

114 PETITION FOR ZONING VARIANCE 84-314-XSPHA 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 constriction 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 *John Riehl III*
810 Gleneagles Court
Address
Towson, Maryland 21204
City and State

Legal Owner(s):
Glenlo Corp. c/o John Riehl III
(Type or Print Name)
Signature *John Riehl III*
John Riehl III
(Type or Print Name)
Signature
Baltimore, Maryland 21218
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.: 2 W. University Pkwy. 243-3400
Baltimore, Maryland 21218
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
STV/Lyon Associates, Inc.
Name Michael G. Kobin
7131 Rutherford Road
Baltimore, MD 21207-944-9112
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of April, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of May, 1984, at 1:30 o'clock P.M.

Carl J. Jahn
Zoning Commissioner of Baltimore County.

(over)

Mr. John Riehl, III
Glenlo Corp.
2 W. University Parkway
Baltimore, Md. 21218

Lyon Associates, Inc.
7131 Rutherford Road
Baltimore, Md. 21207

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 11th day of April, 1984.

Petitioner Glenlo Corp.
Petitioner's Attorney
Received by *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

PETITION FOR SPECIAL HEARING 84-314-XSPHA 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 700.7 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 Gas and Go operation and expansion of site area of said station under Section 405.8 of the Zoning Regulations

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 *John Riehl III*
810 Gleneagles Court
Address
Towson, Maryland 21204
City and State

Legal Owner(s):
Glenlo Corp. c/o John Riehl III
(Type or Print Name)
Signature *John Riehl III*
John Riehl III
(Type or Print Name)
Signature
Baltimore, Maryland 21218
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
STV/Lyon Associates, Inc.
Name Michael G. Kobin
7131 Rutherford Road
Baltimore, MD 21207-944-9112
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of April, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of May, 1984, at 1:30 o'clock P.M.

Carl J. Jahn
Zoning Commissioner of Baltimore County.

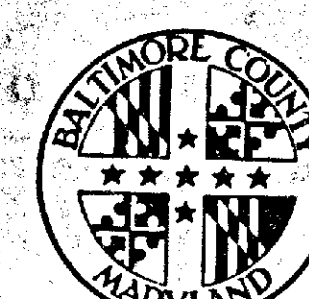
X.C.O.-No. 1

(over)

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

RECORDED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: April 20, 1984
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Glenlo Corp.
SUBJECT: 84-314-XSPHA

Assuming compliance with the comments of the Zoning Plans Advisory Committee, this office is not opposed to the granting of the subject request.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

No. 130555

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

DATE 6/20/84 ACCOUNT R-01-615-000
AMOUNT \$260.00

RECEIVED Arvin E. Rosen, Esquire
FROM: Arvin E. Rosen, Esquire
FOR: Appeal fee on Case No. 84-314-XSPHA
(Glenlo Corporation)
\$ 132.00 + 260.00 = \$392.00

VALIDATION ON SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 4, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. John Riehl, III
Glenlo Corp.
2 W. University Parkway
Baltimore, Maryland 21218

RE: Item No. 218 - Case No. 84-314-XSPHA
Petitioner - Glenlo Corp.
Special Exception, Special Hearing
and Variance

Dear Mr. Riehl:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NEC:bsc

Enclosures

cc: Lyon Associates, Inc.
7131 Rutherford Road
Baltimore, Md. 21207

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

April 4, 1984

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

Re: Item #218 (1983-1984)
Property Owner: Glenlo Corporation
N/E corner McClean Blvd. & Perring Manor Rd.
Acres: 29,861 sq. ft.
District: 9th

Dear Mr. Jablon:

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

General:

The comments supplied in conjunction with the Zoning Advisory Committee review of this property for Item 253 (1981-1982) are referred to for your consideration.

A fillet area for sight distance is required at the McClean Boulevard-Perring Manor Road intersection.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 218 (1983-1984).

Very truly yours,
Robert A. Morton, P.E.
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EMH:FW:iss

N-SW Key Sheet
28 NE 10 Pos. Sheet
NE 7 C Topo
80 Tax Map

Encl.

June 21, 1982

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #253 (1981-1982)
Property Owner: Cities Service Company
N/S corner McClean Blvd. and Perring Manor Rd.
Acres: 0.687 District: 9th

Dear Mr. Hammond:

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

General:

Baltimore County highway and utility improvements exist and are not directly involved.

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

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damage to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 253 (1981-1982).

Very truly yours,

Robert A. Morton, P.E.
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EMH:FW:iss

cc: Jack Wimbley
N-SW Key Sheet 28 NE 10 Pos. Sheet
NE 7 C Topo 80 Tax Map

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 to convert an existing service station to a gas and go operation and to expand the site area to include the northern portion of the site that has been used continuously as a part of the original service station granted in Case 54-36-XA and shown on the approved plan dated April 7, 1966 (Petitioner's Exhibit 6) would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and will not adversely affect the health, safety, and general welfare of the community; and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 28th day of May, 1984, that to convert an existing service station to a gas and go operation and to expand the site area to include the northern portion of the site that has been used continuously as a part of the original service station granted in Case 54-36-XA and shown on the approved plan dated April 7, 1966 (Petitioner's Exhibit 6), in accordance with the site plan prepared by Lyon Associates, Inc., revised April 16, 1984 and marked Petitioner's Exhibit 1, are approved and, as such, the Petition for Special Hearing is hereby Granted, from and after the date of this Order, subject, however, to the following:

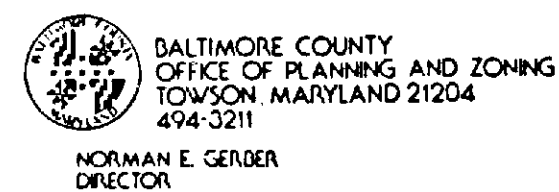
1. County Review Group (CRG) approval is required and all requirements of CRG and the Zoning Plans Advisory Committee shall be met.
2. Traffic flow signs shall be appropriately placed and both entrances on Perring Manor Road shall be closed.
3. The location of any vacuum machinery shall be indicated on the site plan and the internal circulation and stacking spaces shall be approved by the Department of Traffic Engineering and the Deputy Zoning Commissioner.
4. The stacking lanes for the car wash shall be striped.
5. The car wash machine shall be set to process no more than 25 cars per hour.
6. No vehicles shall be stacked upon any public walkway or road awaiting ingress to the subject site. An attendant must be provided to insure that traffic flow is not impeded.
7. A revised site plan shall be submitted to and approved by the Office of Planning and Zoning, including a detailed landscaping plan approved by the Current Planning and Development Division, the Department of Traffic Engineering, and the Deputy Zoning Commissioner.
8. No building permit shall be issued until the expiration of any and all appeal periods.

Jan M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

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 result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will not adversely affect the health, safety, and general welfare of the community, the variance(s) should ~~not~~ be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 28th day of May, 1984, that the herein Petition for Variance(s) to permit 20 stacking spaces for a car wash in lieu of the required 23 spaces is GRANTED, from and after the date of the Order, subject, however, to the terms, provisions, and conditions contained in the accompanying Special Hearing Order.

Jan M. H. Jung
Deputy Zoning Commissioner of
Baltimore County



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

3/19/84

Re: Zoning Advisory Meeting of 2-1-84
Item # 218
Property Owner: GLENLO CORP.
Location: McClean Blvd. & Perring Manor Rd.

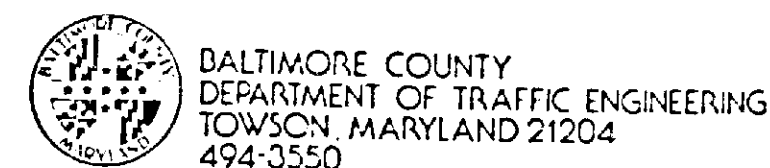
Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- (x) A County Review Group Meeting is required.
- (x) A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- (x) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- (x) A record plat will be required and must be recorded prior to issuance of a building permit.
- (x) The access is not satisfactory.
- (x) The circulation on this site is not satisfactory.
- (x) The parking arrangement is not satisfactory.
- (x) Parking calculations must be shown on the plan.
- (x) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- (x) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- (x) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- (x) The amended Development Plan was approved by the Planning Board on 1/17/84.
- (x) Landscaping should be provided on this site and shown on the plan.
- (x) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- (x) The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- (x) Additional comments:

The following are the comments of the Division of Current Planning and Development:
In this matter, it is recommended that the property be rezoned to Perring Manor Rd.

Eugene A. Bobb
Eugene A. Bobb
Chief, Current Planning and Development



STEPHEN E. COLLINS
DIRECTOR

March 9, 1984

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

Item No. 215, 216, 217, 218, 219, and 220. ZAC Meeting of February 21, 1984.
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 215, 216, 217, 218, 219, and 220.

Michael S. Flanigan
Traffic Engineering Assoc. II

NEP/cum

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 218, Zoning Advisory Committee Meeting of Feb 21, 1984
Property Owner: Glenlo Corp.
Location: NE/Cor. McClean Blvd. District 9
Water Supply: public Sewage Disposal: public

COMMENTS ARE AS FOLLOWS:

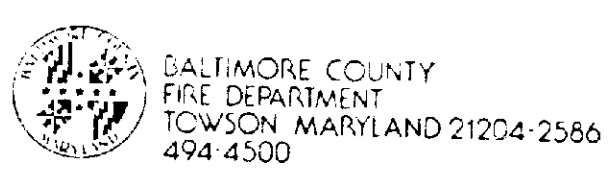
- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- (x) 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.
- (x) 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 charcoal-broiler 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.

Zoning Item # 218 Zoning Advisory Committee Meeting of Feb 21, 1984

Page 2

- (x) Prior to razing 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.
- (x) 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 Hydrogeological Study and an Environmental Effects Report must be submitted.
- (x) Others: An approved wastewater recirculation system must be used in conjunction with the proposed carwash.

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



PAUL H. REINCKE
CHIEF

March 2, 1984

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

Attention: Nick Comodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Glenlo Corp.

Location: NE/Cor. McClean Blvd. & Perring Manor Road

Item No.: 218

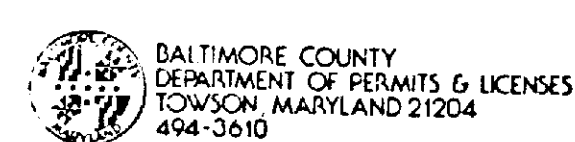
Zoning Agenda: Meeting of 2/21/84

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: *George M. Regan*
Planning Group
Special Inspection Division
Fire Prevention Bureau



TED ZALESKI JR.
DIRECTOR

March 5, 1984

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

Dear Mr. Jablon:

Comments on Item # 218 Zoning Advisory Committee Meeting are as follows:

Property Owner: Glenlo Corporation
Location: NE/Cor. McClean Blvd. & Perring Manor Road
Existing Zoning: B-M, COO
Proposed Zoning: Variance to permit 20 parking spaces in lieu of the required 23. Special Hearing to approve the conversion of an existing service station to gas & go operation. Special exception for a car wash in combination with a gas and go service station.

Acres: 29,861 sq. ft.
District: 9th.

The items checked below are applicable:

- (x) 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) A building/ & other / permit shall be required before beginning construction.
- () Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-reproducible seals and signatures are required on Plans and Technical Set.
- (x) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- () Family use group of an adjacent lot line shall be of one hour fire resistant construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, Item 2, Section 1107 and Table 1102, also Section 503.2.
- () Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____
- () 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.
- () Before this office can comment on the above structure, please have the owner, then the services of a Registered in Maryland Architect or Engineer verify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
- (x) Comments - Curb cuts are required for Handicapped. See State Code. If buildings are prefabricated - a State Seal is required in compliance with the State Industrialized Housing Laws. Signed and sealed drawings are required on plans filed for a permit - this includes foundation drawings.

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,
Michael S. Flanigan

A. HERMAN SISKIND (1909-1984)
WILLIAM L. SISKIND
ARNOLD E. ROSEN
DENNIS J. HOOVER
JEROLD A. MOSES

LAW OFFICES OF
SISKIND AND ROSEN
TWO EAST FAYETTE STREET
BALTIMORE, MD. 21202

TELEPHONE 538-8606
AREA CODE 301

June 19, 1984

Mr. Arnold Jablon,
Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

Re: Petitions Special Hearing,
Special Exception and Zoning
Variance
NE/corner McClean Boulevard
and Perring Manor Road -
9th Election District;
Petitioner Glenlo Corporation;
Case No. 84-314-XSPHA

Dear Mr. Jablon:

On behalf of Parkway, Inc., owner of property located at 7300
McClean Boulevard, Baltimore, Maryland 21234, an aggrieved party in
the above captioned action, please be advised that this letter shall
act as a Notice of Intention to Appeal the decisions of the Deputy
Zoning Commissioner of Baltimore County dated May 26, 1984 with
regard to the above captioned case, including:

A. Order regarding Petition for Special Hearing, which Petition
requested conversion of an existing service station to a gas and go
operation and expansion of the site area of said station;

B. Order regarding Petition for Special Exception, which
Petition requested approval for a car wash to be established in
connection with the gas and go service station.

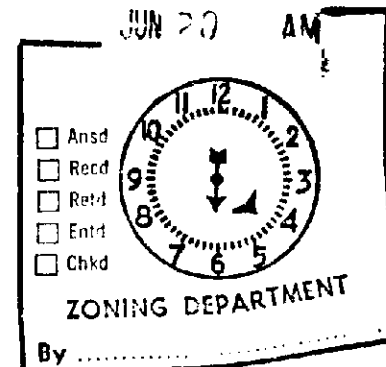
C. Order regarding Petition for Zoning Variance, which Petition
seeks approval for the allowance of twenty stacking spaces for the
car wash in lieu of the required twenty-three.

Enclosed is our check representing costs of Appeal.

Very truly yours,

Arvin E. Rosen
Arvin E. Rosen

AER/lig
9-3/B1



A. HERMAN SISKIND (1909-1984)
WILLIAM L. SISKIND
ARNOLD E. ROSEN
DENNIS J. HOOVER
JEROLD A. MOSES

LAW OFFICES OF
SISKIND AND ROSEN
TWO EAST FAYETTE STREET
BALTIMORE, MD. 21202

TELEPHONE 538-8606
AREA CODE 301

June 22, 1984

Mr. Arnold Jablon,
Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

Re: Petitions Special Hearing,
Special Exception and Zoning
Variance
NE/corner McClean Boulevard
and Perring Manor Road -
9th Election District;
Petitioner Glenlo Corporation;
Case No. 84-314-XSPHA

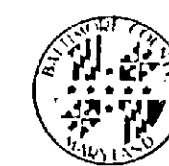
Dear Mr. Jablon:

By letter dated June 19, 1984, Parkway, Inc., an aggrieved
party, appealed the decision of the Deputy Zoning Commissioner
of Baltimore County in the above captioned case. Please be
advised that Parkway, Inc. is a lessee of that property located
at 7300 McClean Boulevard, Baltimore, Maryland 21234 under a
long term lease, and is not the owner of that property as
stated in the June 19 Notice of Appeal.

Very truly yours,

Arvin E. Rosen
Arvin E. Rosen

AER:db
10-4, A, 01



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

ARNOLD JABLON
ZONING COMMISSIONER

May 28, 1984

Mr. John Riehl, III
Glenlo Corporation
2 West University Parkway
Baltimore, Maryland 21218

Re: Petitions Special Hearing,
Special Exception and Zoning
Variance
NE/corner McClean Boulevard
and Perring Manor Road -
9th Election District
Glenlo Corporation, Petitioner
Case No. 84-314-XSPHA

Dear Mr. Riehl:

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

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMU:ech

Attachments

cc: Mr. Wayne Jones
C/O Oil Corporation
810 Gleneagles Court
Baltimore, Maryland 21204

Dennis Hoover, Esquire
2 East Fayette Street
Baltimore, Maryland 21202

People's Counsel



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

ARNOLD JABLON
ZONING COMMISSIONER

June 28, 1984

Glenlo Corporation
c/o John Riehl, III
2 West University Parkway
Baltimore, Maryland 21218

Re: Petitions Special Exception, Special Hearing and Variance
NE/corner McClean Boulevard and Perring Manor Road
Glenlo Corporation - Petitioner
Case No. 84-314-XSPHA

Dear Sir:

Please be advised that an appeal has been filed by Arvin E. Rosen,
attorney for the protestant, from the decision rendered by the Deputy 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,

Arnold Jablon
Arnold Jablon
Zoning Commissioner

AJ:aj

cc: People's Counsel

Gulf Oil Corporation
c/o Wayne Jones
810 Gleneagles Court
Towson, Maryland 21204



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

ARNOLD JABLON
ZONING COMMISSIONER

May 11, 1984

Gulf Oil Corporation
c/o Mr. Bradley
810 Gleneagles Court
Towson, Maryland 21204

Re: Petitions for Special Exception, Special Hearing &
Variance
NE/cor. McClean Blvd. & Perring Manor Road
Glenlo Corp. - Petitioner
Case No. 84-314-XSPHA

Dear Sir:

This is to advise you that \$78.00 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,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

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

No. 130282

DATE May 15, 1984 ACCOUNT R-01-615-000

AMOUNT \$78.00

RECEIVED FROM Gulf Oil Corporation

FOR advertising and posting Case 84-314-XSPHA
(Glenlo Corp.)

6 115*****780000 01024

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE

9th Election District

ZONING: Petition for Special Exception, Special Hearing and Variance
LOCATION: Northeast corner McClean Boulevard and Perring Manor Road

DATE & TIME: Tuesday, May 15, 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 509.7
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 gas and
go operation and expansion of site area of said station under Section
405.8 of the Zoning Regulations and Variance to allow 20 stacking spaces
for a car wash in lieu of the required 23

Being the property of Glenlo Corp., 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

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1 Date of Posting: 4/24/84
Posted for: Petition for Special Exception, Special Hearing & Variance
Petitioner: Glenlo Corp.
Location of property: NE/cor. McClean Blvd. & Perring Manor Rd.
Location of Sign: 111 W. Chesapeake Ave. (2nd fl. Mallory)
Remarks: 2nd fl. - young, leaving, Marion ad.
Posted by: Ben J. Coleman Date of return: 5/3/84
Number of Signs: 6

Glenlo Corp.
c/o John Riehl III
2 W. University Parkway
Baltimore, Maryland 21218

April 17, 1984

NOTICE OF HEARING
Re: Petitions for Special Exception, Special Hearing & Variance
NE/cor. McClean Blvd. and Perring Manor Road
Glenlo Corp. - Petitioner
Case No. 84-314-XSPHA

TIME: 1:30 P.M.

DATE: Tuesday, May 15, 1984

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

cc: Gulf Oil Corporation
c/o Mr. Bradley
810 Gleneagles Court
Towson, Maryland 21204

STV/Lyon Associates, Inc.
c/o Michael G. Kohn
7131 Rutherford Road
Baltimore, Maryland 21207

Arnold Jablon
Zoning Commissioner
of Baltimore County

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

No. 126828

DATE 5-17-84 ACCOUNT R-01-615-000

AMOUNT 250.00

RECEIVED FROM 6/4/81

FOR Entry fee for Case 218 Glenlo Corp.

6 057*****250000 00021

VALIDATION OR SIGNATURE OF CASHIER

IN RE: PETITION FOR SPECIAL
EXCEPTION, SPECIAL HEARING
AND VARIANCE
NE/corner McClean Blvd. and Perring
Manor Rd. - 9th Election District

BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY

Glenlo Corporation * Case No. 84-314-XSPHA

Petitioner *

* * * * *

Entry of Appearance

Please enter my appearance as a party in the above captioned matter,
pursuant to Section 501.6, B.C.Z.R., and I hereby request that any and all
notices be forwarded to my office, including but not limited to hearing dates
and/or preliminary or final Orders.

Arnold Jablon
Arnold Jablon
Zoning Commissioner of Baltimore
County
Room 109 - 111 West Chesapeake Avenue
Towson, Maryland 21204
494-3353

Certificate of Mailing

IT IS HEREBY CERTIFIED that on this 28th day of June,
1984, copies of the foregoing Entry of Appearance were mailed, postage prepaid,
by first class delivery to the County Attorney of Baltimore County, People's
Counsel for Baltimore County, Petitioner(s) and/or Protestant(s) in the above
captioned matter.

Arnold Jablon
Arnold Jablon

21-11/B22
12.28.84

IN THE MATTER OF THE
APPLICATION OF
GLENLO CORPORATION FOR
SPECIAL EXCEPTION, SPECIAL
HEARING AND VARIANCE ON
PROPERTY LOCATED ON THE
NORTHEAST CORNER MCCLEAN BLVD.
AND PERRING MANOR ROAD
9TH DISTRICT
BEFORE THE COUNTY BOARD OF
APPEALS OF BALTIMORE COUNTY
No. 84-314-XSPHA

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No.
* 5/23/85 CG-3

ORDER FOR APPEAL BY PARKWAY, INC.

Mr. Clerk:

Please enter an appeal pursuant to Rule B2, Chapter 1100,
Maryland Rules of Procedure, on behalf of Parkway, Inc. from
the written opinion and order issued December 11, 1984, by the
County Board of Appeals of Baltimore County in Proceeding no.
84-314-XSPHA.

Arvin E. Rosen

Dennis J. Hoover
Siskind, Burch, Grady and Rosen
Two East Fayette Street
Baltimore, Maryland 21202
(301) 539-6606
Attorneys for Appellants

RECEIVED
COUNTY BOARD OF APPEALS
1985 JAN -2 A 9:23 E

21-11/B23
12.31.84

IN THE MATTER OF THE
APPLICATION OF
GLENLO CORPORATION FOR
SPECIAL EXCEPTION, SPECIAL
HEARING AND VARIANCE ON
PROPERTY LOCATED ON THE
NORTHEAST CORNER MCCLEAN BLVD.
AND PERRING MANOR ROAD
9TH DISTRICT
BEFORE THE COUNTY BOARD OF
APPEALS OF BALTIMORE COUNTY
No. 84-314-XSPHA

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No.

CERTIFICATE OF SERVICE

Pursuant to Rule B2.c. of the Maryland Rules of Procedure,
I hereby certify that on this 28th day of January, 1985, a
copies of the foregoing Order for Appeal by Parkway, Inc. were
hand delivered to the County Board of Appeals of Baltimore
County, Room 219, Courthouse, Towson, Maryland 21204, Arnold
Jablon, Zoning Commissioner, Courthouse, Towson, Maryland 21204,
and mailed, postage prepaid to M. Jayne Wright, Attorney, 401
Washington Avenue, P.O. Box 6705, Towson, Maryland 21204.

Arvin E. Rosen

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

January 4, 1985

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

Re: Case No. 84-314-XSPHA
Glenlo Corporation

Dear Ms. Wright:

Notice is hereby given, in accordance with the Rules
of Procedure of the Court of Appeals of Maryland, that an appeal has
been taken to the Circuit Court for Baltimore County from the decision
of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.
cc: Glenlo Corp.
Gulf Oil Corp.
Phyllis C. Friedman
Norman E. Gerber
James Hoswell
Jean Jug
James Dyer
Arnold Jablon

January 4, 1985

BILLED TO: Arvin E. Rosen, Esq.
2 E. Fayette St.
Baltimore, Md. 21202

Cost of certified documents in Case No. 84-314-XSPHA ... \$22.00
Glenlo Corporation
NE/corner McClean Blvd.
and Perring Manor Rd.
9th District

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland

REMIT TO: County Board of Appeals
Rm. 209, Court House,
Towson, Md. 21204

No. 85176

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

DATE Jan 15, 1985 ACCOUNT 01712

AMOUNT \$ 22.00

RECEIVED FROM Arvin E. Rosen, Esq., 2 E. Fayette St. (21202)

FOR Cost of certified documents in Case No. 84-314-XSPHA
Glenlo Corporation

00371*****220015 5149F
VALIDATION OR SIGNATURE OF CASHIER



County Board of Appeals of Baltimore County

Room 209 Court House

Towson, Maryland 21204

(301) 494-3180

January 4, 1985

Arvin E. Rosen, Esq.
Siskind, Burch, Grady and Rosen
2 E. Fayette Street
Baltimore, Md. 21202

Re: Case No. 84-314-XSPHA
Glenlo Corporation

Dear Mr. Rosen:

In accordance with Rule B-7 (a) of the Rules of Procedure
of the Court of Appeals of Maryland, the County Board of Appeals is
required to submit the record of proceedings of the zoning appeal which
you have taken to the Circuit Court for Baltimore County in the above
matter within thirty days.

The cost of the transcript of the record must be paid by you.
Certified copies of any other documents necessary for the completion
of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be
paid in time to transmit the same to the Circuit Court not later than thirty
days from the date of any petition you might file in court, in accordance
with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice
covering the cost of certified copies of necessary documents.

Very truly yours,

June Holmen
June Holmen, Secretary

Encls.
cc: Parkway, Inc.

21-11/B16
1.9.85

IN THE MATTER OF THE
APPLICATION OF
GLENLO CORPORATION FOR
SPECIAL EXCEPTION, SPECIAL
HEARING AND VARIANCE ON
PROPERTY LOCATED ON THE
NORTHEAST CORNER MCCLEAN BLVD.
AND PERRING MANOR ROAD
9TH DISTRICT
BEFORE THE COUNTY BOARD OF
APPEALS OF BALTIMORE COUNTY
No. 84-314-XSPHA

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No. 85CG3
* Docket No. 5
* Folio No. 363

PETITION PURSUANT TO MARYLAND RULE B2.e.

Parkway, Inc., by its attorneys, J. Harold Grady,
Arvin E. Rosen, Dennis J. Hoover and Siskind, Burch, Grady and
Rosen, as and for its Petition Pursuant to Maryland Rule B2.e.,
respectfully states:

I. ACTION APPEALED FROM.

1. This proceeding is an Appeal from an Opinion and
Order by the County Board of Appeals for Baltimore County (the
"Board") dated December 11, 1984, Case No. 84-314-XSPHA,
affirming the Orders of the Deputy Zoning Commissioner of
Baltimore County, dated May 28, 1984, granting the Special
Exception, Special Hearing and Variance petitioned for by
Glenlo Corp. Appellant herein was a Protestant in the hearings
below.

RECEIVED
COUNTY BOARD OF APPEALS
1985 JAN 14 A 11:04 E

II. ERROR COMMITTED BY AGENCY.

2. The Opinion and Order of the Board affirming the
Orders of the Deputy Zoning Commissioner of Baltimore County are
invalid, illegal, arbitrary and capricious for reasons including,
but not limited to, the following:

A. The Board's conclusion as to Appellant's
purpose in its action before the Board and the Deputy Zoning
Commissioner is not an applicable consideration for the Board
in its decision making process.

B. The overwhelming weight of the evidence
presented to the Board supported Appellant's position, as
follows:

i. The Variance, if granted, would cause
substantial injury to public health, safety and general welfare,
and contravention of Baltimore County Zoning Regulation ("BCZR")
Section 307.

ii. Excessive traffic congestion would be
caused in contravention of the legislative policy stated in
BCZR Section 405.1.

iii. Automobile circulation at the proposed
site will result in the likelihood of vehicles waiting on the
street and/or blocking the right of way to the proposed station,
in contravention of BCZR Section 405.4.A.4.

iv. The proposed site proved insufficient
on site stacking as required by BCZR Section 419.2.

v. The Special Exception requested would be detrimental to the health, safety and general welfare of the locality involved, tend to create congestion in roads, streets and alleys therein and would create a potential hazard from fire, panic, or other damages, all in contravention of BC2R Section 502.1.

D. The Board's stated reasons for its affirmation of the requested Special Exception, Special Hearing and Variance were not supported by or found in, the evidence introduced before it.

E. All of the evidence indicated that the hourly capacity of the car wash equipment was fifty; thereby being required by BC2R 419.1 to provide thirty-five stacking spaces. Petitioner requested a variance to twenty stacking spaces from twenty-three stacking spaces; however, as above stated, the proper variance for the Board to have considered was from thirty-five to twenty stacking spaces.

4. The Board has failed to comply with the requirements of Article 25A, Section 5(U) of the Annotated Code of Maryland by failing to include a Statement of Facts Found and the grounds for its decision.

5. For such other and further reasons as shall be raised in Appellant's Memorandum to be filed herein.

-3-

III. RELIEF SOUGHT.

WHEREFORE, Appellant prays this Honorable Court to:

1. Reverse the Order of the County Board of Appeals for Baltimore County.
2. Grant Appellant such further relief as this Honorable County deems appropriate after consideration of this case.

Dennis J. Hoover
Dennis J. Hoover
Siskind, Burch, Grady and Rosen
Two East Fayette Street
Baltimore, Maryland 21202
(301) 539-6606
Attorneys for Appellants

CERTIFICATE OF SERVICE

Pursuant to Rule B2.c. of the Maryland Rules of Procedure, I hereby certify that on this 10th day of January, 1985, a copies of the foregoing Petition by Parkway, Inc. were mailed, postage prepaid, to the County Board of Appeals of Baltimore County, Room 219, Courthouse, Towson, Maryland 21204, Arnold Jablon, Zoning Commissioner, Courthouse, Towson, Maryland 21204, and M. Jayne Wright, Attorney, 401 Washington Avenue, P.O. Box 6705, Towson, Maryland 21204.

Arvin E. Rosen
Arvin E. Rosen

-4-

LAW OFFICES OF SISKIND, BURCH, GRADY AND ROSEN

A. HERMAN SISKIND (1908-1984)
WILLIAM E. BURCH
FRANCIS B. BURCH
J. HAROLD GRADY
ARVIN E. ROSEN
DENNIS J. HOOVER
JEROLD A. MOSES

JEFFERSON BUILDING
TWO EAST FAYETTE STREET
BALTIMORE, MD. 21202

TELEPHONE 539-8808
AREA CODE 301
COUNSEL
GEORGE W. HENNINGER, JR.

January 10, 1985

County Board of Appeals
for Baltimore County
Room 200
Courthouse
Towson, Maryland 21204

Re: Case No. 84-314-XSPHA
Glenlo Corporation

Gentlemen:

Enclosed is our check in the amount of \$22.00 in payment for the cost of certified documents in connection with the appeal of the above referenced case.

Very truly yours,

Jerold A. Moses
Jerold A. Moses

JAM/lig
Enclosure
9-17/825

RECEIVED
COUNTY BOARD OF APPEALS
JAN 16 1985

IN THE MATTER OF THE APPLICATION OF GLENLO CORPORATION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE NORTHEAST CORNER McCLEAN BLVD. AND PERRING MANOR ROAD 9TH DISTRICT BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. 84-314-XSPHA

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY Case No.

ORDER FOR APPEAL BY GLENLO CORPORATION

Mr. Clerk:

Please enter an appeal pursuant to Rule B2, Chapter 1100, Maryland Rules of Procedure, on behalf of Glenlo Corporation by its lessee, Gulf Oil Corporation, from the written opinion and order issued December 11, 1984, by the County Board of Appeals of Baltimore County in Proceeding No. 84-314-XSPHA.

M. Jayne Wright
M. Jayne Wright
Semmes, Bowen & Semmes
P.O. Box 6705
Towson, MD 21205-6705
(301) 296-4400

I HEREBY CERTIFY that on this 10th day of January, 1985, a copy of the foregoing Order of Appeal by Glenlo Corporation was hand-delivered or mailed to: County Board of Appeals of Baltimore County, Room 219, Courthouse, Towson, MD 21204;

RECEIVED
COUNTY BOARD OF APPEALS
JAN 16 1985

Arnold Jablon, Zoning Commissioner, County Office Building, Room 109, Towson, Maryland 21204; and to Arvin E. Rosen, Esquire and Dennis J. Hoover, Esquire, Two East Fayette Street, Baltimore, Maryland 21202.

M. Jayne Wright
M. Jayne Wright

- 2 -

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
January 17, 1985

Arvin E. Rosen, Esq.
2 E. Fayette St.
Baltimore, Md. 21202
Dear Mr. Rosen:

Re: Case No. 84-314-XSPHA
Glenlo Corporation

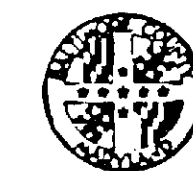
Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Jane Holmen
Jane Holmen, Secretary

Encl.
cc: Parkway, Inc.
Phyllis C. Friedman
Norman Gerber
James Howell
Jean Jung
James Dyer
Arnold Jablon



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
January 17, 1985

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

Re: Case No. 84-314-XSPHA
Glenlo Corporation

Dear Ms. Wright:

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

Jane Holmen
Jane Holmen, Secretary

Encl.
cc: Glenlo Corp.
Gulf Oil Corp.

IN THE MATTER OF THE APPLICATION OF GLENLO CORPORATION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE NORTHEAST CORNER McCLEAN BLVD. AND PERRING MANOR ROAD 9TH DISTRICT PARKWAY, INC., PLAINTIFF ZONING FILE NO. 84-314-XSPHA

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Folio No. 363 File No. 84-CG-3

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William R. Evans, Lawrence E. Schmidt, and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Glenlo Corp., c/o John Riehl III, Vice President, 2 W. University Pkwy., Baltimore, Md. 21218, Petitioner; Gulf Oil Corp., c/o Wayne Jones, 812 Gleneagles Ct., Towson, Md. 21204, Lessee; Arvin E. Rosen, Esq., 2 E. Fayette St., Baltimore, Md. 21202, Counsel for Protestant, Parkway, Inc.; Parkway, Inc., 7300 McClean Blvd., Baltimore, Md. 21234, Lessee of property and Protestant; M. Jayne Wright, Semmes, Bowen & Semmes, P. O. Box 6705, Towson, Md. 21285-6705, Counsel for Lessee, Gulf Oil Corp.; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Jane Holmen
Jane Holmen
County Board of Appeals of Baltimore County
Rm. 200, Court House, Towson, Md. 21204
494-3180

Glenlo Corp.
Case No. 84-314-XSPHA

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Glenlo Corp., c/o John Riehl III, Vice President, 2 W. University Pkwy., Baltimore, Md. 21218, Petitioner; Gulf Oil Corp., c/o Wayne Jones, 810 Gleneagles Ct., Towson, Md. 21204, Lessee; Arvin E. Rosen, Esq., 2 E. Fayette St., Baltimore, Md. 21202, Counsel for Protestant, Parkway, Inc.; Parkway, Inc., 7300 McClean Blvd., Baltimore, Md. 21234, Lessee of property and Protestant; M. Jayne Wright, Semmes, Bowen & Semmes, P. O. Box 6705, Towson, Md. 21285-6705, Counsel for Lessee, Gulf Oil Corp.; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, on this 4th day of January, 1985.

June Holmen
June Holmen
County Board of Appeals of Baltimore County

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner, Office of Planning and Zoning Date: Jan. 4, 1985
FROM: William T. Hackett, Chairman, County Board of Appeals
SUBJECT: Certified copies of zoning documents
Case No. 84-314-XSPHA Glenlo Corporation

Attached please find the necessary documents from the Zoning Commissioner's file which must be certified as True Test copies for the Circuit Court.

Please certify these documents and return same to this office.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

IN THE MATTER OF THE APPLICATION OF GLENLO CORPORATION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE NORTHEAST CORNER McCLEAN BLVD. AND PERRING MANOR ROAD 9th DISTRICT : IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW :
GLENLO CORPORATION, PLAINTIFF : CG Doc. No. 5
Zoning File No. 84-314-XSPHA : Folio No. 363
: File No. 84-CG-3

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William R. Evans, Lawrence E. Schmidt, and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Glenlo Corp., c/o John Riehl III, Vice President, 2 W. University Pkwy., Baltimore, Md. 21218, Petitioner; Gulf Oil Corp., c/o Wayne Jones, 810 Gleneagles Ct., Towson, Md. 21204, Lessee; Arvin E. Rosen, Esq., 2 E. Fayette St., Baltimore, Md. 21202, Counsel for Protestant, Parkway, Inc.; Parkway, Inc., 7300 McClean Blvd., Baltimore, Md. 21234, Lessee of property; M. Jayne Wright, Semmes, Bowen & Semmes, P. O. Box 6705, Towson, Md. 21285-6705, Counsel for Lessee, Gulf Oil Corp.; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holmen
June Holmen
County Board of Appeals of Baltimore County
Rm. 200, Court House, Towson, Md. 21204
494-3180

Glenlo Corporation
Case No. 84-314-XSPHA

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Glenlo Corp., c/o John Riehl III, Vice President, 2 W. University Pkwy., Baltimore, Md. 21218, Petitioner; Gulf Oil Corp., c/o Wayne Jones, 810 Gleneagles Ct., Towson, Md. 21204, Lessee; Arvin E. Rosen, Esq., 2 E. Fayette St., Baltimore, Md. 21202, Counsel for Protestant, Parkway, Inc.; Parkway, Inc., 7300 McClean Blvd., Baltimore, Md. 21234, Lessee of property; M. Jayne Wright, Semmes, Bowen & Semmes, P. O. Box 6705, Towson, Md. 21285-6705, Counsel for Lessee, Gulf Oil Corp.; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, on this 17th day of January, 1985.

June Holmen
June Holmen
County Board of Appeals of Baltimore County

21-11/825
1.23.85

IN THE MATTER OF THE APPLICATION OF GLENLO CORPORATION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE NORTHEAST CORNER McCLEAN BLVD. AND PERRING MANOR ROAD 9th DISTRICT : IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW :
BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY : Case No. 85CG3
No. 84-314-XSPHA : Docket No. 5
: Folio No. 363

MOTION TO DISMISS

Parkway, Inc., by its attorneys, J. Harold Grady, Arvin E. Rosen, Dennis J. Hoover and Siskind, Burch, Grady and Rosen, moves, pursuant to Maryland Rule 2-322 to dismiss the Order for Appeal filed by Glenlo Corporation, and for reasons states:

1. This action is an Appeal by Parkway, Inc. from the Opinion and Order of the County Board of Appeals of Baltimore County ("Board of Appeals") dated December 11, 1984.
2. The Order of the County Board of Appeals affirmed, in all respects, the decisions of the Deputy Zoning Commissioner, dated May 28, 1984, granting the Special Exception, Special Hearing and Variance, petitioned for by Glenlo Corporation.
3. Section 22-32 of the Baltimore County Code and Section 500.10 of the Baltimore County Zoning Regulations require appeals be taken from decisions of the Zoning or Deputy Zoning Commissioner to the Board of Appeals, within thirty (30) days from the date of the decision.

4. Glenlo Corporation did not appeal the decisions of the Deputy Zoning Commissioner dated May 20, 1984 within thirty (30) days thereof to the Board of Appeals, as required by applicable statutes.

5. Therefore, Glenlo Corporation has no standing to appeal the Opinion and Order of the Board of Appeals.

6. The Order for Appeal filed by Glenlo Corporation herein should be dismissed.

WHEREFORE, Parkway, Inc. prays that this Court dismiss the Order for Appeal filed herein by Glenlo Corporation.

J. Harold Grady
J. Harold Grady
Arvin E. Rosen
Dennis J. Hoover
Siskind, Burch, Grady and Rosen
Two East Fayette Street
Baltimore, Maryland 21202
(301) 539-6606
Attorneys for Appellants

CERTIFICATE OF SERVICE

Pursuant to Rule B2.c. of the Maryland Rules of Procedure, I hereby certify that on this 4th day of January, 1985, a copies of the foregoing Motion by Parkway, Inc. were mailed, postage prepaid, to the County Board of Appeals of Baltimore County, Room 219, Courthouse, Towson, Maryland 21204; Arnold Jablon, Zoning Commissioner, Courthouse, Towson, Maryland 21204, and M. Jayne Wright, Attorney, 401 Washington Avenue, P.O. Box 6705, Towson, Maryland 21204.

Arvin E. Rosen
Arvin E. Rosen
JAN 24 1985
CLERK OF APPEALS

IN THE MATTER OF THE APPLICATION OF GLENLO CORPORATION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE NORTHEAST CORNER McCLEAN BLVD. AND PERRING MANOR ROAD 9th DISTRICT : IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW :
PARKWAY, INC., PLAINTIFFS : CG Doc. No. 5
ET AL : Folio No. 363
ZONING FILE NO. 84-314-XSPHA : File No. 84-CG-3

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William R. Evans, Lawrence E. Schmidt, and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 84-314-XSPHA

April 11, 1984 Petitions of Glenlo Corporation for special exception for a car wash in combination with a service station (Gas & Go), for a special hearing to approve the conversion of an existing service station to Gas and Go operation and expansion of site area of said station under Section 403.8 of the Zoning Regulations and a variance from Section 419.2 to allow 20 stacking spaces for a car wash in lieu of the required 23, 9th District.

April 11, 1984 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for May 15, 1984, at 1:30 p.m.

April 26, " Certificate of Publication in newspaper - filed

April 29, " Certificate of Posting of Property - filed

April 20, " Comments of Baltimore County Director of Planning - filed

May 4, " Comments of Baltimore County Zoning Plans Advisory Committee - filed

May 15, " At 1:30 p.m. hearing held on petitions by Deputy Zoning Commissioner

Glenlo Corporation
Case No. 84-314-XSPHA

May 28, 1984 Order of Deputy Zoning Commissioner granting the 20 stacking spaces for a car wash in lieu of the required 23 spaces; granting the Petition for Special Hearing to convert an existing service station to a gas and go operation and to expand the site area and granting the Petition for Special Exception for a car wash in combination with a service station (gas & go) in accordance with the site plan

June 20, 1984 Order for Appeal to C.B. of A. from Arvin E. Rosen, Esq., on behalf of Parkway, Inc., Lessee of property

November 20, 1984 Hearing on appeal before County Board of Appeals

December 11, 1984 Order of County Board of Appeals ordering that the decision of the Deputy Zoning Commissioner, dated May 28, 1984, granting the special exception, special hearing, and variance petitioned for, including all restrictions, BE AFFIRMED.

January 2, 1985 Order for Appeal filed in the Circuit Ct. for Baltimore County by Arvin E. Rosen, Esq., on behalf of Protestant, Parkway, Inc.

January 4, 1985 Certificate of Notice sent to all interested parties

January 14, 1985 Petition to accompany Order for Appeal filed in the Circuit Ct. for Baltimore County

January 16, 1985 Order for Appeal filed in the Circuit Ct. for Baltimore County by M. Jayne Wright, on behalf of Glenlo Corporation

January 17, 1985 Certificate of Notice sent to all interested parties

January 23, 1985 Motion to Dismiss Appeal by Arvin E. Rosen, Esq., for Appellants Petition to accompany Order for Appeal filed in the Circuit Ct. for Baltimore County

February 1, 1985 Transcript of testimony filed

Petitioner's Exhibit No. 1 - Plat, 3/14/66, City Service Oil Co. proposed site.

" " 2 - Lyon Assocs. Plat survey, 11/16/84 rev., date 2/9/85

" " 3 - Survey of bays in area

" " 4 - Guckert letter to Wayne Jones, 11/19/84

" " 5 - Guckert letter to Mr. Jones, 11/19/84, with study of queue.

" " 6 - Photograph of site.

February 1, 1985 Record of proceedings filed in the Circuit Ct. for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations whenever directed to do so by this Court.

Respectfully submitted,

June Holmen
June Holmen
County Board of Appeals
cc: Arvin Rosen, Esq.
M. Jayne Wright
Phyllis C. Friedman
Glenlo Corporation

IN THE MATTER OF THE
APPLICATION OF
GLENLO CORPORATION FOR
SPECIAL EXCEPTION, SPECIAL
HEARING AND VARIANCE ON
PROPERTY LOCATED ON THE
NORTHEAST CORNER McCLEAN BLVD.
AND PERRING MANOR ROAD
9th DISTRICT
BEFORE THE COUNTY BOARD OF
APPEALS OF BALTIMORE COUNTY
No. 84-314-XSPHA

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No.: 85CG3
Docket: 5
Folio: 363

ANSWER TO ORDER FOR APPEAL BY
PARKWAY, INC.

The appellees, Glenlo Corporation and its lessee,
Gulf Oil Corporation, by their attorneys, M. Jayne Wright
and Semmes, Bowen & Semmes answers the Appellant's appeal
as follows:

1. They deny the allegations of paragraphs 2,
2A, 2B, 2Bi, 2Bii, 2Biv, 2Bv, 2D, 2E, and 4.
2. With the exception of the point raised in
the cross appeal, the Board's decision was supported by the
overwhelming weight of the evidence presented.
3. That the Variance, Special Exception and Special
Hearing were reasonably granted and were consistent with the
Baltimore County Zoning Regulations.

WHEREFORE, Appellee requests this Court to

1. Grant the Appellee's request for the opening
of an additional entrance;
2. Deny the appellant's appeal.

Respectfully submitted,

M. Jayne Wright

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of February,
1985, a copy of the foregoing Answer To Order For Appeal
By Parkway, Inc. was mailed to County Board of Appeals
of Baltimore County, Room 219, Courthouse, Towson, Maryland
21204, Arnold Jablon, Zoni: Commissioner, Courthouse,
Towson, Maryland 21204, and to Arvin E. Rosen, Esq., Siskind,
Burch, Grady & Rosen, Two East Fayette Street, Baltimore,
Maryland 21202.

M. Jayne Wright
M. Jayne Wright

RECEIVED
COUNTY BOARD OF APPEALS
FEB 19 1985

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IN THE MATTER OF THE
APPLICATION OF
GLENLO CORPORATION FOR
SPECIAL EXCEPTION, SPECIAL
HEARING AND VARIANCE ON
PROPERTY LOCATED ON THE
NORTHEAST CORNER McCLEAN BLVD.
AND PERRING MANOR ROAD
9th DISTRICT
BEFORE THE COUNTY BOARD OF
APPEALS OF BALTIMORE COUNTY
No. 84-314-XSPHA

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No.: 85CG3
Docket: 5
Folio: 363

RESPONSE TO MOTION TO DISMISS

Glenlo Corporation and its lessee, Gulf Oil
Corporation, by their attorneys, M. Jayne Wright and Semmes,
Bowen & Semmes, responds to the Motion to Dismiss filed by
Parkway, Inc. as follows:

Glenlo Corporation, by its lessee, Gulf Oil
Corporation (hereinafter collectively referred to as "Glenlo")
petitioned for a Special Exception, Special Hearing and
Variance for property located at the Northeast corner of
McClean Boulevard and Perring Manor Road in early 1984.
The special exception was to permit the operation of a car
wash in combination with a service station. The special
hearing was to permit the conversion of an existing service
station to a gas and go operation and expansion of the site
plan. The variance was to allow twenty stacking spaces
for a car wash rather than twenty-three. After a hearing
before Deputy Zoning Commissioner Jung, an opinion was issued
on May 28, 1984 which granted all three requests, subject

to certain conditions. The only protestant at the hearing was
Parkway, Inc., the owner and operator of a service station
with car wash across the road from the Glenlo property.

Parkway appealed Commissioner Jung's opinion
to the Baltimore County Board of Appeals and a hearing was
held on November 20, 1984. Again, Parkway, Inc., was the
only protestant to appear at the hearing. By an order dated
December 11, 1984, the Board of Appeals affirmed the
decision of the Deputy Zoning Commissioner, noting that
the purpose of the appeal was to prohibit or deter competition.

An appeal to this Court was taken by Parkway
on January 2, 1985, and an Order for Cross-appeal was filed
by Glenlo on January 16, 1985. The Parkway appeal attacks
the Board's decision in its entirety. The Glenlo appeal
seeks only to secure the opening of another entrance to the
station.

Parkway's Motion to Dismiss now seeks the dismissal
of the cross-appeal because the item was not previously
appealed from the Commissioner to the Board of Appeals by
Glenlo. Section 501.6 and 501.7 of the Baltimore County
Zoning Regulations (hereinafter referred to as B.C.Z.R.)
provide that appeals from the Zoning Commissioners decisions
are heard de novo, and that the decision of the Board of
Appeals could affirm or reverse, in whole or in part, the
order appealed from. Therefore, once an appeal from the
Zoning Commissioner's opinion is taken, all issues are before
the Board of Appeals and a cross-appeal is not necessary
to request a change from the Zoning Commissioner's decision.

-2-

The Appellant's claim that Glenlo's failure to
appeal the Zoning Commissioner's decision requires the
dismissal of this action is wholly unsupported in law. Since
the Board of Appeals hearing is de novo, all issues are
appealable once the decision is made.

Respectfully submitted,

M. Jayne Wright

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of February,
1985, a copy of the foregoing Response To Motion To Dismiss
was mailed to the County Board of Appeals of Baltimore
County, Room 219, Courthouse, Towson, Maryland 21204, Arnold
Jablon, Zoning Commissioner, Courthouse, Towson, Maryland
21204, and to Arvin E. Rosen, Esq., Siskind, Burch, Grady
& Rosen, Two East Fayette Street, Baltimore, Maryland 21202.

M. Jayne Wright

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IN THE MATTER OF THE
APPLICATION OF
GLENLO CORPORATION FOR
SPECIAL EXCEPTION, SPECIAL
HEARING AND VARIANCE ON
PROPERTY LOCATED ON THE
NORTHEAST CORNER
McCLEAVE BOULEVARD AND
PERRING MANOR ROAD
9th DISTRICT
BEFORE THE COUNTY BOARD OF
APPEALS OF BALTIMORE COUNTY
No. 84-314-XSPHA

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No. 85CG3
Docket No. 5
Folio No. 363

MEMORANDUM OF LAW

Parkway, Inc., Appellant, by its attorneys, J. Harold
Grady, Arvin E. Rosen, Dennis J. Hoover and Siskind, Burch,
Grady and Rosen, pursuant to Maryland Rule B12, hereby submits
the following Memorandum.

I. Introduction

Glenco Corp., hereinafter referred to as
Petitioner, petitioned the Zoning Commissioner for Baltimore
County for a special exception to permit a car wash in combina-
tion with a service station, a special hearing to convert an
existing service station to a "gas and go" operation, with an
expansion of the site area, and a variance from Section 419.2
of the Baltimore County Zoning Regulations to allow twenty (20)
stacking spaces for a car wash in lieu of the "required 23".

A public hearing was held on the matters
petitioned for on May 15, 1984, at which time, Parkway, Inc.,
hereinafter referred to as Appellant, appeared as a Protestant.

Appellant is a lessee of property located across the street from
the subject site.

By decisions dated May 28, 1984, the Deputy Zoning
Commissioner (hereinafter referred to as "Commissioner") granted
the special exception, special hearing and variance in accordance
with the Site Plan dated April 16, 1984, subject however, to
eight conditions.

Appellant herein timely appealed the decisions of
the Commissioner to the County Board of Appeals for Baltimore
County ("Board"). No appeal of the Commissioner's decision was
taken by Petitioner.

A hearing was held before the Board on November 20,
1984, at which time, both Petitioner and Appellant presented their
respective cases, including the taking of testimony. Relevant
portions of the testimony will be discussed in other sections of
this Memorandum, where appropriate. On December 11, 1984, the
Board issued its Opinion and Order wherein the decisions of the
Commissioner granting the special exception, special hearing and
variance, including all limitations, were affirmed.

Appellant timely appealed the Board's decision
to this Court, which is the subject of the instant case.
Petitioner also entered an appeal of the Board's decision, not-
withstanding its failure to appeal the decisions of the
Commissioner. By Order dated February 19, 1985, this Court
dismissed Petitioner's appeal.

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II. Variance petitioned for and granted was erroneous.

Petitioner requested a variance from Section 419.2
of the Baltimore County Zoning Regulations "to allow 20 stacking
spaces for a car wash in lieu of the required 23". This Section
requires, in pertinent part, that:

The lot on which the car wash is to be
located shall be sufficient to provide
on-site waiting line storage for a total
number of vehicles equal to the number
capable of being processed during one-
half hour, plus ten additional vehicles;...

The undisputed evidence presented to the Board was
that the car wash equipment to be installed on the site is
capable of processing fifty (50) cars per hour. As such, the
number of stacking spaces required for the site is thirty-five
(35) and not twenty-three (23) as stated by Petitioner, a
number over fifty percent (50%) more. This realization dramatic-
ally changes the circumstances under which consideration of the
variance was made, requiring a reversal of the grant of the
variance.

Michael G. Robin, who prepared the site plan,
testified that the plan was prepared based on the car wash
equipment being capable of processing twenty-five (25) cars per
hour, not fifty (50), with the information on the capability
of the equipment told to him by Petitioner's representatives.
See Transcript 28-33. Mr. Robin, when questioned as to the
number of stacking spaces needed for car wash equipment capable
of processing fifty (50) cars per hour, stated "thirty-five".
See Transcript 33.

-3-

Petitioner presented testimony that the car wash equipment to be installed would only process twenty-five (25) cars per hour. See testimony of Wayne Jones, Transcript, 81-83, notwithstanding its capability. In fact, one of the limitations imposed upon the Petitioner by the Commissioner, and affirmed by the Board, was that a maximum of twenty-five (25) cars per hour could be processed.

However, such restraint by the Petitioner or operator of the car wash is not the proper consideration, for good reason. Much testimony was brought out that, as a practical matter, it would be impossible to enforce this restraint by the operator of the car wash, where the equipment has a higher capability. For this equipment, to increase its processing, only a mere toggle switch needs to be flipped. See testimony of Charles Christ, Transcript 104-105.

Therefore, the variance was improperly stated by Petitioner and granted upon this error. The grant of the variance clearly should be reversed and the Petitioner, if so inclined, to request a variance under a proper statement of facts as to the capability of the car wash equipment to be installed.

III. Evidence overwhelmingly supported Appellant's position for the special hearing, special exception and variance to be denied.

The provisions of Baltimore County Zoning Regulations Sections 307, 405.4.A.4. and 502.1 need to be met for

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granting the matters petitioned for and the legislative policy of BCZR Section 405.1 be complied with. These Sections, in pertinent part applicable here, are:

1. BCZR §307: Variance.

Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking, or sign regulations, and only in such manner as to grant relief without substantial injury to public health, safety, and general welfare.

2. BCZR §405.4.A.4. Internal Circulation and Vehicle Reservoir Capacity.

a. The paved areas on the site for any such service station shall be laid out so as to provide for automobile circulation sufficiently free as to preclude any likelihood of vehicles waiting on the street or blocking right of way before gaining entrance.

3. BCZR §502.1.

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

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

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

c. Create a potential hazard for fire, panic or other dangers;...

4. BCZR §405.1B. Purpose.

It is the purpose of this Section to permit the location of automotive service stations...only in accordance with

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comprehensive planning guides, especially in relating service stations to neighborhood, community, or town centers; to regulate motor-vehicle access to such uses so as to cause minimum disruption of traffic;...

The evidence presented to the Board clearly indicates that the granting of Petitioner's requests would violate the above provisions, particularly as to causing traffic congestion in the nearby vicinity of the site.

Charles Christ, President of Appellant, testified as an expert in the operation of car washes and service stations (Transcript 95), the only expert to testify in this area. The expert witnesses for Petitioner were in the areas of design and traffic consultation, not in the area of service station/car wash operations. Mr. Christ's testimony clearly reveals that traffic congestion and other problems will arise at the site, as proposed by Petitioner, including an unworkable internal circulation system (Transcript 100-103; 109-113). Further, his testimony was based on experience in the area of the proposed site.

The only evidence contrary to that of Mr. Christ's testimony, was by the two traffic engineer witnesses for Petitioner. As stated above, their expertise is not in the operations area of car washes. The testimony of Michael Kobin, an expert in service station design, indicated that traffic problems, including internal circulation, would be minimal upon cars recognizing that certain pathways were obstructed and

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using alternates (Transcript 34-39). He admitted that it would be possible for a single car in the entranceway to block access (Transcript 41).

The testimony before the Board overwhelmingly supported Appellant's contention that granting of the Special Exception, Special Hearing and Variance would be in contravention of the above-quoted regulations. The only credible evidence showed that traffic problems would be caused by the operation of Petitioner's proposed gas and go/car wash facility.

IV. Improper Standard Applied by the Board.

The Board, in its opinion, states that:

This Board is persuaded that the purpose of this appeal is to prohibit or deter competition. It is not the function of this Board to do so.

Nothing in the record supports this assertion by the Board. At no time was Appellant's role as a Protestant challenged during the proceedings before the Commissioner or the Board.

By making this statement, the Board reveals that it is considering a criterion in its decision which is not properly before it. As in the Board's own words, it is not the function of the Board to do so. The above-cited regulations clearly delineate the issues before the Board. This impermissible consideration by the Board necessitates a reversal of its decision.

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GLENLO CORPORATION 84-314-XSPHA
NE/corner McClean Blvd. and
Perry Manor Rd. 9th District

SE-Car wash in combo. w/service station
SH-Conversion of existing station to a Gas & Go
Variance-To allow 20 stacking spaces for a car wash in lieu of required 23

April 11, 1984	Petitions filed
May 15,	Hearing at 1:30 p.m. before Dep. Zoning Commissioner
May 28,	Order of Dep. Zon. Commissioner GRANTING petitions
June 20,	Order for Appeal to C.B. of A. from Arvin E. Rosen, Esq., on behalf of Parkway, Inc., Lessee
Nov. 20,	Hearing before the Board
Dec. 11,	Order of the Board ordering that the decision of the D.Z.C. dated May 28, 1984, granting petitions, BE AFFIRMED
Jan. 2, 1985	Order for Appeal filed in the Cir. Ct. for Balto. Cty. by Arvin Rosen, Esq., on behalf of Protestant, Parkway, Inc.
Jan. 4,	Certificate of Notice sent to interested parties
Jan. 16,	Order for Appeal filed in Cir. Ct. for Balto. Cty. by Jayne Wright, on behalf of Glenlo Corp.
Jan. 17,	Certificate of Notice sent to interested parties
Jan. 23,	Motion to Dismiss appeal by Arvin Rosen, Esq., for Appellants
Feb. 1,	Record of proceedings filed in the Circuit Court for Balto. County
" 19	Appellant's (Parkway) Motion to Dismiss Appeal of Appellee (Glenlo Corp) GRANTED (AWB) - (from Court Docket)
May 1	Order of Dismissal with Prejudice filed in Circuit Court by Arvin E. Rosen, Esquire, counsel for Appellant (Parkway)
" 1	Letter from M. Jayne Wright, counsel for Lessee, Gulf Oil Corp., stating that no appeal period exists because of this dismissal, therefore, case is being closed.

V. Board of Appeals Decision fails to conform to the requirements of law.

It is well-established in Maryland that a decision by an administrative agency must include in its opinion a statement of the facts found by the agency and the reasons for its decision. Dundalk Holding Company, Inc. v. Horn, 266 Md. 280, 292 A.2d 77 (1972); Cf., Maryland Administrative Procedure Act, Annotated Code of Maryland, Article 41, Section 254 and State of Maryland Commission on Human Relations v. Malakoff, 273 Md. 214, 329 A.2d 8 (1974).

Further, pursuant to Article 25A, Section 5(U) of the Annotated Code of Maryland, the enabling legislation under which Baltimore County created the Board, the following must be complied with:

(U)pon any decision by a county board of appeals it shall file an opinion, which shall include a statement of facts found and the grounds for its decision. (Emphasis added).

This language is virtually identical to former Baltimore County Zoning Regulation 501.4. The current edition of the Baltimore County Zoning Regulations, at Section 501, page 260, fn.2 reflects that Art. 25A, §5(U) now covers the establishment and operation of the Board.

The Opinion of the Board under review herein, quite clearly does not conform to these requirements. The Board merely states the various contentions of the parties and concludes that the evidence appears "heavily weighted in favor of

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Glenlo". The Board made no attempt to resolve any conflicts in the testimony of the witnesses, only stating that it was "impressed" with the testimony of Petitioner's traffic engineers.

Further, the Board nowhere states that the criteria necessary for the granting of Petitioner's requests have been met, even in conclusory terms. Of course, any evidence relied on by the Board to support such needed conclusions are omitted as well.

It is quickly apparent that a comparison of the Board's Opinion with the record before it, including the hearing and documents contained in the Board's file, that the Board has failed to issue a decision in compliance with applicable law. As such, the Board's Opinion should be reversed by this Court.

VI. Conclusion.

For the reasons stated above, this Court should reverse the decision of the County Board of Appeals, thereby causing the Special Hearing, Special Exception and Variance petitioned for by Glenlo to be denied.

Harold Grady
Harold Grady
Arvin E. Rosen
Dennis J. Hoover
Dennis J. Hoover
Siskind, Burch, Grady & Rosen
Two East Payette Street
Baltimore, Maryland 21202
(301) 539-6606
Attorneys for Appellants

-9-

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of March, 1985, copies of the foregoing Memorandum of Law were mailed, postage prepaid, to the County Board of Appeals of Baltimore County, Room 219, Courthouse, Towson, Maryland 21204; Arnold Jablon, Zoning Commissioner, Courthouse, Towson, Maryland 21204; and M. Jayne Wright, Attorney, 401 Washington Avenue, P. O. Box 6705, Towson, Maryland 21204.

Arvin E. Rosen
Arvin E. Rosen

-10-

CIRCUIT COURT FOR BALTIMORE COUNTY

Assignment Office
County Courts Building
401 Boley Avenue
Towson, Maryland 21204
February 14, 1985

J. Harold Grady, Esq.
Arvin E. Rosen, Esq.
Dennis J. Hoover, Esq.
M. Jayne Wright, Esq.
County Board of Appeals
of Baltimore County
Thomas J. Bollinger, Esq.

RECEIVED
COUNTY BOARD OF APPEALS
1985 FEB 15 11:42

RE: Non-Jury 85-CG-3- In the Matter of the Application of GLENLO CORP. vs. County Bd. of Appeals

HEARING DATE: Wednesday, May 1, 1985, @ 9:30 a.m.
ON THE FOLLOWING: Appeal: 1/2 day

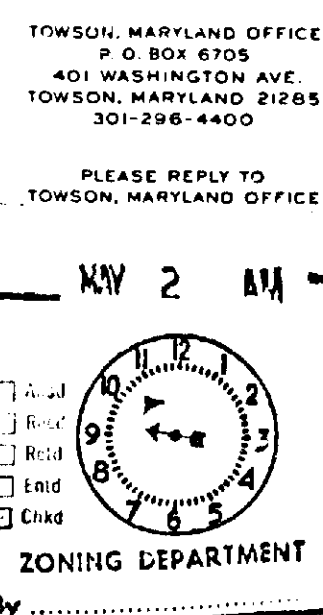
UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement. If the above date is not suitable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments - Joyce Grimm - 494-3897.

SETTLEMENT CONFERENCES: All counsel shall attend the attendance of all parties necessary to effect a binding settlement, including clients and insurance representatives. THERE WILL BE NO EXCEPTIONS FOR ORDER OF JUDGE FRANK E. YOUNG. Please direct all inquiries to the attention of John Adams.

SETTLEMENTS: If a settlement is reached prior to a hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if in order of satisfaction is filed prior to trial.

SEMMESE, BOWEN & SEMMES

ATTORNEYS AT LAW
10 LIGHT STREET
BALTIMORE, MARYLAND 21202
TELEPHONE 301-539-5040
TELECOPIER 301-539-5223
CABLE TREVILAC
TELEX 87-478
May 1, 1985



County Board of Appeals
of Baltimore County
Room 219
Courthouse
Towson, Maryland 21204

RE: Glenlo Corporation
Case No.: 85CG3/5/3

Gentlemen:

I am writing to advise you that this case has been dismissed with prejudice by the Appellants. The Cross Appeal filed by Glenlo Corporation was rejected by the Court as is reflected in the docket sheet entry of February 19, 1985. Given the dismissal of the case by the Appellant, there are no matters remaining open in this matter. Consequently, I would appreciate your taking the necessary action to permit issuance of building permits for that property at this time.

I have enclosed a true test copy of the Order of Dismissal With Prejudice, docket sheet indicating the dismissal of the Appellee's Appeal. Based on the fact that the case was dismissed, there is no appeal period, so there should be no impediment to immediate issuance of permits. Please do not hesitate to contact me if I can be of any further assistance in this matter.

Sincerely yours,
M. Jayne Wright
M. Jayne Wright

MJW/dar
Enclosure
cc: Arnold Jablon, Zoning Commissioner (w/encl.)
William R. Shrader (w/encl.)

21-12/A18
4:30.85

IN THE MATTER OF THE APPLICATION OF GLENLO CORPORATION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE NORTHEAST CORNER McCLEAN BOULEVARD AND PERRING MANOR ROAD 9th DISTRICT BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. 84-314-XSPHA

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No. 85CG3
* Docket No. 5
* Folio No. 363

ORDER OF DISMISSAL WITH PREJUDICE

Mr. Clerk:

Please enter the above-captioned case dismissed with prejudice.

Arvin E. Rosen
Siskind, Burch, Grady & Rosen
Two East Fayette Street
Baltimore, Maryland 21202
(301) 539-6606

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of April, 1985, copies of the foregoing Order were mailed, postage prepaid, to the County Board of Appeals of Baltimore County, Room 219, Courthouse, Towson, Maryland 21204; Arnold Jablon, Zoning Commissioner, Courthouse, Towson, Maryland 21204; and M. Jayne Wright, Attorney, Semmes, Bowen & Semmes, 11th Floor, 10 Light Street, Baltimore, Maryland 21202.

Arvin E. Rosen

CIRCUIT COURT FOR BALTIMORE COUNTY

LAW

CIVIL

APPEAL

DOCKET 5 PAGE 363 CASE NO. 85CG3 CATEGORY

IN THE MATTER OF THE APPLICATION OF GLENLO CORPORATION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE NORTHEAST CORNER McCLEAN BLVD. AND PERRING MANOR ROAD, 9th DISTRICT PARKWAY, INC.

ATTORNEYS
ARVIN E. Rosen, Dennis J. Hoover
Siskind, Burch, Grady & Rosen
2 E. Fayette St. (2) 539-6606

M. Jayne Wright
SEMMESE, BOWEN & SEMMES
P.O. Box 6705
21285-6705 296-4400

J. Harold Grady, Arvin E. Rosen,
Dennis J. Hoover, (same as above)

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CENTRAL ASSIGNMENT

- (1) January 2, 1985 Appellants Appeal from decision of County Board of Appeals of Baltimore County fd.
- (2) Jan. 4, 1985 - Certificate of Notice fd. (Parkway, Inc.)
- (3) Jan. 10, 1985 Appellants' Petition Pursuant to Md. Rule B2.e. & Same Day App. of J. Harold Grady, Arvin E. Rosen & Dennis J. Hoover fd.
- (4) Jan. 16, 1985 - App. of M. Jayne Wright as attorney for GLENLO CORPORATION & same day Order for Appeal from the decision of the Board of Appeals fd.
- (5) Jan. 17, 1985 - Certificate of Notice fd.
- (6) Jan. 25, 1985 - Appellant's (Parkway) Motion to Dismiss fd.
- (7) Feb. 1, 1985 - Transcript of Record fd.
- (8) Feb. 1, 1985 - Notice of filing of record fd. Copy sent.
- (9) Feb. 15, 1985 - Pltff's Petition Pursuant to MD Rule B2.E. fd.
- (10) Feb. 15, 1985 - Pltff's Answer to Order for Appeal by Parkway, Inc. fd.
- (11) Feb. 15, 1985 - Pltff's Response to Motion to Dismiss fd.
- (12) Mar. 4, 1985 Appellant's Memorandum of Law fd.
- (13) April 3, 1985 - Appellee's (Glenlo Corp.) Response to Memorandum & Exhibits fd.

COSTS
CV GEN 853
CV CLK 70.00
8 LBY 5.00
CLOCKER TL 75.00
#32842 C001 R02 T10 01/02
CV GEN 20
CV CLK 5.0
8 LBY 5.0
POST 2.0
CLOCKER TL 12.0
#32842 C001 R02 T06 04/31

DOCKET 5 PAGE 363 CASE NO. 85 CG-3

LAW OFFICES OF SISKIND, BURCH, GRADY AND ROSEN

A. NEWMAN SISKIND 11809-1984
WILLIAM L. SISKIND
FRANCIS B. BURCH
J. HAROLD GRADY
ARVIN E. ROSEN
ROBERT L. FLAMMANN
DENNIS J. HOOVER
AROLD A. MORSE

JEFFERSON BUILDING
TWO EAST FAYETTE STREET
BALTIMORE, MD. 21202

TELEPHONE 539-6606
FAX CODE 301
COUNSEL
GEORGE W. MICHAELS, JR.

April 30, 1985

Clerk
Circuit Court for
Baltimore County
County Courts Building
P. O. Box 6754
Towson, Maryland 21204-0754

Re: In the Matter of Glenlo Corporation
Case No. 85CG3, Docket No. 5, Folio No. 363

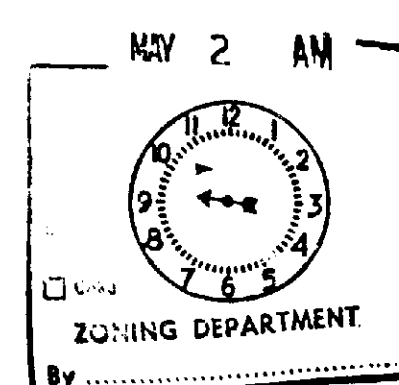
Dear Mr. Clerk:

Enclosed for filing is Order of Dismissal with Prejudice in the above-referenced case.

Very truly yours,

Arvin E. Rosen

AER:bb
Enclosure
cc: County Board of Appeals
Mr. Arnold Jablon
M. Jayne Wright, Attorney
3-38/A23



SEMMESE, BOWEN & SEMMES

ATTORNEYS AT LAW
10 LIGHT STREET
BALTIMORE, MARYLAND 21202
TELEPHONE 301-539-5040
TELECOPIER 301-539-5223
CABLE TREVILAC
TELEX 87-478
May 1, 1985

TOWSON, MARYLAND OFFICE
P. O. Box 6705
401 WASHINGTON AVE.
TOWSON, MARYLAND 21205
301-296-4400
PLEASE REPLY TO TOWSON, MARYLAND OFFICE

County Board of Appeals
of Baltimore County
Room 219
Courthouse
Towson, Maryland 21204

RE: Glenlo Corporation
Case No.: 85CG3/5/363

Gentlemen:

I am writing to advise you that this case has now been dismissed with prejudice by the Appellants. The Cross Appeal filed by Glenlo Corporation was rejected by the Court as is reflected in the docket sheet entry of February 19, 1985. Given the dismissal of the case by the Appellant, there are no matters remaining open in this matter. Consequently, I would appreciate your taking the necessary action to permit issuance of building permits for that property at this time.

I have enclosed a true test copy of the Order of Dismissal With Prejudice, docket sheet indicating the dismissal of the Appellee's Appeal. Based on the fact that the case was dismissed, there is no appeal period, so there should be no impediment to immediate issuance of permits. Please do not hesitate to contact me if I can be of any further assistance in this matter.

Sincerely yours,
M. Jayne Wright
M. Jayne Wright

MJW/dar
Enclosure
cc: Arnold Jablon, Zoning Commissioner (w/encl.)
William R. Shrader (w/encl.)

21-12/A18
4:30.85

IN THE MATTER OF THE APPLICATION OF GLENLO CORPORATION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE NORTHEAST CORNER McCLEAN BOULEVARD AND PERRING MANOR ROAD 9th DISTRICT BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. 84-314-XSPHA

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No. 85CG3
* Docket No. 5
* Folio No. 363

ORDER OF DISMISSAL WITH PREJUDICE

Mr. Clerk:

Please enter the above-captioned case dismissed with prejudice.

Arvin E. Rosen
Siskind, Burch, Grady & Rosen
Two East Fayette Street
Baltimore, Maryland 21202
(301) 539-6606

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of April, 1985, copies of the foregoing Order were mailed, postage prepaid, to the County Board of Appeals of Baltimore County, Room 219, Courthouse, Towson, Maryland 21204; Arnold Jablon, Zoning Commissioner, Courthouse, Towson, Maryland 21204; and M. Jayne Wright, Attorney, Semmes, Bowen & Semmes, 11th Floor, 10 Light Street, Baltimore, Maryland 21202.

True Copy Test

ELMER H. KARPIS, JR., Clerk

Arvin E. Rosen

FILED MAY 1 1985

IN THE MATTER OF THE APPLICATION OF GLENLO CORPORATION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE NORTHEAST CORNER McCLEAN BLVD. AND PERRING MANOR ROAD 9th DISTRICT BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. 84-314-XSPHA

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No.: 85CG3
* Docket: 5
* Folio: 363

PETITION PURSUANT TO MARYLAND RULE B2.E.

Glenlo Corporation and its lessee, Gulf Oil Corporation, by their attorneys, M. Jayne Wright, and Semmes, Bowen & Semmes, represents as follows:

1. This is a cross appeal from an opinion and order by the County Board of Appeals for Baltimore County, dated December 11, 1984, Case No.: 84-314-XSPHA, affirming the Deputy Zoning Commissioner's opinion granting a Special Hearing, Special Exception and Variance requested by the appellees.
2. The sole protestant, Parkway, Inc., filed this appeal to the decision and the appellees filed a cross appeal.
3. The sole error committed by the Board was in declining to reopen one of the Perring Manor Road entrances, both of which were directed closed by the Deputy Zoning Commissioner in her order. This reopening should have been granted since there was no evidence that the opening would cause traffic congestion, impede traffic circulation

or be injurious to the public health, safety or welfare.

WHEREFORE, it is requested that the Court

1. Allow the opening of one Perring Manor Road entrance and,
2. Deny the appeal by the appellant.

Respectfully submitted,

M. Jayne Wright

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of February, 1985, a copy of the foregoing Petition Pursuant To Maryland Rule B2.E. was mailed to the County Board of Appeals of Baltimore County, Room 219, Courthouse, Towson, Maryland 21204, Arnold Jablon, Zoning Commissioner, Courthouse, Towson, Maryland 21204, and to Arvin E. Rosen, Esq., Siskind, Burch, Grady & Rosen, Two East Fayette Street, Baltimore, Maryland 21202.

M. Jayne Wright

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
NE Corner McClean Blvd and
Perring Manor Rd., 9th District
GLENLO CORPORATION, Petitioner
BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 84-314-XSPHA

ENTRY OF APPEARANCE

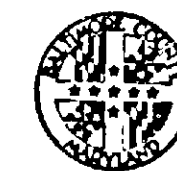
Please enter the appearance of M. Jayne Wright and Semmes, Bowen & Semmes in the above-captioned case on behalf of Gulf Oil Corporation, the Lessee. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

M. Jayne Wright

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

I HEREBY CERTIFY that on this 15th day of August, 1984, a copy of the foregoing Entry of Appearance was mailed to: JOHN RIEHL, III, Vice President, Glenco Corporation, 2 W. University Parkway, Baltimore, MD 21218, Petitioner; PHYLLIS COLE FRIEDMAN, ESQUIRE, and PETER MAX ZIMMERMAN, ESQUIRE, People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204; and to MR. MICHAEL G. KOBIN, STV/Lyon Associates, Inc., 7131 Rutherford Rd., Baltimore, MD, 21207, who requested notification.

M. Jayne Wright



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

December 11, 1984

Arvin E. Rosen, Esq.
2 E. Fayette St.
Baltimore, Md. 21202

Dear Mr. Rosen:

Re: Case No. 84-314-XSPHA
Glenlo Corporation

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,

June Holmen, Secretary

Encl.
Glenlo Corp.
Gulf Oil Corp.
Parkway, Inc.
M. Jayne Wright
Phyllis C. Friedman
Norman E. Gerber
James Howell
Jean Jung
James Dyer

9/6/84 - Following were notified of hearing set for Tuesday, Nov. 20, 1984, at 10 a.m.:

Glenlo Corp.
Gulf Oil Corp.
Arvin E. Rosen, Esq.
Phyllis Friedman
Parkway, Inc.
M. Jayne Wright
N. Gerber
J. Howell
J. Jung
J. Dyer

Gulf Oil Products Company
MARKETING DEPARTMENT - MID-ATLANTIC DISTRICT

P.O. Box 2205
Baltimore, MD 21203

ZONING DESCRIPTION

PROPOSED GULF SERVICE STATION
7301 Mc Clean Boulevard
Baltimore County, Maryland

BEGINNING FOR THE SAME at a point on the northeast corner of McClean Boulevard and Perring Manor Road; thence running along the eastern right-of-way line of McClean Boulevard (1) by a curve to the left having a chord bearing and distance of North 18° 53' 27" West 116.80 feet, a radius of 1040.00 feet and an arc length of 116.87 feet; thence (2) by a curve to the left having a chord bearing and distance of North 23° 40' 19" West 56.70 feet, a radius of 1040.00 feet and an arc length of 56.70 feet; thence leaving said right-of-way line (3) North 67° 02' 18" East 54.95 feet; thence (4) North 71° 19' 19" East 96.48 feet; thence (5) South 19° 37' 05" East 227.99 feet to a point on the northern right-of-way line of Perring Manor Road; thence running along the northern right-of-way line of Perring Manor Road (6) South 89° 59' 34" West 157.97 feet to the place of beginning.

Containing in all 29,861 SF or 0.686 Ac±
The Special Hearing for an expanded site area includes that portion of the above described property not covered by Case No. 5436-XA.

Mark A. Rosen 2-9-84



810 BALTIMORE COURT
TOWSON, MD 21204

In the Matter of the Application of
Glenlo Corp. for Special Exception,
Special Hearing & Variance on Property
Located on the Northeast Corner of
McLean Blvd. & Perring Manor Rd.

IN THE CIRCUIT COURT

FOR

BALTIMORE COUNTY

Docket 5 Folio 363

Case No. 85 02 3

NOTICE OF FILING OF RECORD

To: Dennis J. Hoover, Esq.
Arvin E. Rosen, Esq.
2 E. Fayette St.
Baltimore, MD 21202

In accordance with Maryland Rule of Procedure B12, you are notified that the record in the above entitled case was filed on February 1, 1985.

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

June Holmen
Mail Stop 2205

COUNTY BOARD OF APPEALS
RS JAN 30 P 1:17

FILED FEB 11 1985

IN THE MATTER OF THE
APPLICATION OF
GLENLO CORPORATION FOR
SPECIAL EXCEPTION, SPECIAL
HEARING AND VARIANCE ON
PROPERTY LOCATED ON THE
NORTHEAST CORNER
MCLEAN BOULEVARD AND
PERRING MANOR ROAD
9th DISTRICT
BEFORE THE COUNTY BOARD OF
APPEALS OF BALTIMORE COUNTY
No. 84-314-XSPHA

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
Case No.: 85023
Docket: 5
Folio: 363

RESPONSE TO APPELLANT MEMORANDUM

The Appellee, Glenlo Corporation and their contract lessee, Gulf Oil Corporation, by their attorneys, M. Jayne Wright and Semmes, Bowen & Semmes, responds to the Appellant's Memorandum of Law as follows:

I. Facts

Glenlo Corporation is the record owner of a parcel of property located at the northeast corner of McClean Boulevard and Perring Manor Road in Baltimore County, Maryland. The property is improved by a gasoline service station and was leased by Citgo City Service and operated as a gasoline station until approximately May of 1983. Citgo ceased operation of the station at that time and it has remained empty and unused since then. Gulf Oil Corporation approached Glenlo Corporation to lease the station and property, and is willing to enter into a lease, contingent on obtaining the necessary

County permits to allow the construction and installation of a gas-and-go service station and a car wash. Citgo has agreed to the cancellation of its lease if a Gulf-Glenlo lease can be effected.

Gulf Oil Corporation and Glenlo jointly made application to the Zoning Commissioner of Baltimore County for:

1. A Special Hearing to permit the conversion of an existing service station to a gas-and-go operation pursuant to section 405.8 of the Baltimore County Zoning Regulation and for expansion of site plan area. [hereinafter cited as "B.C.Z.R."].

2. A Special Exception to permit the operation of a service station in combination with a car wash; and

3. A Zoning Variance under B.C.Z.R. 419.2 to allow twenty stacking spaces instead of twenty three. The Special Hearing, Special Exception and Variance are necessary to the planned construction. Gulf does not intend to lease the property unless these requests are resolved favorably.

The Deputy Zoning Commissioner, Jeanne Jung, issued an order on May 28, 1984, granting the Special Hearing, Special Exception and the Variance, subject to certain conditions (Ruling attached as Exhibit 1). Prior to Ms. Jung's ruling, a hearing was held on May 15, 1984, at which Gulf and Glenlo representatives and Mr. Charles Christ, operator of the Amoco station located across McClean Boulevard from the proposed Gulf station, testified. Mr. Christ, trading as Parkway, Inc., was the only protestant

at that hearing and is the appellant in this appeal.

After Mrs. Jung's ruling, Parkway, Inc. filed an appeal to the Board of Appeals. The Appeal was heard de novo on November 20, 1984 and a decision was issued on December 11, 1984 (Opinion attached as Exhibit 2). The Board of Appeals decision affirmed the decision of Deputy Commissioner Jung in its entirety. The opinion stated that the evidence produced by Glenlo and Gulf established that "the 20 proposed stacking spaces were adequate, that traffic congestion would not occur and that a car wash and gas-and-go operation will not adversely affect the health, education and general welfare of the community". The Board further stated that the evidence was "heavily weighted in favor of the Petitioner (Glenlo)". The Board was persuaded that the purpose of Parkway, Inc.'s appeal was "to prohibit or deter competition," given its position as operator of the Amoco station across the street.

Parkway, Inc. has now appealed the decision of the Board of Appeals to this Court, pursuant to Rule 1101, Subtitle B, citing a series of errors by the Board and claiming that the Board's decision was invalid, illegal, arbitrary, and capricious. It is the position of Glenlo and Gulf that the decision of the Board in granting the special hearing, special execution and variance was wholly correct and is fully supported by the evidence presented at the hearing before the Board.

II. Variance In Number Of Stacking Spaces Was Properly Granted

Based on a thru-put rate of twenty-five cars per hour, twenty-three stacking spaces would be required under section B.C.Z.R. 419.2. Both the Deputy Zoning Commissioner and the Board of Appeals granted the requested variance in the number of car wash stacking spaces from twenty-three to twenty as requested by Glenlo.

A revised plat introduced at the time of the Appeal contained twenty-three spaces, the required number, so that a variance was not even necessary. Testimony of Kobin, transcript at 20, lines 2-7. This revised plat providing twenty-three spaces was reviewed by the Baltimore County departments of Current Planning and Traffic and Engineering and both commented favorably on it. Testimony of Kobin, transcript at 21, line 4-16. Mr. Michael Flanagan, associate Traffic Engineer for the Department of Traffic and Engineering testified that the plan was agreeable to his department, and that there was not a likelihood that traffic would back up onto the street. Transcript at 45, lines 3-14 and transcript at 51, lines 6-8.

Mr. Wesley Guckert, a traffic engineer and vice-president of Street Traffic Studies, Ltd., testified on behalf of Glenlo as an expert in the area of traffic engineering and traffic circulation based on a total of twelve and one half years of experience in the area. Mr. Guckert performed extensive surveys of four service stations with car washes to determine whether the proposed circulation system and stacking allowances for this proposed station were adequate. Transcript

pages 54-64. Mr. Guckert testified that the site plan provided more than adequate internal circulation and space for queuing of waiting automobiles. Transcript at 64, lines 1-11. The most physically similar of the stations surveyed, a Gulf station in Gaithersburg, had a stack of less than twelve vehicles 99 percent of the time. The Gaithersburg Gulf sells twice as much gasoline as is forecast for this proposed station and is located on a road which carries approximately 31,000 vehicles per day. McClean Boulevard only carries approximately 14,000 vehicles per day. Given the proposed sales rate and the road use, it is clear that the anticipated stack at this proposed station will be well under the twelve at the Gaithersburg station and drastically less than the twenty-three stacking spaces provided.

Mr. Michael Kobin, a designer with STV-Lyon Associates, qualified as an expert in the area of service station design. Based on his experience, he testified that there was adequate circulation and stacking provided on the property as designed in the revised site plan. Transcript at 26, lines 11-17. He foresaw no detrimental effect to traffic or to the community as a result of the proposed opening of the station and car wash. Transcript at 26, lines 18-21, page 27 at 1.

The only testimony suggesting any problems with traffic circulation was that from Charles Christ, the protestant. Even Mr. Christ, in his observations of various stations, never saw a longer line of cars stacked for a car wash than three or

four. Transcript at 112, lines 7-12. He did testify that if traffic backed up onto McClean Boulevard from the proposed Gulf station, it could cause traffic congestion which would injure his business. Transcript at 101, lines 4-15. To address these very possibilities, Commissioner Jung ordered that there be traffic flow signs and that an attendant be provided to insure that traffic flow on roads not be impeded. A traffic engineer (Mr. Guckert), a designer of service stations (Mr. Kobin), and an expert in the fields of service station and car wash equipment (Mr. Jones) agreed that there would be no circulation problems, as did Mr. Flanagan from Baltimore County's Department of Traffic and Engineering. The Board of Appeals clearly found that traffic congestion would not occur and that the proposal would not adversely affect the community. The decision was based on the evidence before them and should not be altered by this Court.

In addition to challenging the granting of the variance in general as contributing to traffic congestion, the Appellant also argues that the Board's acceptance of Gulf/Glenlo testimony concerning car wash capacity was erroneous. He claims that the car wash capacity is fifty rather than twenty-five vehicles per hour, and therefore a greater variance than that requested is required. This contention is based on the Appellant's testimony that he owns three Ryko car washes, the brand of machinery proposed for installation at the Glenlo location. Mr. Christ testified that there is Ryko equipment capable of

processing fifty cars per hour. The equipment to which Mr. Christ referred included a single pass and double pass option available to the customer (select cycle speed wash option). This is not the type proposed for the Glenlo location. Mr. Kobin testified that the option was not to be installed in the machine. Kobin transcript at 30. Mr. Jones, Gulf's engineer, likewise testified that the projected capacity of the car wash was twenty-five cars per hour. Jones transcript at 81-82. He additionally testified that the car wash would be set up for twenty-five washes per hour, with a station dealer agreement prohibiting modifications by the station operator. Transcript at 77-78. The customer would not have an option whether to choose a double pass (longer) or single pass (shorter), since the machine would be automatically set on a double pass. Transcript at 90. Clearly, strong evidence was presented by Gulf and Glenlo concerning car wash capacity. Mr. Christ seeks to mix apples and oranges by arguing that the machine can process more than fifty cars per hour. The mere fact that some Ryko models can process more than twenty-five cars per hour does not mean that this model can. The fact that some Ryko machines offer single and double pass options does not mean that this one does. Testimony clearly indicates a twenty-five car per hour capacity. Restriction 5 by the Deputy Zoning Commissioner, adopted by the Board requires that the equipment be set to process only twenty-five cars per hour.

The Board's factual findings should not be disturbed by this Court as the findings are clearly based on the evidence.

The judicial function in appeals from an administrative agency is well established and defined. The court will correct illegal actions and those which are arbitrary and unreasonable because they are not based on substantial evidence but it will not substitute its own independent examination of or its own judgment on the facts for those of the agency to which the carrying out of state policy has been delegated.

The heart of the fact finding process often is the drawing of inferences from the facts. The administrative agency is the one to whom is committed the drawing of whatever inferences reasonably are to be drawn from the factual evidence. The Court may not substitute its judgment on the question whether the inference drawn is the right one or whether a different inference would be better supported. The test is reasonableness, not rightness. Davis, op. cit., Sec. 2905, p. 139.

It may be (although we do not so say) that we would have drawn different inferences or conclusions from the evidence, or that we think the Board's action to have been unfortunate and erroneous, but it is the judgment of the Board, not ours, which controls if reasonable men could have done as the Board did, for, as has been said, the test is reasonableness not rightness.

Snowden v. Mayor and City Council of Balto., 224 Md. 443, 445-448 (1961). Accord, Comm'r v. Cason, 34 Md. App. 487 (1977). Judicial review of an administrative decision should be limited to "whether a reasoning mind could have reached the factual conclusion the agency reached. This need not and must not be either judicial fact finding or a substitution of judicial judgment for agency judgment." Ins. Comm'r v. National Bureau, 248 Md. 292 (1967) (emphasis added).

Clearly, the Court should not substitute its judgment for that of the Board of Appeals or otherwise re-evaluate the facts presented before the Board on which the Board's decision was made.

III. The Variance, Special Exception And Special Hearing Were Properly Granted

The Appellants contend that the granting of the Glenlo/Gulf requests were erroneous, will cause traffic congestion, and therefore are contrary to B.C.Z.R. Sections 307, 405.4.A.4, and 502.1. Although Mr. Christ testified that he expected congestion at the site, he was the only witness to hold that opinion. Both Mr. Kobin, an expert in service station design, and Mr. Guckert, a traffic engineer, testified that the circulation was adequate. Additionally, Mr. Flanagan of Baltimore County, an impartial witness, agreed that circulation was wholly adequate. Transcript at 47.

As with respect to the stacking issue, the Board heard the facts and testimony presented by both sides and based their decision on the facts and testimony. Clearly there was more than sufficient evidence for the Board to determine that there was no likelihood of congestion or detriment to the community. Consequently, their decision should not be reversed by this Court.

IV. An Attempt To Deter Competition Is Not A Proper Basis For An Appeal To The Board Of Appeals

In order to be an aggrieved party and therefore have standing to appeal to the Board of Appeals, one must be

"aggrieved", by a zoning decision. B.C.Z.R. Section 500.10. By virtue of his business's nearby location, Mr. Christ is likely "aggrieved" and therefore has standing to appear before the Board in this matter. Based on the evidence presented, it was the Board's conclusion that Mr. Christ was only interested in avoiding competition with a new gas station and car wash. Preventing competition is not a proper element of zoning and "a competitor is usually not regarded as an 'aggrieved party'". Kreatchman v. Ramsburg, 224 Md. 209 (1961). The Kreatchman court extensively discussed a 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, Christ should not be permitted to use zoning regulations offensively to protect himself from potential competition.

Although the Board found that the purpose of the Christ appeal was to deter competition, it obviously considered the evidence he presented in reaching a decision. As the written decision reflects, the Protestant's evidence was less compelling than that offered by Gulf and Glenlo, and therefore

the special exception, special hearing and variance were granted.

V. The Board Of Appeals Decision Meets Statutory Requirements

The Appellant contends that the Board's decision should be overturned because it does not contain findings of fact and conclusions of law. Although not explicitly labeled as such, the opinion clearly reflects, in separate paragraphs, the facts found and the conclusions reached.

Paragraph 2 of the decision states that evidence was "produced to establish that the 20 proposed stacking spaces were adequate, that traffic congestion would not occur, and that a car wash and gas-and-go operation will not adversely affect the health, education and general welfare of the community". (emphasis added). As to the law, the order by the Board grants the requested special exceptions, special hearing and variance, and affirms the Deputy Zoning Commissioner's decision.

The opinion clearly stated the findings of the Board in this matter. To remand the case because of stylistic differences between the Petitioner and the Board would be highly prejudicial to the Appellees.

VI. Conclusion

The use arrangement between Gulf and Glenlo has now been delayed for one year by the appeals of this appellant, the operator of a competing station. The abandoned service station remains an eyesore rather than a contributor to the

-11-

County taxbase and business in the community. For all these reasons, Gulf and Glenlo request that this Court affirm the decision of the Board of Appeals.

Respectfully submitted,

M. Jayne Wright

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of April, 1985, a copy of the foregoing Response To Appellant Memorandum was mailed first class, postage prepaid to the County Board of Appeals of Baltimore County, Room 219, Courthouse, Towson, Maryland 21204; Arnold Jablon, Zoning Commissioner, Courthouse, Towson, Maryland 21204; and Arvin E. Rosen, Esquire, Two East Fayette Street, Baltimore, Maryland 21201.

M. Jayne Wright

-12-

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

No. 85155

DATE 8/20/85 ACCOUNT #01712

AMOUNT \$9.50

RECEIVED FROM Semmes, Bowen & Semmes

FOR Copies of documents from file #84-314-XSPHA Glenlo Corp.

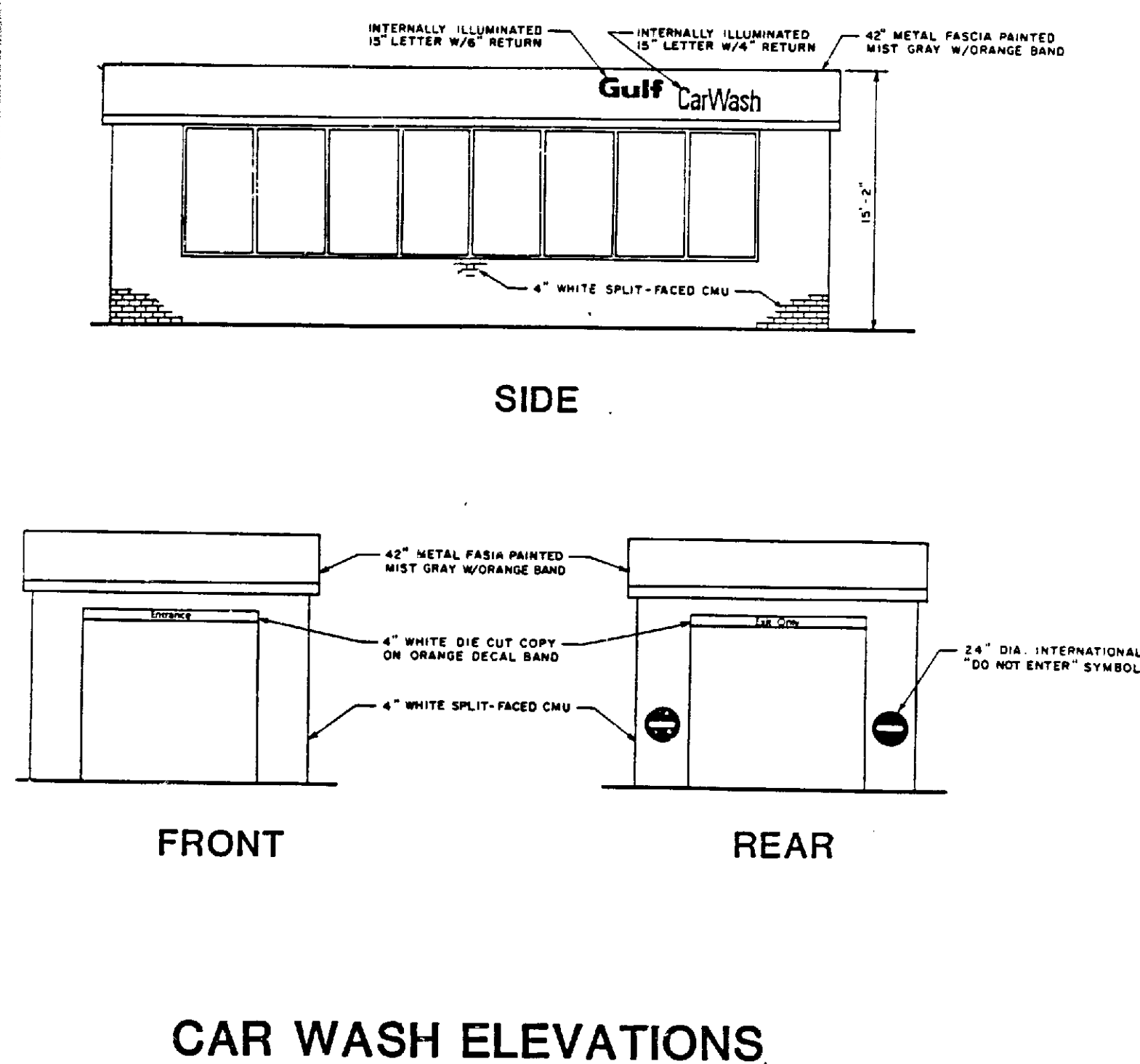
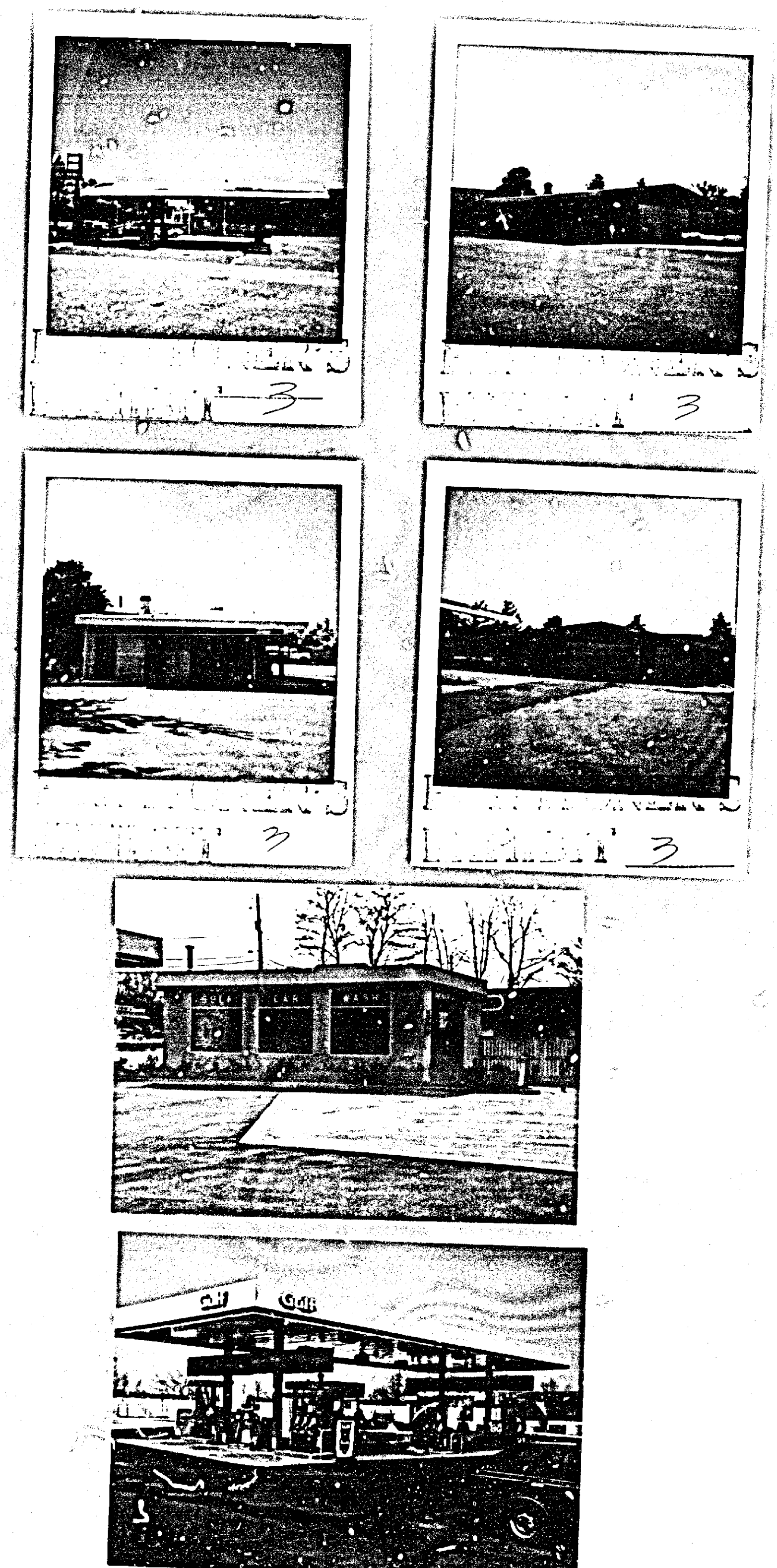
B 8359*****8501a 8238F

VALIDATION ON SIGNATURE OF CASHIER

#84-314-XSPHA 9th District
NE/Corner McClean Blvd. and Parring Manor Road
Glenlo Corporation
2 SIGNS

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9 Date of Posting 7/18/85
Posted for: Board of Appeals
Petitioner: Plunk Corp.
Location of property: NE/Cor. McClean Blvd. & Parring
Manor Rd.
Location of Signs: 1- facing McClean Blvd.; 2- facing
Parring Manor Rd.
Remarks: Beam 2. Coleman
Posted by: Beam 2. Coleman Date of return: 7/18/85
Number of Signs: 2



STV/LYON ASSOCIATES.
ENGINEERS, ARCHITECTS & PLANNERS.
701 N. WASHINGTON STREET
BALTIMORE, MD 21207
(301) 444-1112

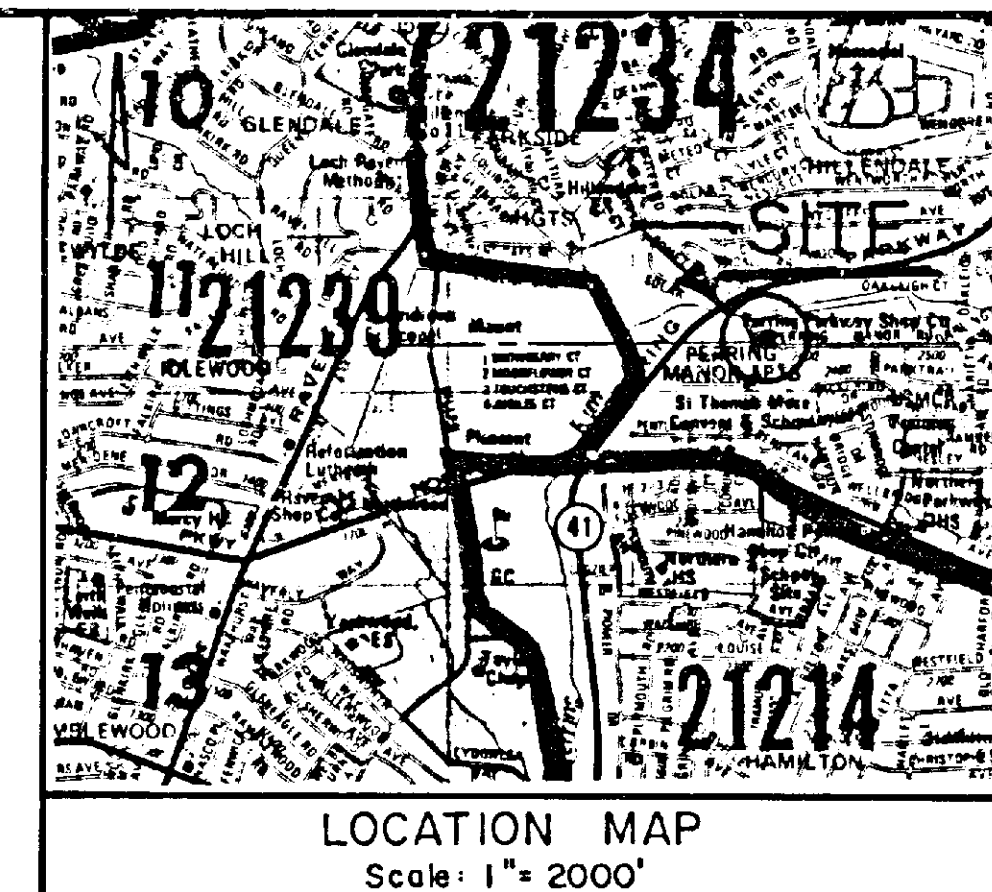
AVAILABLE SERVICE BAYS

LOCATION	NUMBER OF BAYS
1.) Ezrine Auto Center	6 Bays
2.) Exxon	3 Bays
3.) Exxon	3 Bays
4.) Arco	2 Bays
5.) Foertsch Auto Repair	3 Bays
6.) Arco	2 Bays
7.) Prestige Auto Service Center	5 Bays
8.) Curtis Auto Repair	2 Bays
9.) Exxon	3 Bays
10.) Amoco	2 Bays
11.) Getty	3 Bays
12.) Sunoco	2 Bays
13.) Western Auto	4 Bays
TOTAL (1 mile radius)	40 Bays

STV ENGINEERS, ARCHITECTS & PLANNERS
5

STV ENGINEERS, Engineers, Architects, Planners, Construction Managers, Professional Member Firms
STV/Baltimore Transportation Associates, STV/Lyon Associates, STV/Management Consultants Group, STV/
I. D. Nussbaum & Associates, STV/Sanders & Thomas, STV/Sentinel, STV/Seire Stevenson Value & Knicht





GENERAL NOTES:

1. Coordinates and bearings shown are based on Baltimore County traverse stations

14697 N20780.05 E 13760.14
X-7313 N27636.42 E 13453.23
2. Elevations shown are based on Baltimore County BM "X-7313"
Elev. 284.428
3. Property Owner: Glenlo Corporation Lessee
OTG 4536-055 Gulf Oil Corporation
4. Utilities and other obstructions as shown hereon have been made by actual field measurements 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.
5. Utility Companies:

Chesapeake & Potomac Telephone Company
320 St. Paul Street, Baltimore, MD 21202

Baltimore Gas & Electric Company
Lexington & Liberty Streets, Baltimore, MD 21202

CONSTRUCTION NOTES:

- ① Existing building and surrounding sidewalks, concrete pads, heating oil and waste oil tanks to be removed. Area to be backfilled to match adjacent sub-grade.
- ② Remove existing islands, concrete drive slab and canopy.
- ③ Remove existing paving, place min. 6" topsoil, and seed.

LONGING NOTES:

Existing Zoning: BM-CCC

Proposed Zoning: No change but with a Special Exception to allow a car wash in combination with a service station and a Special Hearing 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 Servicing Spaces = 8
Total Servicing Bays = 0
Total Spaces and Bays = 8
Total Area Required = $8 \times 1,500 \text{ SF} = 12,000 \text{ SF}$
(Use 15,000 SF Min.)
Total Waiting Spaces = 8

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 = 29,861 SF

Access Points:

Number of Driveways on Major Street = 2
Required Site Width = 2 x 65' = 130'
Actual Site Width = 173.57'

Landscaping:

Landscaping Required = 1493 SF (5% of site)
Landscaping Provided = 6769 SF (23% of site)

Parking:

Parking Spaces Required = 0
Parking Spaces Provided = 2

Stacking Spaces Required = $(25 \text{ cars/hour} + 2) + 10 = 23$
Stacking Spaces Provided = 20 (Variance requested)

Area Disturbed by New Construction = 9,700 SF ±

[illegible]

SURVEYOR'S CERTIFICATION

I, MARK A. RIDDLE, A REGISTERED PROPERTY LINE SURVEYOR OF THE STATE OF
MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN SURVEYED
BY LYOM ASSOCIATES, INC., AND TO THE BEST OF MY KNOWLEDGE MEETS ALL OF
THE REQUIREMENTS AS CONTRACTED FOR BY FILE GIL CORP.

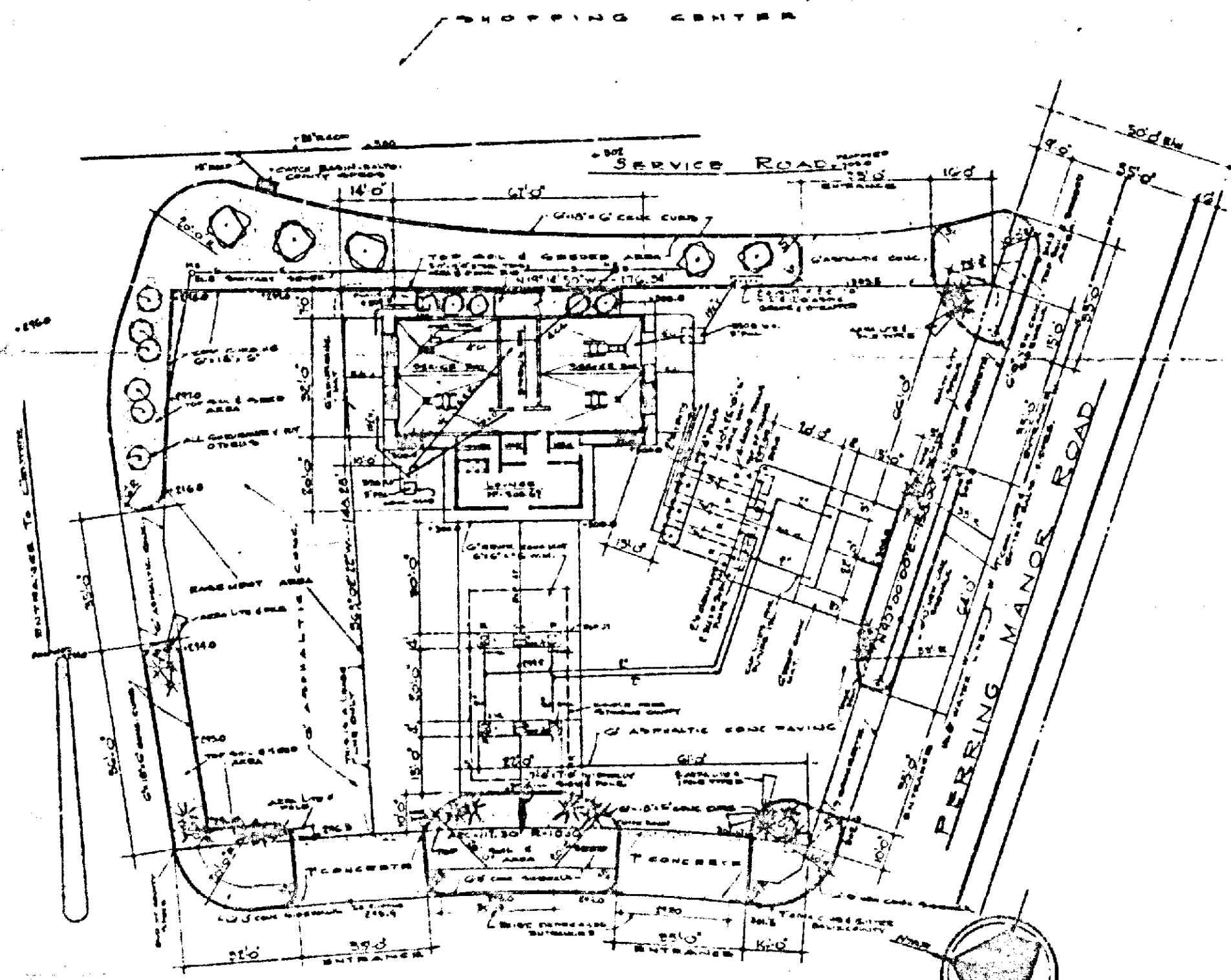
MA A. RIDDLE DATE

MA A. RIDDLE, L.S. NO. 244

DRAWN BY M. KOBIN		DATE FEB. 9, 1993
DESIGNED BY M. KOBIN		SCALE 1" = 10'
CHECKED BY J.C.		

ZONING PLAN
NEW CAR WASH FACILITY
GULF OIL CORPORATION
7301 McCLEAN BOULEVARD
ELECT. DIST. 9 BALTIMORE CO., MD.

DRAWING NO. 7310-52-001
SHEET NO. 1 of 2



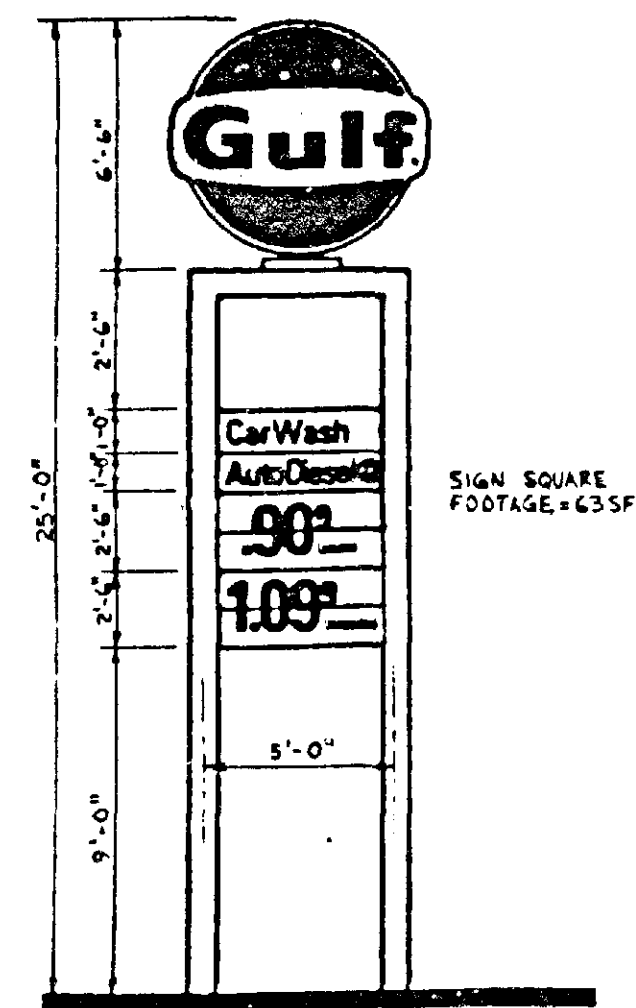
- GENERAL NOTES:**
1. ALL ELEVATIONS SHOWN ON THIS SITE PLAN TO BE VERIFIED BY CIVIL ENGINEER BEFORE FINAL SETTING IN FIELD.
 2. ALL DIMENSIONS ARE SHOWN WILL BE WORKED BY OTHERS & NOT PART OF THIS CONTRACT.
 3. ELEVATIONS AS SHOWN ON THIS SITE PLAN IN REF ARE SUBJECT TO CHANGE.
 4. SECTION DETECT. DAVIS COUNTY.

PLANS FOR
 SITE PLAN & ZONING
 BY *[Signature]*
 DATE 11/1/66

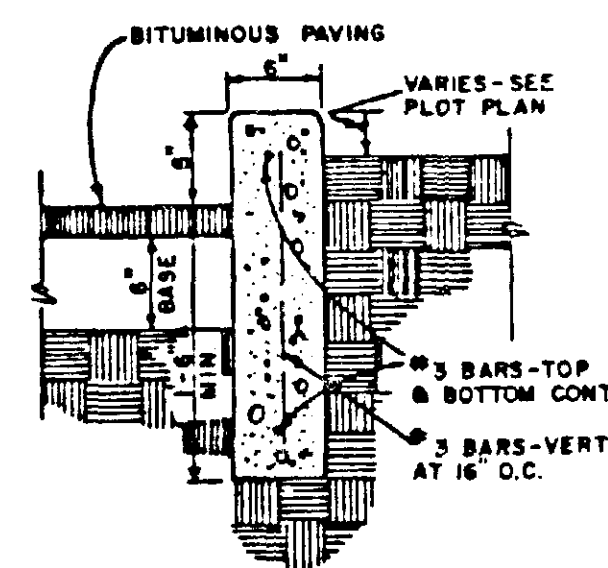
[Circular Stamp]
 J. P. Smith, Jr.
 Nov 14 1966

CITY OF CHICAGO		CITY SERVICE OIL CO.	
DEPARTMENT OF PUBLIC WORKS		DEPARTMENT OF PUBLIC WORKS	
DIVISION OF ENGINEERING		DIVISION OF ENGINEERING	
PROJECT NO. 19-038-0801		PROJECT NO. 19-038-0801	
SHEET NO. 1		SHEET NO. 1	
DATE 11/1/66		DATE 11/1/66	
BY <i>[Signature]</i>		BY <i>[Signature]</i>	
CHECKED <i>[Signature]</i>		CHECKED <i>[Signature]</i>	
APPROVED <i>[Signature]</i>		APPROVED <i>[Signature]</i>	

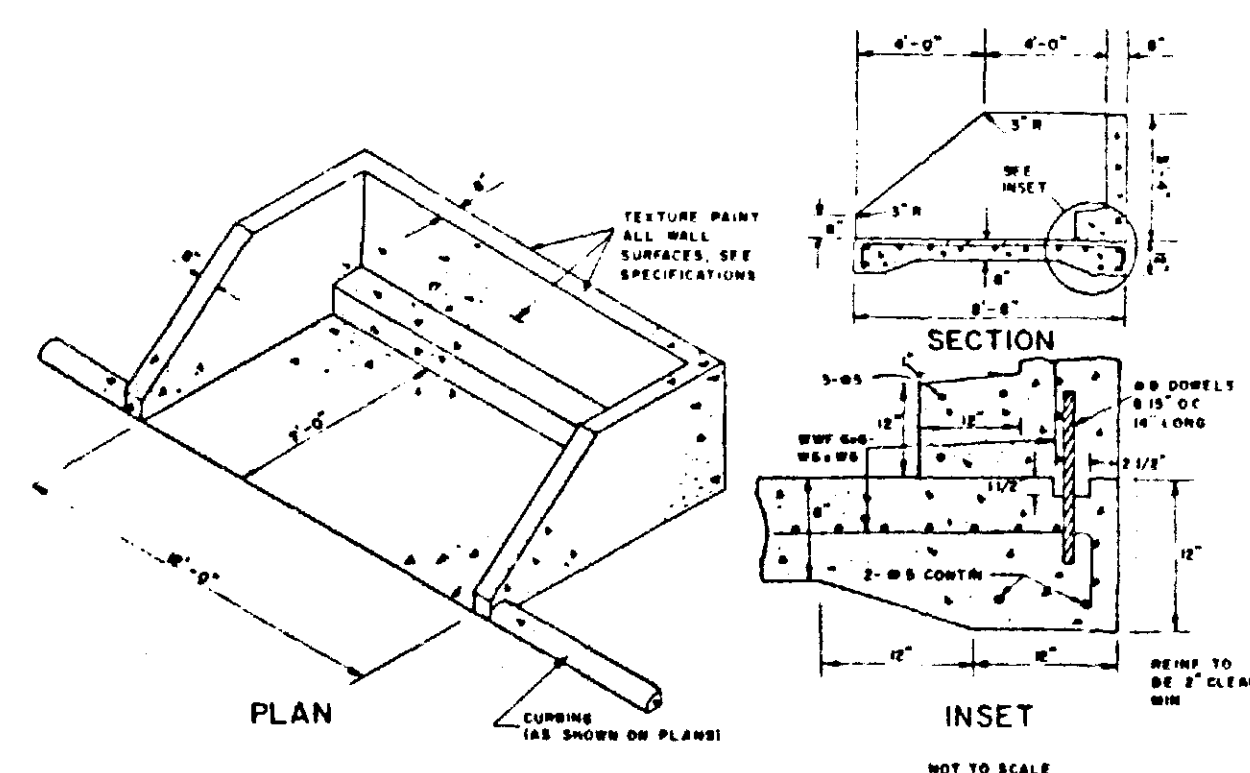
RECEIVED
 6



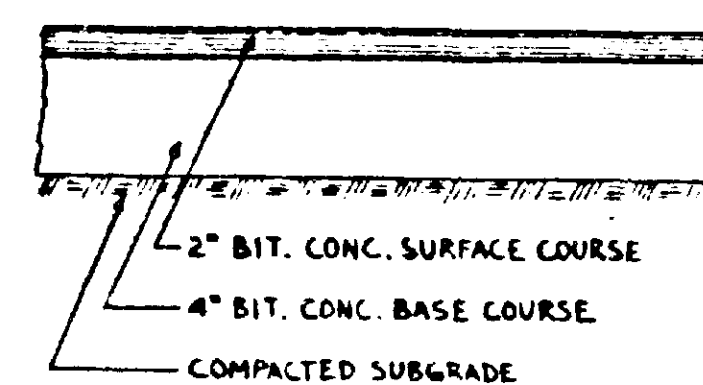
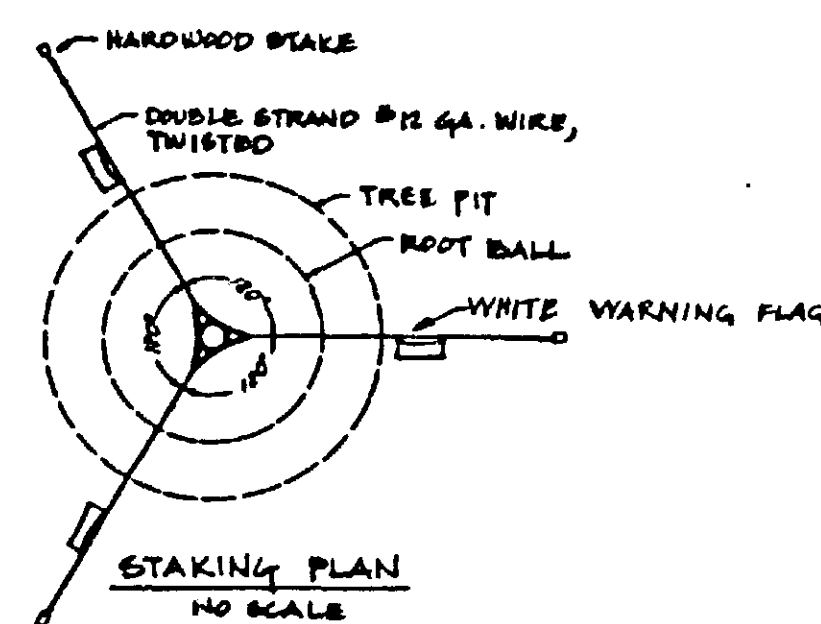
SIGN DETAIL
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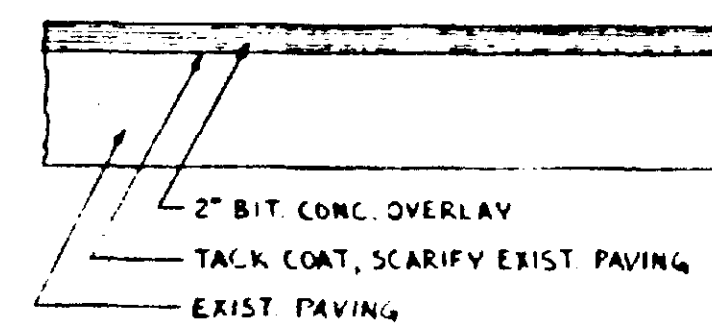
CURB DETAIL
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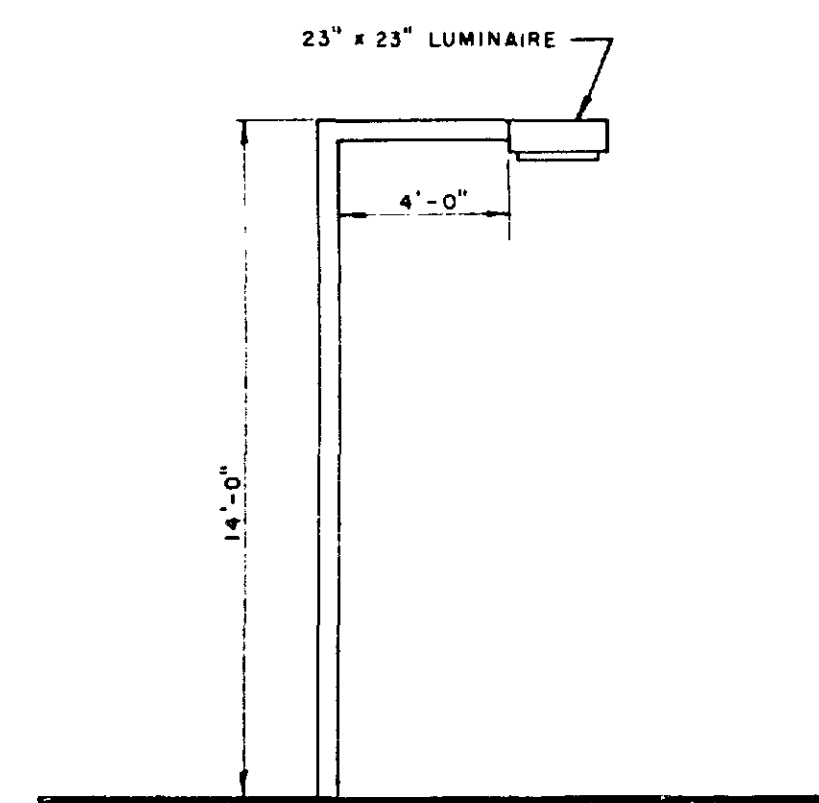
TRASH ENCLOSURE DETAIL
NO SCALE



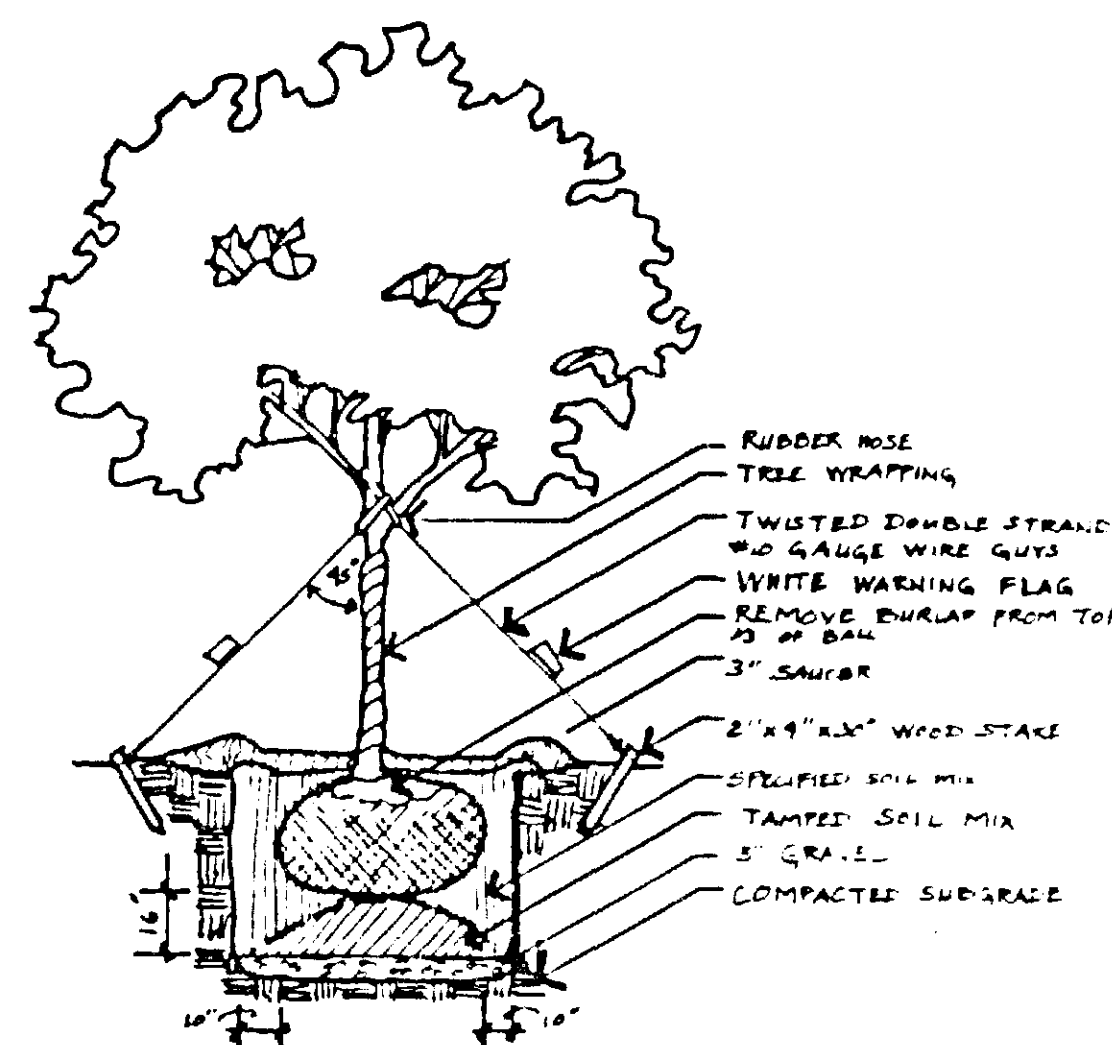
PAVING DETAIL
NO SCALE



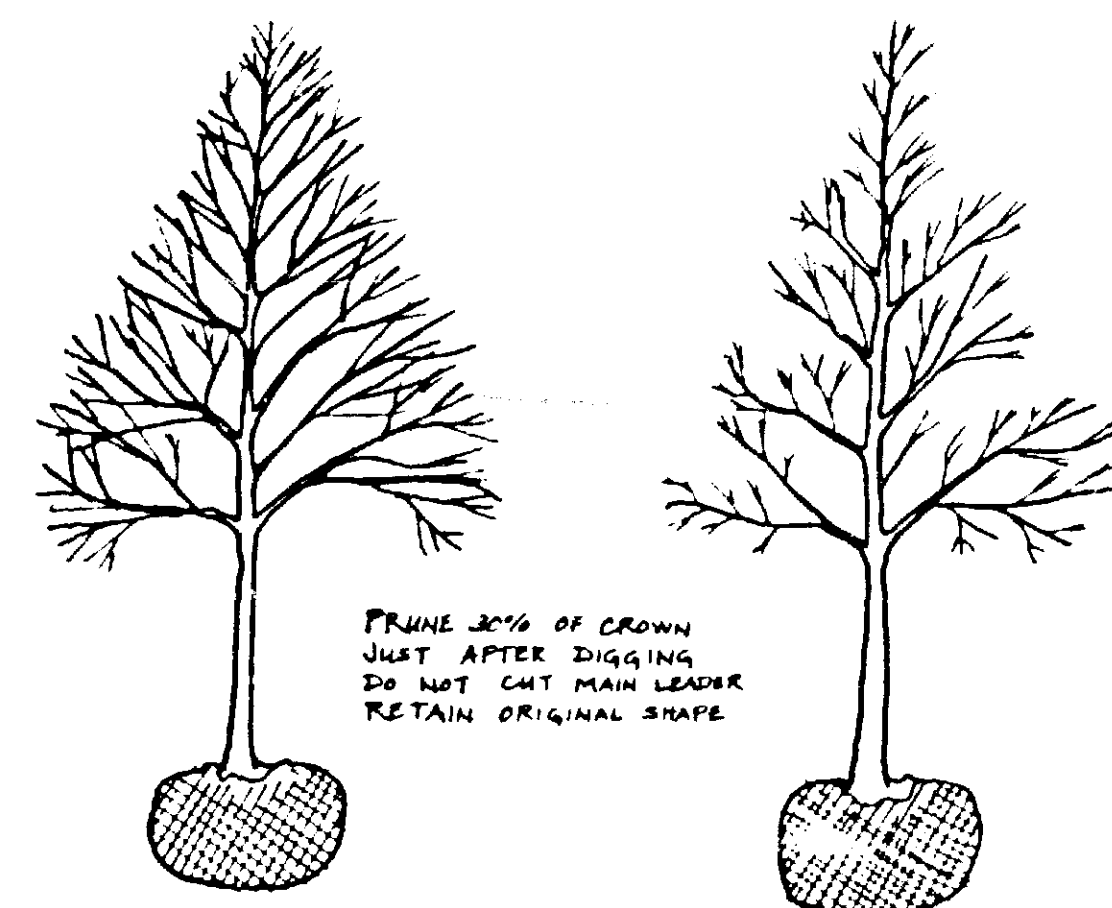
OVERLAY DETAIL
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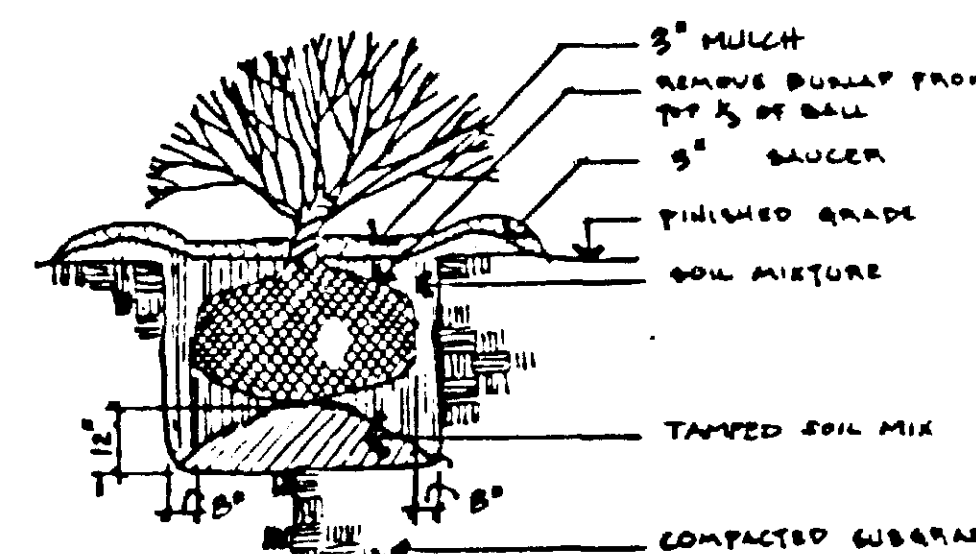
AREA LIGHT DETAIL
NO SCALE



TREE PLANTING
NO SCALE



PRUNING DETAIL
NO SCALE

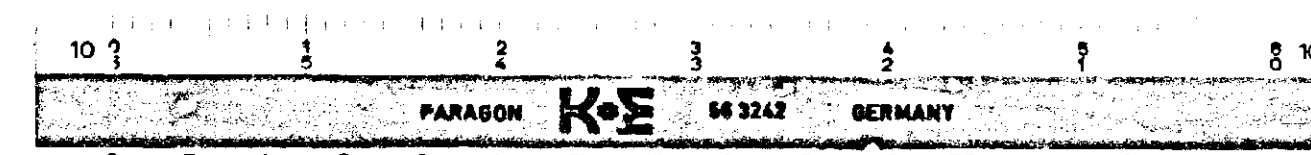


SHRUB PLANTING DETAIL
NOT TO SCALE

PLANT LIST

KEY	NAME	SIZE	ROOT	SPAC	QUANT	REMARKS
CCC	Cottonaster Dammer Skag-horn/Christmas Cactus Cottonaster	8-10 Spd.	8 Cans	30' x 6'	23	Evergreen w. Red Berries 8-10' Ht.
DY	Parus leucostictus Dendroica Dentex Yew	8-10 Spd.	8 B&B	30' x 6'	23	Evergreen Dark Green, Ht. to 5'
AM	Acer Ginnia Amur Maple	2 2 1/2' Cal.	8 B&B Tree form	12' x 6'	2	Small Tree Ht. to 15', Spd. to 15'

NOTE: EXISTING PLANTS TO REMAIN EXCEPT AS NOTED



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 FEB 29, 1983
DESIGNED BY	SCALE NONE
CHECKED BY A. J. CORTEAL	

DETAILS
NEW CAR WASH FACILITY
GULF OIL CORPORATION
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DRAWING NO.
7310-52-001
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2 of 2