

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for the sale of food and sundries in :
combination with a service station : COUNTY BOARD OF APPEALS
SE corner Liberty Road : OF
and Deer Park Road :
2nd District : BALTIMORE COUNTY
Atlantic Richfield Company :
Petitioners : No. 78-69-X

OPINION

This case comes before the Board on an appeal from an Order of the Deputy Zoning Commissioner, dated November 22, 1977, which granted the petition. The Appellant in this matter was a Washington-Maryland station association.

The subject property is located on the southeast corner of Liberty Road and Deer Park Road, in the Second Election District, and the request is for a special exception to sell food and sundries in combination with an automobile service station.

On the day of the hearing the Board received a letter, hand delivered, from the attorney for the Appellants which raised on issue concerning Article 56, Section 157 F (a), Annotated Code of Maryland. This Bill, however, is limited to the issuance of Certificates of registration with the State of Maryland to sell motor fuel. This, in our opinion, would have no effect whatsoever on the zoning issues and would only be relevant to the agency in control of the issuance of said certificates. Additionally, it is to be noted that no Protestants appeared in this matter nor was their counsel present.

The question was raised by the Deputy People's Counsel, and joined by the Petitioner's counsel, that the Appellants in this case were not a proper appellant and in the absence of any representative from the association to so qualify, we must agree.

Further, the Petitioner's counsel made a Motion that the appeal be dismissed, and in the absence of any objection thereto or the presence of any Protestor or representative thereof, the Board granted this Motion. Consequently, the appeal will be dismissed and the Order of the Deputy Zoning Commissioner, dated November 22, 1977, will be affirmed.

Atlantic Richfield Co. - #78-69-X

2.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 23rd day of February, 1979, by the County Board of Appeals, ORDERED that the within appeal be and the same is hereby DISMISSED, and the Order of the Deputy Zoning Commissioner, dated November 22, 1977, be and the same is hereby AFFIRMED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert L. Gilland
Robert L. Gilland, Vice Chairman

William T. Hackett
William T. Hackett

Herbert A. Davis
Herbert A. Davis

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
SE corner of Liberty & Deer Park Rds., :
2nd District : OF BALTIMORE COUNTY
ATLANTIC RICHFIELD CO., Petitioners : Case No. 78-69-X

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

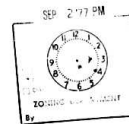
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kautz, Jr.
Charles E. Kautz, Jr.
Deputy People's Counsel

John W. Heslon, III
John W. Heslon, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 2nd day of September, 1977, a copy of the foregoing Order was mailed to W. Lee Harrison, Esquire, 401 Washington Avenue, Suite 503, Towson, Maryland 21204, Attorney for Petitioners.

John W. Heslon, III
John W. Heslon, III



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204
Nicholas B. Commodari
Chairman
MEMBERS
BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC AND TRANSPORTATION
STATE BOARD OF COMMISSIONERS
BUREAU OF FIRE PREVENTION
HEALTH DEPARTMENT
PORT OF BALTIMORE
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
DEPARTMENTAL DEVELOPMENT

September 9, 1977

W. Lee Harrison, Esquire
401 Washington Avenue
Suite 503
Towson, Maryland 21204

RE: Special Exception Petition
Item Number 6
Petitioner - Atlantic Richfield

Dear Mr. Harrison:

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.

Those 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. 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 northeast corner of Liberty and Deer Park Roads in the 2nd Election District, the subject property is currently improved with a 2-bay service station. To the south across Liberty Road are existing detached dwellings, while the Deer Park Plaza shopping center and its related parking area exists to the north and to either side of this site.

This Special Exception is necessitated by your client's proposal to construct an addition to the side of the existing building and convert the use to a combination gas and grocery market operation. While the actual site area is large, the "usable area" due to the slopes to the rear of the existing building

W. Lee Harrison, Esquire
Page 2
Item Number 6
September 9, 1977

and sides of the paved area, an interior circulation problem may result between the service, waiting and parking spaces.

A review of the approved plan for this station indicates that customer parking will be provided along the easterly side of the existing building and extending to the entrance on Liberty Road, while an area for trailer rental is indicated along the westerly side. Actual field inspection revealed that U-haul trucks and trailers were occupying customer parking area while a dumpster existed where the trailers were supposed to be situated.

It is questioned whether the rental of these trucks and trailers will continue if this Special Exception is granted, and if so, the location of said trailers must be indicated on the submitted site plan.

In addition, the plan indicates that public water and sewer is existing, however as indicated in the comments from the Bureau of Engineering and Health Department, public sewer is not presently serving this site. If the latter is true, the provided disposal system should be shown on the site plan and if not, this situation should be clarified.

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

W. Lee Harrison, Esquire
Page 3
Item Number 6
Sept. 9, 1977

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. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:rf

cc: Maryland Surveying And Engineering Co., Inc.
4707 White Stone Road
Baltimore, Maryland 21204

W. Lee Harrison, Esquire
401 Washington Ave.
Suite 503
Towson, Maryland 21204
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Item # 6

Your Petition has been received and accepted for filing this 9th day of Sept. 1977

Eric B. Harrison
Eric B. Harrison
Zoning Commissioner

Petitioner Atlantic Richfield
Petitioner's Attorney W. Lee Harrison, Esquire Reviewed by
Nicholas B. Commodari,
Planning & Zoning
Associate III
Maryland Surveying & Engineering Co., Inc.
4707 White Stone Road
Baltimore, Maryland 21204



THORNTON M. MOURING, P.E.
DIRECTOR

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

July 29, 1977

Re: Item #6 (1977-1978)
Property Owner: Atlantic Richfield Co.
N/E cor. Liberty Rd. & Deer Park Rd.
Existing Zoning: B.L.-C.C.C.
Proposed Zoning: Special Exception to permit food
and sundries in combination with service station.
Acres: 0.5854 District: 2nd

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.

Highways

Liberty Road (Md. 26) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road 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.

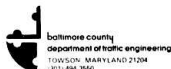
Sediment Control

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains

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

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages 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 petitioner.



STEPHEN E. COLLINS
DIRECTOR

July 26, 1977

Mr. Eric S. DiNenna
Zoning Commissioner
1st Floor, County Office Building
Towson, Maryland 21204

Re: Item #6 - ZAC - July 5, 1977
Property Owner: Atlantic Richfield Co.
Location: NE/C Liberty Rd. & Deer Park Rd.
Existing Zoning: B.L.-C.C.C.
Proposed Zoning: Special Exception to permit food & sundries in combination with service station.
Acres: 0.5854
District: 2nd

Dear Mr. DiNenna:

No major traffic problems are anticipated by the requested special exception to permit food and sundries in combination with a service station.

Sincerely,

Michael S. Planigan
Associate Traffic Engineer

MSF/117

Item #6 (1977-1978)
Property Owner: Atlantic Richfield Co.
July 29, 1977

Water

Public water supply is serving this property.

Sanitary Sewer

Public sanitary sewerage can be provided to serve this property, which apparently utilizes a private onsite sewage disposal system, by constructing a public sanitary sewer extension, approximately 325 feet in length, from the existing 8-inch sanitary sewer Manhole 45996 (See Drawing #74-0896, File 1).

Very truly yours,

Edward M. Diver, P.E.
Chief, Bureau of Engineering

END:EM:PM:RS

cc: R. Morton
S. Bellestri
R. Crowley

P-W Key Sheet
31 & 32 NW 40 Pos. Sheets
NW 8 J Topo
66 Tax Map



Harry R. Hughes
Director
Bernard M. Evans
Assistant Director

July 12, 1977

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

Re: Z.A.C. Meeting, July 5, 1977
Item: 6
Property Owner: Atlantic Richfield Co.
Location: NE/C Liberty Rd. (Rte. 26) & Deer Park Road
Existing Zoning: B.L.-C.C.C.
Proposed Zoning: Special Exception to permit food & sundries in combination with service station.
Acres: 0.5854
District: 2nd

Dear Mr. DiNenna:

An inspection made at the site revealed quite a few parked vehicles. It appears that there will be insufficient parking for the proposed store unless the adjacent lot is to be utilized. If this is the case, then the additional parking should be noted on the plan.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits
By: John E. Meyers

CL:JED:dj

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



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

July 25, 1977

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

Dear Mr. DiNenna:

Comments on Item #6, Zoning Advisory Committee Meeting, July 5, 1977, are as follows:

Property Owner: Atlantic Richfield Co.
Location: NE/C Liberty Rd. & Deer Park Rd.
Existing Zoning: B.L.-C.C.C.
Proposed Zoning: Special Exception to permit food and sundries in combination with service station.
Acres: 0.5854
District: 2nd

Metropolitan water is available. Sanitary sewer must be extended to the site before a building permit application will be approved.

If a food service facility is proposed, complete plans and specifications must be submitted to the Division of Food Protection, Baltimore County Department of Health, for review and approval prior to construction.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

1ED/KS/ruc

JOE V. Gambill



Paul H. Reincke
CHIEF

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

Attention: Mr. Nicholas R. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Atlantic Richfield Co.

Location: NE/C Liberty Rd. & Deer Park Rd.

Item No. 6

Zoning Agenda July 5, 1977

Gentlemen:

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

- (1) Fire hydrants for the referenced property are required and shall be located at intervals of _____ 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.
- (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 shown.
- (7) The Fire Prevention Bureau has no comments at this time.
- (8) See Comments Attached

REVIEWED BY: [Signature]

Planning Group
Special Inspection Division

Noted and Approved: [Signature]
Acting Deputy Chief
Fire Prevention Bureau



August 31, 1977

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

Dear Mr. DiNenna:

Comments on Item #6, Zoning Advisory Committee Meeting, July 6, 1977, are as follows:

Property Owner: Atlantic Richfield Co.
Location: NE/C Liberty Road and Deer Park Road
Existing Zoning: B.L.-C.C.C.
Proposed Zoning: Special Exception to permit food and sundries in combination with service station.
Acres: 0.5854
District: 2nd

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.

At the time of the field inspection of the property, there were rental trailers parked on site. The site plans gives no indication as to whether or not these trailers will remain.

It would appear that the proposed use could create interior circulation problems, even though the total site area is large, the useable site area is fairly small. There could be a conflict between the servicing, waiting and parking spaces as shown on the site plan.

Trees and shrubs should be provided in the grass areas where possible.

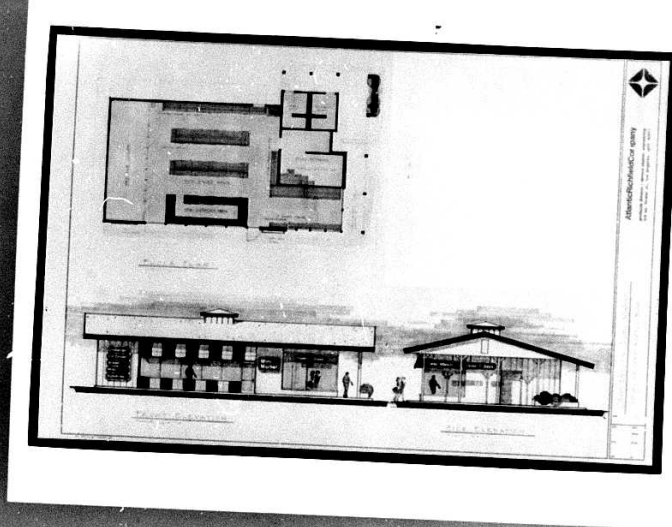
Very truly yours,

John L. Winkley
John L. Winkley
Planner III

All self-service stations, shall have at least one (1) attendant on duty while the station is open to the public. The attendant's primary function shall be to supervise, observe and control the dispensing of class I liquids while said liquids are actually being dispensed.

The dispensing area shall at all times be in clear view of the attendant, and the placing or allowing of any obstacle to come between the dispensing area and the attendant control area shall be prohibited. The attendant shall at all times be able to communicate with the persons in the dispensing area.

Remarks: _____
 Posted by Thomas K. Roland Date of return: Sept. 9, 1977
 Signature



1-Sign 78-69-X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 2nd Date of Posting Dec 13 1977

Posted for Appeal

Petitioner Atlantic Richfield Company

Location of property SE cor. of Liberty and Loop Park Pk.

Location of Sign Front 6920 Liberty Rd

Remarks See Remarks

Posted by L. George K. Roland Date of return Dec 16, 1977

Signature

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 29th day of June 1977. Item #

Eric DiNanna, Jr.
S. Eric DiNanna, Jr.
Zoning Commissioner

Petitioner Atlantic Richfield Co. Submitted by Bridget T. Mander

Petitioner's Attorney W. H. Harrison Reviewed by GPC

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.



BALTIMORE COUNTY, MARYLAND No. 57354

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE Dec. 5, 1977 ACCOUNT 01-662

AMOUNT \$75.00

RECEIVED FROM John V. Pfeifer, Esq., Suite 200-15 Charles

FOR Plum Orchard & Gardens 87, 20140, Md. 21201

Cost of Appeal for Atlantic Richfield

78-69-X

8744 DEC 5 75.00 REC

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND No. 57272

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE Nov. 2, 1977 ACCOUNT 01-662

AMOUNT \$57.16

RECEIVED FROM Messrs. Veinberg and Green 503 Equitable Bldg.

FOR Towson, Md. 21204

Advertising and posting of property for Atlantic

Richfield Co. 78-69-X

8341 NOV 2 57.16 REC

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND No. 51891

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE Aug. 16, 1977 ACCOUNT 01-662

AMOUNT \$50.00

RECEIVED FROM Messrs. Veinberg and Green 601 Equitable Bldg.

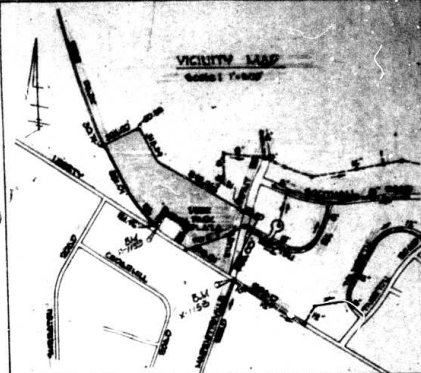
FOR Towson, Md. 21204

Petition for Special Exception for Atlantic

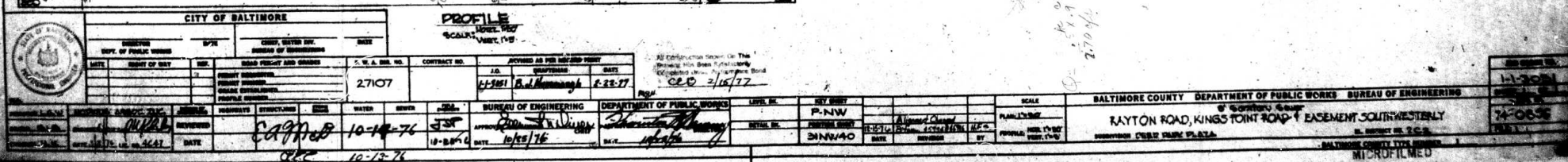
Richfield Co. 78-69-X

8131 AUG 16 50.00 REC

VALIDATION OR SIGNATURE OF CASHIER



715 IRON BAR U.S. SIDE LIBERTY ROAD 27108
 MARLBOROUGH ROAD.
 U 30,583.58 ELEV. 626.88
 W 58,666.72



PROSECUTOR'S
EXHIBIT 3

JUN 13 1979