOULDER: Yeah, I believe that's on the south side here somewhere.

MR. ZIMMERMAN: But not named, right?

MR. MOULDER: Not named.

MR. ZIMMERMAN: Then Mr. Tire, I think you mentioned in your direct testimony?

MR. MOULDER: Yes.

MR. ZIMMERMAN: And what is Caspian Motors, by the way?

MR. MOULDER: It is an auto repair location.

MR. ZIMMERMAN: So, it's not just a used, not like a used car lot?

MR. MOULDER: No, it's not, no.

MR. ZIMMERMAN: Do you know where the name Caspian comes from?

MR. MOULDER: I don't.

MR. ZIMMERMAN: Okay. All right. Let's move along to, only two more to go, 22-I. Headed toward Oakleigh, I'll

just ask you whether this shows some additional auto related, whether this is accurate or what would, what's your comment as to the accuracy of the, the various auto uses and, and how would you describe them?

MR. MOULDER: I, I believe that's current, to the best of my knowledge.

MR. ZIMMERMAN: So, what --

MR. MOULDER: I don't, I don't believe the BMW of Towson Certified Collision Center is, is what I would, I mean, they, they fix, you know, cars that have been in accidents but they don't do auto service, they don't do oil changes and that kind of thing.

MR. ZIMMERMAN: But cars come in and out of there, don't they?

MR. MOULDER: That's correct.

MR. ZIMMERMAN: All right.

MR. MOULDER: Yeah.

MR. ZIMMERMAN: And then, what's your comment on Midas Royal Motors, Hertz?

MR. MOULDER: Midas and Royal Motors, I do believe, provide full auto service and then Hertz is just a car rental agency.

MR. ZIMMERMAN: Okay. Last but not least, 22-J, what's your comment there on the commercial, including any auto related facilities?

MR. MOULDER: I believe that captures what is there accurately.

MR. ZIMMERMAN: Any, what comment, if any, do you have on the Joppa Road Automotive Center?

MR. MOULDER: That's part of the Audio Connection. They do car stereo, car security and that kind of thing at that location.

MR. ZIMMERMAN: That's not a service --

MR. MOULDER: No, it's not.

MR. ZIMMERMAN: And what would you say as to whether this area, you're getting fairly close to the intersection but still east of Loch Raven?

MR. MOULDER: Yes, you're, Easter's Lock & Key is probably a hundred and fifty feet from the intersection.

MR. ZIMMERMAN: Okay. Okay and while we're at it, you mentioned a little while ago and maybe to some extent in answering Mr. McCann, that there's some motels in the area, into the area, of varying types. What, what inns are in this area?

MR. MOULDER: On Joppa Road on the south side is the Towson East Motel.

MR. ZIMMERMAN: What about on Loch, on Loch Raven, on Loch Raven, north of --

MR. MOULDER: On Loch Raven, there's a Comfort Inn, on the east side there's the Welcome Inn Motel and there's some

apartments or whatever, they, they have there as well. On the west side, across from it, I think it's an independent hotel property now. It used to be the Holiday Inn.

MR. ZIMMERMAN: Any Days Inns in the area? Any Days Inns? No Days Inns?

MR. MOULDER: I think, I, I can't remember what the signage is on that property on the east side now, it's Comfort Inn or, or Days, Days Inn.

MR. ZIMMERMAN: What would, what would you say would be the quality of those inns? Substandard, I don't want to say --

MR. MOULDER: I, I, I would not rec --

MS. JOLIVET: So, what (inaudible)?

MR. ZIMMERMAN: The quality of those inns.

MS. JOLIVET: All of them?

MR. ZIMMERMAN: The character of those inns and how they contribute or don't contribute.

CHAIR: This is a little far afield, is it not?

MR. ZIMMERMAN: Okay. All right. I'll withdraw the question.

MR. MOULDER: I'm happy to comment but that's probably for another hearing. I have a strong opinion.

MR. ZIMMERMAN: So, so, let me ask you this. Given the various uses in the area that you have, well, let me, besides fast food restaurants, I have to ask you. Are, are

there some more like sit down restaurants of some quality in the area, aside from just the fast food?

MR. MOULDER: Well, the, the Pizza Hut is primarily sit down, Mo's Seafood primarily is a sit down location, Casey's on the north side of Joppa on, east of the intersection is primarily sit down restaurant/bar type facility. As you go over toward LaSalle Road to the west, there's a Bob Evans, which is sit down.

MR. ZIMMERMAN: Well, that's outside the district, isn't it?

MR. MOULDER: I don't believe so.

MR. ZIMMERMAN: Okay.

MR. MOULDER: I think, I think it extends over to LaSalle Road.

MR. ZIMMERMAN: All right. Not to lead to much, Johnny D's, (inaudible)?

MR. MOULDER: Yes, Johnny D's, they're Joan Avenue.

MR. ZIMMERMAN: Any other restaurants you want to mention?

CHAIR: Do you ever go to the Orchard Market?

MR. MOULDER: I have, yes. Good sandwiches, yeah. And then there's --

MR. ZIMMERMAN: Anything else besides the sandwiches?

MR. MOULDER: I, I'd highly recommend Pastore's.

MR. ZIMMERMAN: Okay. There's no Arby's in the area,

is there?

MR. MOULDER: I don't think so.

MR. ZIMMERMAN: Okay, all right. So, before I get to the next question, I want to go back to, I think it's People's Counsel's four. I think the Board has an extra copy. I believe they're the Count Council resolutions, am I right?

MS. JOLIVET: Yes, I have it.

MR. ZIMMERMAN: Do we have an extra copy for the witness?

MS. JOLIVET: I'll give you the original. The original exhibit?

MR. ZIMMERMAN: Well, actually, usually we give you, oh. Did we give the original to the witness? Yes.

MS. JOLIVET: Just to review, sure.

MR. ZIMMERMAN: Okay and I think, and each of the Board members hopefully has a copy.

MS. JOLIVET: Yes, we do.

MR. ZIMMERMAN: Okay. So, I want to, there are a number of resolutions in this exhibit, but I want to draw your attention to resolution number 11-13, modifying the (inaudible). Do you have that in front of you? Or can you get to that?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay. So, my first question is, does, does your group or, have any involvement in, you know,

participating in the proceedings which led to the, the adoption of this resolution?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay. Would you describe that?

MR. MOULDER: Just from consulting with Councilman Marks as to the goals and objectives for the commercial revitalization district.

MR. ZIMMERMAN: Okay. Okay.

CHAIR: Which, which number was that, number --

MR. ZIMMERMAN: Resolution 11-13.

CHAIR: Okay.

MR. ZIMMERMAN: Okay and from a citizen's point of view, what's, what's your general assessment, looking at the, the second whereas clause of the range of retail service and entertainment uses in, in your Loch Raven/Baynesville district? The good, the bad and the ugly, what, you know, what's good about it, what's not so good about it, the range of uses?

MR. MOULDER: Well, and I, I, you know, I've also read the, the County's, what's available on the County website about the commercial revitalization districts and, and one of the things that we were in favor of and concerned about was insuring that there were a variety of uses within the commercial revitalization district, that it wasn't focused on one particular type of commercial enterprise for example.

MR. ZIMMERMAN: Well, in light of what we've already

seen, what's your assessment of whether or not there's a tremendous need for another auto service use in the area to balance the use --

MR. LA FIANDRA: Your Honor, I'm not, I'm not sure, A, that it's relevant, or B, that he's established any foundation for that type of question or answer. So, I object to the question.

MR. ZIMMERMAN: It's a perfectly legitimate question.

CHAIR: Yeah, okay. Overruled. Go ahead.

MR. ZIMMERMAN: From a citizen's point of view.

MR. MOULDER: From a citizen's point of view, I would say that there are nine or ten facilities available currently for oil changes, all kinds of auto services that would be offered at the Valvoline. I think it's, to be honest, I think it's redundant and extreme in this area.

MR. ZIMMERMAN: What concern, if any, would there be that any of the established businesses may suffer?

CHAIR: I, I don't know that he can actually get into that.

MR. ZIMMERMAN: All right, all right.

CHAIR: That's, that's a little, that's beyond the can of an ordinary citizen, I think.

MR. ZIMMERMAN: From a citizen's point of view, what is, what are the main things, if any, that bring about the desire to revitalize this area?

MR. MOULDER: Well, from a citizen's point of view, I guess, is that the, previous to the establishment of the commercial revitalization district and, in a sense I guess, even since it's been established, there's been concern about the haphazard nature of the development along the corridor there and that it's all, not always consistent with those goals that are outlined in the resolution for mixed uses, variety of uses and that, and that type of thing.

MR. ZIMMERMAN: Okay and what do you think accounts for the fact that we have this resolution in 2013, modifying previous resolutions going back to 1998? What, what is it you, from your experience that spurred, you know, an additional resolution?

MR. MOULDER: Well, based on my experience, I think that, what I, what I just testified to was the, the lack of variety and, and the mixed use. I think it was in danger of just coming nothing but fast food and, and frankly, auto service and I think that people in the area generally favored more variety and, as I testified to previously, I think we've had some success in the Mercy Medical Surg Center, which replaced the Lazy Boy store there on the south side of Joppa Road, just east of Pleasant Plains, the development at Loch Raven Commons, which we feel is a mixed use development, which is consistent with those goals and, and a few of the other locations, Lake Shore Learning Center, those types of places.

MR. ZIMMERMAN: Okay. Now, let me move on. In that same second whereas clause, there's the lang, language I'm quoting, as well as establishing the overall image of a community, unquote. Okay. My first question is, what, what concern, if any, is there about the image of this community, from your perspective?

MR. MOULDER: Well, the concern would be that, that the way that commercial district reflects on the immediate community and the residential areas there. I mean, because we're concerned about, you know, like I said before, our housing values and our quality of life and how it's impacted by those things that are established, you know, in some cases a block away from people's homes. So, it, it, it, it impacts everybody up and down the Loch Raven Village area in that respect.

MR. ZIMMERMAN: All right. In light of your previous observations about the Loch Raven/Joppa intersection, what's your thought process as to how this proposed Valvoline affects the image of the area for better or for worse?

MR. MOULDER: Well, and again, it's, it's, it's not just me, but it's been in previously introduced evidence from the 1999 decision that the conversion of this location from an auto service use to what's now a Class B office building was recognized as being located at a prominent in, intersection that's the gateway to the Loch Raven communities, it was

recognized as a tremendous benefit and an improvement at that time by both the Zoning Commissioner and the County Director of Commercial Revitalization.

MR. ZIMMERMAN: Well, that was twenty years ago, right?

MR. MOULDER: Yes.

MR. ZIMMERMAN: What I want to know is what your perspective is now and --

MR. MOULDER: Well, my perspective --

MR. ZIMMERMAN: -- wait a minute, let me finish the question. As to the effect of this proposal on the image of the community, for better or for worse, good, bad, indifferent?

MR. MOULDER: My perspective now is that to convert this back to an auto service use after it being recognized as a tremendous improvement at a prominent intersection that is a gateway to our communities is a step backwards, and in that sense, has to be detrimental to the general welfare, health and safety of the community. I mean, that's what the zoning regulation says and if it was, if it was an improvement before it can't be an improvement to go backwards, it's just not logical.

MR. ZIMMERMAN: Unless there was a major change in the neighborhood in twenty years that somehow justified that, right? Was there any change in the last twenty years that would cause you to say --

CHAIR: No, I mean, it's been a fact that the commercial activity on Joppa Road, and particularly at that intersection, has over the past twenty years, has become more dense, more active, more pronounced than it was even in 1999 when it was pretty pronounced?

MR. MOULDER: Right.

CHAIR: Now it's even more so.

MR. MOULDER: I, I guess --

CHAIR: Correct or not?

MR. MOULDER: I'm, it's a, it's a difficult one to answer.

CHAIR: Okay.

MR. MOULDER: First of all, it's always been pretty, it's been a pretty active intersection and the commercial, there's always been a lot of commercial activity at that intersection.

CHAIR: And on Joppa Road in general in that stretch that we've been looking at, right?

MR. MOULDER: Yes, yeah, it's always been pretty dense. You know, I don't know that this changed that that much in that sense, but I'm just talking about primarily the, the use going from again, auto service, which there is a, a great deal of density of that use in the area, and going away from a Class B office building, which the Loch Raven business association at the time in '99 supported and, and felt was an

improvement.

CHAIR: Okay.

MR. ZIMMERMAN: Let me ask you this, Mr. Moulder. Other than the Towson Commons that you've supported on the west end of the district with a mixed use, and you mentioned, was it a medical facility that replaced the Lazy Boy?

MR. MOULDER: Yes, it's a --

MR. ZIMMERMAN: Okay.

MR. MOULDER: -- Mercy Medical Systems Medical Surgical Center Outpatient.

MR. ZIMMERMAN: And other than perhaps some changes in names to some of the uses, can you identify any significant changes in use in the last twenty years in that area, along Joppa Road? Maybe a furniture store coming in, going out, I mean, what, are there any significant changes? That's what I want to know, in the last twenty years.

MR. MOULDER: Well, the, over to the east side there's a new Gavigan's furniture store that replaced Harold's fruit market over there, Harold's market. The Starbuck's, as I said previously, replaced the Bel Loc Diner. The Lake Shore Learning Center and --

MR. ZIMMERMAN: Well, let me, and you regard --

MR. MCCANN: Well, let him finish, let him finish.

MR. LA FIANDRA: Excuse me, he's answering the question.

MR. MOULDER: Lake Shore Learning Center and the United Rental Center on the north side, across, I think they're across from the McDonald's parking lot, relatively new, I'd say probably twenty years.

MR. ZIMMERMAN: And what would you say as to whether those several things you mentioned have changed the character of the neighborhood or the density of the neighborhood?

MR. MOULDER: Don't know that they've changed the density. We, we felt like the, the Starbuck's was an upgrade at the corner, quite honestly. I mean, we all, like I said before, we all liked the Bel Loc Diner and Mr. Doxanis (phonetic), but we felt like it, you know, the, the building was, was not in good shape and what's replaced it has been an improvement in most people's eyes, I would say.

MR. ZIMMERMAN: Okay. Based on all that, what reason, if any, would there be to take a different approach now than you took in 1999?

CHAIR: Well, it's a, sort of a confusing question, but go ahead and, if you can answer that.

MR. MOULDER: I, I don't, --

CHAIR: He's saying how come you supported the Howard Bank in 1999 and don't support Valvoline now.

MR. ZIMMERMAN: No, that's not actually --

CHAIR: No, not right?

MR. ZIMMERMAN: No.

CHAIR: Okay.

MR. ZIMMERMAN: No, well, --

MR. LA FIANDRA: Although that's a good question.

CHAIR: Pardon?

MR. LA FIANDRA: I said, although that's a good question.

CHAIR: Okay. I misunderstood then.

MR. ZIMMERMAN: Well, let me back up.

CHAIR: So, again, not to, not to cut anyone off, okay? Because we --

MR. ZIMMERMAN: All right.

CHAIR: -- want to make sure the community is heard and heard sincerely, but I, I'm guessing that my colleagues would agree with me that we understand the argument about the health, safety and welfare, how that relates to a special exception. We understand from the maps the questions of residential and commercial density and active, and relative levels of activity and we, I think we get all that actually.

MR. ZIMMERMAN: All right. All right, let me move on to one, on this resolution in 2013, the, the first whereas clause on the top of the second page describing the three separate communities of Loch Raven/Baynesville, Loch Raven/Satyr Hill and Loch Raven/Hillendale, and, and the quote unquote, unique characteristics and identifies. What, what I want to ask you is what, if any, would you say would be the

unique characteristics of Loch Raven/Baynesville that relate to the, to this case in your opinion?

MR. MOULDER: In my opinion, I would think that one of the unique characteristics is that as one of the older communities we're now seventy years old, in that general area, we have worked very, not, not that older, that there are other older communities that haven't, but that we're working very hard and struggling to maintain that sense of community. I think we're very focused on seeing comm, continual improvement in these adjacent areas as, as part of that.

MR. ZIMMERMAN: Okay. All right, I've got just a few more questions. I, I wonder if the witness could be given Protestant's Exhibit 4, the master plan 2020? And let's give the Board back People's Counsel four.

MR. LA FIANDRA: That was Protestant's number four?

MR. ZIMMERMAN: Yeah. Now, I'd like to talk about, or ask about Protestant's number four. And I believe there was some question about it by Mr. McCann, so I'm hoping not to, to repeat. Okay. So, this begins on page one thirty-three, are we all on the same wavelength here?

MR. MOULDER: Um hm.

MR. ZIMMERMAN: Yeah?

MR. MOULDER: Yes.

MR. ZIMMERMAN: So, let's go to page one thirty-nine, bottom left paragraph, beginning with the words to remain

viable. What, if you look at that paragraph, what's your observation, if any, as to whether this proposal fits with the master plan concept of attracting new and different uses?

MR. LA FIANDRA: Your Honor, I'm going to object to the question. He has provided no basis for an opinion and that, and that is far afield, even for a community representative. He's asking for, essentially, compatibility with the, the master plan. The master plan speaks for itself. And there's been no basis for an opinion that's been set forth and he's not an expert witness. So, I object to the question.

MR. ZIMMERMAN: One doesn't have to be an expert to, to provide --

CHAIR: Okay. Sometimes it's quicker to just have the witness answer the question then to fight over it. We, we understand the witness' limitations, I guess, with regards to such opinions.

MR. LA FIANDRA: Okay, thank you.

CHAIR: We, we, we do get that. So, with that in mind, Mr. Moulder, can you, you're, you're familiar with the, with what the master plan says about this area?

MR. MOULDER: Yes.

CHAIR: Okay and your community defers to the master plan often, I take it, in, in your determination as to positions you take on these matters?

MR. MOULDER: I would say yes, I, I'd say that it's

one of the first things we looked at when we heard from Councilman Marks, maybe last September, that this proposal was in the offing.

CHAIR: Right, and I'm guessing that it's your view that this is not compatible with the master plan?

MR. MOULDER: That's correct.

CHAIR: Okay. Okay.

MR. ZIMMERMAN: And what, what would your reasoning be? What were your, your main concerns about that?

MR. MOULDER: Our main concerns, there, there, there, there are many but the preponderance of auto service uses in that district today, the conversion of what was, what is a Class B office building into another auto service use that was converted, that we converted from twenty years ago and the community, the Loch Raven Business Association, all supported that conversion at the time because it was an improvement to that prominent intersection and also the proximity to some of the residential areas and concerns about, residents have expressed about noise, traffic, etcetera.

MR. ZIMMERMAN: Okay. Just, I think, probably just one more question in line with that. Take a look at page one forty, the top right. I'm going to quote and then ask you a question. The districts like community enhancement areas should be the, quote, front door to the residential neighborhood and help establish the overall (inaudible) of the

community, unquote. What relevant, if any, does that have to your observations of this intersection as a gateway?

MR. MOULDER: Well, we, we, you know, I think we agree with that part of the master plan and I think we worked with, actively with the State, for example, on enhancements to Loch Raven Boulevard. I think if you drive up and down Loch Raven Boulevard, you'll see a median strip that's brick and trying to make sure that that, that intersection and that corridor are, you know, an attractive entrance to our community. We, we totally support that, that's why we're here.

MR. ZIMMERMAN: That's all I have, Mr. Chairman.

CHAIR: Thank you.

MR. LA FIANDRA: I will have questions for him.

CHAIR: You do?

MR. LA FIANDRA: Yes.

CHAIR: Okay.

MR. LA FIANDRA: I haven't had a chance to question him yet.

CHAIR: Okay. You're not being prevented from anything.

MR. LA FIANDRA: All right. I thought that maybe you thought that I had already asked him questions.

CHAIR: No, I, no, I, I realize you haven't.

MR. MCCANN: Should I go first or not, does it matter?

CHAIR: Well, you asked questions on direct, so I think you should, I think Mr. La Fiandra gets to go at this point. Let, let me just ask for scheduling purposes, where, where are we here today?

MR. LA FIANDRA: I, I'm very hopeful we are going to wrap up today. I thought that we would be less than hour but I see that we're coming up on two already.

CHAIR: All right.

MR. LA FIANDRA: So, my understanding of things was that Mr. Moulder was Mr. McCann's last witness. I, I, oh, pardon me, --

MR. MCCANN: One more short witness.

MR. LA FIANDRA: -- one more short witness after that.

CHAIR: All right.

MR. MCCANN: Very short.

MR. ZIMMERMAN: I have one witness.

CHAIR: You have one witness and is your witness --

MR. ZIMMERMAN: Will not, should not be that long.

CHAIR: Okay. So, --

MR. ZIMMERMAN: Not, certainly not, not near as long as --

CHAIR: As Mr. Moulder. So, --

MR. LA FIANDRA: And just so you know, I don't have any witnesses. I don't anticipate having a sur --

CHAIR: Any rebuttal.

MR. LA FIANDRA: -- rebut, rebuttal case or anything like that.

CHAIR: Right. Yes, sir?

VOICE: My name is John (inaudible). I came to the April meeting. I would like to make comments (inaudible) if possible.

CHAIR: Okay. That will be possible, okay? Just make sure you're here. So, in, in terms, I guess we're going to have to break for lunch at some point, is that, or are we going to be done, let's say, by 1:00?

MR. LA FIANDRA: So, I don't anticipate having more than fifteen minutes of questions for Mr. Moulder.

CHAIR: Okay. All right.

MR. LA FIANDRA: And then I don't know about the other witnesses.

MR. MCCANN: If it's the Board's preference, I say we, we push on.

CHAIR: Okay, yeah, it would be my personal preference.

MR. MCCANN: I think (inaudible) what, five, ten minutes maybe?

CHAIR: Okay, all right. Okay.

MR. MCCANN: If that's okay.

CHAIR: Yeah, okay. All right. So, so, can we take

a five minute break?

MR. MCCANN: Yeah.

CHAIR: How's that?

MR. LA FIANDRA: Absolutely.

MS. JOLIVET: Thank you.

MR. LA FIANDRA: Very good.

CHAIR: So, we'll be back at 11:56.

MR. LA FIANDRA: Okay, thank you.

CHAIR: Or 11:51, I'm sorry.

MR. LA FIANDRA: Eleven fifty-one. I'll be --

(RECORDING PAUSED - 11:43:47 AM)

(ON RECORD - 11:54:11 AM)

CHAIR: Okay. We're back on the record and Mr. Moulder, you're still under oath.

MR. MOULDER: Thank you.

MR. LA FIANDRA: Okay. Mr. Moulder, you testified on a wide range of issues and I don't intend to ask you questions about all of them but there were a few things I wanted to go back to. The first, when, when did you first learn about this proposal?

MR. MOULDER: I believe it was September 2018, --

MR. LA FIANDRA: Less, less than a year ago?

MR. MOULDER: Yes, less than a year ago.

MR. LA FIANDRA: How, how did you learn of it?

MR. MOULDER: I learned about it from Councilman

David Marks.

MR. LA FIANDRA: And what did he tell you about it at the time?

MR. MOULDER: Simply that there was a proposal to demolish the, what was the 1st Mariner Bank building at the corner of Loch Raven and Joppa and replace it with a Valvoline Quick Lube, I think.

MR. LA FIANDRA: At that time, did he tell you that my client and I met with him?

MR. MOULDER: I don't recall, I'm sorry.

MR. LA FIANDRA: Okay and then you, you, did, you received notice, did you not, of the Design Review Panel meeting?

MR. MOULDER: That's correct.

MR. LA FIANDRA: So, to speak, would that be your first official notice that, of the, of the process in, involved in this?

MR. MOULDER: Yes.

MR. LA FIANDRA: And you went to that meeting, is that correct?

MR. MOULDER: I did.

MR. LA FIANDRA: And you saw my client and I there? Mr. Kazazian?

MR. MOULDER: Yes, I think, I think so.

MR. LA FIANDRA: And do you remember seeing me there?

MR. MOULDER: Yes.

MR. LA FIANDRA: Okay.

MR. MOULDER: Yes.

MR. LA FIANDRA: The, and there were other members of your community there, Mrs. Krach, I believe, and there was, I don't know if she's, she's another community representative.

MR. MOULDER: Yes, Janice Krach was there.

MR. LA FIANDRA: Yeah.

MR. MOULDER: I believe Leslie Noff and Bruce Noff (phonetic) were there.

MR. LA FIANDRA: Yes. The, do you remember that I offered to meet with you at that time?

MR. MOULDER: Yes.

MR. LA FIANDRA: And we were never able to meet?

MR. MOULDER: That's correct.

MR. LA FIANDRA: Okay.

MR. MOULDER: We had scheduling issues, I believe, as well as just, you know, whatever.

MR. LA FIANDRA: As, what, what is whatever?

MR. MOULDER: And, you know, we, we felt like we'd made the decision to oppose the proposed project.

MR. LA FIANDRA: So, so how many times would you say that I reached out to you to discuss the project?

MR. MOULDER: I, I can't recall exactly. I'd say it was, we had probably a couple of phone calls and a couple

inter, e-mail exchanges maybe.

MR. LA FIANDRA: Okay, thank you.

MR. MOULDER: Something --

MR. LA FIANDRA: So, the, and there were other, ultimately you decided you did not want to meet with us because you didn't want the use at that location, is that correct?

MR. MOULDER: Correct.

MR. LA FIANDRA: And by the use, I mean a, an oil change facility.

MR. MOULDER: Auto service facility, --

MR. LA FIANDRA: Or auto, auto service facility.

MR. MOULDER: Yes.

MR. LA FIANDRA: Now, you mentioned that you, so you never had an opportunity to tell us what about the use you didn't like or other design features that we could have changed to accommodate you because you wouldn't meet with us, is that correct?

MR. ZIMMERMAN: Objection.

MR. LA FIANDRA: It's a question.

MR. ZIMMERMAN: I mean, I don't see the relevance.

CHAIR: Well, overruled.

MR. MOULDER: We didn't, we did not have an opportunity to tell you that, no.

MR. LA FIANDRA: Okay. So, obviously Valvoline had no opportunity to respond to you?

MR. MOULDER: That's correct.

MR. LA FIANDRA: Okay. Now, you did meet with some other people who have developed in the area over the years. You mentioned you were involved with the Starbuck's. I think you mentioned you were involved with the Wawa, is that correct?

MR. MOULDER: That's correct.

MR. LA FIANDRA: And were you involved with the Sonic?

MR. MOULDER: We were.

MR. LA FIANDRA: Now, sticking with, do you view Starbuck's as an auto use?

MR. MOULDER: No.

MR. LA FIANDRA: Do you know how many trips per day Starbuck's generates?

MR. MOULDER: I don't.

MR. LA FIANDRA: Or per hour?

MR. MOULDER: No.

MR. LA FIANDRA: And when you've been over by the Starbuck's have you noticed that cars stack into the road sometimes when they're trying to turn into the Starbuck's?

MR. MOULDER: Yes.

MR. LA FIANDRA: How frequently does that happen?

MR. MOULDER: I, I couldn't, I couldn't tell you. I mean, I'm there occasionally but I don't, I don't know how frequent that is.

MR. LA FIANDRA: Okay. The --

CHAIR: Is, is the entrance to Starbuck's on Loch Raven or is it on Joppa?

MR. MOULDER: Both.

CHAIR: Both, okay --

MR. LA FIANDRA: Now, --

CHAIR: -- and the exit is on both also?

MR. MOULDER: Both.

CHAIR: Okay.

MR. LA FIANDRA: The, the, sticking with the Starbuck's, that has a drive thru, doesn't it?

MR. MOULDER: It does.

MR. LA FIANDRA: Is it a two lane drive thru or one lane drive thru?

MR. MOULDER: Single lane.

MR. LA FIANDRA: Single lane. Have you ever waited for coffee there at the, in the drive thru? Have you cued up?

MR. MOULDER: Yes.

MR. LA FIANDRA: You have?

MR. MOULDER: Yes.

MR. LA FIANDRA: How long does that take?

MR. MOULDER: I think it depends time of day but --

MR. LA FIANDRA: What's the longest it's taken?

MR. MOULDER: Five minutes, maybe.

MR. LA FIANDRA: Okay.

MR. MOULDER: They're pretty efficient.

MR. LA FIANDRA: So, the, do you, you said yes to being involved with the Wawa, is that correct?

MR. MOULDER: Yes.

MR. LA FIANDRA: That's where the Bendix building was, right?

MR. MOULDER: Correct.

MR. LA FIANDRA: Now, was the Bendix building, I may have seen it at some point, I don't recall, was it an office building?

MR. MOULDER: I believe it was an office building. They also did, I think, some manufacturing there, light manufacturing maybe, but from, primarily I think it was office space.

MR. LA FIANDRA: Do you consider the Wawa to be an auto oriented use?

MR. MOULDER: I don't think it's focused primarily on the auto use, no.

MR. LA FIANDRA: What do they, do, I mean, they sell gasoline there?

MR. MOULDER: They sell gasoline.

MR. LA FIANDRA: Do people typically, people bring their cars to gas up their cars, yes?

MR. MOULDER: Correct.

MR. LA FIANDRA: Okay.

MR. MOULDER: But other than that, they're a convenience store operator, I think that's their focus. They're one of the largest convenience store operators on the east coast.

MR. LA FIANDRA: Do you know the size of the convenience store?

MR. MOULDER: Square footage wise?

MR. LA FIANDRA: Yes.

MR. MOULDER: I, I don't.

MR. LA FIANDRA: Okay.

MR. MOULDER: But I know that they, they serve food there, they have a convenience food location, they make sandwiches, they have, I am familiar from my career, they have the most highly developed coffee business in the convenience store industry at Wawa's.

MR. LA FIANDRA: Okay, yes.

MR. MOULDER: I tried to sell it to them for years.

MR. LA FIANDRA: I'm sure. The, what, what was the extent, so you mentioned with regard to Wawa that you, the Bendix building had been vacant for ten to fifteen years before that, is that right?

MR. MOULDER: I believe that's correct, yeah.

MR. LA FIANDRA: And by the way, do you know how long the 1st Mariner building has been empty?

MR. MOULDER: I want to say it's been at least two

years.

MR. LA FIANDRA: Okay. The, and you worked, this is, if, correct me if I'm wrong, but I believe you testified that you worked with Wawa to match features of the homes in the community and on lighting and design issues, is that right?

MR. MCCANN: Objection. It wasn't Wawa, this is Loch Ravens Commons. He keeps on referring to the Wawa. The Wawa is part of Loch Raven.

MR. LA FIANDRA: Okay. Loch Raven Commons.

MR. MOULDER: Yes.

MR. LA FIANDRA: Okay. What are the other uses in Loch Raven Commons?

MR. MOULDER: I think as I previously testified there is a physical therapy office buil, office, there is a dental office, Aspen Dental, I'm not sure what the, there's office space that's being located behind the Wawa there next to Loan Brothers, then the apartments that are going to be built behind there, behind the office buildings and just north of where the Glory Days Grill restaurant is.

MR. LA FIANDRA: Okay. The, you had, oh, and then the Sonic. Were you involved with the Sonic?

MR. MOULDER: I was not involved with the negotiations with the Sonic myself, but our association was, yes.

MR. LA FIANDRA: Okay and you're here speaking on

behalf of your association?

MR. MOULDER: I am.

MR. LA FIANDRA: Okay.

MR. MOULDER: Yeah, I am on the (inaudible) I was on the board before, at the last hearing, I'm now the president because I couldn't get out of the room fast enough, so.

MR. LA FIANDRA: Sorry about that, right.

CHAIR: Yeah, everyone else took a step backward and you were left --

MR. MOULDER: All of a sudden I was the only one there.

CHAIR: Um hm, been there.

MR. LA FIANDRA: The, what was the position of your association with regard to the Sonic?

MR. MOULDER: We were not in, in favor of another fast food location there on, on Joppa Road. We were opposed, we opposed the Sonic and opposed the, the zoning request for that, as I recall.

MR. LA FIANDRA: And is that a, would you view that as an automotive oriented use?

MR. MOULDER: No.

MR. LA FIANDRA: Okay. That is, but to be clear, that is the type of use where people drive in, park their car and then eat in their car after the food has like been delivered to them, is that right?

MR. MOULDER: Either that or they take the food to go, yes.

MR. LA FIANDRA: Okay.

MR. MOULDER: It's fast food.

MR. LA FIANDRA: Often times, people are driving to that location?

MR. MOULDER: That's correct, yes.

MR. LA FIANDRA: Okay and then they're obviously driving away from it as well.

MR. MOULDER: Yeah, no, nobody is walking to Sonic pretty much (inaudible).

MR. LA FIANDRA: Okay. The, you mentioned about the, the motels. And I don't mean to put words in your mouth but did I hear you say the first time you testified, which was two months ago, so, but you're, you, I believe you said you were hoping that those hotels failed, those motels failed?

MR. MOULDER: I, I could have said that, yes.

MR. LA FIANDRA: Okay and you, in fact, that, that would not be a bad result for you?

MR. MOULDER: Yes, if they were gone, I would, it would not bother me in the slightest.

MR. LA FIANDRA: So, with regard to the Hooter's that just went out of business, would you share your opinion of that, that you would hope, you, you're somewhat happy that it failed?

MR. MOULDER: I mean, not, I'm pretty indifferent as to the, the Hooter's. It's never been, we, the, I would say that the Hooter's had never presented issues for our neighborhood. I think just maybe my personal opinion is that in the current environment there's an opportunity for something that would improve the area to go in there instead of the Hooter's, but.

CHAIR: Where, where is actually the Hooter's? I'm sort of --

MR. LA FIANDRA: I believe it was shown, I don't want to --

CHAIR: Yeah, where, where's, where is the Hooter's?

MR. LA FIANDRA: Yeah.

MR. MOULDER: It's on the north side of Joppa Road, kind of right across from the McDonald's there.

CHAIR: Okay, all right.

MR. MOULDER: Yeah.

CHAIR: Okay.

MR. LA FIANDRA: Now, --

MR. MOULDER: It used to be a nightclub --

MR. ZIMMERMAN: Rascal's.

MR. MOULDER: Rascal's night club.

MR. MCCANN: He knew right away what it was.

MR. MOULDER: We know where Peter was spending his time.

CHAIR: It's not where Kaos was though?

MR. ZIMMERMAN: No, no.

MR. MOULDER: No, Kaos was in the back up Orchard Tree Lane and then that is actually one place that we were happy went out of business, so.

MR. LA FIANDRA: The, --

CHAIR: I mean, I've only heard of Kaos, I've never actually been there.

MR. MOULDER: (inaudible).

MR. ZIMMERMAN: It's been a while since Rascal's closed.

MR. LA FIANDRA: Do you know what my client's investment in the 1st Mariner property and this entire project is?

MR. MOULDER: I, I don't know specifically what the entire project is. I, I saw the property listed for something in the neighborhood of $1.65 million.

MR. LA FIANDRA: Were you here when he testified that his budget for the project is $3.2 million?

MR. MOULDER: Yes, I think I was, but I didn't recall that, sorry.

MR. LA FIANDRA: Okay. That's okay. The, and is that not the type of community investment or reinvestment that you are looking for as part of the master plan?

MR. MOULDER: Well, I, I, I think we'd, we'd love to

have people invest money in the commercial revitalization district as long as it's consistent with the goals and objectives of the master plan and the commercial revitalization district, yes.

MR. LA FIANDRA: And just sticking with that point for a moment, just so I understood your testimony correctly, your primary issue with regard to the master plan is that this is one of, this would be another auto related use in, in the area that we have discussed as the neighborhood?

MR. ZIMMERMAN: Objection. I think that's not what the witness said.

CHAIR: Well, overruled. I mean, if that's not, he, he can answer no, you know.

MR. ZIMMERMAN: Okay.

MR. MOULDER: I would say that's, that's, that's part, part, part, part of our objection. I think it, again, we're looking to insure that the uses in the district are consistent with the master plan and the goals and objectives of the commercial revitalization district, as well as to preserve what we con, concern, or what we recognize as improvements to the district going back to 1999 where it was converted from the Crown Gasoline Station to Class B office space.

MR. LA FIANDRA: Okay.

MR. MOULDER: We felt like that was an improvement and we don't want to see a step backwards.

MR. LA FIANDRA: The, through, I, I've seen you present at most, I think all of the hearings. Have you been at, to all the hearings?

MR. MOULDER: I have.

MR. LA FIANDRA: Okay. The, and there was the, there was the one night, you were at the Administrative Law Judge, is that correct?

MR. MOULDER: Yes.

MR. LA FIANDRA: And you were also at the Design Review Panel, as we said earlier?

MR. MOULDER: Yes.

MR. LA FIANDRA: Do you recall that in the context of the discussion of this being a gateway that --

MS. JOLIVET: Which, which (inaudible) are you talking about?

MR. LA FIANDRA: Oh, this is, pardon me.

MS. JOLIVET: You said, does he remember. Is this the Design Review Panel or the ALJ hearing?

MR. LA FIANDRA: Thank you for asking. The, the Design Review Panel.

MS. JOLIVET: Okay.

MR. LA FIANDRA: Yes, just with regard to the Design Review Panel, do you remember there being a discussion of the, there being a monument sign in the front of this property to welcome people to the Loch Raven community?

MR. MOULDER: There was a discussion about that, yes.

MR. LA FIANDRA: And do you remember, what is your position on that? Would, do, do you want to see that?

MR. MOULDER: The, the ques, I think the question would be what would be on the sign. I think the proposal was like welcome to Loch Raven and as you can see from some of the verbiage on all these different documents, that's kind of a, a soft target there and that, you know, there's Loch Raven/Hillendale, there's Loch Raven/Baynesville and all these different areas. So, something, Loch Raven is not, I mean, it's, it's a big name around here, you know, Loch, you know, it could refer to the Loch Raven Res, you know, Watershed.

MR. LA FIANDRA: Sure.

MR. MOULDER: So, we weren't, we weren't quite sure what the, the reference was and --

MR. LA FIANDRA: But you never asked us about that, is that correct?

MR. MOULDER: No, I don't believe we did.

MR. LA FIANDRA: You never asked us for clarification at that point?

MR. MOULDER: No.

MR. LA FIANDRA: Or asked us to change it?

MR. MOULDER: No.

MR. LA FIANDRA: Okay and would it surprise you to know that Councilman Marks asked us to put that sign on the

plan?

MR. MOULDER: No, I guess not.

MR. LA FIANDRA: Okay and --

CHAIR: Now, you know that's not evidence, that Council Marks, Councilman Marks did ask to do that?

MR. LA FIANDRA: I understand.

CHAIR: Okay.

MR. MOULDER: I'm, yeah, --

MR. LA FIANDRA: Okay.

MR. MOULDER: -- I'm not aware that he did or didn't so.

CHAIR: All right.

MR. LA FIANDRA: The, how long as the Royal Farms been there on Joppa Road?

MR. MOULDER: I can't say with certainty but it's been, it's been quite a long time, yeah. The property used to belong to the Hollenshade family, as a matter of fact.

MR. LA FIANDRA: And were you, did you live in the neighbor, did you live where you currently live when that was switched from the Hollenshade family to Royal Farm?

MR. MOULDER: I, I did. The Hollenshades sold it to the Royal Farms business entity a few years ago. They, Royal Farms had been leasing it. Mr. Hollenshade, they had an option to buy at the end of that lease agreement and so they ended up selling it to them. I, I'm guessing five or six years ago.

MR. LA FIANDRA: And so, that went from being an auto use, the Hollenshade Auto Service --

MR. MOULDER: That's not where, no. Hollenshade --

MR. LA FIANDRA: That's not where, where it was?

MR. MOULDER: -- (inaudible) located, Lee just owned the property, Mr. Hollenshade, I should say.

MR. LA FIANDRA: Okay. What was there before?

MR. MOULDER: I don't remember what was there before.

MR. LA FIANDRA: Did you take a position on the Royal Farm at the time?

MR. MOULDER: I don't recall.

MR. LA FIANDRA: Okay.

MR. MOULDER: I mean, that's a long, long time ago.

MR. LA FIANDRA: The, thank you. Thank you, I appreciate your time.

CHAIR: Mr. McCann?

MR. MCCANN: Yeah, just a couple follow-up. Maybe I want to try to simplify some of what you talked about with respect to Mr. Zimmerman's questions and Mr. La Fiandra's questions and maybe keep it simple. Am, am I correct it's your opinion that there's a lot of commercial uses in this corridor that have been around for a long time that aren't today necessarily consistent with the commercial revitalization district and its goals?

MR. MOULDER: Yes.

MR. MCCANN: Okay. You mentioned some of those. Would, would those include even some of the, the automobile service establishments and fast food establishments that we've been talking about?

MR. MOULDER: Yes, I think that, you know, we'd like to see improvements in terms of, you know, walkability and, like I said, variety of uses other than that --

MR. MCCANN: So, a lot, so, I'm sorry. So, a lot of those uses, fast food, automobile service, even some of the, the Royal Farms for instance, a lot of those uses if they were proposed today post commercial revitalization district, you would not support, you and the community would not support them, is that fair?

MR. MOULDER: Well, I, I think it's, we, we'd assess each one individually but I think that's, that's correct. We'd be looking for some different uses maybe.

MR. MCCANN: Okay and in terms of all those commercial uses that have been around for a long time, even though it's pre commercial revitalization district, that really hasn't changed in the last twenty years?

MR. MOULDER: No.

MR. MCCANN: There's always been a lot?

MR. MOULDER: Yes.

MR. MCCANN: Okay. But then again, there have been, and you've mentioned a number of them, there have been a lot of

positive changes to the district in, in recent, recent memory? That is, post commercial revitalization district, is that fair?

MR. MOULDER: Yes.

MR. MCCANN: Among other things, Towson Commons?

MR. MOULDER: Correct.

MR. MCCANN: Starbuck's?

MR. MOULDER: Yep.

MR. MCCANN: Okay. Just, could you clarify why you didn't meet with Mr. La Fiandra? I'm not sure quite, if you, if you quite said why you would, you did not or would not meet with him.

MR. MOULDER: I think the feeling was that we looked at the, the design of the building and the use and found that we felt it would be a step backwards and that we would be in opposition to that development --

MR. MCCANN: Okay.

MR. MOULDER: -- in any case, I mean, it could be, I mean, I'm sure they design very nice buildings and that kind of thing but it was, regardless of how nice the building was, we didn't think the use was appropriate for that corner.

MR. MCCANN: Okay. With respect to the Starbuck's, why, if you could explain, why is the Starbuck's okay, even though it, when I say okay, you, you believe it's consistent with the district, even though it has some increased traffic? Explain why that is.

MR. MOULDER: Well, I guess, you know, from, from my experience, Starbuck's, you know, has an upscale image that would project to the area that surrounds it. We, you know, one would hope and we, we thought that would be beneficial to the community to, to see that there. We had, the, the Starbuck's was previously located down in the Ravenwood Shopping Center, not very prominent, you know, next to the bank and the Giant there and they closed that one and opened the one there where the former Bel Loc Diner was and we thought that was a, a good addition, so.

MR. MCCANN: So, the, the, the Starbuck's that's there, in your opinion, does that achieve some of the purposes of the commercial revitalization district? Some of the ones we've been talking about?

MR. MOULDER: I believe so, yeah. It, it's different from the other fast food locations in terms of the things that, the, the offerings it has and the, and the image that it has, yeah.

MR. MCCANN: Okay. That's all I have. Thank you very much.

CHAIR: Mr. Zimmerman?

MR. ZIMMERMAN: Yeah, following up on --

CHAIR: Remember this is rebuttal, right?

MR. ZIMMERMAN: I get --

CHAIR: So, this is limited to what was on cross.

MR. ZIMMERMAN: I have that exactly (inaudible).

CHAIR: Okay.

MR. ZIMMERMAN: So, as far as the Starbuck's goes, do you know whether or not that required a special exception or there was ever any special exception review on that one?

MR. MOULDER: I, I, I don't recall.

MR. ZIMMERMAN: Yeah, so, so to the best of your knowledge, it, that might have been permitted by right?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Yeah, and just briefly, in terms of visual comparison between a Starbuck's and a Valvoline, would, you know, how do you, how do you view them? Which is better, which is worse?

MR. LA FIANDRA: Your Honor, I'm going to object.

CHAIR: Well, yeah, well, that's like do you like vanilla or chocolate.

MR. ZIMMERMAN: Well, --

CHAIR: That's really just an idiosyncratic --

MR. ZIMMERMAN: I know. All right. (inaudible) the Towson Commons, I happen to have, I guess this is People's Counsel twenty-three.

MR. LA FIANDRA: Thank you.

MR. MCCANN: Thank you.

MR. LA FIANDRA: Can I ask a clarifying question? Because I heard him refer to Towson Commons earlier but do you

mean Loch Raven Commons?

MR. ZIMMERMAN: Oh, did I, yeah, my, my fault. Loch Raven Commons.

MR. LA FIANDRA: Okay, thank you.

MR. ZIMMERMAN: Sorry. Thank you, Mr. La Fiandra. Loch Raven Commons.

CHAIR: Thank you, counsel.

MR. ZIMMERMAN: Let's see. I'm not going to spend a lot of time on this but.

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: Okay. This resolution number twenty-five fourteen, adopted April 7, 2014. Mr. Moulder, do you recognize this resolution of initiating the planned unit development process for Loch Raven Commons?

MR. MOULDER: Yes.

MR. ZIMMERMAN: Okay and does, without going through it paragraph by paragraph, does that describe the mix of uses, including the Wawa, the residential an so on and so forth in the background?

MR. MOULDER: I believe so.

MR. ZIMMERMAN: Okay. Has there been any PUD proposed for the Loch Raven/Joppa intersection to the best of your knowledge?

MR. MOULDER: No.

MR. ZIMMERMAN: And by the way, does the PUD include

some community enhancement or benefit by --

MR. LA FIANDRA: Your Honor, we've gone quite, very far afield. I don't really understand the relevance of the question.

MR. ZIMMERMAN: Well, Mr. La Fiandra was asking about the Wawa as if it were isolated from Towson Commons.

CHAIR: No, it's part of Towson Commons.

MR. ZIMMERMAN: Right.

MR. LA FIANDRA: Loch Raven Commons.

CHAIR: I mean, Loch Raven Commons.

MR. ZIMMERMAN: Loch Raven, excuse me. So, yeah, so, so I think we needed to give some context to the Loch Raven Commons.

CHAIR: Okay. What, what exhibit number is this?

MR. LA FIANDRA: Yeah, is there a number --

MS. JOLIVET: Twenty-three.

CHAIR: Twenty-three.

MR. ZIMMERMAN: Twenty-three.

CHAIR: Okay.

MR. ZIMMERMAN: Okay. That's all I'm going to, I mean, the Board can, it speaks for itself, I get that. So, Mr. La Fiandra asked you, Mr. Moulder, about, some questions relating to how much money the Petitioner was spending, whether it was a million or a million and a half, I can't remember.

CHAIR: I think it was closer to three.

MR. ZIMMERMAN: Three million.

CHAIR: In excess of three, actually.

MR. ZIMMERMAN: Yeah, what, what, if anything, as far as you know, is in the master plan that says if a Petitioner is going to spend several million dollars they can get whatever they want, can you tell me?

CHAIR: Well, that, that, that's a little argumentative I think.

MR. ZIMMERMAN: All right. I mean, what relevance, if any, do you as a citizen see that they're spending a lot of money?

CHAIR: I, I, I think that's also --

MR. ZIMMERMAN: All right.

CHAIR: -- not really germane.

MR. ZIMMERMAN: All right.

CHAIR: I mean, it shows that there's a financial commitment to the area by Valvoline, doesn't show anything more, doesn't show anything less.

MR. ZIMMERMAN: Well, Valvoline is a profit making operation.

CHAIR: Indeed.

MR. ZIMMERMAN: Mr. La Fiandra asked you a few questions about Councilman Marks, do you remember that?

MR. MOULDER: Yes.

MR. ZIMMERMAN: What, if anything, would you like to

say about whether or not Councilman Marks supports this project?

MR. MOULDER: I, I met with David some time ago, with Councilman Marks. I, I don't want to speak for him but it didn't seem like this was a project that he felt was consistent with what he wanted for, I think it's fair to say, he didn't think it was consistent with what he wanted for the commercial revitalization district. He did write a letter to the, to Judge Beverungen but I think was, tried to be very careful in that, I don't know if I have the distinction right between the administrative process and councilman, councilmanic process, kind of (inaudible) process and there were distinctions and differences. But he wanted to make sure that the concerns of the community were heard.

MR. ZIMMERMAN: Okay. Thank you. That's all I have, Mr. Chairman.

CHAIR: Anything else?

MR. LA FIANDRA: Very quickly.

CHAIR: Sure.

MR. LA FIANDRA: Just with regard to the questions that you were asked by Mr. McCann with regard to the Starbuck's. The, how long has the Dunkin' Donuts been there?

MR. MOULDER: It's been quite some time.

MR. LA FIANDRA: And there, Dunkin' Donuts and, Dunkin' Donuts or Dunkin' and Starbuck's, they both sell coffee

and other foods. It's like, they're both similar operations, am I right?

MR. MOULDER: Yes.

MR. LA FIANDRA: And does the Dunkin' Donuts have a drive thru as well?

MR. MOULDER: They do.

MR. LA FIANDRA: Okay. The, one of the things that you mentioned was the predominance of fast food in the corridor, is that right?

MR. MOULDER: I, I guess, yeah.

MR. LA FIANDRA: And yet you, despite the predominance of food that you identified, you chose to support the Starbuck's?

MR. ZIMMERMAN: I'm going to object in the sense of Starbuck's did not require a special exception so I don't see--

MR. LA FIANDRA: Well, he testified that he was in favor of the Starbuck's, it was a fact in the record.

MR. ZIMMERMAN: It's kind of apples and oranges legally, that's all.

CHAIR: Yeah. No, well, it's, both points are well taken.

MR. LA FIANDRA: There was a question, yes, go ahead.

MR. MOULDER: Okay. Can you ask me the question again?

MR. LA FIANDRA: The, despite the predominance of

fast food in the corridor that you discussed, you supported the Starbuck's when it came in for approval?

MR. MOULDER: Yes. I, and I have some, some experience with this from my career, which at both Proctor & Gamble and Smucker's was primarily serving the away from home industry so Starbuck's was a customer, Dunkin' was a customer, at both companies.

MR. LA FIANDRA: And --

MR. MOULDER: And I would say the Star, Starbuck's, if you segment the industry, has a distinctly different image and demographic than Dunkin' Donuts. So, Dunkin' Donuts would skew older, for example, less upscale, no offense to the folks from Massachusetts where Dunkin' is really, really popular. And I think the Starbuck's, you would view as something that would have more appeal to younger people, millennials and that kind of thing, so we saw that perhaps as, or, you know, or, or in my view, it's a distinctly different type of coffee and food operation than Dunkin'.

MR. LA FIANDRA: And McDonald's sells quite a bit of coffee as well, is that not right?

MR. MOULDER: I believe they do.

MR. LA FIANDRA: And the, there's a McDonald's in this corridor as well, is that right?

MR. MOULDER: Yes.

MR. LA FIANDRA: Were you present for the testimony

where Mr. Kazazian discussed how Valvoline segments the market, so to speak, using your terminology that you just used, with regard to oil changes?

MR. MOULDER: I don't recall that.

MR. LA FIANDRA: Okay.

MR. MOULDER: I don't recall.

MR. LA FIANDRA: Okay, thank you.

MR. MCCANN: One follow-up?

CHAIR: Go ahead.

MR. MCCANN: I understand your testimony Starbuck's is different than Dunkin' Donuts, but Starbuck's isn't fast food like McDonald's is, is it? We wouldn't put those in the same category, would you?

MR. MOULDER: No, no. McDonald's would be what we call the QSR, quick serve restaurant, you know. Starbuck's and Dunkin' Donuts, to the limited extent would be what we call limited service restaurant.

MR. MCCANN: Yeah, I've never heard them referred to as fast food restaurants, have you?

MR. MOULDER: No.

MR. MCCANN: Okay.

MR. MOULDER: No.

MR. MCCANN: Okay. Nothing else. Thank you.

CHAIR: Yeah, okay. You're excused, Mr. Moulder.

MR. MCCANN: I've never seen a witness do that

before.

MR. MOULDER: May I just, on my own behalf, offer something up?

CHAIR: Sure.

MR. MOULDER: I've, I want to thank the Board for your, your time and your extreme amount of time on this, I guess. But I just want to, you know, kind of re-emphasize from, from our point of view, I think we talked about the fact that we think that this project would be a step backwards for our community and, therefore, doesn't satisfy the County requirements for special exception. We, you know, we're fully invested in Loch Raven Village. It's a diverse community, we have younger people moving in there. My son lives in the village, he was born, you know, not born there but raised in the village. My daughter lives in the village, my niece lives across the street, so from a family perspective, we're fully invested.

There are a lot of older people in the village. Some of whom are original owners of these houses, believe it or not. And it represents, for a lot of them, you know, the biggest investment they have in their lives and for some of the younger, the younger people in the village it's, it's the biggest initial investment that they've ever made. When they buy a house in Loch Raven Village and so, that's kind of why we're here. That's what we're after and I appreciate the Thank

you.

CHAIR: Yeah, so, I, I think that message is loud and clear.

MR. MOULDER: All right, thank you.

CHAIR: Okay?

MR. MOULDER: Yeah. I don't want to beat a dead horse.

CHAIR: No.

MR. MOULDER: Thank you.

CHAIR: Sure. Mr. McCann?

MR. MCCANN: Yeah, two things. I have Mr. Hartman here and I do have his Rule 8 papers. (inaudible).

MR. ZIMMERMAN: You go ahead with yours. No, you go ahead. That's fine.

MR. MCCANN: Okay. Before I do that, when I, I was listening to the CD from the last hearing and I realized that I was supposed to make copies of Protestant's Exhibit 20 for you guys and I never did. In fact, I may have the original, that's twenty.

MS. JOLIVET: Yes, you do. Do you have an extra for me?

MR. MCCANN: After all that, I didn't bring my copies. How did I do that?

VOICE: Aren't we supposed to be going to a paperless society?

MR. MCCANN: Yeah.

MR. LA FIANDRA: Thank you.

MS. JOLIVET: Thank you.

MR. MCCANN: Sorry about that.

CHAIR: Oh, yes.

MR. MCCOMAS: Do you, do you swear and affirm under the penalties of perjury, that the testimony you're about to give is true and correct to the best of your knowledge and belief?

MR. HARTMAN: I do.

MR. MCCOMAS: Please state your name, your business, your address for the record and spell your last name.

MR. HARTMAN: Paul Hartman, H-A-R-T-M-A-N. Address 18 ½ Cedar Avenue, Towson 21286. And business is Computer Engineering Group, Inc.

MR. MCCOMAS: You can sit down. Just adjust that microphone too if you don't mind.

MR. HARTMAN: Sure. I think we got it. I also do radio, so kind of used to microphones. I get yelled at when I, people can't hear. Sorry.

MR. MCCANN: That's okay. Mr. Hartman, what's your affiliation with Towson Communities Alliance?

MR. HARTMAN: I'm an at large board member of Towson Communities Alliance. I'm a former, or past president of what at that time was called the Greater Towson Counsel of Community

Associations or GTCCA.

MR. MCCANN: Okay. In fact, that organization was known for, for a long time as GTCCA, correct?

MR. HARTMAN: Correct. It was the, established in the early seventies.

MR. MCCANN: But Towson Communities Alliance is the same entity just a different name?

MR. HARTMAN: Right. Rebranding.

MR. MCCANN: Rebranding, okay. And tell us what, what I'll refer to as TCA, what, what do they do?

MR. HARTMAN: TCA is an umbrella group that represents approximately thirty community associations in the Towson area, roughly between the Baltimore City line and the beltway on the south and north and from 83 on the west to Perring Parkway on the, on the east. But we do have some communities that are outside of those borders, so it's not strictly hard and fact border lines.

MR. MCCANN: Okay. How many members, thirty associations but how many households does that represent?

MR. HARTMAN: Well, we're, we're told that Towson has approximately fifty-five thousand residents. I would guess maybe at least seventy-five percent of them are in communities that submit or that, that are members of TCA and submit, have delegates that come to our meetings.

MR. MCCANN: Okay and is that how it works? You just

mentioned delegates, how does it work?

MR. HARTMAN: Yeah, each community has one or more delegates that come to meetings, they only get one vote regardless of how many people come to meetings. But they designate several people because some people can't get to every meeting, so they cast votes as needed at our monthly meetings.

MR. MCCANN: Okay and was there such a vote in connection with this proposal?

MR. HARTMAN: Yes, the, the project was discussed and the membership voted to oppose it. Members from Loch Raven Village, Associates of Loch Raven Village and Knettishall spoke at that particular meeting.

MR. MCCANN: Okay and are you in both, both you and TCA, are you familiar with what is proposed?

MR. HARTMAN: Yes, and I was here for the second day of hearings as well.

MR. MCCANN: Okay, all right. And do you live in Towson, Mr. Hartman?

MR. HARTMAN: Yes, Cedar, I mean, yes, Cedar Avenue now, which is near Towson High School, Towson University, near York Road for thirty-one years in July. And for ten years prior to that, I lived in Loch Hill, which is just south of the Loch Raven and, and Joppa intersection. It's south of Taylor Avenue, about a block from York, from Loch Raven.

MR. MCCANN: So, you're familiar with the area?

MR. HARTMAN: Yes.

MR. MCCANN: Okay, all right. I have some Rule 8 papers that I'll give to the Board, I have a copy for Mr. La Fiandra, of course.

MR. LA FIANDRA: Thank you.

MR. MCCANN: And these are, there's three pages to them and I think they're self-explanatory. Here's the original.

MS. JOLIVET: Thank you.

MR. MCCANN: Copy, copy. Pete, you want one?

MR. ZIMMERMAN: Sure.

CHAIR: And this would be Protestant's exhibit?

MR. MCCANN: Twenty-one.

MS. JOLIVET: That's correct.

MR. MCCANN: So, I'm going to show Mr. Hartman, if I could, a copy of that Exhibit 21 and just tell us what that document is.

MR. HARTMAN: Well, this is resolution of the members, the board of directions, that are authorized to testify on behalf of the association.

MR. MCCANN: Okay. That's the first page, what about the second page.

MR. HARTMAN: First page. Second page is signed by me that I am a duly elected member of the board of directors.

MR. MCCANN: Okay.

MR. HARTMAN: And then the third page is our position

on the, the issue at hand today, Valvoline, that's all.

MR. MCCANN: Okay, great. Thank you. I would move exhibit, Protestant's Exhibit 21 in evidence. Is it, is it admitted?

MR. LA FIANDRA: I have no objection to it, no.

MR. MCCANN: Oh, I'm sorry, okay. Okay.

CHAIR: Yes, so it's admitted.

MR. MCCANN: Thank you. Mr. Hartman, I guess where you left off was that this sort of last resolution in Exhibit 21 identifies TCA opp, opposition to this proposal. Could you explain to the Board why it is that TCA has taken this position?

MR. HARTMAN: Well, it's, I, the association agrees with much of Mr. Moulder's testimony in that we feel that being in a commercial revital, revitalization district, the point of that is to improve the mix of uses in the area, to improve the, the architecture, to increase walkability, none of which this project does. In fact, as, as Mr. Moulder said, and I was planning to say exactly the same thing, is that it is a step backward to, before the bank building was there it was a gas station and this is basically an auto, auto, automobile usage for that.

So, it, it's not, it's not an improvement and unfortunately, things like commercial revitalization districts, it doesn't happen overnight when you designate an area. It,

it's an incremental procedure and, in fact, this, I think it was twenty years ago that this area was designated as such by the County Council and as Mr. Moulder testified, there have been improvements, the, the furniture store, the Loch Raven Commons, the, the Starbuck's and, and the, the surgical center and things like that. The surgical center back there used to be Towson Dodge Honda, or Mazda and I had a Mazda and had it served in that area. So, that's a, an improvement over what used to be there, as just another example.

So, we just feel that the, that this project is not in keeping with the, the goals of not only the commercial revitalization district but there's also another way to look at zoning in, in, using transects and this has been designated a T-5 transect, which is urban center zone, which is different from traditional zoning where you have DR-5.5 or BL or BM or whatever for zoning for a particular parcel. This looks at a, an area and the T-5 says for, which is designated for the Joppa Road corridor and the, the section of Loch Raven that again is stressing mixed use, with a variety of uses, and also emphasis on walkability and, for example, an auto service place would be kind of silly to walk to, that's the whole point, you have a car.

So, things like a Starbuck's, whether it has a drive thru or not, are places that you could walk to but you need a, kind of a, a critical mass of those kinds of places in, in an

area to, to make it walkable and, and that doesn't happen overnight. You have to replace things one at a time and then you get to a place where people in Loch Raven Village or what's, Ridgely Manor, another one of our members, could just walk up Loch Raven or whatever through street and, and take advantage of some of these businesses without having to get into a car. I think that's a big plus, especially for people looking for a home, maybe with families that, that have children that they could, you know, go to dinner at one of these places without having to drive. Parents could have a drink without worrying about driving. And, and I think that's a very good incentive to, to purchase a home in, in a particular area.

MR. MCCANN: Okay, great. Anything else, Mr. Hartman, or did that cover it?

MR. HARTMAN: Yeah, well, I want to also reinforce the, the gateway aspect of this, the, it's been touched on. As you come off the beltway and head south on Loch Raven, you come up a big hill and at the top of the hill is the intersection with Joppa Road and it just seems, from my point of view, I always end up hitting a red light there, so that's the view you get at that light is right now the, the Howard, or 1st Mariner Bank building and I think it would be, again, going backwards to have an auto service facility there and that's more primarily for the, the people who pass through.

That's a, Loch Raven is a, a vital artery for people getting downtown to work in rush hour and, excuse me, you know, it makes it a more attractive area, even if they're just passing through. If they go by there every day, if they're looking for a house some day in the future, they might think that this is, you know, if the other, rest of the, some of the other commercial areas are cleaned up a bit, this might be, you know, attractive to them to, to invest in and that keeps residential communities strong, that's part of TCA's efforts is to try and, and maintain and, and enhance the, the strength of the, and the stability of communities. You don't want to have people moving out after every, you know, couple of years because they don't like it anymore, found out it wasn't as good an area as they expected. Having long term homeowners and families, that's, that's what keeps a great community.

MR. MCCANN: Yeah, I didn't ask, and I should have, what TCA's mission is. You mentioned something that may have covered it but.

MR. HARTMAN: Well, it, it's to improve the Towson area in what ways we can, particularly the residential areas. Towson has many older areas. My home in Agreth Manor (phonetic) is 1953, but the home behind me is 1800 and I've got an 1890 house on one side of me and then Civil War era homes two houses down. So, we, we have a great mix of communities that have been built over different eras, a lot of post-war

townhouses. I, I think Loch Raven Village might be, fall into that category, that each have their own identity and their own characteristics and that's what attracted me to Towson.

I, I grew up in Baltimore City near Memorial Stadium and that's what attracted me to the Towson area forty years ago and when we were looking to upsize our home from the one on, in Loch Hill, we really wanted to look in the Towson area and, and that's when I became involved with, at that time, GTCCA, when it's like, well, I have this big investment, I want to, you know, keep it as a good investment, so.

MR. MCCANN: Okay, great. Thank you, Mr. Hartman. No other questions.

MR. HARTMAN: Sure.

MR. ZIMMERMAN: Just a couple of geography questions.

MR. HARTMAN: Sure.

MR. ZIMMERMAN: What's the approximate boundary if, if, if there is such a thing, of Towson east of the downtown area? How far does Towson go?

MR. HARTMAN: Well, it, it, since there are no incorporated towns in Baltimore County there is no hard and fast boundary lines. Some would put it maybe at Loch Raven, some maybe at Perring Parkway or somewhere in between. Just for our TCA purposes, we would, we use Perring Parkway as the eastern boundary. We had Cromwood Coventry is a neighborhood that's on the north side of Joppa Road, was a member of ours

for a while. They no longer are but because communities drop in and out occasionally.

MR. ZIMMERMAN: Is the beltway the north boundary?

MR. HARTMAN: Pretty much but again, we do have Chatterleigh (phonetic) is outside the beltway, Hampton Estates and, and they're members, so we, we do have members outside of what you might consider the boundaries of Towson.

MR. ZIMMERMAN: Okay. South --

MR. HARTMAN: Because they're concerned, they, they're part of the area and they're concerned with what happens. What happens in the Towson area affects them.

MR. ZIMMERMAN: South boundary?

MR. HARTMAN: South boundary is the city line. Although we, again, we have Bellona Gittings, for example, has members of their community on both sides of the city line, they straddle the, the border.

MR. ZIMMERMAN: If we just take Towson east of downtown, (inaudible), do you have any idea of the approximate population in that area?

MR. HARTMAN: No, I don't, sorry.

MR. ZIMMERMAN: Just a couple more geography. You pointed out that when you get off the beltway at the Loch Raven exit you're going uphill to Loch Raven/Joppa intersection, correct?

MR. HARTMAN: Correct, yes.

MR. ZIMMERMAN: And then, as you go south, what's the slope?

MR. HARTMAN: It's pretty steep. You could go sledding on that.

MR. ZIMMERMAN: I mean, go, is it a downward slope once again?

MR. HARTMAN: From, from the, Joppa Road if you're going northbound it's downward toward Cromwell Bridge Road and, and the beltway entrances.

MR. ZIMMERMAN: And southbound?

MR. HARTMAN: And southbound from there, you come up the hill and you're at, at the crest of the hill is where the Joppa Road intersection is.

MR. ZIMMERMAN: You mean, if you're coming north, you're coming uphill?

MR. HARTMAN: Coming north from the Joppa Road intersection?

CHAIR: Coming south.

MR. ZIMMERMAN: No.

MR. HARTMAN: No, from, to the Joppa Road intersection?

MR. ZIMMERMAN: Right.

MR. HARTMAN: Yes, there is a slight hill that comes up from the, the businesses south of that.

MR. ZIMMERMAN: In other words, you're going down to

Joan Avenue and the church and so on and so forth?

MR. HARTMAN: Right, correct. Yes, yeah. So, that, the Joppa Road, I believe, was an old Indian trail so it followed the ridge line and, and then, so both sides of it go down, yeah.

MR. ZIMMERMAN: Okay. One of the reasons it's so prominent in our area.

MR. HARTMAN: Well, exactly. But the hill coming up from --

MR. ZIMMERMAN: Yeah.

MR. HARTMAN: -- or southbound on, on Loch Raven is extremely steep in that, you know.

MR. ZIMMERMAN: Thank you, that's all I have.

MR. LA FIANDRA: Nothing, thank you.

CHAIR: Okay. You're excused, Mr. Hartman.

MR. HARTMAN: Thank you.

CHAIR: Thank you.

MR. ZIMMERMAN: A short witness, I think short.

CHAIR: Okay and then Mr. Castro. Okay.

MR. ZIMMERMAN: Mr. Bulkeley?

MR. MCCOMAS: You have to stay standing, I have to swear you in. Do you swear or affirm under the penalties of perjury, that the testimony you're about to give is true and correct to the best of your knowledge and belief?

MR. BULKELEY: Yes, I do.

MR. MCCOMAS: Please state your name, your business, your address for the record and spell your last name.
-Yeah, Jason David Buckley, address that I live at, where my business is at is 8815 Orchard Tree Lane and my residential address is 9005 Harford Road in Parkville. What, I'm sorry, what was the other information you needed?
MS. JOLIVET: Spell your last name.
MR. MCCOMAS: What's your business?
MR. BULKELEY: The Orchard Market (inaudible).
MR. MCCOMAS: Oh, that's right. And then spell your last name.
MR. BULKELEY: Last name B-U-L-K-E-L-E-Y.
MR. ZIMMERMAN: Okay.
MR. MCCOMAS: You, you can sit down and just make, adjust that microphone so we can hear you.
MR. BULKELEY: Certainly.
MR. MCCOMAS: The recorder can pick you up.
MR. BULKELEY: Is that okay?
CHAIR: It's B-U-L-K --
MR. BULKELEY: E-L-E-Y
CHAIR: Okay.
MR. BULKELEY: Yes, sir. Yes, Your Honor.
MR. ZIMMERMAN: Okay. For location purposes, I'm going to show you People's Counsel twenty, Exhibit 22-E. And more or less in the center of the map, does that show the

location?

MR. BULKELEY: Of my restaurant?

MR. ZIMMERMAN: Right.

MR. BULKELEY: Yes.

MR. ZIMMERMAN: And does it actually name it?

MR. BULKELEY: I'm taking a look --

MR. ZIMMERMAN: If you can find it.

MR. BULKELEY: Yes, actually, I see it, yes, they do.

MR. ZIMMERMAN: Okay. So, you're basically from Joppa Road, you go north on, not, not to be leading too much, go north on Orchard Tree Lane?

MR. BULKELEY: Yes.

MR. ZIMMERMAN: Okay. How long have you operated a business there?

MR. BULKELEY: The restaurant has been there since 1988. I have been there since 1990 in the same location.

MR. ZIMMERMAN: Okay and what has been your function at the restaurant?

MR. BULKELEY: We're a fully service restaurant and I am the manager and co-owner along with my ex-wife.

MR. ZIMMERMAN: Okay and just to, to clarify, what would you say as to whether or not it's a fast food restaurant?

MR. BULKELEY: Oh, we're definitely not fast food. People stay there all, all day, sometimes I'm hard pressed to get them out late at night. We don't have a liquor license but

we've managed to survive for thirty years and we have quite a, a presence on the internet as well as in the local community. People walk across the street when the traffic is not bad to come to the restaurant and have a nice dinner out. They, we're BYOB. I think we're the old, longest sit down restaurant in the area, longest standing that I know of.

MR. ZIMMERMAN: Okay and, and you've been here this morning during the testimony of Mr. Moulder?

MR. BULKELEY: Oh, yes, I have. The, the whole time.

MR. ZIMMERMAN: Okay and what familiar, to what extent are you familiar with the concept that a Valvoline is being proposed at the Howard Bank location at the corner of Loch Raven and Joppa?

MR. BULKELEY: Oh, I had known about it now for about a month.

MR. ZIMMERMAN: Okay.

MR. BULKELEY: I think it's pretty common knowledge that that's going to, that's the plan.

MR. ZIMMERMAN: Okay and have, actually this morning, had a chance to look at the site plan?

MR. BULKELEY: Yeah, very, not, not for a very long period of time but I, I know, I know where it's going to be constructed where the Mariner Bank used to be.

MR. ZIMMERMAN: Okay. As an introductory kind of question, what would be your main concerns and observations

about the proposal?

MR. BULKELEY: Well, as somebody who has owned and operated a business that's a sit down business rather than a drive thru or, you know, a car related service business, my main concern would be that it supports the, the industry of vehicles, which seems to be the main problem on Joppa Road. We have a huge traffic problem there.

I recall maybe ten years ago a police officer was killed in a driving accident in front of my restaurant. Several of my customers have been involved in accidents making a left turn out of Orchard Tree Lane. I know that just the other week down the road from Hollenshade's, there was a, a collision. Usually every week or two there's some major collision at one of the crossroads. There was a tractor trailer that overturned a couple of months ago with a pile of cars on their way to Jerry's Chevrolet.

So, the, the vehicle industry is, is, is, is my concern as well as fast food because they involve vehicles coming in and going. I'm not involved in that industry. My customers come in cars and they'll stay there for three or four hours. We don't have a liquor license. So, so my concern is the volume of traffic and my business has been impacted over the past twenty, thirty years because of the enormous traffic. People are afraid to make that turn to come into my restaurant because of people coming and going in and out of these fast

food places.

I think that's the problem why Hooter's closed, why Rascal's ended up closing and a lot of places where people, they just don't feel like sitting down for any long period of time, they feel like, you know, this is an old Indian trail and I don't think that's changed since, you know, the Civil War. People are on the move.

But there are communities, you know, next door, there are people that live in houses and I think sometimes they're afraid to cross the road to, to enjoy a nice venue like mine and, and that's a concern of mine.

MR. ZIMMERMAN: Okay. When you say afraid to cross the road, what, if anything, would you, might you be referring to in terms of traffic going east on Joppa Road trying to make a left turn into Orchard Tree Lane?

MR. BULKELEY: Either way. Traffic that comes up from either the beltway or the city has to go through that intersection. So, if I have customers coming from the beltway, either from the city or from, you know, Harford, the County, they're going to be coming up Loch Raven making that right turn onto Joppa.

If the traffic increases or the amount of accidents increases, or, people are, are definitely going to see it in the news. I know every time there's a huge accident and the news cameras are out there, businesses are featured in the

background. I remember the Hess Station, there, there was a murder over there some time ago and then there was a lawsuit where the ground water was contaminated, multi-million dollar lawsuit. That was in the news and it was always a gas station and, and, and it was always something involved in either fast food, gas or franchise.

My, my business doesn't get any publicity, hopefully, like that and, and it's a good thing for me but I'm concerned that, that all the publicity, all the fast action, all the moving, the cars, is, people are going to be afraid to come to my business and my business has decreased probably by sixty percent in the last ten to twenty years alone. I don't know if we can stay there much longer. So, this is my concern and, of course, I'm not really anybody, you know, I'm one of the, the last bastions, I guess, of the, a sit down restaurant. But then we've seen Rascal's or, and Hooter's go away. So, are there going to be any real restaurants in the future?

My other concern is in twenty years when we have electrical cars, electric cars don't use oil, European, you know, cities and, and, I just came back from Vietnam and, and I noticed how their communities are so far ahead of ours. There are, you know, flowers planted on the side of the road, the streets are excellently maintained, they have very few cars, there's a lot of pedestrian traffic.

It seems like to step backwards that we're talking

about is, is, is happening again. We're servicing these fast moving vehicles which result in, you know, you know, accidents and lawsuits and, and, and I've seen people, you know, die in car accidents in front of my restaurant. This police officer was killed. I remember seeing the wreck of the car after I left the restaurant. So, I'm concerned about the traffic and I'm concerned not, you know, just about my own survivability in this restaurant but in twenty years, you know, where are we going to plug in our electric cars? You know, why, why all this oil and gas and fast food? This, this is my main concern.

MR. ZIMMERMAN: Okay. Suppose playing devil's advocate, (inaudible) given all these problems that exist, who cares if there's just one more at the moment?

MR. BULKELEY: Well, I think the Court cares about that and the community does because it all involves loss of money and even the oil industry is, you know, if, if there's an accident or a lawsuit like the Hess Station, they have to pay out. Why not find a better location that's a little bit more off the beaten track?

I understand we need to have oil changes but we've got like twenty, probably ten or twenty oil service stations and gas stations all along Joppa Road. What, you know, and I think they're all listed here. So, do we need another one and will Valvoline be able to survive this? Who knows? There are already so many fast food restaurants putting each other out of

business. But I've been there for thirty years and I'm, you know, I'm hold, you know, I'm just holding on but that's because I'm a private owner, but some franchises that are owned by big corporations may not be able to take that hit. It would be nice to see something stable in the community that lasts.

MR. ZIMMERMAN: Is there any, are there any districts, commercial districts, in Baltimore County near the beltway that you would hold up as a, something to emulate? A, a nicely revitalized district that, that would be a good goal to, to emulate?

MR. BULKELEY: Yeah, you know, Towson, the center of Towson where the roundabout is, is a nice little area. You, that roundabout really slows down traffic in the middle of, middle of Towson. You have some theaters, and you have some nice old fashioned shops that are doing quite well. And I think the reason is is the traffic has slowed down at that point. People want to spend money with local merchants because they're not in a hurry to get from one location to another one, you know, they, they drive at a slower speed, they park, they get out an eat. There's a farmer's market, I believe, every Thursday and that attracts a great deal of publicity. You see it on television. That's the kind of image that I would like, you know, to emulate. And I think one that's survivable maybe in the next twenty years when we have more pedestrian traffic, hopefully.

MR. ZIMMERMAN: What about Catonsville, for example?

MR. BULKELEY: Oh, Catonsville. I, I, I lived in Catonsville about twenty-five years ago and I moved away from Catonsville because of all the traffic and I moved up to Towson because I thought Towson was more gentrified. But in the last twenty years, the traffic patterns changed, my business went down. It seems like we're going backwards but Frederick Road in Catonsville has a lot of nice little shops, speed bumps in the middle of the road. I don't know of any service stations or gas stations. They may be separated from a great distance, but in the middle, you have good tire shops, coffee shops, you know, places where people walk and they have a bicycle lane and they do a 4th of July parade down the middle of the road. And that's been going on, you know, the last twenty years or so and it's attracted tourists and college students and it's thriving.

I'd like to see Joppa Road become a little bit more gentrified rather than a, you know, a racetrack or a speedway, for, you know, vehicles on their way to other destinations.

MR. ZIMMERMAN: And, and, and do you happen to know the speed limit on Joppa Road?

MR. BULKELEY: The official speed limit or the speed limit that --

MR. ZIMMERMAN: Both.

MR. BULKELEY: Well, I, I think it's probably thirty to thirty-five, perhaps thirty-five because it's commercial, I

think thirty is residential. But people do speed and that, that causes accidents I know.

MR. ZIMMERMAN: Okay. What concern, if any, do you have relating to environmental issues that may, may occur?

MR. BULKELEY: Well, again, I mentioned, you know, the Hess Station at one point, probably ten, fifteen years ago, was involved in a lawsuit where the, the, the gasoline had leached into the ground water and that caused a, a great problem. They had to build a park, which is a really nice little park now. So, you know, again, it's like the Exxon Valdez, it, you know, it was a horrible thing but then it caused legislation. But I think that's already been, that's already been proved.

The other issue is, is that if we build, you know, a, a gas and oil, or an oil service station at the, the, the top of the hill, we have quite a bit of rain nowadays and, and my concern is is the reservoir is down here and any, any oil or any, any, any sort of pollutants could be washed, you know, down the hill to the reservoir.

It, it, to me, it just doesn't seem like the greatest location. I, I certainly understand that we need to change oil but why there in the middle of this, you know, crossroads at the top of the hill where the oil could go downhill? I, I don't think it could make it, that's, that would be my primary concern. Not that I'm against these gentlemen or anybody else,

it just seems to me like a very impractical location.

MR. ZIMMERMAN: Just a couple more questions. What about the visual aspect of the oil change operation at that prominent location?

MR. BULKELEY: Well, I'm sure it's, it's probably very, very upscale and very attractive looking operation, probably a lot better than some of the other oil change facilities. But I don't think, you know, necessarily that that's the issue. I mean, what's going to happen is people go up the hill and enter Towson. The first thing they see is Valvoline, the first thing they're going to think is gas and oil and cars. So, it's going to become a point where people just pass through on their way to other destinations.

I'd like them to come to a destination like mine where people can sit down, not drive their cars, you know, forty, fifty miles an hour, be focused on their vehicles, but maybe focused on sitting down and, you know, relaxing, enjoying a nice meal or, you know, taking their time and maybe not being so focused on being in a hurry or, you know, traveling somewhere in a car and polluting and, you know, again, twenty years in the future, who knows, we might have electric cars so this business may not be there for very long, we don't know.

MR. ZIMMERMAN: Okay. What, given that this is a commercial intersection, what sort of businesses would you consider to be the type of businesses that would help

revitalize the area?

MR. BULKELEY: I think something that would stand out, you know, you're at the top of the hill and if you have a flat business, people aren't going to see it from the top of the hill. If you had a building that had diff, multiple stories where you could actually see a sign on the top, you know, medical, dental, legal associates, so that the center of Towson, as you're approaching from, you know, either the city or from the beltway would be wow, you know, Towson is a professional center. There, with, with services where I could park my car for three or four hours, talk to my lawyer, go to the doctor.

I know York Road, they're calling it the green mile because of all the, the cannabis stores down there and, and yet there's none on Joppa Road. Harford Road and Belair Road have quite a few and these are places where people, medical marijuana patients can go to get their, their products and they'll probably stay there for, for, for an hour or two just to get in. That might be one avenue. And of course, that's income and revenue for the State as well, I believe.

But, but some professional organization like that, eye clinic, I believe, that took the place of the, the Mazda service shop, you know, some medical place, something professional, something to sort of enhance the image of Towson as being something, again, mixed use. We keep talking about

mixed use. But all I hear is, you know, all these car repair and oil change facilities and fast food places. So, mixed use to me would be do we have a, do we have a bookstore? We have Yukazoo (phonetic) there, but it's just this tiny little, little place. We don't have a, really a bookstore other than Yukazoo, there's no new bookstore in Towson that I know of. Readings and Readings is gone, or maybe it's still there, I'm not sure. But or --

CHAIR: But Barnes and Noble went out of business at the --

MS. JOLIVET: They closed.

MR. BULKELEY: Yes, yeah.

CHAIR: -- at the, at the circle.

MS. JOLIVET: Um hm.

MR. BULKELEY: Yeah, I was very disappointed and again, it's a place where people can sit for hours with their laptops, not causing accidents, sitting down enjoying, getting some coffee, having waiters or people attend to you and I, to me it was a great place to, an employable place.

CHAIR: Apparently not though.

MR. BULKELEY: I guess not.

MR. ZIMMERMAN: (inaudible)?

MR. BULKELEY: Yeah. And then there was the, the one in Belvedere Square that went out of business, that was my favorite.

MR. ZIMMERMAN: The Ivy is still there, right? Do you know if the Ivy --

MR. BULKELEY: I believe, yeah, I, I think so. But it would be nice to see something like that.

MR. ZIMMERMAN: Okay.

CHAIR: I think the one at Belvedere Square, I think that person fled to Switzerland, if I'm --

MR. BULKELEY: Oh, really? Must have been very lucrative, or not.

CHAIR: Not particularly legal.

MR. BULKELEY: Oh, really? Oh, I did not know. Well, a legal bookstore would be a good option.

CHAIR: Well, I think, the, the books were legal.

MR. ZIMMERMAN: Okay.

MS. JOLIVET: The books --

MR. ZIMMERMAN: Almost done. What relevance, if any, is there that there's a lube operation across the street? In other words, at the south east corner of Joppa and --

MR. BULKELEY: Oh, on the other side of the road to the proposed location?

MR. ZIMMERMAN: Yeah, right across, yeah.

MR. BULKELEY: Oh, it's very prominent. I mean, it's obvious what that, that, that location does. As a matter of fact, right in front of my restaurant we have a, an all tune and lube or Munro Muffler and there, they do oil changes there

too. There's no place where you can't get an oil change, so, you know, I'm mystified why we need another one. I mean, you know, unless you want more volume of cars, which we don't need. It's nice to have such a facility but I'm just saying perhaps the location is, is not ideal.

MR. ZIMMERMAN: Okay. Thank you. I don't have any further questions, Mr. Chairman.

MR. MCCANN: Nothing, thank you.

MR. LA FIANDRA: Nothing, thank you.

CHAIR: Thank you.

MR. BULKELEY: Thank you.

MR. ZIMMERMAN: Thank you, Mr. Bulkeley.

MR. BULKELEY: Thank you.

MR. MCCANN: Thank you very much.

CHAIR: Any more witnesses from counsel?

MR. MCCANN: No.

MR. LA FIANDRA: None from me, thank you.

CHAIR: No? Okay. Mr. Castro?

MR. MCCOMAS: Do you swear and affirm under the penalties of perjury, that the testimony you're about to give is true, correct to the best of your knowledge and belief?

MR. FIASTRO: Yes.

MR. MCCOMAS: Please state your name, your business, your address for the record and spell your last name.

MR. FIASTRO: Sure. My name is John Fiastro, Jr.

CHAIR: Is that J-O-H-N?

MR. FIASTRO: J-O-H-N, that's right. I'm not a Jonathan. John Fiastro, Jr., John Carl Fiastro, Jr., 1500 Dellsway Road, Towson, Maryland 21286. I am a lobbyist registered with the State of Maryland. I work for Greenwill Consulting Group. And as a matter of disclosure, while I'm a member of the Associates of Loch Raven Village Board, I was not a member at the last convening of this Board to hear this case and my views do not represent in any way, shape or form the opinions, visions or interests of the Board but these alone are mine.

CHAIR: What, can you spell your last name for us?

MR. FIASTRO: F as in Frank-I-A-S as in Sam-T as in Tom-R-O.

CHAIR: F-I?

MR. FIASTRO: A-S-T-R-O.

CHAIR: I think I've been mispronouncing your name, I apologize.

MR. FIASTRO: No, that's fine, that's fine. It's, you know, it, more often than not I hear fiasco, so yours was welcome, frankly.

CHAIR: Okay. Go ahead.

MR. FIASTRO: Thank you very much. Good afternoon, now, members of the Board. My name is John Fiastro, as I had mentioned. I do reside in Loch Raven Village and I have no

opposition, in fact, I support this project. It's a massive amount of money and a massive amount of investment.

I do own several properties in the Loch Raven area. In fact, I own four properties, three of which are in the Ridgely neighborhood, 8614 Chestnut Oak Road, 8543 Chestnut Oak Road, owned through an LLC and 8553 Wateroak Road, which is person, personally owned. All of them are rental properties.

The reason why I bring that up is one, is that I too am invested to (inaudible) close to $700,000. The first property that I mentioned is 8614 Chestnut Oak Road. In fact, is in close proximity, it may even be the closest in proximity residence to this property.

Between my property, 8614 Chestnut Oak Road and the Valvoline proposed project, is a gas station, a, a, excuse me, gas station, a car wash, Captain's Car Wash and Ridgen Automotive. So, there are three automotive, it should be noted though, that each of these automotive, automotive businesses are unique in their delivery of services to customers. And so, I think that over the last couple meetings we've heard that, that, that there is already a full saturation of businesses, of automotive businesses within the corridor.

And in fact, while there may be a number of businesses that serve auto, automobiles, they're all unique in, in many ways, shapes and forms. Some of them offer very specified. It was mentioned earlier, I think Mr. Zimmerman

asked what the businesses of Caspian Motors was. Caspian Motors actually has the Mercedes Benz logo prominently displayed on its signage. They are a foreign motor, they do domestic work as well, but they are a specializing, they specialize in foreign motors. They, so I think the notion that one, there is a saturation of automobile businesses is, is, maybe correct but I would also argue, (inaudible) you could also argue that every business on Joppa Road is automotive eccentric because ninety-nine percent of the customers that participate or use the services or buy goods at those particular retail locations take a car to get there. So, I think that it's kind of disingenuous to say that there's a saturation.

I think that the unfortunate extension of that line of thinking is this. Is that once you suggest that there's a saturation, then the question to this Board is please establish a monopoly, close a door and forever block the inclusion of any more automotive businesses and I don't think that's what the charge of this Board is to do. There are --

MR. ZIMMERMAN: I move, I move to strike this kind of legal conclusion and argument. It's, I think --

CHAIR: Well, it's just his, his lay view of the situation.

MR. ZIMMERMAN: I mean, that's kind of, more lobbying than testimony.

CHAIR: Indeed. But, you know, we're here to hear what he has to say.

MR. FIASTRO: So, there are questions also about the, the types of business that are to be included within, within the corridor and I don't think, you know, one man's treasure is another man's trash or vice versa.

CHAIR: Let, let, let me interrupt for, for one second. We need to take a quick break.

MR. FIASTRO: Sure.

CHAIR: Five, five minute break, if we could? That's acceptable with everyone?

MR. LA FIANDRA: That's fine, thank you.

CHAIR: For the Board's convenience. So, don't go away.

MR. FIASTRO: Okay, sure.

(RECORDING PAUSED - 01:09:09 PM)

(ON RECORD - 01:18:46 PM)

CHAIR: Okay, thank you. Thank you for that. Okay, we're back on the record and you can continue --

MR. FIASTRO: Thank you, Mr. Chair.

CHAIR: -- your, your testimony --

MR. FIASTRO: And I'll wrap up.

CHAIR: -- and we apologize for that brief delay.

MR. FIASTRO: No, it's fine. It's fine, it's fine. I was on the point of saturation and, and, and Mr. Zimmerman

did (inaudible) I'd like to clarify something. Mr. Zimmerman insinuated that I was lobbying. Just to clarify, make sure the Board understands, I'm not here as a lobbyist registered for Mid-Atlantic Lubes, I'm not under contract with Mid-Atlantic Lubes. I'm coming here solely as a citizen, resident and homeowner of, and property owner within, with, within the area.

MR. ZIMMERMAN: For the record, I wasn't implying that. It was kind of a metaphor.

CHAIR: Right, we didn't, we didn't take it as, as so.

MR. FIASTRO: Very well. I just wanted to make sure it was clarified.

MR. ZIMMERMAN: No, I wasn't, I wasn't implying anything wrong, it was just metaphorical.

CHAIR: Right, right. What he meant was you're being a strong advocate for your position.

MR. FIASTRO: Well, hey, listen, man. I've waited two days, so. (inaudible) nothing less. I, I will just say I'm very supportive of the project. I think anybody who wants to spend $3 million close to my house is fine with me. The Starbuck's was a, I, I believe a $7 million investment and if this encourages more similar type investments on the remaining two corners, one occupied by Savco, which is another automotive site, but who, I understand, their lease is up within the next couple years and Class C office space on the south east corner

of Joppa and Loch Raven Boulevard. That is, at this point, really functionally commercially obsolete at this point. It's not really conformed to any kind of modern standard of office space.

And the north west corner, where, where my Vette actually is, which is Class C retail with limited parking that is not convenient. So, if this type of development continues around that intersection, I think it's best for the community. I think it's hard to envision now, but we don't know what would come on those remaining two, on those remaining two corners. So, I'm supportive of the project, I'd like to see more types of projects like these and anybody who wants to spend $3 million close to my house is more than welcome to do so. Thank you.

CHAIR: Okay, thank you. Anyone have any questions for --

MR. LA FIANDRA: No, thank you.

CHAIR: Okay, thank you --

MR. FIASTRO: Thank you.

CHAIR: -- for your contribution.

MR. ZIMMERMAN: I'm questioned out. I do have one more document.

CHAIR: Okay.

MR. LA FIANDRA: Thank you, Mr. Fiastro.

MR. MCCANN: He's not documented out, but he's

questioned out.

CHAIR: You're not documented out, right.

MR. ZIMMERMAN: This is more (inaudible) convenience but we made a copy of the BL zone, Section 230. Section 230 through 232-C, the BL zone, we thought it would be convenient to give it to the Board now --

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: -- rather than waiting to attach it to our memo.

CHAIR: Thank you. Should we mark this as an exhibit?

MR. ZIMMERMAN: Yes.

CHAIR: Is that acceptable?

MR. LA FIANDRA: That's no problem.

MR. ZIMMERMAN: I believe Mr. La Fiandra may have introduced some, some excerpts.

MR. MCCANN: Ms. Jolivet, what, what exhibit is that?

MS. JOLIVET: This is People's Counsel twenty-four.

MR. ZIMMERMAN: Yes.

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: Yeah, I bel, I believe, anyway, sometimes we introduce these for convenience.

CHAIR: Yeah, well, it is convenient.

MR. ZIMMERMAN: Does everyone --

CHAIR: Yeah.

MR. LA FIANDRA: Thank you. Thank you very much.

MR. ZIMMERMAN: And that's my last document.

CHAIR: Okay. So, --

MR. LA FIANDRA: This is twenty-four?

MS. JOLIVET: Yes.

CHAIR: -- we, we want to make sure before we close the record that everyone has offered, actually offered into evidence the exhibits that have been marked for identification. If there are any --

MR. LA FIANDRA: For the record, --

CHAIR: -- that are only for i.d. we want to make sure --

MR. LA FIANDRA: There was nothing for i.d. only on my part.

CHAIR: Okay.

MR. LA FIANDRA: So, I, I would make, I would, just to be clear, --

CHAIR: Just for the record, everything that you've provided you, --

MR. LA FIANDRA: Yes.

CHAIR: -- if you haven't already moved it into evidence you do now?

MR. LA FIANDRA: Yes, I do, I do so now, that's correct.

MS. JOLIVET: That's Petitioner's one through

eighteen, that's what I have.

MR. LA FIANDRA: Yes, thank you.

CHAIR: Okay and the same with you, Mr. McCann?

MR. MCCANN: Yes, one through twenty-one is what I have.

CHAIR: Okay.

MR. ZIMMERMAN: We have the Board's list from last time and everything was, from everybody, I think, was admitted.

CHAIR: Okay. Well, we just want to make sure. We don't want --

MR. ZIMMERMAN: Yeah, I'm pretty sure everything was admitted.

MR. LA FIANDRA: Thank you.

CHAIR: -- we don't want any snafu of that sort.

MR. LA FIANDRA: Yeah.

MS. JOLIVET: And one through twenty-four for Mr. Zimmerman?

MR. ZIMMERMAN: Right, one through twenty-four.

MS. JOLIVET: Yes.

CHAIR: Okay.

MS. JOLIVET: That's what I have.

CHAIR: All right. So, I guess that leaves the question of briefing. What, what is, what's the parties' preference on that?

MR. LA FIANDRA: Closing briefs --

CHAIR: Like thirty days, sixty days?

MR. LA FIANDRA: Thirty days, I, I do not see a need for sixty days. I would ask for thirty days.

MR. MCCANN: Yeah. The only thing I would, I have a horrid July and I'm going away in the middle and I have something due before I leave, I have something due while I'm away and I'm, have something due right when I get back.

CHAIR: Okay.

MR. MCCANN: So, the first week of Aug, August.

CHAIR: So, you're talking eight, forty-five days, fif, something like that?

MR. LA FIANDRA: Would that be the 9th of August, that's like two weeks after, that's like forty-five days. It's a Friday.

MR. MCCANN: That would be great.

MR. LA FIANDRA: August 9th.

CHAIR: Yeah, that would be, that's certainly fine with us. Mr. Zimmerman?

MR. ZIMMERMAN: Well, I, I always cooperate on the scheduling so, no problem.

CHAIR: Yeah, I mean, sure, okay.

MR. LA FIANDRA: Okay.

CHAIR: So, you want to say August 9th?

MR. LA FIANDRA: Is that okay with you, Michael?

MR. MCCANN: That's great, thank you. I appreciate

it.

CHAIR: August 9, is that the date?

MR. LA FIANDRA: Yes.

CHAIR: Okay.

MR. MCCANN: Is that a Friday or?

MR. LA FIANDRA: Yes, it's a Friday, August 9th.

MR. MCCANN: Okay, great.

CHAIR: Okay and so that will be briefs from the parties or memos from the parties. And then we'll have to get involved with Sunny to determine a deliberation date.

MR. MCCANN: Okay, great.

CHAIR: Anything else anyone needs, wants? Needs to talk about? On the record?

MR. ZIMMERMAN: We can talk about the sandwiches at the Orchard Tree.

CHAIR: Yeah, okay. All right. Well, I guess we're adjourned then. Thank you all very much.

MR. LA FIANDRA: Okay, good. Thank you.

CHAIR: Appreciate it. We appreciate --

(OFF THE RECORD - 01:24:51 PM)

CERTIFICATE OF TRANSCRIBER

I hereby certify that the hearing in the matter of M and S Limited Partnership, case number 19-070-SPHX, heard before the Board of Appeals of Baltimore County, June 27, 2019 were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers 1 through 146 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 26th day of June, 2020.

Christine R. Leary

Christine R. Leary

Transcriber

RECEIVED
JUL 13 2020
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF:

M AND S LIMITED PARTNERSHIP – LEGAL OWNER AND PETITIONER
(f/k/a HOWARD BANK)

CASE NUMBER: 19-070-SPHX

Hearing Date: April 2, 2019

Pursuant to Notice, the above-entitled hearing was held before the Board of Appeals for Baltimore County at the Jefferson Building, Second Floor, Suite 203, 105 West Chesapeake Avenue, Towson, Maryland 21204.

PANEL PRESIDING:

JOSEPH L. EVANS, CHAIR

WILLIAM A. MCCOMAS, BOARD

KENDRA RANDALL JOLIVET, BOARD

PRESENT ON BEHALF OF THE PARTIES:

DINO C. LA FIANDRA, ESQUIRE
Counsel for Petitioners

MICHAEL R. MCCANN, ESQUIRE
Counsel for Protestants

PETER MAX ZIMMERMAN, PEOPLE'S COUNSEL

Christine R. Leary
3129 Hiss Avenue
Baltimore, Maryland 21234

TABLE OF CONTENTS

Description	Page
Direct exam of Randolph Kazazian by Mr. La Fiandra	6
Cross exam of Mr. Kazazian by Mr. McCann	28
Protestant's Exhibit 8	30
Cross exam of Mr. Kazazian by Mr. Zimmerman	45
People's Counsel Exhibit 12	67
Re-direct exam of Mr. Kazazian by Mr. La Fiandra	83
Re-cross exam of Mr. Kazazian by Mr. McCann	85
Kenneth Schmid offered as expert by Mr. La Fiandra	89
Petitioner's Exhibit 12	90
Voir dire of Mr. Schmid by Mr. Zimmerman	91
Direct exam of Kenneth Schmid by Mr. La Fiandra	96
Petitioner's Exhibit 13	97
Petitioner's Exhibit 14	103
Cross exam of Mr. Schmid by Mr. McCann	142
Protestant's Exhibit 9	150
Protestant's Exhibits 10, 11, 12	155
Protestant's Exhibit 13	161
Protestant's Exhibit 14	162
Cross exam of Mr. Schmid by Mr. Zimmerman	164
Re-direct exam of Mr. Schmid by Mr. La Fiandra	191
Re-cross exam of Mr. Schmid by Mr. Zimmerman	197
People's Counsel's Exhibit 13	207
People's Counsel's Exhibit 14	208

People's Counsel's Exhibit 15 210
People's Counsel's Exhibit 16 213
People's Counsel's Exhibit 17 215
People's Counsel's Exhibit 18 220
Direct exam of Peter Moulder by Mr. McCann 222
Protestant's Exhibit 15 225
Protestant's Exhibit 16 228
Protestant's Exhibit 17 244
Protestant's Exhibit 18 248
Protestant's Exhibit 19 249
Protestant's Exhibit 20 256

(ON RECORD - 10:26:11 AM)

CHAIR: Okay. So, we are now on the record here for, excuse me? Oh, yeah, sit down. For the resumption of this matter, which is case number 19-070-SPHX. It's Howard Bank, Mid-Atlantic Lubes, LLC.

MR. LA FIANDRA: That's correct.

CHAIR: And we're here for day two. So, these are the exhibit lists here. That's already been, oh, that's from before.

MS. JOLIVET: Yes.

CHAIR: Right, okay. All right. So, we're here for day two.

MR. LA FIANDRA: Yes.

CHAIR: And Petitioners will resume. Let me just say this and I apologize, we're now a half hour late and as many of you saw, we were in a deliberation which took longer than we had anticipated. But one thing we do anticipate is concluding today. So, I just want to make sure all counsel is aware that we're going to try and really keep this focused and we really, really, really want to get done today, okay?

MR. LA FIANDRA: Thank you.

CHAIR: All right.

MR. ZIMMERMAN: Consist with (inaudible) due process.

CHAIR: We, we're not going to violate the Constitution.

MR. LA FIANDRA: Thank you very much. Your Honor, Dino La Fiandra, continuing to represent Mid-Atlantic Lubes in this case.

CHAIR: Sure.

MR. LA FIANDRA: If you'll recall, we were, we had just concluded Mid-Atlantic Lubes' first witness.

CHAIR: Correct.

MR. LA FIANDRA: Who was Josh Sharon, who is a professional engineer. And I'd like to move to our second witness now.

CHAIR: Good. Perfect.

MR. LA FIANDRA: That would be Randy Kazazian.

MR. MCCOMAS: Do you swear and affirm under the penalties of perjury, that testimony you're about to give is true and correct to the best of your knowledge and belief?

MR. KAZAZIAN: I do.

MR. MCCOMAS: Please state your name, your business, your address for the record and spell your last name.

MR. KAZAZIAN: It's Randolph L. Kazazian, III, Kazazian --

MR. MCCOMAS: Can you pick up the speaker there? And can you raise, just raise it up because you're tall.

MR. KAZAZIAN: Sure.

MR. MCCOMAS: There you go.

MR. KAZAZIAN: Randolph L. Kazazian, III. Kazazian

is spelled K-A-Z-A-Z-I-A-N. I'm the Director of Real Estate for Mid-Atlantic Lubes. We're located at 54 Jackinette (phonetic) Street in New Highlands, Mass and the zip is 02461.

MR. MCCOMAS: Please take a seat and you can just lower that mic there so we can pick you up.

CHAIR: And please keep your voice up, okay?

MR. KAZAZIAN: Yes.

MR. LA FIANDRA: Thank you. Mr. Kazazian, you mentioned that you're with a company called Mid-Atlantic Lubes. What is Mid-Atlantic Lubes?

MR. KAZAZIAN: So, Mid-Atlantic Lubes is an operating unit of Henley Enterprises and Henley Enterprises is the largest franchisee of Valvoline Instant Oil Change. We operate currently two hundred locations in eleven states. Mid-Atlantic Lubes operates from southern New Jersey, Delaware, Maryland and a store in Virginia at this point, and we have twenty-seven units.

MR. LA FIANDRA: And there, are there other operating units of Henley Enterprises that --

MR. KAZAZIAN: Yes, so there's four other units. There's one in New England, there's one in southern Florida, L.A. and San Francisco.

MR. LA FIANDRA: And altogether, how many enterprises has two, I think you said two hundred --

MR. KAZAZIAN: Two, currently two hundred, two

hundred operating units.

MR. LA FIANDRA: And, and how many operating units are there for Mid-Atlantic Lubes?

MR. KAZAZIAN: Currently twenty-seven with three under construction.

MR. LA FIANDRA: Okay and you mentioned that you are the Director of Real Estate. Recently, your title changed to Vice President of Real Estate, is that correct?

MR. KAZAZIAN: That's correct.

MR. LA FIANDRA: And what are your duties as Vice President of Real Estate?

MR. KAZAZIAN: My primary duties are site selection and permitting for new stores, the acquisition of existing quick lubes and then there's an asset management component. We own about fifty percent of our stores and the other fifty percent are ground leased and so there's landlord relations that go along with that lease, renewals and extensions and things of that nature.

MR. LA FIANDRA: And how long have you been with, with Mid-Atlantic Lubes and Hen, Henley Enterprises?

MR. KAZAZIAN: It will be ten years on October 3rd of this year.

MR. LA FIANDRA: Okay. Now, what is a Valvoline Instant Oil Change? What is Valvoline Instant Oil Change?

MR. KAZAZIAN: So, Valvoline Instant Oil Change is

essentially a quick lube change. Where we differ from most of the competition is that we use pits. So, we have a full basement in our facility and the customer stays in the car through the service, so it's typically a fifteen minute service from the time the customer is guided into the bay until they leave.

MR. LA FIANDRA: Now, I've, I've posted on this board from the Board's file Petitioner's Exhibit 8. So, this is from the Board's file. And I'm just going to move it a little closer. If I don't make it fall. Okay. And you should feel free to approach the board if, if you'd like to but I'm going to ask you some questions about this site plan, which is Petitioner's number eight. Can you describe, you recognize Petitioner's number eight?

MR. KAZAZIAN: Yes.

MR. LA FIANDRA: And that's the site plan for the site that we've been talking about?

MR. KAZAZIAN: Correct.

MR. LA FIANDRA: What is the customer's experience as, as it relates to, or what will be the customer's experience once this is, is built in the manner that it's shown here?

MR. KAZAZIAN: Sure. So, the customer would enter the property off of Loch Raven Boulevard. As they come to the back of the facility, they'll be greeted by a customer service representative. That representative will ask the customer if

they visited a Valvoline Instant Oil Change before. If they have, they'll be asked what services or services they're looking for that day. And then they'll be guided either into a bay by another technician or they'll be asked to park behind one of the four bays until one becomes free. If it's a new customer, they'll explain that our service, they stay in the car and what, what services we offer.

Once the customer is guided into the bay, a customer service representative will then work with them to tell them what the manufacturer's recommendation is for the oil to be used in that car. At the same time, our technicians will then perform a light check, check other fluids, filters and things of that nature. Once the oil has been selected by the customer and the technicians have done some other work, there may be some other recommendations based on mileage or the condition of some of the filters. In that particular instance, we're often time trying to educate the customer so manufacturers will recommend that transmission fluid or power steering fluid or coolant be changed at certain interval, mileage intervals. So, while that customer may have not come to the store today, they're at least given that information and they've got an opportunity to do it then or on a subsequent visit to the store.

The oil change takes place both on the top and the bottom side, the top side being where the customer is seated in

the car. So, during that service they can witness what's happening. On the bottom side, technician is removing the plug, any skid plates, those types of things, removing the used oil. On the top side, they're topping off filters and then ultimately they're, they're pouring fresh oil into the crank case of the motor.

At the conclusion of the oil change, the customer is shown the dip stick, and that will show them that there's new fresh clean oil in the crank case and that it's the correct level. The customer is then cashed out and then they'll be guided out of the, the service center. Only one car at a time is guided out of the service center, just because we don't want any issues. So, the technicians coordinate with each other as the door goes up.

Once that customer is guided out and banked, the process starts over. That technician would close the door, walk to the back of the bay and then greet a customer and then guide them into the, to the bay and start the process over.

MR. LA FIANDRA: What is the range of mechanical work that you do onsite for any --

MR. KAZAZIAN: So, we, we, we don't do any mechanical work. So, we do maintenance. So, we do fluid exchanges which is oil, coolant, transmission, power steering. We do wiper blades, we do tire rotations. We will do a serpentine belt in certain cars where it's, where it's easy. But beyond that,

there's, there's, that's what we're doing. So, we're, you know, to the extent someone comes in and they have a problem with that car, we would instruct them to either go to a dealership or to a trusted mechanic.

MR. LA FIANDRA: And in the same vein, you, do you do any body work on cars?

MR. KAZAZIAN: We do not.

MR. LA FIANDRA: And do you paint any cars?

MR. KAZAZIAN: We do not.

MR. LA FIANDRA: Okay. The, if you could tell us about where you're going to, how, how you're going to hire the employees for this facility.

MR. KAZAZIAN: So, we, we have a, a, through our human resources department, we have a, a local recruiter here who works out of Glen Burnie. So, he'll use Indeed and a variety of other online resources to attract folks and in this particular instance, we'll let them know that there's an opportunity here at the Towson store. But the unit itself will be staffed by both experienced and existing employees. In his particular case, there's a gentleman that would like to manage this store who lives in Towson. He'll be supplemented by some other experienced employees, as well as some new employees that we'll hire.

MR. LA FIANDRA: And just for context, Henley Enterprises, how many, how many employees do you have, just to

give us some --

MR. KAZAZIAN: So, Henley in total has twenty-two hundred employees.

MR. LA FIANDRA: Okay and do you know how, how many there will be at this facility?

MR. KAZAZIAN: I would expect there'd be fourteen or fifteen, it'll be a mix of full and part-time employees.

MR. LA FIANDRA: And the part-time employees, how, how long are those shifts?

MR. KAZAZIAN: They typically can be a four hour shift, but, but part-time employees, we often get students and other, kids that go to school or training, they night work an eight hour shift on Saturday and Sunday as well.

MR. LA FIANDRA: And the training that the employees get, if you could briefly and concisely go over that because I think it would be helpful for the Board to understand the operation.

MR. KAZAZIAN: So, if an employee chooses to, to work for us, they'll come in, they'll have an orientation. Once they get through that orientation, they'll then go to the service center. The first week is spent in what's called Valvoline University. So, it's a, it's an online training program that familiarizes with the, with the car and our system and we use a system called Super Pro. And that's how we complete the fifteen minute oil change.

That employee will then apprentice in the store under a senior technician and will have to gain a variety of certifications before they can perform certain services on the car. Ultimately, an employee, typically over the first ninety days, would get their tech certification. That would result in an increase in pay. Then they can go on and secure senior tech, customer service, then move on to assistant manager and manager and then ultimately a multi-unit manager.

MR. LA FIANDRA: Okay and then, now we talked about the activities that you're going to conduct there. Do any of those uses or those things that we discussed in terms of the maintenance work that you do, do they emit excessive noise or vibration, air pollution from dust, fumes or vapors or gases or any odors?

MR. ZIMMERMAN: Objection. Leading question.

MR. LA FIANDRA: Okay.

CHAIR: It's overruled.

MR. LA FIANDRA: Thank you. You can answer the question.

MR. KAZAZIAN: No.

MR. LA FIANDRA: And, in fact, have you, is Mid-Atlantic Lubes making an effort to move away from the pneumatic wrenches that you used to use?

MR. ZIMMERMAN: Objection. It's a leading question. (inaudible).

CHAIR: Well, it's okay for everyone to ask leading questions. You get to ask leading questions as well.

MR. ZIMMERMAN: Well, cross exam is different.

CHAIR: Yeah. Well, if --

MR. ZIMMERMAN: I try not to ask leading questions on direct.

CHAIR: Okay. Well, we'll --

MR. LA FIANDRA: Your Honor, I'm, I'm trying to be respectful of the, the, the Board's earlier --

CHAIR: Right, right --

MR. LA FIANDRA: -- discussion of moving through as quickly as possible.

CHAIR: -- I mean, these aren't, these aren't questions that where the leading nature of the question undermines the probative value of the question.

MR. ZIMMERMAN: Well, I don't agree with that actually.

CHAIR: Okay, all right.

MR. ZIMMERMAN: Respectfully.

CHAIR: All right.

MR. ZIMMERMAN: Especially, you know, are there going to be bad noises? No. You know, is this going to be a problem? No. Is this, you know.

CHAIR: Okay.

MR. ZIMMERMAN: It's going to be one after another.

CHAIR: All right.

MR. ZIMMERMAN: So, I've made my point.

CHAIR: Well, okay, well, that's a point well taken so let's try and --

MR. LA FIANDRA: Okay.

CHAIR: -- make it less leading, I'll say.

MR. LA FIANDRA: Thank you. I will do that.

CHAIR: Okay.

MR. LA FIANDRA: How many cars per day are you anticipating servicing?

MR. KAZAZIAN: We anticipate, once it gets up and running, which typically takes between two and three years, to service on average sixty cars a day.

MR. LA FIANDRA: And will there be peak days?

MR. KAZAZIAN: Typically, Friday afternoons and Saturdays are the highest volume days, so I expect, you know, car count could reach seventy-five, perhaps close to eighty if it's a holiday weekend. And Wednesday typically tends to be the lowest day and that could be as low as thirty to thirty-five cars.

MR. LA FIANDRA: The, Your Honor, may I have Petitioner's exhibit number seven? Thank you very much.

MS. JOLIVET: Um hm.

MR. LA FIANDRA: This is page thirty from Petitioner's exhibit number seven. I'm going to post it over

here for the witness to refer to. Now, the, can you see that okay?

MR. KAZAZIAN: Yeah.

MR. LA FIANDRA: Okay. This is the, the floor plan, the foundation floor plan for the basement level of the facility.

MR. KAZAZIAN: Yes.

MR. LA FIANDRA: Do you recognize that?

MR. KAZAZIAN: That's correct.

MR. LA FIANDRA: Now, I see that there's a room called the tank room?

MR. KAZAZIAN: Correct.

MR. LA FIANDRA: Can you, can you tell us what happens in that tank room?

MR. KAZAZIAN: Sure. So, the, the tank room is a self-contained room that's concrete on all sides and in that, that's where we have our bulk tank. So, those tanks in total, the capacity would be about two thousand seven hundred and fifty gallons, of which five hundred gallons would be waste oil. And oil to those tanks would be delivered just like home heating fuel is delivered.

What's interesting about that room is there is a (inaudible) fire rated door, but there's a concrete dike in front of that. The floor is coated with an epoxy that rolls up about twenty-four to twenty-eight inches and that acts as a

containment area in the event that a tank would leak.

In the, the tanks are checked each day, as well as monthly and quarterly inspections that go for the entire facility that have to do with cleanliness, curb appeal and things of that nature.

MR. LA FIANDRA: So, the, the dike that you mentioned, that's in the door space?

MR. KAZAZIAN: That's correct.

MR. LA FIANDRA: And how high is that dike?

MR. KAZAZIAN: It's about twenty-eight inches and --

MR. LA FIANDRA: And is that movable?

MR. KAZAZIAN: No, it's block.

MR. LA FIANDRA: That does not move with the door?

MR. KAZAZIAN: No, it does not.

MR. LA FIANDRA: And the, and you mentioned that there's an epoxy that comes up about twenty-four inches around the whole room?

MR. KAZAZIAN: That's correct, to seal the concrete floor and the walls.

MR. LA FIANDRA: And what is the function of that, of that, is that an environmental safety feature?

MR. KAZAZIAN: So, yes. So, we do, we wouldn't want, to the extent any oil would spill or there was an oil leak, we wouldn't want it to penetrate the raw concrete, so it would just, it acts as a barrier and then it's easily cleaned off of

that surface. The, the epoxy actually has a silica added to it so that it's slip resistant as well.

MR. LA FIANDRA: Okay. The, is that a fire door?

MR. KAZAZIAN: Yeah, it's a two hour fire rated door.

MR. LA FIANDRA: Now, are there any other environmental features of the, of the rest of the basement area?

MR. KAZAZIAN: So, the, the remainder of the basement, it doesn't have floor drains, that is sealed as well with the epoxy. So, that would be another level of containment if there was some larger issue with the tank room, as well as if you have splashing or something happens with a car where it misses the rolling drain pan that would be under the car at the, the time of an oil change.

CHAIR: You say there are drains or not, no drains?

MR. KAZAZIAN: There's no, there's no drains, no.

CHAIR: No drains, sorry.

MR. KAZAZIAN: Just another level of containment.

MR. LA FIANDRA: Now, how does the oil get in and out of these tanks?

MR. KAZAZIAN: There is a, on the outside of the building, just like there would be on a home, there are multiple connections and those connections are within a box. That box actually has a, a, it's containerized and any oil that would drip would flow to the waste oil tanks that are in the

tank room. That's where it would be captured, so.

MR. LA FIANDRA: And so, those, those boxes that you were talking about.

MR. KAZAZIAN: Yeah.

MR. LA FIANDRA: Those are on the outside of the building?

MR. KAZAZIAN: That's correct.

MR. LA FIANDRA: And that catches anything that would spill when the tank is being filled?

MR. KAZAZIAN: Yeah, during, during the delivery process if, in fact, there was anything dripped, yeah.

MR. LA FIANDRA: And, now you said there are some waste oil tanks. Are those, are those D here?

MR. KAZAZIAN: Yes, those two larges tanks are waste oil tanks.

MR. LA FIANDRA: And how does that oil get off the site?

MR. KAZAZIAN: A recycler would typically come once a week. They would drop a hose through the closest pit opening and then bring it over to those, they open the top of that tank and they, essentially, stick a probe down that, that sucks the oil out and into the truck where it's, it goes off to be recycled.

MR. LA FIANDRA: And how often does that happen?

MR. KAZAZIAN: Typically, weekly.

MR. LA FIANDRA: That's about once a week and you receive oil deliveries for the other tanks about once a week, is that what you said?

MR. KAZAZIAN: Correct.

MR. LA FIANDRA: The, if, if you know, do you know what the holding capacity of the tank room is as it relates to the epoxy that comes up the floor?

MR. KAZAZIAN: I, I haven't done the calculation. The room is sixteen by sixteen, or a little bit bigger than sixteen by sixteen and then it's about twenty-four inches but I don't think that the room, quite honestly, would hold if every tank and that's the reason that the remainder of the basement, in my ten years, I've seen, heard about one tank leak. They are checked, they are UL approved, steel tanks. The three round circles there are polytanks that hold the coolant and the, and the windshield washer fluid.

MR. LA FIANDRA: So, two hundred stores, ten years of experience and you recall one tank leak?

MR. KAZAZIAN: That's all I am aware of.

MR. LA FIANDRA: Now, do, is, do you think that there's enough capacity to hold at least more than one tank failure?

MR. KAZAZIAN: Oh, I, I would assume, if I did the calculation, it's probably forty to fifty percent.

MR. LA FIANDRA: Okay and then outside you said, if

I, if I heard you correctly, there's an epoxy floor and does that come up the, the wall as well?

MR. KAZAZIAN: It does, it does as well.

MR. LA FIANDRA: And that, that would act as a separate containment if it were to actually breach the dike that's over there?

MR. KAZAZIAN: Yeah, it would be secondary containment.

MR. LA FIANDRA: And, now if any of those things would happen, what is the procedure that the store would follow to, to clean, to clean up the --

MR. KAZAZIAN: So, in, in that case, if there was a large spill, they would immediately contract the, the local group that we use to evacuate the waste oil. So, they would come with a truck and go through the normal procedures and there would be paperwork that would have to be filed with Maryland Department of the Environment. But it would be cleaned up and recycled.

MR. LA FIANDRA: I see that there is a compressor room. It, I assume that's an air compressor in there?

MR. KAZAZIAN: Correct. We use pneumatics to drive all the pumps to deliver the oil.

MR. LA FIANDRA: Okay and is, can, can you hear the compressor outside of that room?

MR. KAZAZIAN: No, that room is vented but it's also

insulated. So, we don't, because of the customer experience, we don't want the customer to hear that.

MR. LA FIANDRA: Okay and then, what if there were an oil spill of some type outside the building, how would that be handled?

MR. KAZAZIAN: So, in, in the, in the, in the service center, there's actually a fifty-five (inaudible) drum that has absorbent materials and a variety of other things that the store manager, assistant store manager, would use to contain that while they called someone. There's annual training for that and every employee in the, in the store has to be made aware and certified with that training.

MR. LA FIANDRA: Did you conduct any environmental assessments to the property before you contracted to purchase the property?

MR. KAZAZIAN: We did. We, we got a copy of the phase one that Howard Bank did in 1999 and then we used Tetra Check to do another phase one assessment for us.

MR. LA FIANDRA: And were you present at the last hearing when there was some discussion of, or questioning whether the property was within the area that was identified contaminated for the fuel spill that happened up the street?

MR. KAZAZIAN: I was.

MR. LA FIANDRA: And did your environmental assessment indicate that this property was in that area?

MR. KAZAZIAN: It, it did not. Our, it did not --

MR. MCCANN: Objection. I'm sorry to interrupt.

MR. LA FIANDRA: Sure.

MR. MCCANN: We're talking about an environmental assessment that we don't have in front of us that is clearly hearsay and if we had the opportunity to look at it, I don't think he should be talking about an environmental assessment that he didn't do that someone else did is my point, Mr. Evans.

MR. LA FIANDRA: Your Honor, he's the Director of Real Estate. He reads environmental assessments all the time. And certainly he is capable of relaying how they base their decision on whether to, to buy the property or contract for the property.

MR. MCCANN: Well, that's a different issue. I just don't want him talking about what the results of that, and I, I'm not trying to --

CHAIR: No, that's okay.

MR. MCCANN: I just don't think he should be talking about, about that stuff. It's clearly hearsay and he's offering it to prove the truth of the matter asserted, which is that this is, assumedly, a safe site to do this type of work, so.

CHAIR: Well, in, in the, were you involved in the process, were, were you involved in the decision making with regard to whether to purchase this site?

MR. KAZAZIAN: Yes, I was.

CHAIR: Okay and what, if any, environmental assessments do, do you make or does your team make in terms of whether or not to, well, that you made with regard to whether or not to purchase this particular property?

MR. KAZAZIAN: So, in this particular case, we review the conclusions. There's a team of folks in corporate development that would review the conclusions from the environmental assessment and then we would, you know, depending on what was presented in that, we would decide what risks we were willing to take.

CHAIR: All right and --

MR. MCCANN: Well, I guess the problem with that question is we're getting to why they purchased the property and why they went forward with it. That, that point in and of itself is not relevant. So, really what we're getting out it's not relevant to this case at all, (inaudible) to a special exception.

MR. ZIMMERMAN: May, may I concur with --

MR. MCCANN: It's background information, so. My point, I'm sorry.

MR. ZIMMERMAN: (inaudible) I'm just going to concur in part because this witness is not an environmental expert. If he, if they want to show us an environ, phase one environmental assessment, they want to produce an environmental

expert that's one thing. But for this witness simply to say in conclusory fashion that the environmental, no environmental problems, we've done the review, that's not his expertise and so, so I don't think that's competent evidence from the Petitioner's side.

MR. LA FIANDRA: We don't expect to go much further with the environmental discussion.

CHAIR: Okay, all right.

MR. ZIMMERMAN: Well, I think whatever has been done is already not competent.

MR. MCCANN: Yeah, I, I think where Mr., Mr. La Fiandra is heading is that to prove some effect upon, you know, the, under the hearsay exception, some effect upon the hear, of, of the hearsay and I don't think that in and of itself is relevant to this case at all. So, why should it come in through that, that backdoor which, you know, --

CHAIR: Well, maybe I'm misunderstanding the point. I, I, I, I understood the, the point, if it's an acceptable one, to be that there were no unusual environmental concerns that prompted Valvoline not to purchase the property. Is that really the point?

MR. LA FIANDRA: That's as far as we intend to go with that question.

CHAIR: Yeah, is that, is that an acceptable point?

MR. ZIMMERMAN: No, not really. Not from this, I

mean, other than, I mean, it's acceptable to say that he doesn't think there are any problems.

CHAIR: Yeah, okay.

MR. ZIMMERMAN: It's not acceptable to prove that there are no environmental problems.

CHAIR: Okay. Well, he, he didn't believe there were any.

MR. KAZAZIAN: Could, could I --

CHAIR: And it's, and it's within the scope of his response, corporate responsibilities to flag potential problems. He didn't flag any so he didn't think there were any, is that, that's --

MR. KAZAZIAN: Could I offer clarification?

CHAIR: Sure, yeah, go ahead.

MR. KAZAZIAN: So, I, I think what Mr. La Fiandra was trying to ask me is whether or not the spill up the street impacted this, this property. It was the conclusion of our environmental engineer that it had not. For other people that know the site and the history of the site, this was a gas station until it was redeveloped into the Howard Bank in 1999.

CHAIR: Okay.

MR. MCCANN: I'm not sure what relevance that has, but.

CHAIR: I, I'm not sure either.

MR. LA FIANDRA: I'm prepared to move on.

MR. KAZAZIAN: Just giving you a history.

CHAIR: Move on, yeah, that's okay.

MR. LA FIANDRA: Thank you. Now, what about the building materials that you use, moving back to non-environmental issues. I'm just going to remove this number seven and this is the site plan, it doesn't show the building materials but it gives us a little context, actually those building materials are reflected right here on number seven. Is there, this is brick. Is there, what's the goal of using such high quality materials?

MR. KAZAZIAN: The goal is twofold. One is reduce maintenance since brick typically doesn't have to have anything done to it for a hundred years. And second, consistent curb appeal. So, also the building, it's a red brick veneer, but it's a block building and the reason we use block in the interior is because drywall or some of those other materials aren't durable enough for some of the, the things that go on in the, the building, the procedures.

MR. LA FIANDRA: And the roof?

MR. KAZAZIAN: It's a forty year architectural shingle roof.

MR. LA FIANDRA: Now, because of the way that you operate the site and the work that you do, are there any cars that remain on the site overnight?

MR. KAZAZIAN: No, no. Employees would leave and we

don't do any repairs so if we can't perform a service to that car, the, the customer is asked again, or directed to a dealership or, you know, to use their trusted mechanic.

MR. LA FIANDRA: Okay. Thank you. Those are the questions that I have for Mr. Kazazian.

CHAIR: Mr. McCann?

MR. MCCANN: Thank you. Just a few. Good morning, sir.

MR. KAZAZIAN: Good morning.

MR. MCCANN: I'm not going to try your name.

MR. KAZAZIAN: Kazazian.

MR. MCCANN: Kazazian. It's not that bad, I like it. So, the twenty-seven units that you said that Mid-Atlantic Lube owns, when you say units you mean individual stores like this one?

MR. KAZAZIAN: Correct, service centers.

MR. MCCANN: Okay and this one, if approved, would also be owned and operated by Mid-Atlantic Lubes, correct?

MR. KAZAZIAN: That's correct.

MR. MCCANN: Okay. So, there wouldn't be some local owner of the, of this unit who lived in the community and owned just this store, correct?

MR. KAZAZIAN: That is correct.

MR. MCCANN: You mentioned the services that instant oil change units provide and I, I, from what I gathered from

your company's website, this instant oil change is, is sort of a trade, trademark, that's what you call these, these centers, correct?

MR. KAZAZIAN: Yeah, Valvoline Instant Oil Change.

MR. MCCANN: Valvoline Instant Oil Change Centers or what do you call them?

MR. KAZAZIAN: Just Valvoline Instant Oil Change.

MR. MCCANN: Okay. Are there different types of facilities or units that Mid-Atlantic Lubes owns and operates?

MR. KAZAZIAN: There are quick lubes. The number of bays can vary.

MR. MCCANN: Okay. Okay. So, when you say, again, when you say quick lube, that's the same thing as a Valvoline Instant Oil Change? Are they the same thing, quick lube?

MR. KAZAZIAN: Well, Valvoline Instant Oil Change operates quick lubes. Quick lubes is typically defined as an oil change facility that would have pits and a full basement so that procedures could be done to car from both the bottom side and the top side versus a lift procedure where a car would come in and come on a lift.

MR. MCCANN: Okay.

MR. KAZAZIAN: So, that's where the speed of service comes in with the pit.

MR. MCCANN: Okay.

MR. KAZAZIAN: Which essentially is the basement.

MR. MCCANN: I'm just getting to the phrases that you've been using. So quick lube is the type of service that's provided?

MR. KAZAZIAN: Yeah, and typically defines the facility as well.

MR. MCCANN: And the facilities themselves are sometimes called Valvoline Instant Oil Change?

MR. KAZAZIAN: Um hm.

MR. MCCANN: Okay. Is that a yes?

MR. KAZAZIAN: Yes.

MR. MCCANN: Okay.

MR. KAZAZIAN: Sorry.

MR. MCCANN: That's all right. So, I think we're at Protestant's Exhibit 8, but I could be completely wrong about that Ms. Jolivet.

MS. JOLIVET: You are correct.

MR. MCCANN: I am correct?

MS. JOLIVET: You are correct.

MR. MCCANN: Oh, wow. All right. Starting off good. I'm going to have this marked if I could as the next exhibit and, and I know --

MS. JOLIVET: Do you have another for me?

MR. MCCANN: (inaudible).

MR. KAZAZIAN: If you're going to ask me to read something, I'm going to have to get my glasses (inaudible).

MR. MCCANN: Okay, yeah, sure, go ahead.

MR. KAZAZIAN: Sorry.

MR. LA FIANDRA: That was number eight?

MR. MCCANN: This is eight. So, just take a moment if you would and familiarize yourself with what's been marked as Protestant's Exhibit 8. And I just have a couple of questions about it. And while you're doing that, if you don't mind, sir, I'll represent to you that what I did is I got online, on your website, and searched for Valvoline Instant Oil Changes near us and this came up with the Middle River store. There is, in fact, a store in Middle River, is that correct?

MR. KAZAZIAN: That's correct.

MR. MCCANN: Okay.

MR. KAZAZIAN: The website is actually run by Valvoline itself. We're a franchisee so it's not our website. Our company doesn't operate a website.

MR. MCCANN: Okay, okay. Well, thank you for that clarification. So, nevertheless, I still want to ask you questions about what's on this website and very difficult to see, but on the first page there's a reference at the top but also on the left hand side to the Middle River store. Are you familiar with that, with that store, or unit does in terms of its business?

MR. KAZAZIAN: Somewhat.

MR. MCCANN: Okay. Is, would you characterize it as

a Valvoline Instant Oil Change unit?

MR. KAZAZIAN: Oh, yes.

MR. MCCANN: Okay. Providing quick lube?

MR. KAZAZIAN: Correct.

MR. MCCANN: Okay. Okay. Let me know when you're ready for questions. I don't (inaudible). So page one of Protestant's Exhibit 8, on the right hand side of the bottom, it makes reference to certified technicians and their completion of two hundred and seventy hours of training. Is that the training that you were referring to during direct examination?

MR. KAZAZIAN: Yes.

MR. MCCANN: Okay and what is ASC certified program mean? What is that?

MR. KAZAZIAN: To my understanding, it's an automotive certification that Valvoline has worked to attain so that the training meets their standards.

MR. MCCANN: Do, can you tell us what the scope of that training is? Is it, in other words, maybe more specifically does the training include things other than just oil changes?

MR. KAZAZIAN: It could include checking the fluids, everything that would be part of our super pro procedure. So, we don't check brake fluid, but we check filters, both air and cabin filters. We would check the levels of coolant as well as

windshield washer. It would involve using certain machines to extract coolant or transmission fluid or oil or transmission fluid from the cars.

MR. MCCANN: Okay.

MR. KAZAZIAN: But ours is a very targeted service as opposed to a, a full mechanic's ASE certification.

MR. MCCANN: Okay. Well, that was my question. Were, were you just describing all the things that Valvoline Instant Oil Change units do or were you describing the program, the certification program?

MR. KAZAZIAN: I was describing the, the training that our technicians receive so that the use of those certain machines to provide the services that we offer our customers in our quick lube facility.

MR. MCCANN: Okay and that entire two hundred and seventy hours deals solely with that as opposed to --

MR. KAZAZIAN: It's, it's a cumulative process, as I said, so you'd start to reach your first certification as technician and then senior technician, customer service representative, on up.

MR. MCCANN: Okay. All right. Moving quickly through this, on page four, and actually four, five, six and seven, and these things all, only, don't always print out well but at the bottom of the fourth page, where, see where it says recommended services?

MR. KAZAZIAN: Yes.

MR. MCCANN: And then, it says full service oil change and then to the right it says transmission service and then on the next page there are bullet points for these other type of services, some of which you've mentioned. And then the same thing with respect to page six and seven of this exhibit, you see that? All types of services that are being identified, you see all that?

MR. KAZAZIAN: I do.

MR. MCCANN: Okay. Are those all the same type of services that would be provided at this location if it was approved?

MR. KAZAZIAN: Looking at page five, we, excuse me. I misread so, yeah, it would appear we would offer all these services.

MR. MCCANN: Okay. So, would you agree with me that many of these services, other than just the, the service oil change, would involve the customer getting out of the car and waiting in the waiting room as opposed to just sitting in the car as you described?

MR. KAZAZIAN: We don't have waiting rooms and our customers don't leave their vehicles during any of our service.

MR. MCCANN: Even, even for all of these?

MR. KAZAZIAN: That's correct.

MR. MCCANN: Some, some of which may take longer, if

not significantly longer, significantly longer than fifteen minutes? Some?

MR. KAZAZIAN: Typ, typically fifteen, possibly twenty minutes, depending on the model of the car.

MR. MCCANN: For all of these services?

MR. KAZAZIAN: That's correct.

CHAIR: How, how do you do tire rotations?

MR. KAZAZIAN: There's actually lifts on the pits, so the, you know, they just position it, it goes up and then we actually use the battery powered guns, remove the lug nuts and then rotate the tires, front and back.

MR. MCCANN: So, no services are provided while the customer is out of the vehicle?

MR. KAZAZIAN: That's correct.

MR. MCCANN: Okay.

MR. KAZAZIAN: I mean, if a, if a customer would like to use the bathroom, they have to be guided through the service center just because of the open pits and the liability.

MR. MCCANN: Okay. Okay. Well, given that testimony, I don't think I need to add anything, ask anything specific about other things. Okay. You mentioned that part of your responsibilities as director and now vice president is site selection.

MR. KAZAZIAN: That's correct.

MR. MCCANN: Okay. So, were you personally involved

in selecting this site?

MR. KAZAZIAN: Yes, it was brought to me by a local broker.

MR. MCCANN: Okay and who was that local broker?

MR. KAZAZIAN: Henry DeFord of McKenzie Retail.

MR. MCCANN: Okay and when you say brought to you, what do you mean by that? What did he tell you? What information did he give you?

MR. KAZAZIAN: Henry knows our criteria and they brought us a number of transactions over the last five to seven years.

MR. MCCANN: Okay. His company?

MR. KAZAZIAN: Yes.

MR. MCCANN: And Henry himself?

MR. KAZAZIAN: Henry and he has a co-worker.

MR. MCCANN: Okay and when you say criteria, what are, what are your company's criteria for a site?

MR. KAZAZIAN: We typically like to be located on a busy corner. The site typically has to be fifteen to twenty thousand square feet. We look at traffic counts. We typically would like something at fifteen thousand or greater and then we would look at demographics and population density. In some instances, we would look at larger draws if it's a, kind of a county situation where people drive larger distances versus urban.

MR. MCCANN: Okay.

MR. KAZAZIAN: Where the, the market draw would be from.

MR. MCCANN: Okay. When you say look for busy corners, literally you look for intersections as opposed to --

MR. KAZAZIAN: We, we prefer intersections, it has the highest visibility.

MR. MCCANN: Okay. Your store in, or unit rather, in Middle River, is not on a corner, is it?

MR. KAZAZIAN: It's not.

MR. MCCANN: What about the other stores in the vicinity? I forget where the other ones are located, but any, any other store in Maryland located on a corner of a busy intersection?

MR. KAZAZIAN: I, I don't come, most of the portfolio here we purchased. Middle River we did build, so we do take parcels in, in various out lot parcels, if you will. But we came in 2000, rolled up a variety of small franchisees that were in financial trouble.

MR. MCCANN: Okay. So, a busy corner would be ideal.

MR. KAZAZIAN: That's correct.

MR. MCCANN: From a bus, and strictly from a business perspective, that is, the more, I think you used the term visibility.

MR. KAZAZIAN: Correct.

MR. MCCANN: That would help your business if it was on a, on a visible corner.

MR. KAZAZIAN: Yes.

MR. MCCANN: Okay and would you characterize this site, that is on the corner of Joppa and Loch Raven Boulevard, the south west corner, as a vis, visibly prominent site?

MR. KAZAZIAN: Yes.

MR. MCCANN: Okay. Plenty of traffic, right?

MR. KAZAZIAN: Yes.

MR. MCCANN: Okay. Were you the person at the company that actually made the decision to purchase this site?

MR. KAZAZIAN: I was one of five.

MR. MCCANN: Okay.

MR. KAZAZIAN: So, we, I present to a board.

MR. MCCANN: Okay. All people in your office up in Massachusetts?

MR. KAZAZIAN: Correct.

MR. MCCANN: Okay. And I take it when, when you present to the board for purposes of proposing a site, you identi, you, you speak to the criteria that you just identified?

MR. KAZAZIAN: That's correct.

MR. MCCANN: Okay. Anything else that you recall or are those the main things?

MR. KAZAZIAN: Those are the main.

MR. MCCANN: Okay. So, you present it to the board and the decision was made to purchase this site?

MR. KAZAZIAN: That's correct.

MR. MCCANN: Okay. Have you, in fact, purchased it or is it, is there some type of contingency in the contract of sale?

MR. KAZAZIAN: We have not purchased it.

MR. MCCANN: Okay. So, you're a contract purchaser?

MR. KAZAZIAN: That's correct, we're under contract.

MR. MCCANN: Contingent on the outcome of this hearing?

MR. KAZAZIAN: Not necessarily.

MR. MCCANN: Among other things?

MR. KAZAZIAN: Yes.

MR. MCCANN: Okay. Have you personally, sir, ever reviewed, reviewed or any portion of Baltimore County's master plan?

MR. KAZAZIAN: I have not.

MR. MCCANN: Specifically, have you personally reviewed any portion of the master plan per, pertaining to commercial revitalization districts?

MR. KAZAZIAN: I have not.

MR. MCCANN: Okay. Did any of the, did you present any of that info, any of that information, that is, information in the master plan regarding commercial revitalization

districts, to the five directors, or the directors to whom you presented this site?

MR. KAZAZIAN: I do not believe so.

MR. MCCANN: Okay. Since you were involved in the site selection, I take it you're familiar with the fact that there are within a very short distance of this site, a number, quite a few other businesses that provide all of the things that we just went through in Protestant's Exhibit 8? I take it you're familiar with that?

MR. KAZAZIAN: There are, are more uses, yes.

MR. MCCANN: Okay. A number of them, correct?

MR. KAZAZIAN: I, I don't know the exact number. I know there's one directly across the street.

MR. MCCANN: Okay. You mentioned that there will be fourteen or fifteen employees, some of whom will be part-time, right?

MR. KAZAZIAN: That's correct, full and part-time.

MR. MCCANN: How many employees on site at any one time?

MR. KAZAZIAN: At peak, there would be eight employees.

MR. MCCANN: Okay and assumedly all those employees would, would drive to the site. Is there, is there room on site for those eight employees to park?

MR. KAZAZIAN: That's not necessarily the case so.

Typically, we have employees that carpool, we have younger employees that are sometimes dropped off, we have folks that take transit, mass transportation. So, I would, I would say on average, typically for a center of this type, there would be five or six cars on site at that time.

MR. MCCANN: That's just based on your experience?

MR. KAZAZIAN: Yeah.

MR. MCCANN: Okay. But sitting here today, we don't know who those employees will be, right?

MR. KAZAZIAN: We don't.

MR. MCCANN: How many, how many, just to refresh my recollection, how many parking spaces on this site are allocated for employees?

MR. KAZAZIAN: All of them.

MR. MCCANN: All of them?

CHAIR: How many is that?

MR. KAZAZIAN: It appears to be seven, plus a handicap spot.

CHAIR: Plus the handicap spot?

MR. KAZAZIAN: Plus the handicap spot.

MR. MCCANN: So, if all the employees, I'm sorry, and how many employees you said at any given time?

MR. KAZAZIAN: At peak hours it would be eight employees.

MR. MCCANN: So, if all the employees traveled by car

individually, there wouldn't be enough spaces, right? Unless one of the persons was handicapped.

MR. KAZAZIAN: That's correct.

MR. MCCANN: Doing the math.

MR. KAZAZIAN: Okay.

MR. MCCANN: You mentioned some of the, the precautions that you would take in the, the lower floor where the oil is stored. I'm somewhat familiar with those regulations but am I, am I correct that sort of, the things that you mentioned, the, the concrete floor, the epoxy, the dike, all those things are things that are required by law, by regulation?

MR. KAZAZIAN: I'm, I'm not certain about that. Those are just precautions that we take as a firm.

MR. MCCANN: Okay.

MR. KAZAZIAN: We do have to apply for tank permits with Maryland Department of the Environment and we obviously meet or exceed their standards.

MR. MCCANN: Okay. Do you know whether you meet or exceed them, which one? I mean, in other words, can you sit here today, it sounds like you're not familiar with those specific regulations.

MR. KAZAZIAN: I'm not familiar with the specific, I just know that our policy is to meet or exceed any environmental requirement or standard.

MR. MCCANN: Okay. But for this particular location, you can't tell us what, whether the precautions you've talked about meet or exceed?

MR. KAZAZIAN: I cannot.

MR. MCCANN: Okay.

MR. KAZAZIAN: I'm not even sure that some of the precautions we take are required.

MR. MCCANN: Well, that's what I'm asking, you just don't know.

MR. KAZAZIAN: I don't know.

MR. MCCANN: You talked about, and I'll wrap up here, you talked about the, the anticipated traffic or customer flow on average days and, and sort of the peak days, Friday afternoon, Saturdays, you said as many as seventy-five to eighty, seventy-five to eighty services per day.

MR. KAZAZIAN: That's right, total car count for the day.

MR. MCCANN: For, for the day. Do you have a sense of on, at any given, given time what the, the average number of vehicles will be at the store that is, that are being serviced? In other words, does that eighty, seventy-five to eighty, contemplate that they'll be folks in each of the bays and then a car cuing or do you have a sense of that?

MR. KAZAZIAN: Yeah, at times, at, at peak times I would expect that the four bays would be filled and there would

be four or possibly six cars cuing behind that.

MR. MCCANN: Sitting there.

MR. KAZAZIAN: Yes.

MR. MCCANN: Typically, --

CHAIR: One, one per bay you mean or four, --

MR. KAZAZIAN: One per bay across and then in some instances, you might have two per bay.

CHAIR: Two.

MR. MCCANN: Okay. And those cars would be, well, they wouldn't be parked, they would be running waiting, I guess, is what the way, typically in your experience --

MR. KAZAZIAN: We, we typically ask customers to turn off their cars.

MR. MCCANN: Okay. Okay. I would move Protestant's Exhibit 8 into evidence before I forget and --

CHAIR: It's admitted.

MR. MCCANN: Thank you. And no other questions.

MR. ZIMMERMAN: Okay. Good, good morning, Mr. Kazazian. Am I pronouncing it correctly?

MR. KAZAZIAN: Close enough, yes.

MR. ZIMMERMAN: Would it be Kazazian or --

MR. KAZAZIAN: Kazazian.

MR. ZIMMERMAN: Yeah. Why is it pronounced one way rather than the other?

MR. KAZAZIAN: My family pronounces it that way.

MR. ZIMMERMAN: What is your educational background?

MR. KAZAZIAN: Graduated high school, I have a B.S. in Science from North East University and Mechanical Structural Engineer and I have an M.B.A. from Northeastern.

MR. ZIMMERMAN: Okay and what year did you graduate from college and get your M.B.A. or --

MR. KAZAZIAN: I graduated college in 1984 and I received my M.B.A. in 1986.

MR. ZIMMERMAN: How long have you been working in the auto industry?

MR. KAZAZIAN: Since, it will be ten years in October.

MR. ZIMMERMAN: Okay and what specific training did you get to familiarize yourself with, with the auto services that you deal with?

MR. KAZAZIAN: I've been a car enthusiast since a teenager and I've also sat in on some of our company training.

MR. ZIMMERMAN: Okay. What, you went to the Valvoline University, for example?

MR. KAZAZIAN: I did not. I just sit in on certain pieces of it when it's offered in our home offices because I'm interested in it. I've reviewed the book. There's a manual and I flip through it on various occasions.

MR. ZIMMERMAN: So, what qualifications did you have to start working in the position that you have?

MR. KAZAZIAN: Well, I, I've always been in the real estate industry for over thirty years. So, prior to coming here, I worked for two pension fund advisory firms and represented institutional clients as well as pension plans and endowments.

MR. ZIMMERMAN: And as part of that work, is it your job to be familiar with zoning?

MR. KAZAZIAN: To some degree, but I obviously hire professionals.

MR. ZIMMERMAN: Okay. Now, you said Mid-Atlantic Lubes is a subsidiary of, is it Henley Enterprises?

MR. KAZAZIAN: Henley Enterprises.

MR. ZIMMERMAN: Okay and what is the geographic territory of Mid-Atlantic Lubes?

MR. KAZAZIAN: From southern New Jersey, Delaware, Maryland and portions of northern Virginia.

MR. ZIMMERMAN: Okay and did you say how many franchises there are in, in that area?

MR. KAZAZIAN: So, Mid-Atlantic Lubes, there's currently twenty-seven operating and three under development.

MR. ZIMMERMAN: Okay and some of those are, were existing sites that you took over, is that correct?

MR. KAZAZIAN: That's correct, from multiple small franchisees.

MR. ZIMMERMAN: Yeah. For example, you were here at

the last hearing date, were you not?

MR. KAZAZIAN: Correct.

MR. ZIMMERMAN: Do you recall there were photographs of a number of sites around Maryland that had two bays, three bays?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: Okay. But at this point, you prefer to have four bays, is that --

MR. KAZAZIAN: Right. So, our business, our business has evolved. It started as a, in two bays and then it went to three and today we build four bays so the, the, the last number of units here, I guess, the last two that were constructed and then the three that are currently being constructed are all four bays and everything I am working on today is a four bay.

MR. ZIMMERMAN: Okay.

MR. KAZAZIAN: And that's just an evolution in services.

MR. ZIMMERMAN: So, how many, I'm sorry, I didn't mean to interrupt you. Go ahead and finish your answer.

MR. KAZAZIAN: No, the, the four bay we look to, and part of the reason we like it is electric cars are obviously coming and so we're thinking that one of those bays might be used for charging or battery replacement, you know, oil change intervals have been extending over the years. Manufacturers are using higher quality oils in the engine and so there's

other services to be provided in the evolution of the car.

MR. ZIMMERMAN: How many of the existing sites have four bays that are actually operating now?

MR. KAZAZIAN: To my knowledge, the only one that comes to mind that I can think of is the site in Bowie, Maryland.

MR. ZIMMERMAN: That's one out of twenty-seven, did I, did I get the number right?

MR. KAZAZIAN: Yeah. I, I don't know, I can't think of all of the stores in the portfolio because some I have not been involved in, they were purchased before my time.

MR. ZIMMERMAN: And if electric cars become predominant, your facility can adjust to that?

MR. KAZAZIAN: That's our thought process. There's, there's quite a bit of work coming on. I think we're, we're looking at hybrids being the predominant form because of the range that they can achieve.

MR. ZIMMERMAN: Do electric cars still need oil?

MR. KAZAZIAN: They do not. Full electric cars.

MR. ZIMMERMAN: Okay. Now, if this facility is approved, what would your estimate be as to how long it will be there?

MR. KAZAZIAN: I suspect it will be there as long as we can provide services for automotive, for autos.

MR. ZIMMERMAN: For decades to come?

MR. KAZAZIAN: Yes, we have stores that are over thirty years old in our portfolio that continue to operate.

MR. ZIMMERMAN: So, this will have a, for better for worse, this will have a major impact on this intersection in this area, would you agree with that?

MR. KAZAZIAN: I, I don't know how to define the impact, but we would expect to be there.

MR. ZIMMERMAN: Okay. Okay. What are the normal hours for the operation?

MR. KAZAZIAN: Typically, 7:00 a.m. to 7:00 p.m., Monday through Saturday, Sunday tends to be 9:00 to 5:00.

MR. ZIMMERMAN: Your, so you're open seven days a week?

MR. KAZAZIAN: Correct. Our customers, we opened Sundays about seven years ago for, after customers requesting it.

MR. ZIMMERMAN: Okay and you mentioned that some employees may, use mass transit, correct?

MR. KAZAZIAN: Yes, we have employees who use bus or Uber, Lyft, a variety of ways to get to work.

MR. ZIMMERMAN: And you compensate them for that?

MR. KAZAZIAN: We do not.

MR. ZIMMERMAN: So, what's the nearest bus stop?

MR. KAZAZIAN: I'm, I'm not familiar with the mass transit on Joppa Road.

MR. ZIMMERMAN: You didn't investigate that?

MR. KAZAZIAN: I did not.

MR. ZIMMERMAN: So, if somebody applies and would prefer to use mass transit at the moment you could not give them an answer?

MR. KAZAZIAN: I couldn't, but perhaps our recruiter could.

MR. ZIMMERMAN: Do they know now or, or they would just have to investigate, has anyone investigated yet what the mass transit situation is, is regarding that location?

MR. KAZAZIAN: I, I do not know that.

MR. ZIMMERMAN: So, it's potentially quite inconvenient?

MR. KAZAZIAN: Potentially.

MR. ZIMMERMAN: And if that's true, then the employees really would have to use cars or get Lyft, pay for Lyft or Uber?

MR. KAZAZIAN: I suppose they could bike. There's a variety of options, I guess.

MR. ZIMMERMAN: What's the hourly wage for your starting employees?

MR. KAZAZIAN: Starting employees, I believe start at $13.00 an hour.

MR. ZIMMERMAN: Including the students?

MR. KAZAZIAN: That's correct. There's no

differentiation.

MR. ZIMMERMAN: Okay.

MR. KAZAZIAN: They're also eligible for full benefits as well.

MR. ZIMMERMAN: Full medical benefits?

MR. KAZAZIAN: Medical, dental, eye, five percent 401k contribution.

MR. ZIMMERMAN: Do they have to contribute?

MR. KAZAZIAN: In order to get the contribution, yes.

MR. ZIMMERMAN: How much?

MR. KAZAZIAN: It's up to five percent, they would be matched a hundred percent.

MR. ZIMMERMAN: Up to five percent of the medical costs, you pay ninety-five percent of your employees medical?

MR. KAZAZIAN: Oh, excuse me. I thought you were talking about the 401k. So, for a, a single person to get medical, I believe they pay about $26 a week for full medical.

MR. ZIMMERMAN: How much do you pay for the --

MR. KAZAZIAN: I have a family, I pay --

MR. ZIMMERMAN: No, I mean, how much for these students? How much does the company pay for the students?

MR. KAZAZIAN: They pay, I believe, sixty-five percent of the cost.

MR. ZIMMERMAN: That includes full hospitalization?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: Okay. Okay. As far as the location goes, you, you pointed out the people, customers will enter on Loch Raven Boulevard, correct?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: And if they have to wait before going into the bays, they would wait in the area closest to Loch Raven Boulevard, is that also correct?

MR. KAZAZIAN: They would be positioned in front of each one of the bay doors.

MR. ZIMMERMAN: Could you point out on the, the site plan what you're talking about, in front of the bay doors?

MR. KAZAZIAN: Sure. So, these, these three cars here are positioned in front of the door and then you see --

MR. ZIMMERMAN: I'm sorry, could you raise your voice?

MR. KAZAZIAN: Sure. Right here you have this, it illustrates three cars up in front of the bay doors with a fourth pulling up to it.

MR. ZIMMERMAN: So, that's between the Loch Raven entrance and the bay doors is where they wait?

MR. KAZAZIAN: That's correct. So, the entrance is here and the bay doors are --

MR. ZIMMERMAN: Okay. All right and the, did you say there were nine parking spaces, one handicap did, of the nine?

MR. KAZAZIAN: I believe there's, there's several

along the back boundary here and the eighth is the handicap.

MR. ZIMMERMAN: Okay. So, it's eight total?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: Okay and the seven, the row of seven, is closest to Loch Raven Boulevard, is that correct?

MR. KAZAZIAN: Yes, that's, you'd enter the parking lot from Loch Raven (inaudible) --

MR. ZIMMERMAN: And the eighth is also closest to Loch Raven rather than Joppa?

MR. KAZAZIAN: Correct.

MR. ZIMMERMAN: Okay. All right and the, and the four front doors of the bays, those are facing at an angle Loch Raven, would you agree?

MR. KAZAZIAN: I believe the bay doors are facing Joppa.

MR. ZIMMERMAN: The front, where you go in, where the cars go in? They face, are you, are you serious?

MR. KAZAZIAN: Well, I mean, this, this is Joppa Road, right? So, when you pull in here and you look through the doors, you're seeing Joppa.

MR. ZIMMERMAN: Okay. When you look through you see Joppa where the exit is, correct? The exit is on Joppa?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: Okay. So, when the doors are closed, the doors where you enter, those doors are oriented to Loch

Raven?

MR. KAZAZIAN: They're actually --

MR. ZIMMERMAN: If you're standing in front of those doors and they're closed or sitting in your car, you can look over and see Loch Raven. You can't see Joppa if those doors are closed.

MR. KAZAZIAN: Well, they're full glass doors so you can see through them, but yeah.

MR. ZIMMERMAN: Oh, but you can also see Joppa or, excuse me, Loch Raven, can't you?

MR. KAZAZIAN: You can see a portion of Loch Raven Boulevard, yes.

MR. ZIMMERMAN: Okay. Okay and the, the exit doors, is that a correct way to describe the doors where you leave?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: Okay. The exit doors face Joppa Road, would you agree with that?

MR. KAZAZIAN: Yes.

MR. ZIMMERMAN: Okay. Now, what are, are the other doors, again, I think Mr. Sharon described some of them. What are the other doors on the site?

MR. KAZAZIAN: There's, there's some man doors on the site. There's typically --

MR. ZIMMERMAN: When you say man doors, you mean a door where a normal human being could walk through?

MR. KAZAZIAN: Correct. Versus the overhead doors.

MR. ZIMMERMAN: Right.

MR. KAZAZIAN: Right, so --

MR. ZIMMERMAN: And where are those so called man doors?

MR. KAZAZIAN: So, there would be an entry here into, just an open space. We don't have chairs so it just leads you to a customer bathroom.

MR. ZIMMERMAN: Can you, I'm sorry, can you speak up?

CHAIR: That's in the tower portion?

MR. KAZAZIAN: Yeah, in the tower portion. So, if you came through the front door here, --

MS. JOLIVET: Can I (inaudible)?

MR. KAZAZIAN: Oh, sure.

MS. JOLIVET: Okay.

MR. KAZAZIAN: So, there's an entrance into the tower here on this side of the building. I guess we'll call it the Joppa Road side of the building. When you come in there, there's just a small entrance way. There's a customer bathroom as well as the manager's office and then there would be a door that would lead you into the service bays. I'd have to look at the other pictures, but there's typically a man door that would be placed between the overhead doors here, that would be so that someone could leave the center and greet you when you came on site if there wasn't someone out here on a full-time basis

or at that particular time of the day and I believe there's a man door on one of these other ends because it's an exit coming up the staircase from the basement.

MR. ZIMMERMAN: Okay. Didn't Mr. Sharon indicate that there's a so called employee door on the side of the building?

MR. KAZAZIAN: I, I don't recall. I, we, if you'd like to bring out the renderance --

MS. JOLIVET: You've answered the question. He can go on to the next one.

MR. KAZAZIAN: It, it's been my experience that the employees would come through this man door.

MR. ZIMMERMAN: Okay. So, yeah, so, the employees in the morning when they come in, they go through one of the bay doors, is that correct?

MR. KAZAZIAN: They would go through a man door.

MR. ZIMMERMAN: They would go through a man door. Which man door?

MR. KAZAZIAN: I would assume that the manager that would open or the assistant manager would come through the front door and there would be an alarm pad that he would have to turn off that's in his office.

MR. ZIMMERMAN: And then what?

MR. KAZAZIAN: I would, I would assume that he would open the remainder of the man doors to allow employees to

enter, since they'd be parking here.

MR. ZIMMERMAN: Right.

MR. KAZAZIAN: They'd come up to the man doors on the entrance side of the building.

MR. ZIMMERMAN: Okay. So, when you say the, there are, is there one man door on the entrance side of the building or more than one?

MR. KAZAZIAN: I, without looking at the rendering, I don't recall.

MR. ZIMMERMAN: There could be more than one?

MR. KAZAZIAN: There could be.

MR. ZIMMERMAN: In your experience.

MR. KAZAZIAN: Depending on the design and the requirements of fire marshals, sometimes we have to add an additional door.

MR. ZIMMERMAN: And what's the situation here, do you know, based on --

MR. KAZAZIAN: I, I do not know, I --

MR. ZIMMERMAN: So, there might be, there might be one man, so called man door, there might be more than one?

MR. KAZAZIAN: There could be two.

MR. ZIMMERMAN: And those would be on the same side as where the cars enter the bays?

MR. KAZAZIAN: Yes.

MR. ZIMMERMAN: And that would be, the employees

would then be going, coming in, whether walking or having parked their cars, they would be coming from Loch Raven side of the location.

MR. KAZAZIAN: They would, they would park on the, the rear of the, of the parcel and then walk to the, to the entrance side --

MR. ZIMMERMAN: They, they wouldn't even see Joppa Road at that point.

MR. KAZAZIAN: They could look through the glass doors.

MR. ZIMMERMAN: If they were surveying the entire site.

MR. KAZAZIAN: Um hm.

MR. ZIMMERMAN: Okay. You don't recall whether there was, Mr. Sharon said there was a separate employee door planned, oriented to Loch Raven?

MR. KAZAZIAN: I, I don't have that recollection, I apologize.

MR. ZIMMERMAN: All right. All right, we'll come back to that in a few minutes. In terms of site selection, let me ask you this. You mentioned there are several contingencies in the contract between, is it Mid-Atlantic Lubes, is that the corporate entity that will --

MR. KAZAZIAN: No, there, there's a real estate company that will take title to it and will do an internal

lease with Mid-Atlantic Lubes.

MR. ZIMMERMAN: Okay. But that's not one of the Petitioners? Mid-Atlantic Lubes is your only Petitioner listed as contract purchaser, correct?

MR. KAZAZIAN: I think they have it under agreement, will likely assign it at some point.

MR. ZIMMERMAN: To some real estate company?

MR. KAZAZIAN: It will be a wholly owned subsidiary of Henley Enterprises.

MR. ZIMMERMAN: And that hasn't been determined?

MR. KAZAZIAN: Legal handles (inaudible).

MR. ZIMMERMAN: But I mean, it hasn't been determined yet? There, --

MR. KAZAZIAN: I, I would assume it would, there's one that typically holds this but I, I haven't talked to our legal folks.

MR. ZIMMERMAN: Okay and incidentally, are there, does Henley have like the Pacific Lubes, Mid-West Lubes, is this, is this a national company that has regional lubes all over the United States?

MR. KAZAZIAN: So, we, we, we operate in east in New England, we operate here in the Mid-Atlantic, we operate on the west, southern west coast of Florida, we operate in San Diego, L.A. and San Francisco Bay area.

MR. ZIMMERMAN: So, it's like you have California

lubes, Florida lubes and, under some name?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: Okay and what are the other contingencies besides zoning approval that, that your, your acquisition of this site depends on?

MR. KAZAZIAN: I don't believe I can share those with you due to, there's actually provisions in the agreement that talk about exclusivity and confidentiality.

MR. ZIMMERMAN: So, even if the zoning is approved, this may or may not go forward depending on satisfaction of these other contingencies that you can't tell us about?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: And what, if anything, has been done so far to satisfy these other contingencies?

MR. KAZAZIAN: We've done an environmental report and we've done title search.

MR. ZIMMERMAN: Did you bring with you any environmental report?

MR. KAZAZIAN: I did not.

MR. ZIMMERMAN: And that's done, who, who actually did that report (inaudible)?

MR. KAZAZIAN: A company, a company by the name of Tetritech (phonetic).

MR. ZIMMERMAN: And that's a written report?

MR. KAZAZIAN: Electronic version, don't do much in

paper anymore.

MR. ZIMMERMAN: And why didn't you produce that for the Board of Appeals?

MR. KAZAZIAN: I didn't think it was pertinent to this hearing.

MR. ZIMMERMAN: Wouldn't the environmental impact of the proposal have some relevance?

MR. KAZAZIAN: I don't have any below ground tanks or anything that I would think would impact.

MR. ZIMMERMAN: You have tanks.

MR. KAZAZIAN: I have tanks, but I do not have buried or, I have above ground tanks in a tank room.

MR. ZIMMERMAN: There's waste oil that has to be disposed of, correct?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: Have you had any interaction yet with the Maryland Department of Environment to review your proposal?

MR. KAZAZIAN: As I understand it, we will submit them a tank plan when we get ready to do the install.

MR. ZIMMERMAN: Have you done that yet?

MR. KAZAZIAN: We have not.

MR. ZIMMERMAN: So, how do you expect the Board of Appeals to evaluate the environmental issues if that has not been even preliminarily reviewed by the Maryland Department of Environment?

MR. LA FIANDRA: Your Honor, I'm going to object to the question. The Board is capable of assessing the environmental impact that, through this witness and through the other witnesses that are, have testified and are going to testify. None of the zoning regulations require any involvement with MDE whatsoever and, and he's testified what the procedure is that his company is going to take to have the tanks approved by MDE at the appropriate time.

MR. ZIMMERMAN: Well, that's their opinion, but special exceptions standards and several of them include environmental impacts so it's certainly a legitimate question as to what stage something should be done to show to the Board that the, the environmental issues have been taken care of, whether, and I would suggest sooner rather than later, although certainly in many cases it's not, I'm not surprised that the Petitioners take the position that lots of things will be done later. It's my view that they need to be done earlier. So, that's, that's a, a point of contention.

CHAIR: Right. So, your question, the specific question, was how do you expect the Board of Appeals to evaluate and so that question is really sort of a tad bit argumentative. But, I mean, the point, I, we understand the point, which is it may be that environmental issues need to be --

MR. ZIMMERMAN: All right.

CHAIR: -- assessed and, of course, obviously, if the Petitioner, if that's the case and the Petitioner doesn't present any evidence to that effect, then that's a failure of proof.

MR. ZIMMERMAN: Okay.

CHAIR: So, so I'll, I'll, I'm going --

MR. ZIMMERMAN: I get it.

CHAIR: -- to sustain the objection because the form of the question.

MR. ZIMMERMAN: I get it. All right.

CHAIR: Okay.

MR. ZIMMERMAN: Okay. I think I'll move on, perceiving the Board's instructions, so to speak.

CHAIR: Well, we intend to, as I said earlier, we intend to abide by both the Maryland Declaration of Rights and the United States Constitution, so.

MR. ZIMMERMAN: Okay. So, let's, let's go back to site selection, Mr. Kazazian. When did you begin looking for a site in this part of Baltimore County? What was the scope of the area you were looking at?

MR. KAZAZIAN: So, I, I looked, we identified a number of areas we'd like to be into so we identified Towson, Westminster, a variety of other cities where we don't currently operate. And then we worked through our own contacts with gas companies, as well as with the brokerage community.

MR. ZIMMERMAN: Including McKenzie?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: So, what was the scope of the Towson area that you were looking at, the geographic scope?

MR. KAZAZIAN: It was most major thoroughfares.

MR. ZIMMERMAN: Well, give me a, a west, east north and south.

MR. KAZAZIAN: I didn't, I didn't put that parameter on it, to be quite honest. I mean, we --

MR. ZIMMERMAN: Can you give me a radius in miles of what, what you are talking about? I mean, could it have been over at, by Interstate 83 for example?

MR. KAZAZIAN: It could have been if a site presented itself.

MR. ZIMMERMAN: Could it have been as far east as Belair Road, for example?

MR. KAZAZIAN: Certainly. I, I'd have to look. Without a map and to look at the demographics and driving patents and shopping patents and --

MR. ZIMMERMAN: Was one of your criteria to be close to an interstate highway?

MR. KAZAZIAN: Not necessarily, no.

MR. ZIMMERMAN: Okay and I think you've already indicated that the, you didn't evaluate preliminarily whether or not the location would be in a Baltimore County designated

commercial revitalization district?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: You could have chosen a site not in one of those districts, correct? Depending on what your search showed?

MR. KAZAZIAN: Yeah, it didn't, it didn't have bearing on my decision making. I was just aware of the special exception.

MR. ZIMMERMAN: So, at what point did you become aware the special exception? After you had selected this site as a potential site?

MR. KAZAZIAN: Yes, we, I contacted Dino, just to understand what, what the permitting would be if we went forward with the site.

MR. ZIMMERMAN: Okay. But at no time did you require an understanding that this is in a Baltimore County designated commercial revitalization district?

MR. KAZAZIAN: Mr. La Fiandra could have told me that but I don't have a recollection. I just wanted to understand the process.

MR. ZIMMERMAN: Okay.

MR. KAZAZIAN: To, to gain a special exception.

MR. ZIMMERMAN: Okay. Even as we're here today, what, if anything, can you tell me about the Loch Raven commercial revitalization district?

MR. KAZAZIAN: Only what I heard in the last meeting.

MR. ZIMMERMAN: Um hm, okay. Now, you mentioned several other people involved in the site selection from your company, not apart from the representative from McKenzie Real Estate, correct?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: Okay. Did anyone else do any land use, zoning review of, of your so called, we will call them a team of people or reviewers?

MR. KAZAZIAN: They did not.

MR. ZIMMERMAN: Okay. Okay. I wanted to ask you a few questions about what aspects of your land use and your operation would be inherent and which ones perhaps may not be inherent. Are you familiar with the word inherent?

MR. KAZAZIAN: You might want to define it for me.

MR. ZIMMERMAN: Okay. You know whether it's defined in the zoning regulations?

MR. KAZAZIAN: I do not.

MR. ZIMMERMAN: Let's assume that the dictionary is a good source. I have an exhibit for the Board of Appeals, which I'll describe in a moment.

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: I think I have enough for Mr. Kazazian too.

MR. KAZAZIAN: Okay.

MR. LA FIANDRA: Thank you.

MR. ZIMMERMAN: Even enough for Mr. McCann.

MR. MCCANN: Thank you, sir.

MS. JOLIVET: (inaudible) like an extra copy.

MR. ZIMMERMAN: Oh, --

MS. JOLIVET: I can take the witness copy. I'll take that one (inaudible).

MR. ZIMMERMAN: All right. Well, I'm certainly going to --

MS. JOLIVET: That's fine. I'll take it --

MR. ZIMMERMAN: -- ask the witness to look at it.

MS. JOLIVET: Yes.

MR. ZIMMERMAN: All right and what this exhibit is, so there's no confusion, is a page from Webster's 3rd New International Dictionary, which I think we can stipulate under Section 101.1 of the zoning regulations is the source when there's no specific definition. And then we, we also went further and attached the Miriam Webster online dictionary and also a reference from thesoraus.com. And this would be People's Counsel Exhibit 12 if my numbering is correct.

MR. LA FIANDRA: Your Honor, may I have an offer of proof what this is being offered for?

MR. ZIMMERMAN: I'm, I'm going to ask the witness a number of questions about what may or may not be inherent about the proposed land use here, understanding that this is one of

the issues, or one of the aspects of the special exception criteria, one of which Mr. La Fiandra himself focused on in one of his observations at the last hearing. So, my goal is to help assist the Board and the parties with an understanding of what, what is inherent about this operation, what inherent impacts there may be and what impacts may not be inherent.

CHAIR: Okay. Well, --

MR. ZIMMERMAN: I think we can, I think it will be --

CHAIR: -- why, why don't you, I'm going to overrule the objection for the moment and --

MR. LA FIANDRA: Actually, I was asking for an offer of proof, --

CHAIR: An offer of proof. Well, --

MR. LA FIANDRA: I was about to object but I get the feeling that you're going to overrule that objection.

CHAIR: Why, why, why don't you just proceed, Mr. Zimmerman, okay?

MR. ZIMMERMAN: Thank you. I will. Mr. Kazazian, and, and I know the, the wording in the dictionary, the, the print is small. But do you see the, the definition of inherent at the lower left hand side, which I'll quote. Structural or involved in the constitution or essential character of something, belonging by nature or settled habit, intrinsic essential. Do you see that?

MR. KAZAZIAN: I do.

MR. ZIMMERMAN: Okay and if you'd like to take a look, because I don't want to be misleading, if you'd like to take a look at the Miriam Webster, very similar, right?

CHAIR: We're talking about page two now?

MR. ZIMMERMAN: Right. On the next page, and that inherently is an adverb. All right. Inherent would be an adjective, would it not?

MR. KAZAZIAN: English isn't my strongest point.

MR. ZIMMERMAN: Okay. So, you see where on, on the Miriam Webster it says inherently is an adverb, do you see that towards the bottom? And then you see inherent, adjective? And actually if you go back to the, Webster's, you see the adj?

MR. KAZAZIAN: I, you lost me in inherently and it says adv, so is that an adverb?

CHAIR: So, inherent is an adjective, inherently is an adverb.

MR. ZIMMERMAN: Right.

CHAIR: Okay, so.

MR. ZIMMERMAN: Okay. Okay and then do you see all the synonyms for inherent? We're not going to go through every one of them.

MR. KAZAZIAN: What, what page are you on now?

MR. ZIMMERMAN: We're on the, I think third, fourth page of the exhibit.

MR. KAZAZIAN: Okay. It says one of four on the top?

MR. ZIMMERMAN: It does.

MR. KAZAZIAN: Thank you.

MR. ZIMMERMAN: Synonyms for inherent and, gosh, there probably are thirty or so synonyms, right? And then the next page is, we're not going to go through all the words but. Anyway, hopefully this at least focusing centrally on the Webster's definition I want to proceed with the understanding that that's the basic meaning of the word inherent and then I'm going to ask you some questions regarding the proposed land use.

MR. KAZAZIAN: Okay.

MR. ZIMMERMAN: Okay. So, could we agree that it's inherent and we'll just call it the Valvoline operation, am I pronouncing that correctly, Valvoline?

MR. KAZAZIAN: Yep, Valvoline.

MR. ZIMMERMAN: Okay. It's inherent that there be some service provided to automobiles. That would be inherent, it would be in every single operation.

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: It would be inherent that there'd be some number of seats, or you call them drive through bays, what seats, what (inaudible) --

MR. KAZAZIAN: Yes, drive, drive through bays.

MR. ZIMMERMAN: Okay. So, that would be inherent in every service garage operation, would it? There are many

service garages that don't --

MR. KAZAZIAN: Not, not necessarily.

MR. ZIMMERMAN: Okay. It would be inherent that you have some number of, of employees?

MR. KAZAZIAN: Correct.

MR. ZIMMERMAN: But the precise number would be a matter of choice, depending on the operation. So, the precise number of employees is not necessarily inherent, not necessarily inherent that you have fifteen. You could have a site with eight or twenty, depending on the size?

MR. KAZAZIAN: It's, yes, I, I'm not that --

MR. ZIMMERMAN: Okay, all right. Okay. It would be inherent that there'd be some use of oil?

MR. KAZAZIAN: Correct.

MR. ZIMMERMAN: Because that's in every, every location, wherever it is, right?

MR. KAZAZIAN: Right. Our primary service is in oil change.

MR. ZIMMERMAN: Okay. It would be inherent that there'd be some tanks in the operation as you've described?

MR. KAZAZIAN: For Valvoline Instant Oil Change, yes.

MR. ZIMMERMAN: Okay. Okay. Okay. But it, it would not necessarily be inherent that it be on a corner, would it?

MR. LA FIANDRA: Your Honor, I'm going to object at this point. These questions are irrelevant in the context of

the word inherent as it relates to the *Schultz v. Pritz* test, which I can see is where we're going. *Schultz v. Pritz* speaks about adverse effects inherently associated with the use, not inherent factors in the use such as the number of, the fact that there are employees, the fact that there is traffic, the fact that it may be on a corner or in the middle of a block. Those are factors, that are not effects. If counsel wants to speak about inherent effects, that's a different story. But we're talking about factors that are irrelevant to the discussion of *Schultz v. Pritz*.

MR. ZIMMERMAN: Well, this all connects up with effects, but I, I will go to effects. While we're at it, so, so there's no misunderstanding, I have a copy of *Schultz v. Pritz*, which I'll refer to. Okay.

MR. LA FIANDRA: (inaudible) give me one?

MR. ZIMMERMAN: I even have one for Mr. La Fiandra.

MR. LA FIANDRA: You, you, you did give me one (inaudible), thank you very much.

MR. ZIMMERMAN: I gave him one already.

MS. JOLIVET: And you do have the extra for, for me?

MR. ZIMMERMAN: I wasn't submitting these as an exhibit.

MS. JOLIVET: Oh.

MR. ZIMMERMAN: But I do have an extra.

MS. JOLIVET: Okay.

MR. LA FIANDRA: Just a matter of clarification, is the definition of an exhibit?

MS. JOLIVET: Oh, yeah. I, because I didn't mark that as an exhibit.

MR. ZIMMERMAN: Oh, I, I was submitting that as People's Counsel Exhibit 12.

MS. JOLIVET: Yes.

CHAIR: Exhibit 12, I guess? Okay.

MR. LA FIANDRA: And I'm going to object, --

CHAIR: Okay. That's a, that's a --

MR. LA FIANDRA: -- I'm going to object to that as irrelevant.

CHAIR: Okay, all right.

MR. LA FIANDRA: And on other basis.

CHAIR: That, that objection is noted and the exhibit is admitted.

MR. LA FIANDRA: Thank you.

MR. ZIMMERMAN: So, --

MS. JOLIVET: You are not offering this?

MR. ZIMMERMAN: Not as an exhibit, but I want to make some reference to it so that, and --

CHAIR: So, I'm just having a little bit of trouble understanding where, where we are going with this.

MR. ZIMMERMAN: Yeah, well, let's, so I can explain to the Board where we're going, and this is part of *Schultz v.*

Pritz actually that was, part of this was quoted last time by Mr. La Fiandra from the more recent *Attar v. DMS Tollgate* case, which I also have a copy of incidentally. So, let's, so, so, sort of the ground rules for the next questions, let's look at Westlaw page nine, bracket thirteen. Which, so the Court of Appeals among, and certainly there's more to the case than just this paragraph.

But quote, these cases, cases establish that a special exception use has an adverse effect and must be denied when it is determined from facts and circumstances that the grant of a requested special exception use would result in an adverse effect upon joining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone. And here we're coming to the point that I think, actually, Mr. La Fiandra quoted last time.

MS. JOLIVET: I'm sorry. I, I'm just going to interject. I'm just wondering, you're supposed to be asking questions of the witness and so now you're interjecting case law and it's (inaudible) --

MR. ZIMMERMAN: Well, there was an objection and I'm explaining, I'm explaining the connection. Because there was an objection, you'll notice that the, the next sentence, which Mr. La Fiandra --

MS. JOLIVET: Didn't, I thought the objection was

overruled, that's why I don't understand why you're doing this.

MR. ZIMMERMAN: Oh, okay. I thought he was objecting again.

MS. JOLIVET: No, he didn't, he didn't say anything else.

MR. ZIMMERMAN: All right. All right. Now, so we're going to get to the so called inherent, the question of inherent effects. The question of whether an effect is inherent or not inherent. Okay. I would suggest to you, for example, that whether or not there is an adverse traffic effect at this location particularly, it's not an inherent effect relating to the land use, but it's particular as to this location, would you agree with that?

MR. LA FIANDRA: Your Honor, counsel is asking an opinion question of a fact witness. If he would like to bring in his own expert witness, he's welcome to do so. My witness has not been qualified as an expert, he has not expressed any opinions and now to ask him about his opinion about effects in the context of a case that he's already discussed he's not familiar with is, it's unfair to the witness and it's improper in the context of the rules of evidence of this case.

CHAIR: So, the, the, the, the question is a, is a little bit tough here for this witness. I mean, if it's a four bay store, then there's more traffic than if it's a two bay store if that's your point.

MR. ZIMMERMAN: That's one, that's one point, that's not the only point.

CHAIR: Okay. I mean, the, those are points which actually are readily understood without testimony I, I believe. I mean, I understand that, I think my colleagues understand that.

MR. ZIMMERMAN: Well, the witness did testify about site selection and --

MS. JOLIVET: But you're asking him to draw legal conclusions and that's beyond the scope of this fact witness' testimony. You need to, you need to fashion your questions accordingly. I don't think that you, I don't think what you're doing is appropriate for this particular witness.

MR. MCCOMAS: And, and aren't some of those arguments made in your briefs that you submit to us? He hasn't held himself out as a traffic expert.

MS. JOLIVET: No.

MR. ZIMMERMAN: All right. I'll move on to something else.

CHAIR: Thank you. Okay, good. Thank you.

MR. ZIMMERMAN: Okay. And I think we can wrap up fairly soon. To make a long story short, you have not evaluated whether or not there may be some particular adverse effects of the proposed use in relation to the commercial revitalization district?

MR. KAZAZIAN: I don't believe so, no.

MR. ZIMMERMAN: And nobody on your, if I call it your team, has done that, to the best of your knowledge, is that correct?

MR. KAZAZIAN: Correct.

MR. ZIMMERMAN: Okay, all right. All right. Based on, separately, it's a different question, based on the configuration of the site, the entry on Loch Raven Boulevard, the exit on Joppa Road and everything else, the location of the parking spaces, where, where the employees come in, whether walking or driving, wouldn't you agree as a matter of common English language usage that the front is Loch, is oriented towards Loch Raven Boulevard?

MR. LA FIANDRA: Your Honor, this draws, this calls for a legal conclusion in the context of the zoning regulations. We discussed this at length at the last hearing. I'm going to object to the question.

MR. ZIMMERMAN: No, this is common factual English, use of the English language really. Not asking for a legal conclusion, I'm asking him a basic descriptive question.

CHAIR: You're asking him where's the front of the property?

MR. ZIMMERMAN: Right. Based on all of the circumstances, the way the orientation is, the entry, the exit.

CHAIR: So, where, where is the front of the

property?

MR. KAZAZIAN: I believe the front of the property is Joppa Road.

CHAIR: Okay.

MR. ZIMMERMAN: And your explanation for that, please?

MR. KAZAZIAN: The, the address is Joppa Road. It just happens for my particular operations that we ask customers to come to the rear of the property and we selected Loch Raven because we thought it was the safest place for people to come and also afforded most customers to come from every direction except for one where they could turn at the intersection and then enter the property.

MR. ZIMMERMAN: Do you know what the definition of the word front is?

MR. LA FIANDRA: Objection.

CHAIR: Sustained.

MR. ZIMMERMAN: So, so it's, it's your understanding that the front is not ordinarily the place where you enter?

MR. LA FIANDRA: Objection.

MR. ZIMMERMAN: It has nothing to do where you enter a property?

MR. LA FIANDRA: Same objection.

MR. ZIMMERMAN: The front is really the exit? Is that your, is that your belief?

CHAIR: Well, that's a pretty muddled question there, Mr. Zimmerman.

MR. ZIMMERMAN: All right.

CHAIR: In, in any given situation, can the front be where the cars enter or can the front be where the cars exit, depending upon the configuration of the roads?

MR. KAZAZIAN: Am I supposed to answer you?

CHAIR: Can you?

MR. KAZAZIAN: So, we, we've, we put the front of the building on Joppa, that's where the entrance is that I talked about for, to come into the building. The reality is is we're a drive thru, customers don't get out of their car, so it's just, the only reason that perhaps he's confused about what the front of the building is is because of the particular operation on the site.

CHAIR: Okay.

MR. ZIMMERMAN: What is your definition of front? What, what do you understand to be the meaning of the word front?

CHAIR: Well, I think he said that he, he, for his purposes anyway, it's where the front door is, the front entrance door.

MR. ZIMMERMAN: Don't even the employees come in through the bay door? They don't, they don't use that door that you called the front door.

MR. LA FIANDRA: Asked and answered.

CHAIR: Yeah. I, I think, again, I, I think, I think we're clear on the point.

MR. ZIMMERMAN: All right.

CHAIR: I mean, I think the Board is clear on what the argument is and, you know, he, he has indicated that from his point of view the front is the, is the portion of the building that's facing Joppa Road.

MR. ZIMMERMAN: Have you, did you review the 1999 zoning case, (inaudible)?

MR. KAZAZIAN: I did not.

MR. ZIMMERMAN: You were, you were here last time, correct?

MR. KAZAZIAN: I was here.

MR. ZIMMERMAN: Did you, have you ever taken the opportunity to review that, the opinion in that case and the Petition?

MR. KAZAZIAN: I did not. I rely on Mr. La Fiandra.

MR. ZIMMERMAN: You've never looked at it?

MR. KAZAZIAN: I have not.

MR. ZIMMERMAN: So, if that Petition, --

CHAIR: Well, he's not in a position to answer questions about it.

MR. ZIMMERMAN: All right. So, you would not, just one or two more, you would not agree that ordinarily the front

is where one enters and the back is where one exits?

MR. LA FIANDRA: I'm going to object to the question.

MR. ZIMMERMAN: You, you would not agree, would not agree with that?

CHAIR: That's, well, it's sustained for a couple of reasons. But, it's sustained. Not the least of which is it's a confusing question. I'm not sure if the answer is yes or no, I'm not sure what a yes means or a no means.

MR. ZIMMERMAN: Okay. So, the last thing, at the risk of (inaudible) to New Castle, you would not agree with me, Mr. Kazazian, that the front means the side of a building, especially the side that contains the principal entrance?

MR. LA FIANDRA: Objection to the question.

CHAIR: Well, --

MR. LA FIANDRA: The form of the question, the relevancy.

CHAIR: -- I'm, again, I'm going to sustain, I'm going to sustain the object.

MR. ZIMMERMAN: All right. Let me, let me --

CHAIR: Actually, I think he, he actually responded to your question because he indicated that this, this operation is a little, a little different than the norm because there are no pedestrian, pedestrians entering the building, so.

MR. ZIMMERMAN: All right. Well, let me ask one or two more. Wouldn't you agree that the principal entrance for

cars coming to the site, that's Loch Raven Boulevard, correct?

MR. KAZAZIAN: Cars would enter from Loch Raven Boulevard, that's correct.

MR. ZIMMERMAN: And the principal entrance for employees who have cars, that's Loch Raven also?

MR. KAZAZIAN: That's correct.

MR. ZIMMERMAN: And if anyone is walking up Loch Raven Boulevard to get into the site, they're going to enter on Loch Raven also, are they not?

MR. KAZAZIAN: There is a sidewalk that would lead them to the front door.

CHAIR: Well, as a matter of common, as a matter of common sense, they'll probably cut in the drive.

MR. ZIMMERMAN: Yeah, I mean, --

CHAIR: Okay.

MR. ZIMMERMAN: -- there is a way to get into that building from the Loch Raven side, isn't there? Whether from the --

MR. KAZAZIAN: There, there are man doors, yes.

MR. ZIMMERMAN: Yeah.

MR. KAZAZIAN: Or at least a man door.

MR. ZIMMERMAN: And then the bay doors, there's, there's a connection between the bay area and the tower?

MR. KAZAZIAN: There's, yes.

MR. ZIMMERMAN: Yeah.

MR. KAZAZIAN: But folks, unless you're an employee, you're not allowed into the bay area.

MR. ZIMMERMAN: All right. But an employee could walk through the bay area and into the tower in the morning?

MR. KAZAZIAN: Correct.

CHAIR: If the bay area is already open and he's coming to work, he can walk through the bay area.

MR. ZIMMERMAN: Right, right.

CHAIR: And if it's shorter probably would.

MR. ZIMMERMAN: All right.

CHAIR: Okay.

MR. ZIMMERMAN: Okay. That's all I have, (inaudible).

CHAIR: Okay. Any re-direct?

MR. LA FIANDRA: There are a couple of very quick follow-ups.

CHAIR: Okay.

MR. LA FIANDRA: There was some discussion, Mr. Kazazian, about the number of stores that you have that have four bays versus fewer than four bays. Do you recall that just now?

MR. KAZAZIAN: Could you repeat the question? I apologize.

MR. LA FIANDRA: There was some discussion, People's Counsel asked you some questions about the number of stores

that you have that have four bays or fewer than four bays?

MR. KAZAZIAN: Correct.

MR. LA FIANDRA: And, and now you had mentioned Hensley has two hundred, two hundred and one stores altogether, is that correct?

MR. KAZAZIAN: Correct, today.

MR. LA FIANDRA: And what percentage of those stores are four bays?

MR. KAZAZIAN: I would say today, because the four way adopt, was adopted about five years ago, there's probably fifteen to eighteen percent of the portfolio that have four bays.

MR. LA FIANDRA: And so, and there was one other four bay store that you identified in Maryland that is operating now, is that right?

MR. KAZAZIAN: Yes, I actually permitted that building, it's in Bowie, Maryland.

MR. LA FIANDRA: Bowie, Maryland. Are there other four bay stores, either in development or under construction that may not, in Maryland, that may not be operating now?

MR. KAZAZIAN: Currently, there's three four bay stores under construction, one is in Glen Burnie, one is in Baltimore City and the third is in Bel Air, Maryland and I'm working on multiple other four bay locations.

MR. LA FIANDRA: Now, turning to the discussion of

wages and benefits. I think that you said starting wage is about $13 an hour?

MR. KAZAZIAN: I believe it's thirteen. We typically are several, a dollar or more above minimum wage.

MR. LA FIANDRA: And then, the, in terms, how quickly do raises come after that?

MR. KAZAZIAN: So, there would, the first raise for a new employee would be sixty days if they got their initial certification, that's typically twenty-five or fifty cents, and they continue as they get other certifications.

MR. LA FIANDRA: So, as the employee progresses with the training, achieves these certifications, their hourly wage will go up?

MR. KAZAZIAN: Correct.

MR. LA FIANDRA: Okay. The, I think that's, that's, that's all the follow-up questions that I have for this witness.

CHAIR: Thank you. Mr. McCann?

MR. MCCANN: I do have one that my client is handing me.

CHAIR: Okay.

MR. MCCANN: Do you have, are you aware if any stores have closed in the, in Maryland?

MR. KAZAZIAN: I personally closed a store in Manassas Park, but that's Virginia.

MR. MCCANN: Any in Maryland that you're aware?

MR. KAZAZIAN: Cockeysville. There was a store some time ago we had in Cockeysville. It came as part of a multi-unit purchase, I believe, and it was an inferior location. It was also a Jiffy Lube not too far away. So, we were out positioned. That's the only one I can think of.

MR. MCCANN: Why was it an inferior location?

MR. KAZAZIAN: It's, as I recall, I haven't been by the site in a number of years, it, it sat down off the road and didn't have good exposure.

CHAIR: It had pretty poor exposure, actually.

MR. MCCANN: Yeah, I don't recall where it is. What happened to those store locations, do you know? Specifically, the one in Cockeysville and the one in Manassas Park?

MR. KAZAZIAN: Manassas Park, we, we didn't own either one of those sites, they were leased. I assume they've been put back into service with some other type of automotive use.

MR. MCCANN: Okay. But you don't know?

MR. KAZAZIAN: It doesn't concern me.

MR. MCCANN: It, it seems to me though this is the type of use that would require redevelopment. In other words, you're, if you're going to, if a McDonald's is going to come along, and I'm not suggesting McDonald's, McDonald's at this corner, but if a McDonald's was to come along, you'd have to

tear down the existing structure. There's only one thing that can come in if Valvoline leaves in these sites and that is another similar quick lube type facility, correct?

MR. KAZAZIAN: That's not correct.

MR. MCCANN: Okay.

MR. KAZAZIAN: So, we, we do, on the owned properties that we own, so if we buy a portfolio and then we have stores that are too close together and we close one, the bay door, in this particular instance with this brick building, we would put brick, I guess about three foot up in each one of the bay doors and put typical store front in and we'd add other doors. The, the cuing area here would become parking, we might make some reconfiguration of parking here. But we do put them into other use. They've been turned into offices, they've been turned into, let's see, Subway restaurants have gone into one that I know of. So, there, there have been other uses so we do transform them in our own portfolio and put them back into use because we don't want competitors.

MR. MCCANN: In a case where there's another one close by, that is?

MR. KAZAZIAN: Yeah, so we typically close stores because they're too close together.

MR. MCCANN: Okay.

MR. KAZAZIAN: And it typically results because of an acquisition.

MR. MCCANN: Okay, all right. No other questions, thank you.

CHAIR: Mr. Zimmerman?

MR. ZIMMERMAN: No questions, Mr. Chair.

CHAIR: All right.

MR. MCCOMAS: Do you, I, I got one.

CHAIR: Okay, I'm sorry.

MR. MCCOMAS: Do, do you know whether, under the EPA regs, that your facility would be considered like an unloading and loading terminal?

MR. KAZAZIAN: I, I don't know that. I do know that we're considered a small something generator of waste. We have a variety of permits that we have to apply for and abide by.

MR. MCCOMAS: Thank you.

CHAIR: (inaudible)?

MS. JOLIVET: (inaudible).

CHAIR: Okay, all right. Okay, this witness is concluded then.

MR. LA FIANDRA: Okay, thank you. You're excused. So, what's the Board's pleasure?

CHAIR: So, do you want to break for lunch now or?

MS. JOLIVET: What, what do you have?

MR. LA FIANDRA: I have one more witness. I would expect my direct examination to maybe be a half hour and, and then obviously cross examination. My only question, my only

issue is if we were to start the examination, if we break, I would like our witness to be able to confer with us during the break.

CHAIR: Okay. Well, why don't we stop now then?

MR. LA FIANDRA: All right.

CHAIR: That's probably cleaner.

MR. LA FIANDRA: Okay.

CHAIR: And how about if we take thirty minutes, can we do that? That way we'll be able to --

(RECORDING PAUSED - 12:09:35 PM)

(ON RECORD - 12:48:05 PM)

CHAIR: Okay, everyone please be seated. Your cell phones are off.

MR. LA FIANDRA: Yes.

CHAIR: And we're ready for our next witness.

MR. LA FIANDRA: I'd call Mr. Ken Schmid.

MR. MCCOMAS: Raise your right hand. Do you swear and affirm under the penalties of perjury, that testimony you're about to give is true and correct to the best of your knowledge and belief?

MR. SCHMID: I do.

MR. MCCOMAS: Please state your name, your address, your business for the record and spell your last name.

MR. SCHMID: My name is Kenneth William Schmid, that's S-C-H-M-I-D. I'm Vice President, firm Traffic Concepts

Incorporated. My address is 7525 Connolly Drive in Hanover, Maryland.

MR. LA FIANDRA: I intend to offer Mr. Schmid as an expert.

CHAIR: Okay.

MR. LA FIANDRA: Mr. Schmid, have you testified in Baltimore County as an expert before?

MR. SCHMID: Many times.

MR. LA FIANDRA: And have you testified before the Board of Appeals?

MR. SCHMID: Yes.

MR. LA FIANDRA: And what are you typically qualified as as an expert?

MR. SCHMID: Traffic, transportation planner.

MR. LA FIANDRA: Trans, transportation planning?

MR. SCHMID: Yeah.

MR. LA FIANDRA: Okay. The, I think, I've lost track of the number that I'm on, it may be twelve.

MS. JOLIVET: Yes, you are on number twelve.

MR. LA FIANDRA: Thank you. That's for you.

MR. MCCANN: Thank you.

MR. LA FIANDRA: (inaudible).

CHAIR: This is his c.v.

MR. LA FIANDRA: Yes. We'll mark this as number twelve. Mr. Schmid, do you recognize this document?

MR. SCHMID: Yes, it's my resume.

MR. LA FIANDRA: And, and does it accurately reflect your professional qualifications and your experience?

MR. SCHMID: Yes, it does.

MR. LA FIANDRA: So, I'm going to offer Mr. Schmid, I think that counsel had indicated that perhaps we could --

MR. MCCANN: Yeah, I have no problem with him being accepted in those areas.

MR. ZIMMERMAN: I just got a couple questions actually.

CHAIR: Okay.

MR. ZIMMERMAN: Mr. Schmid, how many Baltimore County special exception cases have you testified in?

MR. SCHMID: Probably a hundred.

MR. ZIMMERMAN: Before the Board of Appeals?

MR. SCHMID: Probably twenty-five, I guess.

MR. ZIMMERMAN: And when's the last time?

MR. SCHMID: I think the last time I was here, people from my office have been here testifying but myself, the last time I was here was probably the Royal Farms on, in Hereford.

MR. ZIMMERMAN: Oh.

MR. MCCANN: Famous case.

MR. ZIMMERMAN: One of our favorite cases.

MR. SCHMID: Yes, sir.

MR. ZIMMERMAN: And you testified that the, okay.

Everything was copacetic in that one, right?

MR. SCHMID: Yes, sir.

MR. ZIMMERMAN: Have you ever seen a special exception that you thought was not appropriate from a traffic point of view in your life?

MR. SCHMID: Sure, um hm. And if I couldn't, if I couldn't work out the site plan to where I felt it was appropriate I bow out of the case.

MR. ZIMMERMAN: Have you ever testified in opposition to a special exception?

MR. SCHMID: I've made a practice not, at twenty years ago, not to do opposition cases.

MR. ZIMMERMAN: Would it be fair to suggest that implies that you tend to be biased in favor of zoning petitions?

MR. SCHMID: I'm not biased at all.

MR. ZIMMERMAN: Are, are you familiar with the level of service criteria for intersections A, B, C, D, E, F?

MR. SCHMID: In Baltimore County?

MR. ZIMMERMAN: Yes.

MR. SCHMID: They're all different, each county is different, so.

MR. ZIMMERMAN: Okay. Are you familiar with the Baltimore County criteria?

MR. SCHMID: Yes, yes.

MR. ZIMMERMAN: Where do they come from? Do you know where, where, where the definitions are with respect to those criterias?

MR. SCHMID: Well, the definitions of those, they're assigned a level of service A through F based on the operating condition of the intersection. Baltimore County has a method called the double cycle method, meaning basically they go out and look at traffic on, during the peak hours in the morning and afternoon and they see if any of the approaches are, somebody has to wait two phases to get through the light and they record that. And they do that throughout the hour and based on the percentages, percentages of double cycling, it's, it's given a level of service.

MR. ZIMMERMAN: And where is that written? If the Board or any of us want to look that up, where do we see that in writing?

MR. SCHMID: It's in the County Code, it's in the County Code.

MR. ZIMMERMAN: In the Baltimore County Code?

MR. SCHMID: I believe the basic services map is, is referred to in the Code, yes.

MR. ZIMMERMAN: Can you give us a section?

MR. SCHMID: No.

MR. ZIMMERMAN: Are you sure it's in the County Code?

MR. SCHMID: I know the reference to the, the, the

level of service charts are in the Code, are referenced in the Code. You can actually go to the Baltimore County website and look up the basic services map and get an actual map of the basic service areas in the County.

MR. ZIMMERMAN: Can you give us any idea of what part of the Baltimore County Code we should be looking at to find anything written about the level of service?

MR. SCHMID: I don't know the Code section but I know it's in there.

MR. ZIMMERMAN: Okay.

MR. SCHMID: (inaudible) developments inside the URDL, doesn't apply to any development outside the URDL.

MR. ZIMMERMAN: When's the last time you looked at it?

MR. SCHMID: Basic services map?

MR. ZIMMERMAN: No, the Code section that you're --

MR. SCHMID: Oh, I don't know. Probably back when I was, I think when I was working on the, the golf course case off of, up in Hunt Valley area.

MR. ZIMMERMAN: The golf course case in Hunt Valley?

MR. SCHMID: Yeah, they changed the golf course over into some residential units.

CHAIR: Are you talking about Chesapeake Ridge?

MR. SCHMID: Yes, sir.

CHAIR: Okay.

MR. ZIMMERMAN: Chestnut Ridge?

CHAIR: Chestnut Ridge, I mean, yes.

MR. SCHMID: Chestnut Ridge, yes, sir.

MR. ZIMMERMAN: Well, that was years, years ago or was --

MR. SCHMID: Yeah, I don't have to look it up every time I testify about it.

MR. ZIMMERMAN: Well, how do you know it hasn't been modified?

MR. SCHMID: Code? I would have known by, somebody would have told me that. The, the map changes every year, basic services map.

MR. ZIMMERMAN: Well, when's the last time you, when's the last time you, you say the last time you actually looked at the Code was several years ago?

MR. SCHMID: Probably, yeah, in reference to the basic services map, yeah.

MR. ZIMMERMAN: And you're sure it's in the County Code?

MR. LA FIANDRA: Your Honor, this question has been asked several times.

CHAIR: Okay, yeah. We, we, we've been through that.

MR. ZIMMERMAN: All right.

CHAIR: Okay. We're, we're suspecting it's not and you're going to make that point so let's, let's move on, okay?

MR. ZIMMERMAN: No, actually, I, all right. That's all I have.

CHAIR: Okay.

MR. ZIMMERMAN: I think, obviously, the witness does have some expertise and the weight of the different things will be for the Board.

CHAIR: Okay. Well, then he's accepted as an expert and we'll --

MR. LA FIANDRA: Thank you.

CHAIR: -- accept his --

MR. MCCANN: As a transportation planner, is that the area, I'm sorry?

CHAIR: Yes.

MR. MCCANN: Okay.

CHAIR: As a transportation planner.

MR. LA FIANDRA: Thank you very much.

MR. MCCANN: Great, thank you.

MR. LA FIANDRA: Mr. Schmid, you were asked on voir dire about level of service. What is, what is, what is level of service? What's that mean?

MR. SCHMID: Level of service is, I guess, a determination of the actual flow through the intersection, the A being a, pretty much no delay, pretty much flow, free flow and F being a condition where there's congestion.

MR. LA FIANDRA: So, if I understand then, level of

service is a, a letter system where they rank the service, so to speak, --

MR. SCHMID: Yeah.

MR. LA FIANDRA: -- of the intersection based on the delay that one might expect at certain times of the day.

MR. SCHMID: Yeah, it's A, B, C, D, E, F and there's no, as far as I'm concerned, there's no meaning to the word F, letter F or E. F doesn't mean failed and E doesn't mean excellent, so. It's just a gradation of all levels, so to speak.

MR. LA FIANDRA: There we go. And, --

MR. ZIMMERMAN: And can I get one? All, every time it seems like I'm left out with all these exhibits.

MR. MCCANN: I actually, this has already been parked, hasn't it?

MR. LA FIANDRA: No, I don't think so. That must have been somebody else's, it wasn't mine.

MR. ZIMMERMAN: I don't mean to complain.

MR. LA FIANDRA: I might have given that to you.

MR. MCCANN: Okay. (inaudible).

MR. LA FIANDRA: Thank you very much. Sir, I'm showing you this.

MR. SCHMID: Yes.

MR. LA FIANDRA: Copies for the Board.

CHAIR: Is this thirteen?

MS. JOLIVET: Yes.

MR. LA FIANDRA: Yes. Thank you very much. Do these, what, what have I handed you? What, what is this document?

MR. SCHMID: It's, first there's a cover sheet or legend from the County's basic services transportation map.

MR. LA FIANDRA: Okay.

MR. SCHMID: The second page is the 2018 version of the area around the subject site. Page is 2017 and 2016. As I said, the County updates their basic services map every year.

MR. LA FIANDRA: And this is the basic services map for transportation, is that correct?

MR. SCHMID: That's correct.

MR. LA FIANDRA: And to your knowledge, there are other basic services besides transportation?

MR. SCHMID: Sewer.

MR. LA FIANDRA: Sewer and water, okay.

MR. SCHMID: Correct.

MR. LA FIANDRA: And there are other maps for those and we're not interested in that right now.

MR. SCHMID: That's correct.

MR. LA FIANDRA: Okay. The, does this indicate what the current basic level of service is for transportation at the intersection of East Joppa Road and Loch Raven?

MR. SCHMID: It's currently rated by the County as a

D level service.

MR. LA FIANDRA: And just to round out the conversation, you said these are updated every year?

MR. SCHMID: Yeah, every intersection that has an E or F, D, E or F rating, is updated every year.

MR. LA FIANDRA: Did you say D, E or F?

MR. SCHMID: D, E or F is counted and re-evaluated every year.

MR. LA FIANDRA: And --

MR. SCHMID: Those that are A, B, C are evaluated at least once, once every three years.

MR. LA FIANDRA: And does, does the packet of information that you have say what the level of service of this intersection was in 2017?

MR. SCHMID: Yes, in 2017, if you look at the third page, you'll see a hollow circle around the intersection. If you go to the front page you'll see the hollow circle represents the D level of service.

MR. LA FIANDRA: So, '17 and '18 it was both a D level of service?

MR. SCHMID: That's correct.

MR. LA FIANDRA: And what about '16?

MR. SCHMID: Sixteen is identified as an F level of service.

MR. LA FIANDRA: Okay. So, what are the --

CHAIR: I'm just a bit confused, I'm sorry. Unless I'm looking at the wrong intersection, it looks like a circle that's half filled, right?

MR. SCHMID: That's the intersection at East Joppa --

CHAIR: Oh, that's at Perring Parkway.

MR. SCHMID: -- and Perring Parkway.

CHAIR: That's at Perring Parkway.

MR. SCHMID: Yes, sir.

CHAIR: Sorry. I see. So, the Joppa Road --

MR. SCHMID: At Loch Raven is a D in '18, a D in '17 and an F in 2016.

MR. LA FIANDRA: Now, from a transportation perspective, what are the, what is the level of service used for?

MR. SCHMID: On Baltimore County, basically, if, if the County rates an intersection as an E, E or an F, then they create a transportation zone around that intersection where new development could impact, it could further degregate the intersection. So, it's, it's, it's assigned a, (inaudible) project is in the, the shed that was developed around the intersection you're not allowed to develop.

MR. LA FIANDRA: So, if you're at E or an F, you're not allowed to develop?

MR. SCHMID: That's correct.

MR. LA FIANDRA: But if you're a D or a C, a B or an

A, then there, there's no reason that you couldn't develop from that perspective?

MR. SCHMID: That's correct, you can develop, yes.

MR. LA FIANDRA: Okay. The, now you mentioned an area around the intersection. Would that be called the traffic shed?

MR. SCHMID: That's the traffic shed they draw around each (inaudible).

MR. LA FIANDRA: So, we're at D level intersection. Is there a traffic shed around this intersection?

MR. SCHMID: There is, but there's also inside of that traffic, no, there is no traffic shed around --

MR. SCHMID: There is no traffic shed, okay. So, and we are, our property, if I may approach the Board, this is number eight, we are right on the south west corner of the intersection that we've been talking about.

MR. SCHMID: That's correct.

MR. LA FIANDRA: Okay. Now, you've been present for this hearing since the beginning?

MR. SCHMID: Yes, um hm.

MR. LA FIANDRA: And that includes the March 5th date?

MR. SCHMID: That's correct.

MR. LA FIANDRA: Now, did you hear conver, discussion among counsel and the Board on, that this property is in a

commercial revitalization district?

MR. SCHMID: Yes.

MR. LA FIANDRA: Now, what is the impact of the commercial revitalization district on the, the level of service indicators that we've been discussing?

MR. SCHMID: Well, if you're a revitalization district, you're exempt from the basic services map.

MR. LA FIANDRA: So, if you're in a revitalization district, then if I understand what you're saying, you may proceed with your development even if you're in an E or an F?

MR. SCHMID: That's correct.

MR. LA FIANDRA: There's no zoning --

MR. ZIMMERMAN: I'm going to move to strike unless the answer to the question is limited to the level of service issue. Now, the witness is not implying or saying that the commercial revitalization district is irrelevant to the special exception --

CHAIR: No, no. He's, all he's saying is that if you're, if it's a revitalization district, the level of service grades are waived.

MR. ZIMMERMAN: Yeah, I think that's in the zoning regulations.

CHAIR: Okay, all right.

MR. ZIMMERMAN: In fairness, I just wanted to make sure that was clear.

CHAIR: It's clear, I think so.

MR. ZIMMERMAN: Just as to the, the basic services map issue.

CHAIR: Okay, good.

MR. ZIMMERMAN: In terms of --

CHAIR: I think that's all the question was. If I'm not mistaken.

MR. LA FIANDRA: Thank you. That, that's correct.

CHAIR: Okay.

MR. LA FIANDRA: That's all the question was, yes.

CHAIR: All right.

MR. LA FIANDRA: Did you visit the site with State Highway Administration?

MR. SCHMID: Yes, I did. I met the access permit rep from district four out there, Richard Zeller.

MR. LA FIANDRA: And I'm going to hand this to Peter, (inaudible).

MS. JOLIVET: Oh, thank you.

MR. LA FIANDRA: Thank you very much. Sorry. Mark this as number fourteen. When you visited the site with Mr. Zeller, Mr. Zeller deals with access permits?

MR. SCHMID: Yes, for State Highway.

MR. LA FIANDRA: Does that deal with access to and from State roads to properties?

MR. SCHMID: Only in, in this case, Loch Raven

Boulevard is a State road, Joppa Road is a County road, so the County controls access to Joppa Road.

MR. LA FIANDRA: Did, when you explained to Mr. Zeller, did, what did, did you explain to Mr. Zeller, he was present on the property so he saw the existing two curb cuts?

MR. SCHMID: Yeah, we, and we talked about the two curb cuts that are existing and that we were going to, we planned on closing the acc, the existing access closest to the intersection, which he was very happy about, --

MR. MCCANN: Again, can, I'm sorry to interrupt again, Mr. Evans.

CHAIR: Okay.

MR. MCCANN: Just, again, we're talking about conversations with a witness who isn't here. I understand hearsay is allowed sometimes but this, this just, the letter is coming in obviously it is, so.

CHAIR: Right, right. Yeah, right. We don't need any editorial comments, okay?

MR. LA FIANDRA: Okay. The, but then let's just authenticate the letter. What is that letter?

MR. SCHMID: This is a letter that the State Highway generated to the County based on the review of the special exception plan.

MR. LA FIANDRA: And the, the letter is coming in but does the, does the letter indicate any technical issues or

access, access permit issues beyond that which you would typically expect for an access permit at this location?

MR. SCHMID: No, it just explains what kind of curb and gutter they want, what kind of section and how they want the existing access removed and rebuilt.

MR. LA FIANDRA: Okay. Are you aware that the site is presently improved with a four thousand six hundred and thirty square foot bank building with two drive thru lanes?

MR. SCHMID: Yeah, I, it was, operated as a bank before, I think, and now it's just an empty building on, on the property, yes.

MR. LA FIANDRA: Now, within the scope of your expertise, are you capable of determining the, the number of trips to and from a bank building of that site at this location?

MR. ZIMMERMAN: Objection. It's irrelevant. We're not dealing with a bank at this point that was approved twenty years ago. So, it's just total irrelevant.

CHAIR: Well, I think the point is going to be measuring the level of service now compared to what it was when there was a bank, is that correct?

MR. SCHMID: That's correct.

MR. MCCANN: Which, which is irrelevant. In fact, there was a similar issue about getting into the prior zoning and I think the Board agreed, if I recall Mr. Evans, that the

prior zoning, when we're talking about special exceptions, we're not comparing current to past.

CHAIR: No, you're right.

MR. MCCANN: Yeah, so.

CHAIR: You're right.

MR. LA FIANDRA: Well, Your Honor, if I may? People's Counsel already indicated that the level of service question is not irrelevant as it relates to the special exception, although it might be irrelevant with regard to other zoning regulations.

MR. MCCANN: I agree it's relevant, it is relevant, absolutely, --

MR. LA FIANDRA: And to the, and, and if this witness has a statement that he can provide about how this, the, the proposed use is going to impact the level of service at the intersection, then that would be relevant within the con, within the scope of the special exception.

MR. ZIMMERMAN: I'd just like to add, we don't know what the traffic situation was twenty years ago and we're dealing with a case where there was no opposition twenty years ago. So, I --

MR. LA FIANDRA: I would add that we're not talking about twenty years ago, we're talking about today.

MR. MCCANN: Okay, yeah.

MR. ZIMMERMAN: Well, no, I mean, the bank was

approved twenty years ago without, without opposition and we don't, it's not clear whether the traffic situation --

CHAIR: Well, let's see what the witness knows and then we can make a more informed decision to it.

MR. LA FIANDRA: Great. So, are you able to make those calculations what the, let's say, average number of daily trips to and from a bank building of that size would, are?

MR. MCCANN: Objection. Who cares?

MR. LA FIANDRA: That's the question, that --

MR. MCCANN: What about a gas station that was there four years ago or what about a, you know, a food stand --

CHAIR: Well, let, let's, let's see if he can answer the question. Maybe it is not relevant, okay? But let's --

MR. MCCANN: If he's able to, I guess, is the question.

CHAIR: -- let's see if he's able to answer this question.

MR. SCHMID: Yes, we can, we can predict traffic flow from various sites and various uses based on information provided in the Institute of Transportation Engineers' trip generation manual, which the County requires us to follow when we do any kind of traffic analysis.

CHAIR: Okay, all right.

MR. MCCANN: That's fine. No objection to that.

CHAIR: Okay.

MR. MCCANN: The question is going to be, is it going to be improved here. Are we changing, are we making things better, is there going to be less traffic here than there was at a bank, or will the level of service be different here than it was at a bank? That question to me is irrelevant.

MR. LA FIANDRA: Your Honor, the, People's Counsel already indicated that level of service is a relevant indication when it comes to special exceptions. And if changing the use from one to another is going to impact the level of service at the intersection, that is a relevant inquiry for the special exception.

MR. MCCANN: He keeps on missing when he says that and he said it twice now, level of service for a bank that is no longer there. That's the level of service that he's now asking about.

MR. LA FIANDRA: Because the existing level of service is based on the fact that there is a bank there and if it is going to change as a result of changing the use to a different use, then the Board is entitled to know what the impact of changing the use is going to be on the level of service at the intersection.

MR. MCCANN: The impact on the change of level of service is entirely irrelevant. The question is, we're talking about the, the volume, level of service, for this use. Is that greater, lesser, the same then the same use or what is

inherently associated with that use? That's the comparison, the delta between what's inherently associated with this use and with this particular location with this use --

CHAIR: Well, that is, that is, indeed, the ultimate question.

MR. MCCANN: That's the delta. So, whether or not a bank is, how that, that analysis compares to a bank is entirely irrelevant.

CHAIR: Well, I thought that what was being said earlier by Mr. Zimmerman, at the risk of misquoting him or mis, mischaracterizing him, is that, you know, in general terms, in, in the assessment of whether some, a special exception should be granted, that the, the affect, the impact that the proposed use will have on that particular site is relevant. So, if the proposed use is actually going to decrease traffic, then that is arguably relevant, not to whether it's an A, B, C, D, E or F. But whether it generally, from a, the health, the general health and welfare of, you don't think so?

MR. MCCANN: (inaudible).

MR. ZIMMERMAN: May I, may I clarify what I meant?

CHAIR: Sure. Let's, let's try and keep it succinct though, okay?

MR. ZIMMERMAN: Yeah, I'm going to try and keep it really quick.

CHAIR: Yeah.

MR. ZIMMERMAN: Without repetition. May I clarify? Yes, I believe that the level of service, well, maybe an exemption from the so called basic servicing, which is a permit prohibition standard, it is relevant to the special exception. What I'm trying to say is that a bank that was approved twenty years ago without opposition at a time when the level of service situation may have been different, the traffic situation may have been different twenty years ago, I just don't think that rises to the level of relevance, that's, that's my only --

CHAIR: Well, I, I don't know that the witness is going to be talking about levels of traffic twenty years ago. I mean, the bank --

MR. ZIMMERMAN: But the bank is gone. I mean, the bank is gone.

CHAIR: Well, when, when did the bank leave?

MR. ZIMMERMAN: A year ago, it's vacant, I mean, the bank --

CHAIR: Okay. It's been, it's been vacant --

MR. ZIMMERMAN: -- it's gone.

CHAIR: It's been vacant, it became vacant recently, okay? So, if he's applying these standards, he's apply the standards as they exist today or within a couple of years of today, is he not?

MR. ZIMMERMAN: Well, I'm saying, it doesn't matter

what the bank is or is not at this point, is my view. But it is relevant to consider this proposal under the current situation. I don't think it's helpful to go back and, and talk about what the bank --

CHAIR: But, I mean, well, --

MR. ZIMMERMAN: -- what the bank might be in the future because there's not going to be a bank.

CHAIR: I, I get that. So, let, let's do it this way. We'll reserve on the, on the objection because you may well be correct.

MR. MCCANN: I, I think we're, we're speaking, and we're not, level of service is absolutely relevant, that the level of service that this will generate is relevant.

CHAIR: Okay.

MR. MCCANN: When you start talking about impacts of level of service, I think you're suggesting that some change in the level of service from the current use to this use or some use fifty years ago, whether it was last year --

CHAIR: Or one year ago.

MR. MCCANN: Or one year ago, six months ago.

CHAIR: Yeah.

MR. MCCANN: That change, delta, that's a completely different delta. That has nothing whatsoever to do with this case. We're talking about this, so take this very same Valvoline and put it somewhere else in the district and see

what the, see what the level of service is there and compare that to the level of service for, for this Valvoline in this spot. That's the delta we're talking about.

MR. LA FIANDRA: And Your Honor, I, that is not the law of the State of Maryland.

CHAIR: Okay. So, --

MR. LA FIANDRA: That is absolutely not correct.

CHAIR: -- so, I get that. I understand your point. I get it, I understand your point. So, let's hear the witness and we'll, we'll, we'll deal with, we'll deal with that point down the road, okay?

MR. MCCANN: Okay.

CHAIR: But let's at least, we'll, this way the record will be complete and we'll be able to understand. Maybe we should end up striking it, maybe we should disregard it. We'll, we'll see.

MR. MCCANN: Okay.

CHAIR: Okay.

MR. MCCANN: Thank you.

CHAIR: All right.

MR. LA FIANDRA: Did you have occasion to compute or estimate the average daily trips from a four thousand six hundred thirty square foot bank building with two drive thru lanes as a result of the methodology that you, you described earlier?

MR. SCHMID: Yes. We determined that the, a bank of that size would generate forty-four trips in the morning peak hour, ninety-five trips in the p.m. peak hour and five hundred trips, 501 trips daily.

MR. LA FIANDRA: Okay. So, you said three numbers, 501 daily trips.

MR. SCHMID: That's correct.

MR. LA FIANDRA: And what do you mean in the peak hour as it relates to the ninety-five and the forty-four?

MR. SCHMID: Well, we, we look at things and when we, we analyze intersections, we look at the highest hour of traffic volume in the morning and during the peak times, which is typically the morning and afternoon. So, trip generation manual tells me between 7:00 and 9:00, the peak hour may be 7:30 to 8:30. So, between 7:30 and 8:30 it predicts that we're going to have forty-four cars either coming in or coming out of the site.

MR. LA FIANDRA: Okay. Now, 501 average daily trips sounds like quite a lot from a forty-six hundred square foot bank building in Towson, Maryland, 501 trips. Is there, --

MR. ZIMMERMAN: Object, objection. That's a (inaudible) --

CHAIR: Okay.

MR. LA FIANDRA: I, I'm asking the witness a question.

CHAIR: That's a preface to it, that's just a preface to his question, okay?

MR. LA FIANDRA: Do you, do, do you know, or can you infer from what, what generates that number as it relates to, particularly between 7:00 and 9:00 a.m., like would people be going to the bank?

MR. SCHMID: Well, over the past ten years, banks have certainly changed their hours of operations. I normally used to go to a bank from 10:00 in the morning till 2:00 in the afternoon and that was it. But most banks now are, lobbies are open or drive ups are open till 6:00 at night. And now, we've introduced ATM's, so people can drive up to the drive thru, use the ATM at any time of the day --

MR. LA FIANDRA: Okay.

MR. SCHMID: -- so people are using the, the bank at 10:00 at night to go to the ATM to get cash. It's not during the peak hour, but it's, it's certainly daily traffic.

MR. LA FIANDRA: And how, do you base those numbers that you gave, ninety-nine a.m. peak trips, forty-four p.m. peak trips and 501 average daily trips on the square footage of the building?

MR. SCHMID: That's correct. That's where the most, the best data is for this land use.

MS. JOLIVET: I'm sorry, can you get him to say the, the numbers again?

MR. LA FIANDRA: Sure.

MS. JOLIVET: Can you say that again?

MR. SCHMID: A.m. trips are forty-four.

MS. JOLIVET: That's what I thought, okay. Go ahead, next one?

MR. SCHMID: P.m. trips are at ninety-five.

MR. LA FIANDRA: Thank you.

MR. SCHMID: And daily trips are one, 501.

MS. JOLIVET: (inaudible), thank you.

MR. LA FIANDRA: Thank you very much.

CHAIR: So, there's a hundred and fifty trips, a hundred and forty trips, the forty-four and the ninety-five, and then, but throughout the entire course of the day --

MR. SCHMID: Throughout the rest of the day.

CHAIR: -- there's a total of five hundred, basically?

MR. SCHMID: That's correct.

MR. LA FIANDRA: I may be moving through this too quickly.

CHAIR: Okay.

MR. LA FIANDRA: So, let's make sure that we understand what the peak hour number means. And for both the a.m. and the p.m., if you would just state, clarify what you mean by that?

MR. SCHMID: Well, generally, we determine the peak

hour. You go out and count the traffic at an intersection between 6:30 and 9:30 or 7:00 to 9:00 or, or a two or three hour time period. And then you look at that data and you find out the, the highest consecutive five minute periods and that's considered the peak hour and that's what we generate all our analysis on that peak hour of traffic.

CHAIR: Okay, all right.

MR. LA FIANDRA: Okay. Are you able to generate the estimated number of average daily trips from a two thousand five hundred and thirty-five square foot service garage or perhaps from a, let me clarify the question. What's the average estimated trip generation of a five thousand seventy square foot service garage with four service bays?

MR. MCCANN: I'm, I'm just going to object. I know you want to hear the answer (inaudible) object, move to strike. Everything that was just answered, object, ask for a continuing objection on all questions going forward. And the reason, one more time, I'm sorry if I haven't made it clear and I haven't, I know --

CHAIR: I, I think you have made it clear actually.

MR. MCCANN: But I can just read what *Schultz v. Pritz* says?

CHAIR: Sure, sure, sure, sure. Make the record. Okay.

MR. MCCANN: (inaudible) it says, it's so clear to me

and this is, what he's obviously doing is, hearkens back to what Mr. Zimmerman said at the beginning of this hearing was what sometimes is engaged in, when people apply special exception standard is, is this a good project?

CHAIR: Um hm.

MR. MCCANN: And if I were, if I were here, sitting here, not knowing anything about the special exception standard, if someone told me wow, this is going to be less traffic, which is where we're headed, you know, he's not hiding it. This is going to be less traffic than a bank, I'd say wow, this is a good development, that would be a reason we should grant approval. And that has nothing to do with (inaudible) and I'll just read it to you.

CHAIR: Okay, fine.

MR. MCCANN: And this is at page, I'm sorry, it's on page ten of the printout, which Mr. Zimmerman has handed out. A special exception has an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the request of special exception use would result in an adverse effect upon adjoining and surrounding properties, unique and different from the adverse effect that would otherwise result from the (inaudible) of such a special exception use located anywhere within the zone. So, we're comparing two diff, the same use and, under two different circumstances.

It goes on to say, the appropriate standard, I'm sorry, I'll just paraphrase. The special exception should be denied, should be denied, I'm sorry. The, the appropriate standard for whether a special exception should be denied is quote, whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such special exception use irrespective of its location within the zone, so --

CHAIR: Okay.

MR. MCCANN: -- we're here, if we're here to look at good developments, that would be a relevant question, but we're not here about good developments, we're here on the special exceptions.

CHAIR: Okay. So, we understand the point.

MR. MCCANN: Okay.

CHAIR: Okay? I'm not even sure that, you know, when you're talking about a bank that's open five days a week for certain hours and a, other facility that's open seven days a week for expanded hours --

MR. MCCANN: Yeah.

CHAIR: -- not even sure that, you know, that we're not talking about apples and oranges, okay?

MR. ZIMMERMAN: Took the words right out of my mouth.

CHAIR: But, let's, let's just finish it up.

MR. MCCANN: Okay.

CHAIR: Okay? And --

MR. MCCANN: That's fine if it comes in, I just want a continuing objection, that's all.

CHAIR: You, you have a continuing, --

MR. MCCANN: Okay.

CHAIR: -- you have a continuing objection.

MR. MCCANN: Thank you.

MR. LA FIANDRA: And I will address counsel's assertion of the law at the appropriate time because--

CHAIR: At the appropriate time, wonderful.

MR. LA FIANDRA: That's fine.

CHAIR: Right.

MR. LA FIANDRA: Thank you.

CHAIR: Okay.

MR. LA FIANDRA: The question on the table, sir, was whether you can estimate the trip generation from a five thousand seventy square foot service garage that has four service bays?

MR. SCHMID: Yes, the IT trip generation manual has a land use code for automotive lube centers, which is oil changes and lubes, and based on the size proposed it would generate twelve a.m. trips.

CHAIR: Twelve what?

MR. SCHMID: Twelve a.m. peak hour trips, nineteen

p.m. peak hour trips and a hundred and sixty daily trips.

MR. LA FIANDRA: And does the manual require that you take the square footage of the building or the number of service bays into account or both?

MR. SCHMID: Well, there's different variables but the most data on this use is by the number of bays.

MR. LA FIANDRA: So, that number is generated primarily by the number of bays?

MR. SCHMID: That's correct.

MR. LA FIANDRA: Okay. Will the reduction in trips have an adverse effect or beneficial effect on the intersection of the traffic shed?

MR. MCCANN: Objection.

CHAIR: The, the objection is noted.

MR. MCCANN: Oh, I'm sorry.

CHAIR: Right.

MR. SCHMID: Less traffic is always better.

MR. LA FIANDRA: Okay.

CHAIR: So, am, am I, am I correct in saying that Mr. Kazazian indicated that, that Valvoline's estimate would be significantly higher than, in terms of car, daily car trips, than what --

MR. SCHMID: No, sir.

MR. LA FIANDRA: If I may?

CHAIR: Okay.

MR. LA FIANDRA: I believe that Mr. Kazazian said that there would be sixty on average customers per day. I don't think he expressed an opinion --

CHAIR: Yes, you're right, you're right. Sixty a day, right. Sorry. Okay.

MR. LA FIANDRA: Okay. Have you had an opportunity to review the site plans that deal with this case?

MR. SCHMID: Yes, yes, um hm.

MR. LA FIANDRA: And are you familiar with Petitioner's number eight, which is this colorized landscape composite plan that shows the proposed building on the site?

MR. SCHMID: Yes, that looks like the site, yes.

MR. LA FIANDRA: Now, can you explain for the Board what the flow of traffic is going to be with regard to this onsite, how that works?

MR. SCHMID: Yeah. And I think that's one of the compelling arguments about this case is this, the, the circulation pattern, the ingress and egress pattern is set up to minimize impact to the adjacent road system. In bound traffic will be controlled through the, the traffic light at Loch Raven and, and Joppa so anybody coming into the site will either make a, make a right turn and come into the site on Loch Raven, come straight across Loch Raven and come in, make a left turn at a protected light at Loch Raven Boulevard to come in or they'll make a protected U-turn at north bound Loch Raven

Boulevard to get back to the site and (inaudible).

CHAIR: There's a permitted U-turn there?

MR. SCHMID: Yes, sir. And it's a protected phase, so the, the green arrow is up, there's no, it's exclusive phasing and there's exclusive permissive phasing. Exclusive phasing is when the arrow is up all the time and you have the right of way, as a left turning or U-turning vehicle. Exclusive permissive means you have an arrow for some of it, then the arrow goes out and you get a green ball, then you can make a green ball when, this is an exclusive left turn. You can't make the U-turn on a green ball. All the left turn movements around this intersection are exclusive. So, it's all protected, that U-turn movement is well protected by the phasing of the light.

CHAIR: Okay.

MR. LA FIANDRA: So, anybody approaching this site from any direction needs to enter on the, on Loch Raven.

MR. SCHMID: And that's for a specific purpose. You don't want people entering or trying to make a left turn across Joppa Road.

MR. LA FIANDRA: So, that left turn that you're talking about it would be if somebody was trying to enter the site from Joppa Road?

MR. SCHMID: Yeah, if they were traveling west bound on Joppa Road and the access was here, they would be stopping

out here in the thru lane to try to get across the two left turn lanes and the two thru lanes of traffic. Not something I would advise anybody doing, but it is pretty common along this corridor. So, we've basically eliminated these left turn movements that are much more impact to, to our area road system than simple right, right ins and right outs, is basically what we have. So, the one way system has allowed us to utilize the light to get people in and to prohibit, we've agreed to prohibit left turns out of this site and, and force people to go to the right, which again is the simplest movement you can have, you only have to yield to the people on east bound Joppa Road.

MR. LA FIANDRA: So, when you say right turn out only, that avoids a situation where you have somebody exiting the site, crossing over multiple lanes of east bound traffic to get into the west bound lane of Joppa Road, is that right?

MR. SCHMID: That's correct, yes.

MR. LA FIANDRA: Okay. So, all the traffic enters the site, regardless of which direction it's approaching from on Loch Raven.

MR. SCHMID: Right.

MR. LA FIANDRA: And can you make a left turn from north bound Loch Raven into the site?

MR. SCHMID: No, there's a raised median.

MR. LA FIANDRA: There's a raised median there?

MR. SCHMID: Yes, yes. And so, like the, the adjacent property, which is a sandwich shop or sub shop, doesn't have that ability to have access to two roads and set up that kind of right in, right out movements. So, people forced in here, they want to come out, they only have one way out. They have to wait and cross those four lanes of traffic, which in this area is pretty difficult during the peak times. So, this location and this location are far inferior to a site here where we can utilize the two frontages and create this one way, right in, right out type flow.

CHAIR: Is that roughly what the bank had as well?

MR. SCHMID: No, the bank had full movement access to Joppa Road.

CHAIR: Had what?

MR. SCHMID: Had full movement access to Joppa Road.

MR. LA FIANDRA: What does full movement access mean?

MR. SCHMID: It means you can come in with a left or right and you can leave with a left or right.

MR. MCCANN: I'll object to that question as well, Mr. Evans, if you don't mind.

CHAIR: Okay. I'm just trying to understand the dynamics of the intersection.

MR. MCCOMAS: And the only thing that's prohibiting from as they exit the facility on making a left is Valvoline's direction that they have to make a right there? Because

there's no curb or median there, right, on Joppa?

MR. SCHMID: No, but in reality, if you go up there and look during peak times, the phasing and the level of traffic basically prohibits you from trying to even get in the left turn lane, because if you look at the way the traffic flows along Joppa Road, traffic is stacked up, it's serving Loch Raven Boulevard and traffic, when, when the green comes to Joppa Road, the first thing that gets green phase is the left turns, okay? So, the left turns go and they go and, and then once the left turn stays out, the, the thru movements go. And when the thru movements go, they flow through but some of the thru movements are going to fill back into the left turn lane and once you have two or three cars to the left turn lane, you physically can't get in the left turn lane. I sat out there for, twice, for two or three hours and through two hours there was one time when you could squeeze across and get in the left turn lane so it's self-policing during the peak times.

MR. LA FIANDRA: Do you have an opinion whether there would be any cars stacking on the street during the peak hours or any other time to get into the site or --

MR. SCHMID: No, I mean, we, we, we calculated we could get about eleven cars on the site, outside of the four that's already in the service bay. I checked IT and there's really no cuing criteria for, a lube, a Valvoline site like this but, in reality, the way we set this up with four bays, it

minimizes the impact of cuing on site and minimizes the need for people to wait in line, where if you had a two car bay you might have some cuing that extends back and maybe out on the road but in this location, we're provided, we're able to provide eleven stacking spaces on site, in addition to the four cars that are already in the bay and we'll never reach that kind of, based on the testimony of the operator.

MR. LA FIANDRA: Now, just that one quick question. Do you know how many parking spaces are provided for on the plan?

MR. SCHMID: There's nine spaces.

MR. LA FIANDRA: Nine.

MR. SCHMID: Say eight regular spaces and one handicapped space.

MR. LA FIANDRA: Okay. So, Mr. Kazazian testified earlier that there eight. He, he was mistaken?

MR. SCHMID: Yeah, there's a, it's under the tree.

MR. LA FIANDRA: Okay, thank you. Now, are you aware that the Valvoline operations allow the technicians to control the release of cars back onto the local roads?

MR. SCHMID: Yes, they, the, their, their policy is, or procedure is that if two cars are ready to leave at the same time, the tech (inaudible) employees will only let one car go and once he egresses out onto the road, they let the other car go, just to avoid any congestion up at the access point.

MR. LA FIANDRA: The, now, I'd like to ask you a series of questions to discuss the impact of the revitalization district.

MR. SCHMID: Okay.

MR. LA FIANDRA: On, on, on this site and on the approvals that are necessary for the site.

MR. SCHMID: Okay.

MR. LA FIANDRA: Okay?

MR. SCHMID: I'll do the best I can.

MR. ZIMMERMAN: I'm going to, I'm going to object right away. I don't think this witness has shown any expertise about commercial revitalization districts.

MR. MCCANN: I would, I would agree with that.

MR. LA FIANDRA: I, I, I can't even hear counsel's objection.

MR. ZIMMERMAN: I'm sorry. I don't think this witness has any expertise with respect to commercial revitalization district planning. (inaudible) because he's a traffic engineer does not make him an expert on commercial revitalization --

CHAIR: Well, he's a, he's a transportation planner and I imagine that in the course of planning transportation, he has to take into account characteristics like revitalization districts, is that --

MR. ZIMMERMAN: I don't imagine that that's true.

CHAIR: You don't imagine that's --

MR. LA FIANDRA: We can ask the witness.

CHAIR: Yeah, why don't you.

MR. ZIMMERMAN: I mean, he'll probably say, oh, yeah, he knows everything about it but, but --

CHAIR: Well, I mean, --

MR. ZIMMERMAN: -- I don't think traffic engineers --

CHAIR: -- and, and if he does, we're kind of stuck with that, I mean, you know.

MR. ZIMMERMAN: Well, not necessarily. It's a matter of credibility.

CHAIR: Well, right. Okay, you can --

MR. ZIMMERMAN: I just don't think, I just don't think his expertise, so far as we know, just because he's a traffic engineer makes him an expert planner with respect to commercial revitalization, that's --

MR. MCCANN: Yeah, I, I, I would just add --

CHAIR: Okay. Well, that, that, that's fair enough.

MR. MCCANN: Yes.

MR. ZIMMERMAN: That's what I was trying to say if imperfectly.

CHAIR: Okay.

MR. MCCANN: And a transportation planner, I think, is a bit of a misnomer, frankly, because he's not a, he's not a planner, like you know, some other expert may be. He tran, he

plans traffic movements, he plans, that's what he plans. But he's not a planner, like we all know planners to be.

CHAIR: Right.

MR. MCCANN: So, and CRD clearly deals with planning aspects, so.

CHAIR: So, so let's, as with these other issues, let's, let's move on and see what we have and then we'll be in a better position to --

MR. MCCANN: Okay, thank you.

CHAIR: -- assess whether it makes a difference or not.

MR. MCCANN: Okay.

CHAIR: Whether it's probative or not, whether his expertise extends to that point, okay?

MR. MCCANN: Okay.

MR. LA FIANDRA: Okay, thank you. Now, what, are you aware, do you know what the impact of the revitalization district is on the regulations that govern level of service?

MR. SCHMID: In regards to traffic, yes.

MR. ZIMMERMAN: Objection. This is rep, rep, now this is repetitious.

CHAIR: Okay, okay. Yeah, and, and let's, you know, it's quicker to repeat the question than it is to like object to it.

MR. ZIMMERMAN: Well, --

CHAIR: Let, let's just move on.

MR. ZIMMERMAN: -- we've been through part of it.

CHAIR: Okay.

MR. ZIMMERMAN: We, the regulations say, we know that with respect to level of services that it's exempt from the permitting prohibition.

MR. MCCANN: Okay.

CHAIR: Okay.

MR. ZIMMERMAN: We know that, so that was just a repetition and hopefully if that objection were sustained we wouldn't have more repetitive questions, --

CHAIR: Well, we'll, we'll see how repetitive this gets, okay? Proceed.

MR. LA FIANDRA: Thank you. The, the level of service of this intersection being D, the, am I correct in understanding that the revitalization district in this area doesn't change the prohibitions or the regulatory requirements of permitting for a level of service D?

MR. SCHMID: No, a level service D is an acceptable level of service so any use could go in there and any use allowed in the zone by a right or special exception if it, it was granted would, could be developed there, yes.

MR. LA FIANDRA: Now, if the intersection were an E or an F, if the intersection were an E or an F, the property is still in a revitalization district.

MR. SCHMID: That's correct, and any permitted use or special exception use could be constructed in a revitalization district.

MR. LA FIANDRA: Regardless of the level of service being E or F?

MR. SCHMID: That's correct.

MR. LA FIANDRA: Now, if the intersection were E or F and there was no permitting prohibition, there would be a great, am I correct in my understanding of things, there would be a greater impact from any use, regardless of what the use was actually, on that intersection if it were, if the use were permitted under that clause that says if you're in a revitalization district --

MR. SCHMID: Right.

MR. LA FIANDRA: We, we, we don't care about the E or F?

MR. MCCANN: Objection.

MR. SCHMID: Right.

CHAIR: Well, now, okay. So, I'm going to have to sustain that objection. The, --

MR. LA FIANDRA: On what basis? I don't understand why you --

CHAIR: Well, the, I didn't understand the question, frankly.

MR. LA FIANDRA: Maybe I can ask it again.

CHAIR: If, if the question, let, let, let's do it this way. One would expect greater impact, greater traffic impact if the intersection is an E or an F then if it's a D, is that correct? Is that not correct?

MR. SCHMID: Yes, I mean, I mean, it's a fairly general question but it depends on what traffic flow it is and what, what's critical and what's not, but generally speaking, yes. The higher the traffic (inaudible).

CHAIR: Well, this intersection is a D.

MR. SCHMID: Correct.

CHAIR: And so, the revitalization, the fact of re, that it's a revitalization district does not impact the level of service, is that correct? The level of, you know, is that correct?

MR. SCHMID: It's D level of service, we're allowed to develop. It's, it's a known D level service --

CHAIR: Right.

MR. MCCANN: Just for purposes of permitting, we're just dealing with that one, --

CHAIR: One --

MR. MCCANN: -- nothing to do with the commercial revitalization district itself, none of the things that we've been talking about --

CHAIR: Right, just permitting.

MR. MCCANN: Just permitting.

CHAIR: Just permitting.

MR. MCCANN: You can get a permit in a commercial revitalization --

CHAIR: (inaudible).

MR. MCCANN: That's it.

CHAIR: Okay.

MR. MCCANN: Just a permit.

CHAIR: Just a permit.

MR. MCCANN: Yeah.

MR. ZIMMERMAN: And briefly, we'll get into it in cross to explain the different set of regulations for growth management and transportation standards versus special exception, which is a totally different --

CHAIR: Different --

MR. ZIMMERMAN: -- set of regulations.

CHAIR: Got that. Okay, all right.

MR. LA FIANDRA: Okay. I think that concludes that question.

CHAIR: Okay, great.

MR. LA FIANDRA: I think that will satisfy everybody.

CHAIR: Okay.

MR. LA FIANDRA: Now, what, you've been involved with special exceptions on other automotive type uses?

MR. SCHMID: Yeah, I mean, mostly gas stations.

MR. LA FIANDRA: Okay. Now, what are the adverse

effects that you would typically associate with a service garage, from a transportation perspective or traffic perspective?

MR. ZIMMERMAN: Objection.

MR. LA FIANDRA: This is what the witness is, his, basis of his testimony.

CHAIR: Okay. Overruled.

MR. ZIMMERMAN: Well, we're talking about this particular use.

CHAIR: Yes. Okay. Let, let's, --

MR. ZIMMERMAN: Not a hundred other gas stations, I mean.

CHAIR: Right, so --

MR. LA FIANDRA: I asked a question about service garage.

MS. JOLIVET: It was overruled, so.

MR. ZIMMERMAN: (inaudible).

CHAIR: Yeah, let, let's just move on, okay?

MR. SCHMID: Well, generally, the inherent impacts for this is that you're going to have people coming in and out of the store throughout the day when it's opened. Those impact with, those in, inbound and outbound movements do affect the traffic flow along the corridor. You'll have employees coming in and deliveries coming in at this location. Generally, this, this type of use wants to be on a high, high visibility, high

volume corner, like most smaller retail type service businesses. So, it's generally the traffic flow that I would expect to be generated out of this kind of site, the access points and how those access points work and the load of traffic and how it, and, the movements and how, what are the movements like. Are they simple movements, are they complicated left turn movements across arterial traffic flow?

MR. ZIMMERMAN: I'm moving to strike. Is the witness finished? I'm moving to strike because a service station is a different category.

MR. SCHMID: I didn't talk about a service station.

CHAIR: He, he was specifically about this, this project.

MR. MCCOMAS: Yeah.

CHAIR: He had limited himself to this, this particular site.

MR. ZIMMERMAN: All right.

CHAIR: Okay? At least that's what I heard. Is that --

MR. MCCOMAS: Yeah, I thought he was --

MR. ZIMMERMAN: I thought he was talking about service stations.

CHAIR: No, no, he limited himself to this, this particular site.

MR. ZIMMERMAN: Well, but he was comparing to service

stations.

CHAIR: No.

MR. ZIMMERMAN: Wrong about that, that was my sense of it, not service garages or Valvoline.

CHAIR: No, he was just talking about the traffic flow with regard to this particular site at that, this particular business, that particular site, okay?

MR. LA FIANDRA: Does the site design that you see here minimize the impact of those, of those, minimize the effect of those of, adverse effects that you previously discussed?

MR. SCHMID: Yes, mainly in terms of access and access flow and how traffic will get out and in. And the way we have it set up is a one way loop with coming in off of Loch Raven and making a right out onto Joppa Road simplifies our movements and those movements are the lowest conflicting movements you can have. So, we've limited ourself to right in/right outs and abandoned any kind of left turns or in or out that caused conflict.

MR. LA FIANDRA: Are those adverse effects that you identified, I'm going to ask a very specific question. Will the proposed use, being this service garage, this Valvoline service garage, at this proposed location, at the south west intersection of Joppa and Loch Raven, create any adverse effects from a traffic perspective above and beyond the adverse

effects typically associated with the proposed use being a service garage regardless --

MR. ZIMMERMAN: (inaudible) --

MR. LA FIANDRA: -- of where it is located in the, in the zone?

MR. ZIMMERMAN: Object. It's leading and --

CHAIR: Okay.

MR. ZIMMERMAN: -- and ambiguous.

CHAIR: Well, --

MR. LA FIANDRA: How could it be ambiguous? It's directly from the case.

MR. ZIMMERMAN: Well, lead, leading.

CHAIR: What, what, what zone are we talking about? Can you define the zone?

MR. ZIMMERMAN: Yeah.

MR. LA FIANDRA: Are you aware of which, what zone it is?

MR. SCHMID: It's BL zone.

CHAIR: Okay. So, the question is, what im, --

MR. LA FIANDRA: It's not a leading question.

CHAIR: -- how does the impact here compare with the impact at a similar zone?

MR. LA FIANDRA: No, no, it's not.

MR. ZIMMERMAN: There's no foundation for it. There's really no foundation for being aware of other --

CHAIR: Could, could you, could you repeat the question?

MR. LA FIANDRA: Sure. Maybe I'll rephrase the question.

CHAIR: Okay.

MR. LA FIANDRA: And see if we can do better.

CHAIR: All right.

MR. LA FIANDRA: Are you aware, you previously testified what you would expect for adverse effects from a service garage, just, five minutes ago.

MR. SCHMID: Yes, yes.

MR. LA FIANDRA: And there were a number of objections and they were overruled. And you're aware this is in the BL zone?

MR. SCHMID: Yes.

MR. LA FIANDRA: Now, the adverse effects that you identified here, specifically with regard to this site design at this location, are they above and beyond the adverse effects that you previously identified as being those that are typical for this proposed use, regardless of where it might be located in the zone?

MR. SCHMID: No, this, this is a fairly typical impact and, as a matter of fact, as I've already testified to based on the, the access pattern we've implemented here, we're eliminating some of the more conflicting movements that could

have occurred at a, if this site, site was next door.

MR. LA FIANDRA: Okay, thank you. The, what about impacts on the secondary road system? And by that, I mean, like right down Loch Raven, there are a number of side streets that enter into like a residential community. Do you have a, do you have an opinion on what the adverse effects from this use at this location would be on that road system?

MR. MCCANN: I'm sorry, Dino, would you mind repeating the question?

MR. LA FIANDRA: Sure.

MR. MCCANN: I'm sorry, I missed it.

MR. LA FIANDRA: There are, I was identifying that there were a number of side streets that enter off of Loch Raven and off of Joppa Road and I was asking him if this, this proposed use at this location, what the impact on those side streets would be.

MR. MCCANN: Okay, thank you.

MR. SCHMID: Well, they would be minimal at best. I mean, like we said, we're at an arterial, arterial intersection so most people are going to arrive to the site and leave the site by the arterial road system. The only movement that I think that people who are familiar with the area maybe that want to proceed back to the west, west on Joppa Road, I would assume they would go down and make a U-turn into Takoma, is it Takoma? And then come back out to the light and make a left

turn at the protected light. Some people if they have a GPS or something that tells them to go somewhere else, they could go, cut across the side street over here to Pleasant, I think it's Pleasant Plains Road, that goes up to Joppa Road at a traffic light.

But the impact to that kind of flow would be minor because this, we don't, there is a peak, there's a peak time at the, that he testified to, that generally afternoon, but generally this is pretty busy all day long. It's pretty over, the traffic is spread over a whole day, not like an office building that everybody comes in in the morning and stays. This, this is sort of generating traffic throughout the day, spread out through the day so there's possibilities of impact back there, but any use in that location would have that same issue.

MR. LA FIANDRA: The, speaking of Yakoma, do you know where the nearest bus stop is?

MR. SCHMID: At Yakoma.

MR. LA FIANDRA: And is that, what, about a block away?

MR. SCHMID: Yeah, that's right down here.

MR. LA FIANDRA: Okay.

CHAIR: When you say down there, you mean?

MR. SCHMID: First street --

CHAIR: South, south bond on Joppa Road, south of the

site?

MR. SCHMID: Yes, the first, first intersection south of the --

MR. LA FIANDRA: And Your Honor, you said Joppa Road, but I think he was pointing to Loch Raven.

MS. JOLIVET: Loch Raven.

CHAIR: I, I meant Loch Raven, yes.

MR. LA FIANDRA: Okay.

CHAIR: You're, thank you.

MR. SCHMID: Yeah, there's, I think three different bus lines that run up Loch Raven Boulevard and go straight across and then go to the park and ride down at the interchange, then circle back around. One of the buses, I think, actually makes a left turn at Joppa Road and goes into Towson.

MR. LA FIANDRA: The, will the, if the special exception, if granted, would it create any congestion in the road, streets or alleys of the general vicinity of this area?

MR. SCHMID: No, and what would you, so what would you identify as the vicinity of this area? The locality, so to speak?

MR. LA FIANDRA: If I had to come up with an area, I would probably say the revital, revitalization district from, probably the beltway, it goes beyond the beltway to, to Perring Parkway but I don't think it's the same, different land uses up

there. I would go from the beltway over past (inaudible) around Pleasant Plains Road, that strip along the corridor.

MR. LA FIANDRA: And north and south, what about along --

MR. SCHMID: It goes down along Loch Raven Boulevard down some ways.

MR. LA FIANDRA: Okay.

MR. SCHMID: Yeah. And these are old, this is, neighborhood, there's older uses that have their own access points and sometimes they have two access points and (inaudible) a very old, older designs and, and it's a plethora of access points all along the corridor.

MR. LA FIANDRA: That's all I have for him. Thank you.

CHAIR: So, it's time for cross. Let, let, let me just say this. I, I'll have to consult with my colleagues here, but my inclination is that you, Mr. McCann, you were correct in terms of the prior use, prior bank use, and how that's not particularly relevant here today.

MR. MCCANN: Yeah.

CHAIR: So, I just want to give you that heads up before you start your cross, okay?

MR. MCCANN: Okay, great. Great.

CHAIR: Okay.

MR. MCCANN: Thank you.

CHAIR: I think you're probably right on that.

MR. MCCANN: Thank you.

CHAIR: Some, some of us, some of our minds don't work quite as quickly as others.

MR. MCCANN: Okay, good. So, I won't address that. I wasn't going to anyway but.

CHAIR: Okay.

MR. MCCANN: Good afternoon, Mr. Schmid.

MR. SCHMID: Good afternoon.

MR. MCCANN: So, I, I guess I'll start sort of where you ended. You, you, you testified that you did not believe that this proposal would create congestion and you, you recall that?

MR. SCHMID: Yes, um hm.

MR. MCCANN: But you, but you do agree, and it sounds like you agree with this, that since we're having this one turn or loop movement, that since all the cars are going to be coming out of the exit on Joppa Road, that there will be, for those cars coming out certainly and the cars that are receiving those cars, there will be some congestion as they, as they head, as they're forced to east bound? It will be some congestion there?

MR. SCHMID: It'll be some conflicting movements but that, I wouldn't call that congestion. That's all along this corridor when somebody tries to make a right turn out of an

access and, and somebody slows down in the thru, thru lane and it's, perceive a gap, they, they go out into the gap.

MR. MCCANN: Okay.

MR. SCHMID: It's not causing congestion.

MR. MCCANN: Well, I guess congestion is a relative term but cars coming out are going to have to turn right and they're going to face difficulties sometimes getting into the flow of traffic, particularly since that exit is so close to the light at Joppa and Loch Raven?

MR. SCHMID: We would anticipate during the peak times that people are going to go either straight or right.

MR. MCCANN: Yeah. But either, you would, you would also agree with me that people are going to try to get in the left hand lane, left hand, as they make that turn out of the exit to head east on Joppa, they're going to try to get, some people are, I mean, you know how people are, are going to try to get into that left lane to turn left to go north on Loch Raven so they can get to 695 or wherever. You would agree that's going to happen, right?

MR. SCHMID: I agree there's outliners that'll do some stupid things, yeah.

MR. MCCANN: Well, --

MR. SCHMID: I don't even think they're going to be able to do it. As I explained before, you can't leave this driveway access from 3:00 till 6:00 because the traffic is cued

past the entrance.

MR. MCCANN: Yeah.

MR. SCHMID: So, you can't get across the thru lanes and the left turn lanes to get in that left turn lane.

MR. MCCANN: Well, people, people, some people will try to do it. I mean, let's be honest, right?

MR. SCHMID: And since we're so close to the intersection it's probably better than if we were further back, because again, the way the lights are faced, --

MR. MCCANN: Yeah.

MR. SCHMID: -- if somebody happens to be an idiot and pulls out and blocks the thru lane to get into the left turn lane that they can't get into --

MR. MCCANN: Yeah.

MR. SCHMID: -- they're just going to stop the cue from that point back and soon as the light, the first thing that goes green is the left turn, left turn, that guy gets in the left turn lane and goes and then the, the thru traffic pulls up to the red light.

MR. MCCANN: Yeah. How far is the exit onto Joppa from the actual intersection roughly?

MR. SCHMID: It's seventy-five feet.

MR. MCCANN: Yeah, and, and to get to that left turn lane as you're heading east bound on Joppa and to take a left, if you were to take a left, there is a turn lane there, right,

a left turn lane?

MR. SCHMID: Could you, could you repeat that? I was (inaudible).

MR. MCCANN: Yeah, I'm sorry. If you, for a person pulling out of the exit, going east on Joppa, if they wanted to take a left hand turn lane on north, going north on Loch Raven, there is a turn lane that they'd have to get to to do that, right?

MR. SCHMID: Yeah, there's a double left turn lane.

MR. MCCANN: Yeah, so two left turn lanes.

MR. SCHMID: Two left turn lanes.

MR. MCCANN: And then in addition to those two left hand turn lanes, there's also one or two just --

MR. SCHMID: Two thru lanes.

MR. MCCANN: Two thru, so there's four east bound lanes on, on, on Joppa?

MR. SCHMID: But you'd only cross two of them to get to the left turn lanes.

MR. MCCANN: Cross two to get to the two turning lanes.

MR. SCHMID: Yeah.

MR. MCCANN: Okay, I'm sorry.

MR. SCHMID: And, you know, and --

CHAIR: Is, is the, is the further, furthest most right hand lane, that's not a right turn only?

MR. SCHMID: No, sir, it's a right and a thru.

CHAIR: Okay.

MR. SCHMID: Yeah. And you know, during, it's, it's a, it's, it's a function, the difficulty of movement is a function of the time of day. You go out there at 7:30 in the morning, like I was this morning, the heavy traffic is west bound towards Annapolis.

MR. MCCANN: Um hm.

MR. SCHMID: East bound is not that heavy and the right, the left turn is not that heavy. So, once that flushes out, there's gaps galore for you to pull out and get in the left turn lane.

MR. MCCANN: Same is not the case in the, in the evening though?

MR. SCHMID: Evening it's, you can't, there's a point where you cannot make that movement if, even if you tried because of the stacking I, that I, I talked about.

MR. MCCANN: Well, as you said, it's self-policing.

MR. SCHMID: Right.

MR. MCCANN: You said, so there, there are folks on this road, I'm sorry, that are leaving, that are going to leave this site, if it's, if it's approved, that are going to engage in some level of self-policing as they try to head out and head east bound on Joppa?

MR. SCHMID: Yeah, we try to hope people know how to

drive, make good decisions.

MR. MCCANN: Okay and you said, you talked about inherent impacts and the impacts associated with this use. What, if any, other intersections did you look at and by look at, I don't, I'm not asking that you're familiar with, I'm asking you did you take this site plan and move it to any other intersections along Joppa or any similar thoroughfare and see what the impacts might be there? Did you engage in that analysis?

MR. LA FIANDRA: Your Honor, that, I would object to that question.

CHAIR: Okay. Well, we're --

MR. LA FIANDRA: Just note the objection.

CHAIR: I'll note the objection.

MR. MCCANN: (inaudible).

CHAIR: It's overruled.

MR. MCCANN: Thank you.

CHAIR: Okay.

MR. MCCANN: Did you look at other intersections, specifically?

MR. SCHMID: No, because once we believed that this site had less impacts that are inherent to a typical use because of the way we set up our access points, my determination is the inherent impacts here at this location for this use is less than --

MR. MCCANN: Well, it's less?

MR. SCHMID: Less.

MR. MCCANN: You didn't say less before, you just said not more.

MR. SCHMID: I'm saying it now, it's less.

MR. MCCANN: Okay.

MR. SCHMID: Because of the removal of those left turn movements in and out.

MR. MCCANN: Because of the loop you created?

MR. SCHMID: Yeah. Now, if you put this site next door where the sub shop is, much greater impact because it only has one access point to Joppa Road and all the inbound and outbound movements have to come out of that access.

MR. MCCANN: Okay. Can you think of any other intersection along Joppa Road where there is, well, strike that. That's okay, I'll move on. Okay. You mentioned in discussing level of service, you called the, the County's methodology, did you call it double cycle?

MR. SCHMID: Yes, my, I sometimes call it double cycle, they call it something else too sometimes, loaded cycle.

MR. MCCANN: Loaded cycle?

MR. SCHMID: Yeah. And loaded cycle means you couldn't through on the green phase so it's a loaded cycle.

MR. MCCANN: Okay. And we'll get to that in a moment. But and I, and you may have just been overstating this

but you said A through F are the, the grades, right, for the load cycle method?

MR. SCHMID: Yes.

MR. MCCANN: You, and you said F being congestion.

MR. SCHMID: Um hm.

MR. MCCANN: You actually said those words.

MR. SCHMID: Yes.

MR. MCCANN: You would agree with me that there is congestion short of F for, for levels, certainly with level, with respect to level D, there's congestion associated with a level D intersection, right?

MR. SCHMID: There's double cycling associated with D, yes.

MR. MCCANN: Yeah, in other words, and just for, maybe this would be most helpful at this point forward, start talking about double cycling. Let me give, this would be number nine? (inaudible)?

MS. JOLIVET: You are.

MR. MCCANN: Great. It's unusual for me to be on top of that. Okay. So, this is Protestant's nine. I'll represent to you that this is a printout from Baltimore County's website describing level of service ratings and this load factor that we've been discussing.

MR. SCHMID: Okay.

MR. MCCANN: Do you agree with me, that's what it is?

MR. SCHMID: I don't know, I haven't read it, but.

MR. MCCANN: Okay. Well, take a look at it. Just make sure I'm not making anything up.

MR. SCHMID: This appears to be a synopsis of their methodology, yes.

MR. MCCANN: Okay and I don't want to go into too much details, try and move things along here, but let's just go directly to page three of five, if you would, in this exhibit?

MR. SCHMID: Yeah, um hm.

MR. MCCANN: And this is a chart indicating the level of service A through F and the load factor, just, you could probably explain this better than I, but let me just get, take a shot at it. With the percentages to the right of that level of service is the percentage of time that it takes more than one change in lights to accommodate the traffic that has cued.

MR. LA FIANDRA: Your Honor, if the, counsel would like to cross examine the witness on the methodology, perhaps he can provide the actual methodology and not just a snippet from the County's website.

CHAIR: Well, --

MR. LA FIANDRA: I think this is a very limited probative value. I don't think if, the witness may know these things off the top of his head, but if there's some type of question here about what the methodology actually is and whether this intersection somehow complies with it or doesn't,

perhaps that methodology could be supplied to him in a form that's not from a website that was last updated three years ago.

CHAIR: Well, let's see if the, so --

MR. MCCANN: I'm just asking a question about a chart.

CHAIR: -- the, the, the way objections are handled is kind of sauce for the goose and sauce for the gander, okay?

MR. LA FIANDRA: Okay.

CHAIR: Okay? So, Mr. McCann gets to ask his question, all right? And if the witness can't answer it because he doesn't have the information or this is an inadeq, insufficient document then he'll, he can say so.

MR. LA FIANDRA: Okay.

MR. MCCANN: Yeah. Yeah, I'm just focusing on the chart, that's all. Just that, and do you recognize the chart?

MR. SCHMID: Yes, um hm.

MR. MCCANN: Okay. In fact, it's the same chart that's in the, the Code, isn't it? Or --

MR. SCHMID: Same percentages.

MR. MCCANN: Yeah, okay. So, that's all I'm asking about and my question again is with respect to D in particular, level of service D, what that percentage means is that, that's the percentage of time, thirty-one to seventy percent of the time it'll take more than one change in the traffic signal to

accommodate the traffic that has cued?

MR. SCHMID: Along one approach.

MR. MCCANN: Along one, right.

MR. SCHMID: One approach. It's the worst --

CHAIR: Okay.

MR. SCHMID: -- approach is what gives it the level of service. So, --

MR. MCCANN: So, in other words, --

MR. SCHMID: -- you could have one double cycling sixty, sixty-five percent of the time and get a D for the other three approaches double cycle (inaudible).

MR. MCCANN: Right, as long as one of the four approaches?

MR. SCHMID: That's correct.

MR. MCCANN: Okay. Do you know how many approaches here are, are, are D?

MR. SCHMID: No.

MR. MCCANN: Okay and that, okay.

MR. SCHMID: Well, all the approaches are D. At least D.

MR. MCCANN: Right.

MR. SCHMID: Some of the approaches may be F.

CHAIR: Right, if one approach is D, they're all D.

MR. SCHMID: They're all D, sorry.

MR. MCCANN: Got it, okay. Got it.

CHAIR: What, what he was asking --

MR. SCHMID: Right.

CHAIR: -- is do, do you know which particular --

MR. SCHMID: No, I don't.

CHAIR: -- access was, is worse than any other particular access and the answer is no.

MR. SCHMID: I don't know that.

MR. MCCANN: And I know congestion is, we were talking about congestion before, I know that's a relative term but --

MR. SCHMID: Um hm.

MR. MCCANN: -- would you agree with me that a, that a set of cuing vehicles that has to wait thirty-one to seventy percent of the time to, to, to get through a cycle is, is some level of congestion? I mean, that's congestion, isn't it?

MR. SCHMID: Well, I didn't make up these levels of service and criteria, the County Council did.

MR. MCCANN: Okay and then is this accurate, at the bottom of page three, since there's some question about the accuracy of the County's website, it says level of service D intersection do not control issuance of building permits but the areas are identified on the basic service transportation maps to identify the deficiency. The purpose of identifying D intersection is to provide notice to the public that the intersection has the potential of going to an E or F. Is that

an accurate statement, what I just read to you?

MR. SCHMID: Yeah, and sometimes they can go from an E to a D.

MR. MCCANN: Yeah, okay.

MR. SCHMID: Like it did here.

MR. MCCANN: And I think you've acknowledged as much in, in one of the Petitioner's exhibits reflects that this intersection previously was, in 2016, rated F, right?

MR. SCHMID: That's correct.

MR. MCCANN: And is it true, in fact, that prior to 2016, in 2013 and '14 included, it was likewise an F intersection?

MR. SCHMID: I don't know, I know as far back as four years, I don't know, '18, '17, '16 and '15.

MR. MCCANN: Okay. Do this quickly. I got a couple exhibits that I'm, will essentially introduce but I'm asking a question or two. This will be ten. Ten.

MS. JOLIVET: Thank you.

MR. MCCANN: Ten, Mr. Schmid.

MR. LA FIANDRA: Thank you. This is ten?

MR. MCCANN: Ten. Eleven.

MR. SCHMID: Thank you.

MR. MCCANN: Eleven. And twelve. Twelve. Thank you. Twelve, Mr. Schmid.

MR. LA FIANDRA: Is this, okay, thank you.

MR. MCCANN: So, I don't want to spend a lot of time on these other than ask you maybe to help me identify them. They are public records, but beginning with Exhibit 10, Mr. Schmid, that's the one page, you have that in front of you, correct?

MR. SCHMID: Yes.

MR. MCCANN: Do you recognize this, this type of document? This is a County document that --

MR. SCHMID: Yeah, this is what they produce when they do their yearly --

MR. MCCANN: Okay. So, my point simply on this exhibit is, is it, does this exhibit not confirm that the intersection of Joppa Road and Loch Raven Boulevard, which is the last line item, reflects a level of service F for 2013 and 2014?

MR. SCHMID: That's correct.

MR. MCCANN: And then quickly moving to eleven, this is, do you recognize this document as the, --

MR. SCHMID: What's the date?

MR. MCCANN: The November 19th, 2018.

MR. SCHMID: Okay, okay.

MR. MCCANN: Do that one first maybe?

CHAIR: No, don't you mean the Jan, the January 5th one?

MR. MCCANN: Oh, the other one, I'm sorry. Yeah,

January 5th, 2018.

MR. SCHMID: January 5th, okay.

MR. MCCANN: This is, this is the type of memo that's issued every year by the Department of Public Works, I'm sorry, by the Bureau of Traffic Engineering that identifies the D, E and F intersections in the County?

MR. SCHMID: That is correct, they do a report to the Council people.

MR. MCCANN: Right.

MR. SCHMID: (inaudible) then they say what changed from the year before.

MR. MCCANN: Right. So, this, this is sort of a standard document that, every year, right?

MR. SCHMID: Yeah.

MR. MCCANN: And then this document is used by the County Council to develop the basic services maps, right?

MR. SCHMID: Hold on. The Council develops the basic services map --

MR. MCCANN: Well, they don't, they approve them, I'm sorry.

MR. SCHMID: They approve them, right.

MR. MCCANN: Or not.

MR. SCHMID: Right.

MR. MCCANN: Okay and real quick, another question on Exhibit 10, this document reflects, does it not, that the level

of ser, reflects the, the D level of service for Joppa Road and Loch Raven and that's on sort of page one of the attachment to the memo, about two-thirds of the way down, do you see that?

MR. SCHMID: Yes, um hm.

MR. MCCANN: Okay.

MR. SCHMID: A D in '16 and a D in '17.

MR. LA FIANDRA: You were referring to number eleven, were you?

CHAIR: Number ten.

MR. MCCANN: Ten, which is January 5th, 2018.

MR. LA FIANDRA: I thought that, pardon me, I'm sorry, I thought that ten was just this, is this not a separate exhibit?

CHAIR: Oh, right, right, right.

MR. MCCANN: That, that's ten.

MR. LA FIANDRA: Yes.

MR. MCCANN: Well, I made --

CHAIR: It's actually in eleven. You're right.

MR. LA FIANDRA: Okay.

MR. MCCANN: This is eleven, I'm sorry.

MR. LA FIANDRA: Eleven is January 5th, 2018?

MR. MCCANN: Correct.

MR. LA FIANDRA: Okay.

MR. MCCANN: Okay. And these are, correct me if I'm wrong, Mr. Schmid, these are all of the, the, the two page or

attachment to the memo, these are all of the D, E and F intersections in the entire County, correct?

MR. SCHMID: I don't know, but I would think that's true, yes.

MR. MCCANN: Okay. So, relatively speaking, there, in comparison to the total number of intersections, it's, it's relative rare, would you agree with me, that an intersection be, have a level of service D, E or F?

MR. SCHMID: D, E or F?

MR. MCCANN: Yes.

MR. SCHMID: I think probably D is pretty common along arterial roads.

MR. MCCANN: Pretty common? Well, how, how many arterial, how many intersections are there within the URDL in Baltimore County?

MR. SCHMID: They're just signalized intersections.

MR. MCCANN: I know. But how many, how many sig, signalized intersections are there in Baltimore County within the URDL?

MR. SCHMID: I have no idea.

MR. MCCANN: Okay.

MR. SCHMID: But it wouldn't be uncommon for me to see D levels of service along arterials like U.S. 40 or Harford Road or Joppa Road or, you know. I always say if it's not a D level of service we're underutilizing the intersection.

MR. ZIMMERMAN: Move to strike. That is total speculation and conclusory without any foundation.

CHAIR: Okay. That, that's granted. That's granted.

MR. MCCANN: Okay. So, then with respect to Protestant's Exhibit 12, I guess the same questions, Mr. Schmid. This is the, sort of the same type of memo, this is dated November 19, 2018 that identifies the D, E and F intersections as, as proposed by the Bureau of Traffic Engineering, correct?

MR. SCHMID: Yes.

MR. MCCANN: Okay. All right. You have any knowledge or information that would support why the intersection was changed from an F to a D?

MR. SCHMID: I don't think I saw any physical changes out there. So, it has to be timing.

MR. MCCANN: It has to be what?

MR. SCHMID: Seq, sequencing to the lights, the timing.

MR. MCCANN: Okay.

MR. SCHMID: They may have spread out the delay along all the approaches to keep it from --

MR. MCCANN: Okay.

MR. SCHMID: -- being seventy percent on when approach.

MR. MCCANN: So, are, are you familiar with any data

or information that would support that there's been a decrease in the volume on Joppa Road? You're, you're not aware of any such information are you?

MR. SCHMID: No, but I don't, I don't believe volumes are, are, are increasing that significantly anymore.

MR. MCCANN: All right. Let me show you Exhibit 13. This is the last one. And there's a lot of information on here so I'll just sort of cut to the chase, but number one, do you recognize Exhibit 13 as turning movement count data of Baltimore County?

MR. SCHMID: (inaudible) turning movement count is also the field sheet that shows the counts and the, and the percent of double cycling --

MR. MCCANN: Right.

MR. SCHMID: -- on each approach during the a.m. and p.m. peak hour.

MR. MCCANN: Right. So, and this is, up, upper right hand column, this is from April 2014, right?

MR. SCHMID: Yes.

MR. MCCANN: So, if we were to look at just pure volume for Loch Raven and Joppa in the a.m., we would like at about a third of the way down where it says a.m. hour totals and then look to the right, those totals on the right hand side of zero to three thousand seven hundred forty-nine, those would reflect the, collectively would reflect the, the ADT's, the

average daily trips or actually daily trips for those hours in the a.m., correct? That's traffic volume, that last column?

MR. SCHMID: That's peak hour.

MR. MCCANN: Peak hour.

MR. SCHMID: Not daily.

MR. MCCANN: Right, I'm sorry. From 6:00 to 7:00, 7:00 to 8:00 and 8:00 to 9:00, correct.

MR. SCHMID: So, you can see from the chart the, the peak hour is 7:00 to 8:00 because that's, well 7:15 to 8:15, because that's the highest total volume.

MR. MCCANN: Okay and then just to, at the bottom of the same first page are the p.m. hour totals, that last column on the right hand side. You see those numbers?

MR. SCHMID: Um hm.

MR. MCCANN: Okay. And I lied, I have another exhibit for 2017, the same document.

MR. ZIMMERMAN: Could Mr. McCann keep his voice up?

MR. MCCANN: Sure. Just real quick, is this document, this two page document, which is Protestant's Exhibit 14, is this the same turning movement count data only for March of 2017?

MR. SCHMID: Oh, yeah, it's a different day.

MR. MCCANN: Yeah.

MR. SCHMID: Different month.

MR. MCCANN: Okay and if we were to compare the peak

hour a.m. and peak hour p.m. totals on the right hand column in 2017, would you agree with me that the volume of traffic as reflected in these two reports, Exhibits 13 and 14, has increased from 2014 to 2017?

MR. SCHMID: Yeah, along, along Joppa Road.

MR. MCCANN: Yeah. Okay. So, before I forget, I would move ten, eleven, twelve, thirteen and fourteen into evidence.

CHAIR: They're admitted.

MR. MCCANN: Thank you. Okay. Just a couple more questions. We talked about the commercial revitalization district and I understand your testimony that when it comes to commercial revitalization districts, level of services D, E and F don't have any effect on or don't, are not subject to the prohibition against permits being issued, correct?

MR. SCHMID: That's correct.

MR. MCCANN: Okay. Other than that, did, did you personally take a look at the master plan and its provisions regarding commercial revitalization districts in conducting your analysis?

MR. SCHMID: No.

MR. MCCANN: No.

MR. SCHMID: Just, I just worried about the traffic part.

MR. MCCANN: Okay.

CHAIR: He's not a planner.

MR. MCCANN: Right, that's right. I should know that before I asked. Okay. And that is all I have, thank you, Mr. Schmid.

CHAIR: Okay. Mr. Zimmerman?

MR. ZIMMERMAN: Okay. So, briefly, Mr., Mr. Schmid, your degree from the University of Maryland, College Park is in, Master's in Civil Engineering in 1981, correct?

MR. SCHMID: That's correct.

MR. ZIMMERMAN: Okay. You don't have a degree in Comprehensive Planning or Urban Planning?

MR. SCHMID: No, I have a Civil Engineering degree from the University of Maryland.

MR. ZIMMERMAN: Okay. All right. Just a, you mentioned the, the County Code and I'm not trying to be picky but let's take a look at the zoning regulations, Section 4-A-0-2, or actually beginning with Section 4-A-0-1, but I presume at some point you've read these, section that I'm showing you --

MR. SCHMID: Yes.

MR. ZIMMERMAN: -- on page 4-A:10 on the transportation basic services dis, provision.

MR. SCHMID: Um hm.

MR. ZIMMERMAN: Is that what you were referring to when you were talking about the County Code?

MR. SCHMID: Yes, I mean, (inaudible).

MR. ZIMMERMAN: Yeah, no, just want to --

MR. SCHMID: Um hm.

MR. ZIMMERMAN: So, so, without reading everything, it looks like the level of service references the so called highway capacity manual of 1965. Is that your understanding of where these levels of service come from?

MR. SCHMID: No.

MR. ZIMMERMAN: And how, why does the, the law then refer to the highway capacity manual?

MR. SCHMID: I have no idea.

MR. ZIMMERMAN: Well, isn't that what's supposed to be followed according to the law?

MR. SCHMID: No, I follow the, I, I don't do any calculations. I look at the basic services map and the County identifies what do that level of service, how they operate, period.

MR. ZIMMERMAN: Okay. Well, there are references in this section to, to C, F, E, D and so on, correct?

MR. SCHMID: Yeah.

MR. ZIMMERMAN: They're very, okay.

MR. SCHMID: Um hm.

MR. ZIMMERMAN: So, --

MR. LA FIANDRA: Your Honor, may, can we just ask counsel to identify the sections that he's referring to?

MR. ZIMMERMAN: Well, I'm in 4-A --

MR. LA FIANDRA: Because I'm having a hard time following.

MR. ZIMMERMAN: -- 0-2.4D, excuse me, did I say, 4-A-0-2 --

CHAIR: Point.

MR. ZIMMERMAN: -- .4 generally, basic services mapping standards, subsection D, transportation.

MR. LA FIANDRA: Point four, okay.

CHAIR: Okay?

MR. ZIMMERMAN: Okay and I'm, pages 4-A:10 and 4-A:11. Okay and there are references to levels of service in various parts of this subsection, correct?

MR. SCHMID: Yes.

MR. ZIMMERMAN: And I'm just trying to figure out, according to the law at least, what, what is the source by which the Public Works Department is, is supposed to define or delineate, what is A, B, C, D and F, D, E, F. And I see the highway capacity manual mentioned and you say oh, no, that's not --

MR. SCHMID: Well, the highway capacity manual in 1965, I was six. I'm not sure that it had a reference to loaded cycle methodology but maybe it did.

MR. ZIMMERMAN: Well, that's, but that's in our law, right? I mean, that's in the law here. So, you're saying the law has nothing to do with it?

CHAIR: No, he's really not saying that.

MR. LA FIANDRA: Your Honor, --

MR. ZIMMERMAN: Okay, all right. Well, --

CHAIR: Okay?

MR. ZIMMERMAN: -- well, what, you know, so what then, so what document do we go to, what piece of paper do we go to? Is it the, Mr. McCann did give you a, the loading factors in, in the document that the Public Works Department publishes online, correct?

MR. SCHMID: I went to the County's website and I have it on my wall at my office.

MR. ZIMMERMAN: Okay. Well, is Mr., is what, you agree what Mr. McCann gave you is accurate as to what the County publishes?

MR. SCHMID: Oh, yes, yes, yeah, um hm.

MR. ZIMMERMAN: And do you know where they get those definitions of A, B, C, D, E and F? Or they make them up, I mean, what, where do they come from?

MR. SCHMID: Somebody developed the procedure to do this. I'm not sure when, but the procedure was --

CHAIR: Right, that, that, that's absolutely the point here, I think. Is it's, the County, through whatever process it undertakes, whether it refers to the 1965 transportation manual or not, the County is the one that comes up with the grades and the, and then the County Council

ratifies it. So, it's not actually Mr., it's not the witness' job to come up with those definitions. He simply follows what the County issues, for good or ill.

MR. ZIMMERMAN: Okay. Well, I just, since this is an expert, I thought perhaps the expert might know where these come from.

CHAIR: Okay. Well, --

MR. ZIMMERMAN: But I, I get the Chairman's point.

CHAIR: Yeah.

MR. ZIMMERMAN: And I'll move on.

CHAIR: I mean, it, it comes from the County.

MR. ZIMMERMAN: Okay. Anyway --

CHAIR: (inaudible).

MR. ZIMMERMAN: -- there's no, there's no dispute about what Mr. McCann submitted, right? About the authenticity of it?

MR. SCHMID: All the grades that back, back, years ago?

MR. ZIMMERMAN: I would, right.

MR. SCHMID: Yeah, correct.

MR. ZIMMERMAN: And just to clarify rather than waiting to brief it, the reference to the commercial revitalization district exemption, or actually so called general exception to basic services mapping standards, is on page 4-A-12 and 13, Subsection E-1-I. Do you see that? This

is what really you've been referring to?

MR. SCHMID: Yes.

MR. ZIMMERMAN: Exception, quote, to any development located in a commercial revitalization district, unquote.

MR. SCHMID: Right.

MR. ZIMMERMAN: Okay.

MR. SCHMID: Like all industrial developments (inaudible) there's exceptions to the map.

MR. ZIMMERMAN: Now, if it were not exempt, then there would be a, at least temporary prohibition on permitting --

MR. SCHMID: Not (inaudible) --

MR. ZIMMERMAN: -- not exempt, if it were an E or F, if it were an E?

MR. SCHMID: If it was an E or F.

MR. ZIMMERMAN: Yes, that's my point.

MR. SCHMID: Well, if it was in a revitalization district, no, it --

MR. ZIMMERMAN: Well, but I'm saying if it were not, if there were no such exemptions in the law.

MR. LA FIANDRA: Your Honor, this is the same line of questioning that his objection against my questions were sustained.

CHAIR: Okay.

MR. ZIMMERMAN: I'm just trying to clarify --

CHAIR: We, we get the point.

MR. ZIMMERMAN: -- what the issue is. Okay.

CHAIR: Okay.

MR. ZIMMERMAN: But, and, and the point is, whether the use is permitted by right or special exception, other than those that are exempt or excepted, any E or F would be subject to that prohibition.

MR. SCHMID: That's correct. Unless you got a variance, applied for a variance.

MR. ZIMMERMAN: All right. There's a so called special variance provision, right, in the law.

MR. SCHMID: Yes.

MR. ZIMMERMAN: I get that.

MR. SCHMID: Yes.

MR. ZIMMERMAN: All right. But this is a different set of regulations from the special exception regulations.

MR. SCHMID: In *Schultz v. Pritz,* you mean?

MR. ZIMMERMAN: No, I mean, do you know where the special exception standards are located in the zoning regulations?

MR. SCHMID: Yeah.

MR. ZIMMERMAN: What section? Now, without, this is not an open book exam. Do you know what section?

CHAIR: Well, --

MR. LA FIANDRA: Come on, I mean is that for real?

MR. SCHMID: 502.1.

MR. ZIMMERMAN: Yeah.

CHAIR: Okay. So, we, --

MR. ZIMMERMAN: All right.

CHAIR: -- it's clear, we understand --

MR. ZIMMERMAN: All right.

CHAIR: -- the point is made that --

MR. ZIMMERMAN: All right.

CHAIR: -- that the special exception provisions have their own set of criteria.

MR. ZIMMERMAN: Well, in fairness, I, I think the whole issue has been confused by bringing up all this stuff.

MR. ZIMMERMAN: Okay.

MR. ZIMMERMAN: About the exemption. It could have been done in like one sentence, maybe.

CHAIR: Okay. Well, in any event, --

MR. ZIMMERMAN: All right. All right. So, --

CHAIR: -- we're, we're, where we are now, we understand the, the distinction --

MR. ZIMMERMAN: -- the Board has it. Okay.

CHAIR: -- and the, and we're happy to move on.

MR. ZIMMERMAN: All right. I, and I will. All right. So, I'm, I'm interested in a few further questions about the exhibit that Mr. McCann produced about the loading factors and I don't remember what the number is.

CHAIR: I think that's nine.

MR. MCCANN: It is nine.

MR. ZIMMERMAN: And let me show it to the witness, Protestant's nine. (inaudible). Okay. So, the, so first, well, we know there are six different levels, correct?

MR. SCHMID: That's correct.

MR. ZIMMERMAN: And A is best, F is worst, we, we all agree on that?

MR. SCHMID: Yes.

MR. ZIMMERMAN: Okay. Now, D, as it's been pointed out, says load factor of thirty-one percent to seventy percent, correct?

MR. SCHMID: Correct.

MR. ZIMMERMAN: That, and that translates to, did you say, you have to go through a full cycle before, before you're able to get through the intersection?

MR. SCHMID: During, during a peak hour, when the light goes green on whatever approach failed, which I think is west bound Joppa Road in the morning or got the highest percentage. Seventy percent of the time during that peak hour people had to wait through more than one cycle of light.

MR. ZIMMERMAN: Okay. Now, the peak hours are which again? Can, if you --

MR. SCHMID: They're the highest fifteen minute --

MR. ZIMMERMAN: Well, what are the peak hours? And

what, what are we talking about? Seven to 9:00, 4:00 to 6:00, I mean, what are we --

MR. SCHMID: That's not a peak hour, that's two hours.

MR. ZIMMERMAN: Well, I'm asking what you --

MR. SCHMID: A peak hour, as I explained before, is the hour of the, the, the hour of con, the highest volume of flow within an hour period in the morning travel time. Travel time in the morning could be, you could count from 6:00 to 9:00, you could count from 7:00 to 9:00. Normally, it falls within the 7:00 to 9:00 time period.

MR. ZIMMERMAN: But are you saying it's a sixty minute period somewhere --

MR. SCHMID: Yes.

MR. ZIMMERMAN: -- that you, you pick --

MR. SCHMID: Yes.

MR. ZIMMERMAN: -- the, the worst of the sixty minute period --

MR. SCHMID: The highest sixty, sixty minute volume consecutively.

MR. ZIMMERMAN: Okay.

MR. SCHMID: Not just --

CHAIR: It could go from 7:15 to 8:15?

MR. SCHMID: Right, exactly, right.

CHAIR: Okay.

MR. ZIMMERMAN: Okay. All right. Now, at the risk of asking a, too simple a question, where it says thirty-one percent to seventy percent, does that mean, let's say the load factor is thirty-five percent, that still would be within D, yes?

MR. SCHMID: That's correct.

MR. ZIMMERMAN: So, it doesn't have to be seventy percent to get up to D?

MR. SCHMID: Up, up to seventy percent.

MR. ZIMMERMAN: Okay. It could be forty percent and you're in a D level?

MR. SCHMID: That's correct, um hm.

MR. ZIMMERMAN: Okay and as you said, they can be measured for each of the four potential movements of, of the signalized intersection?

MR. SCHMID: They, they look, yes, yes, they look at each, they have people watching each approach in the intersection.

MR. ZIMMERMAN: Okay and if any one of the four hits a level D or whatever level, then that's the way it's classified, is that --

MR. SCHMID: The worst approach level is the overall level, yes.

MR. ZIMMERMAN: Okay, all right. I have a few more questions on this. I think you, I think the indication is that

this intersection changed from F to D in, was it, --

MR. SCHMID: The last, the last two years it's been D.

MR. ZIMMERMAN: Okay.

MR. SCHMID: The year before that it was an F.

MR. ZIMMERMAN: So, presumably the, and this is measured by the Public Works Department, traffic engineering staff, am I correct?

MR. SCHMID: That's correct.

MR. ZIMMERMAN: Okay and they would have numbers for each approach as to what the percentage is, correct?

MR. SCHMID: That's correct, yes.

MR. ZIMMERMAN: Okay. Well, have you looked at the numbers for, the current numbers for this intersection, whether it's thirty-five percent, fifty percent, seventy percent --

MR. SCHMID: I think it was just given to me.

MR. ZIMMERMAN: -- for each --

MR. SCHMID: I haven't looked at it.

MR. ZIMMERMAN: Excuse me?

MR. SCHMID: I think it was given to me by Mr. McCann and I looked at it.

MR. ZIMMERMAN: Well, what, maybe I didn't have the exhibit. So, what is the, what's the number for this intersection at the moment? Or the latest computation for each approach?

MR. SCHMID: I'd have to get a copy of that again (inaudible).

MR. ZIMMERMAN: Well, let's do it. I want to see what it is.

CHAIR: So, this is eleven and twelve, I think, right? Protestant's eleven and twelve?

MR. ZIMMERMAN: I want to know what the percentage is, I want to know if it's thirty-six percent, I want to know if it's sixty-nine --

MR. SCHMID: I believe it was seventy, but I'll check.

MR. ZIMMERMAN: I, I want to pin this down.

MR. LA FIANDRA: The witness needs an exhibit --

MR. ZIMMERMAN: Yeah, the exhibit, fine, look at --

MR. MCCANN: Exhibit 13 and 14.

CHAIR: Thirteen and fourteen.

MR. ZIMMERMAN: Look at the exhibit. No tricks here. Whatever the answer is, it is. I don't even know the answer because it's Mr. McCann's exhibit. I'll, I'll trust, I'll trust Mr. Schmid to read it accurately.

MR. SCHMID: The highest load was eastbound in the morning at fifty-two percent.

MR. ZIMMERMAN: And what are the other three?

MR. SCHMID: Southbound had no loaded cycles, westbound had no loaded cycles, northbound had forty-eight

percent.

MR. ZIMMERMAN: Okay.

CHAIR: And where, where do you see that on the --

MR. MCCOMAS: Yeah, where do you see that?

MR. SCHMID: Page two.

MR. MCCOMAS: Oh.

MR. MCCANN: Loaded cycles.

MR. SCHMID: Near the bottom, loaded cycles.

MR. MCCOMAS: Yeah.

CHAIR: Okay, great. Thank you.

MR. SCHMID: Okay.

MR. ZIMMERMAN: Okay. So, two of the four are within level D?

MR. SCHMID: Right, in the afternoon northbound is twenty-four percent but all the other approaches are zero double cycle.

MR. ZIMMERMAN: Okay. But I asked you whether two of the four approaches are within level D, that's why --

MR. SCHMID: It's a D level service whether there's two or one.

MR. ZIMMERMAN: Okay. Okay and these levels of service fluctuate, do they not, from year to year?

MR. SCHMID: They, they, I mean, Mr. McCann showed me some traffic counts that showed an increase, but traffic counts, traffic counts on typical roads vary five percent a

day, you know. It depends on what the traffic flow is and if there's a, somebody is being diverted to Joppa Road because something is on the beltway, so traffic can change every day. But consistently it's normally within five percent unless there's an incident.

MR. ZIMMERMAN: So, we're dealing here with an intersection that's fluctuated between F and D over the last five years, correct?

MR. SCHMID: Well, fluctuated from an F to a D two years ago and it's been a D for the last two years.

MR. ZIMMERMAN: Okay and it could go back to, it could go back to F next year, as far as we, it could go back to F?

MR. LA FIANDRA: Your Honor, that's, I object to that.

MS. JOLIVET: I'm sorry. I had, I, I have to ask him about an exhibit, I apologize.

MR. ZIMMERMAN: Oh, no.

MS. JOLIVET: So, please ask your question again, because I know he was probably listening to me, so I apologize.

MR. ZIMMERMAN: So, we, I mean, we're dealing with an intersection which includes a history of F level, not current but it has a history, right?

MR. SCHMID: In the past, but we're not, we're fifty-three percent, pretty far away, that's half the time we got to

get to seventy percent of the time, so.

MR. ZIMMERMAN: Well, it went from F to D, so that was a fairly big move maybe.

MR. SCHMID: Um hm.

MR. ZIMMERMAN: But it could go back to F at any time.

MR. SCHMID: Well, no, --

CHAIR: Well, I think it can go back to F if --

MR. ZIMMERMAN: I mean, --

MR. SCHMID: It could stay a D.

MR. ZIMMERMAN: Right. Now, do you have any ballpark idea of how many signalized intersections there are in commercial areas?

MR. SCHMID: No idea.

MR. ZIMMERMAN: Does the County have any listing of A, B and C intersections as far as you know?

MR. SCHMID: No.

MR. ZIMMERMAN: Did you attempt to find out whether there are commercial intersections in the County within the urban rural development line, which are rated A, B or C?

MR. SCHMID: Well, I'd have to call the County and get the printout because they don't list, they don't list the intersection's level of service. So, I'd have to go, if there's a signalized intersection that's not shown on the map as a D, E or F, it's an A, B or C.

MR. ZIMMERMAN: Yeah. But you don't know how many there are?

MR. SCHMID: I would think there's probably many more working intersections than non-working. Many, many more intersections work at D level of service or better than work at E and F.

MR. ZIMMERMAN: But what I'm asking you is about A, B and C.

MR. MCCOMAS: Mr. McCann, I'm confused for a second here. Isn't this from the County? This exhibit that you gave?

MR. MCCANN: Yes.

MR. MCCOMAS: And doesn't this have A, B and C on it?

MR. MCCANN: Yes. Well, that one does, yeah, I think you're right.

MR. MCCOMAS: It has all of them.

MR. ZIMMERMAN: Well, thank you, Mr. McComas, there weren't enough (inaudible) --

MR. MCCOMAS: So, so maybe if Mr. McCann, yeah, because I'm confused, if --

MR. MCCANN: This is just one page, yeah.

MR. MCCOMAS: I know, but is this coming from the County?

MR. MCCANN: It is, yes.

MR. MCCOMAS: So, so the County maintains it?

MR. MCCANN: Yes.

MR. MCCOMAS: All right. Because I wasn't --

MR. ZIMMERMAN: Does the County have --

MR. SCHMID: They're not shown on the, they're not shown on the basic services map, they're just listed.

MR. ZIMMERMAN: So, the County has records showing A, B and C intersections, correct?

MR. MCCANN: It's ten.

MR. MCCOMAS: Ten.

MR. SCHMID: Yeah, um hm. Um hm.

MR. ZIMMERMAN: And you could have gone, whether by request or by asking for the documents, you could have surveyed the number of A, B and C intersections in the County and identified in the commercial --

MR. SCHMID: Why would I do that?

MR. ZIMMERMAN: Excuse me?

MR. SCHMID: I would have no purpose to do that.

CHAIR: Okay. Well, you don't need to, you don't need, it's just a yes or a no. You don't need to fight with him.

MR. SCHMID: I have no purpose, reason to do that.

MR. ZIMMERMAN: Well, the purpose would be to evaluate this particular zone, location at the, at this, in the zone here, relative, whether it's above and beyond the traffic level of service situations at other locations in the zone, which might be A, B or C. That would be the purpose.

MR. LA FIANDRA: Your Honor, that's not the legal standard, Your Honor.

MR. ZIMMERMAN: Yes, it is.

MS. JOLIVET: Well, I haven't heard a question.

MR. ZIMMERMAN: Well, the ques, I asked the question and then he, then it was objected to.

CHAIR: The ques, the, the witness has indicated that he didn't compare this --

MR. ZIMMERMAN: He didn't.

CHAIR: -- intersection with any of the other --

MR. ZIMMERMAN: Right.

CHAIR: -- intersections in, in A, B or C.

MR. ZIMMERMAN: And then he said there's no purpose to it. And then my next question, I thought, maybe my memory is, short term memory is gone, but I'll rephrase then. Wouldn't the purpose be to evaluate whether the level of service situation here is more problematic than at other commercial zone locations at intersections with A, B or C?

MR. SCHMID: I was looking at D.

MR. LA FIANDRA: And it was at that point that I said that that's not the legal test.

CHAIR: Right. Well, --

MR. ZIMMERMAN: It, it absolutely is part of the legal test, in my opinion.

MR. LA FIANDRA: And in my opinion it's different.

CHAIR: Okay, all right. So, can you answer the question?

MR. SCHMID: My, my look at this was are the inherent impacts of this use at this location greater or is it unique and different than if it was located some, elsewhere out, similar zone else, elsewhere in the zone. Since I determined that there was no above and beyond impacts at this site and this location, I didn't look at other sites.

MR. ZIMMERMAN: Well, the impact at a, a D level in terms of you've got cars stacking, you've got more, you've got more cars stopped, the impact has got to be greater than at a location in, with A, B or C, it's just, logically has to be greater. You don't agree with that?

MR. SCHMID: No.

MR. ZIMMERMAN: So, so the ideal thing, so, at --

CHAIR: So, doesn't that hurt your, doesn't that hurt your position?

MR. ZIMMERMAN: -- at this, at this level of, excuse me?

CHAIR: Doesn't that hurt your position?

MR. ZIMMERMAN: Well, I, I, with all due respect, I think the answer is not, not credible.

CHAIR: Okay.

MR. ZIMMERMAN: I don't, I don't think it makes sense consistent with the standard.

CHAIR: All right.

MR. ZIMMERMAN: So, if that were true, you could take an F level intersection and if, let's assume hypothetically, this were an F intersection, and you would say that's no, that's no more problematic than locating the site next to an A, B or C intersection, if that, if, if your answer is, has any basis.

MR. SCHMID: But the way, the way we, it depends on how your site is going to operate. Our site is going to operate in a very efficient manner with the one way system we talked about and, and having right ins and right outs only. That's, that's my point at this location. I mean, I, I don't know that we're going to put too many jiffy, it's, too many Valvoline Oils at an A level service intersection. These, these belong along arterial, arterial roads, just like a plethora of uses along this corridor are.

MR. ZIMMERMAN: All right. So, they belong at the worst intersections, basically, is what you're saying?

MR. SCHMID: Excuse me?

MR. ZIMMERMAN: They belong at the worst intersections.

MR. SCHMID: They belong at the heaviest traveled intersections.

MR. ZIMMERMAN: Yeah.

MR. SCHMID: I wouldn't call them worst.

MR. ZIMMERMAN: And you don't, but you don't see that as being a problem?

MR. SCHMID: No, I see it as an advantage to the customers going to Valvoline Oil.

MR. ZIMMERMAN: But not to the people in the area necessarily.

MR. SCHMID: Well, the impact of this Valvoline Oil is very small.

MR. ZIMMERMAN: Yeah, I wanted to, back to that. You, you pointed out that by making, maybe at the request of the County, do you know how the, the right turn only exit on Joppa came up and the enter only on Loch Raven? Wasn't that a request of the County? Or was that, was that, was that your idea?

MR. SCHMID: That was, I got a copy of the site plan that MRA had done and it showed the, the one way circulation off of Loch Raven. At that time, it didn't really show that they were limiting access to Joppa, it's one of the things I told, told Josh and, and Dino, and I said you, you can't allow left turns out of this site.

MR. ZIMMERMAN: Okay. So, that was your, as far as you know, that was your suggestion?

MR. SCHMID: It was my suggestion, but it might have already been suggested by somebody else at that point in time. But my review of the site plan, is that, what I told them.

MR. ZIMMERMAN: What that tells you is that there is a problem at this intersection but you've attempted to mitigate it with, with the right turn only on Joppa Road.

MR. SCHMID: We, well, there would be problems with left turns trying to, out of our site make a left turn to go westbound on Joppa Road, just like --

MR. ZIMMERMAN: And what about the people going north on Loch Raven, if they want to go, how do they, did you, can you explain how they would get there?

MR. SCHMID: They'd make a U-turn at the light.

MR. ZIMMERMAN: What, you, are you suggesting you can go north on Loch Raven and make a U-turn at that intersection?

MR. SCHMID: At Joppa?

MR. ZIMMERMAN: Yes.

MR. SCHMID: Yeah, I did it today.

MR. ZIMMERMAN: Without risking your life?

MR. SCHMID: It's an exclusive phased light. There's no other traffic movement except the left turns.

MR. ZIMMERMAN: All right. Okay and you think that's obvious to the normal rider, that they can do that?

MR. SCHMID: I think it's very obvious when you have a green arrow that you're protected.

MR. ZIMMERMAN: Okay. You don't think some of the people are going to make the left turn on Joppa and then try to get in what they think is an entrance but is actually the exit?

You're going to have people making your left in there?

MR. SCHMID: I, well, they'd have to drive by the site that says enter.

MR. ZIMMERMAN: Um hm.

MR. SCHMID: And try to go and make a left turn where they can't. I, I can't imagine somebody trying to do that.

MR. ZIMMERMAN: Yeah. Do you acknowledge that there, even with the right turn exit, that there is a, you have cars stacked at a red light, which could make it quite difficult to get out on Joppa, especially if you want to go straight or make a left turn onto Loch Raven?

MR. SCHMID: Certain times of day to make a left turn would be difficult to do and I don't think people are going to do it, that's why I said it's self-policing. The right turn out is going to be a function of people that, that's along this entire corridor, people makes rights in, at the thru lane. Somebody supposedly going eastbound on Joppa Road and somebody slows down to make a turn into the sandwich shop next to us.

MR. ZIMMERMAN: But what you call self-policing --

MR. SCHMID: Well, I didn't finish yet.

MR. ZIMMERMAN: Oh, excuse me.

MR. SCHMID: So, he's traveling eastbound and he, he slows down to turn into McDonald's or Sonic or, or the sandwich shop, he's then creating a gap for somebody at my site to get out and make a right. And that happens up and down along this

corridor, that's how people get out. It's not unique.

MR. ZIMMERMAN: And, and you call it self-policing. There are some drivers that are reckless and impatient and may not self-police very well.

MR. SCHMID: Well, they could do that in any level of service intersection too.

MR. ZIMMERMAN: But if, if the location were away from the intersection, then the flow of traffic would be more intermittent and not so stacked, wouldn't it? Isn't it worse at this corner intersection than it would be where traffic is more periodic?

MR. SCHMID: Along this corridor, it's better to be where we're at, where you physically can't make a movement, than it was if we were at Sonic, where there is no left turn lane, it's part of the double left turn lane to go onto Loch Raven Boulevard and you're sitting out in the thru lane trying to make a left. That's a lot more situation. Or you at, or you can come out and you can actually think you can weave across those lanes to get to that right, left turn lane. Where we're at, there's no question you can't do that.

MR. ZIMMERMAN: Well, how do you know people are going to think they can do that over there? Have you done a survey on that?

MR. SCHMID: I've sat out there for two, two nights so far watching, watching the flow of traffic and the cuing of

traffic and it's pretty consistent every, every phase of the light. So, there's no way possible to get to the left turn lane at certain times of day.

MR. ZIMMERMAN: And you've seen a lot of near accidents by Sonic? Have you observed --

MR. SCHMID: No.

MR. ZIMMERMAN: No. Now, let me ask, let me ask you this. According to Mr. Kazazian, if I'm pronouncing it correctly, they're looking for sixty customers a day, is that, did, am I correct?

MR. SCHMID: That's, that's an average.

MR. ZIMMERMAN: On the average.

MR. SCHMID: Yeah.

MR. ZIMMERMAN: And they're open 7:00 to, 7:00 a.m. to 7:00 p.m., am I right?

MR. SCHMID: That's correct.

MR. ZIMMERMAN: That's twelve hours. Now, if Mr. Kazazian is correct, we're talking five vehicles an hour.

MR. SCHMID: Well, if you average it all out.

MR. ZIMMERMAN: Right.

MR. SCHMID: Um hm.

MR. ZIMMERMAN: So, why in the world would they need four bays?

MR. SCHMID: Keep people from waiting and keep people from cuing. It's just like gas pumps at a gas station. You

don't always need six, sixteen pumps, but you always want to make sure some, one is available when somebody comes in to gas up. And I would think that this is the same way here. If they can fit four in there. Now, he, he said that one of the bays may be converted for electric cars in the future, that's their model. But, you know, the more bays I have, the less internal cuing I have and the less my site, site is clogged.

MR. ZIMMERMAN: It usually takes fifteen minutes, did he say fifteen minutes would be the usual period?

MR. SCHMID: Yeah, he said, I, I, I go to Valvoline. I go to the one in, on 8th Avenue in Glen Burnie by my office and I'm in and out of there in ten minutes at the most.

MR. ZIMMERMAN: Well, if that's true and you only get, on the average, five cars an hour, it seems like two or three bays would be more than adequate, wouldn't it?

MR. SCHMID: Well, we don't want to take a chance that on those days when we do eighty to ninety cars, we're going to have a problem with cuing. And the investment into, if you're going to build the building, I guess the investments makes sense to build a third bay and a fourth bay instead of just building two.

MR. ZIMMERMAN: But even at ninety, you would, you may be seven cars an hour, maybe occasionally you would get ten but, that could be a, now, is it, isn't the, isn't it realistic that they're probably looking for much more than sixty?

MR. SCHMID: No.

MR. ZIMMERMAN: No? Okay. Okay. Thank you. That's all I have, Mr. Chairman.

CHAIR: Mr. --

MR. LA FIANDRA: Thank you very much. Sir, do you have access to the Community's Exhibits 13 and 14, the Protestant's?

MR. SCHMID: No.

MR. LA FIANDRA: Okay. I'll show you my copy and does that tell you how many cars go through that intersection in the a.m. peak hour in, in 2017? I think that was the date of that, was it?

MR. ZIMMERMAN: Can Mr. La Fiandra clarify which hour he's talking about?

MR. LA FIANDRA: The a.m. peak hour.

CHAIR: He's talking about a.m. peak.

MR. ZIMMERMAN: Well, I mean, from 8:00 to 9:00, 7:00 to 8:00?

CHAIR: Well, I think the witness will have to identify that.

MR. ZIMMERMAN: All right.

CHAIR: I think you said the 7:15 to 8:15, I guess, right?

MR. SCHMID: I think you could add some numbers together.

MR. LA FIANDRA: So, --

MS. JOLIVET: That's what he said for thirteen, he didn't say fourteen.

CHAIR: Oh, he didn't say fourteen.

MR. SCHMID: No, no. Yeah, I had --

MR. LA FIANDRA: Fourteen total.

CHAIR: Seven-thirty to 8:30.

MR. SCHMID: Well, in the a.m. peak hour, the peak time is, is identified as 7:00 to 8:00 and has thirty-eight eighty-seven cars going to the intersection.

MR. LA FIANDRA: That's thru the intersection, all dir, all approaches?

MR. SCHMID: All approaches.

MR. LA FIANDRA: Okay and did you say that you would expect twelve a.m. peak hour trips by a four bay service garage based on your analysis?

MR. SCHMID: I believe that was my answer, yes. Yeah, twelve in the morning.

MR. LA FIANDRA: And so, twelve as a fraction of the number that you just mentioned is like less than one percent, is that right? It's about a third of a percent?

MR. SCHMID: (inaudible).

MR. LA FIANDRA: Third of a percent?

MR. SCHMID: Yeah.

MR. LA FIANDRA: And how about for the p.m. peak

hour? Does that tell you how many cars go through that intersection?

MR. SCHMID: It's listed forty-eight thirty.

MR. LA FIANDRA: Okay. So, then --

MR. SCHMID: We have nineteen.

MR. LA FIANDRA: Nineteen would be about --

MR. SCHMID: Point four percent.

MR. LA FIANDRA: Point four percent?

MR. SCHMID: Yeah.

MR. LA FIANDRA: Okay and is that a de minimis impact?

MR. SCHMID: Yes, it's a very de minimis --

MR. LA FIANDRA: Was that my copy?

MR. SCHMID: That's your copy.

MR. LA FIANDRA: Thank you.

CHAIR: So, isn't the real question though, not the total number of, in the intersection, isn't it really the eastbound Joppa Road?

MR. SCHMID: It's the critical part that's controlling --

CHAIR: That, that, that's really the point you have to look at, right?

MR. SCHMID: Yeah, um hm.

CHAIR: Okay.

MR. LA FIANDRA: So, if we look at that then, I want

to make sure I give you the right one. Can you determine what that is? That's the eastbound a.m. peak.

MR. SCHMID: Is six hundred and twenty-six.

MR. LA FIANDRA: And we had just said that the a.m. peak is, you established, you're estimating twelve?

MR. MCCANN: Objection. It's actually relative impact.

MR. SCHMID: Right.

MR. MCCANN: Compared to --

CHAIR: Yeah.

MR. SCHMID: But we're all not, we're, all that traffic is not coming from that direction obviously.

MR. LA FIANDRA: Okay. So, explain that for me. I don't understand.

MR. SCHMID: Well, we're going to have people coming from eastbound Joppa Road, westbound Joppa Road.

MR. LA FIANDRA: So, that's an apples and oranges comparison, we can't do that. But we can look at the twelve compared to the overall number that you said, like the thirty-seven hundred.

MR. SCHMID: It's, I mean, this is the de minimis, this, I mean, --

MR. LA FIANDRA: This is de minimis de minimis.

MR. SCHMID: There's so many --

MR. MCCANN: Objection. Objection for the record and

ask for a continuing objection.

CHAIR: Okay.

MR. LA FIANDRA: He was just cross examined for an hour on the impact of the intersection.

CHAIR: Okay. I overruled the objection.

MR. MCCANN: The percentage of impact is irrelevant.

CHAIR: Okay.

MR. MCCANN: It's the percentage of impact compared to what it would be inherently associated.

CHAIR: Gotcha.

MR. MCCANN: That's the, the delta we're talking about.

CHAIR: Okay.

MR. MCCANN: Not this amount of traffic compared to the total amount of traffic.

CHAIR: Well, well, now, you know, really in fairness --

MR. MCCANN: Yeah.

CHAIR: -- okay, Mr. Zimmerman spent --

MR. MCCANN: Okay.

CHAIR: -- a fair amount of time I think on this point actually. If I understood him correctly, understood his cross. Maybe I didn't.

MR. MCCANN: That's fine, I'll, I'll address it (inaudible).

CHAIR: Okay.

MR. LA FIANDRA: Do you know what the, if you, if you know, what is the average daily volume, daily volume through the intersection? Do you, is that not on here?

MR. SCHMID: It was on there. Maybe the second page. Fifty-six thousand nine hundred and forty-eight.

MR. LA FIANDRA: And the average daily number of trips from this use is one hundred and sixty?

MR. SCHMID: One sixty.

MR. LA FIANDRA: Right, okay. And then there was a question from the Chair and then another question by Mr. Zimmerman, the, the U-turn at the light at Joppa Road on, from, approaching Loch Raven traveling north at, at Joppa Road, first of all, that's, that's a legal U-turn at that light, is that correct?

MR. SCHMID: That's correct.

MR. LA FIANDRA: And, and you were saying, but I may not have understood, the phasing of the lights protects the turner, the, the person making the U-turn?

MR. SCHMID: There's a green arrow, that's only, the left turn proceed on a green arrow only.

MR. LA FIANDRA: Okay.

MR. SCHMID: And the green arrow means they have the right of way.

MR. LA FIANDRA: Okay.

MR. SCHMID: Nobody else is conflicting.

MR. LA FIANDRA: Now, there was one other point that you made that I wanted to clarify. This use would be, generate more or less adverse effects if it were mid-block compared to at the corner?

MR. SCHMID: It would generate a much higher impact if it was mid-block.

MR. LA FIANDRA: And is that because of the, you called it earlier, full movement, in and out?

MR. SCHMID: There's, you're going to be allowing those conflicting movements and those con, conflicting movements would cause much more of an impact than the right in and the right out we're proposing.

MR. LA FIANDRA: So, here we have, everybody's always making a right turn to get on or off of the sites?

MR. SCHMID: That's correct. It's the simplest move that you can make at an intersection.

MR. LA FIANDRA: Okay. Thank you.

CHAIR: Mr. McCann?

MR. MCCANN: No questions, thank you.

MR. ZIMMERMAN: Just a couple. The estimate that you gave of twelve potential peak hour trips, is that, is that based on some national --

MR. SCHMID: It's based on the Institute of Transportation Engineers Manual.

MR. ZIMMERMAN: Okay. But Valvoline's actual use might be different from that indicated in the manual?

MR. SCHMID: Oh, yeah. I mean, there are averages of studies all over the country so, yeah, they could be slight, they could be different in one location versus another.

MR. ZIMMERMAN: And when was that manual, when were those numbers done?

MR. SCHMID: Tenth edition just came out this year.

MR. ZIMMERMAN: And you did review the tenth edition?

MR. SCHMID: Yes, sir.

MR. ZIMMERMAN: And the category was oil lubrication?

MR. SCHMID: Quick lube center, quick oil lube center, is the, is the land use category. It's not a gas station or, there's another land use code for automobile service facility that has something like across the street, much better, bigger services and more services.

MR. ZIMMERMAN: Okay. Now, you've heard Mr. Kazazian indicate there are twenty-seven Val, Valvolines in the State of Maryland.

MR. SCHMID: Twenty-seven and three in process.

MR. ZIMMERMAN: Okay. Did you attempt to get a survey of how many peak hour uses there are at those locations?

MR. SCHMID: No, if I, if I did that, I'd have to, I'd have to sample like ten stores to be accurate. They, the County wants me to use the IT manual and I use the IT manual

when, when there's land use code in there that reflects my use.

MR. ZIMMERMAN: Well, whatever the so called County wants, could you have even have asked Mr. Kazazian, well, what's been your experience peak hour?

MR. SCHMID: Well, his experience is averaging sixty people a day, which makes a lot of sense because if he averages sixty ve, sixty customers a day, that's a hundred and twenty trips, coming in is one trip, you go out as another trip. And then you have employees, eight employees and some on shifts, some go to lunch and such, so you add another thirty or so trips and IS, ITS made it one sixty and we're at about one fifty, one sixty, so.

MR. ZIMMERMAN: Let me just ask you this, you, following up on your observation, you can get through a Valvoline in ten minutes, correct?

MR. SCHMID: Yeah, um hm.

MR. ZIMMERMAN: So, if that, if that's true, then with maybe a, arguably a slight variation, you could have six per hour in one bay, six times ten is sixty minutes.

MR. SCHMID: Yeah, if everybody didn't, if everybody was there at the same time.

MR. ZIMMERMAN: (inaudible).

MR. SCHMID: Waiting to get in, you could do that.

MR. ZIMMERMAN: Well, you could potentially --

MR. SCHMID: But that doesn't happen.

MR. ZIMMERMAN: -- you know, you could potentially get six at each bay, twenty-four, you could get twenty-four in one hour, if that were true, and if it were fifteen minutes, you're at sixteen per hour. That seems like a lot bigger capacity then, then matches up with what, what your traffic estimates are.

MR. SCHMID: I don't know what your point is. The capacity of a McDonald's drive in is ten times what comes in and out of a McDonald's. I don't understand your point.

MR. ZIMMERMAN: Well, the point is, with this capacity, there could be much more use than is being estimated and, and wouldn't it make sense then, even if the Board otherwise thinks this is an appropriate special exception, wouldn't it be appropriate to, to moderate it and have two or three bays, could easily handle the, the estimated traffic, even without waiting. I mean, the numbers I gave you are so nobody has to wait a minute. Isn't this, isn't this, you know, excessive use of the site if, if those numbers are correct?

CHAIR: Isn't that sort of a business question, more than a question?

MR. SCHMID: Yeah. I mean, we try, on any of these uses, we try to contain the impact to the site. So, if I have a car wash at a Royal Farms, I want to make sure I have enough stacking area in site to do it, to take care of that. Same thing here. I want to make sure a customer, if I go to

Valvoline, I like going to Valvoline because I don't wait. I can pull up there and if I wait for one guy to get done then that's the most I wait. And the more drive thrus I have the less chance I have to wait which is, makes me a happy customer.

MR. ZIMMERMAN: Yeah. Well, and I'm going to get off this in a minute. The point of my question is this. It, it's possible, you know, the Board could say oh, there's no, zero problems at this site. The Board could say yeah, there's significant problems or, from a traffic point of view. Or it could be a gray area. It could, I know you think there's zero problems, I get that. But if, let's say, the Board concludes well, there's, there is some problems here and there's some legitimate concern. So, maybe two or three bays is enough for this small, relatively small site, that four is too much, they don't need four and --

MR. SCHMID: Oh, I guess that's your opinion.

MR. ZIMMERMAN: That, that's a, I'm just giving you a hypothetical. I don't know what the Board is going to conclude. Maybe they'll agree with you that it's, whatever. All right. That's all I have, Mr. Chair.

CHAIR: Okay, thank you.

MR. MCCOMAS: I have a couple questions.

CHAIR: Sure.

MR. SCHMID: Sure.

MR. MCCOMAS: Will, will the, in your opinion, will

the U-turn exasperate the stacking because the right hand turn lane will have to wait for them?

MR. SCHMID: Oh, the right hand coming off of --

MR. MCCOMAS: Yeah, yeah, coming off, you know, the eastbound --

MR. SCHMID: They'll have to yield to them, yes.

MR. MCCOMAS: The, do you think that will exasperate the stacking or, or do you think it's just because there's not enough cars here?

MR. SCHMID: I mean, the, the numbers we're talking about here, we're probably, from that direction we may get three peak hour U-turns.

MR. MCCOMAS: That's it. And then the other, just sort of similar question is, on the exit out from the, the north side of the, is that a two lane exit or is that a one lane exit?

MR. SCHMID: One lane exit.

MR. MCCOMAS: So, how would, how would like one of the tanker trucks or UPS truck or anybody like that make a delivery in this facility?

MR. SCHMID: Well, it's striped, so it's striped down as a one lane --

MR. MCCOMAS: Yeah, but how would they make a, if somebody is sitting there, how, how, how are they going to make the turn in there? I mean, is there enough room, basically,

for, for the tanker trucks and the, you know, UPS, somebody mentioned in one of the testimony earlier about deliveries, maybe it was you.

MR. SCHMID: Um hm.

MR. MCCOMAS: How's that all going to happen because it looks like it can only happen on the north side of the facility?

MR. SCHMID: No, the, the entrance on Loch Raven Boulevard is built to commercial standards, State Highway commercial standards.

MR. MCCOMAS: I understand that, but I think the, the prior witness testified that the storage units of the tank, of the, of the oil tanks are all on the north side.

MR. SCHMID: Um hm.

MR. MCCOMAS: And that's where all the pieces are. So, I'm assuming, like, let's say a tanker truck would come in on the north side and he, and maybe the UPS because they're thinking that's the front of the facility, how's that, how's all that traffic --

MR. SCHMID: But they can't come in the front.

MR. MCCOMAS: No, then okay. So, --

MR. SCHMID: Do not enter, one way.

MR. MCCOMAS: So, then they're going to have to go through, so they have to go in and then U-turn out the wrong way or go through the, the --

MR. SCHMID: Well, you can go right out on Loch Raven for the employees, yeah. You can come in the back --

MR. MCCOMAS: Then can you describe to me --

MR. SCHMID: -- deliver and then come back out on Loch Raven Boulevard.

MR. MCCOMAS: Out against traffic that's one way?

MR. SCHMID: No, the --

MR. MCCOMAS: Maybe I'm missing something, but if it's all one way facility, how --

MR. SCHMID: -- the, the access on Loch, the access on Loch Raven Road is two way, inbound and outbound.

MR. MCCOMAS: On Loch Raven it's two way?

MR. SCHMID: Yes, inbound and outbound.

MR. MCCOMAS: Okay. Because that's how the employees are getting, all right, got it.

MR. SCHMID: Because that's how the, that's how the parking spaces get out.

MR. MCCOMAS: All right, that's the part I'm missing. All right.

MR. SCHMID: Yeah, that's how the parking spaces get out.

MR. MCCOMAS: And so, the tanker trucks are coming in that way as well and the UPS trucks are all going to come in that way?

MR. SCHMID: I would assume the civil engineer has

already looked at the turning radiuses when you lay out the site.

MR. MCCOMAS: Right, that's what I'm getting to, right.

MR. SCHMID: I, I did not. I did not, no. I typically would on a gas station site because, but I'm not sure how big the tankers are that deliver oil here, so.

MR. MCCOMAS: All right. Thanks.

MR. SCHMID: Okay.

CHAIR: Any other, further questions?

MR. LA FIANDRA: Nothing.

MR. MCCANN: No.

CHAIR: Okay.

MR. LA FIANDRA: I mean, I just would like to make sure that all my exhibits are in before I close my case.

CHAIR: Okay.

MR. LA FIANDRA: (inaudible). Just so the record is clear, I'll move twelve, thir, Petitioner's twelve, thirteen and fourteen in.

CHAIR: Yes. So, how many witnesses do you think, Mr. McCann?

MR. MCCANN: Well, I may just have one and then maybe, assuming, I represent two clients --

CHAIR: I, I'm not trying to cut you short.

MR. MCCANN: Yeah. But what I'd like to do is one

and --

CHAIR: Okay? And, and you know what? If we can't finish today, we can't finish today.

MR. MCCOMAS: We have a hard stop at 4:30 anyway so, just so --

MR. MCCANN: Yeah, no, we're, we're not putting on all these witnesses. I, I, what I'd like to do is put on one and as long as that goes well --

CHAIR: But, I mean, --

MR. MCCANN: -- I may just ask the other witness to say do you agree with everything that was just said or maybe even make that proffer.

CHAIR: That, that, that's fine. But I, please understand that I am, we, we have no, we, we will not cut you short, okay? You take the time you need and if we have to come back another day, we will, we will come back another day, that's what we're all paid to do, so.

MR. MCCANN: These will be short witnesses.

CHAIR: Okay, all right.

MR. MCCANN: If there's more than one, it will be short.

CHAIR: Okay.

MR. ZIMMERMAN: And I have no witnesses. I do have some documents, which it may facilitate if I get these documents in before Mr. McCann --

CHAIR: Before the witnesses?

MR. ZIMMERMAN: Yeah, before his witness.

CHAIR: Okay.

MR. ZIMMERMAN: It may be helpful.

CHAIR: Is that okay with you?

MR. MCCANN: It doesn't matter to me.

MR. ZIMMERMAN: For most, at least most of my documents and I think I can do it quickly.

CHAIR: Okay. Have you seen the documents?

MR. ZIMMERMAN: Some.

MR. LA FIANDRA: I was given a couple of documents, I don't know about what he has.

CHAIR: Okay.

MR. ZIMMERMAN: So, this, are we up to thirteen?

MS. JOLIVET: This is thirteen.

MR. ZIMMERMAN: Yeah. So, last time we had a document, it may have been ten or eleven, anyway it was some history of the 1989 case, which Mr. La Fiandra pointed out was difficult to read. So, we got a copy of a more legible version, okay?

CHAIR: Okay.

MR. ZIMMERMAN: Which I did --

MR. LA FIANDRA: Yes.

MR. ZIMMERMAN: -- provide to Mr. --

CHAIR: And this would be then People's Exhibit --

MR. ZIMMERMAN: Thirteen?

CHAIR: Thirteen.

MS. JOLIVET: Well, you're not replacing it with the first, you're making it a separate exhibit?

MR. ZIMMERMAN: Well, I, I thought, well, whatever the Board prefers but this is, this is case number 89-510-SPHA. This actually deals with 1701 East Joppa Road, which is the, it shows the history of that site for what it's worth. The, that it's long standing use. I think it --

MS. JOLIVET: Okay. Yes, thank you.

MR. MCCANN: (inaudible) while Mr. Zimmerman is doing this? Okay.

CHAIR: Sure, yeah.

MR. ZIMMERMAN: You don't want to see what I've got? Okay.

MR. MCCANN: Well, I'll look at it and, when it's in.

MR. ZIMMERMAN: All right. So, and I think this one I gave to Mr., the next one, number fourteen, --

MR. LA FIANDRA: So, pardon me, is that going to be number thirteen?

MS. JOLIVET: Yes.

MR. LA FIANDRA: The revised? Okay.

MR. ZIMMERMAN: Yeah, it's simpler that way. Fourteen, I, rather than waiting till the memo, I, I have the dictionary and Miriam Webster's dictionary, front and back.

CHAIR: Okay.

MR. ZIMMERMAN: So, Mr. La Fiandra will have advance notice.

CHAIR: So, that's People's fourteen, all right.

MR. ZIMMERMAN: All right.

CHAIR: Just give it to him.

MR. LA FIANDRA: Is that the exhibit that you showed Mr. Kazazian?

MR. ZIMMERMAN: Yes.

CHAIR: No, no.

MR. LA FIANDRA: Is that the same one?

CHAIR: This is different.

MR. ZIMMERMAN: No, no, it's diff, no, I, that was in, I was discussing inherent, that's already, the definition of inherent is already in.

MR. LA FIANDRA: And which number was that?

MR. ZIMMERMAN: Twelve?

MS. JOLIVET: Twelve.

MR. ZIMMERMAN: Twelve was Webster's on inherent.

MR. LA FIANDRA: Oh, oh, yes, that's right. Oh, oh, I see.

MR. ZIMMERMAN: And fourteen, fourteen is Webster's on front and back, which I think I gave you.

MR. LA FIANDRA: Got it. You did. I think it, let me just make sure that that's in here.

MR. ZIMMERMAN: Okay.

MR. LA FIANDRA: Yes.

CHAIR: Okay. That's, that's admitted.

MR. LA FIANDRA: Okay.

MR. ZIMMERMAN: All right. Then fifteen, although maybe the Board has many, many photos but I, we took a number of other photos of the intersection from different perspectives I think I gave this to Mr. La Fiandra as well.

CHAIR: Okay.

MR. ZIMMERMAN: I guess I didn't mark them A, B, C, D but, but it's a series of photos. I wasn't going to ask questions about them.

CHAIR: Okay.

MR. ZIMMERMAN: If, if questions are asked, we can mark them A, B, C, but and, and I think we attempted to get each --

CHAIR: I think that's, I think (inaudible).

MS. JOLIVET: Do you have extras for me (inaudible)?

MR. ZIMMERMAN: Did I give, how many did I give?

MS. JOLIVET: Not for the dictionary you didn't.

MR. ZIMMERMAN: I didn't give you one for the dictionary?

MS. JOLIVET: Or, or thirteen.

MR. MCCOMAS: Yeah.

MR. ZIMMERMAN: I think, I think (inaudible).

MS. JOLIVET: Okay.

MR. MCCOMAS: Here you go, here you go.

MR. ZIMMERMAN: Do we have enough?

CHAIR: Yeah, yeah, we're good.

MR. ZIMMERMAN: Are we missing any for Ms. Randall Jolivet?

MS. JOLIVET: This is fifteen.

MR. ZIMMERMAN: Do, do you have --

MS. JOLIVET: I don't have, this is --

MR. ZIMMERMAN: Which one is, the dictionary?

MS. JOLIVET: Fourteen or thirteen, the dictionary or this. Thank you.

MR. ZIMMERMAN: And, and, and the other one, --

MS. JOLIVET: Is thirteen.

MR. ZIMMERMAN: Thirteen was --

MS. JOLIVET: Which is the, this --

MR. MCCOMAS: That's not here. Hey, Pete, I got a quick question for you. I'm looking at this. It looks like you're giving me something from 6/3/89, but I'm looking at the revision history and I, I can't tell whether that's 0 or 8, they don't look like they're matching up. Look at the re, I'm assuming that's tracking the revisions by the engineers, not by the development.

MR. ZIMMERMAN: Well, the --

MR. MCCOMAS: And I can't see it that well.

MR. ZIMMERMAN: -- the dates, the revision dates are 1989.

MR. MCCOMAS: They are '89?

MR. ZIMMERMAN: It's hard to read.

MR. MCCOMAS: I'll never profess to be 20/20 vision anymore.

MR. ZIMMERMAN: I, I, I believe, looking at plan preparation, if my, if my vision is good enough, it looks like '89 and I think it matches up with the Petition. I admit it would be good, ah, and then at the bottom there's a signature 6/23/89.

MR. MCCOMAS: Well, that, that's the part I was trying to reconcile, whether (inaudible) --

MR. ZIMMERMAN: Oh, oh, that was the other page.

MR. MCCOMAS: -- whether that's the right design document for that, and they --

MR. ZIMMERMAN: I, I believe, I believe it is and it came with, it came from the microfilm with this. If we go back and find that it's incorrect will, or if Mr. La Fiandra can, can find that we'll get it. The main point was to show that in 1989 that was approved. It wasn't so much to get the details of the site plan. But, I mean, the site plan looks consistent with the opinion. And then I, I think Madam, Chair panelist, are we missing one extra exhibit?

MS. JOLIVET: Thirteen.

MR. ZIMMERMAN: Is that, is that the 1989 document?

MS. JOLIVET: The zoning history, yes. Thank you.

MR. MCCANN: This is fourteen?

MR. ZIMMERMAN: Yeah. And sixteen, which I think Mr. McCann wants to make use of, which I haven't yet shown to Mr. La Fiandra.

MR. MCCANN: Yeah.

MR. ZIMMERMAN: We asked the GIS staff as we often do to, to get maps and they provided a map of the County commercial revitalization districts County wide, along with the naming of them and, and acreage and I have smaller copies. I'm going to show it to Mr. La Fiandra.

MR. LA FIANDRA: So, what's the source of this?

MR. ZIMMERMAN: The source of this is the, the GIS and the County planning sources in comm, and information technology. They have Planning Department sources.

MR. LA FIANDRA: So, this was prepared on March 8th?

MR. ZIMMERMAN: Yes.

MR. LA FIANDRA: This is not, is this an official document of Baltimore County?

MR. ZIMMERMAN: It's prepared by the GIS staff based on the Planning Department sources that they have.

CHAIR: GIS staff is part of Baltimore County?

MR. ZIMMERMAN: Baltimore County.

CHAIR: Yeah.

MR. ZIMMERMAN: Geographic Information Services. I mean, we can bring in the witness, Ryan Sale (phonetic), he's been qualified in other cases.

MR. LA FIANDRA: What does the, this, what does this --

MR. ZIMMERMAN: Which, he was cal, he was able to calculate the number of acres in each commercial revitalization district.

MR. LA FIANDRA: Do you have, do you have a copy for me?

MR. ZIMMERMAN: Oh, yes.

MR. LA FIANDRA: I won't have any objection to this.

MR. ZIMMERMAN: So, the, and I'm sure Mr. La Fiandra can, can double check on the County website.

CHAIR: So, the large one is the exhibit, right?

MR. ZIMMERMAN: The large one is the exhibit but we facilitate by providing the Board with eight and a half by eleven versions of the same exhibit. We can give the Board two of the miniatures.

MS. JOLIVET: Thank you.

MR. ZIMMERMAN: And I guess at the moment we'll just stick it on. If Mr. McCann may want to use it, but, we'll put it on the easel.

MS. JOLIVET: Okay, thank you.

MR. LA FIANDRA: Did you have a copy for me?

MR. ZIMMERMAN: Yes.

CHAIR: Is this thirteen?

MR. ZIMMERMAN: I think we're up to sixteen.

CHAIR: Sixteen, I'm sorry.

MR. ZIMMERMAN: And sim, we did, we asked GIS staff, Ryan Sale, who has been, did testify in one of the solar cases and was accepted, we asked him to locate the, the BL zoning districts, including those with overlays and I'm going to show the miniature copy to Mr., or give Mr. La Fiandra a copy.

MR. LA FIANDRA: Thank you. So, these are the zoning overlays, not the revitalization district?

MR. ZIMMERMAN: These are, these are the BL zones, including the BL without a AS or CCC and so one. But also the BL's that have overlay districts.

MR. LA FIANDRA: So, let me just ask, you say BL zoning area is one thousand eight hundred and eighty-eight acres. Does that include these other acres?

MR. ZIMMERMAN: No, those are separate.

MR. LA FIANDRA: Those are separate, okay.

MR. ZIMMERMAN: Those are separate. And we simply asked GIS to come up with this information for what it's worth for the, you know, obviously we think it has some relevance.

CHAIR: And this is seventeen, right?

MR. ZIMMERMAN: Seventeen. To, to give some idea of the County wide scope of the BL zone, noting also we didn't do

this, but the business major zones allows the uses in the BL zone as well, but.

MR. LA FIANDRA: As does the BR.

MS. JOLIVET: Can I have the extra one?

MR. ZIMMERMAN: As, Mr. La Fiandra points out, does the BR zone. So, there is some interrelationship, but we just did the BL and, and again, we have the larger version, which is easier to read, so I'll just put the sticker on the larger version which, yeah. And again, our.

MS. JOLIVET: Do you have two more?

MR. ZIMMERMAN: I may have one more.

MS. JOLIVET: One more.

MR. ZIMMERMAN: I may, well, Mr. McCann may have some overlap on this but what we did do, and, and incidentally, the reason for this is, under *Schultz v. Pritz*, they're requesting are, are there adverse effects to, and are they significantly over and above what might be elsewhere in the zone? So, we thought it provides some perspective to see just where the BL zones are.

CHAIR: Okay.

MR. ZIMMERMAN: And the other thing, we, we did what we consider to be some legislative history relating to the ongoing establishments and revisions of the commer, Loch Raven commercial revitalization district. And these are, this exhibit has several newspaper articles, which we think is, you

know, part of the history. And I know in some other cases, I know the, we had a case involving the constitutionality of the County's hookah lounge midnight curfew and we did introduce this sort of document as part of the legislative history.

MS. JOLIVET: Thank you.

MR. LA FIANDRA: I don't see any legislative history here. I would object to this.

MR. ZIMMERMAN: All right.

CHAIR: Well, what is it, a collection of newspaper articles?

MR. LA FIANDRA: Yeah.

MR. ZIMMERMAN: Yeah, giving, quoting Councilman Marks and others --

CHAIR: Sort of the anecdotal history.

MR. ZIMMERMAN: -- relating to the background of the commercial revitalization districts.

MR. LA FIANDRA: Your Honor, --

MR. ZIMMERMAN: It's an administrative hearing and I, I think it has some value.

CHAIR: Okay.

MR. LA FIANDRA: And these are, these are newspaper articles written by people who are not subject to cross examination. This is obviously being offered for the truth of the matter contained here and it, and this is not legislative history.

CHAIR: No.

MR. LA FIANDRA: If they had committee reports or tallies of votes or --

MR. ZIMMERMAN: No.

MR. LA FIANDRA: -- different planning documents that they, reports of different types that they wanted to introduce, I would have no objection. But this is not, there's, there's no exception in the rules for this type of document.

CHAIR: So, so these are articles. One of them is from the Baltimore Sun.

CHAIR: Yeah. Well, the Board, may, may I just observe that classically, according to my understanding, there's such a thing as internal legislative history and external legislative history. Internal legislative history would be committee reports, such as we have in congressional committees or the official County fiscal notes, that would be internal legislative history. But Courts will sometimes take a look at the so called external legislative history for what it's worth and I, this being an administrative hearing, I, I do submit that it's of some value and it does dovetail with the various Council resolutions which we, which we did submit.

CHAIR: All right. Well, we'll, we'll admit it, I mean, you don't, I mean, this, this is pretty marginal stuff.

MR. ZIMMERMAN: All right.

MR. LA FIANDRA: This is oral history. This is not

legislat --

CHAIR: Yeah, this is an oral his, this is anecdotal history --

MR. LA FIANDRA: -- this is not legislative history.

MR. ZIMMERMAN: Okay.

CHAIR: And it's, it goes, the first article is six years old and, --

MR. LA FIANDRA: I renew my objection. This should not be let in, Your Honor.

MR. ZIMMERMAN: I think, I think they dovetail with some of the Council resolutions so I, I think there's, it's a little better than marginal but the Board will decide what --

CHAIR: Whether it's, it may be a little less than marginal actually but.

MR. ZIMMERMAN: All right. I think it's consis, I think, I mean, I think we could make the same points --

CHAIR: It's, it's, it's --

MR. ZIMMERMAN: -- without putting this in. I admit, but.

CHAIR: I, I think that's probably true. But we'll admit it because let's have the record be complete for all parties, okay?

MR. ZIMMERMAN: All right. And the other thing, this is partly to give Mr. La Fiandra fair notice, since one of the issues that we've had in the case is just what is the front and

is there a front yard setback issue, if the Board finds that the front is Loch Raven, we have the County zoning regulations for, for BL front yard, which is Section 232.1. I think Mr. La Fiandra would have to admit that and then it refers to Section 303.2. So, we have, we have those for People's Counsel eighteen. And we will be arguing eventually in the memo that Loch Raven is the front yard and then consistent with the 1999 case, twenty-nine feet is the cal, the minimum calculation. So, the variance is actually necessary.

CHAIR: Okay.

MR. ZIMMERMAN: And I'm giving Mr. La Fiandra kind of --

CHAIR: Okay.

MR. ZIMMERMAN: -- a heads up so, so he can --

MR. LA FIANDRA: I appreciate the heads up.

MR. ZIMMERMAN: -- tell us why --

MR. LA FIANDRA: And for the record, I don't think this needs to be admitted but obviously I understand that's the practice of the Board so.

CHAIR: Well, it's, right, so.

MR. ZIMMERMAN: Does the Board --

MS. JOLIVET: I need an extra. Thank you.

MR. ZIMMERMAN: Okay and I think that completes my exhibits and hopefully we can perhaps conclude today.

CHAIR: Okay.

MS. JOLIVET: Okay. I need to run out, I'll be right back, for just a moment.

CHAIR: Should we take a five minute break here?

MS. JOLIVET: You don't have to. I was just going to run out, I was going to be right back.

CHAIR: Okay.

MS. JOLIVET: You don't have to, I'll be right back.

MR. ZIMMERMAN: I would love five minutes.

MR. LA FIANDRA: Maybe you need five, I need five.

MR. ZIMMERMAN: I, I need --

CHAIR: We're going to take five min --

(RECORDING PAUSED - 03:10:18 PM)

(ON RECORD - 03:19:05 PM)

CHAIR: Everyone can be seated. We're back on the record, --

MR. MCCOMAS: No, not yet. I screwed up.

CHAIR: No, not yet.

MR. MCCOMAS: There you go.

CHAIR: We're back on the record and we've got all the exhibits in and Mr. McCann, you can call your first witness.

MR. MCCANN: Thank you very much.

MR. ZIMMERMAN: Thank you, Mr. Chairman.

MR. MCCANN: I'm going to move this if that's okay.

VOICE: (inaudible).

MR. LA FIANDRA: Your Honor, this is the attendant sheet.

CHAIR: Okay.

MR. LA FIANDRA: This is the sign in sheet for the Petitioners. Oh, and then there's People's Counsel's (inaudible).

CHAIR: Okay.

MR. LA FIANDRA: Also, there's a gentleman in the audience who just asked me to make sure that you were aware that he was here. He's unrepresented by counsel. It's Mr. Gastro (phonetic), right back there. He, he asked me to just make sure that he has an opportunity to say something.

CHAIR: Okay, sure. Fine.

MR. MCCOMAS: You all set? Raise your hand. Do you swear and affirm under the penalties of perjury the testimony you're about to give is true and correct to the best of your knowledge and belief?

MR. MOULDER: I do.

MR. MCCOMAS: Please state your name, your address for the record and spell your last name and your business.

MR. MOULDER: My name is Peter Moulder, last name is M-O-U-L-D-E-R. I live at 1552 Dellsway Road, Towson, Maryland 21286. Was there something else, what was, what was the last part?

MR. MCCOMAS: Your business, yeah.

MR. MOULDER: I am currently retired, so.

CHAIR: Okay.

MR. MCCOMAS: You can sit.

MR. MOULDER: All right.

MR. MCCOMAS: Just adjust the microphone there.

MR. MOULDER: Okay.

CHAIR: And as you've heard us say to everyone else, try and keep your voice up.

MR. MOULDER: Keep my voice up. Thank you. All right.

MR. MCCANN: Okay, Mr. Moulder, good afternoon, finally. Tell us, if you would, where you live?

MR. MOULDER: I, I, as I said, I live at 1552 Dellsway Road in Loch Raven Village.

MR. MCCANN: Okay and explain generally where Loch Raven Village is in relationship to this site?

MR. MOULDER: Generally to the south and west --

MR. MCCANN: Okay.

MR. MOULDER: -- of the site. Loch Raven Village, I'd say general boundaries would be about Joppa Road to the north, Loch Raven Boulevard to the east, Taylor Avenue/Goucher Boulevard to the south and LaSalle Road to the west.

MR. MCCANN: I'm sorry, so you're now, you just described Loch Raven Village itself, the development, the development?

MR. MOULDER: Correct.

MR. MCCANN: Okay.

MR. MOULDER: Yeah.

MR. MCCANN: Yeah, I was just asking you where your house was.

MR. MOULDER: Oh, I'm sorry.

MR. MCCANN: But, I don't think your house is that big.

MR. MOULDER: Sorry.

MR. MCCANN: That's okay.

MR. MOULDER: It's been a long day.

MR. MCCANN: It's okay, it has. So, you are affiliated with the organization known as Associates of Loch Raven Village?

MR. MOULDER: Yes, I am. I'm the Vice President and Board member of the Associates of Loch Raven Village.

MR. MCCANN: Okay and how long have you been Vice President and a Board member of that organization?

MR. MOULDER: I think I've been three years.

MR. MCCANN: Okay, all right. I'm, I have some Rule 8 papers here, Mr. Evans.

CHAIR: Okay.

MR. MCCANN: I'd like to take care of first.

CHAIR: All right.

MR. MCCANN: Before I ask the witness any more

questions and I've given a copy to Mr. La Fiandra.

MR. LA FIANDRA: Yes.

MR. MCCANN: And I have an original here.

CHAIR: Okay.

MR. MCCANN: So, I don't know if you want to mark it collectively as a single exhibit, there's three pages, of course. So, maybe that would be easier for this, if that's okay.

CHAIR: Sure.

MR. MCCANN: A single exhibit which would be Protestant's Exhibit 15, I believe.

MS. JOLIVET: Yes.

MR. MCCANN: So, I guess it would be 15-A, B and C. And I don't have an extra copy for the Board (inaudible) necessary.

CHAIR: No, it really isn't necessary.

MR. MCCANN: Okay and, and the documents speak for themselves. I'll ask the question some more, the witness some more questions. But maybe I'll do that first.

CHAIR: Are, are the Rule 8 documents good with you?

MR. LA FIANDRA: Your Honor, I wanted to point out that this Rule 8 paper, the resolution appears to have expired on March 15th by its own terms. This is not something that I'm making up. It's right here on page two of the papers. So, I know Mr. Moulder, I know he's testified in these cases before.

But I would note that, for the record, and I'll note an objection to his participation.

CHAIR: Okay, all right. Well, --

MR. MCCANN: I think that may be, in fact, and I can ask the witness this, was it because of the, we were scheduled, if you recall, prior to that, we were here a couple weeks ago and this is now an additional day, so.

CHAIR: Right, right.

MR. MCCANN: Maybe they weren't anticipating the, the delay in the hearing.

CHAIR: Okay.

MR. LA FIANDRA: I, I would note that there was a second day of the hearing that was advertised initially. This was not a, an, an add on day. When the dates first came out back in January that these, these dates were, both of these dates were selected. I understand the ruling is, what your ruling will be, I don't even need to really wait for it --

CHAIR: Right, right. We want to hear from Mr. Moulder.

MR. LA FIANDRA: That's fine.

CHAIR: From the community association.

MR. LA FIANDRA: Thank you.

CHAIR: So, we will overrule --

MR. ZIMMERMAN: And for the record --

CHAIR: -- your, we will overrule your objection.

MR. ZIMMERMAN: The hearing started on March 5th, so it would seem to me the Rule 8 would be --

CHAIR: Would be timely, yes. I think that's correct.

MR. MCCANN: Okay, thank you.

MR. LA FIANDRA: That's fine, thank you.

MR. MCCANN: So, Mr. Moulder, I know I'm jumping around a lot, but just tell us a little bit about Loch Raven Village, the, the, the neighborhood, the number of homes there, the type of homes there, generally speaking.

MR. MOULDER: Sure, there are fourteen hundred and seventy-two homes --

MR. MCCANN: Okay.

MR. MOULDER: -- in Loch Raven Village. The first homes were built in, starting in the late forties when the land on the east side of Loch Raven Boulevard was acquired. And then subsequent to that, land was acquired on the west side of Loch Raven, the old, I think it was called the Eudowood Sanitarium, home for consumptives. Those buildings were acquired over closer to what is, where Loch Raven Middle School is today. We're approaching, I guess, our seventy-fifth anniversary as a neighborhood. It's typical Baltimore townhomes, or row houses if you will, Georgian style architecture. The first people who purchased their lot worked at Bendix up on Joppa Road. The houses sold initially, inside

groups, inside of the groups, for about $6,000 and end of groups for $8,000, okay? When they first opened up selling in the last forties and early fifties.

MR. MCCANN: Okay. How, how big are the lots, generally speaking?

MR. MOULDER: The lots, inside group is generally I think about twenty by ninety and out, the end of groups I think are twenty, they are two feet wider, they are twenty-two feet wide and about the same length. It, it, there are some that vary. We'll find someone, some of the streets where there's a curve in the street or bend in the street where they, you know, some of them will have a bigger backyard or something like that, but that's generally correct.

CHAIR: These are two story or?

MR. MOULDER: Two story.

CHAIR: Two stories, yeah.

MR. MOULDER: Row homes, yes. With a, with a full basement.

MR. MCCANN: And these may be the easiest way to handle this. I have a map and maybe I can just have you circle where the neighborhood is because I'm sure we're all generally familiar where Loch Raven Village is. This will be sixteen.

MS. JOLIVET: Thank you.

MR. LA FIANDRA: Did the other copies have things circled or is it just --

MR. MCCANN: No, that's me.

MR. LA FIANDRA: Okay, okay.

MR. MCCANN: He's going to circle them for us.

MR. LA FIANDRA: Sure.

MR. MCCANN: It's hard to find a spot. Maybe the upper, upper right hand corner may be best.

MS. JOLIVET: Okay.

MR. MCCANN: (inaudible).

MR. LA FIANDRA: What is this?

MS. JOLIVET: Thank you.

MR. MCCANN: It's a My Neighborhood map.

MR. LA FIANDRA: I, I know. The number?

MR. MCCANN: Sixteen.

MR. LA FIANDRA: Sixteen.

MR. MCCANN: Thank you, Ms. Jolivet.

MS. JOLIVET: Sure.

MR. MCCANN: Okay. Mr. Moulder, take a look at Exhibit 16 if you would and do you recognize this map as a map of your neighborhood and the surrounding neighborhoods?

MR. MOULDER: I do.

MR. MCCANN: Okay. Real quick, and I don't want to belabor this, but I want to actually take a pen and roughly circle Loch Raven Village. It's, it's, Loch Raven Village is, is to the south of, actually on the bottom portion of the exhibit. But I just wanted to, if you could encompass sort of

the neighborhood. Okay. Is that, does Loch Raven Village include this neighborhood here or is that separate?

MR. MOULDER: Knettishall is actually its own community.

MR. MCCANN: Okay. Did you separate that out or?

MR. MOULDER: I can.

MR. MCCANN: Okay. It is separate? I'll ask you to identify these circles in a second. Okay. So, okay. Does Loch Raven Village also extend down here as well, where the word is written? I don't mean to rush you. It may seem like I'm rushing you, I don't want to do that.

MR. MOULDER: It, it does.

MR. MCCANN: Okay.

MR. MOULDER: Sorry. That's my mistake.

MR. MCCANN: Okay. Now I've really messed things up. Let's do this. Real quick, just highlight in yellow, if you would, the neighborhood of Loch Raven Village and I'll give you a yellow marker and the other ones we'll leave there, so go ahead and circle that.

CHAIR: And these are the, the geographic boundaries for the community association?

MR. MCCANN: Is that correct, Mr. Moulder?

MR. MOULDER: Yes.

MR. MCCANN: Okay. Okay. Okay, great. Thank you. Dino, you want to take a quick look at that?

MR. LA FIANDRA: Sure, thank you.

MR. MCCANN: We can mark it if you want but (inaudible).

MR. LA FIANDRA: Okay, thank you.

MR. MCCANN: Okay, great. And what I'll ask, also ask you to do are, are you familiar with the other neighborhoods around, that is Loch Raven Heights and Ridgely, and Ridgely Manor?

MR. MOULDER: Yes.

MR. MCCANN: Could you circle those in black ink, if you would, to distinguish them from the yellow of Loch Raven Village? Circle the houses, not the word Ridgely.

MR. MOULDER: Oh, okay.

MR. MCCANN: Yeah, I'm not being clear. (inaudible). What about Loch Raven Heights? Okay, all right, great. Dino, you want to take a quick look at that?

MR. LA FIANDRA: Yep. Got it.

MR. MCCANN: Okay.

MR. LA FIANDRA: Yep, thank you.

MR. MCCANN: All right. So, I would go ahead and move Exhibit 16 into evidence. And Mr. Moulder, how long have you lived in your home in Loch Raven Village, if I didn't ask that already?

MR. MOULDER: I'll be there thirty-one years in September.

MR. MCCANN: Okay. Do you have a family that grew up there?

MR. MOULDER: I do. I have a son and a daughter who both now own homes in Loch Raven Village. Our son is on Edgewood Road and my daughter is on Putty Hill Avenue.

MR. MCCANN: Okay and grandkids as well, I understand.

MR. MOULDER: I do have one, yes.

MR. MCCANN: Okay.

MR. MOULDER: On, on, that one is on Edgewood.

MR. MCCANN: Okay. The, could you briefly describe sort of the demographics of the neighborhood? That is, young folks, old folks, mix?

MR. MOULDER: There's a, there's a pretty good mix. The neighborhood is somewhat in transition. It, we still have some, believe it or not, original owners in the neighborhood. But we do have a lot of young families who are moving into the neighborhood. It's a, it's a neighborhood that's affordable for young families with good solid houses, great access to the Towson area, great access to transportation and all kinds of facilities, schools, etcetera, etcetera. So, it's, it's very convenient for people to live in. That's why I'm still there after thirty plus years.

MR. MCCANN: Okay. What did you do for a living, by the way?

MR. MOULDER: I worked in sales and marketing for twenty-five years with Proctor & Gamble, and then finished up the last ten years of my career with the J.M. Smucker Company, Smucker's.

MR. MCCANN: Jellies?

MR. MOULDER: Yeah.

MR. MCCANN: Among other things.

MR. MOULDER: Sold jam, jelly, coffee and cleaning products for a living, so.

MR. MCCANN: Okay. Are you familiar with the, the proposed Valvoline at this site at the corner of Joppa and, and Loch Raven?

MR. MOULDER: Yes.

MR. MCCANN: Okay and you've attended the hearings in this case?

MR. MOULDER: I have.

MR. MCCANN: And you've attended other meetings about the development over the course of, of time?

MR. MOULDER: That's correct. We were first informed about the project, I guess, I think it was back in September --

MR. MCCANN: Okay.

MR. MOULDER: -- perhaps by Councilman Marks, who brought it to our attention. We had several subsequent meetings about the project after that, both within the Associates of Loch Raven Village Board and with some of the

other nearby community associations and with the Towson Communities Alliance.

MR. MCCANN: TCA?

MR. MOULDER: Yes, correct.

MR. MCCANN: Okay and are you familiar with the commercial revitalization district that this site forms part of?

MR. MOULDER: I am, yeah.

MR. MCCANN: Okay and have you been involved over your tenure and maybe before that in the development of the commercial revitalization district and some of the other developments that have gone on within it?

MR. MOULDER: I have, yes.

MR. MCCANN: Could you give us some of that history?

MR. MOULDER: There had been a number of what we consider pretty positive developments along the corridor. For example, Loch Raven Commons project at LaSalle and Joppa Road. They're --

MR. MCCANN: Where is that, where is that in relationship to this site?

MR. MOULDER: That would be east, maybe a half mile.

MR. MCCANN: East or west?

CHAIR: East.

MR. MOULDER: I'm sorry, west.

CHAIR: West. Yeah, west.

MS. JOLIVET: West.

MR. MOULDER: West. West, maybe a half mile.

MR. MCCANN: Okay. What kind of development is that?

MR. MOULDER: It is a mixed use development.

MR. MCCANN: Okay.

MR. MOULDER: There's a Wawa, a new Wawa there, there will be some new restaurants, there is an Aspen Dental, an API, ATI Physical Therapy.

MR. MCCANN: Um hm.

MR. MOULDER: And there will be two hundred and thirty apartments back behind that development that are currently under construction.

MR. MCCANN: And that development fronts on, on Joppa Road, correct?

MR. MOULDER: Correct.

MR. MCCANN: Just to the west?

MR. MOULDER: Yeah, yeah.

MR. MCCANN: Okay. Other than Loch Raven Commons, anything else that has gone on with the commercial district over the last several years?

MR. MOULDER: Yes. Recently, the, the owner of the Bel Loc Diner, Mr. Docsanis (phonetic), decided to get out of that business and sell that location and Starbuck's bought the location and there is a new Starbuck's there at Joppa and Loch Raven.

MR. MCCANN: And where is that?

MR. MOULDER: Hm?

MR. MCCANN: Where is that in relation, what corner is that on?

MR. MOULDER: That is on the north east corner.

MR. MCCANN: So, diagonally across --

MR. MOULDER: Catty corner from, if you will, --

MR. MCCANN: Okay.

MR. MOULDER: -- from the proposed location.

MR. MCCANN: Okay and is that a, is that, is that Starbuck's a beneficial, benefits the community in, in your opinion? That is, as far as the commercial revitalization district is concerned?

MR. MOULDER: We looked at that as a positive development, yes. The Bel Loc Diner, for better, for worse, for all the memories that people had of going in there after proms or whatever it was, you know, and getting breakfast, the, the building was not in good condition and had suffered as a result, business had suffered. Two, I think it wasn't really viable in the evenings anymore so, it's just trends, things changing.

MR. MCCANN: Okay.

MR. MOULDER: So, the Starbuck's has been, you know, by all accounts, wildly successful in that location.

MR. MCCANN: Okay. Anything else along the Loch,

along the Joppa Road corridor?

MR. MOULDER: On the east side of Loch Raven Boulevard, the, Harold's Fruit Stand, Fruit and Garden Stand, they are closed. That property was sold and there's now a Gavigan's Furniture Store there, brand new store. In my opinion, you know, pretty nice building, everything. Yukazoo (phonetic) Books relocated out of the shopping center on Dulaney Valley Road across from the Towson Center Mall to the corner, to the south east corner of Loch Raven and Joppa, in one of the buildings over there. They --

MR. MCCANN: And book, it's a bookstore?

MR. MOULDER: It is a bookstore.

MR. MCCANN: Okay.

MR. MOULDER: Primarily used books. Baynesville Bike Shop, the new owner has reopened and kind of reinvigorated that business and that's in that same south east corner building.

MR. MCCANN: Okay.

MR. MOULDER: The Lazy Boy Furniture Store, which is closer to Pleasant Plains Road closed. That building is now a Mercy Medical, Medical Surgical Center, outpatient surgical center.

MR. MCCANN: And where is that, in what direction?

MR. MOULDER: That is west of the proposed location, maybe a tenth of a mile.

CHAIR: Is that on the north side of Joppa?

MR. MOULDER: That is on the south side.

CHAIR: South side of Joppa?

MR. MOULDER: Yeah. I'd say it's across from the Dunkin' Donuts.

MR. MCCANN: Okay.

CHAIR: Okay.

MR. MOULDER: Trying to do the best I can.

CHAIR: Yeah, no, no, that's --

MR. MCCANN: Is, and these are all things in the last several years that have come in?

MR. MOULDER: They are, yeah.

MR. MCCANN: Okay and has your association and other associations been involved in that process?

MR. MOULDER: We have been involved in quite a few, yes.

MR. MCCANN: And in what way?

MR. MOULDER: Particularly in the Loch Raven Commons project. The developers of that project came to the association early on in the process, talked to us about design features, types of uses that the community would be interested in seeing at that site and we were able to work with them and they matched up a lot of the design features of the site to kind of match up with the design features in the neighborhood. The Wawa is a red brick building, which kind of blends in. The only thing that, that didn't happen perhaps, it was that the

folks that own Loan Brothers, the party tent rental place there, he's fixed in that building and he didn't want to move so.

MR. MCCANN: Right next door?

MR. MOULDER: Yeah, that's a little bit different.

MR. MCCANN: Right.

MR. MOULDER: But it --

MR. MCCANN: But things are happening?

MR. MOULDER: Yeah, they worked quite closely with us and we felt like it was a real, real step forward. The Bendix building had been empty for, I don't know, ten or fifteen years and was a real eyesore. It was a place that we had to constantly call about, you know, just getting them to cut the grass and, you know, get the weeds down at the place.

MR. MCCANN: Okay. Are there properties along the Joppa Road corridor to the east or west of the subject site that are sort of on their way out, if that's a good way of putting it? That aren't doing well that you think are, are going to be changing over the --

MR. MOULDER: Well, M&M Auto, which is, I believe next to the McDonald's on the south side, just up the, very, very close to this proposed development, they have closed. They moved to Glen Burnie. That lot is vacant right now. You don't see a lot of traffic at some of the food service locations located around the south side there. The Sonic, the

McDonald's, the, there's a Hooters across the street and a Subway on the north side. How they're doing is questionable. We also have three motels in the district, which we're kind of hoping they, we're kind of hoping they do poorly actually because --

MR. MCCANN: Yeah.

MR. MOULDER: -- they're a detriment to the community right now.

MR. MCCANN: Okay. Were you involved, or was the, was the association involved in any way in the, the 1st Mariner Bank that was previously located at this site?

MR. MOULDER: We were. That was well before my time but the communities, Loch Raven Community Associations at the time supported that pretty vigorously. I think Donna Spicer was involved in that, as a representative of the community. They testified in support of that project.

MR. MCCANN: And, and, okay. And I know you're here on behalf of, of your association. Given your familiarity with what's been proposed and having sat through the hearing in this case, what concerns can you express to the Board today on behalf of the association about the project?

MR. MOULDER: Well, I, I feel like I've done considerable research on the, on the project and what's been, what's gone before.

If you look at the 1999 decision that approved a

bank, which was actually designed by Mr. Sharon's firm, I believe, the, the Zoning Commissioner who approved the variances in that case, Mr. Kotroco, he said that inasmuch as this particular corner is located at a prominent intersection and is the gateway to the Loch Raven communities, the Petitioners have attempted to design a design landscape package that will further enhance the site and be a benefit to the surrounding locale.

And we would still, we would agree with the Commissioner's assessment that he made then and we would kin of advocate that that's the same today. That it is a very prominent intersection. And it's different from the other intersections maybe along Joppa Road headed east and west, and that it is the gateway to our communities and to the greater Towson community.

MR. MCCANN: Okay. So, what's wrong with the Valvoline then at that site? What are your concerns about the Valvoline in particular?

MR. MOULDER: Well, our, our concerns are that we're going to return to an auto service use, something that was replaced by Class B office building twenty years ago, which by many people's accounts, it is a pretty attractive structure, pretty valuable structure. The property itself is listed for over $1.5 million if I'm not mistaken. We think it presents a better look for our community. If people are coming to our

community from the beltway, whether they're, you know, friends, relatives, people who are, are looking to look at homes in our neighborhood, the first thing they see is a four bay auto service garage, we don't think is particularly positively impactful.

There are also some concerns around the preponderance of auto service use locations within the district. This would represent the tenth auto service location within a quarter mile in either direction of the intersection. All of them serve basically the same function. Some do more mechanical work than others but you can get your oil changed at any of them and with it being within a commercial revitalization district, where one of the goals of that district is to encourage diversity of use, walkability, those types of things, we feel like there's not much benefit to the community from going backwards, when that's exactly what the Zoning Commissioner said in 1999, was this was a tremendous benefit and represented a step in the right direction. And that was a decision that was rendered at about the same time that the commercial revitalization districts were being put in place in Baltimore County.

MR. MCCANN: Okay. Do you believe some of the newer developments you just mentioned in the last several years are also a step in the right direction?

MR. MOULDER: We do. We do. There's been, again, work with the community to provide input and there's more of a

process in place to allow for some planning. You know, our, our, our greatest concern is that in that commercial revitalization district, there's been a lack of planning in the past and the development has been haphazard and not positive for the community.

CHAIR: Has, has it been, has that been a revitalization district for twenty years?

MR. MOULDER: I believe it has, yeah.

CHAIR: Okay.

MR. ZIMMERMAN: The resolutions are in the --

CHAIR: Okay.

MR. ZIMMERMAN: -- exhibits that, I think 1998.

MR. MCCANN: Yeah.

CHAIR: Okay. I, that, that's fine. You don't have to find it.

MR. MCCANN: In the last couple years, they've been subject to design review for the first time and new things have come, you know, sort of evolved.

CHAIR: Okay, all right.

MR. MCCANN: But that's all in evidence.

CHAIR: Okay, good. Thank you.

MR. MCCANN: Okay. So, go ahead, I'm sorry.

MR. MOULDER: This was a Zoning Commissioner who, who said that in approving the variances at that time, said it was a tremendous benefit the proposed development will offer to the

Loch Raven area. So, if it was a tremendous benefit to move from an auto service use twenty years ago, to a Class B office building, we feel kind of like there, it's illogical to think that it wouldn't have an adverse impact, if you will, to move back to an auto service use today.

MR. MCCANN: Okay.

MR. MOULDER: So.

MR. MCCANN: You mentioned the, the other auto services uses within a quarter mile of the site. Did you conduct any investigation into those various uses?

MR. MOULDER: I did.

MR. MCCANN: Okay. Let me show you, this would be seventeen, Dino.

MR. LA FIANDRA: Yeah. Thank you.

MS. JOLIVET: Thank you.

MR. MCCANN: Here's an extra for you.

MS. JOLIVET: Thank you. Number seventeen?

MR. MCCANN: Seventeen, yes. So, take a look, if you would, Mr. Moulder, at Exhibit 17 and tell us what that is.

MR. MOULDER: This is a map of the area. Did a search on Google Maps of oil changes near me with the target centered at the intersection of the proposed development and this is what came up within a quarter mile in either direction from the intersection of Loch Raven and Joppa Road. On the west, on East Joppa Road at Danway, you have Hollenshade's Auto

Services.

MR. MCCANN: Yeah.

MR. MOULDER: They've been there at that location since 1976, which is where they're, they were previously located on Goucher Boulevard.

MR. MCCANN: Okay.

MR. MOULDER: They've been, it's a family business, it's been there for eighty years.

MR. MCCANN: What type of work do they do?

MR. MOULDER: They do all kinds of mechanical work on automobiles. They don't do any auto body work.

MR. MCCANN: But they, do they do, provide this, the type of services that Valvoline provides?

MR. MOULDER: They do.

MR. MCCANN: And how do you know that?

MR. MOULDER: Because I just, I had my oil changed there last week.

MR. MCCANN: Okay and maybe, let me back up. So, --

MR. MOULDER: Not to mention about $1,600 worth of auto work that they did.

MR. MCCANN: Okay.

MR. MOULDER: Belts and transmission and that kind of thing.

MR. MCCANN: Let me, let me ask this before we get into some of the other uses. You pulled this off of Google

Maps.

MR. MOULDER: Um hm.

MR. MCCANN: How else did you acquire information about these, how did you confirm that they're actually there and how else, if at all, did you acquire information about what it is that they do?

MR. MOULDER: I, I drove the corridor, took photographs.

MR. MCCANN: Yeah.

MR. MOULDER: And also looked at the websites where these, where they have them, to see what services were offered at the different locations.

MR. MCCANN: And it sounds like you have some familiarity with some of them, at least in terms of bringing your car there, this one place. How about any of the others? Have you ever brought your car to some of the other places?

MR. MOULDER: I have not, no.

MR. MCCANN: Okay. All right. So, go ahead, you were describing, if you would, a couple of them. I'm not sure it's necessary to go through all of them but just, yeah.

MR. MOULDER: Okay. Well, Munro Tire Auto Service & Tire Centers, you can actually get your oil changed there with Valvoline for $22.99 right now.

MR. MCCANN: Okay.

MR. MOULDER: With Valvoline motor oil, sorry.

Garrison Automotive Group is actually the, it's actually the BP Station at the corner of Pleasant Plains and Joppa Road.

MR. MCCANN: Okay.

MR. MOULDER: (inaudible) is on Loch Raven Boulevard about a block south of the proposed location. Savco is dir, located directly across the street on the south east corner of Loch Raven and Joppa. The other ones are located further east on Joppa Road.

MR. MCCANN: Okay.

MR. MOULDER: Almost all of them, when I drove around to take the pictures, either in the signage or in the services listed on their website, listed oil change and all the ser, same services that will be available, you know, what we heard previously at the Valvoline Quick Lube.

MR. MCCANN: Okay. So, that, I want to make sure I was clear about that question, I may have asked it already. But each of the auto service establishments identified in that exhibit, are you able to confirm that, that they provide the same services that Valvoline provides?

MR. MOULDER: Yes.

MR. MCCANN: Okay.

MR. MOULDER: Yes, based, --

MR. MCCANN: Based on --

MR. MOULDER: -- based on the signage available at the locations and the services listed on their websites.

MR. MCCANN: Okay.

MR. MOULDER: Correct.

MR. MCCANN: And your familiarity with them, at least in, in one case, right?

MR. MOULDER: Um hm.

MR. MCCANN: Okay. Okay. I've got photographs that you've been referring. This will be eighteen.

MR. LA FIANDRA: Thank you.

MR. MCCANN: Not the best quality unfortunately.

CHAIR: These are the photographs of the locations marked on the map, right?

MR. MCCANN: Yes. Is that correct, Mr. Moulder?

MR. MOULDER: Yes.

MR. MCCANN: Okay and I think that, without any exceptions, the photographs reflect the name, is that correct, Mr. Moulder?

MR. MOULDER: Pretty much, yes.

MR. MCCANN: Okay and you took these photographs?

MR. MOULDER: I did.

MR. MCCANN: When did you take them? Just recently or?

MR. MOULDER: I took them prior to the first hearing, so I'm going to say the beginning of March.

MR. MCCANN: Of this year?

MR. MOULDER: Yes.

MR. MCCANN: Okay and I don't think it's necessary, Mr. Evans, for me to go through all the photographs. I think they --

CHAIR: Okay, that's fine.

MR. MCCANN: -- they correlate, just to save some time --

CHAIR: Sure.

MR. MCCANN: -- to the, the names that are in Exhibit 17, so. With that, I'd move Exhibits 17 and 18 into evidence.

CHAIR: They're admitted.

MR. MCCANN: Thank you.

MS. JOLIVET: Thank you. Fifteen and sixteen, you never moved those in, that's what I was saying.

MR. MCCANN: Oh, okay, thank you.

MS. JOLIVET: You want to move those in as well?

MR. MCCANN: Yes, please.

MS. JOLIVET: Okay.

MR. LA FIANDRA: No problem. No objection.

MR. MCCANN: Thank you. And lastly, this would be nineteen.

MR. LA FIANDRA: Thank you.

MS. JOLIVET: Thank you.

MR. MCCANN: Take a look at Exhibit 19, if you would, Mr. Moulder, and you recognize that photograph?

MR. MOULDER: I do.

MR. MCCANN: Aerial. Is this, this site depicted in that aerial, for the record?

MR. MOULDER: It is, it's in the upper right hand corner.

MR. MCCANN: Indicated by the red dot?

MR. MOULDER: Correct.

MR. MCCANN: Okay. So, the sort of houses to the south or below that are houses that belong, are a part of what neighborhood?

MR. MOULDER: They would be the Ridgely Manor --

MR. MCCANN: Okay.

MR. MOULDER: -- portion of the Village.

MR. MCCANN: So, Loch Raven is south of that, right? Your, your association is south of that?

MR. MOULDER: Correct.

MR. MCCANN: Okay. I think you were here for the testimony of, of Mr. Sharon about the proximity of the subject site to the, the residential neighborhoods to the, to the south east. Do you recall that testimony?

MR. MOULDER: I do.

MR. MCCANN: And what do you recall that distance to be?

MR. MOULDER: I do believe that it was from the corner, which I guess would be the south west corner of the site, to the nearest DR zone, would be twenty-nine feet.

MR. MCCANN: Okay.

MR. MOULDER: I believe that was --

MR. MCCANN: I'm sorry?

MR. MOULDER: I believe that was the previous testimony.

MR. MCCANN: Yeah, okay. And I think you heard testimony from a couple folks in this case about the direction in which the, the service doors will be, will be facing for the proposed Valvoline. Did you look at any of the service doors for the other uses in the nine or ten that you looked at in the neighborhood, that is, the service doors where they stood in relationship to any neighboring residential properties?

MR. MOULDER: Yes.

MR. MCCANN: And what, what, if anything, did you find out about that?

MR. MOULDER: On the south side of Loch Raven Boulevard, there are no open service bay, there are no service bay doors that face south, which is where the predominantly residential areas are.

MR. MCCANN: Okay. Getting back to your concerns and the concerns of the association, Mr. Moulder, I think you mentioned a couple in relation to the commercial revitalization district. I just wanted to make sure that I, that you had expressed all of the concerns that you and the community have.

MR. MOULDER: Well, of course, we're concerned about

the, the congestion from the traffic, the noise.

MR. MCCANN: Yeah.

MR. MOULDER: One of the functions that they'll serve there at the Valvoline is, you know, tire rotations and as you can see on the map there, or in that photograph, you've got people's homes that are a hundred feet away, hundred, hundred to a hundred and fifty feet away and when you're doing a tire rotation, taking twenty lug nuts off of tires and then putting twenty lug nuts back on with an impact air wrench.

MR. MCCANN: Okay.

MR. MOULDER: It's pretty loud. If you've been in a service garage, I think they operate somewhere around a hundred decibels, which roughly the, you know, noise level, you know, at Ravens stadium. Kind of concerned for those folks there that, you know, when, you know, it's, it's more than a mere inconvenience when you have that going from 7:00 a.m. to 7:00 p.m. and seven days a week, 9:00 to 5:00 on Sundays. You know, I have a two year old grandchild who sometimes I'm tasked with trying to put down for a nap. I can only imagine how difficult that would be with an impact air wrench going on, you know, a hundred feet away or cars stacked up waiting to get into a service garage.

MR. MCCANN: Okay. You, you men, you did mention traffic. What, what are your concerns about traffic?

MR. MOULDER: I don't know where to start. That, the

business there on the south side of Joppa Road, there's, there's a constant issue with folks attempting to make their way across the two thru lanes of Joppa Road to get into the left turn lanes to turn north on Loch Raven Boulevard to get to the beltway or wherever. That exit, although it's close to the intersection, people come out of the carryout next door.

I was on my way to a diff, a different place the other night, for example, to pick up dinner and someone come, came across, got stuck in the two thru lanes because the light turned red and couldn't get into the left turn lanes because the traffic was backed up going to the intersection and had to wait through several, you know, a couple of light cycles just so that person could get out into the left turn lane and go north on Loch Raven Boulevard. That happens out of the Sonic, even though they have signs, signage up that says, you know, no left turn onto Joppa Road. People constantly try to make left turns coming out of there onto Joppa Road and at a couple of the other businesses there.

It's, it's a really congested area. You know, my experience being there for thirty years, there are frequent accidents as a result. The afternoon traffic flow predom, is predominantly eastbound there and anyone trying to get out of that exit there is going to face a mighty tall task trying to get out into that lane to go through east on Joppa Road. There are only two options, go east on Joppa Road or you go south on

Loch Raven, Loch Raven Boulevard.

If you go south on Loch Raven Boulevard and that's not, and if you want to go west, you may actually go down to Yakona Road, which you can see in the, in the photograph is where the houses, and go through the neighborhood to Pleasant Plains Road to get back up to Joppa and then take a left to go westbound. That's a concern.

MR. MCCANN: But that's going to be a concern no matter what's there, right? Why, why, if at all, are you more, are you concerned about a Valvoline going at this corner in terms of traffic? What makes a Valvoline worse than anything else if it does?

MR. MOULDER: Well, there's no, there, there, there are no, there's, there are no other options other than that right turn. That the traffic flow has been reversed. Yeah, at least when the bank was, was there, you could enter from Joppa Road, you could exit onto Joppa Road, you could enter and exit off of Loch Raven Boulevard. You had a few more options there, so.

MR. MCCANN: Okay. Any other concerns? You mentioned traffic, noise and you, and the commercial revitalization district. Anything that you haven't touched upon? And take your time.

MR. MOULDER: Just, just a prepon, preponderance of auto service locations within that --

MR. MCCANN: Yeah.

MR. MOULDER: -- part of the commercial revitalization district. We, we kind of feel like we're, it's an auto service district, there's just too many. And, and it doesn't fit in with, you know, like, like I said, with the goals of the commercial revit, revitalization district, which (inaudible) diversity of use and to support local small businesses.

MR. MCCANN: And you mentioned walkability. Do you believe this site will, is, is walkable?

MR. MOULDER: No.

MR. MCCANN: Why not?

MR. MOULDER: No. There, there's, there's not much walkable there today but with what, the ingress and egress out of that site, I wouldn't want to go across there. There's just too much traffic and too much congestion.

MR. MCCANN: Okay. I would move, I think it's the photograph, is that Exhibit 19, Mr. Evans?

CHAIR: That'll be admitted.

MR. MCCANN: Thank you. Lastly, I'm going to ask Mr. Moulder to do this, only because he's the one that did the artwork. I have a My Neighborhood map of the district and he highlighted in, in pink. I, unfortunately, I, I don't, I didn't make copies --

MR. LA FIANDRA: Can I just take a quick look?

MR. MCCANN: Sure.

CHAIR: Is that the revitalization district?

MR. MCCANN: It is, yeah. With the zoning overlay. For some reason I didn't make copies (inaudible).

MR. LA FIANDRA: If you could just send a copy.

MR. MCCANN: Yeah.

MR. LA FIANDRA: I don't have any objection to it.

CHAIR: Okay. That'll be admitted then.

MR. MCCANN: Okay and if I, could I hold on to it and give it back to you?

CHAIR: Sure, oh, yeah.

MR. MCCANN: So, this would be twenty. Okay and I would just identify it as a My Neighborhood map or something. Great. Okay.

MS. JOLIVET: (inaudible).

MR. MCCANN: Okay. So, I will make copies for Dino and the Board as well and give that back to you. Put that in a safe spot. Anything else, Mr. Moulder, that you haven't said that you wanted to convey to the Board while you have a chance?

MR. MOULDER: Not that comes to mind.

MR. MCCANN: Okay, great. Thank you. No other questions.

MR. MOULDER: Okay.

MR. ZIMMERMAN: It might make sense if I go next?

CHAIR: Okay. So, we have to have, in turns out we

need to leave at 4:15, so.

MR. ZIMMERMAN: I do have some questions, I mean, --

CHAIR: Right. I was wondering if maybe we should hear from Mr. Castro?

MR. LA FIANDRA: Fiastro.

CHAIR: Gastro?

MR. LA FIANDRA: Oh, pardon me.

VOICE: Whatever you want to do. Act, actually, I prefer to wait.

CHAIR: You prefer to wait? Okay, all right. Well, I was just doing that for --

VOICE: No, no, I'll come back. Thank you.

CHAIR: -- your, your convenience.

VOICE: Thank you, though.

CHAIR: But, --

MR. ZIMMERMAN: Unfortunately, I do have some questions.

CHAIR: Yeah.

MR. ZIMMERMAN: I'll do the best I can.

CHAIR: Okay. Well, we'll have to schedule another day.

MS. JOLIVET: (inaudible).

MR. ZIMMERMAN: I'll be glad to begin.

CHAIR: Sure.

MR. ZIMMERMAN: All right. A few questions about --

CHAIR: But we're going to stop in seven minutes, six minutes, okay?

MR. ZIMMERMAN: Oh, all right. Well, --

CHAIR: I mean, does it make sense to just (inaudible)?

MR. LA FIANDRA: So, perhaps, perhaps we could have a few, since we only have a few minutes left, if there are closing issues, not closing issues, but housekeeping issues that we need to address before we adjourn.

CHAIR: Okay.

MR. LA FIANDRA: Maybe this is the time to do it. I, I --

MR. MCCOMAS: Yeah, because I think she had a couple questions there.

CHAIR: Okay, why don't we do that? So, why don't we excuse --

MR. LA FIANDRA: So, Mr. Moulder is still on the stand.

CHAIR: He's still on the stand.

MR. LA FIANDRA: Okay.

CHAIR: But --

MR. ZIMMERMAN: I think Mr. McCann might have another witness, I don't want to speak for him. I don't know what he's feeling but --

MR. MCCANN: A short witness.

MR. ZIMMERMAN: -- there, there's some other neighbors here so I'm just saying, I don't, I don't think it would have been possible to end today.

CHAIR: Yes, right. No, I get that, I get that.

MR. LA FIANDRA: So, can I get a sense, if I might, do, do you think we could finish in like less than a full day? I mean, --

MR. MCCANN: Yeah, I have, I have one witness and maybe two, right?

CHAIR: Hold on one second. We're going to, we're going to go off the record here --

MR. LA FIANDRA: Okay.

CHAIR: -- so that you, you and all of us --

(OFF THE RECORD - 04:05:34 PM)

CERTIFICATE OF TRANSCRIBER

I hereby certify that the hearing in the matter of M and S Limited Partnership, case number 19-070-SPHX, heard before the Board of Appeals of Baltimore County, April 2, 2019 were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers 1 through 259 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 21st day of June, 2020.

Christine R. Leary

Christine R. Leary

Transcriber

RECEIVED
JUL 13 2020
BALTIMORE COUNTY
BOARD OF APPEALS

CHRISTINE R. LEARY
LEGAL TRANSCRIPTIONIST
3129 Hiss Avenue
Baltimore, Maryland 21234
(443) 622-4898
Crleary1@comcast.net

INVOICE

June 26, 2020

TO: Dino C. La Fiandra, Esquire
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

IN THE

MATTER OF

M AND S LIMITED PARTNERSHIP

Case No.: 19-070-SPHX

Hearing Dates: 3/5, 4/2, 6/27/19

Fee for preparation of transcript = $2,340.00

Payment should be made payable to "Christine R. Leary" and mailed to the above address.

Or use Venmo (@Christine111564) or CashApp (443-622-4898)

Board of Appeals

Case No: 19-070-SPHX Case Name: HowardBank / Mid-Atlantic Lubes, LLC

Exhibit List

Party: ~~Appellant~~ Protestant Date: 3/5/19 & 4/2/19

Exhibit No:	Description:
✓ 1 ✓	2/9/99 Findings by Zoning Comm (1st Mariner)
✓ 2 ✓	1/25/99 Jablon correspondence approving variance for 1st Mariner
✓ 3 ✓	1/25/99 Memo from Kotroco to Van Arsdale re: 1st Mariner variance
✓ 4 ✓	Master Plan 2020 pgs. 133 & 137-141
✓ 5 ✓	Master Plan 2020 pgs 23, 27-31
✓ 6 ✓	10/10/18 Design Review Panel Minutes
✓ 7 ✓	DRP Panel members from Balt. Co. website
✓ 8 ✓	Valvoline website excerpts for Middle River location
✓ 9	DPW Level of Service Ratings
✓ 10	Level of Service Intersection's
✓ 11	1/5/18 Hr from, Bureau of Traffic Engineering (Carski) to DPW (Walsh)
✓ 12	11/19/18 Hr. from, Bureau of Traffic Engineering (Carski) to DPW (Walsh)
✓ 13	4/10/14 Balt. Co. Traffic Engineering Turning Movement Count Data.
✓ 14	3/29/17 "
	VERIFIED BY KC DATE: 4/4/19

KC 3/6/19

Board of Appeals

Case No: 19-070-SPHX Case Name: Howard Bank/ Mid-Atlantic Lubes, LLC

Exhibit List

Party: Protestant Date: 3/5/19 & 4/2/19

Exhibit No:	Description:
✓ 15 ✓	Rule 8 Papers for Associates of Loch Raven Village
✓ 16 ✓	Balto. Co. My Neighborhood for Loch Raven Village
✓ 17 ✓	Google Map of oil changes near Loch Raven & Joppa Rd.
✓ 18 ✓	Pictures of Auto Service businesses near Loch Raven & Joppa Rd.
✓ 19 ✓	Google Map of 1641 E. Joppa Rd.
✓ 20 ✓	5 Maps - Balto. Co. My Neighborhood
✓ 21	Rule 8 papers for Towson Comm. Alliance
	VERIFIED BY KC DATE: 6/28/19

KC 4/4/19

IN RE: PETITION FOR VARIANCE
S/S Joppa Road, 170' SW of the c/l
Loch Raven Boulevard
(1641 E. Joppa Road)
9th Election District
6th Councilmanic District

Estate of Sol Goldman. Owners;
First Mariner Bank, Contract Purchaser

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-251-A
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, the Estate of Sol Goldman, by Louisa Little, Executor, and the Contract Purchaser, First Mariner Bank, by Ken Jones, Vice President, through their attorney Deborah C. Dopkin, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 303.2, as referenced by Section 238.1, to permit a front yard setback of 16 feet in lieu of the required 29 feet; from Section 238.1 to permit a side yard setback of 23 feet in lieu of the required 30 feet; from Section 409.10.B to permit a drive-through lane to block entry to, or exit from, the required off-street parking spaces; and, from Section 409.12 to approve a modified parking plan. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner' Exhibit 1.

Appearing at the hearing on behalf of the Petition were Ken Jones, Vice President of First Mariner Bank, Contract Purchasers of the subject property, Robert Capalongo and Robert Bradley, representatives of Morris Ritchie & Associates, Inc., the engineering firm which prepared the site plan of this property, Glenn Cook, a representative of The Traffic Group, traffic engineering consultants, and Deborah C. Dopkin, Esquire, attorney for the Petitioners, Also

ORDER RECEIVED FOR FILING
Date 7/7/99
By

Protestant
CBA Exhibit
1

appearing on behalf of the Petitioners were Andrea Van Arsdale, Director of Commercial Revitalization for the Economic Development Commission, and Donna Spicer, a representative of the Loch Raven Community Council. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.46 acres, more or less, split zoned B.L.-A.S. (0.13 acres) and B.R.-A.S. (0.33 acres), and is improved with a Crown Gasoline Service Station. The property is located at the southwest corner of Loch Raven Boulevard and Joppa Road, just west of the I-695 interchange. The Petitioners propose to remove and replace the existing gas station with a two-story bank, as shown on Petitioner's Exhibit 1. Inasmuch as this particular corner is located at a prominent intersection and is the gateway to the Loch Raven communities, the Petitioners have attempted to design a building and landscape package that will further enhance the site and be a benefit to the surrounding locale. Due to the split zoning of the property, however, certain area variances are necessary in order to proceed with the proposed improvements. Furthermore, two parking spaces (for employees) are offset from the drive-through lane, thereby generating an additional variance. Finally, the Petitioners testified that Mr. John Lewis, the Zoning Review Technician who reviewed the Petition filed, suggested that the Petitioners request approval of the overall parking design as a modified parking plan.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

ORDER RECEIVED FOR FILING
Date 2/9/00
By

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After considering the testimony and evidence offered at the hearing, and in view of the support this project has received from the Office of Planning, the Economic Development Commission, and the Loch Raven Business Association, as well as the tremendous benefit the proposed development will offer to the Loch Raven area, I am persuaded to grant the requested variances. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of February, 1999 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 303.2, as referenced by Section 238.1, to permit a front yard setback of 16 feet in lieu of the required 29 feet; from Section 238.1 to permit a side yard setback of 23 feet in lieu of the required 30 feet; from Section 409.10.B to permit a drive-through lane to block entry to, or exit from, the required off-street parking spaces; and, from Section 409.12 to approve a modified parking plan, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILING
Date 2/9/99
By

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The Petitioners have agreed to submit elevation drawings of the proposed building and landscape plans to the Office of Planning for their review and approval prior to the issuance of any permits.

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/19/02
By bjs

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: January 25, 1999

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

SUBJECT: 1641 Joppa Road

INFORMATION:

Item Number:	251
Petitioner:	First Mariner Bank
Property Size:	.046± acres
Zoning:	BL-AS/BR-AS
Requested Action:	Variance
Hearing Date:	January 26, 1999

SUMMARY OF RECOMMENDATIONS:

The variances being requested in this case are from the following sections of the Baltimore County Zoning Regulations: a) 238.1 for a front yard setback of 16 feet in lieu of the required 29 feet, b) 238.1 for a side yard setback of 23 feet in lieu of the required 30 feet, c) 409.10.B to permit a drive through lane to block entry for required off-street parking spaces; and d) 409.12 to approve a modified parking plan.

The subject property is a .046 acre site which was, until recently, improved with a Crown Service Station that is being razed. The site is located on the southwest corner of Joppa Road and Loch Raven Boulevard – a prominent intersection which has historically been considered the northern "gateway" to the Loch Raven Village community.

The applicant, First Mariner Bank, proposes to construct a 4,745 square foot two story bank with a drive through window and canopy. The building will be set back from the street frontage with 16 parking spaces provided in front of the building. The elevations provided indicate a colonial style, masonry building with a mansard roof. Identification signage for the business will be located in several places. Building signs are located both above the main entrance and as an element incorporated into the mansard roof. There are also two additional

Protestant
CBA Exhibit
2

signs located on the parking lot - one freestanding pylon sign located near the intersection of Joppa Road and Loch Raven Boulevard directed at vehicular traffic, and a directional sign for the drive through lane located along the Loch Raven Boulevard street frontage.

In considering this request for variance, it is important to view this proposal within the context of future planning efforts underway in the Loch Raven Community. The State of Maryland and Baltimore County have budgeted six million dollars for streetscape improvements to Loch Raven Boulevard from Joppa Road to Goucher Boulevard. The project will include the introduction of new entryways and unifying design elements such as paving, lighting, signage, etc. to achieve a consistent streetscape treatment throughout the area. Additionally, this area was recently designated and adopted by the County Council as a commercial revitalization district. Design standards, for the revitalization district are in a conceptual stage, and will be reviewed and refined over the next year. As a result of our discussions with First Mariner they have indicated a willingness to make any reasonable alterations/additions to the site to bring it into compliance with those standards once they are more fully developed.

The Development team, consisting of First Mariner Bank, their engineer, architect, and attorney have worked cooperatively with the Loch Raven Community Council as well as this office to incorporate suggested alterations to the site plan and architectural elevations in a effort to design a product that complies with and complements the proposed Loch Raven streetscape standards. Several modifications to the original site plan have been made which we feel will enhance the appearance of the site, and help denote it's significance as a community gateway, including shifting the front orientation of the building, erecting a section of wrought iron and brick pier screening, and installing a false window on the front façade to provide a symmetrical rhythm.

This office recommends approval of this variance request with the condition that final building elevations and a final landscape plan be submitted to this office for review and approval. This development will be a welcome addition to this important revitalization area.

Section Chief: Gary L. Kerns

AFK:lsn

Sent 1/26

Baltimore County Government
Department of Economic Development

400 Washington Avenue
Towson, MD 21204

(410) 887-8000
Fax (410) 887-8017

RECEIVED
JAN 25
ZONING COMMISSIONER

MEMORANDUM

To: Timothy M. Kotroco
Deputy Zoning Commissioner

From: Andrea Van Arsdale
Director, Commercial Revitalization

Date: January 25, 1999

Re: First Mariner Bank
1641 Joppa Road (99-251-A)

The Department of Economic Development has reviewed the plans for the First Mariner Bank at 1641 Joppa Road and recommends approval of the requested variances. This is a visually prominent site at the crossroads of the Loch Raven Revitalization District and its successful redevelopment will be an important step in implementing the Loch Raven Revitalization Plan. The project represents significant new investment into the Revitalization District, will improve the physical appearance of area, and upgrade the mix of commercial uses in the District. The Loch Raven Business Association has met with the developer and also supports the variance requests.

Protestant
CBA Exhibit
3

ECONOMIC VITALITY

A healthy, vibrant economy is important to maintaining Baltimore County's quality of life: a rich variety of family-supporting jobs and tax revenue to pay for schools, roads and other public services.



A healthy, vibrant economy is important to maintaining Baltimore County's quality of life: a rich variety of family-supporting jobs and tax revenue to pay for schools, roads and other public services. This economic strength cannot be taken for granted. The County must ensure that the ingredients for future economic health be in place. This Master Plan lays the policy groundwork for achieving this long-term success.

FOUNDATION OF BALTIMORE'S ECONOMY

Baltimore County is the major economic engine in terms of jobs (515,000) in the region with the second-largest number of jobs of any Maryland jurisdiction. The County economy is highly diversified, not dependent on

Protestant
CBA Exhibit
4

Policy: Maintain zoning appropriate for major employment on infrastructure-served land with good access.

Actions:

(1) Recommend that the County Council evaluate rezoning and PUD proposals that convert M or OT zoned land to residential or retail use to consider the long-term effects on the economy.

(2) Ensure that adequate land and structures remain available to accommodate new and expanding primary employers not suited for mixed-use environments.

(3) Consider ways to guide new employment opportunities to quality mixed-use development.

(4) Preserve the County's limited deep-water access for industrial uses.

(5) Consider amending the BCZR to limit the amount of residential development permitted in the OT zoning classification.

LAND USE BALANCE

A fiscally strong jurisdiction must maintain a healthy balance between residential and non-residential land uses. Different types of land use have variant effects on a county's finances. Some land uses contribute more in tax revenue than they consume in public services, such as schools, police and fire services. Some land uses consume more services than they pay for directly through property taxes. A balanced economy is needed to provide a healthy place to live, work and play. A strong employment sector: industrial, office, and commercial, provide jobs and tax revenue. A diverse choice of housing is essential to providing a qualified work force to fuel the employment sector.

Policy: The County should maintain a healthy balance between residential and non-residential land uses inside the URDL.

Actions:

(1) Consider encouraging zoning requests that promote mixed-use development.

(2) Ensure that land use proposals contribute to a healthy balance of residential and non-residential uses and open space.

(3) Work proactively to promote employment driven projects compatible with residential uses.

(4) Direct mixed-use development to Community Enhancement Areas.

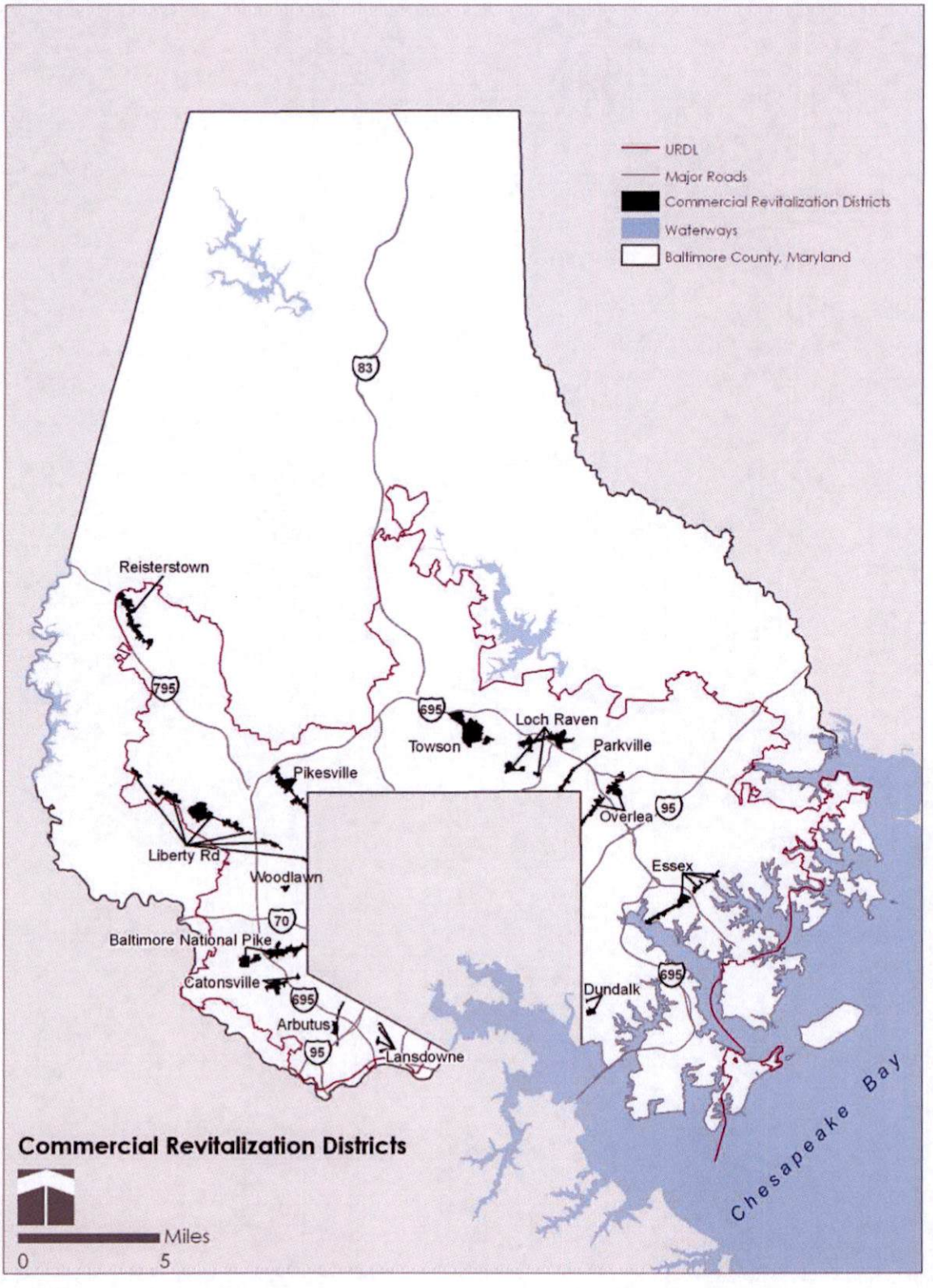
COMMERCIAL REVITALIZATION DISTRICTS

Baltimore County has 14 officially designated Commercial Revitalization Districts (CRDs). These areas were once the commercial hubs of the County's older beltway communities and offered a range of retail, service, and entertainment uses. However, beginning in the 1960s and 70s, changes





Map 35: Commercial Revitalization Districts







in demographics and retail shopping preferences fundamentally altered the role of these main street commercial centers. As people became more dependant upon the automobile, they moved farther out preferring the greater range of retail choices and convenient free parking over smaller mom and pop neighborhood shops along older commercial main streets. This trend continues. Most suburbanites patronize full service grocery stores, big and junior box retailers (e.g. Target, Wal-Mart, Pet Smart, Best Buy), chain specialty shops, and national restaurants.

To remain viable, the CRDs must differentiate themselves by capitalizing upon their downtown development patterns, strengthening the existing base of small businesses, and attracting new and different uses. Each district is unique with its own set of attributes and liabilities and revitalization efforts must be tailored to address these differences. Successful revitalization in smaller districts is built upon a series of small complementary successes and larger districts may benefit from key redevelopment projects that restructure the local economy. Attaining a sufficient and balanced mix of quality uses is an important goal that should be accompanied with creating a safe, attractive, and walkable environment. Another goal is using creative marketing of the districts to businesses and customers.

The most successful downtowns have a mix of synergistic uses that support each other. Downtown housing and office uses have residents and employees that patronize retail shops, restaurants, and service uses such as hair salons, banks, and dry cleaners. Theaters and other entertainment uses are destinations that draw customers into the downtown, who then also patronize restaurants and bars before and after a movie or performance. Institutional uses, supply a high number of patrons and employees for retail and restaurants, and students for downtown housing.

When compared to newer town centers that are trying to replicate the character and qualities of real downtowns, original town centers often have unique challenges. Redevelopment costs can be higher with land assemblage and parking; surrounding household incomes and densities may be more diverse; multiple owners have different perspectives; and the infrastructure may be aging and outdated. Jurisdictions must have an extensive toolbox of incentives to retain and attract the mix of uses needed to keep a CRD healthy. The County has a range of incentives that can be tailored to individual project needs, including: low interest loans, tax credits, and specialized grants, key infrastructure improvements such as parking garages, sewer expansions, and road realignments and improvements, sale of publicly owned land, demolition of obsolete structures, permitting process assistance, flexible zoning, and liquor licensing.

Policy: Retain and attract quality retail, office, service, residential, entertainment, and institutional uses that create well balanced and economically vital mixed-use.

Actions:

(1) Use targeted public investment to encourage private reinvestment.

(2) Identify redevelopment/revitalization opportunities in the CRDs and establish a process to determine land use and development goals of the area.

(3) Conduct specialized analyses of properties and redevelopment proposals.

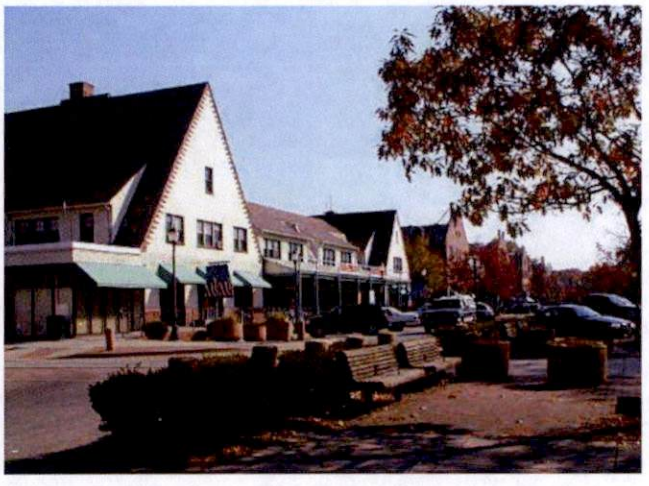
(4) Utilize the Consultant on Call Program to provide expedited professional studies on market feasibility.

(5) Continue familiarization tours to provide education about the County's CRDs and community enhancement areas to upgrade and expand the types of uses, improve poorly managed properties and marginal businesses, and fill vacancies.

(6) Promote the increased use of the Small Business Resource Center that provides free technical, financial, and marketing assistance.

(7) Study the use of mixed-use codes in designated community enhancement areas.

(8) Periodically review the range and scope of incentives to maximize their effectiveness.



The districts, like community enhancement areas, should be the "front door" to the residential neighborhoods, and help establish the overall image of a community. The appearance of the CRD is important to the business and residential communities, and is both a private and public responsibility. The government, primarily through streetscape programs, is generally responsible for the streets, sidewalks, medians, and sometimes alleys. Individual property owners are responsible for a building's façades, and any private parking lots. Improvements should focus on views from the public areas. A commercial center or corridor with attractive curb appeal and stable and desirable uses may encourage people to invest in the community.

Policy: Improve the appearance and walkability of the Districts.

Actions:

(1) Continue to promote the Architect on Call Program that provides free professional design advice for business or property owners seeking to improve the exterior of their building and/or lot.

(2) Promote the Building Investment Loan Program that provides zero percent loans for exterior and interior improvements through annual mailings to property and business owners, the business organizations, specialized advertising, and "word of mouth" examples.

(3) Promote walkability and enhance the attractiveness of older village centers through implementation of streetscape programs managed by the Baltimore County Office of Community Conservation.

(4) Develop streetscape design around a Complete Streets Program.

(5) Continue beautification-landscaping partnerships with business organizations.

(6) Enforce the County code and fund the Commercial Revitalization Action grants for programs to improve the physical appearance of the business environment.

Studies consistently show that when customers buy from an independent, locally owned business, over two thirds of the money spent stays in the community and is used for purchases from other local businesses. These businesses create more jobs locally, and often provide better wages and benefits than nationwide chains. Owners frequently live in the community where their business is located.

Policy: Market Commercial Districts to potential businesses and patrons.

Actions:

(1) Media campaigns including radio, television, print advertising and social media marketing will be developed and utilized during the winter holiday and spring shopping seasons.

(2) Continue to provide design support in promoting community events and districts through the use of Designer On Call, a resource that offers design services for

local initiatives involving the ReDiscover Your Neighborhood Downtown branding.

(3) Maximize partnership with the Baltimore County Revenue Authority to provide convenient parking opportunities.

(4) Promote the County's CRDs and CEAs at regional and national conferences.

(5) Update district profiles and county websites to attract businesses to the districts.

(6) Participate in statewide organizations and programs that promote the revitalization of downtowns across Maryland.

(7) Continue neighborhood promotional campaigns to encourage consumers to shop and eat in locally owned businesses.

TOURISM

Visitors to Baltimore County added $1.97 billon to the local economy in 2008, according to a study by IHS Global Insight. The study reports that the County's tourism industry supported almost 20,000 jobs, $545 million in wages, and contributed $15 million in hotel, amusement and admission taxes.

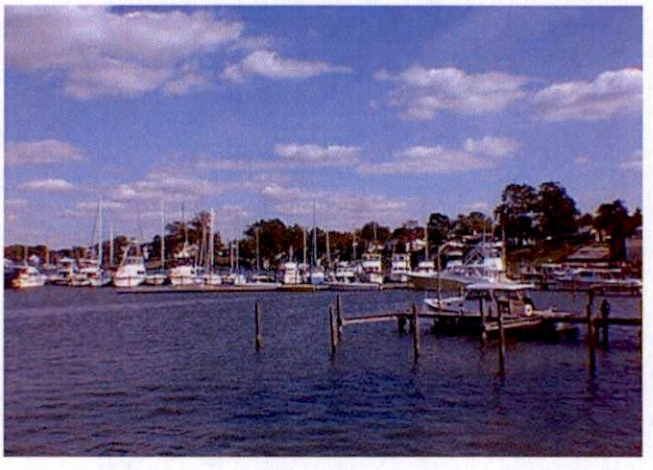
Baltimore County's 219 miles of Chesapeake Bay waterfront offer unrealized potential to enhance the visitor experience and quality of life for County residents. Over the past decade, eastern Baltimore County has seen over $600 million in public and private investment. County initiatives have eliminated many aging, blighted apartment complexes, replacing them with open space and hundreds of modern single family and townhomes. Many of the County's 90 marinas and yacht clubs have made significant improvements to their facilities, with waterfront restaurants and a water taxi service adding to eastern Baltimore County's amenities.

Policy: Increase visibility and access to visitor destinations in Baltimore County.

Actions:

(1) Explore methods to unify the waterfront as a regional destination.

(2) Further develop the County's network of bike and walking trails to connect parks, waterfront amenities, and nature centers with



VIBRANT COMMUNITIES

In order to create sustainable communities, citizens and decision–makers must recognize the latest trends in housing choices and changes in family makeup.



SUSTAINABLE COMMUNITIES

In compliance with House Bill 1141, the Department of Environmental Protection and Resource Management (DEPRM) completed a detailed analysis of the impacts of current and future development on all water resources in Baltimore County. The report, called the Water Resources Element (WRE), is incorporated as part of this Master Plan. The results of the investigation reveal that, to protect, enhance, and restore the quality of our natural waters, a significant policy shift regarding future land development is required. It is determined that redevelopment of properties located inside the URDL, including replacement of impervious surface (buildings, parking lots, etc.) with green spaces (pervious surfaces) will allow for the greatest reduction of pollutants in stormwater runoff.

Protestant
CBA Exhibit
5

can be found within the *Towson Urban Area* section of the plan.

Owings Mills Growth Area – The last of the originally designated growth areas. See the *Owing Mills Growth Area* section for more information.

Middle River Redevelopment Area – The newest designated growth area. Details are provided in the *Middle River Redevelopment Area* section in the plan.

Employment Center – These areas generally consist of a variety of commercial uses predominantly employment-oriented, some with retail and housing. They may contain heavy industrial uses as well. These areas include CEAs, CRDs, and strip commercial areas. The preservation of family-supporting wage employment is the primary goal.

Proposed Land Use

The Proposed Land Use Map provides general recommendations for land use, based upon the policies provided in *Master Plan 2020.* The map is conceptual and general, and is intended to reflect land use patterns and support the land use objectives of *Master Plan 2020*, rather than identify land use of individual properties or parcels. The use of transects, and "T-zones", is designed to support compact mixed-use communities, while maintaining the stability of existing community conservation areas (Map 5). The proposed land use map will provide general direction for county land use decisions, and may be amended as needed.

Transect-Based Planning for the Built Environment

A "transect" of nature, first conceived by Alexander Von Humboldt at the close of the 18th century, is a geographical cross-section of a region intended to reveal a sequence of environments. Originally, it was used to analyze natural ecologies, showing varying characteristics through different zones such as shores, wetlands, plains and uplands. It helps study the many elements that contribute to habitats where certain plants and animals thrive in symbiotic relationships to the minerals and microclimate.

This same system can be used to demonstrate different human habitats. Some individuals prefer living on farms while others prefer living in cities. Before the automobile, American development patterns were walkable, and transects within towns and city neighborhoods reflected a variety of development patterns and uses. These degrees of urbanism are represented in a rural-to-urban transect has been developed which provides six "Transect Zones" (T-zones) for application on the proposed land use map.

The transect, as a framework, identifies a range of habitats from the most natural to the most urban (Map 5). Its continuum, when subdivided, lends itself to the creation of zoning categories. These categories include standards that encourage diversity. The standards overlap, reflecting the successional pattern of development and natural ecosystems. The transect thereby integrates environmental and zoning methodologies, enabling the design of compact, mixed-use, walkable communities that support the viability of natural ones.

- **T-1 (Natural Zone)** contains lands approximating a natural condition, including lands unsuitable for settlement due to topography, hydrology, or vegetation.

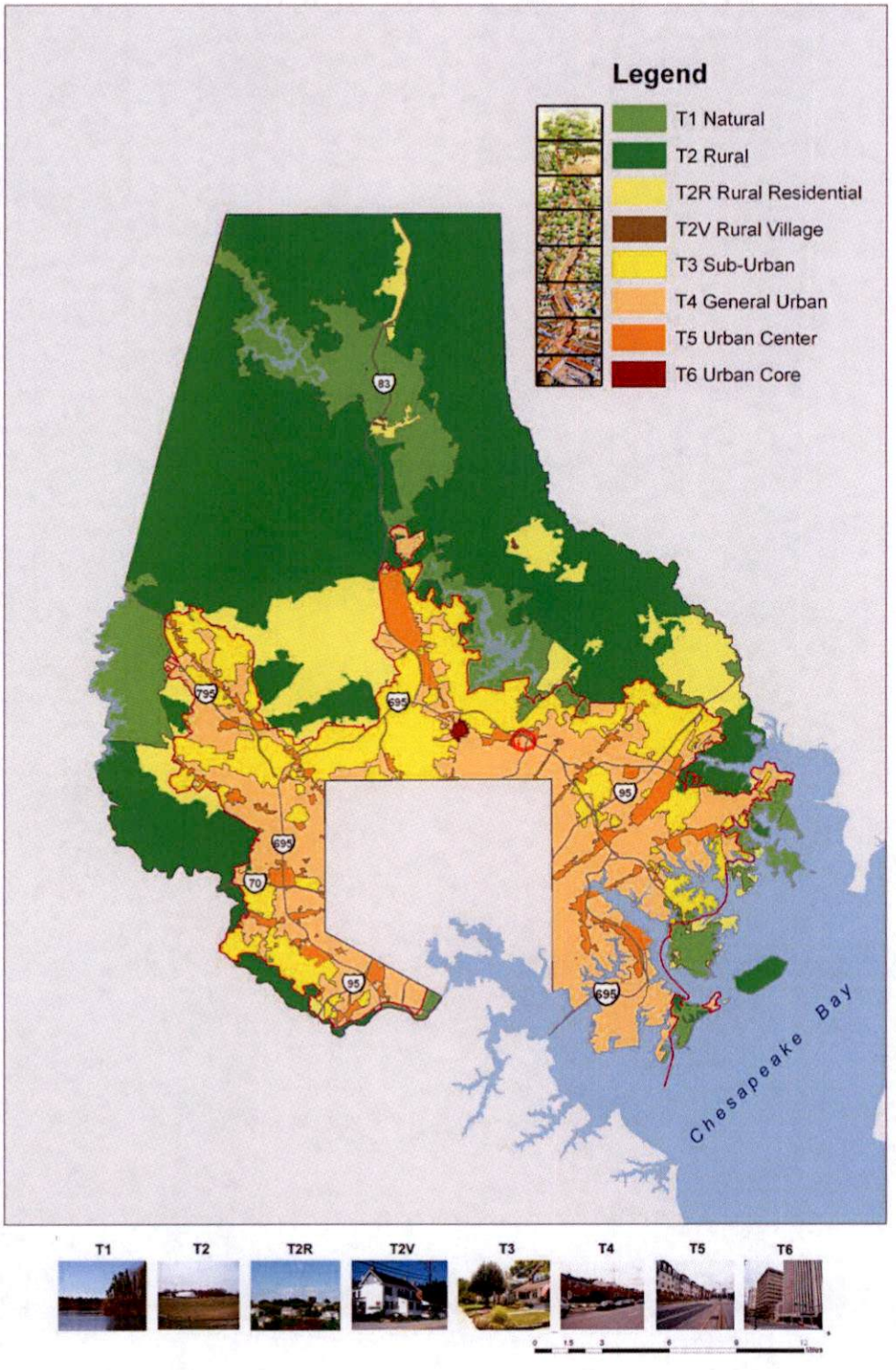
- **T-2 (Rural Zone)** consists of sparsely settled lands in an open or cultivated state. These include woodlands, agricultural lands, and grasslands. Typical buildings may include farmhouses and agricultural buildings.

- **T-2 R (Rural Residential Zone)** consists of large lot single-family detached housing. Plantings are informal. All setbacks are generally 50+ feet. Lots are deep to accommodate a larger backyard. Density varies between 2 to 5 acres per dwelling.

- **T-2 V (Rural Village Zone)** takes into account the rural villages of Hereford and Jacksonville. This zone has a mix of smaller scale retail/ office and some residential uses. T-2 V preserves the rural village character featuring an attractive and traditional pattern of houses,

Map 5: Proposed Land Use

Proposed Land Use
Baltimore County Smart Coded



commercial establishments, open spaces and their relationship to roadways.

- **T-3 (Sub-Urban Zone)** includes low-density residential areas, adjacent to higher zones that contain mixed use. Home occupations and outbuildings may be allowed. Landscaping is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.

- **T-4 (General Urban Zone)** is characterized by mixed-use, but is primarily residential urban fabric. It may have a wide range of building types including single-family detached and attached houses, and townhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.

- **T-5 (Urban Center Zone)** includes higher density mixed-use buildings that accommodate retail, offices, townhouses, and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.

- **T-6 (Urban Core Zone)** has the highest density and height with the greatest variety of uses, and civic buildings of regional importance. It may have larger blocks; streets have steady street tree planting and buildings set close to the wide sidewalks. Typically only large towns and cities have an Urban Core Zone.

- **T-M (Manufacturing Zone)** includes certain industries and manufacturing processes that should not be combined with other uses. By their function, they require that their operations not be closely integrated with other uses (except those with similar characteristics).

- **T-I (Institutional Zone)** many institutional uses should be incorporated into the T-4 and T-5 transects, such as community centers, branch government offices, libraries, etc. However, certain institutions like medical complexes, educational campuses, and others that benefit from having all their functions in one location may need room to grow. That may make inclusion into a Community Enhancement Area impractical. Such facilities should be close enough to be walkable, and be mutually supportive.

The transect system replaces the conventional separate land use zoning system. The T-zones provide the basis for real neighborhood structure, which relies upon compact, walkable streets, mixed-use, transportation options, and housing diversity. The T-zones vary by the ratio and level of intensity of their natural, built, and social components. Uses may overlap between one T-zone and another. The ability of transects to clarify the compatibility among uses makes them particularly useful in planning the built environment.

They may be coordinated to all scales of planning, from the region through the community scale, down to the individual lot and building. However, any new zoning would be applied at the community scale, and it is important to note that each community will have to establish (calibrate) its own unique development criteria. Furthermore, T-zones should be balanced within a neighborhood structure based on pedestrian sheds (walksheds), so that residents of lower density neighborhoods may still walk to different habitats, such as a main street, or civic space.

Transect-based planning is used throughout the County to provide a solid foundation for all other planning. As Baltimore County moves towards compact, mixed-use, higher-density walkable communities, the successful implementation of transect-based planning will play a key role in further developing the T-4 and T-5 zones.

The Transect Zones and the following graphics for the Transect Zone descriptions and civic spaces were originated and developed by Duany Plater-Zyberk & Co.

Transect Zone Descriptions



T-1 NATURAL

T-1 Natural Zone consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.

General Character:	Natural landscape with some agricultural use
Building Placement:	Not applicable
Frontage Types:	Not applicable
Typical Building Height:	Not applicable
Type of Civic Space:	Parks, Greenways



T-2 RURAL

T-2 Rural Zone consists of sparsely settled lands in open or cultivated states. These include woodland, agricultural land, grassland, and irrigable desert. Typical buildings are farmhouses, agricultural buildings, cabins, and villas.

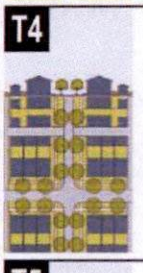
General Character:	Primarily agricultural with woodland & wetland and scattered buildings
Building Placement:	Variable Setbacks
Frontage Types:	Not applicable
Typical Building Height:	1- to 2-Story
Type of Civic Space:	Parks, Greenways



T-3 SUB-URBAN

T-3 Sub-Urban Zone consists of low density residential areas, adjacent to higher zones that some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.

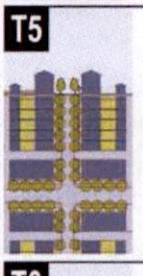
General Character:	Lawns, and landscaped yards surrounding detached single-family houses; pedestrians occasionally
Building Placement:	Large and variable front and side yard Setbacks
Frontage Types:	Porches, fences, naturalistic tree planting
Typical Building Height:	1- to 2-Story with some 3-Story
Type of Civic Space:	Parks, Greenways



T-4 GENERAL URBAN

T-4 General Urban Zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.

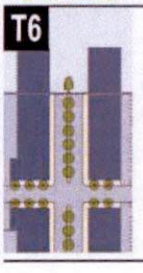
General Character:	Mix of Houses, Townhouses & small Apartment buildings, with scattered Commercial activity; balance between landscape and buildings; presence of pedestrians
Building Placement:	Shallow to medium front and side yard Setbacks
Frontage Types:	Porches, fences, Dooryards
Typical Building Height:	2- to 3-Story with a few taller Mixed Use buildings
Type of Civic Space:	Squares, Greens



T-5 URBAN CENTER

T-5 Urban Center Zone consists of higher density mixed use building that accommodate etail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.

General Character:	Shops mixed with Townhouses, larger Apartment houses, Offices, workplace, and Civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activit
Building Placement:	Shallow Setbacks or none; buildings oriented to street defining a street wall
Frontage Types:	Stoops, Shopfronts, Galleries
Typical Building Height:	3- to 5-Story with some variation
Type of Civic Space:	Parks, Plazas and Squares, median landscaping



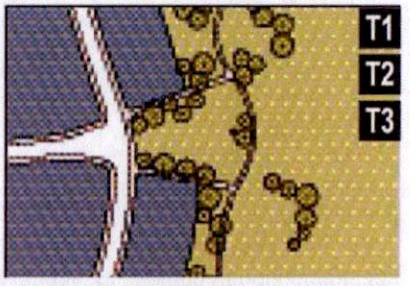
T-6 URBAN CORE

T-6 Urban Core Zone consists of the highest density and height, with the greatest variety of uses, and civic buildings of regional importance. It may have larger blocks; streets have steady street tree planting and buildings are set close to wide sidewalks. Typically only large towns and cities have an Urban Core Zone.

General Character:	Medium to high-Density Mixed Use buildings, entertainment, Civic and cultural uses. Attached buildings forming a continuous street wall; trees within the public right-of-way; highest pedestrian and transit activity
Building Placement:	Shallow Setbacks or none; buildings oriented to street, defining a street wall
Frontage Types:	Stoops, Dooryards, Forecourts, Shopfronts, Galleries, and Arcades
Typical Building Height:	4-plus Story with a few shorter buildings
Type of Civic Space:	Parks, Plazas and Squares; median landscaping

Civic Space Descriptions

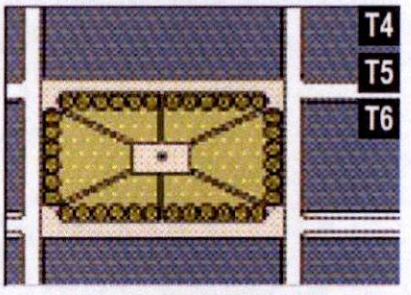
a. Park: A natural preserve available for unstructured recreation. A park may be independent of surrounding building Frontages. Its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be 8 acres. Larger parks may be approved by Warrant as Special Districts in all zones.



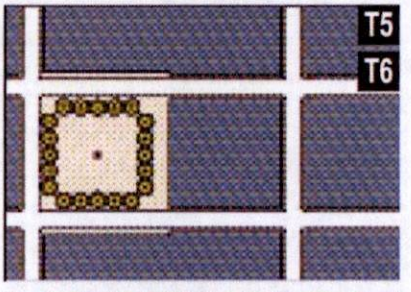
b. Green: An Open Space, available for unstructured recreation. A Green may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 1/2 acre and the maximum shall be 8 acres.



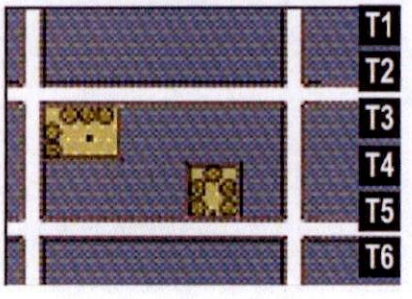
c. Square: An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.



d. Plaza: An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/2 acre and the maximum shall be 2 acres.



e. Playground: An Open Space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.



Minutes
Baltimore County **D**esign **R**eview **P**anel
October 10, 2018
Approved

Call to order

Design Review Panel (DRP) Chairman, Mr. David Martin, called the regularly scheduled meeting of the Baltimore County DRP to order at 6:00 p.m. The following panel members were:

Present	**Not Present**
Mr. David Martin	Ms. Julie Kirsch
Mr. Ed Hord	Mr. Qutub Syed
Ms. Cecily Bedwell	Mr. John DiMenna
Mr. Mitchell Kellman	Mr. Richard Jones
	Mr. Matt D'Amico
	Ms. Nikki Brooks

Residential reviewer: Mr. Bruce Boswell.

County staff present were: Jeff Mayhew, Jenifer Nugent, Marta Kulchytska, Ngone Seye Diop, and Brett Williams.

Minutes of the September 12, 2018 Meeting

Mr. Ed Hord moved the acceptance of the September 12, 2018 draft minutes. The motion was seconded by Mr. Mitchel Kellman and passed by acclamation at 6:01 p.m.

The approved minutes are filed as Appendix B.

Protestant
CBA Exhibit
6

ITEM 1

PROJECT NAME: 1641 East Joppa Road, Valvoline Oil

DRP PROJECT #: 606

PROJECT TYPE: Loch Raven Commercial Review

PROJECT DESCRIPTION:

1641 East Joppa Road, Valvoline Oil project was presented by Dino La Fiandra and Randolph Kazazian, representatives from Mid-Atlantic Lubes, LLC, and Nicole Reedy, Landscape Architect from Morris & Ritchie Associates.

The project proposes to redevelop the former First Mariner Bank property at the southwest corner of East Joppa Road and Loch Raven Boulevard with a Valvoline Instant Oil Change facility. The development includes drive thru lanes which enter off of Loch Raven Boulevard from the back of the new proposed building and exit out onto East Joppa Road. Additionally, the project proposes new signage and landscaping.

SPEAKERS:

Peter Moulder, Vice President, The Associates of Loch Raven Village expressed his concerns about the project. He stated that the proposed project would be a step backward with proposed use and building design.
Janice Krach agreed that the project does not fit with the area and that the traffic flow would be an issue.
Bruce Krauff, Loch Raven area resident for 44-years, indicated that there were major problems with leaking and containment materials from a gas station located up the street and expressed his concerns that the leakage could happen on this site.

DESIGN REVIEW PANEL COMMENTS:

Mr. David Martin, DRP Chairman, opened up the floor to the panel members for discussion.
Mr. Ed Hord suggested to use materials and color changes for the crosswalks at the vehicular entrances for pedestrian safety. He stated that more landscaping was needed at the corner of Loch Raven Boulevard and East Joppa Road and proposed to use tinted glass for the garage door bays.
Ms. Cecily Bedwell suggested to use headers above the rough openings of the brick. She also proposed to use warmer colors for the mortar. Ms. Bedwell agreed with Mr. Hord's suggestion that more landscaping is needed at the corner of Loch Raven Boulevard and East Joppa Road. She also indicated the need to connect the sidewalk in front of the building with the sidewalk in the back of the building.
Mr. David Martin suggested to tint the garage door windows and asked the Baltimore County staff if they have any additional comments.
Ms. Jenifer Nugent referenced the prepared staff report and referenced comment to provide an exit only sign for the Joppa Road access of the site and an outdoor amenity seating for employees.

DISPOSITION:

Ms. Cecily Bedwell made the motion to approve the project with the following conditions:

1. Provide headers above all rough openings of the brick (for example, either soldier course brick or stone lintels).
2. A warm mortar color should be used with the brick.
3. Connect the sidewalks in the front of the building and the back of the building with a connecting paved sidewalk along the side.
4. Increase landscaping at the corner of Loch Raven Boulevard and East Joppa Road in a layered effect.

5. Enhance the pedestrian travel ways across the vehicular entrances through either striped crosswalks or special paving.
6. Provide an exit only sign for the Joppa Road access of the site.
7. Provide outdoor amenity seating for employees.
8. The glass garage doors shall be tinted.

The motion was seconded by Mr. Ed Hord and approved by acclamation at 7pm.

ITEM 2

PROJECT NAME: 208 Woodbrook Lane

DRP PROJECT #: 607

PROJECT TYPE: RRLRAIA Residential Review

PROJECT DESCRIPTION:

208 Woodbrook Lane project was presented by Charles Alexander, of Alexander Design Studio.

The new home is designed as a series of pavilions linked together and forming internal courts as well as an elevated terrace to the rear. The garage is a similar pavilion on a slightly rotated geometry to further reference the informal vernacular of an outbuilding. Vehicular entry is from the high side of the site and curves around to a car court hidden by the garage massing. The main garage doors face away from the street with a side door for a work truck. The entrance to the home is by way of a private garden between two of the pavilions. The largest pavilion houses the main living areas which in turn open onto an elevated terrace between the house and the hill to the north. The exterior areas are screened from the street by the house. Materials are a stone base and board and batten siding with a metal standing seam roof.

DESIGN REVIEW PANEL COMMENTS:

Mr. David Martin, DRP Chairman, opened up the floor to the panel members for discussion.
Mr. Boswell asked if the garage door facing Charles Street can be moved to the back. He suggested to look at the possibilities to soften the east façade garage door with vegetation. Mr. Boswell inquired about the rationale for the design of stepping the stone base for the pavilions.
Mr. Ed Hord commented that he approved of the design.
Ms. Cecily Bedwell asked about the dimensions of the trim around the windows, window sills and if natural stone will be used. Mr. Alexander answered that the trim will be 4" and regarding the other questions they are in the process of negotiation with the contactor.

DISPOSITION:

Ms. Bedwell made the motion to approve the plan with the following conditions:

1. Soften the east façade garage door with landscaping in a natural fashion around the parking and the driveway access area.
2. The detailing of the natural stone veneer is to include proper capstone sills.
3. Provide detailing of the differentiation of sills on the windows and siding elevations.
4. Re-evaluate the design of the stone veneer step transitions to create a less drastic effect.
5. The panel is supportive of the 25' setback from the property line.

The motion was seconded by Mr. Boswell and approved by acclamation at 7:24 pm.

ITEM 3

PROJECT NAME: 904 Applewood Lane

DRP PROJECT #: 608

PROJECT TYPE: RRLRAIA Residential Review

PROJECT DESCRIPTION:

904 Applewood Lane project was presented by Charles Alexander, of Alexander Design Studio.

The proposed single family house is to be located at 904 Applewood Lane. The site is a very deep lot that slopes up moderately for it full depth as well as having a cross slope to the west. The previous house that was demolished had two driveway entrances looping around some evergreen street trees. The project envisions a single entry drive that splits between guest parking in front of a terraced entry and a snaking driveway to a side loaded garage hidden from the entry and street. The garage drive allows movement vertically to a higher garage elevation allowing the rear of the house to match better with the elevations of the back yard. Windows into the basement are along the west side of the house. The massing of the house is primarily one story with a large shed dormer feature on the front and gables and a clerestory dormer on the rear. The lone two story part of the massing is at the entrance. Materials are white board and batten siding over a grey brick base with a grey metallic standing seam roof. Windows are aluminum clad with a dark finish.

DESIGN REVIEW PANEL COMMENTS:

Mr. David Martin, DRP Chairman, opened up the floor to the panel members for discussion.
Mr. Boswell inquired about the garage side elevations, specifically about the use of brick on one side of the door and board and batten materials on the other side.
Mr. Ed Hord had similar comments about the use and transition between materials.
Ms. Cecily Bedwell stated that it is difficult to read and understand from the 3D rendering how the detailing works, the west elevation is geometrically too busy because there are no distinctions between materials. She also commented that landscaping is proposed nicely.
Mr. Mitchell Kellman and Mr. David Martin both had no additional comments.

DISPOSITION:

Ms. Bedwell made the motion to approve the plan with the following conditions:

1. Resolve the changes on the elevations between the brick masonry and board and batten to transition at window frames.
2. Refine the details of the eave trim versus the window surrounds and include differentiated sills.
3. Include a precast sill to top the masonry elements and to cap the masonry site walls.

The motion was seconded by Mr. Ed Hord and approved by acclamation at 7:51pm.

ITEM 4

PROJECT NAME: 1401 W. Joppa Road

DRP PROJECT #: 609

PROJECT TYPE: RRLRAIA Residential Review

PROJECT DESCRIPTION:

1401 W. Joppa Road was presented by Mr. Chris Mudd, followed by Mr. Toby Mink. The proposed single family house is to be located at 1401 Joppa Road. The property will consist of .6995 acres.

The house design will consist of a 4,098 sf of finished space. The house is designed by architect, Mr. Greg Little. The proposed materials include multiple textures, real stone veneer and multiple window applications. The site is well buffered and there will be no visibility from Joppa Road.

DESIGN REVIEW PANEL COMMENTS:

Mr. David Martin, DRP Chairman, opened up the floor to the panel members for discussion.
Mr. Boswell suggested to remove the front windows shutters as there were no shutters proposed on the rest of the house.
Ms. Cecily Bedwell suggested to provide differentiation of windows sills and headers over the windows, and to include a 10' band board to transition between base material and siding.
Mr. Mitchell Kellman and Mr. David Martin had no comments.

DISPOSITION:

Ms. Bedwell made the motion to approve the plan with the following conditions:

1. Provide a 10" nominal band board where the siding meets the water table.
2. Provide differentiation of window sills and headers over windows.
3. The one remaining rake on the front elevation should be properly returned.
4. Remove the shutters from the two front windows.

The motion was seconded by Mr. Ed Hord and approved by acclamation at 8:08pm.

ITEM 5

PROJECT NAME: 1403 W. Joppa Road

DRP PROJECT #: 610

PROJECT TYPE: RRLRAIA Residential Review

PROJECT DESCRIPTION:

The project was presented by the owner, Mr. Chris Mudd.
The proposed single family house, traditional craftsman style home, includes multiple textures, real stone veneer, multiple window applications, a chimney, and 3-car garage.

DESIGN REVIEW PANEL COMMENTS:

Mr. David Martin, DRP Chairman, opened up the floor to the panel members for discussion.
Mr. Boswell stated the neighborhood association contacted him about the run-off from the site and what has been done to mitigate water run-off. Mr. Mudd explained the stormwater management and how the run-off will be directed to the underground drain and to the above ground swale. Additionally, new trees will be planned to assist with stormwater management.
Mr. Ed Hord had no comments.
Ms. Cecily Bedwell was pleased to hear that the applicant is going to use real veneer stone. She suggested to include a 10' nominal trim band board above the water table and commented that the overall details were nicely presented.
Mr. Kellman and Mr. David Martin had no comments.
Ms. Jenifer Nugent asked what kind of material will be used for the base.
Mr. Mudd answered that potentially it will be stone veneer.

DISPOSITION:

Ms. Bedwell made the motion to approve the plan.

Note: Applicant is to provide base material detailing to the Department of Planning prior to submitting building permit application.

The motion was seconded by Mr. Boswell and approved by acclamation at 8:21 pm.

ITEM 6

PROJECT NAME: 1216 Boyce Avenue

DRP PROJECT #: 611

PROJECT TYPE: RRLRAIA Residential Review

PROJECT DESCRIPTION:

The project was presented by Mr. Aaron Feivelson. Sunfire Custom Homes will be constructing a new 4,274 sf home at 1216 Boyce Avenue designed by Dean Thomas Design Group. The new home will feature two story living with a main floor space of 2,569 sf, an upper floor space of 2,463 sf and include 1,990 sf of developed living space below grade. The home includes an attached 1,216 sf. 3-car garage. The property will be landscaped by Stonehill Design to enhance the existing natural vegetation on the property.

SPEAKERS:

Mr. Mark Heckman, resident of 7805 Overbrook Road expressed his concerns about site planning and site grading issues.
Mr. David Wingate, resident of 1218 Boyce Avenue expressed his concern about stormwater and the location of the proposed driveway which is to close to his property. Mr. Wingate suggested to use the existing driveway to the property.

DESIGN REVIEW PANEL COMMENTS:

Mr. David Martin, DRP Chairman, opened up the floor to the panel members for discussion.
Mr. Boswell asked to address community's concerns about stormwater run-off.
The applicant explained that with the current proposed plan about 70% of storm water run-off was reduced.
Mr. Ed Hord stated that east elevation should be redesigned to remove the bulky shaped box.
Ms. Cecily Bedwell agreed with Mr. Hord and asked if material to be used will be stucco, and added that additional landscaping would help with the stormwater issues.
Mr. Kellman asked if sediment and stormwater plans were approved.

DISPOSITION:

Mr. Hord made the motion to approve the plan with the following conditions:

1. Redesign the east façade to remove the bulky shaped box.
2. Provide lime stone base around all facades so stucco does not wick water from the ground plane.

The motion was seconded by Mr. Boswell and approved by acclamation at 8:54 pm.

The DRP meeting adjourned at 8:55 pm.

Design Review Panel Members

The Design Review Panel (DRP) consists of a panel of nine members knowledgeable in matters of design, including architects, landscape architects, engineers and other design professionals. The professional members are appointed by the County Executive and confirmed by the County Council. The County Executive appoints the Chairperson.

For residential development proposed in a Residential Review Area, the DRP consists of a minimum of two, professiona members designated by the chairperson, and one resident member appointed by the County Council. The appointed resident member must be a resident of the councilmanic district in which the development is proposed. The County Council appoints a revolving panel of resident members.

DRP members may serve no more than two, three-year terms.

Protestant
CBA Exhibit
7

Professional Members

Name	Date Appointed	Current Term Expires	Appointed By
Ed Hord	8/1/2012	12/31/2015	County Executive At Large
Richard Jones	6/6/2012	12/31/2015	County Executive At Large
Mitchell J. Kellman	2/1/2012	12/31/2017	County Executive At Large
Julie Kirsch	2/1/2012	12/31/2017	County Executive At Large
David Martin **Chairman**	2/1/2012	12/31/2017	County Executive At Large

Melanie Moser	6/6/2012	12/31/2015	County Executive At Large
Qutub Syed	11/18/2015	12/31/2016	County Executive At Large
Cecily Bedwell	2/17/2016	12/31/2019	County Executive At Large
Nikki Brooks	2/17/2016	12/31/2019	County Executive At Large
Matt D'Amico	2/17/2016	12/31/2019	County Executive At Large

Revised December 14, 2016

DEPARTMENT OF PLANNING

DID THIS PAGE HELP?

*elds marked with * are qulred.*

age Rating ·

-) Excellent
-) Good
-) Average
-) Poor
-) Very Poor

xplain Your Rating

SUBMIT

altimore County Government

00 Washington Avenue
owson, Maryland 21204

rections >>

BALTCOGO

Download on the App Store

GET IT ON Google Play

lelp

hone Numbers

nd a County Service

eport a Problem



Copyright 2019 Baltimore County Government



Not the store you're looking for?
1 store near you (http://store.vioc.com/md/middle-river) -or-
Change Location (/)

COUPONS SERVICES SERVICE HISTORY

QUICK.

Get a drive thru oil change in about 15 minutes. So quick you won't even have to leave your car.

EASY.

Conveniently located in your neighborhood. More than 900 locations nationwide.

TRUSTED.

Friendly, certified technicians. Our techs complete 270 hours of training in an ASE-certified program.

LEARN MORE (HTTP://WWW.VIOC.COM/ABOUT?STORE=%2FMD%2FMIDDLE-RIVER%2F1324-MARTIN-BLVD-21220-BA0016)

Protestant
CBA Exhibit
8

HOME (//WWW.VIOC.COM/?STORE=%2FMD%2FMIDDLE-RIVER%2F1324-MARTIN-BLVD-21220-BA0016)

In observance of Easter, Valvoline Instant Oil Change will be closed Sunday, April 21st.



COUPONS

Save now with these great offers.

Valvoline

GET $10 OFF

Select Preventive Maintenance Services

SEND THIS VIA TEXT

SEND THIS VIA EMAIL

PRINT THIS COUPON

Expires: 2019-05-17 **ABWWEX**

Offer Details

Valvoline

HOME (//WWW.VIOC.COM/?STORE=%2FMD%2FMIDDLE-RIVER%2F1324-MARTIN-BLVD-21220-BA0016)

Valvoline Instant Oil Change

GET $7 OFF

Valvoline™ Full-Service Full Synthetic or Synthetic Blend Oil Change

SEND THIS VIA TEXT

SEND THIS VIA EMAIL

PRINT THIS COUPON

Expires: 2019-05-17 **ABWWDM**

Offer Details

GET $5 OFF

Valvoline™ Full-Service Conventional Oil Change

SEND THIS VIA TEXT

SEND THIS VIA EMAIL

PRINT THIS COUPON

Expires: 2019-05-17 **ABWWAF**

Offer Details

TAKING CARE OF YOUR CAR IS EASIER THAN EVER

myCARFAX and Valvoline Instant Oil Change have partnered to make taking care of your car a little easier. Interested in seeing your vehicle's service history? Just enter your car's VIN or license plate info to see your free service history report online. myCARFAX offers you all of these benefits:

- Notice of any open recalls for your vehicle
- CARFAX vehicle service history
- Alerts for upcoming recommended services
- Address of your nearest Valvoline Instant Oil Change

Get Your Free Service History Report

License Plate

Maryland ▾

— or —

VIN

Email

☐ **I agree to the myCARFAX terms and conditions (https://www.carfax.com/company/legal-disclaimer), and authorize Valvoline to activate my FREE myCarfax Account.**

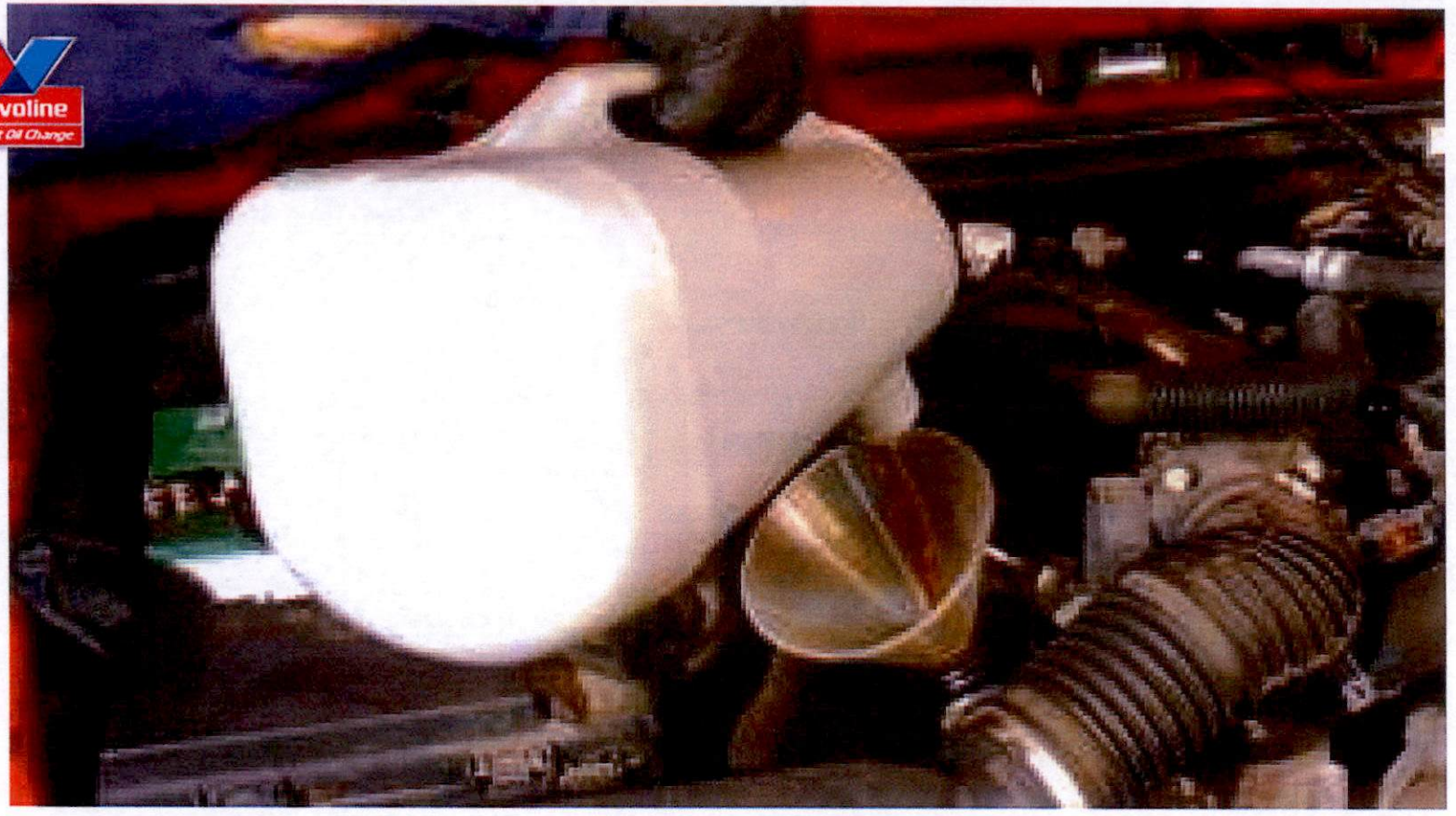
VIEW NOW

RECOMMENDED SERVICES

- FULL-SERVICE OIL CHANGE
- TRANSMISSION SERVICE

FULL-SERVICE OIL CHANGE

Get a drive thru oil change with free, detailed maintenance check in about 15 minutes.



CLOSE ×

- RADIATOR SERVICE
- AIR FILTER REPLACEMENT
- SERPENTINE BELT REPLACEMENT
- AIR CONDITIONING SERVICE
- DIFFERENTIAL FLUID REPLACEMENT
- HEADLIGHT/TAILLIGHT REPLACEMENT
- FUEL SYSTEM CLEANING SERVICE
- BATTERY REPLACEMENT
- TIRE ROTATION
- WINDSHIELD WIPER REPLACEMENT

Did You Know?

The cost for accidents resulting from unperformed vehicle maintenance tops $2 billion a year, according to a 2004 study by Car Care Council. Here are three good

- FULL-SERVICE OIL CHANGE
- TRANSMISSION SERVICE
- RADIATOR SERVICE

HOME (//WWW.VIOC.COM/?STORE=%2FMD%2FMIDDLE-RIVER%2F1324-MARTIN-BLVD-21220-BA0016)

reasons to choose Valvoline for your car maintenance needs:

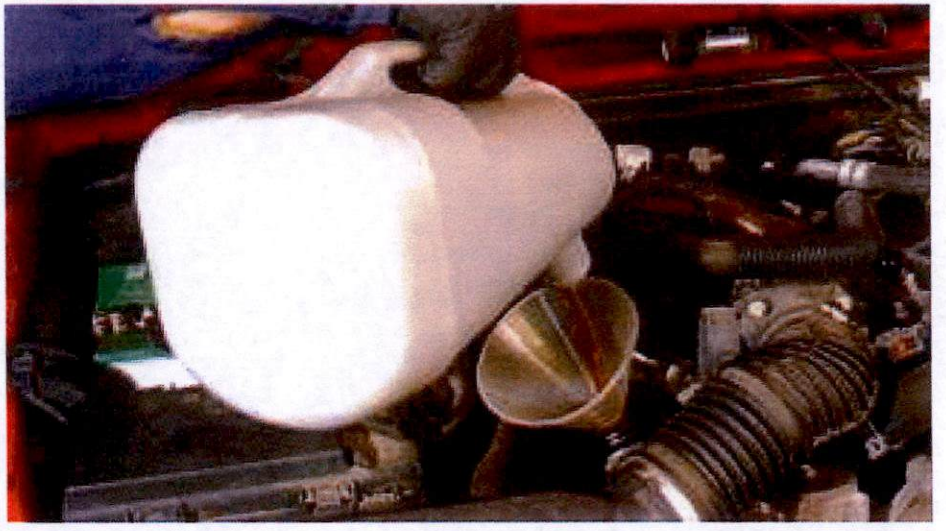
1 skilled technicians are rigorously trained in an rtified training program

2 For most of our services, you won't even have to leave your car

3 On average, you'll save up to 20%–50% on non-oil change services over the dealer[1]

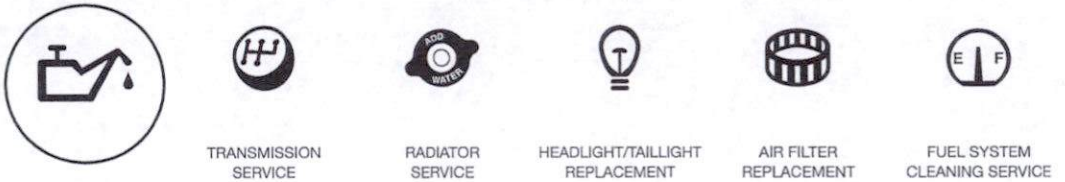
FULL-SERVICE OIL CHANGE

Get a drive thru oil change with free, detailed maintenance check in about 15 minutes.



CLOSE ×

- HEADLIGHT/TAILLIGHT REPLACEMENT
- AIR FILTER REPLACEMENT
- FUEL SYSTEM CLEANING SERVICE
- SERPENTINE BELT REPLACEMENT
- BATTERY REPLACEMENT
- AIR CONDITIONING SERVICE
- TIRE ROTATION
- DIFFERENTIAL FLUID REPLACEMENT
- WINDSHIELD WIPER REPLACEMENT



TRANSMISSION SERVICE | RADIATOR SERVICE | HEADLIGHT/TAILLIGHT REPLACEMENT | AIR FILTER REPLACEMENT | FUEL SYSTEM CLEANING SERVICE

FULL-SERVICE OIL CHANGE

Get a drive thru oil change with free, detailed maintenance check in about 15 minutes.

HOME (//WWW.VIOC.COM/?STORE=%2FMD%2FMIDDLE-RIVER%2F1324-MARTIN-BLVD-21220-BA0016)



SERPENTINE BELT REPLACEMENT | BATTERY REPLACEMENT | AIR CONDITIONING SERVICE | TIRE ROTATION | DIFFERENTIAL FLUID REPLACEMENT | WINDSHIELD WIPER REPLACEMENT

DID YOU KNOW?

Routine maintenance can help keep you safely on the road and improve the fuel efficiency and performance of your vehicle. Stop in today for a free, maintenance check of fluids, air filter, bulbs, tires and wipers when you purchase an oil change.

Motor Oil: Motor Oil: Use the grade of motor oil recommended by your manufacturer and improve gas mileage by 1 to 2 percent. *

Air Filter: Replace your clogged air filter and improve your vehicle's acceleration. *

Tire Pressure: Keep tires properly inflated and improve gas mileage up 3.3%. *

** U.S. Department of Energy, fueleconomy.gov*

CUSTOMER REVIEWS

TAY

Great Service!

MORE

TAY

Great Service!

MORE

NIKKI B

Once I finally got into the bay, my oil change went quickly.

MORE

LORETTAL

I am always highly satisfied that is why I only use Valvoline

MORE

FLEET SERVICES

JOB OPPORTUNITIES





No one does quick, easy and trusted fleet maintenance better than Valvoline Instant Oil Change. Help keep your drivers on the road and taking care of business.

(//www.vioc.com/fleet?

Ready to get on the fast track to success? Explore career opportunities with Valvoline Instant Oil Change™. Check out the great job opportunities below.

- Click here to see a list of career opportunities for this location (https://jobs.vioc.com/listjobs/all/search/val-store-number/BA0016)

Connect with Us (https://www.facebook.com/VIOCMiddleRiverMD) (https://plus.google.com/104885553376862582290/about)

HOME (//WWW.VIOC.COM/?STORE=%2FMD%2FMIDDLE-RIVER%2F1324-MARTIN-BLVD-21220-BA0016)











Copyright © 2018 Valvoline. All rights reserved.
Privacy Policy (//www.vioc.com/privacy-policy?store=%2Fmd%2Fmiddle-river%2F1324-martin-blvd-21220-BA0016) Terms & Conditions (//www.vioc.com/terms-conditions?store=%2Fmd%2Fmiddle-river%2F1324-martin-blvd-21220-BA0016)

DEPARTMENT OF PUBLIC WORKS

Traffic Signal Shop

Traffic Engineering Overview

Public Works Overview

Level-of-Service Ratings

The level-of-service of an intersection is determined by analyzing each approach individually. A computation is made of each approach to determine its load factor (LF) during both the morning and afternoon peak hours. The LF is determined by recording the number of loaded cycles on each approach during the two-hour study periods in the morning and afternoon. View the level-of-service (PDF) for signaled intersections in Baltimore County.

Criteria

Cycle of the Signal

A cycle of the signal is the period that encompasses one green indication. During each cycle of the traffic signal, an observer determines which vehicle is the last vehicle stopped in the queue at the time the signal turns green. If that last vehicle does not get through the intersection during that one green indication, the cycle is recorded as being loaded. This continues through an entire two-hour study period, with each approach of the intersection being independently evaluated.

Each approach is studied to determine the particular

DID THIS PAG HELP?

Fields marked with required.

Page Rating *

- Excellent
- Good
- Average
- Poor
- Very Poor

Explain Your R

SUBMIT

Protestant
CBA Exhibit
9

60-minute period that had the highest percentage of cycles which were loaded. Thus each approach is given a separate maximum percentage of loaded cycles, and this percentage is called the load factor.

Load Factor

The load factor can range from zero percent to 100 percent. If an approach had a load factor of 40 percent, it would mean that during 40 percent of the cycles (in the most congested 60-minute period on that approach) all of the vehicles stopped in line for the signal when it changed green did not get through that signal. If there were 25 vehicles in the queue at the time the signal changed green and the last vehicle was the only one that did not get through the intersection the cycle would still be recorded as a loaded cycle.

The load factor for the intersection is determined by looking at the approach with the highest load factor in the morning and the same in the afternoon. The highest load factor for the morning and afternoon is then used to determine the level-of-service. In timing signals, it is the intent to try and equalize the load factor on each approach to be as equal as possible so that no one approach is being delayed more than the other. Therefore, if an intersection was evaluated and determined to have a load factor on one approach of 15 percent and on the cross-street approach of 60 percent, the signal would first be retimed to try and equalize them and then the intersection would be restudied.

Ratings

The Level-of-Service is determined by using the following chart with the load factor for the intersection as computed above:

Level-of-Service	Load Factor
A	0%
B	1% to 10%
C	11% to 30%
D	31% to 70%
E	71% to 85%
F	86% to 100%

In Baltimore County, the level-of-service can regulate the issuance of building permits for non-industrial development in urban areas determined to have a significant influence on a particular intersection.

- **Level-of-Service D**
  Level-of-Service D intersections do not control issuance of building permits, but their areas

are identified on Baltimore County's Basic Services Transportation Maps to identify the deficiency. The purpose of identifying D intersections is to provide notice to the public that the intersection has the potential of going to an E or F.

- **Level-of-Service E**
  Areas around a level-of-service E intersection would be allowed to have a limited number of building permits issued.

- **Level-of-Service F**
  Areas around a level-of-service F intersection would have a moratorium on building permits for non-industrial development, with some very limited exceptions.

Identifying these intersections also allows the County an opportunity to work toward correcting them and lessen congestion before it becomes a serious problem. The level-of-service does not in any way evaluate the safety aspects of an intersection but is strictly a congestion measure.

Revised November 15, 2016

Help
Phone
Numbers
Find a County
Service

Translate
Español
العربية
中文
Français

Awards
2017 WINNER DIGITAL COUNTIES SURVEY

Baltimore County Government

Historic Courthouse
00 Washington Avenue
Towson, Maryland 21204

Directions >>

Service
Report a Problem

Français
Русский
English

BEST OF THE WEB 2016 WINNER

BALTCOGO

Download on the App Store

GET IT ON Google Play

© Copyright 2019 Baltimore County Government

Contact Baltimore County | User Terms | Privacy | Jobs | Reasonable Accommodation

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Highfalcon Rd	Reisterstown Rd			7/16/2015	A	11/8/2012	A
Highview Ave	Maiden Choice Ln	Westland Blvd		6/22/2015	B	11/14/2012	B
Hillen Rd	Stevenson Ln			5/27/2014	D	4/9/2013	D
Hillsway Ave	Wentworth Ave			10/17/2013	A	12/24/2010	A
Hillsway Ave	Taylor Ave			7/29/2013	B	6/1/2010	A
Hillsway Ave	McClean Blvd	Perring Pkwy		9/29/2015	B	12/5/2012	B
Holabird Ave	Portship Rd	Snyder Ave		5/2/2013	A	4/1/2010	A
Holabird Ave	Monumental Ave	Sollers Point Rd		10/6/2014	A	12/28/2011	A
Holabird Ave	Searles Rd			11/3/2014	A	11/3/2014	A
Holabird Ave	Merritt Blvd	Wise Ave		10/8/2014	C	9/13/2011	B
Honeygo Blvd	Silver Spring Rd			10/8/2014	C	8/26/2010	B
Honeygo Blvd	White Marsh Blvd			4/27/2011	D	3/24/2010	D
Honeygo Blvd	Sandpiper Cir			6/4/2015	A	10/23/2012	B
Honeygo Blvd	Perry Hall Blvd			6/24/2014	A	6/21/2011	B
Honeygo Blvd	Joppa Rd			2/26/2015	B	11/26/2012	B
Honeygo Blvd	Mercantile Rd			7/2/2014	C	7/26/2011	B
Honeygo Blvd	White Marsh Mall Exit			6/27/2013	A	2/25/2010	A
Honeygo Blvd	Honeygo Center Dr			6/6/2013	A	2/3/2010	A
Hooks Ln	Reisterstown Rd	Woodholme Ave		11/2/2015	C	10/22/2012	C
Hooks Ln	Michelle Way	Park Heights Ave		5/20/2013	B	9/2/2010	C
Hospital Dr.	Philadelphia Rd.			8/27/2014	A		
Industrial Park Rd	Philadelphia Rd			7/23/2013	B	6/17/2010	A
Industry Ln	York Rd			8/18/2015	B	11/20/2012	A
Ingleside Ave	Ingleside SC	Westview Mall Ent		12/8/2014	A	2/27/2012	A
Ingleside Ave	Johnnycake Rd			5/5/2014	B	7/25/2011	B
Ingleside Ave	Parallel Dr			12/15/2014	A	5/14/2012	A
International Cir	McCormick Rd	Hunt Valley Mall		3/19/2013	C	1/21/2010	B
Inverness Ave	Wise Ave			4/16/2014	A	7/7/2011	A
Jarrettsville Pike	Manor Rd			6/20/2013	C	1/13/2010	B
Jarrettsville Pike	Merrymans Mill Rd			8/20/2015	B	3/8/2012	C
Jarrettsville Pike	Paper Mill Rd	Sweet Air Rd		8/24/2015	D	5/16/2013	D
Joan Ave	Loch Raven Blvd	Mussula Rd		5/29/2013	A	4/5/2010	A
Johnnycake Rd	Rolling Rd N			11/3/2014	A	3/5/2012	B
Joppa Rd	Seven Courts Dr			5/13/2015	A	8/8/2012	A
Joppa Rd	Magledt Rd			12/23/2014	A	6/21/2012	A
Joppa Rd	Walther Blvd			5/2/2013	A	1/24/2010	A
Joppa Rd	Silver Spring Rd	Springtowne Cir		9/2/2014	C	9/28/2011	C
Joppa Rd E	Mylander Ln	Raytheon Parking Lot		5/16/2013	A	2/1/2010	A
Joppa Rd E	Providence Rd	Black & Decker Ent		4/30/2015	B	10/3/2012	A
Joppa Rd E	Satyr Hill Rd	Perring Plaza		2/3/2015	A	6/28/2012	A
Joppa Rd E	Old Harford Rd			1/3/2013	A	10/19/2009	C
Joppa Rd E	Satyr Hill Rd	Waltham Woods Rd		12/15/2014	C	6/1/2012	B
Joppa Rd E	Loch Raven Blvd			4/10/2014	F	4/12/2013	F

Protestant
CBA Exhibit
10

BALTIMORE COUNTY, MARYLAND
BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING
INTER-OFFICE CORRESPONDENCE

DATE: January 5, 2018

TO: Steve Walsh., Director
Department of Public Works

FROM: Greg Carski. Bureau Chief
Bureau of Traffic Engineering and Transportation Planning

SUBJECT: 2018 Basic Service Map – Transportation: Final Report

Our bureau has restudied all of the intersections currently on the Basic Services Map for 2017 as well as continued the update of all other signalized intersections. Based on these studies over the past year, we are recommending the following changes to the Transportation Map for 2018:

CHANGES:

Goucher Blvd / Putty Hill Ave	E to D
Baltimore Nat'l Pike (US 40)/ Rolling Rd N	D to F

With the changes above, there are nine "F" level intersections and one "E" level intersections that are being proposed on the 2018 Basic Service Transportation Map that would control development. These intersections are:

Baltimore Nat'l Pike (US 40)/ Rolling Rd N	LOS = F
Belair Rd (US 1) / Rossville Blvd	LOS = F
Bloomsbury Ave / Frederick Rd (MD 144) / Ingleside Ave	LOS = F
Burke Ave / Burke Ave W / York Rd (MD 45)	LOS = F
Ebenezer Rd / Pulaski Hwy (US 40)	LOS = F
Falls Rd (MD 25) / Seminary Ave W (MD 131)	LOS = F
Falls Rd (MD 25) / Joppa Rd W	LOS = F
Falls Rd (MD 25) / Greenspring Valley Rd (MD 130)	LOS = F
Perring Pkwy (MD 41) / Putty Hill Ave	LOS = F
Joppa Rd E / Perring Pkwy (MD 41)	LOS = E

The intersection of Goucher Blvd / Putty Hill Ave went from LOS E to D. This intersection has been historically LOS D, but became an E from last year's count. The construction last year at Harford Rd / Joppa Rd may have contributed to vehicles taking an alternate route, and increasing the volume through Goucher Blvd / Putty Hill Ave. With Harford

Protestant
CBA Exhibit
11

Rd / Joppa Rd back in normal operations, the LOS at Goucher Blvd / Putty Hill Ave returned to its historical typical LOS.

The intersection of Baltimore Nat'l Pike (US 40)/ Rolling Rd N went from LOS D to F, which could be attributed to changes in traffic demand. Even with timing adjustments from SHA, the LOS was not able to be improved. Due to increased traffic volumes in the area, capacity of these intersections is being pressed during certain times of the day for a significant duration.

The commuter shed at Belair Rd (US 1) / Rossville Blvd is LOS F per County Bill No. 15-17.

Commuter sheds for the intersections noted above are being updated and will be shown on the 2018 Basic Service Map.

Enclosed is a list of the current D, E, and F intersections for your use. Should you have any questions in regard to the Basic Services Transportation Map for 2018, please contact me at ext. 3554.

Sig#	Prev Date	Prev L	Curr Date	Curr L	Time	1st Rd Name	2nd Rd Name	3rd Rd Name	Notes
S0284	4/06/16	D	2/06/17	F		Baltimore Nat'l Pik	Rolling Rd N		
C0712	3/15/16	D	2/07/17	D		Beaver Dam Rd	Cuba Rd	Shawan Rd	
S0564	3/08/16	D	2/08/17	D		Belair Rd	Ebenezer Rd	Joppa Rd	
S0619	4/05/16	D	2/13/17	D		Belair Rd	Fullerton Ave	Taylor Ave	
S2325	3/01/16	D	2/14/17	F		Belair Rd	Rossville Blvd		Bill 15-17
S1594	5/12/16	D	2/15/17	D		Bellona Ave	Charles St	Kenilworth Dr	
C4270	11/30/16	F	2/16/17	F		Bloomsbury Ave	Frederick Rd	Ingleside Ave	
	4/25/16	F	2/23/17	F		Burke Ave	York Rd		
S1927	5/09/16	D	2/28/17	D		Dulaney Valley Rd	Fairmount Ave		
S2294	3/09/16	D	3/03/17	D		Dulaney Valley Rd	Timonium Rd E		
S0616	2/08/16	D	3/02/17	D		Eastern Ave	Rolling Mill Rd	Eastpoint Mall	
S0605	2/25/16	F	3/06/17	F		Ebenezer Rd	Pulaski Hwy		
S3981	3/07/16	D	3/07/17	D		Fairmount Ave	York Rd		
S0268	4/20/16	F	2/21/17	F		Falls Rd	Greenspring Valley	Station Dr	
S0271	4/20/16	F	2/21/17	F		Falls Rd	Jones Falls Expwy	Joppa Rd	
S2231	5/24/16	F	5/24/17	F		Falls Rd	Seminary Ave W		
S0428	3/14/16	D	2/22/17	D		Falls Rd	Shawan Rd	Tufton Ave	
S3356	4/12/16	D	3/08/17	D		Frederick Rd	Rolling Rd S		
C0036	3/23/16	E	3/09/17	D		Goucher Blvd	Putty Hill Ave		
S3016	10/06/15	D	5/02/17	D		Harford Rd	Joppa Rd		
S2167	4/07/16	D	3/16/17	D		Harford Rd	Taylor Ave		
S0591	5/27/14	D	2/27/17	D		Hillen Rd	Stevenson Ln		
S2512	4/19/16	D	3/27/17	D		Honeygo Blvd	White Marsh Blvd		
S0917	5/05/16	D	3/28/17	D		Jarrettsville Pike	Paper Mill Rd	Sweet Air Rd	
S2015	4/21/16	D	3/29/17	D		Joppa Rd E	Loch Raven Blvd		
S4320	4/14/16	E	3/30/17	E		Joppa Rd E	Perring Pkwy		
S1911	4/18/16	D	4/03/17	D		Liberty Rd	Washington Ave		
S0628	3/24/16	D	4/04/17	D		Middle River Rd	Pulaski Hwy		
S4310	3/16/16	D	4/06/17	D		Padonia Rd E/W	York Rd		
S0852	3/22/16	F	4/05/17	F		Perring Pkwy	Putty Hill Ave		
S0889	3/03/16	D	4/25/17	D		Pulaski Hwy	66th St		
S0885	3/10/16	D	4/18/17	D		Pulaski Hwy	Rossville Blvd		
C0220	4/13/17	D	4/19/17	D		Rolling Rd	Windsor Mill Rd		
S1580	3/17/16	D	4/20/17	D		Seminary Ave E/W	York Rd		

Sig#	Prev Date	Prev LC	Curr Date	Curr L	Time	1st Rd Name	2nd Rd Name	3rd Rd Name	Notes
S3008	3/21/16	D	4/24/17	D		Timonium Rd E/W	York Rd		

BALTIMORE COUNTY, MARYLAND
BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING
INTER-OFFICE CORRESPONDENCE

DATE: November 19, 2018

TO: Steve Walsh., Director
Department of Public Works

FROM: Greg Carski. Bureau Chief
Bureau of Traffic Engineering and Transportation Planning

SUBJECT: 2019 Basic Service Map – Transportation: Draft Report

Our bureau has restudied all of the intersections currently on the Basic Services Map for 2018 as well as continued the update of all other signalized intersections. Based on these studies over the past year, we are have determined no changes or additions to the 2018 Map.

There are nine "F" level intersections and one"E" level intersections that are being proposed on the 2019 Basic Service Transportation Map that would control development. These intersections are:

Baltimore Nat'l Pike (US 40)/ Rolling Rd N	LOS = F
Belair Rd (US 1)/ Rossville Blvd	LOS = F
Bloomsbury Ave / Frederick Rd (MD 144) / Ingleside Ave	LOS = F
Burke Ave / Burke Ave W / York Rd (MD 45)	LOS = F
Falls Rd (MD 25) / Seminary Ave W (MD 131)	LOS = F
Falls Rd (MD 25) / Joppa Rd W	LOS = F
Falls Rd (MD 25) / Greenspring Valley Rd (MD 130)	LOS = F
Perring Pkwy (MD 41) / Putty Hill Ave	LOS = F
Ebenezer Rd / Pulaski Hwy (US 40)	LOS = F
Joppa Rd E / Perring Pkwy (MD 41)	LOS = E

The commuter shed at Belair Rd (US 1)/Rossville Blvd is LOS F per County Bill No. 15-17.

Commuter sheds for the intersections noted above are unchanged from the 2018 Basic Service Map and will be shown as such on the 2019 Basic Services Map.

Enclosed is a list of the current D, E, and F intersections for your use. Should you have any questions in regard to the Basic Services Transportation Map for 2019, please contact me at ext. 3554.

Protestant
CBA Exhibit
12

Sig#	Prev Date	Prev LC	Curr Date	Curr L	Time	1st Rd Name	2nd Rd Name	3rd Rd Name	Notes
S0284	2/06/17	F	2/12/18	F		Baltimore Nat'l Pik	Rolling Rd N		
C0712	2/07/17	D	2/13/18	D		Beaver Dam Rd	Cuba Rd	Shawan Rd	
S0564	2/08/17	D	2/14/18	D		Belair Rd	Ebenezer Rd	Joppa Rd	
S0619	2/13/17	D	2/16/18	D		Belair Rd	Fullerton Ave	Taylor Ave	
S2325	2/14/17	F	2/20/18	F		Belair Rd	Rossville Blvd		Bill 15-17
S1594	2/15/17	D	2/21/18	D		Bellona Ave	Charles St	Kenilworth Dr	
C4270	2/16/17	F	2/22/18	F		Bloomsbury Ave	Frederick Rd	Ingleside Ave	
S 087	2/23/17	F	2/26/18	F		Burke Ave	York Rd		
S1927	2/28/17	D	2/27/18	D		Dulaney Valley Rd	Fairmount Ave		
S2294	3/03/17	D	2/28/18	D		Dulaney Valley Rd	Timonium Rd E		
S0616	3/02/17	D	3/01/18	D		Eastern Ave	Rolling Mill Rd	Mall Ent	
S0605	3/06/17	F	3/08/18	F		Ebenezer Rd	Pulaski Hwy		
S3981	3/07/17	D	3/20/18	D		Fairmount Ave	York Rd		
S0268	2/21/17	F	3/06/18	F		Falls Rd	Greenspring Valley	Station Dr	
S0271	2/21/17	F	3/06/18	F		Falls Rd	Jones Falls Expwy	Joppa Rd W	
S2231	5/24/17	F	3/06/18	F		Falls Rd	Seminary Ave W		
S0428	2/22/17	D	3/12/18	D		Falls Rd	Shawan Rd	Tufton Ave	
S3356	3/08/17	D	3/13/18	D		Frederick Rd	Rolling Rd S		
C0036	3/09/17	D	3/14/18	D		Goucher Blvd	Putty Hill Ave		
S3016	5/02/17	D	3/15/18	D		Harford Rd	Joppa Rd		
S2167	3/16/17	D	3/19/18	D		Harford Rd	Taylor Ave		
S0591	2/27/17	D	3/28/18	D		Hillen Rd	Stevenson Ln		
S2512	3/27/17	D	3/27/18	D		Honeygo Blvd	White Marsh Blvd		
S0917	3/28/17	D	3/29/18	D		Jarrettsville Pike	Paper Mill Rd	Sweet Air Rd	
S2015	3/29/17	D	4/09/18	D		Joppa Rd E	Loch Raven Blvd		
S4320	3/30/17	E	4/10/18	E		Joppa Rd E	Perring Pkwy		
S1911	4/03/17	D	4/11/18	D		Liberty Rd	Washington Ave		
S0628	4/04/17	D	4/12/18	D		Middle River Rd	Pulaski Hwy		
S4310	4/06/17	D	4/16/18	D		Padonia Rd E/W	York Rd		
S0852	4/05/17	F	4/17/18	F		Perring Pkwy	Putty Hill Ave		
S0889	4/25/17	D	4/18/18	D		Pulaski Hwy	66th St		
S0885	4/18/17	D	4/25/18	D		Pulaski Hwy	Rossville Blvd		
C0220	4/19/17	D	4/19/18	D		Rolling Rd	Windsor Mill Rd		

Sig#	Prev Date	Prev L	Curr Date	Curr L	Time	1st Rd Name	2nd Rd Name	3rd Rd Name	Notes
S1580	4/20/17	D	4/23/18	D		Seminary Ave E/W	York Rd		
S3008	4/24/17	D	4/24/18	D		Timonium Rd E/W	York Rd		

Protestant
CBA Exhibit
13

BALTIMORE COUNTY TRAFFIC ENGINEERING
TURNING MOVEMENT COUNT DATA

LOCATION JOPPA RD - LOCH RAVEN BLVD

DATE OF COUNT A.M. 4/10/2014 P.M. 4/10/2014

ROADS: LOCH RAVEN BLVD / LOCH RAVEN BLVD / JOPPA RD / JOPPA RD

	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
AM	L	S	R	TOTAL	L	S	R	TOTAL	N + S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E + W TOTAL	GRAND TOTAL
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	11	169	7	187	19	90	93	202	389	62	22	13	97	23	176	59	258	355	744
7:15-7:30	14	234	13	261	18	104	113	235	496	85	50	13	148	14	258	88	360	508	1004
7:30-7:45	20	237	4	261	31	112	122	265	526	74	39	10	123	19	218	82	319	442	968
7:45-8:00	18	189	9	216	28	116	104	248	464	58	38	11	107	20	281	89	390	497	961
8:00-8:15	22	208	24	254	41	137	176	354	608	95	59	6	160	12	243	62	317	477	1085
8:15-8:30	33	209	20	262	29	87	102	218	480	37	49	10	96	16	255	56	327	423	903
8:30-8:45	46	212	16	274	36	64	90	190	464	50	44	13	107	21	290	61	372	479	943
8:45-9:00	36	168	18	222	28	79	97	204	426	53	50	20	123	14	206	49	269	392	818

AM HOUR TOTALS

6:00-7:00	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
6:15-7:15	11	169	7	187	19	90	93	202	389	62	22	13	97	23	176	59	258	355	744
6:30-7:30	25	403	20	448	37	194	206	437	885	147	72	26	245	37	434	147	618	863	1748
6:45-7:45	42	640	24	709	68	306	328	702	1411	221	111	36	368	56	652	229	937	1305	2716
7:00-8:00	**63**	**829**	**33**	**925**	**96**	**422**	**432**	**950**	**1875**	**279**	**149**	**47**	**475**	**76**	**933**	**318**	**1327**	**1802**	**3677**
7:15-8:15	74	868	50	992	118	469	515	1102	2094	312	186	40	538	65	1000	321	1386	1924	4018
7:30-8:30	93	843	57	993	129	452	504	1085	2078	264	185	37	486	67	997	289	1353	1839	3917
7:45-8:45	119	818	69	1006	134	404	472	1010	2016	240	190	40	470	69	1069	268	1406	1876	3892
8:00-9:00	**137**	**797**	**78**	**1012**	**134**	**367**	**465**	**966**	**1978**	**235**	**202**	**49**	**486**	**63**	**994**	**228**	**1285**	**1771**	**3749**

	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
PM	L	S	R	TOTAL	L	S	R	TOTAL	N + S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E + W TOTAL	GRAND TOTAL
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	36	171	37	244	37	100	86	223	467	135	284	25	444	33	112	90	235	679	1146
4:15-4:30	25	148	43	216	48	128	79	255	471	121	270	31	422	26	117	82	225	647	1118
4:30-4:45	35	184	38	257	73	134	118	325	582	140	307	23	470	41	121	84	246	716	1298
4:45-5:00	23	140	38	201	43	103	72	218	419	123	279	29	431	37	103	67	207	638	1057
5:00-5:15	32	156	29	217	61	107	81	249	466	159	346	31	536	39	87	83	209	745	1211
5:15-5:30	28	140	31	199	45	102	72	219	418	124	311	49	484	51	124	68	243	727	1145
5:30-5:45	41	169	41	251	69	145	75	289	540	147	343	27	517	39	113	79	231	748	1288
5:45-6:00	24	123	30	177	59	131	67	257	434	103	279	24	406	41	109	71	221	627	1061

PM HOUR TOTALS

3:00-4:00	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
3:15-4:15	36	171	37	244	37	100	86	223	467	135	284	25	444	33	112	90	235	679	1146
3:30-4:30	61	319	80	460	85	228	165	478	938	256	554	56	866	59	229	172	460	1326	2264
3:45-4:45	96	503	118	717	158	362	283	803	1520	396	861	79	1336	100	350	256	706	2042	3562
4:00-5:00	**119**	**643**	**156**	**918**	**201**	**465**	**355**	**1021**	**1939**	**519**	**1140**	**108**	**1767**	**137**	**453**	**323**	**913**	**2680**	**4619**
4:15-5:15	115	628	148	891	225	472	350	1047	1938	543	1202	114	1859	143	428	316	887	2746	4684
4:30-5:30	118	620	136	874	222	446	343	1011	1885	546	1243	132	1921	168	435	302	905	2826	4711
4:45-5:45	124	605	139	868	218	457	300	975	1843	553	1279	136	1968	166	427	297	890	2858	4701
5:00-6:00	**125**	**588**	**131**	**844**	**234**	**485**	**295**	**1014**	**1858**	**533**	**1279**	**131**	**1943**	**170**	**433**	**301**	**904**	**2847**	**4705**

LOCATION JOPPA RD - LOCH RAVEN BLVD

	RECORDER	WEATHER	ROAD SURFACE	DAY OF THE WEEK	DATE OF COUNT
A.M.	DT	CLEAR	DRY	THUR	4/10/2014
P.M.	DT	CLEAR	DRY	THUR	4/10/2014

PERCENTAGE TURNING MOVEMENTS AND TOTAL VOLUMES

ROADS:	LOCH RAVEN BLVD				LOCH RAVEN BLVD					JOPPA RD				JOPPA RD				
	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND				
	L	S	R	TOTAL	L	S	R	TOTAL		L	S	R	TOTAL	L	S	R	TOTAL	
%TURNING	10%	84%	6%	100%	12%	41%	47%	100%	AM	53%	37%	10%	100%	5%	74%	21%	100%	N/A
MOVEMENT	14%	70%	16%	100%	21%	47%	32%	100%	PM	28%	65%	6%	100%	17%	49%	34%	100%	N/A
TOTAL	200	1626	111	1937	230	789	897	1916	AM	514	351	96	961	139	1927	546	2612	7426
VOLUMES	244	1231	287	1762	435	950	650	2035	PM	###	2419	239	3710	307	886	624	1817	9324
GRAND TOTALS	444	2857	398	3699	665	1739	###	3951		###	2770	335	4671	446	2813	###	4429	####

ESTIMATED ADTS	SOUTH LEG	NORTH LEG	WEST LEG	EAST LEG
	20390	31292	31066	27089

ESTIMATED VEHICLES ENTERING THE INTERSECTION ——————————————————————> 54918

INTERSECTION: JOPPA RD - LOCH RAVEN BLVD

DESCRIPTION: LOCH RAVEN IS A SIX LANE STATE RD WITH LEFT TURN LANES AND ARROWS. JOPPA RD IS A FOUR LANE COUNTY RD WITH LEFT TURN LANES AND ARROWS.

THE SIGNAL FUNCTIONS AS A 8 PHASE LIGHT. THE CYCLE LENGTHS AVERAGE 189 SECONDS IN THE MORNING AND 189 SECONDS IN THE AFTERNOON. THE PEAK HOUR IN THE MORNIN 7:15 TO 8:15 AND IS 4:30 TO 5:30 THE AFTERNOON. THE PEAK FLOW OCCURS IN THE W/B DIRECTION OF JOPPA RD DURING THE AM AND IN THE E/B DIRECTION OF JOPPA RD IN THE PM.

LOADED CYCLES

	NORTHBOUND	SOUTHBOUND	EASTBOUND	WESTBOUND
% OF LOADS	31%	*	6%	70%
AM HOUR	7:30-8:30	*	8:00-9:00	7:45-8:45
% OF LOADS	20%	16%	42%	*
PM HOUR	4:00-5:00	4:00-5:00	5:00-6:00	*

REMARKS: *

THE LEVEL OF SERVICE IS: D

A = 0% B = 1-10% C = 11-30% D = 31-70% E = 71-85% F = 86-100%

FOR UPDATED LIST YES OR N DATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: _____

Protestant
CBA Exhibit
14

BALTIMORE COUNTY TRAFFIC ENGINEERING
TURNING MOVEMENT COUNT DATA

LOCATION JOPPA RD - LOCH RAVEN BLVD

DATE OF COUNT A.M. 3/29/2017 P.M. 3/29/2017

ROADS: LOCH RAVEN BLVD LOCH RAVEN BLVD JOPPA RD JOPPA RD

	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
AM	L	S	R	TOTAL	L	S	R	TOTAL	N + S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E + W TOTAL	GRAND TOTAL
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	14	183	11	208	23	102	88	213	421	70	41	18	129	22	191	71	284	413	834
7:15-7:30	19	196	9	224	32	127	92	251	475	86	55	12	153	14	167	84	265	418	893
7:30-7:45	26	257	7	290	35	145	114	294	584	84	52	15	151	16	269	102	387	538	1122
7:45-8:00	18	193	14	225	28	122	175	325	550	76	51	16	143	11	243	91	345	488	1038
8:00-8:15	35	185	26	246	34	150	188	372	618	101	68	10	179	22	277	98	397	576	1194
8:15-8:30	27	238	20	285	30	121	120	271	556	69	59	15	143	20	217	59	296	439	995
8:30-8:45	28	179	22	229	33	96	90	219	448	57	54	22	133	25	257	84	366	499	947
8:45-9:00	23	167	18	208	22	99	82	203	411	65	47	25	137	19	231	79	329	466	877

AM HOUR TOTALS

6:00-7:00	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
6:15-7:15	14	183	11	208	23	102	88	213	421	70	41	18	129	22	191	71	284	413	834
6:30-7:30	33	379	20	432	55	229	180	464	896	156	96	30	282	36	358	155	549	831	1727
6:45-7:45	54	636	27	722	90	374	294	758	1480	240	148	45	433	52	627	257	936	1369	2849
7:00-8:00	**77**	**829**	**41**	**947**	**118**	**496**	**469**	**1083**	**2030**	**316**	**199**	**61**	**576**	**63**	**870**	**348**	**1281**	**1857**	**3887**
7:15-8:15	98	831	56	985	129	544	569	1242	2227	347	226	53	626	63	956	375	1394	2020	4247
7:30-8:30	106	873	67	1046	127	538	597	1262	2308	330	230	56	616	69	1006	350	1425	2041	4349
7:45-8:45	108	795	82	985	125	489	573	1187	2172	303	232	63	598	78	994	332	1404	2002	4174
8:00-9:00	**113**	**769**	**86**	**968**	**119**	**466**	**480**	**1065**	**2033**	**292**	**228**	**72**	**592**	**86**	**982**	**320**	**1388**	**1980**	**4013**

	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
PM	L	S	R	TOTAL	L	S	R	TOTAL	N + S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E + W TOTAL	GRAND TOTAL
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	21	134	31	186	43	138	80	261	447	146	286	30	462	41	142	79	262	724	1171
4:15-4:30	35	182	37	254	57	156	77	290	544	152	283	34	469	25	116	56	197	666	1210
4:30-4:45	23	154	34	211	68	137	101	306	517	141	312	29	482	40	134	82	256	738	1255
4:45-5:00	26	122	21	169	89	125	109	323	492	154	316	27	497	44	101	60	205	702	1194
5:00-5:15	24	164	40	228	92	114	98	304	532	170	347	39	556	49	127	88	264	820	1352
5:15-5:30	25	146	42	213	55	68	96	219	432	144	320	48	512	40	112	60	212	724	1156
5:30-5:45	16	121	35	172	53	46	84	183	355	153	333	41	527	39	123	62	224	751	1106
5:45-6:00	19	131	41	191	56	50	66	172	363	128	298	29	455	36	117	54	207	662	1025

PM HOUR TOTALS

3:00-4:00	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
3:15-4:15	21	134	31	186	43	138	80	261	447	146	286	30	462	41	142	79	262	724	1171
3:30-4:30	56	316	68	440	100	294	157	551	991	298	569	64	931	66	258	135	459	1390	2381
3:45-4:45	79	470	102	651	168	431	258	857	1508	439	881	93	1413	106	392	217	715	2128	3636
4:00-5:00	**105**	**592**	**123**	**820**	**257**	**556**	**367**	**1180**	**2000**	**593**	**1197**	**120**	**1910**	**150**	**493**	**277**	**920**	**2830**	**4830**
4:15-5:15	108	622	132	862	306	532	385	1223	2085	617	1258	129	2004	158	478	286	922	2926	5011
4:30-5:30	98	586	137	821	304	444	404	1152	1973	609	1295	143	2047	173	474	290	937	2984	4957
4:45-5:45	91	553	138	782	289	353	387	1029	1811	621	1316	155	2092	172	463	270	905	2997	4808
5:00-6:00	**84**	**562**	**158**	**804**	**256**	**278**	**344**	**878**	**1682**	**595**	**1298**	**157**	**2050**	**164**	**479**	**264**	**907**	**2957**	**4639**

LOCATION JOPPA RD - LOCH RAVEN BLVD

	RECORDER	WEATHER	ROAD SURFACE	DAY OF THE WEEK	DATE OF COUNT
A.M.	KF	CLEAR	DRY	WED	3/29/2017
P.M.	KF	CLEAR	DRY	WED	3/29/2017

PERCENTAGE TURNING MOVEMENTS AND TOTAL VOLUMES

ROADS:	LOCH RAVEN BLVD				LOCH RAVEN BLVD					JOPPA RD				JOPPA RD				
	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND				
	L	S	R	TOTAL	L	S	R	TOTAL		L	S	R	TOTAL	L	S	R	TOTAL	
%TURNING	10%	83%	7%	100%	11%	45%	44%	100%	AM	52%	37%	11%	100%	6%	69%	25%	100%	N/A
MOVEMENT	12%	71%	17%	100%	25%	41%	35%	100%	PM	30%	63%	7%	100%	17%	53%	30%	100%	N/A
TOTAL	190	1598	127	1915	237	962	949	2148	AM	608	427	133	1168	149	1852	668	2669	7900
VOLUMES	189	1154	281	1624	513	834	711	2058	PM	###	2495	277	3960	314	972	541	1827	9469
GRAND TOTALS	379	2752	408	3539	750	1796	###	4206		###	2922	410	5128	463	2824	###	4496	####

ESTIMATED ADTS	SOUTH LEG	NORTH LEG	WEST LEG	EAST LEG
	20354	32666	32757	28118

ESTIMATED VEHICLES ENTERING THE INTERSECTION ----------> 56948

INTERSECTION: JOPPA RD - LOCH RAVEN BLVD

DESCRIPTION: LOCH RAVEN IS A SIX LANE STATE RD WITH LEFT TURN LANES AND ARROWS. JOPPA RD IS A FOUR LANE COUNTY RD WITH LEFT TURN LANES AND ARROWS.

THE SIGNAL FUNCTIONS AS A 8 PHASE LIGHT. THE CYCLE LENGTHS AVERAGE 153 SECONDS IN THE MORNING AND 180 SECONDS IN THE AFTERNOON. THE PEAK HOUR IN THE MORNIN 7:30 TO 8:30 AND IS 4:15 TO 5:15 THE AFTERNOON. THE PEAK FLOW OCCURS IN THE W/B DIRECTION OF JOPPA RD DURING THE AM AND IN THE E/B DIRECTION OF JOPPA RD IN THE PM.

LOADED CYCLES

	NORTHBOUND	SOUTHBOUND	EASTBOUND	WESTBOUND
% OF LOADS	48%	*	52%	*
AM HOUR	7:45 - 8:45	*	4:40 - 5:30	*
% OF LOADS	24%	*	*	*
PM HOUR	4:15 - 5:15	*	*	*

REMARKS: *

THE LEVEL OF SERVICE IS: D

A = 0% B = 1-10% C = 11-30% D = 31-70% E = 71-85% F = 86-100%

FOR UPDATED LIST YES OR N DATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: _____

Associates of Loch Raven Village (ALRV) ASSOCIATION

RESOLVED: That the position of the ALRV Association as adopted by the (Board of Directors) (Zoning Committee) on the zoning matter known as:

Appeal to Board of Appeals
Petitions for Special Hearing and Special Exception
Case No. 2010-0070-SPHX
Property: 1641 Joppa Road

is that:

we oppose the granting of the Special Exception.

AS WITNESS OUR HANDS AND SEAL THIS 4th day of March, 2019.

ATTEST:

Associates of Loch Raven Village Association

Susan Redpath
Secretary

Nicholas Lindman
President

Protestant
CBA Exhibit

Associates of Loch Raven Village (ALRV) **ASSOCIATION**

RESOLVED: That at the Special meeting meeting of the ALRV Association held on [DATE], it was decided by the Association that responsibility for review and action on all zoning matters for the period November 14, 2018 - March 15, 2019 be placed in the (Board of Directors) (~~Zoning Committee~~) consisting of the following members, each of whom is hereby authorized to testify on behalf of the Association before the County Board of Appeals or other duly constituted zoning agency, body, or commission:

Peter M. Moulder

AS WITNESS OUR HANDS AND SEAL THIS 4th day of March, 2019

ATTEST:

Associates of Loch Raven Village Association

Susan Redpath
Secretary

President

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) ~~(Zoning Committee)~~ of the Associates of Loch Raven Village Association.

ATTEST: Associates of Loch Raven Village Association

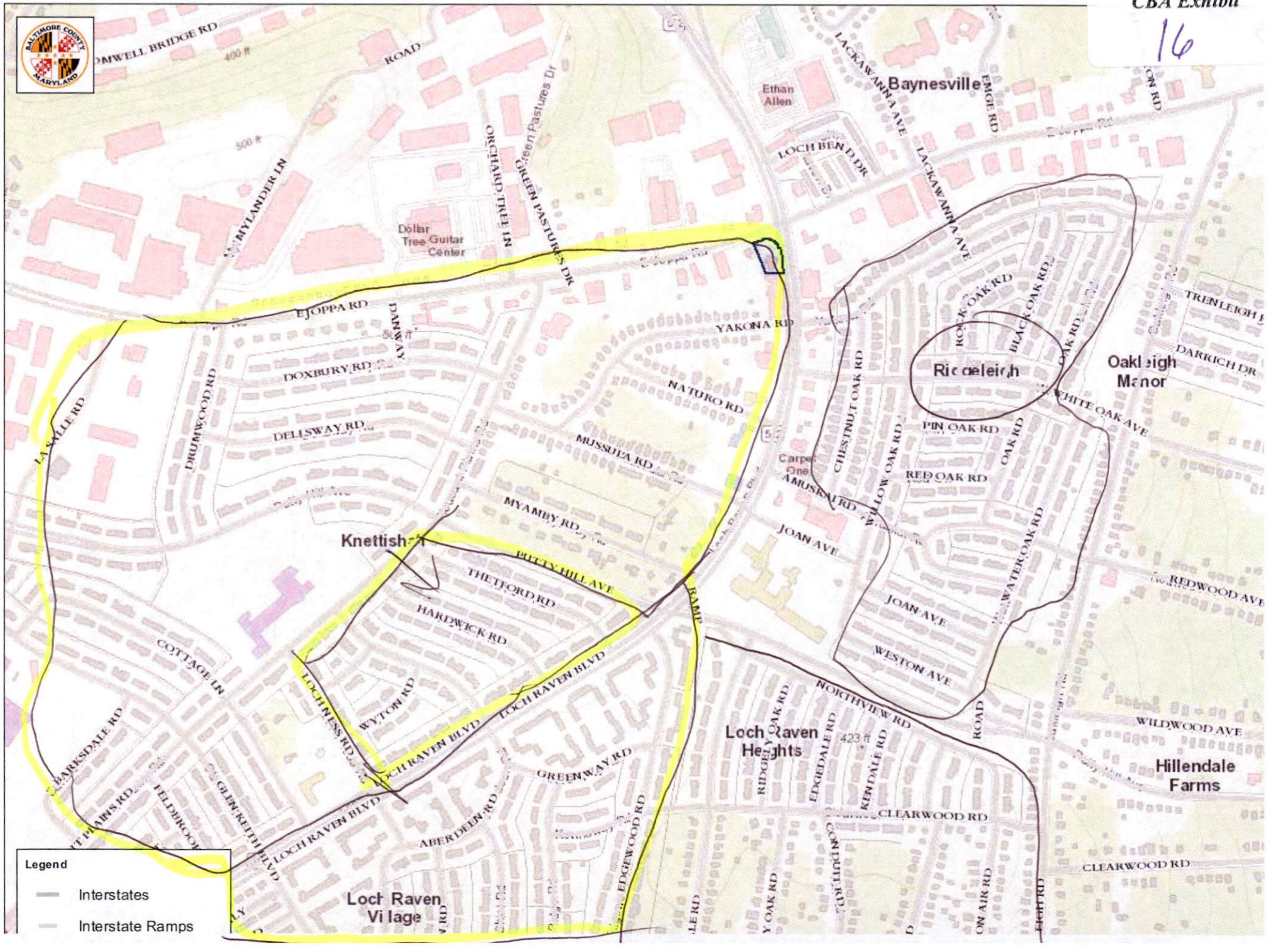
Susan Redpath
Secretary

Nicholas J. Lincher
President

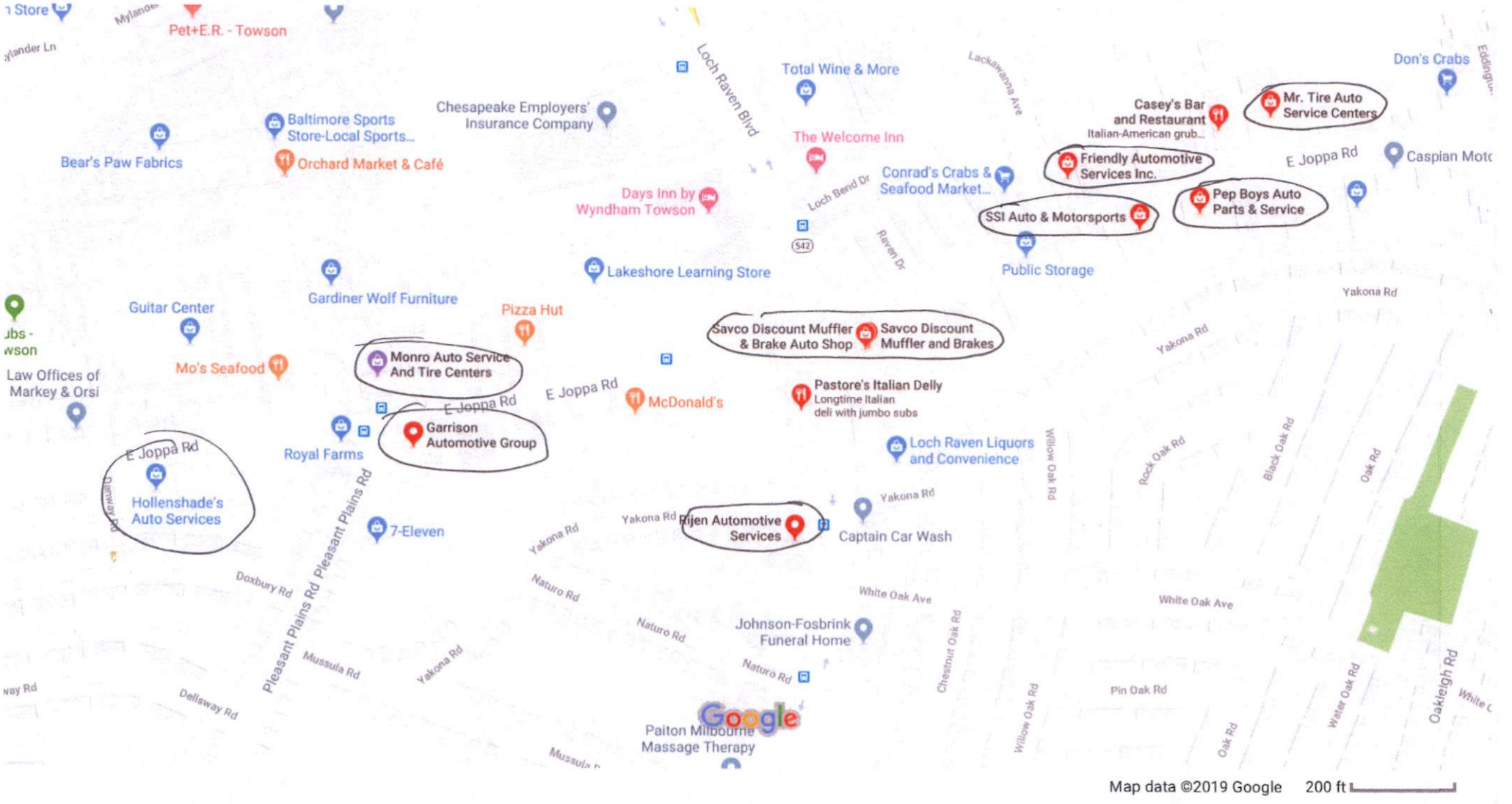
DATE: March 4, 2019

Baltimore County - My Neighborhood

Protestant
CBA Exhibit
16



Google Maps oil changes near me – within ¼ mile of Loch Raven & Joppa Rd.



Protestant
CBA Exhibit
17



Protestant
CBA Exhibit
18


NOW OPEN


MONRO
MUFFLER/BRAKE
& Service
OIL CHANGE $17.95
GOOD BETTER BEST
AND ULTIMATE O
MON
KE & Service


PARS


1501
Hollenshade's
Parkway
AUTO
SERVICE

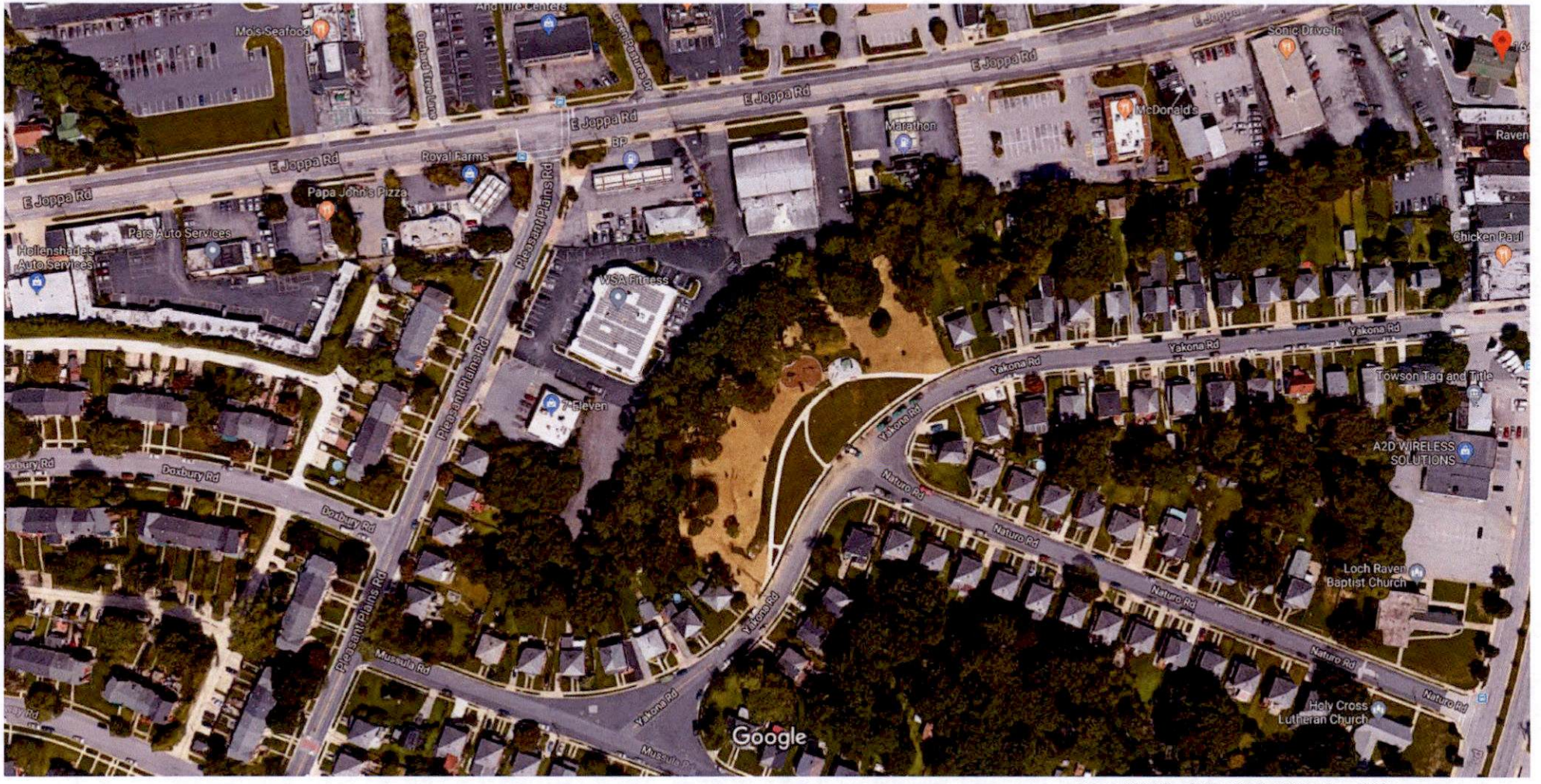

30 MIN.
TUNE-UP
60 MIN.
BRAKES
LUBE n TUNE
TINT
AUTO GLASS


ACURA
HONDA
ORCHARD AUTOMOTIVE L.L.C.
FOREIGN 339 - 739 DOMESTIC
ORCHARD
AUTOMOTIVE L.L.C.
HONDA


CASPIAN
MOTORS
Foreign
&
Domestic
Auto Repair



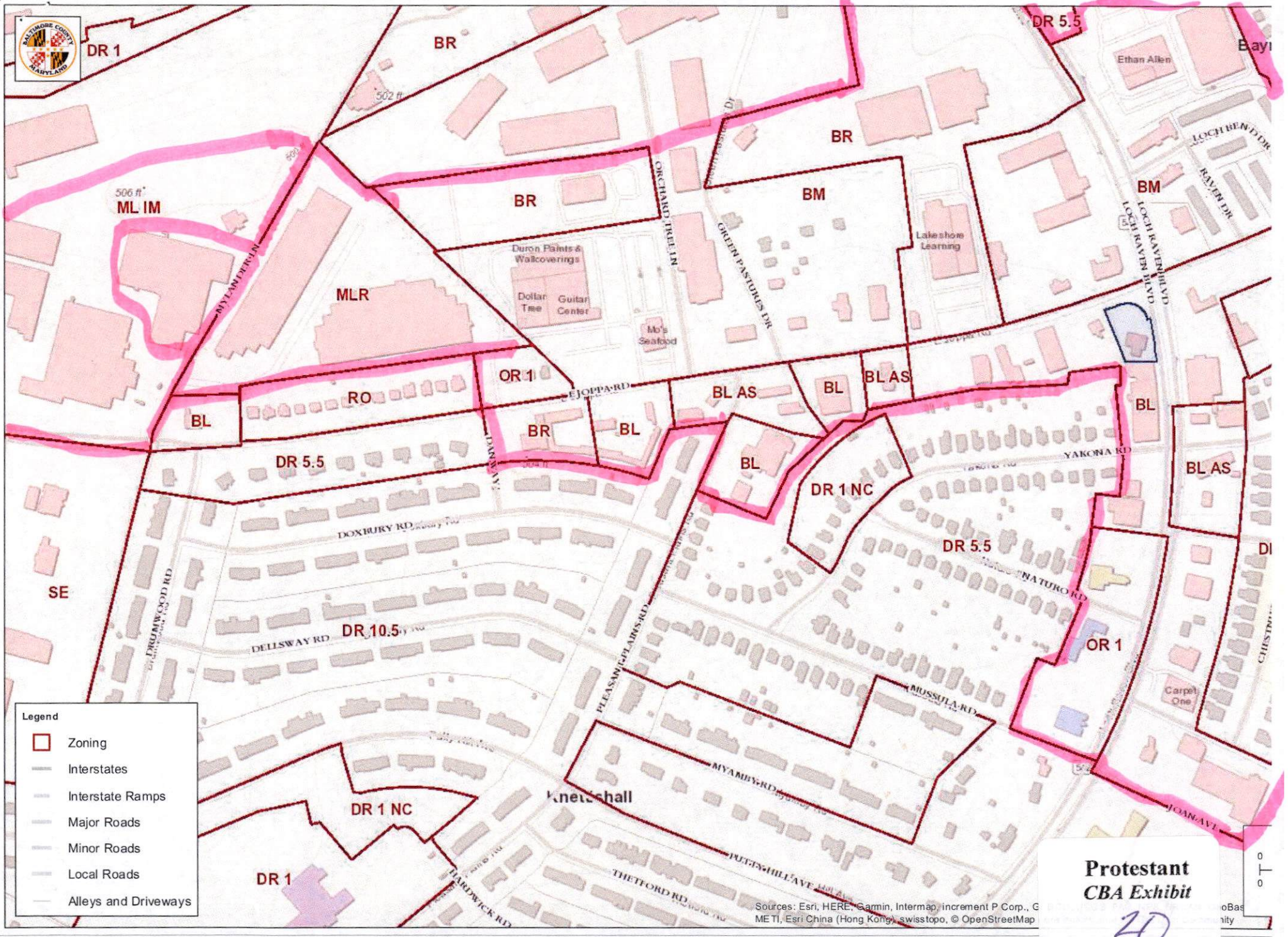
Google Maps 1641 E Joppa Rd



Imagery ©2019 Google, Map data ©2019 Google 100 ft

Protestant
CBA Exhibit
19

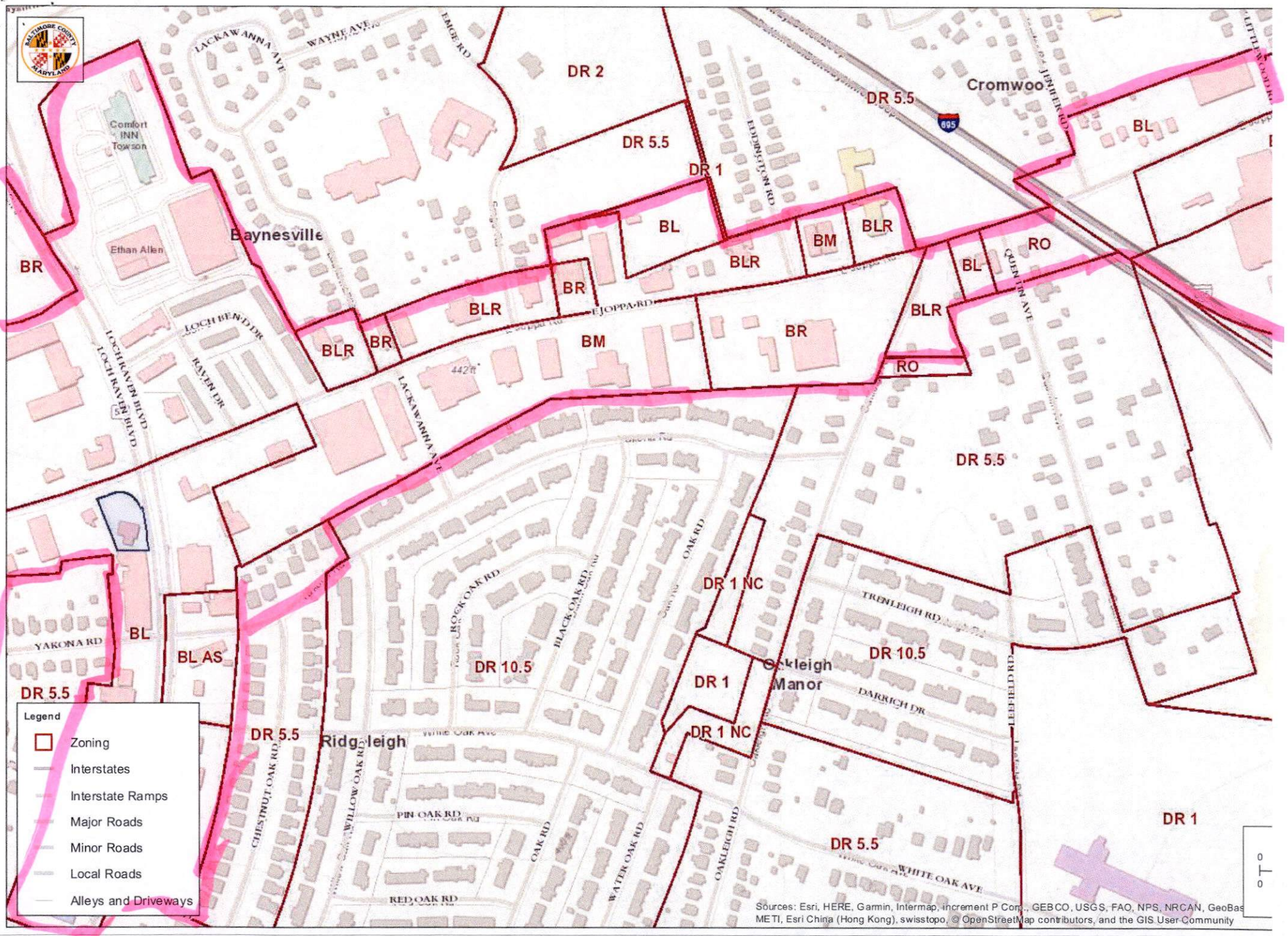
Baltimore County - My Neighborhood



Protestant
CBA Exhibit
20

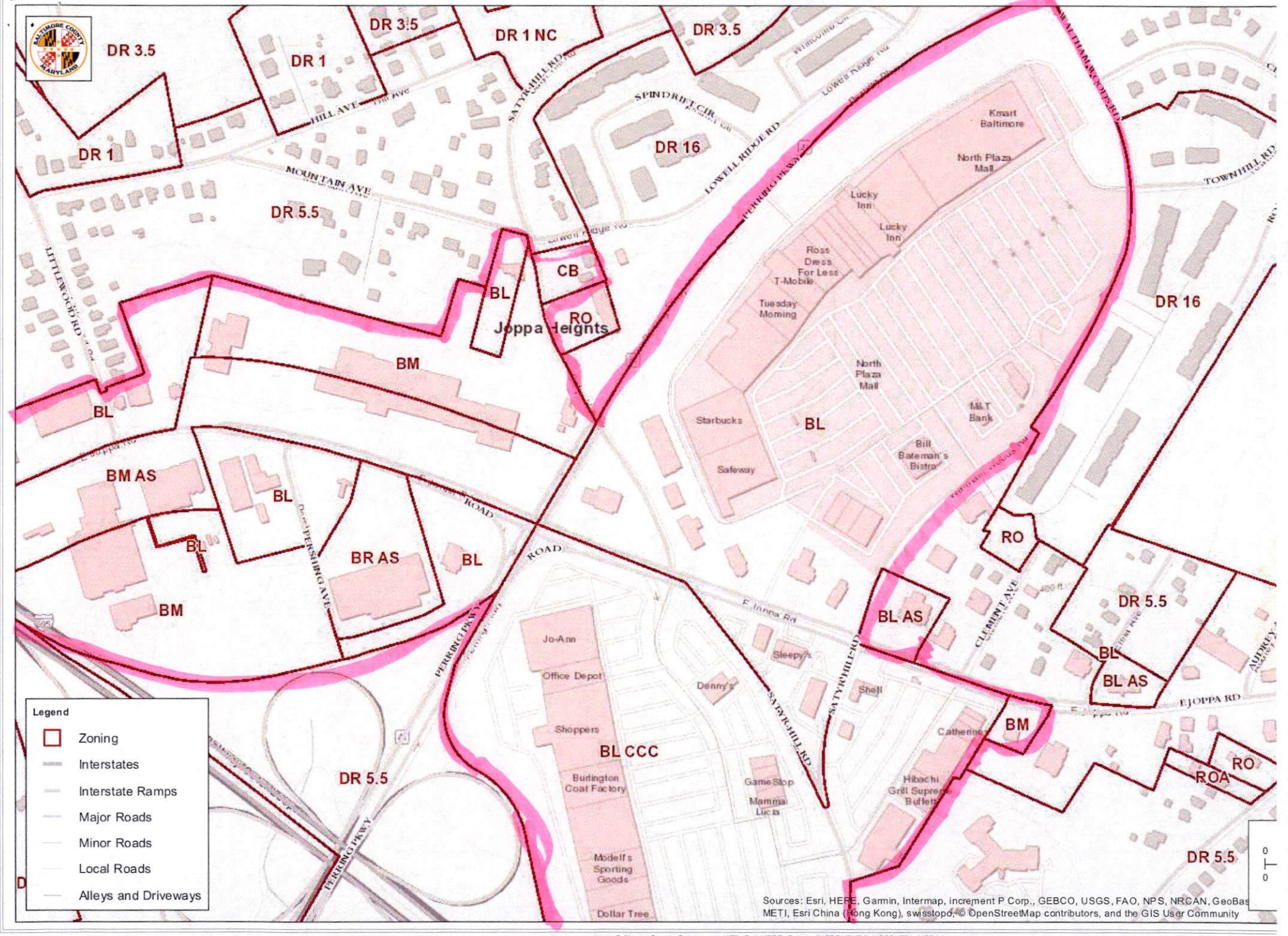


Baltimore County - My Neighborhood



Baltimore County Government, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, FPA, USDA

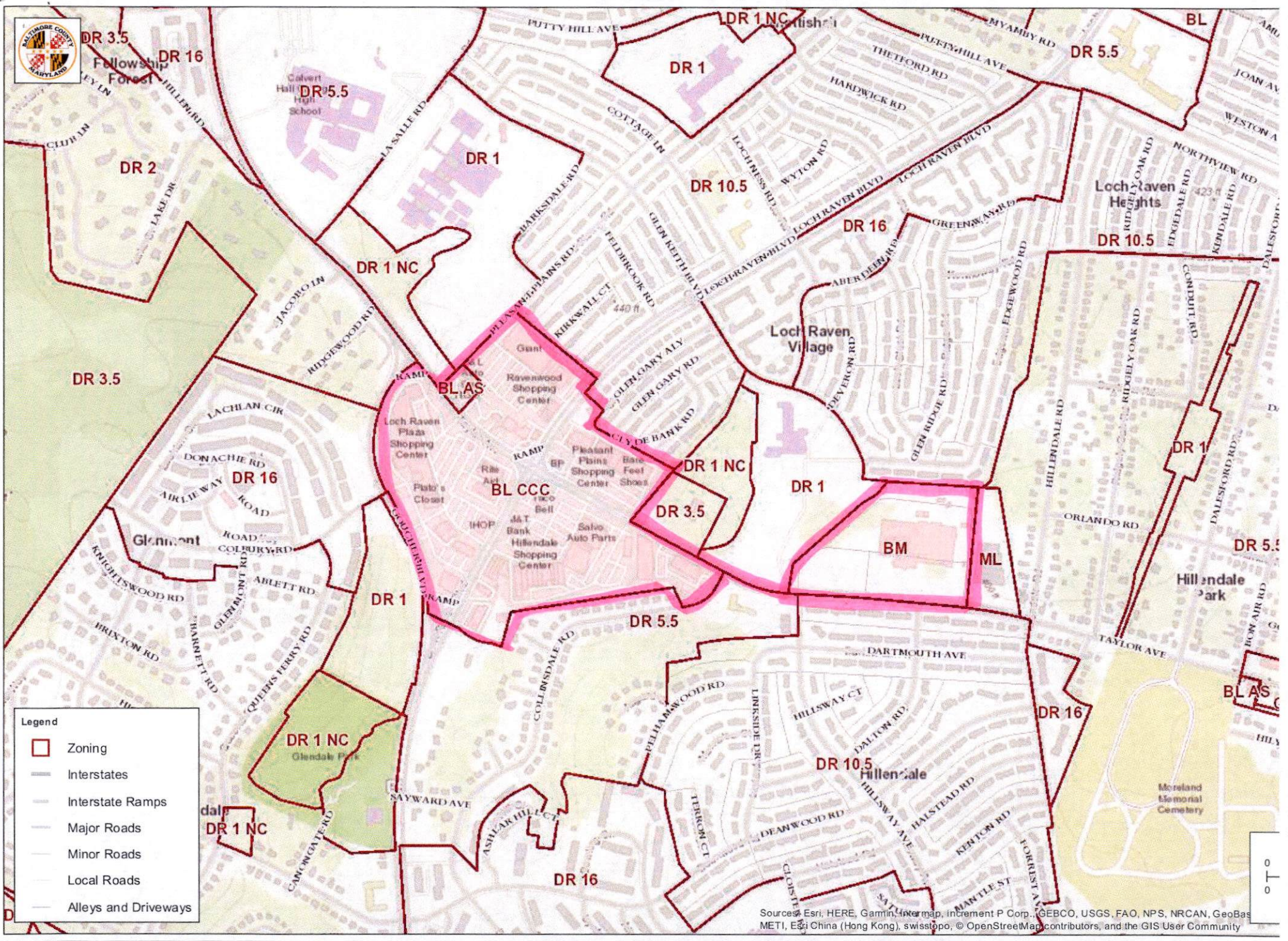
Baltimore County - My Neighborhood



Baltimore County Government, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

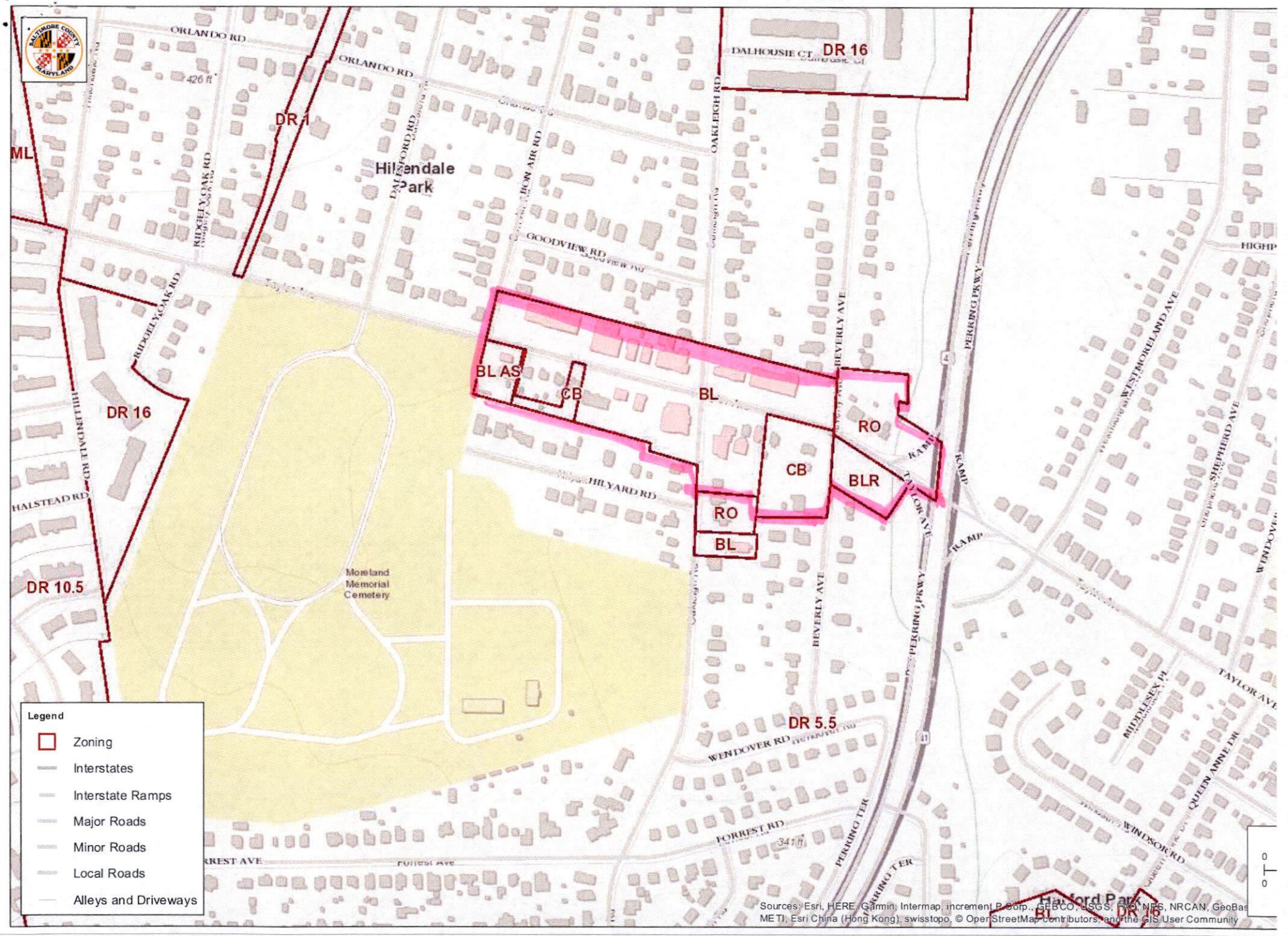


Baltimore County - My Neighborhood



Baltimore County Government, VITA, Esri, HERE, Garmin, INCREMENT P, Interman, USGS, METI/NASA, EPA, USDA

Baltimore County - My Neighborhood



Baltimore County Government, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, FPA, USDA

Towson Communities Alliance
(a.k.a. Greater Towson Council of Community Associations)
P.O. Box 5421
Towson, MD 21285-5421
info@gtcca.org • www.tca.org

The TOWSON COMMUNITIES ALLIANCE ("TCA") RESOLVED:

That at the December 19, 2018 meeting of the TCA, responsibility for review, representation and action on matters of zoning and code enforcement for the period:

January 1, 2019 – December 31, 2019

be placed in the duly elected Board of Directors, consisting of the following members, each of whom is authorized to testify on behalf of the Association (TCA or GTCCA) before the County Board of Appeals or other duly constituted zoning agency, body or commission.

- Lorrie Geiss, President
- Bryan Fischer vice-president and immediate past president
- Michael Ertel,,vice-president
- John Rinehart, vice-president
- Joe Goodman, Treasurer
- Jo Marvan, Secretary
- Paul Hartman, director
- Ed Kilcullen, director

AS WITNESS: Our hands and seal this **December 19, 2018**

ATTEST: Towson Communities Alliance (also known as Greater Towson Council of Community Associations)

Lorrie Geiss

President (Lorrie Geiss)

Johanna Marvan

Secretary (Jo Marvan)

Towson Communities Alliance (aka GTCCA)
P.O. Box 5421
Towson, MD 21285-5421
gtccainformation@gmail.com
www.TowsonCommunities.org

The TOWSON COMMUNITIES ALLIANCE
(aka Greater Towson Council of Community Associations)

AFFIDAVIT

State of Maryland,

Baltimore County, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am a duly elected member of the Board of Directors of the Towson Communities Alliance (aka Greater Towson Council of Community Associations)

Paul Hartman

ATTEST: The TOWSON COMMUNITIES ALLIANCE
(aka Greater Towson Council of Community Associations)

Johanna Marvan

Johanna Marvan, Secretary

Lorrie Geiss

Lorrie Geiss, President

Date: January 1, 2019

Towson Communities Alliance (aka GTCCA)
P.O. Box 5421
Towson, MD 21285-5421
gtccainformation@gmail.com
www.TowsonCommunities.org

The TOWSON COMMUNITIES ALLIANCE
(aka Greater Towson Council of Community Associations)

RESOLVED:

That the position of the TOWSON COMMUNITIES ALLIANCE, as adopted by the board of directors on the zoning matter of the proposed Valvoline station at 1641 East Joppa Road,

IS THAT:

WE ARE OPPOSED TO THE DESTRUCTION OF THE ORIGINAL BANK BUILDING TO CONSTRUCT A QUICK STOP SERVICE STATION AT THIS JUNCTION FOR A VARIETY OF REASONS PRESENTED.

AS WITNESS OUR HANDS AND SEAL THIS 1st day of January 2019

ATTEST: Towson Communities Alliance (Greater Towson Council of Community Associations)

Johanna Marvan, Secretary

Lorrie Geiss, President

Board of Appeals

Case No: 19-070-SPHX Case Name: Howard Bank / Mid-Atlantic Lubes, LLC

Exhibit List

Party: People's Counsel Date: 3/5/19 & 4/2/19

Exhibit No:	Description:
✓ 1	My Neighborhood Map 1:1,128
✓ 2	Aerial map
✓ 3	Balto. Co. web map 3/5/19
✓ 4	County Council Resolutions
✓ 5	Nov. '98 Petition for Variance for 1st Mariner Bank (1691 E Joppa)
✓ 6	1/25/99 ltr. from Loch Raven to Zoning Comm.
✓ 7	Oct. '17 Google Maps pictures of 1695 E. Joppa & MD 542
✓ 8	2/9/99 Findings by Zoning Comm. w/ Site Plan (1st Mariner)
✓ 9	Petition for Zoning Reclassification for ~~1701~~ 1691 E. Joppa
✓ 10	Zoning history of properties near 1691 E. Joppa
KC 3/6/19 ✓ 11	Aerial & Street Views of MD Valvoline Facilities
✓ 12 ✓	Webster's 3rd New Int'l Dictionary & internet definitions of inherent
✓ 13	Zoning history for 1701 E. Joppa Rd.
✓ 14	Webster's 3rd New Int'l Dictionary definitions of back & front
	VERIFIED BY KC DATE: 4/4/19

Board of Appeals

Case No: 19-070-SPHX Case Name: Howard Bank / Mid-Atlantic Lubes, LLC

Exhibit List

Party: People's Counsel Date: 3/5/19 4/2/19

Exhibit No:	Description:
✓ 15	Google Maps of E. Joppa Rd. + MD 542
✓ 16	Map of Balto. Co. Commercial Revitalization Districts
✓ 17	BL Zoning Districts 2019
✓ 18	Newspaper articles re: commercial revitalization districts
✓ 19	BCZR § 232.1 & § 303.2
✓ 20	People's Counsel Sign-in Sheet
✓ 21	Page 62 of ADC Balto. City & County Map
✓ 22A-J	Google Earth maps 1641 E. Joppa Rd.
✓ 23	County Council Resolution 25-14 (8/7/14)
✓ 24	BCZR 1955 § 230
	VERIFIED BY KC DATE: 6/28/19

KC 4/4/19

Board of Appeals

Case No: 19-070-SPHX Case Name: Howard Bank / Mid-Atlantic Lubes, LLC

Exhibit List

Party: Petitioner Date: 3/5/19 & 4/2/19

Exhibit No:	Description:
✓ 1	CV of Joshua T. Sharon
✓ 2	8/26/18 Plan to Accompany Sp. Exception - Morris & Ritchie Assoc. (MRA)
✓ 3	Existing Conditions & Demolition Plan - MRA
✓ 4	Petition for Zoning Hearing for 1641 Joppa Rd.
✓ 5	DRP #606 approval recommendation 11/2/18 Ltr. & 11/8/18 memo
✓ 6	11/8/18 Redline plan per DRC Comments
✓ 7	Pages from DRP booklet submitted to DRC
✓ 8	Illustrative Site Plan - Landscape
✓ 9	10/31/18 Ltr. with Zoning Adv. Comm. Comments attached
✓ 10	Context Photograph from DRP booklet - aerial
✓ 11	5/10/16 Loch Raven Commercial Revitalization District Map
✓ 12	CV for Kenneth W. Schmid
✓ 13	2018 Basic Services Map - Transp. Zones
✓ 14	9/13/18 Ltr. from SHA (Wolcott) to Balt. Co. DPAI. (Lewis)
	VERIFIED BY KC DATE: 4/4/19

KC 3/6/19

Board of Appeals

Case No: 19-010-SPHX Case Name: Howard Bank / Mid-Atlantic Lubes, LLC

Exhibit List

Party: Petitioner Date: 3/5/19 & 4/2/19

Exhibit No:	Description:
✓ 15	Petitioner's Sign-In Sheet
✓ 16	Amended Petition for Zoning
✓ 17	Deed for 1641 Joppa Rd. (5/24/19)
✓ 18	Amended Site Plan updating owner info. (6/25/19)
	VERIFIED BY KC DATE: 6/28/19

KC 4/4/19

JOSHUA T. SHARON
P.E, L.S.I.T, LEED AP BD+C.

Project Assignment:

Principal

Years of Experience:

MRA: 13

Education:

B.S., Civil Engineering,
University of Maryland, 2005

Active Registrations:

Professional Engineer - Maryland,

Land Surveyor in Training-
Maryland,

LEED Accredited Professional,

Professional Affiliations:

American Society of Civil Engineers

National Society of Professional
Engineers

Maryland Society of Professional
Engineers

Recognitions:

2009 Consultant of the Year by the
Baltimore County Soil
Conservation District

**MORRIS & RITCHIE
ASSOCIATES, INC.**

Qualifications:

Mr. Sharon is a Principal with Morris & Ritchie Associates, Inc.'s Towson office. Mr. Sharon has a comprehensive background in the civil engineering field. He has worked with Morris & Ritchie Associates on a variety of projects located in Baltimore City, Baltimore County, Anne Arundel County, Harford County, Garrett County and Frederick County.

Mr. Sharon has extensive experience in the design and development of an assortment of site development projects including single-family residential communities, multi-tenant neighborhoods, commercial properties, retail centers, hospitality buildings and telecommunication sites. He has extensive knowledge of the procedures for processing permits and developments through Baltimore County and other jurisdictions.

As a Principal in MRA's Towson office, Mr. Sharon is responsible for engineering design of development projects, day-to-day management of client services and preparation of construction documents.

Mr. Sharon has extensive design experience that includes site layout and design, grading, earthwork analysis, storm drain and utility design, hydrology and hydraulic analysis and design, erosion and sediment control design, culvert analysis and design, roadway design and stormwater management design for both commercial lots and residential subdivision projects.

Petitioner
CBA Exhibit
/

Mr. Sharon is experienced in developing alternatives analysis to evaluate cost effective design options, and solving design problems with severe site constraints.

Examples of Mr. Sharon's project experience include:

10 Light Street, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of the conversion of the 10 Light Street building from office to 430 residential apartments.

1 Light Street, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of the construction of the 28-story mixed use building in the downtown business district.

5601 Eastern Avenue, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of a mixed-use redevelopment PUD project with retail, residential apartments and hospitality.

6300 York Road, Baltimore City, Maryland - Civil Project Engineer for engineering design of an inline-retail addition project to a successful shopping center.

801 Goucher Boulevard, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design for redevelopment of a 14.5 acre shopping center containing over 157,000 s.f. of retail space.

725 Butler Road, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design of a commercial center consisting of historic buildings and new construction. Project work included the first pervious concrete stormwater management design solution in Baltimore County.

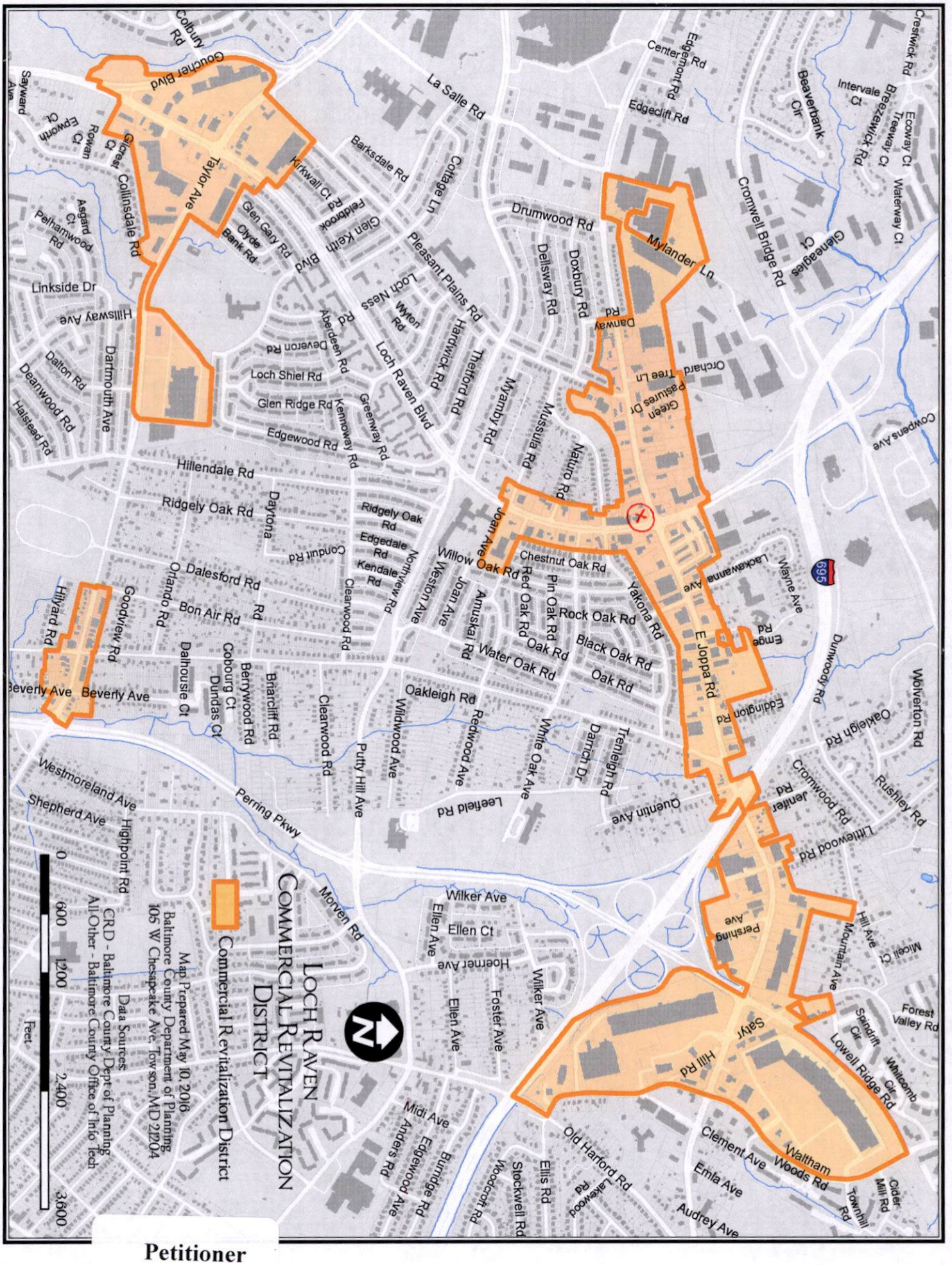
Meadowvale, Baltimore County, Maryland - Civil Project Engineer engineering design team for a 103-unit single family community located in an area of severe grade changes and limited by existing drainage patterns and environmental constraints.

Martin Plaza, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design for redevelopment of the 25 acre shopping center.

Riparius Lot #1, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design of an 87 room Holiday Inn Express located on an undeveloped parcel hindered by grade changes, environmental constraints and requiring an underground stormwater management facility to meet local and state regulations.

Allender Road, Baltimore County, Maryland - Civil Project Engineer on team designing a 173-unit single-family home community located on Allender Road with stormwater management challenges including dual design discharge points.

The Preserve at Windlass Run, Baltimore County, Maryland - Civil Project Engineer on engineering design team for a 412-unit development mixed with single family and town homes located off of White Marsh Boulevard, surround by environmentally sensitive areas and requiring seven stormwater management facilities.



Petitioner
CBA Exhibit

//

Kenneth W. Schmid
11022 Pfeffers Road
Kingsville MD 21087
410-274-8191 (Cell)
410-670-2911 (Office)

Professional Summary:
Traffic Engineer, 37 years of experience.

Skills:

Traffic Operations Analysis	Speed & Sight Distance Studies
Traffic Impact Studies	Intersection Delay Studies
Intersection Analysis	Parking Studies
Transportation Planning Studies	Trip Generation Analyses
Transportation Management Studies	

Computer software Packages: Microsoft software packages, TP +, MINUTP, Highway Capacity Software (HCS), SIDRA, Critical Lane Volume Analysis

Professional Associations:

- Institute of Transportation Engineers, 1985 - present

Professional Experience:

TRAFFIC CONCEPTS, INC
7525 Connelley Drive, Suite B Hanover, Maryland 21076

Vice-President/Senior Project Manager, January 1993-Present

- Project Manager for Traffic Impact Studies/Traffic Engineering Services Division.
- Develop price proposals and budgets for the preparation of traffic studies.
- Provide expert testimony at public hearings.
- Develop master planning studies, traffic impact studies, and parking studies for private and public sector clients.
- Address technical comments received from reviewing agencies and provide traffic mitigation strategies and solutions for clients.
- Represent clients at project Scoping Meetings, Planning Commission Meetings, Board of Appeals Hearings, and Community Input Meetings.

Petitioner
CBA Exhibit
12

RONALD W. JOHNSON ASSOCIATES, INC.
2661 Riva Road Suite 420, Annapolis, Maryland 21041

Chief – Traffic Engineering Division, December 1989 – January 1993

- Managed the County Adequate Public Facilities Ordinance (Traffic)
- Provided staff support to the Planning Commission and County Council on transportation issues.
- Reviewed approximately 100 traffic impact studies for Queen Anne's County and recommended traffic mitigation measures to meet the APFO requirements.
- Reviewed major and minor subdivision/site plans for compliance with the County's Zoning Ordinance and the Comprehensive Plan.
- Generated technical subdivision/site plan comments and made presentations at County Council and Planning Commission Meetings.
- Initiated and directed general and specialized land use studies, which included vacant land inventories, site impact analysis and transportation corridor studies.
- Appointed liaison to Federal and State Agencies for Maryland's Smart Growth initiatives and the Federal Clean Air Act Amendment (Air Quality Conformity).

ANNE ARUNDEL COUNTY DEPARTMENT OF PUBLIC WORKS
TRAFFIC ENGINEERING DIVISION
Annapolis, Maryland 21401

Administrator, Office of Transportation, July 1999 – September 2002

- Developed the 2000 Transportation Plan, An Element of the Harford County Master Plan.
- Reviewed of more than 400 traffic impact studies and recommended traffic mitigation measures.
- Initiated and directed planning studies relating to land use and transportation planning, which included computer modeling, transit planning, and traffic impact analysis.
- Developed Transportation Demand Management Strategies for the County.
- Managed the County Traffic Count Program.
- Managed the County Rideshare Program.
- Developed the Unified Planning Work Program for each fiscal year.
- Developed the Transportation Improvement Program (TIP).
- Baltimore Metropolitan Council's Transportation Technical Committee Member.
- Baltimore Metropolitan Council's Bicycle and Pedestrian Advisory Group Member.
- Baltimore Metropolitan Council's Travel Analysis Advisory Group Member.

MARYLAND STATE HIGHWAY ADMINISTRATION, DISTRICT #5 OFFICE
Annapolis, MD 21401

Traffic Engineer I, II, III, May 1981 – December 1986

- Develop traffic signal design and signalization plans
- Review traffic signal design plans submitted by consultants
- Develop equipment and construction design specifications
- Development of traffic signal and traffic signal timing .
- Conduct traffic signal construction inspection
- Conduct various traffic engineering studies in order to make recommendations to the District Traffic Engineer

Publications:

- Developed the Signal Design Manual currently in use by the Maryland State Highway Administration Office of Traffic and Safety.

Expert Witness Experience:

Baltimore County, MD
Calvert County, MD
Caroline County, MD
Carroll County, MD
Cecil County, MD
Charles County, MD
Frederick County, MD
Harford County, MD
Howard County, MD
Prince George's County, MD
Queen Anne's County, MD
St. Mary's County, MD
Talbot County, MD

Baltimore City, MD
City of Annapolis
City of Elkton, MD
City of Frederick, MD
City of Bel Air, MD
Town of Bowie, MD
Town of Easton, MD

Education:

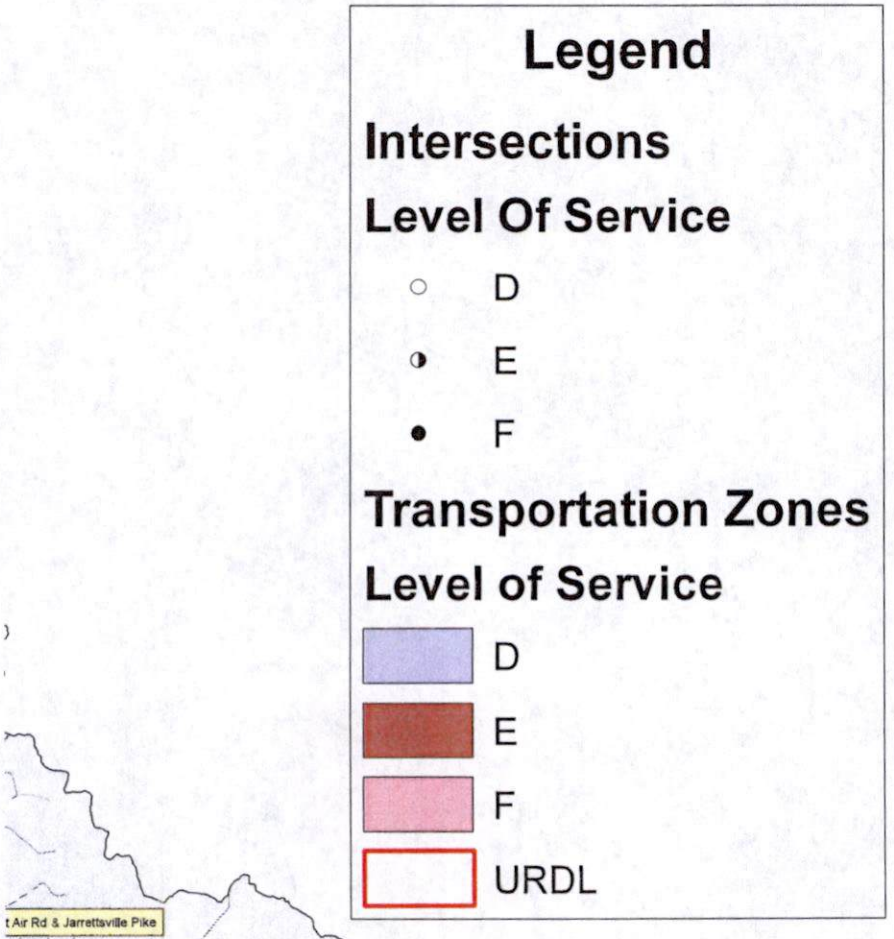
UNIVERSITY OF MARYLAND
College Park, MD 20740
B.A. Degree – Civil Engineering, 1981

ESSEX COMMUNITY COLLEGE
Rosedale, MD 21237
1976 - 1978

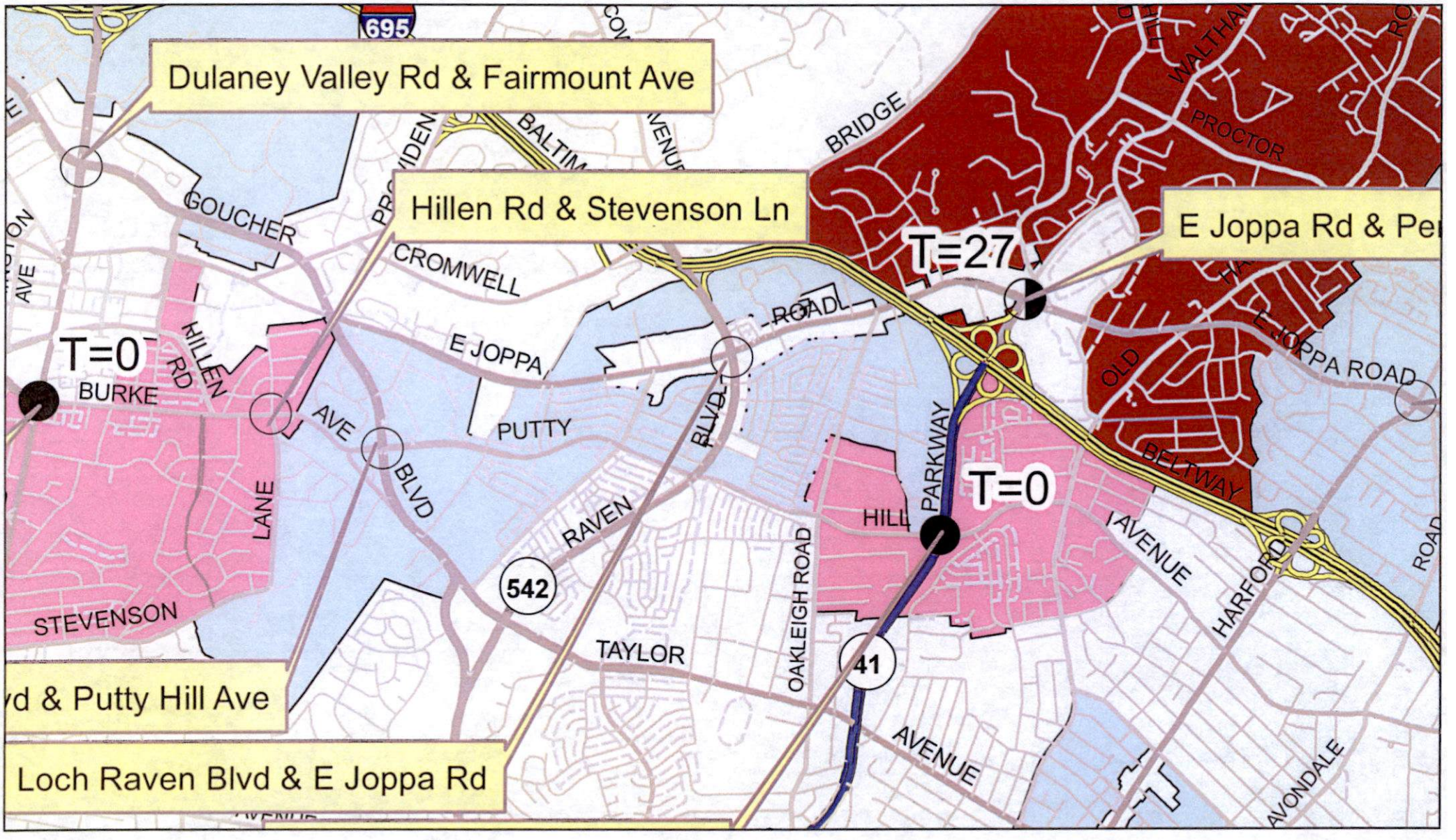
BALTIMORE POLYTECHNIC INSTITUTE
1400 West Cold Spring Lane
Baltimore, MD 21209
Graduated 1976

Department of Public Works

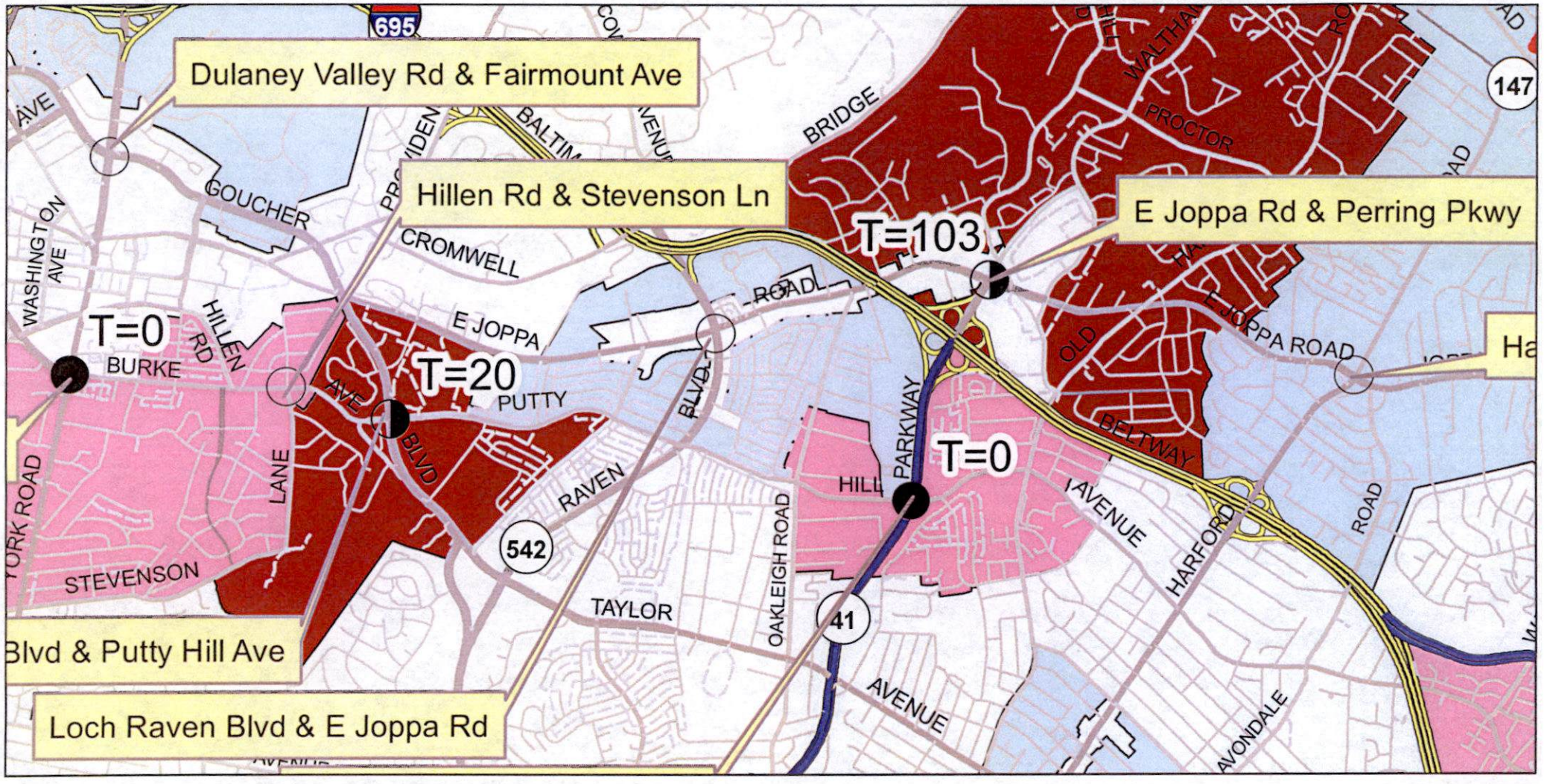
2018 Basic Services Map
Transportation Zones



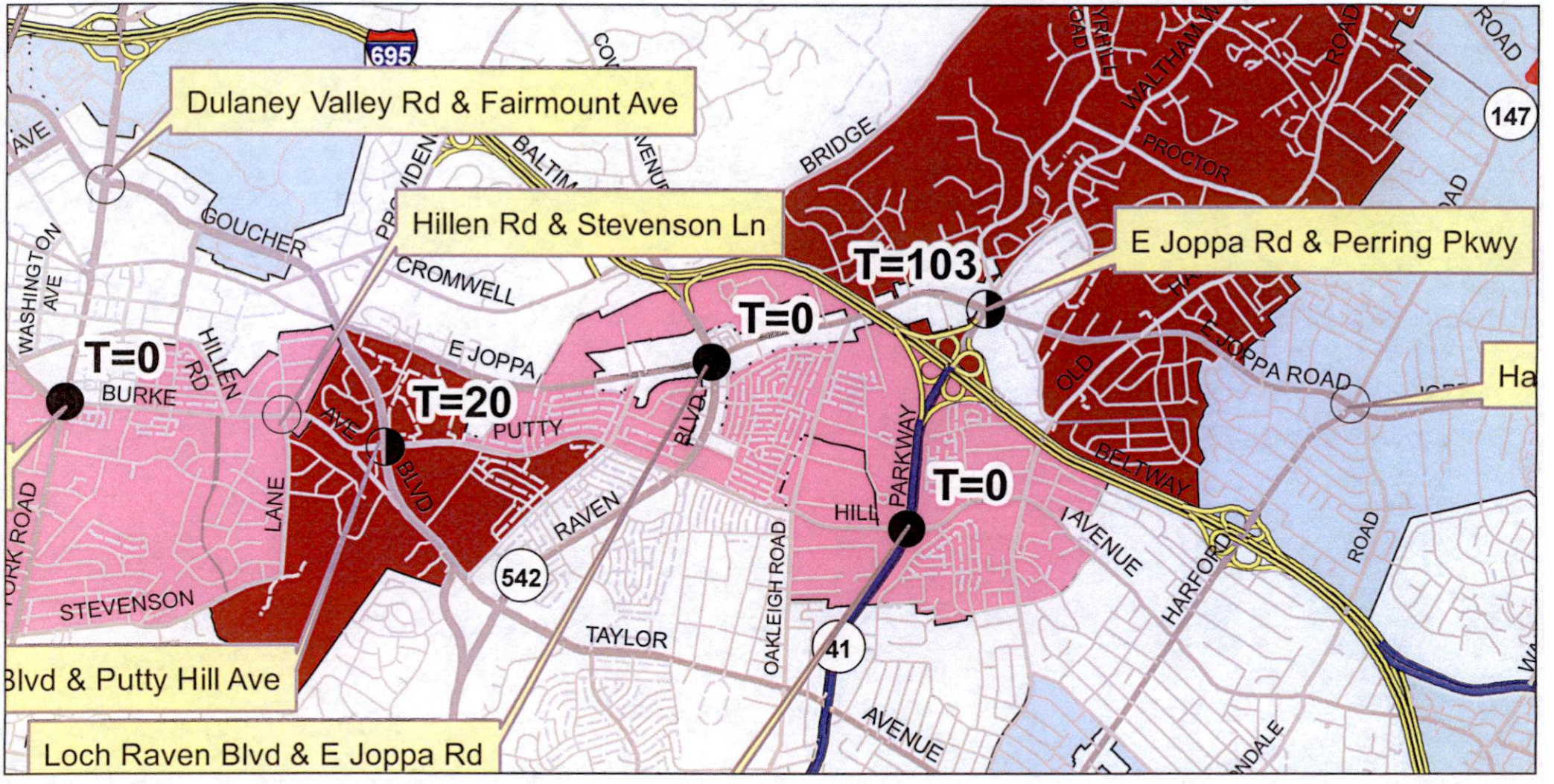
Petitioner
CBA Exhibit
13


Dulaney Valley Rd & Fairmount Ave
Hillen Rd & Stevenson Ln
E Joppa Rd & Per
d & Putty Hill Ave
Loch Raven Blvd & E Joppa Rd
T=0
BURKE
T=27
T=0
695
542
41
GOUCHER
CROMWELL
E JOPPA
PUTTY
HILLEN RD
AVE
BLVD
LANE
RAVEN
STEVENSON
TAYLOR
OAKLEIGH ROAD
BRIDGE
PROCTOR
PARKWAY
BELTWAY
OLD
E JOPPA ROAD
HARFORD
AVENUE
AVONDALE

2018


Dulaney Valley Rd & Fairmount Ave
Hillen Rd & Stevenson Ln
E Joppa Rd & Perring Pkwy
Blvd & Putty Hill Ave
Loch Raven Blvd & E Joppa Rd
T=0
T=20
T=103
T=0
695
147
542
41
GOUCHER
CROMWELL
E JOPPA
PUTTY
BURKE
HILLEN RD
WASHINGTON AVE
YORK ROAD
STEVENSON
LANE
BLVD
RAVEN
TAYLOR
AVENUE
OAKLEIGH ROAD
PARKWAY
BRIDGE
PROCTOR
BELTWAY
HARFORD
AVONDALE
ROAD
E JOPPA ROAD
OLD

2017


Dulaney Valley Rd & Fairmount Ave
Hillen Rd & Stevenson Ln
E Joppa Rd & Perring Pkwy
Blvd & Putty Hill Ave
Loch Raven Blvd & E Joppa Rd
T=0
T=20
T=0
T=103
T=0
695
147
542
41
GOUCHER
CROMWELL
E JOPPA
PUTTY
BURKE
HILLEN RD
WASHINGTON AVE
LANE
STEVENSON
RAVEN
TAYLOR
OAKLEIGH ROAD
PARKWAY
BRIDGE
PROCTOR
WALTHAM
JOPPA ROAD
BELTWAY
AVENUE
HARFORD
ROAD
AVENUE

2016

September 13, 2018

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

Dear Ms. Lewis:

Thank you for the opportunity to review the plan accompanying the special exception request for the proposed Valvoline Instant Oil Change located at the southwest corner of Loch Raven Boulevard (MD 542) and Joppa Road in Baltimore County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the plan submittal listed below and is pleased to respond:

Valvoline Instant Oil Change
Plan to accompany Special Exception Request
Case No. 2019-0070-SPHX
SHA Tracking No. 18APBA021XX
MD 542 (Loch Raven Boulevard) (west side) at Joppa Road southwest corner
Mile Post 2.14
Baltimore County

An access permit will be required for the proposed changes to the existing entrances on MD 542. The following criteria and details will apply and must be reflected on future plan submittals:

The southernmost entrance must be a minimum 25' wide with curbed radii. The plans must be shaded from the edge of existing pavement on MD 542 back to the radius returns within the entrance and one of the following full depth pavement sections utilized and noted on the plans

2" Superpave Asphalt Mix 12.5mm for Surface – PG 64S-22, Level 2
7" Superpave Asphalt Mix 19.0mm for Base – PG 64S-22, Level 2 (2 – 3.5" lifts)
6" Graded Aggregate Base or 12" Capping Borrow

or

8" Portland Cement Concrete Mix #7
6" Graded Aggregate Base or 12" Capping Borrow
Refer to Std. No. MD 577.07 for joints. Refer to Std. Nos. 572.21, 572.61, and 572.61-01 for steel requirements.

The northernmost entrance must be closed with curb & gutter, and sidewalk. The existing streetscape with sidewalk and brick pavers should be utilized and tie-in at both ends of this re-constructed/relocated entrance, and sidewalk on MD 542.

This sidewalk/streetscape must be constructed with no greater than a 2% cross slope.

Petitioner
CBA Exhibit
14

Sidewalk ramps must be constructed on the entrance radii (MD 655.11, 655.12, 655.13) whichever is appropriate.

A 60" wide pathway must be maintained across the entrance between the sidewalk ramps having no greater than a 2% cross slope.

All new curb and gutter along MD 542 must be MDOT SHA 8" Type 'A' curb & gutter (MD 620.02).

To initiate the plan review cycle toward the issuance of the access permit the design engineer must submit nine (9) sets of plans reflecting the above criteria and details. The plan submittal should include 1 set of hydraulic computations, and a CD containing plans and all supporting documentation to Wendy Wolcott at 320 West Warren Road, Hunt Valley, MD 21030 to the attention of Mr. Richard Zeller. Please utilize the SHA tracking number when making this submission.

All SHA Policies, Standards and Specifications must be followed when preparing the above plan submittal including but not limited to the following documents:

MDOT SHA Access Manual
MDOT SHA Business Standards and Specifications
MDOT SHA Accessibility Policy and Guidelines for Pedestrian Facilities

The Access Management Plan Review Checklist must be utilized in drafting the SHA Improvement Plans. Please include a copy of the completed checklist when making this submittal. All of these documents along with additional guidance can be found on our web site at www.roads.maryland.gov under Business Center.

If there are any questions, please contact Mr. Richard Zeller at 410-229-2332 or toll free (in Maryland only), 1-866-998-0367 (x2332) 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

cc: Morris & Ritchie Associates, Inc. / 1220-C East Joppa Road, Suite 505, Towson, MD 21286
Valvoline Instant Oil Change / 54 Jaconnet Street, Newton Highlands, MA 02461
Mr. Jan M. Cook / 111 W. Chesapeake Avenue, Towson, MD 21204
Mr. Vishnu Desai / 111 W. Chesapeake Avenue, Towson, MD 21204
Mr. Donald Distance, MDOT SHA District 4 Traffic
Mr. Michael Pasquariello, MDOT SHA District 4 Utilities
Mr. Alan Price, MDOT SHA Resident Maintenance Engineer – Golden Ring Shop

Petitioners

Sign-In Sheet

Case Name: Valvoline @ Joppa Rd

Case No.: C

Date: 4/2/19

The Office of People's Counsel was created by the County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns, whether they have their own attorney or not. If you wish to be assisted by People's Counsel, please sign below.

Check to testify	Name	Address	Phone #	Email	Group you represent	Basis of your concerns
	Joshua Sharon	1220-C E. Joppe Rd Suite 505	4108211690	JSharon@mragle.com		
	RANDOLPH L. KAZAZIAN	54 JACONNET ST	617.340.8979	RKAZAZIAN@VIOC.NET		
	DINO LaFiandra	100W Penn #300	4432043473	dc@lafiandralaw.com	Petitioner	
	Ken Schmidt	7525 Connelly Dr.	410-760-2911	KSCHMIDETRAFFICCONCEPTS.com	Traffic Consultant	
	JOHN FIASTRO	1500 DULSWAY RD TOWSON, MD, 21286	443-416-3842	jcfiastro@hotmail.com	LOCH RAVEN RESIDENT	

Petitioner
CBA Exhibit
15

AMENDED 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 1641 Joppa Road **which is presently zoned** BL

Deed References: 41517/360 10 Digit Tax Account # 1600013383

Property Owner(s) Printed Name(s) M and S 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

   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)**

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

M and S Limited Partnership
Name #1 – Type or Print

Signature #1

Randolph Kazazian, Director of Real Estate
Name #2 – Type or Print

Signature # 2

54 Jaconnet Street, Suite 100, Newton Highlands, MA
Mailing Address City State

02461 / 617-243-0404 / rkazazian@vioc.net
Zip Code Telephone # Email Address

Attorney for Petitioner:

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name- Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

Representative to be contacted:

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name – Type or Print

Signature

100 W. Pennsylvania Avenue,Suite 305
Towson, Maryland 21204
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

CASE NUMBER ____ **Filing Date** ___/___/____ **Do Not Schedule Dates:** ____ **Reviewer** ____

REV. 10/4/11

Petitioner
CBA Exhibit
16

Petition for Zoning Hearing
For the Property Located at 1641 Joppa Road
Continuation Sheet

☑ Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve an amendment to the previously approved zoning site plan in case number 99-251-A.

☑ Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for a service garage. BCZR §230.3

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 41517, p. 0360, MSA_CE62_41374. Date available 06/18/2019. Printed 06/25/2019.

PAID RECEIPT

DATE	TIME
06/06/2019	12:18:33

TAX ID: 1600013383
CO. TR TAX $22,500.00
RECORDATION TAX $7,500.00
CR Baltimore County, Maryland

Melissa A. Gravlin
First American Title Insurance Company National Commercial Services
401 E. Pratt Street, Suite 323, Baltimore, MD 2102
NCS 925670-BOS1
Tax ID 09-1600013383 1641 Joppa Road

Baltimore County Cir Crt
IMP FD SURE $40.00
RECORDING FEE $20.00
TR TAX STATE $7,500.00
TOTAL $7,560.00
JLE LH
Jun 13, 2019 03:18 pm

DEED

THIS DEED, is made this 24 day of May 2019 by Howard Bank, a Maryland trust company, having an address of 3301 Boston Street, Baltimore, Maryland 21224 ("**Grantor**"), to and in favor of M and S Limited Partnership, a Massachusetts limited partnership, having an address of 54 Jaconnet Street, Newton Highlands, MA 02461 ("**Grantee**").

WITNESSETH, that for and in consideration of the sum of One Million Five Hundred Thousand and 00/100 Dollars ($1,500,000.00), the receipt and sufficiency whereof is hereby acknowledged, Grantor does hereby grant and convey unto Grantee, in fee simple, all that certain parcel of land, together with the improvements, rights, privileges and appurtenances to the same belonging, situate in Baltimore County, Maryland, as more particularly described on **EXHIBIT A** attached hereto and made a part hereof, commonly known as 1641 East Joppa Road, Towson, MD 21286.

BEING THE SAME PREMISES conveyed to the Grantor and recorded on April 1, 1999 among the Land Records of Baltimore County in Liber 13640, Folio 369.

TOGETHER WITH all right, title and interest of the Grantor in and to all easements, covenants and other rights appurtenant to such land.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, the heirs or successors and assigns of Grantee in fee simple forever.

GRANTOR hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed, except for matters of record; that it will warrant specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite. The within conveyance is not a sale of all, or substantially all of, the assets of the Grantor in the State of Maryland.

[Remainder of Page Intentionally Blank; Signature Page Follows]

Petitioner
CBA Exhibit
17

IN WITNESS WHEREOF, the Grantor has duly executed this Deed as an instrument under seal as of the day and year first above written.

HOWARD BANK, a Maryland trust company

By:_____
Name: Steven M. Poynot
Title: EVP

State of Maryland)
) ss.
City of Baltimore)

On this 23rd day of May 2019, before me, the undersigned notary public of the state aforesaid, personally appeared Steven M. Poynot, known to me, or satisfactorily proven to be, the person whose name is subscriber to the within instrument, and who acknowledged himself to be an Executive Vice President of Howard Bank, and he acknowledged that he executed the foregoing on behalf of Howard Bank for the purposes therein contained and he acknowledged the same to be the lawful act and deed of the aforesaid Howard Bank.

KRISTEN S. MADIGAN NOTARY PUBLIC BALTIMORE CO., MD My Comm. Expires 12/18/22

_____
Notary Public
My Commission Expires: 12/18/22

[SEAL]

THIS IS TO CERTIFY that the Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

_____
Joseph F. Howard, Esq.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 41517, p. 0361, MSA_CE62_41374. Date available 06/18/2019. Printed 06/25/2019.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 41517, p. 0362, MSA_CE62_41374. Date available 06/18/2019. Printed 06/25/2019.

MARYLAND FORM WH-AR

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

2019

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor: Howard Bank

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).

1641 East Joppa Road, Towson, MD 21286

3. Reasons for Exemption

Resident Status

☐ As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

☑ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence

☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness _____ Name _____ **Date

Signature _____

3b. Entity Transferors

Witness/Attest _____

Howard Bank
Name of Entity

By _____

Steven M. Poynot 5/24/2019
Name **Date

EVP
Title

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 41517, p. 0363, MSA_CE62_41374. Date available 06/18/2019. Printed 06/25/2019.

EXHIBIT A

The Land referred to herein below is situated in the County of Baltimore, State of Maryland, and is described as follows:

BEGINNING FOR A POINT IN WESTERLY LINE OF LOCH RAVEN BOULEVARD, MARYLAND ROUTE 542, SAID POINT BEING AT THE BEGINNING OF THE THIRD OR NORTH 88 DEGREES 17 MINUTES 20 SECONDS WEST 98.56 FEET LINE OF PARCEL IV SCHEDULE A OF THE SPECIAL WARRANTY DEED, DATED DECEMBER 21, 1973 FROM B.P. OIL CORPORATION TO B.P. OIL, INC. AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER NO. 5491, FOLIO 725, THENCE DEPARTING SAID POINT AND RUNNING THE (2) FOLLOWING COURSES AND DISTANCES: (1) NORTH 88 DEGREES 17 MINUTES 20 SECONDS WEST 98.56 FEET, AND (2) NORTH 21 DEGREES 13 MINUTES 20 SECONDS WEST 172.93 FEET TO THE SOUTHERLY SIDE OF JOPPA ROAD, MARYLAND ROUTE 148, THENCE RUNNING WITH THE SOUTHERLY SIDE OF JOPPA ROAD THE FOLLOWING (3) THREE COURSES AND DISTANCES: (3) NORTH 69 DEGREES 25 MINUTES 54 SECONDS EAST 24.82 FEET; (4) NORTH 68 DEGREES 37 MINUTES 25 SECONDS EAST 21.76 FEET, AND (5) 115.52 FEET WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 66.00 FEET, WITH A CHORD BEARING SOUTH 61 DEGREES 13 MINUTES 18 SECONDS EAST 101.33 FEET TO A POINT, THENCE, (6) NORTH 78 DEGREES 34 MINUTES 59 SECONDS EAST 7.33 FEET TO THE WESTERLY LINE OF LOCH RAVEN BOULEVARD, THENCE WITH THE WESTERLY SIDE OF SAID LOCH RAVEN BOULEVARD THE FOLLOWING (2) TWO COURSES AND DISTANCES: (7) SOUTH 09 DEGREES 58 MINUTES 55 SECONDS EAST 79.06 FEET; AND (8) 56.13 FEET WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2045.81 FEET WITH A CHORD BEARING SOUTH 08 DEGREES 05 MINUTES 28 SECONDS EAST 56.13 TO THE POINT OF BEGINNING, CONTAINING 20,154 SQUARE FEET, MORE OR LESS, OR 0.463 ACRE OF LAND, MORE OR LESS, AS NOW SURVEYED BY MCCRONE, INC.

TOGETHER WITH THE RIGHTS GRANTED IN DEED, DATED FEBRUARY 26, 1946 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER RJS NO. 1444, FOLIO 523, REGARDING THE USE OF WALL.

BOOK: 41517 PAGE: 364

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☑ County: Baltimore

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

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

Space Reserved for Circuit Court Clerk Recording Validation

1 Type(s) of Instruments (☐ Check Box if addendum Intake Form is Attached.)

X Deed / Deed of Trust	☐ Mortgage / Lease	☐ Other	☐ Other

2 Conveyance Type Check Box

✓ Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Multiple Accounts Arms-Length [3]	☐ Not an Arms-Length Sale [9]

3 Tax Exemptions (if applicable) Cite or Explain Authority

Recordation	
State Transfer	
County Transfer	

4 Consideration and Tax Calculations

Consideration Amount	
Purchase Price/Consideration	$ 1,500,000.00
Any New Mortgage	$
Balance of Existing Mortgage	$
Other:	$
Other:	$
Full Cash Value:	$

Finance Office Use Only Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	$
X ( )% =	$
Less Exemption Amount –	$
Total Transfer Tax =	$
Recordation Tax Consideration	$
X ( ) per $500 =	$
TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20.00	$
Surcharge	$ 40.00	$
State Recordation Tax	$ 7,500.00	$
State Transfer Tax	$ 7,500.00	$
County Transfer Tax	$ 22,500.00	$
Other	$	$
Other	$	$

Agent:

Tax Bill: Real Property

C.B. PAID

Ag. Tax/Other:

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
09	1600013383	13640/369			☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)

Location/Address of Property Being Conveyed (2): 1641 Joppa Road

Other Property Identifiers (if applicable) | Water Meter Account No.

Residential ☐ or Non-Residential ☑ | Fee Simple ☑ or Ground Rent ☐ Amount:

Partial Conveyance? ☐ Yes ☑ No | Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 – Grantor(s) Name(s)	Doc. 2 – Grantor(s) Name(s)
Howard Bank, a Maryland trust company	
Doc. 1 – Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 – Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 – Grantee(s) Name(s)	Doc. 2 – Grantee(s) Name(s)
M and S Limited Partnership, a Massachusetts limited partnership	

New Owner's (Grantee) Mailing Address: 54 Jaconnet Street, Newton Highlands, MA 02461

9 Other Names to Be Indexed

Doc. 1 – Additional Names to be Indexed (Optional)	Doc. 2 – Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: Mark Stanley Jr

Firm: First American Title Insurance Company, National Commercial Services

Address: 401 E. Pratt Street, Suite 323, Baltimore, MD 21202

Phone: (410) 246-8548

☑ Return to Contact Person ☐ Hold for Pickup ☐ Return Address Provided

11 Assessment Information

IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

☐ Yes ☑ No Will the property being conveyed be the grantee's principal residence?

☐ Yes ☑ No Does transfer include personal property? If yes, identify:

☐ Yes ☑ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Space Reserved for County Validation

Assessment Use Only – Do Not Write Below This Line

Terminal Verification, Agricultural Verification, Whole, Part, Tran. Process Verification

Transfer Number, Date Received:, Deed Reference:, Assigned Property No.:

Year	20	20	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

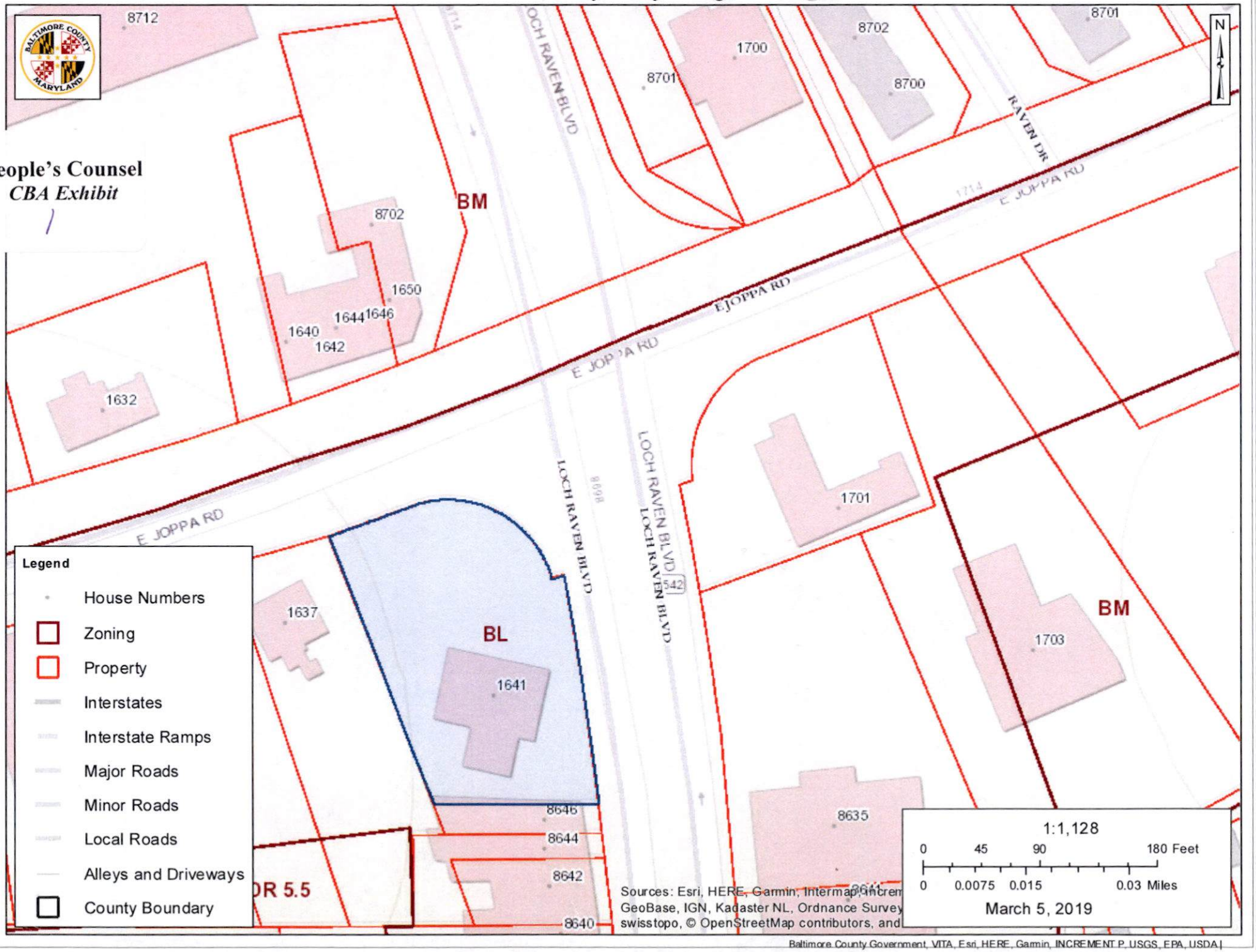
Distribution: White – Clerk's Office; Pink – Office of Finance; Canary – SDAT; Goldenrod – Preparer

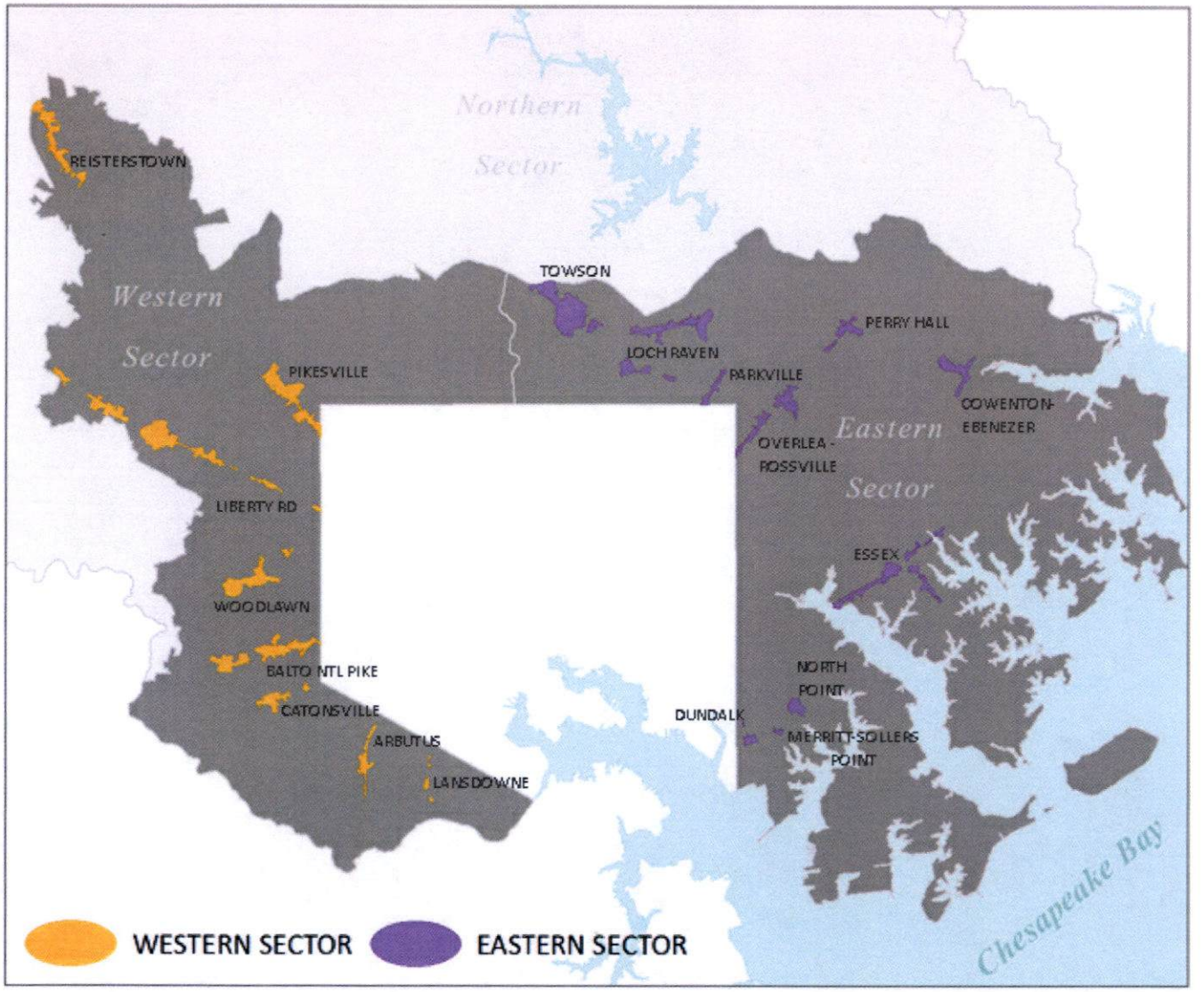
AOC-CC-300 (5/2007)

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 41517, p. 0364, MSA_CE62_41374. Date available 06/18/2018. Printed 06/25/2018.

Baltimore County - My Neighborhood

People's Counsel
CBA Exhibit





People's Counsel
CBA Exhibit
3

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1998, Legislative Day No. 20

Resolution No. 83-98

Mr. Douglas B. Riley, Councilman

By the County Council, November 16, 1998

A RESOLUTION for the purpose of designating the official Loch Raven Commercial Revitalization District of Baltimore County.

WHEREAS, the Baltimore County Master Plan 1989-2000 recognizes commercial revitalization districts for Baltimore County; and

WHEREAS, the County Council, by the adoption of Resolution 114-97, identified and designated Baltimore County's twelve Commercial Revitalization Districts, including the Joppa-Loch Raven Commercial Revitalization District; and

WHEREAS, the County Council deems it necessary to alter the boundaries of the Joppa-Loch Raven Commercial Revitalization District in order to expand the opportunity for area businesses to participate in County programs, and to change the name of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the following area, as shown on Exhibit A attached hereto, is hereby established as the Loch Raven Commercial Revitalization District; and

BE IT FURTHER RESOLVED, that the geographic boundaries of the Loch Raven Commercial Revitalization District are as set forth on Exhibit A attached hereto; and

BE IT FURTHER RESOLVED, that copies of this Resolution shall be sent to the Office of Planning, the Office of Economic Development, and the Office of Community Conservation; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect from the date of its enactment.

JOPPALOCRES

People's Counsel
CBA Exhibit
4

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2004, Legislative Day No. 21
Resolution No. 119-04

Mr. Vincent J. Gardina, Councilman

By the County Council, November 1, 2004

A RESOLUTION for the purpose of expanding the Loch Raven Commercial Revitalization District.

WHEREAS, the County has 13 Commercial Revitalization Districts that were officially designated by Resolution No. 81-99, as amended by Resolutions 18-00,70-00 and 69-03; and

WHEREAS, the Commercial Revitalization Districts provide incentives to property owners and businesses in the Districts to improve the exterior of existing buildings and to develop and redevelop underused properties; and

WHEREAS, the expansion of the Loch Raven Commercial Revitalization District will expand commercial redevelopment opportunities in this area; now, therefore

BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the following area, as shown on Exhibit A attached hereto, is hereby established as the boundaries for the Loch Raven Commercial Revitalization District; and

BE IT FURTHER RESOLVED, that copies of this Resolution shall be sent to the Department of Economic Development, the Office of Planning, the Department of Public Works and the Office of Community Conservation to be used for programming departmental operations; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect from the date of its enactment.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2006, Legislative Day No. 10

Resolution No. 38-06

Mr. Vincent J. Gardina, Councilman

By the County Council, May 15, 2006

A RESOLUTION for the purpose of expanding the existing boundaries of the Loch Raven Commercial Revitalization District.

WHEREAS, the County has 13 Commercial Revitalization Districts that have been officially designated, either by resolution of the County Council or by adoption of the Master Plan or Master Plan amendment; and

WHEREAS, a portion of the Loch Raven Commercial Revitalization District currently extends along Joppa Road; and

WHEREAS, part of the commercial area along Joppa Road is not currently in the designated Commercial Revitalization District; and

WHEREAS, the expansion of the district will provide incentives to property owners and businesses in this area to improve the exterior of existing buildings and to develop or redevelop underused properties; now, therefore

BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the following area, as shown on Exhibit A attached hereto, is hereby established as the new boundaries for the Loch Raven Commercial Revitalization District; and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the Department of Economic Development, the Department of Public Works, the Office of Planning, and the Office of Community Conservation to be used for programming departmental operations; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect from the date of its enactment.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2013, Legislative Day No. 4

Resolution No. 11-13

Mr. David Marks, Councilman

By the County Council, February 19, 2013

A RESOLUTION of the Baltimore County Council for the purpose of revising the boundaries of the Loch Raven Commercial Revitalization District.

WHEREAS, the County has 17 Commercial Revitalization Districts that have been officially designated, either by resolution of the County Council or by adoption of the Master Plan or a Master Plan Amendment; and

WHEREAS, the County's commercial revitalization districts and their surrounding communities are inseparably linked, with the districts providing a range of retail, service, and entertainment uses for the local community, as well as establishing the overall image of a community; and

WHEREAS, the County's Commercial Revitalization Program was transferred to the Department of Planning in May, 2011 to more holistically address the issues of community development and neighborhood improvement; and

WHEREAS, to effectively reposition the County's older downtowns and to target resources more efficiently, the Department re-evaluated some of the revitalization districts in terms of their zoning classification, mix of uses, ownership, need for building improvements, projects completed and potential for reinvestment; and

WHEREAS, as a result of this evaluation, the geographic boundaries of the existing Loch Raven Commercial Revitalization District are proposed for change in order to highlight the unique characteristics and identities of three separate communities that comprise the District, namely, the Loch Raven - Baynesville area, the Loch Raven - Satyr Hill area, and the Loch Raven - Hillendale area; and

WHEREAS, it is the further intention to require that a nonresidential development plan for a proposed development located in either the Loch Raven - Baynesville area or the Loch Raven - Hillendale area of the District be subject to review by the Baltimore County Design Review Panel; now, therefore

BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the following area, as shown on Exhibit A attached hereto, is hereby established as the Loch Raven Commercial Revitalization District;

AND BE IT FURTHER RESOLVED, that the following area, as shown on Exhibit B attached hereto, is hereby established as the Loch Raven - Baynesville area of the District;

AND BE IT FURTHER RESOLVED, that the revision of the boundaries of the Loch Raven

Commercial Revitalization District shall have no application to or effect upon any tax credit or other benefit previously granted for the benefit of a property located within the former District boundaries;

AND BE IT FURTHER RESOLVED, that the geographic boundaries of the Loch Raven Commercial Revitalization District, and of the Loch Raven - Baynesville area of the Loch Raven Commercial Revitalization District, are as set forth on Exhibits A and B, respectively, attached hereto;

AND BE IT FURTHER RESOLVED, that copies of this Resolution shall be sent to the Department of Planning; and

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect from the date of its enactment.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2016, Legislative Day No. 8

Resolution No. 50-16

Mr. David Marks, Councilman

By the County Council, April 18, 2016

A RESOLUTION of the Baltimore County Council for the purpose of expanding the Loch Raven Commercial Revitalization District.

WHEREAS, the County has 17 Commercial Revitalization Districts that have been officially designated, either by resolution of the County Council or by adoption of the Master Plan or a Master Plan Amendment; and

WHEREAS, the County's commercial revitalization districts and their surrounding communities are inseparably linked, with the districts providing a range of retail, service, and entertainment uses for the local community, as well as establishing the overall image of a community; and

WHEREAS, the commercial revitalization districts provide incentives to property owners and businesses in the districts to improve the exterior of existing buildings and to develop and redevelop underused properties; and

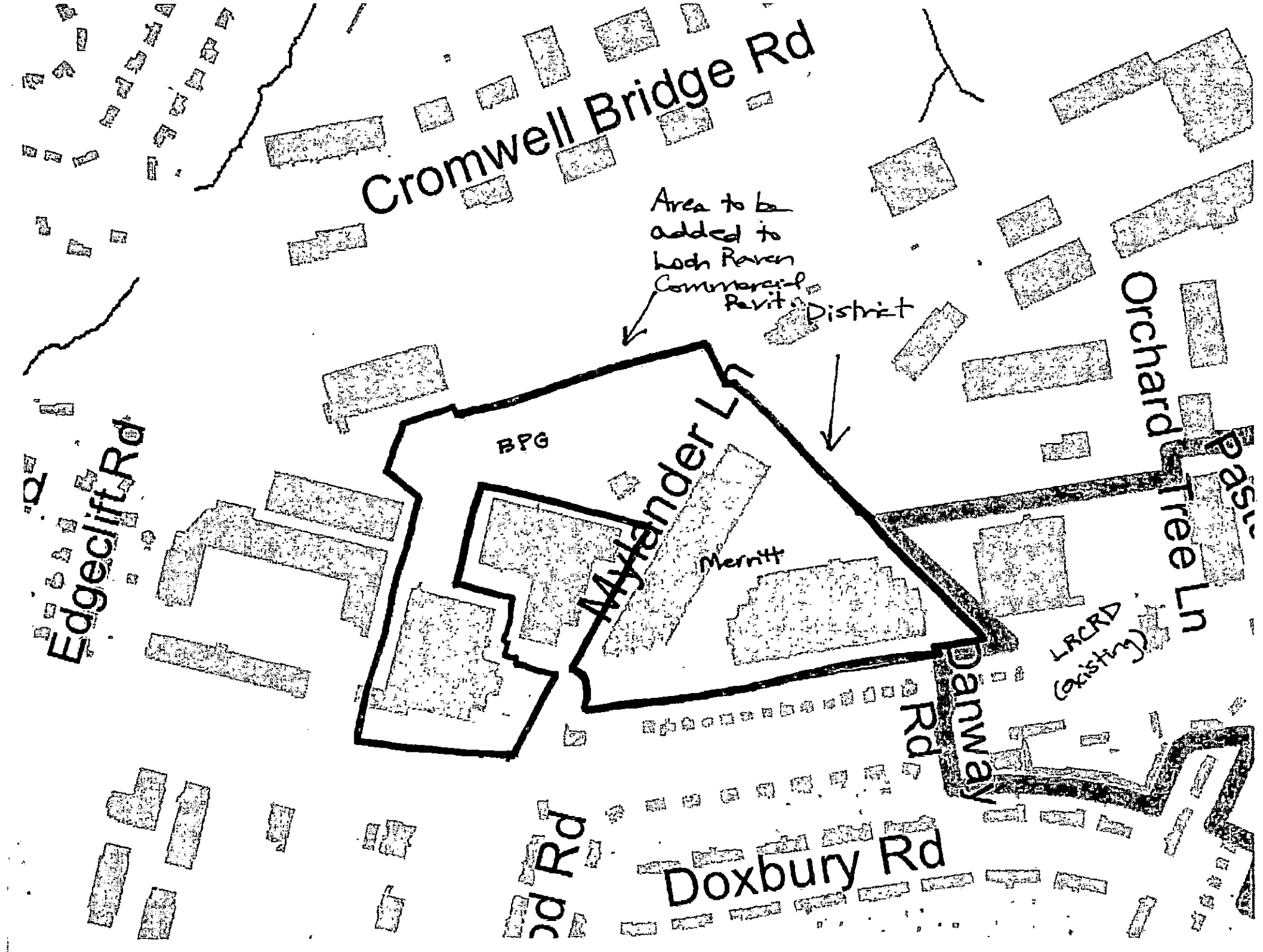
WHEREAS, the County Council deems it appropriate at this time to amend the Loch Raven Commercial Revitalization District to add a contiguous property; now therefore,

BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, that the area shown on the Map identified as Exhibit A and attached hereto, is hereby added to the Loch Raven Commercial Revitalization District; and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the Department of Planning; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect from the date of its passage by the County Council.

b05016.wpd


Cromwell Bridge Rd
Area to be added to Loch Raven Commercial Revit District
BPG
Myrtlander Ln
Merritt
Edgecliff Rd
Orchard Tree Ln
LRCRD (existing)
Danway Rd
Doxbury Rd

251

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1641 E. Joppa Road

which is presently zoned BR-AS and BL-AS

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

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) practical difficulty and such other reasons as will be presented at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser/Lessee:

First Mariner Bank
(Type or Print Name)

By: [signature]
Signature Ken Jones V.P.

1801 South Clinton Street
Address

Baltimore, Maryland 21224
City State Zipcode

Attorney for Petitioner:

Deborah C. Dopkin
(Type or Print Name)

[signature]
Signature

409 Washington Avenue (410) 494-8080
Address Suite 920 Phone No.

Towson, MD 21204
City State Zipcode

Legal Owner(s):

Estate of Sol Goldman
(Type or Print Name)

By: [signature]
Signature

Louisa Little, Executor of the Estate of Sol Goldman
(Type or Print Name)

Signature

640 Fifth Ave., 3rd Floor 212-265-2280
Address Phone No.

New York New York 10019
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Anthony Williams, Crown Central Petroleum Corp.
Name

1 North Charles St., Baltimore, 410-659-4774
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hour or less
unavailable for Hearing

the following dates 11/21 - 11/30/98 Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administration & Development Management

ORDER RECEIVED FOR FILING
Date 2/9/99
By [signature]

People's Counsel
CBA Exhibit

5

251

PETITION FOR VARIANCE ATTACHMENT

hereby petition for a Variance from Sections

1. §303.2 as referenced by §238.1 for a front yard setback of 16' in lieu of the required 29';

2. §238.1 for a side yard of 23' in lieu of the required 30';

3. §409.10.B to permit a drive-through lane to block entry to or exit from required off-street parking spaces; and

4. to approve a modified parking plan pursuant to 409.12.

d\d\z\1stmariner.var2

ORDER RECEIVED FOR FILING
Date

#51

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

ZONING DESCRIPTION

BEGINNING for the same on the south side of Joppa Road (Md Rte 148), variable width, which is located 170 feet, more or less, southwesterly from the intersection of the centerline of Joppa Road with the centerline of Loch Raven Boulevard (Md Rte 542), variable width, thence the following courses and distances:

1. North 69°20' 54" East, 24.82 feet,
2. North 68°32' 25" East, 21.76 feet,
3. By a curve to the right with a radius of 66 feet and an arclength of 115.56 feet,
4. North 78°29' 59" East, 7.33 feet,
5. South 10°03' 55" East, 79.06 feet,
6. By a curve to the right with a radius of 2045.81 feet and an arclength of 56.13 feet,
7. North 88°28' 15" West, 98.49 feet, and
8. North 21°18' 20" West, 173.11 feet to the place of beginning.

CONTAINING 0.463 Acres of land more or less.

BEING known as 1641 Joppa Road and located in the Ninth District of Baltimore County, Maryland.

STATE OF MARYLAND
MARK A. BUSCH
508
REGISTERED
PROPERTY LINE SURVEYOR

Mark A. Busch
Registered Property Line Surveyor #508

GP:mak\s\10921\descrip.doc\121798

☐ 139 N. MAIN STREET, SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

☒ 110 WEST ROAD, SUITE ~~105~~ 245
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

☐ 9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9792 (301) 776-1690
FAX (410) 792-7395

99-251-A

LRCC

Loch Raven Community Council, Inc.
P.O. Box 42115
Loch Raven, Maryland 21284-2115

25 January 1999

People's Counsel
CBA Exhibit
6

Mr. Lawrence Schmidt, Commissioner
Baltimore County Zoning Commission
401 Bosley Avenue, Room 405
Towson, MD 21204

Re: Case Number 99-251-A

Commissioner Schmidt:

The Loch Raven Community Council, Inc. (LRCC) represents seventeen community associations and three service organizations in the Greater Loch Raven area and follows local zoning and development issues in that capacity. The Council would like to signal its enthusiastic support for the proposed development of a First Mariner Bank at the current site of a Crown gasoline station on the southwest corner of East Joppa Road and Loch Raven Boulevard. This site serves as a gateway into the Loch Raven community and its development is of great importance in light of the community's work on the Loch Raven Boulevard Enhancement Project. That Project, undertaken jointly by LRCC and the Loch Raven Business Association, has attracted a great deal of support from the community, the County, and the State. County and State funding for the Project amount, so far, to $5.7 million.

Members of the First Mariner development team have met several times with community leaders to discuss the proposed development and to consider community concerns. They have been exceptionally cooperative in working with the community and have been highly receptive to suggestions we have made about various issues. It is our understanding that three specific requests made by the community have been incorporated into the plan.

(1) A faux window will be installed to disguise the fact that no actual window opens into the bank's secure storage area. (The original plan showed a bricked-in relief intended to carry on the pattern of windows on the building's façade.)

(2) A low wrought-iron fence with brick columns will be installed along the front of the property to echo motifs present or planned in other areas of the community.

(3) Enhanced landscaping will be installed on the bank property in keeping with the high-profile of its location and its importance to the Loch Raven Boulevard Enhancement Project.

It has been a pleasure working with this cooperative team. The Council welcomes the proposed First Mariner development of this site and strongly supports their request for variances required for the development

Sincerely,

Murry D. Bentley, President
Loch Raven Community Council

cc: Ms. Laurie Hay, Baltimore County Planning Office
Mr. Kenneth C. Jones, Vice President, First Mariner Bank
Mr. Robert F. Bradley, President, Morris & Ritchie Associates, Inc.
Ms. Deborah Dobkin, Esq.

Google Maps 1698 E Joppa Rd



Image capture: Oct 2017 © 2019 Google

Towson, Maryland

Google

Street View - Oct 2017

People's Counsel
CBA Exhibit
7

Google Maps MD-542

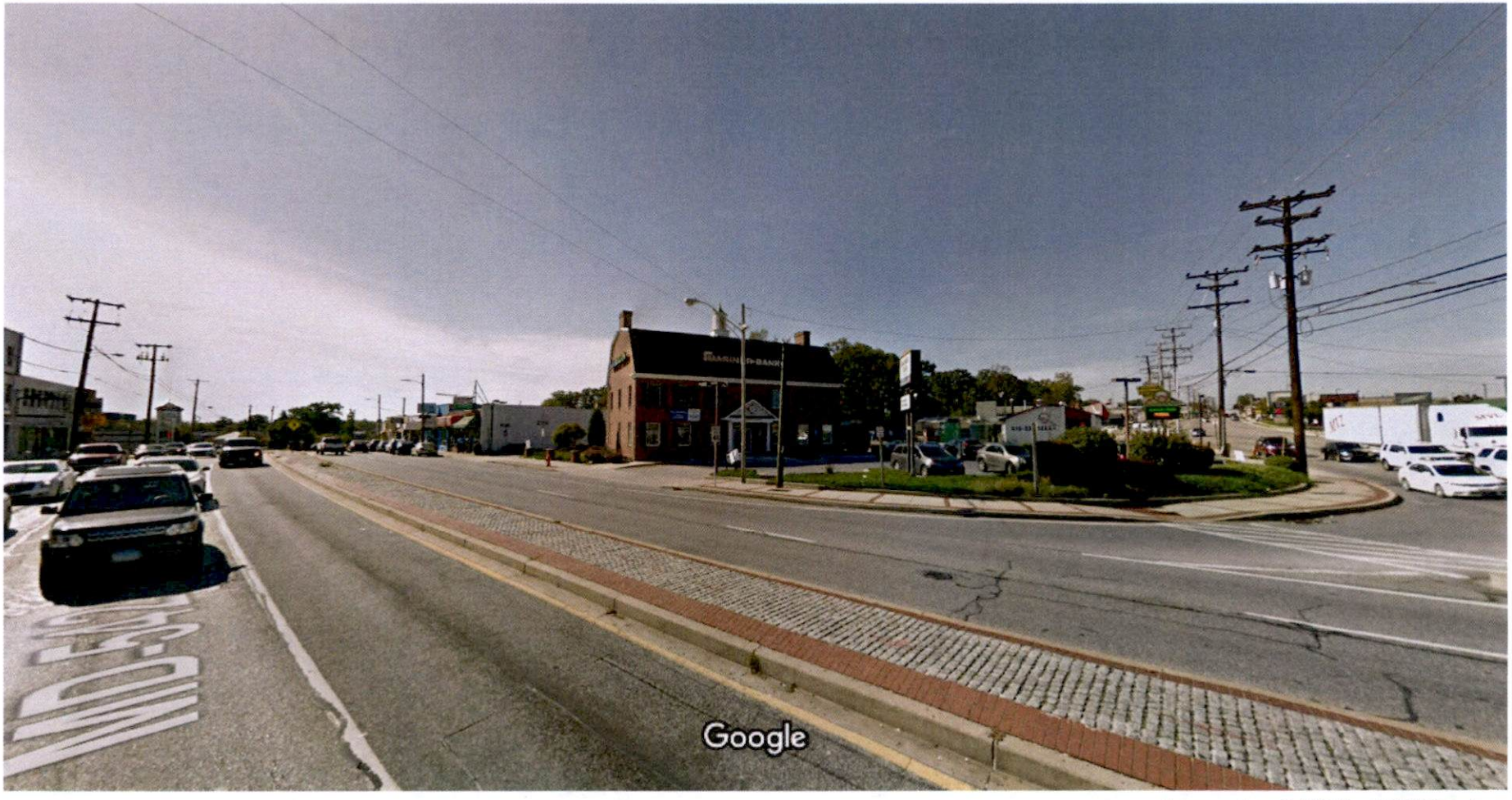


Image capture: Oct 2017 © 2019 Google

Towson, Maryland

Google

Street View - Oct 2017

Google Maps MD-542

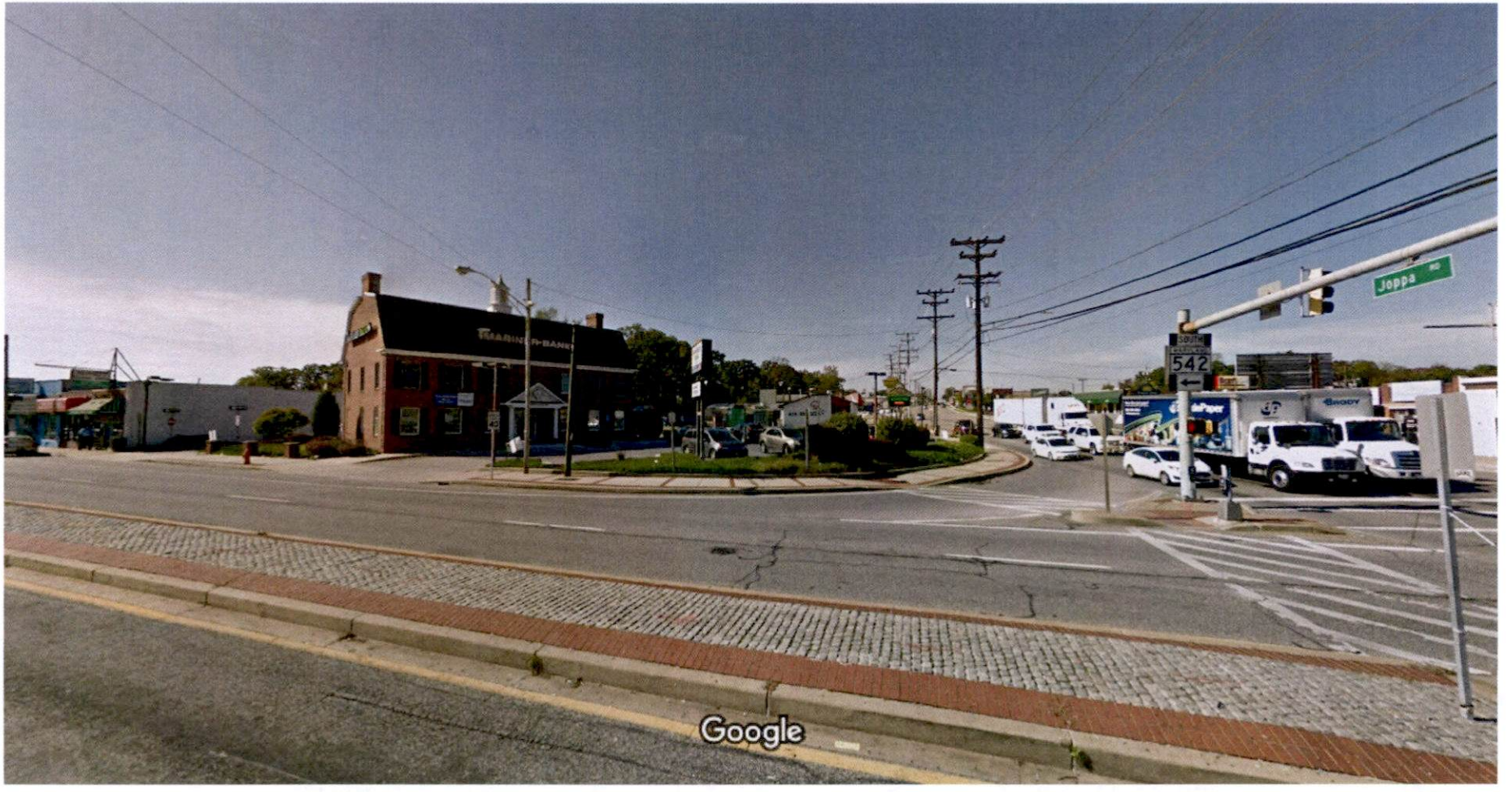


Image capture: Oct 2017 © 2019 Google

Towson, Maryland

Google

Street View - Oct 2017

Google Maps 8688 MD-542

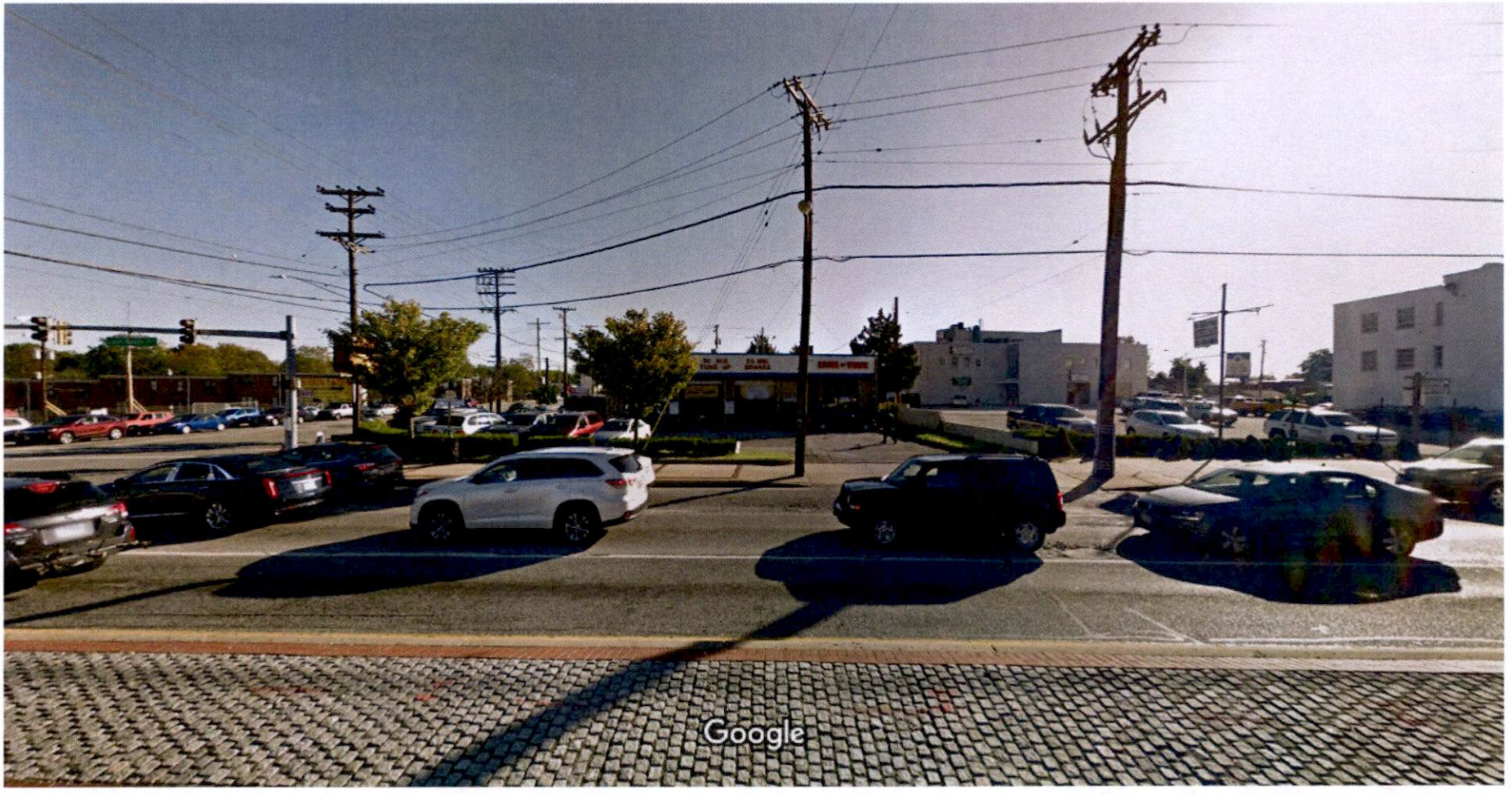


Image capture: Oct 2017 © 2019 Google

Towson, Maryland

Google

Street View - Oct 2017

Google Maps 1698 E Joppa Rd

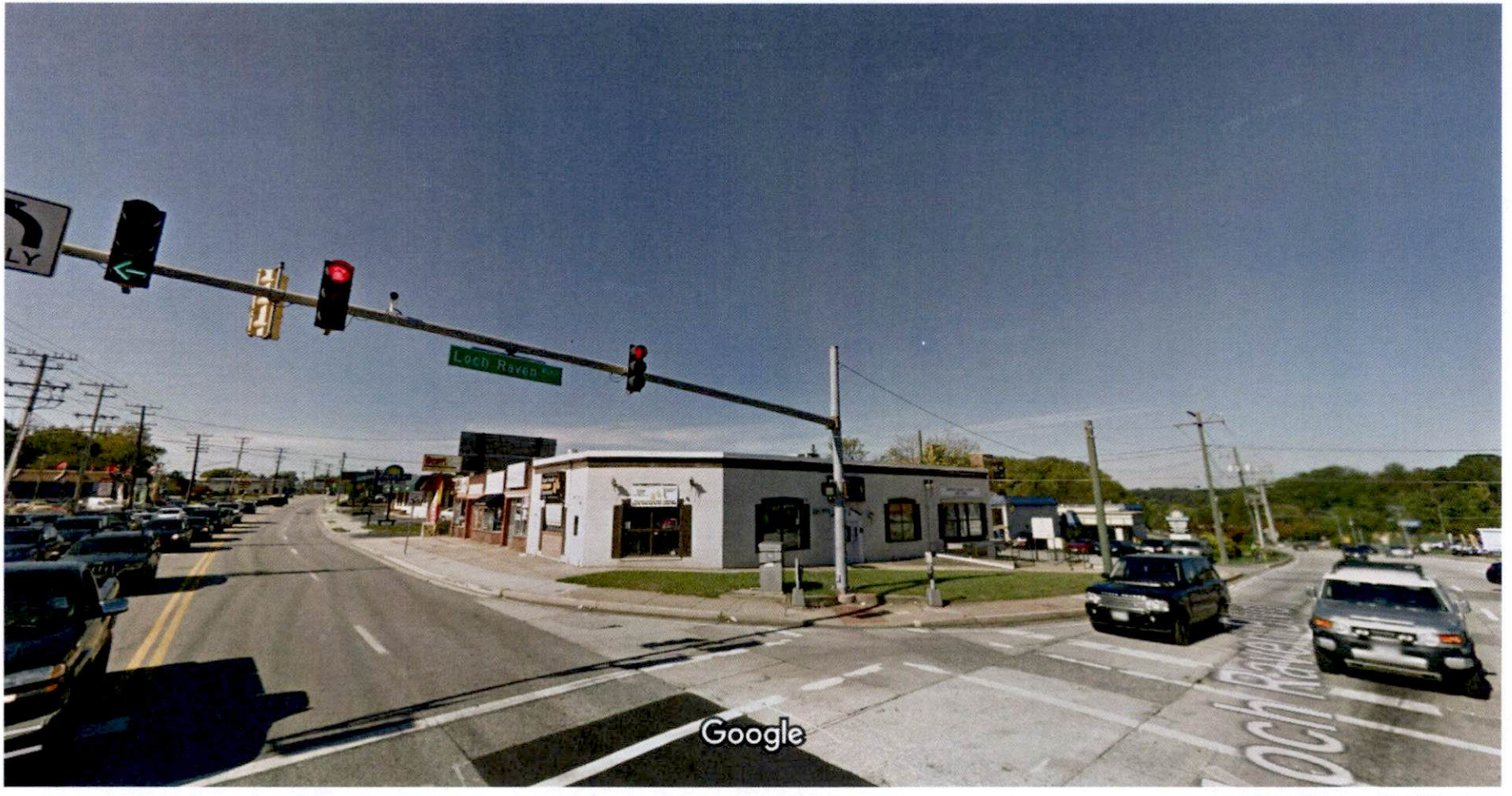


Image capture: Oct 2017 © 2019 Google

Towson, Maryland

Google

Street View - Oct 2017

Google Maps 1698 E Joppa Rd



Image capture: Oct 2017 © 2019 Google

Towson, Maryland

Google

Street View - Oct 2017

IN RE: PETITION FOR VARIANCE
S/S Joppa Road, 170' SW of the c/l
Loch Raven Boulevard
(1641 E. Joppa Road)
9th Election District
6th Councilmanic District

Estate of Sol Goldman. Owners;
First Mariner Bank, Contract Purchaser

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-251-A
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, the Estate of Sol Goldman, by Louisa Little, Executor, and the Contract Purchaser, First Mariner Bank, by Ken Jones, Vice President, through their attorney Deborah C. Dopkin, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 303.2, as referenced by Section 238.1, to permit a front yard setback of 16 feet in lieu of the required 29 feet; from Section 238.1 to permit a side yard setback of 23 feet in lieu of the required 30 feet; from Section 409.10.B to permit a drive-through lane to block entry to, or exit from, the required off-street parking spaces; and, from Section 409.12 to approve a modified parking plan. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner' Exhibit 1.

Appearing at the hearing on behalf of the Petition were Ken Jones, Vice President of First Mariner Bank, Contract Purchasers of the subject property, Robert Capalongo and Robert Bradley, representatives of Morris Ritchie & Associates, Inc., the engineering firm which prepared the site plan of this property, Glenn Cook, a representative of The Traffic Group, traffic engineering consultants, and Deborah C. Dopkin, Esquire, attorney for the Petitioners. Also appearing on behalf of the Petitioners were Andrea Van Arsdale, Director of Commercial Revitalization for the Economic Development Commission, and Donna Spicer, a representative of the Loch Raven Community Council. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.46 acres, more or less, split zoned B.L.-A.S. (0.13 acres) and B.R.-A.S. (0.33 acres), and is improved with a Crown Gasoline Service Station. The property is located at the southwest corner of Loch Raven Boulevard and Joppa Road, just west of the I-695 interchange. The Petitioners propose to remove and replace the existing gas station with a two-story bank, as shown on Petitioner's Exhibit 1. Inasmuch as this particular corner is located at a prominent intersection and is the gateway to the Loch Raven communities, the Petitioners have attempted to design a building and landscape package that will further enhance the site and be a benefit to the surrounding locale. Due to the split zoning of the property, however, certain area variances are necessary in order to proceed with the proposed improvements. Furthermore, two parking spaces (for employees) are offset from the drive-through lane, thereby generating an additional variance. Finally, the Petitioners testified that Mr. John Lewis, the Zoning Review Technician who reviewed the Petition filed, suggested that the Petitioners request approval of the overall parking design as a modified parking plan.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

ORDER RECEIVED FOR FILING
Date
By

People's Counsel
CBA Exhibit
8

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After considering the testimony and evidence offered at the hearing, and in view of the support this project has received from the Office of Planning, the Economic Development Commission, and the Loch Raven Business Association, as well as the tremendous benefit the proposed development will offer to the Loch Raven area, I am persuaded to grant the requested variances. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of February, 1999 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 303.2, as referenced by Section 238.1, to permit a front yard setback of 16 feet in lieu of the required 29 feet; from Section 238.1 to permit a side yard setback of 23 feet in lieu of the required 30 feet; from Section 409.10.B to permit a drive-through lane to block entry to, or exit from, the required off-street parking spaces; and, from Section 409.12 to approve a modified parking plan, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILING
Date 2/9/99
By bjs

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The Petitioners have agreed to submit elevation drawings of the proposed building and landscape plans to the Office of Planning for their review and approval prior to the issuance of any permits.

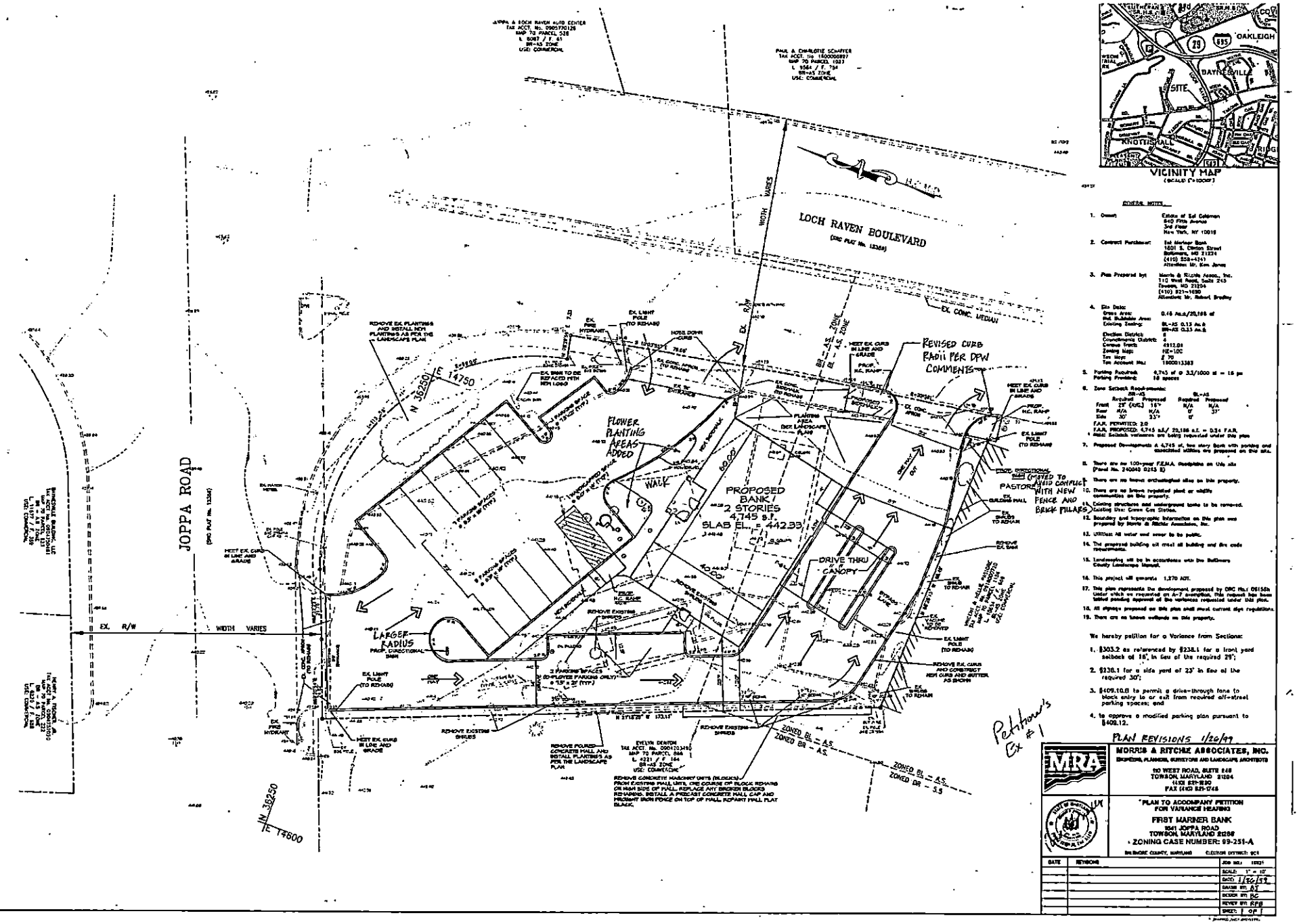
3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

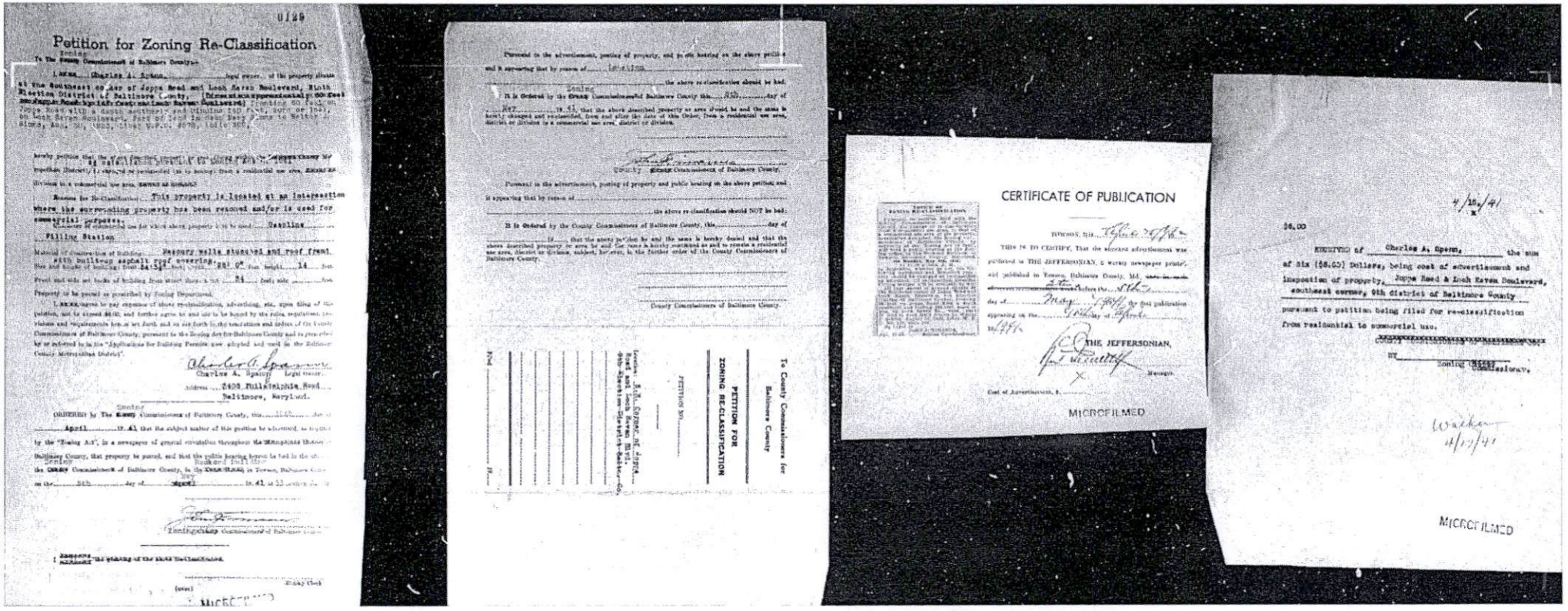
Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/9/99
By bjs


JOPPA ROAD
(SHC PLAT No. 13268)
LOCH RAVEN BOULEVARD
(SHC PLAT No. 13268)
EX. R/W
WIDTH VARIES
EX. CONC. MEDIAN
PROPOSED BANK / 2 STORIES 4,745 S.F. SLAB EL. = 442.33
DRIVE THRU CANOPY
FLOWER PLANTING AREAS ADDED
REVISED CURB RADII PER DPW COMMENTS
LARGER RADIUS
PROP. DIRECTIONAL SIGN
PASTOR
(MOVED TO AVOID CONFLICT WITH NEW FENCE AND BRICK PILLARS)
REMOVE EX. PLANTINGS AND INSTALL NEW PLANTINGS AS PER THE LANDSCAPE PLAN
REMOVE EXISTING SHRUBS
REMOVE POURED CONCRETE WALL AND INSTALL PLANTINGS AS PER THE LANDSCAPE PLAN
REMOVE CONCRETE MASONRY UNITS (BLOCKS) FROM EXISTING WALL UNITS, ONE COURSE OF BLOCK REMAINS OR HIGH SIDE OF WALL, REPLACE ANY BROKEN BLOCKS REMAINING, INSTALL A PRECAST CONCRETE WALL CAP AND PROVIDE IRON FENCE ON TOP OF WALL AS PER WALL PLAT
EX. BANK TO BE REPLACED WITH NEW LOBBY
EX. BUILDING TO REMAIN
EX. BUILDING TO BE REMOVED
REMOVE EX. CURB AND CONSTRUCT NEW CURB AND GUTTER AS SHOWN
EX. LIGHT POLE (TO REMAIN)
EX. LIGHT POLE (TO BE REMOVED)
EX. FIRE HYDRANT
EX. TRAFFIC SIGNAL
EX. TREE LINE
EX. WATER METER
EX. GAS METER
EX. UTILITY POLE
EX. SIGN
EX. TELEPHONE PEDESTAL
EX. CABLE TV PEDESTAL
EX. ELECTRIC TRANSFORMER
EX. ELECTRIC METER
EX. GAS VALVE
EX. WATER VALVE
EX. SANITARY MANHOLE
EX. STORM DRAIN MANHOLE
EX. STORM DRAIN INLET
EX. CONTOUR
EX. SPOT ELEVATION
PROP. CONTOUR
PROP. SPOT ELEVATION
PROP. H.C. RAMP
PROP. CURB
PROP. GUTTER
PROP. SIDEWALK
PROP. CONCRETE APRON
PROP. ASPHALT PAVING
PROP. CONCRETE PAVING
PROP. LANDSCAPED AREA
PROP. TREE
PROP. SHRUB
PROP. SIGN
PROP. LIGHT POLE
PROP. TRANSFORMER
PROP. UTILITY POLE
PROP. GUY WIRE
PROP. FIRE HYDRANT
PROP. WATER VALVE
PROP. GAS VALVE
PROP. STORM DRAIN MANHOLE
PROP. STORM DRAIN INLET
PROP. SANITARY MANHOLE
PROP. SANITARY CLEANOUT
PROP. WATER METER
PROP. GAS METER
PROP. ELECTRIC METER
PROP. TELEPHONE PEDESTAL
PROP. CABLE TV PEDESTAL
PROP. ELECTRIC TRANSFORMER
PROP. GAS VALVE
PROP. WATER VALVE
PROP. SANITARY MANHOLE
PROP. STORM DRAIN MANHOLE
PROP. STORM DRAIN INLET



Petition for Zoning Re-Classification

To The County Commissioners of Baltimore County:

I, or we, Charles A. Sperm, legal owner... of the property situate at the Southeast cor. of Joppa Road and Loch Raven Boulevard, Sixth Election District of Baltimore County, [Beginning approximately 50 feet more or less from the intersection of Joppa Road with a South northerly and bounding 150 feet, more or less, on Loch Raven Boulevard, West 50 feet, more or less, along Area 50, 4000, Sheet W.R.C. 8078, Folio 305,

hereby petition that the zoning status of the above property in Joppa County be re-classified, pursuant to the Zoning Law of Baltimore County, from an [illegible] District, as changed or re-classified, to a business (as to zoning) from a residential use area, ~~BUSINESS~~ or Division to a commercial use area, ~~BUSINESS~~ or DIVISION?

Reasons for Re-Classification: This property is located at an intersection where the surrounding property has been rezoned and/or is used for commercial purposes.

Character of commercial use for which above property is to be used: Gasoline Filling Station

Material of Construction of Building: Masonry walls stuccoed and roof framed with built-up asphalt roof covering. Size of Building: First floor 24'x34' feet, 28' 0" from height, 14 feet. Front and side set backs of building from street lines: front 84 feet; side feet.

Property to be posted as prescribed by Zoning Department.

I, ~~WE~~ agree to pay expenses of above re-classification, advertising, etc. upon filing of this petition, not to exceed $6.00, and further agree to and are to be bound by the rules, regulations, provisions and requirements here as set forth and as set forth in the regulations and orders of the County Commissioners of Baltimore County, pursuant to the Zoning Law for Baltimore County and as prescribed by or referred to in the "Application for Building Permits now adopted and used in the Baltimore County Metropolitan District".

Charles A. Sperm
Charles A. Sperm, Legal Owner.
Address 6408 Philadelphia Road
Baltimore, Maryland.

Zoning
ORDERED by The ~~Zoning~~ Commissioners of Baltimore County, this 11th day of April, 1941, that the subject matter of this petition be advertised, as required by the "Zoning Act", in a newspaper of general circulation throughout ~~the~~ Baltimore County, that property be posted, and that the public hearing hereon be held in the office of the ~~Zoning~~ Board of Appeals in the ~~COURT HOUSE~~ in Towson, Baltimore County, on the 5th day of ~~April~~ May, 1941 at 11 o'clock A. M.

~~Zoning~~ Commissioners of Baltimore County.

I, ~~WE~~, ~~AGREE~~ to the posting of the above re-classification.

(over)

MICROFILMED

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of [illegible]

the above re-classification should be had.

It is Ordered by the ~~Zoning~~ Commissioners of Baltimore County this 5th day of May, 1941, that the above described property or area be and the same is hereby changed and re-classified, from and after the date of this Order, from a residential use area, district or division to a commercial use area, district or division.

County ~~Zoning~~ Commissioners of Baltimore County.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above re-classification should NOT be had.

It is Ordered by the County Commissioners of Baltimore County, this day of 19..., that the above petition be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain a residential use area, district or division, subject, however, to the further order of the County Commissioners of Baltimore County.

County Commissioners of Baltimore County.

To County Commissioners for Baltimore County

PETITION FOR ZONING RE-CLASSIFICATION

PETITION NO.

Location: S.E. Corner of Joppa Road and Loch Raven Blvd. 6th District Baltimore County

Filed

CERTIFICATE OF PUBLICATION

TOWSON, Md., May 7, 1941

THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. once in each of 1 time before the 5th day of May, 1941, the first publication appearing on the 1st day of May, 1941.

THE JEFFERSONIAN,

Manager.

Cost of Advertisement, $.....

MICROFILMED

4/26/41

$6.00

RECEIVED of Charles A. Sperm, the sum of Six ($6.00) Dollars, being cost of advertisement and inspection of property, Joppa Road & Loch Raven Boulevard, southeast corner, 6th District of Baltimore County pursuant to petition being filed for re-classification from residential to commercial use.

COUNTY COMMISSIONERS OF BALTIMORE COUNTY

BY

Zoning Commissioners.

Walker 4/17/41

MICROFILMED

People's Counsel
CBA Exhibit

9

RAVEN BOULEVARD
ROAD

People's Counsel
CBA Exhibit
10

IN RE: PETITIONS FOR SPECIAL HEARING AND AMENDED VARIANCE - NE/Corner Loch Raven & Joppa Roads (1701 East Joppa Road) 9th Election District 4th Councilmanic District
James & Loch Raven Auto Ctrs. Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-510-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the previously approved site plan in Case No. 86-19-XA; and a variance to permit a side yard setback of 6 feet in lieu of the required 30 feet for a proposed building in accordance with Petitioner's Exhibit 1.

The Petitioners, by James H. Porter, President, appeared and testified. Also appearing on behalf of the Petition were Anthony J. Cortese with STV/Dixon Associates, and Joseph P. Martin. There were no Protestants.

Testimony indicated that the subject property, known as 1701 East Joppa Road, consists of 0.375 acres zoned B.R.-C.N.S., and is presently operated with a one story service station which was previously operated as a Texaco service station. Testimony indicated that in Case No. 86-19-XA, Petitioners were granted a special exception and variances to construct a one story retail station in combination with a convenience store. Petitioners testified those improvements never took place and that the site has remained unusable for several years. In the prior case, a variance was granted to the rear yard, which was originally established on the western property border adjacent to the Fair Retailer property. However, the service station at that time was to be oriented towards Loch Raven Boulevard. The proposed service station will be oriented towards Joppa Road as set forth in Petitioner's Exhibit 1. Accordingly, the southern property line will become the side yard. Petitioners presented testimony and evidence in support of the requested variance for the affected side yard and the requested amendment to the previously approved site plan. Additional testimony was presented to support the use of the variance previously granted for the rear property line. Testimony indicated the existing service station will be razed and a new building constructed for use as a Texaco Lube and Tune - Station. The drive thru bays in the center of the property will be used to perform oil and lube jobs; the bays to the rear of the building will be used for tune ups and brake work.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the use proposed is permitted as a matter of right in the B.R. zone and the requested amendment to the previously approved site plan to permit an Texaco Lube and Lube station in lieu of a "gas" station on the subject property should be granted with certain restrictions as more particularly described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1) Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) Whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

- 2 -

ORDER RECEIVED FOR FILING
Date: 6/9/89
By: Arnold Jablon

Schneer v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. [illegible] (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of June, 1989 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 86-19-XA; and the Petition for Zoning Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet for a proposed building in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Compliance with all Zoning Plans Advisory Committee comments submitted herein and made a part of the file.

3) A landscaping plan shall be developed and submitted for approval by the Baltimore County Landscape Planner.

4) Upon request and reasonable notice, Petitioner shall permit a representative of the Zoning Enforce-

- 3 -

ORDER RECEIVED FOR FILING
Date: 6/9/89
By: Arnold Jablon

CASE NUMBER: 89-510-SPHA
PETITIONER: James H. Porter, et al
LOCATION: 1701 East Joppa Road
DATE FILED: 4/7/89
PETITIONER'S ATTORNEY: Anthony J. Cortese

PUBLIC HEARING: Thursday, May 25, 1989 at 2:00 P.M.

PUBLIC DELIBERATION AND BUSINESS MEETING: Tuesday, June 13, 1989 at 9:00 A.M.

ORDER RECEIVED FOR FILING
Date: 6/9/89
By: Arnold Jablon

PUBLIC HEARING CLERK: [illegible]
PETITIONER(S) SIGN-IN SHEET:

NAME	ADDRESS
Anthony J. Cortese	21 Governors Ct.
James H. Porter	140 Back River Neck Rd
Joseph P. Martin	1720 Killington Rd

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

June 23, 1989

Mr. James H. Porter
140 Back River Neck Road
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
NE/Corner Loch Raven Boulevard and Joppa Road
(1701 East Joppa Road)
9th Election District - 4th Councilmanic District
Joppa and Loch Raven Auto Centers, Inc. - Petitioners
Case No. 89-510-SPHA

Dear Mr. Porter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel
File

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: SPECIAL HEARING

89-510-SPHA

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

Variance from Sec(s). 238.2 to allow a side yard building setback of 6 feet in lieu of the required 30 feet. Also Special Hearing to amend variances approved in Case No. 86-19-XA.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Size of site (0.38 Ac) and required setbacks in a BR, Zone preclude a workable development on this site.

MAP [illegible]
NO. 86
E.D. 9th
DATE 4-7-89
200' [illegible]
1000' [illegible]
CP [illegible]

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Joppa/Loch Raven Auto Centers Inc
(Type or Print Name)
James H. Porter
Signature
James H. Porter
(Type or Print Name)
Signature

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

140 Back River Neck Rd 686-5940
Address Phone No.
Baltimore, Md 21221
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Anthony J. Cortese
Name
21 Governors Ct 21207 944-9112
Address Phone No.

Attorney's Telephone No.: .....

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of May, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of June, 1989 at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

STV/DIXON ASSOCIATES
ENGINEERS ARCHITECTS PLANNERS
21 GOVERNOR'S COURT
BALTIMORE MARYLAND 21207-5203

ANTHONY J. CORTESE

355

STV/DIXON ASSOCIATES
ENGINEERS ARCHITECTS PLANNERS
21 GOVERNOR'S COURT
BALTIMORE MD 21207 5203
336/944 9112

ZONING DESCRIPTION
NO. 1701 EAST JOPPA ROAD AT LOCH RAVEN BOULEVARD
NINTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

BEGINNING FOR THE SAME at a point along the southeast side of Joppa Road, at a point located along the two following courses and distances from the intersection formed by the centerlines of the existing paving of Loch Raven Boulevard and Joppa Road; with the centerline of Joppa Road, North 68°30'20" East 162 feet + and South 21°29'40" East 33 feet + to said point of beginning, thence leaving the southeast side of Joppa Road and running,

1. South 22°49'15" East 127.84 feet thence,
2. South 69°54'45" West 66.00 feet thence,
3. North 22°49'15" West 4.92 feet thence,
4. South 72°25'45" West 84.05 feet to a point on the east side of Loch Raven Boulevard, thence along same, by a curve to the left having,
5. A radius of 2,123.48 feet, an arc length of 76.00 feet, said curve being subtended by a chord bearing North 11°35'44" West 76.00 feet thence,
6. North 77°22'30" East 7.90 feet to the beginning of a site flare, thence by a curve to the right having,
7. A radius of 51.00 feet, an arc length of 72.10 feet, said curve being subtended by a chord bearing North 28°00'15" East 66.24 feet to a point along the southeast side of Joppa Road, thence along same,
8. North 68°30'20" East 75.76 feet to the point of beginning . . . containing 0.375 acre of land or 16,356 square feet, more or less.

Mark A. Riddle
January 25, 1989

STV/DIXON ASSOCIATES
Mark A. Riddle
Md. Reg. Property Line Surveyor No. 244

STATE OF MARYLAND
MARK ALAN RIDDLE
No. 244
PROPERTY LINE SURVEYOR

STV ENGINEERS Architects Engineers Planners Interior Designers Engineering Offices Throughout the United States
STV/DIXON ASSOCIATES ENGINEERS ARCHITECTS PLANNERS 21 GOVERNOR'S COURT BALTIMORE MARYLAND 21207-5203

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland as follows:
Petition for Special Hearing and Zoning Variance
CASE NUMBER: 89-510-SPHA
E/S Joppa Road and Loch Raven Boulevard
1701 East Joppa Road
9th Election District - 4th Councilmanic
Petitioner(s): James H. Porter, et al
HEARING: Thursday, May 25, 1989 at 2:00 P.M.
Public Deliberation and Business Meeting: Tuesday, June 13, 1989 at 9:00 A.M.
Variance to allow a side yard building setback of 6 feet in lieu of the required 30 feet. Also Special Hearing to amend variances approved in Case No. 86-19-XA.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will however entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

89-510-SPHA

TOWSON, MD., May 11, 19 89

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 11, 19 89.

NORTHEAST TIMES
THE JEFFERSONIAN,
S. T. Rehrmann
Publisher

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Date of Posting: 5/12/89
Posted for: Special Hearing and Variance
Petitioner: James H. Porter, et al
Location of property: E/S Joppa Rd. and Loch Raven Blvd.
Location of Signs: Facing Joppa Rd. and Loch Raven Blvd.
Remarks:
Posted by: [signature] Date of return: 5/19/89
Number of Signs: 2

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 6-9-89

James A Lash Assoc Auto Centers, Etc.
c/o James H. Porter
148 Bush River Neck Road
Baltimore, Maryland 21221

Re: Petition for Special Hearing and Zoning Variances
NE Cor. Lash Assoc Blvd. & Joppa Road
7200 E. Joppa Road
4th Election District - 4th Council District
Petitioner(s): James and Lash Assoc Auto Centers, Etc.
HEARING SCHEDULED: WEDNESDAY, JULY 26, 1989 at 2:00 p.m.

Gentlemen:

Please be advised that $181.60 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post until from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 (Phone 494-3391) fifteen before 10:00 a.m. on the hearing date.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

May 15, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing and Zoning Variances
NE Cor. Lash Assoc Blvd. & Joppa Road
7200 E. Joppa Road
4th Election District - 4th Council District
Petitioner(s): James and Lash Assoc Auto Centers, Etc.
HEARING SCHEDULED: WEDNESDAY, JULY 26, 1989 at 2:00 p.m.

Special Hearing to amend variances approved in Case #88-332-A.
Variances to allow a sign post building setback of 0 feet in lieu of the required 20 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: James H. Porter/James A Lash Assoc Auto Centers, Inc.
Anthony J. Cottrell
B. David Adelberg, Esq.
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 8, 1989

Mr. Anthony J. Cottrell
Attorney at Law
20 Courtney Court
Baltimore, Maryland 21220-3713

Re: Petition for Zoning Variances and Special Exception
NE Corner Lash Assoc Boulevard and Joppa Road
Item #355

Dear Mr. Cottrell:

This is to acknowledge and thank you for your letter of May 5, 1989.

Investigation into the matter revealed an unsubstantiated written and office procedure which files, in your records, your letter dated May 5, 1989 as the additional filing fee and, thus was received by this office on March 6, 1989. But the file does not so reflect on that date. Another of this case would have been scheduled within the normal cycle, as we stated, June 5, 1989.

The fee payment was corrected on May 8, 1989, making May 2nd the acceptance date. Thus, the postponed hearing dates.

Again, thank you for your letter of May 5, 1989 making us aware of the situation in this case. In front of same, a fee has been refunded this date. Also, to accelerate hearing of this matter on the earliest possible date.

Formal confirmation of hearing will be mailed to you shortly.

Very truly yours,

J. Robert Haines
Zoning Commissioner
Baltimore County, Maryland

JRH:bjs

cc: B. David Adelberg, Esq.

B. DAVID ADELBERG
ATTORNEY AT LAW
TOWSON, MARYLAND 21204

May 4, 1989

ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Towson, MD 21204

Re: Petition for Zoning Variances and Special Exception
Southwest Corner of Lash Assoc Blvd. and Joppa Road
File 91-189 Item No. 355

Dear Mr. Haines,

I represent the Petitioner in the above case. A Petition was filed in late February and all fees paid on or about March 1, 1989. Due to an administrative error, the case was not credited to the account and our engineers have been advised that a hearing date is not available until August. This delay is causing the owner undue hardship.

It is requested that your office place the matter for hearing on an expedited basis with the date as soon as possible after the expiration of the requisite posting period.

Very truly yours,

B. David Adelberg

BDA:ca
cc: Mr. James H. Porter

STV/Lyon Associates
Engineers, Architects, Planners
Surveyors, Scientists
Economic Consultants
Environmental Consultants
Transportation Consultants
Construction Management

May 5, 1989
89-083

RECEIVED
MAY 8 1989
ZONING OFFICE

Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Attention: Mr. J. Robert Haines
Zoning Commissioner

Reference: Petition for Zoning Variance
and Special Exception
Southwest Corner Lash Assoc Blvd. and Joppa Road
File 91-189 Item No. 355

Our Job No.: 89-0193

Dear Mr. Haines:

On behalf of our client, Mr. James Porter, I would like to express my concern over the delay we have incurred for obtaining a hearing date on the above referenced project. On Wednesday, May 3, I checked on the status of this project with your office and was told that a hearing date could be expected some time in August. My client and I find this date totally unacceptable and it imposes severe hardship on my client. If in fact the request delay is correct. In questioning your staff for the reason for such a long period from the date of filing to the date of the actual hearing, there did not seem to be any explanation.

However, there does appear to be a discrepancy within your office as to payment of the following fees. Upon application, STV/Lyon Associates paid a fee of $180.00 and was notified March 2 that an additional fee of $180.00 was required. This fee was paid immediately by my client directly to your office and was not credited to this account. April 28 my client received another letter from your office requesting an additional fee of $180.00 stating that if this fee was not paid within 15 days the petition would be dismissed and that previous fees would not be refunded.

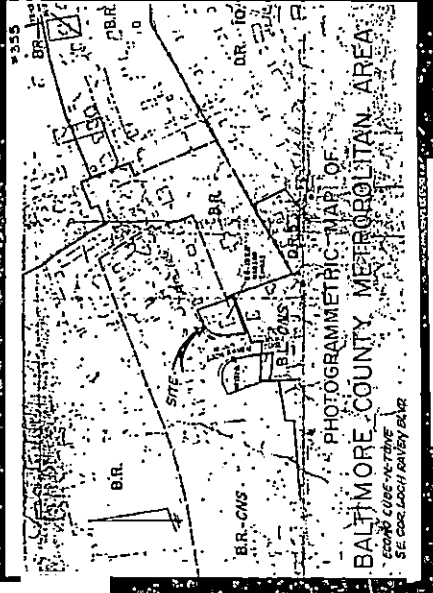
Your cooperation in obtaining an earlier hearing date would be appreciated. Should you have any questions or require additional information, please do not hesitate to contact me at 301-941-0112.

Very truly yours,

STV/Lyon Associates

Anthony J. Cottrell
Vice President

cc: James Porter



89-189-SPHA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
10th day of May, 19 89.

J. Robert Haines
ZONING COMMISSIONER

Petitioner James H. Porter
Petitioner's Attorney

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 11, 1989

Mr. James H. Porter
148 Bush River Neck Road
Baltimore, Md 21221

RE: Item No. 355, Case No. 89-189-SPHA
Petitioner: James H. Porter
Petition for Zoning Variances

Dear Mr. Porter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT SHOULD BE APPRECIATED IF THE ZONING PLANS WAS ADVISED CONCERNING ANY CHANGES, ADVERSE PUBLIC RESPONSE, IN THE NEAR FUTURE REGARDING THIS. PLEASE FEEL FREE TO BE ADVISED.

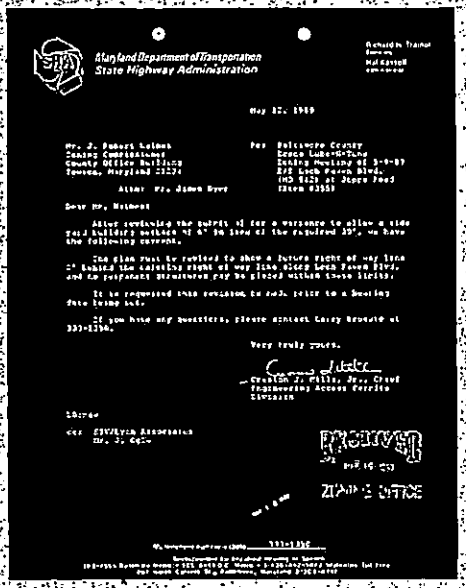
Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:kkb

Attachments

cc: Mr. Anthony J. Cottrell
20 Courtney Court
Baltimore, MD 21220



Maryland Department of Transportation
State Highway Administration

May 27, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Zoning Meeting of 5-9-89
E/S York Road, Blvd.
NWS York at Joppa Road
Item #355

Attn: Mr. James Dyer

Dear Mr. Haines:

After reviewing the submittal for a variance to allow a side yard building setback of 6' in lieu of the required 20', we have the following comments.

The plan must be revised to show a future right of way line 40' behind the existing right of way line along York Road, Blvd. and no permanent structures may be placed within these limits.

It is requested this revision be made prior to a hearing date being set.

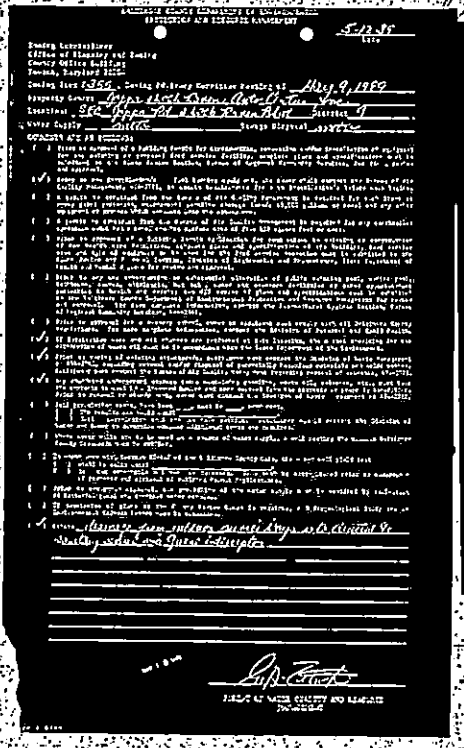
If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,

Charles Lee, Chief
Engineering Access Permits
Division

by: ...

cc: Siville & Associates
Mr. J. Cole



Baltimore County Government
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

5-12-89
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Hearing Date: 5/9/89 Zoning Advisory Committee Meeting of: May 9, 1989
Property Owner: Joppa Loch Towne Auto Center Inc.
Location: S/E Joppa Rd. & York Road Blvd. District 9
Water Supply: Public Sewage Disposal: Public

COMMENTS ARE AS FOLLOWS:

( ) 1. Prior to approval of a building permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans or equipment layout and specifications must be submitted to the Baltimore County Department of Health, Division of Food Protection, Room 21, 111 West Chesapeake Avenue, Towson, Maryland 21204, for review and approval.

( ) 2. Prior to approval of a public water supply system, any existing and/or proposed non-community water supply system must comply with all Baltimore County, Maryland and Federal Laws.

( ) 3. Prior to approval of a nursery school, owner or applicant must comply with all Baltimore County requirements. The state regulations governing nursery schools are administered by the Division of Maternal and Child Health.

( ) 4. If lubrication work and oil changes are performed at this location, the type of waste disposal (waste oil, grease, filters) must be specified and the method used for the disposal must be approved by the Division of Water Quality and Waste Management.

( ) 5. Prior to any new construction or substantial alteration of public eating place, review and approval of plans, prior to construction, must be obtained from the Division of Food Protection, Department of Health and Mental Hygiene, 111 West Chesapeake Avenue, Towson, Maryland 21204. Complete plans and specifications must be submitted to the Division of Food Protection for review and approval before construction, alteration or remodeling of any food service facility may begin. Plans may be obtained from the Division of Food Protection upon request.

( ) 6. Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County requirements. The state regulations governing nursery schools are administered by the Division of Maternal and Child Health.

( ) 7. If lubrication work and oil changes are performed at this location, the type of waste disposal (waste oil, grease, filters) must be specified and the method used for the disposal must be approved by the Division of Water Quality and Waste Management.

( ) 8. Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution and Industrial Hygiene at 494-3775, to obtain requirements pertaining to the review and approval of any new installations of fuel burning equipment. A permit to construct from the Division of Air Pollution and Industrial Hygiene is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which may emit air contaminants.

( ) 9. If the proposed project is a corrosive manufacturing facility, consult with the Division of Air Pollution and Industrial Hygiene to determine if they are subject to the Federal Standards of Performance for New Stationary Sources.

( ) 10. Any shredding operation that will generate dust must be reviewed by the Division of Air Pollution and Industrial Hygiene.

( ) 11. Any construction, renovation and/or installation of equipment for the preparation of food for human consumption must meet the requirements of Article 21 of the Baltimore County Code and the Maryland Annotated Code Health-General Article, Section 21-222 and Section 21-260.

( ) 12. Any existing and proposed fuel storage facilities must meet all applicable codes of the National Fire Protection Association, Baltimore County and the State of Maryland.

( ) 13. Soil percolation tests have been ____ are to be ____ performed.

( ) 14. Soil percolation tests and the results thereof must be submitted to and approved by the Division of Environmental Management prior to the issuance of any permits.

( ) 15. Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County standards must be drilled.

( ) 16. In accordance with Section 13-117 of the Baltimore County Code, the water supply for the proposed facility shall be sampled and certified by the Baltimore County Department of Health to be potable and adequate prior to the issuance of a use permit.

( ) 17. The results of soil percolation tests and the required well yield tests must be submitted to the Division of Environmental Management for review and approval. These tests must be witnessed by a representative of the Division who should be notified forty-eight hours prior to the scheduled time.

( ) 18. If the proposed project is a medical facility, it must comply with all applicable requirements of the Maryland Department of Health and Mental Hygiene.

( ) 19. If the proposed project is a child care center, it must comply with all applicable requirements of the Maryland Department of Health and Mental Hygiene.

( ) 20. Other:

Prior to issuance of a use permit, the petitioner must submit to the Department of Environmental Protection and Resource Management a detailed landscape plan for review and approval.

Prior to issuance of a use permit, the petitioner must submit to the Department of Environmental Protection and Resource Management a detailed sediment control plan for review and approval.

Prior to issuance of a use permit, the petitioner must submit to the Department of Environmental Protection and Resource Management a detailed storm water management plan for review and approval.

Prior to issuance of a use permit, the petitioner must submit to the Department of Environmental Protection and Resource Management a detailed forest conservation plan for review and approval.

Prior to issuance of a use permit, the petitioner must submit to the Department of Environmental Protection and Resource Management a detailed forest buffer plan for review and approval.

Prior to issuance of a use permit, the petitioner must submit to the Department of Environmental Protection and Resource Management a detailed wetlands plan for review and approval.

Prior to issuance of a use permit, the petitioner must submit to the Department of Environmental Protection and Resource Management a detailed critical area plan for review and approval.

Prior to issuance of a use permit, the petitioner must submit to the Department of Environmental Protection and Resource Management a detailed floodplain plan for review and approval.

Prior to issuance of a use permit, the petitioner must submit to the Department of Environmental Protection and Resource Management a detailed traffic impact study for review and approval.

Prior to issuance of a use permit, the petitioner must submit to the Department of Environmental Protection and Resource Management a detailed parking plan for review and approval.

Prior to issuance of a use permit, the petitioner must submit to the Department of Environmental Protection and Resource Management a detailed lighting plan for review and approval.

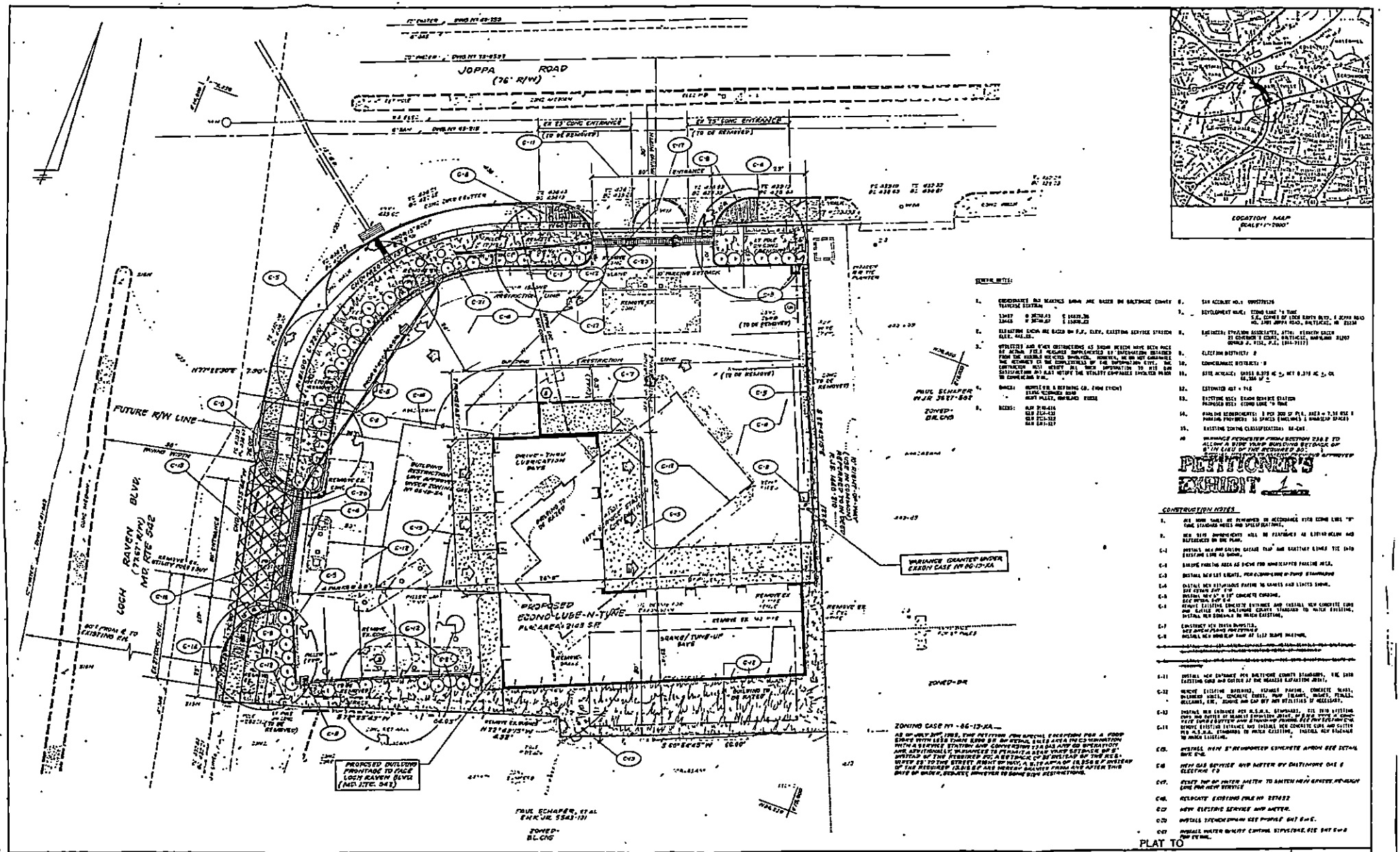
Prior to issuance of a use permit, the petitioner must submit to the Department of Environmental Protection and Resource Management a detailed signage plan for review and approval.

Prior to issuance of a use permit, the petitioner must submit to the Department of Environmental Protection and Resource Management a detailed fencing plan for review and approval.

Prior to issuance of a use permit, the petitioner must submit to the Department of Environmental Protection and Resource Management a detailed grading plan for review and approval.

Prior to issuance of a use permit, the petitioner must submit to the Department of Environmental Protection and Resource Management a detailed utility plan for review and approval.

Prior to issuance of a use permit, the petitioner must submit to the Department of Environmental Protection and Resource Management a detailed



STV / LYON ASSOCIATES
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 301-944-9112

REVISIONS		
NO.	DATE	DESCRIPTION
1	7/7/86	MOVE CURB 5' PER ECONO-LUBE COMMENTS
		ALSO WATER & SEWER CONNECTIONS
2	8/8/83	CHANGE ONE PARKING
3	9/8/83	PER ZONING REVIEW COMMENTS
4	9/8/83	ADD FUTURE R/W LINE PER S.H.A. COMMENTS

PLAN PREPARATION

DRAWN BY S.J.C.	DATE 7/9/83
DESIGNED BY S.J.C. A.F.G.	SCALE 1"=10'
CHECKED BY	JOB NO. 61-8193

ACCOMPANY PETITION FOR ZONING VARIANCE
ECONO LUBE-N-TUNE
S.E. COR. LOCH RAVEN BLVD.& JOPPA ROAD
ELECT.-DIST.9 BALTO. CO.,MD.

DRAWING NO. V-1
SHEET NO. 1 of 1

Google Maps 5515 Ritchie Hwy



Imagery ©2019 Google, Map data ©2019 Google 50 ft

Google Maps 5515 Ritchie Hwy

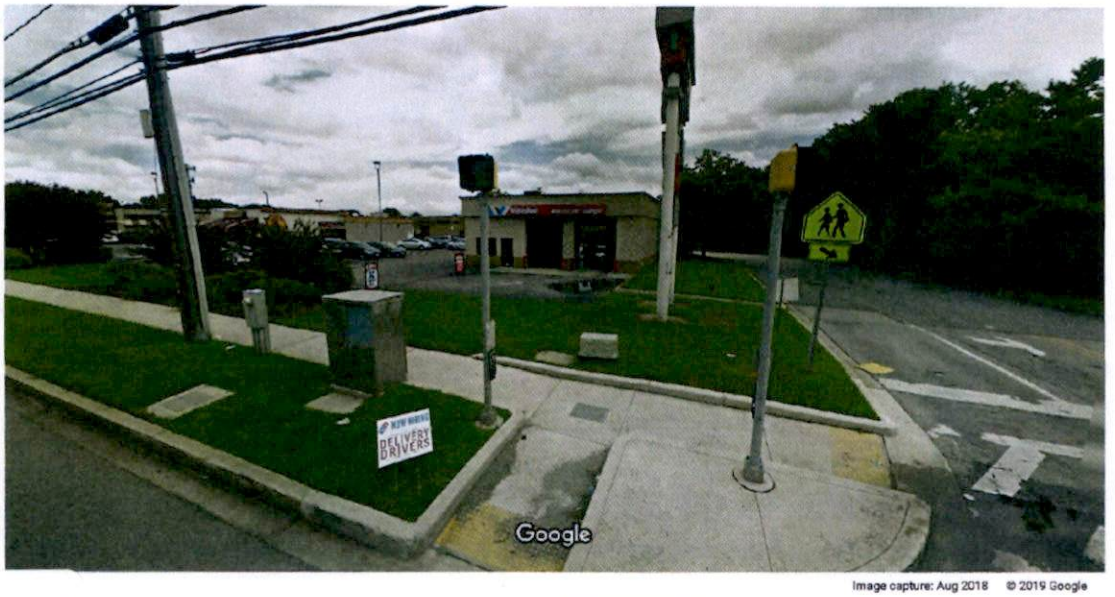


Image capture: Aug 2018 © 2019 Google

Brooklyn Park, Maryland

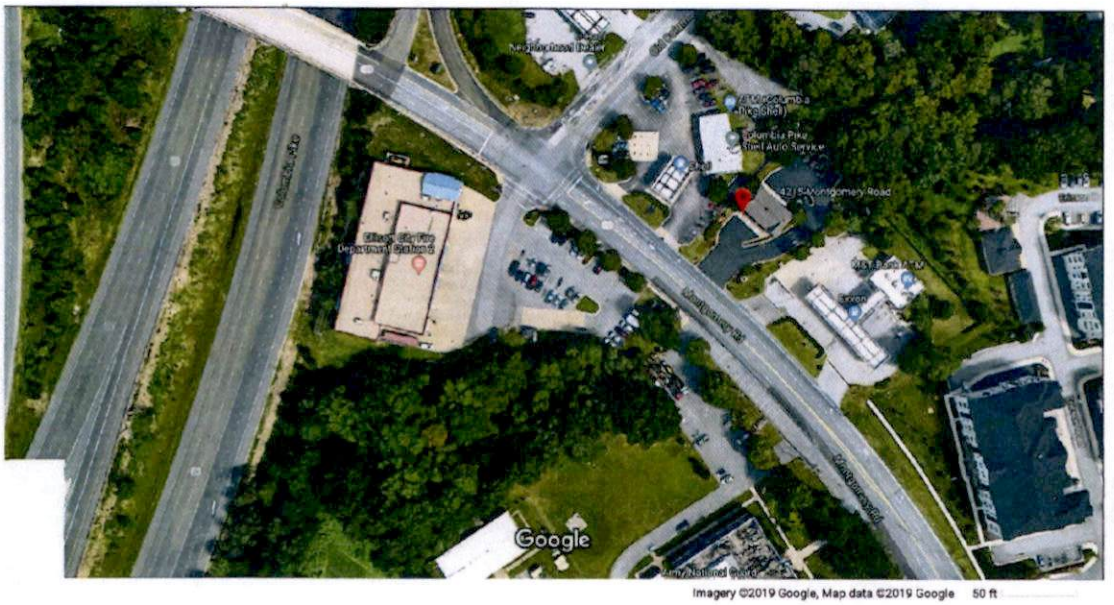
Google

Street View - Aug 2018

People's Counsel
CBA Exhibit

11

Google Maps 4215 Montgomery Rd



Imagery ©2019 Google, Map data ©2019 Google 50 ft

Google Maps 4215 MD-103



Image capture: Aug 2018 © 2019 Google

Ellicott City, Maryland

Google

Street View - Aug 2018

Google Maps 7391 Baltimore Annapolis Blvd



Imagery ©2019 Google, Map data ©2019 Google 100 ft

https://www.google.com/maps/place/7391+Baltimore+Annapolis+Blvd,+Glen+Burnie,+MD+21061/@39.1713438,-76.6314355... 2/26/2019

Google Maps 360 8th Ave NW



Image capture: Aug 2018 © 2019 Google

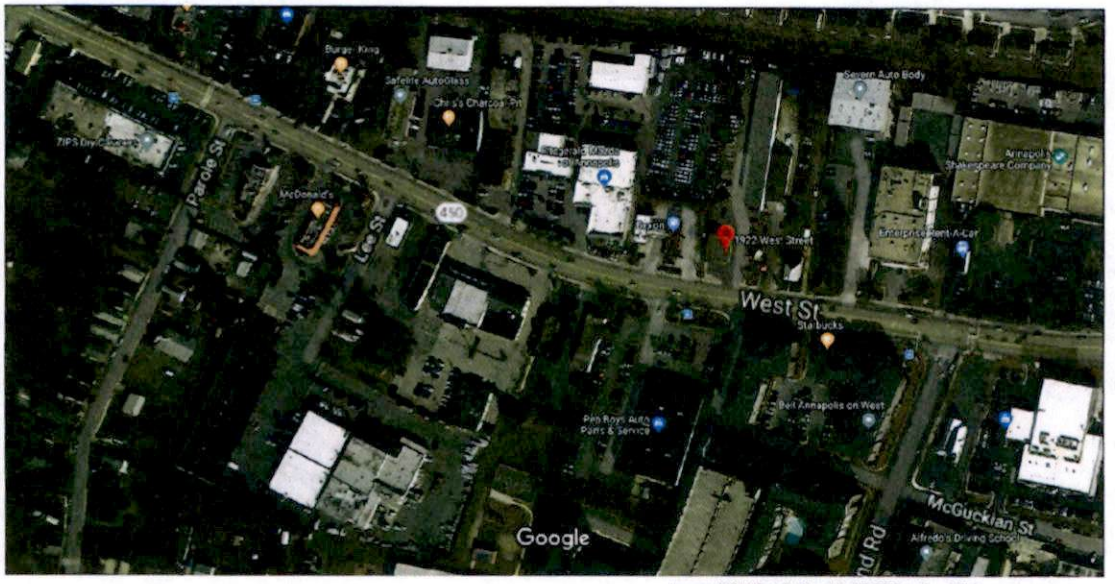
Glen Burnie, Maryland

Google

Street View - Aug 2018

https://www.google.com/maps/place/7391+Baltimore+Annapolis+Blvd,+Glen+Burnie,+MD+21061/@39.1713977,-76.6296352... 2/26/2019

Google Maps 1922 West St



Imagery ©2019 Google, Map data ©2019 Google 100 ft

Google Maps 1909 MD-450

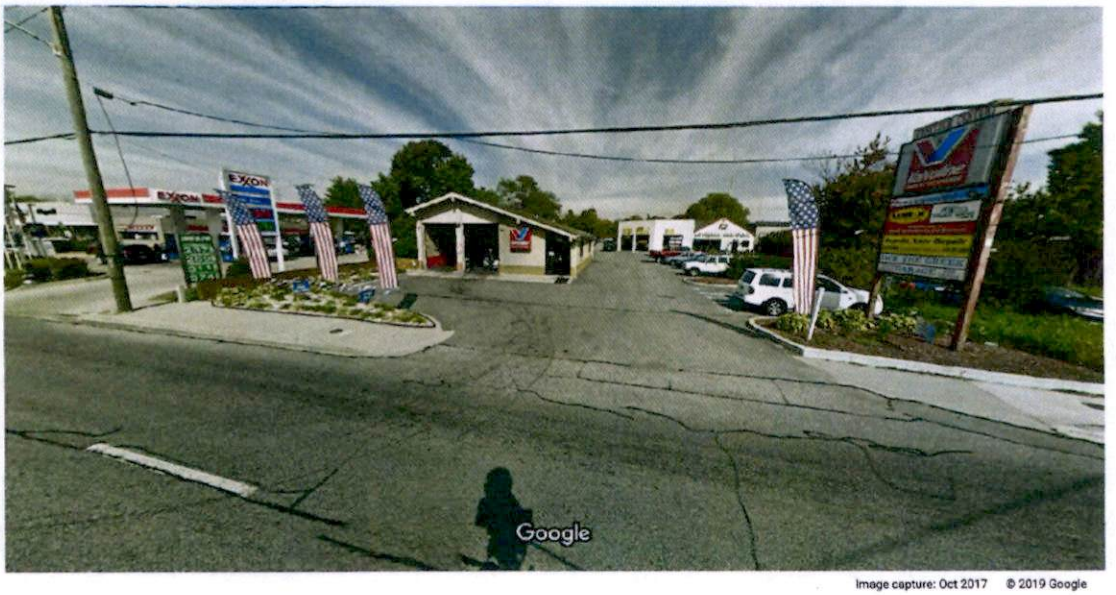


Image capture: Oct 2017 © 2019 Google

Annapolis, Maryland

Google

Street View - Oct 2017

Google Maps 8301 Spruce Hill Dr



Imagery ©2019 Google, Map data ©2019 Google 100 ft

Google Maps 13999 US-1

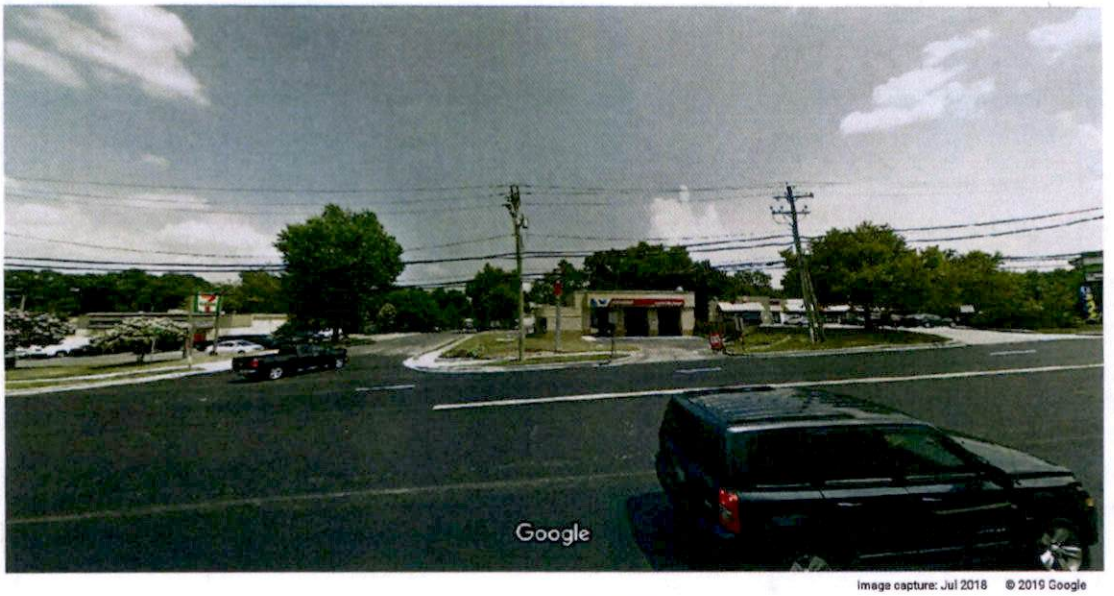


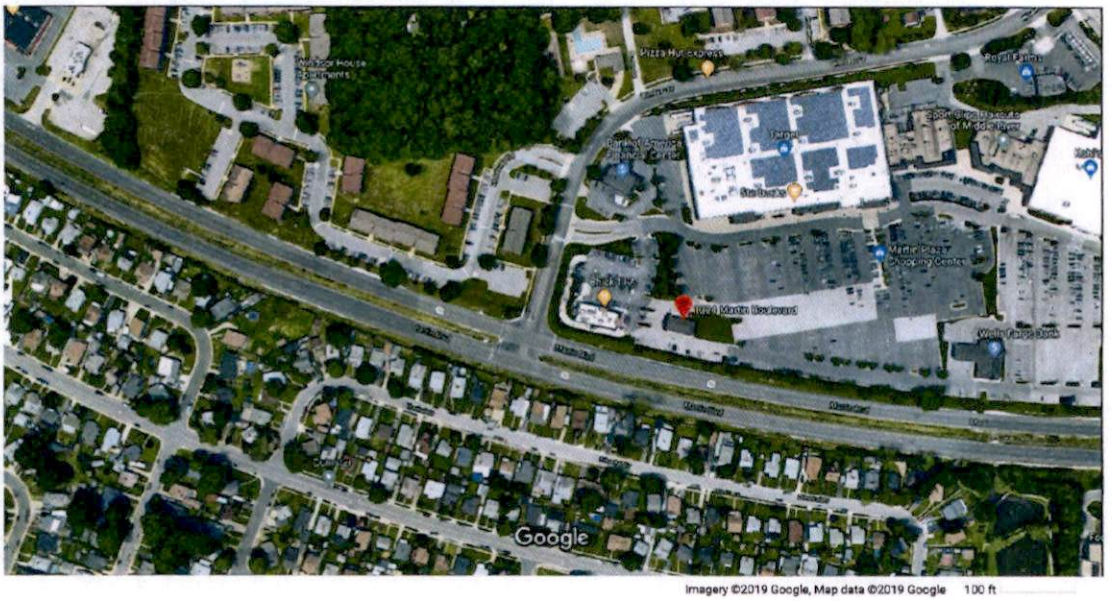
Image capture: Jul 2018 © 2019 Google

Laurel, Maryland

Google

Street View - Jul 2018

Google Maps 1324 Martin Blvd



Imagery ©2019 Google, Map data ©2019 Google 100 ft

https://www.google.com/maps/place/1324+Martin+Blvd,+Middle+River,+MD+21220/@39.3341621,-76.4507412,412m/data=!... 2/26/2019

Google Maps MD-700

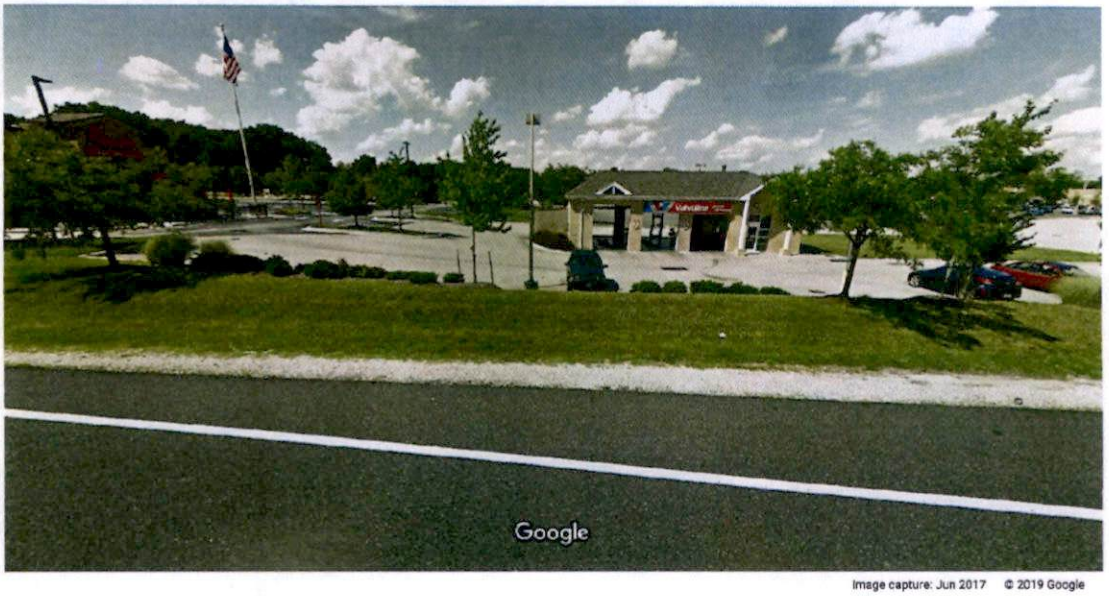


Image capture: Jun 2017 © 2019 Google

Middle River, Maryland

Google

Street View - Jun 2017

https://www.google.com/maps/place/1324+Martin+Blvd,+Middle+River,+MD+21220/@39.3336452,-76.4498586,3a,75y,11.03... 2/26/2019

People's Counsel
CBA Exhibit
12

shən\ *n -s* **1** : the act of ingrati- ɔeself in favor ⟨practice the various that ingratiates ⟨American art ... vith which to resist this wealth of

ə,tōr-ē\ *adj* : tending to ingratiate

[ME, fr. MF, fr. ML *ingratitudo*, ɔ gratitude — more at GRATITUDE] ulness of or poor return for kind- JLNESS ⟨blow, thou winter wind] nan's ~ —Shak⟩

ɪs-ᵊn(t)s\ *n -s* : the state of be- e ⟨persistence and ~ of behavior proved circumstances —Norman

\ *adj* [*L ingravescent-, ingravescere* to become heavier, ... to become *escere* to become heavy, fr. *gravis* GRIEVE] : gradually increasing in normality of function⟩

\ *vt* -ED/-ING/-S [LL *ingravidatus*, fr. L *in-* ²in- + LL *gravidare* to *dus* pregnant ⟨see of GRAVID]

(t)s\ *n -s* [in sense 1, alter. of *nt*; in sense 2, fr. L *ingredi* + E redient or a mixture of ingredients rity and contained up to ½ other d H.W.Holzer⟩ **b** : the fact of his complete ~ in an occasion, so ividual essence with other eternal **2** *obs* : ENTRANCE, INGRESS ... ME, fr. L *ingredient-, ingredions*, nto, enter, fr. *in-* ²in- + *-gredi* ⟨fr. : at GRADE⟩ **1** : something that is a component part of any com- TITUENT ⟨formula which will have mother's milk —Morris Fishbein⟩ e must read, because they are ~s L.Peacock⟩ ⟨understanding is one of a successful marriage —Grace g that moves into or penetrates

gredient-, ingrediens, pres. part.] ATING **2** : present as or forming ⟨can be used as an ~ product in older⟩ ⟨when a sequence of words phrase, while we can ask whether words —Gilbert Ryle⟩

-rēm-\ *adv* [L, in the bosom, in

ME *ingresse*, fr. L *ingressus*, fr. *redi* to go into, enter — more at f entering : ENTRANCE ⟨~ of air migrants⟩ ⟨~ of summer tourists⟩ ntrance or access ⟨~ visa⟩ : means ~ to the meadow⟩ **3** : a point where a significator transits the t, the ascendant, or midheaven on into the shadow of the earth's erior planet upon the sun's disk or its shadow on a planet ; the m⟩

\ *vi* -ED/-ING/-ES [L *ingressus*, INTER **2** : to mark an ingress — ification⟩

n -s [ME, fr. L *ingression-, in-* part.) + *-ion-, -io* -ION] **1** : the NCE **2** : the process whereby cts enter into or become complex the ~ of an object into an event he event shapes itself in virtue of .N.Whitehead⟩ **3** : inward mi- ge yolk-laden macromeres formed unequal cleavage

n'g-ē, *adj* [L *ingressus* (past part.) o ingress : ENTERING; *specif* : IN- ·gres-sive·ness *n* -ES gressive verb

p [*Ingria*, district of early Russia ll of Finland + E *-an*] : a member e Finns native to the old Baltic rsburg was built — called also

b [*in + group*] : a social group rity or community of interests as ups — compare OUTGROUP + *growing* (after *grow in*, v.)] rds ⟨~ emotions⟩ : developing ɔetual⟩ ⟨French playwriting was ncial —Sheldon Cheney⟩ *grown*] **1** : grown in : ENCLOSED; g the free tip or edge embedded e direction of growth or activity an outward : WITHDRAWN, CON- en an outgoing, cultural, vibrant, and an ~, inbred, militaristic, Cousins⟩ **3** *of a stream* : having e by undercutting the banks of n-ness \-nəs\ *n* -ES ised meander (as of a river) with ne.side and a gentle-slip-off slope

owth] : a growth or development omething that grows inward

n, pl ingui-na \-gwənə\ [L]

orm [NL, fr. L *inguin-, inguen*] nguinal and *⟨inguinoscrotal⟩* L *inguinalis*, fr. *inguin-, inguen* ADEN-] **1** : of, relating to, or in : of or relating to either of the abdomen — compare ABDOMINAL

ıe plates on the posterior surface

: about one and one half inches a half inch above Poupart's liga- e male through which the testis ınd in which lies the spermatic male accommodating the round

he superficial lymphatic glands more or less distinct groups of ıg Poupart's ligament and the ɔening T'S LIGAMENT RING

NG/-S [L *ingurgitatus*, past part. *urgit-, gurges* whirlpool, abyss — swallow, devour, or drink greed- ZLE ⟨produces cocktails . . . and out reflection —Aldous Huxley⟩ r drinking : CRAM ~ *vi* : GUZZLE,

[LL *ingurgitation-, ingurgitatio, -ion*] : the act of devouring or ı foundations were undermined ıdentalism —Oskar Seidlin⟩ ıgush *or* ingushes *usu cap* **1** : a orth of the Caucasian mountains : a member of the Ingush people L *inhabilis*, fr. *in-* ¹in- + *habilis* - more at ABLE] *archaic* : not fit

in-hab-it \ən'habət, *usu* -ād-+V\ *vb* -ED/-ING/-S [ME *enhabiten, inhabiten*, fr. MF & L; MF *enhabiter*, fr. L *inhabitare*, fr. *in-* ²in- + *habitare* to dwell — more at HABIT] *vt* **1** : to occupy as a place of settled residence or habitat : live or dwell in ⟨~*ed* by a rich fauna and flora —W.H.Dowdeswell⟩ ⟨~*ed* a small apartment —Alfred Hayes⟩ **2 a** : to be at home in (a particular sphere of activity or thought) : OCCUPY ⟨endlessly varied characters who ~ the world of medicine —*N.Y.Times*⟩ ⟨the intellectual world we ~ —Cyril Connolly⟩ **b** : to occupy, be present in, or be inside of in any manner or form ⟨the human beings who ~ this tale —Al Newman⟩ ⟨the individual is ~*ed* by multiple wills, persons, or spirits —Weston La Barre⟩ ⟨a sculptural quality that ~s many of his most successful prints —Vincent Garofalo⟩ ~ *vi, archaic* : to have residence in a place : DWELL, LIVE

in-hab-it-abil-i-ty \ən,habəd-əbal, -bātə-\ *n -es* [*inhabitabilis*, fr. L *inhabitare* + *-abilis* -ABLE] : capable of being inhabited : HABITABLE

in-hab-it-ance \-bəd-ən(t)s, -bətən- *also* -bātᵊn-\ *n -s* [*inhabit* + *-ance*] : RESIDENCE ⟨grateful for his almost solitary ~ of the city —William Saroyan⟩

in-hab-i-tan-cy \-nsē,-nsi\ *n* **1** : the act of inhabiting or the state of being inhabited : the state, rights, or privileges of one who is an inhabitant : RESIDENCY, OCCUPANCY **2** : the site of the principal office or place of business of a corporation or association; *sometimes* : a fixed place of abode

¹in-hab-i-tant \-nt\ *n* [ME *inhabitaunt*, fr. AF *enhabitant*, fr. MF (pres. part. of *enhabiter*), fr. L *inhabitant-, inhabitans*, pres. part. of *inhabitare* to inhabit] **1** : a person who dwells or resides permanently in a place as distinguished from a transient lodger or visitor ⟨an ~ of a house⟩ ⟨an ~ of a state⟩ — compare CITIZEN, DOMICILE, RESIDENT **2** : one that makes its habitat or is commonly found in a place ⟨with respect to its insect *~s* —*Ann Guide Series: P.H.*⟩ ⟨a normal ~ of the intestines of both man and animals —*Farmer's Weekly (So. Africa)*⟩

²inhabitant \"\ *adj* [L *inhabitant-, inhabitans*, pres. part.] *archaic* : RESIDENT, DWELLING

inhabitate *vt* -ED/-ING/-S [L *inhabitatus*, past part.] *archaic* : INHABIT

in-hab-i-ta-tion \ən,habə'tāshən\ *n* [ME *inhabitacioun*, fr. LL *inhabitation-, inhabitatio*, fr. L *inhabitatus* (past part. of *inhabitare* to inhabit) + *-ion-, -io* -ION — more at INHABIT] : the act or an instance of inhabiting ; the state of being inhabited ⟨spiritual flight and space ~ —J.N.Leonard⟩

inhabited *adj* : having inhabitants ⟨an ~ area⟩

in-hab-it-er \ən'habəd-ə(r), -ātə-\ *n -s* [ME *enhabiter, inhabiter*, fr. *enhabiten, inhabiten* to inhabit + *-er* — more at INHABIT] *archaic* : one that inhabits

inhabiting *n -s* [ME *enhabiting, inhabiting*, fr. gerund of *enhabiten, inhabiten*] *archaic* : a dwelling place

in-hab-i-tive-ness \-bəd-ivnəs, -bətiv-\ *n* -ES [*inhabit* + *-ive* + *-ness*] : a propensity to remain permanently in the same place or residence (you know my (what the phrenologists call) ~ —J.R.Lowell⟩

in-hab-i-tress \-bə-trəs\ *n* -ES [*inhabiter* + *-ess*] *archaic* : a female inhabitant

in-hal-ant \(ˈ)in'hālənt, ən'h-\ *n -s* [¹*inhale* + *-ant* (n. suffix)] : something (as an allergen, an anesthetic vapor, or a medicated nasal spray) that is inhaled

inhalator \-ə,tā(ə)r\ *n -s* [¹*inhale* + *-ator*] : INHALER

in-ha-la-tion \,in(h)ə'lāshən\ *n -s often attrib* [¹*inhale* + *-ation*] : the act or an instance of inhaling; *specif* : the action of drawing air into the lungs by means of a complex of essentially reflex actions that involve changes in the diaphragm and in muscles of the abdomen and thorax which cause enlargement of the chest cavity and lungs resulting in production of relatively negative pressure within the lungs so that air flows in until the pressure is restored to equality with that of the atmosphere

in-ha-la-tion-al \,in(h)ə'lāshən-ᵊl, -shnəl\ *adj* : by or involving inhalation ⟨~ therapy⟩

in-ha-la-tor \'ā,lād-ə(r), -ātə-\ *n -s* [¹*inhale* + *-ator*] : a device designed to provide a suitable mixture of oxygen and carbon dioxide for inhalation and used esp. in conjunction with manual artificial respiration

¹in-hale \ən'hāl, *chiefly before pause or consonant* -ālz\ *vb* -ED/-ING/-S [*in-* + *-hale* (as in *exhale*)] *vt* **1** : to draw in by breathing ⟨~ air⟩ **2** : to consume or swallow esp. eagerly or greedily ⟨*inhaled* about four meals at once —Hing Laidlaw⟩ ⟨*inhaling* it from their cupped fingers until their cheeks bulged —R.D.Bowen⟩ ⟨*inhaled* a strong love decoction — Abram Kardiner⟩ ~ *vi* : to breathe in : inhale air, gas, smoke, or other vapor — opposed to *exhale*

²in-hale \", *n -s* : the act or an instance of inhaling ⟨kept taking deep *~s* —J.W.Ellison b. 1891⟩

in-hal-er \ən'hālə(r)\ *n -s* **1** : one that inhales **2** : a device by means of which vapors, volatilized remedies, medicinal dusts, or anesthetics can be inhaled — compare INHALATOR **3** : SNIFTER ⟨pouring a liberal amount of brandy into an ~ — Caroline Slade⟩

in-harmonic \,in+\ *adj* [*in-* + *harmonic*] : not harmonic : DISCORDANT

inharmonic theory *n* : a postulate in phonetics: the reinforcing vibrations produced in the supraglottic cavities in vowel articulation need not be multiples of the fundamental vocal-cord note — compare FORMANT, HARMONIC THEORY

in-harmonious \,in+\ *adj* [*in-* + *harmonious*] **1** : UNMUSICAL, DISCORDANT ⟨~ sounds⟩ **2** : being not in harmony : CONFLICTING, JARRING, UNCONGENIAL ⟨~ surroundings⟩ — **in-harmoniously** \"+\ *adv* — **in-harmoniousness** \"+\ *n*

in-harmony \(ˈ)in, ən+\ *n* [*in-* + *harmony*] : lack of harmony : DISCORD

inhaul \'ē,ə\ *n* [*in* + *haul* (after *haul in*, v.)] : a rope used to draw in a ship's sail (as a spanker on its gaff)

in-haust \ən'hȯst\ *vt* -ED/-ING/-S [*in-* + *-haust* (as in *exhaust*)] : INHALE, IMBIBE ⟨*~ing* mint juleps —Virginius Dabney⟩

in-hell \ən+\ *vt* [*in-* + *hell*] *archaic* : to put or fix in hell

in-here \ən'hi(ə)r, -iə\ *vi* -ED/-ING/-S [L *inhaerēre*, fr. *in-* ²in- + *haerēre* to stick, adhere — more at HESITATE] : to be inherent ; be a fixed element or attribute ; BELONG ⟨thought all virtue *inhered* in the farmer —H.S.Commager⟩ ⟨the excellence *inhering* in the democratic faith —V.L.Parrington⟩

¹in-her-ence \ən'hirən(t)s, -hēr-, -hēr-\ *n -s* [ML *inhaerentia*, fr. L *inhaerent-, inhaerens* + *-ia -y*] **1** : the quality, state, or fact of inhering or of being inherent ; permanent existence as an attribute ⟨the ~ of multiple meanings and allusions in the particulars of a literary work —B.T.Spencer⟩ **2** : the relation of a quality to a substance or subject ⟨~ rather than existence is said of accidents —James Albertson⟩

in-her-ency \-nsē, -nsi\ *n* -ES [ML *inhaerentia*] **1** : INHERENCE **2** : an inherent character or attribute ⟨culture classifications with purely taxonomic *inherencies* —W.W.Taylor⟩

in-her-ent \-nt\ *adj* [L *inhaerent-, inhaerens*, pres. part. of *inhaerēre*] : structural or involved in the constitution or essential character ⟨those changes ; being not only inherent but habit : INTRINSIC, ESSENTIAL ⟨~ rights⟩ ⟨shortcomings ~ in our approach —David Cherin⟩ ⟨an ~ laziness⟩ — **in-her-ent-ly** *adv*

in-her-it \ən'herət, *usu* -ād-+V\ *vb* -ED/-ING/-S [ME *enheriten* to make heir, inherit (influenced in meaning by MF *heriter* & L *hereditare* to inherit), fr. MF *enheriter* to make heir, fr. LL *inhereditare*, fr. L *in-* ²in- + LL *hereditare* to inherit — more at HERITAGE] *vt* **1** : to come into possession of : POSSESS, RECEIVE ⟨power . . . which he ~s from the Creator himself —Eric Linklater⟩ **2 a** : to take by descent from an ancestor ; take by inheritance ; receive as a right or title descendible by law from an ancestor at his decease **b** : to be heir to : SUCCEED ⟨a son *~s* his father⟩ **3 a** : to receive by genetic transmission ; derive or acquire from ancestors ⟨~ a strong constitution⟩ **b** : to have in turn or receive as if from an ancestor ⟨much of the girl's clothing had been *~ed* from the more fortunate children —Grace Metalious⟩ ⟨*~ed* from antiquity two rather contradictory views of the organic world —S.F.Mason⟩ ~ *vi* : to take or hold a possession, property, estate, or rights by inheritance

in-her-it-abil-i-ty \-,herəd-ə'bilad-ē,-rātə-, -lətē, -i\ *n* : the quality of being inheritable or descendible to heirs

in-her-it-able \-'herəd-əbəl, -rātə-\ *adj* [ME *enheritable*, fr. AF, fr. MF *enheriter* + *-able*] **1 a** : capable of being inherited : TRANSMISSIBLE, DESCENDIBLE ⟨an ~ title⟩ **b** (1) : capable of taking by inheritance (2) ; entitled to as a birthright **2** : capable of being transmitted from parent to child ⟨~ qualities⟩ — **in-her-it-able-ness** \-nəs\ *n* -ES — **in-her-it-ably** \-blē,-bli\ *adv*

in-her-i-tage \'herəd-ij\ *n* [*inherit* + *-age*] *archaic* : INHERITANCE

in-her-i-tance \ən'herəd-ən(t)s, -rətən-,-rətᵊn-\ *n -s* [ME *enheritaunce*, fr. AF *enheritance*, fr. MF *enheriter* + *-ance*] **1 a** : the act of inheriting property: as (1) : the acquisition of real or personal property as heir to another ; the perpetual or continuing right which a person and his heirs have to an estate or property (2) *common, feudal, & Scots law* : the acquisition of an ancestor's real estate upon his death by the heir under the Statute of Descent as distinguished from the succession to his personal property by the next of kin under the Statute of Distribution (3) *Roman & Civil law* : the succession upon the death of an owner either by testament or by operation of law by the heir to all the estate, rights, and liabilities of the decedent, the liabilities being restricted to the value of the estate when the heir was given the benefit of inventory **b** : the reception or acquisition of genetic characters or qualities by transmission from parent to offspring **c** : the acquisition of a material or immaterial possession, condition, or trait by transmission from the past or from past generations ⟨resented his children's ~ of slavery from their mothers —Anne K. Gregorie⟩ ⟨hard-won freedoms that are ours by just ~⟩ **2** : something that is or may be inherited: as **a** (1) : something that is derived by an heir from an ancestor or other person or that may be transmitted to an heir by a person (2) *common, feudal, & Scots law* : an estate of inheritance (as a fee simple or a fee tail) **b** : the sum total of genetic characters or qualities transmitted from parent to offspring ⟨on the maternal side his ~ was a happy one⟩ **c** : something material or immaterial that is derived or acquired from the past or from past generations ⟨the random brutality that is the ~ of centuries of blackness — Ralph Ellison⟩ ⟨*esp* : a permanent or valuable possession that is a common heritage or that is received from God or nature ⟨our great ~ of water and land —A.E.Stevenson †1965⟩ ⟨their most precious ~, that thin layer of topsoil —K.D. White⟩ ⟨books are the major channel by which the intellectual ~ is handed down —*New Republic*⟩ **3** *obs* : right of possession : POSSESSION, OWNERSHIP

inheritance tax *n* **1** : an excise tax levied upon the privilege of receiving property as heir or next of kin under the law governing intestate succession, measured by the value of the interest each successor receives, and usu. increased in rate as kinship with the deceased becomes more remote — compare LEGACY TAX **2** : ESTATE TAX

inherited *adj* : constituting something received by inheritance ⟨~ characteristics⟩ ⟨shackled by a mass of ~ conventions — J.L.Lowes⟩ ⟨a city which follows an ~ type of industry — Sherrell Van Valkenburg & Ellsworth Huntington⟩ **syn** see INNATE

in-her-i-tor \ən'herəd-ə(r), -rātə-\ *n* [ME *enheritour, enheriter*, fr. *enheriten* to inherit + *-our* -OR or *-er* — more at INHERIT] : one that inherits : HEIR ⟨~s of an ancient culture⟩

in-her-i-trix \-rə-,triks\ *also* **in-her-i-trix** \-rə-(,)triks\ *n -es* [*inheritress* fr. *inheritor* + *-ess*; *inheritrix* fr. *inheritor*, after such pairs as E *mediator: mediatrix*] : a female inheritor

inherits *pres 3d sing of* INHERIT

in-he-sion \ən'hēzhən\ *n -s* [L *inhaesus* (past part. of *inhaerēre* to inhere) + E *-ion* — more at INHERE] : the condition of being inherent in something : INHERENCE

in-hib-it \ən'hibət, *usu* -bād-+V\ *vb* -ED/-ING/-S [ME *inhibiten*, fr. L *inhibitus*, past part. of *inhibēre*, fr. *in-* ²in- + *-hibēre* (fr. *habēre* to have, hold) — more at GIVE] *vt* **1** : to prohibit from doing something : FORBID, INTERDICT ⟨~s the legislature from levying an income tax —*Britannica Bk. of the Yr.*⟩ **2 a** (1) : to repress, restrain, or discourage from free or spontaneous activity esp. through the operation of inner psychological impediments or conflicts or of social and cultural controls ⟨~*ed* from bold speculation by his personal loyalties and interests —V.L.Parrington⟩ ⟨a people long ~*ed* by prevailing taboos —R.S.Ellery⟩ (2) : to operate against the full development or activity of ; check, restrain, or diminish the force, intensity, or vitality of ⟨~*ed* the creative process at its sources —Harry Sylvester⟩ ⟨the heavy tax load that ~s investment in capital goods —*Time*⟩ **b** (1) : to reduce or suppress the activity of (many of the iron or copper enzymes are ~*ed* by cyanides — Felix Haurowitz⟩ ⟨lubricating oil ~*ed* against rust, corrosion, and oxidation⟩ (2) : to retard or prevent the formation of (~ rust⟩ (3) : to retard, interfere with, or prevent (a chemical process or reaction) (~ oxidation⟩ ~ *vi* : to cause inhibition ⟨something that entraps and ~s —John Portz⟩ **syn** see FORBID, RESTRAIN

in-hib-it-able \-əbəl\ *adj* : capable of being inhibited

inhibited *adj* : being repressed, discouraged, reduced, or retarded: **a** : characterized by, displaying, or reflecting inhibition ⟨a shy and ~ boy —Alan Harrington⟩ ⟨~ respectability —H.C.Webster⟩ **b** : having its activity reduced or suppressed ⟨~ oils⟩

inhibiting *adj* : tending to inhibit or causing inhibition ⟨an overly strict or ~ discipline —H.V.Gregory⟩

in-hi-bi-tion \,inə'bishən, ,inhə'-, ,in(,)hi'-\ *n -s* [ME *inhibicioun*, fr. MF *inhibition*, fr. L *inhibition-, inhibitio*, fr. *inhibitus* + *-ion-, -io* -ION] : the act or an instance of inhibiting or the state of being inhibited: as **a** : the act or an instance of formally forbidding or barring something from being done : PROHIBITION ⟨plan ~s to the exercise of that power in a particular way —John Marshall⟩; *also* : something that formally forbids or debars : IMPEDIMENT ⟨the constitutional ~ of his alien birth —F.L.Paxson⟩ **b** (1) : a writ from a higher court (as an ecclesiastical court) staying an inferior judge from further proceedings ; (2) *Eng: ecel law* : a command of an ecclesiastical authority (as a bishop) to a minister not to perform ministerial duties (3) *Scots law* : a personal order prohibiting a party from contracting debts to the prejudice of the rights of others in his heritable property or realty; *also* : an order procured by a husband prohibiting the giving of credit to his wife **c** (1) : a stopping or checking of a bodily action ; a restraining of the function of an organ or an agent (as a digestive fluid or enzyme) ⟨~ of the heartbeat by stimulation of the vagus nerve⟩ ⟨~ of plantar reflexes⟩ (2) : interference with or retardation or prevention of a physical process or activity ⟨~ of a catalyst⟩ ⟨~ of rust⟩ **d** (1) : a desirable restraint or check upon the free or spontaneous instincts or impulses of an individual effected through the operation of the human will guided or directed by the social and cultural forces of the environment ⟨the self-control developed is called ~ —C.W.Bailey⟩ ⟨free play ~s, socializing the child, obviously should be one of the goals of a training school —Erwin Schepses⟩ (2) : a neurotic restraint upon a normal or beneficial impulse or activity caused by psychological inner conflicts or by sociocultural forces of the environment (other outspoken neurotic manifestations are general ~s such as inability to think, to concentrate —Muriel Ivimey⟩ ⟨~s, phobias, compulsions, and other neurotic patterns —*Psychological Abstracts*⟩ (3) : repression of or restraint upon an urge, impulse, or activity of any kind ⟨locked in Puritan ~s —H.S.Canby⟩ ⟨obstacles and ~s to rural reading —C.M.Wieting⟩ ⟨throwing all her moral teachings and ~s overboard —Ruth Park⟩ ⟨laughed without ~ —Jean Stafford⟩

in-hib-i-tive \ən'hibəd-iv, -bətiv\ *adj* : INHIBITORY

in-hib-i-tor *or* **in-hib-it-er** \-bəd-ə(r), -bətə-\ *n -s* : one that inhibits: as **a** (1) : a substance for reducing corrosion or rust formation (as in an antifreeze) (2) : a substance for delaying gum formation (as in gasoline) (3) : ANTIOXIDANT **b** : a substance that interferes with a chemical process or reaction ⟨polymerization *~s*⟩ : NEGATIVE CATALYST **c** : a substance that reduces the activity of another substance (as an enzyme)

— compare ANTIMETABOLITE **d** : a gene that checks the normal effect of another nonallelic gene when both are present

in-hib-i-to-ry \-bə,tōr-ē, -tō-, -tī\ *adj* [ML *inhibitorius*, fr. L *inhibitus* (past part. of *inhibēre* to inhibit) + *-orius* -ory — more at INHIBIT] : of, relating to, or producing inhibition ; tending or serving to inhibit : PROHIBITORY ⟨~ nervous action⟩ ⟨the ~ action of fluorides —*Americana Annual*⟩

inholding \'ē,ō-\ *n* [*in* + *holding*] : privately owned land inside the boundary of a national park

in home *n* : INSIDE HOME

in-homogeneity \(ˌ)in, ən+\ *n* [*in-* + *homogeneity*] **1** : lack of homogeneity ; the condition of not being homogeneous ⟨the degree of microscopic ~ in an alloy⟩ **2** : a part that is not homogeneous with the larger homogeneous mass in which it is incorporated

in-homogeneous \"+\ *adj* [*in-* + *homogeneous*] : not homogeneous : lacking homogeneity — **in-homogeneously** \"+\ *adv*

inhoop *vt* [*in-* + *hoop* (n.)] *obs* : to enclose in a hoop

in-hospitable \(ˌ)in, ən+\ *adj* [*in-* + *hospitable*] **1 a** : not hospitable : not disposed to show hospitality ⟨an ~ person⟩ **b** : reflecting or evidencing inhospitality : UNFRIENDLY ⟨gave me a brief, ~ look —Louis Auchincloss⟩ **2** : providing no shelter or sustenance : BARREN, DESERT ⟨~ mountain areas⟩ — **in-hospitableness** \"+\ *n -es* — **in-hospitably** \"+\ *adv*

inhospital *ad* [prob. fr. MF, fr. L *inhospitalis*, fr. *in-* ¹in- + *hospitalis* hospitable — more at HOSPITAL] *obs* : INHOSPITABLE

in-hospitality \(ˌ)in, ən+\ *n* [prob. fr. MF *inhospitalité*, fr. L *inhospitalitat-, inhospitalitas*, fr. *inhospitalis* + *-itat-, -itas* -ity] : the quality or state of being inhospitable ; a cold or unfriendly reception or treatment of a guest or visitor

in-human \(ˌ)in, ən+\ *adj* [MF & L; MF *inhumain*, fr. L *inhumanus*, fr. *in-* ¹in- + *humanus* human — more at HUMAN] **1 a** : lacking the qualities of mercy, pity, kindness, or tenderness : CRUEL, BARBAROUS, SAVAGE ⟨an ~ tyrant⟩ ⟨what ~ rogues there are in the world —A. Conan Doyle⟩ **b** : lacking warmth or geniality : COLD, IMPERSONAL, MECHANICAL ⟨his usual quiet, almost ~ courtesy —F. Tennyson Jesse⟩ **c** : not worthy of or conforming to the needs of human beings ⟨living in conditions that are ~ —*Collier's Yr. Bk.*⟩ ⟨has the world's most ~ subways —*Time*⟩ ⟨one large block which would tend to be ~ and monotonous —*Architect & Building News*⟩ **2 a** : belonging to, resembling, or suggesting a nonhuman species or class of beings ⟨there is something a little ~ about them —Gerald Bullett⟩ ⟨a momentary glimpse . . . of something I didn't understand: something dark and ~ —Kenneth Roberts⟩ **b** : SUPERHUMAN ⟨models of ~ perfection —H.B. Parkes⟩ **syn** see FIERCE

in-humane \(ˌ)in, ən+\ *adj* [MF *inhumain* & L *inhumanus*] : not humane ; INHUMAN ⟨— **in-humanely** \"+\ *adv*

in-humanity \,in+\ *n* [MF *inhumanité*, fr. L *inhumanitat-, inhumanitas*, fr. *inhumanus* + *-itat-, -itas* -ity] **1** : the quality or state of being cruel or barbarous : CRUELTY ⟨abhorrence of its sickening ~ —G.B.Shaw⟩; *also* : a cruel or barbarous act **2** : absence of warmth or geniality : IMPERSONALITY ⟨a professional ~ toward their job —Nicholas Monsarrat⟩

in-hu-man-ly *adv* ; in an inhuman manner

in-hu-man-ness \-n(n)əs\ *n* : the quality or state of being inhuman

in-hu-ma-tion \,inhyü'māshən\ *n -s* [F *inhumation*, fr. *inhumer* to inhume (fr. L *inhumare*) + *-ation*] : BURIAL, INTERMENT

in-hume \ən'hyüm\ *vt* -ED/-ING/-S [prob. fr. F *inhumer*, fr. L *inhumare*, fr. *in-* ²in- + *humus* earth — more at HUMBLE] : to deposit in the earth : BURY, INTER

i-ni \ē,nī, ᵊn,ī, ᵊē,)nē, ᵊēni, ᵊī,nī\ *n pl suffix* [NL, fr. L, masc. pl. of *-inus* -INE] : animals that are or have the form of — in names of higher taxa esp. of tribes and orders ⟨Anacanthini⟩

in-i-ac \in'ī,ak\ *also* **in-i-al** \-ēəl\ *adj* [NL *inion* + E *-ac* (as in *cranial*) *-al*] : relating to the inion

in-im-i-ca-ble \ə'nimikəbəl\ *adj* [L *inimicus* + E *-able* (as in *amicable*)] : INIMICAL, HOSTILE ⟨~ to the public peace or safety —*U.S. Code*⟩

in-im-i-cal \ə'nimikəl, -mēk-\ *adj* [LL *inimicalis*, fr. L *inimicus* enemy + *-alis* -al — more at ENEMY] **1 a** : having the disposition or temper of an enemy ; viewing with disfavor ; HOSTILE ⟨mutually ~ blocs —*Wall Street Jour.*⟩ (~ to that heresy —George Meredith⟩ **b** : reflecting or indicating hostility : UNFRIENDLY ⟨a voice apparently cold and ~ —Arnold Bennett⟩ ⟨under the ~ gaze of his father —Marguerite Steen⟩ ⟨~ prejudicial in tendency, or effects : HARMFUL, ADVERSE ⟨~ to the interests of the consumer —*Current Biog.*⟩ ⟨~ to the best interests of the company —L.M.Hughes⟩ **syn** see ADVERSE

in-im-i-cal-ly \-mək(ə)lē, -mēk-, -li\ *adv* : in an inimical manner

in-im-i-cal-ness \-kalnəs\ *n -es* : the quality or state of being inimical

in-im-i-ci-tious \ə,nimə'sishəs\ *adj* [L *inimicitia* hostility (fr. *inimicus* enemy + *-tia*, suffix used to form abstract nouns) + E *-ous*] *archaic* : INIMICAL

inimicous *adj* [L *inimicus*, fr. *inimicus*, n., enemy] *obs* : INIMICAL

in-im-i-ta-bil-i-ty \(ˌ)i,nimad-ə'bilad-ē, ə,n-, -mətə-, -lətē, -i\ *n* : the quality or state of being inimitable : INIMITABLENESS

in-im-i-ta-ble \(ˌ)i'nimad-əbal, ə'n-, -mətə-\ *adj* [ME or L; MF, fr. L *inimitabilis*, fr. *in-* ¹in- + *imitabilis* imitable — more at IMITABLE] : not capable of being imitated ; being beyond imitation : MATCHLESS ⟨an ~ style⟩ ; not worthy of imitation — **in-im-i-ta-ble-ness** \-nəs\ *n* — **in-im-i-ta-bly** \-blē, -bli\ *adv*

in in-vi-tum \,inən'vītəm, -'vīd-əm\ *adv* [L, against an unwilling person] : against a person's will or consent ; by force of law irrespective of assent

in-i-o-mi \,inē'ō,mī\ *n pl, cap* [NL, fr. *inion* + *-omi* (fr. Gk *ōmos* shoulder) — more at HUMERUS] : an order of mostly deep-sea teleost fishes lacking fin spines and air bladder and usu. having a dorsal adipose fin and including the lantern fishes, the lizard fishes, and related forms — **in-i-o-mous** \-əməs\ *adj*

in-i-on \'inē,ən, -ēən\ *n -s* [NL, fr. Gk, back of the head, dim. of *in-, is* sinew, tendon — more at WITHY] : the central occipital protuberance of the skull — see CRANIOMETRY illustration

in-iq-ui-tous \ə'nikwəd-əs, -wətəs\ *adj* [*iniquity* + *-ous*] : characterized by iniquity : UNJUST, WICKED ⟨~ deeds⟩ **syn** see INIQUITOUS

in-iq-ui-tous-ly *adv* : in an iniquitous manner

in-iq-ui-tous-ness *n -es* : the quality or state of being iniquitous

in-iq-ui-ty \ə'nikwəd-ē, -wətē, -i\ *n -es* [ME *iniquite*, fr. MF *iniquité*, fr. L *iniquitat-, iniquitas*, fr. *iniquus* uneven, unjust (fr. *in-* ¹in- + *-iquus*, fr. *aequus* even, equal) + *-itas, -itat* -ity] **1** : absence of or deviation from just dealing ; wrongful conduct ; WICKEDNESS ⟨the ~ of bribery⟩ **2** : an iniquitous act or thing ; SIN ⟨whose *iniquities* are forgiven —Ps 31:1 (DV)⟩ **3** *Scots law* ; INEQUITY, INJUSTICE — used of a decision contrary to law

iniquous *adj* [L *iniquus*] *obs* : INIQUITOUS

in-irritability \(ˌ)in, ən+\ *n* : the quality or state of not being irritable

in-irritable \"+\ *adj* [*in-* + *irritable*] : not irritable

in-isle \ən+\ *archaic var of* ENISLE

¹ini-tial \ə'nishəl\ *adj* [MF & L; MF, fr. L *initialis*, fr. *initium* beginning (fr. *initus* — past part. of *inire* to go into, begin, fr. *in-* ²in- + *ire* to go — + *-ium*, suffix used to form abstract nouns) + *-alis* -al — more at ISSUE] **1** : of or relating to the beginning : marking the commencement : INCIPIENT, FIRST ⟨~ symptoms of a disease⟩ ⟨his ~ series of outbreaks —Thomas Cadett⟩ **2** : placed or standing at the beginning ⟨the ~ word of a verse⟩ **3** : of that form regularly employed only at the beginning of a word — used of a letter in an alphabet that has two or more positional forms

²initial \"\ *n -s* **1 a** (1) : the first letter of a proper name (2) **initials** *pl* : the initial letters of an individual's name and surname; *also* : the initial letters of the name of an organization, state, or other entity (as U.S.A. for "United States of America" or C.I.O. for "Congress of Industrial Organizations") or of any group of words ⟨the *~s* "PE" (meaning

https://www.merriam-webster.com/dictionary/inherent
BCnet: Your Workplace Conne... | Baltimore County, MD Zoning | Inherent | Definition of Inhe...
Case Header Information | Unreported Opinions - M... | Suggested Sites | BCnet | BCweb | Citrix | Employee Self Services | GroupWise | OIT Service Request | Safety | Tools
JOIN MWU | GAMES | BROWSE THESAURUS | WORD OF THE DAY | VIDEO | WORDS AT PLAY | FAVORITES
Merriam-Webster SINCE 1828
Inherent
DICTIONARY | THESAURUS



GIVE HOPE DONATE

inherent adjective

in·her·ent | \ in-ˈher-ənt *also* -ˈhir- \

Definition of *inherent*

: involved in the constitution or essential character of something : belonging by nature or habit : INTRINSIC

// risks *inherent* in the venture

Other Words from *inherent*
Synonyms & Antonyms
Don't Get Stuck on the Meaning of *inherent*
More Example Sentences
Learn More about *inherent*



WORD OF THE DAY

shard

a piece or fragment (as of pottery)

Get Word of the Day daily email!

Your email address SUBSCRIBE

90%
Address.doc [Co... | 5260.White.doc [... | Inbox - rwheatley... | Inherent | Definition...
11:40 AM 3/8/2019

Merriam-Webster

SINCE 1828
Menu

- JOIN MWU

  Gain access to thousands of additional definitions and advanced search features—ad free! JOIN NOW

- GAMES
- BROWSE THESAURUS
- WORD OF THE DAY
- VIDEO
- MORE
  WORD OF THE DAY VIDEO WORDS AT PLAYFAVORITES
- WORDS AT PLAY
- FAVORITES

Facebook Twitter YouTube Instagram

inherent

dictionary thesaurus

- JOIN MWU
- GAMES
- THESAURUS
- WORD OF THE DAY
- VIDEO
- WORDS AT PLAY
- FAVORITES

Follow: Facebook Twitter YouTube Instagram



inherent

adjective
in·her·ent | \ in-'her-ənt also -'hir- \

Definition of *inherent*

: involved in the constitution or essential character of something : belonging by nature or habit : intrinsic risks inherent in the venture

Other Words from *inherent* Synonyms & Antonyms Don't Get Stuck on the Meaning of Inherent More Example Sentences Learn More about *inherent*

Keep scrolling for more

Other Words from *inherent*

inherently adverb

Synonyms & Antonyms for *inherent*

Synonyms

built-in, constitutional, constitutive, essential, hardwired, immanent, inborn, inbred, indigenous, ingrain, ingrained (also engrained), innate, integral, intrinsic, native, natural

Antonyms

adventitious, extraneous, extrinsic



Trending: AOC: Wall Based on Racist Trope

inherent see definition of inherent

adj basic, hereditary

Synonyms for inherent

adj basic, hereditary

built-in	characteristic	inherited
constitutional	congenital	inner
deep-rooted	connate	integral
deep-seated	distinctive	integrated
essential	elementary	intimate
fundamental	fixed	inward
genetic	immanent	native
implicit	in the grain	original
ingrained	inborn	part and parcel
innate	inbred	resident
instinctive	inbuilt	running in the family
internal	indigenous	subjective
intrinsic	indispensable	unalienable
latent	individual	
natural	indwelling	

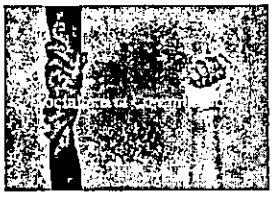
Word Orig

1570s, from L (nominative ir of inhaerere " literally "adhe (2)) + haerere Related: Inhe

Explore Dictionary.com



7 Ways "Bad" Can Be Good


What's The Difference Between Socialism And Communism?


Can We Call Products "Meat" or "Milk" If They Don't Come From An Animal?


What's The Word For How It Smells After It Rains?

Example ! forinherer

Let us now ex described as of the people.

He must belie goodness of t

Is immortality property of th

Such irregula Byzantine me

In all things th corruption; an them, nothing

Antonyms for inherent

acquired	learned	unimportant
auxiliary	minor	added
extra	secondary	external
extrinsic	superficial	incidental

Roget's 21st Century Thesaurus, Third Edition Copyright © 2013 by the Philip Lief Group.

More words related to **inherent**

basic
adjective. elementary, fundamental

basal	inherent	principal
capital	intrinsic	radical
central	key	substratal
chief	main	underlying
elemental	necessary	vital
essential	primary	
indispensable	primitive	

born
adjective. innate

built-in	essential	inherent
congenital	inborn	intrinsic
constitutional	inbred	natural
deep-seated	ingenerate	

built-in
adjective. included

congenital	inborn	innate
constitutional	inbred	inseparable
deep-seated	incorporated	integral
essential	indwelling	part and parcel
implicit	ingrained	
in-built	inherent	

characteristic
adjective. typical; distinguishing

appropriate	especial	individual
diagnostic	essential	individualistic
differentiating	exclusive	individualizing
discriminating	fixed	ingrained
discriminative	idiosyncratic	inherent
distinctive	inborn	innate
distinguishing	inbred	local
emblematic	indicative	marked

native
normal
original
particular
peculiar
personal
private
proper
regular
representative
singular
special
specific
symbolic
symptomatic
unique

component
adjective. constituent

basic
composing
elemental
fundamental
inherent
integral
intrinsic
part and parcel of
part of

congenital
adjective. inborn

complete
connate
connatural
constitutional
inbred
indigenous
indwelling
ingrained
inherent
inherited
innate
intrinsic
inveterate
latent
native
natural
thorough
unacquired
utter

Roget's 21st Century Thesaurus, Third Edition Copyright © 2013 by the Philip Lief Group.

▷×

WHAT'S SKYROCKETING?

The cost of your medicine or what your insurer is making you pay for it?

LET'S TALK ABOUT COST.

ADVERTISEMENT

Merriam-Webster

SINCE 1828
Menu

- JOIN MWU

Gain access to thousands of additional definitions and advanced search features—ad free! JOIN NOW

- GAMES
- BROWSE THESAURUS
- WORD OF THE DAY
- VIDEO
- MORE
  WORD OF THE DAY VIDEO WORDS AT PLAYFAVORITES
- WORDS AT PLAY
- FAVORITES

Facebook Twitter YouTube Instagram

inhere

dictionary thesaurus

- JOIN MWU
- GAMES
- THESAURUS
- WORD OF THE DAY
- VIDEO
- WORDS AT PLAY
- FAVORITES

Follow: Facebook Twitter YouTube Instagram



inhere

verb
in·here |\ in-ˈhir \
inhered; inhering

Definition of *inhere*

intransitive verb

: to be inherent does selfishness inhere in each of us?

Did You Know? More Example Sentences Learn More about *inhere*

Keep scrolling for more

Did You Know?

You're probably familiar with "inherent," the adjective meaning "part of the constitution or natural character of something," but were you aware of its less common relative "inhere"? This verb looks like it could be a back-formation of "inherent" (a back-formation is a word created by removing a prefix or suffix from an existing word). But "inhere" is actually the older word. It first appeared in print in the 15th century, while "inherent" didn't show up until the late 16th century. Both are derived from the Latin verb *inhaerēre* ("to inhere"), which was itself formed by combining "in-" with "haerēre," a verb meaning "to adhere."

Examples of *inhere* in a Sentence

Recent Examples on the Web

Methodologically speaking, though, the gap between these two more basic strategies may speak to a fundamental paradox that *inheres* in archival projects more generally.— Jacob Brogan, *Slate Magazine*, "Preserving the Art of Play," 22 Feb. 2017 So is the cult of personality that *inheres* in the presidency, augmented by Trump's celebrity.— Rich Lowry, *National Review*, "Trump Is the GOP Mainstream," 27 Oct. 2017

These example sentences are selected automatically from various online news sources to reflect current usage of the word 'inhere.' Views expressed in the examples do not represent the opinion of Merriam-Webster or its editors. Send us feedback.

First Known Use of *inhere*

1586, in the meaning defined above

History and Etymology for *inhere*

Middle English *enheren* to be a companion, belong, from Latin *inhaerēre* to be attached, from *in-* + *haerēre* to adhere

Keep scrolling for more

Learn More about *inhere*

Share *inhere*

Resources for *inhere*

LEARN MORE FROM M-W



Trending: Barr: 'Redacted' Report Coming in April

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 23, 1989

Dennis F. Rasmussen
County Executive

Mr. James N. Porter
140 Back River Neck Road
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
SE/Corner Loch Raven Boulevard and Joppa Road
(1701 East Joppa Road)
9th Election District - 4th Councilmanic District
Joppa and Loch Raven Auto Centers, Inc. - Petitioners
Case No. 89-510-SPHA

Dear Mr. Porter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

People's Counsel
CBA Exhibit
13

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - SE/Corner Loch Raven & Joppa Roads (1701 East Joppa Road) 9th Election District 4th Councilmanic District

Joppa & Loch Raven Auto Ctrs. Petitioners

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 89-510-SPHA

. . . . . .

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the previously approved site plan in Case No. 86-19-XA; and a variance to permit a side yard setback of 6 feet in lieu of the required 35 feet for a proposed building in accordance with Petitioner's Exhibit 1.

The Petitioners, by James H. Porter, President, appeared and testified. Also appearing on behalf of the Petition were Anthony J. Corteal with STV/Lyon Associates, and Joseph P. Martin. There were no protestants.

Testimony indicated that the subject property, known as 1701 East Joppa Road, consists of 5.175 acres zoned B.R.-C.N.S., and is presently improved with a one story service station which was previously operated as an Exxon service station. Testimony indicated that in Case No. 86-19-XA, Petitioners were granted a special exception and variances to construct a gas 'n' go station in combination with a convenience store. Petitioners testified these improvements never took place and that the site has remained inoperable for several years. In the prior case, a variance was granted to the rear yard, which was originally established as the eastern property border adjacent to the Paul Schafer property. However, the service station at that time was to be oriented towards Loch Raven Boulevard. The proposed service station will be oriented towards Joppa Road as

ORDERED FOR FILING
Date 6/23/89
By Bette J. Schulemann

set forth in
line now be
dense in supp
the requeste
testimony as
granted for
service stat
Econo Lube
property wil
of the build
Aft
in the opini
as a matt
previously
lieu of a
with certai
An
zoning re
his propert
difficulty

ORDERED FOR FILING
Date 6/23/89
By Bette J. Schulemann

PE
TO THE ZONING
The undersign
described in the d
Variance from Sect
of 6 fee
Special
Case
of the Zoning Reg
following reasons:
Size of

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

set forth in Petitioner's Exhibit 1. Accordingly, the southern property line now becomes the side yard. Petitioners presented testimony and evidence in support of the requested variance for the affected side yard and the requested amendment to the previously approved site plan. Additional testimony was presented to support the use of the variance previously granted for the rear property line. Testimony indicated the existing service station will be razed and a new building constructed for use as a Econo Lube and Tune - ation. The drive thru bays in the center of the property will be used to perform oil and lube jobs; the bays to the rear of the building will be used for tune ups and brake work.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the use proposed is permitted as a matter of right in the B.R. zones and the requested amendment to the previously approved site plan to permit an Econo Tune and Lube station in lieu of a gas 'n' go operation on the subject property should be granted with certain restrictions as more particularly described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

ORDER RECEIVED FOR FILING
Date 6/23/83
By [illegible]

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: AND SPECIAL HEARING

84-376-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to allow a side yard building setback of 6 feet in lieu of the required 30 feet. Also Special Hearing to amend variances approved in

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. [illegible] (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of June, 1983 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 86-19-XA; and the Petition for Zoning Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet for a proposed building in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Compliance with all Zoning Plans Advisory Committee comments submitted hereto and made a part of the file.

3) A landscaping plan shall be developed and submitted for approval by the Baltimore County Landscape Planner.

4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforce-

ORDER RECEIVED FOR FILING
Date 6/23/83
By [signature]

ORDER RECEIVED FOR FILING
Date 6/23/83

355

STV/ATON ASSOCIATES
ENGINEERS ARCHITECTS PLANNERS
51 GOVERNOR'S COURT
BALTIMORE MD 21207 2722

that the site has to
prior case, a variance was
tablished as the eastern
operty. However, the ser-
wards Loch Raven Boule-
nted towards Joppa Road as

Dennis F. Rasmussen
County Executive

id

strict
etitioners

e decision rendered in the
cial Hearing and Zoning
attached Order.

cision rendered is unfavor-
Board of Appeals within
For further information on
ndcliffe at 494-3391.

truly yours,

Robert Haines

ROBERT HAINES
ing Commissioner
Baltimore County

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: AND SPECIAL HEARING

84-370-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to allow a side yard building setback of 6 feet in lieu of the required 30 feet. Also Special Hearing to amend variances approved in Case No 86-19XA.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Size of site (0.38 Ac) and required setbacks in a BR Zone preclude a workable development on this site.

MAP NE10C
3C
E.D. 9th
DATE 4-18-90
200 bF
1000 lbF
DP

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Joppa & Loch Raven Auto Centers, Inc
(Type or Print Name)

James N. Porter, Pres.
Signature

James N. Porter
(Type or Print Name)

Signature

140 Back River Neck Rd. 686-5040
Address Phone No.

Baltimore, Md 21221
City and State

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

Anthony J. Corteal
Name

21 Governors Ct. 21207 944-9112
Address Phone No.

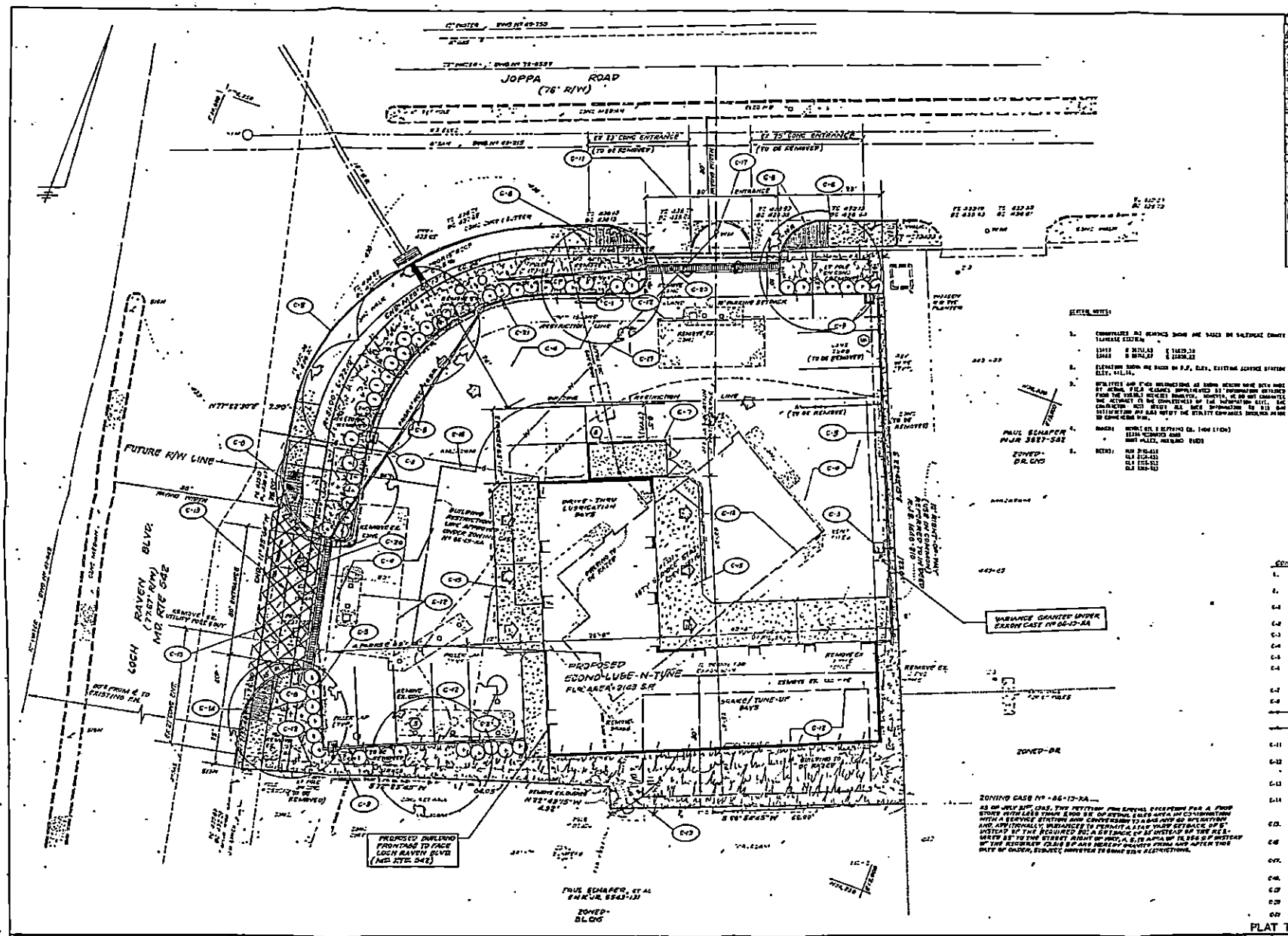
ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY, this 10th day of May, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson Baltimore County, on the 14th day of June, 1989, at 2 o'clock P.M.

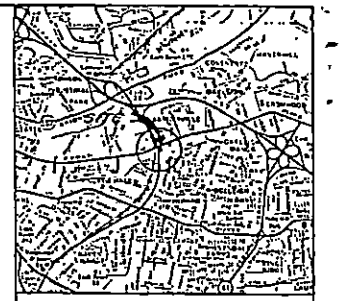
J. Robert Haines
Zoning Commissioner of Baltimore County.

ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY, this 6/03/89 Attorney Telephone No.

STV/LYON ASSOCIATES
ENGINEERS ARCHITECTS PLANNERS
21 GOVERNOR'S COURT
BALTIMORE MARYLAND 21207-2722
3 1 944 9112

(over)





LOCATION MAP

PETITIONER'S EXHIBIT 1

CONSTRUCTION NOTES

PLAT TO

STV / LYON ASSOCIATES Engineers Surveyors Planners 21 Governor's Court Baltimore, Maryland 21207 Telephone : 301-944-9112	REVISIONS NO. DATE DESCRIPTION 1 [illegible] MOVE CURB & PER ECONO-LUBE COMMENTS [illegible] ALSO WATER & SEWER CONNECTIONS 2 [illegible] CHANGE ENTS PARKING 3 [illegible] PER ZONING REVIEW COMMENTS 4 [illegible] ADD FUTURE R/W LINE PER S.H.A. COMMENTS	PLAN PREPARATION DRAWN BY S.J.C. DATE [illegible] DESIGNED BY S.J.C.A.F.O. SCALE 1"=10' CHECKED BY JOB NO. 81-6193	ACCOMPANY PETITION FOR ZONING VARIANCE ECONO LUBE-N-TUNE S.E. COR. LOCH RAVEN BLVD.& JOPPA ROAD ELECT.-DIST.9 BALTO. CO.,MD.
			DRAWING NO. V-1 SHEET NO. 1 of 1

Webster's Third New International Dictionary

OF THE ENGLISH LANGUAGE
UNABRIDGED

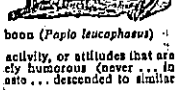
People's Counsel
CBA Exhibit
14

atic cercopithecoid primates



boon (*Papio leucophaeus*)

acitivity, or attitudes that are
ely humorous (never . . . in
aste . . . descended to similar
, fr. Ar *bābūl, bābuh*, fr. Per



babouche

ng a program of egalitarianism
ited by Babouf
cap [F *babouviste*, fr. F.E.
ocate of Babouvism
ab. native name in So. Americ
wooden grating used by So.
ng and smoking of meat and

known] ; SAMPSON SNAKEROOT
n -s [Hindī *bābā, bābū*, lit.,
-s form of address correspond-
ndian clerk who writes English
cation in English — often used

NL, fr. F *babouin* baboon —
boon
r ba-bhah \'bü\ *n* -s [Per
bāla (*Acacia arabica*)] 1 a : an
t is probably native to the Su-
Africa and across Asia
: is a source of gum arabic and
ange of fodder and timber —
: hard tough durable reddish
sp. in India for agricultural im-
, and carving 2 *usu bablah*
bark of the babul that are rich
: and dyeing; *also* : the pods
re similarly used
n sense 2 usu ba'bushka or bā-
andmother,
to Pol *baba*
h *babka*
ANDMOTHER,
lar or, in
ver the head
b : a head

(B *babe* —
n extremely
still in arms
a animal) (of
of breeding
, along the
(a ~ lamb)
roup, esp. of
(the ~ mem-
Drew
that is one's
ment, or interest (though other
t, the case is really the bomb
2 a *obs* : POLL b *archaic* : a
in the pupil of another's eye —
look babies in (another's) eyes
character or conduct; *esp* : one
a matter, or unable to endure
4 *slang* a : GIRL, WOMAN —
, MAN — often used in address
chap . . . is a tough — D.G.
had sent a picture of the plane
d the ~ I'm going to fly" —

babushka 2a

or relating to a baby 2 : much
for a particular class of things
ot Commander had not forth in
Howard's) (a ~~ extension ladder
ry Firemen) (~~ pine trees)
n : to tend solicitously : make
: HUMOR (*babied* her strapping
y spoiled) (~~ a sick husband)
with special or fond care (~~ the
ows, behind any one of which a
g, ~ing his rifle —Irwin Shaw)
stroke of the bat or racket (as in

f steer or heifer ready for mar-
rom a baby beef
lue that is greener, lighter, and
to 2) and stronger and slightly
d blue 2 : a pale blue that is
nge powder blue, Sistine, or

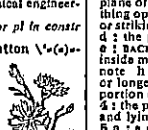
ut sing or pl in constr (so called
ate California herb (*Nemophila*
marked with dark spots
face value of $10, $25, $50, or
ne of $500 or $1000 — called

n : a 4-wheeled push carriage
baby
r : ESCORT CARRIER
Island : BABY CARRIAGE
n constr : a variety (*Nemophila*
lue-eyes with white or pale blue

ace that gives the impression of
— baby-faced \'ā-,fāst\ *adj*
rsing and care of babies is pro-
rogatorily — baby farming *n*
plano five to six feet in length
FANCY
embling a baby ; CHILDISH, IN-
save her a peculiarly ~~ appear-
— ba-by-ish-ly *adv*
sometimes -i,lān *or* -ə,lān *n* -s
city of Babylonia noted for its
on, *Babilone*, fr. L *Babylon*, fr.
sil) : a large city regarded as
the gratification of the senses
-nEən) *n* -s *usu cap* [*Babylonia*,
n Asia + E *-an*] 1 : a native or
or of its capital city, Babylon
an language that was used in
so employed widely as a diplo-

nu cap [*Babylon* or *Babylonia* +
characteristic of Babylonia, an
Mesopotamia, or its capital city,
r characteristic of the people of

babylonian-assyrian Babylonia or Babylon 3 : affording abundant or excessive gratification to the senses ; LUXURIOUS, SUMPTUOUS, LAVISH 4 : of, relating to, or characteristic of the Babylonian language 5 *obs* : PAGAN CATHOLIC
babylonian-assyrian *n, usu cap B&A* : AKKADIAN 3a
bab-y-lou-ic \,babə'lüinik\ *adj, usu cap* [*Babylon* or *Babylon* + E *-ic*] 1 : BABYLONIAN 1 2 : BABYLONIAN 3
bah-y-lon-ish \'babə,lōnish, ,babə'lōnish, 'babilənish\ *adj, usu cap* [*Babylonia* or *Babylon* + *-ish*] 1 : BABYLONIAN 1 — usu. used in the phrase *Babylonish captivity* 2 : BABYLONIAN 3
baby louis heel *n, usu cap L* : a low Louis heel
baby-minder \'ā-ē,mī-n\ *n, Brit* : BABY-SITTER
baby orchid *n* : a Guatemalan epiphytic orchid (*Odontoglossum grande*) that is often cultivated in the greenhouse for its large typically orange-yellow flowers which have a wavy-edged creamy lip and are blotched and barred with darker color and usu. chestnut brown
baby-pig disease *n* : an acute hypoglycemia of newborn pigs accompanied by weakness, loss of appetite, and diarrhea, and usu. fatal if untreated
baby pink *n* : a variable color averaging a light yellowish pink that is redder and deeper than average shell pink (sense 1) or petal pink and redder and stronger than opera pink
baby primrose *n* 1 : a Chinese primrose (*Primula forbesii*) having numerous small pale lilac flowers 2 : FAIRY PRIMROSE
baby rambler *n* : POLYANTHUS
ba-by's breath *or* ba-bies' breath *n* [so called fr. its light fragrance and dainty blossoms] 1 : a plant of the genus *Gypsophila*: as **a** : a tall much-branched perennial herb (*G. paniculata*) having clusters of small fragrant white or pink flowers **b** : an annual herb (*G. elegans*) with larger white or rosy flowers 2 : any of several plants having delicately scented flowers: as **a** : GRAPE HYACINTH **b** : a bedstraw (*Galium sylvaticum*) with thin lanceolate leaves and white flowers
baby-sit \'ā-ē,\ *vi* : to act or become employed as a baby-sitter (ask her to *baby-sit* during church service) (I had to *baby-sit* with my grandchildren —Robert Frost)
baby-sitter \'ā-ē,-ē\ *n* : a person engaged usu. for pay and for relatively short periods of time to take care of a child or children while the parents are away from the home
baby spot *n* : a small spotlight used to concentrate light on an object or area (as on a stage) from a short distance
baby's tears *also* baby tears *n pl but sing or pl in constr* : a prostrate or creeping sparsely hairy Corsican herb (*Helxine soleirolii*) of the family Urticaceae often grown esp. as a house plant for its mossilike small round short-stalked leaves
baby talk *n* 1 : the syntactically imperfect speech or phonetically modified forms used by small children learning to talk **b** : the consciously imperfect or mutilated speech or prattle often used by adults in speaking to small children 2 : a deliberately oversimplified, ingenuous, or naive talk or explanation (indulge in intellectual *baby talk* —S.L.Payne)
baby tooth *n* : MILK TOOTH
baby walker *n* : WALKER
bac *abbr* [ML *baccalaureus*] bachelor
ba-ca-ba \ba'kibə\ *or* bacaba palm *n* -s [Pg *bacaba* fruit of the bacaba palm, *fr.* Tupí] : a palm of the genus *Oenocarpus* (esp. *O. bacaba* and *O. distichus*) the drupelike fruits of which yield oil used in soap manufacture
ba-ca-lao \,bükə'lau, ,bə-\ *n* -s [Sp] 1 : CODFISH 2 : any of various locally important marine food fishes
ba-ca-nan \,bə'känən\ *also* ba-can \bə'kän\ *n* -s [Tāc *bakanan*, fr. Tāc] : any of various Asiatic mangroves (as those of the genera *Rhizophora* and *Bruguiera*)
bac-ba-ki-ri *or* back-bac-ki-ri \,bakbə'kirē\ *n* -s [imit.] : BOOKMAKERIE
1bac-ca \'bakə\ *n, pl* bac-cae \-,sē, -ə,kī, -ak,sē, -ək,ī\ [L *bacca, baccae* berry, fruit] *slang* : TOBACCO
2bac-ca \'bakə\ *n* -s [by shortening & alter.] *slang* : TOBACCO
3bac-ca-lau-re-ate \,bakə'lōrēət, -lär-\ *n* -s [ML *baccalaureatus*, fr. *baccalaureus* advanced student, bachelor (alter. — influenced by L *bacca* berry & *laureus* laurel — of *baccalarius* dependent farmer, tenant, young clerk, advanced student) + L *-atus* -ate — more at BACHELOR] 1 : the degree of bachelor conferred by universities and colleges 2 a : a religious or semireligious service held at many educational institutions the Sunday before commencement **b** : the sermon or address delivered at this service
2baccalaureate \"\ *adj* : of or relating to the degree of bachelor or to the ceremonies attending the conferral of that degree (a ~ degree is required for many jobs) (the ~ service) (a ~ address)
bac-ca-rat *also* bac-ca-ra \'bäkə,rä, ,--'- *also* -ək-\ *n* -s [F *baccara*] 1 : a card game played in European casinos identical with chemin de fer except that in baccarat the dealer gives hands to each of two opponents and to himself 2 : a hand counting zero in this game or in chemin de fer
bac-ca-rat glass \'-"-\ *n, usu cap B* [*fr. Baccarat*, a trademark] : fine blown, molded, cut glass made at Baccarat, France, from 1765 to the present time
bac-cate \'bak,ēt\ *adj* [L *bacca, baccae* berry + E *-ate*] 1 : pulpy throughout like a berry 2 : bearing berries
bac-chae \'bak,ē, -k·ī\ *n pl, cap* [L, fr. Gk *Bakchai*, pl. of *Bakchē* maenad] : MAENADS
1bac-cha-nal \'bakən°l\ *adj* [L *bacchanalis* of Bacchus, irreg. fr. *Bacchus*, a name of Dionysus, god of fruits including esp. the grape (fr. Gk *Bakchos*, prob. of non-IE origin) + *-alis* -al — more at BAY] : BACCHANALIAN
2bac-cha-nal \'bakən°l, ,bakə'nal, ,bak-; ,baksə'nal\ *n* -s 1 : a devotee of Bacchus; *esp* : one who celebrates the bacchanalian rites : REVELER, CAROUSER 2 a : drunken revelry or carousal : excessive indulgence : BACCHANALIA **b** : a bacchanalian song or dance
bac-cha-na-lia \,bakə'nālyə, -lēə\ *adj* : of, relating to, or suggesting the ancient Roman religious rites marked by orgiastic revelry and drunkenness that were held in honor of Bacchus, the god of wine
2bacchanalian \"\ *n* -s : a bacchanalian reveler : BACCHANAL
bacchanalia, the kent, ba-, -ə'kēnt; bə'kē-, ba-, -'kā-, bā'kē-, bā'kā-; ,bakə'nālēə, -lyə\ *n pl but sing or pl in constr* [L *bacchanalia*, neut. pl. of *bacchanalis* of BACCHANTE] : BACCHANALIA
bacchanalian \,bakə'nālēən, -lyən\ *adj* : of or belonging to a bacchant
bac-chante \bə'kant(ē), ba-, -ə'a(ə)nt(ē); ba'kē-, ba-, -'kā-, bā'kē-, bā'kā-\ *n* -s [F, fr. L *bacchant-, bacchans*, pres. part.] : a priestess or female follower of Bacchus : MAENAD
bac-chan-tic \-'antik, -'ān-\ *adj* : of, relating to, or like a bacchant
bac-cha-ris \'bakərəs\ *n, cap* [NL, fr. L *baccar, bacchar*, a plant having a fragrant root, fr. Gk *bakcharis* sowbread] : a genus of smooth and resinous or glutinous shrubs (family Compositae) having white or yellow flower heads in pyramidal panicles
bac-chi-ac \bə'kīək, ba-; 'bakē,ak\ *adj* [Gk *bakchelakos*, fr. *bakchelas* bacchius] : composed of or relating to bacchii
bac-chic \'bakik, -ēk\ *adj* [L *Bacchicus*, fr. Gk *Bakchikos*, fr. *Bakchos* Bacchus] : BACCHANALIAN
1bacchii \"\ *adj* [L *bacchius* + E *-ic*] : relating to or composed of bacchii
2bacchii \"\ *n* -s : a bacchius or bacchii cadence
bac-chi-us \bə'kīəs, ba-\ *n, pl* bac-chii \-ī,ī\ [L, fr. Gk *Bakcheîos, fr. Bakchelos, adj.*, of Bacchus, *fr. Bakchos* Bacchus] 1 : *accentual prosody* : a metrical foot of three syllables, the first unstressed, the other two having either primary or intermediate stress 2 : *in classical prosody* : a foot of three syllables, the first short, the other two long
bac-cif-er-ous \(,)bak'sif(ə)rəs\ *adj* [L *bacifer, bacciferi* bearing berries (fr. *baca, bacca* berry + *-fer* -ferous) + E *-ous*] : bearing berries
baccubert *usu cap, var of* BACUBERT
bac-oy \'bakē\ *n* -ES [by shortening & alter.] *slang* : TOBACCO
1bach \'bach\ *n* -ES [by shortening] *slang* : BACHELOR
2bach *also* batch 1 \" *vi* -ED/-ING/-ES *slang* : to live as a bachelor; *esp* : to keep house in the absence of a wife — often used with *it* (while their wives were away the two men ~*ed* it in a cabin by a lake and fished)
3bach \"\ *n* -ES [prob. *fr. 1bach*] *NewZeal* : a small house or weekend cottage
bache \'bach\ *n* -S [ME, fr. OE *bace, bece* —more at BECK] *dial Eng* : the valley of a small stream — now used chiefly in place names
bach-e-lor \'bach(ə)lə(r)\ *n* -S [ME *bachelar*, fr. OF, young man, squire, fr. ML *baccalarius* dependent farmer, tenant, young clerk, advanced student, of Celt origin; akin to IrGael *bachlach* peasant, shepherd, fr. OIr *bachall* staff, fr. L *baculus, baculum* — more at BACTERIUM] 1 a : a usu. young knight who was entitled to display his own pennon but who followed the banner of another ; KNIGHT BACHELOR **b** : an apprentice to novice knight 2 : a person who has received what is usu. the first or lowest degree conferred by a college or university or by some professional schools (~ of letters) (~ of divinity) (~ of laws) 3 a : an unmarried person of marriageable age; *esp* : a man of marriageable age (remained a ~ for seven years after his first wife's death) (a ~ girl) **b** : a male animal *specif* : a young male fur seal when without a mate during breeding time 4 : WHITE CRAPPIE — bach-e-lor-dom \-dəm\ *n* -S — bach-e-lor-hood \-,hůd\ *n* -S
bachelor dinner *n* : a party attended only by men and given by or for a man just prior to his wedding
bach-e-lor-ism \-lə,rizəm\ *n* -S 1 : the state of being a bachelor 2 : a peculiarity of a bachelor
bach-e-lor-ly \-lə(r)lē\ *adj* : of or like a bachelor
bachelor of arts *usu cap B&A* 1 : the recipient of a bachelor's degree which usu. signifies that the recipient has passed a certain number of courses in the humanities — abbr. *B.A., A.B.* (became a *Bachelor of Arts* after only three years of university attendance) (requires a year of Latin of the *Bachelors of Arts*) 2 : the degree making one a Bachelor of Arts — abbr. *B.A., A.B.* (require a *Bachelor of Arts* of all high-school teachers) (get an *A.B.* in classics) (get a *B.A.* in history)
bachelor of science *usu cap B&S* 1 : the recipient of a bachelor's degree which usu. signifies that the recipient has done the greater part of his course work in the sciences with some specialization in a particular science 2 : the degree making one a Bachelor of Science — abbr. *B.Sc., B.Sc., S.B.* (the degree of *Bachelor of Science* in agronomy) (a *B.S.* in chemical engineering) (a *B.Sc.* in architecture)
bachelor's-breeches \'ā-(ə)lə(r)z-\ *n pl but sing or pl in constr* : DUTCHMAN'S-BREECHES
bachelor's button \'ā-(ə)lə(r)z-\ *also* bachelor button \'ā-(ə)lə-\ *n, pl* bachelor's buttons *also* bachelor buttons 1 : any of numerous plants with flowers or flower heads that suggest buttons: as **a** : DAISY 1a **b** : ORANGE MILKWORT **c** : BLUE-EYED GRASS **d** : GLOBE AMARANTH **e** : BLUE-BOTTLE 2 *usu bachelor button* : a garden pink that is bluer than average coral (sense 3b) and bluer and duller than fiesta or begonia



bachelor's button 1e

bachelor's chest *n* : a low chest of drawers with a pull-out slide for writing
bachelor's hall *n* : the residence of a bachelor or of a man whose wife is absent — usu. used in the phrase *to keep bachelor's hall*
bach-e-lor-ship \-lə(r),ship\ *n* -S : the state of being unmarried
bach-man's sparrow \'bikmənz-\ *also* bach-man sparrow \'-mən-\ *n, usu cap B* [after John *Bachman* †1874 Am. Lutheran clergyman and naturalist] : a sparrow (*Aimophila aestivalis bachmani*) of the central and southern U.S. that is reddish brown above and white below with the breast and sides washed with warm light brown
bach trumpet \'bük, ba-, -K\ *n, usu cap B* [after Johann S. *Bach* †1750 Ger. composer and organist] : a trumpet of high pitch designed esp. for performing J.S.Bach's original trumpet parts
bachur *var of* BAHUR
bacilli- *or* bacillo- *comb form* [NL *bacillus*] : bacillus (*bacillogenic*) (*bacilliculture*) (*bacillagenic*)
bac-il-la-ce-ae \,basə'lāsē,ī\ *n pl, cap* [NL, fr. *Bacillus*, type genus + *-aceae*] : a family comprising typically rod-shaped usu. gram-positive bacteria (order Eubacteriales) that produce endospores and including the genera *Bacillus* and *Clostridium*
bac-il-lar-i-a-ce-ae \,basə,lerē'āsē,ī\ *n pl, cap* [NL, fr. *Bacillaria*, type genus (fr. ML *bacillus* small rod + NL *-aria*) + *-aceae* — more at BACILLUS] : *in some esp former classifications* : a family equivalent to Bacillariophyceae — bac-il-la-ri-a-ceous \,-ēəs\ *adj*
bac-il-lar-i-ales \,basə,lerē'ā(,)lēz\ *n pl, cap* [NL, fr. *Bacillaria* + *-ales*] : *in some esp former classifications* : an order equivalent to Bacillariophyceae
bac-il-la-ri-o-ae \-'ē,ī\ *n pl, cap* [NL, fr. *Bacillaria* + *-eae*] : *in some classifications* : a group of algae comprising the diatoms and usu. regarded as a distinct class but sometimes esp. formerly treated as a subclass and included in the Zygophyceae
bac-il-lar-i-o-phy-ce-ae \-ō-'fīsē,ē, -ō-fī-\ *n pl, cap* [NL, fr. *Bacillaria* + *-o-* + *-phyceae*] : a class of yellow-green algae (division Chrysophyta) comprising the diatoms
bac-il-la-ri-o-phy-ta \-'fīd-ə\ *n pl, cap* [NL, fr. *Bacillaria* + *-o-* + *-phyta*] : *in some classifications* : a division of plants coextensive with the class Bacillariophyceae
bac-il-lary \'basə,lerē, -rī\ *also* ba'sil-ar\-ər *or* ba-cil-lar \bə'silə(r), 'basəl-\ *adj* [ISV *bacill-* + *-ary, -ar*] 1 : shaped like a rod : consisting of small rods or rodlike bodies 2 : belonging to, resembling, produced by, or containing bacilli
bacillary dysentery *n* : SHIGELLOSIS
bacillary white diarrhea *n* : puliorum disease of the young bird
bac-il-lo-mia \,basə'lēmēə\ *n* -S [NL, fr. *bacilli-* + *-emia*] : BACTEREMIA
bacilli *pl of* BACILLUS
ba-cil-li-form \bə'silə,fōrm, -fȯ(ə)rm\ *adj* [NL *bacilliformis*, fr. *bacilli-* + L *-formis* -form] : shaped like a rod : BACILLARY
ba-cil-lin \bə'silən\ *n* -S [L *baculum* + E *-in*] : a rodlike crystalline formed by a number of parallel longilites
bac-il-lo-sis \,basə'lōsəs\ *n, pl* bacillo-ses \-ēz, -ēz\ [NL, fr. *bacilli-* + *-osis*] : a state of infection with bacilli
bac-il-lu-ria \,basə'lůrēə, -zə'lyů-\ *n* -S [NL, fr. *bacilli-* + *-uria*] : the passage of bacilli with the urine — bac-il-lu-ric \-'lůrik\ *adj*
bac-il-lus \bə'silәs\ *n* [NL, fr. ML *bacillus* small staff, alter. of L *baculum* — more at BACTERIUM] 1 *cap* : a large genus (the type of the family Bacillaceae) of aerobic rod-shaped bacteria producing endospores that do not thicken the rod, often forming long chains and thickish colonies, and as now restricted including (1) many saprophytes of soil, water, and comparable habitats that are important in the natural decay of organic matter and (2) a number of parasites (as *B. anthracis* the cause of anthrax, *B. larvae* of American foulbrood, and *B. popilliae* causing "milky disease" in the Japanese beetle) — compare CLOSTRIDIUM 2 *pl* bacil-li \-,lī, -lē\ a : any member of the genus *Bacillus*; *broadly* : any straight rod-shaped bacterium — distinguished from *coccus* and *spirillum* **b** : BACTERIUM; *esp* : a disease-producing bacterium Syn see MICROORGANISM
bacillus \"\ *n, cap* [NL, fr. ML, small staff] : a genus of long slender wingless Old World stick insects commonly made type of a widely distributed family
bacillus cal-mette-gué-rin \-,kal'met(,)gā'ra, -ran\ *n, usu cap C&G* [trans. of F *bacille Calmette-Guérin*, after Albert L.C.Calmette †1933 and Camille *Guérin* b1872 Fr. bacteriologists] ; an attenuated strain of tubercle bacillus developed by repeated culture on a medium containing bile and used in preparation of tuberculosis vaccines — compare BCG VACCINE
ba-ci-roa \,basə'rōə\ *n, pl* baciroa *or* baciroas *usu cap* [Sp, of Amerind origin] 1 : a Tarascahian people in the state of Sonora, Mexico 2 : a member of the Baciroa people
bac-i-tra-cin \,basə'trās°n\ *n* -S [NL *Bacillus* (genus name of *Bacillus subtilis*, the species producing the toxin) + Mar-garet *Tracy b ab*1936 Am. child in whose tissue it was found + E *-in*] : a water-soluble toxic polypeptide antibiotic or mixture of antibiotics isolated as a whitish powder from one strain of the hay bacillus, effective esp. against streptococci, staphylococci, pneumococci, and other gram-positive organisms, and administered chiefly topically
1back \'bak\ *n* -S [ME *bak, back*, fr. OE *bæc*; akin to OHG *bah* back, ON *bak*, OHG *bahho* side of bacon] 1 a (1) : the rear part of the human body extending from the neck to the end of the spine, esp., the portion from shoulder to waist (turned his ~ to the fire) (trudging down the road with a load on his ~) (2) : the similar body considered as the wearer of clothing (food for his belly and a fine blue uniform for his ~) (3) : capacity esp. for labor, effort, or endurance (imposing crushing burdens on the ~s of the working class) (know where you desire to go in life and put your ~ into getting there —*Architect & Building News*) **b** : the corresponding part of the body of vertebrates other than man (a horse's ~) (a bird with reddish coloring on ~ and wings) (an odd marking along the ~ of a snake) **c** : the backbone or the muscles and ligaments of this part of the body (break your ~) (strain her ~) **d** : a surface analogous to this portion of a vertebrate in being the ~s of waves ; the portion of a tanned leather hide resulting from cutting longitudinally down the backbone of the hide and trimming off the head and belly ; BACKBONE 3 *g in leaptrog* : the position of the player who is to be jumped over (make a ~); *also* : the player who is jumped over 2 a (1) : the side or surface of something that is opposite to the side that is regarded as its front or face (the ~ of the head) or that is opposite to the more important, functional, or useful side (scribbling his verses on the ~s of old letters) (the dingy ~ of the hotel contrasting with its brilliant facade) (2) : the side that is opposite to the side approached or seen (the ~ of the mountain) (the ~ of the door) (3) : the side or part of any object or space that is most remote from the observer or from its front or forward part (the chorus was massed at the ~ of the stage) (moved to the ~ of the room) (a journey into the thinly settled ~s of the province) **b** (1) : the upper, under, or convex side or part of something as opposed to the lower, lower, or concave side or part (rest a hand on the ~ of a handrail) (the ~ of an arch) (~ of a hoop) (2) : the upper surface of a beam (3) : the side of a piece of printer's type opposite the belly — see TYPE illustration (4) : the roof, arch, or top surface of mine workings (5) : the mass of ore existing above a mine working — sometimes used in pl. (6) : a plane of cleavage in a coal seam **c** : the side or edge of something opposite to a side or edge designed for grasping, cutting, or striking (the ~ of a knife) (the ~ of a saw) (the ~ of an ax) **d** : the portion of a chair that supports the back of a sitter **e** : BACKWARD 2 (1) : the last few pages of a book (2) : the inside margin of a printed page **g** : the reverse of a currency note **h** : BACKYARD (leave a bicycle in the ~) **i** : the main or longest leaf of a leaf spring **j** : the upper part or convex portion of a saw tooth 3 *of a bird dog* : the action of backing 4 : the part of the upper surface of the tongue behind the front and lying opposite the soft palate when the tongue is at rest 5 a : a primarily defensive player (as in soccer or polo) with a position nearest his own goal — compare FORWARD **b** : a rugby player who is not a forward; *esp* : FULLBACK **c** : a primarily offensive player in football whose position is behind that of the linemen (halfback, quarterback — all one's ~ : close behind in support or pursuit (in the battle the infantry stayed right *at our backs*) — behind one's ~ : when one is not present : without one's knowledge ; in secret (make vicious remarks about you *behind your back*) — back of : to the side or part of (a house *back of* the store — John Mc-Nulty) (always been strongly *in back of* the venture —Thomas Wood b. 1910) — the back of beyond : a place far out of the way ; a remote region — the back of one's hand : a show of one's contempt — the back of one's mind : the remote or hidden part of one's consciousness (the stranger's name lingered in *the back of his mind*); *also* : the store of thoughts or memories that can be drawn upon on the appropriate occasion (to keep someone's good advice in *the back of your mind* as a constant goad to activity) — with one's back to the wall : at bay ; in a position from which there is no retreat ; CORNERED
2back \"\ *adv* [ME *bak, fr. bak, n.*] 1 a : to or toward the rear ; to or toward a place away from any place regarded as the front, center, or forward position (move ~ from the front lines) (move ~ in a bus) (ask the crowd to move ~ from the scene of an accident) **b** : at the rear or a position behind ; at a place considered away from the front, center, or forward position (a chapter beginning several pages ~) (left his friends two miles ~) **c** : in or into the past (to look ~ on his youth) (an event ~ in the last century) **d** : ago (several years ~) (met him in the street two days ~) **e** : at an angle off the vertical (banks slant evenly ~ from the highway); *esp* : in a reclining position (lying ~ in the boat—Frank Gallagher) (lie ~ on a couch) **e** (1) : in a condition of check or restraint (would have leaped if his friends had not held him ~) (country may hold a talented man ~) (held ~ a high) (2) : in a delayed or retarded condition ; in a condition less advanced or advantageous than before — often used with *set* (landslides set the construction job ~ many days) (unfortunate speculations set the firm ~) **f** : in one's keeping or possession — usu. used of something that should be given up, yielded, or declared freely (hold ~ part of the money) (keep ~ the truth) **g** : in arrears (he was ~ in payment of rent) **h** : BACKSTAGE 1 2 a : to, toward, or in a place from which a person or thing came or was taken (go ~ for something left behind) (go ~ home) (put a book ~) **b** : to or toward a former condition ; to or toward a former or original state (as of activity, consciousness, or productivity) (go ~ to private life) (go ~ to barbarism) (needed two transfusions to bring him ~ —Bill Aicine) (good farming practices were needed to bring the fields ~) **c** (1) : in repayment or return (as of a loan or favor) (gave ~ the borrowed money) (2) : in retaliation (hit him right ~) (3) ; in reply usu. in the manner of a retort (repressed a strong impulse to talk ~) or a reaction (refused to take ~ his charges) or a withdrawal (drew ~ from his earlier promise) 3 : OVER (read your shorthand notes ~)
3back \"\ *adj* [ME *bak, fr. bak*, n.] 1 a : being at the back or in the rear (the ~ door) (the ~ porch) (a ~ alley) **b** : distant from a center of population or habitation or off the main travelled way (~ settlements) (the near woodlands and ~ pasture) **c** : farthest good hunting (*Amer. Guide Series: Tenn.*) (a ~ river port) (~ roads and picturesque lanes) **c** *comparative sometimes* backer ; articulated at or toward the back of the oral passage (the vowels \ü\ and \ä\ and \ə\ in *go* are ~ sounds) 2 a : OVERDUE ; in arrears (pay ~ rent due for several months) **b** : due for or being performed or paid (a back pay period (a retroactive increase results in ~ wages for workers) 3 a : moving or operating backward (~ action with cars that drives a boat sternward) **b** : moved or moving in a return direction (pick up ~ cargo) (~ freight) (a ~ current) **c** : constituting the second 9 holes of an 18-hole golf course (the ~ nine in record time) 4 *of a publication* : not current (a ~ number of a magazine) (a ~ issue)
4back \"\ *vb* -ED/-ING/-S [*1back*] *vt* 1 a : to support or help by physical, moral, or financial assistance ; UPHOLD 1 strengthen or encourage by aid or influence — often used with *up* (a candidate for office) (~ up his song); *specif* : to move into a position behind (a teammate) in order to assist in a play (as in stopping an offensive play in football or by retrieving a missed ball in baseball or cricket) **b** : to increase the persuasive or logical force of ; SUBSTANTIATE — often used with *up* (~ up an argument with forceful illustrations) **c** : to bet on the success of (~ a racehorse) **d** : COUNTERSIGN, ENDORSE (the warrant . . . had to be ~*ed* or countersigned by a magistrate of the county to which the offender had fled —Edward Jenks & D.J.L.Davies) (~ a check); *also* : to assume financial responsibility for ; provide financial security for (~ an enterprise) (~ a currency) **e** : to supply the first stage of exhaustion in a pumping operation in connection with (another pump) (a mechanical rotary pump ~*ing* an oil diffusion pump) 2 : to get upon the back of : MOUNT (~ a

'horse); *esp* : to break (a horse) to the saddle 3 a : to drive, force, or cause to move back, retreat, recede, or go in reverse — often used with *up* (~ a car into a garage) (~ a car up) (~ a propeller at full speed) b : to articulate (a sound) with the tongue further back 4 a : to make or form a back for : furnish with a back : put a back to — often used with *up*, sometimes with *off* (a row of hills ~ *y* the town) (~ a skirt with stiff material) (~ up a bookcase with cardboard) (~ off a wall with bricks) b : to be at the back of — often used with *up* (a barn ~*ing* the house) (a row of garages ~ the building up) c (1) : to print the second side of (a sheet with one printed side) : REPRINT, REVERSE; *esp* : to so print in close register — often used with *up* (2) : to fill (an electrotype shell) with molten metal to form a printing plate — often used with *up* (3) : to reinforce (a stereotype matrix) to enable it to withstand molten-metal pressure in molding 4 : to widen the backbone of (an unbound book) by spreading the backs of the sections gradually from the center of the back thereby forming longitudinal ridges at each side in order to strengthen (the book) and facilitate attachment of the cover e : to provide (a film or plate) with a photographic backing 5 *dial* : to write an address on (an envelope) 6 *of a bird dog* : to assume pointing stance behind (another dog that has pointed a covey of birds) 7 : to taste a weight (as a second anchor) to the rear of (an anchor) to increase holding power 8 : to brace (a sail) so that the wind presses upon the forward side thus checking headway or driving the bow over onto a new course ~ *vi* 1 : to move backward (~ up three paces) (~ *off* in preparation for his leap) (~ *away* from the door) 2 *of a bird dog* : to stop and point behind another pointing dog 3 *of the wind* : to shift in a counterclockwise direction — opposed to *veer* 4 : to have the back in the direction of and often close to something — used with *on, onto, or against* (seaside resorts . . . seem to ~ onto the sea, instead of facing it —Stephen Potter) (house ~*s* onto a wall) syn see RECEDE — back and fill 1 : to alternately back the sails and fill the sails of a ship so as to keep it clear of the shore and obstructions while the current of a river or channel carries it down 2 : to take opposite positions alternately : alternately favor and disfavor : SHILLY-SHALLY (he *backed and filled* and finally came to no decision at all) 3 : to maneuver esp. backward and forward (turn the wheel to *back and fill* the car around) (the boar *backed and filled* as the dogs circulated and took sips —*Newsweek*)

back \"\ *n* -s [ME *bak*, fr. MD *bac*, fr. OF, fr. (assumed) VL *baca* water vessel — more at BASIN] : a large shallow vat : a cistern, tub, or trough used (as by brewers, dyers, or glue-makers) esp. for mixing or cooling wort or holding water or hot glue

back *abbr* backwardation

backache \'ₐₑ,ₑ\ *n* : a pain in the lower back (complains of ~*s*)

backache brake or **backache fern** \'ₐₑ,ₑ\ *n* : LADY FERN

backwashing \'ₐₑ,ₑ\ *adj* : demanding much physical exertion (a ~ job)

back action *n* : action reversing the usual or direct action

back-alley *adj* : having a mean, furtive, or squalid character or air (*back-alley* gossip)

back along *adv, dial* : some time back ; in the past ; some time ago (a good old-timer dating *back along* —Robert Frost)

back and forth *adv* : backwards and forwards ; to and fro (a loose window shutter swinging *back and forth*) (to rock *back and forth* on his heels)

back answer *n* [*back*] : a disrespectful retort (hero-worshiping girl, absolutely dependent and submissive, will never a *back answer* —Richard Mallett)

back away *vi* : to withdraw or retreat gradually (as from a principle or a theoretical position) (*back* slowly *away* from their insistence on repeal —Benjamin Rathbun)

backbackiri *var of* BACBAKIRI

back bacon *n* : CANADIAN BACON

backband \'ₐₑ,ₑ\ *n* 1 : a band passing over a horse's neck and holding up the shafts of a vehicle 2 : the outside molding of the trim around an opening (as a door or window)

backbar \'ₐₑ,ₑ\ *n* 1 : a horizontal bar in the chimney of an open fireplace on which to hang a vessel over the fire 2 : the shelf or counter space along the wall or backing of a bar area

back beam *n* : the cylinder of wood on a loom on which the warp is wound ready for the weaving process

back bench *n* : a bench in the British House of Commons or House of Lords occupied by backbenchers (he would leave the shadow cabinet and return to the freedom of the *back benches* —Denis Healey) — compare FRONT BENCH

backbencher \'ₐₑ,ₑ\ *n* -s : a rank-and-file member of a legislature; *esp* : such a member of the British House of Commons or House of Lords (is cordially disliked by the ~*s* in Commons and some of the party intellectuals —M.H.Rubin)

backbend \'ₐₑ,ₑ\ *n* : a tumbling stunt in which from a standing position with the knees straight the body is arched backwards until the hands touch the floor over the head

back-bent-end *or* back-ber-and \'bak,berənd\ *or* back-bearing \'ₐₑ,ₑ\ *adj* [ME *bakberende*, fr. *bak* back + *berends*, pres. part. of *beren* to bear — more at BACK, BEAR] *law* : having in one's possession — used of a person carrying away stolen property

back-bite \'bak,bīt, *usu* -id- +V\ *vb* [ME *bakbiten*, fr. *bak* back + *biten* to bite — more at BITE] *vt* : to say mean or spiteful things about (one absent) : SLANDER (if a reader does not like what you have written, he ~*s* you to the editor, but if he is particularly pleased, he writes to you personally —Corra Harris) (had all *backbitten* and double-crossed each other while pretending to work together —Sir Winston Churchill) ~ *vi* : to backbite a person

backbite \"\ *n* : the act or an instance of backbiting (manipulating a hundred and one strands of gossip and ~ —Eugene Walter)

back-bit-or \-fd-ₐ(r), -ītₐ-\ *n* -s [ME *backbiter*, fr. *bakbiten* v.] : one that backbites

backbiting *n* -s [ME *bakbiting*, fr. *bak* back + *biting*] : the action of one who backbites or an instance of such action (bickering and ~ —Margaret Stewart) syn see DETRACTION

backblast \'ₐₑ,ₑ\ *n* : the rush of powder gases from the open or vented breech of a recoilless weapon

backblock \'ₐ|ₐ\ *n, Austrol* : remote or sparsely settled country esp. far from a river or seacoast — usu. used in pl. (the lived in the ~*s* of Queensland) (the difficulties of a ~*s* sheep farmer)

backboard \'ₐₑ,ₑ\ *n* : a board or other construction placed at or fastened to the back of some object (as a picture) or serving as the back (as of a wagon); *specif* : a rounded or rectangular board that is behind the basket on a basketball court and that serves to keep missed shots from going out of bounds and as a surface from which the ball can be made to rebound into the basket

back bond *n* [*back*] *Scots law* : an instrument by which one apparently taking as absolute owner under another instrument acknowledges that he is only a trustee or mortgagee

backbone \'ₐₑ,ₑ\ *n* [ME *bakbon*, fr. *bak* back + *bon* bone] 1 : SPINE, SPINAL COLUMN, VERTEBRAL COLUMN 2 *a* (1) : the chief mountain ridge, range, or system of a country or region (the broad uplands of the Pennines form . . . the ~ of England —L.D.Stamp) (down the small pod-shaped peninsula . . . runs a ~ of high mountains —J.L.P.Robinson) (2) : the foundation or most substantial or sturdiest part of any material object (a heavy length of wood . . . which *forms* the ~ of the boat —*Manual of Seamanship*) (saw the girders, the gaunt steel ~ of the building, rising in the air) *b* (1) : the mainstay, principal support, or most substantial element or part of something (the clothiers have been described as the ~ of the middle class —Roy Lewis & Angus Maude) (those branches of general medicine which form the ~ of aviation medicine —H.G. Armstrong) (corn is the ~ of our agriculture —P.C.Mangelsdorf) (2) : firm and resolute character : strength of will (she is dealing with a man who has ~ —Margaret Deland) (displayed ~ by his frank admission of guilt) 3 : the edge of a book along which the sections are secured together in binding ; the part that shows as the book ordinarily stands on a shelf and that is often lettered with the title and the author's and publisher's names — called also *back, backstrip, shelfback, spine* 4 : a rope attached fore and aft along the center of a ship's awning to support and strengthen it 5 : a main railroad-yard track from which other tracks branch syn see FORTITUDE — to the backbone *adv* : THOROUGHLY, COMPLETELY (O'Connor was Irish *to the backbone* —*Irish Digest*)

backboned \'ₐ|ₐd\ *adj* : having a backbone : VERTEBRATE

back-bone-less \'ₐ|ₐləs\ *adj* 1 : without backbone or a backbone 2 : SPINELESS, PLIANT (a ~ submission to ill-treatment) — back-bone-less-ness \(ˌ)ₐ|ₐnəs\ *n* -ES

backbreak \'ₐₑ,ₑ\ *n* -s : backbreaking labor (a countryman tired of the ~*s* of a tenant farm —Hamilton Basso)

backbreaker \'ₐₑ,ₑ\ *n* -s 1 : a backbreaking task 2 : a refinery worker who breaks crust formed on the surface of the electrolytic bath in aluminum-reduction pots to free anode for lowering or raising during tapping

backbreaking \'ₐₑ,ₑ\ *adj* [*back* + *breaking*] : greatly taxing one's strength or endurance (~ labor) (a ~ effort)

back bulb *n* : a pseudobulb on certain types of orchid plants that remains on the plant after the terminal growth has been removed and is used in the propagation of certain orchids

back-calving \'ₐₑ,ₑ\ *adj, Scot* : calving during the last part of the year

backcast \'ₐ,ₐ\ *n* -s [*back* + *cast*] *dial Brit* : a relapse esp. during convalescence : REVERSAL

back center *n* : the center in the tailstock of a lathe

backchain \'ₐ,ₐ\ *n* : a chain attached to each side of a rudder and to a point under the counter to support the rudder in backing

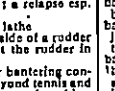
backchat \'ₐ,ₐ\ *n* [*back* + *chat*] : gossip or bantering conversation : SMALL TALK (~ that hardly went beyond tennis and dancing and cricket —Frank Sargeson) : REPARTEE (good humored ~ between audience and speaker —Alan Edwards)

back-chook \'ₐₑ,ₑ\ *vb* [*back*] *vi* : to check over (as a computation) ~ *vt* : to skate back towards one's own goal covering the rushes of opposing players in a hockey game

back clinch *n* : REVOLVING

back cloth *n* 1 : a piece of canvas secured to the after part of a topsail yard to stow the bunt of the topsail in 2 *or* **back gray** : an unfinished cloth used in cylinder printing of fabrics to absorb excess dye 3 *chiefly Brit* : BACKDROP

back comb *n* : an ornamental comb with a wide top and a few long teeth worn high at the back of the head



back comb

back-country \'ₐₑ,ₑ\ *n* 1 : a rural and relatively thinly settled and undeveloped area to the rear of a more densely peopled and developed region containing the main centers of population (the antagonism between Tidewater and ~ in colonial Virginia) : farming area (trucks daily bring in produce from the ~) 2 : the country to the rear of a settled district : a frontier area : BORDERLAND (the first white men to set foot in that vast ~)

backcourt \'ₐ,ₐ\ *n* 1 : the part of a tennis court between the service line and the base line 2 : the space near or nearest the back boundary lines or back wall or walls of the playing area in net and wall games; *esp* : a basketball team's defensive half of the court

backcross \'ₐ,ₐ\ *vt* [*back* + *cross*] : to cross (a first-generation hybrid) with one parent or with an individual of the same genetic composition as the parent

backcross \'ₐ ,ₐ *n* -ES : an instance of backcrossing; *also* : an individual produced by backcrossing

backcrossing \"ₐ *adj* [*backcross*] : of, relating to, or produced by a backcross or by backcrossing

backdate \'ₐ|ₐt\ *vt* [*back* + *date*] : PREDATE (indicted for *backdating* tax returns to save interest and penalty payments on time)

back dive *n* [*back*] 1 : a dive from a position facing the diving board — see CUTAWAY; compare BACKWARD DIVE 2 : a category in competitive diving that includes those dives in which the body rotates backward from a backward standing takeoff — compare FRONT DIVE, REVERSE DIVE, TWIST DIVE

back door *n* 1 *a* : a door in the back or to the rear of something, esp. a habitation *b* : an entrance or approach (as to a country) regarded as at the back and usu. distant or geographically opposite the main route of approach (but the richest area of all the peninsula was found . . . at the *back door* of Nome —*Encyc. Americana*) (the *back door* of Egypt —Hassoldt Davis) 2 : an indirect, surreptitious, underhanded, or illegal means or way (the West entered America's popular literature through the *back door* of humor —J.D. Hart) (depends more and more on western *back doors* for essential war supplies —*Amerasia*) (a junk shop with a *back-door* trade in hides from illegally killed cattle —H.L.Davis)

backdoor trots *n pl but sing or pl in constr, dial* : DIARRHEA

back down *vi* : to retreat or withdraw from a previous commitment, position, or claim (wished he had not undertaken the errand, but he was afraid to *back down* —Harold Sinclair)

backdown \'ₐ,ₐ\ *n* -s [*back down*] : the action or an instance of backing down on a stand or position (a ~ on the explosive German question —*Newsweek*)

back draft *n* : an explosion of the gaseous products of incomplete combustion in admixture with air sometimes occurring during a fire (as in a building or mine) — called also *smoke explosion*

backdrop \'ₐ,ₐ\ *n* -s 1 *a* : a cloth usu. painted or decorated in some way and hung across the rear of a stage or stage setting to mask the backstage area or to serve as scenic background *b* : a background used by a photographer consisting of a drapery or painted canvas stretched on a frame or hung from a support 2 : BACKGROUND; *esp* : a background against which something is observed or stands out (Indochina is the ~ (or this tensely written story —*N.Y. Times*).

back dropt *n* : a fundamental trampoline stunt in which from a bounce the performer lands on his back on the bed with head forward, hands in front of the body, and the legs at a 45 degree angle, then rebounds to an erect standing position

backed \'bakt\ *adj* [ME, having a back, fr. *back* + *-ed*] 1 *of an archer's bow* : made of two or more strips glued together, one piece forming the back and another the belly — contrasted with *self* 2 *of cloth* : woven with a second set of threads in the warp or weft for additional weight or reversible utility — see DOUBLE CLOTH 3 *of photographic film or plate* : coated on the side opposite the emulsion with a substance to absorb light and hence reduce halation

backed-blade \'ₐ,ₐ\ *n* : a prehistoric flint knife having one edge blunted

backed-off \'ₐ|ₐd\ *adj* : having metal removed from the back of the tooth to provide clearance — used esp. of a milling cutter

backer electromotive force *n* : COUNTER ELECTROMOTIVE FORCE

backer-en \'bakən\ *vt* -ED/-ING/-S [*back* + *-en*] *now dial* : to retard the progress of : DELAY (cold weather will ~ the corn)

back end *n* 1 : the rear end 2 *dial Brit* : the latter part of the year : the autumn and early winter

backer-ot \'bakə(t)\ *comparative of* BACK

backer \"\ *n* -S 1 : one that supports 2 : a worker who works with backs or backing: as *a* : a slaughterhouse worker who removes the back, shoulders, and base of the tail of a hide from a carcass *b* : a worker who reinforces parts of shoes (as vamps, uppers, or straps) by pasting in pieces of lining material *c* : a worker who forms the ridges to which covers are hinged at the back of rounded book bodies 3 : material used for backing; *specif* : a piece of canvas, flannel, or other material used to reinforce parts of linings or vamps of shoes 4 : a strap usu. of sennit secured to a ship's yard and carrying a thimble through which an earing runs

backer \"\ *n* -S [by shortening & alter.] *dial* : TOBACCO

backer-up \'ₐₑ|ₑ\ *n, pl* backers-up : one that backs up: as *a* : SPONSOR *b* : a linebacker in football *c* : a worker who mounts calendars between metal strips and staples calendar pads to metal

back-et \'bakət\ *n* -S [*F baquet*, dim. of *bac* tub — more at BACK] *Scot.* : a shallow wooden box used esp. to carry fuel or ashes

backfall \'ₐ,ₐ\ *n* [*back* + *fall*] 1 *obs* : a descending arpeggio figure in music 2 : the sloping surface in a beater or washing engine down which paper pulp passes on leaving the knives

back-fanged \'ₐ|ₐd\ *adj; of a snake* : having grooved venome conducting teeth located posteriorly in the roof of the mouth — compare FRONT-FANGED, OPISTHOGLYPHA

back-feed *vt* : to put (as a paper) into a typewriter by inserting it bottom-first behind the top of a paper already in the machine and rolling the platen backward

back-fence \'ₐ|ₑ\ *adj* [*back fence*] : having an intimate informal but often malicious or slanderous character — used chiefly of conversation (cheery *back-fence* chats) (vicious *back-fence* gossip)

back-field \'ₐ,ₑ\ *n* : the football players whose positions are behind the line of scrimmage; *also* : the positions themselves

back file *n* [*back*] : a file of back numbers (as of a newspaper or documentary matter to be saved for use in the future

backfill \'ₐ,ₑ\ *vt* [*back* + *fill*] : to replace earth in (as a trench or the open space around a foundation wall); *also* : to refill (as an excavation) with any material

backfill *n* -S 1 : the filling of a trench or other excavation or of the space around a foundation 2 : the material used in backfilling

backfilled \'ₐ|ₑd\ *adj* [*back* + *filled*] *of an exp cotton fabric* : stiffened by applying size or finish to the back only

back-fill-er \'ₐ,ₑₑ\ *n* -S [*backfill* + *-er*] 1 : a machine for backfilling 2 : a worker who moves backfilling material

bank fillet *n* : the edge or fillet by which a slightly projecting part (as a quoin or architrave) returns to the face of the wall — back-filleted \'ₐ|ₑₑd\ *adj*

back-filling \'ₐ,ₑₑ\ *n* -S [*back* + *filling*] : BACKFILL

backfiring \'ₐ,ₑ\ *n* [*back* + *fire*] 1 : a fire started counter to an advancing forest or prairie fire to check the latter by clearing an area *b* : a vigorous countermovement or activity (delegates come under the influence of a strong ~ of opinion from the country —Allen Johnson) 2 *a* : an improperly timed explosion of the mixture in the cylinder of an internal-combustion engine or engine; *esp* : one occurring when either the exhaust or intake valve is open and resulting in a loud detonation *b* : combustion in a fuel-supply line (as of a welding torch)

backfire \"\ *vi* 1 *a* : to make a backfire *b* : to make a sound like that of a backfire (a big coffee urn *backfiring* with alarming pops and bangs —Frederick Way) 2 : to have or experience a backfire or backfires — used of an internal-combustion engine or a firearm 3 : to light so that the flame proceeds from the internal gas jet instead of from the external jet of mixed gas and air — used of a Bunsen or similar air-fed burner 4 : to have the reverse of the desired effect by causing loss or injury to the user or doer : BOOMERANG (when the opposition publicized the lady candidate's photograph in a bathing suit, the strategy *backfired* —Emily T. Douglas) : fail to have the desired effect : MISCARRY (some of the marriages have been happy, some have badly *backfired* —Frank Gibney) — backfiring *n* -S

backfish \'bak,fish\ *n, pl* backfish *or* backfishes [G, lit. fish for baking or frying, fr. *backen* to bake, fry (fr. OHG *backan*) + *fisch* fish, fr. OHG *fisc* — more at BAKE, FISH] : an adolescent immature girl (his family . . . two grown-up and very distressing ~ —A.L.Mikhelson)

backflap \'ₐ,ₐ\ *n* : a flap that folds back or hangs down in back; *specif* : the part of a book jacket that folds over and onto the inside of the back cover

backflash \'ₐ,ₐ\ *n* -ES [*back* + *flash*] 1 : FLASHBACK 2 : the act or an instance of backfiring 3 : a groove formed around the outer portion of the flash to receive the metal squeezed through the flash in sinking an upper die — called also *gutter*

backflash \"\ *vi* 1 : to flash back (as of a gas) and burn at a point where combustion is not intended 2 *of literary or dramatic work* : to introduce a flashback into the narrative (the script ~*es* to a day in his life 10 years before)

backflip \'ₐ|ₐ *n* [*back* + *flip*] 1 : a backward somersault 2 : a complete reversal of position or belief : VOLTE-FACE

backflip \'ₐ,ₐ\ *vi* : to do a backflip (~ off a diving board)

backflow \'ₐ,ₐ\ *n* [*back* + *flow*] 1 : a flowing back or returning toward a source 2 : the entrance of water or other liquid from any but the regular source of a potable water supply system — compare CROSS-CONNECTION

back focus *n* : the distance from the rear glass surface of a photographic lens to the focal plane when the lens is focused for very distant subject

back-formation \'ₐ,ₑₑ\ *n* 1 : a word formed by subtraction of a real or supposed affix (as a suffix) from an already existing longer word (as *butle* from *butler*, the final *-er* being taken as the suffix found in such words as *worker* or *player*, or as *pea* from *peas*, the final *-se* \z\ being taken as a plural ending) 2 : the formation of a back-formation

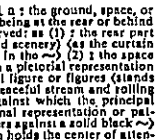
back-friend \'ₐ,ₐ *n* [perh. fr. *back* + *friend*] *archaic* : a seeming friend who is secretly an enemy

back-front \'ₐ,ₑ\ *n* : the rear facade of a building

back furrow \'ₐ,ₐ\ *vb* [*back* + *furrow*] *t* : to plow by throwing or turning the soil from the first two furrows together, leaving clear furrows on the sides

backgame \'ₐ,ₑ\ *n* : a strategy in backgammon that aims at hindering the opponent's progress instead of advancing one's own men

backgam-mon \'bak,gaman, *usu sometimes* 'bagaman *or* ba'gam- *or* bo'gam-\ *n* -S [perh. fr. *back* + *gammon*, alter. of ME *gamen* game, sport — more at GAME] 1 : a game played with dice and counters on a board divided into two tables each marked with 12 points in which each player tries to move his own counters from point to point and off the board trying at the same time to hinder or capture those of his opponent — called also *tables* 2 : the winning of a backgammon game before the loser has borne off any men and while one or more men remain on the winner's inner table or on the bar, the winner receiving triple score



backgammon board with pieces arranged as at beginning of game

backgammon \"\ *vt* -MM- -ED/-ING/-S : to beat (an opponent) in backgammon by scoring a backgammon

back gear *n* : BACK GEARING

back gearing *n* : the gearing at the headstock of a lathe for reducing the speed of the spindle from that of the driving pulley — back-geared \'ₐ|ₑd\ *adj*

back gray *n* : BACK CLOTH 2

background \'ₐ,ₐ\ *n, often attrib* 1 *a* : the ground, space, or its contents being represented as being at the rear or behind the principal object or objects observed: as (1) : the rear part of a stage or its contents (as painted scenery) (as the curtain rises, a rustic festival is in progress in the ~) (2) : the space or ground and its contents shown in a pictorial representation as being at the rear of the principal figure or figures (stands in a graceful pose against a ~ of peaceful stream and rolling hills) *b* : the surface upon or against which the principal figures or parts of a two-dimensional representation or pattern are seen (a study of white figures against a solid black ~) 2 : a position away from that which holds the center of attention : an obscure, less prominent, or not readily noticed position or status (the parents stayed in the ~ during the children's party) (pushed into the ~ by the brilliance and glamor of his rival) 3 *a* (1) : the natural, physical, or material conditions that form the setting within which something is viewed or experienced (attractive private dwellings, all set in a ~ of tropical luxuriance —Tom Marvel) (a hum of distant street noises made a gentle ~ to the strident tootings of the big . . . American cars —Mollie Panter-Downes) (2) : an harmonic or rhythmic accompaniment to a melodic line played or sung (a violin duet with a bare viola and cello harmonic ~ —Ralph Hill) *b* (1) : the conditions, circumstances, ideas, or events that stand in an antecedent, causal, or intimate relation to any phenomenon or development : SETTING, MILIEU (made an exhaustive study of the ~ of the Crimean War) (the social and economic ~ of the Renaissance) (police probed into the ~ of the murder) (2) : factual and circumstantial information that is essential to full understanding of a particular problem or situation (take along a good standard book on British history to give you some ~ on what you'll be seeing —Richard Joseph) *c* (1) : the environmental conditions or circumstances esp. of childhood and youth that form or contribute to the

formation of an individual's
tural makeup (Lincoln's pi
leisure, and cultivated taste
side) (2) : the area or area
tion (as in training or empl
(a ~ in medical history) (
ing for (that's unusual
ternational affairs —F.L.Mo
or past career (investigate
success in all his varied e
constant sound that conf
received or recorded electr
or recording) *also* : ed
electronic instrument read
level of radiation or sound
activity) being measured by
is detected

background \'ₐ ,ₑ\ *vt* [*back*
to (clouds that have ~*ed*
—Frank Thone) 2 : to p
~*ed* study of a silent movi

background music *also* **b**
esp. by unseen performers
divity essentially unrelated
work); *specif* : music spec
company the dialogue or
of a motion picture or ra

background projection *n*
pictures onto a translucen
from the opposite side an
action sequences of a phot
process projection

backhand \'ₐ,ₑ *sometime*
stroke with the back of t
in the direction of the mov
~ across the cheek) b
tennis) made from his l
handed player or from
left-handed player — oppo
(a good ~ is squash) (a
2 : handwriting whose up-a
slant at a downward an
right (to write a bold
backhand \"\ *or* **back-h**
1 : using a backhand (de
~ gracefully bounce) 2
hand across the body to t
to the left in left-handed o

backhand \"\ *vt* : to do
backhand (I ~*ed* the col
guy —R.V.Williams) (he
across the cheek) (~ a tri

back-hand-ed \'ₐ|ₑ|ₑd\ *adj*
or a backhand (~ writing
in tennis) 2 : HESITANT,
for second helpings) 3
(a ~, dishonest way of ac
outcome opposed to the
statement (attacks from th
ment to the man's integri
information "channels"
—Dale Kramer) — comp
letters of the alphabet i
right

backhanded rope or **back**
back-hand-er \'ₐ,ₑₑ *also*
backhanded blow, stroke,
backhaul \'ₐ,ₐ\ *n* [*back*
a transportation vehicle
haul esp. transporting a
the route

back-heel \'ₐ,ₑ\ *n* [*back*
wrestling opponent by g
pushing him backward; *al*

backhoe \'ₐ,ₑ\ *n* [*back*
which the bucket is rigidl
boom and is drawn towa
pare DRAGLINE

backhook \'ₐ,ₐ\ *n* -S : PAR

back in *vi* 1 *in poker* : to
opportunity 2 *in bridge*
the bidding after having
backing *pres part of* BACK

backing *n* -S 1 : something
as *a* : unsquared ston
concrete block used at th
supporting masonry itself
serving as a foundation
on a soft belt) *c* : a thick
warship *d* : the silvering
of scenery placed behind
a stage setting to preve
lies behind it 2 : the mea
or similar structure to
facing is attached *e* : a l
back of a photographic p
and the base reducing li
and hence reducing hala
of wool, flax, or cloth
had the ~ of the press pr
ments providing support
stantial elements in the c
a warrant by a magistrat
a casting line and wound

backing hammer *n* : a h
of the head and a *flat* he

backing light *or* **backing**
the backbones of books

backing pump *n* : FOREP

backing ring *n* : a metal
to reinforce the joint and
the pipe at the joint

backing strip *n* : long ligh
(as behind doors, windo

backing yarn *n* : a yarn
skeleton of a pile fabric

backjoint \'ₐ,ₑ\ *n* : a rab
a permanent slab or oth

backkick \'ₐ,ₐ\ *n* : KICK

backland \'ₐ,ₐ\ *n* 1 :
used in pl. (the remote
river (floodplain separate

backlash \'ₐ,ₐ *n* [*back*
backward movement or
play between adjacent m
series of gears 2 : the
clearance when the parts
irregular action 3 : an
tion suggesting such a b
smart in that part of a fla
of the eye 4 : the
movement of the trigger
hammer or firing pin is
of an imperfectly rectifi
positive loss produced
impulse of thermoelectro

backlash \"\ *vi* : to ma

back-less \'ₐ|ₐs\ *adj*

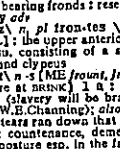
backlight \'ₐ,ₑ\ *n* [*back*
an object from behind
floating white in the da

backlight \"\ *vt* : to illi
ing (the sun dropped
Watlop) (a ~*ed* camera

backlighting *n* -S : cons
rear or from the side aw
graphic effects

backlining \'ₐ,ₑ\ *n* -S [
to the backbone of a bo
backbone area to provi

frond-dif-er-ous \(ˌ)frän|dif(ə)rəs\ *adj* [L *frondifer*, fr. *frond-*, *frons* leaf + *-i-* + *-fer* -ferous] : bearing fronds or leaves
frond-let \'frändlət\ *n* -s : a small frond
fron-dose \'frän,dōs\ *adj* [L *frondosus*, fr. *frond-* *frons* + *-osus* -ose] : bearing fronds : resembling a frond : THALLOID
fron-dose-ly *adv*
frons \'frənz\ *n, pl* **fron-tes** \-n-,tēz\ [L] 1 : FOREHEAD 2 [NL, fr. L] : the upper anterior part of the head capsule of an insect usu. consisting of a separate sclerite between the epicranium and clypeus
¹front \'frənt\ *n* -s [ME *frount*, *front*, fr. OF *front*, fr. L *front-*, *frons* — more at BRINK] 1 a : FOREHEAD, BROW (clever will be branded on our ~ —W.E.Channing); *also* : the whole face (tears ran down that noble ~) b (1) : countenance, demeanor, bearing, or posture esp. in the face of danger or other trial (let us ... take with unshaken ~ what comes —Theodore Roosevelt) (appeared with dauntless ~, accompanied by his paramour —T.B.Macaulay) (2) : the outward, visible, or feigned bearing or behavior of a person as contrasted with his true or essential character, feelings, or condition (the brave ~ she had maintained so long —T.B.Costain) (has good within him, behind a perfectly abominable ~ —Stone) (a usually phony ~ of good fellowship is maintained —V.A. Young) (was putting up a ~ ... in order not to distress his girl —Mary R. Rinehart); *also* : extroversion — chiefly used with *change* (a change of ~ was signaled by his offer to come to terms) (suddenly changed ~ and threw in with the opposition) c (1) : the foremost rank (as of an army) : VAN (2) : a line of battle (3) *often cap* : a zone of conflict esp. between armies (a division going up to the ~) (4) : lateral space occupied by a military unit (5) — used as a military command of execution for individuals to turn their heads straight forward (as after dressing to the right) (ready, ~!) (6) — used as a call by a hotel desk clerk in summoning a bellboy (7) : a sphere or area of conflict or activity (while men are always on fire over their opinions, they are rarely so on more than one ~ at a time —Curtis Bok) (the four ~s are military, economic, political, and psychological —*Congressional Record*) (progress on the educational ~) (a fairly quiet month on the athletic ~ —*Dartmouth Alumni Mag.*) d (1) : a coalition or movement linking groups of persons or groups often of diverse political, ideological, or other tendency in an effort to achieve certain common objectives (common unity and a common ~ are surely a pressing political need —Christopher Fremantle) (announced his purpose to be the erection of a solid ~ ... a hemisphere wholly prepared to consult together for our mutual safety —R.W. Van Alstyne) (a unified psychiatric ~ to frustrate the drive of courts and lawyers to make psychiatric testimony conform to antiquated concepts —Edward de Grazia); *specif* : a coalition of political parties of diverse ideological or other tendency for the achievement of certain common objectives — usu. used with *popular* to create a popular democratic ~ —*Collier's Yr. Bk.*) (the people's ~ represented an intermediate stage between Western and Soviet forms of democracy —Taylor Cole) (2) : a person, group, or thing that is used to cover up or mislead concerning the identity or the use, illegal, harmful, or self-serving character, purpose, or activity of the actual controlling or directing agent : FACADE (uses her as a ~ for his sinister machinations —*N.Y.Times Bk. Rev.*) (operated a florist shop as a ~ —Robert Shaplen) (assailed the ... nominees as ~s for a party of privilege —*Collier's Yr. Bk.*) (all political groups and mass organizations are useful ~s to strengthen the party's influence—N.D.Palmer & S.C.Leng) (3) : a person who serves as the official though often only nominal head or spokesman of an enterprise or group to lend it prestige : FIGUREHEAD (a retired general with an impressive war record made an excellent ~ for the company) 2 : something that confronts or faces forward: as a (1) : the face of a building; *esp* : the face that contains the principal entrance (2) : the part of a theater in front of the curtain; *also* : the personnel engaged to work there (3) : the faceplate of a mortise lock through which the ends of the bolt are projected (4) : the part of a bird's carapace between the eyes (5) : PRONS 2 (6) : the forepart of a garment (a book ... propped against his meager ~ of tweed—James Stern) (8) : SHIRTFRONT (9) : DICKEY (10) : the part of the human figure opposite to the back (lying on his ~) b (1) : the part or surface of something that seems to look out or to afford reward : the fore or forward part (a grasshopper's back is really his ~ —J.B.S.Haldane) (2) : land that faces or abuts (as on a body of water, a river, a road) : FRONTAGE (a lake ~); *also* : a promenade along the beach at a seaside resort (they walked on the ~ together —W.S.Maugham) (3) : a narrow zone of rock characterized by concentration of some elements or scarcity of others relative to adjacent zones (4) : the end of a dynamo or motor shaft opposite to the end that carries the pulley or other coupling member (5) : the side of a paper machine from which it is taken off c : the boundary between two dissimilar air masses — see COLD FRONT, WARM FRONT (7) : the part of the upper surface of the tongue behind the blade that lies opposite the hard palate when the tongue is at rest (8) : BELLY 3d d : the first part of something: as (1) *archaic* : the first part of a year : BEGINNING (2) fronts *pl* : the first portion of a distillate (benzene ~s) d : something attached to the forepart: as (1) : false hair worn over the forehead by a woman (2) : the part of a bridle that crosses the forehead — see BRIDLE illustration 2 a : a position directly before or ahead of a person or before the foremost part of a thing (with six seconds to go he forged out in the ~ of his rivals) (a tree stood in the ~ of the yard) b : a position of leadership, advantage, or superiority in any field (an indefatigable worker, he rapidly made his way to the ~ of his profession) — front and center 1 — used as a preparatory military command before "march" for certain designated individuals to march to the front of the center of a formation 2 — used as a call for someone not in sight to come forward — in front of *prep* : directly before : before the foremost part of : ahead of (watching the road in front of him) (a tree stood in front of the house) (frightened of what lies *in front of* them —*Ists*) (*in front of* him were two Union lines —G.J.Fiebeger) — out front *adv* : in the audience



front 2b(6): symbols used on weather maps to indicate 1 cold front, 2 warm front, 3 occluded front, 4 stationary front

²front \"\ *vb* -ED/-ING/-S [partly fr. MF *fronter*, fr. *front*, n.; partly fr. *¹front*] *vt* 1 : to have or turn the face or front in a specified direction : FACE (the house ~s toward the east) 2 a : to act as a sponsor, advocate, or spokesman (the persons who had gotten them jobs ~*ed* for them in time of stress —C.R.Cooper) (his ability to ... ~ for the U. S. in world affairs —*Time*) b : to serve as a front (~*ing* for oil interests —*Current Biog.*) (the top men in the community have little time for committee meetings: they send a lesser man to ~ for them —O.S.Strong) ~ *vi* 1 a : to face up to : CONFRONT (went to the woods because I wished ... to ~ only the essential facts of life —H.D.Thoreau) (loses his job ... and with it his ability to ~ life benignly —J.P.Dickey) b : to appear before : meet face-to-face (daily ~*ed* him in some fresh splendor —Alfred Tennyson) 2 a : to stand in front of : serve as a front to (a lawn ~*ing* a house) b : to be the leader of (a dance orchestra) (appeared as soloist in reviews, in addition to ~*ing* bands —*Esquire's Jazz Bk.*) 3 *obs* : SEEM, INTRODUCE, PRETEND 4 : to supply a front to : put a facing upon (~*ed* the building with brick) 5 : to face or look toward : have the front toward, opposite, or over against (the house ~s the street) 6 : to articulate (a sound) with the tongue further forward
³front \"\ *adj* [*¹front*] 1 : of or relating to the front or forward part : situated in front (a ~ view) (~ seats at the opera) 2 *conjunctive sometimes* frontier : articulated at or toward the front of the oral passage (\ē\, \ē\, \ə\, and \p\ are ~ sounds)
⁴front \"\ *adv* [*¹front*] : toward, in, or at the front or forward position (a pale boy rose and came ~ of the class —Willa Cather) (those who are older and sit farther ~ than I do —Henry Seidel Canby) often used in the phrases *up front* and *out front* (a few riflemen might be needed up ~ later —*Combat Forces Jour.*) (way out ~ in the race —T.M.Pryor)
front *abbr* frontispiece
front-ad \'frənt,ad, -n-,tad\ *adv* [*¹front* + *-ad*] : toward the front (outside the eye the infraorbital line runs ~ —Nils Holmgren)
front-age \'frəntij, -tēj\ *n* -s [*¹front* + *-age*] 1 a : a portion of land that fronts (as on a stream, body of water, or road) (the Romans won ... a ~ on the Atlantic ocean —A.J. Toynbee) (states of the Union ... which have a sea-board ~ —*Congressional Record*); *also* : the extent of front (has a lake ~ of approximately two miles —*Amer. Guide Series: La.*) b : the land between the front of a building and the street 2 : the front part or face of a building (dirty plaster ~s embossed with scrollwork and heraldic devices —Christopher Isherwood) (the pillars of its colonnaded ~ —Claud Cockburn) 3 : the act or fact of facing a given way : EXPOSURE 4 : something that belongs to, is part of, or appears in or on a front (a dazzling ~ of flowers and faces —Leonard Merrick) 5 : the lateral extent of responsibility of a military unit : the width of a zone of military action in an attack : the width of a military sector in defense
front-age-er \-jə(r)\ *n* -s : one that holds the frontage (as on a road or on water)
frontage road *n* : a local street or road generally paralleling an expressway or through street on one or both of its sides to collect local traffic and provide access to property isolated from the expressway through access controls — called also *service road*
¹fron-tal \'frən(t) *sometimes* -rən-\ *n* -s [in sense 1, fr. ME *frontel*, *frontel*, fr. MF *frontel*, fr. L *frontale*, fr. *front-*, *frons* + *-ale* (neut. of *-alis* -al); in sense 2, fr. ME *frontel*, *frontel*, fr. L *frontellum*, dim. of L *front-*, *frons*; in other senses, fr. *¹frontal*] 1 : something worn across the forehead; *specif* : an ornamental band often of jewels 2 : a movable decorative piece (as of rich stuff or embroidery) covering the front of an altar in a church 3 : FACADE 4 a : FRONTAL BONE b : a frontal scale or plate
²frontal \"\ *adj* [NL *frontalis*, fr. L *front-*, *frons* forehead + *-alis* -al — more at BRINK] 1 a : of or relating to the forehead or the frontal bone b : of or being a scale or plate lying between the eyes and over the frontal bone in a reptile 2 a : belonging to the front part (a ~ appendage) b : of or relating to the front : taking place from or at the front (to cease all ~ resistance and to limit its activity to guerrilla warfare —D.J. Dallin) c : directed against the front : delivered upon the main or essential point or issue : DIRECT (a ~ assault on the enemy) (~ attack ... on broad problems of human nature —F.A.Geldard) 3 a : parallel to the main axis of the body and at right angles to the sagittal plane b : having or showing frontality 4 : of or relating to a meteorological front 5 : FRONT 2 — **fron-tal-ly** \-ᵊl-ē\ *adv*
frontal angle *n* : the angle formed by the intersection of lines from the bregma and glabella to the auricular point
frontal apron *n* : APRON 5
frontal artery *n* : one of the terminal branches of the ophthalmic artery
frontal bone *n* : one of a pair of membrane bones of the upper front part of the cranium next anterior to the parietals, in man becoming unified into a single bone that forms the forehead and upper part of the orbits
frontal convolution *or* **frontal gyrus** *n* : any of the convolutions of the outer surface of the frontal lobe of the brain
frontal crest *n* : a median ridge on the internal surface of the vertical part of the human frontal bone
frontal eminence *n* : the prominence of the human frontal bone above each superciliary ridge
frontal gibbosity *n* : a protuberance on the head of certain male fishes prominent as sexual maturity is reached
frontal index *n* : the ratio of the least breadth of the forehead to its greatest breadth multiplied by 100
fron-tal-i-ty \,frən-ᵊl-'tal-ə-tē\ *n* -ES [NL, fr. *frontalis* frontal] : the muscle of the forehead that forms part of the occipitofrontalis
fron-tal-ly \,frən-ᵊl-ē, frən-\ *n* -ES 1 *in sculpture* : a schematic composition of the front view that is complete without lateral movement 2 *in the pictorial arts* : an arrangement of one or more planes parallel to the picture plane
frontal lobe *n* : the anterior division of each cerebral hemisphere having its lower part in the anterior fossa of the skull and being bordered behind by the central sulcus
frontal nasal spine *n* : a median process projecting down from the frontal bone and articulating with the two nasal bones — called also *superior nasal spine*
frontal nerve *n* : a branch of the ophthalmic nerve supplying the forehead, scalp, and adjoining parts
frontal shield *also* **frontal plate** *n* : a platelike prolongation of the base of the upper beak over the forehead that is a characteristic feature of the coots and gallinules
frontal sinus *n* : either of two air spaces lined with mucous membrane that lie within the frontal bone above the orbit on each side
frontal vein *n* : a vein of the middle of the forehead that unites with the supraorbital to form the angular vein near the inner angle of the orbit
front bench *n* : either of the two benches nearest the chair in the British House of Commons or House of Lords occupied by government and opposition spokesmen — compare BACK BENCH
front bencher *n* : a government or opposition spokesman in the British House of Commons or House of Lords
front-connected switch \'ə-ˌ(ə-)ˌ *n* : a switch in which the conductors are fastened to terminals in front of the mounting
front court *n* : a basketball team's offensive half of the court
frontdive *n* 1 : a dive in which for the takeoff the diver faces the water 2 : one of several competitive dives including those in which the body rotates forward from a front takeoff — compare BACK DIVE, INWARD DIVE, REVERSE DIVE, TWIST DIVE
front door *n* 1 : the main entrance to a dwelling or apartment having more than one entrance : a doorway fronting on or giving direct access to a street or road 2 a : a place or area affording the main or best approach or access (as to a country) (the war would then be brought directly to the *front door* of the Americas —Ernst Lerger) b : an open direct forthright approach or a legal approach toward gaining some object (should do it directly and openly, through the *front door* —*Yale Rev.*)
front drop *n* : a fundamental trampoline stunt consisting of dropping to a prone position on the bed with the head up and then rebounding to a standing position
front-ed \'frəntəd\ *adj* : having or furnished with a front of a specified kind or quality (plaster-*fronted* houses ... painted in garish colors —James Reach) (a tuck-*fronted* shirt —*New Yorker*)
frontes *comparative of* FRONT
frontes *pl of* FRONS
front-fanged \'ᵊ-ˌ\ *adj* : having grooved or perforated venom-conducting teeth in the front of the mouth — used chiefly of members of the Proteroglypha; compare BACK-FANGED, PIT VIPER
front flap *n* : the part of a book jacket that folds over and onto the inside of the front board
front foot *n* : a foot measured along the front of a piece of property — called also *foot front*
front-foot rule *n* : a method of property assessment based upon the length of frontage of the property

¹fron-tier \,frən-'ti(ə)r, -'tir, -'ti(ə)r *or* -'tyə(ə)r\ *sometimes* [ran-, *chiefly Brit* -'ti(ə)r *or* -'tyə(ə)r\ *n* -s [ME *frontier*, *frontier*, fr. MF *frontiere*, fr. *front* — more at FRONT] 1 a (1) : a part of a country that fronts or faces another country (the inhabitants of the ~ between Canada and the U.S.); *specif* : a demarcated boundary between countries (crossed the ~ into Mexico) (2) : a boundary between territorial units (lived on the edge of the river that defined the ~ between the two counties) *Brit* : BARRIER, DEFENSE; *specif* : a stronghold upon a border province or frontier 2 a : a typically shifting or advancing zone or region esp. in No. America that marks the successive limits of settlement and civilization : a zone or region that forms the margin of settled or developed territory (the ~, where people ... lead tough lives and seldom meet together for pleasure —Willa Cather) b : an area (as of thought or investigation) that constitutes the most advanced, obscure, or unexploited field or line of inquiry with respect to a particular subject : the farthermost limits of knowledge or achievement (the latest ~s of linguistic research) (the study advances appreciably the ~ of political analysis —R.M.Goldman) (progress on the atomic ~ last week —*Time*) (work on one of the ~s of modern science—the geology of the deeper parts of the earth's crust —W.H.Bucher) c : a line of division between different or opposed things (the ~ of drama and melodrama league —T.S.Eliot) d : a new or relatively unexploited field that offers scope for large exploitative or developmental activity (a large economic ~ right at home —T.J.Kreps) (is television destined to become a great new educational ~ —*Mich. Alumnus*) (the ~s of the future are marketing ~s —Bud Wilson) 3 : FRONTAGE
²frontier \"\ *adj* 1 : situated on a frontier between countries : BORDERING, CONTERMINOUS (all ~ garrisons were ordered withdrawn) 2 : of or relating to a frontier esp. in No. America : characteristic of people living on such a frontier (turning to the task with typical ~ ingenuity —R.A.Billington) (the hardships of ~ life) (one of the last real ~ towns) 3 : advancing or pushing back the frontiers of knowledge or achievement : EXPLORATORY, PIONEERING (~ research in the humanities —C.B.Odegaard) (a ~ report in the field)
³frontier \"\ *vi* -ED/-ING/-S *archaic* : BORDER, FACE
fron-tiers-man \-rzmən, -əz-\ *n, pl* frontiersmen : a man living on the frontier
fronting *pres part of* FRONT
fron-tis \'frəntəs *sometimes* -rən-\ *n* -ES [by shortening] : FRONTISPIECE
fron-tis-piece \'frəntiˌspēs *sometimes* -rən-\ *n* -S [alter. (influenced by *piece*) of earlier *frontispice*, fr. MF, fr. LL *frontispicium* front of a building, fr. L, view of the front, fr. L *front-*, *frons* forehead, brow, front + *-i-* + *-spicium* (fr. *specere* to look, look at) — more at FRONT, SPY] 1 a : the principal front of a building; *esp* : the entryway of a building when decoratively treated b : an ornamental or decorated pediment (as over a portico or window); *also* : a sculptured panel (as of a door) 2 a *obs* : TITLE PAGE b *archaic* : an ornamental figure or illustration on the first page of a book or pamphlet; *also* : the page itself c : an illustration preceding and usu. facing the title page of a book or magazine or of a major section of a book; *also* : the page itself 3 : an architectural drawing in which details are assembled and presented in an attractive way
²frontispiece \"\ *vt* -ED/-ING/-S : to supply with, show on, or act as a frontispiece
front-less \'frəntləs\ *adj* 1 : being without face or front 2 *archaic* : SHAMELESS
front-let \-lət, *usu* -ˌlid-ᵊ\ *n* -s [in sense 1, fr. ME *frontelette*, fr. MF *frontelet*, dim. of *frontel*; in other senses, fr. *¹front* + *-let* — more at FRONTAL] 1 a : FRONTAL, BROWBAND (a black velvet ~ just visible as a loop on the forehead —Doreen Yarwood) b : PHYLACTERY (~s between their eyes —Deut 6:8 AV) 2 : a fronting piece: as a : an architectural facade b : SUPERFRONTAL; *also* : a short valance over an altar front 3 a : the forehead esp. of a quadruped mammal b : the forehead of a bird when distinguished by a different color or texture of plumage
frontlighting \'ᵊ-ˌ\ *n* : the broad basic lighting of a photographic subject from the front or the side toward the camera
front line *n* 1 : a military line formed by the most advanced tactical units in a combat situation; *also* : the line or zone of contact with an enemy : FRONT 2 : the most advanced, responsible, or vanguard position in any field of activity or interest (certainly in the *front line* of antislavery agitation —F.S.Philbrick)
frontline \'ᵊ-ˌ\ *adj* [*front line*] : situated or suitable for use at the front (a new ~ ambulance —*Army Reserve Training Bull.*) : relating to advance activity or production (~ agricultural workers ... are ... in a constant struggle ... the schools are the ~ trenches —Paul Blanshard)
front man \'ᵊ-ˌ\ *n, pl* front men [*¹front*] 1 : FRONT (would almost certainly be used as a *front man* by whatever group succeeded in capturing him —R.C.Doty) (the *front men* of the leading law firms ... are usually ... the finest salesmen or diplomatic utilities —*Harper's*) (does business anonymously through *front men*) (has had a long career as a professional *front man* with no power —E.D.Canham) 2 a : a barker esp. for a show or circus (also acted for a short time as *front man* for a magician —*Current Biog.*) b : one who leads a dance orchestra (big bands tend to take their personality from the improvisations of the *front men* —*Time*)
front matter *n* : matter preceding the main text of a book — called also *preliminaries*; compare BACK MATTER
fronto- *comb form* [ISV, fr. L *front-*, *frons* forehead, brow, front — more at BRINK] 1 : frontal bone and (*frontoparietal*) 2 : frontal lobe and (*frontopontine*) 3 (*front* + *-o-*) : boundary of an air mass (*frontogenesis*)
front office *n* : the head or executive office; *specif* : the policy-making staff (play the genial host while ... worrying about what the *front office* will say when they turn to the liquor bill —R.D.Altick)
fron-to-genesis \ˌfrəntō, -rən-ᵊ+\ *n* [NL, fr. *fronto-* + L *genesis*] : the coming together of two dissimilar masses or currents of air in such a way that a distinct front is formed or sharpened between them and that they commonly react upon each other to bring both frontal and particular bones of the skull
frontoparietal suture *n* : CORONAL SUTURE
fron-to-pontine \"ᵊ+\ *adj* [*fronto-* + L *pont-*, *pons* bridge + *-ine*] : of or relating to both the frontal lobe and the pons
frontopontine tract *n* : a neural tract beginning in the frontal cortex and ending in the pons
front-page \'ᵊ-ˌ\ *adj* [*front page*] : of, relating to, or appearing on the front page of a newspaper : very newsworthy (*front-page* news) — opposed to *back-page*
¹front-page \"\ *vt* [*front page*] : to print (news) or report (an event) on the front page of a newspaper or periodical (every newspaper in the world *front-paged* the story —Walter White)
frontpiece \'ᵊ-ˌ\ *n* : the piece or part in or at the front of something
front-porch campaign *n* : a presidential campaign in which the candidate instead of stumping the country stays at home issuing written statements and making most of his speeches in his home community (as from his front porch)
front-rank \'ᵊ-ˌ\ *adj* [*front rank*] : being in the front rank : ranking among the best : of the first quality or importance : FIRST-RATE (emerges as a figure of *front-rank* importance in

the American social sciences —Eric Goldman)
front room *n* : LIVING ROOM, PARLOR
front-runner \'ᵊ-ˌ(ə-)ᵊ *n* 1 : a contestant who leads in the heat; *also* : one who can set his own pace leading contestant or one of the leading contestants (a rivalry or competition (the *front-runner* ... —T.L.Stokes) (one of the *front-runners* ... frozen-orange-juice derby —P.J.Kahn)
fronts *pres 3d sing* of FRONT, of FRONT
front sight *n* : the sight of a weapon nearest the muzzle
frontstall \'ᵊ-ˌ\ *n* : a plate of armor attached to the bridle with holes for the eyes and nostrils
front string *n* : an exposed stair stringer
front vault *n* : a vault in gymnastics executed by a run left in which the body is turned about the vertical axis a quarter turn forward so that the front of the body faces the apparatus
front wall *n* : the wall against which the ball is played in rackets game and from which every fair hit rebounds
front-ward \'frənt-wə(r)d\ *adv* [*¹front* + *-ward*] : toward the front : in a frontal direction (a *frontwards* ... over a distance of hundreds ... —Bliven b.1889) (practice sewing backwards —Clarence Poulin)
front-ways \'ᵊ-ˌwāz\ *adv* : from the front (looked first sideways and then ~)
front wheel *n* [*¹front* + *wheel*] : one of the two wheels of a vehicle (*front-wheel* drive) (*front-wheel* brakes)
front yard *n* : an area in front of a house
frop-pish \'fräpish\ *adj* [alter. of earlier *frapish*] *archaic* : PREVISH, PERVERSE
frore \'frō(ə)r, -ȯ(ə)r\ *adj* [ME *frorē*, fr. pp. of *froren* to freeze — more at FREEZE] *archaic* : FROZEN (the evening, whatever they be — and wet —C.G.Glover) (stood in a ~ —Eric Liddell)
frory \-brē, -drē, -trī\ *adj* [*frore* + *-y*] *archaic* : FROSTY
frosh \'frōsh\ *n, pl* frosh [by shortening] : FRESHMAN
¹frost \'frȯst *also* -ä-\ *n* -S [ME *frost*, *forst*, fr. OE, & ON *frost*; derivatives fr. the root of OE *freosan* to freeze — more at FREEZE] 1 a : the process of freezing : congelation b (1) : the condition or temperature of the freezing of water : freezing weather (2) : a covering of minute ice crystals on a surface that is formed by the condensation of atmospheric moisture at temperatures below freezing — called also *hoarfrost*; compare BLACK FROST (2) : the cause of such a covering and freezing regarded as a special agency (3) : FROST 2 a : coldness of deportment or manner : indifferent, reserved, or unfriendly manner (met with a slight ~ or tartness in their speech) b : something that meets with a cold reception : FAILURE (one small meeting can be a ~ an success —R.H.Rovere) (the trip proved a ~ ... a most disappointing ~ —Taylor) (the play was ... a most dismal ~ —Bennett)
²frost \"\ *vb* -ED/-ING/-S *vt* 1 : to roughen (nailheads or calks of horseshoes) so as to prevent slipping on ice 2 a : to cover with or as if with frost : to cause something to appear as if covered with frost (~ed the panels — a pastel dress —*McCall's Needlework*) (trees ... tends to produce foggy or frosty conditions over the ground over below —10°F —H.G.Armstrong) b : to coat (glass, metal or glass) a fine-grained sparkling or roughened surface with a distinctive pattern c : to give a dull or mat finish to (wind action 3 a : to injure by frost : FREEZE (the 2000 of 1950 ... trees ... were ~ed and ~ed the remaining 1000 —John Bird) b : to freeze so as to kill (~ed the crop (as buds) ~ *vi* 1 : to become frosted (the tumblers ~ing all day —Eugene Walter) 2 : to form frost (began to ~up —Robert Murphy) (I have ~ed and hugged the open fire ... to keep myself warm —Jack Kraus) — often used with *over* (all of the windows ~over —H.G.Armstrong) 2 : to dry with frost (~ing over a frosty window — used esp. of varnish)
frostbird \'ᵊ-ˌ\ *n* : any of various migratory birds at about the time of the first appearance of frost
¹frosted \'frȯstəd\ *adj* [*¹frost* + *-ed*] 1 : FROSTBITTEN; FROSTBITING; FROSTBITES : to blight or nip by freezing
²frostbitten \'ᵊ-ˌ\ *n* : the freezing or the local freezing of some part of the body (as the fingers or toes) so as to cause tissue nipped
frostbitten \'ᵊ-ˌ\ *adj* : FROSTBITTEN (~ grapes unsalable as fresh fruit)
frost-blite \'ᵊ-ˌ\ *n* 1 : LAMB'S-QUARTER; *esp* : a genus *Atriplex*
frost boil *n* : a defective spot in the surface of a road due to the pulverizing and softening action of frost
frost-bow \'ᵊ-ˌ\ *n* : a white arc in the sky opposite the sun in cold weather and is formed by reflection of the sun's rays from ice crystals : the parhelic circle that has the sun at its zenith and is not to be confused with a halo
frost crack *n* : a split in a tree trunk caused by freezing
frosted *adj* [fr. past part. of *¹frost*] 1 : covered with frost : HOARFROST or something like hoarfrost (~ leaves) b : ornamented with frosting (a ~ cake) 2 : etched with or as if with sand (~ glass) 3 : made white or dim by age (a wild ~ look —Judson Philips) (his eyes were at most times a frosted blue —Maude Brown) 4 : cold or distant in manner : ARROGANT, STUCK-UP (they ... come on like gangbusters —*Time*) 5 : quick-frozen for preservation and distribution (~ vegetables) — **frost-ed-ly** *adv*
frosted cream *n* : ice cream added to a thick sweet chocolate syrup) and shaken or stirred (chocolate ~) — compare FLOAT 14
frosted hat *n* : any of various bats having the fur obscured by intermingled white or yellow hairs
frosted summer *n* : INDIAN SUMMER (*Vespertilio*)
frosted rustic *adj* : having the marginal area of each plane parallel to the plane of the wall (~ siding) — used of part having an irregular surface — used esp. in *frosted rustic work*
frosted work *n* : an unmarred scale finish (as of metal) that has a body covered with a frosting (as of gold) (a peach and apricot tree)
frost-er \'ᵊ-(t)ə\ *n* -S 1 : one that frosts (a cake ~ who produces a frosted appearance (a ~ for metal) (the frosts by hand or by machine) 2 : a tool that roughs out the ground for a wood carving
frostfish \'ᵊ-ˌ\ *n* 1 : TOMCOD 1a 2 : a fish of the genus *Zeus* : a scabbard fish (*Lepidopus caudatus*)
frost flower *n* 1 a : a small bulbous herb (*Polianthes tuberosa*) of Mexico and the southwestern U.S.; its fragrant flower — called also *floating star* b : ASTER 2 : FROSTWEED 2 : an ice crystal formation *esp* : one formed on the ground or in the air
frost grape *n* 1 : CHICKEN GRAPE 2 : FROSTWEED
frost gray *n* : a nearly neutral slightly bluish gray that is very slightly bluer than Quaker gray or *chateau gray*
frost gull *n* : BONAPARTE'S GULL
frost heave *or* **frost heaving** *n* : an upheaval of ground by freezing of moist soil (as under a road)
frost-i-ly \'frȯstᵊl-ē, -li\ *adv* : to a frosty degree : in a chilly, reserved, or distant manner (behaved ~)
frost-i-ness \-tēnəs, -tin-\ *n* -ES : the quality or state of being frosty or frigid (often criticized for ... modern art —*Newsweek*)
frost-ing \'frȯs-tiŋ\ *n* -S 1 a : ICING (a ~ of caramel and nuts) (white angora ~ on cuffs and collar —*McCall's Needlework*) 2 : lustering glass : MAT 3 : a finely pulverized glass used in varnish and glue esp. to frost paper and

Merriam-Webster

SINCE 1828
Menu

- JOIN MWU

Gain access to thousands of additional definitions and advanced search features—ad free! JOIN NOW

- GAMES
- BROWSE THESAURUS
- WORD OF THE DAY
- VIDEO
- MORE
  WORD OF THE DAY VIDEO WORDS AT PLAYFAVORITES
- WORDS AT PLAY
- FAVORITES

Facebook Twitter YouTube Instagram

front

dictionary thesaurus

- JOIN MWU
- GAMES
- THESAURUS
- WORD OF THE DAY
- VIDEO
- WORDS AT PLAY
- FAVORITES

Follow: Facebook Twitter YouTube Instagram

front

noun
\ 'front \

Definition of *front*

(Entry 1 of 4)

1a : forehead also : the whole face
b : external and often feigned appearance especially in the face of danger or adversity
2a(1) : vanguard
(2) : a line of battle
(3) : a zone of conflict between armies
b(1) : a stand on an issue : policy
(2) : an area of activity or interest progress on the educational front
(3) : a movement linking divergent elements to achieve common objectives especially : a political coalition
3 : a side of a building especially : the side that contains the principal entrance
4a : the forward part or surface
b(1) : frontage
(2) : a beach promenade at a seaside resort
c : dickey sense 1a
d : the boundary between two dissimilar air masses
5 archaic : beginning
6a(1) : a position ahead of a person or of the foremost part of a thing
(2) —used as a call by a hotel desk clerk in summoning a bellhop
b : a position of leadership or superiority
7a : a person, group, or thing used to mask the identity or true character or activity of the actual controlling agent
b : a person who serves as the nominal head or spokesman of an enterprise or group to lend it prestige
in front of
: directly before or ahead of
out front
: in the audience

front

verb
fronted; fronting; fronts

Definition of *front* (Entry 2 of 4)

intransitive verb

LEARN MORE FROM M-W



The Sartorial Secret Behind the 'Schneid'

1 : to have the front or principal side adjacent to something also : to have frontage on something a ten-acre plot fronting on a lake — *Current Biography*
2a : to act or serve as a cover or front (see front entry 1 sense 7a) for something or someone ... a new initiative targeting brothels and massage parlors fronting for sex trafficking rings.— St. John Barned-Smith
b US, informal : to assume a fake or false personality to conceal one's true identity and character Don't front, don't put something out there that you feel isn't realistic and doesn't portray who you are.— Chloë Grace Moretz Look, we all know you got your heart broken. Stop fronting and write a love song.— Allison Keyes

transitive verb

1a : confront went to the woods because I wished ... to front only the essential facts of life— H. D. Thoreau
b : to appear before daily fronted him in some fresh splendor— Alfred Tennyson
2a : to be in front of a lawn fronting the house
b : to be the leader of (a musical group) appeared as a soloist and fronted bands
3 : to face toward or have frontage on the house fronts the street
4 : to supply a front to fronted the building with bricks
5a : to articulate (a sound) with the tongue farther forward
b : to move (a word or phrase) to the beginning of a sentence
6 basketball : to play in front of (an opposing player) rather than between the player and the basket
7 : to give (someone) the money, material, etc. needed to do something : advance sense 7 She fronted them a loan to get the start-up going.

front

adjective

Definition of *front* (Entry 3 of 4)

1a : of, relating to, or situated at the front
b : acting as a front front company
2 : articulated at or toward the front of the oral passage front vowels
3 : constituting the first nine holes of an 18-hole golf course

front

abbreviation

Definition of *front* (Entry 4 of 4)

frontispiece

↓ Other Words from *front* ↓ Synonyms & Antonyms ↓ More Example Sentences ↓ Learn More about *front*

Keep scrolling for more

Other Words from *front*

Adjective

front adverb

Synonyms & Antonyms for *front*

Synonyms: Noun

facade (also façade), face, forehead, forepart

Synonyms: Verb

face, look (toward), point (toward)

Synonyms: Adjective

anterior, fore, forward, frontal, frontward (or frontwards)

Antonyms: Noun

back, rear, rearward, reverse

Antonyms: Adjective

aft, after, hind, hinder, hindmost, posterior, rear, rearward

Visit the Thesaurus for More »

Examples of *front* in a Sentence

Noun

the *front* of the church features a magnificent stained-glass window that smile is just a *front*—I don't think she actually likes me at all
See More

Recent Examples on the Web: Verb

El Cigala *fronts* a ten-member band in his first Chicago date since 2011.— Peter Margasak, *Chicago Reader*, "Flamenco singer Diego el Cigala pushes his Spanish roots into the fiery sound of New World salsa on Indestructible," 29 Mar. 2018 Commissioners put off a vote on the project last month so Hudson Holdings could scale back some parts of the project — changes included splitting one of the buildings into two and moving back a part of a building *fronting* Atlantic Avenue.— Aric Chokey, *Sun-Sentinel.com*, "Midtown Delray development project inches closer to approval," 5 Mar. 2018

These example sentences are selected automatically from various online news sources to reflect current usage of the word 'front.' Views expressed in the examples do not repres Webster or its editors. Send us feedback.

See More

First Known Use of *front*

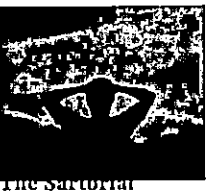
Noun

13th century, in the meaning defined at sense 1a

Verb

1523, in the meaning defined at intransitive sense 1

LEARN MORE FROM M-W



The Sartorial Secret Behind the 'Schneid'

Adjective

1600, in the meaning defined at sense 1a

History and Etymology for *front*

Noun

Middle English, from Anglo-French *frunt, front*, from Latin *front-, frons*

Keep scrolling for more

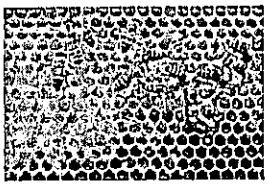
Learn More about *front*

Share *front*

Resources for *front*

Time Traveler! Explore the year a word first appeared

From the Editors at Merriam-Webster



Welcome to the New Words

Welcome to the New Words

We've expanded the dictionary with more than 250 words and definitions

Dictionary Entries near *front*

Frondizi

frondlet

frondose

front

frontage

frontager

frontage road

Statistics for *front*

Look-up Popularity

Top 30% of words

Time Traveler for *front*

The first known use of *front* was in the 13th century

See more words from the same century

Keep scrolling for more

More Definitions for *front*

front

noun

English Language Learners Definition of *front*

(Entry 1 of 3)

: the forward part or surface of something : the part of something that is seen first
: a place, position, or area that is most forward or is directly ahead
: the part of your body that faces forward and includes your face and chest

front

verb

English Language Learners Definition of *front* (Entry 2 of 3)

: to have the face or front toward (something)
: to be the leader or lead singer of (a musical group)

LEARN MORE FROM M-W



The Sartorial Secret Behind the 'Schneid'

British : to host or present (a radio or TV program)

front

adjective

English Language Learners Definition of *front* (Entry 3 of 3)

: of or relating to the front : located at the front
golf —used to refer to the first 9 holes of an 18-hole golf course

See the full definition for *front* in the English Language Learners Dictionary

front

noun
\ 'front \

Kids Definition of *front*

(Entry 1 of 3)

1 : the forward part or surface the *front* of a shirtI stood at the *front* of the line.
2 : a region in which active warfare is taking place
3 : the boundary between bodies of air at different temperatures a cold *front*
in front of
: directly before or ahead of She sat *in front of* me.

front

verb
fronted; fronting

Kids Definition of *front* (Entry 2 of 3)

: face entry 2 sense 1 Their cottage *fronts* the lake.

front

adjective

Kids Definition of *front* (Entry 3 of 3)

: situated at the front *front* legsthe *front* door

front

noun

Legal Definition of *front*

: something or someone (as a person or group) used to mask the identity or true character or activity of the actual person or organization in control

Other Words from *front*

front verb

Keep scrolling for more

More from Merriam-Webster on *front*

Rhyming Dictionary: Words that rhyme with *front*

Thesaurus: All synonyms and antonyms for *front*

Spanish Central: Translation of *front*

Nglish: Translation of *front* for Spanish Speakers

Britannica English: Translation of *front* for Arabic Speakers

Britannica.com: Encyclopedia article about *front*

Comments on *front*

What made you want to look up *front*? Please tell us where you read or heard it (including the quote, if possible).

SHOW COMMENTS ⊕

LEARN MORE FROM M-W



The Sartorial Secret Behind the 'Schneid'

Merriam-Webster

SINCE 1828
Menu

- JOIN MWU

Gain access to thousands of additional definitions and advanced search features—ad free! JOIN NOW

- GAMES
- BROWSE THESAURUS
- WORD OF THE DAY
- VIDEO
- MORE
  WORD OF THE DAY VIDEO WORDS AT PLAYFAVORITES
- WORDS AT PLAY
- FAVORITES

Facebook Twitter YouTube Instagram

back

dictionary thesaurus

- JOIN MWU
- GAMES
- THESAURUS
- WORD OF THE DAY
- VIDEO
- WORDS AT PLAY
- FAVORITES

Follow: Facebook Twitter YouTube Instagram



back

noun
\ 'bak \
plural backs

Definition of *back*

(Entry 1 of 5)

1a(1) : the rear part of the human body especially from the neck to the end of the spine
(2) : the body considered as the wearer of clothes They were left with nothing but the clothes on their backs.
(3) : capacity for labor, effort, or endurance Put your back into it!
(4) : the back considered as the seat of one's awareness of duty or failings get off my back
(5) : the back considered as an area of vulnerability the police officer's partner always watches his back
b : the part of a lower animal (such as a quadruped) corresponding to the human back riding on the back of an elephant
c : spinal column She had surgery on her back.
d : spine sense 1c The title is on the book's back.
2a : the side or surface opposite the front or face I only saw him from the back.: the rear part the back of the headthe back of the mirroralso : the farther or reverse side wrote the number on the back of an envelope
b : something at or on the back for support back of a chair
c : a place away from the front sat in back
3 : a position in some games (such as football or soccer) behind the front line of players also : a player in this position a defensive back
4 informal : a swimming race in which swimmers use the backstroke She placed first in the 100-meter back.
back of one's hand or back of the hand
: a show of contempt
back of one's mind
: the part of one's mind where thoughts and memories are stored to be drawn on
behind one's back
: without one's knowledge talking about me *behind my back*
in back of
: behind One day, I was sitting in the tiny parlor *in back of* the store ...— John McNulty

back

adverb

Definition of *back* (Entry 2 of 5)

1a : to, toward, or at the rear asked the crowd to move back
b : in or into the past : backward in time looking back on her youthan event back in the last centuryBack then, no one had ever heard of chronic fatigue syndrome. also : ago several years back met him in the street two days back
c : to or at an angle off the vertical leaned back on his chair

d(1) : under restraint He wanted to fight but his friends held him back.holding back a laugh
(2) : in a delayed or retarded condition Bad weather set the launch date back several days.
e : in an inferior or secondary position especially : behind a competitor in points or ranking finished three strokes back
2a : to, toward, or in a place from which a person or thing came She left home and never went back.put the book back
b : to or toward a former state went back to private life
c : in return or reply forgot to write back

back

adjective

Definition of *back* (Entry 3 of 5)

1a : being at or in the back back door
b : distant from a central or main area back roads
c of a speech sound : articulated at or toward the back of the oral passage : formed deep within the mouth back vowels
2 : having returned or been returned
3 : being in arrears : overdue is owed several months in back pay
4 : moving or operating backward : reverse back action with oars
5 : not current back issues of a magazine
6 golf : constituting the final 9 holes of an 18-hole course

back

verb
backed; backing; backs

Definition of *back* (Entry 4 of 5)

transitive verb

1a : to support by material or moral assistance backing a candidate for governor—often used with *up* back up a friend in a fight
b : substantiate —often used with *up* needs to back up her argument with evidence
c : to assume financial responsibility for back a new company
d : to provide musical accompaniment for —often used with *up* a singer backed up by a guitarist
2a : to cause to go back (see back entry 2 sense 1a) or in reverse back the car into the garage
b : to articulate (a speech sound) with the tongue farther back : to form deeper within the mouth
3a : to furnish with a rear part : to furnish with a back (see back entry 1 sense 2) back a skirt with stiff material
b : to be at the rear part of : to be at the back (see back entry 1 sense 2) of a row of garages back the building

intransitive verb

1 : to move backward backed into a parking space—often used with *up* back up to give him some spaceLet's back up a little to clarify what we're saying.
2 of the wind : to shift counterclockwise — compare veer entry 1 sense 2
3 : to have the rear part facing in the direction of something The house backs onto a golf course.
back and fill
1 nautical : to manage the sails of a ship so as to keep it clear of obstructions as it floats down with the current of a river or channel
2 : to take opposite positions alternately : shilly-shally has been *back and filling* on the issue
back into
: to get into inadvertently *backed into* the antiques business

Back

geographical name
\ 'bak \

Definition of *Back* (Entry 5 of 5)

river 605 miles (974 kilometers) long in Nunavut, Canada, rising along the border with the Northwest Territories and flowing east-northeast into the Arctic Ocean

Other Words from *back* Synonyms & Antonyms Choose the Right Synonym More Example Sentences Learn More about *back*

Keep scrolling for more

Other Words from *back*

Noun

backed \ 'bakt \ adjective
backless \ 'bak-ləs \ adjective

Verb

backer \ 'ba-kər \ noun

Synonyms & Antonyms for *back*

Synonyms: Noun

rear, reverse, tail

Synonyms: Adverb

ago, agone [archaic], since, syne [chiefly Scottish]

Synonyms: Adjective

aft, after, hind, hinder, hindmost, posterior, rear, rearward

Synonyms: Verb

advocate, champion, endorse (also indorse), patronize, plump (for), plunk (for) or plonk (for), support

Antonyms: Noun

face, forehead, forepart, front

Antonyms: Adverb

hence

Antonyms: Adjective

anterior, fore, forward, front, frontal

Visit the Thesaurus for More

Choose the Right Synonym for *back*

Verb

support, uphold, advocate, back, champion mean to favor actively one that meets opposition. support is least explicit about the nature of the assistance given. *supports* waterfront development uphold implies extended support given to something attacked. *upheld* the legitimacy of the military action advocate stresses urging or pleading. *advocated* prison reform back suggests supporting by lending assistance to one failing or falling. refusing to *back* the call for sanctions champion suggests publicly defending one unjustly attacked or too weak to advocate his or her own cause. *championed* the rights of children

recede, retreat, retract, back mean to move backward. recede implies a gradual withdrawing from a forward or high fixed point in time or space. the flood waters gradually *receded* retreat implies withdrawal from a point or position reached. *retreating* soldiers retract implies drawing back from an extended position. a cat *retracting* its claws back is used with *up, down, out,* or *off* to refer to any retrograde motion. *backed* off on the throttle

Examples of *back* in a Sentence

Noun

She was carrying her little daughter on her *back*. She has a pain in the small of her *back*.
See More

Recent Examples on the Web: Noun

The maker of Revlon hair dryers and Pert shampoo has put the business up for sale, according to people familiar with the matter, as shoppers turn their *backs* on mass-market personal-care brands.— Sharon Terlep, *WSJ*, "Owner of Revlon Hair Dryers, Pert Shampoo Looks to Exit Beauty Business," 10 Mar. 2019 The high-rise lands just above my belly button, without space leftover in the *back*; my thighs and butt, meanwhile, are hugged by the fabric, not choked.— *Glamour*, "These American Eagle Jeans Solve This Annoying Denim Problem for Good," 7 Mar. 2019

These example sentences are selected automatically from various online news sources to reflect current usage of the word 'back.' Views expressed in the examples do not represent the opinion of Merriam-Webster or its editors. Send us feedback.

See More

First Known Use of *back*

Noun

before the 12th century, in the meaning defined at sense 1a(1)

Adverb

13th century, in the meaning defined at sense 1a

Adjective

15th century, in the meaning defined at sense 1a

Verb

1548, in the meaning defined at transitive sense 1a

History and Etymology for *back*

Noun

Middle English, from Old English *bæc*; akin to Old High German *bah* back, Old Norse *bak*

Adverb

Middle English *bac*, aphetic form of *abak* aback

Adjective

Middle English, partly attributive use of *bac, back* back entry 1, partly derivative of *back* back entry 2

Verb

verbal derivative of back entry 1

Keep scrolling for more

Learn More about *back*

Share *back*

Resources for *back*

Time Traveler! Explore the year a word first appeared

Watch More on *back*

Google Maps 1648 E Joppa Rd

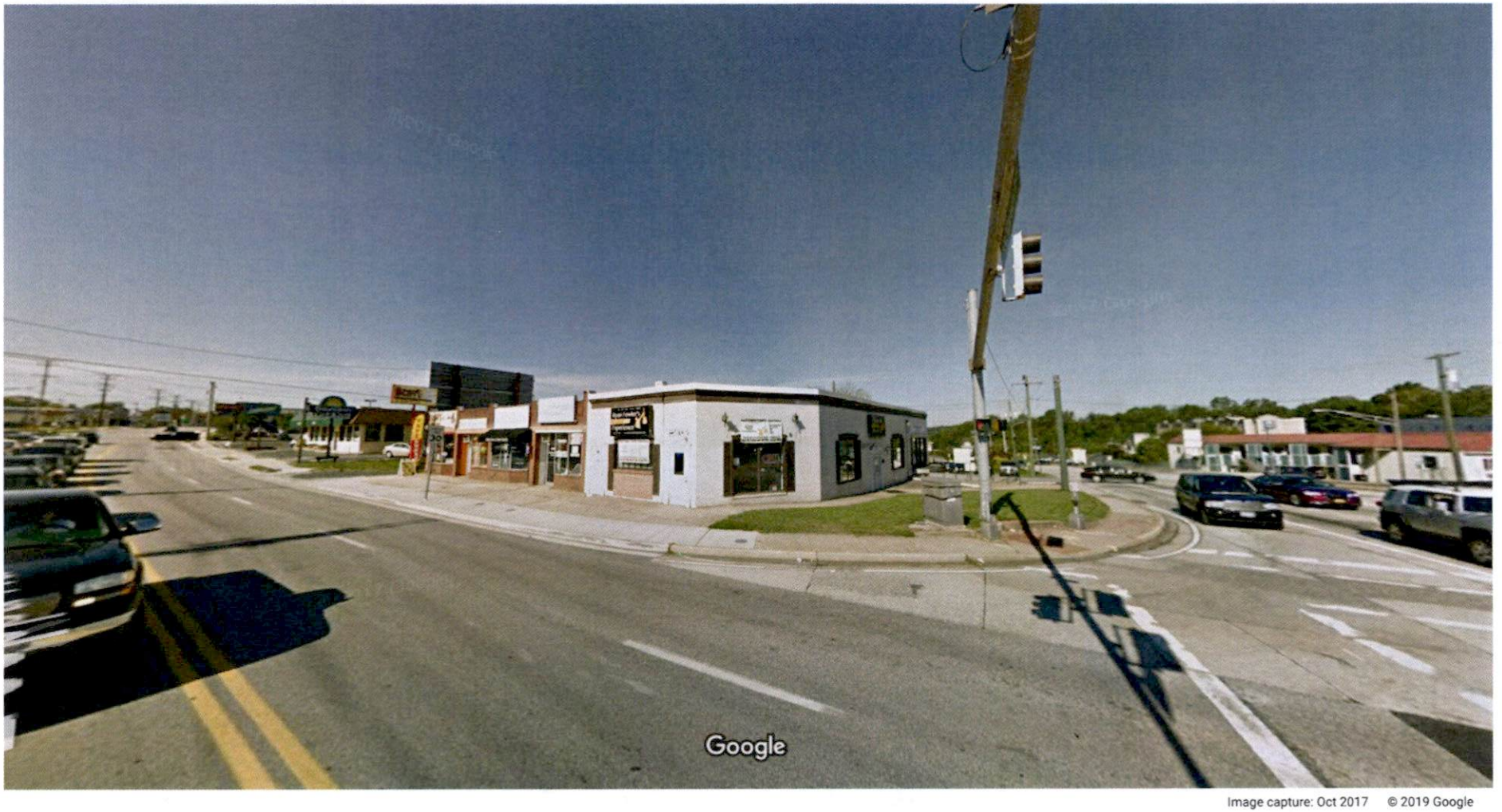


Image capture: Oct 2017 © 2019 Google

Towson, Maryland

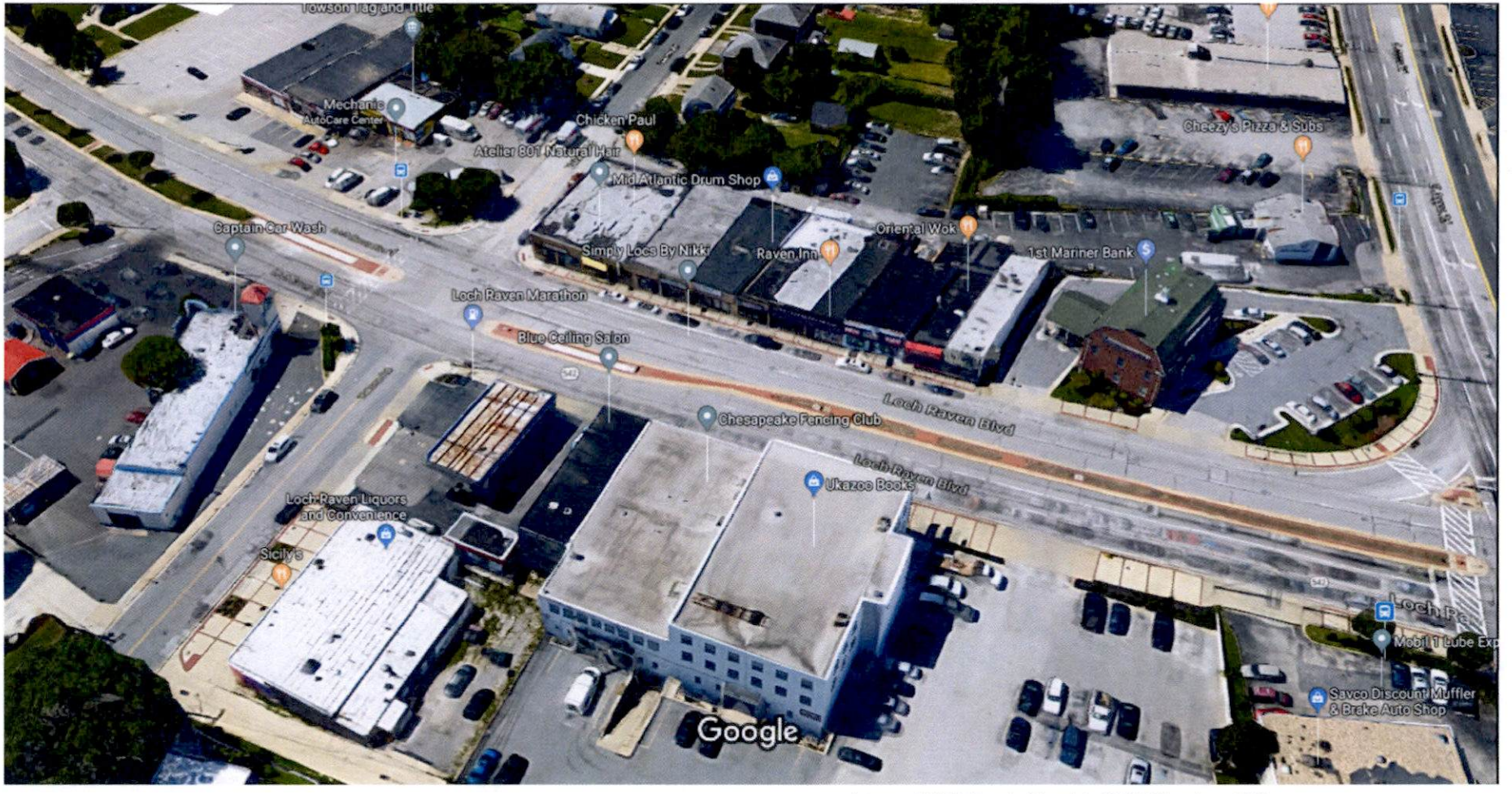
Google

Street View - Oct 2017

People's Counsel
CBA Exhibit

15

Google Maps 1641 E Joppa Rd



Imagery ©2019 Google, Map data ©2019 Google 50 ft

Google Maps 1641 E Joppa Rd



Imagery ©2019 Google, Map data ©2019 Google 100 ft

Google Maps 8701 MD-542

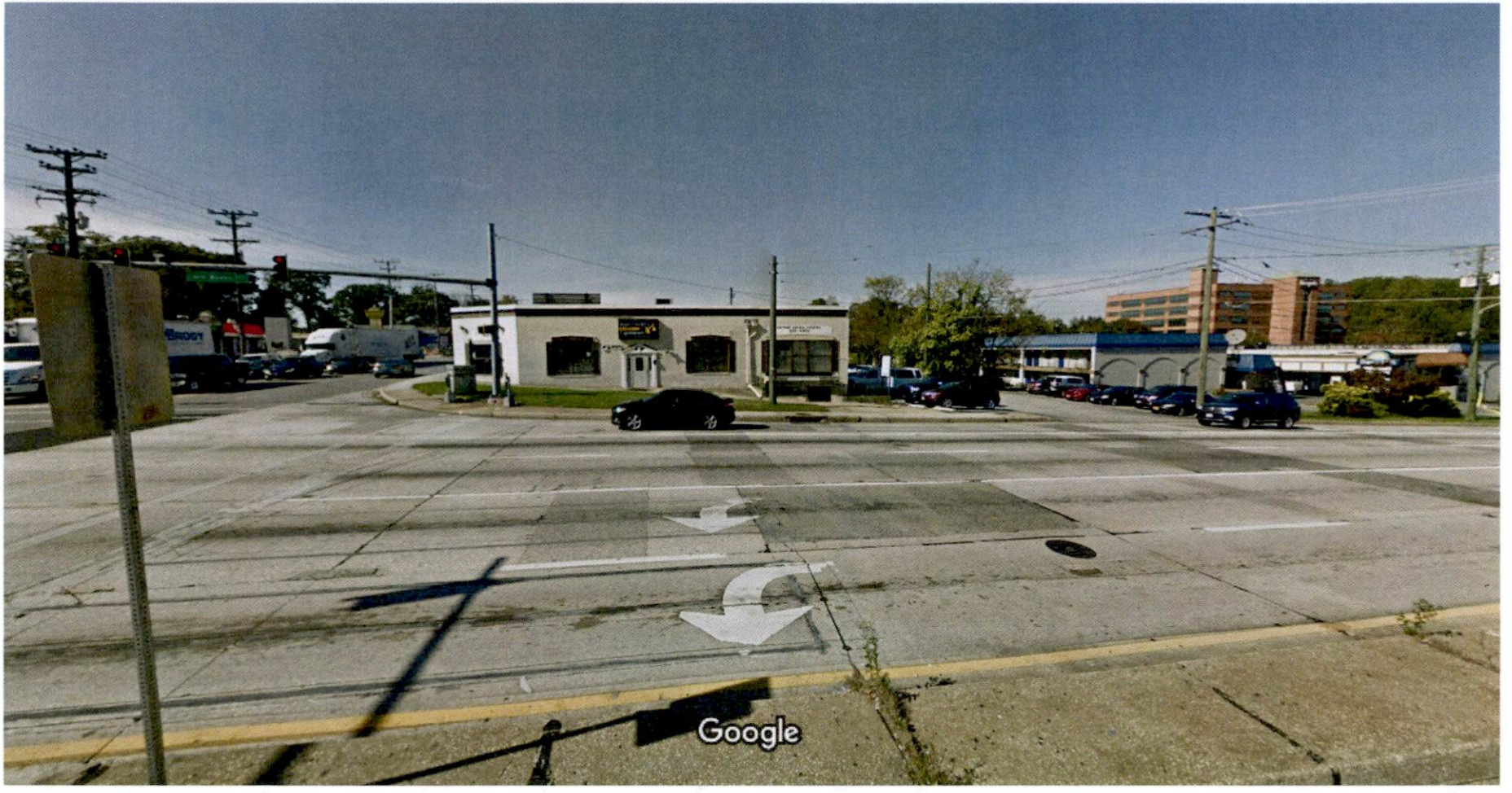


Image capture: Oct 2017 © 2019 Google

Towson, Maryland

Google

Street View - Oct 2017

Google Maps MD-542



Image capture: Oct 2017 © 2019 Google

Towson, Maryland

Google

Street View - Oct 2017

Google Maps MD-542

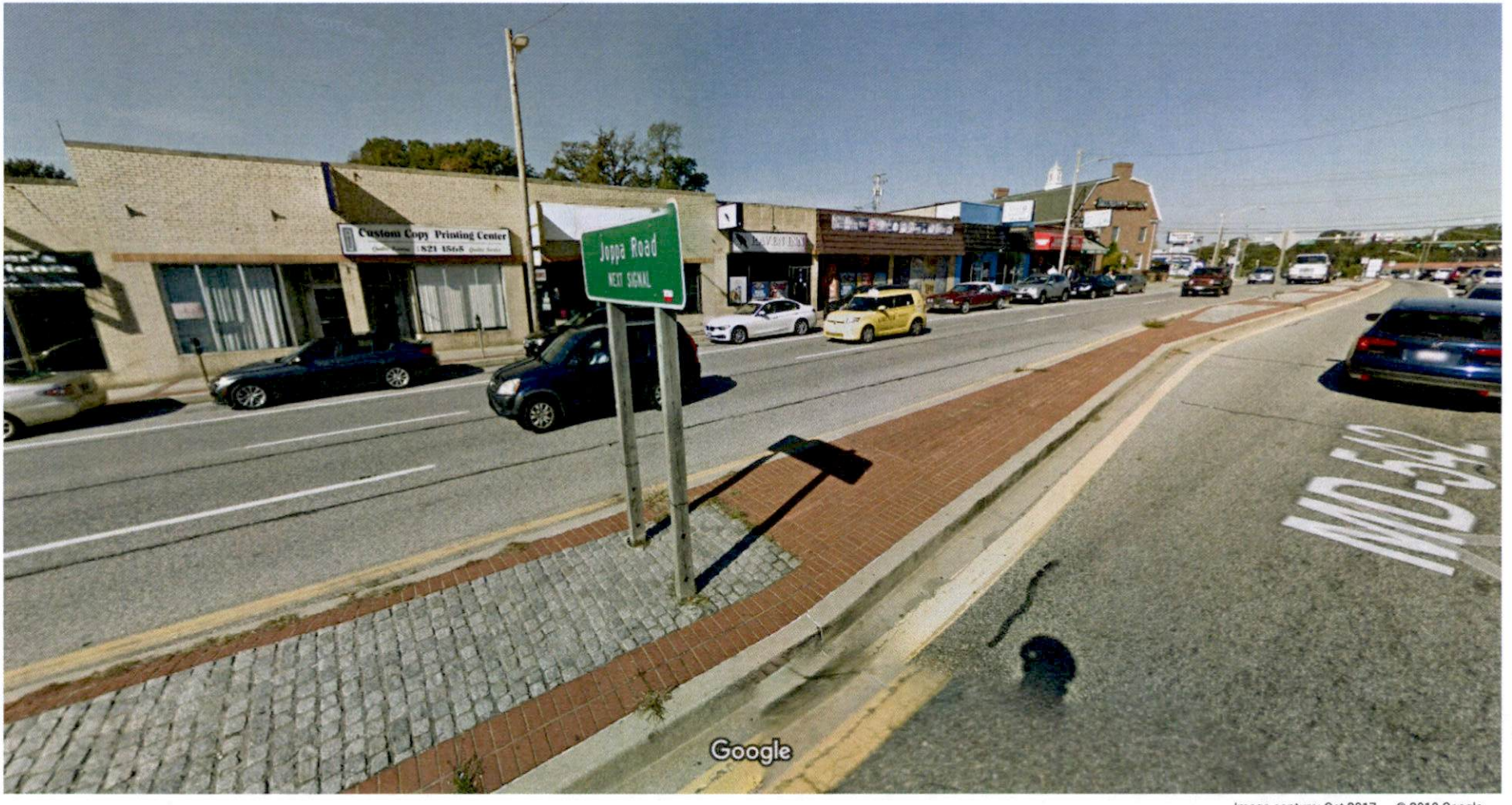
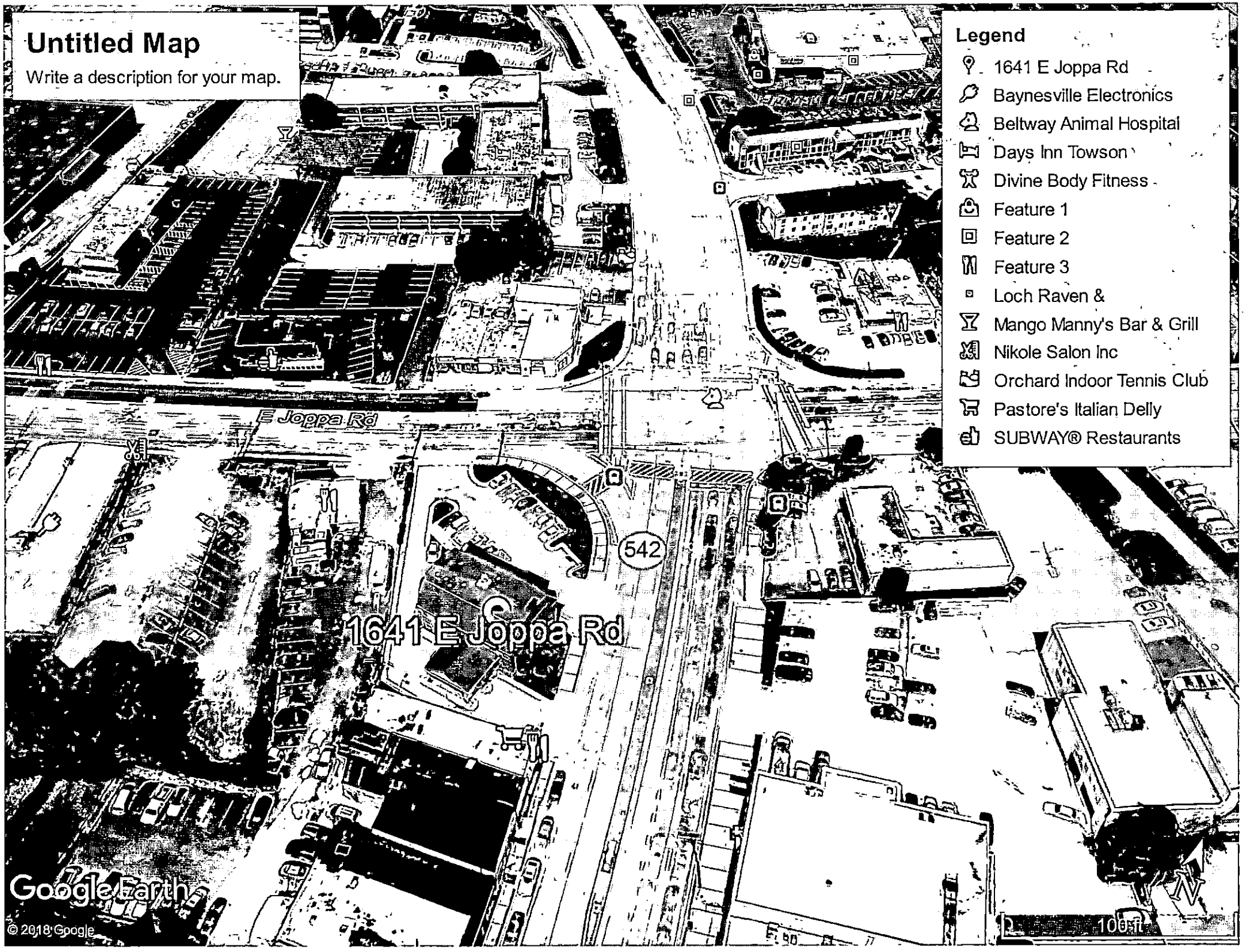


Image capture: Oct 2017 © 2019 Google

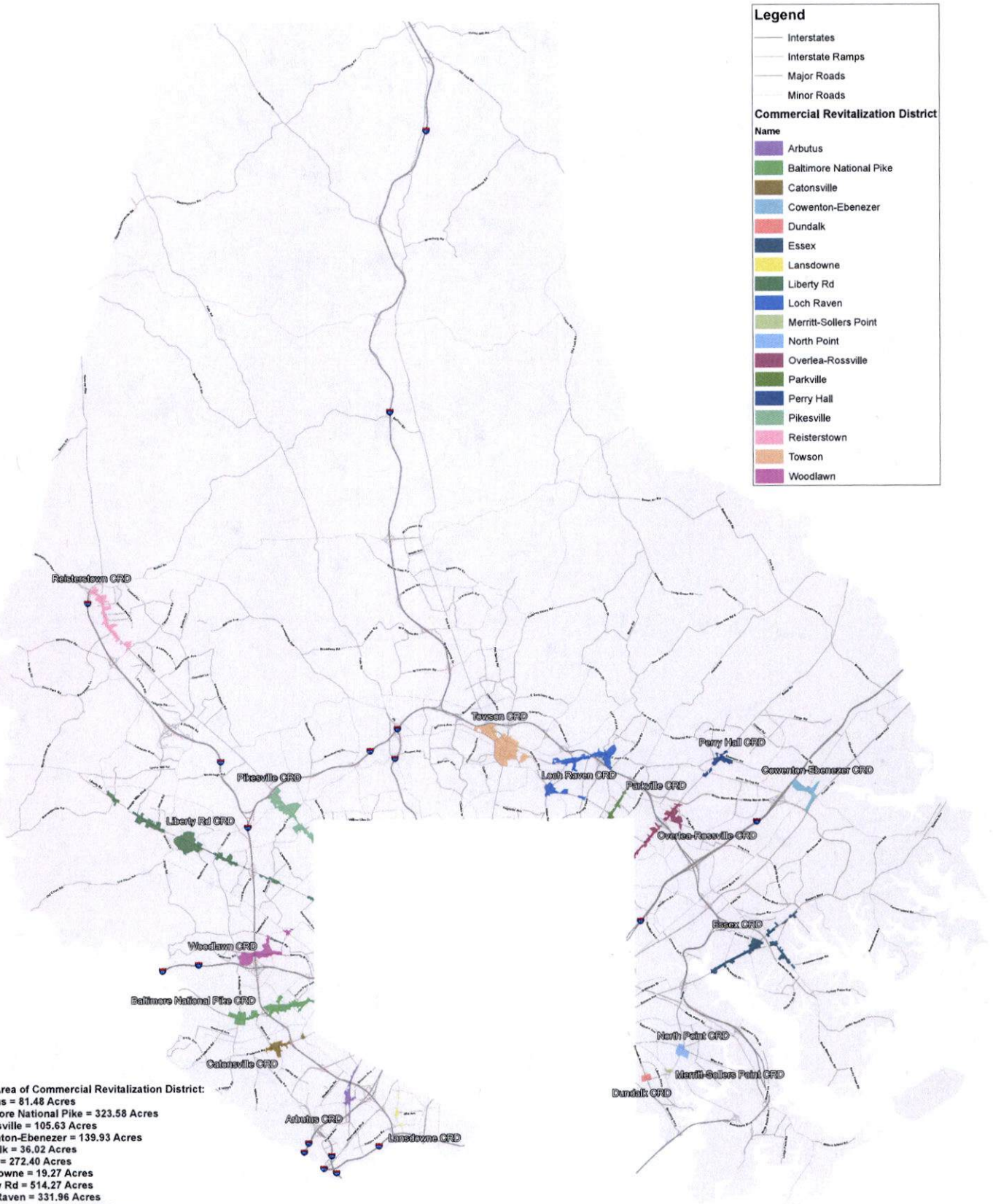
Towson, Maryland

Google

Street View - Oct 2017


Untitled Map
Write a description for your map.
Legend
1641 E Joppa Rd
Baynesville Electronics
Beltway Animal Hospital
Days Inn Towson
Divine Body Fitness
Feature 1
Feature 2
Feature 3
Loch Raven &
Mango Manny's Bar & Grill
Nikole Salon Inc
Orchard Indoor Tennis Club
Pastore's Italian Delly
SUBWAY® Restaurants
E Joppa Rd
542
1641 E Joppa Rd
Google Earth
© 2018 Google
100 ft
N

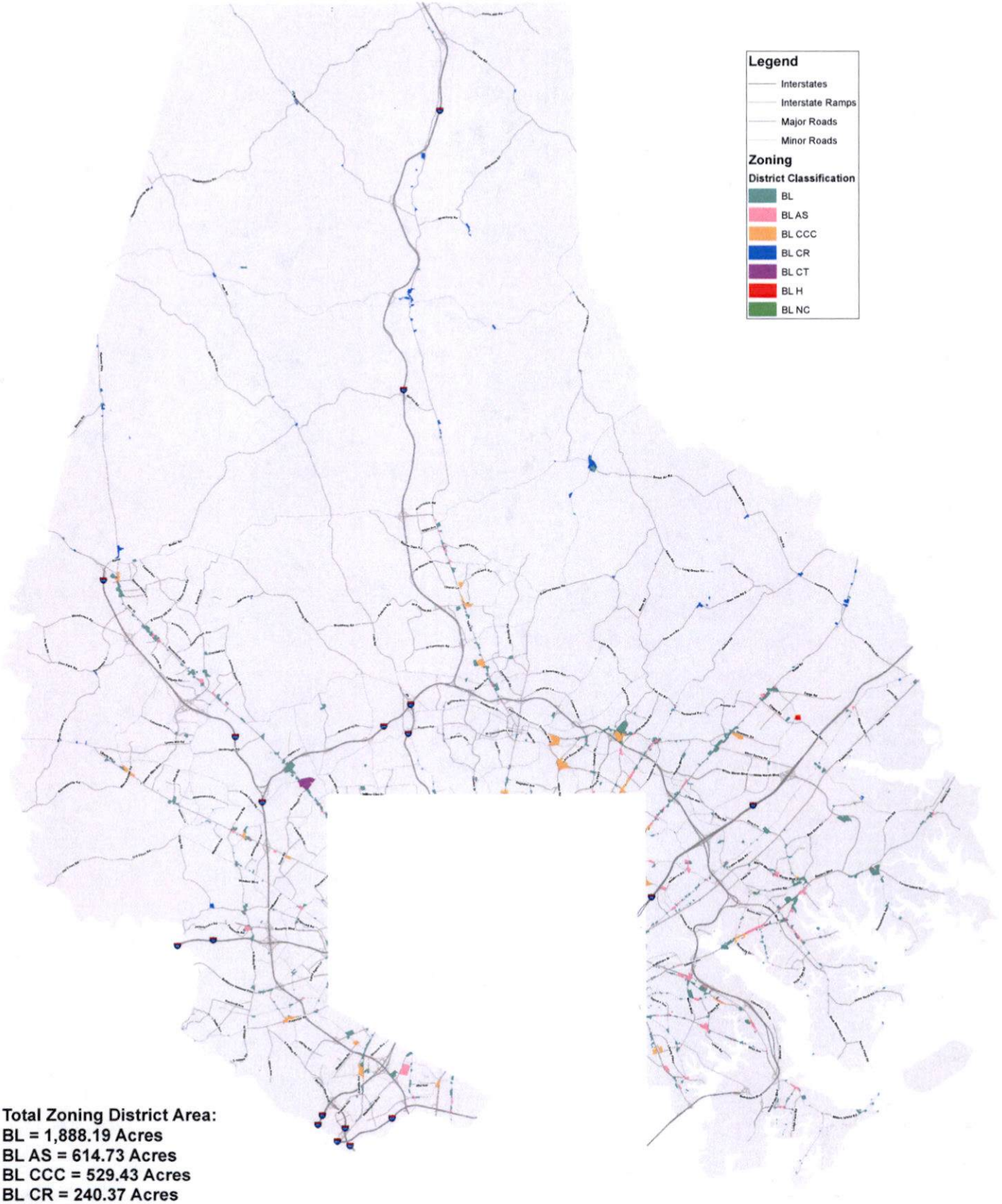
Commercial Revitalization Districts 2019



Total Area of Commercial Revitalization District:
Arbutus = 81.48 Acres
Baltimore National Pike = 323.58 Acres
Catonsville = 105.63 Acres
Cowenton-Ebenezer = 139.93 Acres
Dundalk = 36.02 Acres
Essex = 272.40 Acres
Lansdowne = 19.27 Acres
Liberty Rd = 514.27 Acres
Loch Raven = 331.96 Acres
Merritt-Sollers Point = 13.37 Acres
North Point = 68.54 Acres
Overlea-Rossville = 191.91 Acres
Parkville = 55.33 Acres
Perry Hall = 91.12 Acres
Pikesville = 301.80 Acres
Reisterstown = 245.55 Acres
Towson = 473.33 Acres
Woodlawn = 236.27 Acres

People's Counsel
CBA Exhibit
16 (Miniature)

BL Zoning Districts 2019



Total Zoning District Area:
BL = 1,888.19 Acres
BL AS = 614.73 Acres
BL CCC = 529.43 Acres
BL CR = 240.37 Acres
BL CT = 71.47 Acres
BL H = 14.91 Acres
BL NC = 3.39 Acres

People's Counsel
CBA Exhibit

17 (Mini)

Proposed changes to Loch Raven commercial district would tighten design standards

By **Jon Meoli, jmeoli@tribune.com**

FEBRUARY 20, 2013, 12:26 PM

County Councilman David Marks on Wednesday announced a bill that would reform and tighten design standards for new projects in the Loch Raven commercial revitalization district.

"Community leaders have talked about reducing some of the visual clutter along Joppa Road and Loch Raven Boulevard for years, and now is the time to do it," Marks, whose 5th District stretches from Towson east to Perry Hall, said in a statement.

Advertisement

Bill 13-13, which was introduced Tuesday, reduces the district's size east of Loch Raven Boulevard so resources and efforts can be focused on the area around Joppa Road and Loch Raven Boulevard, Marks said in the statement.

According to Marks, the remaining area would comprise three sub-districts: Baynesville near Joppa Road and Loch Raven Boulevard, Hillendale near Loch Raven Boulevard and Taylor Avenue, and Satyr Hill near Joppa Road and Perring Parkway.

People's Counsel
CBA Exhibit
18

In Hillendale and Baynesville, new construction would require approval from the county's Design Review Panel, which consists of architects and engineers, Marks said.

"When new construction occurs in these areas, it will be subject to tighter standards so we can hopefully have much more attractive buildings," Marks said in the statement. "We will have to live with new construction for 40 or 50 years, so let's make it look better."

Copyright © 2019, The Baltimore Sun, a Baltimore Sun Media Group publication | Place an Ad

This 'attr(data-c-typename)' is related to: David Marks

Missing comments? We've turned off comments across Baltimore Sun while we review our commenting platform and consider ways to improve the system. If you purchased points through the Solid Opinion platform and would like a refund, please let us know at circsupport@tronc.com.

Home / News

https://www.avenuenews.com/news/marks-proposes-restructuring-loch-raven-commercial-revitalization-district/article_feb6b2ba-7c22-11e2-af46-001a4bcf887a.html

FEATURED

Marks proposes restructuring Loch Raven commercial revitalization district

Feb 21, 2013



Under Councilman David Marks' proposed legislation, the Loch Raven district would shrink in the east so that county resources could be better focused on the area centered at Joppa Road and Loch Raven Boulevard. The district would be splintered into three district subareas: Baynesville near Joppa Road and Loch Raven Boulevard; Hillendale near Loch Raven Boulevard and Taylor Avenue; Satyr Hill near Joppa Road and Perring Parkway.

Baltimore County Councilman David Marks has introduced legislation that would restructure the existing Loch Raven commercial revitalization district and tighten the design standards for new construction in this area.

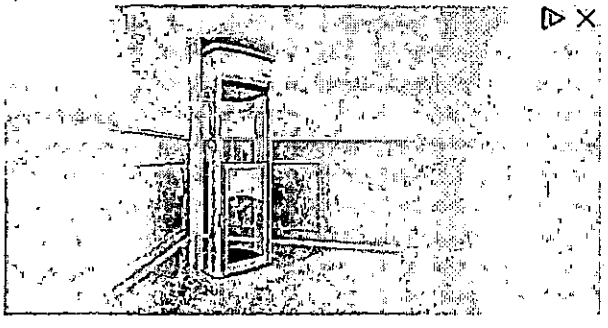
Under the proposed legislation, expected to be voted on at the March 19 council session, the Loch Raven district would shrink in the east so that county resources could be better focused on the area centered at Joppa Road and Loch Raven Boulevard.

The district would be splintered into three district subareas:

Baynesville near Joppa Road and Loch Raven Boulevard;

Hillendale near Loch Raven Boulevard and Taylor Avenue;

Satyr Hill near Joppa Road and Perring Parkway.



Residential Elevators
The Home Elevator That Fits in Easily, And Is Easy To Fit. Enquire Online Now
Stiltz Lifts OPEN >

In two of those areas, Baynesville and Hillendale, new construction would be subject to the Baltimore County Design Review Panel, a body of professional architects and engineers.

The goal is to improve the look of future development," Marks said in a press statement, and minor changes would not be subject to review.

"Community leaders have talked about reducing some of the visual clutter along Joppa Road and Loch Raven Boulevard for years, and now is the time to do it," Marks said. "When new construction occurs in these areas, it will be subject to tighter standards so we can hopefully have much more attractive buildings. We will have to live with new construction for 40 or 50 years, so let's make it look better."

Loch Raven Master Plan
Feb 21, 2013

Loch Raven Revitalization Plan
Feb 21, 2013

Community leaders have talked about reducing some of the visual clutter along Joppa Road and Loch Raven Boulevard for years, and now is the time to do it. When new construction occurs in these areas, it will be subject to tighter standards so we can hopefully have much more attractive buildings. We will have to live with new construction for 40 or 50 years, so let's make it look better."



A LifeBridge Health Partner
ExpressCare
URGENT CARE CENTERS

Visit us on-line to find an ExpressCare Center i
why wait in the E

Politics & Government (https://Patch.com/Maryland/Parkville/Politics)

Design Review Coming to Baynesville, Hillendale

Community leaders say they welcome county regulations that will improve the commercials areas that are the gateways to both neighborhoods.

By Bryan P. Sears, Patch Staff (https://patch.com/users/bryan-p-sears-2) | Mar 19, 2013 5:11 am ET | Updated Mar 19, 2013 3:23 pm ET

(https://patch.com/maryland/parkville/amp/14355513/design-review-coming-to-baynesville-hillendale)





The Baltimore County Council (http://towson.patch.com/search?keywords=baltimore+county+council) Monday unanimously approved a bill that seeks to add a more formal review of redevelopment efforts in the Baynesville and Hillendale communities.

The bill, sponsored by Councilman David Marks (http://perryhall.patch.com/search?keywords=david+marks), revises the boundaries of the Loch Raven Commercial Revitalization District borders. The county Design Review Panel is required review nonresidential development plans in the Loch Raven-Baynesville and Loch Raven-Hillendale sections of the revitalization district.

"It's a very important area to the county and I do think that over some time it has been neglected, said Bob Kemp, president of the Hillendale Park Community Association.

-Design%
-w%
ng%

esville%

idale&body=Design%
-w%
ng%

esville%

idale%

nunity%
irs%

5
ome%
y%
ations%

ive%

nercials%
%

ways%

6
borhoods.%

://patch.com/maryland/parkville/design-

ville-
le)

(https:/.

Nick Linehan, a member of the Loch Raven Community Assocation board, said he welcomes the county's review of the commercial areas that are the gateway to the community he lives in.

"We feel this is a step in the right direction to encourage compatible redevelopment in our area," Linehan said.

Subscribe > (/)

Sixteen homes in the Baynesville neighborhood will be razed as part of a settlement following more than 25 years of petroleum contamination from a nearby independently-owned Hess gas station (http://towson.patch.com/search?_utf8=%E2%98%83&keywords=Hess). The demolition will result in a four-acre open space.

Karen Fitze, vice president of the Ridgeleigh Community Association, said her neighborhood supports the bill because of "considerable commercial development we're keeping an eye on."

"We would love to see this whole community, especially those of us who were raised around here, to be put under not necessarily homogeneous buildings but something that looks nice," Fitze said during a March 12 hearing on the bill. "Something that has some sort of design quality to it. Something with a landscaping quality to it. Something that would boost the whole area and help us keep our property values up and everyone can drive down there and say 'this is nice.'"

The newly-passed law takes effect on April 1.

More from Parkville-Overlea



Terrible Tuesdays: Will County Jail March 19

(https://patch.com/maryland/parkville/s/gnmdd/terrible-tuesdays-will-county-jail-march-19)

(https://patch.com/maryland/parkville/s/gnmdd/terrible-tuesdays-will-county-jail-march-19)

2h

Drunk Driver

(https:/.

§ 232.1. - Front yard.

For residences, as in Sections 302 and 303.1; for commercial buildings the front building line shall be not less than ten feet from the front property line and not less than 40 feet from the center line of the street, except as specified in Section 303.2.

§ 303.2. - Standards for B.L., B.M. and B.R. Zones.

In B.L., B.M. and B.R. Zones, the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, provided such adjoining lots are improved with permanent commercial buildings constructed of fire-resisting materials situate within 100 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above.

People's Counsel
CBA Exhibit
19

People's Counsel Sign-In Sheet

Case Name: Howard Bank / Mid-Atlantic Lubes, LLC
Case No.: 2019-070-SPHX
Date: April 2, 2019 - Day 2

The Office of People's Counsel was created by the County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns, whether they have their own attorney or not. If you wish to be assisted by People's Counsel, please sign below.

Check to testify	Name	Address	Phone #	Email	Group you represent	Basis of your concerns
✓	Janice Krach	8325 Wyton Rd 21286	4103211785	janice_8325@yahoo.com	Knetts hall Com. Ass.	Gateway to Towson
✓	BRYAN Fischer	1629 Aberdeen Rd 21286	410-207-7213	bryanfischer@gmail.com	Knetts hall/TCA	Comm. property values
✓	Paul Hartman	18 1/2 Cedar Ave 21286	410-622-8396	paul@towsoncommunities.org	TCA	Compatibility with the community
✓	Peter Moulder	1552 Dellsway Rd 21286	410-456-1256	pmoulder49@gmail.com	ALRV	Inappropriate use, etc.

People's Counsel
CBA Exhibit
20

ADC The Map People®
by Kappa Map Group

STREET ATLAS

Baltimore City & County

Maryland

4 **Regional Maps**
User's Guide

9 **City of Baltimore**
Large-Scale Maps

12 **Baltimore City & County**
Street Maps

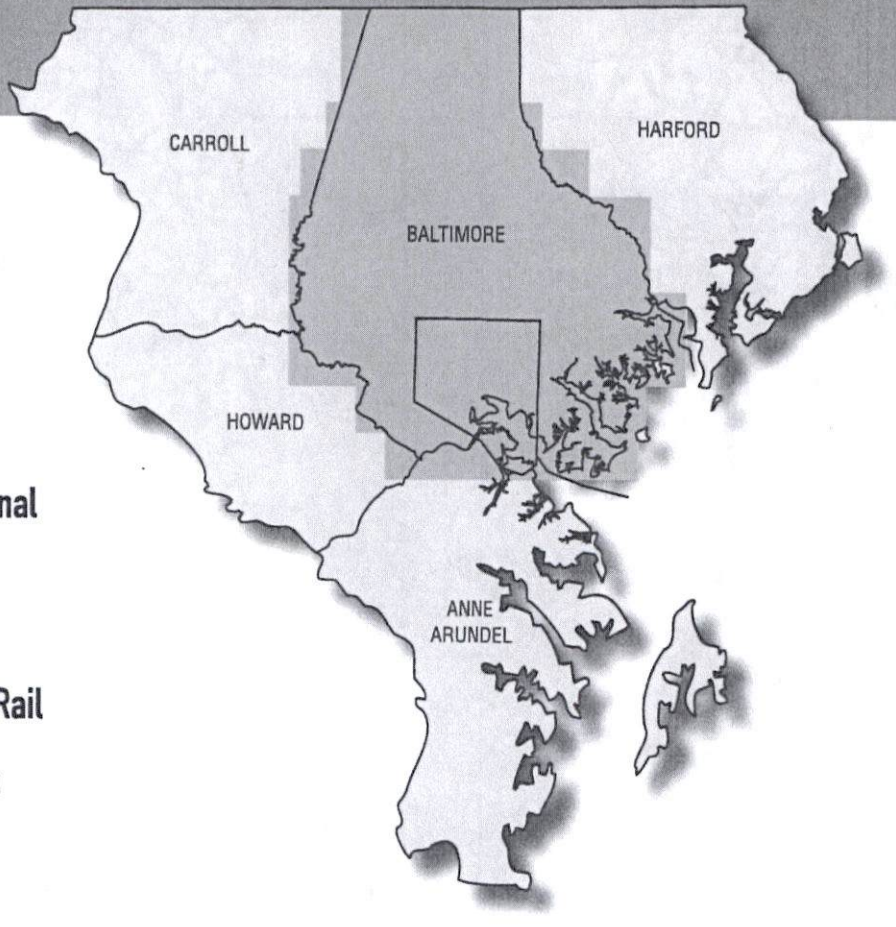
93 **Baltimore/Washington International Thurgood Marshall Airport (BWI)**

94 **Downtown Baltimore**

96 **Baltimore Metro & Central Light Rail**

97 **Maryland Rail Commuter System**

98 **Indexes**
Index of Places
Street Index
Places of Interest

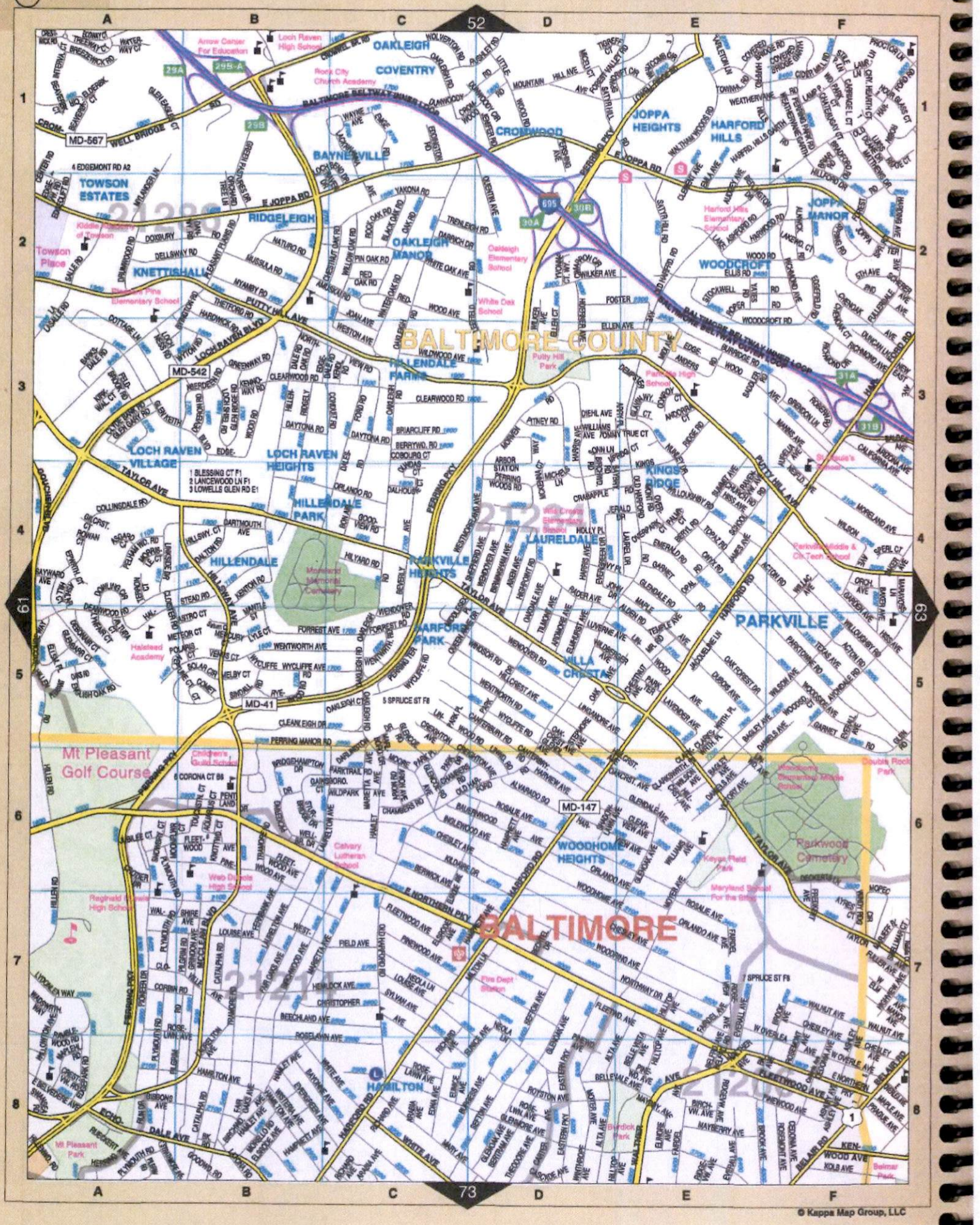


NAVTEQ ON BOARD

People's Counsel
CBA Exhibit
21

Copyright © Kappa Map Group, LLC 2012. Portions © Navteq 2011. All rights reserved. Reproduction, in whole or part, by any means whatsoever, is expressly prohibited without permission from the publisher. Information is not warranted by us. Publisher assumes no liability for damages arising from errors or omissions.

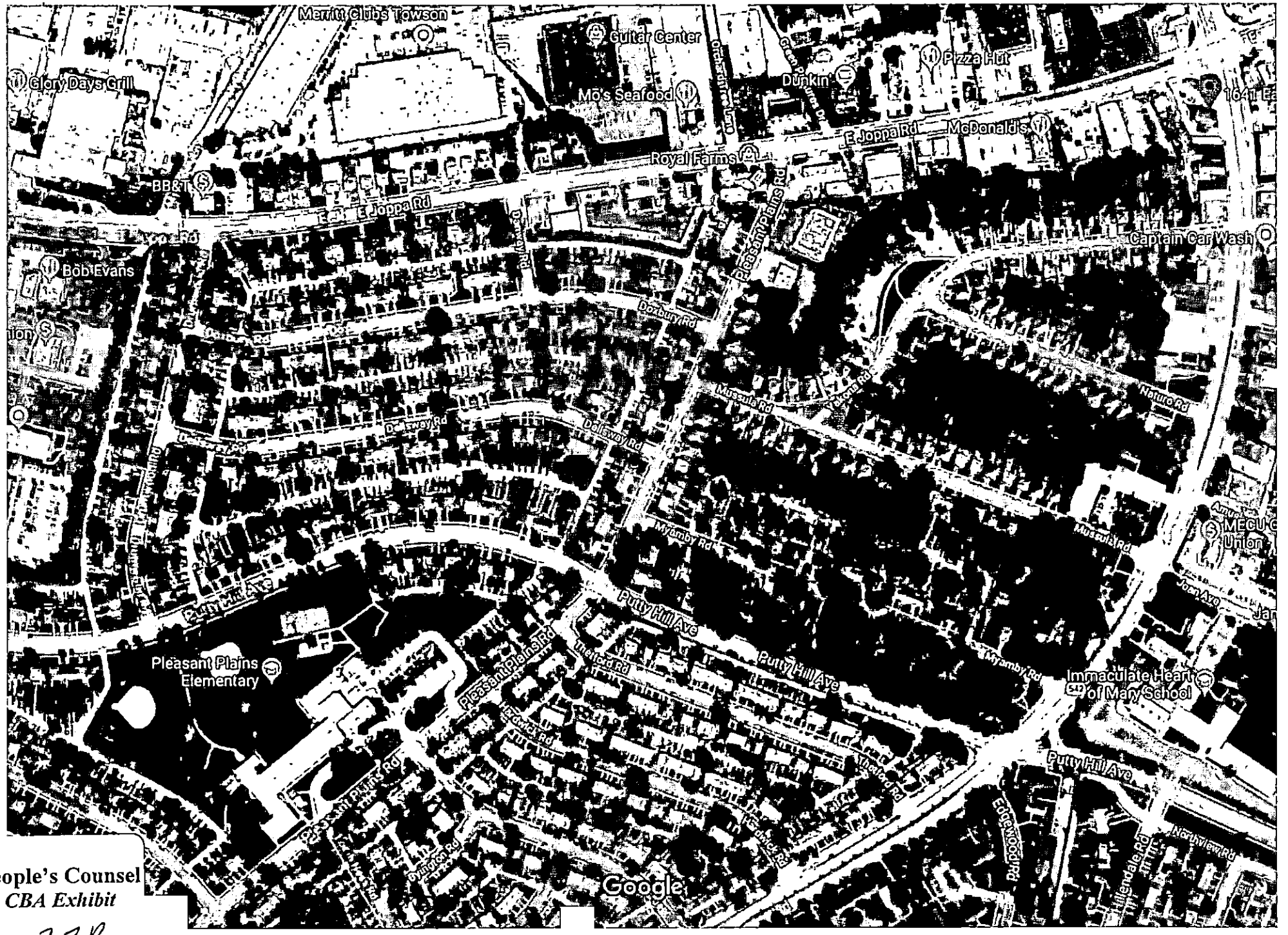
(800) 829-6277 **www.kappamapgroup.com**


Scale 1:24,000
1 in = 2,000 ft
0 ft 1,000 2,000 3,000 4,000 5,000 1 mi
0 m 200 400 600 800 1 km
N
A B C 52 D E F
1 2 3 4 5 6 7 8
61 63
73
BALTIMORE COUNTY
BALTIMORE
OAKLEIGH
COVENTRY
CROMWOOD
BAYNESVILLE
JOPPA HEIGHTS
HARFORD HILLS
TOWSON ESTATES
RIDGELEIGH
OAKLEIGH MANOR
JOPPA MANOR
WOODCROFT
KNETTISHALL
Towson Place
LOCH RAVEN VILLAGE
LOCH RAVEN HEIGHTS
HILLENDALE PARK
HILLENDALE
FILLENDALE FARMS
KINGS RIDGE
LAURELDALE
PARKVILLE
HARFORD PARK
VILLA CRESTA
WOODHOME HEIGHTS
HAMILTON
Mt Pleasant Golf Course
Mt Pleasant Park
Parkwood Cemetery
Putty Hill Park
Bordick Park
Belmar Park
Halstead Academy
Calvary Lutheran School
Fire Dept Station
MD-567
MD-542
MD-41
MD-147
695
83
295
29A
29B
30A
30B
31A
31B
2129
2124
2120
© Kappa Map Group, LLC

People's Counsel
CBA Exhibit
22 A



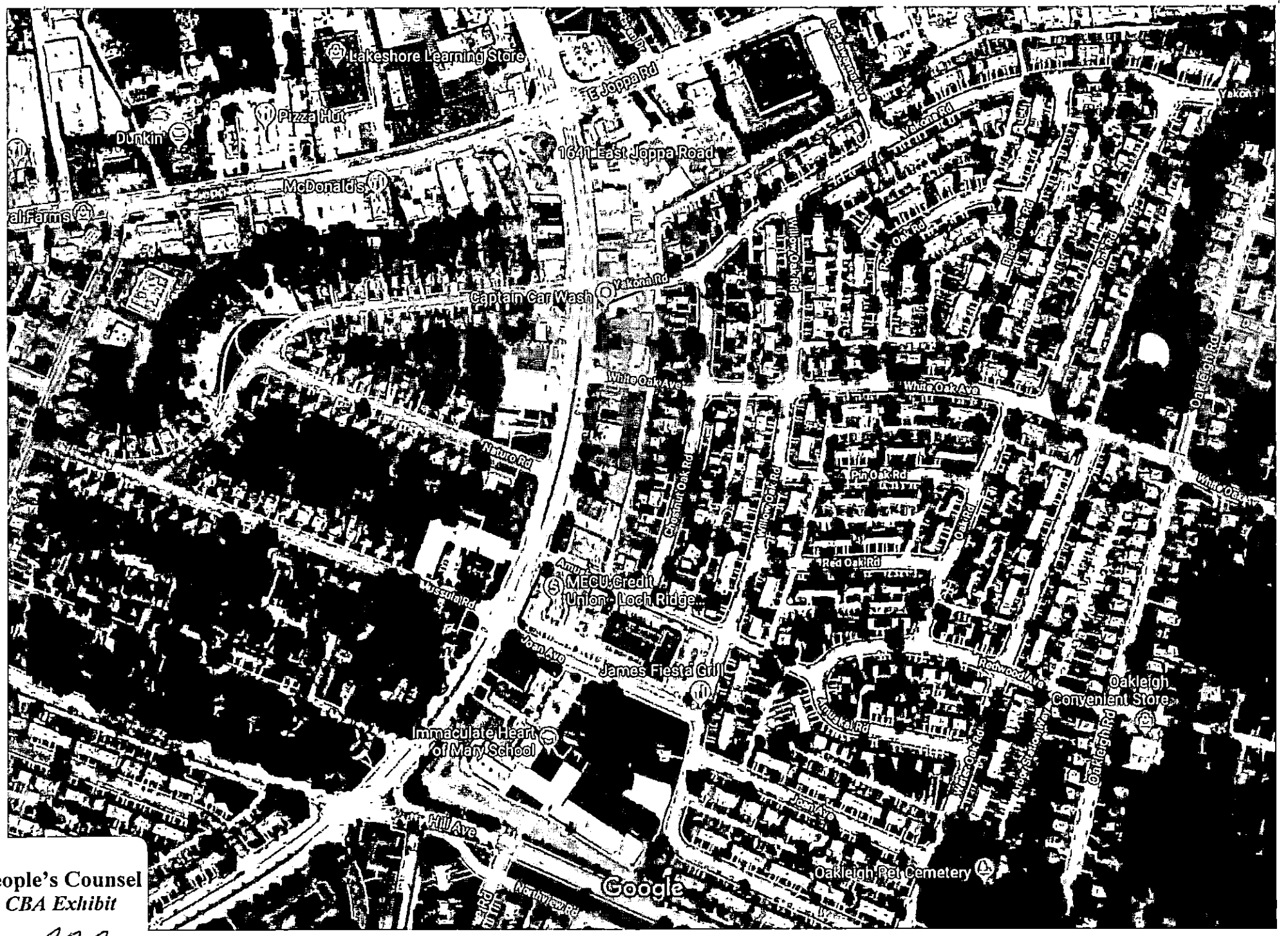
B



Imagery ©2019 Google, Map data ©2019 Google 200 ft

People's Counsel
CBA Exhibit
22B

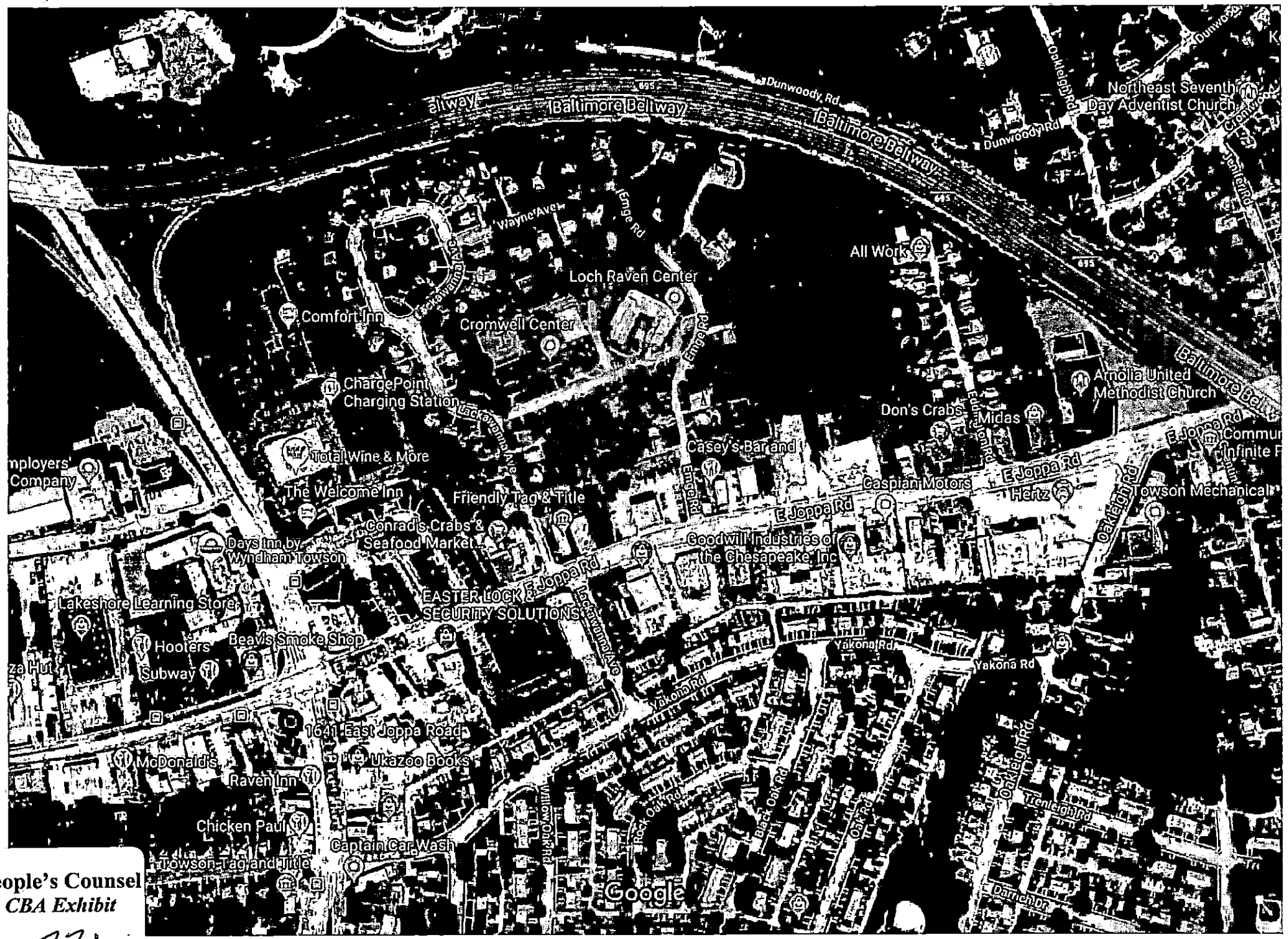
C



Imagery ©2019 Google, Map data ©2019 200 ft

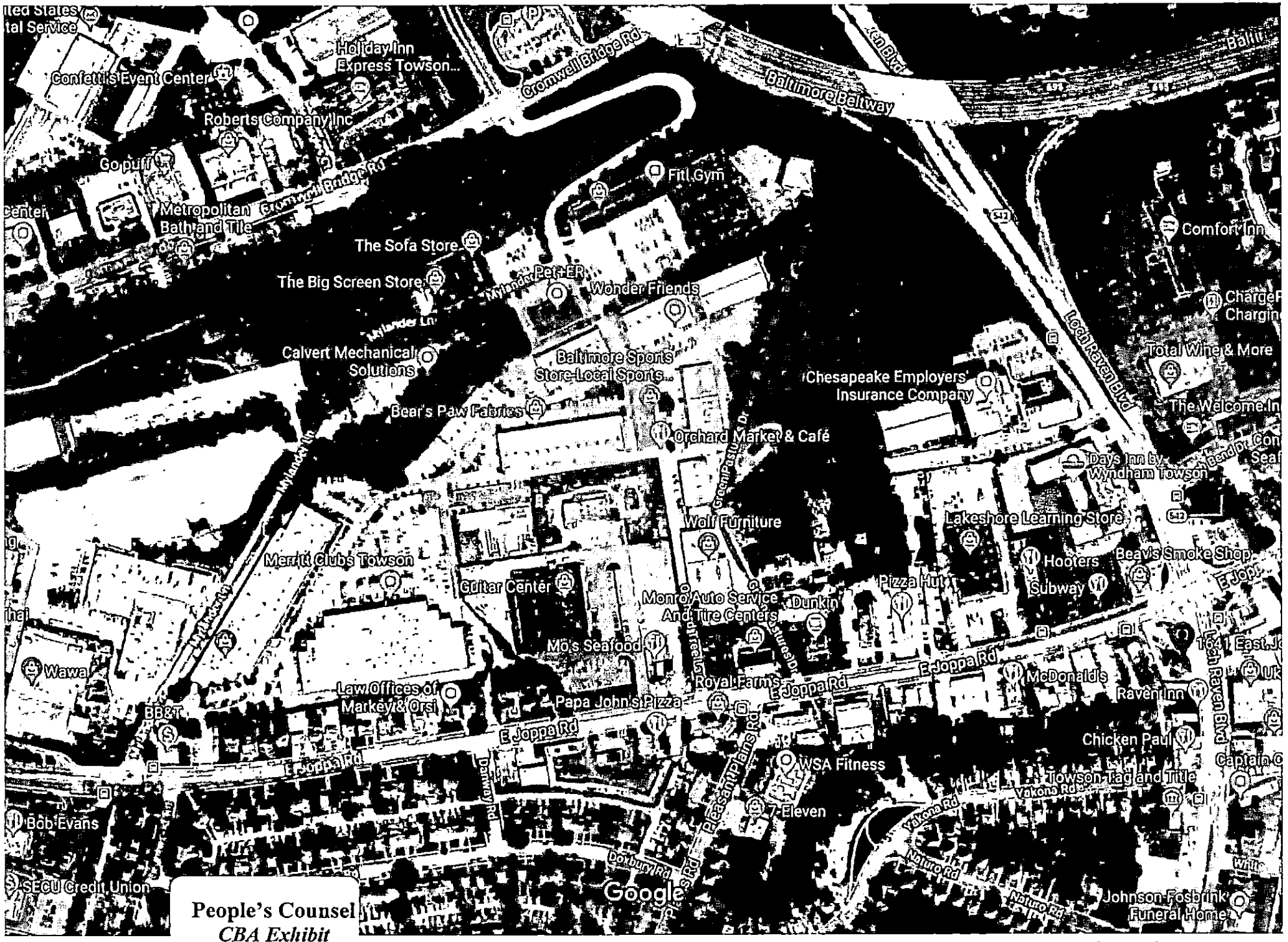
People's Counsel
CBA Exhibit
22C

D



People's Counsel
CBA Exhibit
22D

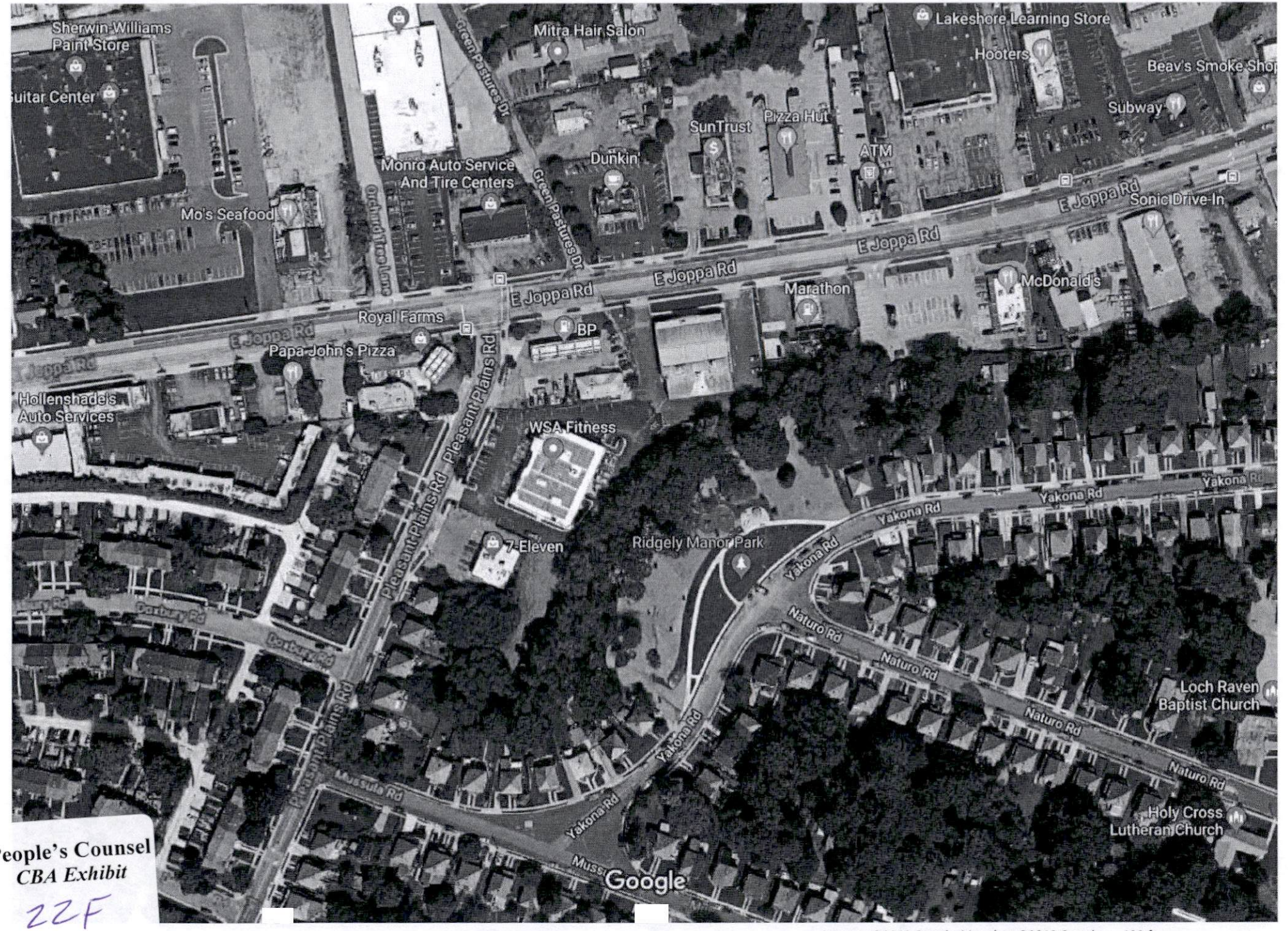
Imagery ©2019 Google, Map data ©2019 200 ft



People's Counsel
CBA Exhibit

22E

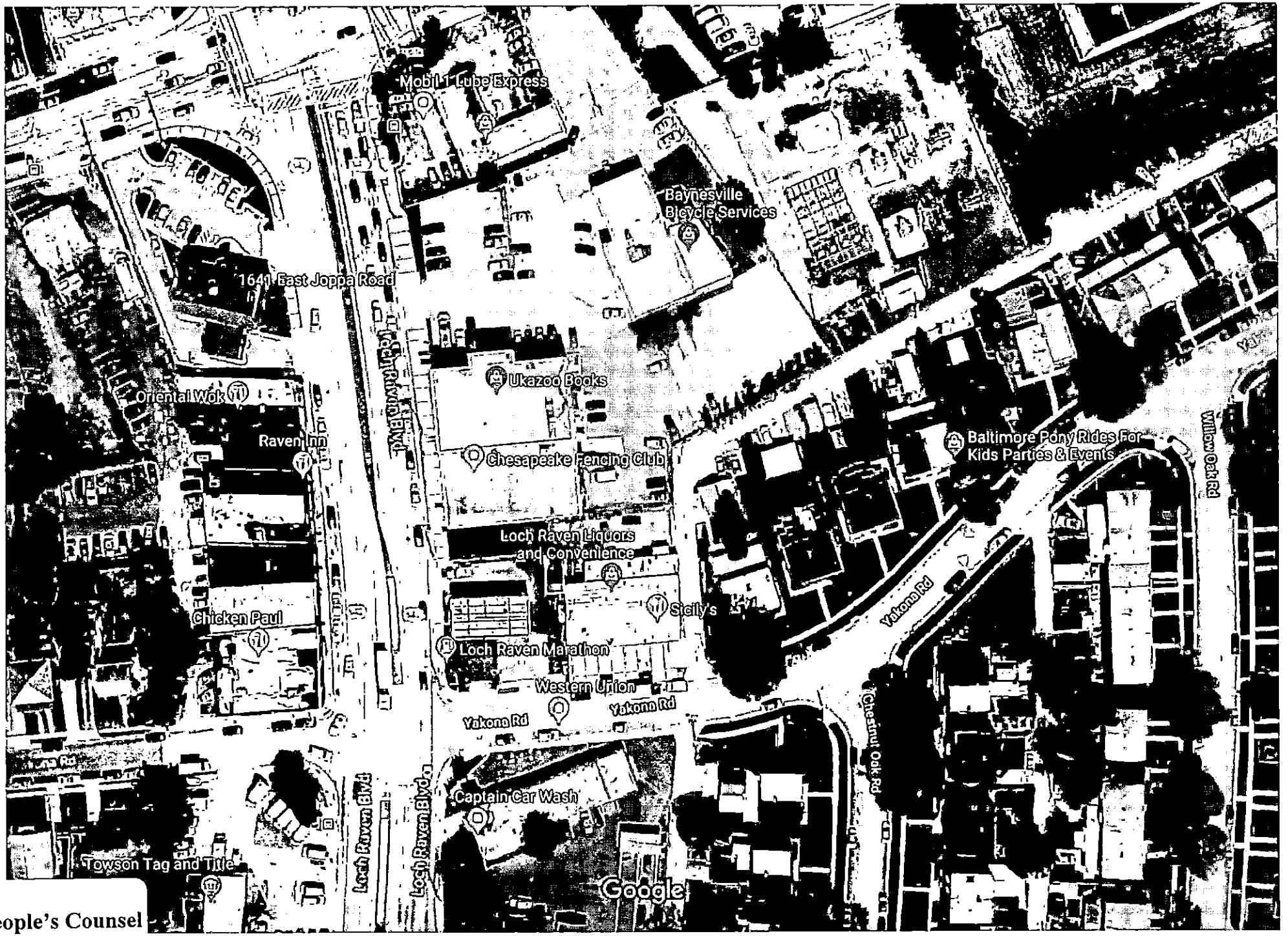
Imagery ©2019 Google, Map data ©2019 Google 200 ft



People's Counsel
CBA Exhibit
22F

Imagery ©2019 Google, Map data ©2019 Google 100 ft

G

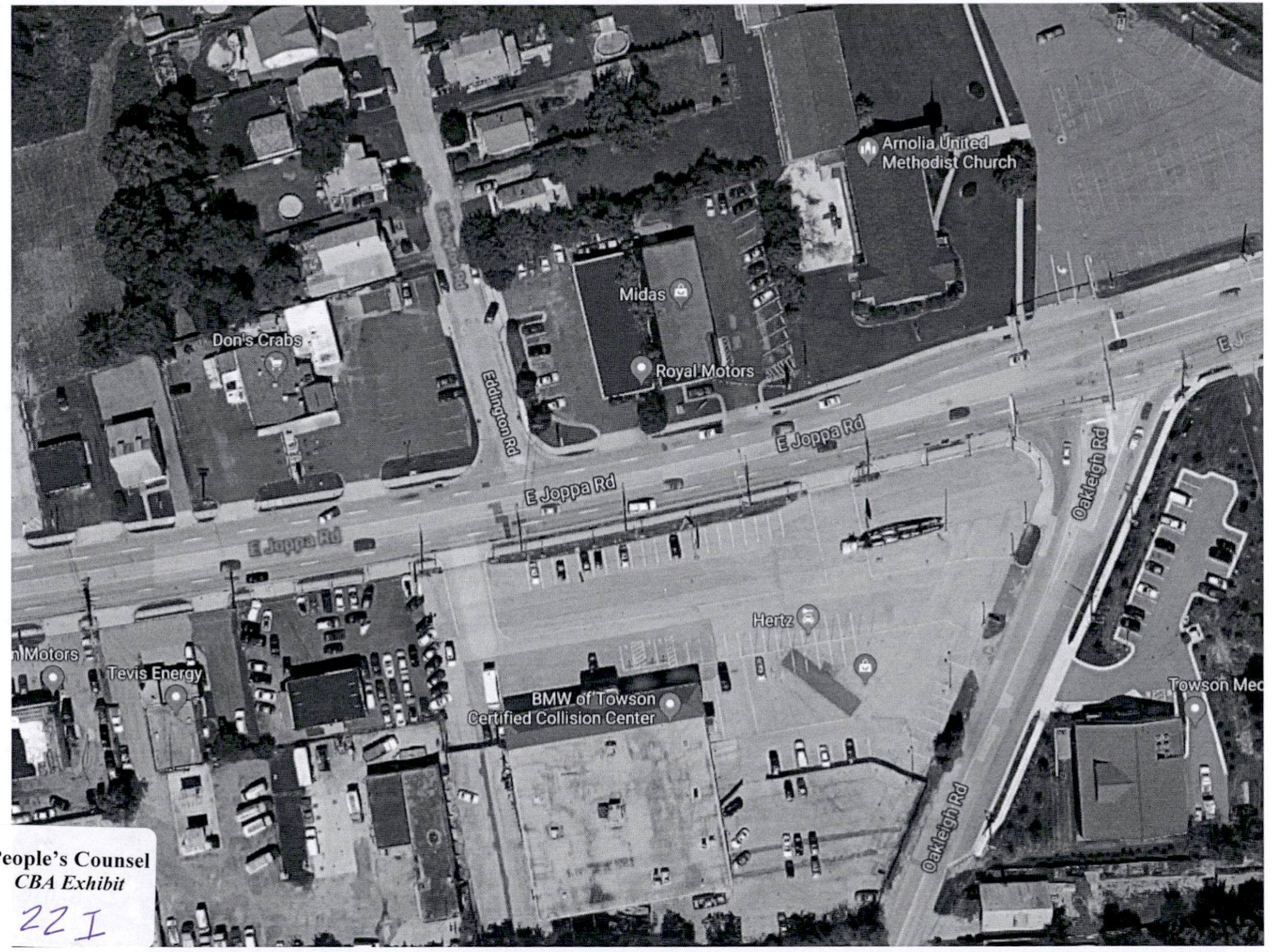


People's Counsel
CBA Exhibit
22 G



People's Counsel
CBA Exhibit
22H

I



People's Counsel
CBA Exhibit
22 I

J



People's Counsel
CBA Exhibit
22 J

Imagery ©2019 Google, Map data ©2019 50 ft

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2014, Legislative Day No. 7

Resolution No. 25-14

Mr. David Marks, Councilman

By the County Council, April 7, 2014

A RESOLUTION of the Baltimore County Council to approve the review of a proposed planned unit development in accordance with County law.

WHEREAS, County law requires that an application for approval of a site for a planned unit development be submitted to the County Council member in whose district the development is proposed to be located; and

WHEREAS, Joppa Mylander Properties, LLC (Applicant) has submitted an application for review and approval of a 9.35± acre site located at 1300 East Joppa Road in the Towson area in the 5th Councilmanic District, to be developed as a general development planned unit development (PUD). The property is zoned ML-IM and is located within the Urban Rural Demarcation Line (URDL). The property is improved with an existing building, which has been vacant for years and is functionally obsolete; and

WHEREAS, Applicant proposes to redevelop the property with a mixed-use development, to be known as *Loch Raven Commons*, which will include a residential component (maximum of 225 rental apartment units on 5.87± acres), a commercial component (25,000-35,000± square feet) with a mix of general retail, restaurant, fuel service station/convenience store, and other possible uses, and related amenities, such as a public village center; and

WHEREAS, the property's zoning classification of ML-IM would permit some commercial use of the property by right and fuel service station/convenience store use by special exception. However, Applicant desires to have greater flexibility in uses than is permitted under the existing zoning and is seeking to obtain that flexibility through the PUD process; and

WHEREAS, with approval of a PUD, property classified as a manufacturing zone may be developed for residential purposes up to a maximum residential density of 40 density units per acre. Applicant's proposal to develop a maximum of 225 apartment units on approximately 5.87± acres (maximum density of 234± density units) will not exceed the maximum density permitted by Section 430.3.C.3 of the Baltimore County Zoning Regulations; and

WHEREAS, the Council finds that the proposed mixed-use development is consistent with goals and objectives of the *Master Plan 2020*, considering the property's designations as T-5 – Urban Center transect, Employment Center, and Community Enhancement Area, which encourage high-density redevelopment of underutilized properties in the urban portion of the County, particularly when such redevelopment results in walkable, sustainable development that complements adjacent land uses and uses existing public facilities; and

WHEREAS, Applicant proposes a financial contribution of $50,000 as a capital improvement benefit under Section 32-4-242(b)(6)(iii) of the Baltimore County Code. This contribution will be distributed as follows: $26,000 for planting trees and landscaping, or constructing pedestrian improvements, on publicly-owned land in Loch Raven Village, with the advice of the Associates of Loch Raven Village, Inc.; and $24,000 for capital improvements on publicly-owned land in the Towson Estates neighborhood, with the advice of the Towson Estates Association, Inc. Any local open space waiver fee paid (amount depends on the number of units constructed, maximum of $25,000) shall be applied to exterior improvements at Loch Raven

People's Counsel
CBA Exhibit
23

Elementary School or Pleasant Plains Elementary School, with the advice of the Associates of Loch Raven Village, Inc.; and

WHEREAS, prior to submission of the PUD Application, Applicant shared preliminary plans for the proposed development with a citizens' committee that included representatives of the nearby Towson Estates and Loch Raven Village neighborhoods; and

WHEREAS, Applicant has conducted a post-submission community meeting in compliance with Section 32-4-242(c) of the Baltimore County Code; and

WHEREAS, Applicant has compiled comprehensive minutes of the meeting, together with a record of the names, addresses, and electronic mail addresses, if available, of the attendees and has forwarded the same to the Council member in whose district the property is located and to the Department of Permits, Approvals and Inspections; and

WHEREAS, Applicant has submitted copies of the application to the Department of Permits, Approvals and Inspections, and the appropriate County reviewing agencies have provided a written preliminary evaluation of the proposed PUD to the Council Member, which have been posted on the County's internet website; and

WHEREAS, Applicant has posted the subject property at least 10 business days prior to the final vote on the resolution in accordance with Section 32-4-242(d)(1) of the Baltimore County Code; and

WHEREAS, after review of the application and related materials, written preliminary evaluation from County agencies, and input from attendees of the post-submission community meeting, the County Council finds that the proposed PUD will achieve a development of substantially higher quality than a conventional development and will achieve a compatible and

efficient use of land, subject to the following development upgrades or actions that will further enhance the greater Towson Estates/Loch Raven Village community:

1. Applicant shall provide additional landscaping along East Joppa Road ~~and, where possible, along Mylander Lane~~ WITH PARTICULAR EMPHASIS ON ADDITIONAL LANDSCAPING AND A WIDER SETBACK AT THE INTERSECTION OF EAST JOPPA ROAD AND MYLANDER LANE CLOSEST TO THE LOCH RAVEN VILLAGE COMMUNITY IN ORDER TO PROTECT THE VIEW OF LOCH RAVEN COMMONS FROM LOCH RAVEN VILLAGE RESIDENTS, including a combination of hedges, flowering trees, and shade trees. Applicant shall attempt to preserve the four mature trees along Joppa Road and incorporate them into the landscape design. All landscaping on site shall meet or exceed the requirements of the Baltimore County Landscape Manual.
2. Architectural design and building materials, INCLUDING THAT OF THE FUEL SERVICE STATION, shall be compatible with the adjacent Loch Raven Village with dark red brick being the predominant building material AND SHALL BE DESIGNED WITH A CONSISTENT ARCHITECTURAL THEME.
3. Applicant shall provide a 20 foot front property line setback along East Joppa Road for the fuel service station use, which area shall serve as a landscape transition area for the fuel service station.
4. Applicant shall design buildings so that loading areas and dumpsters are not visible from ~~Joppa Road~~ A PUBLIC ROAD or are appropriately screened IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

5. Access to the site from Joppa Road shall be through the joint access point with Radio Park at Lasalle Road. If Applicant wishes to have an additional access point to Joppa Road in the future, this request would require a public hearing.
6. The design of the fuel service station canopy, OF WHICH THERE MAY BE ONLY ONE, shall be compatible with the principal fuel service station building, and the support columns for the canopy shall include brick. To avoid light spill onto neighboring properties and reduce glare, lighting under the canopy shall be directed downward, and LED fixtures (or later technology) shall be used. TEMPORARY SIGNAGE OR ADVERTISEMENTS ARE NOT PERMITTED ON THE FUEL SERVICE STATION BUILDING FACADE, WINDOWS, OR DOORS.
7. Except as provided in #8, signage in the proposed development may not include changeable copy.
8. Signage for the fuel service station shall be monumental in form with a brick base, and the sign may not include changeable copy, with the exception of fuel pricing.
9. Applicant shall erect a small community sign along the East Joppa Road frontage to mark the transition from Loch Raven to Towson ("Leaving Loch Raven and Entering Towson"). This sign shall be a monument sign, have a brick base, and be consistent with the style of existing Loch Raven Village community signs. Applicant shall consult with Councilman David Marks as to the sign's location, appearance, and message.
10. Tattoo parlors, bail bonds businesses, hookah lounges, and automobile dealerships are prohibited on the property.
11. Applicant shall provide bike parking in accordance with the requirements of the adjacent Loch Raven Commercial Revitalization District.

12. Any shopping carts used on site shall be equipped with electronic wheel locking devices.
13. Applicant shall resurface the public portion of Mylander Lane from Joppa Road to the cul-de-sac and make it function safely for two-way traffic and pedestrians. Applicant also shall resurface the entire width of East Joppa Road from the western entrance of the property to Mylander Lane.
14. Applicant shall eliminate any potential access to the existing tunnel under Joppa Road by filling the space with structural flowable fill or other similar measures, under the direction of a structural engineer, and abandon the tunnel; and

WHEREAS, the County Council finds that the proposed site for the PUD is eligible for County review in accordance with Section 32-4-241, et seq. of the County Code and has given public notice of this Resolution as required by law; and now, therefore

BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the proposed site for the general development planned unit development, filed by Applicant, is eligible for County review in accordance with Section 32-4-241, et seq. of the County Code; and be it further

RESOLVED, that the County Council finds, as set forth herein, that the proposed PUD will provide an acceptable community benefit pursuant to Section 32-4-242(b)(6)(iii) of the County Code; and be it further

RESOLVED, that a copy of this Resolution be sent to the Baltimore County Department of Permits, Approvals and Inspections and the Department of Planning for processing the PUD plan in accordance with law.

10/29/15

IN RE: PLANNED UNIT DEVELOPMENT 9th Election District 5th Council District (Loch Raven Commons) Joppa Mylander Properties, LLC *Owner/Developer*	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY CASE NO. 09-0844

* * * * * * *

ADMINISTRATIVE LAW JUDGE'S OPINION AND ORDER
ON PLANNED UNIT DEVELOPMENT (PUD)

This matter comes before the Office of Administrative Hearings (OAH) for a hearing pursuant to § 32-4-245 of the Baltimore County Code (B.C.C.), which governs planned unit developments ("PUD"). In accordance with that regulation, Developer seeks approval of a Development Plan (the "Plan") prepared by Martin and Phillips Design Associates, Inc., for the Loch Raven Commons (the "subject property"). The proposed development is more particularly described on the two (2) sheet redlined Plan submitted into evidence and marked as Developer's Exhibit 1A and 1B.

On April 7, 2014, the Baltimore County Council approved Resolution No. 25-14 (Developer's Exhibit 4) finding that the Loch Raven Commons PUD is eligible for Baltimore County review in accordance with § 32-4-242 of the B.C.C. The current request proposes a mixed-use development, which will include a residential component (maximum of 225 rental apartment units), a commercial component (25,000-35,000 square feet) with a mix of general retail, restaurant, fuel service station/convenience store, and other possible uses and related amenities, such as a public village center.

A Development Plan Conference (DPC) was held between the Developer's consultants and various Baltimore County agencies, to consider the project. In this case, the DPC was held on September 23, 2015. At the DPC, the Baltimore County agencies responsible for the review of the Development Plan submit written comments regarding the compliance of the Development Plan with the various Baltimore County regulations governing land development in the County. The Hearing Officer's Hearing was held on October 15, 2015.

The property was posted with the Notice of Hearing on September 15, 2015 for 20 working days prior to the hearing, in order to inform all interested citizens of the date and location of the hearing. Appearing at the public hearing on behalf of the Developer was Mickey Cornelius, Rob Buccini, Ken Kearns, Wes Schwandt and David Martin, with Martin and Phillips Design Associates, Inc., the engineering firm that prepared the Plan. Patricia A. Malone, Esquire and Robert Hoffman, Esq., both with Venable, LLP appeared on behalf of the Developer. J. Carroll Holzer, Esq. appeared on behalf of the Loch Raven Village Community Association, and several members of the community also attended to obtain additional information about the project.

Representatives of the various Baltimore County agencies who reviewed the Plan attended the hearing, including the following individuals from the Department of Permits, Approvals and Inspections (PAI): Darryl D. Putty, Project Manager; Dennis A. Kennedy, Development Plans Review (DPR); Jeffrey Perlow, Office of Zoning Review, and Brad Knatz, Real Estate Compliance. Also appearing on behalf of the County were Jenifer Nugent, Department of Planning (DOP), and Jeff Livingston and Steve Ford, Department of Environmental Protection and Sustainability (DEPS). All agency representatives indicated that the redlined Development Plan (Exhibit 1A) satisfied all Baltimore County rules and regulations, and their agencies recommended approval of the Plan.

DEVELOPER'S CASE

The first witness in Developer's case was David Martin, a registered landscape architect accepted as an expert. Mr. Martin explained in general the layout of the development, and testified that the PUD regulations provide necessary flexibility for creative redevelopment projects. Mr. Martin opined that the Plan satisfies all requirements set forth in the Baltimore County Zoning Regulations (B.C.Z.R.) and B.C.C.

The next witness was Matt D'Amico, a registered landscape architect who was also accepted as an expert. Mr. D'Amico described the project and opined the project was consistent with Master Plan 2020 (which emphasizes mixed-use projects) and would make the Joppa Road corridor more attractive. Mr. D'Amico explained that the commercial uses at the site would be closest to Joppa Road while the residential portion would be on the interior of the site set back from the roadway.

The final witness in Developer's case was Mickey Cornelius, a professional engineer accepted as an expert. Mr. Cornelius prepared a traffic analysis for the site (Developer's Exhibit 8) and opined that all intersections within the study area would function at acceptable levels of service. The witness testified the intersection of Loch Raven and Joppa Road is designated as failing (level of service "E") but that the site is not within the traffic shed shown on the Basic Services Map. In summary, the witness opined the project would not cause congestion in the area's roadway network.

COMMUNITY CONCERNS

Nicholas Linehan testified the Loch Raven Village Community Association voted to approve the project. The Towson Estates Association also supports the project. Even so, both community groups requested that certain changes be incorporated into any final order. While not

every issue identified by the community (i.e., the 24 hour operation of the fuel service station and convenience store) can be accommodated, the Order below contains several conditions designed to minimize the potential for adverse impacts upon the community.

The Hearing Officer can approve a PUD Development Plan only upon finding:

(1) The proposed development meets the intent, purpose, conditions, and standards of this section;

(2) The proposed development will conform with § 502.1.A, B, C, D, E and F of the Baltimore County Zoning Regulations and will constitute a good design, use, and layout of the proposed site;

(3) There is a reasonable expectation that the proposed development, including development schedules contained in the PUD development plan, will be developed to the full extent of the plan;

(4) Subject to the provisions of § 32-4-242(c)(2), the development is in compliance with § 430 of the Baltimore County Zoning Regulations; and

(5) The PUD development plan is in conformance with the goals, objectives, and recommendations of the Master Plan, area plans, or the Department of Planning.

B.C.C. § 32-4-245(c)(1)-(5).

In this case, the Developer presented evidence which, when coupled with the findings of agency witnesses, establishes each of these elements. The DOP indicated in its final report dated September 23, 2015 that the PUD Development Plan was in conformance with the Master Plan, satisfied the B.C.Z.R. § 260 residential performance standards, and the compatibility requirements of the B.C.C. David Martin testified the Developer complied with B.C.Z.R. § 430 and that the

development would be completed to the full extent of the Plan, so B.C.C. § 32-4-245(c)(3) is satisfied. Finally, all of the experts presented by Developer testified the project satisfied the B.C.Z.R. § 502 special exception requirements and met the intent and standards set forth in the B.C.C. (including but not limited to B.C.C. § 32-4-245(c)(1)-(5)) and B.C.Z.R. In light of this testimony, and the positive recommendation of all County reviewing agencies, the PUD Development Plan shall be approved.

THEREFORE, IT IS ORDERED by this Hearing Officer/Administrative Law Judge this 29th day of October, 2015, that the two (2) sheet redlined Development Plan known as "LOCH RAVEN COMMONS" (Developer's Exhibit 1A and 1B), be and is hereby APPROVED, subject to the conditions noted below.

(1) No loudspeakers may be attached to the fuel service station/convenience store canopy or associated building. This restriction does not prevent the use of speakers located inside the multi-product dispensers themselves.

(2) The commercial portion of the development will be served by a private trash collection service. Private trash collection shall only be permitted to take place between the hours of 8 AM and 10 PM.

(3) Developer will offer suggestions for increasing the amount of landscaping and/or screening at the corner of Joppa Road and Mylander Lane, which could include replacing the proposed directional sign structure with landscaping and/or screening (with or without signage bearing a similar message to that proposed in the Pattern Book). Developer will share these suggestions with the President of The Loch Raven Village Association, Inc. prior to submission of the final landscape plan to Baltimore County. Any landscaping, screening, or signage proposed with Baltimore County's right-of-way is subject to County approval. With the final landscape plan, Developer will also submit a photometric plan for review by the Baltimore County Landscape Architect.

(4) After initial plan signature, no amendments to the PUD Development Plan shall be made unless the amendment is proposed in compliance with the procedures outlined in Section 32-4-245(c) of the Baltimore County Code. Additionally, Developer will send a copy of any amendment proposed to the Officers of The Loch Raven Village Association, Inc. (or successor community association) at the same time it is submitted to the Director of the Department of Permits, Approvals and Inspections. This obligation to provide specific notification to the association shall end upon build out of the project in accordance with the PUD Development Plan.

Any appeal of this Order shall be taken in accordance with Baltimore County Code, § 32-4-281.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

IN THE MATTER OF Joppa Mylander Properties, LLC aka Loch Raven Commons PUD DRC Number 09-0844	*	BEFORE THE BOARD OF APPEALS OF
9th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT	*	BALTIMORE COUNTY CASE NO. CBA-16-025

* * * * * * * * * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Michael R. McCann, Esquire on behalf of El Taller, LLC and Bryan Hamilton Loane, Protestants/Appellants, from a final decision of the Administrative Law Judge dated October 29, 2015, in which the two sheet redlined Development Plan for the property known as "Loch Raven Commons" was approved with conditions.

WHEREAS, the Board is in receipt of a Notice of Dismissal filed on April 4, 2016, by Michael R. McCann, Esquire on behalf of El Taller, LLC and Bryan Hamilton Loane, Protestants/Appellants voluntarily dismissing the appeal in this matter (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Protestants/Appellants request that the appeal taken in this matter be withdrawn and dismissed as of April 4, 2016,

IT IS ORDERED this 14th day of April, 2016 by the Board of Appeals of Baltimore County that the appeal taken in Case No. CBA-16-025 be and the same is hereby DISMISSED.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Maureen E. Murphy, Chairman

Jane M. Hanley

James H. West

IN RE: PLANNED UNIT DEVELOPMENT 9th Election District 5th Council District (Loch Raven Commons) Joppa Mylander Properties, LLC *Owner/Developer*	*	BEFORE THE OFFICE OF ADMINISTRATIVE APPEALS FOR BALTIMORE COUNTY CASE NO. 09-0844

* * * * * * * * * * * * *

NOTICE OF DISMISSAL

Appellants, El Taller, LLC and Bryan Hamilton Loane, by undersigned counsel, hereby dismiss their appeal in this matter.

Respectfully submitted,

Michael R. McCann
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(410) 825-2150

Attorneys for Appellants

Dated: April 1, 2016

RECEIVED
APR 04 2016
BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April, 2016 copy of the foregoing Notice of Dismissal was mailed first-class, postage prepaid, to the Baltimore County Board of Appeals, and to:

Patricia A. Malone, Esq.
Adam Rosenblatt, Esq.
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

Michael R. McCann

SECTION 230 - Business, Local (B.L.) Zone Use Regulations

[BCZR 1955]

§ 230.1. - Permitted uses.

A. The following uses only are permitted (See Section 230.2.):

1. Uses permitted and as limited in the residential zone immediately adjoining, except that animal boarding place, Class A, is permitted only as a special exception and kennel is prohibited.

[Bill No. 85-1967]

2. Convalescent home.
3. Tourist home, boarding or rooming houses.
4. Fast-food, drive-through-only restaurant, carry-out restaurant, fast-food restaurant, and standard restaurant, tearoom, convenience store and dairy barn.

[Bill Nos. 40-1967; 110-1993; 86-1994; 27-2003; 49-2016]

5. Bank, building and loan association.
6. Offices and office buildings.
7. Private colleges, dancing schools, conservatory for music and the arts, dormitories and fraternity and sorority houses.

[Resolution of 11-21-1956; Bill No. 47-1985]

8. Business and trade schools.
9.

Alcoholic beverage package store

Amusement devices, subject to the provisions of Section 422

[Bill No. 29-1982]

Animal grooming facility

[Bill No. 93-2006]

Antique shop

Arborist, licensed, located in the Parkville Commercial Revitalization District, and provided that no active tree work is performed, no retail sales occur, and no materials including tree limbs, firewood, mulch, wood chips or similar materials are kept or stored, upon the premises. In addition, appropriate screening of the property shall be installed, to the extent possible, in accordance with the Baltimore County Landscape Manual.

[Bill No. 23-2017]

Arcade, subject to the provisions of Section 423. A

[Bill No. 29-1982]

Automobile accessory shop

Automobile parking lot

Bakery, but goods baked on the premises must be sold only at retail on the premises, except that wholesale operations are permitted if the bakery is located in a commercial revitalization district and if the retail component of the bakery fronts the street and the wholesale operations are limited to no more than 30 percent of the building's square footage

[Bill No. 86-2009]

Barbershops and beauty shops

[Bill No. 9-1999]

Billiard and pool rooms

[Bill Nos. 61-1967; 85-1967]

Bowling alley

[Resolution of 11-21-1956; Bill Nos. 58-1957; 85-1967]

Camera, photo-supply or film-processing shops or pickup stations (including "drive-by" facilities)

[Bill No. 43-1970]

People's Counsel
CBA Exhibit
24

Candy store, but goods made on the premises must be sold only at retail on the premises, except that retail sales may be supplemented with Internet sales, provided that the retail component of the store fronts the street

[Bill No. 4-2013]

Clothing and accessory stores

Commercial film production, subject to Section 435

[Bill No. 57-1990]

Dairy products store

Department store [1]

Dressmaking and millinery establishments

Drugstore

Dry-cleaning establishment, coin-operated, or retail store plant, etc. (as regulated by the Baltimore County Building Code, Baltimore County Fire, Health and Police Regulations)

[Bill Nos. 142-1962; 85-1967]

Dry-cleaning pickup station

Duplicating service business

[Bill No. 117-1983]

Electrical contractors and appliance repair shop

[Bill Nos. 58-1957; 85-1967]

Florist

Food store

Fortune-telling establishments

[Bill No. 124-1978]

Fuel service stations in a planned shopping center or drive-in cluster only,

subject to Section 405

[Bill No. 172-1993] [2]

Furniture and upholstery stores

Garden center

[Bill No. 41-1992]

Gift shop

Hand laundry employing not more than five persons

Hardware store

Helistop

[Bill No. 85-1967]

Hobby shop

Hookah lounge

[Bill No. 16-2014]

Household appliance store

Jewelry store

Laundromat or self-service laundry

Laundry-pickup station

Medical clinic

[Bill No. 37-1988]

Neighborhood car rental agency, subject to Section 408A

[Bill No. 122-2005]

Parking lot

[Resolution of 11-21-1956; Bill No. 85-1967]

Pet shop

Photographic studio

Picnic grove

[Resolution of 11-21-1956; Bill No. 85-1967]

Public utility service center

Radio shop

Radio studio

Rail passenger stations, subject to Section 434

[Bill No. 91-1990]

Recreational vehicle parking lot

[Bill No. 102-2006]

Regional outlet shopping center

[Bill No. 53-2015]

Residential art salon

[Bill No. 85-1967]

Secondhand store

[Bill No. 102-2005]

Shoe repair shop

Social clubs and fraternal organizations

Sporting goods store

Stationery store

Swimming pool

Tailor shop

Tavern

[Bill Nos. 43-1963 [1]

Television shop

Television studio

Temporary or occasional outdoor sales of cut flowers or live plants (not in connection with florists' establishments), provided that the sales area does not exceed 200 square feet and that the sales are carried on for no more than 120 days per year. Before approving an application for any license required, the Zoning Commissioner must approve a site plan for the premises, showing the sales area and the dates on which flowers or plants are to be sold. Any provision of these regulations to the contrary notwithstanding, the Zoning Commissioner's approval of such a license shall expire one year after its issuance; however, such a license may be reapproved annually upon request of the licensee

[Bill No. 174-1981]

Theater, if located in a Commercial Revitalization District on a site formerly used as a theater

[Bill No. 21-2013]

Transit facilities

[Bill No. 91-1990]

Vapor lounge

[Bill No. 16-2014]

Variety and dry goods store

Veterinarian's office

[Bill No. 85-1967]

Veterinarium

[Bill No. 85-1967]

Wireless telecommunications antennas or wireless telecommunications towers, subject to Section 426.

[Bill Nos. 64-1986; 30-1998]

10. Combinations of the above uses.

[Bill No. 111-1968]

11. Accessory uses or structures, including signs (See Section 450), garages and parking spaces for the use of owners, employees, tenants and invitees. A maximum of six coin-operated children's rides are permitted as an accessory use.

[Bill Nos. 111-1968; 29-1982; 89-1997]

12. Nanobrewery.

[Bill No. 19-2015]

§ 230.2. - Permitted use conditions.

All the above uses in Section 230.1 are subject to the following conditions:

A. They shall be contained, except for signs, restaurants, swimming pools, outdoor sales or display areas, parking lots, helistops or picnic groves within completely enclosed buildings.

[Bill No. 85-1967]

B. Not more than five persons shall be engaged in the repair or fabrication of goods on the premises.

C. Not more than five horsepower shall be employed in the operation of any one machine used in repair or fabrication, and not more than 15 horsepower in the operation of all such machines.

D. Storage and display of materials, vehicles and equipment are permitted in the front yard, but not more than five feet in front of the required front building line.

E. In case any property line of a commercially zoned corner lot abuts a residential zone on a side street, no separate and distinct commercial use may be made of that portion of the lot which abuts on the side street unless a site plan for the entire corner lot as a commercial unit shall have been approved by the Baltimore

County Department of Planning and the Baltimore County Bureau of Engineering, Department of Public Works. Any division of ownership of such lots shall be a subdivision and require approval of the Department of Planning.

[Resolution of 11-21-1956; Bill No. 55-2011]

F. Where the requirements in Section 230.2.A, B or C would create an undue hardship, the Zoning Commissioner may approve a modified plan upon petition and public hearing thereon. [4]

G. A recreational vehicle parking lot is permitted with a use permit, subject to the following:

[Bill No. 102-2006]

1. The recreational vehicle parking lot shall be affiliated with and located within 1,000 feet of a recreational vehicle sales facility.
2. A site plan shall be submitted indicating location and type of structure on the lot in question, ingress and egress, parking arrangement and proximity of buildings on adjacent lots.
3. On the property in question, notice of the application for the use permit shall be conspicuously posted by the Zoning Commissioner for a period of 30 days following the filing of the application.
4. Within the 30-day posting period, any occupant or owner of real property within 1,000 feet of the lot in question may file a formal request for a public hearing with the Zoning Commissioner in accordance with Section 500.7.
5. If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit for a recreational vehicle parking lot if the proposed use meets all the requirements of this subsection and any other applicable requirements. The use permit may be issued with such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of this section and to ensure that the recreational vehicle parking lot is not detrimental to the health, safety or general welfare of the surrounding community.
6. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing to be held not less than 15 days following public notice of such hearing in two newspapers of general

circulation and not more than 60 days from the date of filing of the request for public hearing. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:

a. His findings following the public hearing; and

b. The manner in which the requirements of this section and other applicable requirements are met and any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the recreational vehicle parking lot is not detrimental to the health, safety or general welfare of the surrounding community.

7. Signs are permitted, subject to Section 450.

H. Nanobrewery.

[Bill No. 19-2015]

1. A nanobrewery may sell retail prepackaged beer and growlers for off-site consumption.
2. A nanobrewery may apply for a temporary use permit for an off-site event not exceeding three consecutive days in duration.
3. Food may not be prepared, cooked, sold, or dispensed in any manner on the premises of a nanobrewery. Food purchased off site may be brought onto the premises, if permitted by the establishment.
4. Alcoholic beverages, other than those purchased at a nanobrewery, may not be brought onto or consumed on the premises.

§ 230.3. - Special exception uses.

The following uses when permitted as special exceptions (See Sections 270 and 502.):

Animal boarding place, Class A

[Bill No. 85-1967]

Arcade, subject to the provisions of Section 423B

[Bill No. 29-1982]

Automotive-service station, subject to the provisions of Section 405

[Bill Nos. 40-1967; 85-1967]

Boatyard

[Bill Nos. 64-1963; 85-1967]

Car wash

[Bill Nos. 108-1964; 85-1967]

Commercial beach; with provision of adequate parking area, and permitting dressing facilities, snack bar, picnic area and boat rental

[Bill Nos. 64-1963; 85-1967]

Community building, swimming pool or other structural or land use devoted to civic, social, recreational and educational activities, including use of the building as a catering hall

[Bill Nos. 64-1963; 85-1967; 26-1988; 110-1993]

Community care center

[Bill No. 91-1974]

Drive-in restaurant

[Bill Nos. 40-1967; 85-1967]

Dry-cleaning plant (See Section 416.)

[Bill Nos. 133-1958; 85-1967]

Excavations, controlled (See Section 403.) [5]

Funeral establishment, except that any funeral establishment which was a legal use immediately prior to this provision's taking effect [5] and which has since remained continuously in operation is a conforming use, permitted as of right; as such, it may be expanded or otherwise changed in the same manner as any other use permitted as of right. Such funeral establishments shall be a permitted use without the necessity of obtaining a special exception, provided said site was either owned or leased for a term in excess of 15 years by a funeral director who is duly registered as such in accordance with state law, prior to April 9, 1970 and provided said ownership or lease is either as an individual person or in the name of a

corporation, the majority of the common stock of which is owned by said registered funeral director or together with a spouse as joint owners, or joint lessees, or as tenants in common or joint lessees by virtue of a partnership or joint venture with one or more other duly registered funeral directors; and provided further said registered funeral director files with the Zoning Commissioner of Baltimore County no later than December 31, 1970 satisfactory evidence of ownership or leasehold interest as outlined above

[Bill Nos. 43-1970; 105-1970]

Garage, service

Golf course, country club or other outdoor recreational clubs; also quasi-public camp, including day camps, but no such uses shall be located on less than five acres, and no building, parking lot or out-of-water marine craft storage thereon shall be located within 60 feet of any residential property line

[Bill Nos. 64-1963; 85-1967]

Golf driving range, miniature golf and baseball batting range

Heliport, Type II

[Bill No. 85-1967]

Hotel

Laboratory

Living quarters in a commercial building

Marina

[Bill Nos. 64-1963; 85-1967]

Motel or motor court

Public utility uses other than those noted in Sections 200.11 [1] and 230.1.A.9 (See Section 411.)

Retail business located in a single, freestanding structure that has more than 80,000 square feet of gross floor area, which is not located in a C.T., C.C.C., A.S., I.M., or MD 43 District, is not part of a planned shopping center, or is not located in a revitalization district

[Bill No. 88-2010 [2]]

Signs, outdoor advertising (See Section 450.)

[Bill No. 89-1997]

Sludge disposal facility — co-landfilling (See Section 412A.2.A.)

[Bill No. 46-1982]

Sludge disposal facility — composting (See Section 412A.2.B.)

[Bill No. 46-1982]

Sludge disposal facility — handling in general (See Section 412A.2.C.)

[Bill No. 46-1982]

Sludge disposal facility — incineration (See Section 412A.2.D.)

[Bill No. 46-1982]

Sludge disposal facility — landspreading (See Section 412A.2.E.)

[Bill No. 46-1982]

Theater, excluding drive-in

Volunteer fire company

Warehouse, if part of a planned shopping center with a minimum of 30 acres, and if the building for warehouse use does not occupy more than 15 percent of the planned shopping center acreage

[Bill No. 6-2009 [3]]

Wireless telecommunications towers, subject to Section 426

[Bill Nos. 61-1967; 85-1967; 64-1986; 30-1998]

§ 230.4. - Uses in B.L. Zones nearby the MD 43 Overlay District.

[Bill No. 30-2018]

Notwithstanding other provisions of these regulations to the contrary, all uses permitted under Sections 253.1.A through H and 253.2.B through E shall be permitted, by right or by special exception as applicable, on any tract of land: (1) within the URDL; (2) zoned B.L. as of April 16, 2018, (3) having at least a portion of its boundaries within 1,250 feet of property that is zoned within the MD 43 Overlay District as of April 16, 2018, and (4) that is under common ownership or control with at least 800 acres of property zoned within the MD 43 Overlay District.

SECTION 231 - B.L. Zone Height Regulations

[Bill No. 7-1962 [2]]

§ 231.1. - Height regulations and limitations.

A. Purpose and intent. The intent of the following method of height determination is to permit maximum flexibility in proportioning height and bulk in the architectural design and functional planning of buildings in commercial zones, while assuring that a new building will not deprive existing or potential adjacent buildings of adequate light and air circulation. Terms placed in quotation marks are not found as definitions in Section 101 and apply specifically to this section only. The regulations impose a flexible height "tent" within which the building may rise. Along a street, alley or other public way, such "tent" extends upward at a 45-degree angle toward the subject property from the opposite side of the street or alley along its front, side or rear. The height may be averaged; that is, some portions of the building may project above the "tent," provided other portions, equal in total area, stay proportionately below it. From any rear or side lot line which does not adjoin a street, alley or other public way, a similar "tent" would extend upward more steeply with no averaging of height. These provisions make it practicable to assure adequate light and air to adjacent properties if the building height exceeds 40 feet.

B. Height determination. The height limitation of a building shall be determined as follows: The "basic height" of the front or rear wall of a building along a street, alley or other public way is determined by a "base line plane" extending upward at a 45-

degree angle from a "base line" at the average elevation on the property line on the opposite side of the right-of-way, toward a vertical plane (the "measure plane") on the building line, as defined in Section 101. The horizontal line formed by the intersection of these two planes determines the "basic height," which is the vertical distance above the building line. Regardless of the right-of-way width the "basic height" shall not exceed 100 feet, except as permitted hereinafter as "averaged height," nor shall it be required to be less than 40 feet. In calculating "averaged height" on the "measure plane," the area resulting from multiplying the sum of the heights of portions remaining below the "basic height" by their respective widths shall not exceed the area resulting from multiplying the sum of the heights of portions extending above the basic height by their respective widths. In averaging the heights of component parts of the said wall along a public right-of-way, the total horizontal distances used for averaging shall not exceed twice the "basic height," nor shall the maximum height at the building line, resulting from averaging the height of said wall, exceed twice the "basic height." Any part of the building which is set back from the building line shall not project above a plane or planes sloping inward and upward at a 45-degree angle from the averaged permitted heights at the building line, except that heights of such portions of the building so set back may be used to determine the averaged height by projecting them downward at 45 degrees to the "measure plane [3]."

C. On a corner lot a building may have a height along the side street equal to the permitted height of the front wall of the building, determined as provided in Subsection B for a distance from the front corner of the lot equal to the width of the front right-of-way. For the remainder of the building wall along this side of such lot, the permitted height shall be computed in the manner specified in Subsection B.

D. No part of any building wall adjacent to a side or rear lot line that does not adjoin a street or other public way shall exceed a height of 40 feet above the average ground level along such wall, except that any part of such wall may exceed that height, provided that no portion of the building would project above a plane sloping inward and upward from the lot line at the rate of one-foot horizontally for each five feet of vertical distance above said average ground level. [4]

SECTION 232 - B.L. Zone Area Regulations

[BCZR 1955]

Minimum requirements, except as provided in Article 3, shall be as follows:

§ 232.1. - Front yard.

For residences, as in Sections 302 and 303.1; for commercial buildings the front building line shall be not less than ten feet from the front property line and not less than 40 feet from the center line of the street, except as specified in Section 303.2.

§ 232.2. - Side yards.

A. For residences, as in Section 302.

B. For commercial buildings, none required on interior lots, except that where the lot abuts a lot in a residence zone there must be a side yard not less than the greater minimum width required for a dwelling on the abutting lot and on corner lots the side yard on the street side shall be not less than ten feet in width.

§ 232.3. - Rear yard.

[Bill No. 26-1963]

A. For residences, as in Section 302.

B. For commercial buildings, none required, except that where the rear lot line abuts a lot in a residence zone there shall be a rear yard not less than 20 feet deep.

§ 232.4. - Parking area and loading space.

In accordance with the provisions of Section 409.

§ 232.5. - Floor area ratio.

[Bill Nos. 7-1962; 111-1968; 100-1970]

The maximum permitted floor area ratio for any site in a B.L. Zone, excepting C.C.C. and C.T. Districts, shall be 3.0.

SECTION 232A - Special Regulations for C.C.C. Districts

[Bill Nos. 111-1968; 100-1970 [1]; 26-1988]

Contrary provisions of these zoning regulations notwithstanding, the regulations of this section shall apply in C.C.C. Districts superimposed upon B.L. Zones. (All aspects of matters not governed by the following provisions of this section shall be governed by all other applicable provisions of these zoning regulations.)

§ 232A.1. - Apartments; elderly housing facilities.

[Bill Nos. 36-1988; 1-2014]

A. Apartments shall be permitted, but only above the first story of a building. Elderly housing facilities and apartments restricted to those age 55 and older shall be permitted in any story of a building.

B. Notwithstanding any provision of law or regulation to the contrary, all laws and regulations governing the development of elderly housing facilities, including but not limited to height, area, bulk, parking and open space regulations, shall be the only laws and regulations applicable to a conversion of an existing elderly housing facility to apartments restricted to those age 55 and older.

§ 232A.2. - Apartment windows.

No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.

§ 232A.3. - Floor area ratio; number of dwelling units.

The maximum permitted floor area ratio for any site shall be 4.0; the specific number of dwelling or density units, as such, shall not be directly limited.

§ 232A.4. - Open space ratio.

The minimum permitted amenity open space ratio shall be 0.2.

§ 232A.5. - Breweries.

[Bill No. 185-1995]

A brewery, Class 7, is permitted if within the urban rural demarcation line.

SECTION 232B - Special Regulations for C.T. Districts

[Bill Nos. 111-1968, Section 232A; 100-1970; 115-1982; 26-1988; 36-1988]

Notwithstanding other provisions of these zoning regulations to the contrary, the following regulations shall apply in C.T. Districts superimposed upon B.L. Zones. (All aspects of matters not governed by the following provisions of this subsection shall be governed by all other applicable provisions of these zoning regulations.)

§ 232B.1. - Apartments; elderly housing facilities.

Apartments shall be permitted, but only above the first story of a building. Elderly housing facilities shall be permitted in any story of a building.

§ 232B.2. - Apartment windows.

No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.

§ 232B.3. - Floor area ratio; number of dwelling units.

The maximum permitted floor area ratio for any site shall be 5.5; the specific number of dwelling or density units, as such, shall not be directly limited.

§ 232B.4. - Open space ratio.

The minimum permitted amenity open space ratio shall be 0.1, except that for abovegrade floor space used for accessory off-street parking spaces, the ratio shall be 0.02.

§ 232B.5. - Building height.

The maximum average permitted height of any building shall be 1½ times the maximum average height otherwise permitted in B.L. Zones.

SECTION 232C - Special Regulations for B.L. Lots Within 750 Feet of an R.C. Zone

[Bill No. 111-1998 [1]]

Notwithstanding other provisions of these zoning regulations to the contrary, if the exterior wall of any proposed building located on a B.L. lot is within 750 feet of an R.C. Zone, the provisions of this section apply to the entire lot. The provisions of this section do not apply if, as of October 5, 1998, the lot is governed by a C.R., I.M., C.T. or C.C.C. District or is located in a planned unit development or in the White Marsh or Owings Mills growth areas. (All aspects not governed by the provisions of this section are governed by all other applicable provisions of these zoning regulations.)

§ 232C.1. - Building height; floor area ratio.

Except as provided in Section 232C.2:

A. The height of a building may not exceed 35 feet; and
B. The floor area ratio of a building may not exceed 0.5.

§ 232C.2. - Exceeding of height and area standards.

The Hearing Officer may approve a plan which exceeds the height and area standards in Section 232C.1 if:

A. The requirements of Section 502.1 are met;
B. The proposed height and floor area ratio requirements do not exceed the standards otherwise permitted for a B.L. Zone; and
C. Based on the recommendations of the Directors of Planning, Environmental Protection and Sustainability, Permits, Approvals and Inspections and Public Works, the Hearing Officer determines that the proposed use is compatible, as determined in accordance with § 32-4-402 of the Baltimore County Code, with the existing uses of the contiguous R.C. Zone.

[Bill No. 122-2010]

Case No.: 2019-0070-SPHX

Exhibit Sheet

SLN 11-15-18

	Petitioner/Developer	Protestants
No. 1	Sharon CV	File Folder w/ Materials
No. 2	Redline site plan	
No. 3	Schematic Landscape Plan	
No. 4	Elevations	
No. 5	Signage detail	
No. 6	Illustrative Site Plan	
No. 7	Dumpster enclosure Exhibit	
No. 8	Marketing material Valvoline	
No. 9	Schmid CV	
No. 10	Basic Services Map - 2018 - 10A " " 2017 - 10B	
No. 11	2016 - 10C	
No. 12		

JOSHUA T. SHARON
P.E, L.S.I.T, LEED AP BD+C.

Project Assignment:

Associate

Years of Experience:

MRA: 12

Education:

B.S., Civil Engineering,
University of Maryland, 2005

Active Registrations:

Professional Engineer - Maryland,

Land Surveyor in Training-
Maryland,

LEED Accredited Professional,

Professional Affiliations:

American Society of Civil Engineers

National Society of Professional
Engineers

Maryland Society of Professional
Engineers

Recognitions:

2009 Consultant of the Year by the
Baltimore County Soil
Conservation District

**MORRIS &
RITCHIE ASSOCIATES, INC.**

Qualifications:

Mr. Sharon is an Associate with Morris & Ritchie Associates, Inc.'s Towson office. Mr. Sharon has a comprehensive background in the civil engineering field. He has worked with Morris & Ritchie Associates on a variety of projects located in Baltimore City, Baltimore County, Anne Arundel County, Harford County, Garrett County and Frederick County.

Mr. Sharon has extensive experience in the design and development of an assortment of site development projects including single-family residential communities, multi-tenant neighborhoods, commercial properties, retail centers, hospitality buildings and telecommunication sites. He has extensive knowledge of the procedures for processing permits and developments through Baltimore County and other jurisdictions.

As an Associate in MRA's Towson office, Mr. Sharon is responsible for engineering design of development projects, day-to-day management of client services and preparation of construction documents.

Mr. Sharon has extensive design experience that includes site layout and design, grading, earthwork analysis, storm drain and utility design, hydrology and hydraulic analysis and design, erosion and sediment control design, culvert analysis and design, roadway design and stormwater management design for both commercial lots and residential subdivision projects.

PETITIONER'S

EXHIBIT NO. 1

Mr. Sharon is experienced in developing alternatives analysis to evaluate cost effective design options, and solving design problems with severe site constraints.

Examples of Mr. Sharon's project experience include:

10 Light Street, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of the conversion of the 10 Light Street building from office to 430 residential apartments.

1 Light Street, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of the construction of the 28-story mixed use building in the downtown business district.

5601 Eastern Avenue, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of a mixed-use redevelopment PUD project with retail, residential apartments and hospitality.

6300 York Road, Baltimore City, Maryland - Civil Project Engineer for engineering design of an inline-retail addition project to a successful shopping center.

801 Goucher Boulevard, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design for redevelopment of a 14.5 acre shopping center containing over 157,000 s.f. of retail space.

725 Butler Road, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design of a commercial center consisting of historic buildings and new construction. Project work included the first pervious concrete stormwater management design solution in Baltimore County.

Meadowvale, Baltimore County, Maryland - Civil Project Engineer engineering design team for a 103-unit single family community located in an area of severe grade changes and limited by existing drainage patterns and environmental constraints.

Martin Plaza, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design for redevelopment of the 25 acre shopping center.

Riparius Lot #1, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design of an 87 room Holiday Inn Express located on an undeveloped parcel hindered by grade changes, environmental constraints and requiring an underground stormwater management facility to meet local and state regulations.

Allender Road, Baltimore County, Maryland - Civil Project Engineer on team designing a 173-unit single-family home community located on Allender Road with stormwater management challenges including dual design discharge points.

The Preserve at Windlass Run, Baltimore County, Maryland - Civil Project Engineer on engineering design team for a 412-unit development mixed with single family and town homes located off of White Marsh Boulevard, surround by environmentally sensitive areas and requiring seven stormwater management facilities.

Introduction to
Henley Enterprises, Inc.



October 2018

PETITIONER'S

EXHIBIT NO. 8

Business Overview

- Henley Enterprises, Inc., and its affiliates (collectively "Henley") currently operate 175 Valvoline Instant Oil Change ("VIOC") facilities in 10 states – CA, DE, FL, MA, MD, NH, NJ, PA, RI and VA.
- Henley's service centers primarily provide lubrication and preventative fluid maintenance services to cars and light trucks.
- Henley is the largest VIOC franchisee and the third largest independent quick lube operator in the United States.
- Henley has consistently been among the top performing franchises, within the VIOC franchise community, with revenues per service center being approximately 60% higher than the average franchised VIOC center.
- Henley had over $238,000,000 in total sales in 2017, with more than 3.1 million oil changes being performed.
- Henley is privately-held and currently employs more than 1,800 individuals.

History

Henley Enterprises, Inc. was incorporated in June 1987 specifically to develop and operate VIOC facilities under franchise agreements with Valvoline Instant Oil Change Franchising, Inc. ("VIOCF"), a subsidiary of Valvoline Inc. (NYSE:VVV). Henley is now comprised of several geographic operating companies which operate VIOC service centers.

- *Henley Enterprises, Inc.* Opened its first facility in February 1989 in Somerville, MA. The Somerville location was the first franchised facility in the U.S. for VIOCF. Presently, Henley Enterprises currently operates 51 VIOC's in Eastern New England - Massachusetts, New Hampshire and Rhode Island.

- *Mid-Atlantic Lubes, LLC* Formed in March 2000 and acquired its first service center in April 2000, from an existing VIOC franchisee, in Manassas, VA, a suburb of Washington, D.C. Mid-Atlantic Lubes currently operates 26 facilities in Virginia, Maryland, Delaware, Pennsylvania and New Jersey.

- *Sunshine Lubes, LLC* Formed in 2006 and opened its first six service centers in Southwest Florida (Naples and Ft. Myers) in October 2006, by acquiring the operations of two existing VIOC franchisees. Presently, Sunshine Lubes operates 8 facilities.

- *Henley Pacific LA LLC* Formed in 2011 to acquire and operate 71 service centers primarily located in greater Los Angeles and northern San Diego from EZ Lube, LLC, an independent operator that featured Castrol oil. Henley Pacific LA currently operates 84 service centers as a result of acquisition and consolidation activity.

- *Henley Pacific SF LLC* Formed in 2017 and opened its first two service centers in the San Francisco Bay Area (Antioch and Oakley) in January 2018, by acquiring two existing VIOC service centers. Presently, Henley Pacific SF operates 6 facilities.

In October 2017, Henley Enterprises sold 56 service centers in Michigan and Northern Ohio to Valvoline, Inc. to concentrate on the expansion of its East and West Coast operations, including establishing operations in the San Francisco Bay Area.

Henley expects to add approximately 100 service centers during the next 5 years through acquisition and ground-up development.

Core Values

- Be fair and honest with employees and customers
- Make self-improvement and learning a way of life
- Recognize and celebrate achievement
- Make our jobs fun and safe
- Be great at what we do

People.Cars.Greatness.

Strategy

- Position and solidify Henley as the quick lube leader in every market in which we compete through acquisition and ground up development.
- Continual attention to operational efficiency, our people, and the changing profile of the automotive aftermarket.
- Commitment to "speed of service" to differentiate Valvoline Instant Oil Change from its competitors.
- Commitment to service procedures that communicate with the customer while providing a fast and thorough oil change.
- Construct and maintain first-class service centers that exceed customer's expectations and the industry standard.

Marketing

- Henley has the unique opportunity to leverage the internationally recognized Valvoline brand on a targeted basis for greater effectiveness.
- Valvoline's in-house marketing department, along with their national advertising agency, delivers professionally designed advertising campaigns for implementation in all media types.
- Henley's in-house marketing professionals lead digital, social media and traditional marketing campaigns that augment VIOCF's campaigns.
- Henley leverages Valvoline's purchasing power across all advertising mediums within each market.
- Customer information obtained at the time of service is used to drive future transactions through tailored messages, as well as increase customer retention.
- Henley's fleet sales representatives market to commercial and government fleets and differentiate Henley from the competition by offering individualized billing, which results in Valvoline Instant Oil Change being a preferred vendor among both fleet managers and drivers.
- VIOCF's electronic point of sale system allows Henley to measure the effectiveness of advertising campaigns.

Service Center Operations

- VIOC offers the following services:
  - Oil change, filter and lubrication
  - Transmission fluid exchange
  - Power steering fluid exchange
  - Antifreeze/coolant exchange
  - Differential fluid exchange
  - Transfer case fluid exchange
  - Windshield washer fluid filling
  - Tire pressure check/inflation
  - Air filter check and replacement
  - Serpentine belt check and replacement
  - Wiper blade check and replacement
  - Light bulb check and replacement
  - Tire rotation
  - Battery test and replacement
  - Cabin filter check and replacement
  - Fuel filter check and replacement

- Hours of operation are typically 7 AM to 7 PM Monday through Saturday and 9 AM to 5 PM on Sunday.

- Customers are greeted upon entering the lot and guided into an open service bay or asked to park in front of the next available service bay.

- Staffing consists of 8-10 full and part-time team members; includes a manager, assistant managers, customer service representatives, senior technicians, and technicians.

- Regional and area managers have up to 25 years of tenure with the company and/or industry experience.

Instant Oil Change Customer Experience

- Oil changes and other fluid exchanges are completed in approximately 15 minutes.
- Customers are greeted upon entering the lot and guided into an open service bay or asked to park in front of the next available service bay.
- Customers stay in their vehicles throughout the entire service experience.
- Customers are guided through the oil change experience, from oil selection to being shown the dipstick level upon completion, by trained customer service representatives.
- Certified technicians on the "top" and "bottom" sides of the vehicle utilize SuperPro, VIOCF proprietary service procedures, to communicate and provide a fast and thorough oil change.
- Service centers are equipped with free Wi-Fi for the customer's use while awaiting completion of their chosen services.

Environmental

- Henley's policy is to meet or exceed federal, state, local and industry standards, for environmental requirements.

- Each service center is equipped with an Employee Health and Safety manual that contains guidance for trainers and employees for waste management; each employee is trained upon hire and recertified annually.

- A Spill Prevention, Control and Countermeasures Plan is developed for each service center.

- Each service center is equipped with a Spill Kit, which can be used to contain and stop the flow of material in the unlikely event of a spill.

- Bulk oils, lubricants, antifreeze and washer solution are delivered to the service center by licensed and insured distributors in the same manner heating oil is delivered to a home.

- All bulk products and used motor oil are delivered and removed through a permanently installed system of black iron pipes. These pipes terminate outside the building in a locked steel box that provides spill protection and security from vandals. All tanks are vented to the outside of the building and are equipped with whistles to let delivery personnel know the tank is full.

- Used motor oil and lubricants are collected in a rolling drain pan beneath the car that is piped directly to a waste oil collection tank, located in the basement tank room, where it is stored for recycling.

- Used motor oil, lubricants and antifreeze are stored in designated containers for such items and collected by a licensed and insured recycler in accordance with federal, state and local requirements and accounted for by manifest.

- Used oil filters and absorbent materials are stored in designated containers for such items, collected by a licensed and insured waste oil hauler and recycled/disposed of appropriately off-site.

- Wastewater pickups and oil/water separator cleanouts are recorded and accounted for by manifest.

- Service centers are constructed with a tank room, located in the basement of the building, which is constructed of noncombustible materials, has a sealed floor and walls, has secondary containment and is equipped with a fire suppression system.

- There are no floor drains in the basement of the building; this provides another level of containment and allows us to identify a spill more easily in the unlikely event a spill occurs.

- Floor drains located in the first floor of the building are piped into a regularly maintained oil/water separator before entering the sanitary sewer.

Awards and Acknowledgements

- 2001 – "Operator of the Year" *VIOC Franchising*
- 2001 – "Outstanding Achievement" Award *VIOC Franchising*
- 2004 – "National Operator of the Year" *National Oil & Lube News*
- 2005 – "Outstanding Achievement" Award *VIOC Franchising*
- 2006 – "Star Contributor - Don Smith" *VIOC Franchising*
- 2009 – "First $2 Million Store" Award *VIOC Franchising*
- 2010 – "Operator of the Year" *VIOC Franchising*
- 2012 – "Certified Female Friendly® Retailer" *AskPatty.com*
- 2013 – "William S. Collier Spirit of Franchising Award" *VIOC Franchising*
- 2013 – "Franchisee of the Year" *International Franchise Association*
- 2014 – "William S. Collier Spirit of Franchising Award" *VIOC Franchising*
- 2015 – "King of Cars" *VIOC Franchising*
- 2015 – "Operator of the Year" *VIOC Franchising*
- 2016 – "King of Cars for Large Systems" *VIOC Franchising*
- 2017 – "Developer of the Year" *VIOC Franchising*
- 2017 – "King of Cars for Large Systems" *VIOC Franchising*
- 2017 – "Good Samaritan Award for Large Systems" *VIOC Franchising*

Kenneth W. Schmid
11022 Pfeffers Road
Kingsville MD 21087
410-274-8191 (Cell)
410-670-2911 (Office)

Professional Summary:
Traffic Engineer, 37 years of experience.

Skills:

Traffic Operations Analysis	Speed & Sight Distance Studies
Traffic Impact Studies	Intersection Delay Studies
Intersection Analysis	Parking Studies
Transportation Planning Studies	Trip Generation Analyses
Transportation Management Studies	

Computer software Packages: Microsoft software packages, TP +, MINUTP, Highway Capacity Software (HCS), SIDRA, Critical Lane Volume Analysis

Professional Associations:

- Institute of Transportation Engineers, 1985 - present

Professional Experience:

TRAFFIC CONCEPTS, INC
7525 Connelley Drive, Suite B Hanover, Maryland 21076

Vice-President/Senior Project Manager, January 1993-Present

- Project Manager for Traffic Impact Studies/Traffic Engineering Services Division.
- Develop price proposals and budgets for the preparation of traffic studies.
- Provide expert testimony at public hearings.
- Develop master planning studies, traffic impact studies, and parking studies for private and public sector clients.
- Address technical comments received from reviewing agencies and provide traffic mitigation strategies and solutions for clients.
- Represent clients at project Scoping Meetings, Planning Commission Meetings, Board of Appeals Hearings, and Community Input Meetings.

PETITIONER'S

EXHIBIT NO. 9

RONALD W. JOHNSON ASSOCIATES, INC.
2661 Riva Road Suite 420, Annapolis, Maryland 21041

Chief – Traffic Engineering Division, December 1989 – January 1993

- Managed the County Adequate Public Facilities Ordinance (Traffic)
- Provided staff support to the Planning Commission and County Council on transportation issues.
- Reviewed approximately 100 traffic impact studies for Queen Anne's County and recommended traffic mitigation measures to meet the APFO requirements.
- Reviewed major and minor subdivision/site plans for compliance with the County's Zoning Ordinance and the Comprehensive Plan.
- Generated technical subdivision/site plan comments and made presentations at County Council and Planning Commission Meetings.
- Initiated and directed general and specialized land use studies, which included vacant land inventories, site impact analysis and transportation corridor studies.
- Appointed liaison to Federal and State Agencies for Maryland's Smart Growth initiatives and the Federal Clean Air Act Amendment (Air Quality Conformity).

ANNE ARUNDEL COUNTY DEPARTMENT OF PUBLIC WORKS
TRAFFIC ENGINEERING DIVISION
Annapolis, Maryland 21401

Administrator, Office of Transportation, July 1999 – September 2002

- Developed the 2000 Transportation Plan, An Element of the Harford County Master Plan.
- Reviewed of more than 400 traffic impact studies and recommended traffic mitigation measures.
- Initiated and directed planning studies relating to land use and transportation planning, which included computer modeling, transit planning, and traffic impact analysis.
- Developed Transportation Demand Management Strategies for the County.
- Managed the County Traffic Count Program.
- Managed the County Rideshare Program.
- Developed the Unified Planning Work Program for each fiscal year.
- Developed the Transportation Improvement Program (TIP).
- Baltimore Metropolitan Council's Transportation Technical Committee Member.
- Baltimore Metropolitan Council's Bicycle and Pedestrian Advisory Group Member.
- Baltimore Metropolitan Council's Travel Analysis Advisory Group Member.

MARYLAND STATE HIGHWAY ADMINISTRATION, DISTRICT #5 OFFICE
Annapolis, MD 21401

Traffic Engineer I, II, III, May 1981 – December 1986

- Develop traffic signal design and signalization plans
- Review traffic signal design plans submitted by consultants
- Develop equipment and construction design specifications
- Development of traffic signal and traffic signal timing .
- Conduct traffic signal construction inspection
- Conduct various traffic engineering studies in order to make recommendations to the District Traffic Engineer

Publications:

- Developed the Signal Design Manual currently in use by the Maryland State Highway Administration Office of Traffic and Safety.

Expert Witness Experience:

Baltimore County, MD
Calvert County, MD
Caroline County, MD
Carroll County, MD
Cecil County, MD
Charles County, MD
Frederick County, MD
Harford County, MD
Howard County, MD
Prince George's County, MD
Queen Anne's County, MD
St. Mary's County, MD
Talbot County, MD
Baltimore City, MD
City of Annapolis
City of Elkton, MD
City of Frederick, MD
City of Bel Air, MD
Town of Bowie, MD
Town of Easton, MD

Education:

UNIVERSITY OF MARYLAND
College Park, MD 20740
B.A. Degree – Civil Engineering, 1981

ESSEX COMMUNITY COLLEGE
Rosedale, MD 21237
1976 - 1978

BALTIMORE POLYTECHNIC INSTITUTE
1400 West Cold Spring Lane
Baltimore, MD 21209
Graduated 1976

November 5, 2018

TO: The Special Exception Zoning Hearing
John E. Beverungen, Administrative Law Judge
5th Council District
Case Number 2-19-0070-SPHX

FROM: Ridgely Manor Comm. Assoc., the Ridgeleigh Comm. Assoc., the Associates of Loch Raven Village, and the Knettishall Comm. Assoc.

RE: Case Number: 2019-0070-SPHX
Location: Southside of East Joppa Road, west of Loch Raven Boulevard

We, namely Ridgely Manor Community Assoc., the Ridgleigh Comm. Assoc., the Associates of Loch Raven Village, and the Knettishall Community Association who are members of the Towson Communities Alliance, oppose the zoning change currently in place for the property owned by Howard Bank on the south side of E. Joppa Road and west of Loch Raven Boulevard.

We feel that the proposed "quick lube" service station is an inappropriate usage for this property for the following reasons:

- There are currently 5 (five) auto service stations within one half mile of the proposed location
- The proposed location sited is between 6 (six) food service establishments
- The proposed demolition of an aesthetically pleasing and modern current structure
- The potential for significant traffic disruptions and added congestion
- The storing of hazardous waste, hazardous materiel and environmental degradation

Recently our communities, in a joint effort under the auspices of the Towson Communities Alliance (formerly GTCCA), engaged in a lengthy and contentious opposition to a proposed fuel station and convenience store at the north Towson Gateway and this property represents the eastern entrance to Towson. To place a petroleum-centric business at this important gateway would be a significant step backwards in the Loch Raven revitalization district and for Towson as a whole. This would also add another auto service station to the immediate vicinity having the potential to damage existing businesses causing vacancies and further environmental degradation.

In reference to Case 99-251-A:
Development at Loch Raven and Joppa for the 1st Mariner bank building

The possibilities of limiting the development that increases traffic loads at an F-Rated intersection is no longer active. The County Council killed that protection. But, the decades long F-Rating should still be argued as a reason not to allow this request for Special Exception.

The approval of a Special Exception request requires that the proposal would NOT endanger the health, safety and welfare on these communities in any greater way than would impact another community if it was built elsewhere.

continues on page 2

We argue that our communities, who have fought for and achieved much revitalization in our residential and commercial areas, would be harmed in a far greater manner if this proposal is allowed to be at the intersection of Loch Raven Blvd and Joppa Rd.

To go from a service garage located on this property prior to 1999 to the attractive brick building and site improvement for our communities business and residential Gateway to Towson would be a significant step backwards and a loss of an improvement that the communities and Baltimore County agencies, including the Office of Planning in particular, supported and worked together on during the 1999 approval and final development process for the 1st Mariner Bank of the corner of Loch Raven Blvd and Joppa Rd.

Our communities would experience a very detrimental effect if the now Gateway improvement is allowed to be replaced with a service garage again.

In the zoning caste the office of planning agreed that this corner was an important gate way to the community and the use and building architecture is an improvement over the then existing service station. Why would the office of planning now endorse reverting back to a service station?

Approval would totally negate the expenditure of much investment of time, energy, effort and belief in the possibility of the revitalization that was achieved by the now existing building and site improvement. Approval would be going backwards and return to the generic and lower use of this property that existed prior to 1999.

Janice Krach, President
Knettishall Community Assoc., Inc.
8325 Wyton Road
Towson, MD 21286
410-321-1785
knettishalltowson@gmail.com

American Public Health Association
Promoting Public Health Research, Policy, Practice and Education
About Us Subscriptions Submissions
American Journal of PUBLIC HEALTH

Am J Public Health. 2011 December; 101(Suppl 1): S37–S52.
doi: [10.2105/AJPH.2011.300183]
PMCID: PMC3222489
PMID: 22028451

Residential Proximity to Environmental Hazards and Adverse Health Outcomes

Jean D. Brender, RN, PhD,[✉] Juliana A. Maantay, PhD, MUP, and Jayajit Chakraborty, PhD, MS

Jean D. Brender is with the Texas A&M Health Science Center, School of Rural Public Health, College Station, Texas. Juliana A. Maantay is with the Geographic Information Science Program and Urban Geographic Information Science Lab, Department of Environmental, Geographic, and Geological Sciences, Lehman College, City University of New York, Bronx, NY. Jayajit Chakraborty is with the Department of Geography, University of South Florida, Tampa, FL.

[✉] Corresponding author.

Correspondence should be sent to Jean D. Brender, RN, PhD, School of Rural Public Health, 257 SRPH Administration Building, TAMU 1266, Texas A&M Health Science Center, College Station, TX 77843-1266 (e-mail: jdbrender@srph.tamhsc.edu). Reprints can be ordered at http://www.ajph.org by clicking the "Reprints/Eprints" link.

Peer Reviewed

Contributors

J. D. Brender, J. A. Maantay, and J. Chakraborty conceptualized the analytic review. J. D. Brender and J. A. Maantay completed the systematic reviews of the literature and shared supervision of the article's overall content. J. Chakraborty reviewed the article and contributed to the conclusions, implications, and recommendations.

Accepted February 28, 2011.

Copyright © American Public Health Association 2011

Abstract

How living near environmental hazards contributes to poorer health and disproportionate health outcomes is an ongoing concern. We conducted a substantive review and critique of the literature regarding residential proximity to environmental hazards and adverse pregnancy outcomes, childhood cancer, cardiovascular and respiratory illnesses, end-stage renal disease, and diabetes.

Several studies have found that living near hazardous wastes sites, industrial sites, cropland with pesticide applications, highly trafficked roads, nuclear power plants, and gas stations or repair shops is related to an increased risk of adverse health outcomes.

Government agencies should consider these findings in establishing rules and permitting and enforcement procedures to reduce pollution from environmentally burdensome facilities and land uses.

Concerns about health and environmental hazards transcend the academic, scientific, and regulatory worlds; they are also of compelling interest to the public, who often recognizes a relationship between environmental hazards and health. In a 1999 national telephone survey among US voters,[1] 74% of respondents thought that environmental factors had an important impact on childhood cancer, and 73% thought these factors had an impact on birth defects. More than 50% of respondents felt that air

J Public Health Am J Public Health Am J Public Health

pollution, contaminated drinking water, and toxic waste had a great deal of impact on a person's health. These concerns often resulted in public perceptions of disease clusters near hazardous waste sites, industrial facilities, and other potential sources of chemical releases. With the advent of geographic information systems, environmental scientists and public health researchers have been able to address these concerns more comprehensively and objectively with the use of various proximity analyses.

We undertook a systematic review of 94 studies that examined residential proximity to environmental hazards in relation to adverse reproductive outcomes, childhood cancer, respiratory and cardiovascular conditions, or other adverse health outcomes. In our review, unlike in previously published reviews, we focused on a wide range of health outcomes in relation to residential proximity to multiple environmental hazards and identified each study's limitations. If the evidence indicates that residential proximity is associated with poorer health outcomes, regulatory agencies may need to factor in nearby populations when siting industrial facilities, municipal waste sites, incinerators, and other potential sources of emissions.

APPROACH

We identified studies of environmental proximity analyses in relation to health through the National Library of Medicine's PubMed, using search terms that combined *proximity to* and adverse pregnancy outcomes (birth defects, fetal death, low birth weight, preterm birth, and spontaneous abortion), childhood cancer, cardiovascular and respiratory illnesses, end-stage renal disease, and diabetes. We also identified additional relevant studies in these studies' bibliographies. With respect to cancer, we focused our review primarily on childhood cancers. Given the relatively long induction and latent period of solid tumors in adults, studies would need to include residential histories for as many as 15 to 30 years before a cancer diagnosis to capture pertinent environmental exposures. Although several recently published studies have included extensive residential histories,[2–4] such studies are scarce. Even though various respiratory and cardiovascular conditions may originate many years before manifestation of overt disease, environmental exposures to pollutants could have acute effects, for example, precipitating asthma attacks or myocardial infarction in susceptible individuals.

We summarized information from each study regarding target populations, type of study design used, health outcomes included, methods of proximity analyses and exposure assessment, major findings, and limitations. We also examined study results for evidence of racial or economic disparities in health outcomes in relation to residential proximity. In addition to discussing overall findings, we summarized the conclusions of studies that had minimal limitations with respect to exposure assessment and outcome.

A wide variety of methods were used in the reviewed studies to examine the relation between proximity to potential environmental hazards and adverse health outcomes, including spatial coincidence analyses (e.g., residence in a zip code with ≥ 1 hazardous waste sites), distance-based analyses (e.g., residence ≤ 1 mile of industrial facilities as defined by a 1-mile buffer), and pollution plume modeling (i.e., the dispersion footprint of the pollutant as a proxy for exposure). The most frequently used method was distance-based analysis.

ADVERSE PREGNANCY OUTCOMES

Am J Public Health

We reviewed 49 studies that examined the relation between residential proximity to 1 or more potential environmental hazards and adverse pregnancy outcomes. Few studies specifically examined health impacts in relation to race or socioeconomic status (Table 1). Those studies that did had mixed conclusions regarding health impacts on specific racial or income groups. In a study of maternal residential proximity to hazardous waste sites and chromosomal anomalies, increased risk of Klinefelter variants was confined to births to Hispanic women.[6] In the same study population, however, neural tube defects were associated with residential proximity within 1 mile of an industrial facility only among non-Hispanic White women.[10] Among the various ethnic and racial groups studied, Orr et al.[8] noted the strongest associations between maternal residence in a census tract with 1 or more National Priorities List hazardous waste sites and birth defects among American Indians and Alaska Natives. In Israel, Bedouin populations showed increased risk of major congenital malformations and perinatal mortality with residential proximity to an industrial park, but Jewish populations showed no increased risk.[5,9] In a Canadian population, risks for preterm and low birth weight births in relation to maternal residential proximity to highways were strongest among highly educated women and women who lived in wealthy neighborhoods.[7]

TABLE 1

Studies of Residential Proximity to Environmental Hazards and Adverse Pregnancy Outcomes With Reported Disparities by Race and Ethnicity or Socioeconomic Status

Am J Public Health

Am J Public Health

First Author, Year, and Country	Population	Pregnancy Outcomes	Disparities Examined	Environmental Hazard and Disparities
Bentov, 2006,[5] Israel	Beer-Sheva subdistrict, 1995–2000	Major congenital malformations combined and subcategorized into major congenital anomalies of central nervous system, chromosomal anomalies, and other major congenital malformations	Jewish populations (urban, urban satellite, and agricultural localities); Bedouin population (permanent localities and traditional tribal settlements)	Residential proximity to a regional industrial park was associated with increased rates of major congenital anomalies among the Bedouin population but not among the Jewish population.
Brender, 2008,[6] Texas	Live births and fetal deaths, 1996–2000	Chromosomal anomalies combined and categorized into 9 categories	Race or ethnicity (non-Hispanic White, Hispanic, African American, other)	Hispanic women who lived near hazardous waste sites were 7.9 times as likely (95% CI = 1.1, 42.4) to have offspring with Klinefelter variants.

Open in a separate window

Note. CI = confidence interval; OR = odds ratio; SGA = small for gestational age; TRI = Toxic Release Inventory.

We summarize the findings of studies, including limitations, that examined the relation between residential proximity to various environmental hazards and adverse pregnancy outcomes in a supplemental table (available as a supplement to the online version of this article at http://www.ajph.org). In several studies, investigators noted positive associations between maternal residence near waste sites and central nervous system defects,[8,11–14] heart defects,[12,13,15–19] surgical correction of gastroschisis and exomphalos,[20] hypospadias and epispadias,[19] and chromosomal anomalies in offspring.[6,8,11,21]

Fewer studies explored the relation between maternal residential proximity to waste sites and adverse

Am J Public Health Am J Public Health Am J Public

Health Am J Public Health

pregnancy outcomes other than congenital malformations. Most of these studies reported minimal or no association except between maternal residential proximity to pesticide-contaminated waste sites and fetal deaths,[22] polychlorinated biphenyl (PCB)–contaminated sites and low birth weight among male births,[23] municipal solid waste landfills and low birth weight or small-for-gestational-age births,[24] and any hazardous waste site and low and very low birth weight.[20]

In Europe and Japan, pregnancy outcomes were examined in relation to maternal residential proximity to incinerators or crematoriums. Studies noted associations between these residential characteristics and risk of neural tube defects,[25] heart defects,[25] oral clefts,[26] renal dysplasia,[26] stillbirths,[25] and infant deaths.[27] However, Tango et al.[27] found no higher rate of deaths resulting from congenital malformations among births to mothers who lived near municipal solid waste incinerators in Japan.

In several populations, maternal residential proximity to industrial complexes was associated with increased risk of adverse pregnancy outcomes, including central nervous system defects,[5,10,28] oral clefts,[29] chromosomal anomalies,[6] undescended testis,[30] perinatal mortality,[9] and low birth weight.[31] Vinceti et al.[32] noted that women living in an industrial area contaminated with lead were more likely to give birth to babies with cardiovascular, musculoskeletal, and oral cleft defects than were women living away from this area.

Increased risks for low birth weight and preterm births were noted among offspring of mothers who resided near highways[7] and in areas with high traffic density,[33] although no statistically increased risk was noted for fetal and early neonatal deaths with this maternal residential characteristic.[34]

Mothers living near cornfields at delivery were more likely to give birth to babies with limb malformations,[35] an association that might be attributed to exposure to pesticides used on this crop. Rull et al.[36] noted elevated risks for neural tube defects among offspring of women who lived within 1000 meters of applications of pesticides classified as amides, benzimidazole, methyl carbamate, organophosphates, benomyl, or methomyl. Bell et al.[37] found elevated risk of fetal deaths from congenital malformations if mothers lived near areas of pesticide application.

We expected that studies that measured actual distances between the environmental hazard of interest and individual maternal residential addresses would have less exposure misclassification. With respect to congenital malformations, we considered studies that included fetal deaths or terminations as well as live births and that examined specific defects instead of all malformations combined as having stronger designs. Eleven of the studies on congenital malformations[6,10,12,13,18,21,29,30,35,38] and 6 of the studies on other adverse reproductive outcomes[7,22,33,34,37,39] met these criteria. In several of these studies, adverse reproductive outcomes were associated with maternal proximity to waste sites,[6,12,13,18,21] industrial sites,[6,10,29,30,37] areas with pesticide applications,[35,36,37] roadways,[7] and dense traffic.[33]

CHILDHOOD CANCER

Most published studies of childhood cancer and residential proximity to potential environmental hazards focused on leukemia, brain cancer, or all childhood cancers combined. We list the characteristics, findings, and study limitations of the 25 studies reviewed in Table 2.

Am J Public Health Am J Public Health Am J Public Health

TABLE 2

Studies of Residential Proximity to Potential Environmental Hazards and Childhood Cancer

				residences.
Reynolds, 2004, United States[55]	Population-based case-control study; CA statewide	Childhood cancer combined, leukemias, and CNS tumors diagnosed in children aged <5 y	Roads and traffic density: Case and control maternal residential address at delivery linked to road and traffic density in 500-ft radius of residence.	Findings: For all cancers combined, for highest road density exposure category compared with lowest, OR = 0.87 (95% CI = 0.75, 1.0); for leukemia, OR = 0.80 (95% CI = 0.64, 1.01); and for CNS tumors, OR = 1.03 (95% CI = 0.75, 1.43). Similar ORs were found with traffic density, although for CNS tumors OR = 1.22 (95% CI = 0.87, 1.70) Limitations: Assignment of exposure limited to residence at birth
Reynolds, 2005, United States[56]	Population-based case-control study; CA statewide	Childhood cancer combined, leukemias, and CNS tumors diagnosed in children aged <5 y	Pesticide use in adjacent land area: Case and control maternal residential addresses at birth linked to pesticides used on land area (lb/mi^2) ≤ 0.5 mi of residence.	Findings[a]: No clear risk patterns noted although mildly elevated ORs for leukemia associated with pesticides that were probable and possible carcinogens and with use of organochlorines or organophosphates. Limitations: Small numbers of children exposed to high-use areas,

Open in a separate window

Note. AOR = adjusted odds ratio; CI = confidence interval; CNS = central nervous system; GIS = geographic information system; NAACCR = North American Association of Central Cancer Registries; OR = odds ratio; PM10 = particulate matter ≤ 10 μm; RR = relative risk; TRI = Toxic Release Inventory.

[a]Positive associations found between environmental entity and health outcomes under study.

Residential proximity to roadways and other indices of increased exposure to traffic-related pollution

Am J Public Health

were associated with increased risk of childhood leukemia in a number of European studies[43,44] but were not noted in several US study populations[50,54,55,62] or in a Danish population.[52] Crosignani et al.[43] estimated traffic-related benzene emissions by means of a Gaussian diffusion model and observed an odds ratio (OR) of 3.91 (95% confidence interval [CI] = 1.36, 11.27) for childhood leukemia with benzene concentrations higher than 10 micrograms per cubic meter. Residential proximity to roadways or traffic emissions was also associated with Hodgkin's lymphoma in Danish children.[52]

Risk of childhood cancer was examined in relation to residential proximity to cropland and pesticide applications in US populations in California[53,56,57] and Texas.[41] A birth address within 1000 meters of cropland showed some association with germ-cell tumors, non-Hodgkin's lymphoma, and Burkitt lymphoma, although the elevated ORs were based on a small number of cases.[41] Using an exposure metric that consisted of residential proximity within 0.5 mile of pesticide applications (pounds per square mile), Reynolds et al.[56] noted slightly elevated ORs for leukemia with birth addresses near application of pesticides that were probable or possible carcinogens and nearby applications of organochlorine or organophosphate pesticides. Risk of acute lymphoblastic leukemia was elevated in children who lived within 0.5 mile (lifetime residences) of applications of organophosphates, chlorinated phenols, and triazines and pesticides classified as insecticides or fumigants[57]; acute lymphoblastic leukemia risk was associated with moderate but not high exposures.

Risk of childhood cancer was examined in relation to residential proximity to other sources of contaminants, including industries reporting under the US Toxic Release Inventory, petrochemical plants, gas stations, repair garages, nuclear power plants, and landfill sites and hazardous waste sites. Increased risk of childhood leukemia was found with residential addresses near gas stations,[44,60,63] repair garages,[60] and nuclear power plants.[46,59] Children whose mothers lived near industries covered under the Toxic Release Inventory during pregnancy were more likely to have brain cancer, especially if the mother lived within 1 mile of a facility with carcinogen emissions.[42]

We considered studies that examined incident cases of childhood cancer in relation to actual measured distances between 1 or more residences documented before diagnosis and the environmental hazard of interest to be less subject to exposure misclassification and selection bias. Of the reviewed studies, 10 met these criteria.[41,42,50,52,55–57,61,62,64] Residential addresses near cropland,[41] pesticide application,[56,57] and industries[42,61] and their associated emissions[64] were associated with childhood cancer in several of these studies.

CARDIOVASCULAR, RESPIRATORY, AND OTHER DISEASES

We conducted a comprehensive review of the literature to examine the relation between residential proximity to a wide range of environmental hazards and cardiovascular and respiratory disease, PCB toxicity, end-stage renal disease, diabetes, and adult cancers such as leukemia and non-Hodgkin's lymphoma. Online Supplemental Table 2 (available as a supplement to the online version of this article at http://www.ajph.org) summarizes the 20 research studies reviewed in this section, including limitations.

The results of 12 studies on respiratory illness suggested that residential proximity to both stationary sources of air pollution (industries covered under the Toxic Release Inventory, National Emission

Am J Public Health

Inventory, hazardous air pollutants, petroleum refineries, etc.), and, with a few exceptions, heavily trafficked roads, was significantly associated with asthma hospitalizations.[65–69] An example is the case-crossover study by Smargiassi et al.,[69] which examined the effects of residential proximity to point-source air pollution on asthma among children. They collected asthma hospitalization data for children aged 2 to 4 years and calculated the risk of asthma episodes for residential postal codes for the east end of Montreal Island. Exposure was estimated using the American Meteorological Society–Environmental Protection Agency Regulatory Model, an air dispersion model, and sulfur dioxide emissions data from 2 petroleum refineries and other point sources measured via 2 fixed air-monitoring sites. The model computed estimations of daily sulfur dioxide exposure at the centroid of each postal code as well as average hourly predictions and daily peaks. Smargiassi et al.[69] used logistic regression to evaluate sulfur dioxide exposure in relation to asthma hospitalization days versus control days using a time-stratified approach. Results revealed that short-term increases in sulfur dioxide were significantly associated with a higher number of asthma-related emergency department visits and hospital admissions in children residing near refineries.

In addition, several studies found that exposure to mobile sources of air pollution through residential proximity to major roadways increased the occurrence of chronic respiratory symptoms by exacerbating asthma or increasing self-reported chronic respiratory symptoms such as wheezing, pulmonary function, attacks, and the use of respiratory medicine.[70–73] Three other studies did not find a significant relationship between proximity to roads and asthma hospitalizations among children,[74–76] although English et al.[74] reported that the odds of residing in high traffic-flow areas were significantly higher for children experiencing more than 1 asthma hospitalization per year than for children having only 1 incident. Three studies on cardiovascular disease[65,77,78] also suggested a significant association between residential exposure to combined sources of air pollution and stroke mortality. For instance, Hu et al.[77] determined the observed and expected stroke mortality at the census tract–level for counties in northwest Florida. Air pollution was characterized by the presence of Toxic Release Inventory sites and other stationary sources of air pollution (i.e., dry cleaners, sewage treatment plants, solid waste disposal, and Superfund sites), and roads with high average vehicle traffic counts. Using location, Hu et al. calculated air pollution density surfaces for point sources and traffic and used hierarchical logistic regression. The mean age-adjusted stroke rate in the study areas was more than 8 times the expected rate, and census tracts with high levels of air pollution had significantly elevated risks of stroke mortality. Maheswaran and Elliott[78] also looked at relationship between stroke mortality and residential proximity to main roads at the census enumeration district level in England and Wales. They evaluated mobile sources of air pollution by using road network data that characterized exposure as distance categories from the centroid of each census enumeration district to the nearest main road. Logistic regression controlling for age, gender, socioeconomic deprivation, and urbanization determined the associations between stroke mortality and distance categories. Census enumeration districts with distances of less than 200 meters to main roads had significantly higher stroke mortality rates than those with distances of more than 1000 meters. This association held when stratified by gender, and Maheswaran and Elliott determined a significant dose–response relationship for distance categories. Three studies using geographic information science examined the impact of residing near hazardous wastes sites, although the health outcomes of interest were different: cord blood PCB level, end-stage renal disease, and diabetes. Kouznetsova et al.[79] conducted an ecological study to determine

Public Health Am J Public Health Am J Public Health

whether exposure to persistent organic pollutants (POPs) found near hazardous waste sites was associated with diabetes risk in New York. They used state hospitalization data to calculate diabetes hospitalization rates in patients aged 25 to 74 years by zip code, controlling for age, gender, race, income, and urban or rural population density. Hazardous waste sites were grouped into exposure categories by zip code: POP sites (dioxins and furans, PCBs, persistent pesticides), non-POP sites (volatile organics and metals, etc.), and clean sites. They found significantly higher diabetes hospitalization rates in POP zip codes versus both clean and non-POP sites. With stratification, the rate ratios were highest for Blacks and older age groups.

Some evidence has linked residential proximity to hazardous waste sites and adverse health impacts,[79–81] but the dearth of literature makes cross-study comparisons difficult. Although exposure to hazardous waste sites may be associated with outcomes such as PCB toxicity, end-stage renal disease, and diabetes, more research is needed.

We reviewed three studies using geographic information science to explore the relationship between environmental burdens and adult cancer. The environmental exposures of interest in these studies included air pollution from industrial plants and a nuclear facility's radioactive emissions; the findings were mixed. Leukemia was significantly associated with proximity to the Pilgrim nuclear power plant among women,[82] and the odds of leukemia increased with proximity to the plant. Wilkinson et al.[83] calculated the observed and expected cancer incidence and death rates for electoral wards using a distance decline model around the pesticide- and fertilizer-producing Pan Britannica Industries Plant. Although they found significant differences between observed and expected rates of cancer incidence and mortality for distances from 0 to 1 kilometers and 0 to 7.5 kilometers around the plant, evidence of a dose–response relationship was mixed, and the rate ratios were within the range for the region, although the observed incidence of melanoma and cancers of the lung, pancreas, and stomach was significantly higher than expected values. Another study[84] found significant associations between other industrial plants and some cancers; for instance, non-Hodgkin's lymphoma was significantly associated with proximity to a copper smelter and sulfite pulp mill.

Similar to the hazardous waste site studies, studies assessing cancer risk from exposure to various environmental hazards suffered from comparability problems. Residential proximity to certain industrial plants appears to be linked to cancer risk, although the significance of the results depends on the specific type of plant, population subgroup, and cancer types.

We would expect studies that measured the distance between the environmental hazard of interest and individual residential addresses to have fewer exposure misclassifications and therefore stronger designs. Of the 20 studies we considered, 11 met that criterion.[65–68,70,71,74,80–82,84] In 9 of these 11 studies, residential proximity to roads[66,70,74]; to cokeworks, copper smelters, refineries, nuclear power plants, or other stationary point sources of air pollution[65,67,68,82,84]; or to hazardous waste sites[81] were associated with asthma, respiratory illnesses, heart disease, non-Hodgkin's lymphoma, end-stage renal disease, or adult leukemia.

LIMITATIONS OF EVIDENCE

Without exception, the studies included in this review had 1 or more limitations that should be

Am J Public Health

considered in the interpretation of results and implications for environmental and public health. Several studies used an ecological approach in which the investigators compared rates of adverse health outcomes with census-defined or administrative boundaries (e.g., zip code) as a proxy for residential location when individual addresses were unknown. This approach, in which exposure is assigned on the basis of whether a specific environmental hazard is present within a particular unit of aggregation[85] (called a container approach or spatial coincidence analysis), implies that all residents within a particular boundary are equally affected by the hazard of interest without accurate assessment of individual exposure.[85] For example, a case participant may live next to a particular hazard of interest, but if the hazard is located outside the researcher's unit of analysis (e.g., zip code), then that case participant would not be defined as exposed. Such a design can lead to an ecological bias in which associations at an aggregate level do not represent exposures at the individual level among people with and without adverse health outcomes.[86] In general, the larger the unit of spatial aggregation is, the more likely it is that bias will be introduced as a result of heterogeneity across and within these units,[85] and ecological fallacy may result.

Distance-based methods greatly improve on this approach by measuring the actual distance between residential addresses and environmental hazards. However, residential exposure to site contaminants, industrial emissions, traffic emissions, and pesticide applications will also vary by the climatic and topographic characteristics of the geographic area. The distance-based studies we reviewed rarely considered these conditions; the exceptions were those by Crosignani et al.,[43] Goldberg et al.,[24] Maantay et al.,[68] Raaschou-Nielsen et al.,[52] Vinceti et al.,[38,87] Wilhem and Ritz,[33] and Yu et al.[64] Residential proximity to environmental hazards can only serve as a crude proxy for exposure and does not accurately represent individual exposure to ambient conditions or body or target organ dose. However, pollution plume modeling, a method that combines data on chemical emissions and local meteorological conditions to model the environmental fate and dispersion of pollutants, can more accurately predict exposures in the ambient environment.

With respect to residential proximity and adverse pregnancy outcomes, many studies used maternal address at delivery to assign exposure rather than address around conception and during the first trimester. Although address at delivery might be relevant for some adverse pregnancy outcomes, it can be problematic for assigning exposure in studies of chromosomal and nonchromosomal congenital malformations, for which the time around conception and earlier or in the first trimester of pregnancy are, respectively, the most relevant. The estimated percentage of women who change addresses between the time of conception and delivery has ranged between 12% and 33% depending on the maternal population examined.[88–91]

Childhood cancer studies frequently based exposure assignment on 1 address such as address at birth, diagnosis, or death, which potentially introduced exposure misclassification by not accounting for residential mobility. In a California study of childhood leukemia,[92] 65.8% of the study children moved between birth and date of diagnosis, with more than one third of those who moved living in at least 1 residence outside of the county of birth.

Residual confounding can also be an issue; information regarding factors that are related to both exposure and outcome are measured imprecisely or are not available. Residential addresses of mothers,

Am J Public Health

children, and adults are not randomly distributed; rather, they depend on several factors such as socioeconomic status, parental occupation, and race or ethnicity. These same factors may also increase or decrease the likelihood of living near potential environmental hazards. For instance, race and ethnicity,[93–95] maternal education,[95] and maternal occupation[96] have been associated with maternal residential proximity to sources of pollution. These factors are also risk factors for several adverse pregnancy outcomes.

CONCLUSIONS AND RECOMMENDATIONS

Research using geographic information science and other geospatial techniques to explore the public health burdens of residential proximity to environmental hazards is in its infancy. We investigated the associations between only a few environmental exposures and health outcomes, and our review is not by any means meant to be considered exhaustive. In addition, differences in study design and methodology may result in a lack of consistency across studies. Although their results are mixed, many studies found significant relationships between residential proximity to environmental hazards and adverse health outcomes, such as adverse pregnancy outcomes (including increased risks for central nervous system defects, congenital heart defects, oral clefts, renal dysplasia, limb malformations, chromosomal anomalies, preterm births, low birth weight, small-for-gestational-age births, fetal deaths, and infant deaths), childhood cancers (including leukemia, brain cancer, germ-cell tumors, non-Hodgkin's lymphoma, and Burkitt lymphoma), asthma hospitalizations and chronic respiratory symptoms, stroke mortality, PCB toxicity, end-stage renal disease, and diabetes. Although populations living close to environmental hazards appear more likely to have adverse health outcomes, proximity does not necessarily equate to individual-level exposure. Few studies have examined whether such exposures are more or less likely to increase risk of adverse health outcomes among minority and lower-income populations. This dearth of studies is possibly the result of a limitation of the available health data, which often do not accurately or completely report race and ethnicity for the health outcome cases.

Given these conclusions, which are based on previous evidence of disparities by race and income in relation to proximity to environmental hazards,[97–100] the adverse health outcomes for populations in close proximity to environmental hazards, and acknowledgment of the health disparities experienced in general by communities of color and lower-income communities, we suggest that government agencies consider these findings in siting of environmentally burdensome facilities and land uses, in regulatory and enforcement efforts concerning pollution, and in the active promotion of environmental health justice and environmental health protection.

The evidence at this time is sufficient to justify the application of the precautionary principle to protect people from the deleterious effects of living near environmental hazards. Even in the absence of complete scientific proof, enough evidence of potential harm being done exists to justify taking steps to rectify the problem and to protect the public from potentially harmful exposures when all available evidence points to plausible risk. Although economic and political forces will likely require stringent proof that specific recommendations (e.g., establishment of protective buffer zones around noxious land uses) will be effective, some practical applications should be obvious. For example, prohibiting the siting of schools near highways and being cognizant of pesticide drift when planning residential

ealth Am J Public Health Am J Public Health

locations or other sensitive land uses, fall into the category of commonsense guidelines and constitute approaches that would be difficult to argue against.

Acknowledgments

We thank the US Environmental Protection Agency for their support of the development of this article. Dr. Maantay also thanks the following organizations for supporting her research in environmental health justice: National Institute for Environmental Health Science; National Center for Minority Health and Health Disparities; the National Oceanic and Atmospheric Administration's Cooperative Remote Sensing Science and Technology Center; US Environmental Protection Agency; South Bronx Environmental Justice Partnership; Bronx Center to Reduce and Eliminate Racial and Ethnic Health Disparities; Montefiore Medical Center and Albert Einstein College of Medicine; Professional Staff Congress–City University of New York (CUNY) Faculty Research Awards; and George N. Shuster Fellowship.

Dr. Maantay would like to acknowledge the invaluable assistance of three doctoral student researchers in the Urban Geographic Information Science Lab at Lehman College, CUNY: Rachael Weiss, Keith Miyake and Laurel Mei Turbin.

Human Participant Protection

This work did not involve human research participants.

References

1. Centers for Disease Control and Prevention Public opinion about public health—United States, 1999. MMWR Morb Mortal Wkly Rep. 2000;49(12):258–260 [PubMed]

2. Bonner MR, Han D, Nie J, et al. Breast cancer risk and exposure in early life to polycyclic aromatic hydrocarbons using total suspended particulates as a proxy measure. Cancer Epidemiol Biomarkers Prev. 2005;14(1):53–60 [PubMed]

3. Nie J, Beyea J, Bonner MR, et al. Exposure to traffic emissions throughout life and risk of breast cancer: the Western New York Exposures and Breast Cancer (WEB) study. Cancer Causes Control. 2007;18(9):947–955 [PubMed]

4. Vieira V, Webster T, Weinberg J, Aschengrau A. Spatial analysis of bladder, kidney, and pancreatic cancer on upper Cape Cod: an application of generalized additive models to case-control data. Environ Health. 2009;8:3. [PMC free article] [PubMed]

5. Bentov Y, Kordysh E, Hershkovitz R, et al. Major congenital malformations and residential proximity to a regional industrial park including a national toxic waste site: an ecological study. Environ Health. 2006;5(Mar 29):8. [PMC free article] [PubMed]

6. Brender JD, Zhan FB, Langlois PH, Suarez L, Scheuerle A. Residential proximity to waste sites and industrial facilities and chromosomal anomalies in offspring. Int J Hyg Environ Health. 2008;211(1–2):50–58 [PubMed]

Am J Public Health Am J Public Health Am J Public Health

7. Genereux M, Auger N, Goneau M, Daniel M. Neighbourhood socioeconomic status, maternal education, and adverse birth outcomes among mothers living near highways. J Epidemiol Community Health. 2008;62(8):695–700 [PubMed]

8. Orr M, Bove F, Kaye W, Stone M. Elevated birth defects in racial or ethnic minority children of women living near hazardous waste sites. Int J Hyg Environ Health. 2002;205(1–2):19–27 [PubMed]

9. Sarov B, Bentov Y, Kordysh E, et al. Perinatal mortality and residential proximity to an industrial park. Arch Environ Occup Health. 2008;63(1):17–25 [PubMed]

10. Suarez L, Brender JD, Langlois PH, Zhan FB, Moody K. Maternal exposures to hazardous waste sites and industrial facilities and risk of neural tube defects in offspring. Ann Epidemiol. 2007;17(10):772–777 [PubMed]

11. Geschwind SA, Stolwijk JA, Bracken M, et al. Risk of congenital malformations associated with proximity to hazardous waste sites. Am J Epidemiol. 1992;135(11):1197–1207 [PubMed]

12. Croen LA, Shaw GM, Sanbonmatsu L, Selvin S, Buffler PA. Maternal residential proximity to hazardous waste sites and risk for selected congenital malformations. Epidemiology. 1997;8(4):347–354 [PubMed]

13. Dolk H, Vrijheid M, Armstrong B, et al. Risk of congenital anomalies near hazardous-waste landfill sites in Europe: the EUROHAZCON study. Lancet. 1998;352(9126):423–427 [PubMed]

14. Dodds L, Seviour R. Congenital anomalies and other birth outcomes among infants born to women living near a hazardous waste site in Sydney, Nova Scotia. Can J Public Health. 2001;92(5):331–334 [PubMed]

15. Shaw GM, Schulman J, Frisch JD, Cummins SK, Harris JA. Congenital malformations and birthweight in areas with potential environmental contamination. Arch Environ Health. 1992;47(2):147–154 [PubMed]

16. Malik S, Schecter A, Caughy M, Fixler DE. Effect of proximity to hazardous waste sites on the development of congenital heart disease. Arch Environ Health. 2004;59(4):177–181 [PubMed]

17. Yauck JS, Malloy ME, Blair K, Simpson PM, McCarver DG. Proximity of residence to trichloroethylene-emitting sites and increased risk of offspring congenital heart defects among older women. Birth Defects Res A Clin Mol Teratol. 2004;70(10):808–814 [PubMed]

18. Langlois PH, Brender JD, Suarez L, et al. Maternal residential proximity to waste sites and industrial facilities and conotruncal heart defects in offspring. Paediatr Perinat Epidemiol. 2009;23(4):321–331 [PubMed]

19. Elliott P, Richardson S, Abellan JJ, et al. Geographic density of landfill sites and risk of congenital anomalies in England. Occup Environ Med. 2009;66(2):81–89 [PubMed]

20. Elliott P, Briggs D, Morris S, et al. Risk of adverse birth outcomes in populations living near landfill sites. BMJ. 2001;323(7309):363–368 [PMC free article] [PubMed]

21. Vrijheid M, Dolk H, Armstrong B, et al. Chromosomal congenital anomalies and residence near

hazardous waste landfill sites. Lancet. 2002;359(9303):320–322 [PubMed]

22. Mueller BA, Kuehn CM, Shapiro-Mendoza CK, Thomashek KM. Fetal deaths and proximity to hazardous waste sites in Washington State. Environ Health Perspect. 2007;115(5):776–780 [PMC free article] [PubMed]

23. Baibergenova A, Kudyakov R, Zdeb M, Carpenter DO. Low birth weight and residential proximity to PCB-contaminated waste sites. Environ Health Perspect. 2003;111(10):1352–1357 [PMC free article] [PubMed]

24. Goldberg MS, Goulet L, Riberdy H, Bonvalot Y. Low birth weight and preterm births among infants born to women living near a municipal solid waste landfill site in Montreal, Quebec. Environ Res. 1995;69(1):37–50 [PubMed]

25. Dummer TJ, Dickinson HO, Parker L. Adverse pregnancy outcomes around incinerators and crematoriums in Cumbria, north west England, 1956-93. J Epidemiol Community Health. 2003;57(6):456–461 [PMC free article] [PubMed]

26. Cordier S, Chevrier C, Robert-Gnansia E, Lorente C, Brula P, Hours M. Risk of congenital anomalies in the vicinity of municipal solid waste incinerators. Occup Environ Med. 2004;61(1):8–15 [PMC free article] [PubMed]

27. Tango T, Fujita T, Tanihata T, et al. Risk of adverse reproductive outcomes associated with proximity to municipal solid waste incinerators with high dioxin emission levels in Japan. J Epidemiol. 2004;14(3):83–93 [PubMed]

28. Marshall EG, Gensburg LJ, Deres DA, Geary NS, Cayo MR. Maternal residential exposure to hazardous wastes and risk of central nervous system and musculoskeletal birth defects. Arch Environ Health. 1997;52(6):416–425 [PubMed]

29. Brender JD, Zhan FB, Suarez L, Langlois PH, Moody K. Maternal residential proximity to waste sites and industrial facilities and oral clefts in offspring. J Occup Environ Med. 2006;48(6):565–572 [PubMed]

30. Czeizel AE, Hegedus S, Timar L. Congenital abnormalities and indicators of germinal mutations in the vicinity of an acrylonitrile producing factory. Mutat Res. 1999;427(2):105–123 [PubMed]

31. Bhopal RS, Tate JA, Foy C, Moffatt S, Phillimore PR. Residential proximity to industry and adverse birth outcomes. Lancet. 1999;354(9182):920–921 [PubMed]

32. Vinceti M, Rovesti S, Bergomi M, et al. Risk of birth defects in a population exposed to environmental lead pollution. Sci Total Environ. 2001;278(1–3):23–30 [PubMed]

33. Wilhelm M, Ritz B. Residential proximity to traffic and adverse birth outcomes in Los Angeles county, California, 1994-1996. Environ Health Perspect. 2003;111(2):207–216 [PMC free article] [PubMed]

34. De Medeiros AP, Gouveia N, Machado RP, et al. Traffic-related air pollution and perinatal mortality: a case-control study. Environ Health Perspect. 2009;117(1):127–132 [PMC free article]

Am J Public Health Am J Public Health Am J Public Health

[PubMed]

35. Ochoa-Acuna H, Carbajo C. Risk of limb birth defects and mother's home proximity to cornfields. Sci Total Environ. 2009;407(15):4447–4451 [PubMed]

36. Rull RP, Ritz B, Shaw GM. Neural tube defects and maternal residential proximity to agricultural pesticide applications. Am J Epidemiol. 2006;163(8):743–753 [PubMed]

37. Bell EM, Hertz-Picciotto I, Beaumont JJ. A case-control study of pesticides and fetal death due to congenital malformations. Epidemiology. 2001;12(2):148–156 [PubMed]

38. Vinceti M, Malagoli C, Fabbi S, et al. Risk of congenital anomalies around a municipal solid waste incinerator: a GIS-based case-control study. Int J Health Geogr. 2009;8(Feb 10):8. [PMC free article] [PubMed]

39. Bell EM, Hertz-Picciotto I, Beaumont JJ. Case-cohort analysis of agricultural pesticide applications near maternal residence and selected causes of fetal death. Am J Epidemiol. 2001;154(8):702–710 [PubMed]

40. Carozza SE, Li B, Elgethun K, Whitworth R. Risk of childhood cancers associated with residence in agriculturally intense areas in the United States. Environ Health Perspect. 2008;116(4):559–565 [PMC free article] [PubMed]

41. Carozza SE, Li B, Wang Q, Horel S, Cooper S. Agricultural pesticides and risk of childhood cancers. Int J Hyg Environ Health. 2009;212(2):186–195 [PMC free article] [PubMed]

42. Choi HS, Shim YK, Kaye WE, Ryan PB. Potential residential exposure to Toxic Release Inventory chemicals during pregnancy and childhood brain cancer. Environ Health Perspect. 2006;114(7):1113–1118 [PMC free article] [PubMed]

43. Crosignani P, Tittarelli A, Borgini A, et al. Childhood leukemia and road traffic: a population-based case-control study. Int J Cancer. 2004;108(4):596–599 [PubMed]

44. Harrison RM, Leung PL, Somervaille L, Smith R, Gilman E. Analysis of incidence of childhood cancer in the West Midlands of the United Kingdom in relation to proximity to main roads and petrol stations. Occup Environ Med. 1999;56(11):774–780 [PMC free article] [PubMed]

45. Jarup L, Briggs D, de Hoogh C, et al. Cancer risks in populations living near landfill sites in Great Britain. Br J Cancer. 2002;86(11):1732–1736 [PMC free article] [PubMed]

46. Kaatsch P, Spix C, Schulze-Rath R, Schmiedel S, Blettner M. Leukaemia in young children living in the vicinity of German nuclear power plants. Int J Cancer. 2008;122(4):721–726 [PubMed]

47. Knox E. Childhood cancers, birthplaces, incinerators, and landfill sites. Int J Epidemiol. 2000;29(3):391–397 [PubMed]

48. Knox EG. Roadways, railways, and childhood cancers. J Epidemiol Community Health. 2006;60(2):136–141 [PMC free article] [PubMed]

49. Knox EG, Gilman EA. Hazard proximities of childhood cancers in Great Britain from 1953-80. J

Am J Public Health Am J Public Health Am J Pu

blic Health Am J Public Health Am J Public Health

Epidemiol Community Health. 1997;51(2):151–159 [PMC free article] [PubMed]

50. Langholz B, Ebi KL, Thomas DC, Peters JM, London SJ. Traffic density and the risk of childhood leukemia in a Los Angeles case-control study. Ann Epidemiol. 2002;12(7):482–487 [PubMed]

51. Liu CC, Chen CC, Wu TN, Yang CY. Association of brain cancer with residential exposure to petrochemical air pollution in Taiwan. J Toxicol Environ Health A. 2008;71(5):310–314 [PubMed]

52. Raaschou-Nielsen O, Hertel O, Thomsen BL, Olsen JH. Air pollution from traffic at the residence of children with cancer. Am J Epidemiol. 2001;153(5):433–443 [PubMed]

53. Reynolds P, Von Behren J, Gunier RB, Goldberg DE, Hertz A, Harnly ME. Childhood cancer and agricultural pesticide use: an ecologic study in California. Environ Health Perspect. 2002;110(3):319–324 [PMC free article] [PubMed]

54. Reynolds P, Von Behren J, Gunier RB, Goldberg DE, Hertz A, Smith D. Traffic patterns and childhood cancer incidence rates in California, United States. Cancer Causes Control. 2002;13(7):665–673 [PubMed]

55. Reynolds P, Von Behren J, Gunier RB, Goldberg DE, Hertz A. Residential exposure to traffic in California and childhood cancer. Epidemiology. 2004;15(1):6–12 [PubMed]

56. Reynolds P, Von Behren J, Gunier RB, Goldberg DE, Harnly M, Hertz A. Agricultural pesticide use and childhood cancer in California. Epidemiology. 2005;16(1):93–100 [PubMed]

57. Rull RP, Gunier R, Von Behren J, et al. Residential proximity to agricultural pesticide applications and childhood acute lymphoblastic leukemia. Environ Res. 2009;109(7):891–899 [PMC free article] [PubMed]

58. Sharp L, Black RJ, Harkness EF, McKinney PA. Incidence of childhood leukaemia and non-Hodgkin's lymphoma in the vicinity of nuclear sites in Scotland, 1968-93. Occup Environ Med. 1996;53(12):823–831 [PMC free article] [PubMed]

59. Spix C, Schmiedel S, Kaatsch P, Schulze-Rath R, Blettner M. Case-control study on childhood cancer in the vicinity of nuclear power plants in Germany 1980-2003. Eur J Cancer. 2008;44(2):275–284 [PubMed]

60. Steffen C, Auclerc MF, Auvrignon A, et al. Acute childhood leukaemia and environmental exposure to potential sources of benzene and other hydrocarbons: a case-control study. Occup Environ Med. 2004;61(9):773–778 [PMC free article] [PubMed]

61. Tsai J, Kaye WE, Bove FJ. Wilms' tumor and exposures to residential and occupational hazardous chemicals. Int J Hyg Environ Health. 2006;209(1):57–64 [PubMed]

62. Von Behren J, Reynolds P, Gunier RB, et al. Residential traffic density and childhood leukemia risk. Cancer Epidemiol Biomarkers Prev. 2008;17(9):2298–2301 [PMC free article] [PubMed]

63. Weng HH, Tsai SS, Chiu HF, Wu TN, Yang CY. Childhood leukemia and traffic air pollution in Taiwan: petro station density as an indicator. J Toxicol Environ Health A. 2009;72(2):83–87 [PubMed]

Am J Public Health Am J Public Health Am J Public Health

64. Yu CL, Wang SF, Pan PC, et al. Residential exposure to petrochemicals and the risk of leukemia: using geographic information tools to estimate individual-level residential exposure. Am J Epidemiol. 2006;164(3):200–207 [PubMed]

65. Aylin P, Bottle A, Wakefield J, Jarup L, Elliott P. Proximity to coke works and hospital admissions for respiratory and cardiovascular disease in England and Wales. Thorax. 2001;56(3):228–233 [PMC free article] [PubMed]

66. Edwards J, Walters S, Griffiths RK. Hospital admissions for asthma in preschool children: relationship to major roads in Birmingham, United Kingdom. Arch Environ Health. 1994;49(4):223–227 [PubMed]

67. Maantay J. Asthma and air pollution in the Bronx: methodological and data considerations in using GIS for environmental justice and health research. Health Place. 2007;13(1):32–56 [PubMed]

68. Maantay JA, Tu J, Maroko AR. Loose-coupling an air dispersion model and a geographic information system (GIS) for studying air pollution and asthma in the Bronx, New York City. Int J Environ Health Res. 2009;19(1):59–79 [PubMed]

69. Smargiassi A, Kosatsky T, Hicks J, et al. Risk of asthmatic episodes in children exposed to sulfur dioxide stack emissions from a refinery point source in Montreal, Canada. Environ Health Perspect. 2009;117(4):653–659 [PMC free article] [PubMed]

70. Oosterlee A, Drijver M, Lebret E, Brunekreef B. Chronic respiratory symptoms in children and adults living along streets with high traffic density. Occup Environ Med. 1996;53(4):241–247 [PMC free article] [PubMed]

71. van Vliet P, Knape M, de Hartog J, Janssen N, Harssema H, Brunekreef B. Motor vehicle exhaust and chronic respiratory symptoms in children living near freeways. Environ Res. 1997;74(2):122–132 [PubMed]

72. Venn AJ, Lewis SA, Cooper M, Hubbard R, Britton J. Living near a main road and the risk of wheezing illness in children. Am J Respir Crit Care Med. 2001;164(12):2177–2180 [PubMed]

73. Wjst M, Reitmeir P, Dold S, et al. Road traffic and adverse effects on respiratory health in children. BMJ. 1993;307(6904):596–600 [PMC free article] [PubMed]

74. English P, Neutra R, Scalf R, Sullivan M, Waller L, Zhu L. Examining associations between childhood asthma and traffic flow using a geographic information system. Environ Health Perspect. 1999;107(9):761–767 [PMC free article] [PubMed]

75. Livingstone AE, Shaddick G, Grundy C, Elliott P. Do people living near inner city main roads have more asthma needing treatment? Case control study. BMJ. 1996;312(7032):676–677 [PMC free article] [PubMed]

76. Wilkinson P, Elliott P, Grundy C, et al. Case-control study of hospital admission with asthma in children aged 5-14 years: relation with road traffic in north west London. Thorax. 1999;54(12):1070–1074 [PMC free article] [PubMed]

77. Hu Z, Liebens J, Rao KR. Linking stroke mortality with air pollution, income, and greenness in northwest Florida: an ecological geographical study. Int J Health Geogr. 2008;7:20. [PMC free article] [PubMed]

78. Maheswaran R, Elliott P. Stroke mortality associated with living near main roads in England and Wales: a geographical study. Stroke. 2003;34(12):2776–2780 [PubMed]

79. Kouznetsova M, Huang X, Ma J, Lessner L, Carpenter DO. Increased rate of hospitalization for diabetes and residential proximity of hazardous waste sites. Environ Health Perspect. 2007;115(1):75–79 [PMC free article] [PubMed]

80. Choi AL, Levy JI, Dockery DW, et al. Does living near a Superfund site contribute to higher polychlorinated biphenyl (PCB) exposure? Environ Health Perspect. 2006;114(7):1092–1098 [PMC free article] [PubMed]

81. Hall HI, Kaye WE, Gensburg LS. Residential proximity to hazardous waste sites and risk of end-stage renal disease. J Environ Health. 1996(2);59:17–22

82. Morris MS, Knorr RS. Adult leukemia and proximity-based surrogates for exposure to Pilgrim plant's nuclear emissions. Arch Environ Health. 1996;51(4):266–274 [PubMed]

83. Wilkinson P, Thakrar B, Shaddick G, et al. Cancer incidence and mortality around the Pan Britannica Industries pesticide factory, Waltham Abbey. Occup Environ Med. 1997;54(2):101–107 [PMC free article] [PubMed]

84. Johnson KC, Pan S, Fry R, Mao Y. Residential proximity to industrial plants and non-Hodgkin lymphoma. Epidemiology. 2003;14(6):687–693 [PubMed]

85. Maroko AR, Maantay JA, Sohler NL, Grady KL, Arno PS. The complexities of measuring access to parks and physical activity sites in New York City: a quantitative and qualitative approach. Int J Health Geogr. 2009;8:34. [PMC free article] [PubMed]

86. Morgenstern H. Ecologic studies. : Rothman KJ, Greenland S, Lash TL, editors. , eds. Modern Epidemiology. Philadelphia, PA: Lippincott Williams & Wilkins; 2008:511–531

87. Vinceti M, Malagoli C, Teggi S, et al. Adverse pregnancy outcomes in a population exposed to the emissions of a municipal waste incinerator. Sci Total Environ. 2008;407(1):116–121 [PubMed]

88. Canfield MA, Ramadhani TA, Langlois PH, Waller DK. Residential mobility patterns and exposure misclassification in epidemiologic studies of birth defects. J Expo Sci Environ Epidemiol. 2006;16(6):538–543 [PubMed]

89. Fell DB, Dodds L, King WD. Residential mobility during pregnancy. Paediatr Perinat Epidemiol. 2004;18(6):408–414 [PubMed]

90. Khoury MJ, Stewart W, Weinstein A, Panny S, Linday P, Eisenberg M. Residential mobility during pregnancy: implications for environmental teratogenesis. J Clin Epidemiol. 1988;41(1):15–20 [PubMed]

91. Shaw GM, Malcoe LH. Residential mobility during pregnancy for mothers of infants with or

Am J Public Health Am J Public Health Am J Public Healt

h Am J Public Health Am J Public Health

without congenital cardiac anomalies: a reprint. Arch Environ Health. 1992;47(3):236–238 [PubMed]

92. Urayama KY, Von Behren J, Reynolds P, Hertz A, Does M, Buffler PA. Factors associated with residential mobility in children with leukemia: implications for assigning exposures. Ann Epidemiol. 2009;19(11):834–840 [PMC free article] [PubMed]

93. Perlin SA, Wong D, Sexton K. Residential proximity to industrial sources of air pollution: interrelationships among race, poverty, and age. J Air Waste Manag Assoc. 2001;51(3):406–421 [PubMed]

94. Woodruff TJ, Parker JD, Kyle AD, Schoendorf KC. Disparities in exposure to air pollution during pregnancy. Environ Health Perspect. 2003;111(7):942–946 [PMC free article] [PubMed]

95. Brender JD, Zhan FB, Suarez L, et al. Linking environmental hazards and birth defects data. Int J Occup Environ Health. 2006;12(2):126–133 [PubMed]

96. Brender JD, Suarez L, Langlois PH, Steck M, Zhan FB, Moody K. Are maternal occupation and residential proximity to industrial sources of pollution related? J Occup Environ Med. 2008;50(7):834–839 [PubMed]

97. Apelberg BJ, Buckley TJ, White RH. Socioeconomic and racial disparities in cancer risk from air toxics in Maryland. Environ Health Perspect. 2005;113(6):693–699 [PMC free article] [PubMed]

98. Boer JT, Pastor M, Jr, Sadd JL, Snyder LD. Is there environmental racism? The demographics of hazardous waste in Los Angeles. Soc Sci Q. 1997;78:793–810

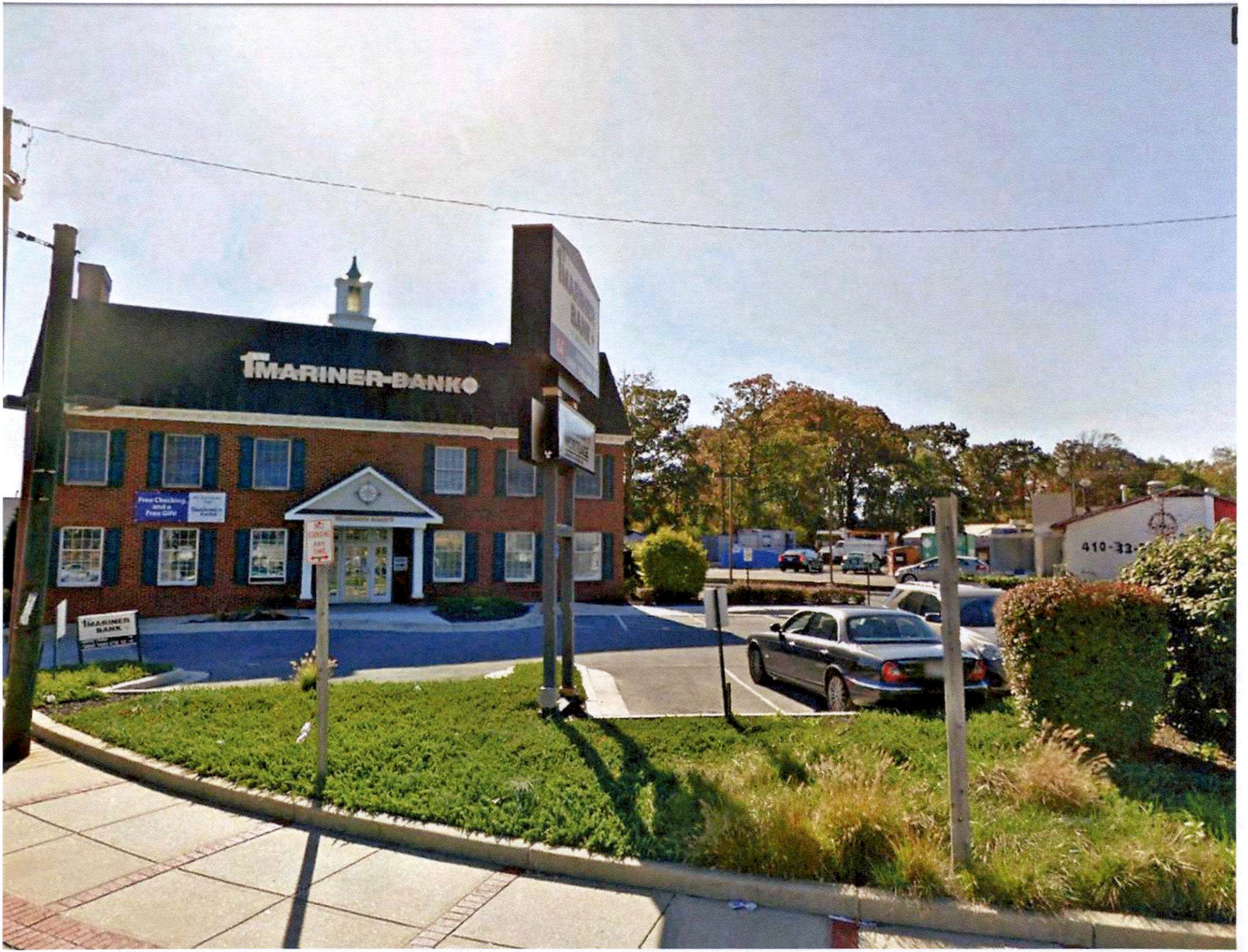
99. Neumann CM, Forman DL, Rothlein JE. Hazard screening of chemical releases and environmental equity analysis of populations proximate to toxic release inventory facilities in Oregon. Environ Health Perspect. 1998;106(4):217–226 [PMC free article] [PubMed]

100. Perlin SA, Sexton K, Wong DW. An examination of race and poverty for populations living near industrial sources of air pollution. J Expo Anal Environ Epidemiol. 1999;9(1):29–48 [PubMed]

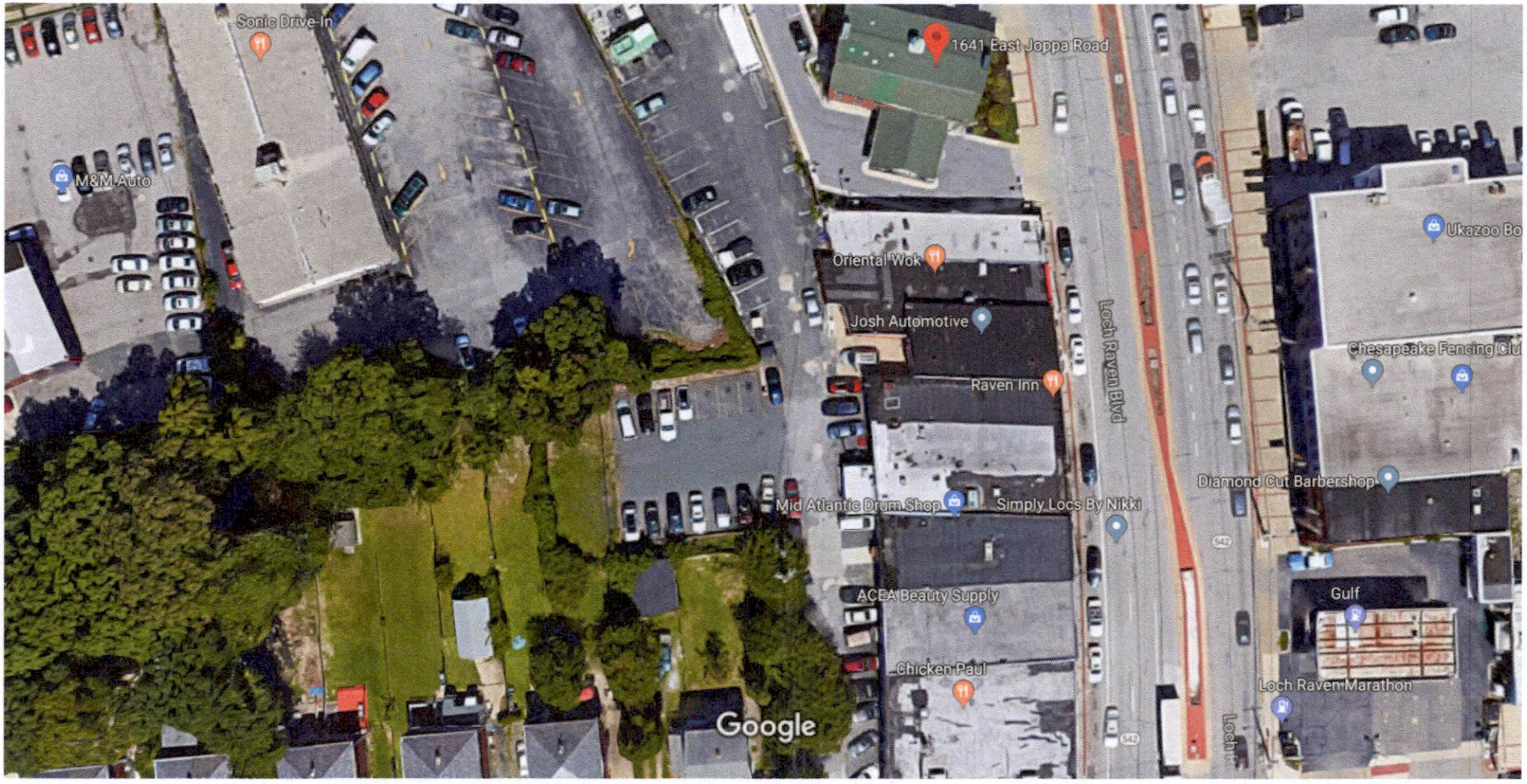
Articles from American Journal of Public Health are provided here courtesy of **American Public Health Association**

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Highfalcon Rd	Reisterstown Rd			7/16/2015	A	11/8/2012	A
Highview Ave	Maiden Choice Ln	Westland Blvd		6/22/2015	B	11/14/2012	B
Hillen Rd	Stevenson Ln			5/27/2014	D	4/9/2013	D
Hillsway Ave	Wentworth Ave			10/17/2013	A	12/24/2010	A
Hillsway Ave	Taylor Ave			7/29/2013	B	6/1/2010	A
Hillsway Ave	McClean Blvd	Perring Pkwy		9/29/2015	B	12/5/2012	B
Holabird Ave	Portship Rd	Snyder Ave		5/2/2013	A	4/1/2010	A
Holabird Ave	Monumental Ave	Sollers Point Rd		10/6/2014	A	12/28/2011	A
Holabird Ave	Searles Rd			11/3/2014	A	11/3/2014	A
Holabird Ave	Merritt Blvd	Wise Ave		10/8/2014	C	9/13/2011	B
Honeygo Blvd	Silver Spring Rd			10/8/2014	C	8/26/2010	B
Honeygo Blvd	White Marsh Blvd			4/27/2011	D	3/24/2010	D
Honeygo Blvd	Sandpiper Cir			6/4/2015	A	10/23/2012	B
Honeygo Blvd	Perry Hall Blvd			6/24/2014	A	6/21/2011	B
Honeygo Blvd	Joppa Rd			2/26/2015	B	11/26/2012	B
Honeygo Blvd	Mercantile Rd			7/2/2014	C	7/26/2011	B
Honeygo Blvd	White Marsh Mall Exit			6/27/2013	A	2/25/2010	A
Honeygo Blvd	Honeygo Center Dr			6/6/2013	A	2/3/2010	A
Hooks Ln	Reisterstown Rd	Woodholme Ave		11/2/2015	C	10/22/2012	C
Hooks Ln	Michelle Way	Park Heights Ave		5/20/2013	B	9/2/2010	C
Hospital Dr.	Philadelphia Rd.			8/27/2014	A		
Industrial Park Rd	Philadelphia Rd			7/23/2013	B	6/17/2010	A
Industry Ln	York Rd			8/18/2015	B	11/20/2012	A
Ingleside Ave	Ingleside SC	Westview Mall Ent		12/8/2014	A	2/27/2012	A
Ingleside Ave	Johnnycake Rd			5/5/2014	B	7/25/2011	B
Ingleside Ave	Parallel Dr			12/15/2014	A	5/14/2012	A
International Cir	McCormick Rd	Hunt Valley Mall		3/19/2013	C	1/21/2010	B
Inverness Ave	Wise Ave			4/16/2014	A	7/7/2011	A
Jarrettsville Pike	Manor Rd			6/20/2013	C	1/13/2010	B
Jarrettsville Pike	Merrymans Mill Rd			8/20/2015	B	3/8/2012	C
Jarrettsville Pike	Paper Mill Rd	Sweet Air Rd		8/24/2015	D	5/16/2013	D
Joan Ave	Loch Raven Blvd	Mussula Rd		5/29/2013	A	4/5/2010	A
Johnnycake Rd	Rolling Rd N			11/3/2014	A	3/5/2012	B
Joppa Rd	Seven Courts Dr			5/13/2015	A	8/8/2012	A
Joppa Rd	Magledt Rd			12/23/2014	A	6/21/2012	A
Joppa Rd	Walther Blvd			5/2/2013	A	1/24/2010	A
Joppa Rd	Silver Spring Rd	Springtowne Cir		9/2/2014	C	9/28/2011	C
Joppa Rd E	Mylander Ln	Raytheon Parking Lot		5/16/2013	A	2/1/2010	A
Joppa Rd E	Providence Rd	Black & Decker Ent		4/30/2015	B	10/3/2012	A
Joppa Rd E	Satyr Hill Rd	Perring Plaza		2/3/2015	A	6/28/2012	A
Joppa Rd E	Old Harford Rd			1/3/2013	A	10/19/2009	C
Joppa Rd E	Satyr Hill Rd	Waltham Woods Rd		12/15/2014	C	6/1/2012	B
Joppa Rd E	Loch Raven Blvd			4/10/2014	F	4/12/2013	F

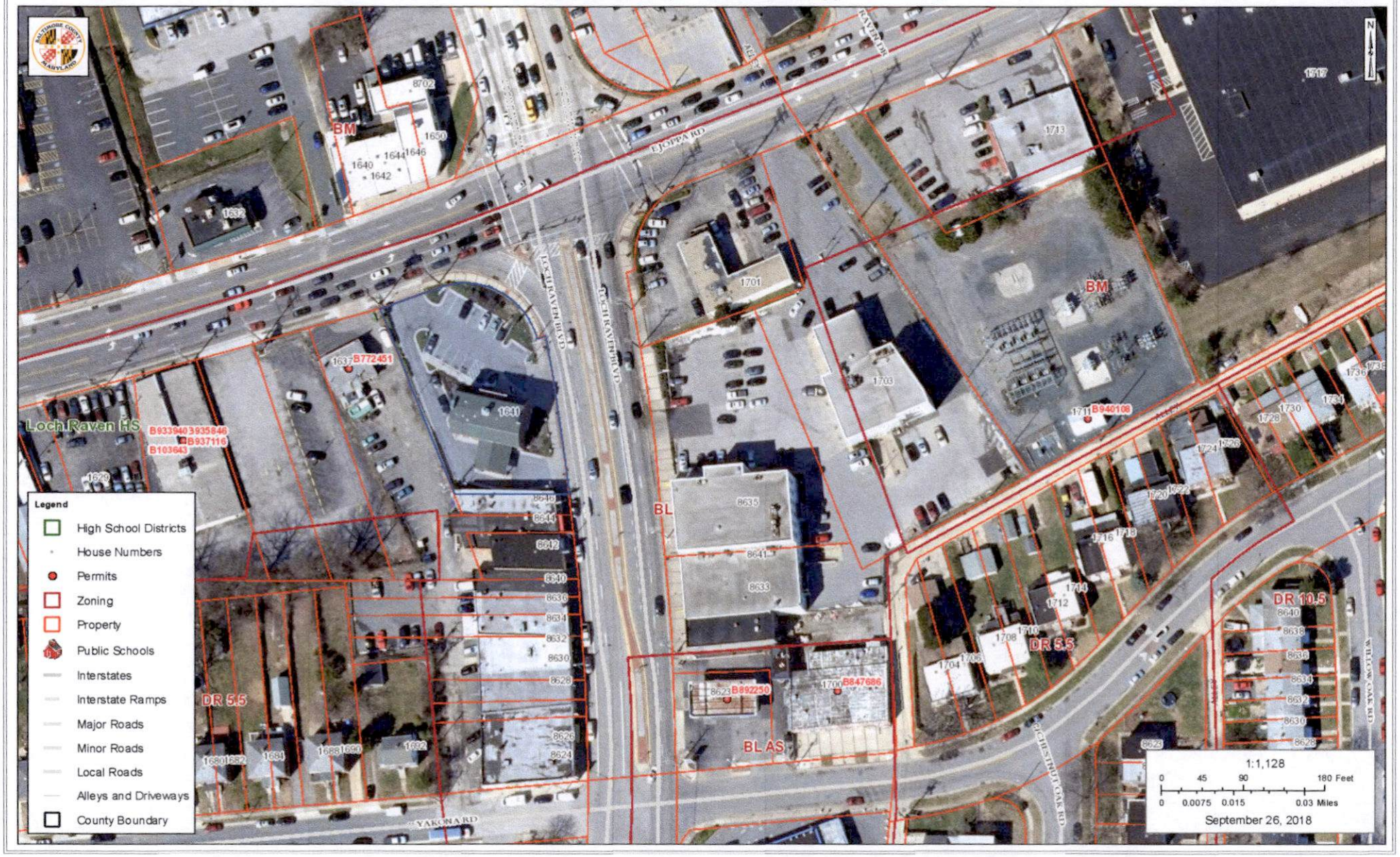

MARINER BANK
Free Checking and a Free Gift
MARINER BANK

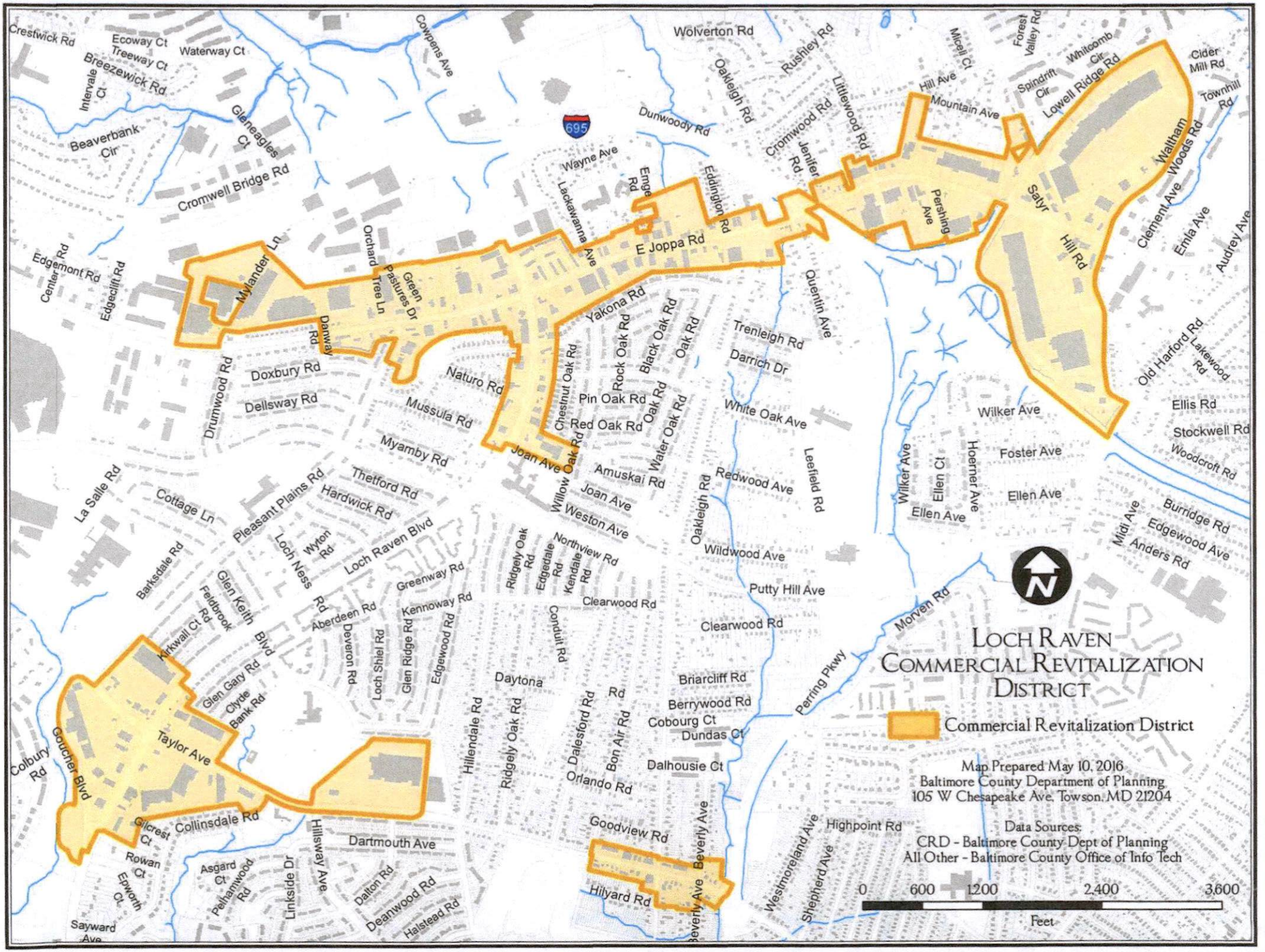
Google Maps 1641 E Joppa Rd



Imagery ©2018 Google, Map data ©2018 Google 100 ft

Mariner Bank, Loch Raven & Joppa




Loch Raven
Commercial Revitalization
District
Commercial Revitalization District
Map Prepared May 10, 2016
Baltimore County Department of Planning
105 W Chesapeake Ave, Towson, MD 21204
Data Sources:
CRD - Baltimore County Dept of Planning
All Other - Baltimore County Office of Info Tech
0 600 1,200 2,400 3,600
Feet
N
695
Crestwick Rd
Ecoway Ct
Treeway Ct
Waterway Ct
Breezewick Rd
Intervale Ct
Beaverbank Cir
Gleneagles Ct
Cromwell Bridge Rd
Cowpens Ave
Wolverton Rd
Oakleigh Rd
Rushley Rd
Dunwoody Rd
Wayne Ave
Lackawanna Ave
Erngee Rd
Eddington Rd
Cromwood Rd
Littlewood Rd
Jenifer Rd
Micell Ct
Hill Ave
Mountain Ave
Forest Valley Rd
Spindrift Cir
Whitcomb Cir
Lowell Ridge Rd
Cider Mill Rd
Townhill Rd
Waltham Woods Rd
Clement Ave
Emla Ave
Audrey Ave
Pershing Ave
Satyr Hill Rd
E Joppa Rd
Quentin Ave
Trenleigh Rd
Darrich Dr
Yakona Rd
Chestnut Oak Rd
Rock Oak Rd
Black Oak Rd
Oak Rd
Pin Oak Rd
Red Oak Rd
Oak Rd
Water Oak Rd
Willow Oak Rd
Joan Ave
Amuskai Rd
Myamby Rd
Mussula Rd
Naturo Rd
Dellsway Rd
Doxbury Rd
Drumwood Rd
Danway Rd
Orchard Tree Ln
Green Pastures Dr
Mylander Ln
Edgemont Rd
Center Rd
Edgecliff Rd
White Oak Ave
Redwood Ave
Leefield Rd
Wilker Ave
Ellen Ct
Hoerner Ave
Foster Ave
Ellen Ave
Wilker Ave
Ellis Rd
Stockwell Rd
Woodcroft Rd
Old Harford Rd
Lakewood Rd
Burridge Rd
Edgewood Ave
Midi Ave
Anders Rd
Oakleigh Rd
Wildwood Ave
Putty Hill Ave
Clearwood Rd
Clearwood Rd
Morven Rd
Perring Pkwy
Briarcliff Rd
Berrywood Rd
Cobourg Ct
Dundas Ct
Dalhousie Ct
Daytona
Conduit Rd
Ridgely Oak Rd
Edgedale Rd
Northview Rd
Kendale Rd
Weston Ave
Joan Ave
Thetford Rd
Hardwick Rd
Pleasant Plains Rd
Cottage Ln
La Salle Rd
Loch Raven Blvd
Loch Ness Rd
Wyton Rd
Barksdale Rd
Greenway Rd
Kennoway Rd
Aberdeen Rd
Deveron Rd
Loch Shiel Rd
Glen Ridge Rd
Edgewood Rd
Glen Keith Blvd
Feldbrook Rd
Kirkwall Ct
Glen Gary Rd
Clyde Bank Rd
Taylor Ave
Goucher Blvd
Colbury Rd
Gilcrest Ct
Collinsdale Rd
Rowan Ct
Epworth Ct
Asgard Ct
Pelhamwood Rd
Linkside Dr
Hillsway Ave
Dartmouth Ave
Dalton Rd
Deanwood Rd
Halstead Rd
Sayward Ave
Hillendale Rd
Ridgely Oak Rd
Dalesford Rd
Bon Air Rd
Orlando Rd
Goodview Rd
Hilyard Rd
Beverly Ave
Highpoint Rd
Westmoreland Ave
Shepherd Ave

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Highfalcon Rd	Reisterstown Rd			7/16/2015	A	11/8/2012	A
Highview Ave	Maiden Choice Ln	Westland Blvd		6/22/2015	B	11/14/2012	B
Hillen Rd	Stevenson Ln			5/27/2014	D	4/9/2013	D
Hillsway Ave	Wentworth Ave			10/17/2013	A	12/24/2010	A
Hillsway Ave	Taylor Ave			7/29/2013	B	6/1/2010	A
Hillsway Ave	McClean Blvd	Perring Pkwy		9/29/2015	B	12/5/2012	B
Holabird Ave	Portship Rd	Snyder Ave		5/2/2013	A	4/1/2010	A
Holabird Ave	Monumental Ave	Sollers Point Rd		10/6/2014	A	12/28/2011	A
Holabird Ave	Searles Rd			11/3/2014	A	11/3/2014	A
Holabird Ave	Merritt Blvd	Wise Ave		10/8/2014	C	9/13/2011	B
Honeygo Blvd	Silver Spring Rd			10/8/2014	C	8/26/2010	B
Honeygo Blvd	White Marsh Blvd			4/27/2011	D	3/24/2010	D
Honeygo Blvd	Sandpiper Cir			6/4/2015	A	10/23/2012	B
Honeygo Blvd	Perry Hall Blvd			6/24/2014	A	6/21/2011	B
Honeygo Blvd	Joppa Rd			2/26/2015	B	11/26/2012	B
Honeygo Blvd	Mercantile Rd			7/2/2014	C	7/26/2011	B
Honeygo Blvd	White Marsh Mall Exit			6/27/2013	A	2/25/2010	A
Honeygo Blvd	Honeygo Center Dr			6/6/2013	A	2/3/2010	A
Hooks Ln	Reisterstown Rd	Woodholme Ave		11/2/2015	C	10/22/2012	C
Hooks Ln	Michelle Way	Park Heights Ave		5/20/2013	B	9/2/2010	C
Hospital Dr.	Philadelphia Rd.			8/27/2014	A		
Industrial Park Rd	Philadelphia Rd			7/23/2013	B	6/17/2010	A
Industry Ln	York Rd			8/18/2015	B	11/20/2012	A
Ingleside Ave	Ingleside SC	Westview Mall Ent		12/8/2014	A	2/27/2012	A
Ingleside Ave	Johnnycake Rd			5/5/2014	B	7/25/2011	B
Ingleside Ave	Parallel Dr			12/15/2014	A	5/14/2012	A
International Cir	McCormick Rd	Hunt Valley Mall		3/19/2013	C	1/21/2010	B
Inverness Ave	Wise Ave			4/16/2014	A	7/7/2011	A
Jarrettsville Pike	Manor Rd			6/20/2013	C	1/13/2010	B
Jarrettsville Pike	Merrymans Mill Rd			8/20/2015	B	3/8/2012	C
Jarrettsville Pike	Paper Mill Rd	Sweet Air Rd		8/24/2015	D	5/16/2013	D
Joan Ave	Loch Raven Blvd	Mussula Rd		5/29/2013	A	4/5/2010	A
Johnnycake Rd	Rolling Rd N			11/3/2014	A	3/5/2012	B
Joppa Rd	Seven Courts Dr			5/13/2015	A	8/8/2012	A
Joppa Rd	Magledt Rd			12/23/2014	A	6/21/2012	A
Joppa Rd	Walther Blvd			5/2/2013	A	1/24/2010	A
Joppa Rd	Silver Spring Rd	Springtowne Cir		9/2/2014	C	9/28/2011	C
Joppa Rd E	Mylander Ln	Raytheon Parking Lot		5/16/2013	A	2/1/2010	A
Joppa Rd E	Providence Rd	Black & Decker Ent		4/30/2015	B	10/3/2012	A
Joppa Rd E	Satyr Hill Rd	Perring Plaza		2/3/2015	A	6/28/2012	A
Joppa Rd E	Old Harford Rd			1/3/2013	A	10/19/2009	C
Joppa Rd E	Satyr Hill Rd	Waltham Woods Rd		12/15/2014	C	6/1/2012	B
Joppa Rd E	Loch Raven Blvd			4/10/2014	F	4/12/2013	F

Sunday, October 21, 2018

Valvoline Quick Lube Proposal for 1641 East Joppa Road - Loch Raven Blvd & Joppa Road

Special Exception Zoning Hearing - November 5th

In September, Councilman David Marks informed the Associate of Loch Raven Village that there was a proposal to demolish the former First Mariner Bank building at the corner of Loch Raven Boulevard and Joppa Road (1641 East Joppa Road) and replace it with a Valvoline Instant Lube operation. The new structure would be a one story brick building with four garage doors. The Associates of Loch Raven Village, the Knettishall Community Association, and the Towson Communities Alliance are united in their opposition to the proposal which requires a Special Exception to the property zoning in order to move forward. The Association opposes the proposal primarily for the following reasons.

- The current structure, which replaced a service station nearly twenty years ago, is vastly preferable from an aesthetic standpoint to the proposed structure which takes the location back to an auto service use and will feature four garage doors facing the intersection. The community saw the new (First Mariner) structure and use as a significant improvement and in 1999 enthusiastically supported the zoning variance and process that converted the property from an auto service use. We believe that the proposed structure and use takes us backward and in decidedly the wrong direction.
  - Much has changed in the last twenty years and the intersection, which has a level of service rating of "F", does not need a business that could potentially add more traffic and congestion. The current plan for the new business would have all their customers exiting onto eastbound Joppa Road approximately thirty feet from the intersection and right at the point where eastbound Joppa Road drivers would exit onto southbound Loch Raven Boulevard.
  - The location is in the heart of a Commercial Revitalization District where one of the goals is diversity of commercial operations. Currently there are a half dozen auto service locations within a half mile of the proposed facility including one that is directly across Loch Raven Boulevard. Some of those operations are locally owned, family businesses that have been in place for years. We believe that some use other than auto service or foodservice would be more appropriate to the goals of the Commercial Revitalization District.

- The proposed structure and use is approximately 150 feet from a residential area and adjoins two foodservice establishments, Cheezy's Pizza and Pastore's Deli. The community has concerns about the air and noise pollution as well as concerns about the potential for environmental damage from automotive fluids that may leak or drain from the site. The neighborhood adjoining the commercial corridor has already suffered from the damage done by the accidental discharge of petroleum products from the former Hess Station on Joppa Road which led to the condemnation of numerous houses on Yakona Road.

- The current structure would support numerous alternative uses including healthcare facilities, doctor's offices, dental offices, veterinary services, minute clinic), financial services, law offices, etc.. All these uses would utilize the footprint in a manner more consistent with the goals of the Revitalization District, contribute less to the already congested intersection, and offer a more attractive gateway to the surrounding neighborhoods and the Towson area as it's eastern gateway.

To summarize, we feel that it would be far preferable to find a different use for the current facility and site that would preserve the attractive entrance to our communities and enable our goal of encouraging continual improvement in neighboring commercial areas. The proposal on the table is definitely a step in the wrong direction and would not enhance values in the Commercial Revitalization District and would negatively affect the property values in our communities. We are fighting hard to preserve, protect and defend our neighborhoods and support Baltimore County's effort to revitalize it's older established neighborhoods.

Peter M. Moulden
Associates of Loch Raven Village

ECONOMIC VITALITY

A healthy, vibrant economy is important to maintaining Baltimore County's quality of life: a rich variety of family-supporting jobs and tax revenue to pay for schools, roads and other public services.



A healthy, vibrant economy is important to maintaining Baltimore County's quality of life: a rich variety of family-supporting jobs and tax revenue to pay for schools, roads and other public services. This economic strength cannot be taken for granted. The County must ensure that the ingredients for future economic health be in place. This Master Plan lays the policy groundwork for achieving this long-term success.

FOUNDATION OF BALTIMORE'S ECONOMY

Baltimore County is the major economic engine in terms of jobs (515,000) in the region with the second-largest number of jobs of any Maryland jurisdiction. The County economy is highly diversified, not dependent on

any single industry or company. Among the sectors where the County is strong: financial services, defense, manufacturing, transportation, information technology and life sciences. The federal government also has a major presence in the County, as the national headquarters for both the Social Security Administration (SSA) and the Centers for Medicare and Medicaid (CMS) are located in Woodlawn. The County's inter-connected web of large, medium and small firms in traditional and high technology sectors, and the high quality of the local workforce, also fosters stability and resilience.

An important determinant of the County's economic health is the balance between export industries and local-serving industries. The difference between the local-serving and export-oriented sectors is critical because they depend on distinct revenue bases and infuse wealth into the local economy in different ways.

Export Industries Play a Unique Role in Adding Wealth to the Area

Export businesses produce goods and services sold mainly outside the local area. As a result, they play a unique and irreplaceable role in determining the community's standard of living. Examples include manufacturers, Research and Development (R&D) firms, major financial services operations, health care facilities, corporate headquarters, agriculture, and state and federal government facilities. Businesses in these industries bring in money from outside the area because they sell their products and services to national or international markets. This outside money is pumped into the local economy through wages and business income, and creates the market for local-serving businesses.

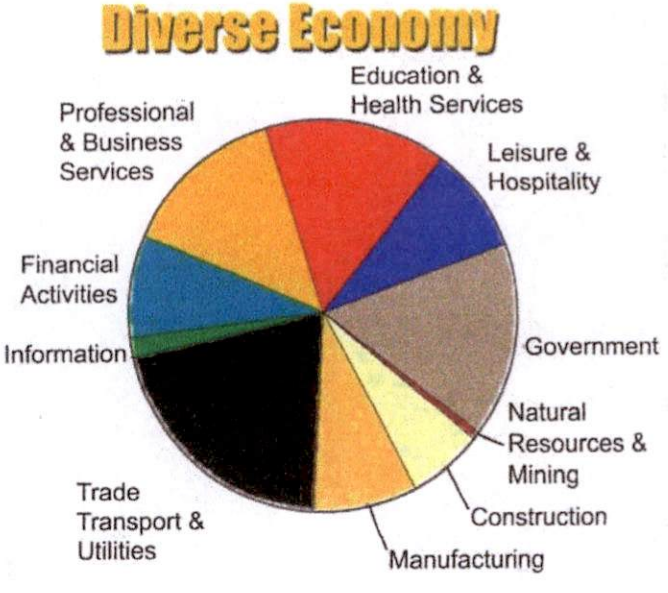




Jobs created in export industries also tend to create more spin off jobs (i.e., have a greater multiplier effect), than do jobs in retail or services. The more inputs purchased locally and the more consumer expenditures at local shops, the higher the multiplier. For example, the table below highlights multipliers for four different sectors.

Local-Serving Businesses are Central to the County's Quality of Life

Local-serving businesses are those whose products or services are primarily consumed in the County, such as restaurants, grocery stores, bookstores, medical offices, banks, dry cleaners, home furnishing stores, convenience stores, pharmacies, etc. They range from national retailers to local, family-owned businesses. Regardless of their size, these companies provide the



Employment Multipliers per 100 Jobs in Major Sectors				
	Manufacturing	Health Services	Retail Trade	Personal/ Business Services
Supplier jobs: materials	128.92	28.3	24.1	54.08
Supplier jobs: capital services	38.63	22	16.71	27.95
Respending employment	116.46	66.05	46.35	68.8
state + local government	6.78	1.6	1.29	2.88
TOTAL	290.78	117.94	88.45	153.71

goods and services that County residents need and want and provide employment to a large number of County citizens. Retailers and other local-serving businesses also have a special role in main street or mixed-use settings. Attractive storefronts and restaurants create an active street level that is critical to successful, pedestrian friendly developments or older downtowns. They contribute to a vibrant, vital and visually appealing walking experience, as well as providing the goods and services needed by nearby residents and office workers.

Fostering Economic Vitality in 2020 and Beyond

Together, export and local-serving businesses form the basis for a strong local economy. In short, residents follow good jobs and retail follows residents. The greater the County's success in retaining and attracting export businesses, the greater the spending power will be and demand for local-serving goods and services. As these businesses thrive, the County is able to offer an appealing quality of life to its residents. Employees in turn serve as customers for other businesses, circulating dollars back through the local economy. County businesses pay significant taxes that provide revenue to pay for schools, roads, parks and other public services.

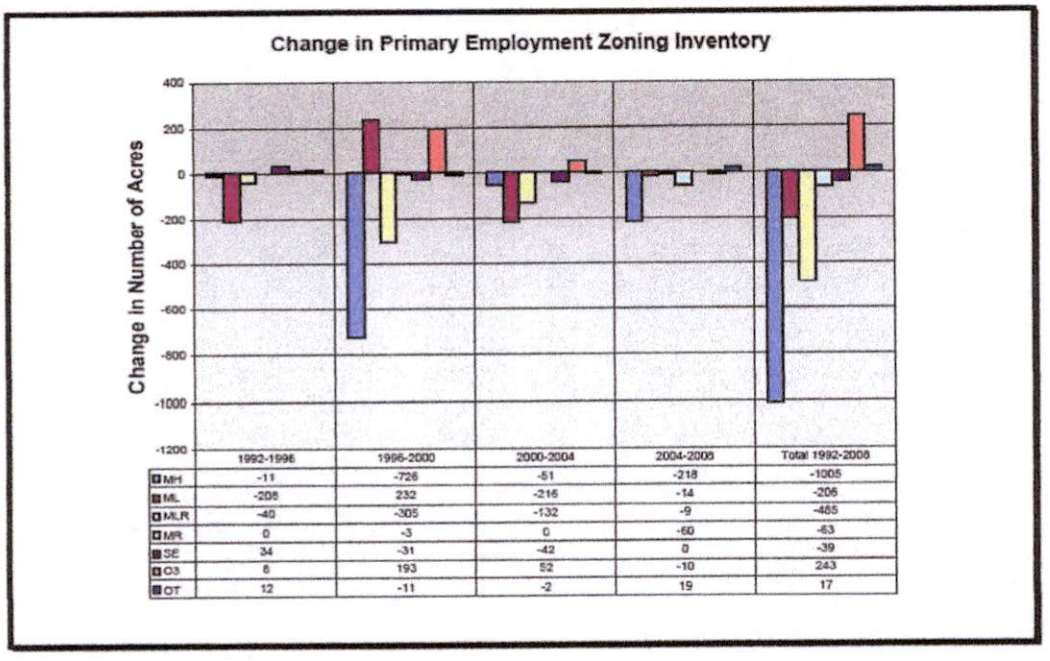
Baltimore County's economy faces several challenges as we look to 2020 and beyond. The ongoing health of the County's economy, and the health of its residential communities, will depend on how these challenges are addressed.

The future economic health of the County depends heavily on retaining and growing companies that export goods and services outside the region.

Baltimore County is fortunate to have a well-diversified economy. The County is home to a large number of export employers in a wide range of sectors: financial services, manufacturing, transportation, information technology, life sciences and agriculture. Goods produced range from unmanned aerial vehicles, flu testing kits, and steel to computer games, flavored rum, titanium horseshoes and packaged food flavorings. Baltimore County is now the largest job center in the Baltimore region, offering an abundance of employment opportunities. The breadth and depth of the economy is a major reason for the County's AAA bond rating, which allows the County to borrow for schools and public projects at a much lower interest rate than most other jurisdictions in the nation.

Land use policy is a critical factor in growing and supporting new business opportunities. The ability to attract, retain and expand the employment based depends on having appropriately zoned land available to accommodate companies when they need to move or expand.

Between 1992 and 2008, the County's supply of employment zoned land, especially sites with ML, MH, OT and O3 zoning, decreased by more than 1,538 acres. Several hundred additional acres were effectively converted to non-employment classifications through residential and retail PUDs in these zones, and exclusively residential projects in OT zones.



	1992-1996	1996-2000	2000-2004	2004-2008	Total 1992-2008
MH	-11	-726	-51	-218	-1005
ML	-208	232	-216	-14	-206
MLR	-40	-305	-132	-9	-485
MR	0	-3	0	-60	-63
SE	34	-31	-42	0	-39
O3	6	193	52	-10	243
OT	12	-11	-2	19	17

Policy: Identify areas with significant potential to accommodate future employment growth and develop and implement strategies to prepare areas for business attraction.

Actions:

(1) Continue to work with the State, property owners, and Amtrak to achieve a quality mixed-use transit oriented development at the GSA Depot in Middle River.

(2) Seek additional ways to increase the economic spin off from the County's institutions of higher education both as job creators and sources for cutting edge research.

(3) Continue to pursue coordinated complementary high-density development at Metro Center at Owings Mills and Owings Mills Mall.

(4) Encourage TOD, mixed-use and other redevelopment opportunities along the Red Line that support ridership, while minimizing negative impacts on existing businesses and properties.

(5) Identify ways to provide incentives for higher value office/industrial development at older business parks.

(6) Implement the recommendation of the interagency Pulaski Highway Study to attract spin-off development related to BRAC.

(7) Intensify mixed-use development in designated growth areas, employment centers and Community Enhancement Areas.

(8) Work with Severstal Steel or any subsequent owner at Sparrows Point regarding the future use of surplus land.

(9) Support existing and prospective businesses in the Woodlawn area and initiate land use decisions that will capitalize on the expansion of the facilities for the Social Security Administration (SSA) and the Centers for Medicare and Medicaid Services (CMS). The SSA and CMS operations, and any expansion of them, are an economic engine in western Baltimore County, creating a demand for a wide range of businesses and services to accommodate the area.

Policy: Maintain zoning appropriate for major employment on infrastructure-served land with good access.

Actions:

(1) Recommend that the County Council evaluate rezoning and PUD proposals that convert M or OT zoned land to residential or retail use to consider the long-term effects on the economy.

(2) Ensure that adequate land and structures remain available to accommodate new and expanding primary employers not suited for mixed-use environments.

(3) Consider ways to guide new employment opportunities to quality mixed-use development.

(4) Preserve the County's limited deep-water access for industrial uses.

(5) Consider amending the BCZR to limit the amount of residential development permitted in the OT zoning classification.

LAND USE BALANCE

A fiscally strong jurisdiction must maintain a healthy balance between residential and non-residential land uses. Different types of land use have variant effects on a county's finances. Some land uses contribute more in tax revenue than they consume in public services, such as schools, police and fire services. Some land uses consume more services than they pay for directly through property taxes. A balanced economy is needed to provide a healthy place to live, work and play. A strong employment sector: industrial, office, and commercial, provide jobs and tax revenue. A diverse choice of housing is essential to providing a qualified work force to fuel the employment sector.

Policy: The County should maintain a healthy balance between residential and non-residential land uses inside the URDL.

Actions:

(1) Consider encouraging zoning requests that promote mixed-use development.

(2) Ensure that land use proposals contribute to a healthy balance of residential and non-residential uses and open space.

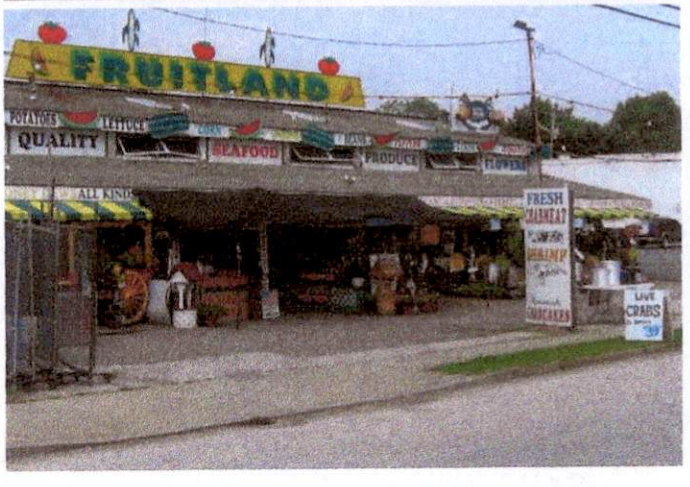
(3) Work proactively to promote employment driven projects compatible with residential uses.

(4) Direct mixed-use development to Community Enhancement Areas.

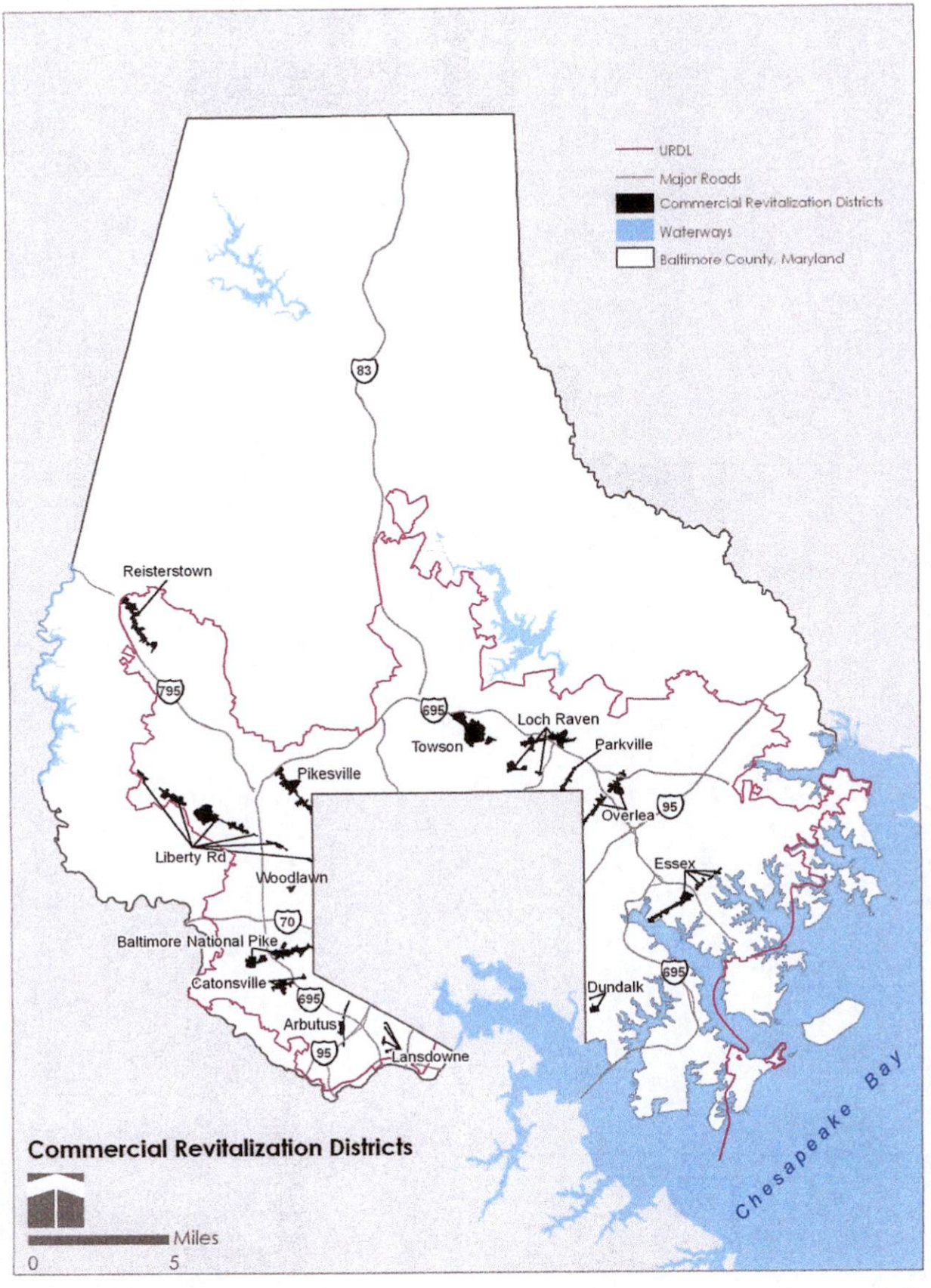
COMMERCIAL REVITALIZATION DISTRICTS

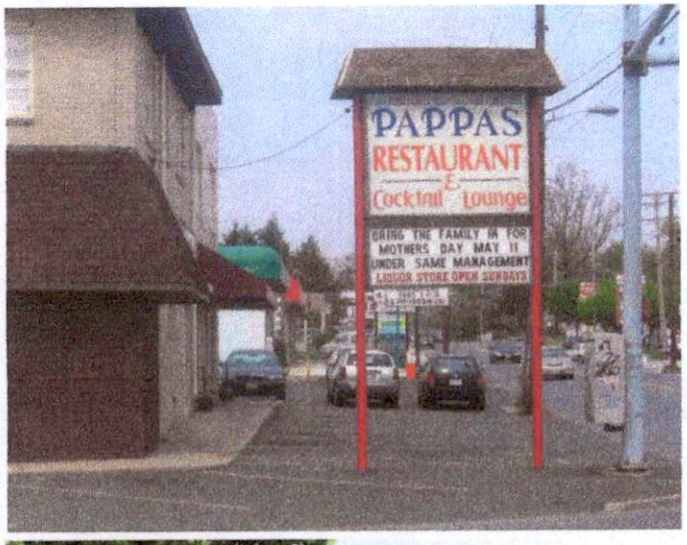
Baltimore County has 14 officially designated Commercial Revitalization Districts (CRDs). These areas were once the commercial hubs of the County's older beltway communities and offered a range of retail, service, and entertainment uses. However, beginning in the 1960s and 70s, changes





Map 35: Commercial Revitalization Districts







in demographics and retail shopping preferences fundamentally altered the role of these main street commercial centers. As people became more dependant upon the automobile, they moved farther out preferring the greater range of retail choices and convenient free parking over smaller mom and pop neighborhood shops along older commercial main streets. This trend continues. Most suburbanites patronize full service grocery stores, big and junior box retailers (e.g. Target, Wal-Mart, Pet Smart, Best Buy), chain specialty shops, and national restaurants.

To remain viable, the CRDs must differentiate themselves by capitalizing upon their downtown development patterns, strengthening the existing base of small businesses, and attracting new and different uses. Each district is unique with its own set of attributes and liabilities and revitalization efforts must be tailored to address these differences. Successful revitalization in smaller districts is built upon a series of small complementary successes and larger districts may benefit from key redevelopment projects that restructure the local economy. Attaining a sufficient and balanced mix of quality uses is an important goal that should be accompanied with creating a safe, attractive, and walkable environment. Another goal is using creative marketing of the districts to businesses and customers.

The most successful downtowns have a mix of synergistic uses that support each other. Downtown housing and office uses have residents and employees that patronize retail shops, restaurants, and service uses such as hair salons, banks, and dry cleaners. Theaters and other entertainment uses are destinations that draw customers into the downtown, who then also patronize restaurants and bars before and after a movie or performance. Institutional uses, supply a high number of patrons and employees for retail and restaurants, and students for downtown housing.

When compared to newer town centers that are trying to replicate the character and qualities of real downtowns, original town centers often have unique challenges. Redevelopment costs can be higher with land assemblage and parking; surrounding household incomes and densities may be more diverse; multiple owners have different perspectives; and the infrastructure may be aging and outdated. Jurisdictions must have an extensive toolbox of incentives to retain and attract the mix of uses needed to keep a CRD healthy. The County has a range of incentives that can be tailored to individual project needs, including: low interest loans, tax credits, and specialized grants, key infrastructure improvements such as parking garages, sewer expansions, and road realignments and improvements, sale of publicly owned land, demolition of obsolete structures, permitting process assistance, flexible zoning, and liquor licensing.

Policy: Retain and attract quality retail, office, service, residential, entertainment, and institutional uses that create well balanced and economically vital mixed-use.

Actions:

(1) Use targeted public investment to encourage private reinvestment.

(2) Identify redevelopment/revitalization opportunities in the CRDs and establish a process to determine land use and development goals of the area.

(3) Conduct specialized analyses of properties and redevelopment proposals.

(4) Utilize the Consultant on Call Program to provide expedited professional studies on market feasibility.

(5) Continue familiarization tours to provide education about the County's CRDs and community enhancement areas to upgrade and expand the types of uses, improve poorly managed properties and marginal businesses, and fill vacancies.

(6) Promote the increased use of the Small Business Resource Center that provides free technical, financial, and marketing assistance.

(7) Study the use of mixed-use codes in designated community enhancement areas.

(8) Periodically review the range and scope of incentives to maximize their effectiveness.



The districts, like community enhancement areas, should be the "front door" to the residential neighborhoods, and help establish the overall image of a community. The appearance of the CRD is important to the business and residential communities, and is both a private and public responsibility. The government, primarily through streetscape programs, is generally responsible for the streets, sidewalks, medians, and sometimes alleys. Individual property owners are responsible for a building's façades, and any private parking lots. Improvements should focus on views from the public areas. A commercial center or corridor with attractive curb appeal and stable and desirable uses may encourage people to invest in the community.

Policy: Improve the appearance and walkability of the Districts.

Actions:

(1) Continue to promote the Architect on Call Program that provides free professional design advice for business or property owners seeking to improve the exterior of their building and/or lot.

(2) Promote the Building Investment Loan Program that provides zero percent loans for exterior and interior improvements through annual mailings to property and business owners, the business organizations, specialized advertising, and "word of mouth" examples.

(3) Promote walkability and enhance the attractiveness of older village centers through implementation of streetscape programs managed by the Baltimore County Office of Community Conservation.

(4) Develop streetscape design around a Complete Streets Program.

(5) Continue beautification-landscaping partnerships with business organizations.

(6) Enforce the County code and fund the Commercial Revitalization Action grants for programs to improve the physical appearance of the business environment.

Studies consistently show that when customers buy from an independent, locally owned business, over two thirds of the money spent stays in the community and is used for purchases from other local businesses. These businesses create more jobs locally, and often provide better wages and benefits than nationwide chains. Owners frequently live in the community where their business is located.

Policy: Market Commercial Districts to potential businesses and patrons.

Actions:

(1) Media campaigns including radio, television, print advertising and social media marketing will be developed and utilized during the winter holiday and spring shopping seasons.

(2) Continue to provide design support in promoting community events and districts through the use of Designer On Call, a resource that offers design services for

local initiatives involving the ReDiscover Your Neighborhood Downtown branding.

(3) Maximize partnership with the Baltimore County Revenue Authority to provide convenient parking opportunities.

(4) Promote the County's CRDs and CEAs at regional and national conferences.

(5) Update district profiles and county websites to attract businesses to the districts.

(6) Participate in statewide organizations and programs that promote the revitalization of downtowns across Maryland.

(7) Continue neighborhood promotional campaigns to encourage consumers to shop and eat in locally owned businesses.

TOURISM

Visitors to Baltimore County added $1.97 billon to the local economy in 2008, according to a study by IHS Global Insight. The study reports that the County's tourism industry supported almost 20,000 jobs, $545 million in wages, and contributed $15 million in hotel, amusement and admission taxes.

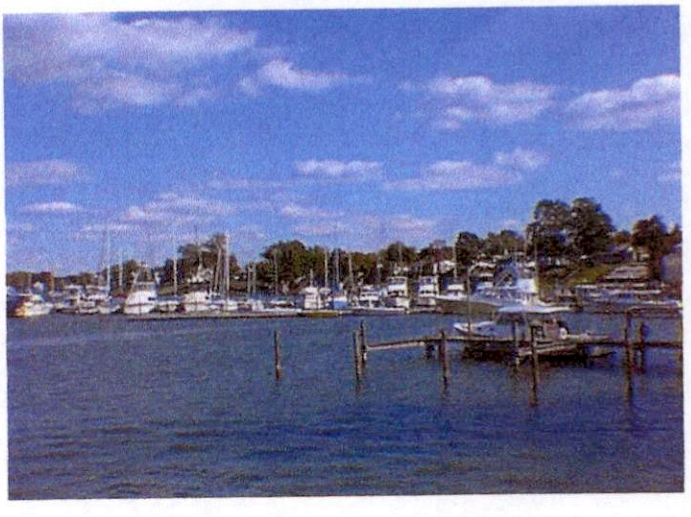
Baltimore County's 219 miles of Chesapeake Bay waterfront offer unrealized potential to enhance the visitor experience and quality of life for County residents. Over the past decade, eastern Baltimore County has seen over $600 million in public and private investment. County initiatives have eliminated many aging, blighted apartment complexes, replacing them with open space and hundreds of modern single family and townhomes. Many of the County's 90 marinas and yacht clubs have made significant improvements to their facilities, with waterfront restaurants and a water taxi service adding to eastern Baltimore County's amenities.

Policy: Increase visibility and access to visitor destinations in Baltimore County.

Actions:

(1) Explore methods to unify the waterfront as a regional destination.

(2) Further develop the County's network of bike and walking trails to connect parks, waterfront amenities, and nature centers with



Source: Agriculture in Maryland Summary for 2007, MDA

Crop Products	62,160,000[1]
Nurseries & Greenhouses	124,000,000[2]
Equine	121,800,000[2]
Vegetables	6,398,000[1]

Total Value Agricultural Sales (2006)
Sources: (1) Agriculture in Maryland Summary for 2007, MDA (2) Baltimore County, MD

Number of Farms	784
Average Farm Size	91 acres
Total Farmland	71,227 acres
Total Cropland	48,525 acres

visitor attractions and local communities

(3) Create wayfinding signage to major visitor sites.

(4) Support agriculture-related tourist activities such as Shawan Downs, the Maryland State Fair in Timonium, wineries, horse farms, and farmers markets.

Policy: Enhance existing visitor destinations in Baltimore County.

Actions:

(1) Enhance quality and improve access to major War of 1812 heritage sites to maximize economic impact of Maryland's Star Spangled Banner bicentennial celebration.

(2) Maximize potential of unique museums and galleries throughout the county.

Policy: Improve and expand the visitor experience in Baltimore County.

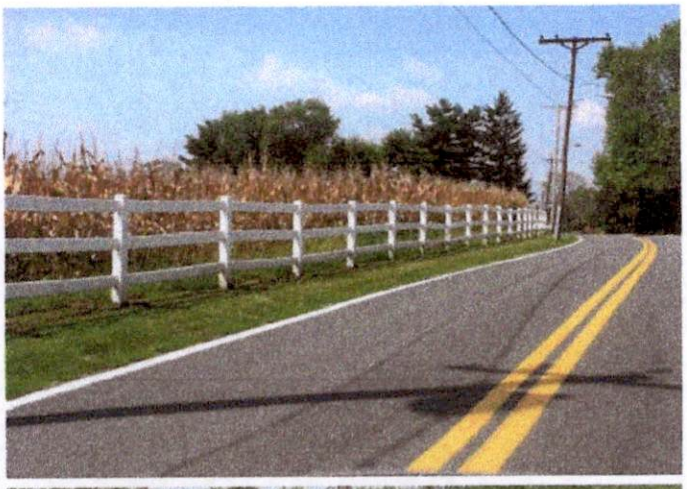
Actions:

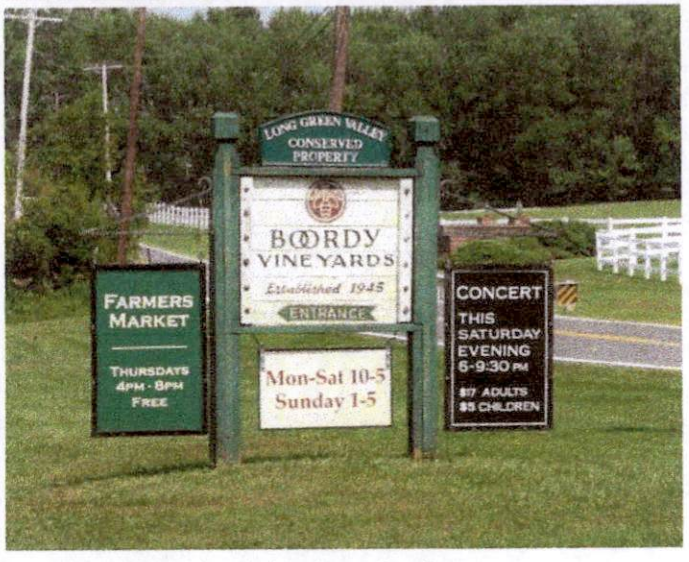
(1) Adopt a "Complete Streets" program to improve aesthetics and safety along local access roads, for use when improvements are being considered.

(2) Expand capacity for county to host additional conferences, large meetings, sports events and cultural activities

SUSTAINABLE AGRICULTURAL INDUSTRY

The policy to foster a sustainable agricultural industry has gained a new level of significance with the success of preserving over 50,000 acres of rural land. The County's agricultural industry is diverse and robust with an annual economic production estimated to be $300 million. There is an opportunity now with the land preservation accomplishments and momentum to build an even stronger and more *sustainable* agricultural economy. Without diminishing the support for commodity production, the mainstay of the county's agricultural industry, there clearly is an opportunity for increasing local food production.





The benefits of local food production are enormous and include energy conservation, sustainability, food security, and the potential for green jobs for the young people of our County.

The majority of land in agricultural production is in grain and livestock production. Large farms must survive on large volumes and low profits per item: to do this they must be efficient and able to get their products to competitive markets. The County can address the local issues of transportation, right-to-farm laws, and local tax benefits to support these operations.

The horse industry is one of the largest economic agricultural industries in the County. Nationally, the thoroughbred horse industry is very strong, with sales and breeding fees up. These increases are typically linked to the quality of the track facilities, promotion, and wagering handles (purses). However, Maryland's thoroughbred industry is at a crossroads. The County should support State efforts to improve racing facilities and the overall health of the industry.

The County has significant nursery and greenhouse production. Several of its growers are nationally recognized for the quality of their plant production. This industry is constantly changing in order to be successful. Laws, regulations and policies need to be constantly reviewed to promote the success of this industry while protecting the rural character of the surrounding communities.

The County, like the State, is seeing a strong interest in consumers who desire both local agricultural production and an experience relating to agricultural production. Operations such as wineries, pumpkin festivals, community supported agriculture, and direct market business operations are all part of the emerging agricultural economy. As with the nursery and greenhouse production, zoning laws, county regulations, and health department regulations need to be reviewed to remove unattainable burdens from these industries while still protecting public health and community character.

Policy: Foster a sustainable agricultural industry.

Actions:

(1) Continue to offer loans and economic support for sustainable agricultural operations.

(2) Consult the Rural Baltimore County Agricultural Profitability Study and Action Plan" (2009), and implement appropriate actions such as mentoring programs for new farmers and agricultural tourism activities on farms.

(3) Review County Zoning and Development regulations to provide for farm production and processing.

(4) Support the Baltimore County Center for Maryland Agriculture, which will promote a sustainable agricultural industry by providing educational and recreational opportunities for



the public, and encouraging "agro-tourism" The Center will also serve as an "incubator" for new ideas to help sustain agriculture in many aspects, including protective measures such as 'best management practices".

(5) Facilitate discussions with the agricultural community and surrounding neighbors regarding the new agricultural economies (i.e. sell what you grow, farm markets) and potential impacts on quality of life.

(6) Permit ancillary activities that allow farmers to sell products grown on the farm directly to customers, and promote certain farms as a destination stop for tourists and visitors.

(7) Ensure that County regulations provide flexibility in agricultural operations and enable them to adapt to changing economic conditions.



(8) Work with the Maryland Department of Agriculture (MDA), the University of Maryland Extension (UME), and the County Department of Economic Development to assist farm businesses in marketing to new local, national, and international consumers.

(9) Support Farm Bureau educational activities such as the "Agriculture in the Classroom" program at Hereford Middle and High Schools, and a new mobile agricultural classroom.

(10) Support the Farm Bureau program that identifies agricultural products produced in the County, which assists in the marketing of locally produced goods.

(11) Establish a program to assist young farmers in accessing capital to purchase farmland.

(12) Continue to foster and monitor the relationship between large-scale producers and landowners that lease land.

(13) Actively seek to solicit new agricultural operations.

(14) Encourage sustainable farming practices.

Ridgely Manor has a long history. It was constructed in 1945, as housing for Bendix employees working for the war effort. Early deeds called the area Ridgeleigh.

Ridgely Manor was was born after the demolition of 18 houses, in the 1600 block of Yakona Road. An enviromnental disaster caused by containment of materials used by the Hess Corporation.

The Hess corporation stepped up to the plate, took responsibility, and bought all 18 homes, and proceeded to correct the problem. It was not a quick fix, it took many, many months. Homes were razed, while continuously sprayed with water to avoid asbestos contamination. The neighborhood was disrupted for almost two years.

Hess made sure all soils were re-mediated, a water filtration system was built to clean the runoff before being directed to the Baltimore County Storm Drain. Eventually, a park was established, which is now under the Stewardship of Neighborspace of Baltimore County. Ridgely Manor and Neighborspace have worked hand in hand for over 4 years to maintain this park.

Not a single penny was received from Baltimore County for any of this work.

We cannot discount that environmental factors will adversely affect our community. With a string of vehicles flowing in and out of this facility, it will raise pollution levels, increase the noise level, and generally be a business that will cause excessive traffic in the area. Particularly on Yakona Road, as many use this street as cut through to Putty Hill Road. There is an existing problem with speeding cars at present.

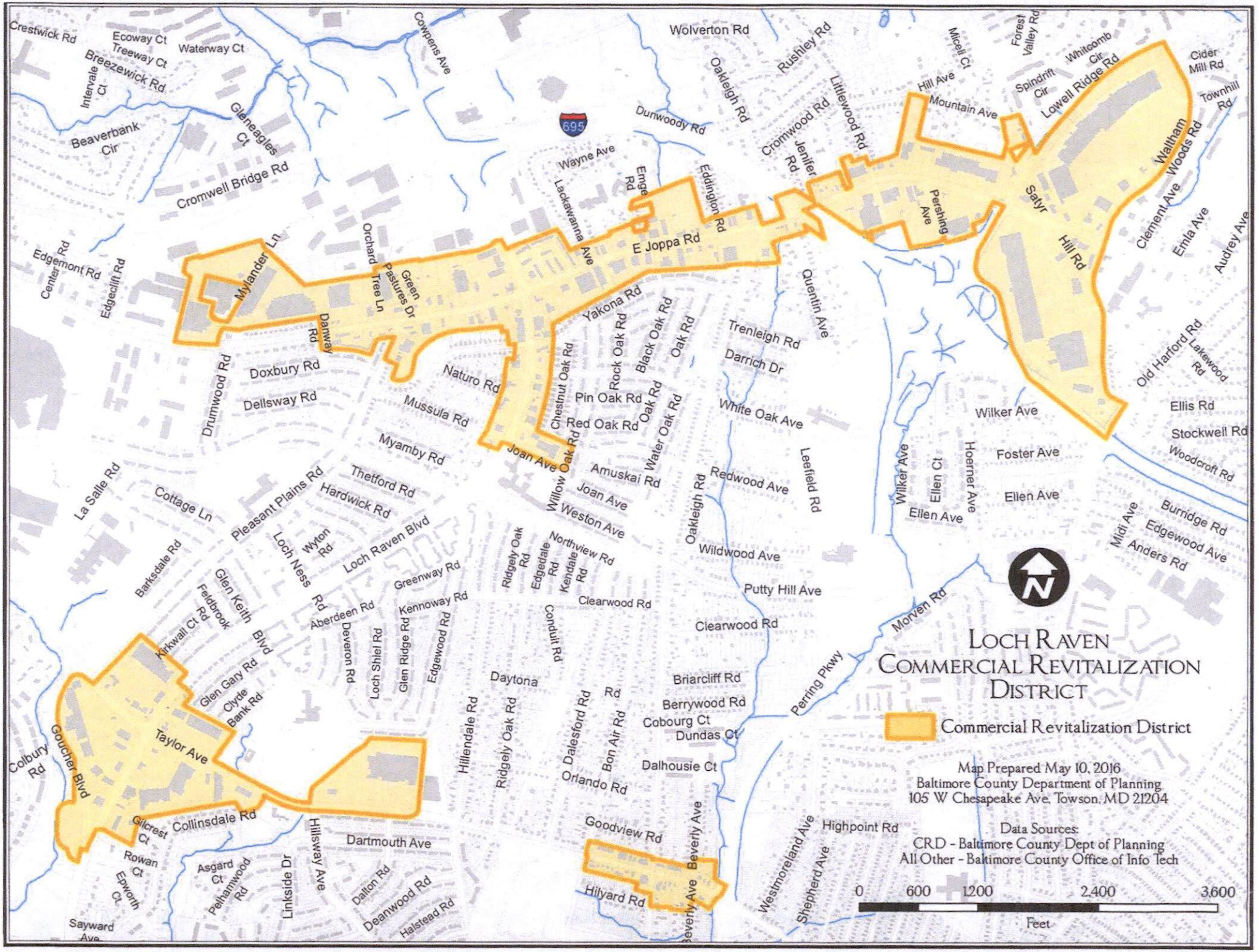
Within a quarter of a mile there are 8 auto service stations. All these businesses are owned by small business owners. Directly across the street from the proposed Valvoline site is SAVCO Mobil Lube Express, a local business that provides the same services, as does Monro Auto service, M and M Auto Service, Rijen Auto and Service, and Hollenshades, a long time business in East Towson.

With all this in mind, we are opposed to the opening of the Valvoline service station. The current zoning is business. We want to keep it this way. We really have far too many gas/service stations at present.

As a revitalization district, I implore you to follow the guidelines set down. Diversity is what this area needs. The bank building is a huge plus to our communities, and a beautiful building welcoming people to Towson. It would be ideal as medical, business offices, etc.

Dale Cassidy, President

Ridgely Manor community Association


Loch Raven Commercial Revitalization District
Commercial Revitalization District
Map Prepared May 10, 2016
Baltimore County Department of Planning
105 W Chesapeake Ave, Towson, MD 21204
Data Sources:
CRD - Baltimore County Dept of Planning
All Other - Baltimore County Office of Info Tech
0 600 1200 2,400 3,600
Feet
N
695
Wolverton Rd
Crestwick Rd
Ecoway Ct
Treeway Ct
Waterway Ct
Breezewick Rd
Intervale Ct
Beaverbank Cir
Gleneagles Ct
Cromwell Bridge Rd
Cowpens Ave
Oakleigh Rd
Rushley Rd
Dunwoody Rd
Wayne Ave
Lackawanna Ave
Emge Rd
Eddington Rd
Littlewood Rd
Cromwood Rd
Jenifer Rd
Micell Ct
Hill Ave
Mountain Ave
Forest Valley Rd
Spindrift Cir
Whitcomb Cir
Lowell Ridge Rd
Cider Mill Rd
Townhill Rd
Waltham Woods Rd
Clement Ave
Emla Ave
Audrey Ave
Satyr Hill Rd
Pershing Ave
E Joppa Rd
Mylander Ln
Orchard Tree Ln
Green Pastures Dr
Danway Rd
Edgemont Rd
Center Rd
Edgeclift Rd
Drumwood Rd
Doxbury Rd
Dellsway Rd
Naturo Rd
Mussula Rd
Myamby Rd
Yakona Rd
Chestnut Oak Rd
Rock Oak Rd
Black Oak Rd
Oak Rd
Pin Oak Rd
Red Oak Rd
Water Oak Rd
Willow Oak Rd
Joan Ave
Amuskai Rd
Weston Ave
Thetford Rd
Hardwick Rd
Pleasant Plains Rd
Cottage Ln
La Salle Rd
Loch Raven Blvd
Loch Ness Rd
Wyton Rd
Barksdale Rd
Glen Keith Blvd
Feldbrook Rd
Kirkwall Ct
Greenway Rd
Kennoway Rd
Aberdeen Rd
Deveron Rd
Loch Shiel Rd
Glen Ridge Rd
Edgewood Rd
Ridgely Oak Rd
Edgedale Rd
Kendale Rd
Northview Rd
Conduit Rd
Clearwood Rd
Trenleigh Rd
Darrich Dr
White Oak Ave
Redwood Ave
Wildwood Ave
Putty Hill Ave
Oakleigh Rd
Leefield Rd
Quentin Ave
Wilker Ave
Ellen Ct
Hoerner Ave
Ellen Ave
Foster Ave
Wilker Ave
Old Harford Rd
Lakewood Rd
Ellis Rd
Stockwell Rd
Woodcroft Rd
Burridge Rd
Edgewood Ave
Midi Ave
Anders Rd
Morven Rd
Perring Pkwy
Briarcliff Rd
Berrywood Rd
Cobourg Ct
Dundas Ct
Dalhousie Ct
Daylesford Rd
Bon Air Rd
Orlando Rd
Daytona
Hillendale Rd
Ridgely Oak Rd
Goodview Rd
Hilyard Rd
Beverly Ave
Westmoreland Ave
Shepherd Ave
Highpoint Rd
Colbury Rd
Gorsuch Blvd
Taylor Ave
Glen Gary Rd
Clyde Bank Rd
Gilcrest Ct
Collinsdale Rd
Rowan Ct
Epworth Ct
Asgard Ct
Pelhamwood Rd
Linkside Dr
Hillsway Ave
Dartmouth Ave
Dalton Rd
Deanwood Rd
Halstead Rd
Sayward Ave

ECONOMIC VITALITY

A healthy, vibrant economy is important to maintaining Baltimore County's quality of life: a rich variety of family-supporting jobs and tax revenue to pay for schools, roads and other public services.



A healthy, vibrant economy is important to maintaining Baltimore County's quality of life: a rich variety of family-supporting jobs and tax revenue to pay for schools, roads and other public services. This economic strength cannot be taken for granted. The County must ensure that the ingredients for future economic health be in place. This Master Plan lays the policy groundwork for achieving this long-term success.

FOUNDATION OF BALTIMORE'S ECONOMY

Baltimore County is the major economic engine in terms of jobs (515,000) in the region with the second-largest number of jobs of any Maryland jurisdiction. The County economy is highly diversified, not dependent on

any single industry or company. Among the sectors where the County is strong: financial services, defense, manufacturing, transportation, information technology and life sciences. The federal government also has a major presence in the County, as the national headquarters for both the Social Security Administration (SSA) and the Centers for Medicare and Medicaid (CMS) are located in Woodlawn. The County's inter-connected web of large, medium and small firms in traditional and high technology sectors, and the high quality of the local workforce, also fosters stability and resilience.

An important determinant of the County's economic health is the balance between export industries and local-serving industries. The difference between the local-serving and export-oriented sectors is critical because they depend on distinct revenue bases and infuse wealth into the local economy in different ways.

Export Industries Play a Unique Role in Adding Wealth to the Area

Export businesses produce goods and services sold mainly outside the local area. As a result, they play a unique and irreplaceable role in determining the community's standard of living. Examples include manufacturers, Research and Development (R&D) firms, major financial services operations, health care facilities, corporate headquarters, agriculture, and state and federal government facilities. Businesses in these industries bring in money from outside the area because they sell their products and services to national or international markets. This outside money is pumped into the local economy through wages and business income, and creates the market for local-serving businesses.

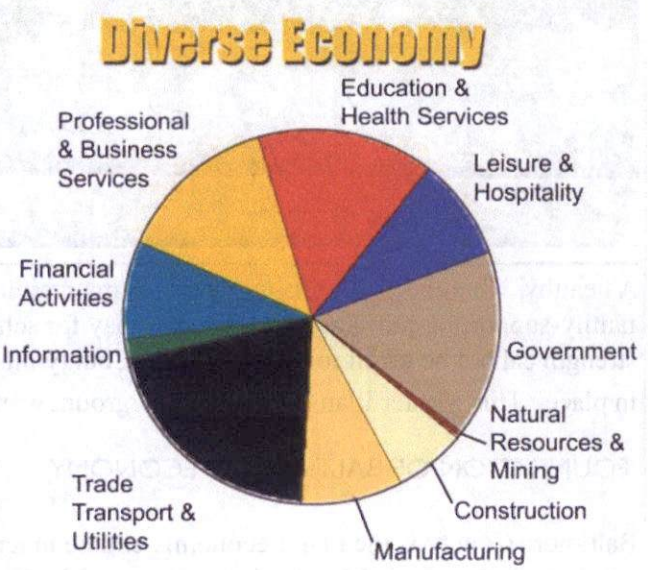




Jobs created in export industries also tend to create more spin off jobs (i.e., have a greater multiplier effect), than do jobs in retail or services. The more inputs purchased locally and the more consumer expenditures at local shops, the higher the multiplier. For example, the table below highlights multipliers for four different sectors.

Local-Serving Businesses are Central to the County's Quality of Life

Local-serving businesses are those whose products or services are primarily consumed in the County, such as restaurants, grocery stores, bookstores, medical offices, banks, dry cleaners, home furnishing stores, convenience stores, pharmacies, etc. They range from national retailers to local, family-owned businesses. Regardless of their size, these companies provide the



Employment Multipliers per 100 Jobs in Major Sectors				
	Manufacturing	Health Services	Retail Trade	Personal/ Business Services
Supplier jobs: materials	128.92	28.3	24.1	54.08
Supplier jobs: capital services	38.63	22	16.71	27.95
Respending employment	116.46	66.05	46.35	68.8
state + local government	6.78	1.6	1.29	2.88
TOTAL	290.78	117.94	88.45	153.71

goods and services that County residents need and want and provide employment to a large number of County citizens. Retailers and other local-serving businesses also have a special role in main street or mixed-use settings. Attractive storefronts and restaurants create an active street level that is critical to successful, pedestrian friendly developments or older downtowns. They contribute to a vibrant, vital and visually appealing walking experience, as well as providing the goods and services needed by nearby residents and office workers.

Fostering Economic Vitality in 2020 and Beyond

Together, export and local-serving businesses form the basis for a strong local economy. In short, residents follow good jobs and retail follows residents. The greater the County's success in retaining and attracting export businesses, the greater the spending power will be and demand for local-serving goods and services. As these businesses thrive, the County is able to offer an appealing quality of life to its residents. Employees in turn serve as customers for other businesses, circulating dollars back through the local economy. County businesses pay significant taxes that provide revenue to pay for schools, roads, parks and other public services.

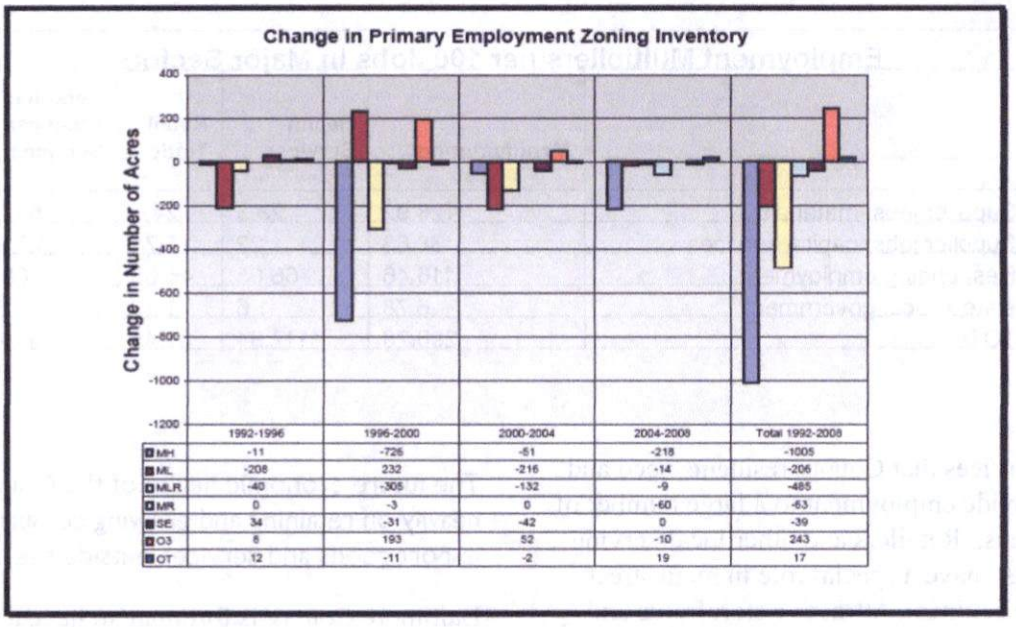
Baltimore County's economy faces several challenges as we look to 2020 and beyond. The ongoing health of the County's economy, and the health of its residential communities, will depend on how these challenges are addressed.

The future economic health of the County depends heavily on retaining and growing companies that export goods and services outside the region.

Baltimore County is fortunate to have a well-diversified economy. The County is home to a large number of export employers in a wide range of sectors: financial services, manufacturing, transportation, information technology, life sciences and agriculture. Goods produced range from unmanned aerial vehicles, flu testing kits, and steel to computer games, flavored rum, titanium horseshoes and packaged food flavorings. Baltimore County is now the largest job center in the Baltimore region, offering an abundance of employment opportunities. The breadth and depth of the economy is a major reason for the County's AAA bond rating, which allows the County to borrow for schools and public projects at a much lower interest rate than most other jurisdictions in the nation.

Land use policy is a critical factor in growing and supporting new business opportunities. The ability to attract, retain and expand the employment based depends on having appropriately zoned land available to accommodate companies when they need to move or expand.

Between 1992 and 2008, the County's supply of employment zoned land, especially sites with ML, MH, OT and O3 zoning, decreased by more than 1,538 acres. Several hundred additional acres were effectively converted to non-employment classifications through residential and retail PUDs in these zones, and exclusively residential projects in OT zones.



	1992-1996	1996-2000	2000-2004	2004-2008	Total 1992-2008
MH	-11	-726	-51	-218	-1005
ML	-208	232	-216	-14	-206
MLR	-40	-305	-132	-9	-485
MR	0	-3	0	-60	-63
SE	34	-31	-42	0	-39
O3	6	193	52	-10	243
OT	12	-11	-2	19	17

Policy: Identify areas with significant potential to accommodate future employment growth and develop and implement strategies to prepare areas for business attraction.

Actions:

(1) Continue to work with the State, property owners, and Amtrak to achieve a quality mixed-use transit oriented development at the GSA Depot in Middle River.

(2) Seek additional ways to increase the economic spin off from the County's institutions of higher education both as job creators and sources for cutting edge research.

(3) Continue to pursue coordinated complementary high-density development at Metro Center at Owings Mills and Owings Mills Mall.

(4) Encourage TOD, mixed-use and other redevelopment opportunities along the Red Line that support ridership, while minimizing negative impacts on existing businesses and properties.

(5) Identify ways to provide incentives for higher value office/industrial development at older business parks.

(6) Implement the recommendation of the interagency Pulaski Highway Study to attract spin-off development related to BRAC.

(7) Intensify mixed-use development in designated growth areas, employment centers and Community Enhancement Areas.

(8) Work with Severstal Steel or any subsequent owner at Sparrows Point regarding the future use of surplus land.

(9) Support existing and prospective businesses in the Woodlawn area and initiate land use decisions that will capitalize on the expansion of the facilities for the Social Security Administration (SSA) and the Centers for Medicare and Medicaid Services (CMS). The SSA and CMS operations, and any expansion of them, are an economic engine in western Baltimore County, creating a demand for a wide range of businesses and services to accommodate the area.

Policy: Maintain zoning appropriate for major employment on infrastructure-served land with good access.

Actions:

(1) Recommend that the County Council evaluate rezoning and PUD proposals that convert M or OT zoned land to residential or retail use to consider the long-term effects on the economy.

(2) Ensure that adequate land and structures remain available to accommodate new and expanding primary employers not suited for mixed-use environments.

(3) Consider ways to guide new employment opportunities to quality mixed-use development.

(4) Preserve the County's limited deep-water access for industrial uses.

(5) Consider amending the BCZR to limit the amount of residential development permitted in the OT zoning classification.

LAND USE BALANCE

A fiscally strong jurisdiction must maintain a healthy balance between residential and non-residential land uses. Different types of land use have variant effects on a county's finances. Some land uses contribute more in tax revenue than they consume in public services, such as schools, police and fire services. Some land uses consume more services than they pay for directly through property taxes. A balanced economy is needed to provide a healthy place to live, work and play. A strong employment sector: industrial, office, and commercial, provide jobs and tax revenue. A diverse choice of housing is essential to providing a qualified work force to fuel the employment sector.

Policy: The County should maintain a healthy balance between residential and non-residential land uses inside the URDL.

Actions:

(1) Consider encouraging zoning requests that promote mixed-use development.

(2) Ensure that land use proposals contribute to a healthy balance of residential and non-residential uses and open space.

(3) Work proactively to promote employment driven projects compatible with residential uses.

(4) Direct mixed-use development to Community Enhancement Areas.

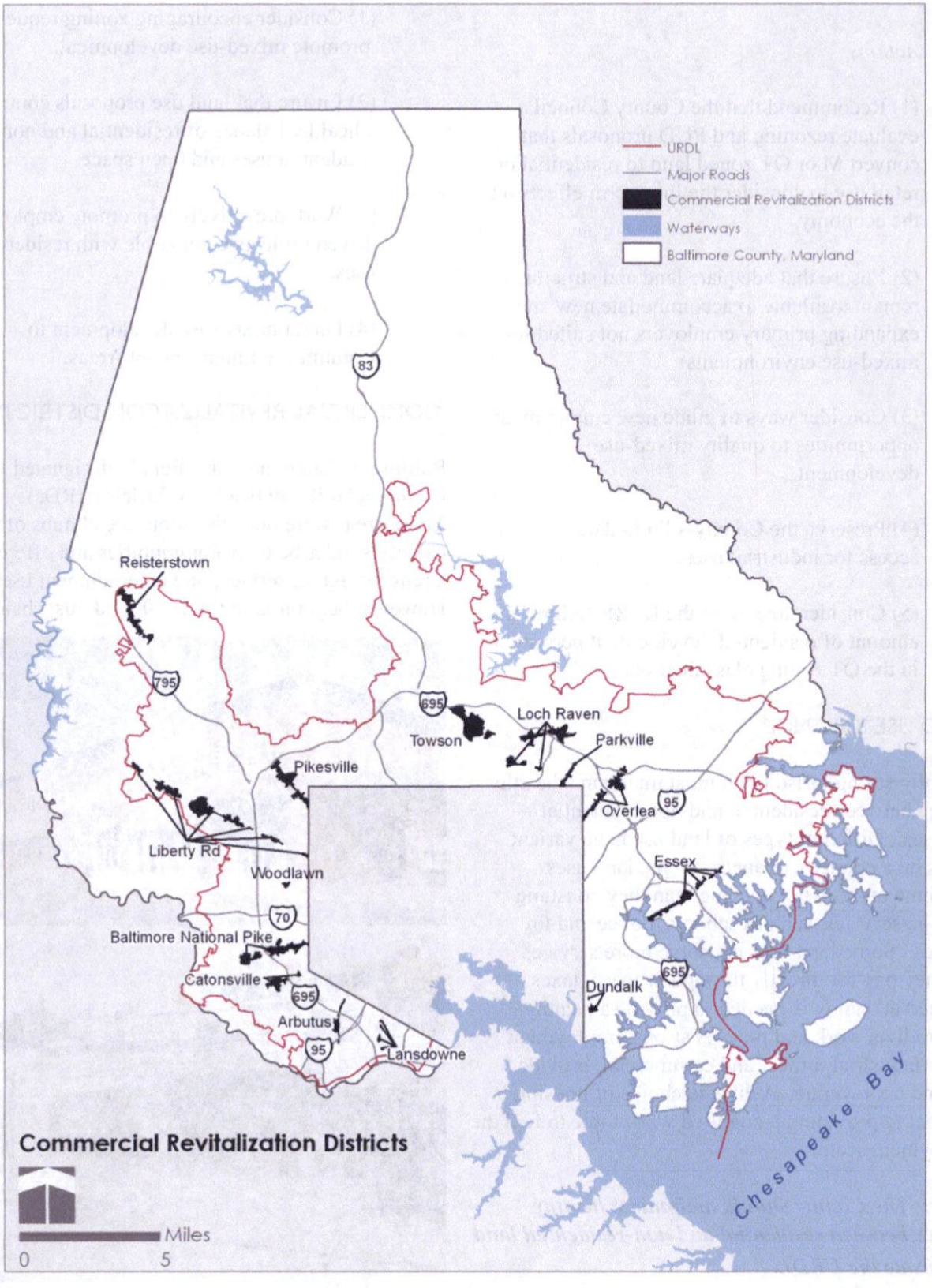
COMMERCIAL REVITALIZATION DISTRICTS

Baltimore County has 14 officially designated Commercial Revitalization Districts (CRDs). These areas were once the commercial hubs of the County's older beltway communities and offered a range of retail, service, and entertainment uses. However, beginning in the 1960s and 70s, changes





Map 35: Commercial Revitalization Districts







in demographics and retail shopping preferences fundamentally altered the role of these main street commercial centers. As people became more dependant upon the automobile, they moved farther out preferring the greater range of retail choices and convenient free parking over smaller mom and pop neighborhood shops along older commercial main streets. This trend continues. Most suburbanites patronize full service grocery stores, big and junior box retailers (e.g. Target, Wal-Mart, Pet Smart, Best Buy), chain specialty shops, and national restaurants.

To remain viable, the CRDs must differentiate themselves by capitalizing upon their downtown development patterns, strengthening the existing base of small businesses, and attracting new and different uses. Each district is unique with its own set of attributes and liabilities and revitalization efforts must be tailored to address these differences. Successful revitalization in smaller districts is built upon a series of small complementary successes and larger districts may benefit from key redevelopment projects that restructure the local economy. Attaining a sufficient and balanced mix of quality uses is an important goal that should be accompanied with creating a safe, attractive, and walkable environment. Another goal is using creative marketing of the districts to businesses and customers.

The most successful downtowns have a mix of synergistic uses that support each other. Downtown housing and office uses have residents and employees that patronize retail shops, restaurants, and service uses such as hair salons, banks, and dry cleaners. Theaters and other entertainment uses are destinations that draw customers into the downtown, who then also patronize restaurants and bars before and after a movie or performance. Institutional uses, supply a high number of patrons and employees for retail and restaurants, and students for downtown housing.

When compared to newer town centers that are trying to replicate the character and qualities of real downtowns, original town centers often have unique challenges. Redevelopment costs can be higher with land assemblage and parking; surrounding household incomes and densities may be more diverse; multiple owners have different perspectives; and the infrastructure may be aging and outdated. Jurisdictions must have an extensive toolbox of incentives to retain and attract the mix of uses needed to keep a CRD healthy. The County has a range of incentives that can be tailored to individual project needs, including: low interest loans, tax credits, and specialized grants, key infrastructure improvements such as parking garages, sewer expansions, and road realignments and improvements, sale of publicly owned land, demolition of obsolete structures, permitting process assistance, flexible zoning, and liquor licensing.

Policy: Retain and attract quality retail, office, service, residential, entertainment, and institutional uses that create well balanced and economically vital mixed-use.

Actions:

(1) Use targeted public investment to encourage private reinvestment.

(2) Identify redevelopment/revitalization opportunities in the CRDs and establish a process to determine land use and development goals of the area.

(3) Conduct specialized analyses of properties and redevelopment proposals.

(4) Utilize the Consultant on Call Program to provide expedited professional studies on market feasibility.

(5) Continue familiarization tours to provide education about the County's CRDs and community enhancement areas to upgrade and expand the types of uses, improve poorly managed properties and marginal businesses, and fill vacancies.

(6) Promote the increased use of the Small Business Resource Center that provides free technical, financial, and marketing assistance.

(7) Study the use of mixed-use codes in designated community enhancement areas.

(8) Periodically review the range and scope of incentives to maximize their effectiveness.



The districts, like community enhancement areas, should be the "front door" to the residential neighborhoods, and help establish the overall image of a community. The appearance of the CRD is important to the business and residential communities, and is both a private and public responsibility. The government, primarily through streetscape programs, is generally responsible for the streets, sidewalks, medians, and sometimes alleys. Individual property owners are responsible for a building's façades, and any private parking lots. Improvements should focus on views from the public areas. A commercial center or corridor with attractive curb appeal and stable and desirable uses may encourage people to invest in the community.

Policy: Improve the appearance and walkability of the Districts.

Actions:

(1) Continue to promote the Architect on Call Program that provides free professional design advice for business or property owners seeking to improve the exterior of their building and/or lot.

(2) Promote the Building Investment Loan Program that provides zero percent loans for exterior and interior improvements through annual mailings to property and business owners, the business organizations, specialized advertising, and "word of mouth" examples.

(3) Promote walkability and enhance the attractiveness of older village centers through implementation of streetscape programs managed by the Baltimore County Office of Community Conservation.

(4) Develop streetscape design around a Complete Streets Program.

(5) Continue beautification-landscaping partnerships with business organizations.

(6) Enforce the County code and fund the Commercial Revitalization Action grants for programs to improve the physical appearance of the business environment.

Studies consistently show that when customers buy from an independent, locally owned business, over two thirds of the money spent stays in the community and is used for purchases from other local businesses. These businesses create more jobs locally, and often provide better wages and benefits than nationwide chains. Owners frequently live in the community where their business is located.

Policy: Market Commercial Districts to potential businesses and patrons.

Actions:

(1) Media campaigns including radio, television, print advertising and social media marketing will be developed and utilized during the winter holiday and spring shopping seasons.

(2) Continue to provide design support in promoting community events and districts through the use of Designer On Call, a resource that offers design services for

local initiatives involving the ReDiscover Your Neighborhood Downtown branding.

(3) Maximize partnership with the Baltimore County Revenue Authority to provide convenient parking opportunities.

(4) Promote the County's CRDs and CEAs at regional and national conferences.

(5) Update district profiles and county websites to attract businesses to the districts.

(6) Participate in statewide organizations and programs that promote the revitalization of downtowns across Maryland.

(7) Continue neighborhood promotional campaigns to encourage consumers to shop and eat in locally owned businesses.

TOURISM

Visitors to Baltimore County added $1.97 billon to the local economy in 2008, according to a study by IHS Global Insight. The study reports that the County's tourism industry supported almost 20,000 jobs, $545 million in wages, and contributed $15 million in hotel, amusement and admission taxes.

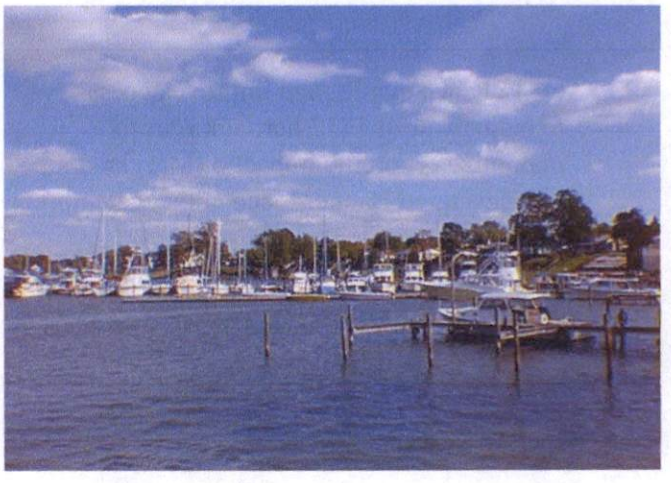
Baltimore County's 219 miles of Chesapeake Bay waterfront offer unrealized potential to enhance the visitor experience and quality of life for County residents. Over the past decade, eastern Baltimore County has seen over $600 million in public and private investment. County initiatives have eliminated many aging, blighted apartment complexes, replacing them with open space and hundreds of modern single family and townhomes. Many of the County's 90 marinas and yacht clubs have made significant improvements to their facilities, with waterfront restaurants and a water taxi service adding to eastern Baltimore County's amenities.

Policy: Increase visibility and access to visitor destinations in Baltimore County.

Actions:

(1) Explore methods to unify the waterfront as a regional destination.

(2) Further develop the County's network of bike and walking trails to connect parks, waterfront amenities, and nature centers with



Baltimore County Agriculture
Maryland Agricultural Statistics (2006)
Source: *Agriculture in Maryland Summary for 2007, MDA*

Crop Products	62,160,000[1]
Nurseries & Greenhouses	124,000,000[2]
Equine	121,800,000[2]
Vegetables	6,398,000[1]

Total Value Agricultural Sales (2006)
Sources: (1) *Agriculture in Maryland Summary for 2007, MDA* (2) *Baltimore County, MD*

Number of Farms	784
Average Farm Size	91 acres
Total Farmland	71,227 acres
Total Cropland	48,525 acres

visitor attractions and local communities

(3) Create wayfinding signage to major visitor sites.

(4) Support agriculture-related tourist activities such as Shawan Downs, the Maryland State Fair in Timonium, wineries, horse farms, and farmers markets.

Policy: Enhance existing visitor destinations in Baltimore County.

Actions:

(1) Enhance quality and improve access to major War of 1812 heritage sites to maximize economic impact of Maryland's Star Spangled Banner bicentennial celebration.

(2) Maximize potential of unique museums and galleries throughout the county.

Policy: Improve and expand the visitor experience in Baltimore County.

Actions:

(1) Adopt a "Complete Streets" program to improve aesthetics and safety along local access roads, for use when improvements are being considered.

(2) Expand capacity for county to host additional conferences, large meetings, sports events and cultural activities

SUSTAINABLE AGRICULTURAL INDUSTRY

The policy to foster a sustainable agricultural industry has gained a new level of significance with the success of preserving over 50,000 acres of rural land. The County's agricultural industry is diverse and robust with an annual economic production estimated to be $300 million. There is an opportunity now with the land preservation accomplishments and momentum to build an even stronger and more *sustainable* agricultural economy. Without diminishing the support for commodity production, the mainstay of the county's agricultural industry, there clearly is an opportunity for increasing local food production.





The benefits of local food production are enormous and include energy conservation, sustainability, food security, and the potential for green jobs for the young people of our County.

The majority of land in agricultural production is in grain and livestock production. Large farms must survive on large volumes and low profits per item: to do this they must be efficient and able to get their products to competitive markets. The County can address the local issues of transportation, right-to-farm laws, and local tax benefits to support these operations.

The horse industry is one of the largest economic agricultural industries in the County. Nationally, the thoroughbred horse industry is very strong, with sales and breeding fees up. These increases are typically linked to the quality of the track facilities, promotion, and wagering handles (purses). However, Maryland's thoroughbred industry is at a crossroads. The County should support State efforts to improve racing facilities and the overall health of the industry.

The County has significant nursery and greenhouse production. Several of its growers are nationally recognized for the quality of their plant production. This industry is constantly changing in order to be successful. Laws, regulations and policies need to be constantly reviewed to promote the success of this industry while protecting the rural character of the surrounding communities.

The County, like the State, is seeing a strong interest in consumers who desire both local agricultural production and an experience relating to agricultural production. Operations such as wineries, pumpkin festivals, community supported agriculture, and direct market business operations are all part of the emerging agricultural economy. As with the nursery and greenhouse production, zoning laws, county regulations, and health department regulations need to be reviewed to remove unattainable burdens from these industries while still protecting public health and community character.

Policy: Foster a sustainable agricultural industry.

Actions:

(1) Continue to offer loans and economic support for sustainable agricultural operations.

(2) Consult the Rural Baltimore County Agricultural Profitability Study and Action Plan" (2009), and implement appropriate actions such as mentoring programs for new farmers and agricultural tourism activities on farms.

(3) Review County Zoning and Development regulations to provide for farm production and processing.

(4) Support the Baltimore County Center for Maryland Agriculture, which will promote a sustainable agricultural industry by providing educational and recreational opportunities for



the public, and encouraging "agro-tourism" The Center will also serve as an "incubator" for new ideas to help sustain agriculture in many aspects, including protective measures such as 'best management practices".

(5) Facilitate discussions with the agricultural community and surrounding neighbors regarding the new agricultural economies (i.e. sell what you grow, farm markets) and potential impacts on quality of life.

(6) Permit ancillary activities that allow farmers to sell products grown on the farm directly to customers, and promote certain farms as a destination stop for tourists and visitors.

(7) Ensure that County regulations provide flexibility in agricultural operations and enable them to adapt to changing economic conditions.



(8) Work with the Maryland Department of Agriculture (MDA), the University of Maryland Extension (UME), and the County Department of Economic Development to assist farm businesses in marketing to new local, national, and international consumers.

(9) Support Farm Bureau educational activities such as the "Agriculture in the Classroom" program at Hereford Middle and High Schools, and a new mobile agricultural classroom.

(10) Support the Farm Bureau program that identifies agricultural products produced in the County, which assists in the marketing of locally produced goods.

(11) Establish a program to assist young farmers in accessing capital to purchase farmland.

(12) Continue to foster and monitor the relationship between large-scale producers and landowners that lease land.

(13) Actively seek to solicit new agricultural operations.

(14) Encourage sustainable farming practices.

Google Maps 1600 E Joppa Rd





1600 E Joppa Rd
Towson, MD 21286

1 Hollenshades
2 Monro Auto Service
3 BP
4 Marathon
5 M & M Auto Service
6 Savco
7 Gulf
8 Rijen



At this location

Dunkin' Donuts
3.9 ★★★★☆ (117)



1600 block East Joppa Road North

Monro Auto Service

Dunkin Donuts

Suntrust

Pizza Hut

1604 currently vacant

Lakeshore

Hooters

Subway

4 stores

1600 Block East Joppa Road South

BP Gas Station, maintenance garage

Bldg under reconstruction

Marathon Gas

McDonalds

M and M auto and service

Sonic

Cheezys Pizza

Bank Building

Loch Raven Blvd Between Joppa Road and Yakona Road

East side

Mobil Lube Express

5 Stores

Gulf Station

West Side

Strip Stores

Rijen Auto and service

East of Pleasant Plains Road at Joppa Road

Royal Farms/with Gas Pumps

Pappa Johns

Hollenshades Auto Service

APPEAL

Petitions for Special Hearing and Special Exception
(1641 Joppa Road)
9th Election District – 5th Councilmanic District
Legal Owner: Howard Bank
Contract Purchaser: Mid-Atlantic Lubes, LLC
Case No. 2019-0070-SPHX

Petition for Special Hearing and Special Exception (August 31, 2018)

Zoning Description of Property

Notice of Zoning Hearing (September 20, 2018)

Certificate of Publication (The Daily Record – October 16, 2018)

Certificate of Posting (October 16, 2018) by SSG Robert Black

Entry of Appearance by People's Counsel (September 6, 2018)

Petitioner(s) Sign-in Sheet – 1 Sheet
Citizen(s) Sign-in-Sheet – 1 Sheet

Zoning Advisory Committee Comments

Petitioner(s) Exhibits:
1. Sharon CV
2. Redline Site Plan
3. Schematic Landscape Plan
4. Elevations
5. Signage Detail
6. Illustrative Site Plan
7. Dumpster Enclosure Exhibit
8. Marketing Material Valvoline
9. Schmid CV
10. Basic Services Map – 2018 - 10A
11. Basic Services Map – 2017 - 10B
12. Basic Services Map – 2016 - 10C

Protestant(s) Exhibits:
1. File Folder w/Materials

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order (GRANTED W/CONDITIONS – November 15, 2018)

Appeal & Receipts (2) from Associates of Loch Raven Village, Inc. on December 13, 2018

JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

December 14, 2018

RECEIVED
DEC 14 2018
BALTIMORE COUNTY
BOARD OF APPEALS

Dino C. La Fiandra, Esq.
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Ave., Suite 305
Towson, MD 21204

RE: **APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing and Special Exception
Case No. 2010-0070-SPHX
Property: 1641 Joppa Road

Dear Mr. La Fiandra:

Please be advised that an appeal of the above-referenced case was filed in this Office on December 13, 2018. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

c: Peter Moulder, 1551 Dellsway Road, Towson, MD 21286
Susan Bacon, 1676 Yakona Road, Towson, MD 21286
Janice Krach, 8325 Wyton Road, Towson, MD 21286
Bruce & Leslea Knauff, 1516 Doxbury Road, Towson, MD 21286
John Rinehart, 10 Resester Avenue, Towson, MD 21212
Dale Cassidy, 1654 Yakona Road, Towson, MD 21286
Riborg Norman, 1842 Edgewood Road, Towson, MD 21286
Andrew Cullinan, 1605 Feldbrook Road, Towson, MD 21286
Roger Gookin, 3 Southerly Ct., Apt. 601, Towson, MD 21286
Jessica Krueger, 1542 Cottage Lane, Towson, MD 21286
Kate Walkinshaw, 1610 Feldbrook Road, Towson, MD 21286
Robert Benedict, 1877 Edgewood Road, Towson, MD 21286
Beth Behrle, 39 Brett Manor Court, Towson, MD 21286
John Fiastro, Jr., 1500 Dellsway Road, Towson, MD 21286
Baltimore County Board of Appeals
People's Counsel

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

August 30,2018

SPECIAL EXCEPTION AREA DESCRIPTION
FOR 1641 EAST JOPPA ROAD

Beginning at a point located at the intersection of Loch Raven Boulevard and East Joppa Road, at the distance of 129.80 and bearing of S 52°05'50" W to a point. Thence, the following courses and distances:

2) South 69°02'35" West 46.58'.
3) South 21°14'00" East 172.93'.
4) South 88°18'00" East 98.56'.
5) North 09°12'36" West 135.20'.
6) South 78°34'19" West 7.33'
7) An arc with a radius of 66.00' and length of 115.52' to a point

Containing 20,082 square feet or 0.461 acres of land, more or less, being located in the 9th Election District and 5th Councilmanic District of Baltimore County Maryland

I certify that this description was either personally prepared by me or I was in responsible charge of its preparation.



1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD ✦ Baltimore, MD ✦ Laurel, MD ✦ Towson, MD ✦ Georgetown, DE ✦ New Castle, DE ✦ Sterling, VA ✦ Raleigh, NC
(410) 515-9000 (410) 935-5050 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (703) 674-0161 (984) 200-2103

Item #0070

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

No. 173212

Date: 8/31/18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				$1000 00
							Total:	$1000 00

Rec From:

For: Zoning Hearing - case # 2019-0070-SPHX

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

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
8/31/2018	8/31/2018	09:22:35	1

WS01 WALKIN LJK
RECEIPT # 809344 8/31/2018 OFLN
5 528 ZONING VERIFICATION
173212
Recpt Tot $1,000.00
$1,000.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

2019-0070-SPHX

RE: Case No.: _____

Petitioner/Developer: _____

Howard Bank
Mid-Atlantic Lubes, LLC

_____

November 5, 2018

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: _____

1641 Joppa Road **SIGN 1 Recertification**

_____

October 16, 2018

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



Sincerely,

_____ **November 3, 2018**
(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)

CERTIFICATE OF POSTING

2019-0070-SPHX

RE: Case No.: _____

Petitioner/Developer: _____

Howard Bank
Mid-Atlantic Lubes, LLC

November 5, 2018

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: _____

1641 Joppa Road **SIGN 2 Recertification**

October 16, 2018

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



Sincerely,

_____ **November 3, 2018**
(Signature of Sign Poster) **(Date)**

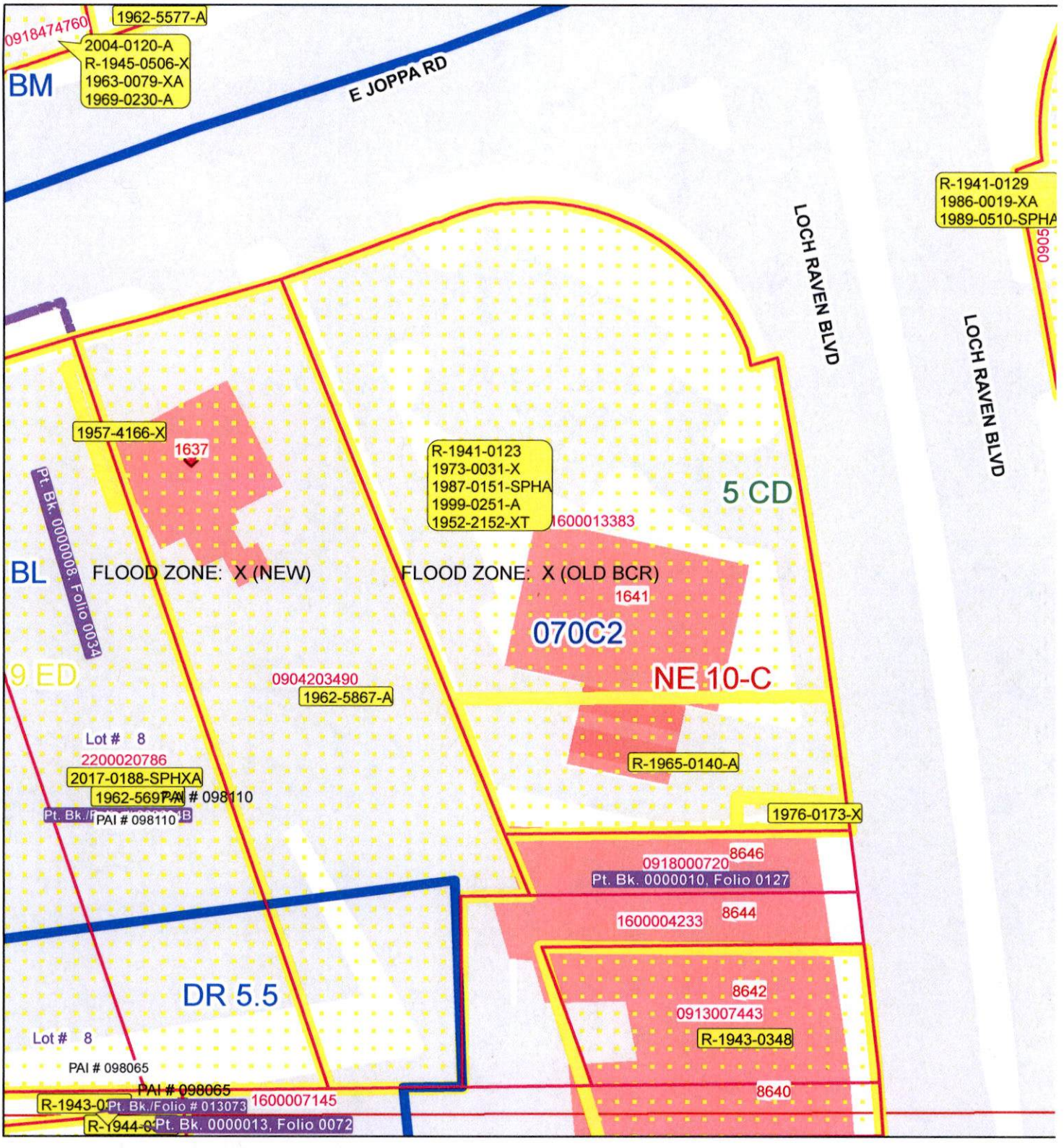
SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

1641 East Joppa Road



Publication Date: 8/31/2018

Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

N
W E
S

0 10 20 40 60 80 Feet

1 inch = 40 feet

Item #0070

John tyl

12/13/2018

RECEIVED
DEC 13 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

Lawrence S. Stahl, Managing Administrative Law Judge
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Petition for: Special Hearing and Special Exception
Howard Bank (Legal Owner), Mid-Atlantic Lubes LLC (Contract Purchaser)
1641 Joppa Road
Ninth Election District, Fifth Councilmanic District
Case No.: 2019-070-SPHX

Dear Mr. Stahl:

Please enter an appeal for the Associates of Loch Raven Village, Knettishall Community Association, Ridgeleigh Manor Community Association, Towson Communities Alliance, and Peter Moulder, to the County Board of Appeals from the Opinion and Order of the Administrative Law Judge dated November 15th, 2018 in the above-entitled case.

Enclosed is our check in the amount of $ 400.00 for the filing fee. Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,
Associates of Loch Raven Village

By: Peter M. Moulder
1552 Dellsway Road
Towson, Maryland 21286
Vice President

Peter M. Moulder

Signatures and print or typed names, addresses, and phone numbers for each association and individual who is appealing (see attached)

cc: People's Counsel for Baltimore County, The Jefferson Building, 105 W. Chesapeake Avenue, Suite 204, Towson, MD 21204.
Dino C. LaFiandra, Towson Commons, Suite 300, One West Pennsylvania Avenue, Towson, MD 21204
John Beverungen, Administrative Law Judge, 105 West Chesapeake Avenue, Suite 103, Towson, MD 21204

NAME: Dale Cassidy

ADDRESS: 1654 Yakona Rd.

CITY, STATE, ZIP: Towson, Md. 21286

PHONE: 410-615-0208

ORGANIZATION: Ridgely Manor Community Association / Pres.

SIGNATURE: Dale J. Cassidy

NAME: Susan Bacon

ADDRESS: 1676 Yakona Rd.

CITY, STATE, ZIP: Towson, Md. 21286

PHONE: 410-852-8056

ORGANIZATION: Ridgely Manor Community Assn. / Treasurer

SIGNATURE: Susan C. Bacon

NAME: Janice Krach

ADDRESS: 8325 Wyton Rd

CITY, STATE, ZIP: Towson MD 21286

PHONE: 410 321 1785

ORGANIZATION: Knettishall Comm. Assoc., Inc

SIGNATURE: Janice Krach President

NAME: Bryan Fischer

ADDRESS: P.O. Box 5421

CITY, STATE, ZIP: Towson, MD 21285-5421

PHONE: 410-207-7212

ORGANIZATION: Towson Communities Alliance

SIGNATURE: 

NAME: Peter Moulder

ADDRESS: 1552 Dellsway Road

CITY, STATE, ZIP: Towson, MD 21286

PHONE: 410-456-1256

ORGANIZATION: —

SIGNATURE: 

CASE NO. 2019-0070-SPHX

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
9/24	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	Comment
10/10	DEPS (if not received, date e-mail sent _____)	NO COMMENT
_____	FIRE DEPARTMENT	_____
10/26	PLANNING (if not received, date e-mail sent _____)	Comment
9/13	STATE HIGHWAY ADMINISTRATION	Comment
_____	TRAFFIC ENGINEERING	_____
11-5	COMMUNITY ASSOCIATION Towson Comm. Alliance	Support
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 1999-0251-A)

NEWSPAPER ADVERTISEMENT Date: 10/16/18

SIGN POSTING (1st) Date: 10/16/18 by SSG. Black

SIGN POSTING (2nd) Date: 11-3-18 by " "

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

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: 2019-0070-SPHX

Property Address: 1641 E Joppa Rd

Property Description: SW Corner E Joppa Rd @ Loch Raven Blvd

Legal Owners (Petitioners): Howard Bank

Contract Purchaser/Lessee: Valvoline

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dino C. LeFiandra, Esq

Company/Firm (if applicable): The Law Office of Dino C. LeFiandra

Address: 100. W. Pennsylvania Ave # 305
Towson MD 21204

Telephone Number: 443 204 3473

Revised 7/9/2015

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 1641 Joppa Road **which is presently zoned** BL

Deed References: 13640/369 10 Digit Tax Account # 1600013383

Property Owner(s) Printed Name(s) Howard Bank (merged with and succeeded to the interests of First Mariner Bank on February 28, 2018).

(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)

   ~~Please see attached~~.

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)**

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:

Mid-Atlantic Lubes, LLC
Name- Type or Print

Randy Kazazian
Signature

Randolph L Kazazian, Director of Real Estate

54 Jaconnet Street, Suite 100, Newton Highlands, MA
Mailing Address City State

02461 / (617) 243-0404 / rkazazian@vioc.net
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Howard Bank /
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 / Signature # 2

3301 Boston Street, Baltimore, MD
Mailing Address City State

21224 / 443-573-2664 / jhoward@howardbank.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Dino C. La Fiandra, Esquire
Name- Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305, Towson, MD
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

Representative to be contacted:

Dino C. La Fiandra, Esquire
Name – Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305, Towson, MD
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 11/15/18
By Sen

CASE NUMBER 2019-0070-SPHX **Filing Date** 8/31/18 **Do Not Schedule Dates:** 11/12-16 **Reviewer**

REV. 10/4/11

Petition for Zoning Hearing
For the Property Located at 1641 Joppa Road
Continuation Sheet

✓ Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve an amendment to the previously approved zoning site plan in case number 99-251-A.

✓ Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for a service garage. BCZR §230.3

Item #0070

IN RE: PETITION FOR VARIANCE
S/S Joppa Road, 170' SW of the c/l
Loch Raven Boulevard
(1641 E. Joppa Road)
9th Election District
6th Councilmanic District

Estate of Sol Goldman. Owners;
First Mariner Bank, Contract Purchaser

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-251-A
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, the Estate of Sol Goldman, by Louisa Little, Executor, and the Contract Purchaser, First Mariner Bank, by Ken Jones, Vice President, through their attorney Deborah C. Dopkin, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 303.2, as referenced by Section 238.1, to permit a front yard setback of 16 feet in lieu of the required 29 feet; from Section 238.1 to permit a side yard setback of 23 feet in lieu of the required 30 feet; from Section 409.10.B to permit a drive-through lane to block entry to, or exit from, the required off-street parking spaces; and, from Section 409.12 to approve a modified parking plan. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner' Exhibit 1.

Appearing at the hearing on behalf of the Petition were Ken Jones, Vice President of First Mariner Bank, Contract Purchasers of the subject property, Robert Capalongo and Robert Bradley, representatives of Morris Ritchie & Associates, Inc., the engineering firm which prepared the site plan of this property, Glenn Cook, a representative of The Traffic Group, traffic engineering consultants, and Deborah C. Dopkin, Esquire, attorney for the Petitioners, Also

ORDER RECEIVED FOR FILING
Date 9/9/99
By

appearing on behalf of the Petitioners were Andrea Van Arsdale, Director of Commercial Revitalization for the Economic Development Commission, and Donna Spicer, a representative of the Loch Raven Community Council. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.46 acres, more or less, split zoned B.L.-A.S. (0.13 acres) and B.R.-A.S. (0.33 acres), and is improved with a Crown Gasoline Service Station. The property is located at the southwest corner of Loch Raven Boulevard and Joppa Road, just west of the I-695 interchange. The Petitioners propose to remove and replace the existing gas station with a two-story bank, as shown on Petitioner's Exhibit 1. Inasmuch as this particular corner is located at a prominent intersection and is the gateway to the Loch Raven communities, the Petitioners have attempted to design a building and landscape package that will further enhance the site and be a benefit to the surrounding locale. Due to the split zoning of the property, however, certain area variances are necessary in order to proceed with the proposed improvements. Furthermore, two parking spaces (for employees) are offset from the drive-through lane, thereby generating an additional variance. Finally, the Petitioners testified that Mr. John Lewis, the Zoning Review Technician who reviewed the Petition filed, suggested that the Petitioners request approval of the overall parking design as a modified parking plan.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

ORDER RECEIVED FOR FILING
Date 2/4/04
By

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After considering the testimony and evidence offered at the hearing, and in view of the support this project has received from the Office of Planning, the Economic Development Commission, and the Loch Raven Business Association, as well as the tremendous benefit the proposed development will offer to the Loch Raven area, I am persuaded to grant the requested variances. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of February, 1999 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 303.2, as referenced by Section 238.1, to permit a front yard setback of 16 feet in lieu of the required 29 feet; from Section 238.1 to permit a side yard setback of 23 feet in lieu of the required 30 feet; from Section 409.10.B to permit a drive-through lane to block entry to, or exit from, the required off-street parking spaces; and, from Section 409.12 to approve a modified parking plan, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILING
Date 2/9/99
By

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The Petitioners have agreed to submit elevation drawings of the proposed building and landscape plans to the Office of Planning for their review and approval prior to the issuance of any permits.

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/19/99
By bjs

Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

February 8, 1999

Deborah C. Dopkin, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
S/S Joppa Road, 170' SW of the c/l Loch Raven Boulevard
(1641 E. Joppa Road)
9th Election District – 4th Councilmanic District
Estate of Sol Goldman, Owners; First Mariner Bank, Contract Purchasers - Petitioners
Case No. 99-251-A

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Louisa Little, 640 Fifth Avenue, 3rd Floor, New York, NY 10019
Mr. Ken Jones, Vice President, First Mariner Bank
1801 South Clinton Street, Baltimore, Md. 21224
Mr. Anthony Williams, Crown Central Petroleum Corp.
1 North Charles Street, Baltimore, Md. 21201
Messrs. Robert Bradley & Robert Capalongo, Morris & Ritchie Assoc., Inc.
110 West Road, Suite 245, Towson, Md. 21204
People's Counsel; Case File

Printed with Soybean Ink on Recycled Paper

251

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1641 E. Joppa Road

which is presently zoned BR-AS and BL-AS

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

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) practical difficulty and such other reasons as will be presented at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser/Lessee:

First Mariner Bank
(Type or Print Name)

By: [signature]
Signature Ken Jones V.P.

1801 South Clinton Street
Address

Baltimore, Maryland 21224
City State Zipcode

Attorney for Petitioner:

Deborah C. Dopkin
(Type or Print Name)

[signature]
Signature

409 Washington Avenue (410) 494-8080
Address Suite 920 Phone No.

Towson, MD 21204
City State Zipcode

Legal Owner(s):

Estate of Sol Goldman
(Type or Print Name)

By: [signature]
Signature

Louisa Little, Executor of the Estate of Sol Goldman
(Type or Print Name)

Signature

640 Fifth Ave., 3rd Floor 212-265-2280
Address Phone No.

New York New York 10019
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Anthony Williams, Crown Central Petroleum Corp.
Name

1 North Charles St., Baltimore, 410-659-4774
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hour or less
unavailable for Hearing

the following dates 11/21 - 11/30/98 Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administration & Development Management

ORDER RECEIVED FOR FILING
Date 2/9/99
By: [signature]

251

PETITION FOR VARIANCE ATTACHMENT

hereby petition for a Variance from Sections

1. §303.2 as referenced by §238.1 for a front yard setback of 16' in lieu of the required 29';

2. §238.1 for a side yard of 23' in lieu of the required 30';

3. §409.10.B to permit a drive-through lane to block entry to or exit from required off-street parking spaces; and

4. to approve a modified parking plan pursuant to 409.12.

d\d\z\1atmariner.vnr2

ORDER RECEIVED FOR FILING
Date

#0.51

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

ZONING DESCRIPTION

BEGINNING for the same on the south side of Joppa Road (Md Rte 148), variable width, which is located 170 feet, more or less, southwesterly from the intersection of the centerline of Joppa Road with the centerline of Loch Raven Boulevard (Md Rte 542), variable width, thence the following courses and distances:

1. North 69°20' 54" East, 24.82 feet,
2. North 68°32' 25" East, 21.76 feet,
3. By a curve to the right with a radius of 66 feet and an arclength of 115.56 feet,
4. North 78°29' 59" East, 7.33 feet,
5. South 10°03' 55" East, 79.06 feet,
6. By a curve to the right with a radius of 2045.81 feet and an arclength of 56.13 feet,
7. North 88°28' 15" West, 98.49 feet, and
8. North 21°18' 20" West, 173.11 feet to the place of beginning.

CONTAINING 0.463 Acres of land more or less.

BEING known as 1641 Joppa Road and located in the Ninth District of Baltimore County, Maryland.

Mark A. Busch
Registered Property Line Surveyor #508

GP:mak\s\10921\descrip.doc\121798

☐ 139 N. MAIN STREET, SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

☒ 110 WEST ROAD, SUITE ~~405~~ 245
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

☐ 9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9792 (301) 776-1690
FAX (410) 792-7395

99-251-A

NOTICE OF ZONING HEARING

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

Case: #99-251-A
1541 East Joppa Road
SWC Joppa Road and Loch Raven Boulevard
9th Election District
4th Councilmanic District
Legal Owner(s): Estate of Bol Goldman
Contract Purchaser: First Mariner Bank

Variance: to permit a front yard setback of 16 feet in lieu of the required 29 feet; to permit a side yard of 23 feet in lieu of the required 30 feet; to permit a drive-through lane to block entry to or exit from required off-street parking spaces; and to approve a modified parking plan.

Hearing: Tuesday, January 26, 1999 at 10:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-4386.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

1/013 Jan. 7 C282513

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/7, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/7, 1999.

THE JEFFERSONIAN,

A. Henrikson

LEGAL AD - TOWSON

[redacted]

BALTIMORE COUNTY, MARY ND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

JLL 251

No. 062410

DATE 12/17/98 ACCOUNT R0016150

AMOUNT $ 250.00

RECEIVED FROM: DEBORAH DOPKIN.

FOR: C VARIANCE FILING.

99-251-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
12/17/1998 12/17/1998 11:43:05
REG W903 CASHIER PWRS PEW DRAWER
5 MISCELLANOUS CASH RECEIPT
Receipt # 069557 OPEN
CR NO. 062410
250.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF . JSTING

RE: Case No. 99-251-A

Petitioner/Developer MARINER BANK, ETAL
C/O M.R.A.

Date of Hearing/Closing: 1/26/99

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

Attention: Ms. Gwendolyn Stephens

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 # JOPPA ROAD and LOCH RAVEN BLVD. S/W COR.

The sign(s) were posted on 1/10/99
(Month, Day, Year)

Sincerely,

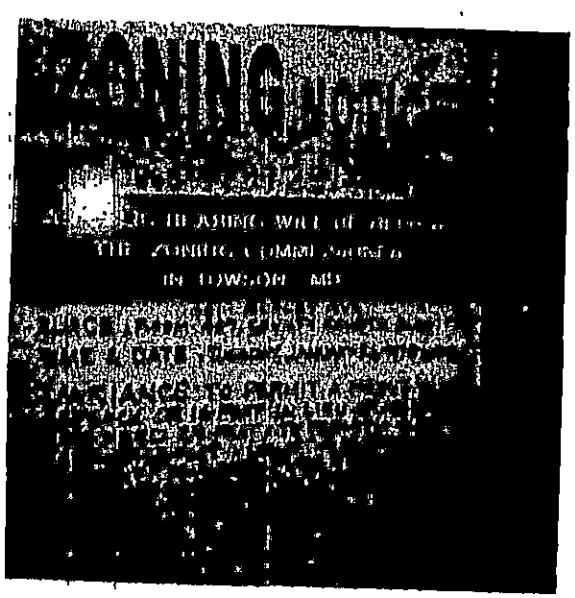
Patrick M O'Keefe 1/17/99
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)



99-251-A
MRA - @ Joppa & L.R. BLVD.
2 SIGNS Mariner Bank C. Rowan 1/26/99 10 AM

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 23, 1998

NOTICE OF ZONING HEARING

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

CASE NUMBER: 99-251-A
1541 East Joppa Road
SWC Joppa Road and Loch Raven Boulevard
9th Election District – 4th Councilmanic District
Legal Owner: Estate of Sol Goldman
Contract Purchaser: First Mariner Bank

Variance to permit a front yard setback of 16 feet in lieu of the required 29 feet; to permit a side yard of 23 feet in lieu of the required 30 feet; to permit a drive-through lane to block entry to or exit from required off-street parking spaces; and to approve a modified parking plan.

HEARING: Tuesday, January 26, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon, Director

c: Deborah C. Dopkin, Esquire
Estate of Sol Goldman
First Mariner Bank
Crown Central Petroleum Corporation

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JANUARY 11, 1999.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed with Soybean Ink on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
January 7, 1999 Issue – Jeffersonian

Please forward billing to:
Deborah C. Dopkin, Esquire 410-494-8080
409 Washington Avenue
Suite 920
Towson, MD 21204

NOTICE OF ZONING HEARING

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

CASE NUMBER: 99-251-A
1541 East Joppa Road
SWC Joppa Road and Loch Raven Boulevard
9th Election District – 4th Councilmanic District
Legal Owner: Estate of Sol Goldman
Contract Purchaser: First Mariner Bank

Variance to permit a front yard setback of 16 feet in lieu of the required 29 feet; to permit a side yard of 23 feet in lieu of the required 30 feet; to permit a drive-through lane to block entry to or exit from required off-street parking spaces; and to approve a modified parking plan.

HEARING: Tuesday, January 26, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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: 99-251 A

Petitioner: ESTATE OF SOL GOLDMAN

Address or Location: 1641 E. JOPPA RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DEBORAH C. DOPKIN, ESQ

Address: 409 WASHINGTON AVE ST. 920
TOWSON, MD 21204

Telephone Number: 410-494-8080

Revised 2/20/98 - SCJ

Exhibit B

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-251-A

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

PLACE: _____

DATE AND TIME: _____

REQUEST: A FRONT YARD BUILDING SETBACK OF 16 FT. IN LIEU OF 29 FT., A SIDE YARD SETBACK OF 23 FT. IN LIEU OF 30 FT. TO PERMIT A DRIVE THRU AISLE TO BLOCK 2 PARKING SPACES AND TO APPROVE A MODIFIED PARKING PLAN.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

RE: PETITION FOR VARIANCE 1641 E. Joppa Road, SWC Joppa Road and Loch Raven Boulevard, 9th Election District, 4th Councilmanic	*	BEFORE THE ZONING COMMISSIONER
Legal Owners: Estate of Sol Goldman Contract Purchaser: First Mariner Bank	*	FOR BALTIMORE COUNTY
Petitioner(s)	*	Case Number: 99-251-A

* * * * * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of December, 1998, a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esq., 409 Washington Avenue, Suite 920, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 20, 1999

Deborah C. Dopkin, Esq.
409 Washington Avenue
Suite 920
Towson, MD 21204

RE: Item No.: 251
Case No.: 99-251-A
Location: 1641 E. Joppa Road

Dear Ms. Dopkin:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on December 17, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County 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 regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: _____

FROM: R. Bruce Seeley, Project Manager
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date:

The Department of Environmental Protection and Resource Management has **no comments** for the following Zoning Advisory Committee Items:

Item #'s: 246
247
249
250
(251)
253
254

Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

December 31, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 28, 1998

Item No.: See Below Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

246, 247, 248, 250, (251) 253, and 254

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: December 29, 1998

FROM: Robert W. Bowling, Supervisor
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for December 28, 1998
Item No. 251

The Bureau of Developer's Plans Review has reviewed the subject zoning item. The proposed drive-through curb return radii at Loch Raven Boulevard shall be 5-feet on the north side and 15-feet on the south side.

RWB:HJO:jrb

cc: File

ZONE1228.251

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: January 25, 1999

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

SUBJECT: 1641 Joppa Road

INFORMATION:

Item Number:	251
Petitioner:	First Mariner Bank
Property Size:	.046± acres
Zoning:	BL-AS/BR-AS
Requested Action:	Variance
Hearing Date:	January 26, 1999

SUMMARY OF RECOMMENDATIONS:

The variances being requested in this case are from the following sections of the Baltimore County Zoning Regulations: a) 238.1 for a front yard setback of 16 feet in lieu of the required 29 feet, b) 238.1 for a side yard setback of 23 feet in lieu of the required 30 feet, c) 409.10.B to permit a drive through lane to block entry for required off-street parking spaces; and d) 409.12 to approve a modified parking plan.

The subject property is a .046 acre site which was, until recently, improved with a Crown Service Station that is being razed. The site is located on the southwest corner of Joppa Road and Loch Raven Boulevard – a prominent intersection which has historically been considered the northern "gateway" to the Loch Raven Village community.

The applicant, First Mariner Bank, proposes to construct a 4,745 square foot two story bank with a drive through window and canopy. The building will be set back from the street frontage with 16 parking spaces provided in front of the building. The elevations provided indicate a colonial style, masonry building with a mansard roof. Identification signage for the business will be located in several places. Building signs are located both above the main entrance and as an element incorporated into the mansard roof. There are also two additional

signs located on the parking lot - one freestanding pylon sign located near the intersection of Joppa Road and Loch Raven Boulevard directed at vehicular traffic, and a directional sign for the drive through lane located along the Loch Raven Boulevard street frontage.

In considering this request for variance, it is important to view this proposal within the context of future planning efforts underway in the Loch Raven Community. The State of Maryland and Baltimore County have budgeted six million dollars for streetscape improvements to Loch Raven Boulevard from Joppa Road to Goucher Boulevard. The project will include the introduction of new entryways and unifying design elements such as paving, lighting, signage, etc. to achieve a consistent streetscape treatment throughout the area. Additionally, this area was recently designated and adopted by the County Council as a commercial revitalization district. Design standards, for the revitalization district are in a conceptual stage, and will be reviewed and refined over the next year. As a result of our discussions with First Mariner they have indicated a willingness to make any reasonable alterations/additions to the site to bring it into compliance with those standards once they are more fully developed.

The Development team, consisting of First Mariner Bank, their engineer, architect, and attorney have worked cooperatively with the Loch Raven Community Council as well as this office to incorporate suggested alterations to the site plan and architectural elevations in a effort to design a product that complies with and complements the proposed Loch Raven streetscape standards. Several modifications to the original site plan have been made which we feel will enhance the appearance of the site, and help denote it's significance as a community gateway, including shifting the front orientation of the building, erecting a section of wrought iron and brick pier screening, and installing a false window on the front façade to provide a symmetrical rhythm.

This office recommends approval of this variance request with the condition that final building elevations and a final landscape plan be submitted to this office for review and approval. This development will be a welcome addition to this important revitalization area.

Section Chief: Gary L. Kerns

AFK:lsn

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
David L. Winstead
Secretary
Parker F. Williams
Administrator

Date: January 4, 1999

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

RE: Baltimore County
Item No. 251
MD 542
Mile Post 2.18

Dear Ms. Stephens:

This office has reviewed the referenced Variance and have no objection to approval.

However we will require the owner to obtain an access permit. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for M. J. Gredlein
Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

LG

99-251-A

MEMO FROM ATTORNEY

Dec 17, 1998

CONCERNING EXECUTOR

As Counsel for the Petitioner, First Mariner Bank, I certify that Louisa Leith is the Executor of the Estate of Sol Goldman, and if necessary, I will provide documentation evidencing her authority.

Deborah C Wopken

MEMO TO PHDM:

CONCERNING PETITION FORMS

This is to further acknowledge that the Petition for Variance Form has been superseded but circumstances and unavailability would make it impossible to obtain re-executed petitions. Please accept the form as submitted.

Thank you.

Deborah Wopken

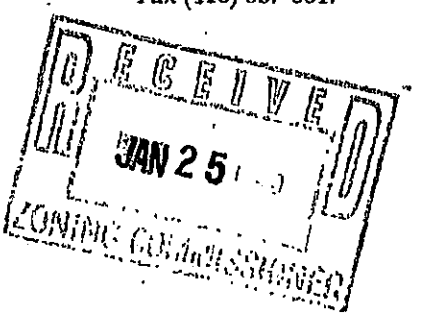
99-251-A

Sent 1/26

Baltimore County Government
Department of Economic Development

400 Washington Avenue
Towson, MD 21204

(410) 887-8000
Fax (410) 887-8017



MEMORANDUM

To: Timothy M. Kotroco
Deputy Zoning Commissioner

From: Andrea Van Arsdale
Director, Commercial Revitalization

Date: January 25, 1999

Re: First Mariner Bank
1641 Joppa Road (99-251-A)

The Department of Economic Development has reviewed the plans for the First Mariner Bank at 1641 Joppa Road and recommends approval of the requested variances. This is a visually prominent site at the crossroads of the Loch Raven Revitalization District and its successful redevelopment will be an important step in implementing the Loch Raven Revitalization Plan. The project represents significant new investment into the Revitalization District, will improve the physical appearance of area, and upgrade the mix of commercial uses in the District. The Loch Raven Business Association has met with the developer and also supports the variance requests.

ROBERT F. BRADLEY, P.E.
President

Project Assignment:

Civil Project Manager

Years of Experience:

MRA:	10
Other Firms:	24

Education:

B.S., Civil Engineering, 1973
M.B.A., Finance, 1982
M.S., Real Estate, 1996

Active Registration:

Maryland, Professional Engineer, 1973, #8641
Pennsylvania, Professional Engineer, 1975, #PE019891E
Delaware, Professional Engineer, 1974, #4579
New Jersey, Professional Engineer, 1975, #GE20658
Virginia, Professional Engineer, #0402007663
Florida, Professional Engineer, 1992, #0042337
Pennsylvania, Land Surveyor, 1980, #SU000018A
New Jersey, Professional Planner, 1980, #LI02261

MORRIS & RITCHIE ASSOCIATES, INC.

S:\RESUMES\RES_RFB.WPD

Awards:

Named "Consultant of the Year" by the Land Development Council of Home Builders Association of Maryland, 1997

Management Achievement Award for Marketing Management from the Professional Services Management Association, 1992

1996 Olympic Torch Bearer and Community Hero Award

Organizations:

Certified Professional Manager by and Member of Professional Services Management Association

Member of Board of Directors and Co-chair of Public Works Committee of Baltimore County Chapter, Home Builders Association of Maryland

Member and Vice Chair - Harford County Environmental Advisory Board

Member National Association of Industrial and Office Properties (NAIOP)

University Alumni Council, The Johns Hopkins University

Nominating Committee, Society of Engineering Alumni, The Johns Hopkins University

The Johns Hopkins University Berman Real Estate Institute Real Estate Round Table Member

FACETS, Inc. Board of Directors 1987-1996

Qualifications:

Mr. Bradley has over 34 years experience in all phases of civil engineering, planning, and land surveying. He has served as Project Manager and Principal-In-Charge on a variety of projects in Baltimore County involving all facets of planning, landscape architecture, and civil engineering services.

As a specialist in land development projects, Mr. Bradley's experience includes:

Mr. Bradley has over 30 years experience in all phases of civil engineering and land planning. As a registered engineer, surveyor and planner, his diverse project background includes all phases of site engineering and planning, public utilities system, and road design. He also has extensive experience with land development projects for residential, commercial, industrial, and institutional sites including initial project concept and planning through design and construction. His experience includes management of water resources related projects including storm water management, floodplain analysis, bank stabilization, etc.

As a Principal of MRA and GTA, and the President of MRA, Mr. Bradley can commit the necessary resources to meet the needs of the client and project.

As Co-Chair of the Home Builders Association's Public Works Committee, he worked directly with the Department of Public Works to formulate the revised policy permitting developers to use private sector surveyors to provide construction stakeout services on their projects.

Mr. Bradley is completely familiar with the Intergraph CADD system - he was responsible for supervision of one of the largest Intergraph systems in the Baltimore area for 3 years.

BUSINESS / INDUSTRIAL PARK PROJECTS

Riparius Center at Owings Mills, Baltimore County, Maryland - Principal-In-Charge to re-plan and engineer the 162-acre office park in light of current market and space needs. Sensitive management, forest buffer and wetland mitigation issues were addressed and reviewed by a Joint Agency Review Group (J.A.R.G.) of local, state, and federal agencies. Approximately 1.5 million SF of office buildings will occupy the site.

T. Rowe Price Data Processing Center, Owings Mills, Maryland - Principal supervisor for the fast track design - build 50,000 SF data processing center.

COMMERCIAL / RETAIL

Dulaney Center, Towson, Maryland - Overall project responsibility for planning and site engineering for multi-use building, utilities and parking.

Crossroad Station, Fallston, Maryland - Overall project responsibility for site planning and engineering for ±30,000 SF retail center.

Grumman Aerospace Building, Glen Arm, Maryland - Project responsibility for site engineering for a 100,000 SF pre-engineered manufacture plant.

AAI Corporation, Cockeysville, Maryland - Boundary survey and subdivision plan.

Target Store, Owings Mills, Maryland - Principal-In-Charge for one of the region's first stores. Difficult site adaptation, community issues and public infrastructure presented challenges to the design schedule.

DOMICILIARY PROJECTS

Residential

Winding Ridge, Frederick County, Maryland - Principal-In-Charge for this 71-lot single family project.

North Crossing, City of Frederick, Maryland - Principal supervision on site improvement design for 307-unit residential project.

Owings Mills New Town, Owings Mills, Maryland - Principal supervisor of multiple residential sections with amenity spaces for this planned unit development.

Village of Wisp, Garrett County, Maryland - Master plan, engineering, and construction coordination for 325-unit residential development.

Chapelgate, Baltimore, Maryland - Overall project responsibility for the design and construction of a 453-unit residential complex.

Wellington Trace, Frederick County, Maryland - Principal-In-Charge of 800-unit Planned Unit Development's rezoning and construction document preparation.

Wilson Farm, Glyndon, Maryland - Principal supervision of a 139-lot single family home development.

Rockland Mills, Rockland, Delaware - Project manager for this 132-unit residential adaptive re-use project. Responsibilities included site planning and engineering, surveying, and utility design.

Royal Grant, Kent County, Delaware - Project manager with responsibility for site design and engineering, utility design, management design, and surveying for this 240-unit residential project.

General's Green, Kent County, Delaware - Project manager with responsibility for site planning, site engineering, surveying, utility design and management design for this 200-unit townhouse residential project.

Centennial Village, New Castle County, Delaware - Project Manger with responsibility for site planning, site engineering, surveying, utility and management design for this 350-unit residential project.

Rivers End, New Castle County, Delaware - Project Manger with responsibility for site planning, site engineering, surveying, utility and storm water management design for this 1600-unit mixed residential planned development.

Parkview Trails, Woodlawn, Maryland - Topographic survey and construction stakeout for mixed use residential project.

Woodbrook, Randallstown, Maryland - Principal-In-Charge for a 51-lot single family project. The "in-fill" project required attention to screening/buffer with adjacent neighborhoods.

Nursing Homes

Retirement Communities

Charlestown Retirement Community, Baltimore, Maryland - Project responsibility for master planning and site engineering for additional buildings and site improvements on a ± 100-acre site.

Hotels/Motels/Inns

Correctional Facilities

FACETS, Inc. Master Plan, Harford County, Maryland - Development of the master plan for this 20-acre residential care facility for boys which includes vocational, educational, recreational, rehabilitation and residential components.

EDUCATIONAL FACILITIES

Catonsville Middle School, Feasibility Study, Baltimore County, Maryland - Feasibility study to determine the possible reuse of the middle school site.

Archbishop Curley High School, Building Entry and Plaza Improvements, Baltimore, Maryland

Archbishop Curley High School, Athletic Field Complex, Baltimore, Maryland

McDonogh School, Owings Mills, Maryland - Analysis of excess property for divestiture purposes.

Goucher College, Towson, Maryland - Project responsibility for site engineering for buildings and site improvements.

HYDROLOGY / HYDRAULICS

FIA/HUD flood studies in Kent and Sussex Counties, Delaware

Numerous reinforced concrete box and structural plate pipe culvert design and flood plan analysis throughout the Baltimore metropolitan area

MEDICAL FACILITIES

Greater Baltimore Medical Center, Baltimore County, Maryland - Principal supervision on the design for an addition of a multi-level parking garage, oncology expansion, and physicians office pavilion to an urban type campus.

Wilmington Medical Center, Christiana Medical Office Building, Wilmington, Delaware - Project manager for site planning, site engineering, and landscape architecture for a medical office building expansion, including new parking areas, an auto court, and utility relocation.

The Johns Hopkins University, School of Hygiene & Public Health, Wolf Street Teaching and Research Building, Baltimore, Maryland

Harford Memorial Hospital, Parking Facilities, Havre de Grace, Maryland - Study of parking requirements for hospital and development of plans and specifications for a surface lot on adjacent property.

Helix Health Medical Office Building, Dundalk, Maryland - Principal supervision for a 49,000 SF building in a commercial corridor.

QUARRY / LANDFILL

Genstar Quarry, Texas, Maryland - Boundary Survey to transfer ± 35-acres to China Clay.

RECREATIONAL FACILITIES

Mitchell Park Drive, Phase I, Reisterstown, Maryland - Principal-In-Charge for site engineering and landscape architecture for the park.

Oakmont Green Golf Course and Subdivision, Hampstead, Maryland - Principal and Project Manager for development of 18-hole golf course and residential development.

Bonnie View Golf and Country, Baltimore County, Maryland - Project Manager for the study, master planning, and site selection for the relocation of the entire club facility and comprehensive reuse of existing facility.

Towson Golf and Country Club, Baltimore County, Maryland - Principal-In-Charge for design of turnhouse and related improvements.

Baltimore Country Club at Five Farms, Baltimore, Maryland - Study to relocate tennis courts and practice facility.

Woodholme Golf Club, Baltimore County, Maryland - Principal-In-Charge for the design of improvements to driving range.

Towson Golf and Country Club, Baltimore County, Maryland - Project Engineer for drainage improvements.

Country Club of Maryland, Baltimore County, Maryland - Project Engineer for drainage improvements.

RELIGIOUS FACILITIES

Mays Chapel United Methodist Church, Baltimore County, Maryland - Planning and engineering for a 430 seat sanctuary and 108 parking spaces for a contemporary building sited adjacent to an old historic stone chapel. Scope included all site work design with emphasis on preservation of specimen trees, berming and supplemental plantings of mature trees to enhance residential buffers and reduce the perception of building mass from the road.

St. John The Evangelist Catholic Church, Hydes, Maryland - Provided all civil services for building expansions and new site work.

Sacred Heart Church & School, Expansion, Glyndon, Maryland - Site design for church, school, and community center expansion.

St. Joseph's Parish, Multipurpose Center, Cockeysville, Maryland - Site design for a new multipurpose center.

Archbishop Curley High School, Building Entry and Plaza Improvements, Baltimore, Maryland

Archbishop Curley High School, Athletic Field Complex, Baltimore, Maryland

Archdiocese of Baltimore, Archdiocesan Property, Anne Arundel County, Maryland

Boumi Temple, Baltimore, Maryland

St. Ignatius, Harford County, Maryland

Woodbrook Baptist Church, Baltimore, Maryland

Master Planning Services for St. Joseph Parish, Fullerton, Maryland

ROADWAY PROJECTS

Maryland Route 30, Hampstead, Maryland - Roadway, drainage and intersection improvements.

Mays Chapel Road, Baltimore County, Maryland - Road realignment design and drainage facilities.

Malden Choice Lane, Baltimore County, Maryland - Highway widening, vertical realignment,1 and drainage improvements.

Delaware Route 4, New Castle County, Delaware - Project manager with responsibility for road and utility design for dualization and upgrade of Delaware Route 4 between Ogletown and Stanton, Delaware.

Tollgate Road and Boulton Street Intersection, Harford County, Maryland - Improvements and traffic signalization.

Joppa and Providence Road, Baltimore County, Maryland - Intersection improvements.

Dulaney Valley Road, Baltimore County, Maryland - Improvements and drainage design from Joppa Road to Interstate 695.

UTILITY PROJECTS

Water

Water Treatment Plant, Middletown, Delaware - Expansion and upgrade study, design, and construction.

Charlestown Retirement Community, Baltimore County, Maryland - Design and construction plans for potable water, fire protection system, and master meter for 1500-unit life care community.

Wastewater

Tall Timbers Sewerage Project, St. Mary's County, Maryland - Project manager for this low pressure sewage collection system and pumping station which included surveying and mapping, subsurface exploration and geotechnical investigations, preliminary system design and cost estimate, and construction documents for approximately 18,000 LF of low pressure, small diameter force mains, 146 grinder pumps, and a collection system pumping station.

Wastewater Facilities Plan, City of Lewes, Delaware

Wastewater Facilities Plan, Chesapeake City, Maryland

Royal Grant, Wastewater Pumping Station, Dover, Delaware - 250,000 g.p.d. wastewater pumping station.

Villages of Wisp, Garrett County, Maryland - Extension of pressure sewer system, 100,000 g.p.d. wastewater pumping station, potable water treatment plant, booster station, and 40,000 gallon water storage tank.

Rockland Mills, Delaware - Two stage wastewater pumping stations and force main system.

Pinedale Road Relief Sewer, Baltimore County, Maryland

The Cloisters at Charles, Baltimore County, Maryland - 6,000 LF sanitary sewer interceptor.

Long Beach Areas I & II, Baltimore County, Maryland - Principal supervision of preliminary design and construction documents for a low pressure grinder pump sewage collection system to serve over 200 existing residences.

Edgemoor Interceptor, New Castle County, Delaware - Construction inspection.

Miscellaneous

Baltimore Gas & Electric Company, Gas Transmission and Distribution, Various Locations - Responsible for Quality Assurance and Quality Control for gas main projects.

"Planner of Record" Salem / Hope Creek Nuclear Power Plant, N.J. - Overall responsibilities for master planning.

Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

3/30/99
WCR

File

March 29, 1999

Mr. Joseph L. Larson, President
Spellman, Larson & Associates, Inc.
105 W. Chesapeake Avenue, Suite 406
Towson, Maryland 21204

RE: Michael's Restaurant
2119 York Road
Case No. 95-221-SPH

Dear Mr. Larson:

In response to your letter dated January 21, 1999 concerning the above-captioned matter, the following comments are offered. You have requested authorization to construct a second floor open deck atop a portion of the enclosed patio located at the southwest corner of the existing building, without filing a Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 95-221-SPH.

In view of the nature of your request, I invited Mr. Lawrence Schmidt, Zoning Commissioner, to join me in a site visit to the property in an effort to gain a visual perspective. Based upon the information contained in your letter, a review of the site plan attached thereto, and my site visit to the property, I find that your client's proposal is significant and cannot be approved by a simple "spirit and intent" letter. In my view, this matter should be brought to the attention of Mr. Arnold Jablon, Director of the Department of Permits and Development Management (DPDM), for a determination as to how you should proceed.

Should you have any further questions on the subject, please do not hesitate to contact me.

Very truly yours,

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

RECEIVED

TMK:bjs
cc: Mr. Arnold Jablon; DPDM
Case File

99-173

Printed with Soybean Ink on Recycled Paper

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Donna Spicer	8719 Eddington Rd. Balto. 21234
Andrea Van Arsdale	Dept. Economic Development
Ken Jones	1801 S. Clinton St. Balto 21224
Glenn Cook	40 W. Chesapeake Ave Towson 21204
Robert Capalongo	110 West Road, Suite 245, Towson 21204
Robert F. Bradley	" " " "
Deborah C Dopkin	409 Washington Ave 21204

To:

Date: Time: ☐AM ☐PM

WHILE YOU WERE OUT

M

of: Bob Capalongo

Phone Numbers

Office: Area Code / Number / Ext.

Voicemail:

FAX:

Pager: 99-251-11

Mobile:

e-mail:

☐ Telephoned
☐ Please call
☐ Returned your call
☐ Called to see you
☐ Wants to see you
☐ Will call again
☐ URGENT

Message

410-821-1690

AMPAD EFFICIENCY®

Operator

Reorder #23-000

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Department of Economic Development

400 Washington Avenue
Towson, MD 21204

(410) 887-8000
Fax (410) 887-8017

MEMORANDUM

Pet Ex 6

To: Lawrence E. Schmidt
Zoning Commissioner

From: Andrea Van Arsdale
Director, Commercial Revitalization

Date: January 25, 1999

Re: First Mariner Bank
1641 Joppa Road

The Department of Economic Development has reviewed the plans for the First Mariner Bank at 1641 Joppa Road and recommends approval of the requested variances. This is a visually prominent site at the crossroads of the Loch Raven Revitalization District and its successful redevelopment will be an important step in implementing the Loch Raven Revitalization Plan. The project represents significant new investment into the Revitalization District, will improve the physical appearance of area, and upgrade the mix of commercial uses in the District. The Loch Raven Business Association has met with the developer and also supports the variance requests.

LRCC

Loch Raven Community Council, Inc.
P.O. Box 42115
Loch Raven, Maryland 21284-2115

25 January 1999

Pet Ex 7

Mr. Lawrence Schmidt, Commissioner
Baltimore County Zoning Commission
401 Bosley Avenue, Room 405
Towson, MD 21204

Re: Case Number 99-251-A

Commissioner Schmidt:

The Loch Raven Community Council, Inc. (LRCC) represents seventeen community associations and three service organizations in the Greater Loch Raven area and follows local zoning and development issues in that capacity. The Council would like to signal its enthusiastic support for the proposed development of a First Mariner Bank at the current site of a Crown gasoline station on the southwest corner of East Joppa Road and Loch Raven Boulevard. This site serves as a gateway into the Loch Raven community and its development is of great importance in light of the community's work on the Loch Raven Boulevard Enhancement Project. That Project, undertaken jointly by LRCC and the Loch Raven Business Association, has attracted a great deal of support from the community, the County, and the State. County and State funding for the Project amount, so far, to $5.7 million.

Members of the First Mariner development team have met several times with community leaders to discuss the proposed development and to consider community concerns. They have been exceptionally cooperative in working with the community and have been highly receptive to suggestions we have made about various issues. It is our understanding that three specific requests made by the community have been incorporated into the plan.

(1) A faux window will be installed to disguise the fact that no actual window opens into the bank's secure storage area. (The original plan showed a bricked-in relief intended to carry on the pattern of windows on the building's façade.)

(2) A low wrought-iron fence with brick columns will be installed along the front of the property to echo motifs present or planned in other areas of the community.

(3) Enhanced landscaping will be installed on the bank property in keeping with the high-profile of its location and its importance to the Loch Raven Boulevard Enhancement Project.

It has been a pleasure working with this cooperative team. The Council welcomes the proposed First Mariner development of this site and strongly supports their request for variances required for the development

Sincerely,

Murry D. Bentley, President
Loch Raven Community Council

cc: Ms. Laurie Hay, Baltimore County Planning Office
Mr. Kenneth C. Jones, Vice President, First Mariner Bank
Mr. Robert F. Bradley, President, Morris & Ritchie Associates, Inc.
Ms. Deborah Dobkin, Esq.

Surrogate's Court
No 341420 of the County of New York

CERTIFICATE OF LETTERS TESTAMENTARY
The People of the State of New York

Index# 1987-4686

To all to whom these presents shall come or may concern,

Know Ye, that we, having inspected the records of our Surrogate's Court in and for the County of New York, do find that on March 4, 1991 by said court, LETTERS TESTAMENTARY on the estate of Sol Goldman deceased, late of the County of New York were granted unto Jane Harriet Goldman Lewis, Allan Howard Goldman, Louise Little, the executor(s) named in the last will and Testament of said deceased, and that it does not appear by said records that letters have been revoked.

In Testimony Whereof, we have caused the Seal of the Surrogate's Court of the County of New York to be hereunto affixed.

WITNESS, Honorable Renee R. Roth, a Surrogate of the County of New York, this 10th Day of November, 1998.

Nora S. Anderson

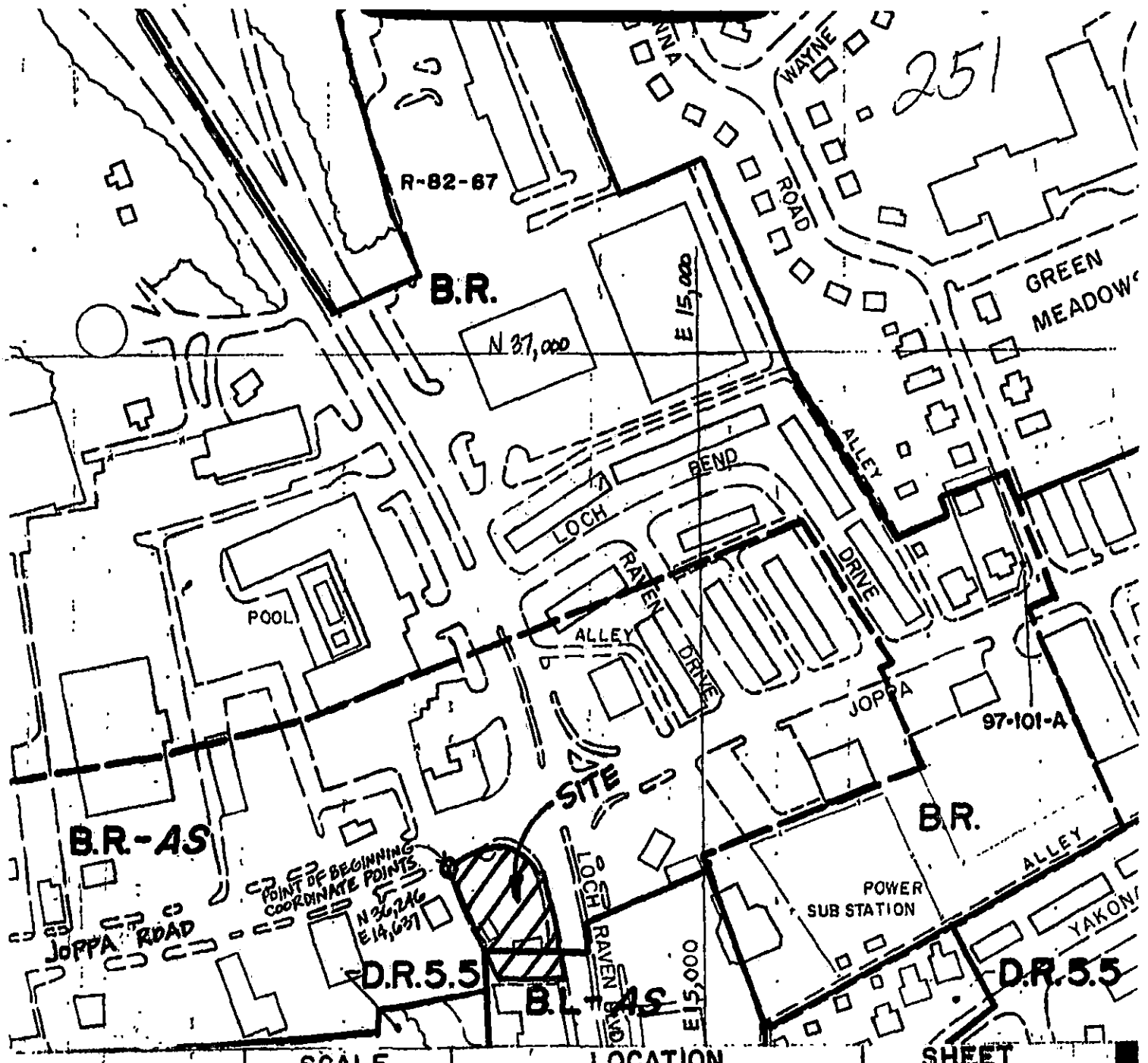
Nora S. Anderson

Clerk of the Surrogate's Court

Liber 456 Page 379

Pet Ex 8

THIS CERTIFICATE IS NOT VALID WITHOUT A RAISED SEAL OF THE COURT



SCALE	LOCATION	SHEET
1" = 200' ±	OAKLEIGH BAYNESVILLE	N.E. 10-C.
DATE OF PHOTOGRAPHY JANUARY 1986		

RECEIVED 6/93

99.251-A

1ST MARINER BANK
AT 1641 JOPPA ROAD

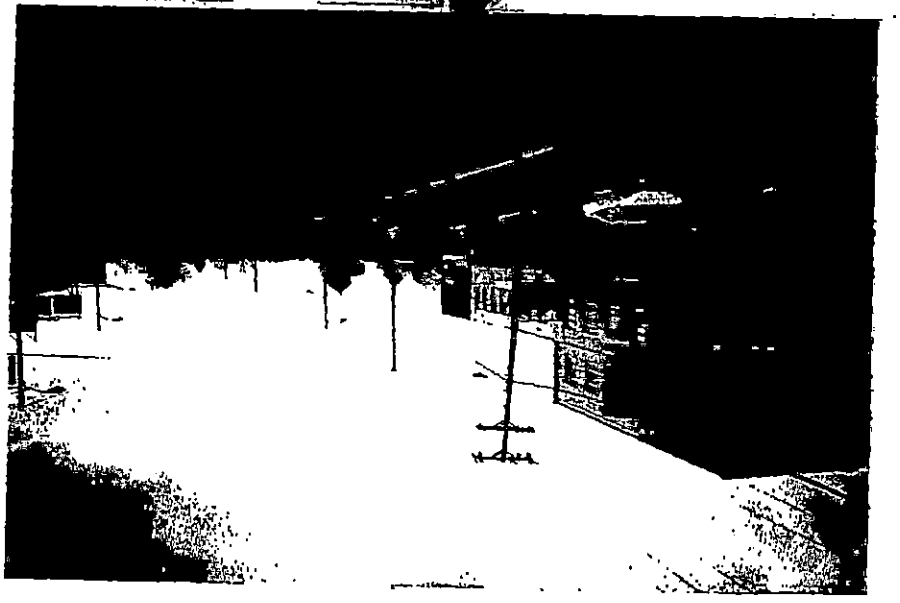
#10922

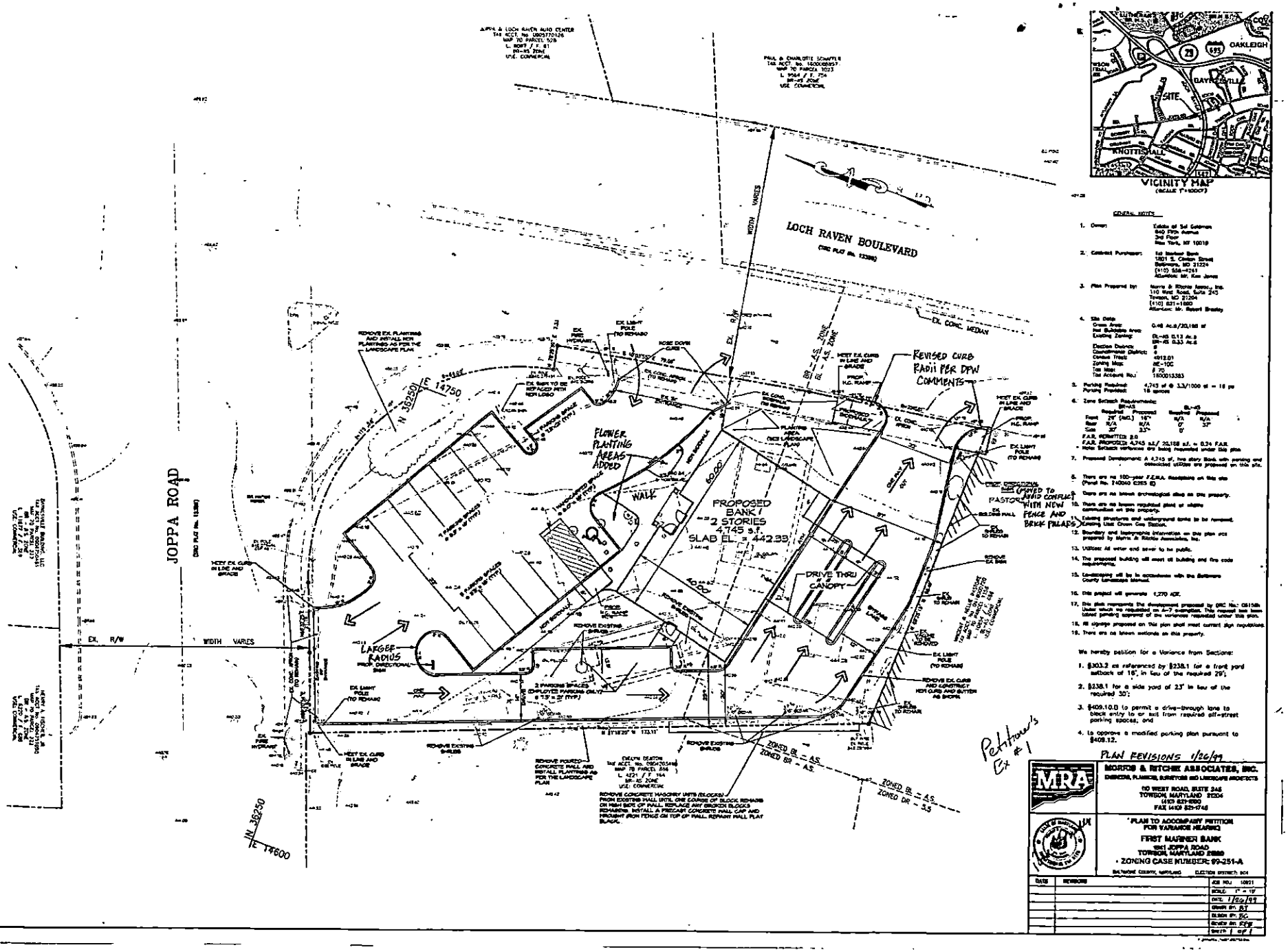
Petitioner's
Exhibit
2 of 3
99-251-A




CROWN







VICINITY MAP
(SCALE 1"=1000')

GENERAL NOTES

1. Owner: Estate of Sol Goldman, 540 Fifth Avenue, 3rd Floor, New York, NY 10019
2. Contract Purchaser: 1st Mariner Bank, 1801 S. Clinton Street, Baltimore, MD 21224, (410) 558-4261, Attention: Mr. Ken Jones
3. Plan Prepared by: Morris & Ritchie Assoc., Inc., 110 West Road, Suite 240, Towson, MD 21204, (410) 821-1690, Attention: Mr. Robert Bradley
4. Site Data:
   - Gross Area: 0.46 Ac.± / 20,158 sf
   - Net Developable Area: 0.46 Ac.±
   - Existing Zoning: BL-AS 0.13 Ac.± / BR-AS 0.33 Ac.±
   - Election District: 8
   - Councilmanic District: 6
   - Census Tract: 4912.01
   - Zoning Map: NE-10C
   - Tax Map: 70
   - Tax Account No.: 1800013383
5. Parking Required: 4,745 sf @ 3.3/1000 sf = 16 pa
   Parking Provided: 16 spaces
6. Zone Setback Requirements:

BRAS			BL-AS	
	Required	Proposed	Required	Proposed
Front	25' (Min.)	16'	N/A	N/A
Rear	N/A	N/A	0'	12'
Side	25'	23'*	0'	0'

   F.A.R. PERMITTED 2.0
   F.A.R. PROPOSED 4,745 s.f./ 20,158 s.f. = 0.24 F.A.R.
   * Note: Setback variance was being requested under this plan.
7. Proposed Development: A 4,745 sf, one story Bank with parking and associated utilities are proposed on this site.
8. There are no 100-year F.E.M.A. floodplains on this site (Panel No. 240040 0265 B).
9. There are no known archeological sites on this property.
10. There are no known regulated plant or wildlife communities on this property.
11. Existing structures and underground tanks to be removed. Existing Use: Drive-Ins/Banks.
12. Boundary and topographic information on this plan was prepared by Morris & Ritchie Associates, Inc.
13. Utilities: All water and sewer to be public.
14. The proposed building will meet all building and fire code requirements.
15. Landscaping will be in accordance with the Baltimore County landscape manual.
16. This project will generate 1,270 ADT.
17. This plan represents the development proposed by ZRC No.: 081M. Under the regulations in B.C.Z.R. Section 409.8.A.4, this request has been placed pending approval of the variances requested under this plan.
18. All signage proposed on this plan shall meet current sign regulations.
19. There are no known wetlands on this property.

We hereby petition for a Variance from Sections:

1. §303.2 as referenced by §238.1 for a front yard setback of 16', in lieu of the required 25';
2. §238.1 for a side yard of 23' in lieu of the required 30';
3. §409.10.D to permit a drive-through lane to block entry to or exit from required off-street parking spaces; and
4. To approve a modified parking plan pursuant to §409.12.

PLAN REVISIONS 1/26/99

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
110 WEST ROAD, SUITE 240
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

PLAN TO ACCOMPANY PETITION FOR VARIANCE HEARING

FIRST MARINER BANK
1901 JOPPA ROAD
TOWSON, MARYLAND 21286

ZONING CASE NUMBER: 99-251-A

BALTIMORE COUNTY, MARYLAND ELECTION DISTRICT 8TH

DATE	REVISIONS

JOB NO.: 10921
SCALE: 1" = 10'
DATE: 1/26/99
DRAWN BY: BJT
DESIGN BY: BC
REVIEW BY: RPB
SHEET 1 OF 1

FILED; Baltimore County Circuit Court
Docket: 9/24/202[illegible] 50 AM; Submission: 9/24/2020 9:50 AM

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

PETITION OF:

M and S Limited Partnership, et al.

FOR JUDICIAL REVIEW OF THE DECISION OF:
The Baltimore County Board of Appeals

IN THE CASE OF:
In the Matter of: *M and S Limited Partnership*
Board of Appeals Case No. 19-070-SPHX

Case No: C-03-CV-20-002220

STIPULATION OF DISMISSAL

Pursuant to Maryland Rule 2-506(a), Counsel for the Petitioners, Dino C. La Fiandra and The Law Office of Dino C. La Fiandra, LLC, Counsel for the Respondents, Michael R. McCann and Michael R. McCann, P.A., and Respondent Peter M. Zimmerman, Esquire, People's Counsel for Baltimore County, stipulate that the Petition for Judicial Review shall be dismissed.

Respectfully submitted,

/S/
Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Email: dcl@lafiandralaw.com
Telephone: 443-204-3473
Client Protection Fund ID: 9512130116
Attorney for Petitioners

/S/
Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Email: michael@mmccannlaw.net
Telephone: 410-825-2150
Client Protection Fund ID: 8112010099
Attorneys for Respondents

/S/
Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
105 W. Chesapeake Avenue, Suite 204
Towson, Maryland 21204
Email: pzimmerman@baltimorecountymd.gov
Telephone: 410-887-2188
Client Protection Fund ID: 7212010276
Respondent

Date: September 24, 2020

Certificate of Service

I certify that the foregoing Stipulation was served electronically through the MDEC system this 24th day of September, 2020, to Michael McCann, Esquire, 118 W. Pennsylvania Avenue, Towson, Maryland 21204, Counsel for Respondents and Peter Max Zimmerman, People's Counsel for Baltimore County, 105 W. Chesapeake Avenue, Suite 204, Towson, Maryland 21204.

/S/
Dino C. La Fiandra

CIRCUIT CO[illegible] FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754

Main: 410-887-2601
Fax: 410-887-3062

To: BALTIMORE COUNTY BOARD OF APPEALS
105 WEST CHESAPEAKE AVENUE
TOWSON, MD 21204

Case Number: **C-03-CV-20-002220**
Other Reference Number(s):

IN THE MATTER OF M AND S LIMITED PARTNERSHIP ET AL.

Date: 7/31/2020

NOTICE OF HEARING/TRIAL

Please be advised that the following events have been scheduled in this case:

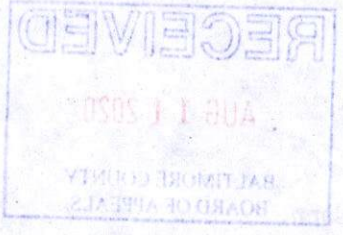
Date	Time	Type of Proceeding
11/09/2020	9:00AM	Hearing - Administrative Appeal

Remarks: 1/2 Hour Administrative Appeal * this may be heard remotely*

Any postponement request must be filed in accordance with MD Rule 2-508 and addressed to the court address above.

Attorneys/parties shall notify this court immediately when a case settles before a scheduled event.

RECEIVED
AUG 11 2020
BALTIMORE COUNTY
BOARD OF APPEALS


RECEIVED
AUG 1 1 2020
BALTIMORE COUNTY
BOARD OF APPEALS

-FILED; Baltimore County Circuit Court
Docket: 7/29/20 11 PM; Submission: 7/29/2020 3:11 PM

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

July 29, 2020

Via Electronic Filing
& US Mail

Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204-0754

GRANTED

07/30/2020 5:20:07 PM
Kathleen Cox
Kathleen Gallogly Cox

Re: Postponement Request – Hearing date 10/26/20
In the matter of M and S Limited Partnership
Case No. C-03-CV-20-002220

To whom it may concern:

I write to request a postponement of the administrative appeal presently scheduled in the above matter for October 26, 2020. I will be on vacation on that date.

I have conferred with counsel for Petitioner, as well as People's Counsel for Baltimore County, and they are both agreeable to this request

Please contact me if you have any questions. Thank you for your assistance.

Sincerely,

Michael R. McCann
CPF no. 9506230004

cc: counsel of record (via electronic filing)

Entered: Clerk, Circuit Court for
Baltimore County, MD
July 31, 2020

RECEIVED
AUG 11 2020
BALTIMORE COUNTY
BOARD OF APPEALS

RECEIVED
AUG 11 2020
BALTIMORE COUNTY
BOARD OF APPEALS

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 21, 2020

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Peter Max Zimmerman, People's Counsel
Carole Demilio, Deputy People's Counsel
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, Maryland 21204

RE: Petition for Judicial Review
Circuit Court Civil Action No.: C-03-CV-20-002220
In the Matter of: M and S Limited Partnership – Legal Owner and Petitioner (fka Howard Bank)
Board of Appeals Case No.: 19-070-SPHX

Dear Counsel:

Kindly note that the Proceedings before the Administrative Law Judge and the Board of Appeals of Baltimore County have been filed with the Circuit Court for Baltimore County via the Maryland Electronic Courts and E-filing system. Enclosed is a copy for your records.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Tammy A. Zahner

Tammy A. Zahner
Legal Secretary

Multiple Original Cover Letters
Enclosure

c: M and S Limited Partnership
Dale Cassidy, President/Ridgely Manor Community Association
Susan C. Bacon, Treasurer/Ridgely Manor Community Association
Janice Krach, President/Knettishall Community Association, Inc.
Bryan Fischer/Towson Communities Alliance
Peter M. Moulder, Vice President/Associates of Loch Raven Village

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY	*	
	*	
PETITION OF: M AND S LIMITED PARTNERSHIP, *et al.*	*	
FOR JUDICIAL REVIEW OF THE OPINION OF THE BOARD OF APPEALS	*	CIVIL ACTION NO.: C-03-CV-20-002220
OF BALTIMORE COUNTY Jefferson Building – Suite 203 105 W. Chesapeake Avenue Towson, Maryland 21204	*	
	*	
IN THE MATTER OF: M AND S LIMITED PARTNERSHIP - Legal Owner and Petitioner (fka Howard Bank) For the property located at 1641 Joppa Road	*	
9th Election District 5th Councilmanic District	*	
	*	
BOARD OF APPEALS CASE NO.: 19-070-SPHX		

* * * * * * * * * * * * *

PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW JUDGE AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits, Approvals and Inspections and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS OF BALTIMORE COUNTY

August 31, 2018	Petition for Special Hearing pursuant to Section 500.7 of the BCZR to determine whether or not the Zoning Commissioner should approve an amendment to the previously approved zoning site plan in Case No. 99-

	251-A; and Petition for Special Exception to use the herein described property for a service garage pursuant to Section 230.3 of the BCZR.
September 6, 2018	Entry of Appearance filed by People's Counsel for Baltimore County.
September 20, 2018	Notice of Zoning Hearing
October 16, 2018	Certificate of Posting
October 16, 2018	Certificate of Publication in newspaper
October 21, 2018	Letter to ALJ Beverungen from Councilman David Marks.
October 31, 2018	ZAC Comments
November 3, 2018	Recertification of Posting
November 4, 2018	E-mail to the Office of Administrative Hearings from Bryan Fischer, President of Towson Communities Alliance enclosing October 8, 2018 letter sent to the Design Review Panel.
November 5, 2018	Hearing held before the Administrative Law Judge.
November 15, 2018	Opinion and Order issued by the Administrative Law Judge wherein the Petition for Special Hearing to approve an amendment to the previously approved zoning site plan in Case No. 99-251-A was GRANTED, and the Petition for Special Exception to permit a service garage was GRANTED, with conditions.
December 13, 2018	Notice of Appeal filed by the Associates of Loch Raven Village, Knettishall Community Association, Ridgeleigh Manor Community Association, Towson Communities Alliance, and Peter M. Moulder, Protestants.
December 14, 2018	Appeal received by the Board.
January 22, 2019	Notice of Assignment issued by the Board, Days 1 and 2.
March 5, 2019	Board convened for a Hearing, Day 1.
April 2, 2019	Board convened for a Hearing, Day 2.
April 26, 2019	Notice of Assignment issued by the Board, Day 3.

June 27, 2019 Board convened for a Hearing, Day 3.

Exhibits submitted at Hearings before the Board of Appeals:

Petitioner's Exhibit No.

1 – Curriculum Vitae of Joshua T. Sharon
2 – 8/26/18 Plan to Accompany Special Exception – Morris & Ritchie Associates (MRA)
3 – Existing Conditions & Demolition Plan – MRA
4 – Petition for Zoning Hearing for 1641 Joppa Road
5 – DRP #606 approval recommendations – 11/21/18 letter and 11/8/18 memo
6 – 11/5/18 Redline Plan per DRC comments
7 – Pages from DRP booklet submitted to DRC
8 – Illustrative Site Plan – Landscape
9 – 10/31/18 letter with Zoning Advisory Committee comments attached
10 – Context photograph for DRP booklet – aerial
11 – 5/10/16 Loch Raven Commercial Revitalization District Map
12 – Curriculum Vitae for Kenneth W. Schmid
13 – 2018 Basic Services Map – Transportation Zones
14 – 9/13/18 letter from SHA (Wolcott) to Baltimore County PAI (Lewis)
15 – Petitioner's sign-in sheet
16 – Amended Petition for Zoning
17 – Deed for 1641 Joppa Road (5/24/19)
18 – Amended Site Plan updating owner information (6/25/19)

Protestants' Exhibit No.

1 – 2/9/99 Findings by Zoning Commissioner (First Mariner)
2 – 1/25/99 Jablon correspondence approving variance for First Mariner
3 – 1/25/99 Memo to Kotroco from Van Arsdale re: First Mariner Variance
4 – Master Plan 2020 pages 133 and 137-141
5 – Master Plan 2020 pages 23, 27-31
6 – 10/10/18 Design Review Panel Minutes
7 – DRP Panel Members from Baltimore County website
8 – Valvoline website excerpts for Middle River location
9 – DPW Level of Service Ratings
10 – Level of Service Intersections
11 – 1/5/18 letter from Bureau of Traffic Engineering (Carski) to DPW (Walsh)

12 – 11/19/18 letter from Bureau of Traffic Engineering (Carski) to DPW (Walsh)
13 – 4/10/14 Baltimore County Traffic Engineering Turning Movement Count Data
14 – 3/29/17 Baltimore County Traffic Engineering Turning Movement Count Data
15 – Rule 8 Papers for Associates of Loch Raven Village
16 – Baltimore County My Neighborhood Map for Loch Raven Village
17 – Google Map of oil changes near Loch Raven Blvd. and Joppa Road
18 – Pictures of Auto Service businesses near Loch Raven Blvd. and Joppa Road
19 – Google Map of 1641 E. Joppa Road
20 – 5 Maps – Baltimore County My Neighborhood
21 – Rule 8 Papers for Towson Communities Alliance

People's Counsel Exhibit No.

1 – My Neighborhood Map 1:1, 128
2 – Aerial Map
3 – Baltimore County Web Map 3/5/19
4 – County Council Resolutions
5 – Nov. 98 Petition for Variance for First Mariner Bank (1641 E. Joppa Road)
6 – 1/25/99 letter from Loch Raven Community Council to Zoning Commissioner
7 – Oct. 17 Google Maps pictures of 1698 E. Joppa Road and MD 542
8 – 2/9/99 Findings by Zoning Commissioner with Site Plan (First Mariner)
9 – Petition for Zoning Reclassification for 1641 E. Joppa Road
10 – Zoning history of properties near 1641 E. Joppa Road
11 – Aerial and street views of MD Valvoline facilities
12 – Webster's Third New International Dictionary and internet definitions of inherent
13 – Zoning history for 1701 E. Joppa Road
14 – Webster's Third New International Dictionary definitions of back and front
15 – Google Maps of E. Joppa Road and MD 542
16 – Map of Baltimore County Commercial Revitalization Districts 2019
17 – Map of BL Zoning Districts 2019
18 – Newspaper articles regarding Commercial Revitalization Districts

19 – BCZR §232.1 and §303.2
20 – People's Counsel sign-in sheet
21 – Page 62 of ADC Baltimore City and County Map
22A-J – Google Earth Maps of 1641 E. Joppa Road
23 – County Council Resolution 25-14 (4/7/14)
24 – BCZR §230

August 9, 2019	People's Counsel for Baltimore Count's Post-Hearing Memorandum.
August 9, 2019	Protestants' Post-Hearing Memorandum filed by Michael R. McCann, Esquire.
August 9, 2019	Petitioner's Brief in Lieu of Closing Argument filed by Dino C. La Fiandra, Esquire.
August 27, 2019	Board convened for Public Deliberation.
April 15, 2020	Letter to Dino C. La Fiandra, Esquire from Board returning letter received by his office on April 15, 2020 as record is closed.
April 23, 2020	Majority Opinion and Order issued by the Board wherein the Petitioner's request for Special Hearing to approve an amendment to a site plan previously approved in 99-251-A was DENIED; and the Petitioner's request for Special Exception to permit an automotive service garage in a BL zone was DENIED. Dissenting Opinion issued.
May 22, 2020	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Dino C. La Fiandra, Esquire on behalf of M and S Limited Partnership and Mid-Atlantic Lubes, LLC
May 22, 2020	Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.
May 26, 2020	Certificate of Compliance sent to all parties.
May 28, 2020	Response to Petition for Judicial Review filed by People's Counsel for Baltimore County.
July 21, 2020	Transcript of testimony filed.
July 21, 2020	Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Tammy A. Zahner

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of July, 2020 a copy of the foregoing was mailed first class mail, postage prepaid, or inter-office mail to the following:

Dino C. La Fiandra, Esquire
Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, MD 21204

M and S Limited Partnership
54 Jaconnet Street, Suite 100
Newton Highlands, MA 02461

Mid-Atlantic Lubes, LLC
54 Jaconnet Street, Suite 100
Newton Highlands, MA 02461

Dale Cassidy, President
Ridgely Manor Community Association
1654 Yakona Road
Towson, MD 21286

Susan C. Bacon, Treasurer
Ridgely Manor Community Association
1676 Yakona Road
Towson, MD 21286

Janice Krach, President
Knettishall Community Association, Inc.
8325 Wyton Road
Towson, MD 21286

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, MD 21204

Peter M. Zimmerman, People's Counsel
Office of People's Counsel
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, MD 21204

Bryan Fischer
Towson Communities Alliance
P.O. Box 5421
Towson, MD 21285-5421

Peter M. Moulder, Vice President
Associates of Loch Raven Village
1552 Dellsway Road
Towson, MD 21286

Tammy A. Zahner

Tammy A. Zahner

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY

*

PETITION OF:
M AND S LIMITED PARTNERSHIP, *et al.* *

FOR JUDICIAL REVIEW OF THE OPINION OF * CIVIL ACTION
THE BOARD OF APPEALS NO.: C-03-CV-20-002220
OF BALTIMORE COUNTY *
Jefferson Building, Suite 203
105 W. Chesapeake Avenue *
Towson, Maryland 21204

*

IN THE MATTER OF:
M AND S LIMITED PARTNERSHIP - *
Legal Owner and Petitioner (fka Howard Bank)
For the property located at 1641 Joppa Road *

*

9th Election District
5th Councilmanic District *

BOARD OF APPEALS CASE NO.: 19-070-SPHX *

* * * * * * * * * * * * * *

RECEIVED
MAY 28 2020
BALTIMORE COUNTY
BOARD OF APPEALS

RESPONSE TO PETITION FOR JUDICIAL REVIEW

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, in accordance with Maryland Rule 7-204, submits this response to the Petition for Judicial Review filed by M AND S LIMITED PARTNERSHIP, et al. and states that it intends to participate in this action for Judicial Review. The undersigned participated in the proceeding before the County Board of Appeals.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 204
Towson, MD 21204
(410) 887-2188
pzimmerman@baltimorecountymd.gov
CPF# 7212010276

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
The Jefferson Building
105 West Chesapeake Avenue, Suite 204
Towson, MD 21204
(410) 887-2188
cdemilio@baltimorecountymd.gov
CPF# 7412010076

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of May, 2020, a copy of the foregoing Response to Petition for Judicial Review was sent, via electronic filing to:

Michael McCann, Esquire
118 West Pennsylvania Avenue
Towson, Maryland 21204

Dino C. LaFiandra, Esquire
Law Office of Dino LaFiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

And via first class mail, postage prepaid, to:

Baltimore County Board of Appeals
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Envelope #
5492751

RCUIT COURT IMORE COUNTY	*	
OF: M AND S LIMITED PARTNERSHIP, *et al.*	*	
FOR JUDICIAL REVIEW OF THE OPINION OF THE BOARD OF APPEALS OF BALTIMORE COUNTY Jefferson Building – Suite 203 105 W. Chesapeake Avenue Towson, Maryland 21204	*	CIVIL ACTION NO.: C-03-CV-20-002220
IN THE MATTER OF: M AND S LIMITED PARTNERSHIP - Legal Owner and Petitioner (fka Howard Bank) For the property located at 1641 Joppa Road	*	
9th Election District 5th Councilmanic District	*	
BOARD OF APPEALS CASE NO.: 19-070-SPHX	*	

* * * * * * * * * * * *

CERTIFICATE OF COMPLIANCE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, MD 21204

M and S Limited Partnership
54 Jaconnet Street, Suite 100
Newton Highlands, MA 02461

Mid-Atlantic Lubes, LLC
54 Jaconnet Street, Suite 100
Newton Highlands, MA 02461

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, MD 21204

Peter M. Zimmerman, People's Counsel
Office of People's Counsel
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, MD 21204

Dale Cassidy, President
Ridgely Manor Community Association
1654 Yakona Road
Towson, MD 21286

Bryan Fischer
Towson Communities Alliance
P.O. Box 5421
Towson, MD 21285-5421

Susan C. Bacon, Treasurer
Ridgely Manor Community Association
1676 Yakona Road
Towson, MD 21286

Peter M. Moulder, Vice President
Associates of Loch Raven Village
1552 Dellsway Road
Towson, MD 21286

Janice Krach, President
Knettishall Community Association, Inc.
8325 Wyton Road
Towson, MD 21286

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

I HEREBY CERTIFY that on this 26th day of May, 2020 a copy of the foregoing Certificate of Compliance has been mailed to the individuals listed above.

Tammy A. Zahner

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 26, 2020

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

Peter M. Zimmerman, People's Counsel
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Judicial Review
Circuit Court Civil Action No.: C-03-CV-20-002220
In the Matter of: M and S Limited Partnership – Legal Owner and Petitioner (fka Howard Bank)
Board of Appeals Case No.: 19-070-SPHX

Dear Counsel:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed by Dino C. La Fiandra, Esquire on behalf of M and S Limited Partnership and Mid-Atlantic Lubes, LLC in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. The County Board of Appeals received written notification of acceptance on May 22, 2020. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

In accordance with the Maryland Rules, the Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review within 60 days. Mr. La Fiandra, having taken the appeal on behalf of his clients, is responsible for the cost of the transcript of the record and the transcript must be paid for in time to transmit the same to the Circuit Court within the 60 day timeframe as stated in the Maryland Rules.

Courtsmart was the official record of the hearings before the Board. The disk(s) will be copied by this office and provided to you for transcription. The transcriptionist must meet the requirements set forth in Maryland Rules which states: "*a stenographer, court reporter, or transcription service designated by the court for the purpose of preparing an official transcript from the recording.*" The Board of Appeals can assist in obtaining a qualified transcriptionist upon request.

Please be advised that the ORIGINAL transcript must be provided to the Board of Appeals no later than JULY 14, 2020 so that it may be transmitted to the Circuit Court with the record of proceedings, pursuant to the Maryland Rules.

A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,

Tammy A. Zahner

Tammy A. Zahner
Legal Secretary

Multiple Original Cover Letters
Enclosure

c: M and S Limited Partnership
Mid-Atlantic Lubes, LLC
Dale Cassidy, President/Ridgely Manor Community Association
Susan C. Bacon, Treasurer/Ridgely Manor Community Association
Janice Krach, President/Knettishall Community Association, Inc.
Bryan Fischer/Towson Communities Alliance
Peter M. Moulder, Vice President/Associates of Loch Raven Village

FILED; Baltimore County Circuit Court
Docket: 5/22/2020 9:31 AM; Submission: 5/22/2020 9:31 AM

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

PETITION OF:

M and S Limited Partnership
54 Jaconnet Street, Suite 100
Newton Highlands, MA 02461

and

Mid-Atlantic Lubes, LLC
54 Jaconnet Street, Suite 100
Newton Highlands, MA 02461

FOR JUDICIAL REVIEW OF THE DECISION OF:
The Baltimore County Board of Appeals
105 W. Chesapeake Avenue, Suite 203
Towson, Maryland 21204

IN THE CASE OF:
In the Matter of: *M and S Limited Partnership – Legal Owner and Petitioner (fka Howard Bank)*
Board of Appeals Case No. 19-070-SPHX

Case No: C-03-CV-20-002220

RECEIVED
MAY 22 2020
BALTIMORE COUNTY
BOARD OF APPEALS

PETITION FOR JUDICIAL REVIEW

Petitioners M and S Limited Partnership and Mid-Atlantic Lubes, LLC, ("Petitioners") by and through their counsel, Dino C. La Fiandra, Esquire, and The Law Office of Dino C. La Fiandra, LLC, request judicial review of the Opinion and Order of the Baltimore County Board of Appeals dated April 23, 2020 in the case of *In the Matter of: M and S Limited Partnership – Legal Owner and Petitioner (fka Howard Bank)*, Board of Appeals Case No. 19-070-SPHX. Petitioners were parties before the Board of Appeals. A copy of the Opinion and Order of which Judicial Review is sought is Exhibit 1 to this Petition for Judicial Review.

Respectfully submitted,

May 22, 2020
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Email: dcl@lafiandralaw.com
Telephone: 443-204-3473
Client Protection Fund ID: 9512130116
Attorney for Petitioners

Exhibit 1

Board of Appeals Decision

In the Matter of: *M and S Limited Partnership – Legal Owner and Petitioner (fka Howard Bank)*

Board of Appeals Case No. 19-070-SPHX

IN THE MATTER OF M AND S LIMITED PARTNERSHIP LEGAL OWNERS AND PETITIONERS FOR SPECIAL HEARING AND SPECIAL EXCEPTION FOR THE PROPERTY LOCATED AT 1641 JOPPA ROAD (FORMERLY KNOWN AS HOWARD BANK) 9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	BEFORE THE
	*	BOARD OF APPEALS
	*	OF
	*	BALTIMORE COUNTY
	*	CASE NO.: 19-070-SPHX

* * * * * * * * * * * * *

MAJORITY OPINION

This matter comes before the Board of Appeals for Baltimore County (the "Board") as an appeal from Administrative Law Judge's November 15, 2018 decision which granted a Petition for Special Hearing, pursuant to Baltimore County Zoning Regulations (BCZR) §500.7 to approve an amendment to a site plan previously approved in Case 99-251-A, and granted a Petition for Special Exception, pursuant to BCZR §230.3, to permit an automotive service garage in a Business Local (BL) zone for a property located at 1641 East Joppa Road. The subject property is a half (0.5) acre parcel at the southwest corner of East Joppa Road and Loch Raven Boulevard. It was most recently operating as a First Mariner Bank until it was acquired by Howard Bank on February 28, 2018. The building was idle until Petitioner/Appellee[1] acquired the property. Petitioner proposes to raze the building to construct and operate a Valvoline Instant Oil Change facility.

The Board conducted a *de novo* hearing over the course of three days, March 5, April 2 and June 27, 2019, and deliberated this matter on August 27, 2019. Petitioner (hereinafter referred to as "Valvoline") was represented by Dino C. La Fiandra, Esquire. Peter Max Zimmerman, People's Counsel for Baltimore County, participated in the hearing. Michael R. McCann, Esquire represented Protestants, the Ridgely Manor Community Association, Knettishall Community

[1] The Petitions were originally filed by Mid-Atlantic Lubes, LLC, as Contract Purchaser, and Howard Bank as Legal Owner. This property has since been acquired by M and S Limited Partnership (Pet. Ex. 17.)

Association, Inc., Towson Communities Alliance, Associates of Loch Raven Village, and Peter M. Moulder, individually (collectively referred to as "Protestants"), throughout the hearing.

BACKGROUND

There is a long and varied history relating to the issues in this case. On November 16, 1998, the County Council of Baltimore County designated the official Loch Raven Commercial Revitalization District of Baltimore County pursuant to the recognition of revitalization districts in the Baltimore County Master Plan 1989-2000. Geographic boundaries were set forth. (People's Counsel's Exhibit 4).

On January 25, 1999, the Baltimore County Department of Planning issued inter-office correspondence recommending approval of the variance request of 1641 Joppa Road for the First Mariner Bank with the condition that final building elevations and a final landscape plan be submitted to their office for review and approval. (Protestant's Exhibit 2.) Also on January 25, 1999, the Loch Raven Community Council, Inc. (representing seventeen (17) community associations and three (3) service organizations in the Greater Loch Raven area) issued a letter to the Baltimore County Zoning Commissioner in "enthusiastic support" of the proposed development of a First Mariner Bank at the site of the subject property on the southwest corner of East Joppa Road and Loch Raven Boulevard. The letter noted the site "serves as a gateway into the Loch Raven community". (People's Counsel's Exhibit 6).

On February 9, 1999, a Petition for Variance for 1641 E. Joppa Road (Case No. 99-251-A) was granted to approve setbacks (front yard and side yard), permit a drive-through lane, and approve a modified parking plan. The petition was filed by the Estate of Sol Goldman, the current owner, and First Mariner Bank, the purchaser of the property. (People's Counsel's Exhibits 5 & 8).

On November 1, 2004, the County Council of Baltimore County expanded the Loch Raven

Commercial Revitalization District, and noted the Commercial Revitalization Districts (CRD) provide incentives to property owners and businesses in the Districts to improve the exterior of existing buildings and to develop and redevelop underused properties.

On May 15, 2006, the County Council of Baltimore County expanded the boundaries of the Loch Raven Commercial Revitalization District to include part of the commercial area along Joppa Road that was not included in the original CRD designations.

On February 19, 2013, County Council of Baltimore County revised the boundaries of the Loch Raven CRD. The resolution stated:

> "the County's commercial revitalization districts and their surrounding communities are inseparably linked, with the districts providing a range of retail, service, and entertainment uses for the local community, as well as establishing the overall image of a community; and
> WHEREAS, the County's Commercial Revitalization Program was transferred to the Department of Planning in May, 2011 to more holistically address the issues of community development and neighborhood improvement; and
> WHEREAS, to effectively reposition the County's older downtowns and to target resources more efficiently, the Department re-evaluated some of the revitalization districts in terms of their zoning classification, mix of uses, ownership, need for building improvements, projects completed and potential for reinvestment; and
> WHEREAS, as a result of this evaluation, the geographic boundaries of the existing Loch Raven Commercial Revitalization District are proposed for change in order to highlight the unique characteristics and identities of three separate communities that comprise the District, namely, the Loch Raven – Baynesville area, the Loch Raven – Satyr Hill area, and the Loch Raven- Hillendale area; and
> WHEREAS, it is the further intention to require that a nonresidential development plan for a proposed development located in either the Loch Raven – Baynesville area or the Loch Raven - Hillendale area of the District be subject to review by the Baltimore County Design Review Panel..."

On April 18, 2016, the County Council of Baltimore County expanded the Loch Raven Commercial Revitalization District to add a contiguous property.

On February 28, 2018, Howard Bank closed on its acquisition of First Mariner Bank. At some point thereafter, Howard Bank elected to close its branch on the subject property.

After sitting idle for over one year, Valvoline conditionally acquired the property and

proposes to construct and operate a Valvoline Instant Oil Change facility.

On August 31, 2018, a Petition for Zoning Hearing for the property located at 1641 Joppa Road was filed requesting a Special Hearing under Section 500.7 of the BCZR to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved zoning site plan in case number 99-251-A, and a Special Exception to use the herein described property for a service garage pursuant to BCZR §230.3.

On October 30, 2018, the Design Review Panel (DRP) held a meeting and made recommendations based on that meeting.

On November 5, 2018, the site plan was revised per DRP recommendations.

On November 5, 2018, the Administrative Law Judge (ALJ) held a hearing.

On November 8, 2018, the Department of Planning issued a memorandum approving the DRP#606 for the property located at 1641 East Joppa Road, with conditions.

On November 15, 2018, ALJ's Opinion and Order was issued wherein the requested Special Hearing to approve an amendment to a site plan previously approved in Case 99-251-A, and the requested Petition for Special Exception, pursuant to BCZR §230.3, to permit an automotive service garage in a Business Local (BL) zone were granted with conditions.

On November 21, 2018, the Department of Permits, Approval and Inspections (PAI) issued a letter advising the recommendation for the DRP was accepted and approved for DRP#606, 1641 East Joppa Road, Valvoline Oil project.

On December 13, 2018, a timely appeal was filed by Protestants to this Board.

The Board conducted a *de novo* hearing over three (3) days.

Testimony was received from Petitioner's expert Joshua Sharon, who was accepted as an expert in the fields of civil engineering, zoning and development in Baltimore County. Mr. Sharon

testified the Redlined Site Plan provided by Petitioner meets the definition of a service garage under the Baltimore County Zoning Regulations.

Randolph Kazazian, Valvoline's Vice President of Real Estate, testified regarding the company's operations, other facilities, environmental features, and estimated the current location would serve approximately sixty (60) to eighty (80) vehicles per day with a capacity to service sixteen (16) vehicles per hour in the four (4) bays.

An expert in traffic engineering and transportation planning, Kenneth W. Schmid, testified the signalized intersection at Loch Raven Boulevard and East Joppa Road is rated a "D" Level of Service, which is an acceptable Level of Service to permit the redevelopment of the subject property. Mr. Schmid indicated that the State Highway Administration looked favorably on one of the curb cuts on Loch Raven Boulevard. The estimated trip generation is approximately one hundred sixty (160) average daily trips and that cars traveling north on Loch Raven Boulevard would make a "protected" U-turn at the intersection of Joppa Road, which is a legal maneuver to gain access to the property via the southbound lanes of Loch Raven Boulevard.

Protestants presented testimony from Peter Moulder, representative of Associates of Loch Raven Village, and Paul Hartman, representative of Towson Communities Alliance, regarding their concerns with the over-saturation of the area with businesses providing automotive services. They also argued that the proposed use is not in line with the Loch Raven-Baynesville Commercial Revitalization District which calls for a diversity of uses and adding another auto-related business does not further the goals of the CRD.

People's Counsel presented Jason Bulkeley, the owner of a nearby restaurant, who objected to another auto-related business in the area.

A local resident, John Fiastro, Jr., testified that he supported the Valvoline project.

DISCUSSION

The Petition for Special Hearing was requested pursuant to § 500.7 of the BCZR to approve an amendment to a site plan previously approved in Case 99-251-A. Section 500.7 provides as follows:

> **§ 500.7. - Petitions for public hearing; notice.**
>
> The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided.

The granting of the Special Hearing in this case is contingent upon the Board's finding as to the Petitioner's request for a Special Exception. The threshold issue in this matter is whether there was sufficient evidence to deny the Special Exception. 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. *Schultz v. Pritts*, 291 Md. 1 (1981) and *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017). In the view of the majority of the Board, the evidence submitted fails to satisfy the § 502.1 requirements, which read as follows:

> **§ 502.1. - Conditions determining granting of special exception.**
>
> Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:
>
> A. Be detrimental to the health, safety or general welfare of the locality involved;
> B. Tend to create congestion in roads, streets or alleys therein;
> C. Create a potential hazard from fire, panic or other danger;
> D. Tend to overcrowd land and cause undue concentration of population;
> E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
> F. Interfere with adequate light and air;
> G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C. 2, R.C. 4, R.C. 5 or R.C. 7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.

In particular, the adverse impacts on the general welfare of the locality involved (502.1(A)) and the tendency to create congestion in roads and streets (502.1(B)) overcome the presumption that a Special Exception is in the general interest of the jurisdiction and therefore valid. The Protestants' concerns taken from the available evidence rebut the presumption of validity of the Special Exception in the current matter. This Board provided special consideration to each proposal and found the special exception requested is detrimental to the health, safety, or general welfare of the public and will tend to cause traffic congestion.

BCZR §502.1(A)

Section 32-4-102(a)(1) of the Baltimore County Code (BCC) indicates that conformity with the Master Plan is required and "[s]ubject to the limitations in the Charter and this Code, all development of land shall conform to The Master Plan". The Master Plan lays out the policy groundwork for achieving long-term success in Baltimore County. The policy regarding the Commercial Revitalization Districts (CRD) is to "[r]etain and attract quality retail, office, service, residential, entertainment, and institutional uses that create well balanced and economically vital mixed-use." It notes:

> [t]o remain viable, the CRDs must differentiate themselves by capitalizing upon their downtown development patterns, strengthening the existing base for small businesses, and attracting new and different uses. Each district is unique with its own set of attributes and liabilities and revitalizations efforts must be tailored to address these differences... Attaining a sufficient and balanced mix of quality uses is an important goal that should be accompanied with creating a safe, attractive, and walkable environment. (Protestants' Exhibit 4 - page 139)

It is clear from the legislative history that the County Council has continued to expand the

Loch Raven Commercial Revitalization District. As such, the CRD should be taken into account when considering the health, safety or general welfare analysis of the specific community. Although the goal is to develop and redevelop underused properties, it is clear the current project is inconsistent with the CRD due to the inordinate number of automotive service businesses providing oil changes within a quarter (¼) mile of the subject property. In addition to the lack of diversity, the addition of Valvoline to the Loch Raven community would increase traffic and would jeopardize the neighborhood's safety and walkability. Although some argue that the CRD has not been complied with in the past, it does not negate the fact that the CRD should be considered in a special exemption analysis. The failure to comply with the CRD is a contributing factor to the denial in the current case.

BCZR §502.1(B)

According to the Basic Services Map Transportation Zones, the subject intersection of Loch Raven Boulevard and Joppa Road had an F level-of-service for traffic in 2016, D in 2017 and D in 2018. (Petitioner's Exhibit 13). In Baltimore County, the level-of-service can regulate the issuance of building permits for non-industrial development in urban areas determined to have a significant influence on a particular intersection. Level-of-Service D intersections do not control issuance of building permits, but these areas are identified on the Basic Services Maps Transportation Zones to identify the deficient intersections. The purpose of identifying D intersections is to provide notice to the public that the intersection has the potential of going to an E or F. Areas around a level-of-service F intersection would have a moratorium on building permits for non-industrial development, with some very limited exceptions. Identifying these intersections also allows the County an opportunity to work toward correcting them and lessen congestion *before* it becomes a serious problem (emphasis added). (Protestants' Exhibit 9).

The Board heard testimony from Petitioner's witnesses that they anticipate sixty (60) to eighty (80) vehicles per day (but will have the capability to service one-hundred sixty (160) per day). The location is ideal to receive customers from Interstate 695 (a very busy beltway), but a U-turn will be necessary for customers to enter the property if they are northbound on Loch Raven Boulevard. The negative impact of additional traffic (including additional U-turn traffic) for the intersection as well as resulting health and safety concerns warrants a denial of the requested relief in this case.

DECISION

This Board finds the facts and circumstances showing the adverse impacts of the use at the particular location in question would be beyond those inherently associated with the Special Exception use. The Petitioner did not persuade the Board by a preponderance of the evidence that the special exception will conform to all applicable requirements. *Attar v. DMS Tollgate, LLC*, at 285-6.

ORDER

THEREFORE, IT IS THIS 23rd day of April, 2020, by the Board of Appeals of Baltimore County,

ORDERED that Petitioner's request for Special Hearing to approve an amendment to a site plan previously approved in 99-251-A is hereby DENIED; and it is further

ORDERED that Petitioner's request for Special Exception to permit an automotive service garage in a BL zone is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Kendra Randall Jolivet /kc
Kendra Randall Jolivet

William A. McComas

IN THE MATTER OF M AND S LIMITED PARTNERSHIP LEGAL OWNERS AND	*	BEFORE THE
PETITIONERS FOR SPECIAL HEARING AND SPECIAL EXCEPTION FOR THE PROPERTY	*	BOARD OF APPEALS
LOCATED AT 1641 JOPPA ROAD (FORMERLY KNOWN AS HOWARD BANK)	*	OF
9TH ELECTION DISTRICT	*	BALTIMORE COUNTY
5TH COUNCILMANIC DISTRICT	*	CASE NO.: 19-070-SPHX

* * * * * * * * * * * * *

DISSENT

This matter relates to an application for a special exception to replace a vacant Howard Bank building on the southwest corner of Joppa Road and Loch Raven Boulevard with a Valvoline automobile lubrication outlet. The matter was first heard by an Administrative Law Judge who ruled in favor of Valvoline. This *de novo* appeal followed.

I must say that I find it peculiar to be a writing a dissent where I agree with the prevailing party on 99% of the operative principles. It is the application of those principles to these circumstances where we part company. For example, I whole-heartedly adopt the section in People's Counsel post-hearing Memorandum as to the nature and operation of the so-called "presumption" in favor of special exceptions. Beyond the recognition that special exception uses have been legislatively pre-determined to be proper, under certain circumstances, within the zoning classification in question – and hence are distinct from variances which involve uses not legislatively pre-approved -- there is absolutely nothing that eases the burden of persuasion as to the criteria in BCZR § 502, *et seq.* It is the applicant's obligation to present convincing evidence as to each aspect of the BCZR special exception requirements and to establish by a preponderance of the evidence that the special exception use is warranted in that particular location. There is no burden shifting to the protestants. Everyone knows and agrees that if the applicant filed its petition, showed that the sought-after use was permitted by special exception, and then rested, the applicant would lose because the

applicant had failed to prove that the statutory criteria had been met. If there were some sort of meaningful evidentiary "presumption" in favor of the special exception, then the special exception would be granted based on that minimalist showing unless the protestants could affirmatively demonstrate that the BCZR criteria were not satisfied. The so-called presumption means only that the petitioner does not need to show that the special exception will benefit the area. Nonetheless, the applicant is still required to show that the proposed use will not be detrimental. *See generally Montgomery County v. Butler Landscape Design*, 417 Md. 271, 301-08 (2010). Judge Murphy's concurrence in *People's Counsel vs. Loyola College*, 406 Md. 107 (2008) (Murphy, J., concurring) is the most succinct explanation of how the Baltimore County special exception process fits into the law's fairly grand jurisprudence regarding presumptions. *Id.* at p. 109.

Though not a legal conclusion necessary to the decision in this matter, I also whole-heartedly agree with the sentiment in People's Counsel's Memorandum regarding the deference and respect that local residents and community groups deserve, but too often do not receive, when the impact of proposed special exceptions on their communities is being assessed. The most common method of discounting community views is through the use of self-styled "expert" testimony. Expert testimony is and can be quite useful. At the same time, in certain respects, the day-to-day experience of people who live in an area can be just as probative and should receive the same kind of official recognition that outside "experts" receive solely by reason of their designation. Sometimes expert testimony is needed on particular issues. Traffic engineering is an example of a discipline that often requires specialized training coupled with collection and analysis of data. On the other hand, people who live or work in an area know when traffic snarls and what kind of informal detours to which commuters resort. The balance between the traffic engineer's view and the local citizen's view obviously varies from situation to situation, but typically, both views deserve to be heard. Where the issue involves

nothing more than common sense or practical experience, the expert brings nothing extra to the discussion.

It is also the case that oftentimes the witnesses who are called as experts are deemed to be experts less by reason of special training with the issue or familiarity with the impacted area, and more by reason of longevity and familiarity to the Board. An engineer or surveyor has no real expertise about the relationship between his or her client's project and the general health, safety, and welfare of the public, which is the ultimate issue that the factfinder must decide. It is not as though the typical expert witnesses have special academic credentials that matter or are current. Further, their motives are often financial, and they lack authentic appreciation (or even any actual concern) for the real impact that a proposal may have on the area. To be even more blunt, many of these experts say whatever a party needs them to say to create a record to justify a given project; they do not care in the slightest what happens to the community in question as a result of the project.[1] Such witnesses do not need to live with the consequences of their testimony. Their testimony is little more than some type of talismanic ritual. Many of the "experts" that are called before this Board are the same ones over and over again. Some of them seem to believe that they, counsel for the parties, and the Board are one big happy family. Their demeanor on the stand at times reflects a wholly inappropriate coziness. It is useful to be reminded that the Board is independent from applicants, protestants, witnesses, counsel for any party, and indeed, the County planning apparatus itself.

I also agree with the principle that the Master Plan, commercial revitalization districts (CRD), special development designations, and similar legislative dictates deserve vastly more weight than has come to be the practice over the past two decades. Too often those very important planning directives have been given, at best, passing attention. They are often referred to as being

[1] I want to make it abundantly clear that I am here expressing a general observation. This sentiment, however, does not apply to any expert called as a witness in this specific case.

"aspirational", a term that has now come to be a pejorative -- used when dismissing Master Plan concerns while adopting a disingenuous pose of high regard for the Master Plan. It is damnation by faint praise. More to the point, the legitimacy of the Master Plan and its many subparts and satellites is undermined by consigning them to some lofty region of unrealistic planning idealism. The Master Plan can then be safely and easily ignored. In that world, there is no reason to permit a well-conceived long-term county-wide design assembled by professional planners with substantial collaboration from the County Council to get in the way of a profitable deal. The practical result of this disregard for over-arching development principles, to cite just two examples, is the impending transformation of an officially identified rural village on a designated scenic byway into a truck stop in complete derogation of the Master Plan, and the use of faux expert testimony to justify rescuing a speculator's languishing commercial property by developing it into an isolated (and probably low income) apartment building bounded in part by limited access roadways and otherwise marooned in a commercial and industrial park which the County and the Master Plan had long promised would remain commercial and industrial.

So, having said all of the above, the question then becomes: how can one who holds those views dissent in this case? The Valvoline project is arguably inconsistent with the Master Plan's CRD designation. I have tried, and I think successfully, to convey the notion that the Master Plan deserves substantially more influence than it has been receiving. This is not to say, however, that the Master Plan is sacred or that it can ruff[2] common sense. The CRD is important, but similarly, it is not sacred, and it must also yield to common sense. And simply because one believes, as do I, that the Master Plan has been treated disrespectfully over the past fifteen to twenty years, does not require a reflexive

[2] In the game of Bridge, winning a trick with a trump card is referred to as a "ruff". It can also be used as a verb in the sense of "ruffing a trick".

decision in its favor as to an intersection that was long ago irreparably and irretrievably compromised. The Master Plan, though centrally important, is not mandatory.[3] To elevate the Master Plan over what the naked eye sees does not right the balance nor address historic Master Plan under-valuation. For the most part, development ought to occur where development has occurred. To insist on blind compliance with the Master Plan for the intersection of Loch Raven and Joppa is not simply shutting the barn door after the horse has left. It is the horse leaving, shutting the barn door, and then burning down the barn.

There was some argument that the Valvoline facility would exacerbate the already congested traffic situation. Even if one were to rely only on citizen opinion about traffic impact, it was difficult to see any change, whether great or modest, to an already dense traffic situation. I suspect that the citizen testimony on traffic was more out of frustration with the already congested traffic at that intersection and its environs and less on the extent to which Valvoline would contribute to that congestion. Of course, Valvoline will have customers. But the only calculation that matters is whether Valvoline would generate appreciably more traffic than did Howard Bank or some other future hypothetical business such that it would have an unpermitted adverse impact or constitute a detriment under BCZR § 502.1. On that score, I see no reason in logic nor basis in the record to

---

[3] The Baltimore County Charter recites that the Master Plan is ". . .to serve as a guide". Baltimore County Charter, § 523(a). The Baltimore County Code also indicates that the ". . . Master Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county and its environs. . ." Baltimore County Code, § 32-2-202(a). The case law has consistently held that master plans are not mandatory, often relying on the precise type of authorizing language contained in county charters and statutes that is found in the Baltimore County Charter and Code as quoted above. *See e.g. People's Counsel of Baltimore County v. Webster*, 69 Md. App. 694, 701-03 (1986). *Cf. People's Counsel of Baltimore County v. Beachwood Ltd. Partnership*, 107 Md. App. 627, 656-58 (1995) (Master Plans are "guides" and there is no requirement that comprehensive zoning maps or any amendments thereof conform to a jurisdiction's master plan.). If all of this were not enough, the Master Plan 2020 itself states in its Introduction at p. 1 that ". . .generally the policies and action stated in *Master Plan 2020* are not mandatory. . .". . .

attribute some Draconian traffic consequence, or even a more modest adverse impact, to Valvoline. *Montgomery County v. Butler*, *supra*, 417 Md. at 307.

To a great extent, the opposition citizen testimony was candidly oriented towards aesthetics, which, as with the other issues already discussed, I also endorse as a significant and important consideration in the Master Plan and in the ongoing development of areas in which to work and live. To the extent possible, there are any number of good and sound reasons why the spaces we utilize for working and living should be pleasing to, and supportive of, our overall human sensibilities. The value of aesthetics is embedded in the Master Plan and all CRDs. *See e.g. Master Plan 2020* at p. 99-102. The problem, however, is that aesthetics invariably has large subjective components. Mr. Moulder, speaking on behalf of the community, thought that the new Starbucks replacing the shopworn Bel-Loc Diner was a great improvement. Personally, I view Starbucks as a commercial ubiquity similar to McDonald's, bringing only familiarity in appearance but long past the time where it can be suggested that it adds any character or style. A refurbished Bel-Loc would have been wonderful as a "gateway" to the community.[4] I wish the community had insisted on that development alternative, or something similar, in lieu of welcoming Starbucks. To me, a Starbucks does not enhance the appearance in the slightest. This reasonable difference in view is why aesthetics, as important as it is, can be problematic. And while focused on Starbucks, one should not forget the incredible traffic it generates during the morning rush hour.

[4] The Protestants repeatedly referred to this intersection as a "gateway". It hearkened back to 1999 when the then Deputy Zoning Commissioner, with no opposition, not surprisingly granted a variance to permit First Mariner Bank to build the building that is now the vacant Howard Bank building. In that friendly litigation, the Deputy Zoning Commissioner referred to this intersection as the "gateway to the Loch Raven communities". *See* Findings of Fact and Conclusions of Law, Case No. 99-251-A, at p. 2. Any validity that those kind (and now rather nostalgic) words may have had in 1999 has surely dissipated in the intervening 20 years as development in that area has raged on unabated. Even more, I am confident that the now departed but iconic Bel-Loc was the defining feature that made the gateway a gateway.

It is my view that the Valvoline facility is better in appearance than anything already at that intersection or within close proximity of it. It certainly is no worse. Being newly built would make it an improvement over a number of its older neighbors. In short order, it would have become largely invisible even to its present opponents. That intersection is already composed of sketchy motels, a furniture store, automotive repair facilities, various shabby retail outlets, and, of course, a Starbucks.

CONCLUSION

A stable multi-State business enterprise is looking to invest millions to refurbish a vacant building at one of Baltimore County's busiest commercial intersections. To invoke the Master Plan to prevent this development is an empty gesture and has only the possible ironic effect of diminishing the Master Plan. It is my opinion that the applicant easily carried its burden of proof, without the assistance of any presumption, and established its entitlement to the special exception. Accordingly, I dissent.

April 23, 2020
Date

Joseph L. Evans

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 23, 2020

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

Peter M. Zimmerman, People's Counsel
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: In the Matter of: *M and S Limited Partnership – Legal Owner and Petitioner (fka Howard Bank)*
Case No.: 19-070-SPHX

Dear Counsel:

Enclosed please find a copy of the final Majority Opinion and Order, and Dissent, issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Multiple Original Cover Letters

c: See Distribution List Attached

M and S Limited Partnership
Dale Cassidy, President/Ridgely Manor Community Association
Susan C. Bacon, Treasurer/Ridgely Manor Community Association
Janice Krach, President/Knettishall Community Association, Inc.
Bryan Fischer/Towson Communities Alliance
Peter M. Moulder, Vice President/Associates of Loch Raven Village
C. Pete Gutwald, Director/Department of Planning
Paul M. Mayhew, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

IN THE MATTER OF M AND S LIMITED PARTNERSHIP LEGAL OWNERS AND PETITIONERS FOR SPECIAL HEARING AND SPECIAL EXCEPTION FOR THE PROPERTY LOCATED AT 1641 JOPPA ROAD (FORMERLY KNOWN AS HOWARD BANK) 9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	BEFORE THE
	*	BOARD OF APPEALS
	*	OF
	*	BALTIMORE COUNTY
	*	CASE NO.: 19-070-SPHX

* * * * * * * * * * * * *

MAJORITY OPINION

This matter comes before the Board of Appeals for Baltimore County (the "Board") as an appeal from Administrative Law Judge's November 15, 2018 decision which granted a Petition for Special Hearing, pursuant to Baltimore County Zoning Regulations (BCZR) §500.7 to approve an amendment to a site plan previously approved in Case 99-251-A, and granted a Petition for Special Exception, pursuant to BCZR §230.3, to permit an automotive service garage in a Business Local (BL) zone for a property located at 1641 East Joppa Road. The subject property is a half (0.5) acre parcel at the southwest corner of East Joppa Road and Loch Raven Boulevard. It was most recently operating as a First Mariner Bank until it was acquired by Howard Bank on February 28, 2018. The building was idle until Petitioner/Appellee[1] acquired the property. Petitioner proposes to raze the building to construct and operate a Valvoline Instant Oil Change facility.

The Board conducted a *de novo* hearing over the course of three days, March 5, April 2 and June 27, 2019, and deliberated this matter on August 27, 2019. Petitioner (hereinafter referred to as "Valvoline") was represented by Dino C. La Fiandra, Esquire. Peter Max Zimmerman, People's Counsel for Baltimore County, participated in the hearing. Michael R. McCann, Esquire represented Protestants, the Ridgely Manor Community Association, Knettishall Community

[1] The Petitions were originally filed by Mid-Atlantic Lubes, LLC, as Contract Purchaser, and Howard Bank as Legal Owner. This property has since been acquired by M and S Limited Partnership (Pet. Ex. 17.)

Association, Inc., Towson Communities Alliance, Associates of Loch Raven Village, and Peter M. Moulder, individually (collectively referred to as "Protestants"), throughout the hearing.

BACKGROUND

There is a long and varied history relating to the issues in this case. On November 16, 1998, the County Council of Baltimore County designated the official Loch Raven Commercial Revitalization District of Baltimore County pursuant to the recognition of revitalization districts in the Baltimore County Master Plan 1989-2000. Geographic boundaries were set forth. (People's Counsel's Exhibit 4).

On January 25, 1999, the Baltimore County Department of Planning issued inter-office correspondence recommending approval of the variance request of 1641 Joppa Road for the First Mariner Bank with the condition that final building elevations and a final landscape plan be submitted to their office for review and approval. (Protestant's Exhibit 2.) Also on January 25, 1999, the Loch Raven Community Council, Inc. (representing seventeen (17) community associations and three (3) service organizations in the Greater Loch Raven area) issued a letter to the Baltimore County Zoning Commissioner in "enthusiastic support" of the proposed development of a First Mariner Bank at the site of the subject property on the southwest corner of East Joppa Road and Loch Raven Boulevard. The letter noted the site "serves as a gateway into the Loch Raven community". (People's Counsel's Exhibit 6).

On February 9, 1999, a Petition for Variance for 1641 E. Joppa Road (Case No. 99-251-A) was granted to approve setbacks (front yard and side yard), permit a drive-through lane, and approve a modified parking plan. The petition was filed by the Estate of Sol Goldman, the current owner, and First Mariner Bank, the purchaser of the property. (People's Counsel's Exhibits 5 & 8).

On November 1, 2004, the County Council of Baltimore County expanded the Loch Raven

Commercial Revitalization District, and noted the Commercial Revitalization Districts (CRD) provide incentives to property owners and businesses in the Districts to improve the exterior of existing buildings and to develop and redevelop underused properties.

On May 15, 2006, the County Council of Baltimore County expanded the boundaries of the Loch Raven Commercial Revitalization District to include part of the commercial area along Joppa Road that was not included in the original CRD designations.

On February 19, 2013, County Council of Baltimore County revised the boundaries of the Loch Raven CRD. The resolution stated:

> "the County's commercial revitalization districts and their surrounding communities are inseparably linked, with the districts providing a range of retail, service, and entertainment uses for the local community, as well as establishing the overall image of a community; and
> WHEREAS, the County's Commercial Revitalization Program was transferred to the Department of Planning in May, 2011 to more holistically address the issues of community development and neighborhood improvement; and
> WHEREAS, to effectively reposition the County's older downtowns and to target resources more efficiently, the Department re-evaluated some of the revitalization districts in terms of their zoning classification, mix of uses, ownership, need for building improvements, projects completed and potential for reinvestment; and
> WHEREAS, as a result of this evaluation, the geographic boundaries of the existing Loch Raven Commercial Revitalization District are proposed for change in order to highlight the unique characteristics and identities of three separate communities that comprise the District, namely, the Loch Raven – Baynesville area, the Loch Raven – Satyr Hill area, and the Loch Raven- Hillendale area; and
> WHEREAS, it is the further intention to require that a nonresidential development plan for a proposed development located in either the Loch Raven – Baynesville area or the Loch Raven - Hillendale area of the District be subject to review by the Baltimore County Design Review Panel..."

On April 18, 2016, the County Council of Baltimore County expanded the Loch Raven Commercial Revitalization District to add a contiguous property.

On February 28, 2018, Howard Bank closed on its acquisition of First Mariner Bank. At some point thereafter, Howard Bank elected to close its branch on the subject property.

After sitting idle for over one year, Valvoline conditionally acquired the property and

proposes to construct and operate a Valvoline Instant Oil Change facility.

On August 31, 2018, a Petition for Zoning Hearing for the property located at 1641 Joppa Road was filed requesting a Special Hearing under Section 500.7 of the BCZR to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved zoning site plan in case number 99-251-A, and a Special Exception to use the herein described property for a service garage pursuant to BCZR §230.3.

On October 30, 2018, the Design Review Panel (DRP) held a meeting and made recommendations based on that meeting.

On November 5, 2018, the site plan was revised per DRP recommendations.

On November 5, 2018, the Administrative Law Judge (ALJ) held a hearing.

On November 8, 2018, the Department of Planning issued a memorandum approving the DRP#606 for the property located at 1641 East Joppa Road, with conditions.

On November 15, 2018, ALJ's Opinion and Order was issued wherein the requested Special Hearing to approve an amendment to a site plan previously approved in Case 99-251-A, and the requested Petition for Special Exception, pursuant to BCZR §230.3, to permit an automotive service garage in a Business Local (BL) zone were granted with conditions.

On November 21, 2018, the Department of Permits, Approval and Inspections (PAI) issued a letter advising the recommendation for the DRP was accepted and approved for DRP#606, 1641 East Joppa Road, Valvoline Oil project.

On December 13, 2018, a timely appeal was filed by Protestants to this Board.

The Board conducted a *de novo* hearing over three (3) days.

Testimony was received from Petitioner's expert Joshua Sharon, who was accepted as an expert in the fields of civil engineering, zoning and development in Baltimore County. Mr. Sharon

testified the Redlined Site Plan provided by Petitioner meets the definition of a service garage under the Baltimore County Zoning Regulations.

Randolph Kazazian, Valvoline's Vice President of Real Estate, testified regarding the company's operations, other facilities, environmental features, and estimated the current location would serve approximately sixty (60) to eighty (80) vehicles per day with a capacity to service sixteen (16) vehicles per hour in the four (4) bays.

An expert in traffic engineering and transportation planning, Kenneth W. Schmid, testified the signalized intersection at Loch Raven Boulevard and East Joppa Road is rated a "D" Level of Service, which is an acceptable Level of Service to permit the redevelopment of the subject property. Mr. Schmid indicated that the State Highway Administration looked favorably on one of the curb cuts on Loch Raven Boulevard. The estimated trip generation is approximately one hundred sixty (160) average daily trips and that cars traveling north on Loch Raven Boulevard would make a "protected" U-turn at the intersection of Joppa Road, which is a legal maneuver to gain access to the property via the southbound lanes of Loch Raven Boulevard.

Protestants presented testimony from Peter Moulder, representative of Associates of Loch Raven Village, and Paul Hartman, representative of Towson Communities Alliance, regarding their concerns with the over-saturation of the area with businesses providing automotive services. They also argued that the proposed use is not in line with the Loch Raven-Baynesville Commercial Revitalization District which calls for a diversity of uses and adding another auto-related business does not further the goals of the CRD.

People's Counsel presented Jason Bulkeley, the owner of a nearby restaurant, who objected to another auto-related business in the area.

A local resident, John Fiastro, Jr., testified that he supported the Valvoline project.

DISCUSSION

The Petition for Special Hearing was requested pursuant to § 500.7 of the BCZR to approve an amendment to a site plan previously approved in Case 99-251-A. Section 500.7 provides as follows:

> **§ 500.7. - Petitions for public hearing; notice.**
>
> The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided.

The granting of the Special Hearing in this case is contingent upon the Board's finding as to the Petitioner's request for a Special Exception. The threshold issue in this matter is whether there was sufficient evidence to deny the Special Exception. 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. *Schultz v. Pritts*, 291 Md. 1 (1981) and *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017). In the view of the majority of the Board, the evidence submitted fails to satisfy the § 502.1 requirements, which read as follows:

> **§ 502.1. - Conditions determining granting of special exception.**
>
> Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:
>
> A. Be detrimental to the health, safety or general welfare of the locality involved;
> B. Tend to create congestion in roads, streets or alleys therein;
> C. Create a potential hazard from fire, panic or other danger;
> D. Tend to overcrowd land and cause undue concentration of population;
> E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
> F. Interfere with adequate light and air;
> G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C. 2, R.C. 4, R.C. 5 or R.C. 7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.

In particular, the adverse impacts on the general welfare of the locality involved (502.1(A)) and the tendency to create congestion in roads and streets (502.1(B)) overcome the presumption that a Special Exception is in the general interest of the jurisdiction and therefore valid. The Protestants' concerns taken from the available evidence rebut the presumption of validity of the Special Exception in the current matter. This Board provided special consideration to each proposal and found the special exception requested is detrimental to the health, safety, or general welfare of the public and will tend to cause traffic congestion.

BCZR §502.1(A)

Section 32-4-102(a)(1) of the Baltimore County Code (BCC) indicates that conformity with the Master Plan is required and "[s]ubject to the limitations in the Charter and this Code, all development of land shall conform to The Master Plan". The Master Plan lays out the policy groundwork for achieving long-term success in Baltimore County. The policy regarding the Commercial Revitalization Districts (CRD) is to "[r]etain and attract quality retail, office, service, residential, entertainment, and institutional uses that create well balanced and economically vital mixed-use." It notes:

> [t]o remain viable, the CRDs must differentiate themselves by capitalizing upon their downtown development patterns, strengthening the existing base for small businesses, and attracting new and different uses. Each district is unique with its own set of attributes and liabilities and revitalizations efforts must be tailored to address these differences... Attaining a sufficient and balanced mix of quality uses is an important goal that should be accompanied with creating a safe, attractive, and walkable environment. (Protestants' Exhibit 4 - page 139)

It is clear from the legislative history that the County Council has continued to expand the

Loch Raven Commercial Revitalization District. As such, the CRD should be taken into account when considering the health, safety or general welfare analysis of the specific community. Although the goal is to develop and redevelop underused properties, it is clear the current project is inconsistent with the CRD due to the inordinate number of automotive service businesses providing oil changes within a quarter (¼) mile of the subject property. In addition to the lack of diversity, the addition of Valvoline to the Loch Raven community would increase traffic and would jeopardize the neighborhood's safety and walkability. Although some argue that the CRD has not been complied with in the past, it does not negate the fact that the CRD should be considered in a special exemption analysis. The failure to comply with the CRD is a contributing factor to the denial in the current case.

BCZR §502.1(B)

According to the Basic Services Map Transportation Zones, the subject intersection of Loch Raven Boulevard and Joppa Road had an F level-of-service for traffic in 2016, D in 2017 and D in 2018. (Petitioner's Exhibit 13). In Baltimore County, the level-of-service can regulate the issuance of building permits for non-industrial development in urban areas determined to have a significant influence on a particular intersection. Level-of-Service D intersections do not control issuance of building permits, but these areas are identified on the Basic Services Maps Transportation Zones to identify the deficient intersections. The purpose of identifying D intersections is to provide notice to the public that the intersection has the potential of going to an E or F. Areas around a level-of-service F intersection would have a moratorium on building permits for non-industrial development, with some very limited exceptions. Identifying these intersections also allows the County an opportunity to work toward correcting them and lessen congestion *before* it becomes a serious problem (emphasis added). (Protestants' Exhibit 9).

The Board heard testimony from Petitioner's witnesses that they anticipate sixty (60) to eighty (80) vehicles per day (but will have the capability to service one-hundred sixty (160) per day). The location is ideal to receive customers from Interstate 695 (a very busy beltway), but a U-turn will be necessary for customers to enter the property if they are northbound on Loch Raven Boulevard. The negative impact of additional traffic (including additional U-turn traffic) for the intersection as well as resulting health and safety concerns warrants a denial of the requested relief in this case.

DECISION

This Board finds the facts and circumstances showing the adverse impacts of the use at the particular location in question would be beyond those inherently associated with the Special Exception use. The Petitioner did not persuade the Board by a preponderance of the evidence that the special exception will conform to all applicable requirements. *Attar v. DMS Tollgate, LLC*, at 285-6.

ORDER

THEREFORE, IT IS THIS 23rd day of April, 2020, by the Board of Appeals of Baltimore County,

ORDERED that Petitioner's request for Special Hearing to approve an amendment to a site plan previously approved in 99-251-A is hereby DENIED; and it is further

ORDERED that Petitioner's request for Special Exception to permit an automotive service garage in a BL zone is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Kendra Randall Jolivet /kc
Kendra Randall Jolivet

William A. McComas

IN THE MATTER OF M AND S LIMITED PARTNERSHIP LEGAL OWNERS AND PETITIONERS FOR SPECIAL HEARING AND SPECIAL EXCEPTION FOR THE PROPERTY LOCATED AT 1641 JOPPA ROAD (FORMERLY KNOWN AS HOWARD BANK) 9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	BEFORE THE
	*	BOARD OF APPEALS
	*	OF
	*	BALTIMORE COUNTY
	*	CASE NO.: 19-070-SPHX

* * * * * * * * * * * * *

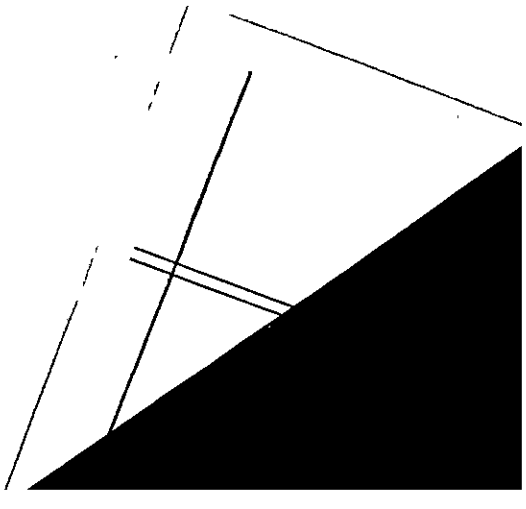
DISSENT

This matter relates to an application for a special exception to replace a vacant Howard Bank building on the southwest corner of Joppa Road and Loch Raven Boulevard with a Valvoline automobile lubrication outlet. The matter was first heard by an Administrative Law Judge who ruled in favor of Valvoline. This *de novo* appeal followed.

I must say that I find it peculiar to be a writing a dissent where I agree with the prevailing party on 99% of the operative principles. It is the application of those principles to these circumstances where we part company. For example, I whole-heartedly adopt the section in People's Counsel post-hearing Memorandum as to the nature and operation of the so-called "presumption" in favor of special exceptions. Beyond the recognition that special exception **uses** have been legislatively pre-determined to be proper, under certain circumstances, within the zoning classification in question – and hence are distinct from variances which involve uses not legislatively pre-approved – there is absolutely nothing that eases the burden of persuasion as to the criteria in BCZR § 502, *et seq.* It is the applicant's obligation to present convincing evidence as to each aspect of the BCZR special exception requirements and to establish by a preponderance of the evidence that the special exception use is warranted in that particular location. There is no burden shifting to the protestants. Everyone knows and agrees that if the applicant filed its petition, showed that the sought-after use was permitted by special exception, and then rested, the applicant would lose because the

applicant had failed to prove that the statutory criteria had been met. If there were some sort of meaningful evidentiary "presumption" in favor of the special exception, then the special exception would be granted based on that minimalist showing unless the protestants could affirmatively demonstrate that the BCZR criteria were **not** satisfied. The so-called presumption means only that the petitioner does not need to show that the special exception will benefit the area. Nonetheless, the applicant is still required to show that the proposed use will not be detrimental. *See generally Montgomery County v. Butler Landscape Design*, 417 Md. 271, 301-08 (2010). Judge Murphy's concurrence in *People's Counsel vs. Loyola College*, 406 Md. 107 (2008) (Murphy, J., concurring) is the most succinct explanation of how the Baltimore County special exception process fits into the law's fairly grand jurisprudence regarding presumptions. *Id.* at p. 109.

Though not a legal conclusion necessary to the decision in this matter, I also whole-heartedly agree with the sentiment in People's Counsel's Memorandum regarding the deference and respect that local residents and community groups deserve, but too often do not receive, when the impact of proposed special exceptions on their communities is being assessed. The most common method of discounting community views is through the use of self-styled "expert" testimony. Expert testimony is and can be quite useful. At the same time, in certain respects, the day-to-day experience of people who live in an area can be just as probative and should receive the same kind of official recognition that outside "experts" receive solely by reason of their designation. Sometimes expert testimony is needed on particular issues. Traffic engineering is an example of a discipline that often requires specialized training coupled with collection and analysis of data. On the other hand, people who live or work in an area know when traffic snarls and what kind of informal detours to which commuters resort. The balance between the traffic engineer's view and the local citizen's view obviously varies from situation to situation, but typically, both views deserve to be heard. Where the issue involves



nothing more than common sense or practical experience, the expert brings nothing extra to the discussion.

It is also the case that oftentimes the witnesses who are called as experts are deemed to be experts less by reason of special training with the issue or familiarity with the impacted area, and more by reason of longevity and familiarity to the Board. An engineer or surveyor has no real expertise about the relationship between his or her client's project and the general health, safety, and welfare of the public, which is the ultimate issue that the factfinder must decide. It is not as though the typical expert witnesses have special academic credentials that matter or are current. Further, their motives are often financial, and they lack authentic appreciation (or even any actual concern) for the real impact that a proposal may have on the area. To be even more blunt, many of these experts say whatever a party needs them to say to create a record to justify a given project; they do not care in the slightest what happens to the community in question as a result of the project.[1] Such witnesses do not need to live with the consequences of their testimony. Their testimony is little more than some type of talismanic ritual. Many of the "experts" that are called before this Board are the same ones over and over again. Some of them seem to believe that they, counsel for the parties, and the Board are one big happy family. Their demeanor on the stand at times reflects a wholly inappropriate coziness. It is useful to be reminded that the Board is independent from applicants, protestants, witnesses, counsel for any party, and indeed, the County planning apparatus itself.

I also agree with the principle that the Master Plan, commercial revitalization districts (CRD), special development designations, and similar legislative dictates deserve vastly more weight than has come to be the practice over the past two decades. Too often those very important planning directives have been given, at best, passing attention. They are often referred to as being

[1] I want to make it abundantly clear that I am here expressing a general observation. This sentiment, however, does not apply to any expert called as a witness in this specific case.

"aspirational", a term that has now come to be a pejorative -- used when dismissing Master Plan concerns while adopting a disingenuous pose of high regard for the Master Plan. It is damnation by faint praise. More to the point, the legitimacy of the Master Plan and its many subparts and satellites is undermined by consigning them to some lofty region of unrealistic planning idealism. The Master Plan can then be safely and easily ignored. In that world, there is no reason to permit a well-conceived long-term county-wide design assembled by professional planners with substantial collaboration from the County Council to get in the way of a profitable deal. The practical result of this disregard for over-arching development principles, to cite just two examples, is the impending transformation of an officially identified rural village on a designated scenic byway into a truck stop in complete derogation of the Master Plan, and the use of faux expert testimony to justify rescuing a speculator's languishing commercial property by developing it into an isolated (and probably low income) apartment building bounded in part by limited access roadways and otherwise marooned in a commercial and industrial park which the County and the Master Plan had long promised would remain commercial and industrial.

So, having said all of the above, the question then becomes: how can one who holds those views dissent in this case? The Valvoline project is arguably inconsistent with the Master Plan's CRD designation. I have tried, and I think successfully, to convey the notion that the Master Plan deserves substantially more influence than it has been receiving. This is not to say, however, that the Master Plan is sacred or that it can ruff[2] common sense. The CRD is important, but similarly, it is not sacred, and it must also yield to common sense. And simply because one believes, as do I, that the Master Plan has been treated disrespectfully over the past fifteen to twenty years, does not require a reflexive

[2] In the game of Bridge, winning a trick with a trump card is referred to as a "ruff". It can also be used as a verb in the sense of "ruffing a trick".

decision in its favor as to an intersection that was long ago irreparably and irretrievably compromised. The Master Plan, though centrally important, is not mandatory.[3] To elevate the Master Plan over what the naked eye sees does not right the balance nor address historic Master Plan under-valuation. For the most part, development ought to occur where development has occurred. To insist on blind compliance with the Master Plan for the intersection of Loch Raven and Joppa is not simply shutting the barn door after the horse has left. It is the horse leaving, shutting the barn door, and then burning down the barn.

There was some argument that the Valvoline facility would exacerbate the already congested traffic situation. Even if one were to rely only on citizen opinion about traffic impact, it was difficult to see any change, whether great or modest, to an already dense traffic situation. I suspect that the citizen testimony on traffic was more out of frustration with the already congested traffic at that intersection and its environs and less on the extent to which Valvoline would contribute to that congestion. Of course, Valvoline will have customers. But the only calculation that matters is whether Valvoline would generate appreciably more traffic than did Howard Bank or some other future hypothetical business such that it would have an unpermitted adverse impact or constitute a detriment under BCZR § 502.1. On that score, I see no reason in logic nor basis in the record to

---

[3] The Baltimore County Charter recites that the Master Plan is ". . .to serve as a guide". Baltimore County Charter, § 523(a). The Baltimore County Code also indicates that the ". . . Master Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county and its environs. . ." Baltimore County Code, § 32-2-202(a). The case law has consistently held that master plans are not mandatory, often relying on the precise type of authorizing language contained in county charters and statutes that is found in the Baltimore County Charter and Code as quoted above. *See e.g. People's Counsel of Baltimore County v. Webster*, 69 Md. App. 694, 701-03 (1986). *Cf. People's Counsel of Baltimore County v. Beachwood Ltd. Partnership*, 107 Md. App. 627, 656-58 (1995) (Master Plans are "guides" and there is no requirement that comprehensive zoning maps or any amendments thereof conform to a jurisdiction's master plan.). If all of this were not enough, the Master Plan 2020 itself states in its Introduction at p. 1 that ". . .generally the policies and action stated in *Master Plan 2020* are not mandatory. . .".

attribute some Draconian traffic consequence, or even a more modest adverse impact, to Valvoline. *Montgomery County v. Butler, supra*, 417 Md. at 307.

To a great extent, the opposition citizen testimony was candidly oriented towards aesthetics, which, as with the other issues already discussed, I also endorse as a significant and important consideration in the Master Plan and in the ongoing development of areas in which to work and live. To the extent possible, there are any number of good and sound reasons why the spaces we utilize for working and living should be pleasing to, and supportive of, our overall human sensibilities. The value of aesthetics is embedded in the Master Plan and all CRDs. *See e.g. Master Plan 2020* at p. 99-102. The problem, however, is that aesthetics invariably has large subjective components. Mr. Moulder, speaking on behalf of the community, thought that the new Starbucks replacing the shopworn Bel-Loc Diner was a great improvement. Personally, I view Starbucks as a commercial ubiquity similar to McDonald's, bringing only familiarity in appearance but long past the time where it can be suggested that it adds any character or style. A refurbished Bel-Loc would have been wonderful as a "gateway" to the community.[4] I wish the community had insisted on that development alternative, or something similar, in lieu of welcoming Starbucks. To me, a Starbucks does not enhance the appearance in the slightest. This reasonable difference in view is why aesthetics, as important as it is, can be problematic. And while focused on Starbucks, one should not forget the incredible traffic it generates during the morning rush hour.

[4] The Protestants repeatedly referred to this intersection as a "gateway". It hearkened back to 1999 when the then Deputy Zoning Commissioner, with no opposition, not surprisingly granted a variance to permit First Mariner Bank to build the building that is now the vacant Howard Bank building. In that friendly litigation, the Deputy Zoning Commissioner referred to this intersection as the "gateway to the Loch Raven communities". *See* Findings of Fact and Conclusions of Law, Case No. 99-251-A, at p. 2. Any validity that those kind (and now rather nostalgic) words may have had in 1999 has surely dissipated in the intervening 20 years as development in that area has raged on unabated. Even more, I am confident that the now departed but iconic Bel-Loc was the defining feature that made the gateway a gateway.

It is my view that the Valvoline facility is better in appearance than anything already at that intersection or within close proximity of it. It certainly is no worse. Being newly built would make it an improvement over a number of its older neighbors. In short order, it would have become largely invisible even to its present opponents. That intersection is already composed of sketchy motels, a furniture store, automotive repair facilities, various shabby retail outlets, and, of course, a Starbucks.

CONCLUSION

A stable multi-State business enterprise is looking to invest millions to refurbish a vacant building at one of Baltimore County's busiest commercial intersections. To invoke the Master Plan to prevent this development is an empty gesture and has only the possible ironic effect of diminishing the Master Plan. It is my opinion that the applicant easily carried its burden of proof, without the assistance of any presumption, and established its entitlement to the special exception. Accordingly, I dissent.

April 23, 2020
Date

Joseph D. Evans

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 15, 2020

Dino La Fiandra, Esquire
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

Re: In the matter of: Howard Bank, et al.
Case No: 19-070-SPHX

Dear Mr. La Fiandra,

The enclosed material, namely, a letter from you, was received by this office on April 15, 2020, and is herewith returned to you.

As you know, the Board concluded the hearing in the subject matter on August 9, 2019, with the receipt of closing memoranda from the parties to this case, at which time the record was closed. Public Deliberation was held on August 27, 2019.

Accordingly, no further documentation can be submitted at this time, and I am returning to you the enclosed letter, which cannot be placed in the subject file nor become a part of the record in this matter.

Very truly yours,

Sunny Cannington

Krysundra Cannington
Administrator

Enclosure

cc without enclosure:
Michael R. McCann, Esquire
Peter M. Zimmerman, Esquire
People's Counsel for Baltimore County

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Howard Bank, Legal Owner 19-070-SPHX
Mid-Atlantic Lubes, Contract Purchaser

DATE: August 27, 2019

BOARD/PANEL: Joseph L. Evans, Panel Chairman
Kendra Randall Jolivet
William A. McComas

RECORDED BY: Sunny Cannington/Administrator

PURPOSE: To deliberate the following:

1. Petition for Special Hearing to approve an amendment to a site plan previously approved in 99-251-A; and
2. Petition for Special Exception to permit an automotive service garage in a BL zone.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- The Board discussed that the subject property is the site of a vacant building previously occupied by Howard Bank. The Petitioner proposes to raze the vacant building and build a Valvoline Instant Oil Change. The property is zoned BL (Business, Light) where a service station is allowed by Special Exception.
- The Board debated the impact of the commercial revitalization district (CRD) on the subject property. One Board member determined that the CRD and Master Plan have been ignored in this area for so long that to apply them now would make no difference. That member determined that the highly commercialized area can't become less intense. The majority determined it is never too late to apply the CRD.
- The Board specifically discussed the traffic section of 502.1. The majority determined that traffic at the subject intersection is already an issue. By adding another automotive service station to the intersection (there is one across the street) the majority determined that traffic would be worse. Therefore, the majority decided to deny the special hearing and special exception relief requested. One member is dissenting.

CONCLUSION: After thorough review of the evidence and testimony in this matter, the majority of the Board determined that the special hearing and special exception relief will be DENIED. One member is dissenting.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

Sunny Cannington

Sunny Cannington

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 3, 2019

NOTICE OF DELIBERATION

IN THE MATTER OF: Howard Bank – Legal Owner
Mid-Atlantic Lubes, LLC – Contract Purchaser
19-070-SPHX 1641 Joppa Road
9th Election District; 5th Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 to approve an amendment to the previously approved zoning site plan in Case No. 99-251-A; and

Petition for Special Exception pursuant to BCZR Section 230.3 to permit a service garage in a BL zone.

11/15/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing and the Petition for Special Exception was GRANTED, subject to conditions.

This matter having been heard March 5, April 2 and concluded on June 27, 2019, a public deliberation has been scheduled for the following:

DATE AND TIME: **AUGUST 27, 2019 AT 9:00 A.M.**

LOCATION: Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: Closing briefs are due on **August 9, 2019 no later than 3:00 p.m.**
(Original and three [3] copies)

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c.	Counsel for Petitioners	: Dino C. La Fiandra, Esquire
	Legal Owner	: Howard Bank
	Contract Purchaser	: Mid-Atlantic Lubes, LLC
	Counsel for Protestants/Appellants	: Michael R. McCann, Esquire
	Protestants/Appellants	: Ridgely Manor Community Association, Dale Cassidy, President; Ridgely Manor Community Association, Susan C. Bacon, Treasurer; Knettishall Community Association, Inc., Janice Krach, President; Towson Communities Alliance, Bryan Fischer; Associates of Loch Raven Village, Peter Moulder, Vice President
	People's Counsel for Baltimore County	: Peter M. Zimmerman, Esquire

C. Pete Gutwald, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Michael E. Field, County Attorney
Nancy C. West, Assistant County Attorney

In the Matter of:	)	**BEFORE THE**
	)	
M and S Limited Partnership, Legal Owner	)	**BOARD OF APPEALS**
(Formerly, Howard Bank, Legal Owner)	)	
1641 Joppa Road	)	**OF**
Petitioner / Appellee	)	
	)	**BALTIMORE COUNTY**
Petition for Special Hearing	)	
Petition for Special Exception	)	**Case No.: 19-070-SPHX**
	)	
5th Councilmanic District	)	
9th Election District	)	
	)	

RECEIVED
AUG 09 2019
BALTIMORE COUNTY
BOARD OF APPEALS

Petitioner's Brief in Lieu of Closing Argument

M and S Limited Partnership, by and through its undersigned counsel, submits this Brief in Lieu of Closing Argument, and states:

Statement of the Case

This appeal originated as Petitions for Special Exception and Special Hearing (collectively, the "Zoning Petitions") before the Baltimore County Office of Administrative Hearings.[1] The Zoning Petitions seek a special exception under BCZR § 230.3 to permit a service garage in a BL zone and a special hearing pursuant to BCZR § 500.7 to approve an amendment to the previously approved zoning site plan in Case No. 99-251-A.[2] The property that is the subject of the Zoning Petitions is 1641 East

[1] The Petitions were originally filed by Mid-Atlantic Lubes, LLC as Contract Purchaser, and Howard Bank as Legal Owner. While this case was pending before the Board of Appeals, the Property was acquired by M and S Limited Partnership, an entity affiliated with Mid-Atlantic Lubes, LLC. *See*, Petitioner's Exhibit 17 (Deed from Howard Bank to M and S Limited Partnership dated May 24, 2019 and recorded among the land records of Baltimore County at Liber 41517, folio 360). Prior to the conclusion of the hearing on June 27, 2019, Mid-Atlantic Lubes, LLC submitted an Amended Petition for Zoning Hearing identifying M and S Limited Partnership as the Legal Owner of the Property. *See*, Petitioner's Exhibit 16 (Amended Zoning Petition). While M and S Limited Partnership is the Legal Owner of the Property, as explained at the hearing, Mid-Atlantic Lubes, LLC will operate the proposed Valvoline Instant Oil Change. Mid-Atlantic Lubes, LLC and M and S Limited Partnership are affiliated entities and collectively referred to herein as "Valvoline" or "Petitioner".

[2] As noted by the Administrative Law Judge in his decision dated November 15, 2019 in this matter, the Petition for Special Hearing does not seek substantive zoning relief, like a variance or a special exception. Instead, it is a "housekeeping matter" included with the Petition for Special Exception at the behest of the Zoning Review Office,

Joppa Road (the "Property"), the site of a former First Mariner Bank branch office at the southwest corner of East Joppa Road and Loch Raven Boulevard which now sits vacant.

The ALJ conducted a hearing on the Zoning Petitions on November 5, 2018 and granted the Zoning Petitions by order dated November 15, 2018. Loch Raven Village, Knettishall Community Association, Ridgeleigh Manor Community Association, Towson Communities Alliance, and Peter Moulder appealed to the Board of Appeals. The Board heard the case over 3 days on March 5, April 2, and June 27, 2019. People's Counsel for Baltimore County participated in the hearing before the Board. At the close of all the evidence, the Board invited the parties to submit briefs in lieu of making a closing argument.

Facts

The Property is 20,082 square feet in size and located at the southwest corner of East Joppa Road and Loch Raven Boulevard. It is currently improved with a two-story commercial building formerly used as a First Mariner Bank branch office. On February 28, 2018, First Mariner Bank was acquired by Howard Bank. As a result of this acquisition, this bank branch was closed and the Property has sat idle for over a year since early 2018. Valvoline has now acquired the Property and proposes to construct and operate a Valvoline Instant Oil Change ("VIOC") facility. The existing conditions on the Property are shown on Petitioner's Exhibit 3, which shows the existing but vacant two-story First Mariner Bank branch building, which is served by a total of three curb cuts (two curb cuts on Loch Raven Boulevard and one curb cut on East Joppa Road), 15 parking spaces, two drive-through lanes, and extensive impervious area. The Property is located entirely within the BL zone.

---

which prefers for record-keeping purposes to have an updated site plan for all new projects along with a reference to any previous zoning cases being amended or modified by the current case.

The proposed improvements to the Property are shown on Petitioner's Exhibit 6, the redlined "Plan to Accompany Special Exception Request" (the "Redlined Site Plan")[3]. Joshua Sharon, Petitioner's civil engineer, was accepted by the Board as an expert in the fields of civil engineering, zoning and development in Baltimore County. Mr. Sharon described the Redlined Site Plan. As noted on the Redlined Site Plan under the heading "Zoning History", the property has a long history of serving automotive related uses for nearly 6 decades prior to the time it was operated as a bank branch with multiple drive through lanes. The Property received variances in 1999 for the First Mariner Bank building, as described on the Redlined Site Plan.

The Property is located in the Loch Raven – Baynesville Commercial Revitalization District, the primary consequence of which is that the project was required to be reviewed by the Baltimore County Design Review Panel ("DRP"). The DRP reviewed the project at a public hearing on October 10, 2018. At the hearing, the DRP made various recommendations for changes to the site plan, all of which have been implemented in their entirety by Valvoline on the Redlined Site Plan. The DRP issued its approval on November 8, 2018. The DRP's approval was adopted by the Director of Permits, Approvals and Inspections on November 21, 2018. *See*, Petitioner's Exhibit 5.[4]

---

[3] Petitioner's Exhibit 6, the Redlined Site Plan, is the plan that was presented to the Administrative Law Judge on November 5, 2018 and approved by him on November 15, 2018. The redlines on this plan reflect the recommendations of the Baltimore County Design Review Panel ("DRP"), which are fully implemented on the plan. Because the Property is located in the Loch Raven – Baynesville Commercial Revitalization District, Valvoline was required to present its plan to the DRP, which it did on October 10, 2018. The DRP made recommendations for a few minor changes to the plan at the public DRP meeting. Valvoline then added these recommended changes to the zoning site plan in advance of the ALJ hearing on November 5, 2018. These changes were reflected on the Redlined Site Plan, which was presented to the ALJ at the hearing on November 5, 2018.

[4] Protestants made the argument at the hearing before the Board that the term of some members of the DRP had expired prior to the DRP's consideration of this project, and for that reason the matter should be remanded to the DRP for further consideration. The Board did not allow every much argument on this point, ruling that the information presented on Protestant's Exhibit 7, showing that the terms of some members had expired, was too out-of-date to be reliable. It should be noted that in his letter adopting the recommendations of the DRP, the Director of Permits, Approvals and Inspections indicated that any appeal of the DRP action must be taken within 30 days following the date of his letter adopting the DRP's recommendation. See, Petitioner's Exhibit 5, "Be further advised, an appeal to this decision must be made within thirty (30) days of the date of this Letter." If the Protestants persist with this argument in their Brief in Lieu of Closing Argument, the Board should find that Protestants have waived this argument, having failed to note an appeal to the Director's letter of November 21,

The Redlined Site Plan shows that the Petitioner proposes to raze the existing bank building and construct on the Property a 4-bay VOIC facility. The building will contain one story plus a basement, totaling 5,070 square feet. As shown on the Redlined Site Plan, the building will be oriented with the front door facing East Joppa Road. There will be 9 parking spaces provided at the rear of the building. Mr. Sharon testified within the scope of his expertise that the proposed VOIC facility as shown on the Redlined Site Plan meets the definition of "service garage" under the BCZR, and as such, requires a special exception.[5] Mr. Sharon further testified that the proposed VIOC facility complies with all bulk and area regulations of the BL zone including the required setbacks and building height limitations.[6] Mr. Sharon stated that the nine parking spaces provided meet the requirements of the parking regulations of the BCZR. Mr. Sharon indicated that once developed with the VOIC facility, the site will have 2,490 square feet *less* impervious area compared to the existing bank building, due to the reduction in the number of parking spaces as well as the removal of the extensive pavement required for the existing multiple curb cuts onto Loch Raven Boulevard and the drive-through lanes required for the bank drive-through. Prominently located at the intersection of Loch Raven Boulevard and East Joppa Road, the new VIOC facility will have extensive landscaping. Mr. Sharon noted that there are no variances, waivers, or modifications of standards from any Baltimore County regulations required for the development as

---

2019. Furthermore, as with other county agencies, the DRP members will continue to serve until their successors are appointed.

[5] "Garage, Service" is as a "garage, other than a residential garage, where motor driven vehicles are stored, equipped for operation, repaired, or kept for remuneration, hire, or sale." BCZR §101. Pursuant to BCZR, § 230.3, a special exception is required for a service garage in the BL zone.

[6] Protestants and People's Counsel may argue that the building actually "fronts" on Loch Raven Boulevard and not on East Joppa Road because customers gain access to the Property via the entrance on Loch Raven Boulevard. The consequence of such a determination would be the building has a deficient "front" yard setback from Loch Raven Boulevard. This argument is a red herring and should be dismissed by the Board. As testified by Mr. Sharon and as appears obvious to anyone reviewing the architecture and site plans, the building is oriented to front on Joppa Road. The front door faces Joppa Road. As Mr. Sharon testified, the Bureau of Zoning Review regards the orientation of the front door of the building as the primary consideration in determining which side is the "front" of the building. The property has a Joppa Road address. The part of the building that faces Loch Raven Boulevard is obviously the side.

shown on the Redlined Site Plan. Mr. Sharon stated that the project received a limited exemption from the development regulations as a "minor commercial structure" from the Development Review Committee.

Randolph Kazazian, Valvoline's Vice President of Real Estate, described the VOIC operation. VOIC is a quick lube operation where customers remain in their cars during service. Cars will enter the Property from the southbound lane of Loch Raven Boulevard and be directed by a service technician to one of the four service bays at the rear of the building to await service. At the appropriate time, the customer will be directed to pull the car into one of the service bays via the garage doors at the rear of the building. The customer remains in the vehicle while the service technicians discuss with the customer which services the customer desires, and while other technicians provide service. Multiple technicians work on each car while it is serviced. Some technicians work on the "top-side" which involves accessing the engine compartment under the hood. Other technicians work on the "bottom-side" which involves accessing the various part of the car from their position in the basement through an open area beneath the car which provides access from the basement to the underside of the vehicle. Once the customer enters the building through the rear service garage doors, the service is typically concluded within about 15 minutes.

When the service is completed, the customer, still in the vehicle, pays for the service and then is directed to exit the building via the garage doors at the front of the building. The operation is a true "drive-through" in that the customer approaches the building in their car from the rear, enters the building via the service bay garage doors at the rear of the building, stays in the vehicle during service, and then completes the drive-through by exiting the building through the service bay doors at the front of the building. The customer will then leave the Property via the only exit from the Property, which will be located along East Joppa Road. There will be a "Right Turn Only" or similar sign at this exit, which will

direct customers eastward on East Joppa Road, toward the signalized intersection at Loch Raven Boulevard.

Because VOIC only provides maintenance service (no repairs), Mr. Kazazian stated that there are no cars left in the parking lot overnight awaiting service. In fact, Mr. Kazazian testified that many employees take public transportation, carpool, or rideshare to get to work, so often the parking spaces at VIOC facilities are dramatically underutilized.

Mr. Kazazian testified that Valvoline owns and operates about 200 VIOC's in various regions of the country, including the Northeast, Mid-Atlantic, Florida and on the west coast, about 27 of which are in the Mid-Atlantic region. He indicated that Valvoline builds their facilities with highly durable materials like brick finish on all sides and 30-year roofs, to ensure the enduring curb appeal and attractiveness of the facilities. *See*, for example, Petitioner's Exhibit 7, showing attractive architecture, high quality finishes, plenty of exterior lighting, and non-intrusive signage. Mr. Kazazian testified that the VOIC operation does not emit excessive noise or vibration, air pollution from dust, fumes, vapors or gases, or odors.

Mr. Kazazian testified that the proposed VIOC facility will have fairly standard hours from 7:30 a.m. to 7:30 p.m. on weekdays (or similar hours), with shorter hours on weekends. He stated that this proposed VIOC facility is designed to service on average 60 vehicles per day, obviously with some days being busier than others. On cross-examination of Mr. Kazazian, opposing counsel challenged the 60 vehicle per day average on the theory that if each customer takes on average 15 minutes for service and there are 4 service bays, that equates to 16 customers per hour. If the facility is open 12 hours per day, obviously the facility's capacity is much greater than 60 cars per day. Opposing counsel implied that perhaps Mr. Kazazian was understating the anticipated volume of cars that Valvoline intends to serve at this location. People's Counsel went as far as suggesting that all other VIOC facilities in the Mid-Atlantic are 2- or 3- bay facilities, which Mr. Kazazian explained is not true. Mr. Kazazian explained that 4 bays

are proposed here and in all of Valvoline's new facilities for several reasons, including 1) reducing customer waiting time during peak hours, and 2) some bays may in the future serve different types of cars, like electric or hybrid cars, which have different maintenance requirements. Mr. Kazazian stated that, for the most part, the 2- and 3- bay facilities pointed out by People's Counsel were acquisitions of other quick lube facilities by Valvoline and were not newly built by them. Valvoline's prototype for newly built facilities has 4-bays. In any event, Mr. Kazazian explained that just because the facility might have a capacity of 16 cars per hour, in Valvoline's experience, that capacity is rarely (if ever) fully utilized because as a practical matter, customers prefer not to wait very long for an express oil change, and most customers would be likely to come back for service during less busy times.

Mr. Kazazian discussed the extensive training the employees will receive before working on any cars and continuing throughout their employment with the company. Mr. Kazazian described flexible hours for employees (many of whom work part time), competitive wages in the industry and a defined path by which employees may earn raises. The company strives to hire locally, with several existing employees from nearby VIOC locations already indicating a desire to work at this proposed facility.

Mr. Kazazian spent considerable time discussing the environmental features of the facility. There are no underground storage tanks on the Property; all tanks holding oil or other fluids are above-ground, in the tank room in the basement of the facility. As shown in Petitioner's Exhibit 7, page 30, which is an excerpt of the pattern book supplied to the DRP showing the floor plan of the basement, there will be a total of 15 tanks in the tank room which hold a total of 2750 gallons. These tanks hold waste oil and other oils that are used in the service of customers' cars. Waste oil is removed from the site weekly and other oils that are used to service cars are delivered regularly, during non-business hours and stored on-site until needed. For these pick-ups and deliveries, the contractor accesses the tank room from outside the building. The tanks are visually inspected daily and undergo more extensive inspections quarterly and annually. Tanks that show signs of wear or rust are repaired or replaced

immediately. In the extraordinarily unlikely event of a simultaneous failure of multiple tanks, the tank room is designed to contain any such spill, with impermeable epoxy finish on the floor and walls and a permanent dike that blocks the bottom of the doorway leading to the tank room. Any large spill would be contained within these environmental safeguard features. Mr. Kazazian testified that Valvoline has never experienced any such tank failure. In the further extraordinarily unlikely event that a spill from these tanks escapes the tank room and gets into the other parts of the basement, Mr. Kazazian described secondary containment features of the basement which likewise includes the same epoxy coating on the floor and several inches of the wall, and which has excess capacity to contain all such fluids that might spill. In addition, there are protocols in place to handle spills of any size, which rarely occur. All employees have been trained in the use of the spill kits that are located in the garage and are accessible to all employees. Almost all spills that occur can be effectively handled with these spill kits, and for anything larger, a waste-oil contractor is on-call at all times to assist with larger clean-ups.

Valvoline's final witness was Ken Schmid. Mr. Schmid was accepted as an expert in traffic engineering and transportation planning. Mr. Schmid indicated that the signalized intersection at Loch Raven Boulevard and East Joppa Road is rated a Level of Service "D" by Baltimore County. Level of Service D is an acceptable Level of Service to permit the redevelopment of this Property. Nonetheless, Mr. Schmid testified that because the Property is located within the Loch Raven – Baynesville Commercial Revitalization District, the adequate public facilities regulations of the BCZR, including the transportation Level of Service maps, do not apply to the redevelopment of this site. *See*, BCZR § 4A02.4.E.1.g (exempting development within the Commercial Revitalization Districts from the operation and effect of the Level of Service maps).

Mr. Schmid testified Loch Raven Boulevard is a state road, and accordingly he met with representatives of the State Highway Administration at the site to discuss the proposed improvements to the Property and whether SHA had any issues that needed to be addressed prior to issuing an SHA

access permit for Valvoline's use of the Property. As noted earlier, the Property is currently served by three curb cuts, two of which are along Loch Raven Boulevard and one along East Joppa Road. The proposed redevelopment of this Property includes the closure of one of the curb cuts along Loch Raven Boulevard. Mr. Schmid indicated that the SHA viewed the closure of this curb cut on Loch Raven Boulevard very favorably. Otherwise, SHA had no other issues with the redevelopment of this Property as proposed, or the ingress and egress access points along Loch Raven Boulevard and East Joppa Road.

Mr. Schmid testified that, according to the Institute of Traffic Engineers *Trip Generation Manual*, which is a standard recognized by Baltimore County, the proposed 4-bay service garage would have an estimated trip generation of approximately 160 average daily trips, with 12 trips in the AM peak hour and 19 trips in the PM peak hour. Comparatively, the existing 4630 square foot bank building with two drive through lanes would be expected to generate approximately 500 average daily trips, primarily driven by visits to the ATM.

Lastly, Mr. Schmid described the manner in which cars will move on the Property and between the Property and the adjoining roads when the site is redeveloped as proposed. As shown on the Redlined Site Plan, cars can only enter the Property through the Loch Raven Boulevard entrance. Because there is a median in Loch Raven Boulevard at this location, cars can only access the Property from the southbound lanes of Loch Raven Boulevard. Accordingly, cars travelling south on Loch Raven Boulevard from locations north of Joppa Road, would travel through the intersection at East Joppa Road and turn right into the Property. Cars traveling from the east or the west on Joppa Road would turn south at the signalized intersection a Loch Raven Boulevard, and then turn right into the Property from the southbound lanes of Loch Raven Boulevard.[7] Cars traveling north on Loch Raven Boulevard would

[7] To date, the East Joppa Road curb cut has served as both an entrance and an exit for the First Mariner Bank building. This curb cut will be exit-only once the Property is redeveloped as proposed by Valvoline. As Mr. Schmid testified, exit-only from this curb cut facilitates the efficient and safe movement of vehicles on the Property and through this area, primarily by preventing drivers from making a left turn into the Property from westbound East

make a "protected"[8] U-turn at the intersection of Joppa Road, which is a legal maneuver at this location, to gain access to Property via the southbound lanes of Loch Raven Boulevard. Once on the Property, Mr. Schmidt testified there is more than adequate stacking capacity for vehicles awaiting service, and Mr. Schmid believed that cars will not stack into Loch Raven Boulevard. In addition, Mr. Schmid testified that because the queues for cars awaiting service are managed by the service technicians, these technicians could direct customers away from the site to avoid having them stack onto Loch Raven Boulevard in the unlikely event that were necessary. However, Mr. Schmidt believed that it would be more likely that if the queues were that long, customers would likely forego the service at that time and come back when the wait is not as long. Mr. Kazazian testified similarly.

Finally, Mr. Schmid testified that when service on the customer's vehicle is completed, the service technicians will direct customers to exit the building and proceed to the exit at Joppa Road. This exit will have a "Right Turn Only" or similar sign, and as a practical matter customers either can proceed through the intersection at Loch Raven Boulevard eastward on East Joppa Road or may turn right to travel south on Loch Raven Boulevard.

Mr. Schmid was firmly of the opinion that VIOC being located at the signalized intersection of East Joppa Road and Loch Raven Boulevard was a tremendous benefit for the flow of traffic on the Property and between the Property and the adjoining road network. The presence of this signalized intersection will facilitate the flow of traffic in this area and creates an efficiency that would not be present if the VIOC were located mid-block, as opposed to at the intersection. With regard to this exit on Joppa Road, Mr. Schmid had three important observations. First, Mr. Schmid noted that multiple

---

Joppa Road, which would require crossing numerous lanes of eastbound traffic and create potential conflicts and congestion in the area.

[8] Mr. Schmid described a "protected" U-turn as one where the driver has a left turn arrow and is able to safely make the U-turn while all other legs of the intersection have red lights and therefore are not moving. This is a legal maneuver at this location.

cars will not exit the Property at the same time, because the service technicians will regulate the flow of cars exiting the building and the site. Essentially, the service technicians will let only one car leave the building at a time and will delay allowing the next customer to leave the building until after the previous customer exits onto Joppa Road. Next, Mr. Schmid noted that at times when Joppa Road is heavily traveled and traffic queues up in the eastbound direction at the traffic signal at Loch Raven Boulevard, it would be unlikely that a car exiting the site could gain access to the left turn lanes on East Joppa Road to turn north on Loch Raven Boulevard. He stated that in his experience, the presence of the traffic at this intersection would force cars to either travel east on East Joppa Road through the intersection at Loch Raven Boulevard, or turn right at Loch Raven Boulevard and travel south. Cars wishing to travel north on Loch Raven Boulevard would then make a legal U-turn to proceed north on Loch Raven Boulevard. Mr. Schmid's third point was that due to the traffic that is present on East Joppa Road, particularly during high traffic times, it would be virtually impossible for a car to turn left out of the Property onto Joppa Road to travel west on East Joppa Road (if the driver desired to do so despite the "Right Turn Only" sign), simply because the presence of other cars would not allow the driver to do so. He described this as "self-policing" and that drivers wishing to travel west on East Joppa Road, like drivers wishing to travel north on Loch Raven Boulevard, would leave the site eastward on East Joppa Road, travel through the intersection at Loch Raven Boulevard or make a right turn to travel south on Loch Raven Boulevard, and from there either make a legal U-turn, or find an alternative route to westbound East Joppa Road. Mr. Schmid expressed the opinion that all of these maneuvers could be executed legally and safely and without creating a hazard or congestion in the neighborhood. Given the existing traffic in the vicinity of the Property, Mr. Schmid viewed the location of the Property at the intersection and the traffic pattern on the site as uniquely beneficial aspects of the proposed use and the site plan, which would not be present if the VIOC were located mid-block.

The Protestants and People's Counsel presented 3 witnesses. Peter Moulder testified as a representative of Associates of Loch Raven Village and Paul Hartman testified as a representative of Towson Communities Alliance. Mr. Moulder and Mr. Hartman testified similarly that there is an abundance of auto-related uses in the area and they do not want any more. They believe that the Loch Raven – Baynesville Commercial Revitalization District calls for a diversity of uses and that adding another auto-related use within the district does not further the goals of the revitalization district.

Nonetheless, Mr. Moulder admitted having supported the Loch Raven Commons project within the district, including the Wawa gas station and convenience store. Fuel service obviously is an automotive use which the community supported, despite the presence of other fuel service stations and convenience stores within the district and obviously not adding any diversity of uses to the district. Mr. Moulder also praised the developers of the Loch Raven Commons project, because they had early discussions with the community and worked with the community on their concerns. On cross-examination, Mr. Moulder admitted that despite the numerous attempts of Valvoline to meet with the affected community groups early in the process (including Mr. Moulder and his group), all of the groups refused to meet with Valvoline. Consequently, Valvoline was not in a position to respond to any of the communities' concerns, because the community would not even meet with Valvoline to tell them what their concerns were.

Likewise, Mr. Moulder also stated that the community supported the Starbucks on the northeast corner of the intersection of East Joppa Road and Loch Raven Boulevard within the district. Starbucks is a fast food restaurant, of which there are already many in the district and which obviously does not further the asserted goal of diversity of uses within the district. Starbucks, with its drive-through, generates far greater average daily trips than the proposed VIOC, and has far greater potential to stack cars onto the local road network. Nonetheless, Mr. Moulder indicated that the Starbucks is a

benefit to the community, despite the negative impact on traffic in the area and the addition of yet another fast food restaurant in the area.

Mr. Moulder made a point several times that the community supported the First Mariner Bank variances in 1999 because they viewed the bank as a benefit for the community, particularly the image that the bank building portrayed to visitors.[9] Nonetheless, Mr. Moulder refused to recognize the positive image that the redevelopment of the now old and vacant First Mariner building will bring to the community, because Valvoline is an automotive use. Mr. Moulder noted that the Bendix Building, which was located within the district and was redeveloped with the Loch Raven Commons development (including the Wawa), was vacant for "10 to 15 years", yet he did not see the benefit of Valvoline redeveloping the First Mariner building, which already has been vacant for about a year and a half. Interestingly, Mr. Moulder also testified that he hoped many of the hotels in the area eventually go out of business.

People's Counsel presented the testimony of Jason Bulkeley, the owner of the Orchard Tree Café. Mr. Bulkeley's main objection to the VIOC facility is that is supports the "industry of vehicles", which he disapproves of.

Lastly, John Fiastro, Jr., of Dellsway Road, testified on his own accord, firmly in support of the VIOC project.

Legal Standard

The legal standard to be applied by the Board of Appeals in evaluating the request for special exception was discussed at length by all counsel at the hearing. BCZR § 502.1 provides:

[9] It should be noted that a variety of automotive uses were operated from the Property for nearly 60 years prior to 1999 when it was acquired by First Mariner Bank for a bank branch. See, Petitioner's Exhibit 6 (Redlined Site Plan), under the heading "Zoning History". This history is further evidence of the suitability of the Property for automobile related services today, particularly with sensitivity to traffic flow on the site and on the adjoining roads, as proposed on the Redlined Site Plan.

§ 502.1 Conditions determining granting of special exception.

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the locality involved;

B. Tend to create congestion in roads, streets or alleys therein;

C. Create a potential hazard from fire, panic or other danger;

D. Tend to overcrowd land and cause undue concentration of population;

E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;

F. Interfere with adequate light and air;

G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.

This relatively straightforward standard and others like it in this state and others have been the subject of countless judicial interpretations by the appellate courts, at times providing varying levels of clarity. Arriving at a proper understanding of the legal standard for the consideration of a request for special exception in the State of Maryland requires an examination of three decisions of the Court of Appeals: *Shultz v. Pritts*, 291 Md. 1, 432 A.2d 1319 (1981), *People's Counsel v. Loyola College in Maryland*, 406 Md. 54, 956 A.2d 166 (2008), and *Attar v. DMS Tollgate, LLC*, 451 Md. 272, 152 A.3d 765 (2017).

When a legislative body, like the County Council, adopts a zoning ordinance, it places various uses in one of three categories for each zone. There are uses that are permitted by right in the zone because they are viewed as uses that are in harmony with each other and in harmony with other uses of other zones that might by applied nearby. There are uses that are prohibited in the zone, because they are viewed as incompatible with other uses in the zone, or with uses of other zones that might be applied nearby. Permitted uses and prohibited uses are polar opposites. Between permitted and

prohibited uses are special exception uses. Special exception uses are viewed as compatible with the permitted uses of the zone, provided there is no evidence to the contrary. In this way, special exception uses enjoy a presumption of compatibility and validity which may be rebutted if facts and circumstances in the particular case show adverse effects unique and different from those that one would typically expect from the use, i.e., the adverse effects of the proposed use that were reasonably anticipated by the legislative body in placing the use in the special exception category in the overall zoning scheme. This is referred to as the "presumptive finding", which is a legislative prerogative. *See, People's Counsel v. Loyola*, 406 Md., at 105, 956 A.3d, at 197 (2008).

As the Board is fully aware, *Shultz v. Pritts* is regarded as the seminal case in Maryland concerning special exception uses. *See, People's Counsel v. Loyola*, 406 Md., at 87, 956 A.2d, at 186, and the cases cited therein. *Shultz* proclaimed the often-repeated legal standard:

> We now hold that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

Schultz v. Pritts, 291 Md. 1, 22–23, 432 A.2d 1319, 1331 (1981) [Underscoring supplied].

The *Shultz* standard is intended to respect the position of special exception uses as presumptively compatible with the other uses permitted in the zone, absent evidence to the contrary. The underscored language clearly calls for an evaluation of the "adverse effects" of the proposed use at the proposed location. *Shultz* requires comparison of those adverse effects to *something else* in determining whether to grant or deny a special exception. If the adverse effects of the proposed use at the proposed location are "above and beyond" the adverse effects of whatever they are being compared to, the special exception should be denied. So, the basis of comparison in the *Shultz* standard is obviously very important. The question has always been, what is the basis of comparison? To what must the adverse effects of the proposed use at the proposed location be compared in evaluating

whether the special exception should be granted or denied? *Shultz* suggests that the answer is that the adverse effects of the proposed use at the proposed location must be compared to "those [adverse effects] inherently associated with such a special exception use irrespective of its location within the zone." But, what is to be made of the language, "irrespective of its location within the zone". What does that mean?

Different Maryland appellate courts at different times have endorsed a view that the phrase "irrespective of its location within the zone" creates a need for a comparative geographic analysis of the impacts of the proposed use at the proposed location to what the impacts of the proposed use would be at other similarly zoned properties. The reasoning goes, if the adverse effects are greater ("above and beyond") at the proposed location than the adverse effects one might expect at another similarly zoned site, the request for special exception must be denied. *See, People's Counsel v. Loyola*, 406 Md., at 105, 956 A.3d, at 197 (discussing *Cecil County v. Holbrook*, 314 Md. 210, 550 A.2d 664 (1988), *Lucas v. People's Counsel*, 147 Md.App. 209, 807 A.2d 1176 (2002), *Futoryan v. Baltimore City*, 150 Md.App. 157, 819 A.2d 1074 (2003), *Hayfields v. Valleys Planning Council*, 122 Md.App. 616, 716 A.2d 311 (1998), and *Mossburg v. Montgomery County,* 107 Md.App.1, 666 A.2d 1253 (1995). Under this standard, if there are similarly zoned sites where the adverse effects of the proposed use would be less than at the proposed site, the request for special exception must be denied. In clarifying the legal standard for a special exception in *People's Counsel v. Loyola*, the Court of Appeals, unambigiously rejects this view.

> [S]ome of the language of Judge Davidson's opinion for the Court in *Schultz* occasionally has been mis-perceived by subsequent appellate courts and frequently misunderstood by some attorneys, planners, governmental authorities, and other citizens. We aim in the present case for greater clarity in explaining the proper evaluative framework for discrete special exception/conditional use applications and dispelling any lingering mis-understandings of what the Court truly intended when it filed the opinion in *Schultz* twenty-seven years ago.

People's Counsel for Baltimore County. v. Loyola Coll. in Maryland, 406 Md., at 57, 956 A.2d, 168 (2008).

People's Counsel v. Loyola makes clear that the point of reference for the comparison required by *Shultz* is the adverse effects inherently associated with the proposed use and the impact on the

neighborhood (i.e., "the locality involved" (BCZR, § 502.1)). A comparative geographic analysis involving similarly zoned properties in the County is not appropriate.

> It is clear in examining the plain language of *Schultz*, and the cases upon which *Schultz* relies, that the *Schultz* analytical overlay for applications for individual special exceptions is focused entirely on the neighborhood involved in each case.
>
> * * *
>
> The *Schultz* standard requires an analysis of the effects of a proposed use "irrespective of its location within the zone." "Irrespective of" is defined by Webster's Collegiate Dictionary (10th ed. 1993) as "regardless of." The same dictionary defines "regardless of" as "without taking into account." Petitioners'[10] argument urges the opposite result. Petitioners contend that *Schultz* requires an applicant for a special exception to compare, and concomitantly the zoning body to consider, the adverse effects of the proposed use at the proposed location to, at least, a reasonable selection or representative sampling of other sites within the same zone throughout the district or jurisdiction, taking into account the particular characteristics of the areas surrounding those other test sites. The *Schultz* standard requires no such evidentiary burden be shouldered by an applicant nor analysis undertaken by the zoning decision-maker.
>
> *Schultz* speaks pointedly to an individual case analysis focused on the particular locality involved around the proposed site. See *Schultz*, 291 Md. at 15, 432 A.2d at 1327 ("These cases establish that a special exception use has an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the requested special exception use would result in an *adverse effect upon adjoining and surrounding properties* **unique and different** from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone."); *Schultz*, 291 Md. at 11, 432 A.2d at 1324 ("The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan[11]." (emphasis added)); id. ("If [the applicant] shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden." * * *)
>
> Furthermore, the cases on which *Schultz* relies also focus on an analysis of the locality involved in the specific proposal. *Schultz* largely relies on five cases[.] Each case contains

---

[10] People's Counsel for Baltimore County was among the Petitioners in *Loyola*.

[11] It must be noted that the "plan", "comprehensive plan" or "comprehensive plan of zoning" referred to with regard to in the quoted language discussing the legal standard for granting or denying a special exception as articulated in *Shultz* and its progeny is the legislative process by which certain uses are classified as permitted uses, special exception uses, or prohibited uses in a particular zone, e.g., the zoning ordinance itself. This is made abundantly clear in a lengthy discussion in footnote 23 of *People's Counsel v. Loyola*. *See, People's Counsel v. Loyola*, 406 Md., at 77, 956 A.2d at 180, fn. 23. This language requires that the proposed special exception use at the proposed location be in harmony with the zoning ordinance, i.e., that there are not "unique and different" adverse effects at the proposed location that create disharmony with the comprehensive plan of zoning as compared to the adverse effects typically associated with the special exception use, "without taking into account" where it might be located. *People's Counsel v. Loyola* specifically states that the "plan" referred to is not a land planning document, like a master plan or a community plan. *Id.*, at fn. 23.

language that directs that the special exception impact analysis focus on the properties surrounding the location of the proposed use, in whatever zone they be placed. See *Turner*, 270 Md. at 55, 310 A.2d at 551 ("If [the special exception applicant] shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material but if there is no probative evidence of harm or disturbance in light of the **nature of the zone involved or of factors causing disharmony to the functioning of the comprehensive plan**[12], a denial of an application for a special exception is arbitrary, capricious and illegal." (emphasis added)); * * * *Merlands Club*, 202 Md. at 287–88, 96 A.2d at 264 (1953) ("The duties given the Board are to judge whether the neighboring properties and the general neighborhood would be adversely affected, and whether the use, in the particular case, is in harmony with the general purpose and intent of the zoning plan."[13](emphasis added)); id. ("[W]here a specific use is permitted by the legislative body in a given area if the general zoning plan is conformed to and there is no adverse effect on the neighborhood, the application can be granted...." (emphasis added)).

* * *

Thus, the *Schultz* standard, as presaged in *Anderson*, requires that the adverse effect "inherent" in a proposed use be determined without recourse to a comparative geographic analysis. Any language to the contrary in *Holbrook, Lucas, Futoryan, Hayfields,* and *Mossburg* is disapproved.

People's Counsel v. Loyola, 406 Md. 54, 102–05, 956 A.2d 166, 195–97 (2008) [Underscoring and bold supplied; italics in the original.]

Finally, in one of its most recent cases discussing the legal standard for granting or denying a special exception, the Court of Appeals provided perhaps its most succinct articulation of the standard to date:

> The *Schultz* special exception test considers whether the proposed use will have a greater impact here than one would ordinarily expect. The Protestants did not present "facts and circumstances [pertaining to congestion in the roads, streets, or alleys] that show that the particular use proposed at the particular location proposed would have any adverse effects *above and beyond those inherently associated with such a special exception use*[.]" 291 Md. at 15, 432 A.2d at 1327 (emphasis added). Thus, the Protestants did not sufficiently rebut the presumption of validity under *Schultz*.[14]

---

[12] See footnote 11.

[13] See footnote 11.

[14] It should be noted that *Attair v. DMS Tollgate* originated at the Baltimore County Board of Appeals, and the traffic expert whose testimony the Court of Appeals relied upon in affirming the decision of the Board of Appeals was Ken Schmid, Valvoline's traffic expert in this case.

Attar v. DMS Tollgate, LLC, 451 Md. 272, 289, 152 A.3d 765, 775 (2017) [bracketed language appears as such in the original]. This recent articulation of the special exception standard by the Court of Appeals dispenses entirely with the reference to "irrespective of its location within the zone," and provides remarkable clarity to the previous somewhat confusing standard. As described by the Court in *Attar*, the *Schultz* special exception test considers whether the proposed use will have a greater impact at the proposed location than one would ordinarily expect. Period. In order to successfully oppose a special exception, protestants must present "facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects *above and beyond those inherently associated with such a special exception use*[.]" Period. There is no "backward-looking reference" to the zone involved. *People's Counsel v. Loyola*, 406 Md., at 106, 956 A.2d, at 198. The basis of comparison is the adverse effects inherently associated with the special exception use. If the adverse effects of a proposed special exception use at a proposed location are not greater than the adverse effects one would ordinarily associate with the special exception use generally (the "inherent" adverse effects), the request for special exception must be granted, because the "presumptive finding" of compatibility by the County Council with the other permitted uses within the zone has not been rebutted.

Against the backdrop of the legal standard for special exceptions announced in *Shultz*, clarified in *People's Counsel v. Loyola*, and simplified in *Attar*, the evidence in this case can easily be evaluated.

The Proposed VIOC Facility Will Not Generate Adverse Effects Greater Than One Would Ordinarily Associate with a Service Garage and Should be Approved

The VIOC service garage described by the Petitioner's witnesses is very standard and indeed is designed to generate even fewer adverse effects than one might ordinarily expect from a typical service garage. The only expert witnesses in the case, Mr. Sharon and Mr. Schmid, both testified that the "locality" or "neighborhood" that must be must be analyzed for the impact of the adverse effects is generally the area consisting of the Loch Raven – Baynesville Commercial Revitalization District,

although perhaps not extending as far to the east along Joppa Road as the Commercial Revitalization District extends. Both witnesses believed that the impacts of the proposed VOIC, if any, would be experienced within this area.

Mr. Sharon testified that the proposed VOIC facility meets all the requirements of the BL zone within which the Property is located. The VOIC facility will meet all requirements for setbacks, building size, height, and parking. Mr. Kazazian described the VOIC operation as a very typical service garage. Customers travel to the site in their cars, wait (in their cars) while their vehicles are serviced, and leave the site with the car when the service is completed. There will be no overnight storage of cars awaiting service, which is not always true of service garages. In addition, all cars must be operational when they come to the facility, because the facility only provides maintenance services. Accordingly, no cars will be towed to the site. These factors mitigate the impact of this service garage on the neighborhood, and certainly will have less of an impact on the neighborhood than a typical service garage.

Within the context of the criteria of BCZR § 502.1, there was no evidence of any of the adverse effects identified in § 502.1.A (health, safety or general welfare); .C (potential for hazard from fire, panic or other danger); .D (overcrowd land and cause undue concentration of population); .E (adequate provisions for schools, parks, water, sewerage, transportation or other public improvements); .F (interfere with adequate light and air); .G (inconsistent with the BL zone or the spirit and intent of the Zoning Regulations); or .H (inconsistent with the impermeable surface and vegetative retention provisions of the Zoning Regulations). The Property is not in any RC zone, so the provisions of § 502.1.I do not apply, which deals with the impact of the proposed special exception use on natural resources in the RC zones.

Within the context of BCZR § 502.1, the only adverse effect that received any attention at the hearing was traffic. Traffic was extensively discussed by Mr. Schmid, who testified that according to the Institute of Traffic Engineers *Trip Generation Manual*, the VOIC facility will generate on average 160 trips

spread out over an entire day. Mr. Schmid testified that this would be a typical number of trips for a 4-bay service garage. He testified that these trips would represent a miniscule percentage of the traffic traveling through the intersection of Loch Raven Boulevard and East Joppa Road and would certainly not be "above and beyond" what one would typically associate with a service garage. As discussed above, Mr. Schmid also testified that the site layout and the access to and from the adjoining roads was specifically designed to avoid conflicts and congestion while facilitating the movement of traffic on and around the site.

Mr. Kazazian's testimony regarding the facility servicing on average 60 cars per day accords with Mr. Schmid's estimate of 160 average daily trips from the Institute of Traffic Engineers *Trip Generation Manual*. If each car being serviced accounts for two trips (one trip traveling to the facility and one trip leaving the facility), 60 cars per day would account for 120 customer trips. A reasonable allowance for incidental trips to and from the site during the course of the day would bring the total number of average daily trips to around 160.

Mr. Schmid and Mr. Sharon both testified that the proposed use at the proposed location would not generate adverse effects above and beyond those one would expect of a service garage without taking into account where it might be located. Theirs was the only expert testimony in the case and the only testimony on the factors contained in BCZR § 502.1. Neither Protestants nor People's Counsel presented any evidence to the contrary on any item required to be considered in § 502.1 A through I. Accordingly, Protestants and People's Counsel failed to rebut the presumption of validity that this proposed service garage enjoys under *Schultz*. *See, Attar*, 451 Md., 289, 152 A.3d, at 775. Under these circumstances, failure to grant the special exception would be arbitrary, capricious and illegal. See, *Merlands Club*, 202 Md. at 287–88, 96 A.2d at 264 (1953) (quoted extensively in *People's Counsel v. Loyola*).

The Loch Raven – Baynesville Commercial Revitalization District Does Not Preclude the Approval of the Special Exception for Service Garage

There was extensive discussion at the hearing as to the impact of the location of the Property within the Loch Raven – Baynesville Commercial Revitalization District on the request for special exception for service garage. Protestants and People's Counsel appear to have been arguing that because there are already numerous automotive uses within the district, and because the Master Plan calls for a diversity of uses within the district, these factors are sufficient to rebut the presumption of validity under *Schultz*. As a matter of law, the Loch Raven – Baynesville Commercial Revitalization District does not and cannot rebut the presumption of validity for at least two reasons.

People's Counsel v. Loyola clarifies that in order to be approvable as a special exception, the proposed use must be in harmony with the general purposes and intent of the "zoning plan". As noted in footnote 11, above, the "zoning plan" that is referred to in *People's Counsel v. Loyola* and other special exception cases is the general zoning scheme that classifies some uses are permitted, some uses as prohibited, and some uses as special exception uses. As discussed at length in *People's Counsel v. Loyola*, the term "zoning plan" means "the zoning ordinance text and the legal document establishing the current zoning of every property in the jurisdiction, the zoning map – ***not*** to a land planning document such as a master plan, general plan or functional master plan." *People's Counsel v. Loyola*, 406 Md., at 77, 956 A.2d at 180, fn. 23 [Emphasis supplied].

Nonetheless, *People's Counsel v. Loyola* goes on to say that a legislature may require an applicant show that a special exception use is in harmony with a land planning document like a master plan. "To be sure, a legislature validly may require that an applicant for a special exception show that a proposed use is in conformance, is consistent, or is in harmony with a land planning document, such as a general plan, master plan, or functional master plan." *Id.* The Court cites the Prince George's County Zoning Ordinance as an example when a legislature affirmatively requires consistency with the Master Plan for approval of a special exception. The Prince George's County Ordinance specifically requires that

for a special exception to be approved, it must be shown that the use will "not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan." *Id.*, quoting Prince George's County Code, § 27-317(a)(3). However, absent such an explicit reference to a land planning document like a master plan or a community plan, *People's Counsel v. Loyola* makes clear that the general requirement that a special exception be consistent with the "comprehensive plan" should not be interpreted to require consistency with a master plan or similar land planning document. *People's Counsel v. Loyola*, 406 Md., at 77, 956 A.2d, at 180, fn. 23 (2008).

Protestants and People's Counsel urge the opposite result in this case, in contravention of *Loyola*. BCZR § 502.1 sets forth the criteria for evaluation of requests for special exception. The Community Revitalization Districts are a creature of the Baltimore County Master Plan. *See*, Protestants' Exhibit 4 (Baltimore County Master Plan discussion of Community Revitalization Areas, p. 137). Protestants and People's Counsel would have the Board ignore the language of *Loyola* and read into § 502.1 a requirement that is not there, specifically that the proposed special exception further the goal of the Community Revitalization District of the Master Plan. The County Council obviously could have made this a requirement in BCZR § 502.1. However, *People's Counsel v. Loyola* makes clear that absent an explicit reference to the Master Plan, this is not a valid consideration in evaluating a special exception request. Nowhere in BCZR § 502.1 is there is a reference to the Master Plan or a requirement that a special exception further its goals. For this reason alone, the Loch Raven – Baynesville Commercial Revitalization District should not be considered in the evaluation of the proposed special exception; neither the County Council nor the Court of Appeals requires that it be considered.

Lastly, the Commercial Revitalization District in this case is analogous to the National Historic District relied upon by the Baltimore County Board of Appeals and the Court of Special Appeals to deny a requested special exception for an airport in the R.C. 2 zone of Baltimore County in *People's Counsel v. Lucas*, 147 Md.App.209, 807 A.2d 1176 (2002). In Lucas, the proposed special exception was to be

located in a National Historic District. The Board found that the proposed airport did not meet the requirements of *Shultz* because there were other sites within the R.C. 2 zone where a proposed airport would not impact the historic district. The Board concluded that that the detrimental effects of the airport upon the National Historic District "would clearly have a greater negative impact than if located elsewhere in the vast acreage constituting the R.C. 2 zone of Baltimore County." *Id.*, at 223-4, 1184-5. The Court of Special Appeals approved this analysis in *dicta*, likewise concluding that there are other parcels within the R.C 2 zone not in proximity to an historic district where an airport would provide a lesser adverse impact than at the proposed location, because the proposed airport was to be located in a special historic district. *Id.*, at 240, 1194. Nonetheless, the Court of Appeals disapproved of this approach in *Loyola,* expressly disapproving of the comparative geographic analysis employed in *Lucas* when evaluating the impact of a proposed special exception in a special district. *People's Counsel v. Loyola*, 406 Md. 54, 102–05, 956 A.2d 166, 195–97 (2008). "

In this case, People's Counsel and Protestants appear to be urging the same justification to deny the requested special exception that the Court of Special Appeals used to affirm the denial of the special exception in *Lucas*, which was disapproved in *Loyola*. In *Lucas*, the Board found that there were other areas within the R.C. 2 zone not within nor in proximity to an historic district, where the detrimental impacts of the airport would be less, and therefore the Board denied the special exception. In this case, People's Counsel appears to be taking the position that there are other areas within the BL zone not within nor in proximity to a Commercial Revitalization District, where the detrimental impacts of the service garage would be less, and therefore the special exception should be denied. The reasoning of both arguments is the exactly the same and should be viewed as equally faulty. This is exactly the approach that was invalidated by *Loyola*. As stated in *Loyola*, "the adverse effect 'inherent' in a proposed use [must] be determined without recourse to a comparative geographic analysis. Any language to the contrary in *Holbrook, Lucas, Futoryan, Hayfields,* and *Mossburg* is disapproved."

People's Counsel v. Loyola, 406 Md., at 105, 956 A.2d, at 197 (2008). This means that the Board may not consider whether the adverse impacts of the proposed special exception service garage are greater because of the presence of the Commercial Revitalization District. The adverse impacts that are "inherent" in the service garage use must be evaluated without consideration of fact that the use is located within a Commercial Revitalization District. People's Counsel's and Protestants argument to the contrary misses the mark.

Conclusion

Valvoline's proposed service garage enjoys a presumption of validity and compatibility in the BL zone, absent evidence to the contrary. Mr. Sharon, Mr. Kazazian and Mr. Schmid all testified consistently with each other that, in the context of the *Shultz* standard, there are no unique or different aspects of this use at this location which would create adverse effects greater than one would expect from a service garage. BCZR § 502.1 sets forth the criteria for evaluating the request for special exception. The only adverse effect identified in that section which received any attention at the hearing was traffic. Mr. Schmid's testimony is particularly relevant in this regard. As demonstrated above, the sum of his testimony is that the proposed use will not have any adverse effects above and beyond those inherently associated with a service garage.

The Protestants and People's Counsel have failed to rebut the presumption of validity under *Shultz*. Their witnesses did not speak to the § 502.1 criteria, instead focusing on their view that there are enough automotive uses in the area, and the proposed service garage does not further the asserted goal of the Commercial Revitalization District that there should be a diversity of uses. A generalized disfavor of the proposed use is insufficient to rebut the presumption. The County Council has not authorized consideration of the Commercial Revitalization District or any other aspect of the Master Plan in evaluating requests for special exceptions. The Court of Appeals has disapproved of the comparative geographic analysis urged by the Protestants and People's Counsel. The only question

presented by the Petition for Special Exception is whether the proposed service garage will generate adverse effects greater than those typically anticipated from a service garage. There is no probative evidence that the adverse effects would be greater. Under these circumstances, the Board must grant the special exception. The Board should also grant the Petition for Special Hearing to amend the approved site plan.

WHEREFORE, Valvoline respectfully requests the Board grant the Petitions for Special Exception and Special Hearing based on the use as shown on the Redlined Site Plan (Petitioner's Exhibit 6) and in accordance with the testimony of Petitioner's witnesses at the hearing.

Respectfully submitted,

August 9, 2019
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
443-204-3473
Attorney for Petitioner / Appellee

Certificate of Service

I certify that on August 9, 2019, I sent a copy of the foregoing Brief in Lieu of Closing Argument, by first class mail, postage prepaid, to:

Peter Max Zimmerman
People's Counsel of Baltimore County
105 W. Chesapeake Avenue
Suite 204
Towson Maryland 21204

and

Michael McCann, Esquire
118 W. Pennsylvania Ave.
Towson MD 21204

Dino C. La Fiandra

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

August 9, 2019

Via Hand-Delivery

Kysundra Cannington, Administrator
County Board of Appeals
105 W. Chesapeake Avenue, 2nd Floor
Towson, Maryland 21204



Re: Petition for Special Exception
Howard Bank/1641 Joppa Road
Case No. 2019-0070-SPHX

Ms. Cannington:

Enclosed for filing in the above-referenced matter please find an original and three (3) copies of the Post-Hearing Memorandum of Protestants.

Thank you for your assistance. Please contact me if you have any questions.

Best regards,

Michael R. McCann

IN RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION (1641 Joppa Road) 9th Election District 5th Councilmanic District	*	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY
Legal Owner: Howard Bank Contract Purchaser/Petitioner: Mid-Atlantic Lubes, LLC	*	Case No: 2019-0070-SPHX

RECEIVED
AUG 09 2019
BALTIMORE COUNTY
BOARD OF APPEALS

* * * * * * * * * * * *

PROTESTANTS' POST-HEARING MEMORANDUM

Protestants, the Associates of Loch Raven Village, submit this post-hearing memorandum in support of its opposition to the petition for special exception filed by Mid-Atlantic Lubes, Inc.

FACTUAL SUMMARY

A. The Subject Property And Proposed Service Garage

The subject property is a .5 acre parcel on Joppa Road at the intersection of Joppa and Loch Raven Boulevard. The property is zoned BL. Petitioner proposes a four-bay "service garage," a used permitted only by special exception in the BL zone. BCZR, § 230.3. The proposed service garage is 2535 square feet with nine parking spaces. A single access to the site is proposed on Loch Raven Boulevard. Vehicles would exit onto Joppa Road or *via* the entrance onto Loch Raven. (*See* Pet's Ex. 18).

The service garage would be open seven days a week, from 7 am to 7 pm on Monday through Saturday, and 9 am to 5pm on Sundays. Petitioner anticipates servicing, on average, 60 vehicles per day, but that number could be 75 to 80 per day.

According to its website, Petitioner will offer, in addition to oil changes, preventative maintenance services, transmission service, radiator service, air filter replacement, belt replacement, air conditioning service, differential fluid replacement, fuel system cleaning, battery replacement, and tire rotations. (Prots' Ex. 8). On its website, Petitioner advertises that its rates for non-oil change services are 20-50% less than its competitors. (*Id.*, p. 6).

Petitioner, Mid-Atlantic Lubes, owns and operates 26 other Valvoline service garages in the mid-atlantic region. Its parent company, Henley Enterprises, is based in New Highland, Massachusetts. It has 211 such facilities in 11 states with 2200 employees.[1] The proposed service garage, accordingly, would not be locally owned or operated.

B. <u>The Area Surrounding The Site</u>

Joppa Road is a commercial corridor with restaurants, offices, and numerous service garages (as will be discussed below). The intersection of Joppa and Loch Raven is a busy intersection. (*See* People's Counsel ("PC") Exs. 2, 7, 15). However, the area to the immediate south of the subject property is dominated by long-standing residential neighborhoods, including Ridgley Manor, Loch Raven Village, Ridgeleigh, amd Loch Raven Heights. (*See* Prots' Ex. 16; Pets' Ex. 11; PC Exs. 21, 22). The closest of these neighborhoods to the south is Ridgely Manor. The townhouses along Yakona Road in Ridgely Manor are right behind the site. In fact, residential (DR) zoning begins just 30 feet from the southern property line of the subject property. (Pets' Exs. 11, 18).

[1] During the course of the hearing, the name of the Petitioner on the Petition for Special Exception was changed to M and S Limited Partnership. According to SDAT, M and S Limited Partnership and Henley Enterprises are the same company.

C. The "Gateway" To The Loch Raven Community

The subject property has invariably been characterized as the "gateway" to these residential neighborhoods. The property was previously used for a First Mariner Bank, which was fully supported by the Loch Raven Community Council, an organization representing 20 community and service associations, which noted at that time that "the site serves as a gateway into Loch Raven community and its development is of great importance ...." (PC Ex. 6). In its comments on the First Mariner project, the Planning Office characterized the site as a "community gateway" and emphasized that "it is important to view this proposal within the context of future planning efforts underway in the Loch Raven Community." (Prots' Ex. 2, p. 2). The Planning Office noted that the County and State had budgeted six million dollars for streetscape improvements to Loch Raven Boulevard, between Joppa and Goucher. (*Id.*, p. 2). The Director of Commercial Revitalization in the County's Department of Economic Development likewise noted that "[t]his is a visually prominent site at the crossroads of the [CRD] and its successful redevelopment will be an important step in implementing the Loch Raven Revitalization Plan." (Prots' Ex. 3). In his decision approving the First Mariner project, the Deputy Zoning Commissioner echoed that the subject site "is located at a prominent intersection and is the gateway to the Loch Raven communities." (Prots' Ex. 1).

D. The Commercial Revitalization District

In 1997, the County Council passed a resolution creating the Loch Raven Commercial Revitalization District ("CRD" or the "District"). The subject property is situated roughly in

the center of the District. (*See* Pet's Ex. 11 (map of CRD)). There are only 18 such districts in the County. (PC Ex. 3).[2]

The purpose and intent of Commercial Revitalization Districts are described, in significant detail, in the County's Master Plan. CRDs are "the 'front door' to the residential neighborhoods and help establish the overall image of the community." (Prots' Ex. 4, p. 140) "To remain viable, the CRDs must differentiate themselves by ... strengthening the existing base of small businesses and attracting *new and different uses*." (Prots' Ex. 4 at P. 139) (emphasis added). "Attaining a sufficient and *balanced mix of quality uses* is an important goal that should be accompanied with creating a *safe, attractive, and walkable environment*." (*Id.*) (emphasis added). CRDs "create *well balanced* and economically vital *mixed-use[s]*." (*Id.*) (emphasis added).

The Land Use Map in the Master Plan reflects that the subject site is in a "T5" transect (or "urban center zone"). T5 zones are intended for "higher density *mixed-use buildings* that accommodate retail, offices, townhouses, and apartments," more specifically "shops mixed with townhouses, larger apartment houses, offices, workplace, and civic buildings; predominantly attached buildings; trees within the public right of way; [and] substantial pedestrian activity." (Prots' Ex. 5, pp. 28, 29, 30) (emphasis added). Urban Center Zones have "wide sidewalks, steady street planting, and buildings set close to the sidewalks." (*Id.*, p. 29). CRDs should "improve the appearance" and "walkability" of the neighborhood. (Prots' Ex. 4, p. 140).

The Master Plan also states that CRDs should "incorporate *independent and locally owned* businesses," in order to "create more jobs locally and often provide better wages and

[2] Since the District's creation in 1997, the County Council has modified the boundary of the District on several occasions, reflecting the County's continued commitment to the District. (PC Ex. 4) (Council resolutions).

benefits *than nationwide chains*." (Prots' Ex. 4, p. 141) (emphasis added). Studies show that when customers buy from independent locally owned stores, two-third of the money stays in the community and is used for purchases from other local businesses. (*Id.*).

E. The Testimony of Peter Moulder – VP/Board Member

The community is overwhelmingly opposed to the proposed service garage. Paul Hartman expressed the opposition of the Towson Communities Alliance, an organization that represents 30 communities in the Towson area and 20,000 households. Peter Moulder spoke on behalf of Protestant, the Associates of Loch Raven Village, an organization representing 1472 homes in the Loch Raven community.

Mr. Moulder has lived in Loch Raven Village, just southwest of site, for 31 years. His grown son and daughter now each own homes in the Village. The neighborhood was constructed in the 1940's, originally for the purpose of housing families who worked at the nearby Bendix Corporation. The homes are traditional two-story rowhomes, located on the east and west sides of Loch Raven Boulevard. (*See* Prots' Ex. 16).

Mr. Moulder expressed a number of concerns regarding the proposed service garage on behalf of his organization and its members. First, he expressed concern that the service garage would be located at the gateway to the community. Situated on the crest of the hill, the site is the first thing people see as they approach the area, whether coming to shop or looking to live there.

Second, he expressed his concern regarding having yet another automobile-oriented use in the District. He testified that there are already 10 service garages within ¼ mile in either direction. He visited and took photographs of each of these business, and also visited their websites to determine the services they provide. He found that all 10 of them provide

the very same oil change services and other maintenance services as the proposed Valvoline. (Prots' Exs. 17 (map with locations) and 18 (photos)). In his words, the proposed service garage would be "redundant in the extreme."

He further testified that another automobile-oriented business would be inconsistent with the CRD, which contemplates mix-use, walkable developments along Joppa Road and recognizes the importance of the District as the "front door" to the residential neighborhoods to the south. He acknowledged that there are a number other automobile-oriented uses that have been around for some time, including some fast food restaurants, but noted that these uses pre-date the CRD. They are not consistent with CRD and need to be "phased out." He added that this "doesn't happen overnite," but noted that since the CRD was created there have been a number of positive developments along Joppa Road that are entirely consistent with the CRD. For example, to the west is Loch Raven Commons, a recently completed mixed-use development with restaurants, offices, and 230 apartments. On the northeast corner of Joppa and Loch Raven is a new Starbucks. On the southeast corner is Baynesville bike shop, which is under new ownership. To the east is a new Gavigan's furniture store, to the southeast a new bookstore, and to the west is a new Mercy Medical outpatient clinic. His association was involved in these developments, particularly Loch Raven Commons, which he believes are all steps in the right direction. Returning the subject property back to a service garage would, as he put it, a "step backwards." He pointed, in particular, to the statement made by the Deputy Zoning Commissioner Tim Kotrocco in his opinion approving the First Mariner Bank. Mr. Kotroco found that the First Mariner bank would be a "tremendous benefit" over the gas station use that was there before (and before the CRD was established).[3]

[3] One new, arguably automobile-oriented use is the WaWa to the west. However, as Mr. Moulder explained, the WaWa is not stand alone gas station, but rather is integrated into a mixed-use development.

Third, Mr. Moulder expressed his community's concern regarding the direct impacts that a service garage, operating 7 days a week, would have on the residences that are no more than 100-150 feet away. (Prots' Ex. 19). His research revealed that the removal of wheel lug nuts, as many as 20 or them, could reach as high as 100 decibels. He noted also that none of the other service garages in the area have open bay service doors facing the direction (south) of these residences.

Finally, Mr. Moulder expressed concern regarding traffic congestion and safety. He explained that traffic is a constant issue for people in his community, particularly when they are trying to exit from businesses on the south side of Joppa, get across thru lanes into the left turn lanes to head north on Loch Raven Boulevard. He has observed frequent accidents near the site over the past 30 years. He believes the proposed service garage would make this situation even more hazardous because of all the "moving parts." In addition to cars exiting the site on Joppa Road close to the intersection, there will be southbound cars turning right into the site and northbound cars trying to make a u-turn to access the entrance.

ARGUMENT

A. The Proposed Service Garage Would Have Adverse Effects Beyond Those Inherently Associated With Such A Use

1. The special exception standard - generally

Under *Schultz v. Pritts*, the Board, in considering the requested special exception, must determine "whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan." *Schultz v. Pritts*, 291 Md. 1, 11 (1981). The standard for determining whether the use would have an "adverse effect," and, therefore, should be denied

is "whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Schultz v. Pritts*, 291 Md. 1, 22-23 (1981). "These standards dictate that if a requested special exception use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied." *Id.* at 12.

Further, despite the presumption in favor of a special exception, "'both the burden of production and the burden of persuasion on the issue of whether the special exception should be granted' fall on the applicant...." *Attar v. DMS Tollgate, LLC*, 451 Md. 272, 286 (2017) (*quoting People's Counsel for Baltimore County v. Loyola Coll. of Md.*, 406 Md. 54, 109 (2008)). The applicant "must persuade the Board 'by a preponderance of the evidence that the special exception will conform to all applicable requirements.'" *Attar*, 451 Md. at 286.[4]

2. The proposed service garage is plainly inconsistent with the CRD and the provisions of the Master Plan

It cannot seriously be disputed that the proposed service garage is entirely inconsistent with the CRD and the Master Plan provisions governing CRDs on a number of fronts. As discussed above, CRDs are the "front door" to residential neighborhoods and establish its overall image. Their purpose is to provide for "new and different uses," specifically "mix-uses" that "accommodate retail, offices, townhouses, and apartments" and provide a "safe, attractive and walkable environment." (Prots' Ex. 4, pp. 139, 140; Prots' Ex. 5, pp. 28, 29, 30) (emphasis added).

[4] Josh Sharon, Petitioner's engineer and sole witness on the special standard, acknowledged that he has not read the *Schultz* and *Loyola* cases in full and could not recall the specific holding in those cases. He has never testified that the special exception standard was not met.

The proposed service garage is none of these things. With all due respect to Valvoline, as attractive as the company may try to make its facilities, such a facility is amongst the least inviting "front doors" imaginable. A service garage at this location would not create a positive image or appearance for the residential neighborhoods to its south. Moreover, a service garage is obviously not a "mixed-use," which is what the Master Plan and the T5 transect call for.[5] Perhaps most glaringly, this service garage is not a "new and different use." As Mr. Moulder testified, there are 10 other such garages within a ¼ mile that offer the very same services.[6] (Prots' Exs. 17 and 18). Finally, contrary to the purpose and intent of the Master Plan, the proposed service garage is not "independent" or "locally owned," but rather is a "nationwide chain" owned by an out of state company with no particular history with or commitment to this area. (Prots' Ex. 4, p. 141). In short, the proposed service garage is the antithesis of the type of business that the CRD was intended to attract. [7]

This blatant inconsistency with the CRD is relevant in two independent respects. First, the CRD is a unique aspect of the subject property, different from the vast majority of other BL zoned property. The fact that the proposed service garage violates the CRD provisions of

[5] Mr. Sharon agreed that the proposed use is not "mixed-use."

[6] Mr. Sharon agreed that there are quite a few service garages within very short distance of the site. He and Petitioner's representative, Mr. Kasazin, attempted to distinguish Valvoline from its competitors by noting that Valvoline offers a "quick" lube change. From a zoning and planning perspective, this difference, if it is one, is meaningless. It makes not a wit of difference in terms of the impacts associated with it (i.e., the special exception analysis) or in terms of its consistency with the CRD and the Master Plan. It may offer "quick" oil changes, if that is a different type of oil change, but the other services it offers are the same as the 10 other garages in the area. It is not "new and different."

[7] It was clear that neither Mr. Sharon nor Mr. Kasazin had given any thought to the CRD and the impact of the proposed service garage on the District. Mr. Sharon admitted on cross-examination that he did not look at CRD provisions of the Master Plan in connection with this case, but said he is "aware" of them. Mr. Kasazin, the person who selected on behalf of Petitioner, admitted that he did not review the Master Plan or its CRD provisions.

the Master Plan is an adverse effect that is beyond those inherently associated with such a use (*i.e.*, one that is not within the CRD or not inconsistent with the CRD).[8]

Second, irrespective of the special exception standard, the proposed use **must conform** to the Master Plan. Contrary to what appears to be popular belief in this County, the Master Plan is not merely advisory or a guide to development, but rather mandatory.[9] While the general rule in Maryland is that master plans are a guide and advisory, an important caveat or exception to the rule exists when a local jurisdiction's regulations state that a master plan is mandatory. *Mayor & City Council of Rockville* v. *Rylyns Enters., Inc.*, 372 Md. 514, 530-31 (2002) ("We repeatedly have noted that plans ... are advisory in nature and have no force of law absent statutes or local ordinances linking planning and zoning. Where the latter exist, however, they serve to elevate the status of comprehensive plans to the level of true regulatory device") (footnote and citation omitted). In this County, there is just such a regulation, namely § 32-4-102(a)(1) in the County Code, which states that: "all development of land shall conform to the Master Plan." This very issue was addressed by the Court of Appeals in *HNS Development v. People's Counsel*, 425 Md. 436 (2012), a case originating in Baltimore County. The Court in HNS held that Baltimore County could deny a development solely on the basis that it did not conform to the Master Plan. The Court pointed to then section 22-37 of the Code (which then provided as 32-4-102(a)(1) provides now:

[8] During cross-examination, Mr. Sharon acknowledged that the CRD needs to be considered when determining the impact of the proposed service garage, but suggested that the analysis that should be applied is a comparison of (1) the proposed use in the CRD with (2) the same use elsewhere *within the same the CRD.* This cannot be the analysis because the CRD is not a *zoning* designation like the BL zone. The CRD is simply an aspect of this site that makes it unique, different from other properties in the BL zone, and requires separate consideration when determining adverse effects. To the extent Mr. Sharon gave this issue any thought (it sounded like he did not since he admitted he did not even look at the CRD provisions in the Master Plan), he is wrong.

[9] Jennifer Nugent, the County's Division Chief of Development Review and Strategic Planning, testified that the provisions of the Master Plan and adopted community plans are not mandatory. (T1., p. 31). According to Ms. Nugent, that is also the position of the Planning Office. (*Id.*). This view is troubling, to say the least.

"[a]ll development shall conform to the master plan") and concluded that "when the development regulations incorporate Master Plan compliance, the Master Plan itself becomes a regulatory device, rather than a mere guide and recommendation." *Id.* at 457. "[C]onformance to the recommendations of the Master Plan rises to the level of a regulatory device, rather than a mere recommendation." *Id.* at 454; *see also Prince George's County v. Chaney Enter.*, 454 Md. 514, 532 (2017) (same).[10] Here, the proposed service garage's inconsistency with the Master Plan is an independent reason to deny the petition apart from its failure to meet the special exception standard.

3. The road network and traffic volume

A second adverse effect that warrants denial of this special exception are the traffic conditions at this site.

First, the existing road network presents problems and hazards from an operational and safety perspective. This intersection is an already busy intersection with multiple lanes in all directions. Petitioner proposes only one entrance to the site, for southbound vehicles on Loch Raven Boulevard, which is just 140 feet or so from the intersection and the pedestrian cross-walk across Loch Raven. Cars heading north on Loch Raven Boulevard cannot make a left hand turn into the site because there is a median along that road. Thus, vehicles travelling northbound on Loch Raven will have to take a U-turn at the light to gain access. Petitioner proposes an exit onto Loch Raven at the same location as the entrance, but it is clear that the main exit will be onto Joppa Road, just 80 feet from the intersection with Loch Raven.[11] As

[10] Mr. Sharon believes the Master Plan is advisory, a "living document that is subject to interpretation" as he put it. He is unaware of any law that suggests otherwise.

[11] The exit onto Joppa Road would clearly be the main, in not sole, exit because that is the only exit that customers who have passed through the bays of the garage can access. There are no drive lanes on either side of the garage

the Petitioner's expert, Mr. Schmid, conceded, there will no doubt be cars cueing or stacking on eastbound Joppa at that intersection, which will present difficulties for cars exiting the proposed service garage to not only enter eastbound traffic but also driving across two lanes to make a left turn onto northbound Loch Raven.[12]

Second, in terms of traffic volume, the intersection of Joppa and Loch Raven is already operating at a "D" level of service. (*See* Pet's Ex. 13; *see also* Prots' Exs. 11 and 12 (memoranda from DPW for 2018 and 2019)). A "D" rating means that for 31% to 70% of the traffic signal cycles all of the vehicles stopped in line for the signal when it changed green did not get through that signal. "D" intersections are identified by the County in order "to provide notice to the public that the intersection has the potential of going to an E or F." (Prots' Ex. 9, pp. 2, 4).

Notably, however, prior to the current "D" rating, the intersection had been rated "F." (Prots' Ex. 10). It was not explained at the hearing why the rating changed, but the County's traffic count data reflects that the number of cars travelling at this intersection has actually increased, not decreased, significantly over the past couple years:

	2014	2017
AM (6-9 am)	744	834
	1748	1727
	2716	2849
	3677	3887
	4018	4227
	3917	4349
	3892	4174

for customers to access the exit onto Loch Raven. It appears that the exit onto Loch Raven is intended for employees or the random other person who might park in the spaces on the south side of the garage.

[12] Mr. Schmid did not look at other locations in BL zone to compare these difficulties with any that might occur elsewhere.

	3749	4013
PM (3-6 pm)	1146	1171
	2264	2381
	3562	3636
	4619	4830
	4684	5011
	4711	4957
	4701	4808
	4705	4639

(Prots' Ex. 13 and 14).

According to Mr. Schmid, the proposed service garage would generate 44 additional a.m. peak hour trips, 95 additional p.m. peak hour trips, and 501 total average daily trips (ADT's). This may not sound like a large *increase* over existing traffic, but that is not what matters for purposes of applying the special exception standard. The focus of the special exception is not the increase in traffic but rather the impact that this volume would have at this location as opposed to somewhere else in the zone. Given the existing road network and the level "D" rating, the additional trips generated by the serve garage at this location would have a greater impact than would inherently be associated with that use.

B. The Gas Station Use At The Subject Property Pre-dated The CRD Is Are Irrelevant

During the hearing, counsel for Petitioner made much of the fact that the subject property was previously used as a gas station (before the First Mariner Bank use). As discussed above, the proper analysis under the special exception standard is a comparison of the impacts of this use and those inherently associated with the use. The fact that the site was previously approved for a gas station (in 1973 (Case no, 1973-0031-X)) is irrelevant to such a comparison. This is particularly true since the gas station was approved prior to the establishment of the CRD in 1997. In fact, the first use that was approved after the CRD was

established was the First Mariner Bank, a use that the community and Planning Office supported as consistent with the CRD. The Deputy Zoning Commissioner found, in that case, that the bank would be a "tremendous benefit" over the gas station. Mr. Moulder echoed the sentiment and put it best – returning the subject property to a service garage would be a "step backwards."[13]

During the hearing, counsel for Petitioner nevertheless attempted to argue that the proposed service garage would be less impactful than the First Mariner Bank. He noted, for example, that the service garage would be lower in height, have two entrances instead of three, and would require less impervious surface than the bank. Again, the comparison engaged in by counsel has nothing to do with this request for a special exception. The special exception analysis is not a comparison between the proposed use and any preexisting use, but rather of the impacts of the proposed use at this location with the inherent impacts of the use.[14]

[13] Indeed, Mr. Sharon agreed on cross-examination that whether this site was used for service station 30-40 years ago has no effect on impact analysis under the special exception standard.

[14] On cross-examination, Mr. Sharon agreed, once again, that the fact the site was used as a bank is irrelevant to this analysis.

CONCLUSION

For all of the reasons stated, the Board should deny the petition for special exception.

Respectfully submitted,

Michael R. McCann
Michael R. McCann, P.A.
118 W. Pennsylvania Ave.
Towson, MD 21204
(410) 825-2150

Attorneys for Protestants

CERTIFICATE OF SERVICE

I hereby certify that on 9th day of August 2019 a copy of the foregoing post-hearing memorandum was mailed, *via* first-class mail, postage prepaid to:

Dino C. LaFiandra
The Law Office of Dino C. La Fiandra, LLC
100 West Pennsylvania Avenue | Suite 305
Towson, Maryland 21204

Peter Max Zimmerman
People's Counsel for Baltimore County
105 W. Chesapeake, 2nd Floor
Towson, Maryland 21204

Michael R. McCann

RE: AMENDED PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION 1641 Joppa Road; S/S of East Joppa Road, 40' W of c/line of Loch Raven Blvd 9th Election & 5th Councilmanic Districts Legal Owner(s): M & S Limited Partnership Petitioner(s)	*	BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY 2019-070-SPHX

RECEIVED
AUG 09 2019
BALTIMORE COUNTY
BOARD OF APPEALS

* * * * * * * * * * * * *

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY'S POST-HEARING MEMORANDUM

TABLE OF CONTENTS

Prologue 1

I. Special Exception History, Context, Standards 1

A. The Rules of Engagement 1

B. Montgomery County v. Merlands 2

C. Baltimore County Effectively Implements Merlands 3

D. Path of the Law 3

E. Judge Rita Davidson's Classic Opinion: Schultz v. Pritts 4

F. The Holbrook Opinion: Attention Should Be Paid 8

G. Baltimore County: Featured Communities, Revitalization, and Historic Districts 8

H. People's Counsel v. Loyola College 8

I. After Loyola College 9

II. Unintended Consequences – Pitfalls, Playbox, and Propaganda 10

A. Exaggerated Emphasis on the Favorable Presumption 10

B. The Infinite Inherency Heresy 11

C. Harmony with the Comprehensive Zoning Plan and Master Plan Guidance 12

D. Experts and Citizens: A Reality Check 13

E. Moneyball 14

III. Statement of Basic Facts 14

A. The Proposed Valvoline Use and Previously Existing Bank 14
B. Area Geography 15
C. The Neighborhood Boundaries 15
D. Loch Raven Boulevard and Joppa Road 16
E. The Loch Raven-Joppa Intersection 16
F. The Loch Raven-Baynesville Commercial Revitalization District (LRBCRD) 16
G. Predomination of Auto-Related, Fast Food Uses, and Inns 17
H. The Design Review Area 18
I. Character of the Surrounding Neighborhood 18
J. The Business-Local Zone 18
IV. Argument 19
A. There is a Palpable Conflict with Purposes of the LRBCRD 19
B. The Proposed Facility Will Aggravate Traffic Congestion and Hazard 25
C. The Petition Omits the Requisite Front Yard Setback Variance 25
Conclusion 27

RE: AMENDED PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION 1641 Joppa Road; S/S of East Joppa Road, 40' W of c/line of Loch Raven Blvd 9th Election & 5th Councilmanic Districts Legal Owner(s): M & S Limited Partnership Petitioner(s)	*	BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY 2019-070-SPHX

* * * * * * * * * * * * *

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY'S POST-HEARING MEMORANDUM

Prologue

"The time has come to say fair's fair." Midnight Oil, Beds Are Burning

This petition for special exception arrives at the County Board of Appeals (CBA) for *de novo* review. The proposed Valvoline facility is a "Garage, service" within the B.L., Business-Local Zone special exception uses. BCZR Sec. 230.3.

Originally filed by Howard Bank, the M & S Partnership has recently acquired the property. Without objection, the petition was amended accordingly. They are the corporate overseers of regional Valvoline franchises. We call them "Valvoline" for short.

To begin, we review special exception law, history, and context to set the stage for accurate analysis. We then turn to the proposed use, the relevant facts, and the argument. We shall argue the key adverse locational impact involves the major and irreconcilable conflicts with the purposes, spirit and intent of comprehensive zoning plan, the area, the master plan, and the Loch Raven-Baynesville Commercial Revitalization District. (LRBCRD). We shall then address traffic congestion and hazards. There follows a brief review of the omission of a requisite front yard setback variance.

I. Special Exception History, Context, Standards

"I've been a miner for a heart of gold." Neil Young, Heart of Gold

A. The Rules of Engagement

In simple terms, petitioner must satisfy the affirmative burden to prove the proposed use at the chosen location will not have a particular adverse impact on the

surrounding neighborhood, above and beyond the adverse impact likely to occur at other locations generally in the zone.

In People's Counsel v. Loyola College 406 Md. 54, 106 (2008). Judge Glenn Harrell's opinion compared special exception analysis to a Harry Potter "Sorting Hat,"

> "In that sense, the legislature puts on its 'Sorting Hat,' and separates permitted uses, special exceptions and all other uses."

We have also frequently quoted Judge Joseph Murphy's brilliant concurring opinion,

> "It may be helpful to restate the rules of engagement in special exception litigation, and review how those rules were applied in the case at bar. Although it is of no real consequence whether we say that an applicant "is entitled to a special exception, *provided that,*" or that an applicant "is *not* entitled to a special exception, *unless,*" the applicant for a special exception bears both the burden of production and the burden of persuasion on the issue of whether the special exception should be granted. If the zoning authority is presented with evidence that generates a genuine question of fact as to whether the grant of a special exception would violate the applicable legislation and/or the requirements of *Schultz,* the applicant must persuade the zoning authority by a preponderance of the evidence that the special exception will conform to all applicable requirements." 406 Md. at 109-10.

Despite these relatively lucid ground rules, the application and interpretation of special exception law has become much more complicated. The judicial elaborations of special exception law have turned into linguistic web, vulnerable to a variety of interpretations.

B. Montgomery County v. Merlands

The Court of Appeals recognized and articulated standards for special exceptions in Montgomery County v. Merlands 202 Md. 279, 290 (1953). Judge Hall Hammond explained (pages 287-88) the different legislative intent for the special exception to,

> "... delegate to the Zoning Board a ***limited authority*** to permit enumerated uses which legislative body finds in effect ***prima facie*** properly residential, absent any fact or circumstance in a particular case which changes this ***presumptive finding.*** The duties given the Board are to ***judge whether the neighboring properties and the general neighborhood would be adversely affected, and whether the use, in the particular case, is in harmony with the general purpose and intent of the zoning plan.*** " Emphasis supplied.

Judge Hammond then delineated the applicant's burden of proof,

> "The applicant for such a use need not show either practical difficulty, unnecessary hardship or great urgency, but only that the project is a private club and that

it would be in general harmony with the zoning plan and would not adversely affect the neighboring properties and the general neighborhood." 202 Md. at 290.

Merlands did these notable things: 1) recognize the special exception; 2) articulate the adverse effect/zoning plan disharmony standards; 3) affirm applicant's burden of proof; and 4) differentiate the variance's more onerous standards.

C. Baltimore County Effectively Implements Merlands

The Baltimore County Commissioners implemented Merlands in their 1955 comprehensive zoning legislation. They included BCZR Sec. 502.1.A-F (1955).[1] These elaborate the judicial "adverse affect" standard, starting with "health, safety, or general welfare of the locality" and listing specific standards. The County Council later added consistency with the "purposes of the property's zoning classification" and "the spirit and intent of these Zoning Regulations" and impermeable surface impacts, Bill 45-82, and R.C. Zone environmental impacts, Bills 74-2000 and 37-2017. BCZR Sec. 502.1G-I.

D. Path of the Law

For the next two decades, we cite 18 Court of Appeals special exception decisions. These show 5 approvals, 4 approvals with conditions, and 9 denials. These include a number of Baltimore County cases. The Court consistently recognized applicant's burden of proof and scrutinized the evidence. These illustrate that special exceptions are not intended as *pro forma*, ritualistic, or semi-automatic approvals.[2]

---

[1] "In granting any Special Exception, the Zoning Commissioner and the Board of Zoning Appeals, upon appeal, shall be governed by the following principles and conditions.

502.1 – Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not:

a. Be detrimental to the health, safety, or general welfare of the locality involved;
b. Tend to create congestion in roads, streets or alleys therein;
c. Create a potential hazard from fire, panic or other dangers;
d. Tend to overcrowd land and cause undue concentration of population;
e. Interfere with adequate provisions from schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;
f. Interfere with adequate light and air.

[2] Oursler v. Board of Zoning Appeals 204 Md. 397 (1954) came next, affirming restaurant grant, with conditions. The Court cited Merlands for the applicant's burden, and sustained the conditional finding of no adverse effects. Erdman v. Board of Zoning Appeals 212 Md. 288 (1957) similarly affirmed

E. Judge Rita Davidson's Classic Opinion: Schultz v. Pritts

Eventually, the Court of Appeals delivered its classic Schultz v. Pritts 291 Md. 1 (1981). Judge Rita Davidson brilliantly articulated the history and function of the special exception, which effectively is a conditional use. She expanded on Merlands. We shall review Judge Davidson's analysis and discuss its faithful application in subsequent cases. We shall then discuss how petitioners often misapply and misuse it.

Schultz overruled Gowl v. Atlantic Richfield 27 Md. App. 410, 417-18 (1975). The Court of Special Appeals (CSA) had held that if special exception adverse impacts were no worse than from a use permitted by right, then it must be approved. Judge Davidson rejected such equivalency. She gave a dissertation on comprehensive zoning law and the role of special exceptions. She wrote,

> "This Court has frequently expressed the applicable standards for judicial review of the grant or denial of a special exception use. The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption. The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and

---

a gas station approval. But Dorsey Enterprises v. Shpak 219 Md. 16 (1959) affirmed the denial of a junkyard – unsightliness, depreciation of property values ---, based on particular facts and burden of proof. Crowther v. Johnson 225 Md. 378 (1961) affirmed trailer park denial, based on adverse impacts to area, finding facts sufficient for denial – departure from zoning plan, depreciation of property values.

Subsequent decisions reviewed particular adverse effects to neighborhoods::Montgomery County v. Mossburg 228 Md. 555 (1962), affirmed conditional restaurant grant; Bonhage v. Cruse 233 Md. 10 (1963), reversed convalescent home grant, inadequate access; Deen v. BGE 240 Md. 377 (1965), affirmed transmission line grant; Bd. of Co. Comm'rs v. Luria 249 Md. 1 (1968), affirmed gas station denial, failure to prove zoning plan harmony; Brouillett v. Eudowood Shopping Plaza 249 Md. 606 (1968), affirmed self-service carwash denial, failure to prove zoning plan conformity, or absence of adverse impacts; Neumann v. Mayor & City Council 251 Md. 92 (1968), affirmed apartment building medical office grant; Eger v. Stone 253 Md. 533 (1969), affirmed offstreet parking denial, traffic congestion; Tauber v. County Bd. of Appeals 257 Md. 202 (1970), affirmed offstreet parking denial, traffic access; City of Takoma Park v. County Bd. of Appeals 259 Md. 619 (1970), affirmed home occupation (slipcovers, reupholstering); Gerachis v. Montgomery Co. Bd. of Appeals 261 Md. 153 (1971), affirmed medical clinic addition denial, traffic congestion, property values, incompatibility; Cason v. Bd. of Co. Comm'rs 261 Md. 699 (1971), affirmed conditional sand and gravel pit approval; Prince George's Co. v. Meininger 264 Md. 148 (1972), affirmed gas station denial, traffic, no need; Skipjack Cove Marina v. Bd. of Co. Comm'rs 264 Md. 381 (1972), affirmed conditional marina/motel approval; Sembly v. County Bd. Of Appeals 269 Md. 177 (1973), affirmed community building grant.

whether the use in the particular case is in harmony with the general purpose and intent of the plan.

> Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal." 291 Md.at 11.

The favorable "presumption" is thus not a free pass. Judge Davidson here described the zoning board's "limited authority," its duty to judge adverse impact and harmony with the comprehensive zoning plan. She confirmed that the burden of proof is on the applicant to meet the prescribed public interest standards and discussed various scenarios.

After review of the relevant precedents, she restated,

> "These cases establish that a special exception use has an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the requested special exception use would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone. Thus, these cases establish that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. 291 Md. at 15.

To shed further light, Judge Davidson revisited the basic purposes and structure of comprehensive zoning, to coordinate harmonious land planning and promote general welfare.[3] Judge Davidson then explained the background and differential functions of uses permitted by right and uses permitted by special exception.[4]

---

[3] The general purpose of adequate land planning is to guide and accomplish the "coordinated, adjusted, and harmonious development of (a) jurisdiction ... which will ... promote ... (the) general welfare." Md.Code (1957, 1978 Repl.Vol.), Art. 66B, s 3.06. Zoning is one of the important elements of

Judge Davidson then elucidated the legislative balancing process. She explained uses permitted by right may be developed because their beneficial purposes are deemed to outweigh their recognized potential adverse effects at some locations; but the same adverse effects are not acceptable for special exception uses.[5] To illuminate this general proposition, Judge Davidson provided several examples involving churches, schools, and funeral homes.[6]

---

land planning that is used to further this purpose. ... The various purposes of zoning regulations, made in accordance with the plan, are:

"(T)o control congestion in the streets; to secure the public safety; to promote health, and the general welfare; to provide adequate light and air; to promote the conservation of natural resources; to prevent environmental pollution, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its suitability for particular uses, and with a view to conserving the value of buildings and encouraging the orderly development and the most appropriate use of land throughout the jurisdiction." Art. 66B, s 4.03.

Zoning provides a tool by which to establish general areas or districts devoted to selected uses. Indeed, the very essence of zoning is the territorial division of land into use districts according to the character of the land and buildings, the suitability of land and buildings for particular uses, and uniformity of use." 291 Md. at 19-20. Citations omitted.

[4] "Generally, when a use district is established, the zoning regulations prescribe that certain uses are permitted as of right (permitted use), while other uses are permitted only under certain conditions (conditional or special exception use).[6] In determining which uses should be designated as permitted or conditional in a given use district, a legislative body considers the variety of possible uses available, examines the impact of the uses upon the various purposes of the zoning ordinance, determines which uses are compatible with each other and can share reciprocal benefits, and decides which uses will provide for coordinated, adjusted, and harmonious development of the district. P. Hagman, Urban Planning and Land Development Control Law 105 (1971). See Art. 66B, s 4.03." 291 Md. at 20-21.

[5] Because the legislative body, in reaching its determination, is engaged in a balancing process, certain uses may be designated as permitted although they may not foster all of the purposes of the zoning regulations and, indeed, may have an adverse effect with respect to some of these purposes. Thus, when the legislative body determines that the beneficial purposes that certain uses serve outweigh their possible adverse effect, such uses are designated as permitted uses and may be developed even though a particular permitted use at the particular location proposed would have an adverse effect above and beyond that ordinarily associated with such uses. 291 Md. at 21.

[6] For example, churches and schools generally are designated as permitted uses. Such uses may be developed, although at the particular location proposed they may have an adverse effect on a factor such as traffic, because the moral and educational purposes served are deemed to outweigh this particular adverse effect."

Judge Davidson concluded with this condensed recap,

> "We now hold that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." 291 Md. at 22-23.

In sum, Judge Davidson placed the special exception in the harmonious coordination of land planning; explained the differential functions of uses by right and special exceptions; and contrasted "inherent" adverse impacts of a land use, which occur virtually identically anywhere in the zone, with adverse impacts which vary in degree at particular locations, and may have effects above and beyond those likely to occur irrespective of the use's location within the zone.

Judge Davidson concluded the CSA had applied the incorrect Gowl standard and failed to analyze properly the particular locational impact. As a result, the Court vacated the CSA decision and remanded for further review of the disputed traffic access issue.

Schultz emphasized that decision-makers must not conflate or confuse special exception uses with uses permitted by right. The opinion also explains and contrasts "inherent" adverse impacts with particular area impacts, which vary according to

---

"When the legislative body determines that other uses are compatible with the permitted uses in a use district, but that the beneficial purposes such other uses serve do not outweigh their possible adverse effect, such uses are designated as conditional or special exception uses. .... Such uses cannot be developed if at the particular location proposed they have an adverse effect above and beyond that ordinarily associated with such uses. For example, funeral establishments generally are designated as special exception uses. Such uses may not be developed if at the particular location proposed they have an adverse effect upon a factor such as traffic because the legislative body has determined that the beneficial purposes that such establishments serve do not necessarily outweigh their possible adverse effects.

"More particularly, by definition, a permitted use may be developed even though it has an adverse effect upon traffic in the particular location proposed. By definition, a requested special exception use producing the same adverse effect at the same location must be denied. Thus, by definition, a church may be developed even if the volume of traffic that it generates causes congestion and unsafe conditions at the particular location proposed. By definition, however, a special exception use for a funeral establishment producing the same volume of traffic and, therefore, the same congestion and unsafe conditions at the particular location proposed must be denied. It is precisely because a permitted use may be developed even though it may have an adverse effect on traffic at the particular location proposed, whereas a special exception use may not, that to grant a requested special exception use on the ground that it generates traffic volume no greater than that generated by a permitted use is logically inconsistent and in conflict with previously established standards." 291 Md. at 21-22. Citations omitted.

location. It is important also to guard against conflation and confusion of these opposite types of impacts. This is a subject to which we will return.

F. The Holbrook Opinion: Attention Should Be Paid

Then came Board of Co. Comm'rs v. Holbrook 314 Md. 210 (1988). The Court sustained denial of a special exception for a mobile home based just on the particular adverse visual impact and depreciation of value of a single-family detached dwelling. Judge Cole wrote, "The Schultz test accords with the general standard for judicial review of the ruling of an administrative agency." 314 Md. at 218. The Court described "countless locations in the zone" where there would be no such adverse impact.

G. Baltimore County: Featured Communities, Revitalization, and Historic Districts

The Court of Special Appeals (CSA) sustained this CBA's denials of special exceptions in People's Counsel v. Mangione 85 Md. App. 738 (1991), convalescent home, residential zone; People's Counsel v. Country Ridge Shopping Center 144 Md. App. 580 (2002), pawnshop, business zone; and Lucas v. People's Counsel 147 Md. App. 209 (2002) helicopter landing area, R.C. 2 agricultural zone.

In each of these cases, the CBA focused broadly on adverse impacts particular to the neighborhood. The Mangione project involved significant visual, stormwater, and traffic impacts in Lutherville. 85 Md. App. at 752. Among other observations, Judge Dale Cathell underlined that, "The size and scope of the project are thus relevant considerations." Mangione, 85 Md. App. at 746-47, n. 6. Country Ridge focused on the health, safety, and general welfare impact to the Essex Commercial Revitalization District. 144 Md. App. at 589-90, 599. Lucas highlighted impacts on the surrounding thoroughbred horse farming area, the iconic Greenspring Valley, and the associated iconic historic district. While the opinion suggested a more precise description of the boundary, the CSA held these adverse impacts to be relevant. 147 Md. App. at 239-51.

H. People's Counsel v. Loyola College

Loyola College carried Schultz forward. Judge Glenn Harrell reviewed the evolution of special exception law. 406 Md. at 70-107. He cited the Harry Potter "Sorting

Hat" scenario as a metaphor.[7] Judge Harrell also highlighted the meaning of "inherent" adverse effects, those "likely to occur wherever in the particular zone they may be located." This is consistent with Judge Davidson's correlative holding which we quoted again, contrasting the type of adverse effects, which are not "inherent," 291 Md. at 21,

> "We now hold that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." 291 Md. at 21.

As we have seen, Loyola College also provided Judge Joseph Murphy the opportunity to encapsulate the rules of engagement, quoted earlier on page 2, *supra.*

I. After Loyola College

The application and interpretation of special exception law has continued to generate controversies. Our research reveals three cases after Loyola College. They are Montgomery County v. Butler 417 Md. 271 (2010); Attar v. DMS Tollgate 451 Md. 272 (2017); and Clarksville Residents Against Donaldson Properties 453 Md. 516 (2017).

In Butler, the Montgomery County CBA concurred with their Hearing Examiner's recommendation to deny a special exception for a landscape contractor's business in an RDT (Rural Density Transfer) Zone. The denial was based on commercial traffic, noise, and site configuration close to adjacent residential properties.

The Court unanimously affirmed the denial as consistent with relevant standards. The Court rejected petitioner's argument that the adverse effects were "inherent."

---

7 "... [t]he local legislature, when it determines to adopt or amend the text of a zoning ordinance with regard to designating various uses as allowed only by special exception in various zones, considers in the generic sense that certain adverse effects, at least in type, potentially associated with (inherent to, if you will) these uses are likely to occur wherever in the particular zone they may be located. In that sense, the local legislature puts on its 'Sorting Hat' and separates permitted uses, special exceptions, and all other uses. That is why the uses are designated special exception uses, not permitted uses. The inherent effects notwithstanding, the legislative determination necessarily is that the uses conceptually are compatible in the particular zone with otherwise permitted uses and with surrounding zones and uses already in place, provided that, at a given location, adduced evidence does not convince the body to whom the power to grant or deny individual applications is given that actual incompatibility would occur." 406 Md. at 105-06.

Notably, Montgomery County had adopted a legislative definition of "non-inherent adverse effects," as, 417 Md. at 276-77,

> "...physical and operational characteristics not necessarily associated with a particular use, or adverse effects created by unusual characteristics of the site."

The Court held the local legislature could enact its own definition of "inherent" or "non-inherent" effects, even if inconsistent with that in the case law. In any event, the Court found the Montgomery County definition to be consistent with the case law.[8]

Attar and Clarksville both follow Schultz and Loyola College. Attar sustained as fairly debatable the CBA's finding the proposed Wawa facility would likely not cause significant adverse traffic and stormwater management impact at the Owings Mills site on Reisterstown Road. The CBA judgment involved the specific facts at issue. The site cornered a local road, and there was no Commercial Revitalization District at issue.

Clarksville illustrates the classic "inherent" depressing effect of funeral homes. The Court addressed the area Asian population's sensitivity to depressing effects of funeral homes. The Court maintained its previous stance that funeral homes are depressing wherever located, so the adverse effect is "inherent." 453 Md. at 548-55.

II. Unintended Consequences – Pitfalls, Playbox, and Propaganda

"Please Don't Let Me Be Misunderstood." The Animals

A. Exaggerated Emphasis on the Favorable Presumption

The first pitfall involves the presumption. Petitioners treat it as a curtain to close off or obscure serious analysis.

---

[8] Judge Harrell wrote,

> Rather, as Judge Rita Davidson explained for the Court, it is for the zoning board to ascertain in each case the adverse effects that the proposed use would have on the *specific, actual* surrounding area.[27] *See id.* ("The extent of any harm or disturbance to the neighboring area and uses is, of course, material."); *Schultz*, 291 Md. at 15, 432 A.2d at 1327 ("[T]he appropriate standard to be used in determining whether a special exception ... should be denied is whether there are facts and circumstances that show that the particular use proposed *at the particular location* proposed would have any adverse effects above and beyond those inherently associated with such a special exception use ....") (emphasis added); *Loyola College*, 406 Md. at 95, 956 A.2d at 191 (stating that the Court in *Bd. of County Comm'rs for Cecil County v. Holbrook*, 314 Md. 210, 550 A.2d 664 (1988), "highlighted characteristics of the particular neighborhood that exacerbated the problems inherent to the placement of a mobile home there"; and that "the *Schultz* analytical overlay for applications for individual special exception is focused entirely on the *neighborhood involved in each case* ");" 417 Md. at 305-06

The presumption in favor of compatibility originated to contrast special exceptions with variances. It is otherwise undefined. Yet it coexists with the petitioner's affirmative burden of proof, which the Court of Appeals has reiterated time after time.

The unfortunate pitfall is that the presumption often displaces or substitutes for the burden of proof and for proper analysis of the particular adverse impacts. At best, the presumption serves as a makeweight or cosmetic addition in a situation where the burden of proof is satisfied. Too often it functions as a superficial cover to approve or justify problematic petitions, which do not meet their burden.

Beware of the exaggerated emphasis on the presumption.

B. The Infinite Inherency Heresy

The second pitfall involves the inflation of "inherent" adverse impacts. Given that such impacts do not lead to denial of a special exception, Petitioners tend to stretch infinitely every possible impact to "inherency," regardless of the particular situation.

To do this, they subvert the teaching of Schultz. They try to evade the key point that special exceptions must be denied where there are particular adverse effects at the location, which are above and beyond those likely to occur generally in the zone.

Indeed, in the present case, Petitioners' counsel went so far as to object to People's Counsel's inquiry of a witness relating to such "above and beyond" locational effects. To do this, counsel recited a quote from Attar, selectively quoting, out of context, the Schultz reference to inherent effects.

Valvoline here employs a tactic which effectively would circumvent the Schultz standards. It conflates special exception uses with uses permitted by right and promotes foregone favorable conclusions. This conflicts with the numerous cases where appellate courts have affirmed denials of special exceptions based on particular adverse locational impacts, beginning with cases from the 1950s/1960s reviewed in footnote 2, *supra*, and evolving to Mangione, Country Ridge, Lucas, and Butler.

As we have seen, Schultz differentiates particular adverse effects from inherent adverse effects. It tracks the linguistic definitions. We introduced the Webster's Third New International Dictionary definitions of "inhere," "inherency," and "inherent" in P.C.

Exh. 12, and the online Merriam-Webster definition and Thesaurus synonyms. At their cores, the verb "inhere" means "... to be inherent, to be a fixed element or attribute ....;" the noun "inherency" means "an inherent character or attribute ...;" and the adjective "inherent" means structural or involved in the constitution or essential character of something: belonging by nature or settled habit: INTRINSIC, ESSENTIAL ..."

As our appellate courts have recognized in the cases cited above, it is clear that adverse impacts to commercial revitalization districts and historic districts, and significant locational traffic impacts are all relevant as particular impacts. They are not inherent. These are the impacts at issue here.

Beware of the infinite inflation of "inherent" effects.

C. Harmony with the Comprehensive Zoning Plan and Master Plan Guidance

The third pitfall involves disregard of general compatibility. There is often overlooked what Judge Davidson delineated as "... whether the use in the particular case is in harmony with the general purpose and intent of the [comprehensive zoning] plan." Schultz, 291 Md. at 11. In turn, Judge Harrell's Harry Potter "Sorting Hat" scenario in Loyola College posited that a special exception could be granted, "..., provided that, at a given location, adduced evidence does not convince the body to whom the power to grant or deny individual applications is given that actual incompatibility would occur."

Otherwise stated, this calls for an overview of the compatibility of the project with the land use planning and character of the neighborhood. This also brings into play the Master Plan. Board of County Comm'rs v. Gaster 285 Md. 233, 247 (1979) explained,

> "There are three integral parts of adequate land planning, the master plan, zoning, and subdivision regulations."

The Baltimore County Charter requires its adoption every ten years as a guide to the comprehensive zoning. Baltimore County Charter Sec. 523(a). See Nottingham v. Baltimore County 266 Md. 339, 353-55 (172). While a guide is not a straitjacket, its guidance remains pertinent in zoning cases, and seems especially valuable for special exceptions so as to evaluate harmony with the comprehensive zoning plan. The Country

Ridge and Lucas cases are illustrative, factoring compatibility, respectively with the Essex CRD and the Greenspring Valley Historic Districts.

Beware of the failure to consider harmony with the comprehensive zoning plan.

D. Experts and Citizens: A Reality Check

The fourth pitfall involves the relative positions of expert and citizen testimony. Petitioners ritualistically elevate their consultants as zoning experts with limitless scope and unimpeachable opinions, including adverse impacts. Correlatively, they object to or downplay opinions articulated by area citizens. Both of these positions are erroneous.

Every expert opinion must have a valid factual and legal basis. This is a frequent problem in zoning cases, where such opinions tend to be subjective. In People's Counsel v. Beachwood 107 Md. App. 627, 649-50 (1995), cert. denied 342 Md. 472 (1996), the Court rejected several "expert" planning opinions. Judge Charles Moylan wrote,

> "A part of that *Boyce v. Sembly* opinion, ... not yet discussed in this opinion, and quoted with approval by the *Dorsey* opinion, observed,
>
> > The Court of Appeals and this Court have stated than an opinion, even that of an expert, is not evidence strong or substantial enough to show some error in the comprehensive rezoning unless the reasons given by the witness as the basis for his opinion, or other supporting facts relied on by him, are themselves substantial and strong enough to do so. ..." Internal citations omitted.

The usual practice is for Petitioners' experts to be engineers, surveyors, landscape architects, or former County zoning employees. They are paid, and they support the requested zoning 100%. Petitioners present them as experts on land use and zoning generally. They usually run through a favorable script on the ultimate issues. But just because they work with the zoning regulations and can prepare or discuss a site plan does not mean they know anything probative about adverse impacts on the neighborhood. That even goes for the consulting traffic engineers, because they do not have the intimate knowledge of area residents. This is not to say that such expert testimony is inadmissible. The point is that the CBA must assess such opinions to decide if within the scope of the expert's knowledge and resting upon a sound basis.

On the other hand, area citizens usually have knowledge and experience to put them in a better position to depict the neighborhood, its characteristics, and the likely adverse impacts. Inevitably, these observations coalesce with opinions concerning the relevant adverse impacts and the function or intent of the zone in the locality.

To illustrate, Eger v. Stone 253 Md. 533, 540-43 (1969) involved a special exception for off-street parking in a rural-residential zone for a shopping center. The Court held admissible the testimony of area resident Irma Raker and her traffic investigation of frequent accidents. She had a detailed list for the key intersection. The CSA in Mangione, Country Ridge, and Lucas likewise relied substantially on citizen testimony.

Beware of the undue elevation of "experts" and disrespect for area citizens.

E. Moneyball

A fifth pitfall involves money. Petitioners promote their financial investments to influence approval. But the size of the investment does not make the use appropriate.

In this context, as an exercise of the police power, zoning law functions to protect the welfare of neighborhoods and their property owners. By dividing the polity into residential, commercial, manufacturing and other zones, zoning functions conceptually to advance and protect the quality of land uses in each mapped area, necessarily affecting property values. See Village of Euclid v. Ambler Realty Co. 272 U.S. 365 (1926). Area residents and business owners also have investments in their properties. These are among the special exception considerations relating to protection surrounding areas.

Beware of the misuse of moneyball.

III. Statement of Basic Facts

A. The Proposed Valvoline Use and Previously Existing Bank

The proposed use is a Valvoline auto service/oil change facility on .46 acres at the southwest corner of Loch Raven Boulevard and Joppa Road. The 4-bay facility would occupy 2535 square feet at grade, with one story, up to 30 feet high, and working basement. The entrance would be from the west side of Loch Raven only and the exit limited to the south side of Joppa, not far from the corner. Necessarily, automobiles

would enter the bays from the Loch Raven side and exit on the Joppa Side. There would be seven parking spaces along the south side of the property, to the left of the Loch Raven Boulevard entrance and two parking spaces to the right of the bay entrances, near Loch Raven. The amended redlined site plan states screening, landscaping, and signage shall conform to county requirements; but they are not shown on the plan.

The facility would replace the closed Howard Bank, a use permitted by right. In 1999, the Deputy Zoning Commissioner approved setback variances for the bank, and a modified parking plan. P.C. Exh. 5-8. That petition placed the front yard on or oriented to Loch Raven Boulevard and granted a variance for 16 feet in lieu of the minimum 29 feet based on BCZR Secs. 232.1 and 303.2

B. Area Geography

The area is at the east end of Towson, just west of Parkville, mainly inside I-695, the Baltimore Beltway, accessible to its Loch Raven Boulevard access.

The record includes ample maps and photographs of the LRBCRD, the entire neighborhood, various sections, the Loch Raven-Joppa intersection and the subject property, and other Valvolines around Maryland. The geographic evidence includes:

(1) an ADC map of the general area. P.C. Exh. 21;

(2) a GIS map centered on the Loch Raven/Joppa intersection. P.C. Exh. 2;

(3) a series of Google Maps satellite photographs with views of and around the intersection. P.C. Exh. 15.

(4) a County Department of Planning Map of the LRBCRD. Pet. Exh. 11;

(5) a variety of current Google Maps satellite photographs of the LRBCRD and residential areas, spanning the entire area and zoomed to sections. P.C. Exh. 22A-J;

(6) street level photographs of existing automotive uses. Prot. Exh. 18; and

(7) a series of photographs of existing Valvoline facilities around the state, including on Martin Boulevard in Baltimore County. Prot. Exh. 11.

C. The Neighborhood Boundaries

We delineate the approximate boundaries of the surrounding neighborhood,

The North: the Beltway, with the addition of Chatterleigh, per Peter Moulder;

The West: to the west of Mylander Lane, including the Loch Ravens Commons PUD, though one could argue for LaSalle Road;

The South: either Putty Hill Avenue or Taylor Avenue, a matter of judgment;

The East: the Beltway crossing over Joppa Road, east of Oakleigh Road.

D. Loch Raven Boulevard and Joppa Road

Loch Raven (State Route 542) and Joppa are major roadways. Loch Raven is mainly a six-lane north-south road from its Beltway access into Baltimore City. Joppa crosses a north county ridge from east to west along an old Indian trail, from Maryland Route 7 in White Marsh to I-83. Here, it is a four-lane road, also with left-turn lanes.

Speed limits vary from 30 to 35 miles per hour, but vehicles speed. There are traffic signal lights at the Mylander Lane and Oakleigh Roads ends. But, aside from Loch Raven, there is only one in between, at Pleasant Plains. There are many curb cuts. All of this contributes to what Jason Bulkeley described as a dangerous raceway along Joppa Road, with multiple in-out movements and many accidents.

E. The Loch Raven-Joppa Intersection

1641 East Joppa Road is at the southwest corner of Loch Raven Boulevard and Joppa Road. This intersection is the central intersection of the Loch Raven-Baynesville Commercial Revitalization District (LRBCRD) and the surrounding mostly residential neighborhood. It is effectively the only through north-south intersection in the area.

The intersection is at the crest of a ridge, from which Loch Raven slopes steeply north to the Beltway and more gently south toward Taylor Avenue. It is a signalized intersection, currently classified as Level D, just slightly above the level to qualify for permits. Prot, Exh. 9-10. BCZR Sec. 4A02.4.D. Protestants introduced Baltimore County Traffic Engineering Turning Count Movement Data (2014, 2017), which shows the heavy traffic at the intersection, especially in and around rush hours. Prot. Exh. 13-14.

F. The Loch Raven-Baynesville Commercial Revitalization District (LRBCRD)

The County Council formed the Loch-Raven CRD in 1998. Res. 83-98. In 2013, Council Res. 11-13 divided the District into three subdistricts: Loch-Raven-Baynesville, Loch Raven-Satyr Hill, and Loch Raven-Hillendale. P.C. Exh. 4. We are in Baynesville.

Master Plan 2020, pages 137-41, addresses the CRDs and their purposes. Prot. Exh. 4. Black's Law Dictionary 1855 (10th Ed. 2014) defines "zone' as ":1. An area that is different or distinguished from surrounding areas." While not codified directly in the BCZR, the CRDs nevertheless function as overlay zones with specific planning foundations. There are now 17 CRDs in the County. P.C. Exh. 16.

The LRBCRD extends for a little more than a mile, east-west, from the Beltway/Oakleigh road area at its eastern edge to just west of Mylander Road on the west. Notably, the Council extended the boundary past Mylander in 2016. Res. 50-16.

On its north-south axis, it extends for a little less than a half mile, from above Joppa Road to its southern edge at Joan Avenue/Mussula Road. As shown on the relevant map, Pet. Exh. 11, its boundaries vary somewhat in distance from Loch Raven and Joppa, so that the LRBCRDs assumes the shape of a bird facing east.

G. Predomination of Auto-Related, Fast Food Uses, and Inns

The satellite maps and testimony reflect various commercial uses in the LRBCRD. These include financial services (banks, insurance), music-oriented, fitness, furniture stores, liquor stores. Nevertheless, there stand out the predominance of auto-related uses and fast-food/convenience store uses, along with several inns.

The extensive auto-related uses provide every service imaginable, as well as sales and rentals.[9] By our count, there are already 22 such uses which are active.

---

[9] Google Satellite Maps, P.C. 22A-J; Map, Photos, Prot. Exh. 17-18; Testimony

Joppa Road – West of Loch Raven (E,F)

Hollenshade's Auto Services; Royal Farms – Gas Station; Monroe Auto Service and Tire Centers; BP Gas Station; Marathon Gas Station; Wawa (W/S Mylander Lane)

Loch Raven Boulevard South of Joppa Road (G)

Mobile 1 Lube Express; Loch Raven Marathon; Baynesville Bicycle Services; Towson Tag and Title; Auto Center (SW corner of Loch Raven and Yakona, not marked); Captain's Car Wash

Joppa Road – East of Loch Raven – Emge Road to Don's Crabs (H)

Pep Boys Auto Parts & Services; Mr. Tire Auto Service Centers; Midas Mufflers; Caspian Motors; Camden Auto Body (S/S Joppa, across from Mr. Tire, not marked)

Joppa Road – East of Loch Raven – Don's Crabs to Oakleigh Road (I)

BMW of Towson Certified Collision Center; Royal Motors; Hertz rental, sales

Joppa Road – East of Loch Raven – Raven Road to Emge Road (J)

Joppa Road Automotive Center; Enterprise Rent a Car (NW corner, Joppa and Lackawanna, not marked)

There are fast-food restaurants, carry-outs, and convenience stores. The majority are on or near Joppa Road, west of Loch Raven Boulevard. [10] There are a few on Joppa east of Loch Raven, and Loch Raven south of Joppa.[11] To this list we add four inns.[12]

H. The Design Review Area

County Code Sec. 32-4-203 sets up the Design Review Panel and its purposes. Sec. 32-4-204 lists the DRP areas. Sec. 32-4-204(c)(6). They include the LRBCRD.

The DRP assesses design, architecture and layout. Sec. 32-4-203(c). It does not cover the more fundamental special exception criteria regarding the appropriateness of the use. The DRP and Department of Planning (DOP) have approved the project's design conditionally, Pet. Exh. 5, 9, but this is not a basis for zoning approval.

I. Character of the Surrounding Neighborhood

South of the LRBCRD, below Joppa Road, there are post-World War II vintage residential neighborhoods with red-brick townhouses. These are on both sides of Loch Raven Boulevard. The west area includes the Knettishall and Loch Raven Village communities. It is bisected by Pleasant Plains Road, with attractive dwellings and landscaping. It includes Pleasant Plains Elementary School, Ridgely Manor Park, and churches. The east area includes Loch Raven Heights and Ridgeleigh, with townhouses at a higher density. The area includes Oakleigh Elementary School and White Oak School.

North of the LRBRCRD, there are commercial uses tucked away on Orchard Tree Lane and along the Loch Raven Boulevard toward the Beltway. There is also a semi-circular enclave of respectable single-family detached dwellings in the area taking the historic name of Baynesville, accessible from Lackawanna Avenue and Emge Road.

J. The Business-Local Zone

The zone is B.L., Business-Local. It is perhaps the most common or prevalent business zone in Baltimore County. As shown in the Baltimore County Department of

[10] Papa John's; Dunkin'; Pizza Hut; Subway; McDonald's; Sonic; Subway; 7-Eleven
[11] Conrad's Crabs; Don's Crabs; Chicken Paul.
[11] Towson East, Welcome Inn, Days Inn, Comfort Inn.

Planning Map, there are 1888.19 acres of B.L. Zones in the county. P.C. Exh. 17. There are also 1,474 acres of B.L. Zones overlain by various zoning districts. Ibid.

The B.L. Zone lists 79 business uses permitted by right, several with multiple uses. BCZR Sec. 230.1. There are also permitted uses enumerated, as limited, in the immediately adjoining residential zone. Ibid. Residential zones include R.C., D.R., R.O., R-O-A, or R.A.E. Zones. BCZR Sec. 101.1. These include residential, institutional, and office uses. The zone adds 33 uses permitted by special exception. BCZR Sec. 230.3.

There are thus available a multitude of uses, most by right, and others by special exception. This latitude is especially relevant to consideration of compatibility with the purposes of the LRBCRD guidance for the comprehensive zoning plan.

IV. Argument

"No reason to get excited, The thief he kindly spoke
There are many here among us, Who feel that life is but a joke
But, uh, but you and I, we've been through that, And this is not our fate
So let us stop talkin' falsely now, The hour's getting late."
Bob Dylan, All Along the Watchtower (1967), covered by Jimi Hendrix

A. There is a Palpable Conflict with Purposes of the LRBCRD

Webster's Third New International Dictionary, p. 1944 defines "**revitalize**" as "... to impart new life or vigor or : to restore to a vigorous active state ..." Thus, "**revitalization** is "an act or instance of revitalizing ...." In contrast, "**devitalize**" means "... to deprive of force or effectiveness ...," Webster's op. cit. p. 619

The County Council adopted Master Plan 2020 in Resolution 94-10. MP 2020 addressed CRDs on pages 137-41. Prot. Exh. 4. There were then 14 CRDs mapped on page 138. To provide historical context,

> "These areas were once the commercial hubs of the County's older beltway communities and offered a range of retail, service, and entertainment uses." Page 137

MP 2020 then recited that suburbanization tended to overtake "... the smaller mom and pop shops along neighborhood main streets." Page 139. This led to the need for revitalization, to capitalize on downtown development patterns, and to build upon a series

of small complementary successes.[13] An "important goal" would be to attain "... a sufficient and balanced mix of quality uses."[14]

MP 2020 then reinforced the importance of a synergistic mix of successful downtown housing and office uses which integrate with destination retail and entertainment uses.[15] There was italicized the policy to retain and attract quality uses "... that create well balanced and economically vital mixed-use."[16] Ibid. A series of potential actions followed. MP 2020 then highlighted that the CRDs 'should be the 'front door' to the residential neighborhoods, help establish the overall image, and contribute to important appearance of the business and residential communities.[17]

County Council Resolution 11-13 devised three subdistricts, including LRBCRD, and framed the purposes, P.C. Exh. 4. The Resolution's introductory clause referred to then 17 CRDs designated by the County Council or adopted in the Master Plan. The next clause focused on the function and purpose of this CRD, as follows:

> "WHEREAS, the County's commercial revitalization districts and their surrounding communities are inseparably linked, with the districts providing a range of retail, service, and entertainment uses for the local community, as well as establishing the overall image of a community;"

---

[13] "To remain viable, the CRD's must differentiate themselves by capitalizing upon their downtown development patterns, strengthening the existing base of small businesses, and attracting new and different uses. Each district is unique with its own set of attributes and liabilities and revitalization efforts must be tailored to address these differences. Successful revitalization in smaller districts is built upon a series of small complementary successes and larger districts may benefit from key redevelopment projects that restructure the local economy." Page 139.

[14] Attaining a sufficient and balanced mix of quality uses is an important goal that should be accompanied with creating a safe, attractive, and walkable environment. Page 139

[15] The most successful downtowns have a mix of synergistic uses that support each other. Downtown housing and office uses have residents and employees that patronize retail shops, restaurants, and service uses such as hair salons, banks, and dry cleaners. Theaters and other entertainment uses are destinations."

[16] "***Policy: Retain and attract quality retail, office, service, residential, entertainment, and institutional uses that create well balanced and economically vital mixed-use.***"

[17] The districts, like community enhancement areas, should be the "front door" to the residential neighborhoods, and help establish the overall image of a community. The appearance of the CRD is important to the business and residential communities, and is both a private and public responsibility." Page 140.

The Council reiterated this latter clause in Resolution 50-16. P.C. Exh. 4.

Given the integral relationship between planning and zoning for adequate land planning, and planning/zoning features of the CRDs, these County Council Resolutions and their purposes are critical to special exception analysis. They are relevant to health, safety, and welfare and the intent of the zoning regulations, for which MP 2020 and the Council's LRBCRD Resolutions set a framework. These fit the Schultz standards, relating to particular adverse impacts and harmony with the comprehensive zoning plan. As we have seen, the Country Ridge and Lucas cases focused on the Essex CRD and the Greenspring Valley Historic District.

We perceive that particular adverse impacts to the LRBRCD and surrounding area and disharmony with the comprehensive zoning plan exist for the following reasons:

(1) The LRBCRD now suffers from clutter and saturation of 22 auto-related uses, mostly service uses. The proposed Valvoline facility conflicts with the purpose to provide, incrementally, a balance and mix of synergistic uses to improve the community;

(2) The proposed Valvoline facility is oriented to commuters utilizing the nearby I-695 Beltway access. It is not primarily oriented to serve the local business and residential community. It is a transient rather than destination use.

(3) The Loch Raven-Joppa intersection is the central intersection, "front door," and effective gateway for the area. The proposed facility service garage does not present the intended and necessary positive visual image for this key location.

(4) These adverse impacts are particular to this location in the LRBCRD and this intersection and are above and beyond those likely to occur elsewhere in the 3362 acres of acres of county land zoned B.L. (including B.L. Zones with overlay districts).

(5) There are a plethora of B.L. Zone uses permitted by right or special exception which will have a positive impact in service to the community and which will present a welcoming image at this key intersection.

(6) There are available also by PUD the positive and attractive regeneration of mixed uses commercial/residential uses, such as Loch Raven Commons.

Valvoline's witnesses, Randolph Kazazian and Joshua Sharon, knew of the Loch Raven CRD and had the map. But they ignored the history of Baynesville and the surrounding area, the three subdistricts, the Master Plan, the County Council Resolutions, and the functions and purposes of CRDs generally and LRBCRD specifically. It does not fit their results-oriented narrative. Kazazian focused on corporate franchising policy and strategy. Sharon's boilerplate assertions of meeting the BCZR Sec. 502.1 criteria were conclusory. They failed to pass the threshold and were insubstantial.

Valvoline makes much of their conditional DRP approval and the Planning Department's focus on it in registering "no objection" to the petition. Pet. Exh. 5. 9. But, as we have seen, DRP, and DOP here limit their focus to design issues. They do not address the contextual appropriateness and legitimacy of the special exception.

In opposition, Peter Moulder, Paul Hartman, and Jason Bulkeley presented facts to substantiate the history, character and geography of the LRBCRD and surrounding area. They identified and illustrated the various conflicts listed above. Moulder represented the Associates of Loch Raven Village Association. Prot. Exh. 15. He described the neighborhood history and character; community efforts to identify and support the establishment of the LRBCRD; the Master Plan and Council Resolutions; and multiple existing auto-related uses. He explained well how the Valvoline facility would conflict with CRD purposes. Hartman, Vice-President of the Towson Communities Alliance, placed the importance of improvement of this CRD and neighborhood in the context of the greater Towson area, encapsulating the idea of stepping forward rather than stepping back. Bulkeley, longtime owner-manager of the Orchard Market Café, gave a local business owner perspective. He stressed the importance of local destination businesses to serve the community, rather than in/out operations for commuters. He concurred that the Valvoline would not present an attractive community brand or image at the intersection. He gave ample example of potential positive uses (professional offices, higher grade retail); and dramatized the dangerous traffic conditions on Joppa Road.

Board of County Commissioners v. Luria 249 Md. 1 (1968) reinstated the district council's administrative denial of a special exception for a gasoline station at a key Bladensburg intersection, zoned commercial. The Court of Appeals wrote,

> "The county ordinance set out in footnote 2 makes it abundantly clear that the requisites for the granting of a special exception are a finding that the proposed use is in harmony with the general plan and a finding that the proposed use will not have an adverse effect on health and safety nor be detrimental to adjacent properties or the general neighborhood. **It is our view that such findings must be based on testimony, and that the applicant assumes the burden of adducing such testimony, even in a prima facie case.** ... In the case before us, the applicant did not meet this burden." [18] 249 Md. at 3. Emphasis supplied.

Judge Singley quoted the testimony of Petitioners' expert, a realtor with 21 years experience. The Court found his supportive expert testimony to be conclusory, and reminded that "...where statutory standards are set up, there must be supporting evidence upon which a rational judgment can be based."[19] 249 Md. at 6. The Court found that Petitioners' evidence, being conclusory, failed to meet the burden. Therefore, it sustained the District Council's denial, and overturned the Circuit Court's reversal.

Brouillett v. Eudowood Shopping Plaza 249 Md. 606 (1968), involved a special exception for a self–service carwash at the Eudowood Plaza parking lot, now Towson Marketplace. It was zoned B.L. The carwash was proposed at the intersection of Putty Hill Road and Goucher Boulevard. The CBA denied the petition as "detrimental to the health, safety, and general welfare of the locality involved." 249 Md. at 607. As in Luria, the Circuit Court reversed, but the appellate court reinstated the denial. Notably, this case was decided years before the advent of the now nearby Loch Raven CRD.

Judge Marbury cited the CBA's findings on visibility of the use, availability of other area carwashes, and so a lack of need; and lack of information as to screening,

---

[18] Citing "Oursler v. Board of Zoning Appeals, 204 Md. 397, 402, 104 A.2d 568 (1954); Montgomery County v. Merlands Club, 202 Md. 279, 290, 96 A.2d 261 (1953). See Carson, Reclassification, Variances and Special Exceptions in Maryland, 21 Md.L. Rev. 306, 317 (1961)."

[19] Citing Heath v. M. & C.C. of Baltimore 187 Md. 296 (1946); Mayor & City Council v. Biermann 187 Md. 514 (1947).The

lighting, and signs. He also described the expert testimony from the Director of Planning as lacking with respect to the impact on the area. 249 Md. at 609-10.

The opinion emphasized Oursler v. Board of Zoning Appeals 204 Md. 397, 402, reiterating that in Baltimore County, an applicant for a special exception, albeit a *prima facie* permissible use, still "... must show only that that the exception would be in harmony with the zoning plan and would not be detrimental to the welfare of the neighborhood." Petitioners had failed to meet their burden.

Prince George's County v. Meininger 254 Md. 148 (1972) again reinstated the district council's denial of a special exception after Circuit Court reversal. The gas station/carwash was proposed for the intersection U.S. Route 1 and Indian Lane.

The district council found no need for the gas station. They wrote,

> "We are not able to say that the proposed use will not adversely affect the health and safety of residents or workers in the area, and will not be detrimental to the use and/or development of adjacent properties or the general neighborhood." 254 Md. at 150.

They concluded, "To grant this application may well upset, if not already upset, the balance of land usage in the area."

For the Court of Appeals, Judge Finan noted evidence that the use would likely add traffic accidents and affect vehicular traffic at the intersection. The evidence also showed that the "need" for the facility would relate to transient customers, not the neighborhood, and anyway there were nearby stations available. He highlighted,

> "... that the type of land use proposed, such as a gasoline station or fast-food restaurant, restricted the use of the land, for other trades and commercial purposes, and would thus upset the balance of land usage contrary to the express provisions of the Zoning Ordinance." 248 Md. at 153.

The Court also cited the Mayor and City Council's submittal that "there was an overabundance of gasoline stations in the area, that there was no demonstrated need for another, and that the intended use was not in conformity with the master plan." Under these circumstances, the Court effectively sustained the District Council's denial.

This auto use special exception case trilogy resonates and fits the pattern of the present case. The CBA should deny this proposal as adverse to the neighborhood and not in harmony with the comprehensive zoning plan, area, master plan, and LRBCRD.

B. The Proposed Facility Will Aggravate Traffic Congestion and Hazard

Joppa Road is definitely a congested, hazardous road. The Loch Raven-Joppa D-rated intersection is fraught with hazardous conditions. Jason Bulkeley especially dramatized the dangers and accident history on Joppa Road.

While the Planning Department called for mitigation by limiting Joppa Road to exit only, this barely covers the difficulties. There will still be a hazardous exit condition. There is also the especially frightening U-Turn situation for autos traveling north on Loch Raven and then seeking a turnaround to enter the facility at its Loch Raven south entrance. As described, such U-Turns intersect dangerously with vehicles turning the corner access from the Joppa Road eastward lane into Loch Raven southward.

Any use at this intersection involves traffic challenges. But commuter uses such as Valvoline generate frequent movements. Even branch banks such as Howard Bank, which at least serve the community, generate less traffic now that online banking is popular. Many branch banks are closing. An important consideration is that banks are among the 79 B.L. Zone uses are permitted by right. The County Council has prioritized such uses and weighed them favorably against potential traffic impacts. But for special exceptions, the adverse effect balance weighs negatively for denial.

Valvoline produced a consultant, Kenneth Schmid to say that everything is fine. It is his job to give a positive narrative, and he did it. But it was nothing more than the usual boilerplate support. Schmid does not live in the area or experience the daily hazards.

In sum, the evidence fails to satisfy the burden of proof that there be no particular adverse impact relating to traffic congestion and hazard.

C. The Petition Omits the Requisite Front Yard Setback Variance

We identified an additional problem with the petition. There is an omission of the requisite minimum front yard building setback variance per BCZR Secs.238.1 and 303.2. The front of the property is oriented to Loch Raven Boulevard. The minimum setback is 29 feet, based on the average of setbacks of adjoining properties within 100 feet, as shown in the 1999 case. P.C. Exh. 8, site plan. But the east side of the Valvoline building

is 25 feet from Loch Raven. To avoid the variance, Valvoline argues that Joppa Road is the front of the property.

The 1999 Howard Bank case treated Loch Raven as the front, although there were entry/exit two-way driveways on Loch Raven and Joppa, and the drive-thru lane entered on Joppa and exited Loch Raven. The current plan more clearly orients the frontage to Loch Raven because it is the sole entrance, entry to the bays and access for employees from Loch Raven, entry parking near Loch Raven, and Joppa the sole exit.

Webster's Third New International Dictionary 914 defines "**front**," in part, as,

> "**2** something that confronts or faces forward **as** : a **(1)** the face of a building ; *esp* the face that contains the principal entrance ..."

Correlatively, the definition of "**back**", Webster's 157, states, again in pertinent part,

> " **2 a** (1): the side or surface of something that is opposite to the side that is regarded as the front or face (2) the side that is opposite to the side approached or seen .."

The CSA addressed the front/back issue in Swoboda v. Wilder 173 Md. App. 615 (2007). This involved a Rodgers Forge townhouse end unit at the corner of Pinehurst and Murdock Roads. The CBA found the frontage on Pinehurst, citing the widest part of the building, the entrance, two bay windows, and walkway from sidewalk to front door. 173 Md. App. at 630-31. The CSA cited the physical construction of the building, main entrance door and walkway, exterior appearance, bay windows, interior layout, the length and width of each face, and usage of the property. There were countervailing factors and opposition expert testimony. These supported a detailed argument for Murdock Road frontage. 173 Md. at 625-30. But the CSA found the CBA decision was reasonable.

Here, the entry/exit plan, bay fronts, parking lot, and building configuration all orient the frontage to Loch Raven. The situation is thus stronger for Loch Raven frontage than in the 1999 iteration, and in Swoboda. The deviation from the required setback may not be severe. Nevertheless, the rule of law calls for an application for a variance. Valvoline omitted it, and has continued to resist it at the CBA.

Furthermore, a special exception, as a conditional use, may have its presumption "fall by the wayside" where variances are necessary. Chester Haven Beach Partnership v.

Board of Appeals 103 Md. App. 324, 335-37 (1995); Umerley v. People's Counsel 108 Md. App. 497, cert. denied 342 Md. 584, 509-11 (1996). So, this issue impacts the special exception, albeit there are independent reasons for denial.

Conclusion

For all of the above reasons, the CBA should deny this special exception.

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 9th day of August, 2019, a copy of the Post-Hearing Memorandum of People's Counsel for Baltimore County was mailed to Michael McCann, Esquire, 118 West Pennsylvania Avenue, Towson, Maryland 21204 and Dino LaFiandra, Esquire, 100 West Pennsylvania Avenue, Suite 305, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 26, 2019

NOTICE OF ASSIGNMENT
Day 3

IN THE MATTER OF: Howard Bank – Legal Owner
Mid-Atlantic Lubes, LLC – Contract Purchaser
19-070-SPHX 1641 Joppa Road
9th Election District; 5th Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 to approve an amendment to the previously approved zoning site plan in Case No. 99-251-A; and

Petition for Special Exception pursuant to BCZR Section 230.3 to permit a service garage in a BL zone.

11/15/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing and the Petition for Special Exception was GRANTED, subject to conditions.

ASSIGNED FOR: JUNE 27, 2019, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c.	Counsel for Petitioners	: Dino C. La Fiandra, Esquire
	Legal Owner	: Howard Bank
	Contract Purchaser	: Mid-Atlantic Lubes, LLC
	Counsel for Protestants/Appellants	: Michael R. McCann, Esquire
	Protestants/Appellants	: Ridgely Manor Community Association, Dale Cassidy, President; Ridgely Manor Community Association, Susan C. Bacon, Treasurer; Knettishall Community Association, Inc., Janice Krach, President; Towson Communities Alliance, Bryan Fischer; Associates of Loch Raven Village, Peter Moulder, Vice President

C. Pete Gutwald, Director/Department of Planning
Lawrence Stahl, Managing Administrative Law Judge
Michael Field, County Attorney
Mike Mohler, Acting Director/PAI
Nancy C. West, Assistant County Attorney
Office of People's Counsel

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 22, 2019

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Howard Bank – Legal Owner
Mid-Atlantic Lubes, LLC – Contract Purchaser
19-070-SPHX 1641 Joppa Road
9th Election District; 5th Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 to approve an amendment to the previously approved zoning site plan in Case No. 99-251-A; and

Petition for Special Exception pursuant to BCZR Section 230.3 to permit a service garage in a BL zone.

11/15/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing and the Petition for Special Exception was GRANTED, subject to conditions.

ASSIGNED FOR: **MARCH 5, 2019, AT 10:00 A.M.**
and **APRIL 2, 2019, AT 10:00 A.M. (if necessary)**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c.	Counsel for Petitioners	: Dino C. La Fiandra, Esquire
	Legal Owner	: Howard Bank
	Contract Purchaser	: Mid-Atlantic Lubes, LLC
	Protestants/Appellants	: Ridgely Manor Community Association, Dale Cassidy, President; Ridgely Manor Community Association, Susan C. Bacon, Treasurer; Knettishall Community Association, Inc., Janice Krach, President; Towson Communities Alliance, Bryan Fischer; Associates of Loch Raven Village, Peter Moulder, Vice President

Jeff Mayhew, Acting Director/Department of Planning
Lawrence Stahl, Managing Administrative Law Judge
Michael Field, County Attorney
Mike Mohler, Acting Director/PAI
Nancy C. West, Assistant County Attorney
Office of People's Counsel

19-070-SPHX

JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

December 14, 2018

RECEIVED
DEC 14 2018
BALTIMORE COUNTY
BOARD OF APPEALS

Dino C. La Fiandra, Esq.
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Ave., Suite 305
Towson, MD 21204

RE: **APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing and Special Exception
Case No. 2010-0070-SPHX
Property: 1641 Joppa Road

Dear Mr. La Fiandra:

Please be advised that an appeal of the above-referenced case was filed in this Office on December 13, 2018. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

19-070-SPHX

JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

December 14, 2018

RECEIVED
DEC 14 2018
BALTIMORE COUNTY
BOARD OF APPEALS

Dino C. La Fiandra, Esq.
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Ave., Suite 305
Towson, MD 21204

RE: **APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing and Special Exception
Case No. 2010-0070-SPHX
Property: 1641 Joppa Road

Dear Mr. La Fiandra:

Please be advised that an appeal of the above-referenced case was filed in this Office on December 13, 2018. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

c: Peter Moulder, 1551 Dellsway Road, Towson, MD 21286
Susan Bacon, 1676 Yakona Road, Towson, MD 21286
Janice Krach, 8325 Wyton Road, Towson, MD 21286
Bruce & Leslea Knauff, 1516 Doxbury Road, Towson, MD 21286
John Rinehart, 10 Resester Avenue, Towson, MD 21212
Dale Cassidy, 1654 Yakona Road, Towson, MD 21286
Riborg Norman, 1842 Edgewood Road, Towson, MD 21286
Andrew Cullinan, 1605 Feldbrook Road, Towson, MD 21286
Roger Gookin, 3 Southerly Ct., Apt. 601, Towson, MD 21286
Jessica Krueger, 1542 Cottage Lane, Towson, MD 21286
Kate Walkinshaw, 1610 Feldbrook Road, Towson, MD 21286
Robert Benedict, 1877 Edgewood Road, Towson, MD 21286
Beth Behrle, 39 Brett Manor Court, Towson, MD 21286
John Fiastro, Jr., 1500 Dellsway Road, Towson, MD 21286
Baltimore County Board of Appeals
People's Counsel

APPEAL

Petitions for Special Hearing and Special Exception
(1641 Joppa Road)
9th Election District – 5th Councilmanic District
Legal Owner: Howard Bank
Contract Purchaser: Mid-Atlantic Lubes, LLC
Case No. 2019-0070-SPHX

Petition for Special Hearing and Special Exception (August 31, 2018)

Zoning Description of Property

Notice of Zoning Hearing (September 20, 2018)

Certificate of Publication (The Daily Record – October 16, 2018)

Certificate of Posting (October 16, 2018) by SSG Robert Black

Entry of Appearance by People's Counsel (September 6, 2018)

Petitioner(s) Sign-in Sheet – 1 Sheet
Citizen(s) Sign-in-Sheet – 1 Sheet

Zoning Advisory Committee Comments

Petitioner(s) Exhibits:
1. Sharon CV
2. Redline Site Plan
3. Schematic Landscape Plan
4. Elevations
5. Signage Detail
6. Illustrative Site Plan
7. Dumpster Enclosure Exhibit
8. Marketing Material Valvoline
9. Schmid CV
10. Basic Services Map – 2018 - 10A
11. Basic Services Map – 2017 - 10B
12. Basic Services Map – 2016 - 10C

Protestant(s) Exhibits:
1. File Folder w/Materials

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order (GRANTED W/CONDITIONS – November 15, 2018)

Appeal & Receipts (2) from Associates of Loch Raven Village, Inc. on December 13, 2018

JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

December 14, 2018

Dino C. La Fiandra, Esq.
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Ave., Suite 305
Towson, MD 21204

RECEIVED
DEC 14 2018
BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing and Special Exception
Case No. 2019-0070-SPHX
Property: 1641 Joppa Road

Dear Mr. La Fiandra:

Please be advised that an appeal of the above-referenced case was filed in this Office on December 13, 2018. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

c: Peter Moulder, 1551 Dellsway Road, Towson, MD 21286
Susan Bacon, 1676 Yakona Road, Towson, MD 21286
Janice Krach, 8325 Wyton Road, Towson, MD 21286
Bruce & Leslea Knauff, 1516 Doxbury Road, Towson, MD 21286
John Rinehart, 10 Resester Avenue, Towson, MD 21212
Dale Cassidy, 1654 Yakona Road, Towson, MD 21286
Riborg Norman, 1842 Edgewood Road, Towson, MD 21286
Andrew Cullinan, 1605 Feldbrook Road, Towson, MD 21286
Roger Gookin, 3 Southerly Ct., Apt. 601, Towson, MD 21286
Jessica Krueger, 1542 Cottage Lane, Towson, MD 21286
Kate Walkinshaw, 1610 Feldbrook Road, Towson, MD 21286
Robert Benedict, 1877 Edgewood Road, Towson, MD 21286
Beth Behrle, 39 Brett Manor Court, Towson, MD 21286
John Fiastro, Jr., 1500 Dellsway Road, Towson, MD 21286
✓Baltimore County Board of Appeals
People's Counsel

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

No. 174806

Date: 12-14-18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				300.00

Total: 300.00

Rec From: Associates of Loch Raven Village, Inc.

For: OAH Appeal
Case No: 2019-0070-SPHX
1640 Joppa Rd.
Hearing Date - 11-5-18
Ck. # 1639

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

CASHIER'S VALIDATION

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
12/14/2018 12/14/2018 09:40:58 1
REG WS01 WALKIN LJR
RECEIPT # 024665 12/14/2018 OFLN
5 528 ZONING VERIFICATION
NO. 174806
Recpt Tot $ 300.00
300.00 CK .00 CA
Baltimore County, Maryland

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

No. 174805

Date: 12-13-18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				400.00

Total: 400.00

Rec From: Associates of Loch Raven Village, Inc.

For: OAH Appeal
Case No. 2019-0070-SPHX
1640 Joppa Rd.
Hearing Date - 11-5-18
Ck. # 1638

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

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
12/13/2018 12/13/2018 12:03:51 5
REG WS05 WALKIN LRB
RECEIPT # 986720 12/13/2018 OFLN
Dept 5 526 ZONING VERIFICATION
CK NO. 174805
Recpt Tot $ 400.00
400.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

12/13/2018

RECEIVED
DEC 13 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

Lawrence S. Stahl, Managing Administrative Law Judge
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Petition for: Special Hearing and Special Exception
Howard Bank (Legal Owner), Mid-Atlantic Lubes LLC (Contract Purchaser)
1641 Joppa Road
Ninth Election District, Fifth Councilmanic District
Case No.: 2019-070-SPHX

Dear Mr. Stahl:

Please enter an appeal for the Associates of Loch Raven Village, Knettishall Community Association, Ridgeleigh Manor Community Association, Towson Communities Alliance, and Peter Moulder, to the County Board of Appeals from the Opinion and Order of the Administrative Law Judge dated November 15th, 2018 in the above-entitled case.

Enclosed is our check in the amount of $ 400.00 for the filing fee. Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,
Associates of Loch Raven Village

By: Peter M. Moulder
1552 Dellsway Road
Towson, Maryland 21286
Vice President

Peter M. Moulder

Signatures and print or typed names, addresses, and phone numbers for each association and individual who is appealing (see attached)

cc: People's Counsel for Baltimore County, The Jefferson Building, 105 W. Chesapeake Avenue, Suite 204, Towson, MD 21204.
Dino C. LaFiandra, Towson Commons, Suite 300, One West Pennsylvania Avenue, Towson, MD 21204
John Beverungen, Administrative Law Judge, 105 West Chesapeake Avenue, Suite 103, Towson, MD 21204

NAME: Dale Cassidy

ADDRESS: 1654 Yakona Rd.

CITY, STATE, ZIP: Towson, Md. 21286

PHONE: 410-615-0208

ORGANIZATION: Ridgely Manor Community Association / Pres.

SIGNATURE: Dale J. Cassidy

NAME: Susan Bacon

ADDRESS: 1676 Yakona Rd.

CITY, STATE, ZIP: Towson, Md. 21286

PHONE: 410-852-8056

ORGANIZATION: Ridgely Manor Community Assn. / Treasurer

SIGNATURE: Susan C. Bacon

NAME: Janice Krach

ADDRESS: 8325 Wyton Rd

CITY, STATE, ZIP: Towson MD 21286

PHONE: 410 321 1785

ORGANIZATION: Knettishall Comm. Assoc., Inc

SIGNATURE: Janice Krach, President

NAME: Bryan Fischer

ADDRESS: P.O. Box 5421

CITY, STATE, ZIP: Towson, MD 21285-5421

PHONE: 410-207-7212

ORGANIZATION: Towson Communities Alliance

SIGNATURE: Bryan Fischer

NAME: Peter Moulder

ADDRESS: 1552 Dellsway Road

CITY, STATE, ZIP: Towson, MD 21286

PHONE: 410-456-1256

ORGANIZATION: —

SIGNATURE: Peter M. Moulder

DONALD I. MOHLER III
County Executive

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

November 15, 2018

Dino LaFiandra, Esq.
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception
Case No. 2019-0070-SPHX
Property: 1641 Joppa Road

Dear Mr. LaFiandra:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Peter Moulder, 1551 Dellsway Road, Towson, MD 21286
Janice Krach, 8325 Wyton Road, Towson, MD 21286
Bruce & Leslea Knauff, 1516 Doxbury Road, Towson, MD 21286
John Rinehart, 10 Resester Avenue, Towson, MD 21212
Dale Cassidy, 1654 Yakona Road, Towson, MD 21286
Riborg Norman, 1842 Edgewood Road, Towson, MD 21286

Andrew Cullinan, 1605 Feldbrook Road, Towson, MD 21286
Roger Gookin, 3 Southerly Ct., Apt. 601, Towson, MD 21286
Jessica Krueger, 1542 Cottage Lane, Towson, MD 21286
Kate Walkinshaw, 1610 Feldbrook Road, Towson, MD 21286
Robert Benedict, 1877 Edgewood Road, Towson, MD 21286
Beth Behrle, 39 Brett Manor Court, Towson, MD 21286
John Fiastro, Jr., 1500 Dellsway Road, Towson, MD 21286

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE
(1641 Joppa Road) 9th Election District	*	OFFICE OF
5th Council District Howard Bank	*	ADMINISTRATIVE HEARINGS
Legal Owner Mid-Atlantic Lubes, LLC	*	FOR BALTIMORE COUNTY
Contract Purchaser	*	**Case No. 2019-0070-SPHX**
Petitioners	*	

* * * * * * * * *

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 Howard Bank, legal owner and Mid-Atlantic Lubes, LLC, contract purchaser ("Petitioners"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve an amendment to the previously approved zoning site plan in Case No. 99-251-A. A Petition for Special Exception was filed to permit a service garage in a BL zone.

Randolph Kazazian, Ken Schmid, and Josh Sharon attended the public hearing in support of the requests. Dino C. La Fiandra, Esq. represented the Petitioners. Several members of the community opposed the requests. The Petition was advertised as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning ("DOP"), the Bureau of Development Plans Review ("DPR") and the State Highway Administration ("SHA"). None of the reviewing agencies opposed the requests.

The subject property is 20,082 square feet in size and zoned BL. The property is improved with a commercial building formerly used as a First Mariner Bank. The bank has closed and the property is vacant. Petitioners propose to construct and operate at the site a Valvoline oil change business.

ORDER RECEIVED FOR FILING
Date 11/15/18
By DLN

SPECIAL HEARING

The Petitioner for special hearing does not seek substantive zoning relief like a variance or special exception. Instead, it is essentially a housekeeping matter included in the Petition at the behest of the Office of Zoning Review. That agency prefers for record-keeping purposes to have an updated site plan for all new projects along with a reference to any earlier zoning case(s) being modified or amended by the current case.

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.

In this case Josh Sharon, a professional engineer accepted as an expert, described the project in detail and opined Petitioners complied with the requirements of BCZR §502.1 and the Maryland case law interpreting that provision. Ken Schmid, a traffic engineer accepted as an expert, testified the project is not located within a "failing" traffic shed as shown on the Baltimore County Basic Services Transportation Map. Pet. Ex. 10. Mr. Schmid noted the intersection at Loch Raven Boulevard & E. Joppa Road was rated "F" on the 2016 map, but that the County Council changed the designation to a "D" on the 2018 Map, which is applicable in this case. Pet. Ex. 10A. Mr. Schmid opined the Valvoline location will generate approximately 160 daily vehicle trips, with 12 trips during the AM peak period and 19 trips in the peak PM period. He noted these totals, according

ORDER RECEIVED FOR FILING
Date 11/15/18
By

to a manual produced by the Institute of Traffic Engineers, are less than the amount of traffic projected to be generated by a bank, which was of course the previous use at this site.

Members of the community oppose the project and testified there are already several oil change facilities in the area. As an eastern gateway to Towson both the community and elected representatives would prefer to have an attractive structure at the site (like the existing bank building which is by all accounts well-designed) and a business or medical office which could repurpose the existing structure. Community members note the site is within the Loch Raven Commercial Revitalization District, which is designed to foster the opening and growth of diverse businesses to serve the neighborhood.

While I appreciate the concerns expressed by the community and understand how they view the transition back to a service garage as a step backwards, I do not believe this testimony is sufficient to rebut the Petitioners' *prima facie* case as outlined above. There are several commercial revitalization areas in Baltimore County and a service garage is a permitted use by special exception in the BL zones in such districts. No evidence was presented which would tend to establish the adverse effects would be more pronounced at this location than at some other BL zoned site within a revitalization district. The Community contends an attractive building would be replaced by a generic one, but I do not believe that can be considered an adverse impact associated with the operation of a service garage. The focus is upon the proposed use itself.

THEREFORE, IT IS ORDERED this **15th** day of **November, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing to approve an amendment to the previously approved zoning site plan in Case No. 99-251-A, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a service garage, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING
Date 11/15/18
By DLW

The relief granted herein shall be subject to 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. Petitioners must comply with the DOP, DPR and SHA ZAC comments, copies of which are attached hereto and made a part hereof.

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 11/15/18
By sln

MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

September 13, 2018

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

Dear Ms. Lewis:

Thank you for the opportunity to review the plan accompanying the special exception request for the proposed Valvoline Instant Oil Change located at the southwest corner of Loch Raven Boulevard (MD 542) and Joppa Road in Baltimore County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the plan submittal listed below and is pleased to respond:

Valvoline Instant Oil Change
Plan to accompany Special Exception Request
Case No. 2019-0070-SPHX
SHA Tracking No. 18APBA021XX
MD 542 (Loch Raven Boulevard) (west side) at Joppa Road southwest corner
Mile Post 2.14
Baltimore County

An access permit will be required for the proposed changes to the existing entrances on MD 542. The following criteria and details will apply and must be reflected on future plan submittals:

The southernmost entrance must be a minimum 25' wide with curbed radii. The plans must be shaded from the edge of existing pavement on MD 542 back to the radius returns within the entrance and one of the following full depth pavement sections utilized and noted on the plans

2" Superpave Asphalt Mix 12.5mm for Surface – PG 64S-22, Level 2
7" Superpave Asphalt Mix 19.0mm for Base – PG 64S-22, Level 2 (2 – 3.5" lifts)
6" Graded Aggregate Base or 12" Capping Borrow

or

8" Portland Cement Concrete Mix #7
6" Graded Aggregate Base or 12" Capping Borrow
Refer to Std. No. MD 577.07 for joints. Refer to Std. Nos. 572.21, 572.61, and 572.61-01 for steel requirements.

The northernmost entrance must be closed with curb & gutter, and sidewalk. The existing streetscape with sidewalk and brick pavers should be utilized and tie-in at both ends of this re-constructed/relocated entrance, and sidewalk on MD 542.

This sidewalk/streetscape must be constructed with no greater than a 2% cross slope.

ORDER RECEIVED FOR FILING
Date 11/15/18
By

Sidewalk ramps must be constructed on the entrance radii (MD 655.11, 655.12, 655.13) whichever is appropriate.

A 60" wide pathway must be maintained across the entrance between the sidewalk ramps having no greater than a 2% cross slope.

All new curb and gutter along MD 542 must be MDOT SHA 8" Type 'A' curb & gutter (MD 620.02).

To initiate the plan review cycle toward the issuance of the access permit the design engineer must submit nine (9) sets of plans reflecting the above criteria and details. The plan submittal should include 1 set of hydraulic computations, and a CD containing plans and all supporting documentation to Wendy Wolcott at 320 West Warren Road, Hunt Valley, MD 21030 to the attention of Mr. Richard Zeller. Please utilize the SHA tracking number when making this submission.

All SHA Policies, Standards and Specifications must be followed when preparing the above plan submittal including but not limited to the following documents:

MDOT SHA Access Manual
MDOT SHA Business Standards and Specifications
MDOT SHA Accessibility Policy and Guidelines for Pedestrian Facilities

The Access Management Plan Review Checklist must be utilized in drafting the SHA Improvement Plans. Please include a copy of the completed checklist when making this submittal. All of these documents along with additional guidance can be found on our web site at www.roads.maryland.gov under Business Center.

If there are any questions, please contact Mr. Richard Zeller at 410-229-2332 or toll free (in Maryland only), 1-866-998-0367 (x2332) 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

cc: Morris & Ritchie Associates, Inc. / 1220-C East Joppa Road, Suite 505, Towson, MD 21286
Valvoline Instant Oil Change / 54 Jaconnet Street, Newton Highlands, MA 02461
Mr. Jan M. Cook / 111 W. Chesapeake Avenue, Towson, MD 21204
Mr. Vishnu Desai / 111 W. Chesapeake Avenue, Towson, MD 21204
Mr. Donald Distance, MDOT SHA District 4 Traffic
Mr. Michael Pasquariello, MDOT SHA District 4 Utilities
Mr. Alan Price, MDOT SHA Resident Maintenance Engineer – Golden Ring Shop

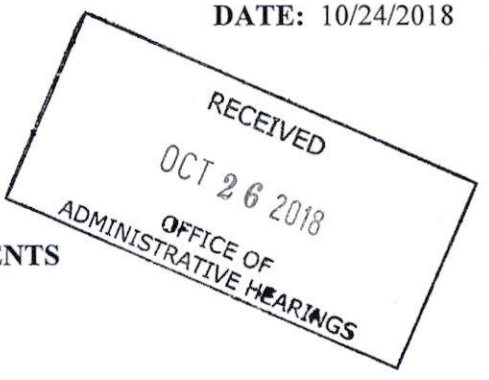
ORDER RECEIVED FOR FILING
Date 11/15/18
By

11-5

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 10/24/2018



FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-070

INFORMATION:
Property Address: 1641 E Joppa Road
Petitioner: Howard Bank
Zoning: BL
Requested Action: Special Hearing, Special Exception

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved zoning site plan in case number 99-251-A and a special exception to use the herein described property for a service garage under Section 230.3 of the BCZR.

A site visit was conducted on 10/3/2018. The site is located in the Loch Raven Commercial Revitalization Area and is also located in the boundaries of the Loch Raven Design Review Panel Area.

The Baltimore County Design Review Panel (DRP) reviewed the project at its October 10, 2018 meeting wherein conditional approval was granted. DRP approval is subject to the following conditions:

- Connect the sidewalks in the front of the building and the back of the building with a connecting paved sidewalk along the side.
- Increase landscaping at the corner in a layered effect.
- Enhance the pedestrian travel ways across the vehicular entrances through striped crosswalks or special paving.
- Provide an exit only sign for the Joppa Road access to the site.

The Department has no objection to granting the petitioned zoning relief provided that all conditions of DRP approval are incorporated into the proposal and shown on the zoning site plan and all other plans submitted to Baltimore County for approval.

ORDER RECEIVED FOR FILING
Date 11/15/18
By Den

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Jennifer G. Nugent

AVA/JGN/LTM/

c: Laurie Hay
Dino La Fiandra, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/15/18
By Sln

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 24, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 10, 2018
Item No. 2019-0070-SPHX

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

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

* * * * *

VKD: cen
cc: file

ORDER RECEIVED FOR FILING
Date 11/15/18
By Sen

PLEASE PRINT CLEARLY

CASE NAME Valvoline @ Joppa
CASE NUMBER 2019-0070-SPHX
DATE 11/5/18

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Dino LaFiandra	100 W. Pennsylvania Ave #305	21204	dcl@lafiandralaw.com
Randolph Kazazian	54 Jacquet Street, Newton Highlands, MA	02461	RKAZAZIAN@VIRC.NET
Ken Schmid	7525 Connelly Dr. Suite B 20176	21076	KSCHMIDETRAFFICCONCEPTS.com
Nicole Reedy	1220-C East Joppa Road suite 505 Towson MD 21286	21286	NREEDY@MRAGTA.COM
Josh Sharon	" "	"	JSharon@mragta.com

PLEASE PRINT CLEARLY

CASE NAME 2019-0070-SPHX
CASE NUMBER
DATE 11-5-2018

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Peter Moulder	1552 Dellsway Road	Towson, MD 21286	pmoulder49@gmail.com
Janice Krach	8325 Wyton Road	Towson, MD, 21286	Knettishalltowson@gmail
Leslea Knauff	1516 Doxbury Rd	Towson MD 21286	lesleak@aol.com
JOHN RINEHART	10 REGESTER AVE	TOWSON MD 21212	johnrinehart@yahoo.com
Dale Cassidy	1654 Yakona Rd.	Towson MD. 21286	dale.cassidy19@gmail.com
Bruce Knauff	1516 Doxbury Rd.	Towson MD 21286	brknauff@gmail.com
RIBORG NORMAN	1642 EDGEWOOD RD	TOWSON MD 21286	pwnorman@verizon.net
ANDREW CULLEN	1605 FELDBROOK ROAD	TOWSON MD 21286	ANDY_CULLEN@COMCAST.NET
ROGER GOOKIN	3 SOUTHERLY CT APT 601	21286	ROGERGOOKIN@ME.COM
Jessica Krueger	1542 Cottage Lane	Towson, MD 21286	jlibby@vt.edu
Kate Wallainshaw	1610 Feldbrook Rd.	" "	Snairwell@hotmail.com
ROBERT BERGOSH	1877 EDGEWOOD RD	" "	BOB.BERGOSH@VERIZON.NET
Beth Behrle	39 Brett Manor Court	" "	bethbehrle@comcast.net
JOHN F CASTRO JR	1500 DELLSWAY RD	TOWSON, MD 21286	jcfiastro@hotmail.com

[redacted] [redacted]

11-5-18
1:30 PM

Debra Wiley

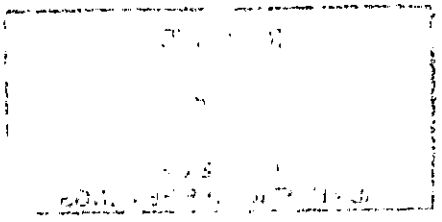
From: Bryan Fischer <bryanfischer@gmail.com>
Sent: Sunday, November 04, 2018 10:25 PM
To: Administrative Hearings; Debra Wiley
Subject: TCA Statement Re: 2019-0070-SPHX
Attachments: Loch Raven Letter.pdf

Please accept the attached statement for Case # 2019-0070-SPHX.

Regards,

Bryan Fischer
President, TCA

RECEIVED
NOV 05 2018
OFFICE OF
ADMINISTRATIVE HEARINGS



Towson Communities Alliance

P.O. Box 5421
Towson, MD 21285-5421
towsoncommunities.org

October 8, 2018

RECEIVED
NOV 05 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

Mr. David Martin et al
Chairman, Baltimore County Design Review Panel
The Jefferson Building, Suite 101
105 West Chesapeake Avenue
Towson, Maryland 21204

CC: Baltimore County Council, Baltimore County Planning Board

Dear Chairman Martin,

We, the constituent communities of the Towson Communities Alliance (TCA) hereby offer our support for our members The Associates of Loch Raven Village and Knettishall Community Association in their opposition to the development of the former 1st Mariner Bank Building at 1641 East Joppa Road, Towson, MD 21286 as a result of a resolution passed in Executive Session on 28 September 2018.

TCA and its constituent communities feel that the proposed "quick lube" service station is an inappropriate usage for this property for the following reasons:

- There are currently 5 (five) auto service stations within one half mile of the proposed location
- The proposed location is sited between 6 (six) food service establishments
- The proposed demolition of an aesthetically pleasing and modern current structure
- Potential for significant traffic disruptions and added congestion
- Storing of hazardous waste, materiel and environmental degradation

Our organization recently engaged in a lengthy and contentious opposition to a proposed fuel station and convenience store at the Towson Gateway and this property represents the eastern entrance to Towson. To place a petroleum-centric business at this important gateway would represent a significant step backwards in the Loch Raven revitalization district and for Towson as a whole. Finally, adding another auto service station to this immediate vicinity has the potential to damage existing businesses causing vacancies and further environmental degradation.

Should you or your colleagues wish to discuss this issue further, please feel free to contact me at president@towsoncommunities.org or at 410-207-7213.

The Towson Communities Alliance is a non-profit umbrella organization representing the interests and concerns of more than thirty community associations and 20,000 households in the Greater Towson area.

Best regards,

Bryan Y. Fischer
President, Towson Communities Alliance

Executive Board 2018

Bryan Fischer, President (Knettishall) **Mike Ertel, 1st Vice President (West Towson)**
John Rinehart, 2nd Vice President (Rodgers Forge)
Lorrie Geiss, Treasurer (Greenbrier) **Jo Marvan, Secretary (Knollwood-Donnybrook)**

JB 11-5-18
1:30 PM

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Sunday, November 04, 2018 7:49 PM
To: Dino La Fiandra; Kristen L Lewis; Administrative Hearings
Subject: Recertification's For 2019-0070-SPHX
Attachments: Re-Cert 1 2019-0070-SPHX.doc; Re-Cert 2 2019-0070-SPHX.doc

Recertification's for 1641 Joppa Road

RECEIVED
NOV 0 5 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

2019-0070-SPHX

RE: Case No.: _____

Petitioner/Developer: _____

Howard Bank
Mid-Atlantic Lubes, LLC

November 5, 2018

Date of Hearing/Closing: _____

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

RECEIVED
NOV 0 5 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

Attn: Kristen Lewis:

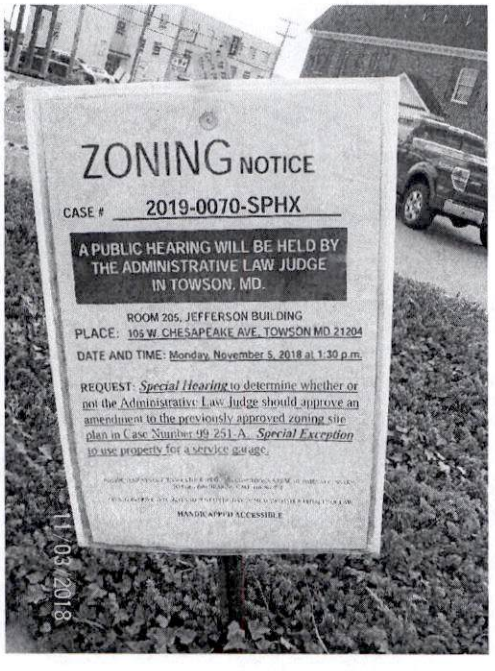
Ladies and Gentlemen:

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: _____

1641 Joppa Road **SIGN 1 Recertification**

October 16, 2018

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



Sincerely,

November 3, 2018

(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)

CERTIFICATE OF POSTING

RE: Case No.: 2019-0070-SPHX

Petitioner/Developer: Howard Bank
Mid-Atlantic Lubes, LLC

Date of Hearing/Closing: November 5, 2018

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

RECEIVED
NOV 0 5 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

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:

1641 Joppa Road **SIGN 2 Recertification**

The sign(s) were posted on October 16, 2018
(Month, Day, Year)



Sincerely,

November 3, 2018

(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)

DONALD I. MOHLER III
County Executive

October 31, 2018

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

Howard Bank
3301 Boston St.
Baltimore, MD 21224

Dear Mr. Bank:

RE: Case Number: 2019-0070SPHX, Address: 1641 Joppa Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 31, 2018. This letter is not an approval, but only a **NOTIFICATION.**

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel
Dino C. La Fiandra, Esq. 100 W. Pennsylvania Ave. Ste 305 Towson, MD 21204
Mid-Atlantic Lubes, LLC Randolph L. Kazazian 54 Jaconnet St. Ste 100 Newton Highlands, MA 02461

11-5-18

RECEIVED
SEP 10 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

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: September 10, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0070-SPHX
Address 1641 Joppa Road
(Bank Property)

Zoning Advisory Committee Meeting of **September 10, 2018**.

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

Reviewer: Steve Ford

September 13, 2018

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

Dear Ms. Lewis:

Thank you for the opportunity to review the plan accompanying the special exception request for the proposed Valvoline Instant Oil Change located at the southwest corner of Loch Raven Boulevard (MD 542) and Joppa Road in Baltimore County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the plan submittal listed below and is pleased to respond:

Valvoline Instant Oil Change
Plan to accompany Special Exception Request
Case No. 2019-0070-SPHX
SHA Tracking No. 18APBA021XX
MD 542 (Loch Raven Boulevard) (west side) at Joppa Road southwest corner
Mile Post 2.14
Baltimore County

An access permit will be required for the proposed changes to the existing entrances on MD 542. The following criteria and details will apply and must be reflected on future plan submittals:

The southernmost entrance must be a minimum 25' wide with curbed radii. The plans must be shaded from the edge of existing pavement on MD 542 back to the radius returns within the entrance and one of the following full depth pavement sections utilized and noted on the plans

2" Superpave Asphalt Mix 12.5mm for Surface – PG 64S-22, Level 2
7" Superpave Asphalt Mix 19.0mm for Base – PG 64S-22, Level 2 (2 – 3.5" lifts)
6" Graded Aggregate Base or 12" Capping Borrow

or

8" Portland Cement Concrete Mix #7
6" Graded Aggregate Base or 12" Capping Borrow
Refer to Std. No. MD 577.07 for joints. Refer to Std. Nos. 572.21, 572.61, and 572.61-01 for steel requirements.

The northernmost entrance must be closed with curb & gutter, and sidewalk. The existing streetscape with sidewalk and brick pavers should be utilized and tie-in at both ends of this re-constructed/relocated entrance, and sidewalk on MD 542.

This sidewalk/streetscape must be constructed with no greater than a 2% cross slope.

Sidewalk ramps must be constructed on the entrance radii (MD 655.11, 655.12, 655.13) whichever is appropriate.

A 60" wide pathway must be maintained across the entrance between the sidewalk ramps having no greater than a 2% cross slope.

All new curb and gutter along MD 542 must be MDOT SHA 8" Type 'A' curb & gutter (MD 620.02).

To initiate the plan review cycle toward the issuance of the access permit the design engineer must submit nine (9) sets of plans reflecting the above criteria and details. The plan submittal should include 1 set of hydraulic computations, and a CD containing plans and all supporting documentation to Wendy Wolcott at 320 West Warren Road, Hunt Valley, MD 21030 to the attention of Mr. Richard Zeller. Please utilize the SHA tracking number when making this submission.

All SHA Policies, Standards and Specifications must be followed when preparing the above plan submittal including but not limited to the following documents:

MDOT SHA Access Manual
MDOT SHA Business Standards and Specifications
MDOT SHA Accessibility Policy and Guidelines for Pedestrian Facilities

The Access Management Plan Review Checklist must be utilized in drafting the SHA Improvement Plans. Please include a copy of the completed checklist when making this submittal. All of these documents along with additional guidance can be found on our web site at www.roads.maryland.gov under Business Center.

If there are any questions, please contact Mr. Richard Zeller at 410-229-2332 or toll free (in Maryland only), 1-866-998-0367 (x2332) 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

cc: Morris & Ritchie Associates, Inc. / 1220-C East Joppa Road, Suite 505, Towson, MD 21286
Valvoline Instant Oil Change / 54 Jaconnet Street, Newton Highlands, MA 02461
Mr. Jan M. Cook / 111 W. Chesapeake Avenue, Towson, MD 21204
Mr. Vishnu Desai / 111 W. Chesapeake Avenue, Towson, MD 21204
Mr. Donald Distance, MDOT SHA District 4 Traffic
Mr. Michael Pasquariello, MDOT SHA District 4 Utilities
Mr. Alan Price, MDOT SHA Resident Maintenance Engineer – Golden Ring Shop

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 24, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 10, 2018
Item No. 2019-0070-SPHX

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

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

* * * * *

VKD: cen
cc: file

11-5

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 10/24/2018

FROM: Andrea Van Arsdale
Director, Department of Planning



SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-070

INFORMATION:
Property Address: 1641 E Joppa Road
Petitioner: Howard Bank
Zoning: BL
Requested Action: Special Hearing, Special Exception

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved zoning site plan in case number 99-251-A and a special exception to use the herein described property for a service garage under Section 230.3 of the BCZR.

A site visit was conducted on 10/3/2018. The site is located in the Loch Raven Commercial Revitalization Area and is also located in the boundaries of the Loch Raven Design Review Panel Area.

The Baltimore County Design Review Panel (DRP) reviewed the project at its October 10, 2018 meeting wherein conditional approval was granted. DRP approval is subject to the following conditions:

- Connect the sidewalks in the front of the building and the back of the building with a connecting paved sidewalk along the side.
- Increase landscaping at the corner in a layered effect.
- Enhance the pedestrian travel ways across the vehicular entrances through striped crosswalks or special paving.
- Provide an exit only sign for the Joppa Road access to the site.

The Department has no objection to granting the petitioned zoning relief provided that all conditions of DRP approval are incorporated into the proposal and shown on the zoning site plan and all other plans submitted to Baltimore County for approval.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Jennifer G. Nugent

AVA/JGN/LTM/

c: Laurie Hay
Dino La Fiandra, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

DAVID MARKS
COUNCILMAN, FIFTH DISTRICT
COUNCIL5@BALTIMORECOUNTYMD.GOV

COUNCIL OFFICE: 410-887-3384
FAX: 410-887-5791

October 21, 2018

The Honorable John E. Beverungen
Administrative Law Judge
The Jefferson Building
Towson, MD 21204

Dear Judge Beverungen:

I am writing regarding the request for a special exception to permit a Valvoline Quick Lube center at 1641 East Joppa Road.

I am respectful of the separation of powers spelled out in the Baltimore County charter regarding special exception hearings. Specifically, the charter provides a division between the County Council—which establishes zoning—and the Administrative Law Judge under the executive branch. I do wish, however, to make the following observations.

The petitioner—to their credit—reached out to me and to community organizations prior to the scheduled hearing.

Those community associations are rightly concerned about the redevelopment of the corner of Loch Raven Boulevard and Joppa Road. This is a gateway for neighborhoods like Ridgely Manor, Ridgeleigh and Loch Raven Village, and the aesthetics should be of a superior nature. I have expressed those sentiments to the petitioner.

About six years ago, I sponsored legislation that created the Loch Raven commercial revitalization district. The intent was to have more rigorous metrics for new construction and ultimately have a superior level of development. I thank you in advance for taking the concerns of the community into consideration and looking broadly at the vision we have tried to advance for the Loch Raven area.

Respectfully:

David Marks

David Marks
Baltimore County Councilman

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
http://www.thedailyrecord.com

Order #: 11624993
Case #: 2019-0070-X
Description:

NOTICE OF ZONING HEARING CASE NUMBER: 2019-0070-X

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

10/16/2018

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0070-X
1641 Joppa Road
S/s of East Joppa Road, west of Loch Raven Boulevard
9th Election District - 5th Councilmanic District
Legal Owners: Howard Bank
Contract Purchaser/Lessee: Mid-Atlantic Lubes, LLC

Special Hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved zoning site plan in Case Number 99-251-A. Special Exception to use property for a service garage.

Hearing: Monday, November 5, 2018 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.

o16

TO: THE DAILY RECORD
Tuesday, October 16, 2018 Issue

Please forward billing to:
Dino LaFiandra 443-204-3473
100 W. Pennsylvania Avenue, Ste. 305
Towson, MD 21204

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: 2019-0070-X
1641 Joppa Road
S/s of East Joppa Road, west of Loch Raven Boulevard
9th Election District – 5th Councilmanic District
Legal Owners: Howard Bank
Contract Purchaser/Lessee: Mid-Atlantic Lubes, LLC

Special Hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved zoning site plan in Case Number 99-251-A. Special Exception to use property for a service garage.

Hearing: Monday, November 5, 2018 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.

CERTIFICATE OF POSTING

RE: Case No.: 2019-0070-SPHX

Petitioner/Developer: Howard Bank
Mid-Atlantic Lubes, LLC

Date of Hearing/Closing: November 5, 2018

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

Attn: Kristen Lewis:

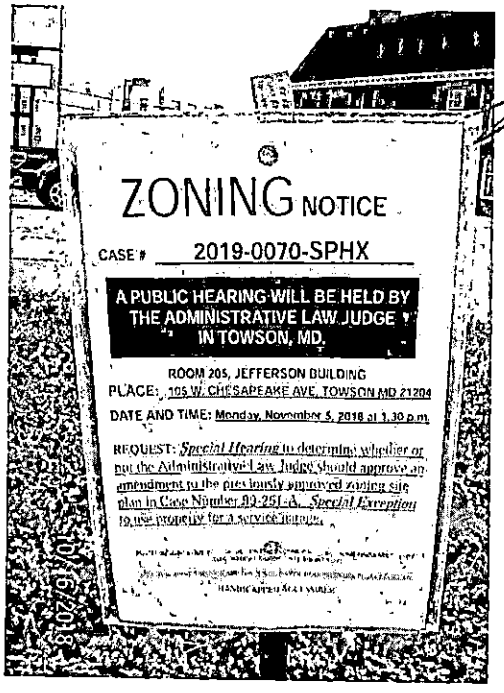
Ladies and Gentlemen:

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:

1641 Joppa Road

SIGN 1

The sign(s) were posted on October 16, 2018
(Month, Day, Year)



Sincerely,

October 16, 2018

(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)

CERTIFICATE OF POSTING

RE: Case No.: 2019-0070-SPHX

Petitioner/Developer: Howard Bank
Mid-Atlantic Lubes, LLC

Date of Hearing/Closing: November 5, 2018

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

Attn: Kristen Lewis:

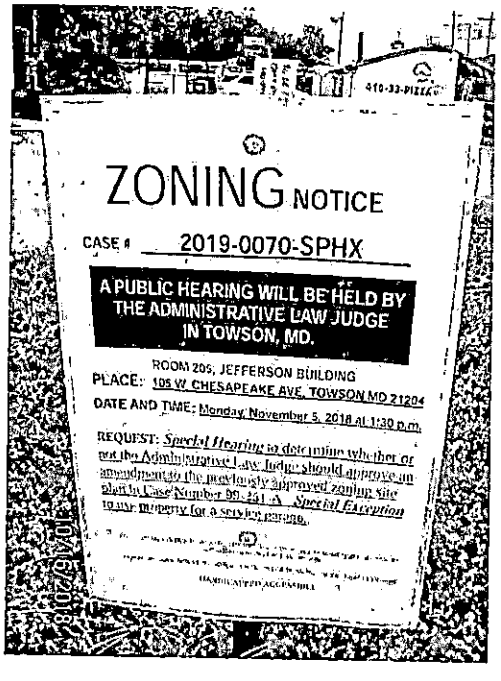
Ladies and Gentlemen:

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:

1641 Joppa Road

SIGN 2

The sign(s) were posted on October 16, 2018
(Month, Day, Year)



Sincerely,

October 16, 2018

(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)

DONALD I. MOHLER III
County Executive

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

September 20, 2018

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: 2019-0070-SPHX
1641 Joppa Road
S/s of East Joppa Road, west of Loch Raven Boulevard
9th Election District – 5th Councilmanic District
Legal Owners: Howard Bank
Contract Purchaser/Lessee: Mid-Atlantic Lubes, LLC

Special Hearing to determine whether or not the Administrative Law Judge should approve an amendment to the previously approved zoning site plan in Case Number 99-251-A. Special Exception to use property for a service garage.

Hearing: Monday, November 5, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Dino LaFiandra, 100 W. Pennsylvania Avenue, Ste. 305, Towson 21204
Mid-Atlantic Lubes, LLC, 54 Jacconet Street, Ste. 100, Newton Highlands MA 02461
Howard Bank, 3301 Boston Street, Baltimore 21224

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 16, 2018.**
(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.

RE:	PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE OFFICE
	1641 Joppa Road; S/S of East Joppa Road, 40' W of c/line of Loch Raven Blvd	*	OF ADMINSTRATIVE
	9th Election & 5th Councilmanic Districts	*	HEARINGS FOR
	Legal Owner(s): Howard Bank		
	Contract Purchaser: Mid-Atlantic Lubes, LLC Petitioner(s)	*	BALTIMORE COUNTY
		*	2019-070-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.

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
SEP 06 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of September, 2018, a copy of the foregoing Entry of Appearance was mailed to Dino LaFiandra, Esquire, 100 West Pennsylvania Avenue, Suite 305, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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 1641 Joppa Road **which is presently zoned** BL

Deed References: 13640/369 10 Digit Tax Account # 1600013383

Property Owner(s) Printed Name(s) Howard Bank (merged with and succeeded to the interests of First Mariner Bank on February 28, 2018).

(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)

   ~~Please see attached~~.

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)**

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:

Mid-Atlantic Lubes, LLC
Name- Type or Print

Randolph L Kazazian, Director of Real Estate
Signature

54 Jaconnet Street, Suite 100, Newton Highlands, MA
Mailing Address City State

02461 / (617) 243-0404 / rkazazian@vioc.net
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Howard Bank /
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 / Signature # 2

3301 Boston Street, Baltimore, MD
Mailing Address City State

21224 / 443-573-2664 / jhoward@howardbank.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Dino C. La Fiandra, Esquire
Name- Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305, Towson, MD
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

Representative to be contacted:

Dino C. La Fiandra, Esquire
Name - Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305, Towson, MD
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

CASE NUMBER 2019-0070-SPHX Filing Date 8/31/18

ORDER RECEIVED FOR FILING

Do Not Schedule Dates: 11/12-16 Reviewer

Date 11/15/18

By

REV. 10/4/11

Petition for Zoning Hearing
For the Property Located at 1641 Joppa Road
Continuation Sheet

✓ Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve an amendment to the previously approved zoning site plan in case number 99-251-A.

✓ Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for a service garage. BCZR §230.3

Item #0070

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

August 30,2018

SPECIAL EXCEPTION AREA DESCRIPTION
FOR 1641 EAST JOPPA ROAD

Beginning at a point located at the intersection of Loch Raven Boulevard and East Joppa Road, at the distance of 129.80 and bearing of S 52°05'50" W to a point. Thence, the following courses and distances:

2) South 69°02'35" West 46.58'.
3) South 21°14'00" East 172.93'.
4) South 88°18'00" East 98.56'.
5) North 09°12'36" West 135.20'.
6) South 78°34'19" West 7.33'
7) An arc with a radius of 66.00' and length of 115.52' to a point

Containing 20,082 square feet or 0.461 acres of land, more or less, being located in the 9th Election District and 5th Councilmanic District of Baltimore County Maryland

I certify that this description was either personally prepared by me or I was in responsible charge of its preparation.



1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD (410) 515-9000 ✦ Baltimore, MD (410) 935-5050 ✦ Laurel, MD (410) 792-9792 ✦ Towson, MD (410) 821-1690 ✦ Georgetown, DE (302) 855-5734 ✦ New Castle, DE (302) 326-2200 ✦ Sterling, VA (703) 674-0161 ✦ Raleigh, NC (984) 200-2103

Item #0070

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration

Tax Exempt:		**Special Tax Recapture:**	
Exempt Class:		NONE	
Account Identifier:	**District - 09 Account Number -** 1600013383		

Owner Information

Owner Name:	FIRST MARINER BANK	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	1801 S CLINTON ST BALTIMORE MD 21224-6102	**Deed Reference:**	/13640/ 00369

Location & Structure Information

Premises Address:	1641 JOPPA RD 0-0000	**Legal Description:**	SS JOPPA ROAD SW COR LOCH RAVEN BO

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0070	0018	0529		0000				2017	Plat Ref:

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

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1999	4630		22,250 SF	20

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
		BRANCH BANK				

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2017	As of 07/01/2018	As of 07/01/2019
Land:	522,500	522,500		
Improvements	867,900	865,000		
Total:	1,390,400	1,387,500	1,387,500	1,387,500
Preferential Land:	0			0

Transfer Information

Seller: GOLDMAN SOL	**Date:** 04/01/1999	**Price:** $535,800
Type: ARMS LENGTH VACANT	**Deed1:** /13640/ 00369	**Deed2:**
Seller: UTF-MARYLAND LIM ITED PARTNERSHIP	**Date:** 08/07/1986	**Price:** $509,600
Type: ARMS LENGTH IMPROVED	**Deed1:** /07233/ 00028	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
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

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

MEMO TO FILE (CASE #2019-0070-SPHX):

The representing attorney, Mr. La Fiandra, was advised to be more specific in his Special Hearing request (ie: a change in use from a bank to a service garage) but has decided to continue with the original wording.

IN RE: PETITION FOR VARIANCE
S/S Joppa Road, 170' SW of the c/l
Loch Raven Boulevard
(1641 E. Joppa Road)
9th Election District
6th Councilmanic District

Estate of Sol Goldman. Owners;
First Mariner Bank, Contract Purchaser

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-251-A
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, the Estate of Sol Goldman, by Louisa Little, Executor, and the Contract Purchaser, First Mariner Bank, by Ken Jones, Vice President, through their attorney Deborah C. Dopkin, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 303.2, as referenced by Section 238.1, to permit a front yard setback of 16 feet in lieu of the required 29 feet; from Section 238.1 to permit a side yard setback of 23 feet in lieu of the required 30 feet; from Section 409.10.B to permit a drive-through lane to block entry to, or exit from, the required off-street parking spaces; and, from Section 409.12 to approve a modified parking plan. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner' Exhibit 1.

Appearing at the hearing on behalf of the Petition were Ken Jones, Vice President of First Mariner Bank, Contract Purchasers of the subject property, Robert Capalongo and Robert Bradley, representatives of Morris Ritchie & Associates, Inc., the engineering firm which prepared the site plan of this property, Glenn Cook, a representative of The Traffic Group, traffic engineering consultants, and Deborah C. Dopkin, Esquire, attorney for the Petitioners, Also

ORDER RECEIVED FOR FILING
Date 7/7/99
By

appearing on behalf of the Petitioners were Andrea Van Arsdale, Director of Commercial Revitalization for the Economic Development Commission, and Donna Spicer, a representative of the Loch Raven Community Council. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.46 acres, more or less, split zoned B.L.-A.S. (0.13 acres) and B.R.-A.S. (0.33 acres), and is improved with a Crown Gasoline Service Station. The property is located at the southwest corner of Loch Raven Boulevard and Joppa Road, just west of the I-695 interchange. The Petitioners propose to remove and replace the existing gas station with a two-story bank, as shown on Petitioner's Exhibit 1. Inasmuch as this particular corner is located at a prominent intersection and is the gateway to the Loch Raven communities, the Petitioners have attempted to design a building and landscape package that will further enhance the site and be a benefit to the surrounding locale. Due to the split zoning of the property, however, certain area variances are necessary in order to proceed with the proposed improvements. Furthermore, two parking spaces (for employees) are offset from the drive-through lane, thereby generating an additional variance. Finally, the Petitioners testified that Mr. John Lewis, the Zoning Review Technician who reviewed the Petition filed, suggested that the Petitioners request approval of the overall parking design as a modified parking plan.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

ORDER RECEIVED FOR FILING
Date
By

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured..

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After considering the testimony and evidence offered at the hearing, and in view of the support this project has received from the Office of Planning, the Economic Development Commission, and the Loch Raven Business Association, as well as the tremendous benefit the proposed development will offer to the Loch Raven area, I am persuaded to grant the requested variances. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of February, 1999 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 303.2, as referenced by Section 238.1, to permit a front yard setback of 16 feet in lieu of the required 29 feet; from Section 238.1 to permit a side yard setback of 23 feet in lieu of the required 30 feet; from Section 409.10.B to permit a drive-through lane to block entry to, or exit from, the required off-street parking spaces; and, from Section 409.12 to approve a modified parking plan, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILING
Date 2/9/99
By

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The Petitioners have agreed to submit elevation drawings of the proposed building and landscape plans to the Office of Planning for their review and approval prior to the issuance of any permits.

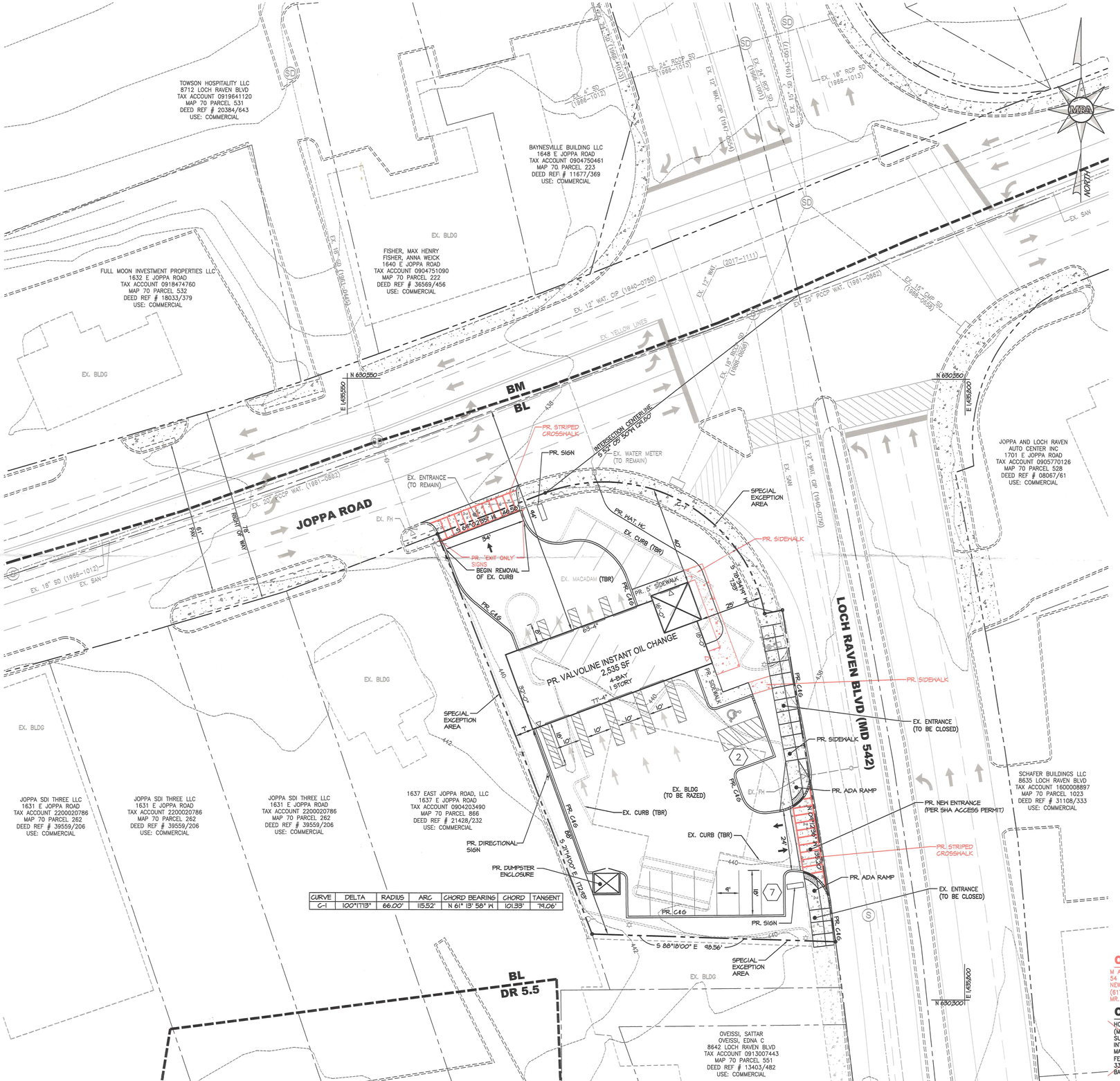
3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/9/99
By



CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD	TANGENT
C-1	100°11'13"	66.00'	115.52'	N 61° 13' 58" W	101.33'	74.06'

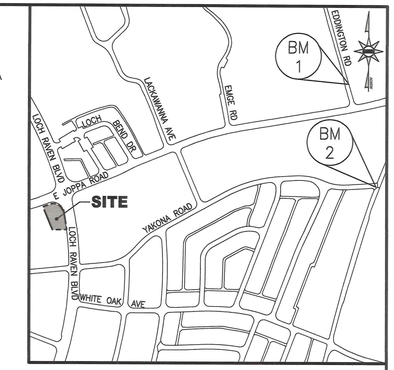
PLAN
SCALE: 1" = 20'

Petitioner
CBA Exhibit
18

P:\2016\PLANNING\PLOT\SEP PLAN\2016B-SEP-REDLINE-2019-06-25.dwg, 6/25/2019 2:29:52 PM, JSharon,
1:1, Copyright 2018 Morris & Ritchie Associates, Inc.

LEGEND

- PR. PROPERTY LINE AND SPECIAL EXCEPTION AREA
- EX. ADJACENT PROPERTY LINE
- EX. R/W
- ZONING LINE
- EX. CURB & GUTTER
- EX. EDGE OF PAVING
- EX. SIDEWALK
- EX. 8" SAN. — EX. SANITARY
- EX. 15" S.D. — EX. STORM DRAIN
- EX. 12" W — EX. WATER
- EX. GAS
- EX. UTILITY POLE
- EX. UTILITY POLE
- PR. BUILDING
- BRL — PR. BUILDING RESTRICTION LINE
- PR. CONCRETE
- PR. DIRECTIONAL ARROW
- PR. CURB
- PR. WATER LINE



VICINITY MAP
SCALE : 1" = 500'

BENCHMARKS

BCO #13468 (BM1) N 3674457
ELEV. 449.934 E 1580022
DESCRIPTION: SET RAILROAD SPIKE IN MAC IN CENTERLINE OF JOPPA ROAD, 140 FEET WEST OF EMGE ROAD.

BCO #13465 (BM2) N 3636357
ELEV. 421.615 E 1695367
DESCRIPTION: RAILROAD SPIKE IN MAC ON NORTHWEST SIDE OF OAKLEIGH ROAD AND YAKONA ROAD.

ZONING HISTORY

1. CASE NO. 1941-0123 – PETITION FOR A ZONING RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO COMMERCIAL AREA TO BE USED AS A GASOLINE SERVICE STATION, GRANTED ON MARCH 17, 1941.
2. CASE NO. 1952-2152-XT – PETITION FOR A SPECIAL PERMIT TO CONSTRUCT A 12' X 25' ADVERTISING SIGN GRANTED ON JANUARY 9, 1952.
3. CASE NO. R-1985-0140-A – PETITION FOR A ZONING RECLASSIFICATION FROM BL TO BM, AND FOR A VARIANCE TO PERMIT A FROM YARD SETBACK OF 20 FEET INSTEAD OF THE REQUIRED 15 FEET, GRANTED ON NOVEMBER 12, 1964.
4. CASE NO. 1973-0031-X – PETITION FOR A SPECIAL EXCEPTION TO USE PROPERTY AS AN AUTOMOTIVE SERVICE STATION BY REASON OF SECTIONS 405 AND 501.2 OF THE BCZR, GRANTED ON AUGUST 24, 1972.
5. CASE NO. 1976-0173-X – PETITION FOR A SPECIAL EXCEPTION FOR EITHER TWO ILLUMINATED 12' X 25' ADVERTISING STRUCTURES OR ONE ILLUMINATED CUSTOM-BUILT PAINTED 500 SF BULLETIN, GRANTED ON MARCH 18, 1976.
6. CASE NO. 1987-0151-A – VARIANCE FOR DOUBLE-FACED FREESTANDING ID SIGN OF 181.3 SF IN LIEU OF 100 SF ALLOWED, GRANTED ON OCTOBER 8, 1986.
7. CASE NO. 1999-0251-A – PETITION FOR VARIANCE TO PERMIT A FRONT YARD SETBACK OF 16 FEET IN LIEU OF THE REQUIRED 29 FEET, A SIDE YARD SETBACK OF 23 FEET IN LIEU OF THE REQUIRED 30 FEET, A DRIVE-THRU LANE TO BLOCK ENTRY TO OR EXIT FROM THE REQUIRED OFF STREET PARING SPACES AND TO APPROVE MODIFIED PARKING PLAN, GRANTED ON FEBRUARY 9, 1999.

GENERAL NOTES

1. PROPERTY INFORMATION:
   - A. PROPERTY ADDRESS: 1641 EAST JOPPA ROAD
   - B. NET SITE AREA: 20,082 S.F.±, 0.461 AC.±
   - C. ELECTION DISTRICT: 9
   - D. COUNCILMANIC DISTRICT: 5
   - E. ADC MAP: 29
   - F. CENSUS TRACT: 4912.01
   - G. TAX MAP: 0070
   - H. PARCEL: 0529
   - I. TAX ACCOUNT NO.: 1600013383
   - J. DEED: 13640 / 369
2. ZONING: BL (BUSINESS LOCAL)
3. ZONING MAP & GIS TILE No.: 070C2
4. FLOOR AREA RATIO: PERMITTED = 3.0; PROVIDED = ~~0.126~~ 0.25 (~~2,535~~ 5,070 S.F. / 20,082 S.F.)
5. EXISTING LAND USE: EXISTING BANK WITH TWO DRIVE-THRU LANES
   PROPOSED LAND USE: GARAGE, AUTOMOTIVE SERVICE
6. THERE IS NO COMMERCIAL PERMIT HISTORY FOR THIS SITE.
7. BUILDING SETBACKS:

	REQUIRED	PROVIDED
FRONT (FROM PROPERTY LINE)	10'	40'
FRONT (FROM CENTERLINE OF STREET)	40'	94'
SIDE	0'	7'
REAR	0'	88'

8. PROPOSED BUILDING HEIGHT: MAXIMUM 30' FROM EXTERIOR GRADE, 1 STORY FINISHED GRADE TO TOP OF ROOF
9. SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 32-4-404 OF THE BALTIMORE COUNTY CODE.
10. SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450, OR A VARIANCE WILL BE REQUESTED.
11. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM PROPERTIES AND PUBLIC STREETS.
12. THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
13. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
14. THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES AREAS.
15. THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN. (FEMA MAP 240010026F)
16. THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
17. THERE ARE NO HISTORIC BUILDINGS ON THE SITE.

PARKING TABULATIONS CHART
(PARKING SPACES REQUIRED BY BCZR SECTION 405.4.2)

USE	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 405.4.2
GARAGE, AUTOMOTIVE SERVICE	3.3/1000	9
TOTAL PARKING REQUIRED		9
TOTAL PARKING PROVIDED		9

OWNER
M AND S LIMITED PARTNERSHIP
54 JACONNET STREET
NEWTON HIGHLANDS, MA 02461
(617) 243-0404
MR. RANDOLPH KAZAZIAN

DESIGN & DRAWING BASED ON MARYLAND COORDINATE SYSTEM: HORIZONTAL NAD 83 (1991) VERTICAL NAVD 88

OWNER
HOWARD BANK (MERGED WITH AND SUCCEEDED TO THE INTERESTS OF FIRST MARINER BANK ON FEBRUARY 28, 2018)
3301 BOSTON STREET
BALTIMORE, MD 21224

DEVELOPER
VALVOLINE INSTANT OIL CHANGE
54 JACONNET STREET
NEWTON HIGHLANDS, MA 02461
(617) 243-0404
MR. RANDOLPH KAZAZIAN

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 NO. 34479, EXPIRATION DATE: 06/21/2020.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM

Copyright 2019 Morris & Ritchie Associates, Inc.

STATE OF MARYLAND — JOSHUA THOMAS LEE — No. 34479 — PROFESSIONAL ENGINEER

VALVOLINE INSTANT OIL CHANGE
1641 EAST JOPPA ROAD

PLAN TO ACCOMPANY
SPECIAL EXCEPTION REQUEST

DATE	REVISIONS		
11/05/2018	REDLINE PER DESIGN REVIEW PANEL RECOMMENDATIONS	JOB NO.:	20150
06/25/2019	REDLINE TO UPDATE OWNER INFORMATION	SCALE:	1" = 20'
		DATE:	08/26/2018
		DRAWN BY:	MLE
		DESIGN BY:	MLE
		REVIEW BY:	JTS
		SHEET:	1 OF 1

VALVOLINE @ JOPPA ROAD: ILLUSTRATIVE SITE PLAN

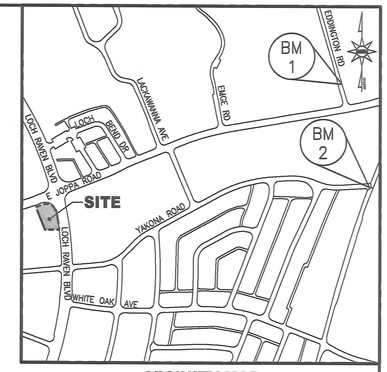


Petitioner
CBA Exhibit
8



LEGEND

- PR. PROPERTY LINE AND SPECIAL EXCEPTION AREA
- EX. ADJACENT PROPERTY LINE
- EX. R/W
- ZONING LINE
- EX. CURB & GUTTER
- EX. EDGE OF PAVING
- EX. SIDEWALK
- EX. 8" SAN — EX. SANITARY
- EX. 15" S.D. — EX. STORM DRAIN
- EX. 12" W — EX. WATER
- EX. GAS
- EX. UTILITY POLE
- EX. UTILITY POLE
- PR. BUILDING
- BRL — PR. BUILDING RESTRICTION LINE
- PR. CONCRETE
- PR. DIRECTIONAL ARROW
- PR. CURB
- PR. WATER LINE



VICINITY MAP

SCALE : 1" = 500'

BENCHMARKS

BCO #13468 (BM1) N 3674457
ELEV. 449.934 E 1580022
DESCRIPTION: SET RAILROAD SPIKE IN MAC IN CENTERLINE OF JOPPA ROAD. 140 FEET WEST OF EMGE ROAD.

BCO #13465 (BM2) N 3636357
ELEV. 421.615 E 1695367
DESCRIPTION: RAILROAD SPIKE IN MAC ON NORTHWEST SIDE OF OAKLEIGH ROAD AND YAKONA ROAD.

ZONING HISTORY

1. CASE NO. 1941-0123 – PETITION FOR A ZONING RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO COMMERCIAL AREA TO BE USED AS A GASOLINE SERVICE STATION, GRANTED ON MARCH 17, 1941.
2. CASE NO. 1952-2152-XT – PETITION FOR A SPECIAL PERMIT TO CONSTRUCT A 12' X 25' ADVERTISING SIGN GRANTED ON JANUARY 9, 1952.
3. CASE NO. R-1965-0140-A – PETITION FOR A ZONING RECLASSIFICATION FROM BL TO BM, AND FOR A VARIANCE TO PERMIT A FROM YARD SETBACK OF 20 FEET INSTEAD OF THE REQUIRED 15 FEET, GRANTED ON NOVEMBER 12, 1964.
4. CASE NO. 1973-0031-X – PETITION FOR A SPECIAL EXCEPTION TO USE PROPERTY AS AN AUTOMOTIVE SERVICE STATION BY REASON OF SECTIONS 405 AND 501.2 OF THE BCZR, GRANTED ON AUGUST 24, 1972.
5. CASE NO. 1976-0173-X – PETITION FOR A SPECIAL EXCEPTION FOR EITHER TWO ILLUMINATED 12' X 25' ADVERTISING STRUCTURES OR ONE ILLUMINATED CUSTOM-BUILT PAINTED 500 SF BULLETIN, GRANTED ON MARCH 18, 1976.
6. CASE NO. 1987-0151-A – VARIANCE FOR DOUBLE-FACED FREESTANDING ID SIGN OF 181.3 SF IN LIEU OF 100 SF ALLOWED, GRANTED ON OCTOBER 8, 1986.
7. CASE NO. 1999-0251-A – PETITION FOR VARIANCE TO PERMIT A FRONT YARD SETBACK OF 16 FEET IN LIEU OF THE REQUIRED 29 FEET, A SIDE YARD SETBACK OF 23 FEET IN LIEU OF THE REQUIRED 30 FEET, A DRIVE-THRU LANE TO BLOCK ENTRY TO OR EXIT FROM THE REQUIRED OFF STREET PARING SPACES AND TO APPROVE MODIFIED PARKING PLAN, GRANTED ON FEBRUARY 9, 1999.

GENERAL NOTES

1. PROPERTY INFORMATION:
   - A. PROPERTY ADDRESS: 1641 EAST JOPPA ROAD
   - B. NET SITE AREA: 20,082 S.F.±, 0.461 AC.±
   - C. ELECTION DISTRICT: 9
   - D. COUNCILMANIC DISTRICT: 5
   - E. ADC MAP: 29
   - F. CENSUS TRACT: 4912.01
   - G. TAX MAP: 0070
   - H. PARCEL: 0529
   - I. TAX ACCOUNT NO.: 1600013383
   - J. DEED: 13640 / 369
2. ZONING: BL (BUSINESS LOCAL)
3. ZONING MAP & GIS TILE No.: 070C2
4. FLOOR AREA RATIO: PERMITTED = 3.0 PROVIDED = 0.126 (2,535 S.F. / 20,082 S.F.)
5. EXISTING LAND USE: EXISTING BANK WITH TWO DRIVE-THRU LANES
   PROPOSED LAND USE: GARAGE, AUTOMOTIVE SERVICE
6. THERE IS NO COMMERCIAL PERMIT HISTORY FOR THIS SITE.
7. BUILDING SETBACKS:

	REQUIRED	PROVIDED
FRONT (FROM PROPERTY LINE)	10'	40'
FRONT (FROM CENTERLINE OF STREET)	40'	94'
SIDE	0'	7'
REAR	0'	88'

8. PROPOSED BUILDING HEIGHT: MAXIMUM 30' FROM EXTERIOR GRADE, 1 STORY FINISHED GRADE TO TOP OF ROOF
9. SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 32-4-404 OF THE BALTIMORE COUNTY CODE.
10. SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450, OR A VARIANCE WILL BE REQUESTED.
11. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM PROPERTIES AND PUBLIC STREETS.
12. THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
13. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
14. THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES AREAS.
15. THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN. (FEMA MAP 240010026F)
16. THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
17. THERE ARE NO HISTORIC BUILDINGS ON THE SITE.

PARKING TABULATIONS CHART

(PARKING SPACES REQUIRED BY BCZR SECTION 405.4.2)

USE	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 405.4.2
GARAGE, AUTOMOTIVE SERVICE	3.3/1000	9
TOTAL PARKING REQUIRED		9
TOTAL PARKING PROVIDED		9

Petitioner
CBA Exhibit
2

OWNER

HOWARD BANK
(MERGED WITH AND SUCCEEDED TO THE INTERESTS OF FIRST MARINER BANK ON FEBRUARY 28, 2018)
3301 BOSTON STREET
BALTIMORE, MD 21224

DEVELOPER

VALVOLINE INSTANT OIL CHANGE
54 JACONNET STREET
NEWTON HIGHLANDS, MA 02461
(617) 243-0404
MR. RANDOLPH KAZAZIAN

DESIGN & DRAWING BASED ON MARYLAND COORDINATE SYSTEM:
HORIZONTAL NAD 83 (1991)
VERTICAL NAVD 88

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 NO. 34479, EXPIRATION DATE: 05/21/2020.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM

Copyright 2018 Morris & Ritchie Associates, Inc.

STATE OF MARYLAND — JOSEPH THOMAS — No. 34479 — PROFESSIONAL ENGINEER

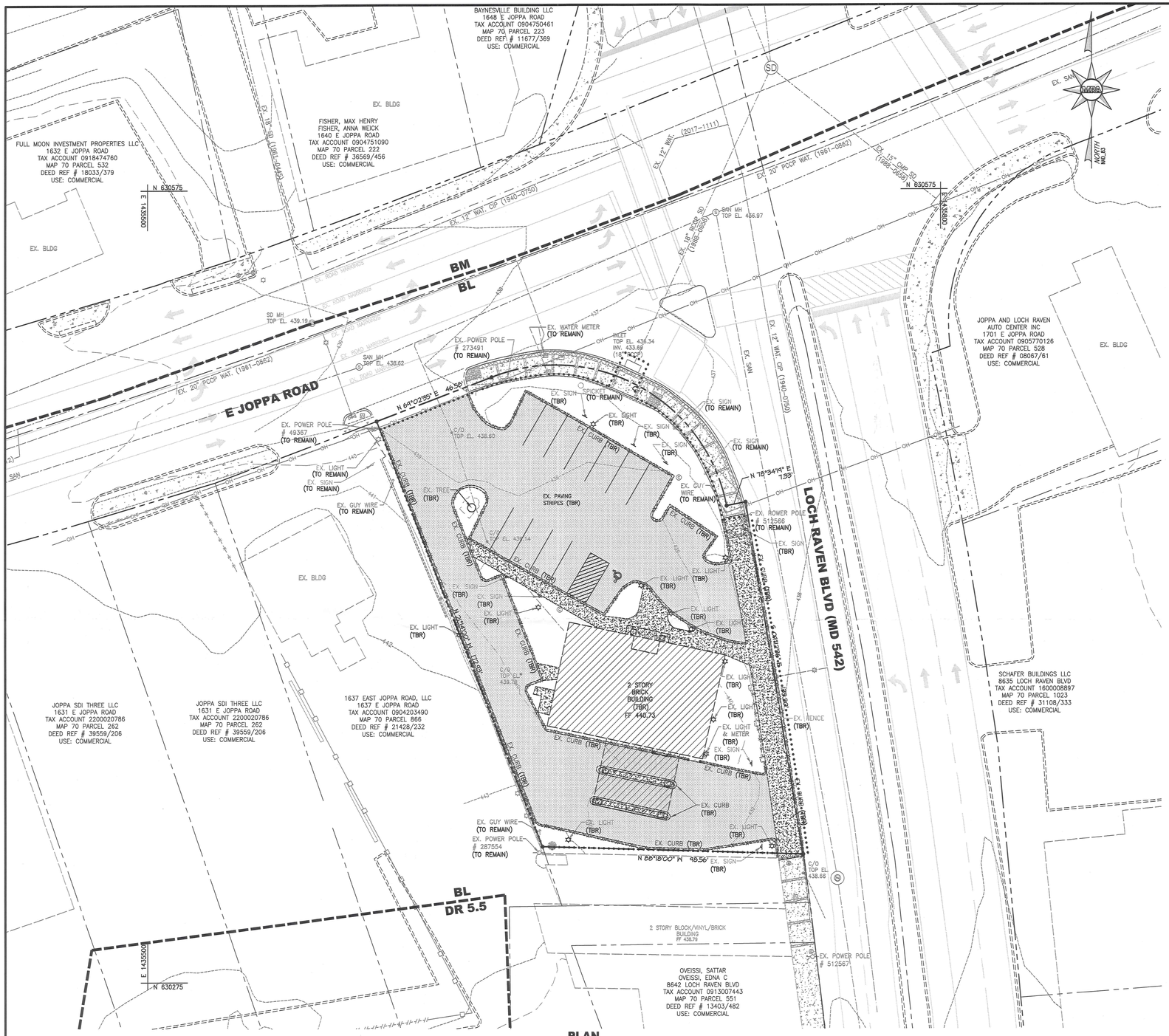
VALVOLINE INSTANT OIL CHANGE

1641 EAST JOPPA ROAD

PLAN TO ACCOMPANY
SPECIAL EXCEPTION REQUEST

DATE	REVISIONS		
		JOB NO.:	20150
		SCALE:	1" = 20'
		DATE:	08/26/2018
		DRAWN BY:	MLE
		DESIGN BY:	MLE
		REVIEW BY:	JTS
		SHEET:	1 OF 1

Copyright 2018 Morris & Ritchie Associates, Inc. 1:\Projects\20150 Valvoline Joppa Rd, ...\Design\20150 Site Design.dwg, 8/27/2018 8:09:15 AM, ...



PLAN

20 0 10 20 40

(IN FEET)
1 INCH = 20 FT.

LEGEND

EXISTING

- LIMIT OF DISTURBANCE
- EX. PROPERTY BOUNDARY LINE
- EX. ADJACENT PROPERTY LINE
- EX. EASEMENT
- EX. RIGHT OF WAY
- EX. ZONING BOUNDARY
- EX. BUILDING
- EX. EDGE OF PAVEMENT
- EX. EDGE OF CONCRETE
- EX. CURB
- EX. ROAD CENTERLINE
- EX. ROAD STRIPING
- EX. 1' CONTOUR
- EX. 2' CONTOUR
- EX. 10' CONTOUR
- EX. SANITARY SEWER
- EX. STORM DRAIN
- EX. WATER MAIN
- EX. WATER VALVE
- EX. FIRE HYDRANT
- EX. WATER METER
- EX. UNDERGROUND ELECTRIC/CONDUIT
- EX. OVERHEAD ELECTRIC
- EX. POWER POLE
- EX. LIGHT POLE
- EX. GUY WIRE
- EX. GAS
- EX. TREE
- EX. CONCRETE
- EX. BRICK
- EX. BRICK PAD

PROPOSED

- DEMO CURB
- DEMO TREE
- (TBR) TO BE REMOVED
- DEMO CONCRETE
- DEMO PAVEMENT
- DEMO BUILDING

SITE DEMOLITION NOTES

1. THE CONTRACTOR SHALL SECURE ALL REQUIRED PERMITS FROM ALL APPLICABLE AGENCIES FOR HIS DEMOLITION AND DISPOSAL OF ANY DEMOLITION MATERIAL TO BE REMOVED FROM THE SITE. THE CONTRACTOR SHALL POST BONDS AND PAY PERMIT FEES AS REQUIRED TO ALL INVOLVED AGENCIES.
2. PRIOR TO COMMENCEMENT OF DEMOLITION ACTIVITIES, THE CONTRACTOR SHALL CONTACT ALL UTILITY COMPANIES TO VERIFY THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL CALL "MISS UTILITY" AT 1-800-257-7777 OR 811, 72 HOURS PRIOR TO CONSTRUCTION.
3. THE CONTRACTOR SHALL STABILIZE THE SITE AND KEEP EROSION CONTROL MEASURES IN PLACE UNTIL THE COMPLETION OF WORK OR DEEMED NECESSARY BY BALTIMORE COUNTY INSPECTION. THE CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR THE MAINTENANCE OF EXISTING EROSION AND SEDIMENTATION CONTROLS AND FOR INSTALLATION OF ANY NEW EROSION AND SEDIMENTATION CONTROLS AS PER THE EROSION AND SEDIMENTATION CONTROL PLAN, AT THAT TIME.
4. THE CONTRACTOR SHALL PREPARE ALL MANIFEST DOCUMENTS AS REQUIRED PRIOR TO COMMENCEMENT OF DEMOLITION.
5. ALL BUILDINGS, INCLUDING FOUNDATION WALLS AND FOOTINGS INDICATED ON THIS PLAN ARE TO BE REMOVED FROM SITE. THE CONTRACTOR SHALL SECURE ANY PERMITS, PAY ALL FEES AND PERFORM CLEARING AND GRUBBING AND DEBRIS REMOVAL PRIOR TO COMMENCEMENT OF GRADING OPERATIONS.
6. REMOVE AND DISPOSE OF ANY SIDEWALKS, FENCES, STAIRS, WALLS, DEBRIS AND RUBBISH REQUIRING REMOVAL FROM THE SITE AREA IN AN APPROVED LANDFILL. THE CONTRACTOR IS RESPONSIBLE TO SECURE ALL NECESSARY PERMITS FOR DISPOSAL OF CONSTRUCTION MATERIALS.
7. BACKFILL DEPRESSIONS, FOUNDATION HOLES AND REMOVED DRIVEWAY AREAS WITH APPROVED SOIL MATERIAL AND COMPACT, FERTILIZE, SEED AND MULCH DISTURBED AREAS NOT SUBJECT TO FURTHER SITE CONSTRUCTION. EMPLOY WATERING EQUIPMENT FOR DUST CONTROL.
8. IF ASBESTOS OR HAZARDOUS MATERIAL ARE FOUND ON SITE, THEY MUST BE REMOVED BY A LICENSED HAZARDOUS MATERIAL CONTRACTOR.
9. A COPY OF THE "EROSION AND SEDIMENT CONTROL PLAN" SHALL BE ON-SITE THROUGHOUT THE ENTIRE DEMOLITION AND CONSTRUCTION PHASES. THE CONTRACTOR SHALL CONTACT THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT ONE (1) WEEK PRIOR TO THE START OF ANY DEMOLITION AND/OR CLEARING AND GRUBBING ACTIVITIES.
10. UTILITY LOCATIONS SHOWN ON THE PLANS ARE APPROXIMATE, LOCATED FROM FIELD SURVEYS OR UTILITY COMPANY RECORDS. IT WILL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE EXACT LOCATION AND DEPTH OF ALL UTILITY LINES BEFORE THE START OF DEMOLITION.
11. THE CONTRACTOR MUST SUBMIT DISCONNECT NOTIFICATION TO BALTIMORE CO. PUBLIC WORKS AND ALL ASSOCIATED UTILITY COMPANIES RELATING TO THIS SITE AT LEAST THREE (3) WEEKS PRIOR TO BEGINNING DEMOLITION.
12. EXISTING WATER SERVICES SHALL BE DISCONNECTED AND TEMPORARILY CAPPED BEHIND THE METER AND ON PRIVATE PROPERTY. WATER SHALL REMAIN CAPPED UNTIL UTILITY CONSTRUCTION FOR NEW BUILDING HAS BEGUN.
13. EXISTING SEWER LATERALS SHALL BE TEMPORARILY PLUGGED WITH NON-SHRINK GROUT AT THE CLEANOUT AND ON PRIVATE PROPERTY. REMOVE EXISTING, ON-SITE SEWER SERVICE LATERALS. CONTACT BALTIMORE CO. UTILITY DEPT. SEWER DEPT. 48 HOURS PRIOR TO THE START OF ANY CONSTRUCTION AND/OR DISCONNECTIONS. SEWER SHALL REMAIN CAPPED UNTIL UTILITY CONSTRUCTION FOR NEW BUILDING HAS BEGUN.
14. DOMESTIC GAS SERVICES SHALL BE CAPPED AND SERVICE LINES PURGED OF RESIDUAL GAS IN ACCORDANCE WITH BALTIMORE GAS AND ELECTRIC COMPANY. WORK TO BE COORDINATED AND PAID FOR BY THE CONTRACTOR. REMOVE EXISTING SERVICE PIPING ON SITE.
15. THE CONTRACTOR SHALL CUT AND PLUG, OR ARRANGE FOR THE APPROPRIATE UTILITY COMPANY TO CUT AND PLUG ALL SERVICE PIPING AT THE STREET LINE OR MAIN. AS REQUIRED BY LOCAL UTILITY COMPANY AND/OR BALTIMORE COUNTY, ALL SERVICES MAY NOT BE SHOWN ON THIS PLAN. THE CONTRACTOR SHALL INVESTIGATE THE SITE PRIOR TO BIDDING TO DETERMINE THE EXTENT OF SERVICE PIPING TO BE REMOVED, CUT, OR PLUGGED.
16. THE CONTRACTOR SHALL PROTECT ALL IRON PINS, MONUMENTS, AND PROPERTY CORNERS THAT WILL NOT BE REMOVED AND SHALL BE RESET BY A LICENSED LAND SURVEYOR AT THE EXPENSE OF THE CONTRACTOR.
17. OSHA REGULATIONS MAKE IT UNLAWFUL TO OPERATE CRANES, BOOMS, HOISTS, ETC. WITHIN TEN (10) FEET OF ANY ELECTRIC LINE UNDER (50kv). IF CONTRACTOR MUST OPERATE EQUIPMENT CLOSE TO BG&E POWER ELECTRIC LINE(S), CONTACT THE POWER COMPANY TO MAKE ARRANGEMENTS FOR PROPER SAFEGUARDS.
18. THE CONTRACTOR WILL BE RESPONSIBLE FOR SECURING ALL PERMITS FOR DEMOLITION FROM BALTIMORE COUNTY AND MUST FURNISH THE REQUIRED MATERIAL AND PAY ALL FEES.
19. PRIOR TO DEMOLITION, THE APPLICANT MUST PROVIDE CERTIFICATION, BY A PERSON LICENSED AS A PESTICIDE APPLICATOR BY THE MARYLAND STATE DEPARTMENT OF AGRICULTURE, THAT ALL AREAS OF THE BUILDING, STRUCTURE, AND LOT ARE FREE OF RODENT INFESTATION.
20. DEMOLITION OF EXISTING PAVEMENT, SIDEWALK, SITE FEATURES, AND UTILITIES WITHIN THE PUBLIC RIGHT-OF-WAY CAN ONLY OCCUR ONCE BALTIMORE COUNTY AND STATE PERMITS HAVE BEEN ISSUED.
21. ALL EXISTING UTILITIES ALONG REISTERSTOWN ROAD INCLUDING GAS, ELECTRIC, CABLE, FIBER OPTIC CABLE, TELEPHONE, AND ALL ASSOCIATED EQUIPMENT AND APPURTENANCES TO REMAIN UNDISTURBED AND OPERATIONAL THROUGHOUT DEMOLITION ACTIVITIES. ANY COSTS ASSOCIATED WITH DAMAGE TO EXISTING UTILITIES SHALL BE BORNE BY THE CONTRACTOR.
22. CONTRACTOR SHALL REFER TO THE "REPORT OF GEOTECHNICAL EXPLORATION" PREPARED BY GEO-TECHNOLOGY ASSOCIATES, INC. DATED JANUARY 22, 2019 FOR BID AND CONSTRUCTION PURPOSES. ALL RECOMMENDATIONS MADE IN THE REPORT SHALL BE CONSIDERED PART OF THE PROJECT'S SCOPE OF WORK.
23. CONTRACTOR SHALL REFER TO BGE DESIGN DRAWINGS FOR ABANDONMENT, RELOCATION, AND/OR REMOVAL OF EXISTING GAS AND ELECTRIC SERVICES.

Petitioner
CBA Exhibit
3

LIMIT OF DISTURBANCE: 18,100 SF , 0.42 ACRES

APPLICANT / OWNER

VALVOLINE INSTANT OIL CHANGE
54 JACONNET STREET
NEWTON HIGHLANDS, MA 02461
(617) 243-0404
MR. RANDOLPH KAZAZIAN

811
Know what's **below.**
Call before you dig.
PROTECT YOURSELF, GIVE THREE WORKING DAYS NOTICE
THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO APPURTENANT.

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 NO. 34479, EXPIRATION DATE: 06/21/2020.

DESIGN & DRAWING BASED ON MARYLAND COORDINATE SYSTEM: HORIZONTAL NAD 83/(1991) VERTICAL NAVD 88

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748

Copyright 2019 Morris & Ritchie Associates, Inc.

STATE OF MARYLAND · THOMAS J. KAZAZIAN · No. 34479 · PROFESSIONAL ENGINEER

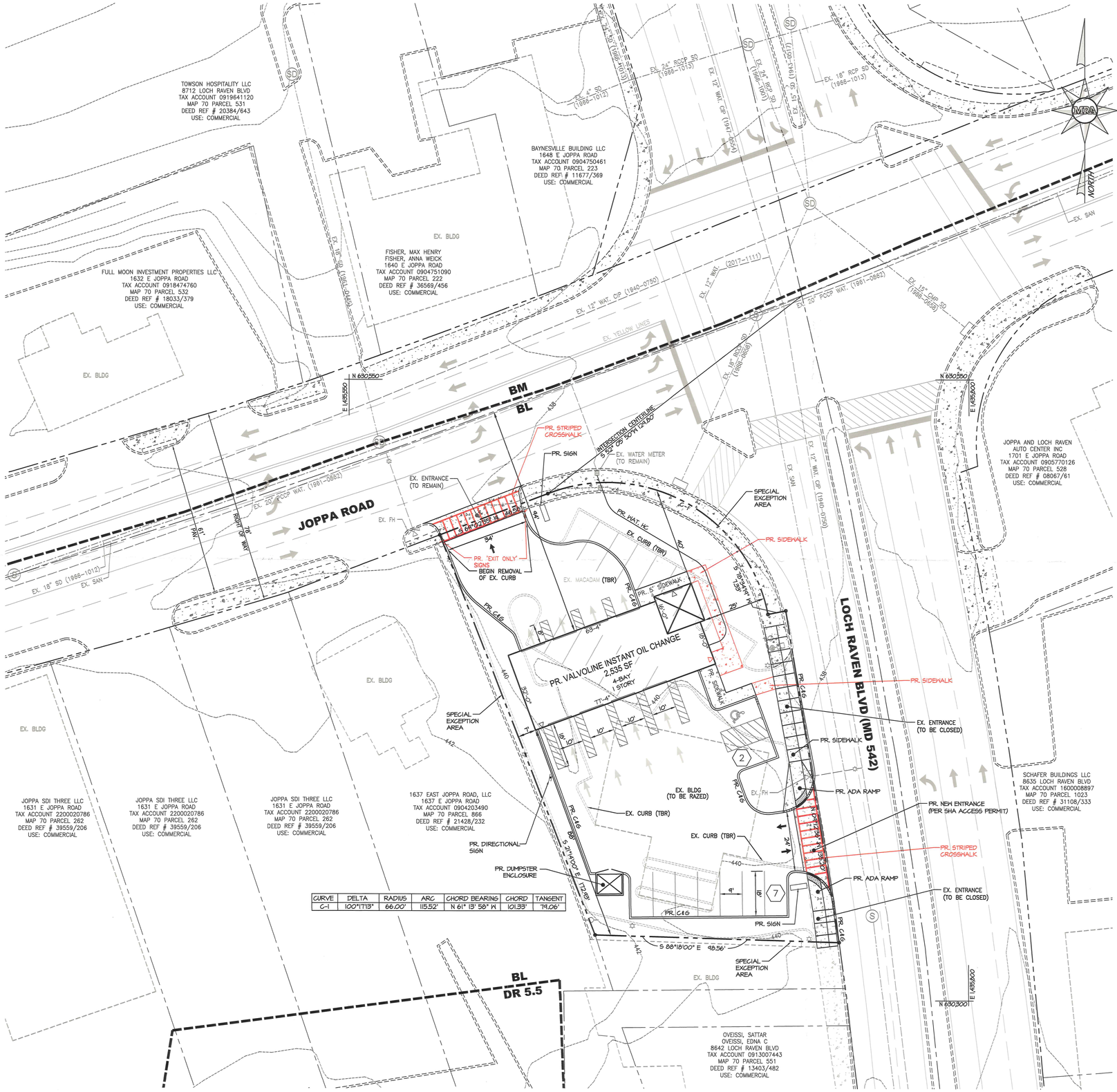
THIS PLAN IS SPECIALLY CERTIFIED AS BEING IN ACCORDANCE WITH THE APPROVED DRC PLAN.

VALVOLINE INSTANT OIL CHANGE
1641 EAST JOPPA ROAD

EXISTING CONDITIONS AND DEMOLITION PLAN

9TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO.:	20168
		SCALE:	1" = 20'
		DATE:	2/25/2019
		DRAWN BY:	DJK
		DESIGN BY:	JTS
		REVIEW BY:	JTS
		SHEET:	02 OF 30


TOWSON HOSPITALITY LLC
8712 LOCH RAVEN BLVD
TAX ACCOUNT 0919641120
MAP 70 PARCEL 531
DEED REF # 20384/643
USE: COMMERCIAL
BAYNESVILLE BUILDING LLC
1648 E JOPPA ROAD
TAX ACCOUNT 0904750461
MAP 70 PARCEL 223
DEED REF # 11677/369
USE: COMMERCIAL
FISHER, MAX HENRY
FISHER, ANNA WEICK
1640 E JOPPA ROAD
TAX ACCOUNT 0904751090
MAP 70 PARCEL 222
DEED REF # 36569/456
USE: COMMERCIAL
FULL MOON INVESTMENT PROPERTIES LLC
1632 E JOPPA ROAD
TAX ACCOUNT 0918474760
MAP 70 PARCEL 532
DEED REF # 18033/379
USE: COMMERCIAL
JOPPA AND LOCH RAVEN AUTO CENTER INC
1701 E JOPPA ROAD
TAX ACCOUNT 0905770126
MAP 70 PARCEL 528
DEED REF # 08067/61
USE: COMMERCIAL
SCHAFER BUILDINGS LLC
8635 LOCH RAVEN BLVD
TAX ACCOUNT 1600008897
MAP 70 PARCEL 1023
DEED REF # 31108/333
USE: COMMERCIAL
OVEISSI, SATTAR
OVEISSI, EDNA C
8642 LOCH RAVEN BLVD
TAX ACCOUNT 0913007443
MAP 70 PARCEL 551
DEED REF # 13403/482
USE: COMMERCIAL
JOPPA SDI THREE LLC
1631 E JOPPA ROAD
TAX ACCOUNT 2200020786
MAP 70 PARCEL 262
DEED REF # 39559/206
USE: COMMERCIAL
1637 EAST JOPPA ROAD, LLC
1637 E JOPPA ROAD
TAX ACCOUNT 0904203490
MAP 70 PARCEL 866
DEED REF # 21428/232
USE: COMMERCIAL
JOPPA ROAD
LOCH RAVEN BLVD (MD 542)
BM
BL
DR 5.5
EX. BLDG
EX. SAN
EX. SD (1966-1012)
EX. 24" RCCP SD (1966-1013)
EX. 18" RCP SD (1966-1015)
EX. 24" RCCP SD (1966-1001)
EX. 15" SD (1966-1002)
EX. 12" WAT. CIP (1947-0624)
EX. 18" SD (1951-0462)
EX. 12" WAT. (2017-1111)
EX. 12" WAT. CIP (1940-0750)
EX. 20" RCCP WAT. (1961-0662)
EX. 15" CMP SD (1966-0656)
EX. 18" RCP SD (1966-0656)
EX. YELLOW LINES
EX. 12" WAT. CIP (1940-0750)
N 630,550
E 1,435,950
N 630,300
E 1,435,800
PR. STRIPED CROSSWALK
PR. SIGN
INTERSECTION CENTERLINE S 52° 05' 30" W 124.80'
EX. WATER METER (TO REMAIN)
EX. ENTRANCE (TO REMAIN)
EX. FH
PR. 12" WL
EX. CURB (TBR)
PR. SIDEWALK
SPECIAL EXCEPTION AREA
PR. "EXIT ONLY" SIGNS
BEGIN REMOVAL OF EX. CURB
EX. MACADAM (TBR)
PR. 5' SIDEWALK
PR. VALVOLINE INSTANT OIL CHANGE
2,535 SF
2-BAY
1 STORY
77'-4"
32'-0"
PR. CRG
EX. BLDG (TO BE RAZED)
EX. FH
PR. ADA RAMP
PR. NEW ENTRANCE (PER SHA ACCESS PERMIT)
PR. STRIPED CROSSWALK
PR. DIRECTIONAL SIGN
PR. DUMPSTER ENCLOSURE
EX. ENTRANCE (TO BE CLOSED)
S 21°40'00" E 172.98'
S 88°18'00" E 48.56'
PR. 6" SAN
PR. 8" SAN
PR. 15" SD
PR. 12" W
PR. 4" GAS

ILLUSTRATIVE FRONT ELEVATION



NOT TO SCALE

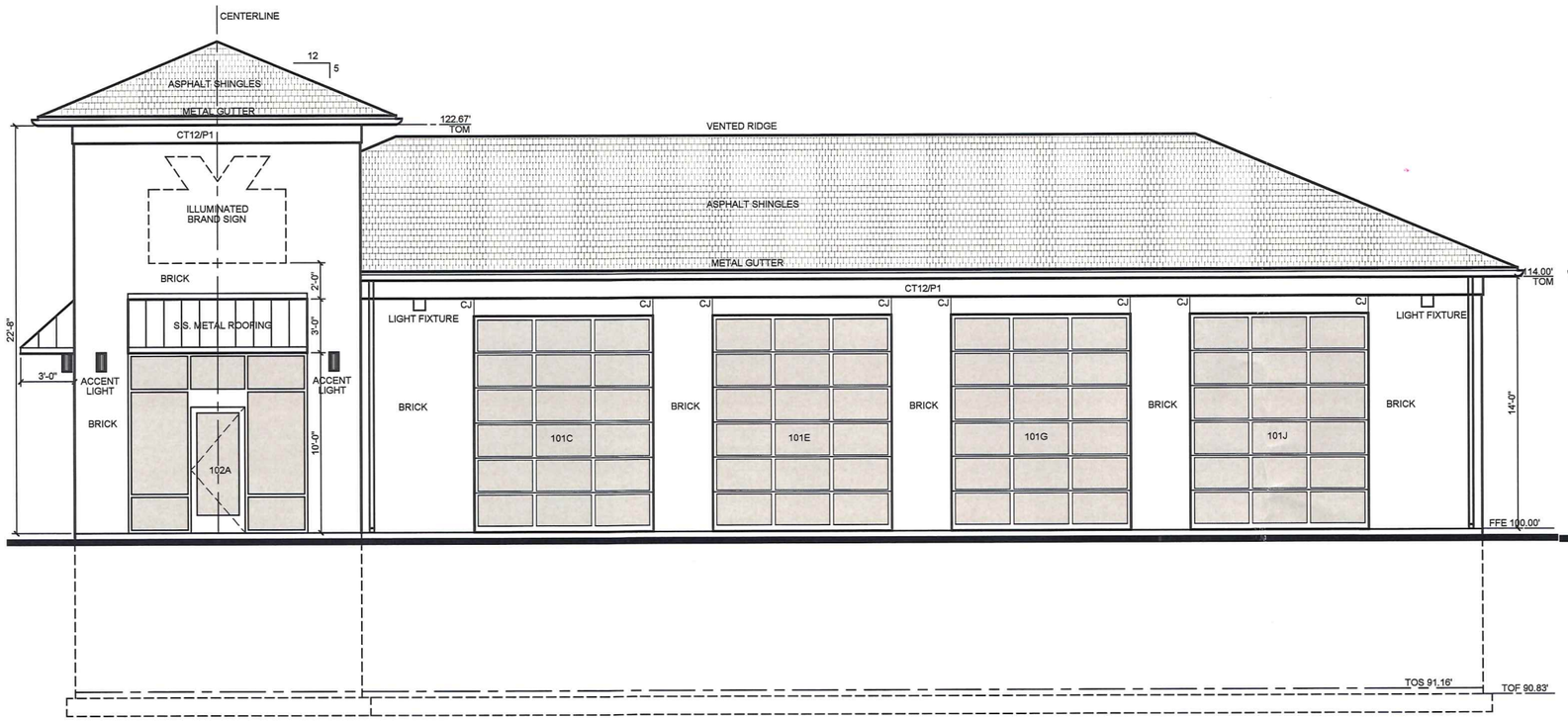
Petitioner
CBA Exhibit
7

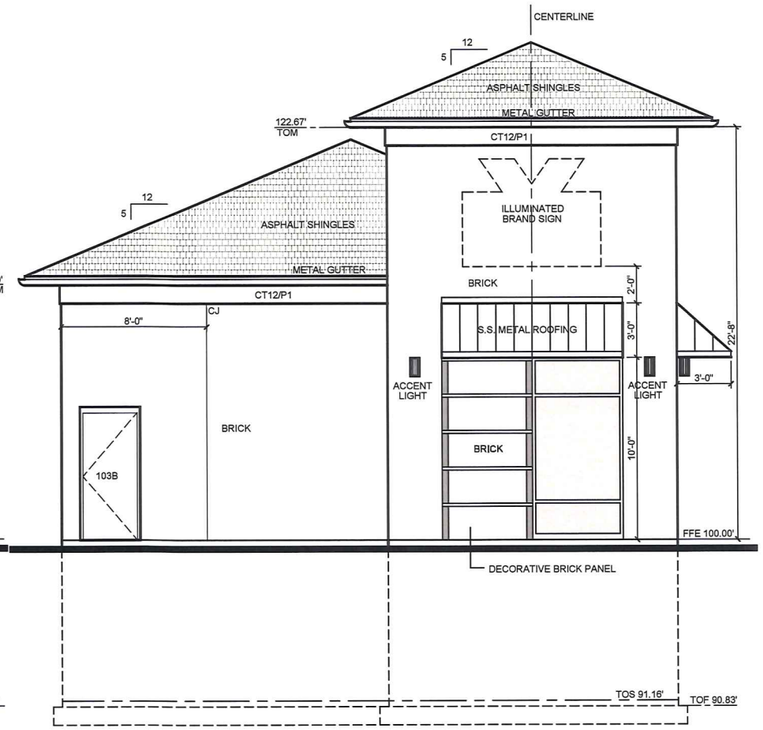
ILLUSTRATIVE SIDE ELEVATION



NOT TO SCALE

NORTH AND EAST ELEVATION



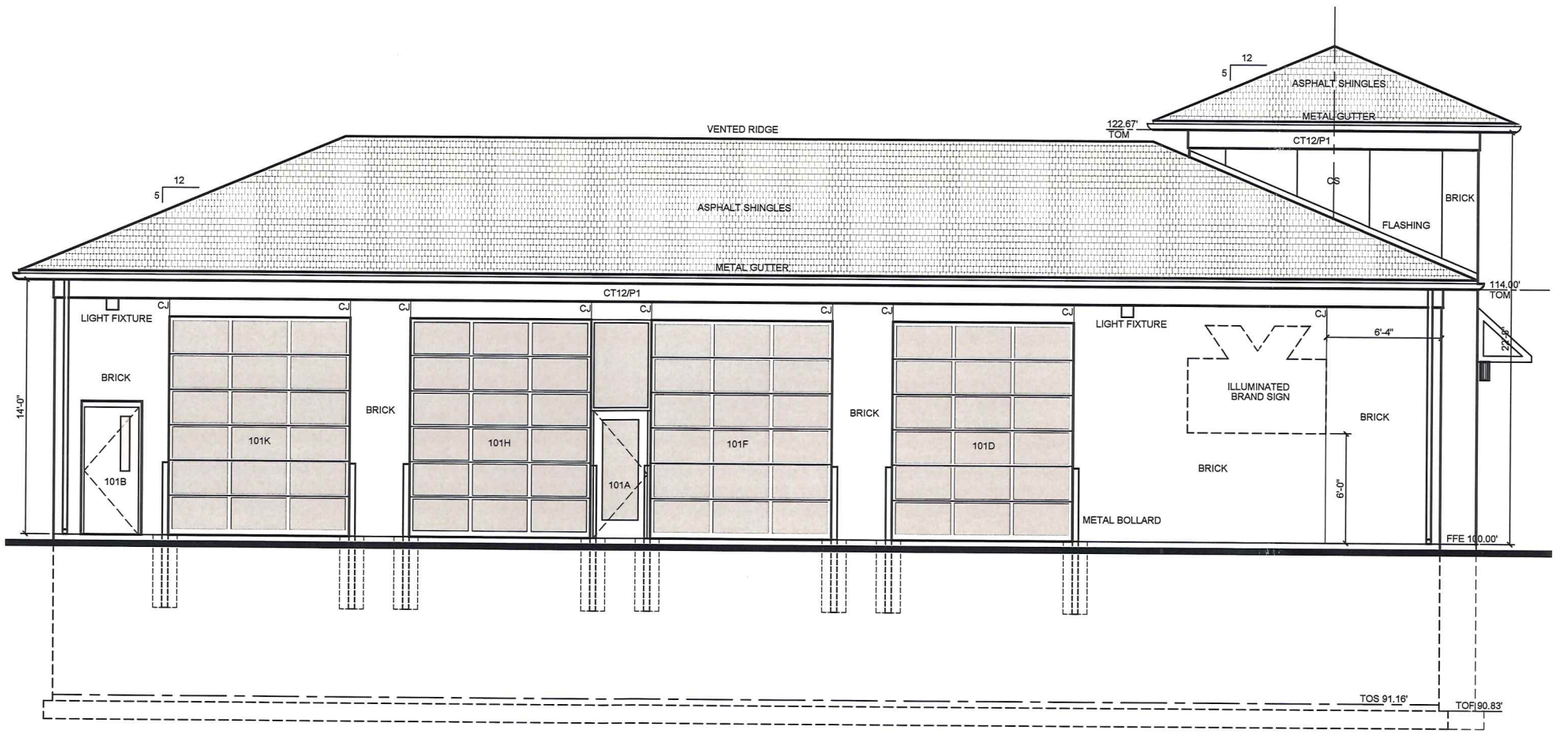


1 SP2.1 NORTH ELEVATION - FRONT
SCALE 1/4" = 1'-0"

2 SP2.1 EAST ELEVATION - RIGHTSIDE
SCALE 1/4" = 1'-0"

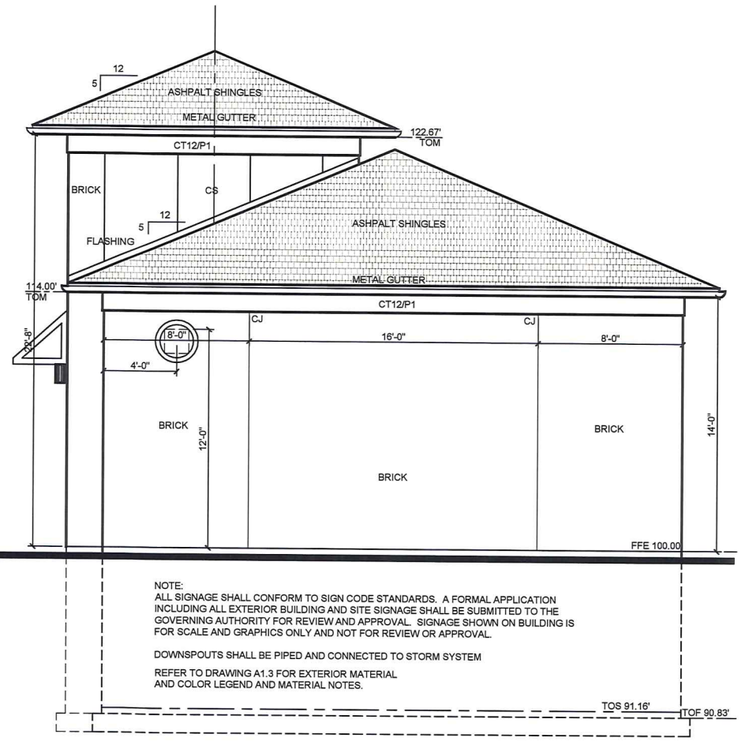
NOT TO SCALE

SOUTH AND WEST ELEVATION



3 SP2.1 SOUTH ELEVATION - REAR

SCALE 1/4" = 1'-0"



NOTE:
ALL SIGNAGE SHALL CONFORM TO SIGN CODE STANDARDS. A FORMAL APPLICATION INCLUDING ALL EXTERIOR BUILDING AND SITE SIGNAGE SHALL BE SUBMITTED TO THE GOVERNING AUTHORITY FOR REVIEW AND APPROVAL. SIGNAGE SHOWN ON BUILDING IS FOR SCALE AND GRAPHICS ONLY AND NOT FOR REVIEW OR APPROVAL.

DOWNSPOUTS SHALL BE PIPED AND CONNECTED TO STORM SYSTEM

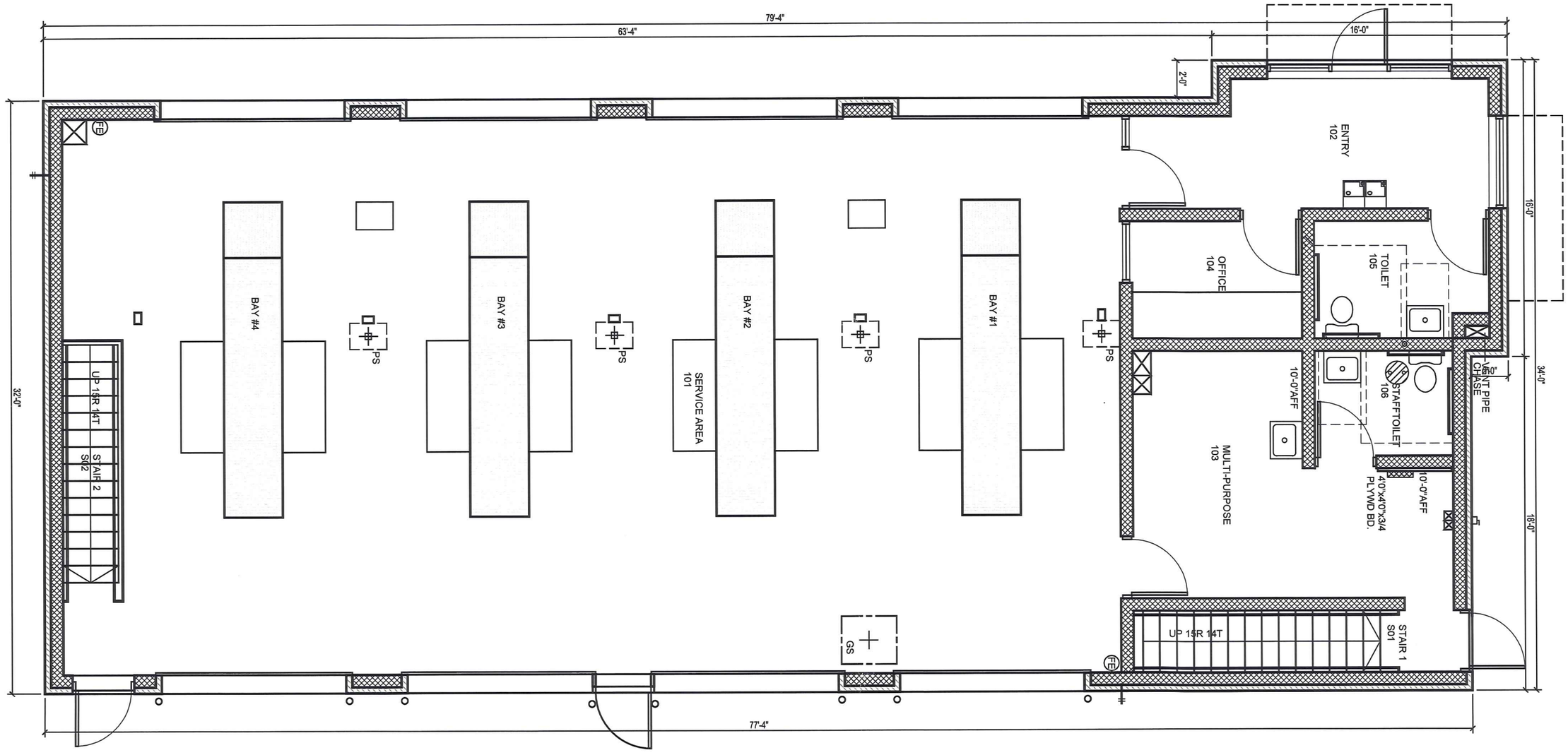
REFER TO DRAWING A1.3 FOR EXTERIOR MATERIAL AND COLOR LEGEND AND MATERIAL NOTES.

4 SP2.1 WEST ELEVATION - LEFTSIDE

SCALE 1/4" = 1'-0"

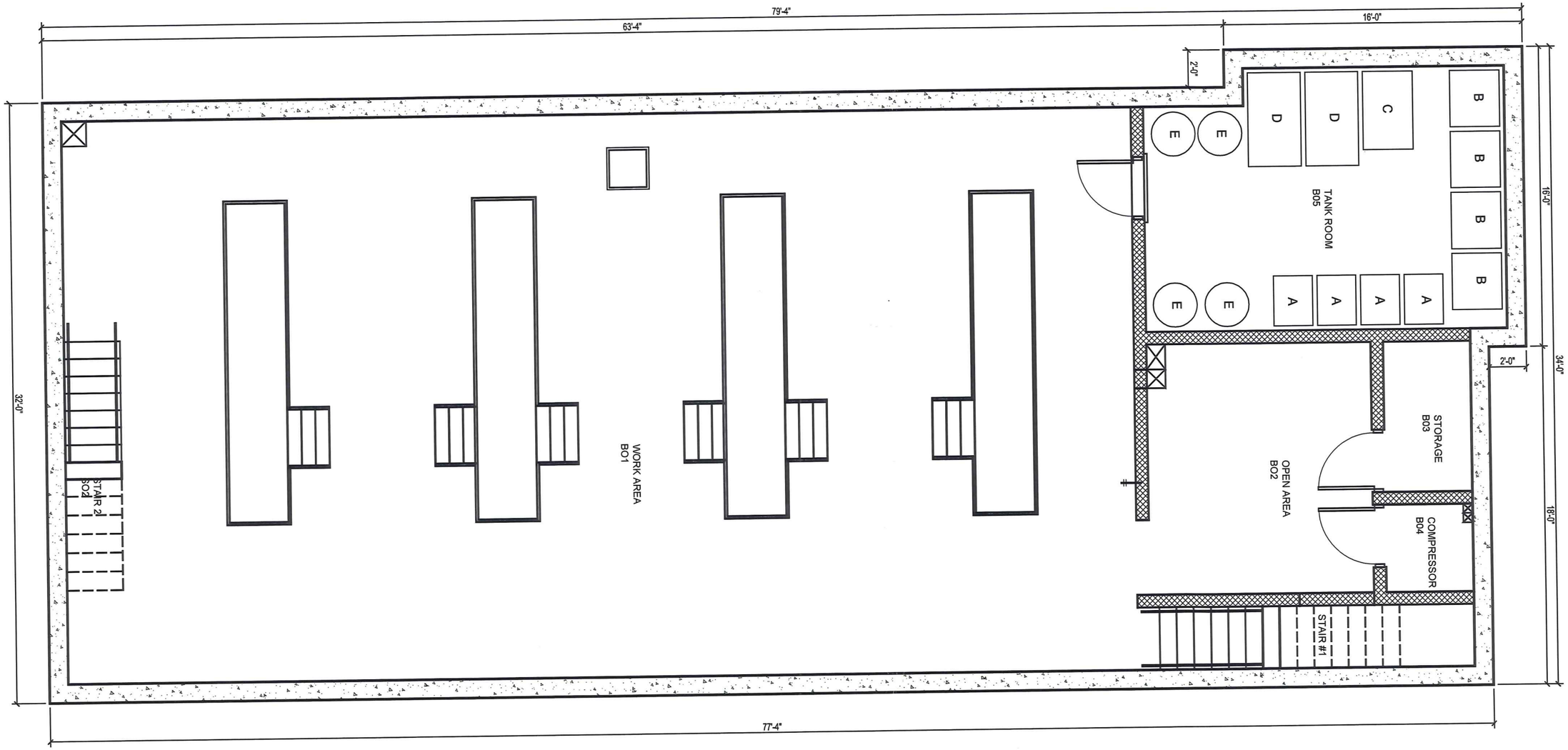
NOT TO SCALE

MAIN LEVEL FLOOR PLAN



NOT TO SCALE

FOUNDATION FLOOR PLAN



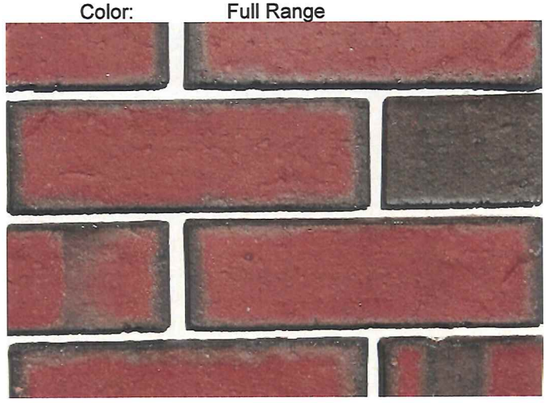
NOT TO SCALE

EXTERIOR FINISHES

Roof Shingles
Manuf.: GAF (IKO, Certainteed, or Equal)
Model: Timberline
Color: Antique Slate



Face Brick
Manuf.: Morin Brick Company
Model: Old Port Blend
Color: Full Range

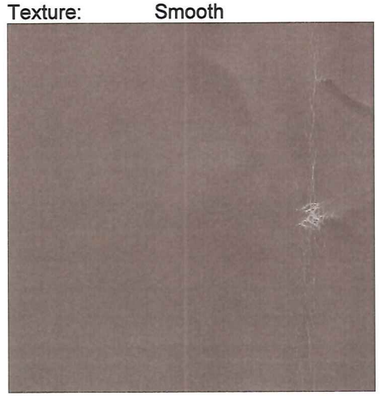


Aluminum framing overhead door frames / aluminum entry framing & doors)
Manuf.: Kawneer or Equal
Color: Clear mill finish (silver)

Metal Bollards
Manuf.:
Color: SW Valvoline Red (Sherwin Williams)

EXTERIOR FINISHES

HM Doors & Frames
Color: SW7515 Homestead Brown (Sherwin Williams)
Texture: Smooth

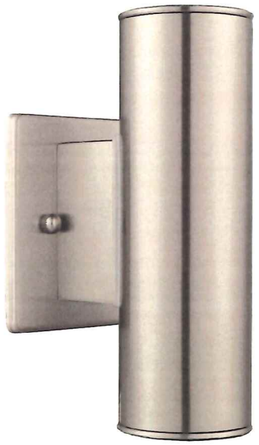


Composite Siding / Trim
Manuf.: James Hardie
Color: SW7006 Extra White (Sherwin Williams)
Texture: Smooth

VIOC PAINT SCHEDULE

Exterior	Color	Finish	Products
Block Filler/Primer	Tinted to match		Loxon Block Surfacer A24W200
Bottom four rows of Block (2' 8")	SW6124 Cardboard	Semi Gloss	DTM Acrylic B66-200
Walls above 2' 8" (Gutters)	SW6107 Nomadic Desert	Semi Gloss	DTM Acrylic B66-200
Fascia / mansard w/ new signs	SW6107 Nomadic Desert	Semi Gloss	DTM Acrylic B66-200
Exterior Doors / Frames	SW7515 Homestead Brown	Semi Gloss	Sher-Cryl HPA B66-300 Series
Metal flashing (non-new image)	SW6107 Nomadic Desert	Semi Gloss	DTM Acrylic B66-200
Bumper Posts / pylon pole	Valvoline Red	Semi Gloss	Sher-Cryl HPA B66-300 Series & Sher Clear
Area lights & poles	Do not tint	Semi Gloss	DTM Bonding Primer B66A50
	Dark Bronze		Sher-Cryl HPA B66-300 Series
Metal Primer	Do not tint		Pro-Cryl Universal Primer B66-310 Series
Parking Striping	White		TM226 Set Fast Traffic Marking Paint
	Yellow		TM226 Set Fast Traffic Marking Paint
Handicap Parking	ADA Blue		TM2133 Set Fast Traffic Marking Paint
Wood Fence and Gates	SW6107 Nomadic Desert	Semi Gloss	Cabot acrylic semi-solid stain 1400 series

EXTERIOR LIGHTING



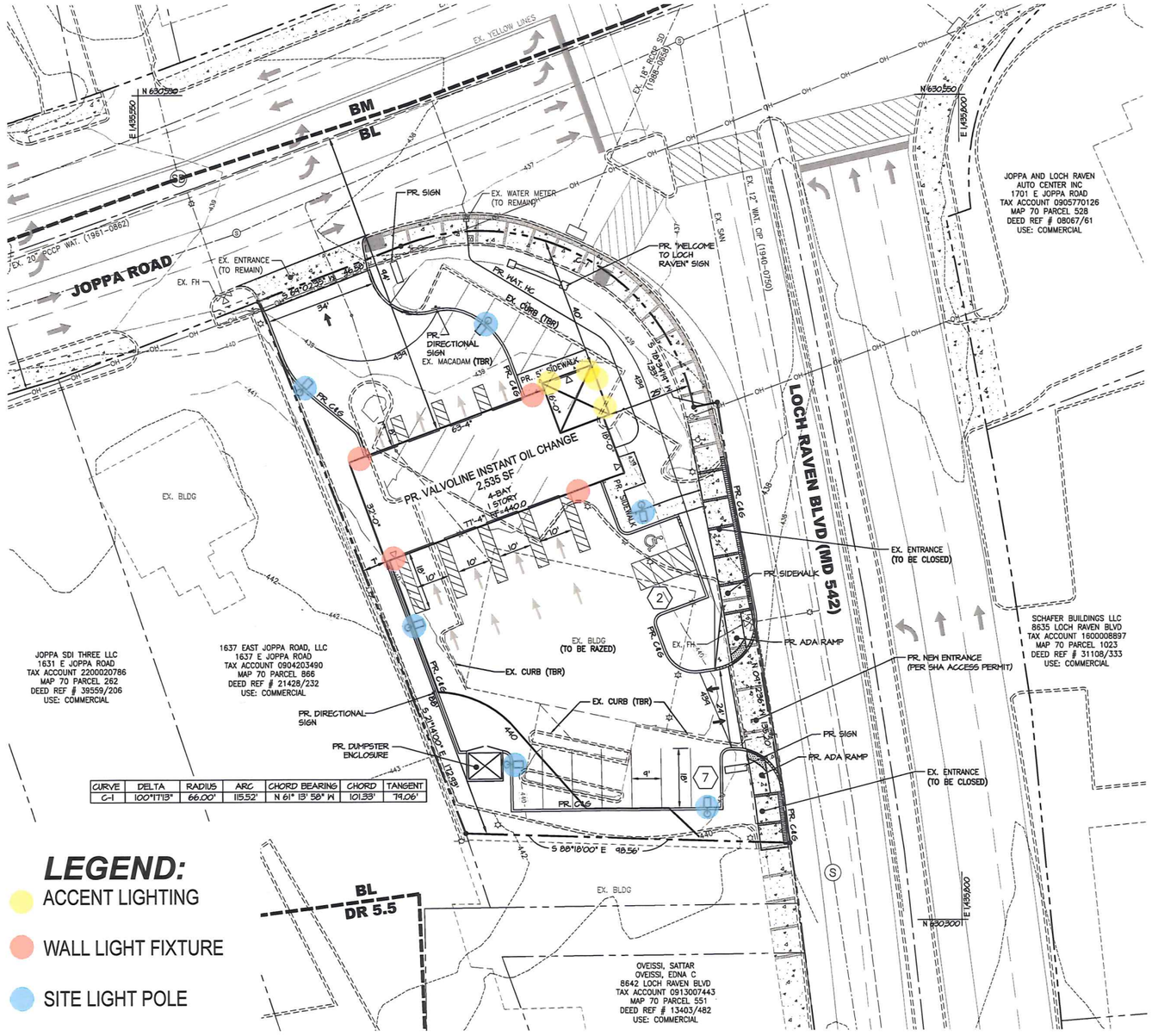
ACCENT LIGHTING



WALL LIGHT FIXTURE



SITE LIGHT POLE



CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD	TANGENT
C-1	100°17'13"	66.00'	115.52'	N 61° 13' 58" W	101.39'	74.06'

LEGEND:

- ACCENT LIGHTING
- WALL LIGHT FIXTURE
- SITE LIGHT POLE

NOT TO SCALE

SITE SIGNAGE: MONUMENT

Internally Illuminated LED Channel Letters

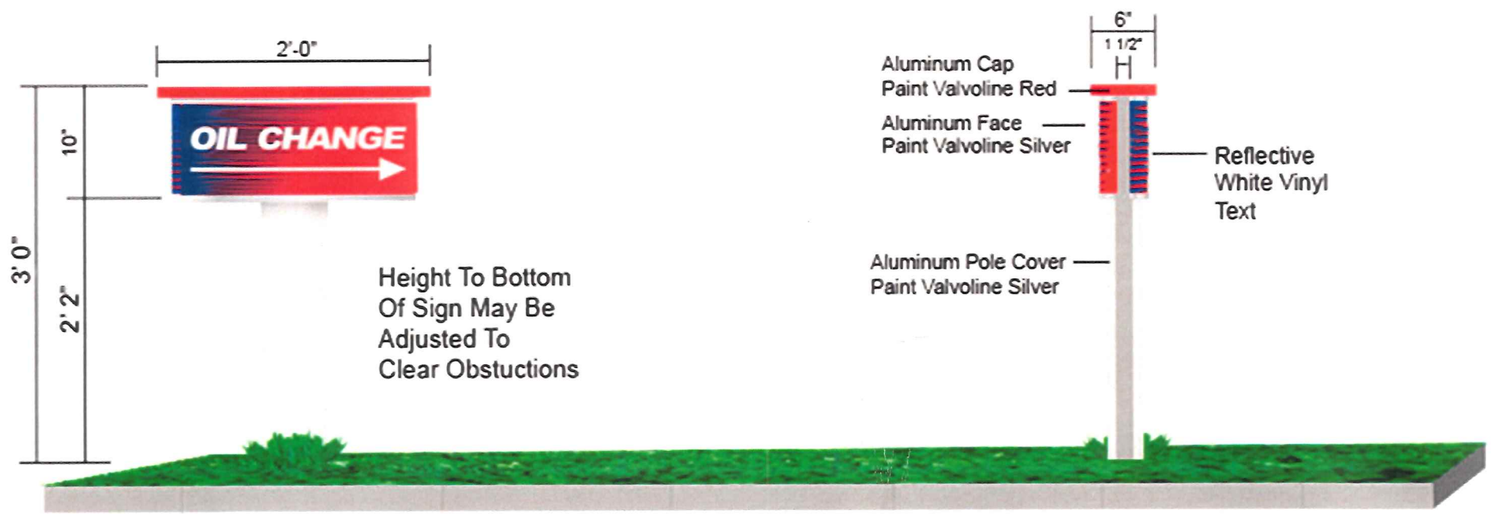
45sqft Sign (Background Opaque)

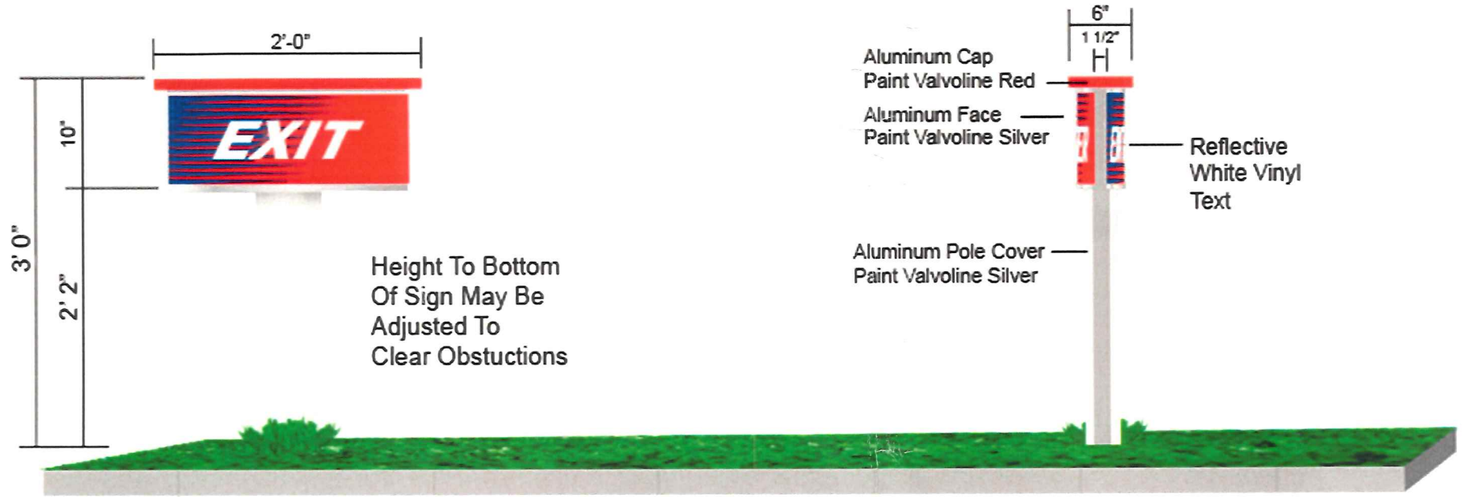
Other monument materials to match building



NOT TO SCALE

SITE SIGNAGE: DIRECTIONAL





NOT TO SCALE

CONTEXT PHOTOGRAPH



NOT TO SCALE

Petitioner
CBA Exhibit
10

Prepared by Geographic Information Services
Baltimore County Office of Information Technology
Date: February 12, 2019
2017 Imagery

1 Inch = 25 feet
0 12.5 25 50 75 100
Feet

People's Counsel
CBA Exhibit
2


TOWSON HOSPITALITY LLC
8712 LOCH RAVEN BLVD
TAX ACCOUNT 0919641120
MAP 70 PARCEL 531
DEED REF # 20384/643
USE: COMMERCIAL
BAYNESVILLE BUILDING LLC
1648 E JOPPA ROAD
TAX ACCOUNT 0904750461
MAP 70 PARCEL 223
DEED REF: # 11677/369
USE: COMMERCIAL
FISHER, MAX HENRY
FISHER, ANNA WEICK
1640 E JOPPA ROAD
TAX ACCOUNT 0904751090
MAP 70 PARCEL 222
DEED REF # 36569/456
USE: COMMERCIAL
FULL MOON INVESTMENT PROPERTIES LLC
1632 E JOPPA ROAD
TAX ACCOUNT 0918474760
MAP 70 PARCEL 532
DEED REF # 18033/379
USE: COMMERCIAL
JOPPA AND LOCH RAVEN AUTO CENTER INC
1701 E JOPPA ROAD
TAX ACCOUNT 0905770126
MAP 70 PARCEL 528
DEED REF # 08067/61
USE: COMMERCIAL
SCHAFER BUILDINGS LLC
8635 LOCH RAVEN BLVD
TAX ACCOUNT 1600008897
MAP 70 PARCEL 1023
DEED REF # 31108/333
USE: COMMERCIAL
JOPPA SDI THREE LLC
1631 E JOPPA ROAD
TAX ACCOUNT 2200020786
MAP 70 PARCEL 262
DEED REF # 39559/206
USE: COMMERCIAL
1637 EAST JOPPA ROAD, LLC
1637 E JOPPA ROAD
TAX ACCOUNT 0904203490
MAP 70 PARCEL 866
DEED REF # 21428/232
USE: COMMERCIAL
OVEISSI, SATTAR
OVEISSI, EDNA C
8642 LOCH RAVEN BLVD
TAX ACCOUNT 0913007443
MAP 70 PARCEL 551
DEED REF # 13403/482
USE: COMMERCIAL
JOPPA ROAD
LOCH RAVEN BLVD (MD 542)
BM
BL
PR. STRIPED CROSSWALK
PR. SIGN
EX. WATER METER (TO REMAIN)
EX. ENTRANCE (TO REMAIN)
SPECIAL EXCEPTION AREA
PR. SIDEWALK
PR. "EXIT ONLY" SIGNS
BEGIN REMOVAL OF EX. CURB
PR. VALVOLINE INSTANT OIL CHANGE
2,535 SF
4-BAY
1 STORY
PR. 5' SIDEWALK
EX. CURB (TBR)
EX. MACADAM (TBR)
PR. ENTRANCE (TO BE CLOSED)
PR. ADA RAMP
PR. NEW ENTRANCE (PER SHA ACCESS PERMIT)
PR. STRIPED CROSSWALK
EX. BLDG (TO BE RAZED)
PR. DIRECTIONAL SIGN
PR. DUMPSTER ENCLOSURE
EX. BLDG
EX. SAN
EX. WAT
EX. FH
EX. YELLOW LINES
EX. 12" WAT. CIP (1940-0750)
EX. 20" PCCP WAT. (1961-0662)
EX. 18" SD (1966-1012)
EX. 24" RCCP SD (1966-1013)
EX. 15" SD (1940-0750)
EX. 12" WAT. (2017-1111)
EX. 15" CMP SD (1999-0828)
EX. 18" RCP SD (1966-0808)
EX. 10" SD (1951-0443)
EX. 12" W
EX. 8" SAN
EX. 15" S.D.
N 630550
E 1435500
E 1435800
N 630300
E 1435800
INTERSECTION CENTERLINE
S 55° 05' 50" W 1,042.50'
S 21°11'07" E 172.98'
S 88°18'00" E 98.56'
PR. MAT'L LIC
PR. CAG
PR. 4" SCH 40 PVC SDR
PR. 6" SCH 40 PVC SDR

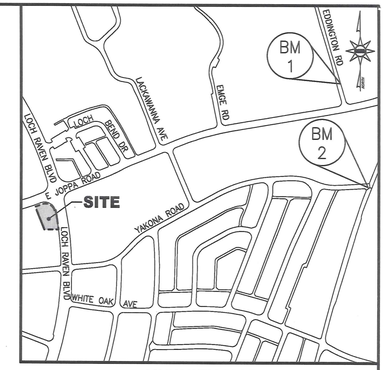


CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD	TANGENT
C-1	100°11'19"	66.00'	115.52'	N 61° 13' 58" W	101.33'	79.06'

PLAN
SCALE: 1" = 20'

LEGEND

- PR. PROPERTY LINE AND SPECIAL EXCEPTION AREA
- EX. ADJACENT PROPERTY LINE
- EX. R/W
- ZONING LINE
- EX. CURB & GUTTER
- EX. EDGE OF PAVING
- EX. SIDEWALK
- EX. SANITARY
- EX. STORM DRAIN
- EX. WATER
- EX. GAS
- EX. UTILITY POLE
- EX. LIGHTING
- EX. TREES AND SHRUBS
- EX. OVERHEAD LINES
- PR. BUILDING
- PR. BUILDING RESTRICTION LINE
- PR. CONCRETE
- PR. DIRECTIONAL ARROW
- PR. CURB
- PR. WATER LINE
- PR. MAJOR TREE
- PR. FLOWERING TREE
- PR. EVERGREEN TREE
- PR. SHRUB
- PR. GROUNDCOVER
- PR. LAWN



VICINITY MAP

SCALE : 1" = 500'

BENCHMARKS

BCO #13468 (BM1) N 3674457
ELEV. 449.934 E 1580022
DESCRIPTION: SET RAILROAD SPIKE IN MAC IN CENTERLINE OF JOPPA ROAD. 140 FEET WEST OF EMGE ROAD.

BCO #13465 (BM2) N 3636357
ELEV. 421.615 E 1695367
DESCRIPTION: RAILROAD SPIKE IN MAC ON NORTHWEST SIDE OF OAKLEIGH ROAD AND YAKONA ROAD.

ZONING HISTORY

1. CASE NO. 1941-0123 – PETITION FOR A ZONING RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO COMMERCIAL AREA TO BE USED AS A GASOLINE SERVICE STATION, GRANTED ON MARCH 17, 1941.
2. CASE NO. 1952-2152-XT – PETITION FOR A SPECIAL PERMIT TO CONSTRUCT A 12' X 25' ADVERTISING SIGN GRANTED ON JANUARY 9, 1952.
3. CASE NO. R-1965-0140-A – PETITION FOR A ZONING RECLASSIFICATION FROM BL TO BM, AND FOR A VARIANCE TO PERMIT A FROM YARD SETBACK OF 20 FEET INSTEAD OF THE REQUIRED 15 FEET, GRANTED ON NOVEMBER 12, 1964.
4. CASE NO. 1973-0031-X – PETITION FOR A SPECIAL EXCEPTION TO USE PROPERTY AS AN AUTOMOTIVE SERVICE STATION BY REASON OF SECTIONS 405 AND 501.2 OF THE BCZR, GRANTED ON AUGUST 24, 1972.
5. CASE NO. 1976-0173-X – PETITION FOR A SPECIAL EXCEPTION FOR EITHER TWO ILLUMINATED 12' X 25' ADVERTISING STRUCTURES OR ONE ILLUMINATED CUSTOM-BUILT PAINTED 500 SF BULLETIN, GRANTED ON MARCH 18, 1976.
6. CASE NO. 1987-0151-A – VARIANCE FOR DOUBLE-FACED FREESTANDING ID SIGN OF 181.3 SF IN LIEU OF 100 SF ALLOWED, GRANTED ON OCTOBER 8, 1986.
7. CASE NO. 1999-0251-A – PETITION FOR VARIANCE TO PERMIT A FRONT YARD SETBACK OF 16 FEET IN LIEU OF THE REQUIRED 29 FEET, A SIDE YARD SETBACK OF 23 FEET IN LIEU OF THE REQUIRED 30 FEET, A DRIVE-THRU LANE TO BLOCK ENTRY TO OR EXIT FROM THE REQUIRED OFF STREET PARING SPACES AND TO APPROVE MODIFIED PARKING PLAN, GRANTED ON FEBRUARY 9, 1999.

GENERAL NOTES

1. PROPERTY INFORMATION:
   - A. PROPERTY ADDRESS: 1641 EAST JOPPA ROAD
   - B. NET SITE AREA: 20,082 S.F.±, 0.461 AC.±
   - C. ELECTION DISTRICT: 9
   - D. COUNCILMANIC DISTRICT: 5
   - E. ADC MAP: 29
   - F. CENSUS TRACT: 4912.01
   - G. TAX MAP: 0070
   - H. PARCEL: 0529
   - I. TAX ACCOUNT NO.: 1600013383
   - J. DEED: 13640 / 369
2. ZONING: BL (BUSINESS LOCAL)
3. ZONING MAP & GIS TILE No.: 070C2
4. FLOOR AREA RATIO: PERMITTED = 3.0 PROVIDED = 0.126 (2,535 S.F. / 20,082 S.F.)
5. EXISTING LAND USE: EXISTING BANK WITH TWO DRIVE-THRU LANES
   PROPOSED LAND USE: GARAGE, AUTOMOTIVE SERVICE
6. THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN. (FEMA MAP 240010026F)
7. THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.

PLANTING UNIT CALCULATIONS

Baltimore County Planting Unit Condition	PU Credit Requirement Rate	Quantity	Required Planting Units (PU)
Condition A Street Frontage and Streetscape			
Interior Road	1 PU/ 20 LF	82	4
Adjacent Road	1 PU/ 40 LF	308	8
Condition B Parking Lots			
Parking Adjacent to Public Road (Class B)	1 PU/ 15 LF	26	2
Parking Adjacent to Commercial	1 PU/ 20 LF	64	3
Condition F Service Lanes			
Service Lane Adjacent to Adjacent to Public ROW	1 PU/ 15 LF	80	5
Service Lane Adjacent to Commercial Use	1 PU/ 20 LF	150	8
Condition H Dumpsters and Ground Mounted HVAC			
Dumpster and HVAC Screening	1 PU/ 15 LF	30	2
Total Required Planting Units (PU)			32

Baltimore County Planting Unit Condition	PU Credit Requirement Rate	Quantity	Provided Planting Units (PU)
Major Trees Provided	1 PU/ Tree	2	2
Minor Trees Provided	1 PU/ 2 Trees	5	2.5
Evergreen Trees	1 PU/ 2 Trees	13	6.5
Shrubs	1 PU/ 5 Shrubs	137	27.4
Total Provided Planting Units (PU)			38.4

OWNER
HOWARD BANK
(MERGED WITH AND SUCCEEDED TO THE INTERESTS OF FIRST MARINER BANK ON FEBRUARY 28, 2018)
3301 BOSTON STREET
BALTIMORE, MD 21224

DEVELOPER
VALVOLINE INSTANT OIL CHANGE
54 JACONNET STREET
NEWTON HIGHLANDS, MA 02461
(617) 243-0404
MR. RANDOLPH KAZAZIAN

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 3787, EXPIRATION DATE: 06/30/2020

DESIGN & DRAWING BASED ON MARYLAND COORDINATE SYSTEM:
HORIZONTAL NAD 83 (1991)
VERTICAL NAVD 88

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM
Copyright 2018 Morris & Ritchie Associates, Inc.

LANDSCAPE ARCHITECT 3787 CYCLE C EXPIRES STATE OF MARYLAND

VALVOLINE INSTANT OIL CHANGE

1641 EAST JOPPA ROAD

SCHEMATIC LANDSCAPE PLAN

PETITIONER'S EXHIBIT NO. 3

DATE	REVISIONS

JOB NO.:	20168
SCALE:	1" = 20'
DATE:	09/14/2018
DRAWN BY:	NCR
DESIGN BY:	NCR
REVIEW BY:	JTS
SHEET:	1 OF 1

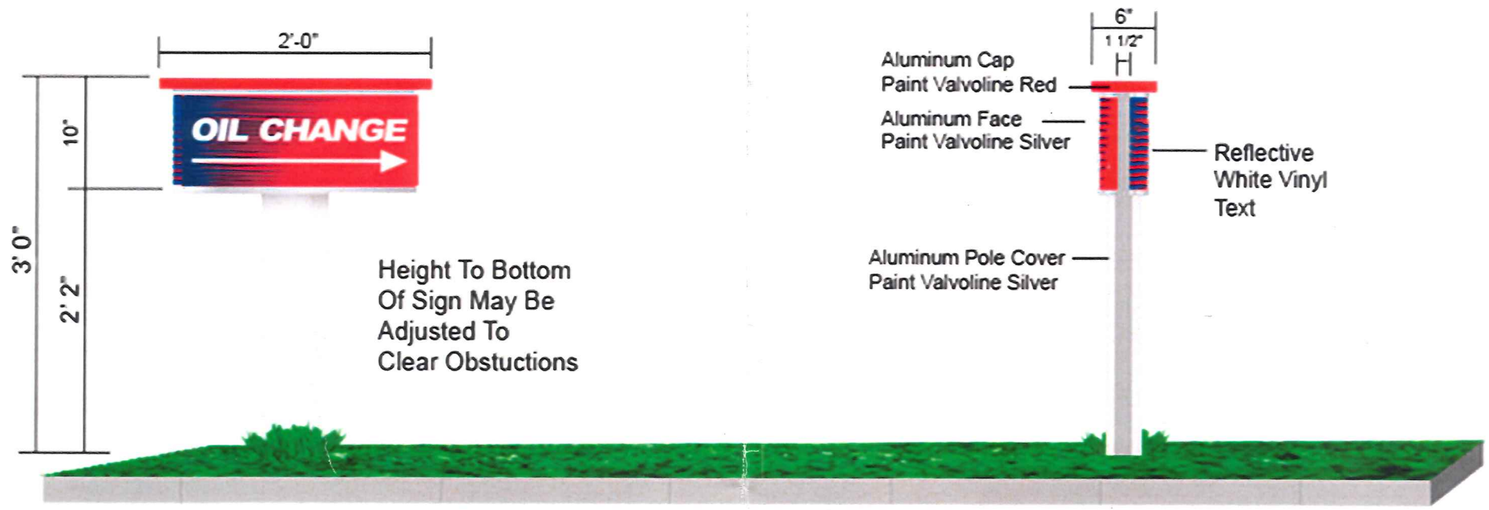
ILLUSTRATIVE FRONT ELEVATION

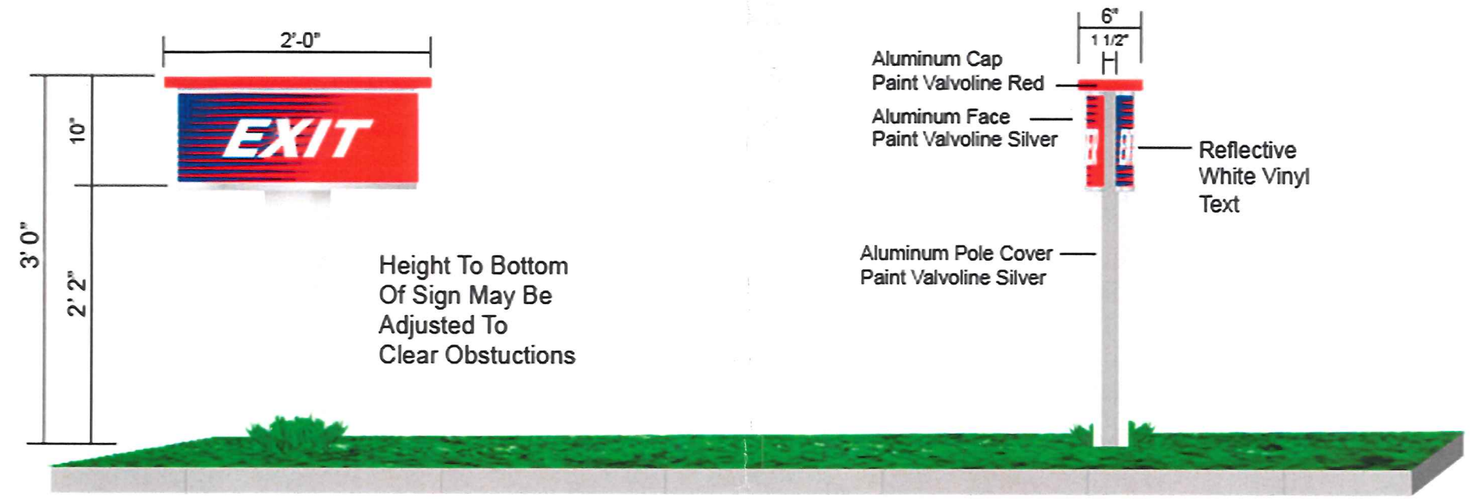


PETITIONER'S
EXHIBIT NO. 4

NOT TO SCALE

SITE SIGNAGE: DIRECTIONAL





PETITIONER'S

EXHIBIT NO. 5

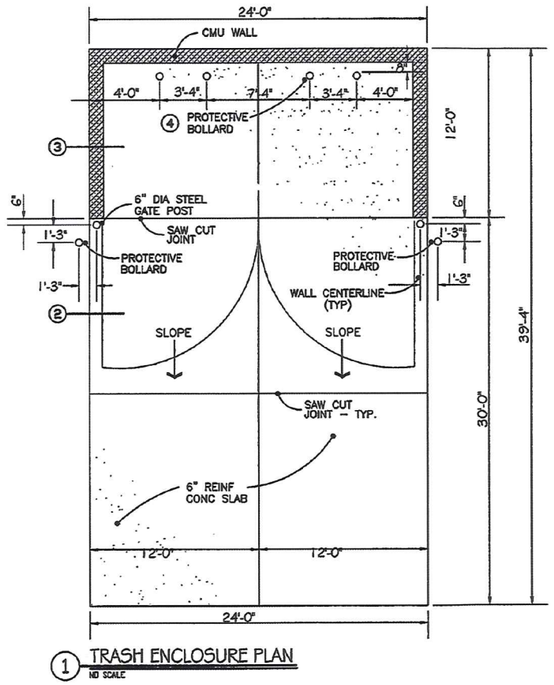
NOT TO SCALE

VALVOLINE @ JOPPA ROAD: ILLUSTRATIVE SITE PLAN

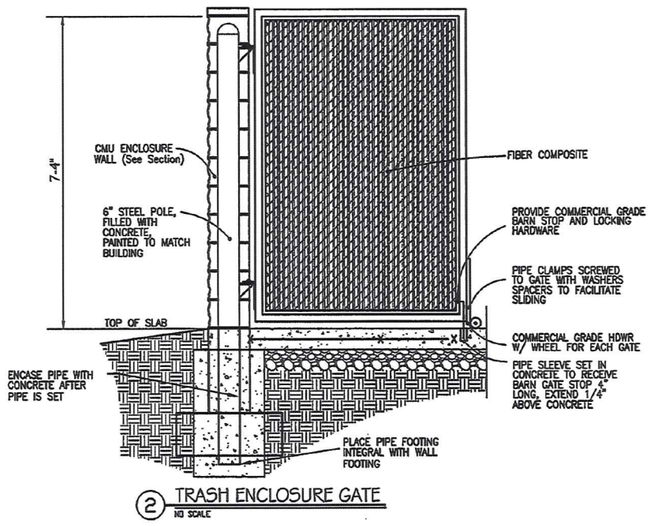


PETITIONER'S
EXHIBIT NO. 6

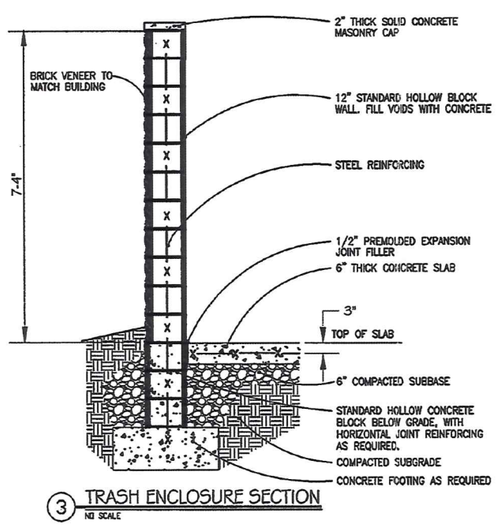
VALVOLINE @ JOPPA ROAD: DUMPSTER ENCLOSURE EXHIBIT



1 TRASH ENCLOSURE PLAN
NO SCALE



2 TRASH ENCLOSURE GATE
NO SCALE

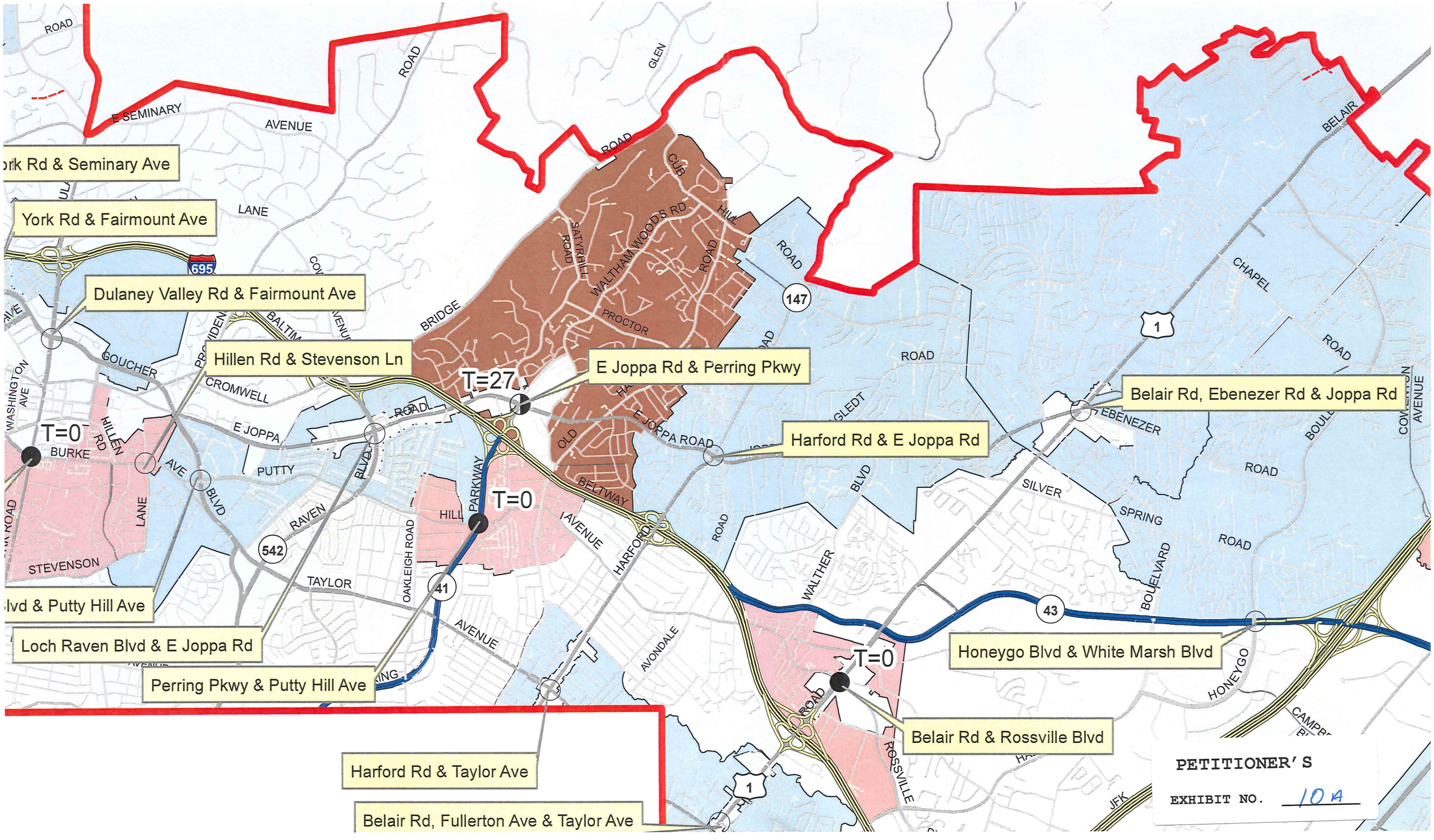


3 TRASH ENCLOSURE SECTION
NO SCALE



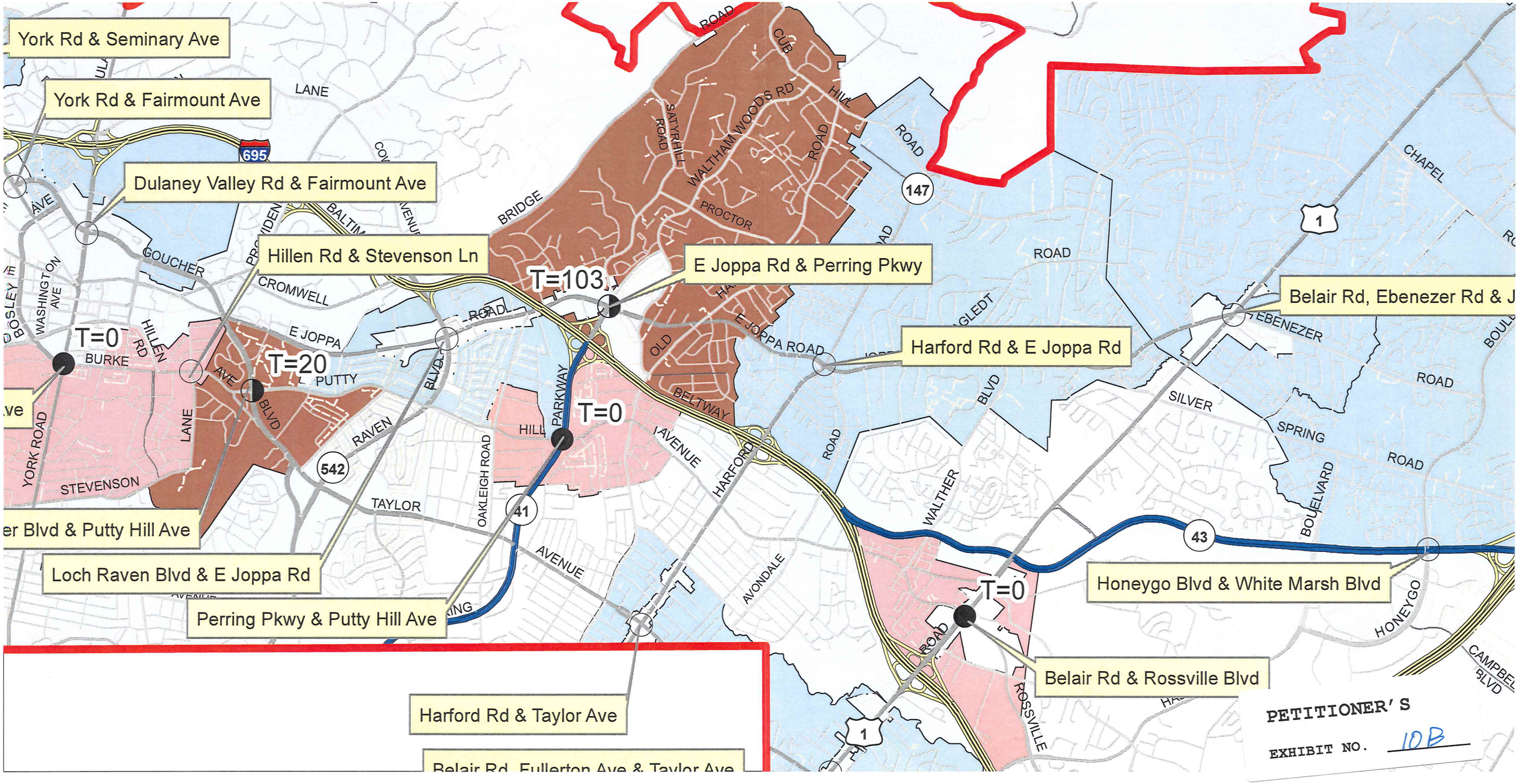
PETITIONER'S

EXHIBIT NO. 7



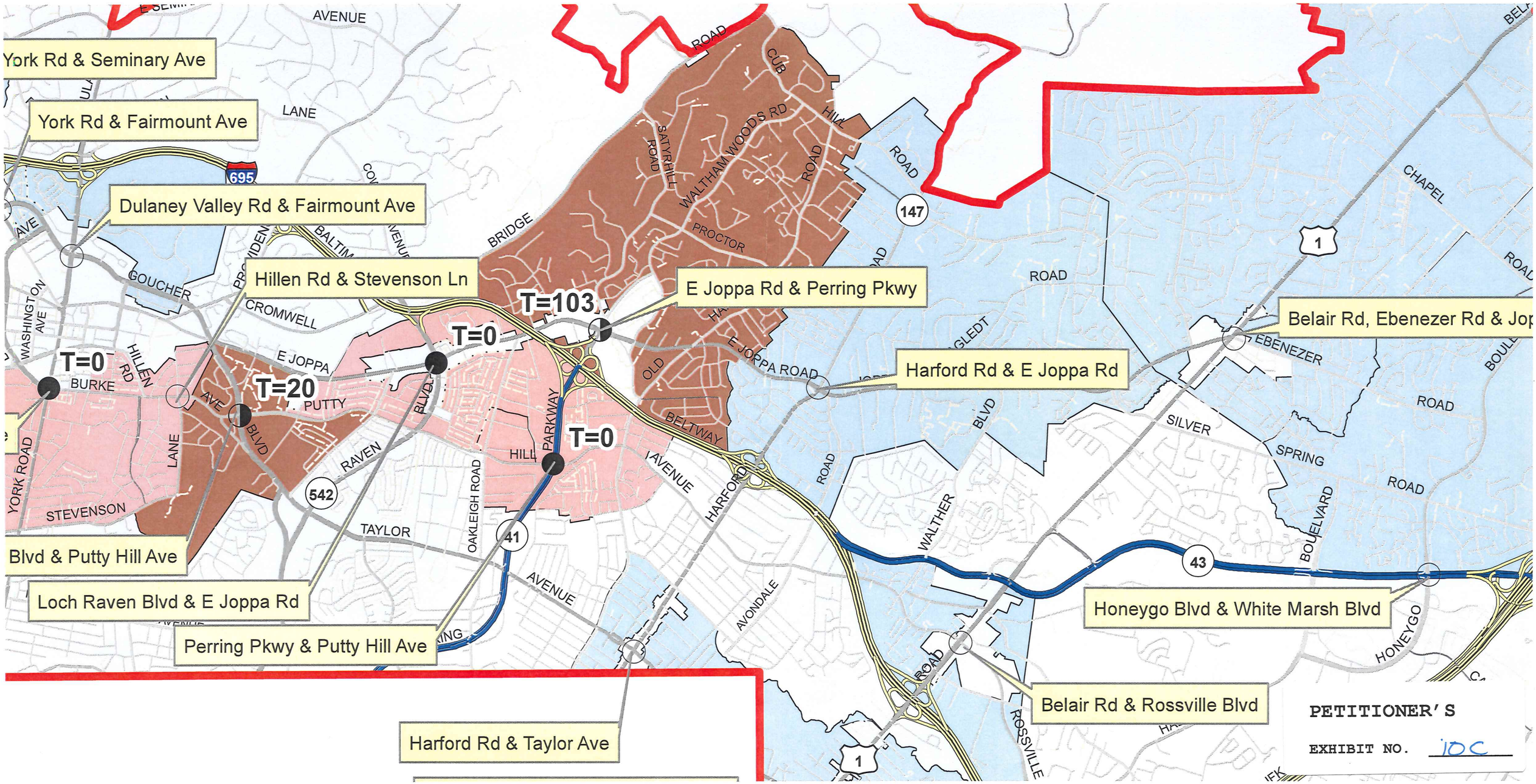
PETITIONER'S
EXHIBIT NO. 10A

2018



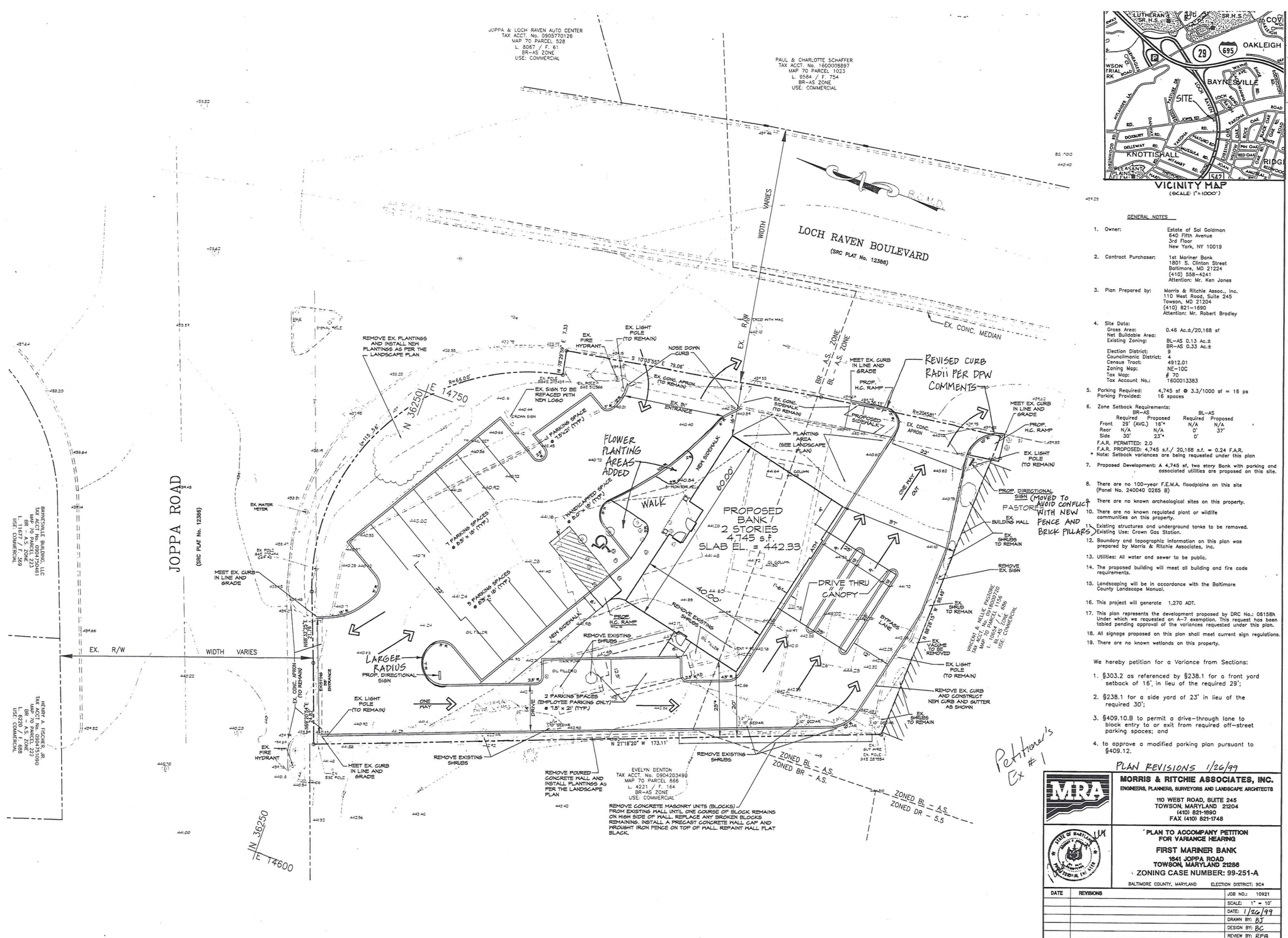
PETITIONER'S
EXHIBIT NO. 10B

2017



PETITIONER'S
EXHIBIT NO. 10C

2016

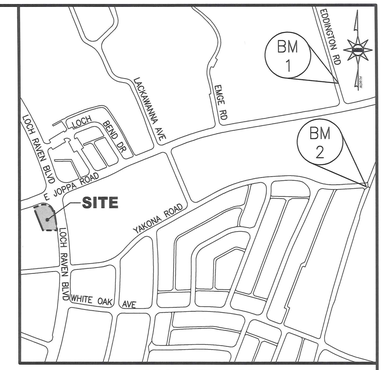

JOPPA & LOCH RAVEN AUTO CENTER
TAX ACCT. No. 0905770126
MAP 70 PARCEL 528
L. 8067 / F. 61
BR-AS ZONE
USE: COMMERCIAL
PAUL & CHARLOTTE SCHAFFER
TAX ACCT. No. 1600008897
MAP 70 PARCEL 1023
L. 9564 / F. 754
BR-AS ZONE
USE: COMMERCIAL
LOCH RAVEN BOULEVARD
(SRC PLAT No. 12388)
EX. R/W WIDTH VARIES
EX. CONC. MEDIAN
JOPPA ROAD
(SRC PLAT No. 12386)
EX. R/W WIDTH VARIES
BAYNESVILLE BUILDING, LLC
TAX ACCT. No. 0905770161
MAP 70 PARCEL 223
BR - A.S. ZONE
L. 11615 F. 259
USE: COMMERCIAL
HENRY A. FISCHER, JR.
TAX ACCT. No. 0905770190
MAP 70 PARCEL 222
BR - A.S. ZONE
L. 7 F. 157
USE: COMMERCIAL
EVELYN DENTON
TAX ACCT. No. 0904203490
MAP 70 PARCEL 866
L. 4221 / F. 164
BR-AS ZONE
USE: COMMERCIAL
WHICKER & NELSE PASSMORE
TAX ACCT. No. 1600012720
MAP 70 PARCEL 1155
L. 9654 F. 688
BL-AS ZONE
USE: COMMERCIAL
REMOVE EX. PLANTINGS AND INSTALL NEW PLANTINGS AS PER THE LANDSCAPE PLAN
EX. FIRE HYDRANT
EX. LIGHT POLE (TO REMAIN)
NOSE DOWN CURB
EX. SIGN TO BE REFACED WITH NEW LOGO
EX. 31' ENTRANCE
EX. CONC. APRON (TO REMAIN)
EX. CONC. SIDEWALK (TO REMAIN)
MEET EX. CURB IN LINE AND GRADE
PROP. H.C. RAMP
PROPOSED SIDEWALK
REVISED CURB RADII PER DPW COMMENTS
PLANTING AREA (SEE LANDSCAPE PLAN)
FLOWER PLANTING AREAS ADDED
NEW SIDEWALK
HANDICAPPED SPACE • 8.0' x 18' (TYP.)
7 PARKING SPACES • 8.5' x 18' (TYP.)
5 PARKING SPACES • 8.5' x 18' (TYP.)
WALK
PROPOSED BANK / 2 STORIES 4,745 s.f. SLAB EL. = 442.33 F.F.
DRIVE THRU CANOPY
ONE WAY OUT
PROP. DIRECTIONAL SIGN (MOVED TO AVOID CONFLICT WITH NEW FENCE AND BRICK PILLARS)
PASTORIUS
EX. BUILDING MAIL
EX. SHRUBS TO REMAIN
REMOVE EX. SIGN
EX. LIGHT POLE (TO REMAIN)
REMOVE EX. CURB AND CONSTRUCT NEW CURB AND GUTTER AS SHOWN
BYPASS LINE
EX. VAULT TO BE REMOVED
REMOVE EXISTING SHRUBS
REMOVE EXISTING SHRUBS
REMOVE EXISTING SHRUBS
REMOVE EXISTING SHRUBS
REMOVE POURED CONCRETE WALL AND INSTALL PLANTINGS AS PER THE LANDSCAPE PLAN
REMOVE CONCRETE MASONRY UNITS (BLOCKS) FROM EXISTING WALL UNTIL ONE COURSE OF BLOCK REMAINS ON HIGH SIDE OF WALL. REPLACE ANY BROKEN BLOCKS REMAINING. INSTALL A PRECAST CONCRETE WALL CAP AND WROUGHT IRON FENCE ON TOP OF WALL. REPAINT WALL FLAT BLACK.
LARGER RADIUS
PROP. DIRECTIONAL SIGN
EX. LIGHT POLE (TO REMAIN)
ONE WAY
2 PARKING SPACES (EMPLOYEE PARKING ONLY) • 7.5' x 21' (TYP.)
DRIVE
EX. FIRE HYDRANT
MEET EX. CURB IN LINE AND GRADE
EX. SHRUBS TO REMAIN
EX. BLT PIKE
EX. POLE
ZONED BL - A.S.
ZONED BR - A.S.
ZONED BL - A.S.
ZONED DR - 5.5
N 21°18'20" W 173.11'
N 36250
E 14750
N 36250
E 14600
EX. WATER METER
EX. POLE
EX. POLE
EX. POLE



PLAN
SCALE: 1" = 20'

LEGEND

- PR. PROPERTY LINE AND SPECIAL EXCEPTION AREA
- EX. ADJACENT PROPERTY LINE
- EX. R/W
- ZONING LINE
- EX. CURB & GUTTER
- EX. EDGE OF PAVING
- EX. SIDEWALK
- EX. SANITARY
- EX. STORM DRAIN
- EX. WATER
- EX. GAS
- EX. UTILITY POLE
- EX. UTILITY POLE
- PR. BUILDING
- PR. BUILDING RESTRICTION LINE
- PR. CONCRETE
- PR. DIRECTIONAL ARROW
- PR. CURB
- PR. WATER LINE



VICINITY MAP

SCALE : 1" = 500'

BENCHMARKS

BCO #13468 (BM1) N 3674457
ELEV. 449.934 E 1580022
DESCRIPTION: SET RAILROAD SPIKE IN MAC IN CENTERLINE OF JOPPA ROAD, 140 FEET WEST OF EMGE ROAD.

BCO #13465 (BM2) N 3636357
ELEV. 421.615 E 1685367
DESCRIPTION: RAILROAD SPIKE IN MAC ON NORTHWEST SIDE OF OAKLEIGH ROAD AND YAKONA ROAD.

ZONING HISTORY

1. CASE NO. 1941-0123 – PETITION FOR A ZONING RECLASSIFICATION FROM A RESIDENTIAL USE AREA TO COMMERCIAL AREA TO BE USED AS A GASOLINE SERVICE STATION, GRANTED ON MARCH 17, 1941.
2. CASE NO. 1952-2152-XT – PETITION FOR A SPECIAL PERMIT TO CONSTRUCT A 12' X 25' ADVERTISING SIGN GRANTED ON JANUARY 9, 1952.
3. CASE NO. R-1965-0140-A – PETITION FOR A ZONING RECLASSIFICATION FROM BL TO BM, AND FOR A VARIANCE TO PERMIT A FROM YARD SETBACK OF 20 FEET INSTEAD OF THE REQUIRED 15 FEET, GRANTED ON NOVEMBER 12, 1964.
4. CASE NO. 1973-0031-X – PETITION FOR A SPECIAL EXCEPTION TO USE PROPERTY AS AN AUTOMOTIVE SERVICE STATION BY REASON OF SECTIONS 405 AND 501.2 OF THE BCZR, GRANTED ON AUGUST 24, 1972.
5. CASE NO. 1976-0173-X – PETITION FOR A SPECIAL EXCEPTION FOR EITHER TWO ILLUMINATED 12' X 25' ADVERTISING STRUCTURES OR ONE ILLUMINATED CUSTOM-BUILT PAINTED 500 SF BULLETIN, GRANTED ON MARCH 18, 1976.
6. CASE NO. 1987-0151-A – VARIANCE FOR DOUBLE-FACED FREESTANDING ID SIGN OF 181.3 SF IN LIEU OF 100 SF ALLOWED, GRANTED ON OCTOBER 8, 1986.
7. CASE NO. 1999-0251-A – PETITION FOR VARIANCE TO PERMIT A FRONT YARD SETBACK OF 16 FEET IN LIEU OF THE REQUIRED 29 FEET, A SIDE YARD SETBACK OF 23 FEET IN LIEU OF THE REQUIRED 30 FEET, A DRIVE-THRU LANE TO BLOCK ENTRY TO OR EXIT FROM THE REQUIRED OFF STREET PARING SPACES AND TO APPROVE MODIFIED PARKING PLAN, GRANTED ON FEBRUARY 9, 1999.

GENERAL NOTES

1. PROPERTY INFORMATION:
   - A. PROPERTY ADDRESS: 1641 EAST JOPPA ROAD
   - B. NET SITE AREA: 20,082 S.F.±, 0.461 AC.±
   - C. ELECTION DISTRICT: 9
   - D. COUNCILMANIC DISTRICT: 5
   - E. ADC MAP: 29
   - F. CENSUS TRACT: 4912.01
   - G. TAX MAP: 0070
   - H. PARCEL: 0529
   - I. TAX ACCOUNT NO.: 1600013383
   - J. DEED: 13640 / 369
2. ZONING: BL (BUSINESS LOCAL)
3. ZONING MAP & GIS TILE No.: 070C2
4. FLOOR AREA RATIO: PERMITTED = 3.0 PROVIDED = 0.126 (2,535 S.F. / 20,082 S.F.)
5. EXISTING LAND USE: EXISTING BANK WITH TWO DRIVE-THRU LANES
   PROPOSED LAND USE: GARAGE, AUTOMOTIVE SERVICE
6. THERE IS NO COMMERCIAL PERMIT HISTORY FOR THIS SITE.
7. BUILDING SETBACKS:

	REQUIRED	PROVIDED
FRONT (FROM PROPERTY LINE)	10'	40'
FRONT (FROM CENTERLINE OF STREET)	40'	94'
SIDE	0'	7'
REAR	0'	88'

8. PROPOSED BUILDING HEIGHT: MAXIMUM 30' FROM EXTERIOR GRADE, 1 STORY FINISHED GRADE TO TOP OF ROOF
9. SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 32-4-404 OF THE BALTIMORE COUNTY CODE.
10. SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450, OR A VARIANCE WILL BE REQUESTED.
11. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM PROPERTIES AND PUBLIC STREETS.
12. THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
13. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
14. THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES AREAS.
15. THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN. (FEMA MAP 240010026F)
16. THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
17. THERE ARE NO HISTORIC BUILDINGS ON THE SITE.

PARKING TABULATIONS CHART

(PARKING SPACES REQUIRED BY BCZR SECTION 405.4.2)

USE	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 405.4.2
GARAGE, AUTOMOTIVE SERVICE	3.3/1000	9
TOTAL PARKING REQUIRED		9
TOTAL PARKING PROVIDED		9

#2019-0070-SPHX

RJD

DESIGN & DRAWING BASED ON MARYLAND COORDINATE SYSTEM: HORIZONTAL NAD 83 (1991) VERTICAL NAVD 88

OWNER

HOWARD BANK
(MERGED WITH AND SUCCEEDED TO THE INTERESTS OF FIRST MARINER BANK ON FEBRUARY 28, 2018)
3301 BOSTON STREET
BALTIMORE, MD 21224

DEVELOPER

VALVOLINE INSTANT OIL CHANGE
54 JACONNET STREET
NEWTON HIGHLANDS, MA 02461
(617) 243-0404
MR. RANDOLPH KAZAZIAN

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 NO. 34479, EXPIRATION DATE: 06/21/2020.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM
Copyright 2018 Morris & Ritchie Associates, Inc.

STATE OF MARYLAND · THOMAS · LEWIS · No. 34479 · PROFESSIONAL ENGINEER

VALVOLINE INSTANT OIL CHANGE

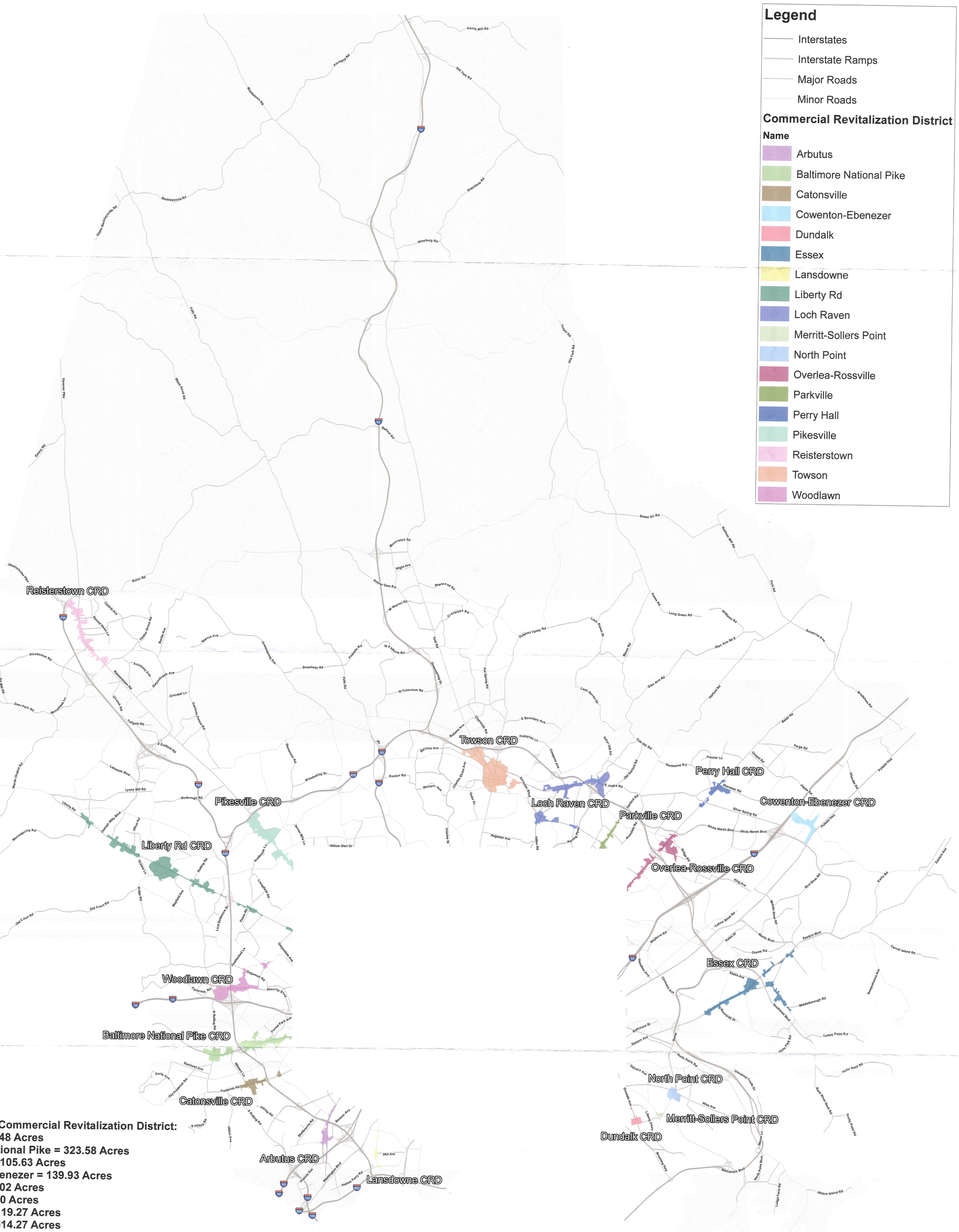
1641 EAST JOPPA ROAD

PLAN TO ACCOMPANY
SPECIAL EXCEPTION REQUEST

DATE	REVISIONS		
		JOB NO.:	20150
		SCALE:	1" = 20'
		DATE:	08/26/2018
		DRAWN BY:	MLE
		DESIGN BY:	MLE
		REVIEW BY:	JTS
		SHEET:	1 OF 1

P:\9999-valvoline 1641 e. joppa road\PLOT\9999-VOC-SEP.dwg, 8/31/2018 8:09:57 AM, ltl
Copyright 2018 Morris & Ritchie Associates, Inc.

Commercial Revitalization Districts 2019



Legend

- Interstates
- Interstate Ramps
- Major Roads
- Minor Roads

Commercial Revitalization District

Name

- Arbutus
- Baltimore National Pike
- Catonsville
- Cowenton-Ebenezer
- Dundalk
- Essex
- Lansdowne
- Liberty Rd
- Loch Raven
- Merritt-Sollers Point
- North Point
- Overlea-Rossville
- Parkville
- Perry Hall
- Pikesville
- Reisterstown
- Towson
- Woodlawn

Total Area of Commercial Revitalization District:

Arbutus = 81.48 Acres
Baltimore National Pike = 323.58 Acres
Catonsville = 105.63 Acres
Cowenton-Ebenezer = 139.93 Acres
Dundalk = 36.02 Acres
Essex = 272.40 Acres
Lansdowne = 19.27 Acres
Liberty Rd = 514.27 Acres
Loch Raven = 331.96 Acres
Merritt-Sollers Point = 13.37 Acres
North Point = 68.54 Acres
Overlea-Rossville = 191.91 Acres
Parkville = 55.33 Acres
Perry Hall = 91.12 Acres
Pikesville = 301.80 Acres
Reisterstown = 245.55 Acres
Towson = 473.33 Acres
Woodlawn = 236.27 Acres

Prepared by Geographic Information Services
Baltimore County Office of Information Technology
Commercial Revitalization District Source: Baltimore County Department of Planning
Date: March 8, 2019

1 Inch = 1 miles

0 1 2 4 6 8
Miles

People's Counsel
CBA Exhibit
16

BL Zoning Districts 2019



Legend

- Interstates
- Interstate Ramps
- Major Roads
- Minor Roads

Zoning

District Classification

- BL
- BL AS
- BL CCC
- BL CR
- BL CT
- BL H
- BL NC

Total Zoning District Area:

BL = 1,888.19 Acres
BL AS = 614.73 Acres
BL CCC = 529.43 Acres
BL CR = 240.37 Acres
BL CT = 71.47 Acres
BL H = 14.91 Acres
BL NC = 3.39 Acres

Prepared by Geographic Information Services
Baltimore County Office of Information Technology
Zoning District Source: Baltimore County Department of Planning
Date: March 8, 2019

1 Inch = 1 miles

0 1 2 4 6 8
Miles

N W E S

People's Counsel
CBA Exhibit
17