

RE: PETITION FOR REDISTRICTING AND
SPECIAL EXCEPTION;
SL/Corner of Philadelphia Road and
Golden Ring Road - 15th Election District
John Sikalis - Petitioner
NO. 77-223-RX (Item No. 136)
OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for Redistricting from Undistricted to a C.N.S. (Commercial, Neighborhood Shopping) District and a Special Exception for an automotive service station.

Counsel for the Petitioner testified that the requirements of Section 405.3D of the Baltimore County Zoning Regulations have been met since no abandoned service stations exist within one mile of the subject site. The use of the word "abandoned" in the regulation was construed by him to exclude service stations which had been converted to other approved uses. This premise was contested by the Protestants representing the Greater Washington-Maryland Service Station Association. It was their contention that former service station uses were, de facto, abandoned stations.

The Protestants further indicated that it was their opinion that the total volume of gasoline sold in the area likely to be served by the proposed self-service station has declined in recent months; therefore, the need for additional service stations has not been demonstrated. It was further averred by the Protestants that automotive service stations offering so-called "full services," i.e., ancillary services, were preferred by the public.

In the opinion of the Deputy Zoning Commissioner, the use of the adjective "abandoned" in the zoning regulation's context does not describe stations whose conversion has been effected under the appropriate regulations. Moreover,

it is not the purpose of this hearing to interpret the public preference between self-service and other types of automotive stations. In point of fact, the Baltimore County Zoning Regulations do not make this distinction. Nor is the fluctuation of the market place, in reference to the sale of gasoline, the issue here. The task, in the instant case, is to determine whether or not the Petitioner has met the requirements of Section 502.1 and Section 405.3D of the Baltimore County Zoning Regulations.

Without reviewing the evidence further in detail, but based upon all of the testimony at the hearing, in the judgment of the Deputy Zoning Commissioner, the Petitioner has met the requirements of Section 502.1 and Section 405.3D of the Baltimore County Zoning Regulations and the Petitions for Redistricting and for a Special Exception should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 26th day of May, 1977, that Redistricting from Undistricted to a C.N.S. District and a Special Exception for an automotive service station should be and the same are hereby GRANTED, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, Department of Public Works, Department of Traffic Engineering, Department of Health, and the Office of Planning and Zoning.

[Signature]
Deputy Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS



Maryland Department of Transportation
State Highway Administration

Harry R. Hughes
Secretary
Bernard M. Evans
Assistant Secretary

January 5, 1977

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204
Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, Dec. 28, 1976
Item: 136
Property Owner: John Sikalis
Location: S/S Philadelphia Rd.
(Rte. 7) at E/S Golden
Ring Rd.
Existing Zoning: S.L.
Proposed Zoning: S.L.-C.N.S. with
a special exception
for an auto-
motive service
garage
Acres: 1.105
District: 15th

Dear Mr. DiNenna:

The subject plan, for the most part, does not conform with State Highway Administration standards for highway improvements, to be done in conjunction with commercial access. The plan requires extensive revision and is therefore unacceptable. We recommend that the developer's engineer contact the writer in order that a satisfactory plan can be prepared.

It is our opinion that a hearing date should not be assigned until such time as the matter is resolved.

CL:JEM:dj

Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits
[Signature]
By: John E. Meyers

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

February 23, 1977

F. Vernon Booser, Esq.
614 Bosley Avenue
Towson, Maryland 21204

RE: Reclassification and
Special Exception Petition
Item 136
John Sikalis - Petitioner

Dear Mr. Booser:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to insure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

Located on the southeast corner of Philadelphia and Golden Ring Roads, this currently vacant S.L. zoned site is proposed to be developed with an Exxon gas-and-go operation. Properties to the north are improved with a liquor store and dwellings directly opposite the proposed entrance on Philadelphia Road, while to the southeast and northeast properties consist of vacant land and dwellings, respectively. The vacant land along Philadelphia Road between the transmission line and existing dwellings is also owned by the petitioner and is proposed to be developed in the future with a 7-Eleven store.

This hearing is necessitated by Section 405.2B.2 of the Zoning Regulations, which requires a redistricting

F. Vernon Booser, Esq.
Re: Item 136
February 23, 1977
Page 2

to a C.N.S. district, and an accompanying Special Exception for the proposed operation.

The site plan must be revised to reflect a setback of 31 feet from the center line of Golden Ring Road, for sign No. 2, all servicing and waiting spaces and all comments from the Office of Project Planning, Health Department, State Highway Administration, Fire Department, Department of Public Works, Department of Traffic Engineering, Department of Health, and the Office of Planning and Zoning.

This petition is being withheld from a hearing date until such time as revised plans are received that reflect the comments in the foregoing, and any comments from other departments as requested.

Very truly yours,

[Signature]
Nicholas B. Commodari
Acting Chairman, Zoning
Plans Advisory Committee

NBC:JD

Enclosure

cc: Maryland Surveying and Engineering Co., Inc.
6707 Whitestone Road
Baltimore, Md. 21207

Baltimore County
We department
TOWSON, MARYLAND 21204
(301) 825-7310

Paul H. Heinicke
CHIEF

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nicholas B. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: John Sikalis

Location: E/O Philadelphia Rd. & Golden Ring Rd.

Item No. 136

Zoning Agenda December 28, 1976

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

(x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead-end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

(x) 5. 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", 1970 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

[Signature]
Noted and
Approved: *[Signature]*
Planning Group
Special Inspection Division
Fire Prevention Bureau

Baltimore County
Department of Health
TOWSON, MARYLAND 21204

DONALD J. ROOF, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

January 10, 1977

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on 136, Zoning Advisory Committee Meeting, December 28, 1976, are as follows:

Property Owner:	John Sikalis
Location:	E/O Philadelphia Rd. & Golden Ring Rd.
Existing Zoning:	S.L.
Proposed Zoning:	S.L.-C.N.S. with a Special Exception for an automotive service garage.
Acres:	1.105
District:	15th

Metropolitan sewer must be extended to this site prior to approval of a building permit by the Health Department. Metropolitan water is available.

If lubrication work and oil changes are performed at this location, revised plans must be submitted showing method providing for the elimination of waste oil in accordance with Water Resources Administration requirements.

Very truly yours,

[Signature]
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

TDR/LN/rhs

MAR 07 1978

Mr. Eric S. DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Item 136 - SAC - December 28, 1976
Property Owner: John Sikalis
Location: E/S Philadelphia Rd. & Golden Ring Rd.
Existing Zoning: B.L.
Proposed Zoning: B.L. - C.N.S. with a special exception for an automotive service garage
Acre: 1.105
District: 15th

Dear Mr. DiNenna:

The requested special exception for a service garage is not expected to increase trip generation.

The proposed 7-11 Store does not have sufficient frontage to provide a proper driveway to the site and problems can be expected.

Very truly yours,
Nicholas B. Commadore
NICHOLAS B. COMMADORE
Traffic Engineer Associate

NEP:nc

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #136 Zoning Advisory Committee Meeting, December 28, 1976 are as follows:

Property Owner: John Sikalis
Location: E/S Philadelphia Road - & - Golden Ring Road.
Existing Zoning: B.L.
Proposed Zoning: B.L. - C.N.S. with a Special Exception for an automotive service garage

Acre: 1.105
District: 15th

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☒ B. A building permit shall be required before construction can begin.
- ☐ C. Three sets of construction drawings will be required to file an application for a building permit.
- ☒ D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- ☐ E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- ☐ F. No comment.
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Mark E. Sunham

Charles E. Burnham
Plans Review Chief
CEB:rrj

December 29, 1976

April 19, 1977

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
County Office Bldg.
Towson, Md. 21204

Re: Revised Zoning Plat
Item: 136
Property Owner: John Sikalis
S/S Philadelphia Rd. (Str. 7)
@ E/S Golden Ring Road

Dear Mr. DiNenna:

The entrance channelization indicated on the revised plan is acceptable, however, stopping sight distance along Philadelphia Rd. is less than desirable due to the vertical alignment of the highway.

In 1966, the owner was notified that most of the site will be needed for the construction of the proposed Patapsco Freeway. The situation has not changed. The project is listed in the 1977-1996 Highway Needs Study, however, it is not included in the current Highway Improvement Program, therefore the State is unable to acquire the property at this time.

CL:JEM:dj

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

John E. Meyers
By: John E. Meyers

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

February 9, 1977

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #136, Zoning Advisory Committee Meeting, December 28, 1976, are as follows:

Property Owner: John Sikalis
Location: E/S Philadelphia Road and Golden Ring Road
Existing Zoning: B.L.
Proposed Zoning: B.L.-C.N.S. with a Special Exception for an automotive service garage
Acre: 1.105
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The site plan must be revised to show how access is proposed to the Seven-Eleven site.

All existing and proposed road right-of-way and paving must be shown on the site plan.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner-III
Project and Development Planning

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 9, 1977

COUNTY OFFICE BLDG.
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204
NICHOLAS B. COMMADORE
Commodore
BALTIMORE COUNTY ZONING ADVISORY COMMITTEE
Acting Chairman

F. Vernon Booser, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Redistricting and
Special Exception Petition
Item No. 136
Petitioner - John Sikalis

Dear Mr. Booser:

I am in receipt of the revised plans that satisfy the comments of this Committee that were mailed to you on February 23, 1977. Enclosed is an additional comment from the State Highway Administration concerning the stopping site distance along Philadelphia Road.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Commadore
NICHOLAS B. COMMADORE,
Acting Chairman
Zoning Plans Advisory Committee

NBC:rf

Enclosure

cc: Maryland Surveying & Engineering Co., Inc.
6707 Whitestone Road
Baltimore, Maryland 21207

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING Item No. 136
F. Vernon Booser, Esq.
614 Bosley Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 4th day of April 1977.

S. Eric DiNenna
S. Eric DiNenna
Zoning Commissioner

Petitioner John Sikalis

Petitioner's Attorney F. Vernon Booser
cc: Maryland Surveying & Engineering Co., Inc.
6707 Whitestone Road
Baltimore, Maryland 21207

Reviewed by *Nicholas B. Commadore*
Nicholas B. Commadore,
Planning & Zoning
Associate III

April 13, 1977

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

REVISED
Comments on Item #136 Zoning Advisory Committee Meeting, are as follows:

Property Owner: John Sikalis
Location: S/C Philadelphia Road & Golden Ring Road
Existing Zoning: B.L.
Proposed Zoning: B.L. - C.N.S. with a Special Exception for an automotive service garage.

Acre: 1.105
District: 15th

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☒ B. Building permit's shall be required before construction can begin.
- ☐ C. Three sets of construction drawings will be required to file an application for a building permit.
- ☒ D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- ☐ E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- ☐ F. No comment.
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Mark E. Sunham

Charles E. Burnham
Plans Review Chief
CEB:rrj

JOHN D. SEYFERT
DIRECTOR

April 13, 1977

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

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Very truly yours,

Mark E. Sunham

Charles E. Burnham
Plans Review Chief
CEB:rrj

MAR 07 1978

baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 484-3610

JOHN D. SEVYERT
DIRECTOR

April 13, 1977

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna: **REVISED**
Comments on Item # 136 Zoning Advisory Committee Meeting, May 10, 1977 are as follows:

Property Owner: John Sikalis
Location: E/C Philadelphia Road & Golden Ring Road
Existing Zoning: B.L.
Proposed Zoning: B.L. - C.N.S. with a Special Exception for an automotive service garage.

Acres: 1.105
District: 15th

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Very truly yours,
Charles E. Burnham
Charles E. Burnham
Plans Review Chief
CDB/rvj

baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 484-3610

JOHN D. SEVYERT
DIRECTOR

April 13, 1977

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna: **REVISED**
Comments on Item # 136 Zoning Advisory Committee Meeting, May 10, 1977 are as follows:

Property Owner: John Sikalis
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Very truly yours,
Charles E. Burnham
Charles E. Burnham
Plans Review Chief
CDB/rvj

baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 484-3610

JOHN D. SEVYERT
DIRECTOR

May 10, 1977

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna: **REVISED**
Comments on Item # 136 Zoning Advisory Committee Meeting, May 10, 1977 are as follows:

Property Owner: John Sikalis
Location: E/C Philadelphia & Golden Ring Road
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Acres: 1.105
District: 15th

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Charles E. Burnham
Charles E. Burnham
Plans Review Chief
CDB/rvj

baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 484-3610

JOHN D. SEVYERT
DIRECTOR

May 10, 1977

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

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Charles E. Burnham
Charles E. Burnham
Plans Review Chief
CDB/rvj

baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 484-3610

JOHN D. SEVYERT
DIRECTOR

May 10, 1977

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

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Very truly yours,
Charles E. Burnham
Charles E. Burnham
Plans Review Chief
CDB/rvj

baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 484-3610

JOHN D. SEVYERT
DIRECTOR

May 10, 1977

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna: **REVISED**
Comments on Item # 136 Zoning Advisory Committee Meeting, May 10, 1977 are as follows:

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Very truly yours,
Charles E. Burnham
Charles E. Burnham
Plans Review Chief
CDB/rvj

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: December 29, 1976

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Item 136
Property Owner: John Sikalis
Location: E/C Philadelphia Road & Golden Ring Road
Present Zoning: B.L.
Proposed Zoning: B.L. - C.N.S. with a Special Exception for an automotive service garage.

D.A.C. Meeting of: December 28, 1976

District: 15th
No. Acres: 1.105

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,
W. Nick Petrovich
W. Nick Petrovich,
Field Representative.

ALVIN H. HAYDEN, PRESIDENT
* DAYTON WILLIAMS, JR., VICE-PRESIDENT
DR. ROBERT A. SEVYERT
MARGARET M. BOWLING
THOMAS M. BOWEN
WILLIAM J. LORANCE, JR., CLERK
JENNIFER A. WHEELER, SECRETARY
ALVIN LORANCE
ROBERT M. TRAYLOR, SR.

baltimore county
department of public works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

February 10, 1977

Mr. S. Eric DiNenna, Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #136 (1976-1977)
Property Owner: John Sikalis
E/C Philadelphia Rd. & Golden Ring Rd.
Existing Zoning: B.L.
Proposed Zoning: B.L.-C.N.S. with a Special Exception for an automotive service garage.
Acres: 1.105 District: 15th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

This property, if divided or intended to be divided into two parcels as indicated, is subject to Baltimore County Subdivision Regulations.

Highways:

Golden Ring Road (Md. 588) and Philadelphia Road (Md. 7) are State Roads; therefore, all improvements, intersections, entrances and drainage requirements as they affect these roads come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

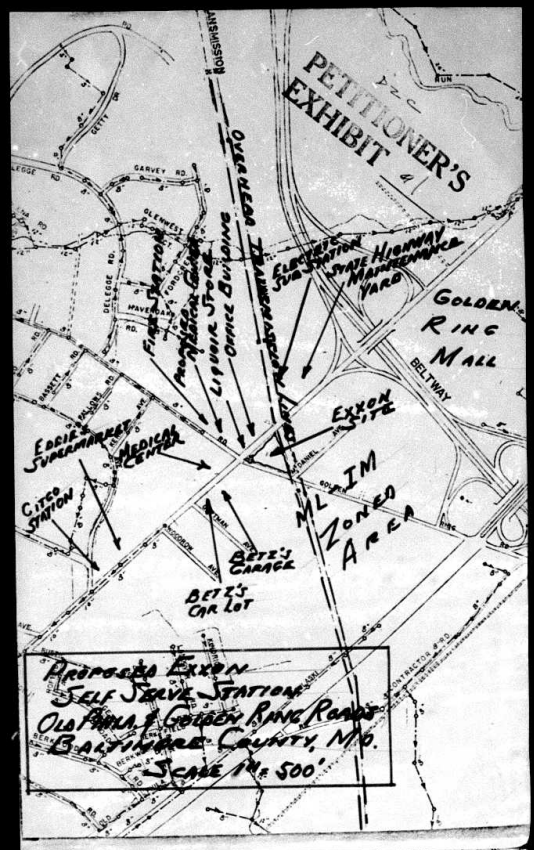
Proposed Rutapoco Freeway and Relocated Golden Ring Road, State Highway Administration projects, part of planned major facility construction, would affect this property; therefore, the status of these projects and their requirements should be determined by the petitioner.

It is the responsibility of the Petitioner to ascertain and clarify his rights in and to the area of the Baltimore Gas and Electric Company Transmission Line Right-of-Way (116 feet wide) in connection with his indicated "Proposed Seven-Eleven Store".

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.





PETITIONER'S EXHIBIT 3

CONTRACT OF SALE

THIS CONTRACT is between EXON COMPANY U.S.A., herein called "Seller", whether one or more, and THE SOUTHLAND CORPORATION, a Texas Corporation, herein called "Buyer".

2. PREMISES. Seller hereby sells and agrees to convey to Buyer and Buyer hereby buys and agrees to pay for real estate in the City of Baltimore, Maryland, and State of MARIAND as described on Exhibit "A", attached herewith with all and including the improvements thereon and the rights and appurtenances pertaining thereto, including any right, title, and interest of Seller in and to adjacent streets, alleys, or rights-of-way, such real estate, rights and appurtenances hereinafter called the "premises". This contract also covers all fixtures and articles of personal property attached to the property and owned by Seller, such as air conditioning and heating equipment, light fixtures, and shrubbery, and all such fixtures and articles of personal property are included in the purchase price set forth in Paragraph 4 below.

3. ESCROW AGENT. The parties agree that Lawyer's Title Insurance Corporation, or its designated affiliate, herein called "LTIC", shall act as escrow agent, shall receive and deliver all documents or instruments and disburse all sums of money according to the written instructions of the parties and the terms of this contract. The fee or charge of LTIC for serving as escrow agent shall be charged equally to the parties. SEE ADDENDUM #19.

4. CONSIDERATION. The purchase price is Fifty-Five Thousand Dollars (\$55,000.00), herein called the "purchase price", of which One Thousand Dollars (\$1,000.00) has been deposited by Buyer as earnest money with LTIC, herein called the "earnest money deposit", which earnest money deposit and the balance of the purchase price shall be paid to Seller at the closing. Buyer's

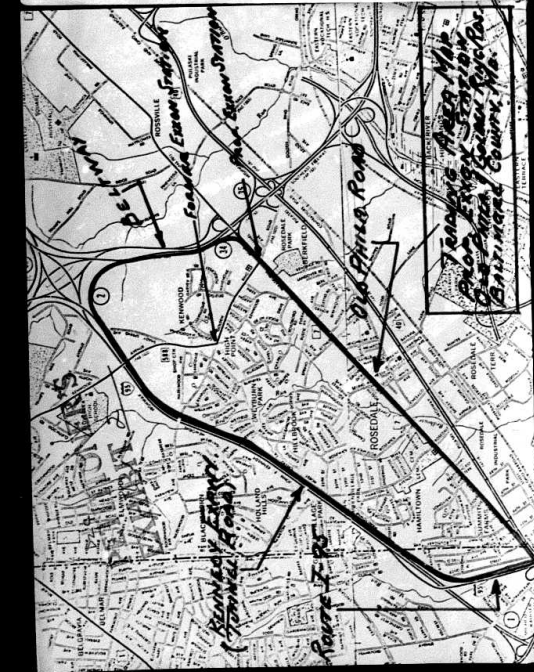
5. TITLE. (a) Seller agrees to deliver to Buyer within thirty (30) days from the date hereof a preliminary title report or binder issued by LTIC, herein called the "preliminary title report or binder", giving the current condition of title to the property, together with copies of all instruments necessary to explain fully the extent, scope, and effect of any matters which are listed as exceptions in the preliminary title report or binder, whereby LTIC binds itself to issue to Buyer or to mortgage for the full amount of the purchase price an A.L.T.A. Policy - Standard Form B 1970, or a comparable form, with complete coverage if such policy is not approved in the state in which the property is located, herein called the "title policy".

(b) From the date of receipt by Buyer of the preliminary title report or binder and the survey provided for in Paragraph 7, hereinafter referred to as the "survey", Buyer shall have the right to examine the same. If in the opinion of Buyer's attorneys the preliminary title report or binder shows good and merchantable title in fee simple in Seller such as LTIC will insure as provided herein, this transaction, herein called the "closing", within twenty (20) days thereafter, or within twenty (20) days after all of the conditions of Paragraph 11 hereof have been fulfilled as provided therein or waived by Buyer, whichever occur later, by the execution and delivery by Seller or the record owner of title to the property of a good and sufficient deed, warranting to Buyer conveying the property free and clear of any and all encumbrances or securities except those which are acceptable to Buyer, the payment by Seller of the premium for the title policy, and the payment by Buyer to Seller of the purchase price. SEE ADDENDUM #20.

(c) If in the opinion of Buyer's attorneys, the preliminary title report or binder does not show good and merchantable title in Seller such as LTIC will insure as provided in Paragraph 5(b) above, Buyer shall notify Seller of any objections to Seller's title within the thirty (30) day period provided for examination of the preliminary title report or binder and survey, and Seller agrees to make all reasonable efforts to cure such objections within thirty (30) days after receipt of such notice. Within such thirty (30) day period Seller delivers to Buyer curative matter or information, Buyer shall have twenty (20) days after the end of such thirty (30) day period for examination thereof. If within such twenty (20) day period title is approved by Buyer, and Seller agrees to make all reasonable efforts to cure such objections within thirty (30) days after receipt of such notice. If title has not been approved by Buyer at the end of such thirty (30) day period (or such twenty (20) day period, if applicable), Buyer shall have a period of fifteen (15) days thereafter within which to waive or attempt itself to cure its objections to title, if it desires to do so. If such objections to Seller's title are not cured by Seller or waived by Buyer within the time provided, Buyer may terminate this contract and the earnest money deposit shall be returned to Buyer. If within the time provided, title has been approved by Buyer, or Buyer's objections have been cured by Seller or waived by Buyer, this transaction shall thereafter be closed within the time and as provided in Paragraph 5(b) above.

6. SELLER'S USE COVENANT. It is understood that the property is being acquired by Buyer for the purpose of erecting and operating a self-service station, and any and all dairy products stores, with the location of the store building, signs, and curb breaks to be as shown on the sketch which is Exhibit "B", attached hereto, or as changed or modified by Buyer and that in the event it should develop that such use or the property would violate any ordinance or law of the City of Baltimore, Maryland, or the State of Maryland, or the Federal Government, or any other authority, then the property shall be sold to Buyer as is, and Buyer shall be bound to accept the same as is.

Continued.....



QUALIFICATIONS OF CARL REINMULLER, JR.

Realtor-Member of The Greater Baltimore Board of Realtors (since December of 1929), Past President, and at various times a member of its Board of Directors, Advisory Board, Executive Committee, etc. Licensed as a Real Estate Broker by the Maryland Real Estate Commission.

MEMBERS: Maryland Association of Realtors, National Association of Realtors, American Right of Way Association, Senior Member Baltimore County Appraisers Society, Howard County Appraisers Society.

General full-time experience in the field of real estate in Baltimore City, and Baltimore, Anne Arundel, Howard, Harford, Carroll, Frederick, Washington, Kent, Cecil, Somerset, Wicomico, Worcester, Garrett, Chasler, Calvert and St. Mary's Counties.

Have acted as appraiser and/or consultant for:

Various churches, estates, attorneys and numerous individual property owners; and

The Chesapeake and Potomac Telephone Company of Maryland, Maryland Department of Transportation, including State Highway Administration and Mass Transit Administration, Maryland Department of General Services, Baltimore Gas and Electric Company, The Lutheran Synod of Maryland, Exxon Company, U.S.A., Sun Oil Company, Shell Oil Company.

(INITIALS)

1 would be prevented from so using and enjoying the property by any regulation or restriction
2 affecting the property or by failure or refusal of any authority to issue jurisdiction over the
3 property to issue any permit or license, then such fact or facts shall be treated as objections to
4 Seller's title, the provisions herein with reference thereto shall apply, and Buyer shall not be
5 required to accept title or to pay for the property.

7. SURVEY. At Seller's expense, Seller agrees to furnish Buyer, along with the preliminary
8 title report or binder, a topographic survey, herein called the "survey", acceptable to LTIC
9 for extended use, showing all corners of the property properly and accurately marked by
10 pins, and certifying as to encroachments. When, in the judgment of Buyer's attorneys, it ap-
11 pears from conditions on the ground, that some additional survey work may be necessary
12 to order or binder or other data submitted to such attorneys, that any corner or boundary line
13 of the property is not definitely located on the ground, or that there may be a conflict with
14 adjoining property, that some additional survey work may be necessary to order or binder or
15 widening of any streets or roads, or that other conditions of uncertainty exist as to the size, loca-
16 tion, or boundaries of the property, or that additional information is required to obtain a lot split,
17 Seller shall cause to be done such additional survey work as may be necessary to meet such
18 objections, and shall furnish Buyer reports by the survey of such additional work.

8. RISK OF LOSS. The risk of condemnation and the risk of loss, damage, or destruction
19 of the property or the improvements thereon by fire or otherwise shall be on Seller until the
20 closing. Buyer shall have the option to terminate this contract upon the destruction of, or
21 material change in the property, or improvements thereon, by any cause whatsoever.

9. CONDITION OF PREMISES. Possession of the property in the same condition and state
22 of repair as on the date of execution hereof, subject only to normal wear, tear, and use since
23 said date, shall be delivered to Buyer at the closing, free of all leases, tenancies, and encumbrances.

10. TAXES AND ASSESSMENTS. All real estate taxes pertaining to the property shall be
24 prorated between Buyer and Seller as of the closing. If at the closing Seller has paid the then
25 current year's taxes, copies of the receipt(s) shall be furnished to Buyer and said receipt(s) shall
26 be the basis for proration. If Seller has received but has not paid statement(s) for the then current
27 year's taxes, then said statement(s) shall be the basis for proration. If at the closing the taxes for
28 the current year have not been paid and no statement(s) has (have) been received by Seller but
29 the previous year's tax rate shall be the basis for proration, and it shall be the obligation of Buyer
30 to make payment of said current year's taxes. If none of these situations exist at the time of clos-
31 ing, the basis for proration shall be 115% of the previous year's taxes, and Seller agrees to furnish
32 Buyer copies of the receipt(s) for said previous year's taxes and to pay the then current year's
33 taxes.

All rents attributable to the property shall also be prorated.

If at the closing, the property or any part thereof shall be or shall have been affected by
34 an assessment or assessments which are or may become payable in annual installments, of
35 which the first installment is then a charge or lien on the property or has been paid, then for the
36 purposes of this contract all of the unpaid installments of any such assessment, including those
37 which are to become due and payable after the closing, shall be deemed to be due and payable
38 and to be due upon the property and shall be paid and discharged by Seller.

11. CONDITIONS. Buyer shall not be required to accept title or pay for the property unless
39 the following conditions shall have been fulfilled (or waived by Buyer as provided hereon) prior
40 to the closing:

(a) The property being so zoned as to permit the construction and operation of a con-
41 venience grocery and dairy products store, said zoning to be applied for and obtained by
42 and at the expense of Seller.

(b) Adequate public sewer, water, gas, and electricity lines being located on the prop-
43 erty or in the street or alley immediately adjoining the property and being available for use
44 on the property at the expense of Seller and without additional cost to Buyer other than
45 normal connection charges.

(c) There being no covenant or restriction affecting the property or any restriction
46 under any future zoning City or County laws or ordinance which would prohibit the
47 sale on the property of alcoholic beverages for consumption off the premises and of produce
48 or petroleum products. SEE ADDENDUM #23.

(d) There being no assessment or restriction on the property which would adversely
49 affect the construction or operation thereof of a grocery store to be located as shown on
50 Exhibit "B".

(e) A sign permit having been issued by the appropriate authorities for the installation
51 of building and pole signs of the type customarily installed by Buyer, said permit to be
52 applied for and obtained by and at the expense of Buyer.

(f) The approval of the appropriate authorities of the location of the building, drive-
53 way and curb breaks, as shown on Exhibit "B", having been obtained, and a building permit
54 having been issued for the construction of the improvements, said approval and permit to be
55 applied for and obtained by and at the expense of Buyer.

(INITIALS)

QUALIFICATIONS OF CARL REINMULLER, JR. (Continued)

- B & O and C & O Railroads
The Supreme Bench of Baltimore City
The Mayor and City Council of Baltimore
Anne Arundel County, Maryland
Baltimore County, Maryland
The Board of Education of Baltimore County
The Circuit Court for Baltimore County
The University of Maryland
Mercantile-Safe Deposit and Trust Company
The Equitable Trust Company
Union Trust Company of Maryland
The National Lutheran Home for the Aged
Baltimore County Revenue Authority
Urban Mass Transportation Administration
- Have qualified as an expert witness in and before:
- United States Court for the District of Maryland
The Circuit Courts for Baltimore City and Baltimore County,
Howard County, Anne Arundel County, Harford County, Cecil County,
Wicomico County, Kent County and St. Mary's County
The Board of Municipal and Zoning Appeals of Baltimore City
The Zoning Commissioner of Baltimore County
The Baltimore County Board of Appeals
The Anne Arundel County Board of Appeals
The Howard County Zoning Board
The Howard County Board of Zoning Appeals
The Boards of Property Review in Baltimore County, Anne Arundel
County, Harford County, Howard County, St. Mary's County and
Garrett County

(g) The survey reflecting conditions which will permit Buyer to construct the im-
provements contemplated by Buyer in a manner and at a cost acceptable to Buyer.

(h) Test borings showing underground conditions satisfactory to Buyer being obtained
by and at the expense of Buyer.

In the event, all of the above conditions, have not been fulfilled as provided herein or waived
by Buyer within sixty (60) days from the date of this contract, this contract may be terminated
and cancelled at the option of Buyer by notice to LTIC and Seller, whereupon the earnest money
deposit shall be returned to Buyer. SEE ADDENDUM #24.

12. LIQUIDATED DAMAGES. If Buyer defaults in its obligations hereunder, the earnest
money deposit shall be retained by Seller as liquidated damages in lieu of any other remedy
available to Seller and Buyer shall be and is hereby released from all liability or obligation
hereunder.

13. BROKERAGE CHARGES. Seller agrees to pay all brokerage charges, if any, in con-
nection with this transaction and to indemnify and save Buyer harmless against any and all claims
for such charges.

14. NOTICES. Any notice hereunder by either party to the other party shall be in writing
and shall be deemed to have been properly given when sent by United States Certified Mail,
Return Receipt Requested, postage fully prepaid, to the address of such other party as follows:

SELLER:
EXXON COMPANY U.S.A.
NORFOLK 20, EASTERN AVENUE
BALTIMORE, MARYLAND 21204

BUYER:
THE SOUTHLAND CORPORATION
Attn: Director of Property
2828 North Haskell Avenue
Dallas, Texas 75204

15. IRREVOCABLE OFFER. In consideration of One (\$1,000) Dollar in hand paid by Buyer
to Seller, the receipt of which is hereby acknowledged by Seller, Seller specifically agrees that this
offer to sell is hereby made irrevocable for a period of _____ days from the date executed by Seller.

16. OTHER PROVISIONS.

See Addendum hereto and made a part hereof containing Articles 18 through 24.

17. GENERAL. Time is of the essence in this contract, and this contract constitutes the en-
tire agreement between the parties and may not be changed except by written agreement of the
parties.

Seller agrees to fully cooperate with Buyer in obtaining all necessary permits, lot splits,
zoning changes or other matters which are necessary to enable Buyer to use the property for the
purpose contemplated. This agreement by Seller shall survive the closing of this contract.

The provisions hereof shall inure to the benefit of and be binding upon the parties hereto
and their respective heirs, legal representatives, successors, and assigns.

Executed by Seller this _____ day of _____, 19____.

SELLER (Seal)

Executed by Buyer this _____ day of _____, 19____.

BUYER
THE SOUTHLAND CORPORATION (Seal)

Attest:
Assistant Secretary By _____ View President

ATTACHMENTS:
☐ EXHIBIT "A" ☒ EXHIBIT "B" ☐ EXHIBIT "C"

FORM 4400013A

(INITIALS)

ADDENDUM

ATTACHED TO and made a part of Contract of Sale between EXXON COMPANY, U.S.A., Seller and THE SOUTHLAND CORPORATION, Buyer, dated 1977.

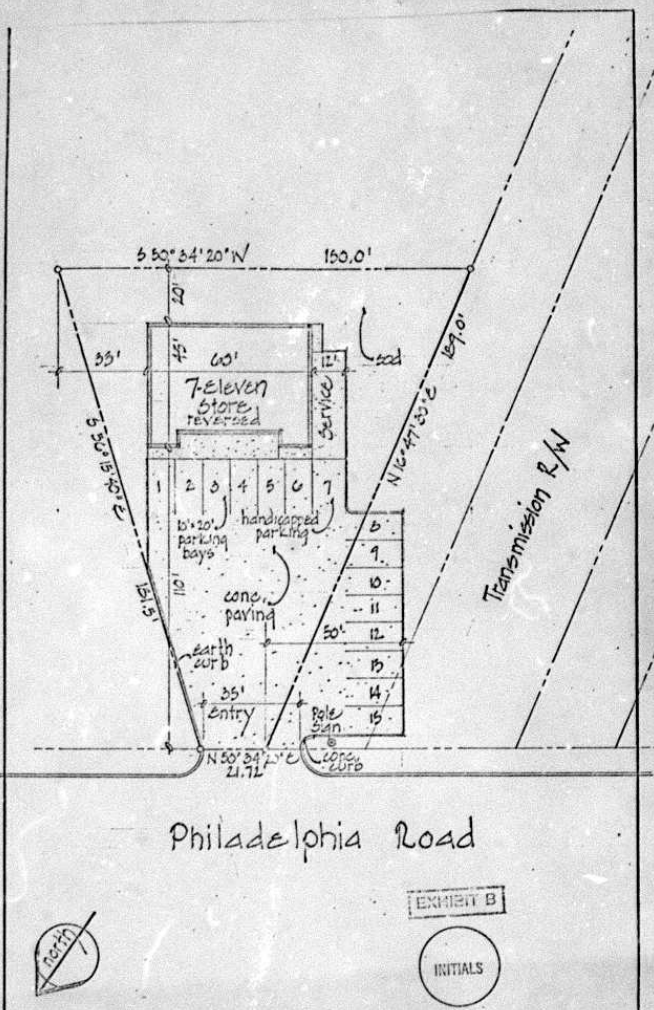
18. Article 2, PREMISES, Page 1, Line 8, after the words, "Exhibit "A", insert the words, "B".
19. Article 3, ESCROW AGENT, Page 1, Line 19, delete the words, "shared equally by the parties" and insert the words, "paid by the Buyer".
20. Article 5, TITLE, Page 1, Line 26, delete the words, "Seller", "Seller's" and "Buyer" and insert the words, "Buyer", "Buyer's". In line 42, delete the word "general" and insert the word "special". In line 44, delete the word "Seller" and insert the word "Buyer". In line 60, insert after the word "Buyer" the words, "and thereafter Seller shall have no further liability to Buyer whatever".
21. Article 7, SURVEY, Page 2, Line 6, delete the words "Seller's", "Seller", and "Buyer" and insert the words, "Buyer's", "Buyer".
22. Article 10, TAXES AND ASSESSMENTS, Page 2, Line 44, at the end of Article add:
"Annual front foot assessments shall be pro-rated to date of settlement."
23. Article 11, CONDITIONS, Page 2, Paragraph (c), delete the following from Lines 55 and 56:
"or any restriction under any State, County, City or local laws, including ordinances."
In line 57, delete the words "or of gasoline".
24. Article 11, CONDITIONS, Page 3, Line 6, change the word "sixty (60)" to read, "one hundred twenty (120)".
In line 7, insert after the word "Buyer" the words "or Seller", and after the word "Seller" insert the words "or Buyer, as the case may be". At line 8, add the following sentence:
"The date of this contract shall be the date of execution by Seller".
25. This Contract of Sale is subject to Buyer being able to secure a permit to erect a free-standing sign along Philadelphia Road to the satisfaction of Buyer.
26. This Contract of Sale is subject to Seller granting Buyer permanent driveway, curb-cut and parking easements between subject property and that property now owned by Seller toward the west. Seller will not erect any barriers between the two parcels unless agreed on by both parties.

INITIALS

Rogers and Vasth, Inc.
architects - planners
1000 century plaza
columbia md. 21044

project Proposed
7-Eleven Store
Philadelphia Rd. nr. I-675
Baltimore Co., Md.

Plot PLAN
date 11-4-76
scale 1"=30'



Philadelphia Road

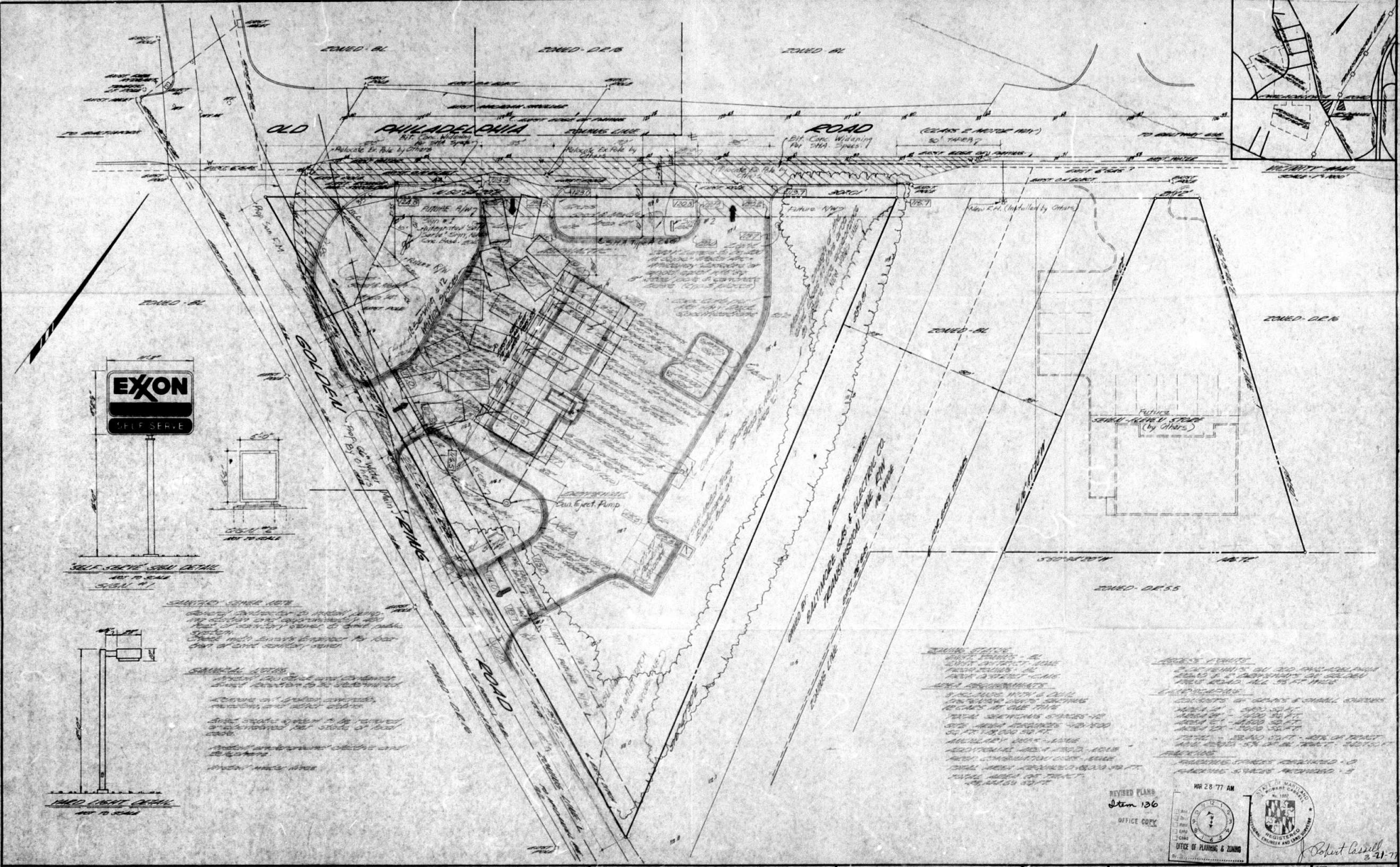
EXHIBIT B

INITIALS

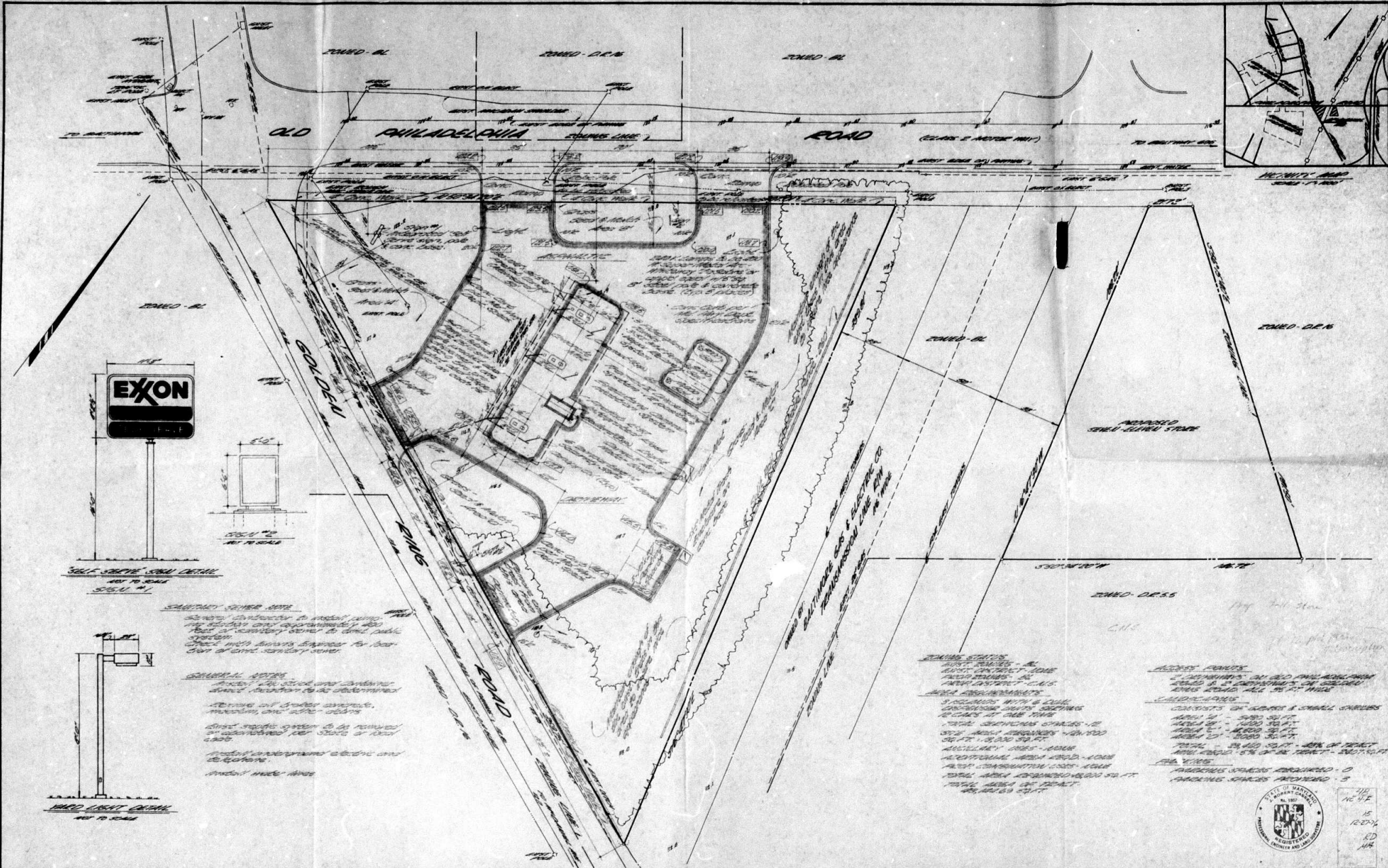
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Baltimore Co., Md.

Plot PLAN
date 11-4-76
scale 1"=30'



THIS BLUEPRINT IS LOANED TO YOU AND MUST BE RETURNED WHEN IT HAS SERVED THE PURPOSE FOR WHICH INTENDED		REVISIONS: COMMERCIAL REVISIONS OF PLAN AND/OR REVISIONS TO ZONING REVISIONS 11546G 3-7-77	EXXON COMPANY, U.S.A. (A DIVISION OF EXXON CORPORATION) POST OFFICE BOX 1268 BALTIMORE, MARYLAND 21203	PROPOSED SELF-SERVE STATION	DRAWN BY: K. BING CHECKED BY: DESIGNED BY: SCALE: 1"=20'	PLOT PLAN OLD PHILADELPHIA RD & GOLDEN EINGS RD BALTIMORE CITY, MD	DATE: 3-7-77 PLOT NO: 7767 SHEET NO: 1 OF: 1
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THIS BLUEPRINT IS LOANED TO YOU AND MUST BE RETURNED WHEN IT HAS SERVED THE PURPOSE FOR WHICH INTENDED		REVISIONS: 1. CORRECTIONS TO PLAN 2. CORRECTIONS TO PLAN	EXON COMPANY, U.S.A. (A DIVISION OF EXXON CORPORATION) POST OFFICE BOX 1288 BALTIMORE, MARYLAND 21203	PROPOSED SELF-SERVE STATION	DRAWN BY: J. D. ADAMS CHECKED BY: J. D. ADAMS APPROVED BY: J. D. ADAMS SCALE: 1" = 40'	PLOT PLAN OLD PHILADELPHIA RD & GOLDEN EINGS RD BALTIMORE CNTY, MD	DATE: 12/27/76 PLAN: 7767 SHEET: 1 OF 1 SCALE: 1" = 40'
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