

Calvin Henniger
Deputy Clerk

IN THE MATTER
OF THE APPLICATION OF
ROLAND R. MacKENZIE
FOR SPECIAL EXCEPTION
FOR CAR WASH IN
COMBINATION WITH SERVICE
STATION; SPECIAL HEARING
FOR CONVERSION TO GAS &
GO and VARIANCE FROM
Sec. 419.2 OF THE BALTIMORE
COUNTY ZONING REGULATIONS
NE CORNER YORK and
SCOTT ADAM ROADS
8th DISTRICT

: BEFORE
:
: COUNTY BOARD OF APPEALS
:
: OF
:
: BALTIMORE COUNTY
:
: No. 84-222-XSPHA

: : : : : : : : : : : : : : :

AMENDED ORDER

The Order of the County Board of Appeals of Baltimore County,
dated September 6, 1984, in the above captioned matter, shall be and is hereby
amended as follows:

1. The request of the Petitioners to erect a 9 ft. by 12 ft.
storage office in the rear portion of the property as more
fully described in site plan drawing #7363-52-001 by Lyon
Associates, Inc., is hereby granted.

All conclusions and determinations as set forth in the Board's
original Order except for the above are applicable in their entirety and continue to
be controlling.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Lawrence E. Schmidt
Lawrence E. Schmidt

Leroy B. Spurrer
Leroy B. Spurrer

Date: January 18, 1985

- (✓) Prior to raising of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- (✓) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been/must be) conducted.
- () The results are valid until _____.
- () Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test _____ shall be valid until _____.
- () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- (✓) If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.
- (✓) Others: Prior to approval of a Building Permit, plans must include a wastewater reticulating system to be utilized in conjunction with the proposed carwash.

Jan J. Forrest
Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1283 (2) R



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

November 29, 1983

PAUL H. REINCKE
CHIEF

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Roland R. MacKenzie

Location: York Road NE/Cor. and Scott Adam Road

Item No.: 115

Zoning Agenda: Meeting of November 22, 1983

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.

- () 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 operation.
- (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", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: *Noted and Approved: George M. McGonigle*
Planning/Group: _____ Fire Prevention Bureau
Special Inspection Division

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3010

TED ZALESKI, JR.
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 115 Zoning Advisory Committee Meeting are as follows:

Property Owner: Roland MacKenzie
Location: NE Cor. York Road and Scott Adam Road
Relating Zoning: B.L.-CNS
Proposed Zoning: Special hearing to approve the conversion of an existing service station to gas and go operation and special exception for a car wash in combination with a service station (gas and go).

Address: 29,076 sq. ft.

District: 8th.

The items checked below are applicable:

- X A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.
- X B. A building/A OTHER _____ permit shall be required before beginning construction.
- X C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- X E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2; Section 1107 and Table 1102, also Section 503.2.
- F. Requested variance appears to conflict with the Baltimore County Building Code, Section/e _____.
- G. A change of occupancy shall be applied for, along with an alteration permit application; and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, hire the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed one comply with the height/area requirements of Table 502 and the required construction classification of Table 401.
- X I. Comments - It is assumed the area is not in a Riverine Flood Plain, if it is Section 519.0 as amended in Bill 1-82 would be applicable.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

CER:ee

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING : OF BALTIMORE COUNTY
PETITION FOR VARIANCE :
NE Corner York & Scott Adam Rds.,
8th District

ROLAND R. MacKENZIE, Petitioner : Case No. 84-222-XSPHA

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ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 16th day of February, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. Roland R. MacKenzie, 2324 W. Joppa Rd., Timonium, MD 21093, Petitioner; Gulf Oil Corporation, 910 Gleneagles Ct., Towson, MD 21204, Lessee; and Mr. Michael G. Kobin, STV/Lyon Associates, Inc., 7131 Rutherford Rd., Baltimore, MD 21207, who requested notification.

Phyllis Cole Friedman
Phyllis Cole Friedman

IN THE MATTER :
OF THE APPLICATION :
OF ROLAND R. MacKENZIE :
FOR SPECIAL EXCEPTION :
FOR CAR WASH IN :
COMBINATION WITH SERVICE :
STATION; SPECIAL HEARING :
FOR CONVERSION TO GAS & :
GO AND VARIANCE FROM :
§19.2 OF THE BALTIMORE :
COUNTY ZONING REGULATIONS :
NE CORNER YORK and :
SCOTT ADAM ROADS :
8th DISTRICT :

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner of Baltimore County granting, with restrictions, the petitions of Roland R. MacKenzie. The Petitioner is the Lessee of the subject property from Gulf Oil Corporation (Gulf) and had requested a special exception for a car wash in combination with a service station (gas and go), a special hearing to allow the conversion of an existing service station to a gas and go facility and a variance to allow twenty (20) stacking spaces for the car wash rather than the required twenty-three (23). From the Zoning Commissioner's Order of March 23, 1984, as amended, the Greater Washington-Maryland Service Station Association and the C & D Corporation have appealed to this Board.

Prior to hearing the merits of this case, the Board considered preliminary objections to the appeal by Gulf, the property owner. The thrust of Gulf's objections were twofold; that the appeal was not timely taken and that the Appellants did not have the proper standing to institute the appeal. The Board finds it easy to dismiss Gulf's first objection as this appeal was timely filed within the thirty day period allowed under §22-32 of the Baltimore County Code. Insofar as Gulf's second objection, the Board must also reject this argument. Section 500.10 of the Baltimore County Zoning Regulations (BCZR) provides, in part, "Any person or persons, jointly or severally, or any taxpayer or any official, department, board or bureau of Baltimore County, feeling aggrieved . . . shall have the right to appeal therefrom to the Board

ROLAND R. MacKENZIE - #84-222-XSPHA

of Zoning Appeals." (Emphasis added). Although the Appellants herein may or may not be "aggrieved" as that term has been defined in Bryniarski v. Montgomery County, 247 Md. 137 (1966) and other decisions, this Board finds that so long as they consider themselves aggrieved and there is a rationale basis for their interest, they must not be denied the opportunity to be heard by this Board. We find it incumbent upon this Board to provide the citizens of this County the right to be heard.

Disposing of these objections, the Board then heard testimony regarding the merits of the petitions. The first witness to testify was Michael G. Kobin, Gulf's engineer for this project. Mr. Kobin testified that he has worked for eight months on this project and was intimately familiar with Gulf's plan. He stated that the existing structure would be razed and replaced with a small island for self service gasoline pumps and a 16 foot by 36 foot unit to house a roll over car wash. After describing the characteristics of the proposed facility, the witness testified that there were eighty-one (81) automobile service bays within a one mile radius of this facility. Based upon this number, Mr. Kobin did not believe that the area needed additional bays as the existing number was sufficient to service the automobile population. Finally, Mr. Kobin testified as to a similar facility maintained by Gulf in Gathersburg, Maryland. This facility, according to the witness, did not cause any adverse effects to the surrounding area.

The second witness before the Board was Dayton Hedges, an employee of Ryko Manufacturing Company. This is the company which constructs the type wash proposed for this property. Mr. Hedges explained in great detail the operation of the wash unit. His conclusions were that this type wash was wholly compatible with its proposed purpose and usage, and there would be no resultant problems with traffic congestion, icing or other adverse effects on the area.

ROLAND R. MacKENZIE - #84-222-XSPHA

The final witness on behalf of Gulf was Wayne Jones, an engineering supervisor employed by Gulf. Mr. Jones testified that he had worked on this project for approximately one year. Mr. Jones explained Gulf's marketing rationale for an installation of a gas and go/wash facility at this location. He also advised that the two service stations operated by the Appellant, C & D Corporation, were located approximately seven-tenths of one mile and two and nine-tenths miles from this property. Although the witness admitted that Gulf's market projections were subject to the discretion of the independent dealer who would operate this station, it was his opinion that the proposed project would have no adverse effect on the area.

The Appellant's case consisted of the testimony of two witnesses, the first being Mark Beckwith. Mr. Beckwith is the Vice President of C & D Corporation, the Appellant herein. He is also an officer in several other Maryland corporations in the business of owning or leasing car wash/service station facilities. Mr. Beckwith, who owns the two nearest car wash stations, emphasized that his objection to the petitions was not based upon increased competition, but rather, on the adverse impact on the area and the car wash industry which would be caused by this project. This witness described in detail his own operations. However, he offered little in the way of objective testimony; i.e., traffic surveys, concerning the project before this Board. His opinion was based upon his experiences and the operations of his wash facilities which, the Board notes, are of a different type than the proposed wash on the subject property.

The final witness before this Board was Ms. Joie Duffey, a field representative for the Greater Washington-Maryland Service Station Association. Her testimony specifically was to the conversion of this property to a non-service gas and go facility. She testified as to Article 56, Section 157 F of the Annotated Code of Maryland, wherein the Legislature of this State has manifested its intent to limit the

ROLAND R. MacKENZIE - #84-222-XSPHA

number of gas and go facilities. The Board notes this statute with interest, however, as the language in the statute provides an exception for gas and go facilities when they are in the best interest of the community, as determined by local administrative bodies such as this Board and the Zoning Commissioner. Ms. Duffey's final remarks were to the effect that her employer's opposition to this project was based upon the opposition of the Association's members, specifically Mr. Beckwith.

Based upon the testimony given before this Board, we are of the opinion that the Order of the Zoning Commissioner should be affirmed, with the exception of restriction #2 mandating that "The gas and go and car wash operations shall be self-service only." This restriction, in our view, should be eliminated. There was little objective testimony as to how this project would cause an adverse impact. The opposing testimony limited itself primarily to remarks concerning car wash facilities generally, rather than the subject property. Conversely, the testimony of the Gulf witnesses as to the nature and characteristics of this wash convinced this Board that the petitions should be granted. As to the Appellant's specific concerns regarding the vacuum station and potential stacking problems, this Board is satisfied that, based upon the preponderance of the testimony, these considerations will not create any adverse impact on this area. Insofar as the Zoning Commissioner's restriction #2, we believe that the Petitioner should not be restricted to a self service operation. Rather, it is this Board's view that this facility may be full service or self service. Based upon the testimony received, this restriction is not deemed necessary and instead, it is suggested that a full service gas and go and car wash operation may be desirable. Therefore, the Board will affirm the decision of the Zoning Commissioner and will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 6th day of September, 1984, by the County Board of Appeals of Baltimore County, ORDERED that the decision of the Zoning Commissioner of Baltimore County of March 23, 1984, as amended, be and is hereby AFFIRMED in part and REVERSED in part; namely, that restriction #2 imposed by the Zoning Commissioner is hereby eliminated, however, the remaining decision, as amended, is affirmed in its entirety.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Lawrence E. Schmidt
Lawrence E. Schmidt

LeRoy E. Spurrer
LeRoy E. Spurrer

IN RE: PETITIONS SPECIAL EXCEPTION,
SPECIAL HEARING, AND ZONING
VARIANCE
NE/corner of York and Scott
Adam Roads - 8th Election
District
Roland R. MacKenzie,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-222-XSPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein, by the Lessee of the subject property, Gulf Oil Corporation (Gulf), requests a special exception for a car wash in combination with a service station (gas and go), a special hearing to allow the conversion of an existing service station to a gas and go operation, and a variance to allow 20 stacking spaces for the car wash instead of the required 23, as more fully described on Petitioner's Exhibit 7.

Gulf, by its engineer, Michael Kobin; its engineering supervisor, Wayne Jones; and its Director of Real Estate, William Shrader, appeared and testified. The owner of the property at issue, Scotts Corners Joint Venture (Scotts Corners), by its Counsel, appeared. Also testifying were Mary Ann Dresler and Mark Beckwith, who, although not aggrieved parties to the issues presented, had concern about the proposed request.

Testimony indicated that the Cities Service Oil Company entered into a lease agreement with Scotts Corners in 1967 to use the site as a service station. Subsequent to that agreement, Gulf became the successor in interest to the lease agreement. Gulf operated a service station on the site until it was closed in May, 1983 and would now like to convert the station to a gas and go operation and combine it with a car wash facility. The subject property, zoned B.L., requires a special exception for the car wash.

ORDER RECEIVED FOR FILING
DATE March 23, 1984
BY William T. Hackett
ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING
DATE March 23, 1984
BY William T. Hackett
ADMINISTRATIVE ASSISTANT

Scotts Corners previously objected to the filing of the subject petitions because it was not made a party thereto and had not given its approval. However, as a result of an agreement entered into by and between Scotts Corners and Gulf, this objection is withdrawn. See Petitioner's Exhibit 8.

Gulf wishes to convert the service station to a gas and go and to add a 16' x 40' single-bay automatic car wash. The gas and go will have four attached fuel dispensers which will enable eight automobiles to be serviced. There will also be a kiosk for the cashier. Cars will enter the car wash from the west end and exit by the east end to Scott Adam Road. The car wash is designed for quick service, allowing approximately 60 or 70 seconds per car to be washed but not dried. Based on the manufacturer's claims, it is estimated that 25 cars can be serviced per hour. No attendant will be present.

Testimony presented by the Lessee indicated that the car wash is aimed at existing traffic and would not create additional traffic congestion. Further, if the special exception were to be granted, Gulf requests a variance to allow 20 stacking spaces instead of the required 23 spaces. Based on prior experience, Gulf testified that the full complement of stacking spaces would never be used, i.e., 20 spaces could fully serve the property (the average is about five or six cars awaiting service). Also, 23 spaces would take up all of the available space. There would not be enough room to operate the car wash and gas and go.

Mr. Beckwith, owner of competitive car wash operations, and Ms. Dresler, Vice Representative for the Greater Washington-Maryland Service Station Association, argued against the need for another car wash and gas and go operation and further contend that additional traffic congestion will occur. Inasmuch as neither are aggrieved parties, they are not qualified to be parties protestant. An "aggrieved party" is any property owner or person having an interest in

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ORDER RECEIVED FOR FILING
DATE March 23, 1984
BY William T. Hackett
ADMINISTRATIVE ASSISTANT

property which is or may be adversely affected by a zoning decision. There must be a specific, personal, and legal interest in the subject matter as distinguished from a general interest. People's Counsel for Baltimore County v. Williams, 415 A.2d 585 (1980). Mr. Beckwith and Ms. Dresler do not meet this definition. Although not aggrieved, and therefore not Protestants, their testimony was permitted and considered since they are experts in the areas under consideration herein. They both have extensive experience in the operation of car washes and of service stations, and this experience adds important insight into the herein requests. Some of these suggestions will be incorporated into this decision as restrictions.

The Petitioner/Lessee seeks permission to convert the existing service station to a gas and go operation pursuant to Section 500.7; a car wash in combination with a service station (gas and go) under Section 230.13, pursuant to Section 502.1; and relief from Section 419.2, pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

After due consideration of the evidence and testimony presented, it is determined that the conversion of the existing service station to a gas and go would not adversely affect the health, safety, and general welfare of the community. Certainly, active use of the property as opposed to a vacant service station as presently existing is preferable, and the proposed use would be a positive improvement. There would be no increase in traffic resulting therefrom and the uses proposed would serve only the existing traffic on the York Road corridor.

It is clear that the BCZR permit the uses requested in the B.L. Zone by special exception. It is equally clear that the proposed uses would not be detrimental to the primary uses in the vicinity of the proposed uses. Therefore,

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it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for should be granted, with certain restrictions as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed uses met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed uses would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the uses proposed do not show that the proposed uses at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed uses will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

An area variance may be granted where strict application of the zoning regulation 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:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 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

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- 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).

It is clear from the testimony that if the variance were granted, such uses as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception, special hearing, and variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of March, 1984, that the Petition for Special Exception for a car wash in combination with a service station (gas and go), the Petition for Special Hearing to allow the conversion of an existing service station to a gas and go operation, and the Petition for Variance to allow 20 stacking spaces for the car wash in lieu of the required 23 spaces, in accordance with the site plan introduced and accepted into evidence as Petitioner's Exhibit 7, be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

ORDER RECEIVED FOR FILING
DATE March 23, 1984
BY William T. Hackett
ADMINISTRATIVE ASSISTANT

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- 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 applicable 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.
- The gas and go and car wash operations shall be self-service only.
- Traffic flow signs shall be appropriately placed on the subject property to direct users to the car wash and gas and go operations and for ingress and egress purposes.
- Ingress only shall be from the entrance on York Road furtherest removed from Scott Adam Road.
- Attendants shall not be employed or provided to wipe or dry any vehicles using the car wash facility nor to operate or help with the vacuum machines other than to repair the machinery in case of malfunction or to make change for the customers.
- No vehicles shall be permitted to stack up on any public access road awaiting ingress to the subject site. An attendant must be provided at such entrance to motion said vehicles forward so that traffic will not be impeded.
- The vacuum machinery shall be located at the corner of York and Scott Adam Roads (where the underground tanks are proposed to be located), rather than as shown on Petitioner's Exhibit 7.
- The car wash shall operate only with coins or by code.
- Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZPAC), which are adopted in their entirety and made a part of this Order.
- A final site plan shall be submitted to the Zoning Office.

William T. Hackett
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE March 23, 1984
BY William T. Hackett
ADMINISTRATIVE ASSISTANT

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IN RE: PETITIONS SPECIAL EXCEPTION,
SPECIAL HEARING, AND ZONING
VARIANCE
NE/corner of York and Scott
Adam Roads--8th Election
District
Roland R. MacKenzie,
Petitioner

BEFORE THE
ZONING COMMISSIONER OF
BALTIMORE COUNTY
Case No. 84-222-XSPHA

AMENDED ORDER

The Order of the Zoning Commissioner, dated 23 March 1984, in the above captioned matter shall be and is hereby amended as follows:

Restriction 4: Egress only shall be from the entrance on York Road furtherest removed from Scott Adam Road.

All conclusions and determinations as set forth therein except for the above are applicable in their entirety and continue to be controlling.

William T. Hackett
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE March 30, 1984
BY May Campagna (clerk)
ADMINISTRATIVE ASSISTANT

cc: People's Counsel
Bruce Alderman, Esq.
Michael Kobin

PETITION FOR SPECIAL EXCEPTION 84-222-XSPH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a car wash in combination with a service station (gas and go).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception 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: (Lease)

Gulf Oil Corporation

(Type or Print Name)

Signature

810 Gleneagles Court

Address

Towson, Maryland 21204

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Roland R. MacKenzie

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

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PETITION FOR SPECIAL HEARING 4-222-VSPH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the conversion of an existing service station to a gas and go operation.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing 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: (Lease)

Gulf Oil Corporation

(Type or Print Name)

Signature

810 Gleneagles Court

Address

Towson, Maryland 21204

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Roland R. MacKenzie

(Type or Print Name)

Signature

(Type or Print Name)

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PETITION FOR ZONING VARIANCE 84-222-XSPH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 419.2 to allow 20 stacking spaces for a car wash.

In lieu of the required 23

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

The layout and size of this site will allow only 20 spaces to be provided without any restriction of traffic. We feel that this number will be more than adequate to serve the proposed car wash.

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: (Lease)

Gulf Oil Corporation

(Type or Print Name)

Signature

810 Gleneagles Court

Address

Towson, Maryland 21204

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Roland R. MacKenzie

(Type or Print Name)

Signature

(Type or Print Name)

Signature

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Signature

MONTGOMERY MARYLAND

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts:

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Calverley
Administrator

December 9, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 11-22-83
ITEM: #115
Property Owner: Roland R. MacKenzie
Location: NE/Cor. York Road
Route 45, and Scott Adam Rd.
Existing Zoning: B.L.-CNS
Proposed Zoning: Special
Hearing to approve the conversion of an existing service station to gas and go operation and Special Exception for a car wash in combination with a service station (gas and go).
Acres: 29,076 sq. ft.
District: 8th

Dear Mr. Jablon:

On review of the site plan of November 7, 1983 and field inspection, the State Highway Administration finds the existing access to York Road (Route 45) generally acceptable.

Our concern is the proposed car wash facility with proposed stacking within the existing north entrance of York Road and the confined ingress and egress of the proposed gasoline pump facility.

Our recommendation to the developer and Baltimore County is to provide all stacking for the proposed car wash facility to be by way of Scott Adam Road. This would afford the car wash the use of a secondary connector roadway (Scott Adam Road) and eliminate traffic congestion on York Road a major north south generator.

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
P.O. Box 717/707 North Calvert St., Baltimore, Maryland 21203 - 0717

Mr. A. Jablon -2- December 9, 1983

In addition we recommend the gasoline facilities be relocated to allow parallel movement to York Road and eliminate the perpendicular stacking from York Road.

It is requested the plan be revised prior to a hearing date.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits
By: George Wittman

CL:GW:maw
cc: Mr. J. Ogle



Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Calverley
Administrator

February 16, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Attention: Mr. N. Commodari

RE: ZAC Meeting of 11-22-83
ITEM: #115
Property Owner: Roland R. MacKenzie
Location: N/E corner York Road (Route 45), and Scott Adam Road
Existing Zoning: B.L.-CNS
Proposed Zoning: Special Hearing to approve the conversion of an existing service station to gas & go operation and Special Exception for a car wash in combination with a service station (Gas & Go).
Acres: 29,076 sq. ft.
District: 8th

Dear Mr. Jablon:

On review of the revised site plan of 1-24-83 the State Highway Administration finds the plan generally acceptable.

Very truly yours,
Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits
By: George Wittman

CL:GW:vr
cc: Mr. J. Ogle

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
P.O. Box 717/707 North Calvert St., Baltimore, Maryland 21203 - 0717



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3350

STEPHEN E. COLLINS
DIRECTOR

December 21, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 115
Property Owner: Roland R. MacKenzie
Location: NE/Cor. York Road and Scott Adam Road
Existing Zoning: B.L.-CNS
Proposed Zoning: Special Hearing to approve the conversion of an existing service station to gas and go operation and Special Exception for a car wash in combination with a service station (gas and go).

Acres: 29,076 sq. ft.
District: 8th

Dear Mr. Jablon:

The easternmost entrance for this site was to be a use-in-common entrance but the site next to this has closed off half of the entrance. This entrance no longer meets county standards. The eastern portion of this entrance is now being used as a illegal parking lot.

The design of the stacking spaces block all exiting of vehicles from this site unless they exit thru the car wash. Provisions must be made for cars to exit this site from the gas pumps.

The site will be restricted to one entrance on Scott Adam Road. Please have the engineer contact this office for location.

We endorse all the State Highway Administration's comments.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Assoc. I

MSF/ccm

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 115, Zoning Advisory Committee Meeting of Nov. 22, 1983
Property Owner: Roland R. MacKenzie
Location: NE/Cor. York Road District 8
Water Supply: public Sewage Disposal: public

COMMENTS ARE AS FOLLOWS:

- () 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 Plans Review Section, Environmental Support Services, for final review and approval.
- (✓) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- (✓) A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- (✓) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

FEB 4 1985

GREATER WASHINGTON MARYLAND
SERVICE STATION ASSOCIATION
By its Executive Director
WILLIAM SHOENAKER
9200 Edmonston Road
Suite 304
Greenbelt, Maryland 20700

IN THE

BALTIMORE COUNTY

and

THE C & D CORPORATION
By its Vice President
MARK BECKWITH
6247 Falls Road
Baltimore, Maryland 21209

BOARD OF APPEALS

VS.

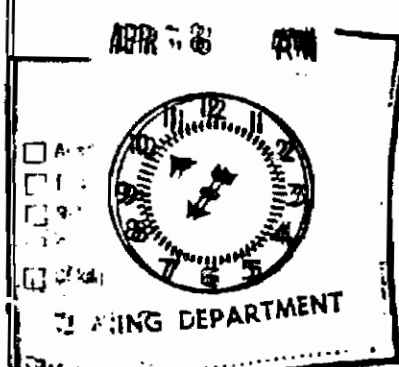
BALTIMORE COUNTY ZONING COMMISSIONER
111 W. Chesapeake Avenue
Towson, Maryland 21204

ORDER FOR APPEAL

The Greater Washington Maryland Service Station Association, by and through its Executive Director, William Shoemaker, an interested, aggrieved party, together with C & D Corporation and Baltimore County taxpayer, nearby business and interested party, both having participated at the hearing before the Zoning Commissioner and both feeling aggrieved by the decision of the said Zoning Commissioner, do hereby jointly and severally appeal to the Baltimore County Board of Appeals in Case No.: 84-222-XSPHA by and through their attorney, Pfeifer & Fabian, P.A. and David M. Thomas, Esquire, this Board being the appropriate body of appellate decision and the date of the aforesaid decision being March 23, 1984.

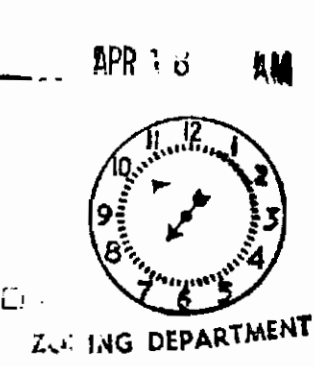
PFEIFER & FABIAN, P.A.

BY: *David M. Thomas*
DAVID M. THOMAS
Suite 200 - 15 Charles Place
Baltimore, Maryland 21201
365-0365



I HEREBY CERTIFY that on this 16 day of April, 1984, a copy of the foregoing Order for Appeal was mailed to William E. Hammond, Zoning Commissioner of Baltimore County, c/o Baltimore County Office of Planning and Zoning, Towson, Maryland 21204.

DAVID M. THOMAS



BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 130200
DATE: 4/18/84 ACCOUNT: R-01-615-000
AMOUNT: \$255.00
RECEIVED FROM: David M. Thomas, Esquire
FOR: Appeal fee on Case 84-222-XSPHA
(Roland R. MacKenzie)
6 077-00002550010 8194A
VALIDATION OR SIGNATURE OF CARRIER

W. R. SHRADER, JR.
Products Company
STMENT - MID-ATLANTIC DISTRICT
P. O. Box 2238
Baltimore, MD 21209
December 21, 1983
Honorable Arnold Edward Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Re: Item No. 115 ROLAND R. MACKENZIE
Zoning Petition for Special Hearing
and Special Exception filed
November 10, 1983
Dear Mr. Jablon:
We feel it is necessary to make our position clear in view of the strange letter written to you by Attorney R. Bruce Alderman on behalf of Mr. MacKenzie of Scotts Corner Joint Venture.
Cities Service Oil Company has a Lease on the subject property dated November 1, 1967 recorded in Baltimore County Liber 4848 Page 407. Paragraph #11 of that Lease reads as follows:
"Tenant shall have the right to assign this Lease or sublet the premises in whole or in part, but no such assignment or subletting shall release the tenant from its obligation hereunder."
On August 3, 1983 Cities agreed to assign this Lease to Gulf Oil Corporation thus our petition listing Gulf as the Contract-Purchaser of the Lease. Attorney Alderman questioned why we alleged a Contractual arrangement with the property owner - we believe the assignment of the existing Lease would create just that.
Mr. Alderman also stated Mr. MacKenzie has never had any correspondence or conversations with Gulf Oil Corporation regarding this existing property. That is correct; however, Gulf Oil received a letter from a Mr. Michael I. Brooks a partner in Scotts Corner Joint Venture dated November 16, 1983 referring to this Leasehold

Honorable Arnold Edward Jablon
December 21, 1983
Page 2

interest, a copy of this letter went to Mr. Clark F. MacKenzie.

We trust this will eliminate any confusion and enable you to proceed with our petition.

Very truly yours,

GULF OIL PRODUCTS COMPANY

W. R. Shrader
W. R. Shrader
Director Real Estate

/net

cc: White, Mindel, Clarke & Hill
Suite 310
305 W. Chesapeake Avenue
Towson, MD 21204

Attn: R. Bruce Alderman

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

March 23, 1984

Mr. Michael G. Kobin
STV/Lyon Associates, Inc.
7131 Rutherford Road
Baltimore, Maryland 21207

IN RE: Petitions Special Exception,
Special Hearing, and Zoning
Variance
NE/corner of York and Scott
Adam Roads - 8th Election
District
Roland R. MacKenzie, Petitioner
Case No. 84-222-XSPHA

Dear Mr. Kobin:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: R. Bruce Alderman, Esquire
Suite 310, 305 West Chesapeake Avenue
Towson, Maryland 21204

Mr. Mark Beckwith, Vice President
C & D Corporation
6247 Falls Road
Baltimore, Maryland 21209

Ms. Mary Ann Dresler, Field Representative
Greater Washington-Maryland Service
Station Association
9200 Edmonston Road
Greenbelt, Maryland 20770
People's Counsel

83-2794

GEORGE W. WHITE, JR.
CHARLES MINDEL
DAVID L. CLARKE
JOSEPH L. HILL
JOHN F. POLEY, JR.
STEPHEN L. HILLER
PHILIP D. TOLSON
STEPHEN C. WINTER
JOHN D. SMITH
EUGENE L. HILLER, III
ROBERT J. KAMILLER
ANNE LOVE ACHING
ROBERT W. BOWEN, JR.
DENNIS P. O'BRIEN
EUGENE W. CUNNINGHAM, JR.

LAW OFFICES
WHITE, MINDEL, CLARKE & HILL
SUITE 310
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 528-1050

December 16, 1983

Honorable Arnold Edward Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item No. 115 ROLAND R. MACKENZIE
Zoning Petition for Special Hearing
and Special Exception filed
November 10, 1983

Dear Mr. Jablon:

The above-referenced Petition was filed, according to the issues log sheet in the Zoning Office, on or about November 10, 1983. That Petition listed the Gulf Oil Corporation as contract purchaser-lease and contained a signature of an agent on behalf of that corporation. It also listed Roland R. MacKenzie as owner of the property. Mr. MacKenzie is my client and I am writing this letter on his behalf.

Mr. MacKenzie was extremely surprised when, by letter dated December 7, 1983, he was notified of this Petition for the first time by a request from the Zoning Plans Advisory Committee for certain information and comments. Although it is true that Mr. MacKenzie is the owner of the subject property, he had absolutely no knowledge of the filing of such a Petition and, in fact, has no idea how the Gulf Oil Corporation has ever entered the scene.

Mr. MacKenzie is the principal of a joint venture known as Scotts Corner Joint Venture and has an existing lease dated November 1, 1967 with Cities Service Oil Company for the property which is the subject of this Petition. Mr. MacKenzie has never had any correspondence or conversations with Gulf Oil regarding this existing property and naturally was quite shocked to find out that they had filed a Petition purportedly alleging to have some existing lease with him.

WHITE, MINDEL, CLARKE & HILL

Honorable Arnold Edward Jablon
December 16, 1983
Page Two

As a result of my investigation of the file in the Zoning Office earlier today, I discovered the information which I have set out above. I have no idea why Gulf Oil Corporation would allege an existing contractual or lease arrangement with the property owner which is obviously erroneous and can be no more than the figment of someone's imagination.

May I respectfully request that this Petition (which, I might add, according to the Zoning Office log has never been accepted for filing), be dismissed and that the Petitioner be duly admonished against using your good office for such inaccurate and misleading allegations of a landlord-tenant relationship.

If you have any additional questions, please feel free to contact me directly. Also, as a matter of courtesy I am sending a copy of this letter to the Petitioner and representative listed in this file.

Sincerely,

R. Bruce Alderman
R. Bruce Alderman

RBA/mvj

cc: Mr. Roland R. MacKenzie

Gulf Oil Corporation
210 Glenview Court
Towson, Maryland 21204

STV/Lyon Associates
7131 Rutherford Road
Baltimore, Maryland 21207

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

December 23, 1983

Mr. W. R. Shrader
Director Real Estate
Gulf Oil Products Company
P.O. Box 2235
Baltimore, Maryland 21203

R. Bruce Alderman, Esquire
Suite 310
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception
and Special Hearing
Roland R. MacKenzie, Petitioner
Item No. 115

Gentlemen:

I am in receipt of your letters dated December 6 and 21, 1983 concerning the above-referenced matter.

The issues raised are of some significance, and I will be prepared to take testimony and/or Memoranda of Law on the issues at the time the hearing is heard on the Petition for Special Hearing.

I am going to accept the petitions filed by Gulf Oil and proceed to have them scheduled for a hearing. Although the property will be posted and advertised, I will notify both sides individually. Therefore, if Mr. Alderman still believes the petitions ought to be dismissed, I will provide him the opportunity to so argue and to allow opposite argument from Gulf Oil.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/srl

ORDER to Lease dated November 1, 1967 between CITIES SERVICE OIL COMPANY, as "Landlord" and
and Scotts Corner Joint Venture as "Tenant" at premises situate at
Cockeysville, County of Baltimore, State of Maryland
as follows:
Para. No. 27

Tenant shall join in with Landlord in any construction money mortgage, permanent mortgage or combined construction money and permanent mortgage given by Landlord on any portion of the premises covered by this Lease. Tenant's joinder in any such mortgage shall be solely for the purpose of (and such mortgage or mortgages shall expressly provide that such joinder is solely for the purpose of) subordinating this Lease to any such mortgage and the Tenant shall have no obligation or responsibility for the payment of any sums secured by such mortgage. It being understood that any such subordination shall provide the following:

So long as the Tenant is not in default in the payment of rent or additional rent or in the performance of any of the terms of the Lease, the Tenant's possession of the leased property and the Tenant's rights and privileges under the Lease or any renewal thereof shall not be diminished or interfered with by the Mortgagee.

In the event the mortgage is foreclosed for any reason, and the Mortgagee succeeds to the interest of the Landlord under the Lease, the Tenant shall be bound to the Mortgagee under all of the terms of the Lease for the balance of the term thereof remaining with the same force and effect as if the Mortgagee were the Landlord under the Lease, and the Tenant hereby attorns to the Mortgagee as its Landlord, such attornment to be effective and self-operative, without the execution of any further instrument on the part of either of the parties hereto, immediately upon the Mortgagee succeeding to the interest of the Landlord under the Lease. Notwithstanding anything herein to the contrary, the Tenant shall be under no obligation to pay rent to the Mortgagee until the Tenant receives written notice from the Mortgagee that it has succeeded to the interest of the Landlord under the Lease. The respective rights and obligations of the Tenant and the Mortgagee upon such attornment shall to the extent of the then remaining balance of the term of the Lease be the same as now set forth therein, it being the intention of the parties hereto for this purpose to incorporate the Lease in this agreement by reference with the same force and effect as if set forth at length herein.

In the event that the mortgage is foreclosed for any reason and the Mortgagee succeeds to the interest of the Landlord under the Lease, the Mortgagee shall be bound to the Tenant under all of the terms of the Lease, and the Tenant shall, from and after such event, have the same remedies against the Mortgagee for the breach of an agreement contained in the Lease that the Tenant might have had under the Lease against the prior Landlord thereunder. In no event shall the Mortgagee be liable for any act or omission of any prior Landlord, be subject to any offsets or defenses which the Tenant might have against any prior Landlord, or be bound by any rent or additional rent which the Tenant might have paid to any prior Landlord for more than the current month.

Para. No. 28

Tenant agrees to indemnify and hold the Landlord harmless from any losses or damages caused by the Tenant or the Tenant's agents, servants, employees or invitees fault or negligence arising out of the use or occupancy of the premises.

Para. No. 29

Transfer taxes and stamp taxes for the recording of this Lease shall be equally divided between the parties.

PROPERTY HANDLED 5/1/84

[Signature]
CITIES SERVICE OIL COMPANY
Landlord
[Signature]
Scotts Corner Joint Venture
Tenant
VICE PRESIDENT

*Strike One
23-L (7-62) 100-1-2
(Use with 98 or 100 Lease form)



ARNOLD JABLON
ZONING COMMISSIONER

April 18, 1984

Mr. Michael G. Kobin
STV/Lyon Associates, Inc.
7131 Rutherford Road
Baltimore, Maryland 21207

Re: Petitions for Special Exception, Special Hearing and Variance
NE/corner of York and Scott Adam Roads
Roland R. MacKenzie - Petitioner
Case No. 84-222-XSPHA

Dear Mr. Kobin:

Please be advised that an appeal has been filed by David M. Thomas, attorney for protestants, from the decision rendered by the Zoning Commissioner of Baltimore County, in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

[Signature]
Arnold Jablon
Zoning Commissioner

AJ:aj

cc: People's Counsel

R. Bruce Alderman, Esquire
Suite 310, 305 W. Chesapeake Avenue
Towson, Maryland 21207

Roland R. MacKenzie
2324 W. Joppa Road
Timonium, Maryland 21093

PROTESTANT'S EXHIBIT

Mr. Clark F. MacKenzie, Venturer (Scotts Corner Joint Venture)
Mr. Michael I. Brooks, Jr., Venturer (Scotts Corner Joint Venture)
c/o MacKenzie & Associates, Inc.
2324 West Joppa Road
Lutherville, Maryland 21093

Dear Messrs. MacKenzie and Brooks:

The purpose of this letter is to confirm an understanding and state an agreement resulting from a meeting held in the offices of MacKenzie & Associates on February 28, 1984, and subsequent discussions in connection with a Zoning Hearing conducted on March 5, 1984. At the meeting, representatives of Gulf Oil Companies ("Gulf") explained that their corporation was the assignee, contingent on certain events being performed, of the Lease between Scotts Corner Joint Venture and Cities Service Oil Company dated November 1, 1967, a copy of which Assignment is attached hereto, as part hereof. Pursuant to that Assignment, Gulf has petitioned the Zoning Commission for Baltimore County for a Special Hearing to approve the conversion of an existing service station to a gas and go operation and a Special Exception for a carwash in combination with a service station (gas and go) on that 0.6650-acre parcel of land described in the above-referenced Lease. We further acknowledge that the purpose of our meeting was to attempt to satisfy you and the respective joint ventures, limited partnerships and individuals who represent so as to prevent your protesting the granting of the above-described Special Hearing and Special Exception Petition scheduled for hearing on Monday, March 5, 1984. Also, at that meeting, we reviewed the plans for the establishment of the gas and go service station and carwash referring specifically to the site plan and drawings dated January 24, 1984, prepared by Lyon Associates, Inc., 7131 Rutherford Road, Baltimore, Maryland 21207, pages 1 of 3 (drawing #7363-52-001) plus ext. electrical and ext. piping plans by Gulf dated 12-13-83 and 12-8-83 respectively. At the Zoning hearing, certain restrictions were suggested by the Zoning Commissioner and other which might be appropriately incorporated into an order granting the Petitions sought by Gulf which restrictions would primarily serve to control traffic and prevent congestion on York Road, Scott Adam Road and other areas in or about the gas and go/carwash site.

In exchange for your approval in concept of the above-referenced site plan and the gas and go pumps and carwash to be established as shown or said site plan, and in further consideration of your agreement not to object to the non-inclusion of Roland R. MacKenzie as a signatory on the above described Petitions, Gulf agrees as follows:



REC'D - ZONING COMMISSIONER
TOWSON, MD 21204

[Signature]

Mr. Clark F. MacKenzie
Mr. Michael I. Brooks, Jr.
Page Two

- Gulf Oil shall, at all times, supply or cause a franchisee to supply personnel of sufficient number and sufficiently qualified in training to assure a reasonable operation of the gas and go and carwash facilities.
- The operation shall be conducted in such a manner that traffic will be under constant control on the subject parcel so as to prevent spilling over of stacked automobiles onto adjoining roads, including York Road and Scott Adam Road.
- In the event traffic utilizing the gas and go and carwash facility shall become such that any backup of automobiles occur along any of the travel or parking lanes of York Road or Scott Adam Road, Gulf Oil shall provide adequate personnel to police and control traffic entering the subject site and exiting therefrom so as to avoid any congestion or blockage of driveways, walkways or roadways onto adjoining or neighboring properties.
- These provisions shall be binding upon and these requirements shall be performed by Gulf Oil, its successors and assigns, and the right to enforce any and all restrictions, requirements and agreements contained herein shall inure to the benefit of Scotts Corner Joint Venture, Scott Adam Road Limited Partnership, Roland R. MacKenzie, individually, or any successor, heir, personal representative or assign thereof. Any such party or entity shall, in the event of failure of Gulf Oil, its successors or assigns, to perform, shall have the right to perform and fulfill these requirements, provisions and agreements in its place and stead and to charge Gulf Oil the actual cost of such performance plus an additional sum equal to twenty percent (20%) of that amount to cover administrative costs in connection with said performance. Gulf Oil agrees that such costs shall be paid within ten (10) days of the date of billing for same. In addition to the foregoing,



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

May 4, 1984

Mr. William T. Hackett
County Board of Appeals
Old Court House
Towson, Maryland 21204

RE: Case No. 84-222-XSPHA
Roland R. MacKenzie, Petitioner

Dear Mr. Hackett:

The above captioned matter has been appealed to the County Board of Appeals from the decision of the Zoning Commissioner.

It was the opinion of this Commissioner at that hearing that the parties appealing to the Board herein were not "aggrieved" parties and therefore had no standing as Protestants. It is my position that this is true here and that the Appellants do not have standing to appeal under Section 500.10, Baltimore County Zoning Regulations (BCZR), as they do not satisfy the requisites delineated in People's Counsel for Baltimore County v. Williams, 415A. 2d 585 (1980).

It is respectfully moved that the instant appeal be dismissed.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

AJ:eah

cc: David M. Thomas, Esquire
R. Bruce Alderman, Esquire
Mr. Michael G. Kobin

Mr. Clark F. MacKenzie
Mr. Michael I. Brooks, Jr.
Page Three

- Gulf Oil recognizes the right of all parties named herein to enforce the requirements, terms and conditions imposed by this understanding and agreement, including but not limited to, Gulf Oil's submission to the jurisdiction of a court of equity to enforce by injunction or otherwise the performance of said requirements.
- Gulf Oil, or its attorney, shall cause a copy of this letter to be submitted into evidence at the Zoning Hearing described above with a request that items 1 through 4 be incorporated into any Order granting the requested Special Exception.

SIGNED BY OFFICER OR INDIVIDUAL
WITH AUTHORITY TO BIND GULF OIL
CORPORATION

READ AND APPROVED:

SCOTTS CORNER JOINT VENTURE

By Clark F. MacKenzie, Venturer Date: _____

SCOTT ADAM ROAD LIMITED PARTNERSHIP

By Clark F. MacKenzie Date: _____
General Partner

ROLAND R. MacKENZIE

By Clark F. MacKenzie, Agent Date: _____

LAW OFFICES
PFEIFER & FABIAN, P.A.

SUITE 200

15 CHARLES PLAZA
BALTIMORE, MARYLAND 21201

June 19, 1984

County Board of Appeals
of Baltimore County
Room 200, Court House
Towson, Maryland 21204

RE: Gwmssa, et al vs.
Baltimore County
Zoning Commissioner, et al
Case No: 84-222-XSPHA - MACKENZIE

Gentlemen:

Enclosed is a Memorandum of Points and Authorities
in Support of Petition for Appeal and an Affidavit which is
being submitted regarding the above captioned case.

Very truly yours,

DAVID M. THOMAS

DMT/mg
cc: Mark Beckwith
William Shoemaker

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COUNTY BOARD OF APPEALS
FEB JUN 20 A 10 20

Exhibit 1 would have any adverse impact above and beyond those
inherently associated with such a special exception use irrespec-
tive of its location within the zone. Schultz v. Pritts, 432
A.2d 1319 (1981).

The proposed uses will not be detrimental to the
health, safety, or general welfare of the locality, nor tend to
create congestion in roads, streets, or alleys therein, nor be
inconsistent with the purposes of the property's zoning classifi-
cation, nor in any other way inconsistent with the spirit and
intent of the BCZR.

Therefore, IT IS ORDERED by the Zoning Commissioner
of Baltimore County, this 23rd day of March, 1984, that the Peti-
tioners...be and are hereby GRANTED, from and after the date of
this Order, subject, however, to the following restrictions:

....The gas and go and car wash operations shall
be self-service only.

This failure to make any of the type of required
findings of fact or conclusions of law rendered the procedures
of Board of Municipal and Zoning Appeals unlawful to the point of
depriving the Petitioner of his constitutional right to due pro-
cess of law, and constituted arbitrary and capricious action
on the part of the Board of Municipal and Zoning Appeals of
Baltimore County.

D. It was an error of law for the Zoning Commissioner
of Baltimore County to overlook the application of Article 41,
Section 157F of the Annotated Code of Maryland as it applied to
the facts herein.

E. It was in excess of the Zoning Commissioner's
statutory authority and jurisdiction of the agency to proceed

GREATER WASHINGTON MARYLAND
SERVICE STATION ASSOCIATION
By its Executive Director
WILLIAM SHOEMAKER

IN THE

BALTIMORE COUNTY

and

THE C & D CORPORATION
By its Vice President
MARK BECKWITH

BOARD OF APPEALS

vs.

(Case No: 84-222-XSPHA)

BALTIMORE COUNTY ZONING
COMMISSIONER

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITION
APPEAL BY GWMSSA AND C & D CORP.

Come now the Plaintiffs, protestants below, aggrieved,
interested parties and taxpayers, by and through David M. Thomas,
and Pfeifer & Fabian, P.A., their attorneys, who file this
Memorandum in Support of their Order for Appeal, stating in sup-
port thereof as follows:

1. That the Petitioners are all taxpayers and interested,
aggrieved parties within the meaning of the law, and were protes-
tants at the hearing below wherein it is alleged error occurred.
2. That at the conclusion of holding a public hearing,
the Zoning Commissioner of Baltimore County, Maryland, did, on
March 23, 1984 approve the modifications sought in Case Number
84-222-XSPHA.
3. That the foregoing actions of the Zoning Commissioner
of Baltimore County was made upon unlawful procedure.
4. That the foregoing actions of the Zoning Commissioner
of Baltimore County was arbitrary and capricious.
5. That the foregoing actions of the Zoning Commissioner
of Baltimore County was unsupported by competent, material and
substantial evidence in view of the entire record as submitted.

to ignore the state law contained in Article 41, Section 157F of
the Annotated Code of Maryland.

WHEREFORE, the Petitioners prays:

- 1) That the Protestants herein be declared aggrieved
parties;
- 2) That the findings, conclusions and decisions of
the Zoning Commissioner of Baltimore County be reversed and modi-
fied so as to require the structure to be newly built to have an
enclosed work area where service of motor vehicles is offered to
customers irrespective of whether or not motor fuel is purchased,
including, but not limited to lubrication, oil changes, tire re-
pair, battery charge, and replacement of accessories such as fan
belts, radiator hose and wiper blades, in conformity with state
law;
- 3) That the findings, conclusions and decisions of the
Zoning Commissioner of Baltimore County be remanded for further
proceedings in respect to the issue of specifically considering
whether the needs of the general public at the locality of the
station warrant the conversion of the station to a gas only outlet,
and for the purpose of reaching specific separate findings of fact
with respect thereto, accompanying each with such findings of
fact and conclusions of law, with each such finding and conclusion
having a concise and explicit statement of the underlying facts
supporting said findings and conclusions, as required by law;

6. That the foregoing actions of the Zoning Commissioner
of Baltimore County was in excess of the statutory authority and
jurisdiction of the agency.

7. That the foregoing actions of the Zoning Commissioner
of Baltimore County was in violation of constitutional provisions.

8. That the foregoing actions of the Zoning Commissioner
of Baltimore County was affected by other error of law.

9. That the specific points of error as set forth in
paragraphs 3 through 8 are as follows:

A) Article 56, Section 157F of the Annotated Code of
Maryland, in pertinent part, prescribes that a certificate of
registration, which it shall be necessary for retail service sta-
tion dealer to obtain annually, shall not be issued to such deal-
ers with outlets that are enlarged, altered or structurally modi-
fied between July 1, 1977 and July 1, 1984 unless the facility has
enclosed work areas for certain types of specified repairs and
maintenance, at a minimum. There is only one exception relevant
to this case, subsection (11), which declares that zoning boards
or planning commissions may rule in favor of such conversions to
gasoline-only outlets, but only "after considering the needs of
this type of service to the general public in the locality and
upon agreement between the owner and dealer".

B) Article 41, Section 254 of the Annotated Code of
Maryland declares with respect to administrative decisions and
orders such as are involved here, that:

"A final decision or order adverse to a party
in a contested case shall be in writing or stated
in the record. A final decision shall include
findings of fact and conclusions of law, separately
stated. Findings of fact, if set forth in statu-
tory language shall be accompanied by a concise
and explicit statement of the underlying facts sup-
porting the findings. If, in accordance with
agency rules, a party submitted proposed findings
of fact, the decision shall include a ruling upon
each proposed finding..."

4) That pending the resolution of the foregoing
issues upon this appeal, that the decision of the Zoning Commis-
sioner of Baltimore County with respect to the razing of the exist-
ing structure on the site in question be stayed.

Respectfully submitted,
PFEIFER & FABIAN, P.A.

BY:

DAVID M. THOMAS
Suite 200, 15 Charles Plaza
Baltimore, Maryland 21201
385-0385
Attorneys on behalf of The
Greater Washington-Maryland
Service Station Association

C) The only substantive reference to the testimony of
the Petitioner-Protestants herein, The Greater Washington-Maryland
Service Station Association and Mark Beckwith is as follows:

After due consideration of the evidence and testi-
mony presented, it is determined that the conversion of the ex-
isting service station to a gas and go would not adversely af-
fect the health, safety, and general welfare of the community.
Certainly, active use of the property as opposed to a vacant ser-
vice station as presently existing is preferable, and the pro-
posed use would be a positive improvement. There would be no in-
crease in traffic resulting therefrom, and the uses proposed
would serve only the existing traffic on the York Road corridor.

It is clear that the BCZR permit the uses request-
ed in the B.L. Zone by special exception. It is equally clear
that the proposed uses would not be detrimental to the primary
uses in the vicinity of the proposed uses. Therefore, it must be
determined whether the conditions as delineated by Section 502.1
are satisfied by the Petitioner.

After reviewing all of the testimony and evidence
presented, it appears that the special exception as applied for
should be granted, with certain restrictions as more fully des-
cribed below.

The Petitioner had the burden of adducing testi-
mony and evidence which would show that the proposed uses met
the prescribed standards and requirements set forth in Section
502.1. In fact, the Petitioner has shown that the proposed uses
would be conducted without real detriment to the neighborhood and
would not actually adversely affect the public interest. The
facts and circumstances of the uses proposed do not show that the
proposed uses at the particular location described by Petitioner's

AFFIDAVIT

STATE OF MARYLAND)
COUNTY OF BALTIMORE) TO WIT

I HEREBY CERTIFY, That before me, the subscriber, a Notary
Public of the County and State aforesaid, personally appeared
WILLIAM L. SHOEMAKER, and made oath in due form of law as follows:

That I, WILLIAM L. SHOEMAKER, am the Executive Director
of the Greater Washington-Maryland Service Station Association,
a not for profit corporation chartered in the District of Columbia
and licensed to do business in the State of Maryland, and having
its principal place of doing business in the State of Maryland at
9200 Edmonston Road, Greenbelt, Maryland 20770. The Greater
Washington-Maryland Service Station Association has many hundreds
of Maryland Service Station Dealerships forming its membership
for the purposes of representing the interests of the motoring
public through representatives of the industry at the dealership
level. The passage of the State Law in question by the Maryland
General Assembly respecting a moratorium on conversion to gas only
outlets was actively sought after by the Greater Washington-
Maryland Service Station Association and included personal efforts
on my immediate predecessor, Mr. Victor Rasheed to that end. I
am also a citizen of Maryland and taxpayer of the State of
Maryland, personally. My efforts as the Executive Director of
the Greater Washington-Maryland Service Station Association with
respect to the public hearing convened before the Zoning
Commissioner of Baltimore County herein included the presence and
testimony of our Field Representative, Mary Anne Dresler. At
that time the Association was also specifically representing Mr.
Mark Beckwith, who is the President of Bamko, Inc., which has
an interest in a Texaco Carwash in Baltimore County and is also

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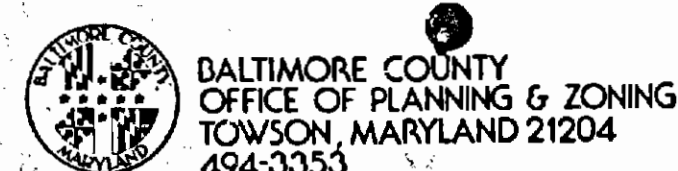
the Vice President of the C & D Corporation which, in a joint venture with Stan Smith Signature Corporation, has an interest in the Timonium Amoco & Carwash, a nearby facility. The Timonium Amoco and Carwash is a member of the GWMSSA. The activity before the Zoning Commissioner was for the purpose of citizens, taxpayers and affected parties to be heard with respect to the proper operation of State law in respect to the public interest, the stability and prosperity of the motor fuel sales industry as memorialized by the public policy contained in the pertinent state law which was actively sought by the Appellant GWMSSA and which applied to this case.

While the GWMSSA is exempt due to its not for profit status from certain Maryland Taxes, it still pays Maryland Unemployment Compensation Insurance Taxes, Maryland Worker's Compensation Tax, Maryland Sales Taxes, and the like.

Dated this 3rd day of May, 1984.

WITNESS my hand and Notarial Seal the date above written

NOTARY PUBLIC
My Commission Expires 7/1/86
WILLIAM L. SHOENAKER



ARNOLD JABLON
ZONING COMMISSIONER

February 28, 1984

Mr. Roland R. MacKenzie
2324 W. Joppa Road
Timonium, Maryland 21093

Re: Petition for Special Exception, Special Hearing and Variance
NE/cor. York & Scott Adam Roads
Roland R. MacKenzie - Petitioner
Case No. 84-222-XSPHA

Dear Sir:

This is to advise you that \$70.20 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 126883

DATE 3/5/84 ACCOUNT R-01-615-000

AMOUNT \$70.20

RECEIVED Gulf Oil Corporation

FOR: Advertising & Posting Case 84-222-XSPHA

(Roland R. MacKenzie - Petitioner)

VALIDATION OR SIGNATURE OF CARRIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8
Date of Posting 2/18/84
Posted for: Petition for Special Exception, Special Hearing, Variance
Petitioner: Roland R. MacKenzie
Location of property: NE/cor. York & Scott Adam Rd.
Location of Sign: facing intersection of York & Scott Adam Rd.
Remarks: See 2nd Coleman
Posted by: [Signature] Date of return: 2/24/84
Number of Signs: 3

CERTIFICATE OF PUBLICATION

Towson, Md. 2/22/1984

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for consecutive weeks, the first publication appearing on the 15th day of Feb 1984.

The TOWSON TIMES
Cost of Advertisement: \$33.20

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 16, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 16th day of February, 1984, the 16th day of the month of February, 1984.

THE JEFFERSONIAN
L. L. Lank
Manager

Cost of Advertisement, \$22.00

February 7, 1984

Mr. Roland R. MacKenzie
2324 W. Joppa Road
Timonium, Maryland 21093

NOTICE OF HEARING
Re: Petition for Special Exception, Special Hearing & Variance
NE/corner of York and Scott Adam Roads
Roland R. MacKenzie - Petitioner
Case No. 84-222-XSPHA

TIME: 1:30 P.M.

DATE: Monday, March 5, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

cc: Gulf Oil Corporation
810 Glenesages Court
Towson, Maryland 21204

STV/Lyon Associates, Inc.
c/o Michael G. Kobin
7131 Rutherford Road
Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 126906

DATE 2/14/84 ACCOUNT R-01-615-000

AMOUNT \$50.00

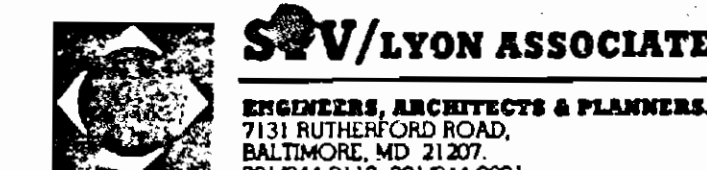
RECEIVED Wayne J. Jones

FOR: Petition for Special Exception, Special Hearing & Variance

(Roland R. MacKenzie - Petitioner)

VALIDATION OR SIGNATURE OF CARRIER

019*****2000010 5140A



NE/corner York and Scott Adam Roads
ZONING DESCRIPTION

BEGINNING FOR THE SAME at a point on the eastern right-of-way of York Road; thence running along the eastern right-of-way line of York Road North 18°21'02" West 161.81 feet; thence leaving said right-of-way line North 71°46'33" East 134.27 feet; thence South 55°13'43" East 78.29 feet; thence South 06°07'27" East 127.26 feet to intersect the northern right-of-way line of Scott Adam Road; thence along the northern right-of-way line of Scott Adam Road by a curve to the left having a chord bearing and distance of South 77°47'19" West 145.13 feet and having a radius of 700.00 feet and an arc length of 145.39 feet to the southeast end of a site Flare; thence along said site Flare North 63°27'39" West 14.11 feet to the point of beginning.

Containing in all 29,076 Sq. Ft. or 0.6675 Acs.



STV ENGINEERS, Engineers, Architects, Planners, Construction Managers, Professional Member Firm
STV/Engineers, Architects, Planners, Construction Managers, Professional Member Firm
STV/Engineers, Architects, Planners, Construction Managers, Professional Member Firm
STV/Engineers, Architects, Planners, Construction Managers, Professional Member Firm

LAW OFFICES
PFEIFER & FABIAN, P.A.
SUITE 200
15 CHARLES PLAZA
BALTIMORE, MARYLAND 21201

April 13, 1984

Zoning Commissioner for
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: GWMSSA, et al vs.
Baltimore County Zoning
Commissioner

Gentlemen:

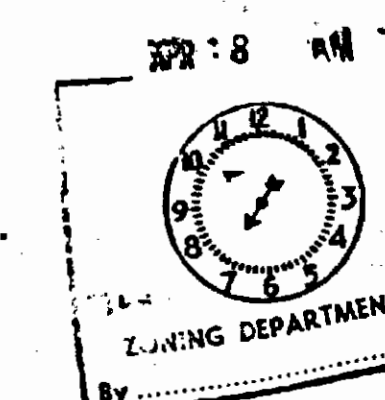
Enclosed is Order for Appeal together with our check in the amount of \$255.00 which is being submitted regarding the above captioned case.

Very truly yours,

DAVID M. THOMAS

DMT/mg
Enclosures

Roland R. MacKenzie
NE cor of York & Scott Adam Rd.



PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE

8th Election District

ZONING: Petition for Special Exception, Special Hearing and Variance

LOCATION: Northeast corner York and Scott Adam Roads

DATE & TIME: Monday, March 5, 1984 at 1:30 P.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a car wash in combination with a service station (gas and go); Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the conversion of an existing service station to a gas and go operation and Variance to allow 20 stacking spaces for a car wash in lieu of the required 23

Being the property of Roland R. MacKenzie, as shown on plat plan filed with the Zoning Department.

In the event that these Petitions are 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 made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

September 6, 1984

David M. Thomas, Esquire
Suite 200
15 Charles Plaza
Baltimore, MD 21201

Re: Case No. 84-222-XSPHA
Roland R. MacKenzie

Dear Mr. Thomas:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Roland R. MacKenzie
Michael G. Kobin
R. Bruce Alderman, Esquire
Mark Beckwith
Mary Ann Dresler
Gulf Oil Corporation
M. Jayne Wright
Phyllis Cole Friedman
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

9/10/84
9:09
12:00
AUG 10 AM
GREATER WASHINGTON MARYLAND
SERVICE STATION ASSOCIATION, by
its Executive Director,
WILLIAM SHOEMAKER
and
THE C & D CORPORATION
vs.
BALTIMORE COUNTY ZONING
COMMISSIONER

IN THE
BALTIMORE COUNTY
ZONING
BOARD OF APPEALS

Case: 84-222-XSPHA
ROLAND R. MAC KENZIE

ANSWER TO MOTION TO DISMISS THE APPEAL OF THE GRANTING
OF GULF'S PETITIONS FOR ZONING VARIANCE, SPECIAL HEARING
AND SPECIAL EXCEPTION

Now comes Greater Washington Maryland Service Station
Association and The C & D Corporation, by its attorneys, Pfeifer
and Fabian, P.A. and David M. Thomas, and for Answer to Motion
to Dismiss the Appeal says:

To the contention that the Petitioner was untimely in
filing his appeal the Petitioner answers that by the attached
notice he was informed that he had 30-days to appeal which advise
he was entitled to take at face value and so should estop the
government from not entertaining this claim.

To the contention that the parties are not aggrieved the
Petitioner has previously addressed himself by memorandum and is
entitled to represent the parties and be heard with respect to this
issue at the hearing set to convene on August 9, 1984 at 10:00
A.M.

To the contention that the appeal must be dismissed if it
is determined that C & D Corporation and the Greater Washington
Maryland Service Station Association are not aggrieved parties
the Petitioners answer that by the Respondents own citation of
law the case upon appeal is to be heard "as hereinafter provided"
which in §501.6 memo de novo with all parties having a right to
be heard and produce new evidence such as through new or differ-
ent witnesses.

Respectfully submitted,
PFEIFER & FABIAN, P.A.

BY: *David M. Thomas*
DAVID M. THOMAS
Suite 200, 15 Charles Plaza
Baltimore, Maryland 21201
385-0385

COUNTY BOARD OF APPEALS
RECEIVED
AUG 13 P 1:11

-2-

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, That on this 7th day of August,
1984, a copy of the foregoing Answer to Motion was mailed to
M. Jayne Wright, Esquire, P.O. Box 6705, Towson, Maryland
21288-6705; R. Bruce Alderman, Esquire, 305 West Chesapeake Avenue,
Towson, Maryland 21204; Phyllis Cole Friedman and Peter Max
Zimmerman, People's Counsel for Baltimore County, Room 223,
Court House, Towson, Maryland 21204.

David M. Thomas
DAVID M. THOMAS

-3-

APPEALS TO THE
COUNTY BOARD OF APPEALS

1. Appeal must be in writing.
2. Person or persons appealing must be named with addresses given.
3. Appeal must be filed within thirty (30) days from the date of the final Order.
4. Fees for Appeals are as follows:
 - a. Appeals from granting or refusing to grant a Reclassification, Districting or Special Exception - \$70.00 plus the cost of posting.
 - b. Any other appeal from an act or refusal to act by the Zoning Commissioner - \$35.00 plus the cost of posting.
5. Checks for fees must be made payable to BALTIMORE COUNTY, MARYLAND.
6. The Appeal must be addressed whether or not the hearing was before the Zoning Commissioner or the Deputy Zoning Commissioner as follows:

ZONING COMMISSIONER
County Office Building
Towson, Maryland 21204

7. For completed information see Section 500.10 and Section 501.8 of the Baltimore County Zoning Regulations.

William E. Hammond
William E. Hammond
Zoning Commissioner

GREATER WASHINGTON MARYLAND
SERVICE STATION ASSOCIATION, by
its Executive Director,
WILLIAM SHOEMAKER
and
THE C & D CORPORATION
v.
BALTIMORE COUNTY ZONING
COMMISSIONER

IN THE
BALTIMORE COUNTY
BOARD OF APPEALS

CASE: 84-222-XSPHA
ROLAND R. MAC KENZIE

MOTION TO DISMISS THE APPEAL OF THE
GRANTING OF GULF'S PETITIONS FOR ZONING VARIANCE,
SPECIAL HEARING AND SPECIAL EXCEPTION

Now comes the Appellee, Gulf Oil Corporation, by its
attorneys, M. Jayne Wright and Semmes, Bowen & Semmes, and
moves that the Appeal by C & D Corporation and Greater Washington
Maryland Service Station Association be dismissed for the reasons
set forth in Gulf's Memorandum in Support of this Motion.

Respectfully submitted,

M. Jayne Wright
M. Jayne Wright
Semmes, Bowen & Semmes
Semmes, Bowen & Semmes
P. O. Box 6705
Towson, Maryland 21285-6705

I HEREBY CERTIFY that on this 6th day of August, 1984, a
copy of the foregoing Memorandum was mailed to: R. BRUCE ALDER-
MAN, ESQUIRE, 305 W. Chesapeake Avenue, Towson, MD 21204; PHYLLIS
COLE FRIEDMAN and PETER MAX ZIMMERMAN, People's Counsel for Balti-

more County, Room 223, Court House, Towson, MD 21204, and to
DAVID M. THOMAS, ESQUIRE, Suite 2000, 15 Charles Plaza, Baltimore,
MD 21201.

M. Jayne Wright
M. Jayne Wright

GREATER WASHINGTON MARYLAND
SERVICE STATION ASSOCIATION, by
its Executive Director,
WILLIAM SHOEMAKER
and
THE C & D CORPORATION
v.
BALTIMORE COUNTY ZONING
COMMISSIONER

IN THE
BALTIMORE COUNTY
BOARD OF APPEALS

CASE: 84-222-XSPHA

MEMORANDUM IN SUPPORT OF GULF OIL CORPORATION'S
MOTION TO DISMISS THE APPEAL OF THE
GRANTING OF GULF'S PETITIONS FOR ZONING VARIANCE,
SPECIAL HEARING AND SPECIAL EXCEPTION

Now comes the Appellee, Gulf Oil Corporation [hereinafter
referred to as "Gulf"], lessee of the subject property and provides
this Memorandum in Support of its Motion to Dismiss the Appeal of
the Granting of its Petitions for Zoning Variance, Special Hearing,
and Special Exception.

I. INTRODUCTION

Gulf is the lessee of a property in Cockeysville, Baltimore
County, located on the northeast side of the intersection of Scott
Adam Road and York Road, zoned B.L. The property was leased by
Cities Service Oil Company from the owner, Roland R. MacKenzie and
Scotts Corner Joint Venture; Gulf is the successor in interest to
that lease. A gasoline service station was operated on the site
by Citgo until May of 1983. No business has been conducted from
the location since that time.

Gulf desires to reopen the location and has requested a

special exception for a car wash in combination with a service station, a special hearing to allow the conversion of an existing service station to a gas-and-go operation and a variance to allow twenty stacking spaces for the carwash instead of the required twenty-three. At a hearing before Arnold Jablon, Zoning Commissioner, these three Petitions were granted. Mr. Jablon's Opinion, Order, and Amended Order are attached at Exhibit 1. The Opinion and Order were filed on March 23, 1984. The Amended Order was issued on March 30, 1984.

At the hearing before Mr. Jablon, only two potential protestants to the three petitions appeared: Mark Beckwith of C & D Corporation, the owner of three existing carwashes in the Baltimore County/Baltimore City area and President of Banko, Inc., with an interest in a nearby Texaco carwash, and Mary Ann Dresler, a field representative of the Greater Washington Maryland Service Station Association [hereinafter referred to as "GWMSSA"]. Mr. Jablon determined that neither Beckwith nor Dresler were aggrieved parties and, therefore, were not qualified to be parties protestant. They were, however, permitted to testify at the hearing as they were considered to be experts in the operation of carwashes and service stations. Exhibit 1 at pages 2-3.

Both Beckwith, as C & D Corporation, and Dresler, on behalf of the GWMSSA, filed an appeal to this Board from the Zoning Commissioner's decision on April 18, 1984. Therefore, Gulf Oil Corporation, as lessee of the Petitioner, Roland McKenzie, requests that this Board do the following:

- 2 -

1. Dismiss the Appeal as it was not timely filed.
2. If it does not dismiss the Appeal as untimely,
 - a) determine that C & D Corporation and Mark Beckwith, and Mary Ann Dresler and GWMSSA are not aggrieved parties to these Petitions;
 - b) that they have no standing to appeal the decision of the Zoning Commissioner;
 - c) that no other person or organization has filed an appeal from the decision of the Zoning Commissioner;
 - d) that this Appeal is dismissed.

In support of these requests, Gulf Oil Corporation says as follows:

II. THE APPEAL BY C & D CORPORATION AND GWMSSA WAS UNTIMELY AND MUST BE DISMISSED.

Section 500.10 of the Baltimore County Zoning Regulations provides that:

Any person or persons, jointly or severally, or any taxpayer or any official, department, board or bureau of Baltimore County, feeling aggrieved by any decision of the Zoning Commissioner shall have the right to appeal therefrom to the Board of Zoning Appeals. Notice of such appeal shall be filed, in writing, with the Zoning Commissioner within ten days from the date of any final Order appealed from.

Zoning Commissioner Jablon's Findings of Fact and Conclusions of Law with Order, were filed on March 23, 1984. The Order was amended on March 30, 1984. The appeal by C & D Corporation and GWMSSA was not filed until April 18, 1984. See Exhibit 2. It clearly is untimely as it was filed substantially more than ten days after the date of either of Mr. Jablon's Orders. It, therefore, must be dismissed.

- 3 -

III. NEITHER BECKWITH AS C & D CORPORATION NOR DRESSLER AS GWMSSA ARE PARTIES AGGRIEVED BY THESE PETITIONS AND THEREFORE CANNOT BE PARTIES PROTESTANT AND APPEAL FROM ZONING COMMISSIONER JABLON'S DECISION.

Ms. Dresler, on behalf of GWMSSA, appeared at the Zoning Commissioner's hearing as a representative of an association of service station dealers. Mr. Beckwith is involved with the operation of two nearby carwashes, the Timonium Amoco (approximately 2.4 miles from the Gulf site) and a nearby Texaco carwash (approximately 1.4 miles from the Gulf site).

Mr. Jablon's decision declined to recognize Beckwith or Dresler as aggrieved parties or parties protestant, citing *People's Counsel for Baltimore County v. Williams*, 45 Md. App. 617, 415 A.2d 585 (1980). He subsequently requested that the appeal be dismissed for lack of standing in a May 4, 1984 letter to this Board.

Section 500.10 of the Baltimore County Zoning Regulations (BCZR) states that:

Any person or persons, jointly or severally, or any taxpayer or any official, department, board or bureau of Baltimore County, feeling aggrieved by any decision of the Zoning Commissioner shall have the right to appeal therefrom to the Board of Zoning Appeals.

According, Baltimore County Code, §22-32. Both the BCZR and the Code clearly dictate that the status required is conjunctive--to have standing, one must be both a person, taxpayer or Baltimore County official and aggrieved. Although Beckwith and Dresler, and their respective organizations, may meet the status of "person or persons" or "taxpayer", they do not meet the definition of

- 4 -

"aggrieved".

In *Brynarski v. Montgomery County Board of Appeals*, the Maryland Court of Appeals reviewed the meaning of "aggrieved" as used in this context, and concluded that:

[G]enerally speaking, the decisions indicate that a person aggrieved by the decision of a board of zoning appeals is one whose personal or property rights are adversely affected by the decision of the board. The decision must not only affect a matter in which the protestant has a specific interest or property right but his interest therein must be such that he is personally and specially affected in a way different from that suffered by the public generally.

247 Md. 137, 144 (1966).

While "an adjoining, confronting, or nearby property owner is deemed, *prima facie*, to be specially damaged and, therefore, a person aggrieved," "a person whose property is far removed from the subject property ordinarily will not be considered a person aggrieved", unless he demonstrates that "his personal or property rights are specially and adversely affected...." *Brynarski v. Montgomery County*, 246 Md. at 145. The C & D property is over two miles from the Gulf property. Clearly, this is too great a distance to qualify as a "nearby" property owner. See, e.g., *Shore Acres v. Anne Arundel County*, 251 Md. 310 (1968) (denied standing to Improvement Association whose property was 3,760 feet in straight line, 9,400 feet by road, and out of sight of property

The "aggrieved" language governing appeals from the Zoning Commissioner's ruling is identical to that governing appeals from the Board to the Court system. Balto. Co. Charter, Art. XI, §604. In order to appeal at either level, a person must be aggrieved. To appeal a Board decision, a person must also be a party to the Board proceeding.

- 5 -

for which rezoning was requested); *Loughborough v. Rivermass*, 213 Md. 239, 131 A.2d 433 (1960) (property one-half mile away and out of view did not give standing absent special damage); *Kreatchman v. Ramsburg*, 224 Md. 209, 167 A.2d 345 (1961) (property owner one and one-half miles away did not have standing).

Dresler and GWMSSA, or its director, Shoemaker, have made no claim of property ownership in the State of Maryland, much less in Baltimore County. Clearly neither qualifies on a *prima facie* basis as an aggrieved party based on proximity.

The next question, therefore, is whether either appellant can demonstrate that his "personal or property rights are adversely affected." The appellant must demonstrate that he is personally and specially affected in a way different from the public at large. *Dubay v. Crane*, 240 Md. 180, 185 (1964); accord, *People's Counsel v. Williams*, 45 Md. App. 617, 415 A.2d 585 (1980). The burden of showing such special impact "either before the board or in the court on appeal if his standing is challenged" (emphasis added) is on the appellant. *Brynarski* at 144.

By his own testimony before the Commissioner, Beckwith's only reasons for protesting are to avoid competition with his existing carwashes. Clearly, this does not represent the requisite special impact. Prevention of competition is not a proper element of zoning. *Kreatchman v. Ramsburg*, 224 Md. 209, 167 A.2d 345, 351 (1961) (attempt to prevent potentially competing liquor store). "A competitor is usually not regarded as an 'aggrieved party'." *Id.* The *Kreatchman* court extensively discussed a

- 6 -

Massachusetts case, *Circle Lounge & Grill, Inc. v. Board of Appeals*, 324 Mass. 427, 86 N.E. 2d 920 in reaching its decision. *Kreatchman* at 351-2. The *Circle Lounge* case involved an attempt to place a restaurant in a residence area. In denying standing to a nearby restaurant challenging the use, the Court stated that:

the residence zone...was established to protect that zone against business and manufacturing uses. It was not established to protect the plaintiff's restaurant.... The residence zone was designed to protect residence against business. It was not designed to protect business against business.

Similarly, Beckwith and GWMSSA, an organization to which Beckwith belongs, should not be permitted to use zoning regulations offensively to protect themselves from potential competition. Such is not the purpose of the regulations and is insufficient to constitute either Beckwith or GWMSSA an aggrieved party.

Although Beckwith and GWMSSA expressed concerns over traffic patterns at the Zoning Commissioner's hearing, this too is insufficient to give them standing to appeal the decision, as the interest is not "personal and specific" as distinguished from that of the public at large. In *Wilkinson v. Atkinson*, 242 Md. 235 (1965), the Court denied a similar attempt to gain standing based on the possibility of increased traffic from a site one and one-tenth miles or seven-tenths of a mile away, as the inconvenience was "one likely to be suffered by any member of the public." *Wilkinson* at 234.

Counsel for Beckwith and GWMSSA, et al, in a May 14, 1984 letter to the Board claims that *Lucky Stores v. Board of Appeals* of Montgomery County, 270 Md. 513, 312 A.2d 759 (1973), confers

- 7 -

upon both GWMSSA and Beckwith the status of "aggrieved parties". This it does not do. The case merely indicates that the GWMSSA and local dealers appeared as witnesses in a hearing on a special exception. Mr. Beckwith and Ms. Dresler were allowed to appear as witnesses at the Zoning Commissioner's hearing. This does not confer the status of aggrieved party upon them, nor does it permit them to file this appeal.

In summation, there are no grounds on which GWMSSA and Beckwith qualify as aggrieved parties. The appeal should therefore be dismissed.

IV. ASSUMING THE DETERMINATION THAT GWMSSA AND BECKWITH ARE NOT AGGRIEVED PARTIES, THE APPEAL MUST BE DISMISSED AND THE ORDER OF ZONING COMMISSIONER BE PUT INTO EFFECT.

Section 500.10 of the BCZR states that:

Notice of such appeal shall be filed, in writing, with the Zoning Commissioner within ten days from the date of any final Order appealed from. Such appeals shall be heard and disposed of by the Board of Zoning Appeals as hereinafter provided. [BCZR, 1955.]

If it is determined that Beckwith and GWMSSA do not have standing to prosecute this appeal as they are not aggrieved parties, no appellants remain and the appeal must be dismissed in its entirety. *Kennerly v. Balto. City*, 247 Md. 601, 606 (1966).

Respectfully submitted,

M. Jayne Wright
M. Jayne Wright

- 8 -

Semmes Bowen & Semmes
Semmes, Bowen & Semmes
P. O. Box 6705
Towson, Maryland 21285-6705

I HEREBY CERTIFY that on this 6th day of August, 1984, a copy of the foregoing Memorandum was mailed to: R. BRUCE ALDERMAN, ESQUIRE, 305 W. Chesapeake Avenue, Towson, MD 21204; PHYLLIS COLE FRIEDMAN and PETER MAX ZIMMERMAN, People's Counsel for Baltimore County, Room 223, Court House, Towson, MD 21204, and to DAVID M. THOMAS, ESQUIRE, Suite 2000, 15 Charles Plaza, Baltimore, MD 21201.

M. Jayne Wright
M. Jayne Wright

- 9 -

IN RE: PETITIONS SPECIAL EXCEPTION,
SPECIAL HEARING, AND ZONING
VARIANCE
NE corner of York and Scott
Adam Roads - 8th Election
District
Roland R. MacKenzie,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-222-XSPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein, by the Lessee of the subject property, Gulf Oil Corporation (Gulf), requests a special exception for a car wash in combination with a service station (gas and go), a special hearing to allow the conversion of an existing service station to a gas and go operation, and a variance to allow 20 stacking spaces for the car wash instead of the required 23, as more fully described on Petitioner's Exhibit 7.

Gulf, by its engineer, Michael Kobin; its engineering supervisor, Wayne Jones; and its Director of Real Estate, William Shrader, appeared and testified. The owner of the property at issue, Scotts Corners Joint Venture (Scotts Corners), by its Counsel, appeared. Also testifying were Mary Ann Dresler and Mark Beckwith, who, although not aggrieved parties to the issues presented, had concerns about the proposed requests.

Testimony indicated that the Cities Service Oil Company entered into a lease agreement with Scotts Corners in 1967 to use the site as a service station. Subsequent to that agreement, Gulf became the successor in interest to that lease agreement. Gulf operated a service station on the site until it was closed in May, 1983 and would now like to convert the station to a gas and go operation and combine it with a car wash facility. The subject property, zoned B.L., requires a special exception for the car wash.

Scotts Corners previously objected to the filing of the subject petitions because it was not made a party thereto and had not given its approval. However, as a result of an agreement entered into by and between Scotts Corners and Gulf, this objection is withdrawn. See Petitioner's Exhibit 8.

Gulf wishes to convert the service station to a gas and go and to add a 16' x 40' single-bay automatic car wash. The gas and go will have four attached fuel dispensers which will enable eight automobiles to be serviced. There will also be a kiosk for the cashier. Cars will enter the car wash from the west end and exit by the east end to Scott Adam Road. The car wash is designed for quick service, allowing approximately 60 or 70 seconds per car to be washed but not dried. Based on the manufacturer's claims, it is estimated that 25 cars can be serviced per hour. No attendant will be present.

Testimony presented by the Lessee indicated that the car wash is aimed at existing traffic and would not create additional traffic congestion. Further, if the special exception were to be granted, Gulf requests a variance to allow 20 stacking spaces instead of the required 23 spaces. Based on prior experience, Gulf testified that the full complement of stacking spaces would never be used, i.e., 20 spaces could fully serve the property (the average is about five or six cars awaiting service). Also, 23 spaces would take up all of the available space. There would not be enough room to operate the car wash and gas and go.

Mr. Beckwith, owner of competitive car wash operations, and Ms. Dresler, Field Representative for the Greater Washington-Maryland Service Station Associations, argued against the need for another car wash and gas and go operation and further contend that additional traffic congestion will occur. Inasmuch as neither are aggrieved parties, they are not qualified to be parties protestant. An "aggrieved party" is any property owner or person having an interest in

property which is or may be adversely affected by a zoning decision. There must be a specific, personal, and legal interest in the subject matter as distinguished from a general interest. People's Counsel for Baltimore County v. Williams, 415 A.2d 585 (1980). Mr. Beckwith and Ms. Dresler do not meet this definition. Although not aggrieved, and therefore not Protestants, their testimony was permitted and considered since they are experts in the areas under consideration herein. They both have extensive experience in the operation of car washes and of service stations, and this experience adds important insight into the herein requests. Some of these suggestions will be incorporated into this decision as restrictions.

The Petitioner/Lessee seeks permission to convert the existing service station to a gas and go operation pursuant to Section 500.7; a car wash in combination with a service station (gas and go) under Section 230.13, pursuant to Section 502.1; and relief from Section 419.2, pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

After due consideration of the evidence and testimony presented, it is determined that the conversion of the existing service station to a gas and go would not adversely affect the health, safety, and general welfare of the community. Certainly, active use of the property as opposed to a vacant service station as presently existing is preferable, and the proposed use would be a positive improvement. There would be no increase in traffic resulting therefrom, and the uses proposed would serve only the existing traffic on the York Road corridor.

It is clear that the BCZR permit the uses requested in the B.L. Zone by special exception. It is equally clear that the proposed uses would not be detrimental to the primary uses in the vicinity of the proposed uses. Therefore,

3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

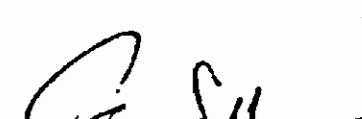
Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). It is clear from the testimony that if the variance were granted, such uses as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception, special hearing, and variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of March, 1984, that the Petition for Special Exception for a car wash in combination with a service station (gas and go), the Petition for Special Hearing to allow the conversion of an existing service station to a gas and go operation, and the Petition for Variance to allow 20 stacking spaces for the car wash in lieu of the required 23 spaces, in accordance with the site plan introduced and accepted into evidence as Petitioner's Exhibit 7, be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

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 applicable 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. The gas and go and car wash operations shall be self-service only.
3. Traffic flow signs shall be appropriately placed on the subject property to direct users to the car wash and gas and go operations and for ingress and egress purposes.
4. Ingress only shall be from the entrance on York Road furthest removed from Scott Adam Road.
5. Attendants shall not be employed or provided to wipe or dry any vehicles using the car wash facility nor to operate or help with the vacuum machines other than to repair the machinery in case of malfunction or to make change for the customers.
6. No vehicles shall be permitted to stack up on any public access road awaiting ingress to the subject site. An attendant must be provided at such entrance to motion said vehicles forward so that traffic will not be impeded.
7. The vacuum machinery shall be located at the corner of York and Scott Adam Roads (where the underground tanks are proposed to be located), rather than as shown on Petitioner's Exhibit 7.
8. The car wash shall operate only with coins or by code.
9. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZPAC), which are adopted in their entirety and made a part of this Order.
10. A final site plan shall be submitted to the Zoning Office.


Zoning Commissioner of
Baltimore County

IN RE: PETITIONS SPECIAL EXCEPTION,
SPECIAL HEARING, AND ZONING
VARIANCE
NE corner of York and Scott
Adam Roads - 8th Election
District
Roland R. MacKenzie,
Petitioner

BEFORE THE
ZONING COMMISSIONER OF
BALTIMORE COUNTY
Case No. 84-222-XSPHA

AMENDED ORDER

The Order of the Zoning Commissioner, dated 23 March 1984, in the above captioned matter shall be and is hereby amended as follows:

Restriction 1: Egress only shall be from the entrance on York Road furthest removed from Scott Adam Road.

All conclusions and determinations as set forth therein except for the above are applicable in their entirety and continue to be controlling.


Zoning Commissioner of
Baltimore County

cc: People's Counsel
Bruce Alderman, Esq.
Michael Tobin

it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for should be granted, with certain restrictions as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed uses met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed uses would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the uses proposed do not show that the proposed uses at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed uses will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

An area variance may be granted where strict application of the zoning regulation 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 performance 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

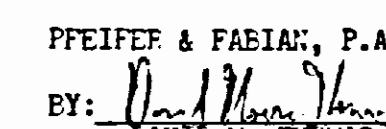
GREATER WASHINGTON MARYLAND
SERVICE STATION ASSOCIATION
By its Executive Director
WILLIAM SHOEMAKER
9200 Edmonston Road
Suite 304
Greenbelt, Maryland 20070

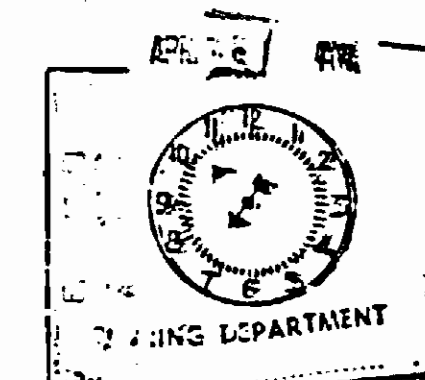
and
THE C & D CORPORATION
By its Vice President
MARK BECKWITH
6247 Falls Road
Baltimore, Maryland 21209

vs.
BALTIMORE COUNTY ZONING COMMISSIONER
111 W. Chesapeake Avenue
Towson, Maryland 21204

ORDER FOR APPEAL

The Greater Washington Maryland Service Station Association, by and through its Executive Director, William Shoemaker, an interested, aggrieved party, together with C & D Corporation and Baltimore County taxpayer, nearby business and interested party, both having participated at the hearing before the Zoning Commissioner and both feeling aggrieved by the decision of the said Zoning Commissioner, do hereby jointly and severally appeal to the Baltimore County Board of Appeals in Case No.: 84-222-XSPHA by and through their attorney, Pfeiffer & Fabian, P.A. and David M. Thomas, Esquire, this Board being the appropriate body of appellate decision and the date of the aforesaid decision being March 23, 1984.

PFIEFFER & FABIAN, P.A.
BY: 
DAVID M. THOMAS
Suite 200 - 15 Charles Plaza
Baltimore, Maryland 21201
355-0355



LAW OFFICES
PFEIFER & FABIAN, P.A.

SUITE 200
15 CHARLES PLAZA
BALTIMORE, MARYLAND 21201

May 14, 1984

Mr. William T. Hackett
County Board of Appeals
Old Court House
Towson, Maryland 21204

RE: Case No. 84-222-XSPHA

Dear Mr. Hackett:

Since by letter of May 4, 1984 the Zoning Commissioner has purported to "move" that "the instant appeal be dismissed", I feel obligated by letter to answer.

1. Court of Special Appeals case cited by the Commissioner, People's Council for Baltimore County v. Williams, deals with an appeal from the Board of Municipal and Zoning Appeals to the Circuit Court, which is not the case here.

2. That case goes on to say that the status of one as an aggrieved party must be determined on a case by case basis (415 A2d at 587).

3. That the status of the very protestant here, that of GWMSSA itself on this point has been established by Maryland's highest court in Lucky Stores vs. Board of Appeals of Montgomery County, 270 Md. 513, 312 A2d 755 (1973) at pp. 762 & 770-771.

4. Mr. Beckwith's status as an interested party is also made clear by Lucky Stores at pp. 762-763, 766 & 770.

RECEIVED
COUNTY BOARD OF APPEALS
MAY 24 1984

William T. Hackett Page 2 May 14, 1984

5. Last of the merits of the case, as to the Zoning Commissioner's ignoring of Section 157 F of the Tax Code is throughout the opinion, perhaps most succinctly set forth at pages 768 and 769.

Very truly yours,

DAVID M. THOMAS

DMT/mg
cc: Bruce Alderman, Esquire
Michael G. Kobin

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

May 4, 1984

Mr. William T. Hackett
County Board of Appeals
Old Court House
Towson, Maryland 21204

RE: Case No. 84-222-XSPHA
Roland R. MacKenzie, Petitioner

Dear Mr. Hackett:

The above captioned matter has been appealed to the County Board of Appeals from the decision of the Zoning Commissioner.

It was the opinion of this Commissioner at that hearing that the parties appealing to the Board herein were not "aggrieved" parties and therefore had no standing as Protestants. It is my position that this is true here and that the Appellants do not have standing to appeal under Section 500.10, Baltimore County Zoning Regulations (BCZR), as they do not satisfy the requisites delineated in People's Council for Baltimore County v. Williams, 415A. 2d 585 (1980).

It is respectfully moved that the instant appeal be dismissed.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:eh

cc: David M. Thomas, Esquire
R. Bruce Alderman, Esquire
Mr. Michael G. Kobin

RECEIVED
COUNTY BOARD OF APPEALS
MAY 17 1984

5/2/84 - Following were notified of hearing set for Thurs. Aug. 9, 1984, at 10 a.m.:

R. MacKenzie
Michael Kobin
Bruce Alderman
Mark Beckwith
Mary A. Dresler
David Thomas
Gulf Oil Corp.
People's Counsel
N. Gerber
J. Howell
A. Jablon
J. Jung
J. Dyer

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR SPECIAL HEARING * ZONING COMMISSIONER
PETITION FOR VARIANCE *
NE Corner York & Scott Adam * OF
Rds., 8th District * BALTIMORE COUNTY
ROLAND R. MacKENZIE, Petitioner * Case: 84-222-XSPHA

ENTRY OF APPEARANCE

Please enter the appearance of M. Jayne Wright and Semmes, Bowen & Semmes in the above-captioned matter on behalf of Gulf Oil Corporation, the Lessee. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

M. Jayne Wright
M. Jayne Wright

Semmes, Bowen & Semmes
P.O. Box 6705
Towson, Maryland 21285-6705
(301) 296-4400

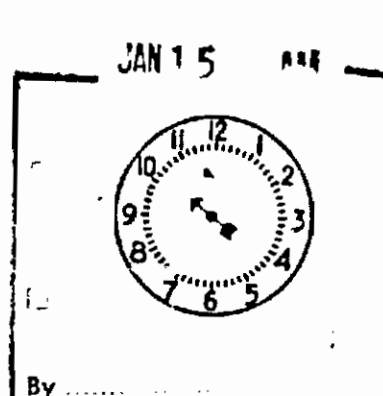
I HEREBY CERTIFY that on this 30th day of July, 1984, a copy of the foregoing Entry of Appearance was mailed to: MR. ROLAND R. MACKENZIE, 2324 W. Joppa Road, Timonium, MD 21093, Petitioner; Mr. Michael G. Kobin, STV/Lyon Associates, Inc., 7131 Rutherford Road, Baltimore, MD 21207 and Phyllis Cole Friedman and Peter Max Zimmerman, People's Counsel for Baltimore County, Room 223, Court House, Towson, MD 21204, and to DAVID M. THOMAS, ESQUIRE, Suite 2000, 15 Charles Plaza, Baltimore, MD 21201.

M. Jayne Wright
M. Jayne Wright

RECEIVED
COUNTY BOARD OF APPEALS
MAY 30 1984

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

January 14, 1985



Mr. Arnold Jablon
Zoning Commissioner for Baltimore County
County Office Bldg.
Towson, Md. 21204

Re: Case No. 84-222-XSPHA
Roland R. MacKenzie

Dear Mr. Jablon:

I have been contacted by Ms. Jane Wright, Attorney for the Petitioner, Gulf Oil Corporation, in the above case.

She has requested that we amend our Order to certify that the Board of Appeals has no objection to the erection of a storage office on the subject property. In reviewing the revised plat, this storage office is located so as not to cause any disturbance to the contemplated stacking spaces or other issues which the Board considered. Therefore, we have no objection to an amendment to the plat of adding this 9 ft. by 12 ft. storage office.

Enclosed is the proposed Amended Order, which the Board will execute and enter on its next scheduled hearing date, January 17, 1985.

If you have any questions in this regard, please contact me.

Very truly yours,

Lawrence E. Schmidt
County Board of Appeals

LSjh
Encl.

IN THE MATTER OF : BEFORE
OF THE APPLICATION OF :
ROLAND R. MacKENZIE : COUNTY BOARD OF APPEALS
FOR SPECIAL EXCEPTION :
FOR CAR WASH IN : OF
COMBINATION WITH SERVICE :
STATION; SPECIAL HEARING :
FOR CONVERSION TO GAS & : BALTIMORE COUNTY
GO AND VARIANCE FROM :
Sec. 419.2 OF THE BALTIMORE :
COUNTY ZONING REGULATIONS : No. 84-222-XSPHA
NE CORNER YORK and :
SCOTT ADAM ROADS :
8th DISTRICT :

AMENDED ORDER

The Order of the County Board of Appeals of Baltimore County, dated September 6, 1984, in the above captioned matter, shall be and is hereby amended as follows:

1. The request of the Petitioners to erect a 9 ft. by 12 ft. storage office in the rear portion of the property as more fully described in site plan drawing #7363-52-001 by Lyon Associates, Inc., is hereby granted.

All conclusions and determinations as set forth in the Board's original Order except for the above are applicable in their entirety and continue to be controlling.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Lawrence E. Schmidt

Leroy B. Spurrier

Date:



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

May 2, 1984

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 84-222-XSPHA

ROLAND R. MACKENZIE

NE/cor. York and Scott Adam Rds.

8th District

SE-car wash in combo w/service station
SH-conversion to a gas & go
Var.-20 stacking spaces for car wash in
lieu of req. 23

3/23/84 - Z.C. Order-GRANTED w/restrictions

THURSDAY, AUGUST 9, 1984, at 10 a.m.

ASSIGNED FOR:

cc: Roland MacKenzie

Michael Kobin

R. Bruce Alderman, Esq.

Mark Beckwith

Mary A. Dresler

David M. Thomas, Esq.

People's Counsel

N. Gerber

J. Howell

A. Jablon

J. Jung

J. Dyer

Gulf Oil Corporation

Petitioner

Petitioner's Engineer

Counsel for Petitioner

Protestant

Protestant

Counsel for Greater Washington-Maryland
Service Station Assoc. and C & D Corp.

Contract Purchaser

FEB 5 1985

94-222-XS11A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8 Date of Posting 5/16/84
Posted for: Board of Appeals
Petitioner: Roland R. MacKenzie
Location of property: NE 1/4 York & Scott Adam Roads
Location of Signs: faucing intersection of York & Scott Adam
Remarks: _____
Posted by: Alan D. Coleman Date of return: 5/19/84
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE & REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

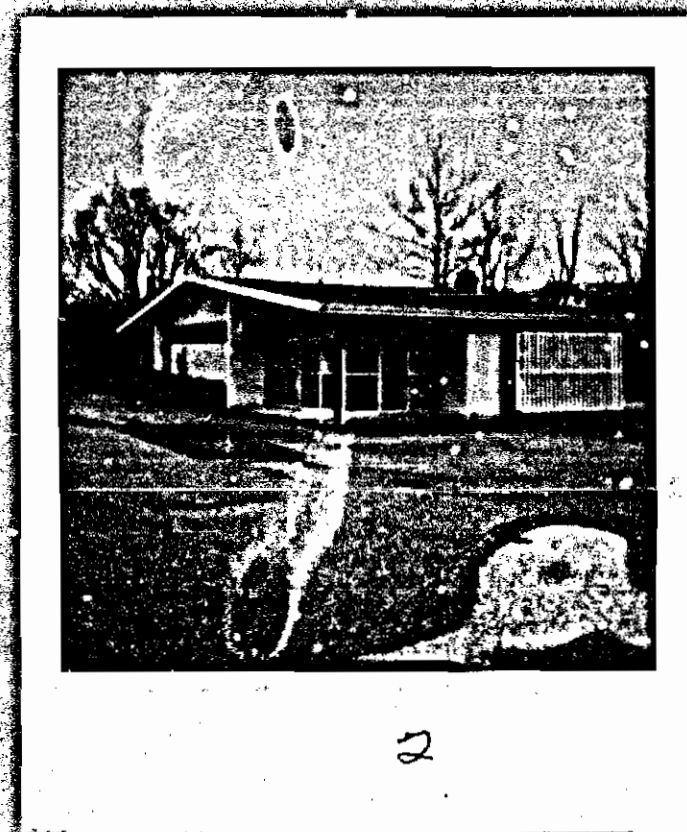
No. 85151

DATE 7/30/84 ACCOUNT 01.712
AMOUNT \$ 27.50

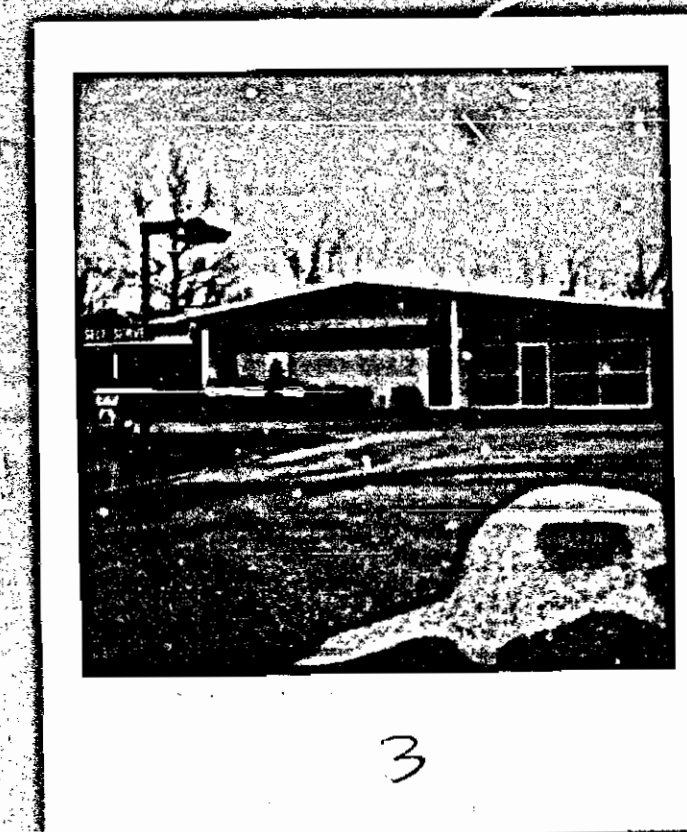
RECEIVED FROM: Semmes, Bowen & Semmes, Box 6705, Towson, Md. 21204
FOR: Copies of File No. 84-222-XSPHA, Roland MacKenzie

8-352*****27501a 8302F
VALIDATION OR SIGNATURE OF CASHIER

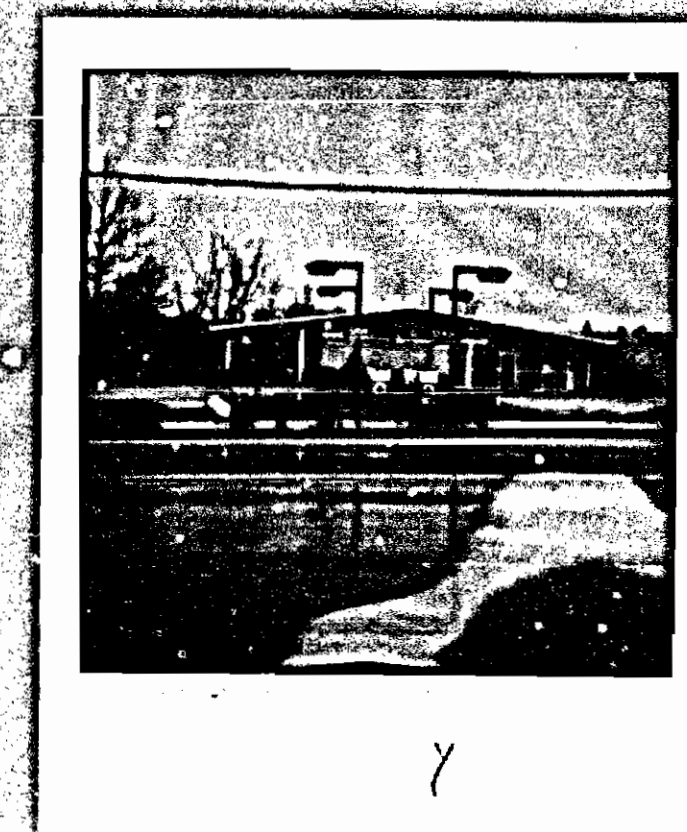
#84-222-XSPHA 8th District
NE corner York and Scott Adam Roads
Roland R. MacKenzie
1 SIGN



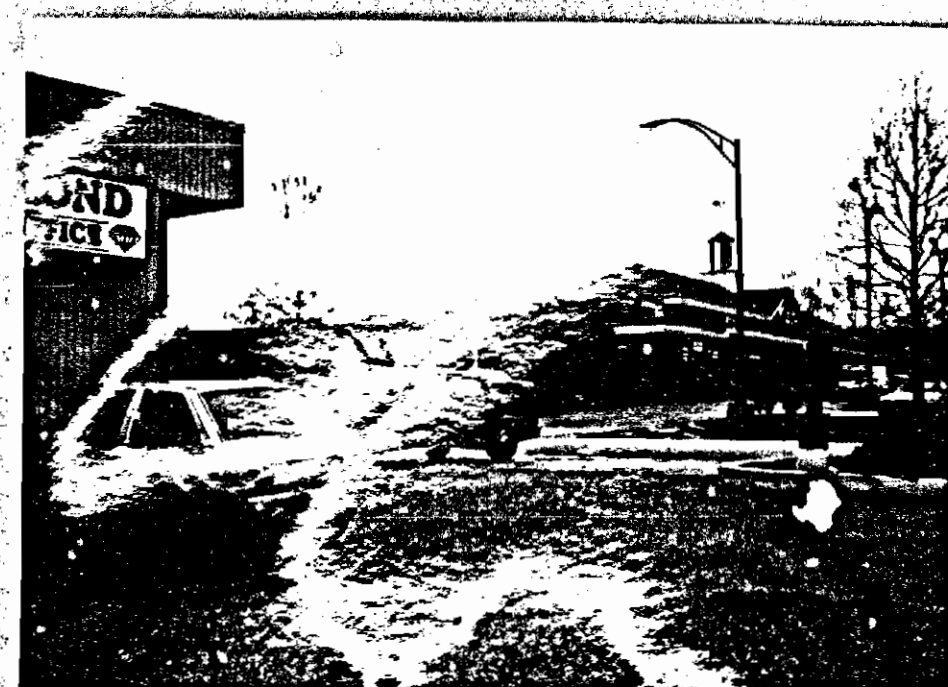
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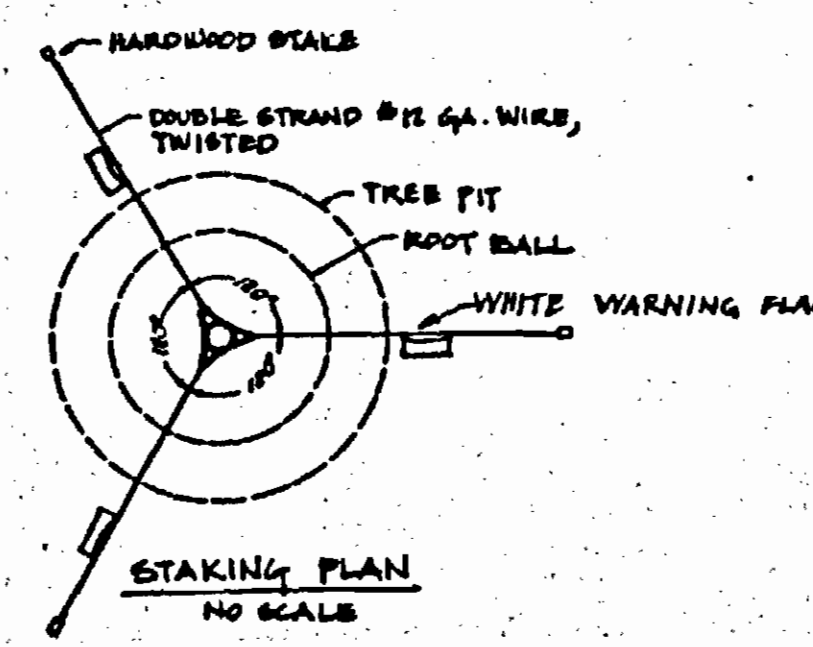
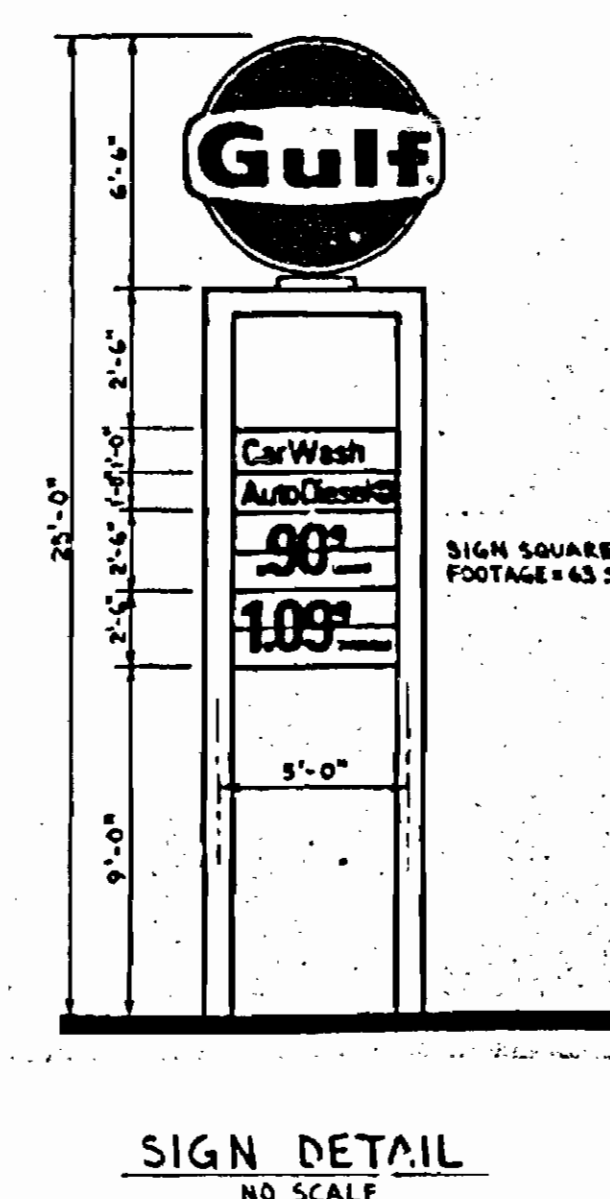
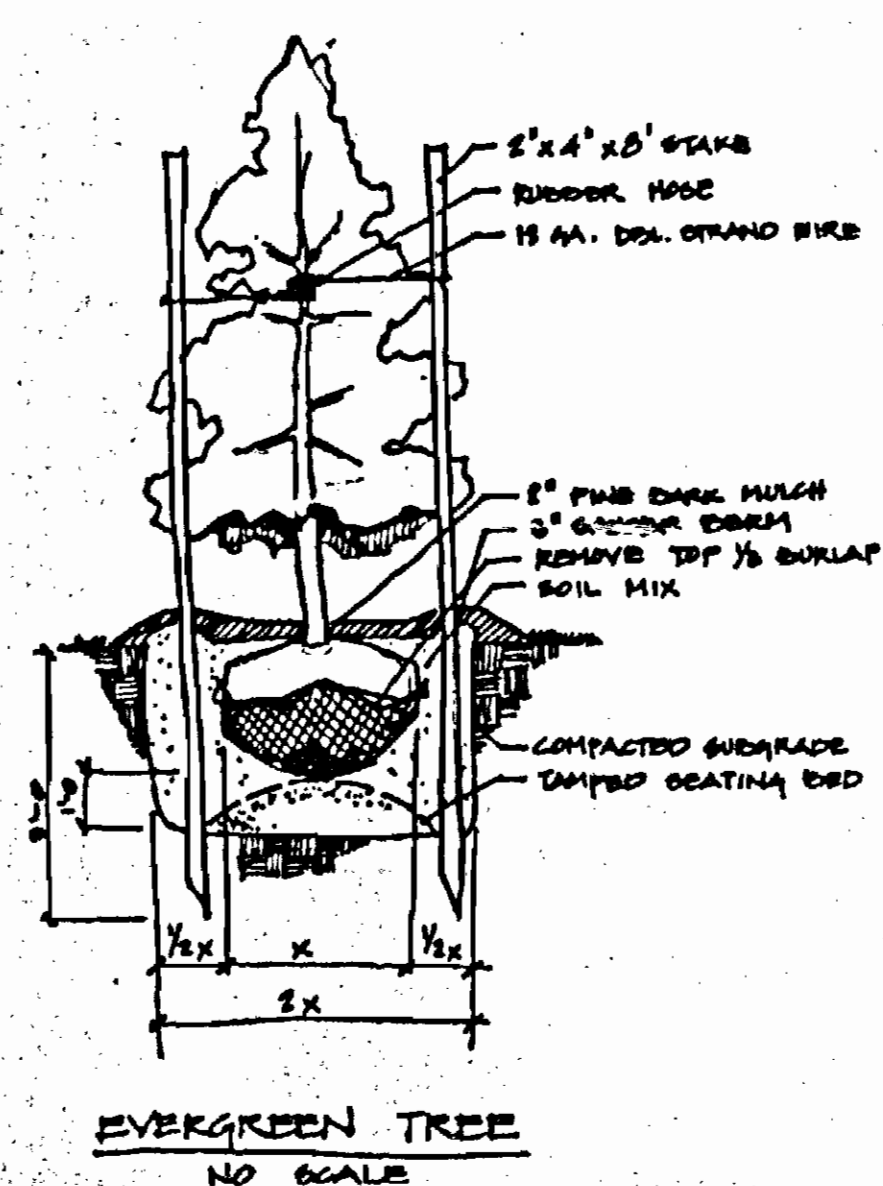
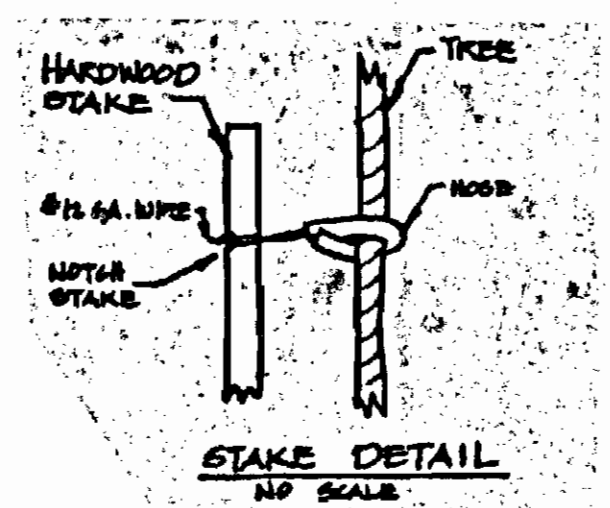
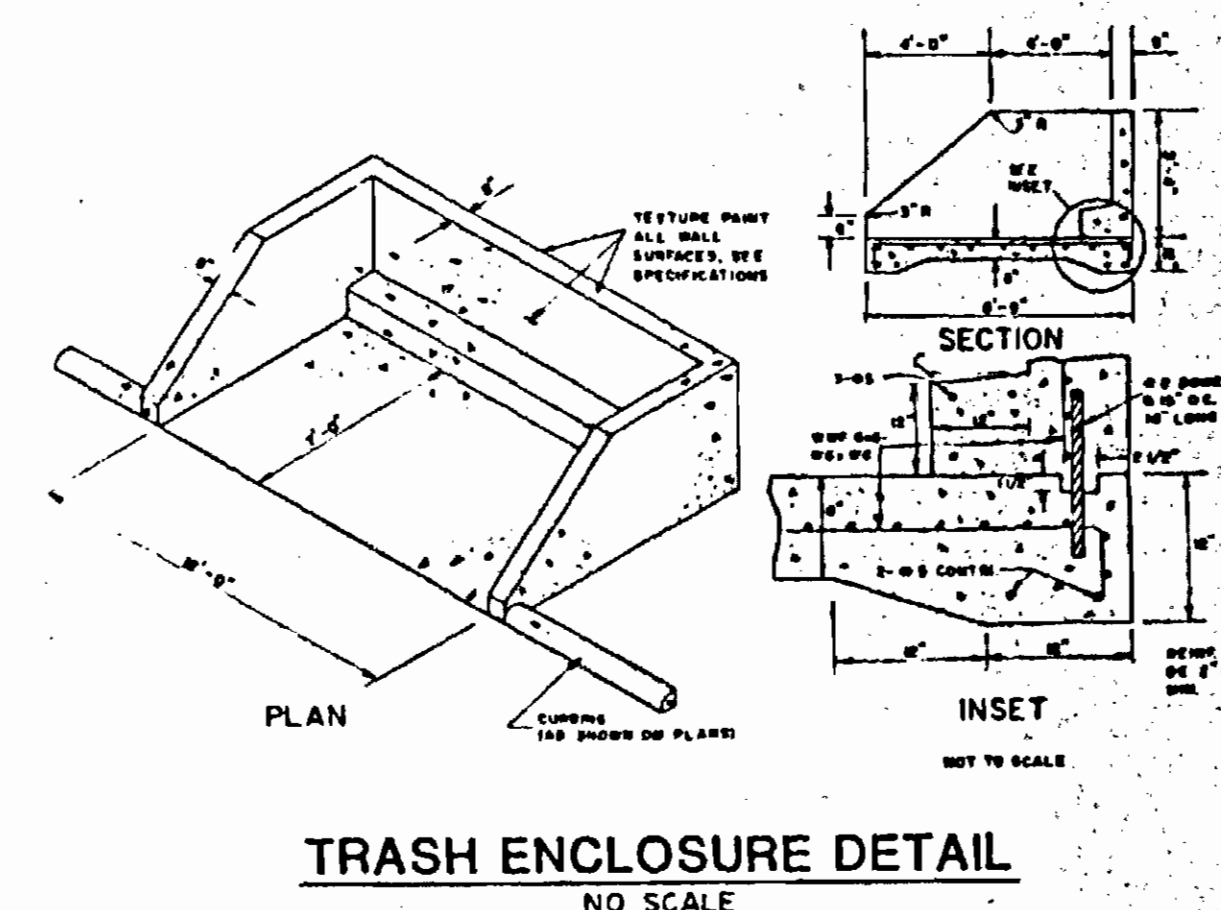
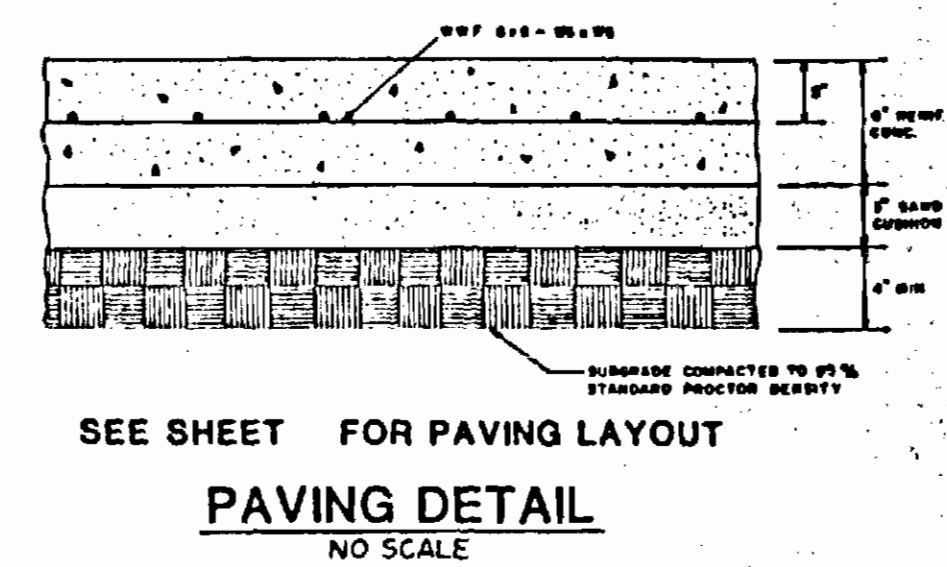
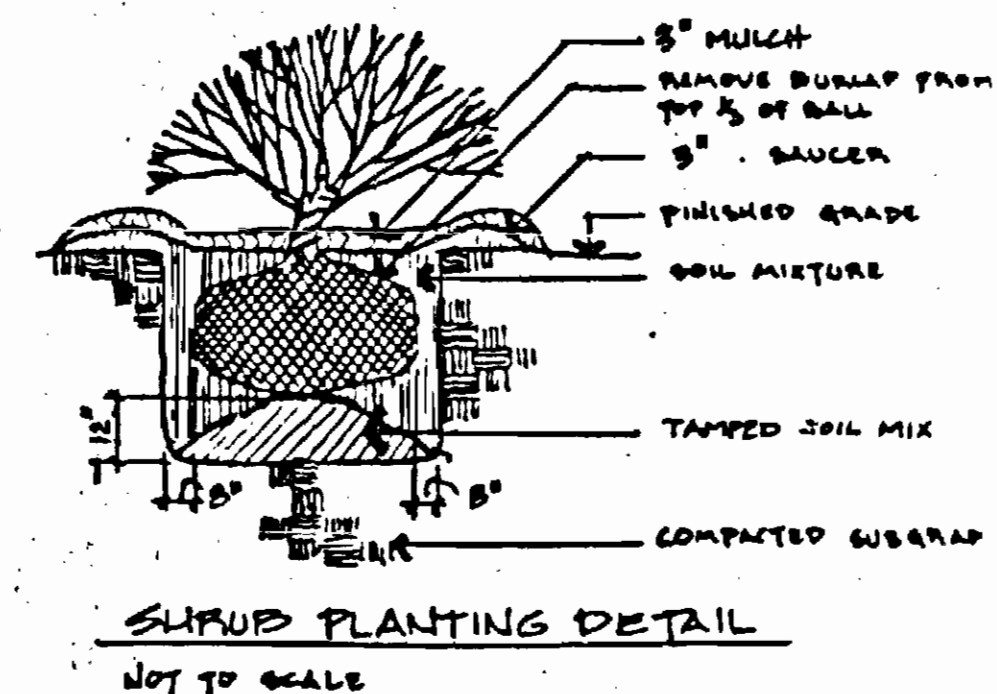
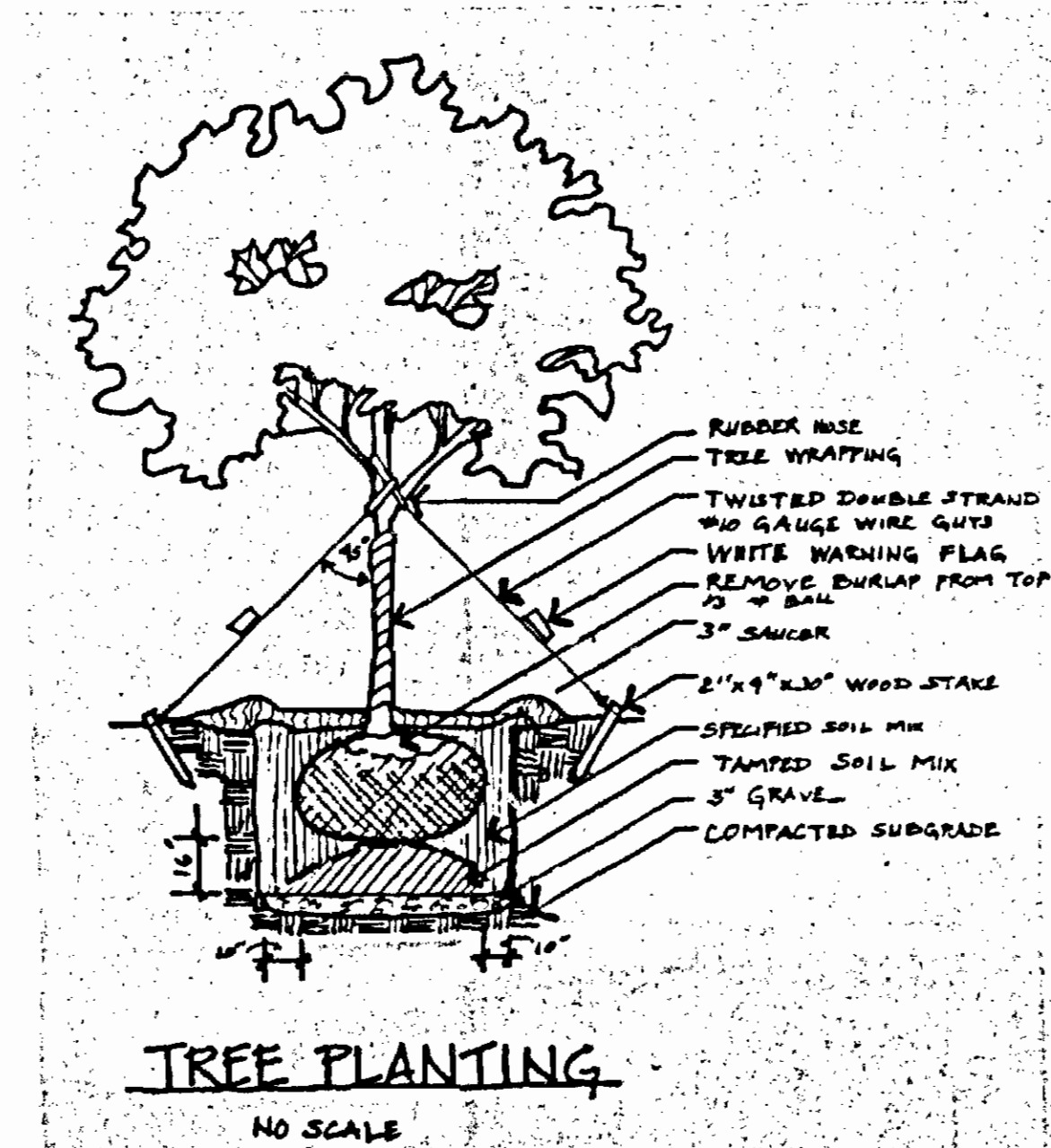
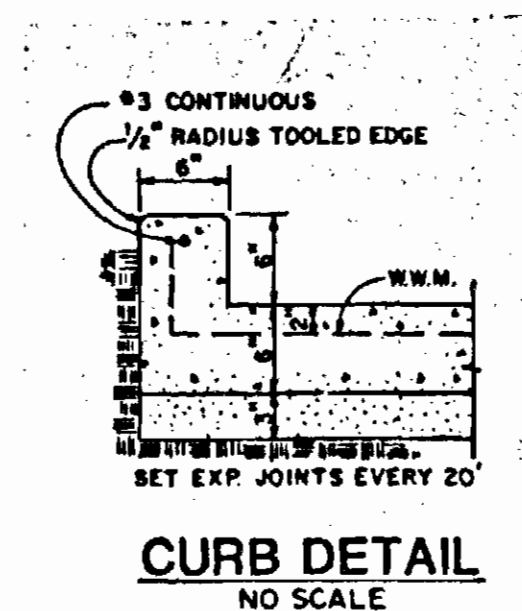
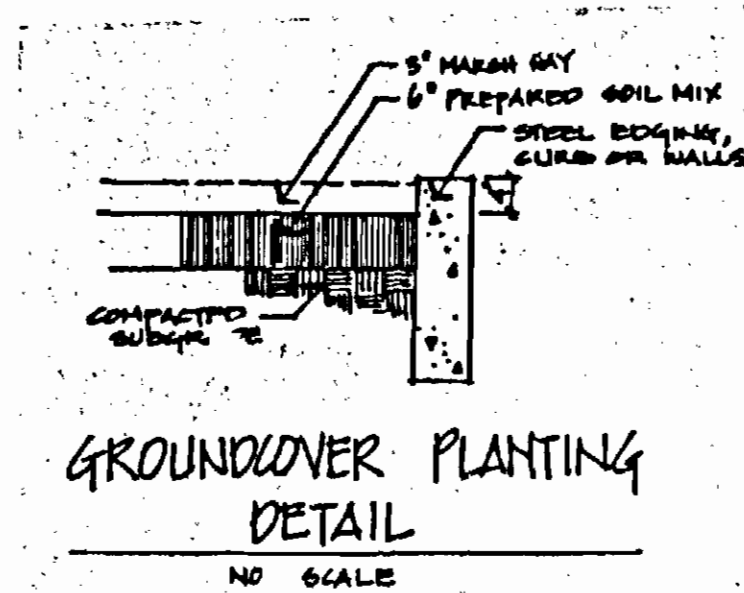
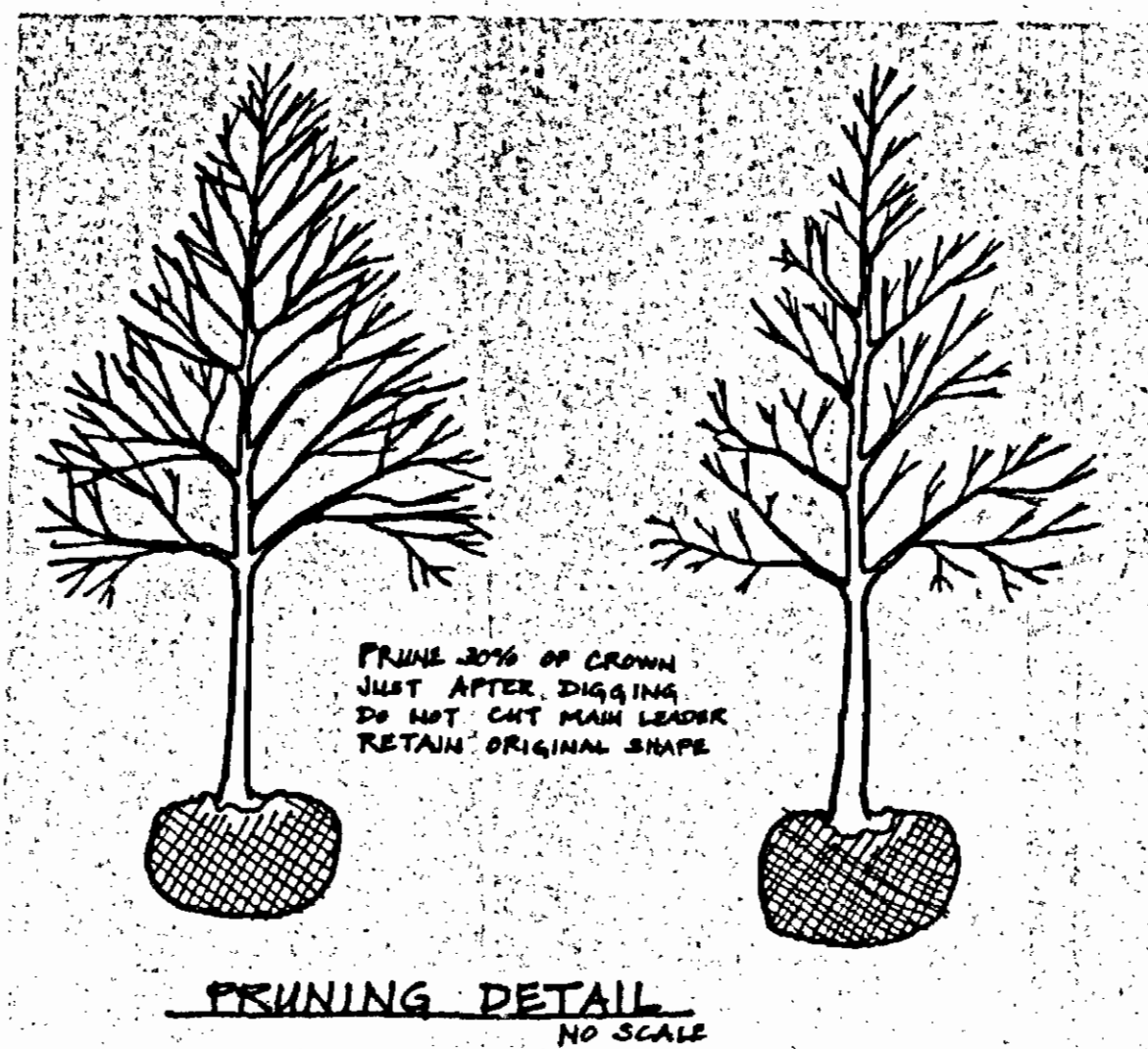


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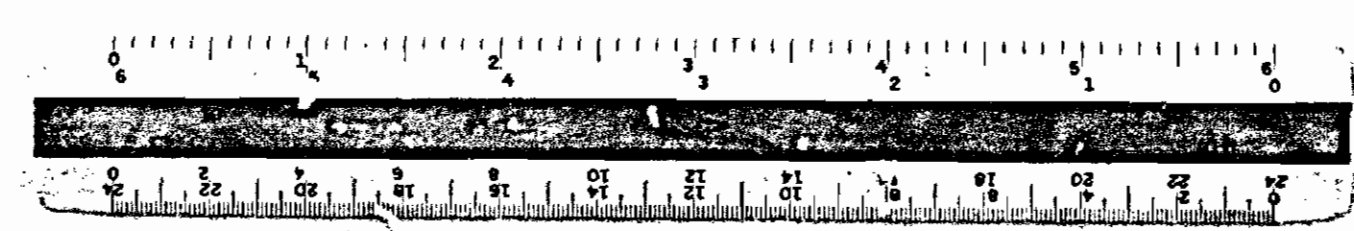


PETITIONER'S EXHIBIT 8



LYON ASSOCIATES, INC.
Engineers Surveyors Planners
7131 Rutherford Road, Baltimore, Maryland 21207
Telephone: 301-944-9112

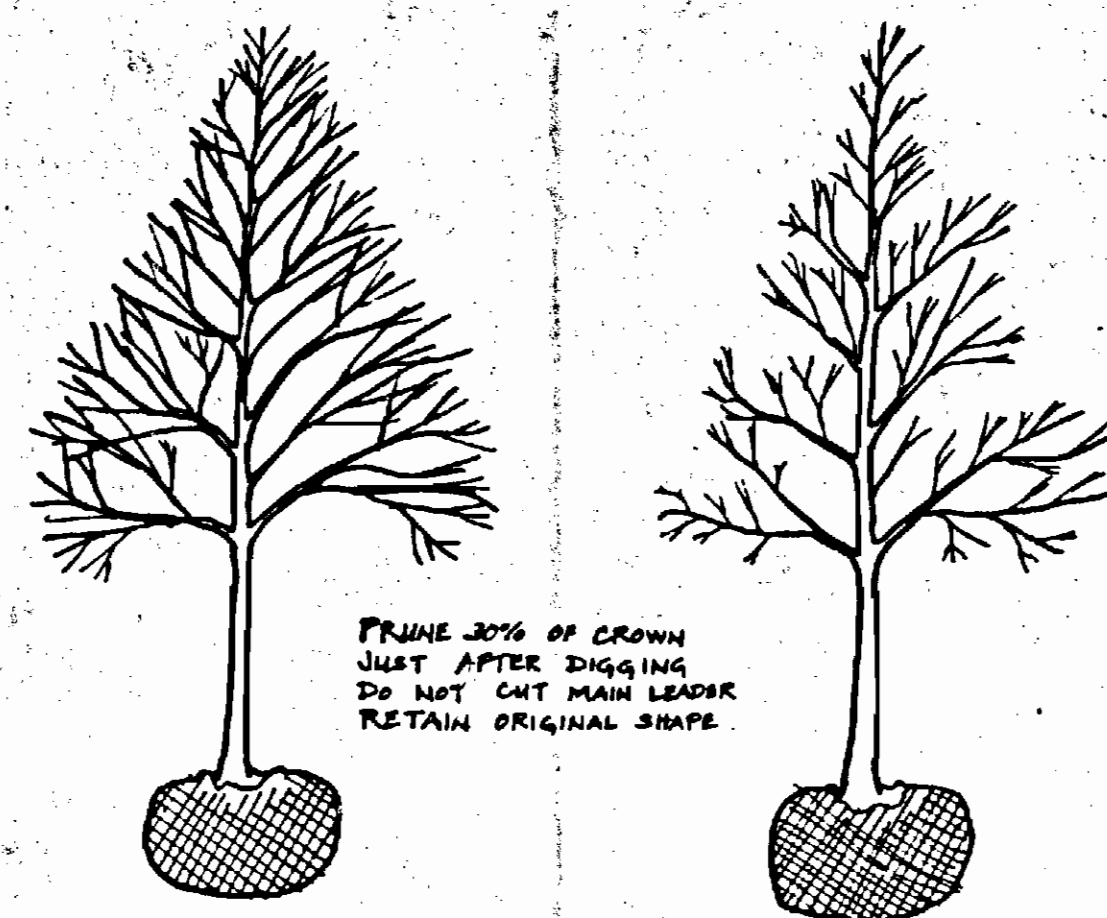
REVISIONS		
NO.	DATE	DESCRIPTION



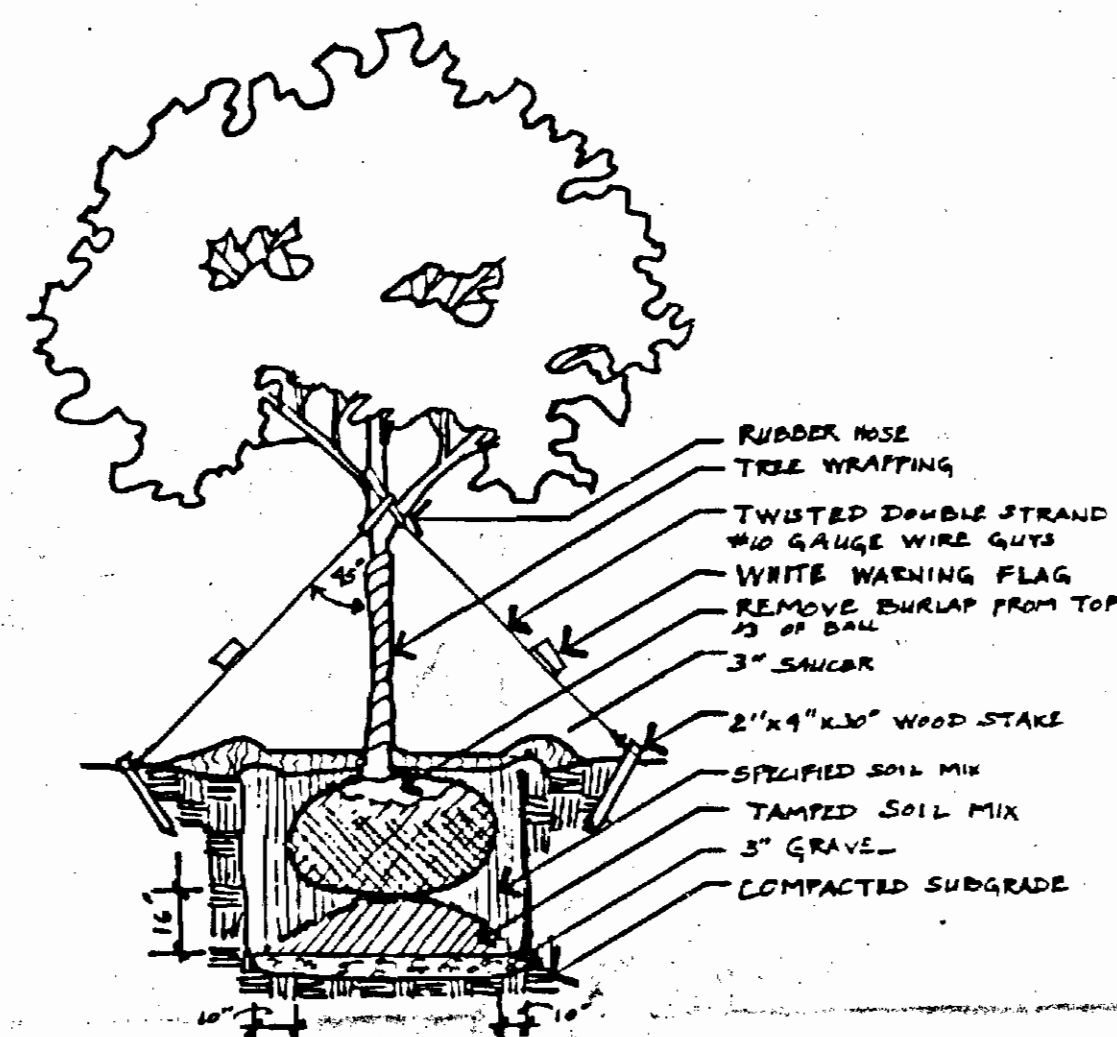
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DRAWN BY M. KOBIN	DATE NOV. 8, 1983
DESIGNED BY	SCALE NONE
CHECKED BY A.J. CORTEAL	

DETAILS	
NEW CAR WASH FACILITY	
GULF OIL CORPORATION	
YORK ROAD AND SCOTT ADAM ROAD	
ELECT. DIST. 8 BALTIMORE CO., MD.	

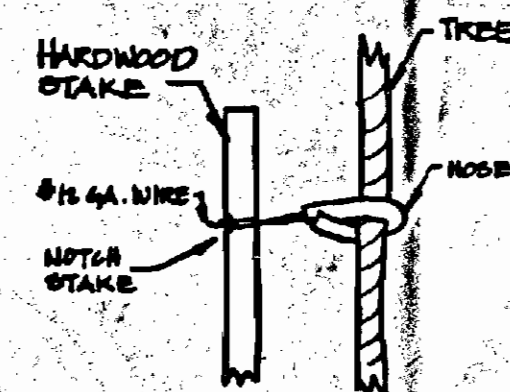
DRAWING NO. 7363-52-001
SHEET NO. 3 of 3



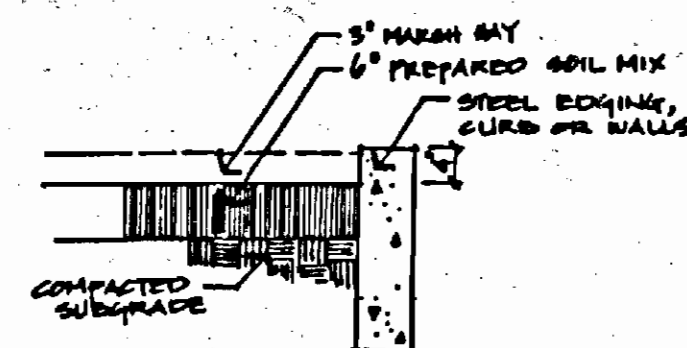
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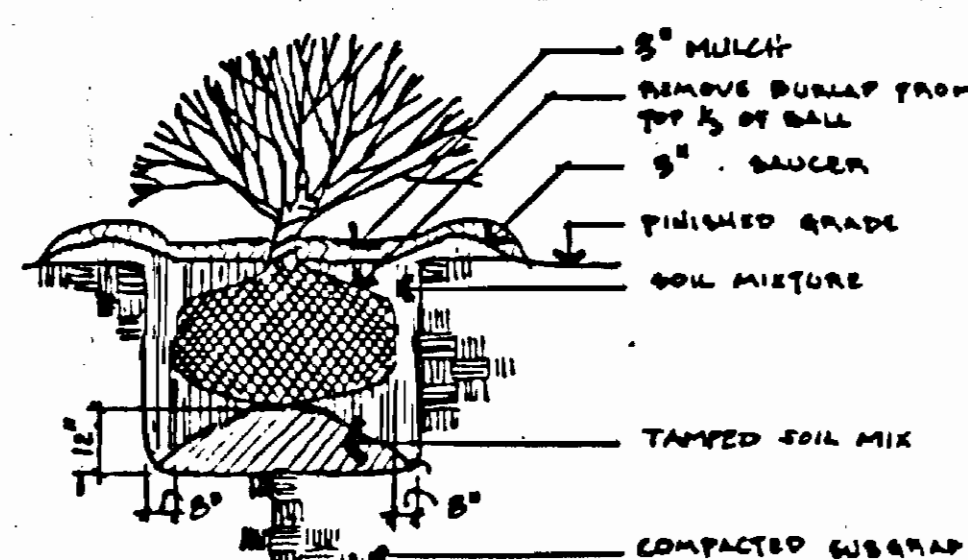
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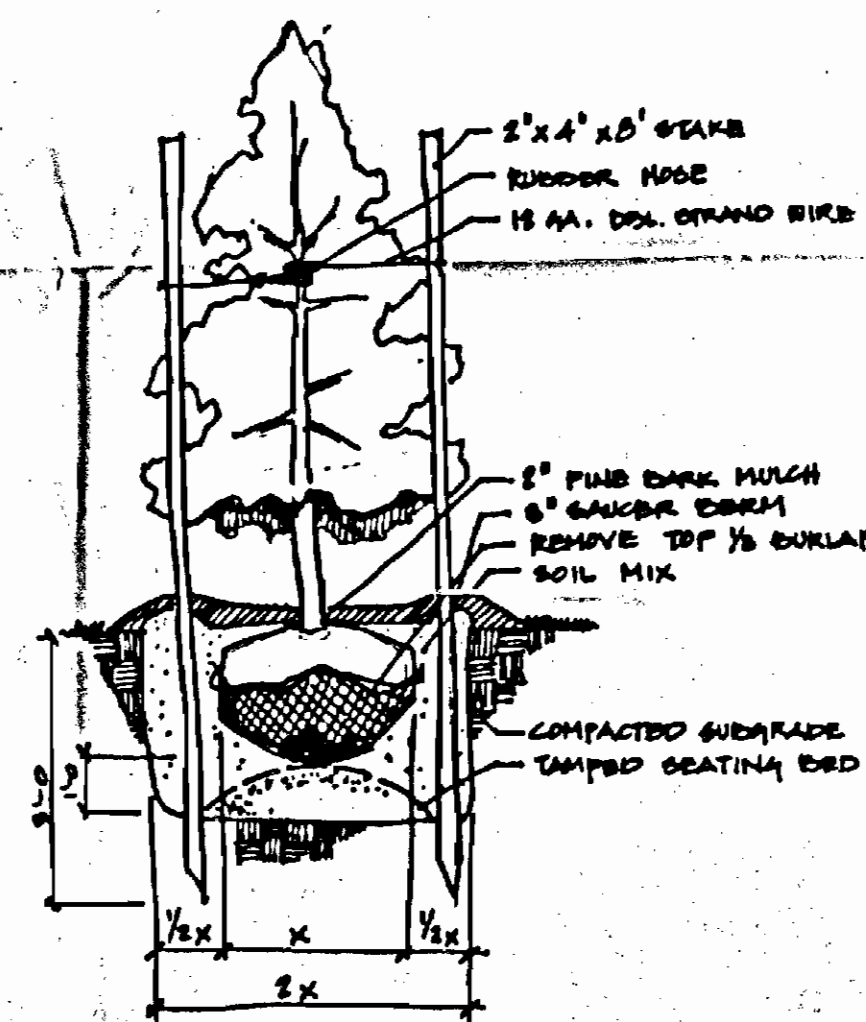
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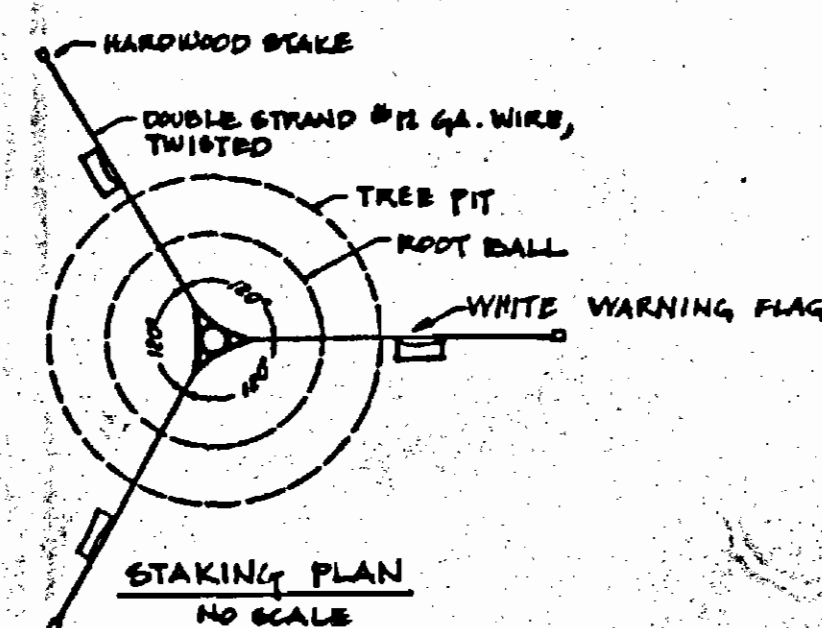
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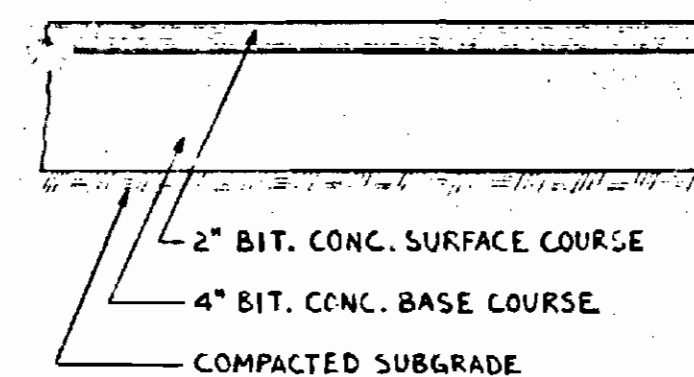
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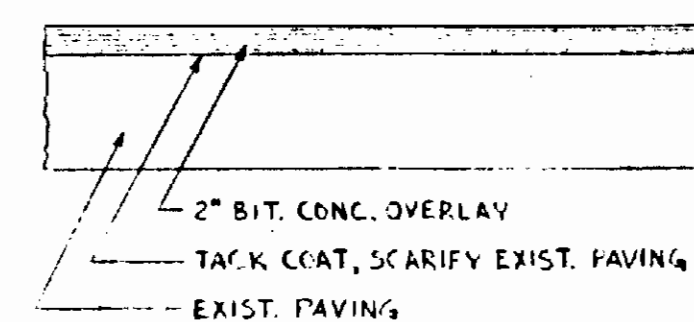
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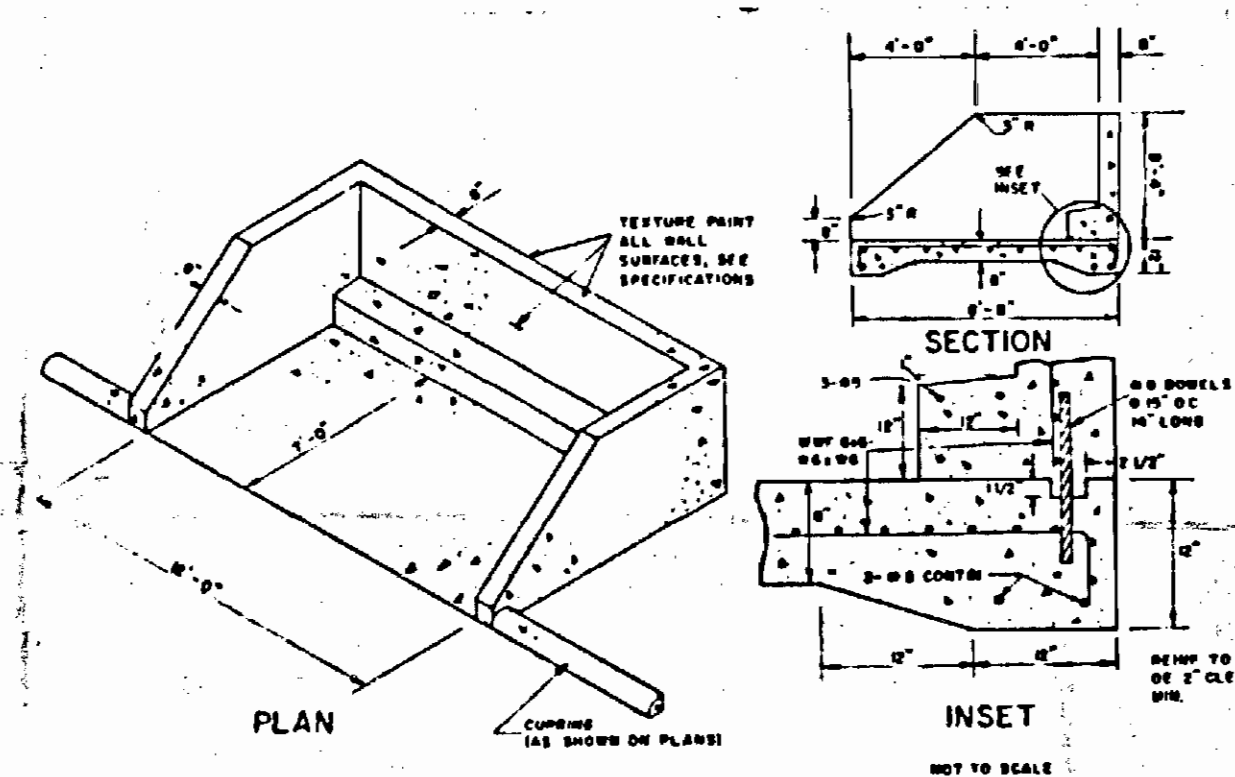
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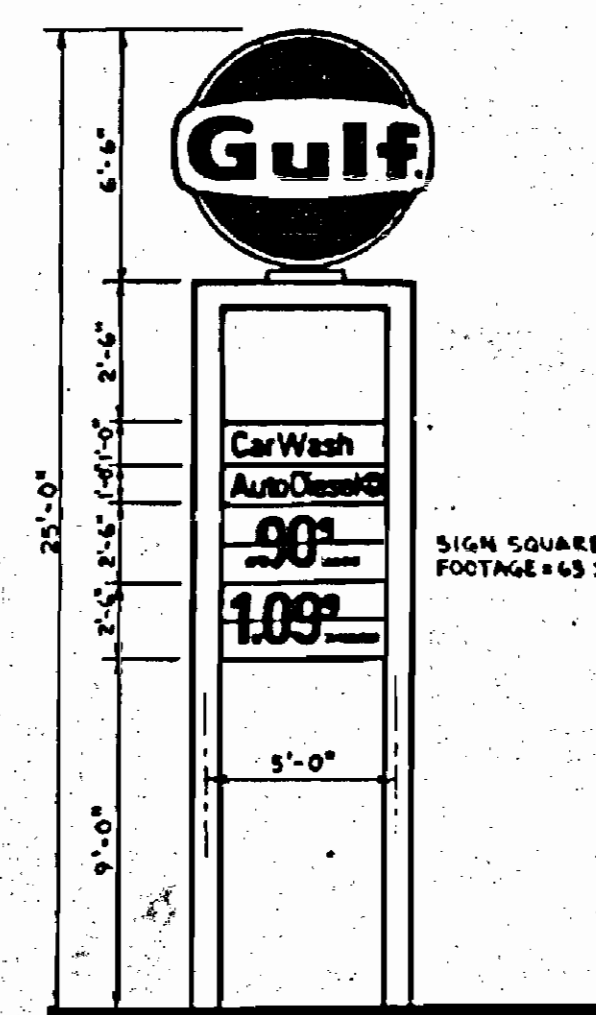
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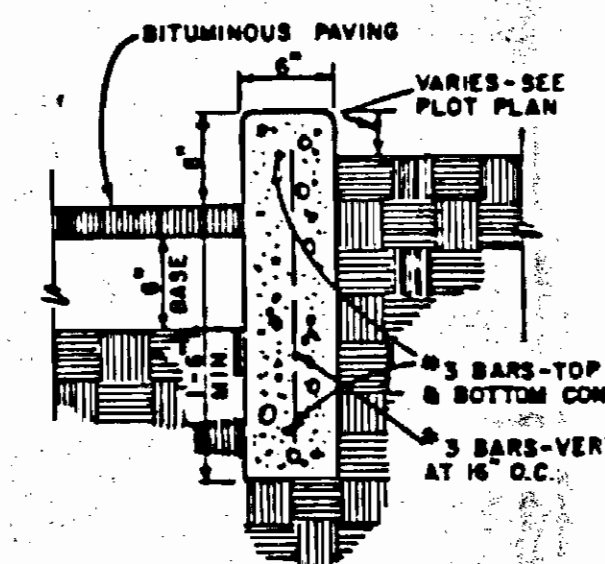
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TRASH ENCLOSURE DETAIL
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SIGN DETAIL
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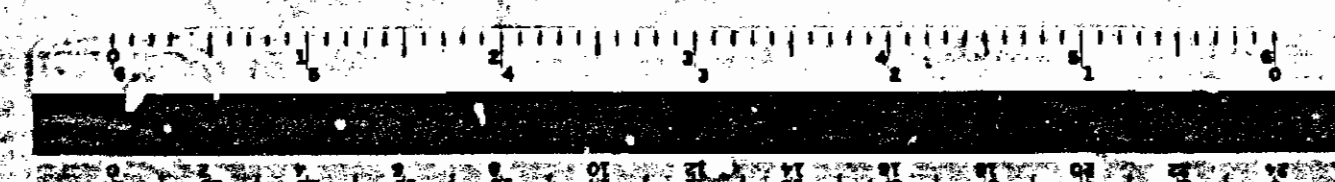
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BOARD OF APPEALS
PETITIONER'S
EXHIBIT #2



LYON ASSOCIATES, INC.
Engineers Surveyors Planners
7131 Rutherford Road, Baltimore, Maryland 21207
Telephone: 301-944-9112

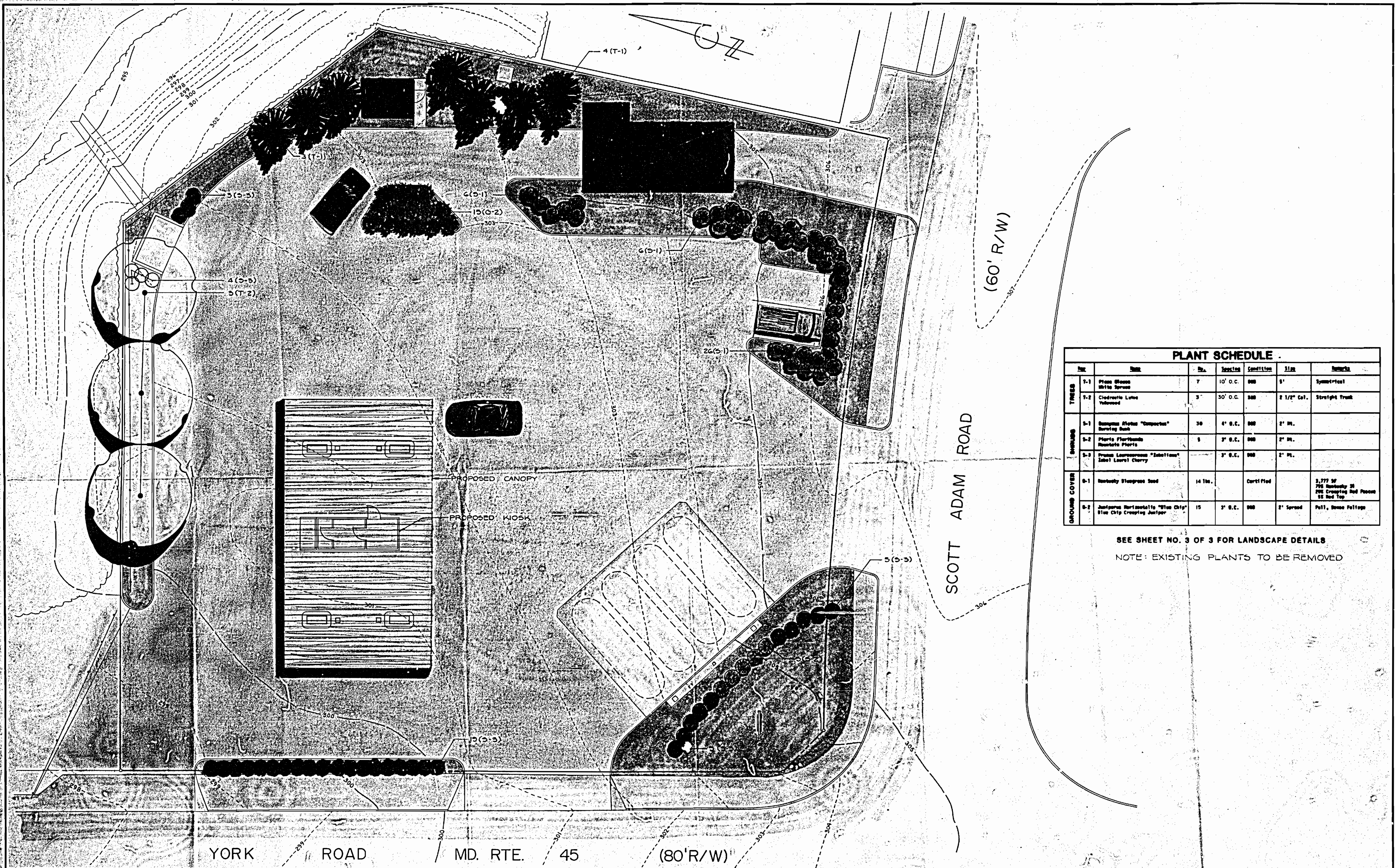
REVISIONS	
NO.	DATE DESCRIPTION



PLAN PREPARATION	
DRAWN BY M. KOBIN	DATE NOV. 8, 1983
DESIGNED BY	SCALE NONE
CHECKED BY A.J. CORTEAL	

DETAILS
NEW CAR WASH FACILITY
GULF OIL CORPORATION
YORK ROAD AND SCOTT ADAM ROAD
ELECT. DIST. 8 BALTIMORE CO., MD.

DRAWING NO.
7363-52-001
SHEET NO.
3 of 3



PLANT SCHEDULE						
No.	Plant	Qty.	Spacing	Condition	Size	Remarks
TREES	T-1 Pine Green White Spruce	7	10' O.C.	000	8'	Symmetrical
	T-2 Ciderella Lutea Yellowwood	3	30' O.C.	000	2 1/2' Cal.	Straight Trunk
SHRUBS	S-1 Sargassum Mimos "Compacta" Burning Bush	30	4' O.C.	000	2' H.	
	S-2 Florida Floribunda Roseate Florib.	5	2' O.C.	000	2' H.	
	S-3 Prunus Laurocerasus "Zabelliana" Label Laurel Cherry		2' O.C.	000	2' H.	
GROUND COVER	G-1 Kentucky Bluegrass Seed	14 lbs.		Certified		3,777 SF 795 Kentucky 30 400 Creeping Red Fescue 85 Red Top
	G-2 Juniperus Horizontalis "Blue Chip" Blue Chip Creeping Juniper	15	2' O.C.	000	2' Spread	Full, Dense Foliage

SEE SHEET NO. 3 OF 3 FOR LANDSCAPE DETAILS
NOTE: EXISTING PLANTS TO BE REMOVED



LYON ASSOCIATES, INC.
Engineers Surveyors Planners
7131 Rutherford Road, Baltimore, Maryland 21207
Telephone: 301-944-9112

REVISIONS		
NO.	DATE	DESCRIPTION

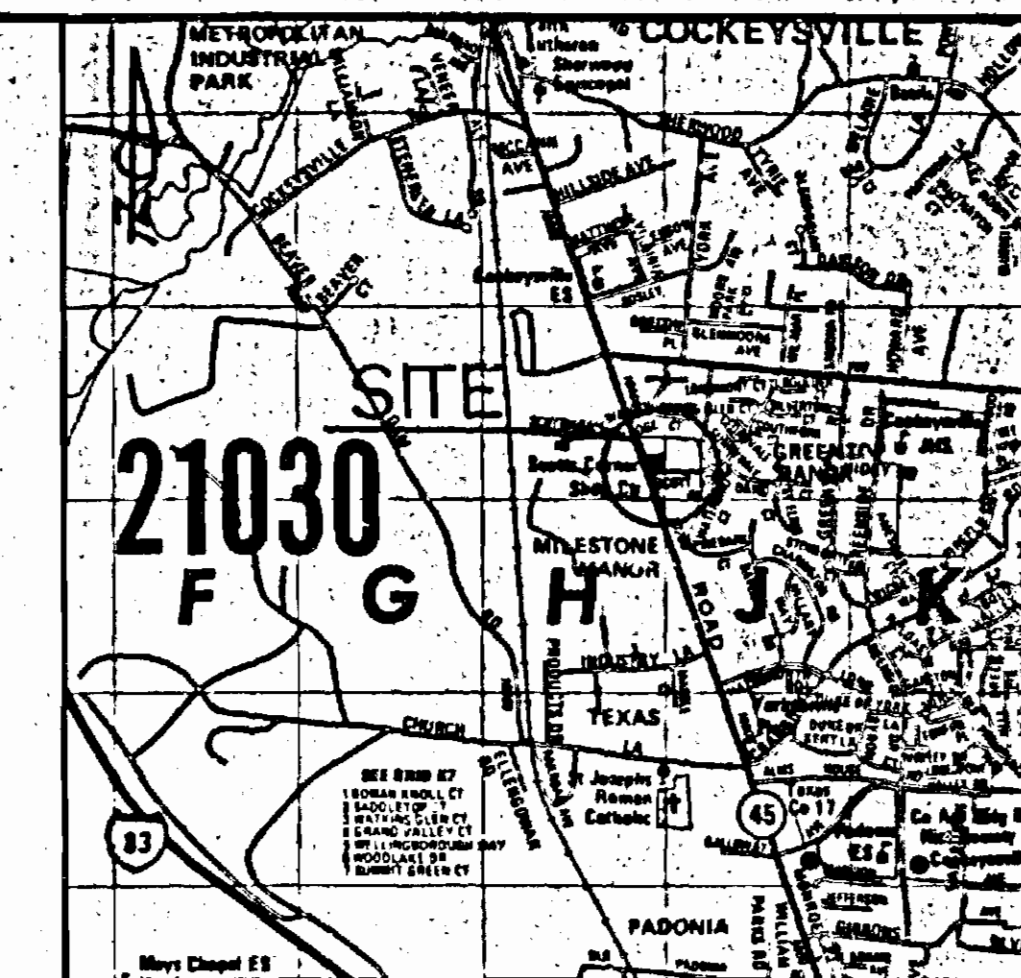
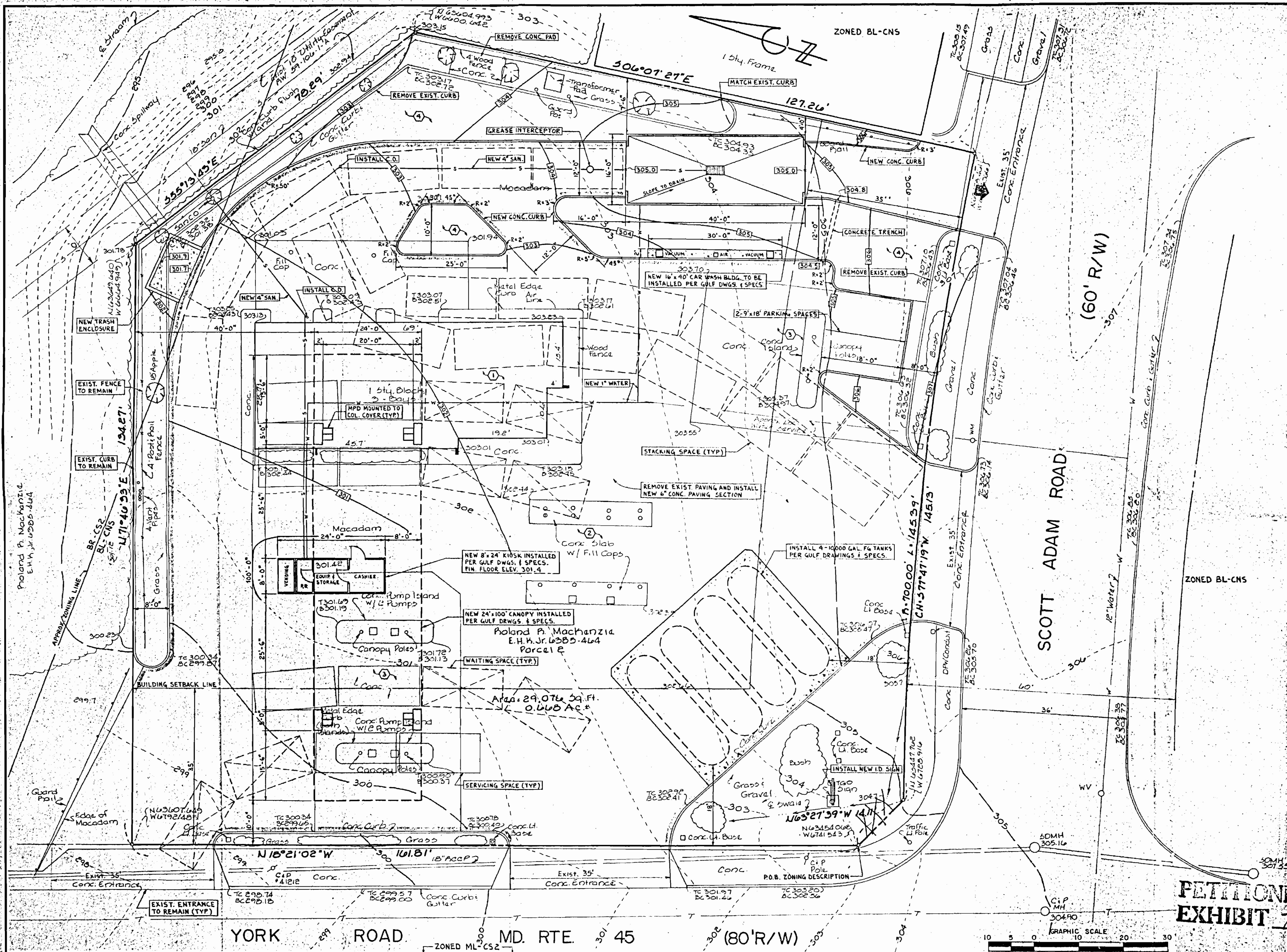
PLAN PREPARATION

DRAWN BY M. KOBIN DATE JAN. 25, 1983
DESIGNED BY M. TIMM SCALE 1" = 10'
CHECKED BY A.J. CORTEAL

LANDSCAPING PLAN
NEW CAR WASH FACILITY
GULF OIL CORPORATION
YORK ROAD AND SCOTT ADAM ROAD
ELECT. DIST. 8 BALTIMORE CO., MD.

DRAWING NO.
7363-52-001
SHEET NO.
2 of 3

Gulf Oil



LOCATION MAP
Scale: 1" = 2000'

- GENERAL NOTES:**
- COORDINATES AND BEARINGS SHOWN ARE BASED ON BALTIMORE COUNTY TRAVELER STATIONS.
 - ELEVATIONS AS SHOWN HEREON ARE BASED ON BALTIMORE COUNTY BENCH MARK 10540, ELEV. 297.54.
 - PROPERTY OWNER: ROLAND R. MCKENZIE, LESSEE: GULF OIL CORPORATION, DEED REF. 6385/444.
 - UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN MADE BY FIELD SURVEY, 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.
 - UTILITY COMPANIES:
CHESAPEAKE AND POTOMAC TELEPHONE COMPANY
320 ST. PAUL STREET, BALTIMORE, MD. 21202
BALTIMORE GAS AND ELECTRIC COMPANY
LEXINGTON AND LIBERTY STREETS, BALTIMORE, MD. 21202

- CONSTRUCTION NOTES:**
- EXISTING BUILDING AND SURROUNDING SIDEWALKS, CONCRETE PADS, HEATING OIL AND WASTE OIL TANKS TO BE REMOVED. AREA TO BE BACKFILLED TO MATCH ADJACENT SURFACE.
 - EXISTING TANKS AND CONCRETE PAD TO BE REMOVED. AREA TO BE BACKFILLED TO MATCH ADJACENT SURFACE.
 - REMOVE EXISTING ISLAND(S) AND CONCRETE PAD.
 - REMOVE EXISTING PAVING, PLACE NEW 6" TOPSOIL, AND REED.

- ZONING NOTES:**
- EXISTING ZONING: BL-CNS
PROPOSED ZONING: BL-CNS
NO CHANGE BUT WITH A SPECIAL EXCEPTION TO ALLOW A CAR WASH IN COMBINATION WITH A SERVICE STATION AND A SPECIAL HEATING TO ALLOW THE CONVERSION OF A FULL SERVICE GASOLINE STATION TO A GAS AND GO.
- EXISTING USE: GASOLINE SERVICE STATION (CLOSED)
PROPOSED USE: GAS AND GO WITH CAR WASH
- AREA REQUIREMENTS:**
TOTAL SERVING SPACES = 8
TOTAL SERVING BAYS = 8
TOTAL SPACES AND BAYS = 8
TOTAL AREA REQUIRED = 8 x 2,000 SF = 16,000 SF
(USE 15,000 SF MIN.)
- ANCILLARY USES:**
VENDING MACHINES
MINOR ACCESSORY USES
NO ADDITIONAL SQUARE FOOTAGE REQUIRED
- COMBINATION USES:**
CAR WASH
NO ADDITIONAL SQUARE FOOTAGE REQUIRED
- TOTAL AREA REQUIRED = 15,000 SF
TOTAL AREA OF TRACT = 29,076 SF
- ACCESS POINTS:**
NUMBER OF DRIVEWAYS ON MAJOR STREET = 2
REQUIRED SITE WIDTH = 12' 0" x 130'
ACTUAL SITE WIDTH = 141' 0"
- LANDSCAPING:**
LANDSCAPING REQUIRED = 1,464 SF (5% OF SITE)
LANDSCAPING PROVIDED = 6,496 SF (22.3% OF SITE)
- PARKING:**
PARKING SPACES REQUIRED = 192 SF x 300 SF = 57,600 SF
PARKING SPACES PROVIDED = 2
- STACKING SPACES REQUIRED = (25 CARS/HOUR x 2) x 10 = 25
STACKING SPACES PROVIDED = 20 (VARIANCE REQUESTED)
- AREA DISTURBED BY NEW CONSTRUCTION = 29,076 SF

PETITIONER'S
EXHIBIT 7

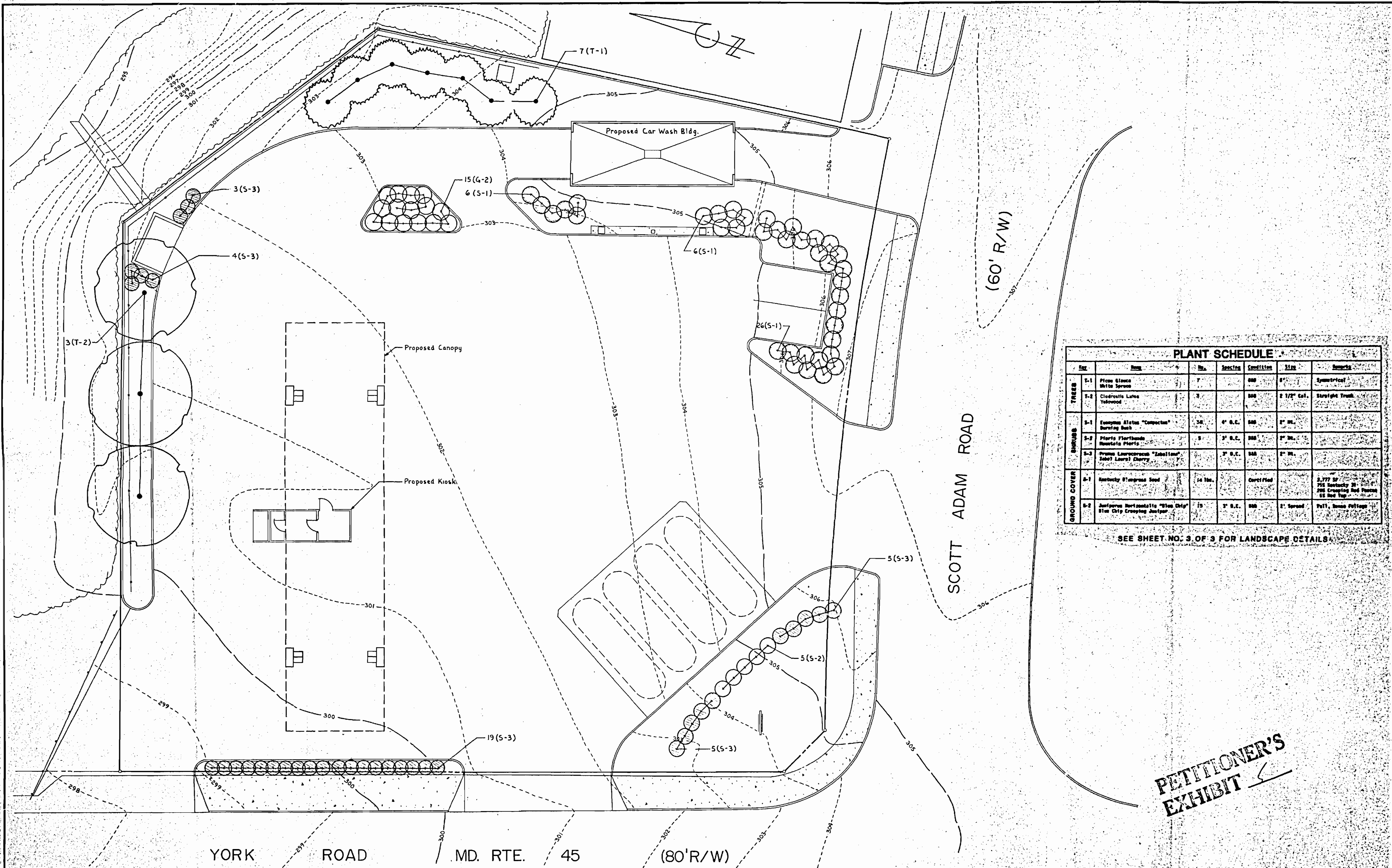
Handwritten notes: "Handwritten notes: 2/1/84"

LYON ASSOCIATES, INC.
Engineers Surveyors Planners
7131 Rutherford Road, Baltimore, Maryland 21207
Telephone: 301-944-9112

REVISIONS		
NO.	DATE	DESCRIPTION

PLAN PREPARATION	
DRAWN BY: M. KOBIN	DATE: JAN. 24, 1983
DESIGNED BY: M. KOBIN	SCALE: 1" = 10'
CHECKED BY: AJ CORTEAL	

ZONING PLAN	
NEW CAR WASH FACILITY	
GULF OIL CORPORATION	
YORK ROAD AND SCOTT ADAM ROAD	
ELECT. DIST. 8 BALTIMORE CO., MD.	
DRAWING NO.	7363-52-001
SHEET NO.	1 of 3



PLANT SCHEDULE						
Ref.	Item	Qty.	Species	Condition	Size	Remarks
TREES	S-1	7	Picea Glauca White Spruce	BBB	6"	Symmetrical
	S-2	3	Cladonia Lutea Yellowwood	BBB	2 1/2" Cal.	Straight Trunk
SHRUBS	S-1	30	Euonymus Alatus "Compactus" Burning Bush	BBB	2" Ht.	
	S-2	5	Pieris Floribunda Mountain Pieris	BBB	2" Ht.	
	S-3	1	Prunus Laureocarpa "Zabelliana" Japan Laurel Cherry	BBB	2" Ht.	
GROUND COVER	S-1	14 lbs.	Kentucky Bluegrass Seed	Certified		2,777 SF 25% Kentucky 31 25% Creeping Red Fescue 50% Red Top
	S-2	15	Juncus Horizontalis "Blue Chip" Blue Chip Creeping Juniper	BBB	2" Spread	Full, Dense Foliage

SEE SHEET NO. 3 OF 3 FOR LANDSCAPE DETAILS

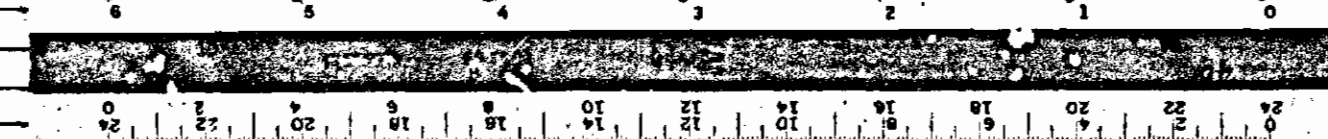
PETITIONER'S
EXHIBIT



LYON ASSOCIATES, INC.
Engineers Surveyors Planners
7131 Rutherford Road, Baltimore, Maryland 21207
Telephone: 301-944-9112

REVISIONS

NO.	DATE	DESCRIPTION



PLAN PREPARATION

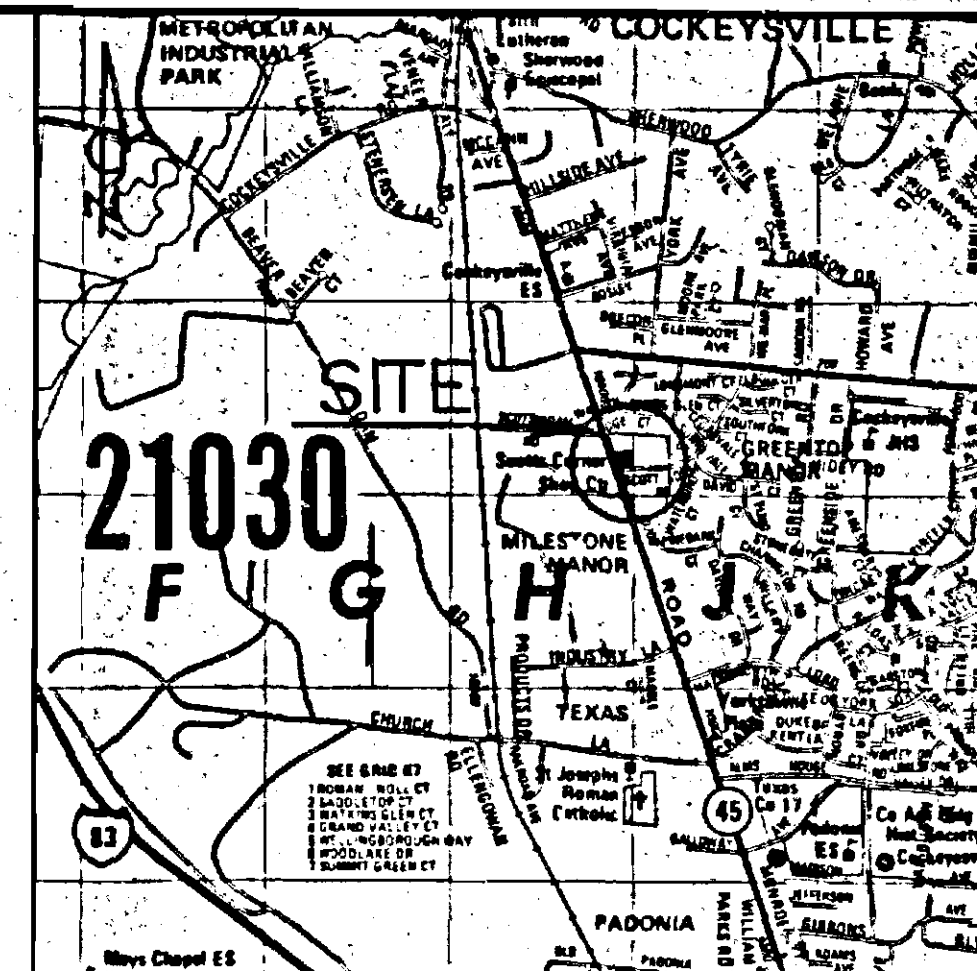
DRAWN BY M. KOBIN	DATE JAN. 25, 1983
DESIGNED BY M. TIMM	SCALE 1" = 10'
CHECKED BY A.J. CORTEAL	

LANDSCAPING PLAN NEW CAR WASH FACILITY

GULF OIL CORPORATION
YORK ROAD AND SCOTT ADAM ROAD
ELECT. DIST. 8 BALTIMORE CO., MD.

DRAWING NO.
7363-52-001

SHEET NO.
2 of 3



LOCATION MAP
Scale: 1" = 2000'

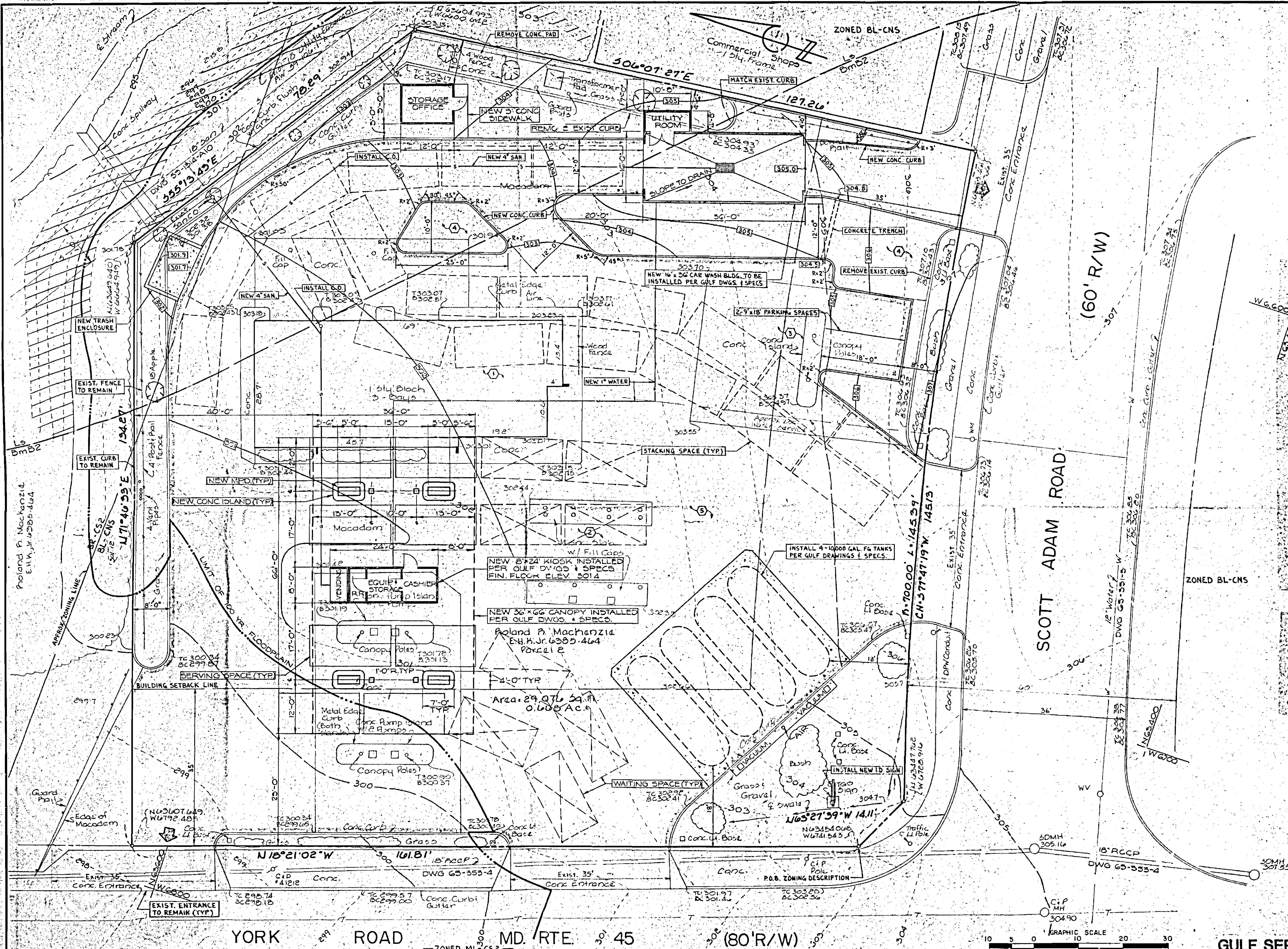
GENERAL NOTES:

- 1.) Applicant: Gulf Oil Corporation
R. P. Bradley, General Manager
810 Glenesque Court
Towson, Maryland 21204
(301) 337-5300
Engineers: Lyon Associates, Inc.
Donald J. Wilson
Correspondent: Michael G. Robin
c/o Gulf Oil Corporation
810 Glenesque Court
Towson, Maryland 21204
(301) 337-5338
- 2.) Election District 8, Councilman District 8C1, Census Tract 4085.03.
- 3.) Watershed 11, Subwatershed 11.1.
- 4.) Site Area: Gross = 0.647 Ac. Net = 0.647 Ac. Parking, Required = 1. Proposed = 1. There is no requirement for minimum open space or density calculations.
- 5.) The nearest fire hydrant is located approximately 100 feet west of the site on York Road.
- 6.) No historic buildings exist within the site or in the surrounding area.
- 7.) Property Owner: Roland P. Machenzia
2124 W. Joyce Road
Towson, Maryland 21204
Tel. 410-638-5466
Fax No. - 410/681-9011/92
- 8.) There are no wetlands, critical areas, archaeological sites, endangered species habitats, or hazardous waste materials within the site.
- 9.) A stormwater management exemption is being requested.
- 10.) A zoning hearing to consider the Special Exception, Special Hearing, and Variance for this site has been held. The zoning order is in 16-233-SEPP-1. This plan will be made to conform with any conditions that may be incorporated into the zoning order.
- 11.) Floodplain information shown is based on a previous study on file with the Storm Drain Design section of the Department of Public Works, Baltimore County.
- 12.) Estimated A.O.T. = 748 - 2 = 374 Per Entrance

CONSTRUCTION NOTES:

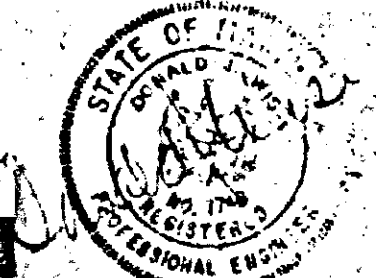
1. EXISTING BUILDING AND SURROUNDING SIDEWALKS, CONC. PADS, HEATING OIL AND WASTE OIL TANKS TO BE REMOVED. AREA TO BE BACKFILLED AND PAVED AS NECESSARY.
2. REMOVE EXISTING UNDERGROUND TANKS. AREA TO BE BACKFILLED AND PAVED AS NECESSARY.
3. REMOVE EXISTING ISLANDS, CANOPY AND CONC. PAD. BACKFILL AND PAVE AS NECESSARY.
4. REMOVE EXISTING PAVING, PLACE MIN. 6" TOPSOIL AND SEED. SEE LANDSCAPING PLAN.
5. EXTENT OF NEW PAVING AND OVERLAY SHALL BE AS DIRECTED BY THE GULF ENGINEER.

BOARD OF APPEALS
PETITIONER'S
EXHIBIT #2



LYON ASSOCIATES, INC.
Engineers - Surveyors - Planners
7131 Rutherford Road, Baltimore, Maryland 21207
Telephone: 301-944-9112

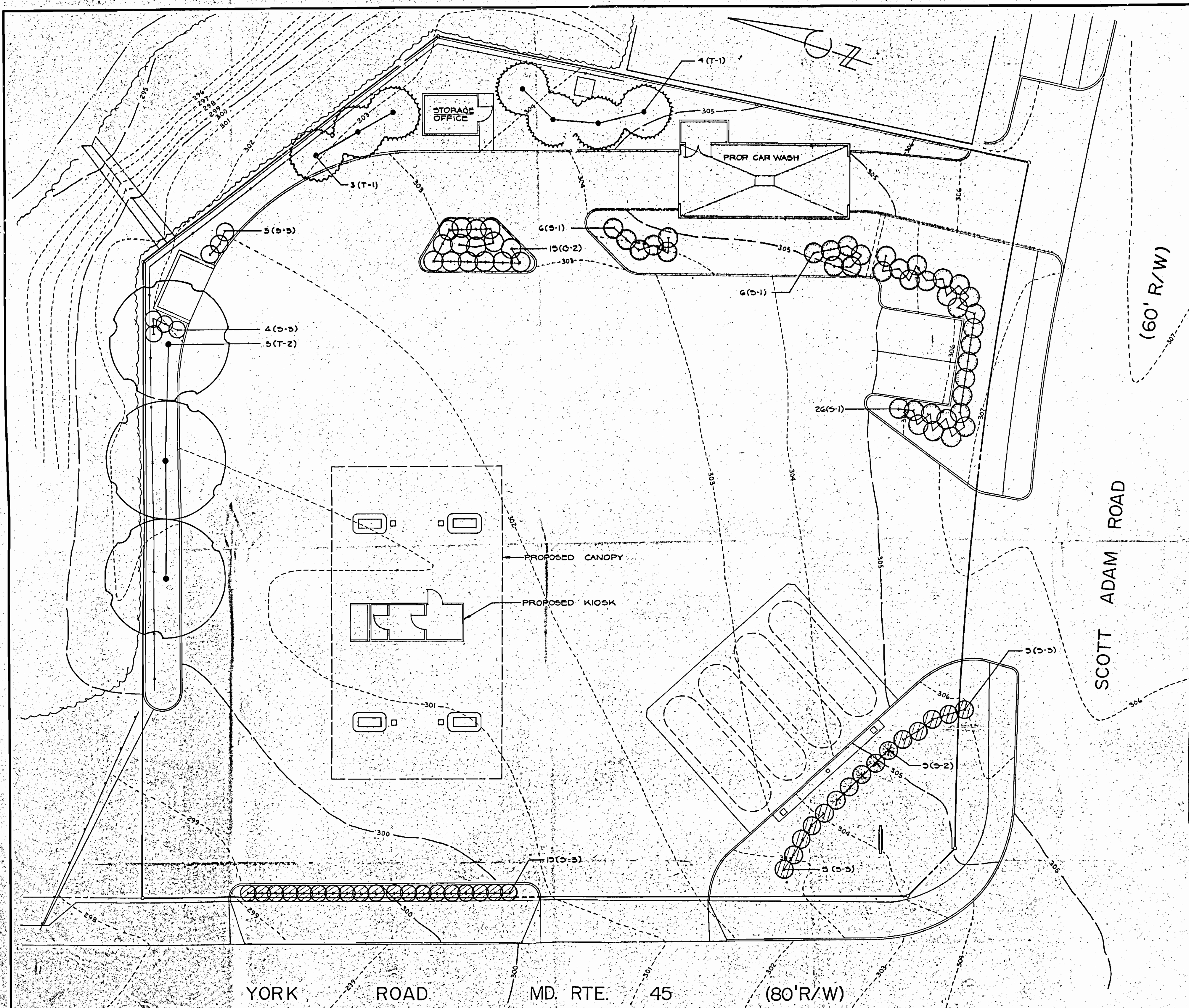
REVISIONS		
NO.	DATE	DESCRIPTION



PLAN PREPARATION	
DRAWN BY M. KOBIN	DATE JAN. 24, 1983
DESIGNED BY M. KOBIN	SCALE 1" = 10'
CHECKED BY AJ CORTEAL	

SITE PLAN
NEW CAR WASH FACILITY
GULF OIL CORPORATION
YORK ROAD AND SCOTT ADAM ROAD
ELECT. DIST. 8 - BALTIMORE CO., MD.

DRAWING NO.
7363-52-001
SHEET NO.
1 of 3



PLANT SCHEDULE						
NO.	NAME	QTY.	SIZE	CONDITION	PLANT	REMARKS
TREES	1-1 Pine Shave White Spruce	7	10' O.C.	DB	5'	Symmetrical
	1-2 Ciderella Lake Yellowwood	3	30' O.C.	DB	5 1/2' Cal.	Straight Trunk
SHRUBS	5-1 Scaphis Pines "Empire" Burning Bush	30	4' O.C.	DB	2' H.	
	5-2 Florio Floribunda Rosebush Pinks	5	2' O.C.	DB	2' H.	
	5-3 Pines Laurels "Sedition" Sub? Laurel Cherry		2' O.C.	DB	2' H.	
GROUND COVERS	6-1 Kentucky Bluegrass Seed	14 Yds.		Careful Seed		5,000 SF OF 75% Kentucky 50 25% Creeping Red Fescue 50 Red Top
	6-2 Juniperus Horizontalis "Blue Chip" Blue Chip Creeping Juniper	15	2' O.C.	DB	2' Spread	Pett, Some Petting

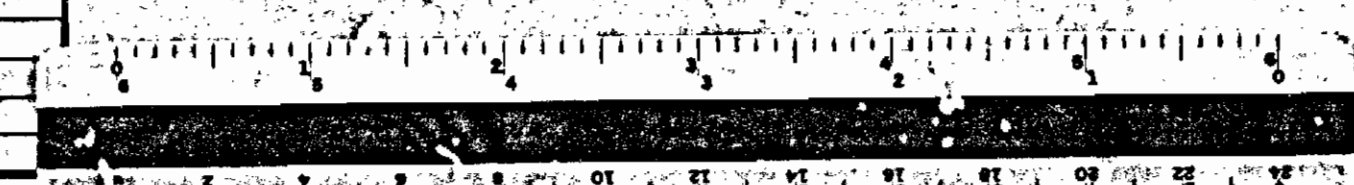
SEE SHEET NO. 3 OF 3 FOR LANDSCAPE DETAILS
NOTE: EXISTING PLANTS TO BE REMOVED

BOARD OF APPEALS
PETITIONER'S
EXHIBIT #2



LYON ASSOCIATES, INC.
Engineers Surveyors Planners
7131 Rutherford Road, Baltimore, Maryland 21207
Telephone: 301-944-9112

REVISIONS		
NO.	DATE	DESCRIPTION



0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

PLAN PREPARATION	
DRAWN BY M. KOBIN	DATE JAN. 25, 1983
DESIGNED BY M. TIMM	SCALE 1" = 10'
CHECKED BY A.J. CORTEAL	

LANDSCAPING PLAN NEW CAR WASH FACILITY GULF OIL CORPORATION YORK ROAD AND SCOTT ADAM ROAD ELECT. DIST. 8 BALTIMORE CO., MD.	DRAWING NO. 7363-52-001 SHEET NO. 2 of 3
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