

THE DAVARI COMPANIES - LAND DEVELOPMENT

31 S. Calvert Street - 3rd Floor South, Baltimore, MD 21202

Tel-410.528.1500

Fax-410.528.1539

October 19, 2009

TO: Timothy Kotroco
Director
Dept. Permits and Development Management
Baltimore County Government

FROM: Joseph Malandruccolo, RLA
Director of Land Development
The Davari Companies

RE: 1903 Taylor Avenue - Abandonment of Special Exception - Case No. 85-272-SPHXA

Dear Mr. Kotroco:

We recently submitted Site Development Plans for the subject property to your department for review. Consequently, the Zoning Office of the same department discovered a special exception was granted to this property that we no longer require and that this special exception shall be abandoned.

I am writing you to formally request that Special Exception Case No. 85-272-SPHXA be fully abandoned, as the intended and proposed development of this property no longer requires a special exception for its proposed use.

Thank you for your consideration of this matter.

Sincerely,



Joseph Malandruccolo

To Carl Richards:
Is this enough to abandon
the SEX? See me
Tim

If it's the Owner + documented
or plan - cont

BPR

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: August 31, 2009

85-272-SPHXA

To: Mr. Wirth DEPRM, SWM
Ms. Farr DEPRM, EIR
Mr. Lykens DEPRM, DC (2)
Mr. Richards PDM, Zoning Office
Mr. Kennedy DPR, PDM (4)
Mr. Cook Recreation & Parks
Mr. Bailey SHA (3)
Ms. Murphy Land Acquisition
Ms. Lanham PO, Development Review (3)
Ms. Kemp PDM, Street Names & House Numbers
Special Projects Officer of the Fire Marshal's Office - Fire Dept. - 1102F

From: Linda Blackmon, Development Management 410-887-3335

Subject: Project Name: 1903 TAYLOR AVENUE
PDM No: 9-443
DRC No: 091007C
Project No: 09043
District: 9C5
Engineer: ATCS, P.L.C.
Phone No: 410224-7497

Action: Review of Limited Exemption Development Plan

Please review the attached plan for compliance with current regulations and return comments to this office by **SEPTEMBER 21, 2009**.

If you have **no comments** or **do not need to review this plan**, please indicate by placing your initials here. In lieu of a Special Hearing to abandon the approved Special Exception for a service garage, a note on the development stating that the owner/developer wishes to abandon the Special Exception for the service garage. Please initial here if your agency requests PDM, Land Acquisition, to acquire.

 HIGHWAY WIDENING
 GREENWAY
 DRAIN/UTILITY EASEMENT
 FOREST CONSERVATION

 FOREST BUFFER
 FLOODPLAIN
 PUBLIC WORKS AGRMT
 NONE OF THE ABOVE

BH
11/6/09

PETITION FOR ZONING VARIANCE 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 405.4.A.2a to allow a canopy setback of 4.5' in lieu of the required 10' and a pump island setback of 13.5' in lieu of the required 15' from section 405.4.A.1 to allow a site area of 21,033 SF in lieu of the required 21,216 SF, and from Section 232.2b to allow a rear setback of 16' in lieu of the required 20' of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County for the req. 20' following reasons: (Indicate hardship or practical difficulty)

The layout and configuration of this site have forced us to use area within the required setbacks. Also, the reduction in required site area of approximately 12' is needed to avoid having to reduce the size of the existing building in order to utilize it for the intended purpose.

* Sec. 405.4.A.2a - to permit an existing side yard setback of 30' in lieu of 35' and 55' to centerline of street in lieu of 60' and Sec. 413.2f - to permit 2 freestanding signs with a total sq. footage of 361.75 sq. ft. (counting both sides) in lieu of permitted 100 sq. ft. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.

Legal Owner(s):
Atlantic Richfield Company
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
A. J. Cortez, STV/Lyon Associates, Inc.
21 Governor's Court
Baltimore, Md. 21207
944-9112
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of February, 1985, 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 1st day of April, 1985, at 11:00 o'clock.

Cal John
Zoning Commissioner of Baltimore County.

PETITION FOR SPECIAL EXCEPTION 85-272-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 Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a food store (less than 5,000 SF) in combination with a service station (gas and go).

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

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.

Legal Owner(s):
Atlantic Richfield Company
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
A. J. Cortez, STV/Lyon Associates, Inc.
21 Governor's Court
Baltimore, Md. 21207
944-9112
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of February, 1985, 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 1st day of April, 1985, at 11:00 o'clock.

Cal John
Zoning Commissioner of Baltimore County.

PETITION FOR SPECIAL HEARING 85-272-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 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the conversion of an existing service station to a gas and go operation.

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:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.

Legal Owner(s):
Atlantic Richfield Company
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
A. J. Cortez, STV/Lyon Associates, Inc.
21 Governor's Court
Baltimore, Md. 21207
944-9112
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of February, 1985, 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 1st day of April, 1985, at 11:00 o'clock.

Cal John
Zoning Commissioner of Baltimore County.



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

March 28, 1985

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

Re: Item #207 (1984-1985)
Property Owner: Atlantic Richfield Company
S/MS Taylor Ave. 14.68' E. Beverly Hill Ave.
Acres: 0.483
District: 9th

Dear Mr. Jablon:

The following comments are furnished in regard to the subject zoning item:

General Comments:

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

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.

Very truly yours,

James A. Markle, P.E., Chief
Bureau of Public Services

JAM:EAM:PMO:es

UNDER RECEIVED FOR FILING

DATE BY

ORDER RECEIVED FOR FILING

DATE BY

ORDER RECEIVED FOR FILING

DATE BY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO Zoning Commissioner
Norman E. Gerber, Director
FROM Office of Planning and Zoning
SUBJECT: Zoning Petition No. 85-272-XSPHA

Date: March 27, 1985

The plan was approved by the C.R.G. on December 19, 1984.

NEG:JGH:alm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 25, 1985

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

Mr. Richard B. Sloan
Atlantic Richfield Company
P.O. Box 1260
Southeastern, PA. 19398-1260

RE: Item No. 207 - Case No. 85-272-XSPHA
Petitioner - Atlantic Richfield Company
Special Exception, Special Hearing, and
Variance Petitions

Dear Mr. Sloan:

The Zoning Plans Advisory Committee and the County Review Group (CRG) have both reviewed the plans submitted with the above-referenced petitions. The following comments from the CRG have been submitted for those of the Zoning Plans Advisory Committee. They are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

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, Jr.
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:mr

Enclosures

cc: Mr. A. J. Cortez
STV/Lyon Associates, Inc.
21 Governor's Court
Baltimore, Maryland 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 26th day of February, 1985.

Arnold Jablon
Zoning Commissioner

Petitioner: Atlantic Richfield Co. Received by: Nicholas B. Commodari, Jr.
Petitioner's Attorney: Chairman, Zoning Plans Advisory Committee

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map date by	Original date by	Duplicate date by	Tracing date by	200 Sheet date by
Descriptions checked and outline plotted on map					
Petition number added to outline					
Denied					
Granted by ZC, BA, CC, CA					
Reviewed by: DRS	Revised Plans: Change in outline or description Yes No				
Previous case: 3513	Map # A1BSC				

COUNTY REVIEW GROUP MEETING MINUTES Wednesday, December 19, 1984

ARCO MINI-MARKET
District 9 C4

COUNTY REVIEW GROUP - THOSE PRESENT
Gilbert Benson, Chairman - Dept. of Public Works
Susan Carrell, Co-Chairman - Office of Planning

Agency Representatives

Greg Jones - Traffic Engineering
Harris Shalowitz - Developers Engineering Division
Developer and/or Representatives
Robert L. Oliver - Arco Co. (Developer)
Michael G. Robin - STV/Lyon Associates, Inc. (Engineer)
Douglas & Ann Colton - 1903 Taylor Ave., Balto., Md., 21234 (Operators of station)

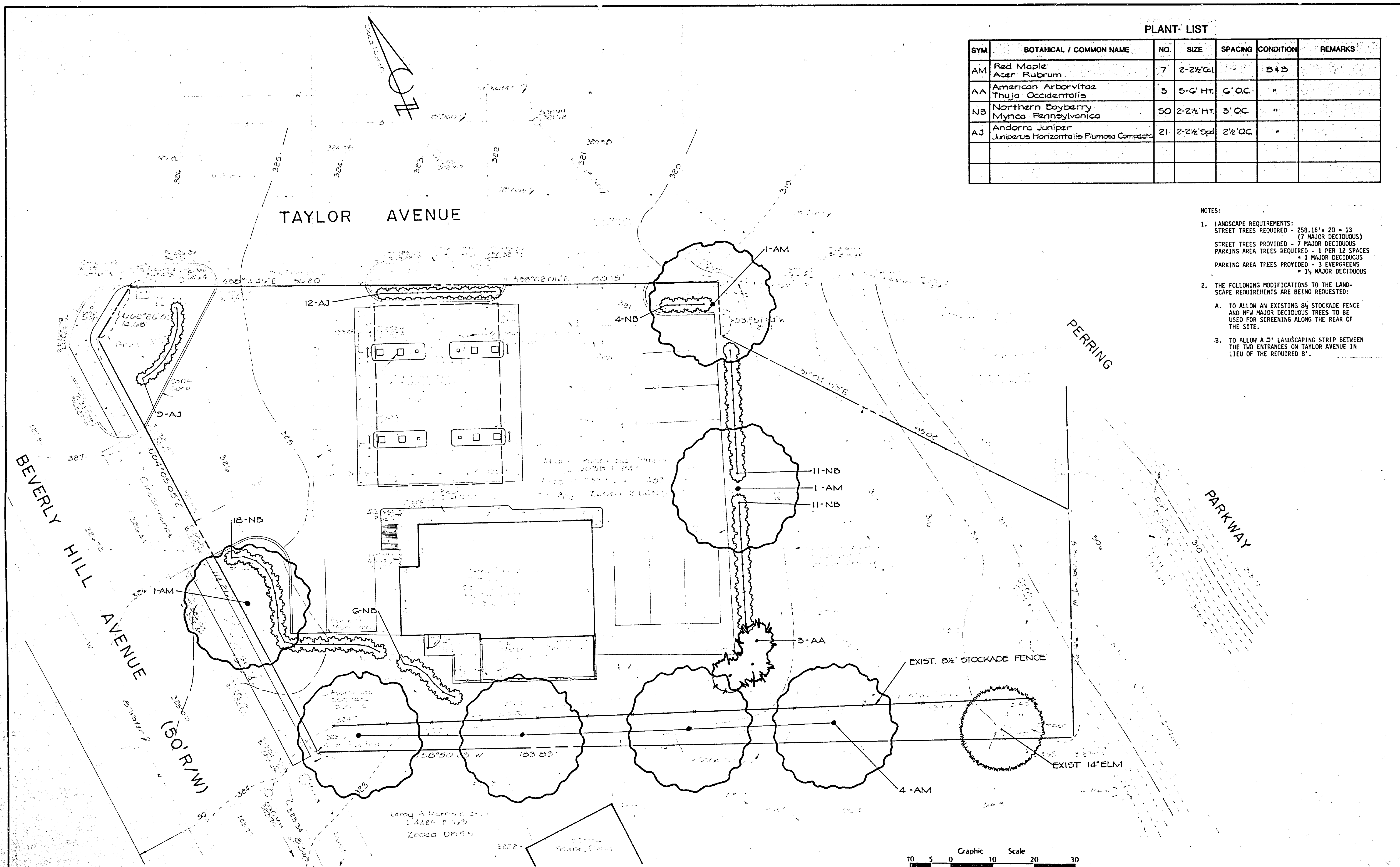
Mr. Benson opened the meeting at 9:00 a.m., introduced the committee and explained the purpose of the meeting.

Mr. Robin presented the plan. This is an existing service station, and they propose to make a mini-market within same with revisions and additions to the existing station. The entrances will remain the same and the pumps will be shifted in accordance with the request of Baltimore County. The telephone booth will be removed to improve sight distance and landscaping will be revised as requested by Baltimore County.

Susan Carrell summarized the written staff comments submitted from Fire Prevention, Developers Engineering Division, Health Department, Traffic Engineering, Planning, Zoning, and Storm Water Management Section. These comments are made a part of these minutes, and a copy was also given to the developer and developer's engineer. The Developers Engineering Division requires sidewalks around the entire site and handicap ramps be provided. Zoning stated that a Special Exception is required for a food store as use-in-common with a service station, and that fences and setbacks for the site are required. The zoning line is to be shown on the plan.

The plan is to be revised in accordance with the suggestions made and the plan was approved by Public Works and Office of Planning.

The meeting was adjourned at 10:00 a.m.



PLANT LIST						
SYM.	BOTANICAL / COMMON NAME	NO.	SIZE	SPACING	CONDITION	REMARKS
AM	Red Maple <i>Acer Rubrum</i>	7	2-2 1/2' Cal.		B + D	
AA	American Arborvitae <i>Thuja Occidentalis</i>	3	5-6' Ht.	6' OC.	"	
NB	Northern Bayberry <i>Myrica Pennsylvanica</i>	50	2-2 1/2' Ht.	3' OC.	"	
AJ	Andorra Juniper <i>Juniperus Horizontalis Plumosa Compacta</i>	21	2-2 1/2' Spd.	2 1/2' OC.	"	

- NOTES:
- LANDSCAPE REQUIREMENTS:
STREET TREES REQUIRED - 258.16' x 20' = 13
(7 MAJOR DECIDUOUS)
STREET TREES PROVIDED - 7 MAJOR DECIDUOUS
PARKING AREA TREES REQUIRED - 1 PER 12 SPACES
= 1 MAJOR DECIDUOUS
PARKING AREA TREES PROVIDED - 3 EVERGREENS
= 1 1/2 MAJOR DECIDUOUS
 - THE FOLLOWING MODIFICATIONS TO THE LANDSCAPE REQUIREMENTS ARE BEING REQUESTED:
A. TO ALLOW AN EXISTING 8' STOCKADE FENCE AND NEW MAJOR DECIDUOUS TREES TO BE USED FOR SCREENING ALONG THE REAR OF THE SITE.
B. TO ALLOW A 3' LANDSCAPING STRIP BETWEEN THE TWO ENTRANCES ON TAYLOR AVENUE IN LIEU OF THE REQUIRED 8'.

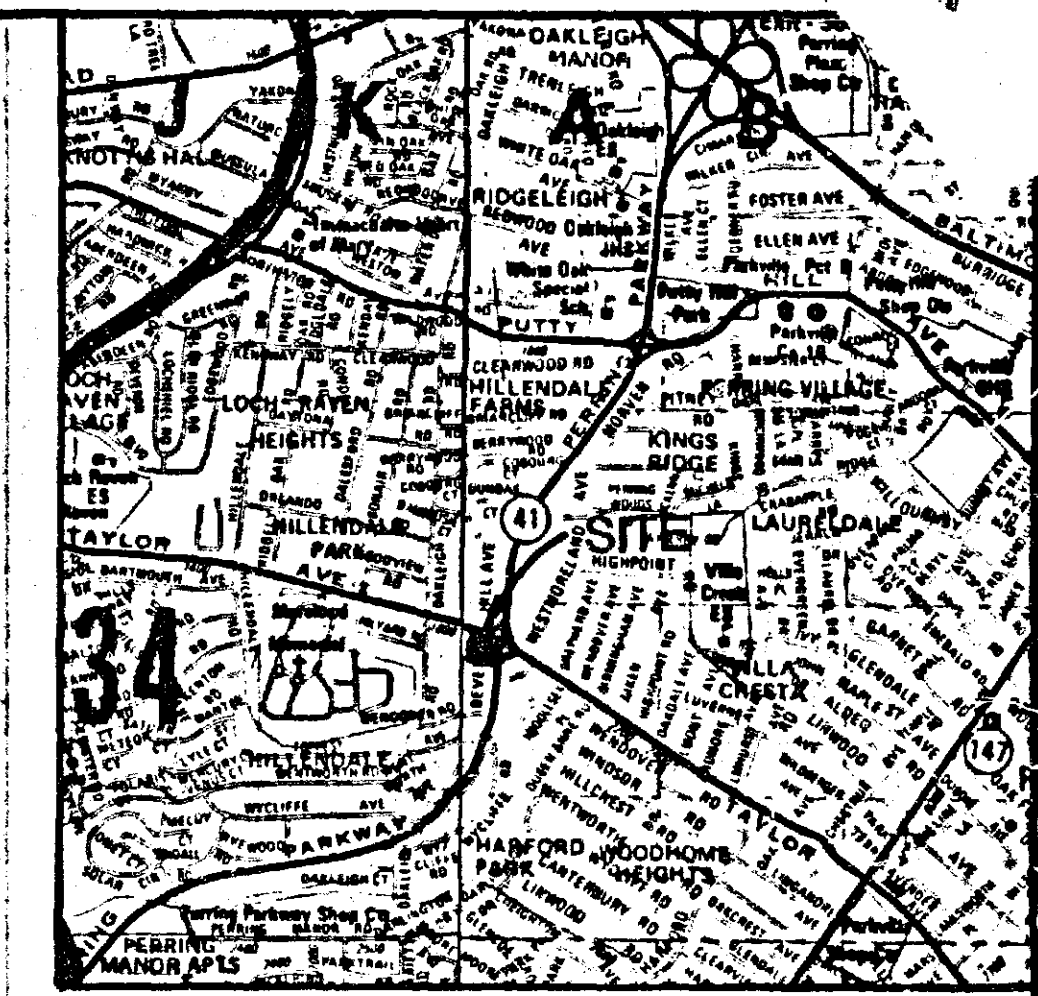
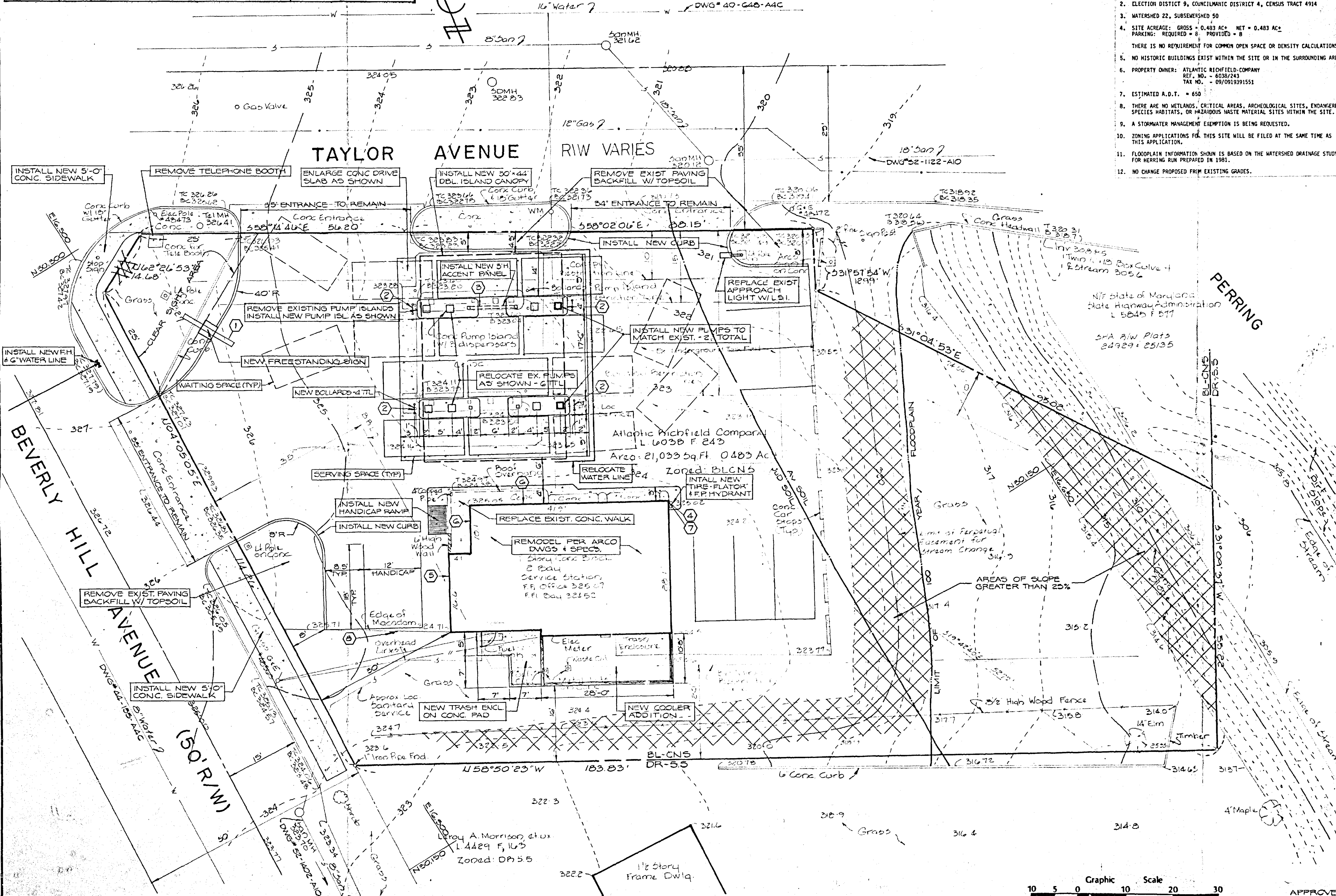


STV / LYON ASSOCIATES
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 301-944-9112

REVISIONS			I certify that the planting plan shown herein is consistent with applicable policy, guidelines and ordinances, and that all plant material to be furnished will be nursery-grown in accordance with the specifications stated in the Baltimore County Landscape Manual, 1983, dated May 7, 1984. Date _____
NO.	DATE	DESCRIPTION	
1	12/21/84	REDRAFT OF PLAN DATED 7/5/84 TO REFLECT FINAL CRG COMMENTS	

PLAN PREPARATION		LANDSCAPE PLAN CONVERSION TO MINI-MARKET ARCO PETROLEUM PRODUCTS COMPANY TAYLOR AVENUE & BEVERLY HILL AVENUE ELECT. DIST. BALTIMORE CO., MD.	DRAWING NO. 7384-51-007 SHEET. NO. 2 of 2
DRAWN BY	R.KING	DATE	12/21/84
DESIGNED BY	MTMM	SCALE	1" = 10'
CHECKED BY	T. CORTEAL		

SOIL TYPES DATA			
Av	ALLUVIAL LAND		
Ju	JOPPA URBAN LAND COMPLEX, 5 TO 15 % SLOPES		
SOIL TYPE	AREA	BLDG - 3 STORIES OR LESS (NO BASEMENT)	STREETS + PARKING AREAS
Av	150 AC	SEVERE - HIGH WATER TABLE	SEVERE - HIGH WATER TABLE
Ju	324 AC	SLIGHT TO MODERATE - SLOPE	SEVERE - SLOPE



LOCATION MAP
SCALE: 1" = 2000'

ZONING NOTES:	
EXISTING ZONING:	BL-CNS
PROPOSED ZONING:	NO CHANGE BUT WITH A SPECIAL EXCEPTION TO ALLOW A FOOD STORE IN COMBINATION WITH A SERVICE STATION, A SPECIAL HEARING TO ALLOW THE CONVERSION OF A FULL-SERVICE GASOLINE STATION TO A GAS AND GO, AND THE FOLLOWING CAPTAINCIES: 1) TO ALLOW A PUMP ISLAND SETBACK OF 14' IN LIEU OF THE REQUIRED 15'; 2) TO ALLOW A CANOPY SETBACK OF 5' IN LIEU OF THE REQUIRED 10'; 3) TO ALLOW A SITE AREA OF 21,033 SF IN LIEU OF THE REQUIRED 21,216 SF TO ALLOW A REAR SETBACK OF 16' IN LIEU OF REQ. 20'
AREA REQUIREMENTS:	TOTAL SERVING SPACES = 8 TOTAL SERVICE BAYS = 0 TOTAL SPACES AND BAYS = 8 TOTAL AREA REQUIRED = 8 X 1500 SF = 12,000 SF TOTAL WAITING SPACES = 8 (USE 15,000 SF MIN.)
ANCILLARY USES:	MINOR ACCESSORY USES NO ADDITIONAL SQUARE FOOTAGE REQUIRED
COMBINATION USES:	FOOD STORE (LESS THAN 5,000 SF) ADDITIONAL SQUARE FOOTAGE REQUIRED = FACTOR 4 X 1554 SF = 6216 SF
TOTAL AREA REQUIRED:	15,000 SF + 6216 SF = 21,216 SF
TOTAL AREA OF TRACT:	21,033 SF
ACCESS POINTS:	NUMBER OF DRIVEWAYS ON MAJOR STREET = 2 REQUIRED SITE WIDTH = 2 X 65' = 130' ACTUAL SITE WIDTH = 144.35'
LANDSCAPING:	LANDSCAPING REQUIRED = 1052 SF (5% OF SITE) LANDSCAPING PROVIDED = 8639 SF (41% OF SITE)
PARKING:	PARKING SPACES REQUIRED = 1554 SF + 200 SF = 7.77 USE 8 PARKING SPACES PROVIDED = 8 (INCLUDING ONE HANDICAPPED)
AREA DISTURBED BY NEW CONSTRUCTION:	= 3125 SF

Notes:

1. BEARINGS SHOWN ARE BASED ON DEEDS OF RECORD.
2. ELEVATIONS SHOWN ARE BASED ON F.F.L. ELEV. 325.07.
3. 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.
4. UTILITY COMPANIES:
CHESAPEAKE & POTOMAC TELEPHONE COMPANY
1 EAST PRATT STREET, BALTIMORE, MD. 21202
BALTIMORE GAS & ELECTRIC COMPANY
LESTINGTON & LIBERTY STREETS, BALTIMORE, MD. 21202
5. ZONED: BL-CNS
6. AREA = 21,033 SQ. FT.
0.483 AC. ±
7. ALL INFORMATION SHOWN SCREENED ON THIS PLAN IS EXISTING AND IS TO REMAIN UNLESS OTHERWISE NOTED.

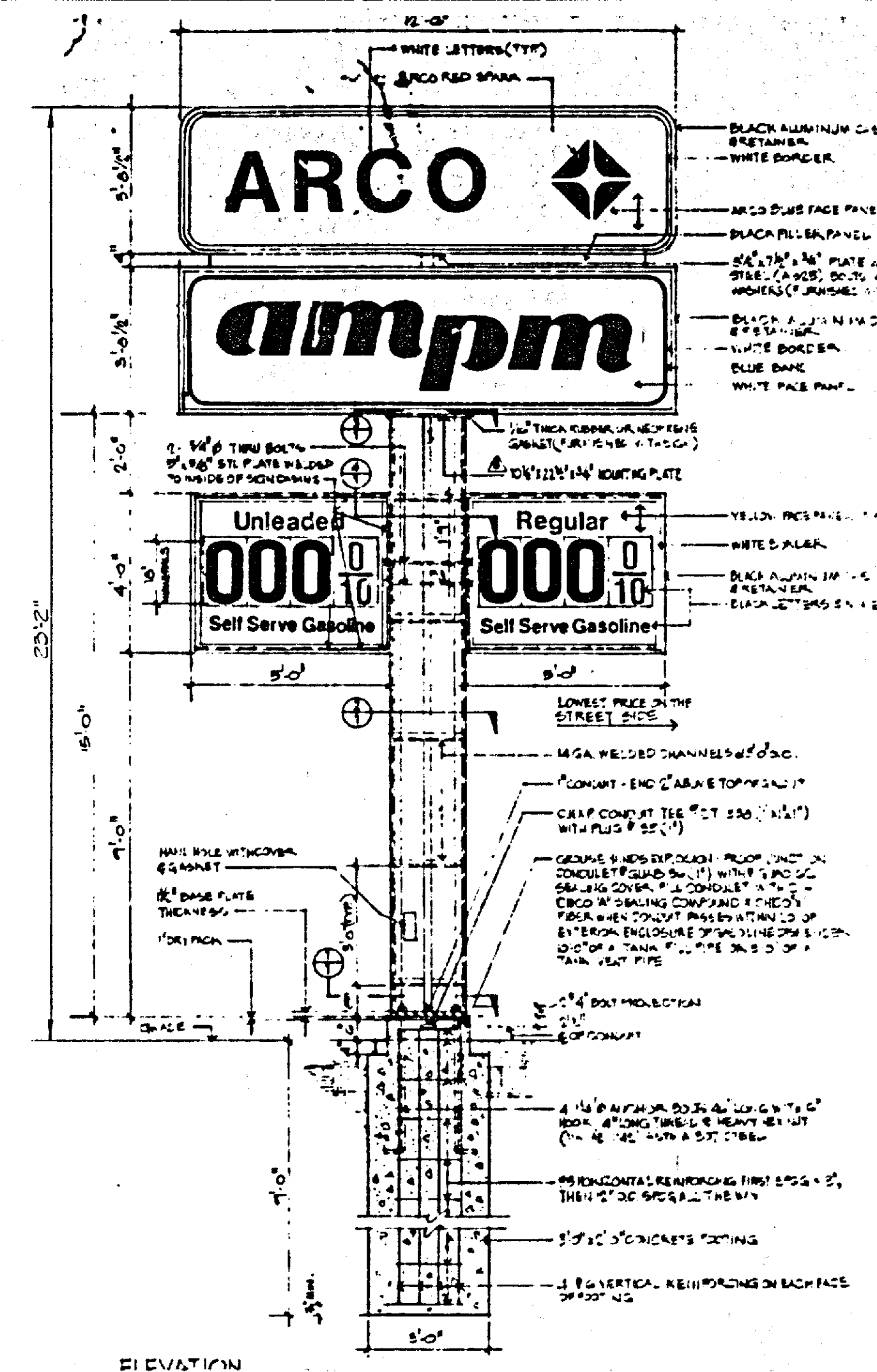
STV / LYON ASSOCIATES
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 301-944-9112

REVISIONS		
NO.	DATE	DESCRIPTION
1	12/15/84	REDRAFT OF PLAN DATED 7/5/84 TO REFLECT FINAL CRG COMMENTS
2	12/21/84	REV. TO SHOW SIGNAGE

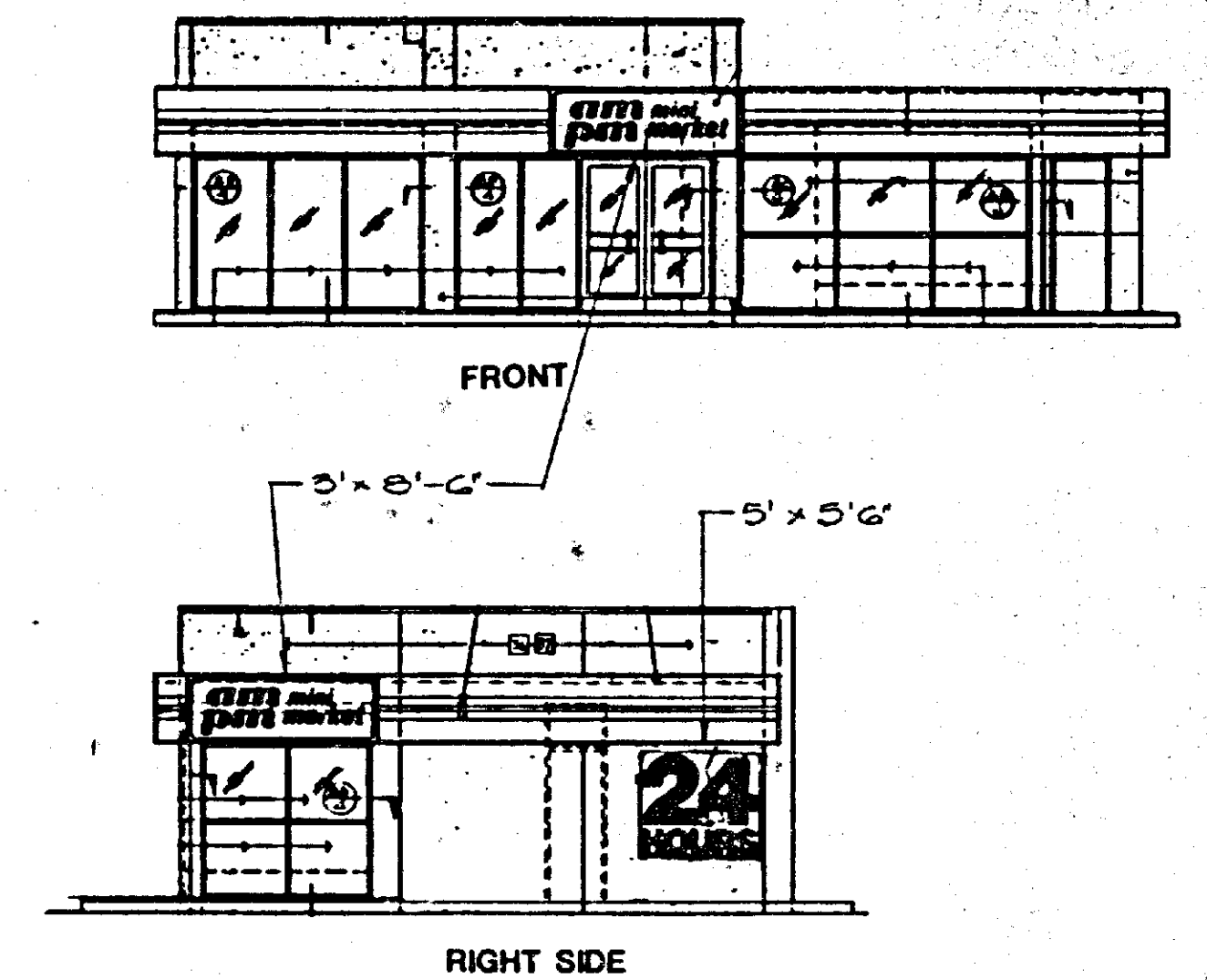
PLAN PREPARATION	
DRAWN BY	RJING
DESIGNED BY	MJCOBIN
CHECKED BY	T.COBB
DATE	12/21/84
SCALE	1" = 10'

SITE PLAN
CONVERSION TO MINI-MARKET
ARCO PETROLEUM PRODUCTS COMPANY
TAYLOR AVENUE & BEVERLY HILL AVENUE
4th ELECT. DIST. BALTIMORE CO., MD.

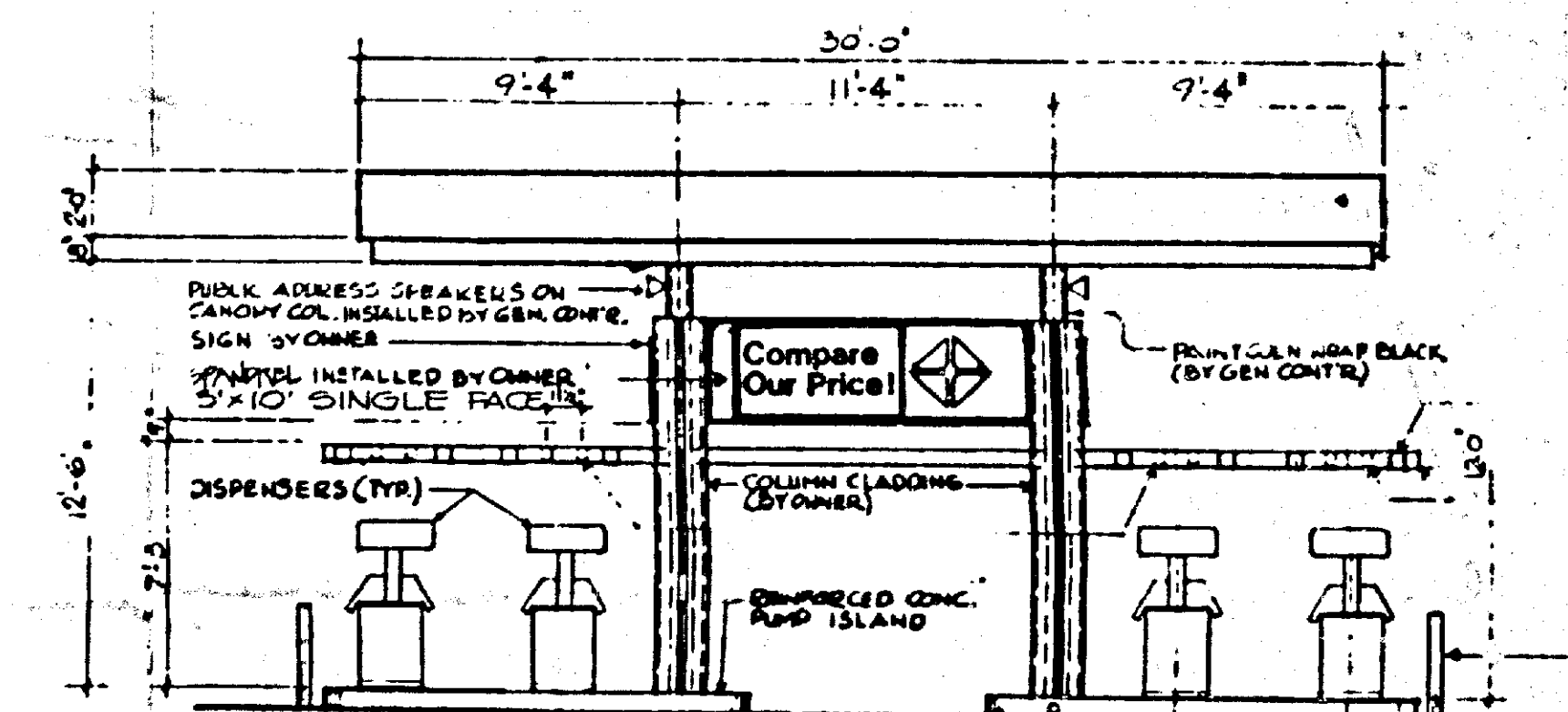
DRAWING NO.
7384-51-007
SHEET NO.
1 of 3



FREESTANDING SIGN
NOT TO SCALE



BUILDING SIGNAGE
NOT TO SCALE



SPANDREL DETAIL
NOT TO SCALE

SIGN SCHEDULE

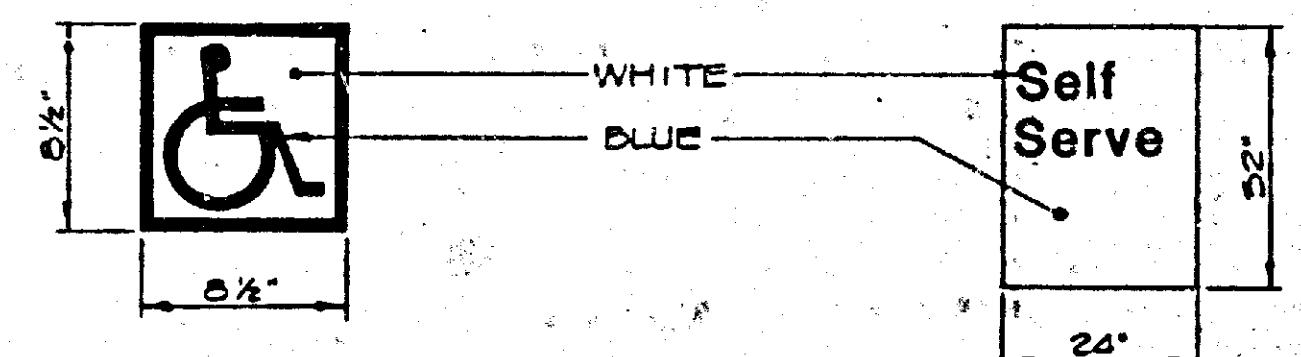
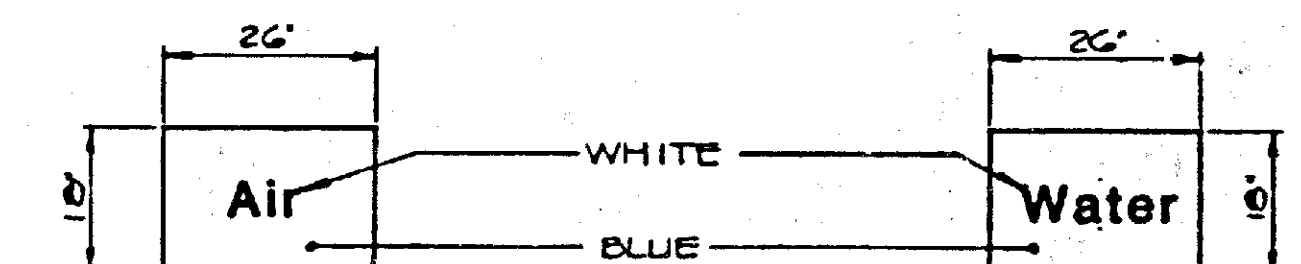
NO.	TYPE	DESCRIPTION	QUANT	S.F. EACH	S.F. TC
1	3	ARCO IDENTIFICATION	2	165.87	331.75
2	1	SELF SERVE	4	5.33	21.32
3	3	SPANDREL	1	30.0	30.0
4	1	AIR	1	3.25	3.25
5	2	24 HOURS	1	27.5	27.5
6	2	AM/PM MINI MARKET	2	25.5	51.0
7	1	WATER	1	3.25	3.25
8	1	HANDICAP	1	0.7	0.7

SIGN TYPES

1. DIRECTIONAL OR WARNING
2. BUILDING SIGN
3. FREESTANDING

VARIANCE REQUESTED

2 FREESTANDING SIGNS WITH A TOTAL AREA OF 361.75 S.F. (COUNTING ALL SIDES) IN LIEU OF THE PERMITTED 100 S.F.



MISCELLANEOUS SIGN DETAILS
NOT TO SCALE



STV / LYON ASSOCIATES

Engineers Surveyors Planners

21 Governor's Court Baltimore, Maryland 21207

Telephone : 301-944-9112

REVISIONS

NO.	DATE	DESCRIPTION

PLAN PREPARATION

DRAWN BY	R. KING	DATE	2/25/85
DESIGNED BY		SCALE	
CHECKED BY			

DETAIL SHEET

CONVERSION TO MINI-MARKET
ARCO PETROLEUM PRODUCTS COMPANY
TAYLOR AVENUE & BEVERLY HILL AVENUE
9th ELEC. DIST. BALTIMORE CO., MD.

DRAWING NO.
7384-51-007

SHEET NO.
3 of 3

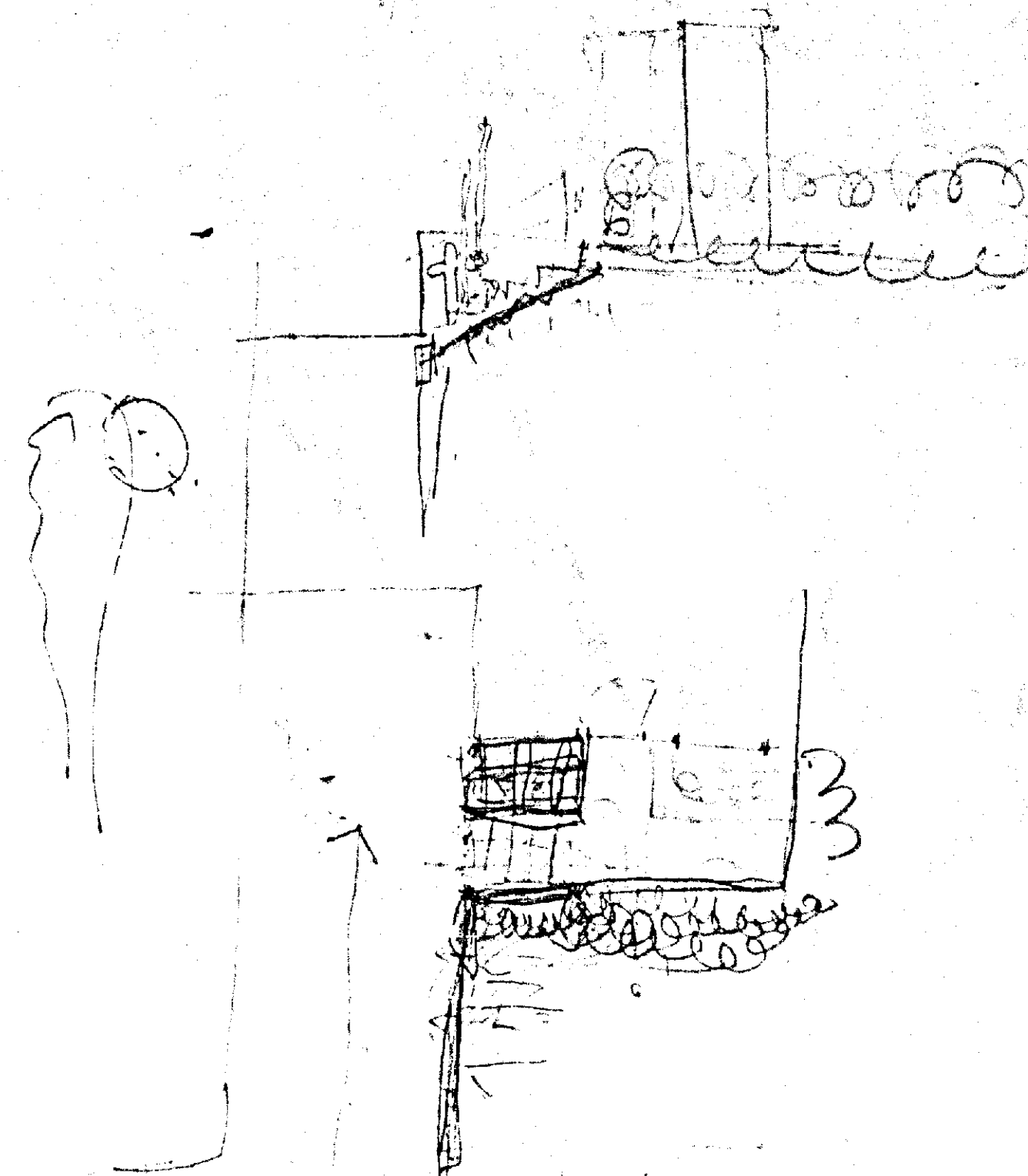
Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s)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

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

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 802.1 of the Baltimore County Zoning Regulations

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Special Exception

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 that:



BALTIMORE COUNTY, MARYLAND

DATE: December 3, 1984

SUBJECT: SUBDIVISION REVIEW COMMENTS
FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION BUREAU
Captain Joseph Kelly

PROJECT NAME: Arco Mini Market
PROJECT NUMBER: CRG Agenda 12/19/84, 9:00 am
LOCATION: Taylor Ave. & Beverly Hill Av.
DISTRICT: 9

Comments

1. Proposed buildings shall be designed and constructed so as to meet the applicable provisions of the Fire Prevention Code and the NFPA 101 Life Safety Code, 1981 Edition.
2. All self-service stations shall have at least one attendant on duty while the station is open to the public. The attendant's primary function shall be to supervise, observe and control the dispensing of Class 1 liquids while said liquids are actually being dispensed, according to NFPA 30, 1991, Section 7-8.4.3 and Section 7-8.4.4.

CRG Meeting of Dec. 19, 1984
Arco Mini-Market

1. Flood plain appears to be correct.

2. SWM exemption recommended since disturbed area is less than 5,000 sq. ft.

C. L. J. [Signature]
12/13/84

COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS
BALTIMORE COUNTY DEPARTMENT OF HEALTH

12-17-84
Date

ARCO MINI-MARKET

Subdivision Name, Section and/or Plat

Atlantic Field
Developer and/or Engineer: Lynn Associates, Inc.
Lower Gumpston
Watershed: 1
No. of Lots: 483
Total Acreage: 1.483
Public Water
Public Sewer

COMMENTS ARE AS FOLLOWS:

- Soil percolation tests are required; a minimum of two test are required within a designated 10,000 square foot sewage disposal reserve area. For further information regarding these requirements, contact this office at 494-2762.
- Soil percolation test have been conducted. Revised plans, must be submitted prior to approval of plat, are not required and the plat can be approved as submitted. Contact this office for more complete information, 494-2762.
- Public sewers, public water, must be utilized and/or extended to serve the property.
- A Hydrogeological Study and Environmental Effects Report for this subdivision, must be submitted, are not required, is incomplete and must be revised, has/have been reviewed and approved.
- A Water Appropriation Permit Application, must be submitted, has been submitted. NOTE: Greater than 33 lots necessitates a public hearing with Water Resources Administration as part of the permit process.
- It is recommended the plan, be approved as submitted, be approved as submitted subject to the following conditions noted: in the attached memo dated 12-17-84.
- It is recommended this plan not be approved at this time. See revisions and/or comments.

REVISIONS AND/OR COMMENTS:

SS 783R

Mr. Brooks Stafford
Environmental Effects Report
Arco Mini-Market
(Name)

Page Two

1. The developer must follow the Health Department Wetland Guidelines.
2. (Other)

C. BEST MANAGEMENT PRACTICES -

1. All areas except that used for buildings, sidewalks and paved parking will be planted with vegetated cover and/or landscaped as soon as possible after final grading and maintained in such condition.
2. Dirt and debris accumulating on private roads and parking lots will be removed according to the following schedule: May through October, concurrent with grass mowing; November through April, monthly.
3. Snow removal will be by mechanical means except in severe snow and ice conditions, when deicing compounds may be used.
4. Application of fertilizers, herbicides and pesticides will not exceed recommendations of the University of Maryland Cooperative Extension Service.
5. Filling will not occur in grassed or lined drainage ditches or swales.
- 6.

DEPARTMENT OF TRAFFIC ENGINEERING
BALTIMORE COUNTY, MARYLAND

DATE: December 18, 1984

TO: Mr. Robert A. Morton
FROM: C. Richard Moore
SUBJECT: C.R.C. COMMENTS

PROJECT NAME: ARCO - Mini Market
PROJECT NUMBER & DISTRICT: 9C4
LOCATION: Taylor Avenue & Beverly Hill Avenue

- The ramp island nearest Taylor Avenue should be 14' off of and parallel to the right-of-way line and both ramp islands need to be shifted 3 feet to the east.
- Sidewalks will be needed on Taylor Avenue east of the easternmost entrance, and on Beverly Hill Avenue.
- The parallel parking space next to the island at the intersection of Taylor Avenue and Beverly Hill Avenue needs to be relocated.
- Additional raised channelization will be needed south of the access on Beverly Hill Avenue.
- The existing telephone booth and existing and proposed landscaping at the island at Taylor Avenue and Beverly Hill Avenue need to be relocated 25ft. back from the curb line on Taylor Avenue.
- The landscaping east of the easternmost entrance on Taylor Avenue needs to be kept 10ft. off of the Taylor Avenue curb line.
- Any landscaping on the island between the two Taylor Avenue accesses needs to be of the low horizontal ground cover type.

C. Richard Moore
Assistant Traffic Engineer

CRG/CMT/can

AUG 29 1985

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: OFFICE OF PLANNING AND ZONING

DATE: December 14, 1984

PROJECT NAME: Arco Mini Market
COUNCIL & ELECTION DISTRICT: IX-443
PLAN: XXXXXXXXXXXXXXXXXX
PLAN EXTENSION:
REVISED PLAN:
FLAT:

The Office of Planning and Zoning has reviewed the subject plan dated November 29, 1984 and has the following comments:

The modification to the Landscape Manual which is being requested to waive the 8' landscape strip requirement between the two entrances on Taylor Avenue is not satisfactory. The Plan must be revised to show a minimum 5' landscape strip in this area, and low growing plant material should be provided. The modification request should be revised accordingly.

The type and location of the plant material proposed in the 8' strip on the east side of the site is subject to review by the Department of Traffic Engineering for sight distance considerations.

The parallel parking space located on the north west corner of the site is not satisfactory. This space interferes with the vehicle maneuvering at the entrances. The parking space must be relocated. The standard parallel parking space dimension is 9' X 23'. The space shown on the plan is only 9' X 20'.

Susan Carrell
Susan Carrell

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS

DATE: December 19, 1984

FROM: ZONING OFFICE

PROJECT NAME: Arco Mini Market
LOCATION: SE corner of Taylor and Beverly Hill Aves DEVELOPMENT PLAN:
DISTRICT: 9th Election District
FLAT:

These comments were written on the CRG plan dated November 29, 1984.

1. A Special Exception for a food store as a use in combination with a service station, Variances for site area and setbacks are required on this site. As of the date of the writing of these comments, a petition has not been filed. If the CRG plan is approved final approval will be contingent upon the outcome of the zoning hearing.

2. The following revisions are needed on the plan prior to CRG approval:

- The B.L.-D.R. 5.5 zone line must be plotted on the plan. Refer to map NESG to correctly locate that line.
- Any proposed free standing signage must be shown and a detail provided on the plan. One hundred square feet is the maximum permitted free standing signage, permitted on this site. Both sides of a double faced sign must be included in calculating square footage.
- Any proposed structures within 25 feet of the street right-of-way along Beverly Hill and Taylor Avenue must meet the requirements of Section 101.5 of the Baltimore County Zoning Regulations. This section states that no planting, fence, wall, building or other obstruction to vision more than 3 feet in height shall be placed or maintained within that triangular area formed by the boundaries of the front and side street property lines and on the third side by a straight line connecting points on said lot lines.

Diana Titter
DIANA TITTER
Zoning Associate III

DI:ecb

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS

DATE: December 18, 1984

FROM: Edward A. McDonough, P.E., Chief
Developers Engineering Division

PROJECT NAME: Arco Mini-Market
PROJECT NUMBER: #84281
LOCATION: S/E corner of Taylor and Beverly Hill Avenues
DISTRICT: 9C4

The Plan for the subject site, dated July 5, 1984 and revised November 29, 1984, has been reviewed by the Developers Engineering Division and we comment as follows:

GENERAL COMMENTS:

The Arco Mini-Market site now has an Arco Service Station on the property.

The Developer's Engineer does not plan any proposed highway or storm drainage improvements, or any changes in grading. The Developer proposes to rebuild the existing gas station and install new service islands for the pumps. He also proposes to use the existing water and sewer service connections.

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his site. Occupancy Permits will be withheld until such damages have been corrected.

HIGHWAY COMMENTS:

Beverly Hill Avenue is an existing road, which shall ultimately be improved as a 30-foot street cross-section on a 50-foot right-of-way. It appears to be built to this cross-section on the Developer's side of the road.

Sidewalks are required adjacent to the public roads serving this site. The walks shall be 5 feet wide and shall be installed to conform with Baltimore County Standards, which places the back edge of the sidewalk 2 feet off the property line, or the adjacent unencumbered area.

It shall be the responsibility of the Developer's Engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

Project #84281
Arco Mini-Market
Page 2
December 18, 1984

HIGHWAY COMMENTS: (Cont'd)

The entrance locations are subject to approval by the Department of Traffic Engineering.

Entrances shall be a minimum of 24 feet and a maximum of 35 feet wide. Depressed curb is to be used with no curb returns to the property line.

In accordance with Bill No. 32-72, street lights are required in all developments. The Developer will be responsible for the full cost of installation of the cable, poles and fixtures. The County will assume the cost of the power after installation.

Ramps shall be provided for physically handicapped persons at all street intersections.

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS:

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the deeding in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

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

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seedings)".

Failure by the Developer to accomplish the stabilization as aforementioned will result in the termination of all processing phases of this development.

In accordance with Bill No. 56-82, filling within a flood plain is prohibited.

The Storm Drain Design and Approval Section has recommended a storm water management exemption for this site.

Sediment control provisions will be required for the building permit application and for any grading involved.

Project #84281
Arco Mini-Market
Page 3
December 18, 1984

WATER AND SANITARY SEWER COMMENTS:

A preliminary print of this property has been referred to the Baltimore City Water Division for review and comment in regard to adequacy of water pressure in this development. If Baltimore City has any comment, it will be forwarded.

If the Developer increases the plumbing facilities to the equivalent of a dwelling unit or more, the System Connection Charges will apply. The amount will be determined and payable upon application for the Plumbing Permit. The Developer will be given credit for one System Connection Charge for each existing house which is now connected into the public service.

Permission to connect additional sanitary fixtures to the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

This site is subject to the sewer allocation policy as established by the Baltimore County Council.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

Edward A. McDonough
EDWARD A. McDONOUGH, P.E., Chief
Developers Engineering Division

EAM:HMS:sa
cc: File

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

February 19, 1985

TO: JAMES J. JR.
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #207 Zoning Advisory Committee Meeting are as follows:

Property Owner: Atlantic Richfield Company
Location: SW/8 Taylor Avenue 11.68' E. Beverly Hill Avenue
Existing Zoning: B.L.-CNS (CRG)
Proposed Zoning: Special exception for a food store (less than 5,000 sq. ft.) in combination with a service station (gas and go), Etc.

Address: 0-183

District: 9th.

The items checked below are applicable:

- All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 State of Maryland Code for the Enclosed and Apd, and other applicable Codes.
- A building/ & other /miscellaneous /permit shall be required before beginning construction.
- Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-residential seals and signatures are required on Plans and Technical Data.
- Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- An exterior wall erected within 6'0" for Commercial use or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, Line 2, Section 1407 and Table 1402, also Section 503.2.
- Requested variance appears to conflict with the Baltimore County Building Code, Section 4.
- 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. - Change from "B" use to mixed "B" and "M".
- Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
- Comments - Motor fuel service stations shall comply with Section 615.0. The retail store is to comply with the requirements for a mercantile use.

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

Very truly yours,

Charles E. Burbanck, Chief
Plans Review

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING : OF BALTIMORE COUNTY
PETITION FOR VARIANCES :
SE Corner Taylor & Beverly Hill Aves., 9th District :

ATLANTIC RICHFIELD COMPANY, : Case No. 85-272-NSPA (Item 207)
Petitioner :

ENTRY OF APPEARANCE

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

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

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

I HEREBY CERTIFY that on this 12th day of March, 1985, a copy of the foregoing Entry of Appearance was mailed to Richard B. Sloan, Manager-Retail Facilities, Atlantic Richfield Co., P. O. Box 1260, Southeastern, PA 19398-1260, Petitioner; and A. J. Cortesal, STV/Lyon Associates, Inc., 21 Governor's Court, Baltimore, MD 21207, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCES

9th Election District

LOCATION: Southeast corner Taylor and Beverly Hill Avenues

DATE AND TIME: Monday, April 1, 1985 at 11:00 a.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 food store (less than 5,000 sq. ft.) in combination with a service station (gas and go); Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the conversion of an existing service station to a gas and go operation and Variances to allow a canopy setback of 4.5 ft. in lieu of the required 10 ft. and a pump island setback of 13.5 ft. in lieu of the required 15 ft., to allow a site area of 21,033 sq. ft. in lieu of the required 21,216 sq. ft., to allow a rear setback of 16 ft. in lieu of the required 20 ft., to permit an existing side yard setback of 30 ft. in lieu of 35 ft., and 35 ft. to centerline of street in lieu of 60 ft. and to permit 2 freestanding signs with a total square footage of 361.75 sq. ft. (counting both sides) in lieu of permitted 100 sq. ft.

Being the property of Atlantic Richfield Company, as shown on plat plan filed with the Zoning Office.

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

AUG 29 1985

ACCIDENT REPORT

Intersection of Taylor Avenue & Beverly Avenue

1982

- 2.33 4/7/82 Injury 1 Wednesday 5 p.m.
2 stationwagons making left turn fail to yield right of way weather clear

1983

- 2.34 Non-Incapacitating Injured 3 Tuesday 10/25/83
7 a.m. raining Automobiles moving constant speed making left turn speed too great for conditions

1984

- 25' West 2.33 7/8/84 12 mn clear hit run Exceeding posted speed limit negligent driving property damage
- 73' East 2.33 5/16/84 7 a.m. clear single vehicle fixed object fail to reduce speed property damage
- 40' East 2.33 6/19/84 7 p.m. clear fail to yield right of way Injury 3
- 68' East 2.33 2/24/84 7 a.m. cloudy fail to yield right of way fail to reduce speed Injury 2

PETITIONER'S
EXHIBIT 2

ACCIDENT REPORT

Intersection of Perring Parkway & Taylor Avenue
1982-1985

1982

- 1.04 Injury 1 Thursday May 13, 1982
8 a.m. Automobile & Light Duty Truck
Starting from traffic lane
Negligent Driving Weather Clear
- 0 Taylor Avenue
1.05 Injury 1 Monday July 26/82 6 p.m.
Other negligent driving weather clear
- 1.05 Injury 2 Thursday August 20/82 4 p.m. Automobiles
Fail to yield right of way weather clear
- 1.05 Injury 2 Sunday 9/26/82 6 p.m. Automobile & fixed object single vehicle Defective vehicle equipment raining
- 1.05 Property Damage Saturday 1/9/82 1 p.m. Automobiles
Fail to obey stop sign weather clear
- 1.05 Injury Tuesday 9/28/82 12 noon Automobiles
weather clear
- 1.05 Injury Monday 9/27/82 9 a.m. Automobiles
moving constant speed, making left turn
weather clear
- Property damage Saturday 12/11/82 11 a.m. Automobiles
negligent driving raining
- 1.05 Property Damage Thursday 11/18/82 10 a.m.
other & automobile moving constant speed,
making left turn fail to obey traffic signal
weather clear
- 1.05 Injury Thursday 12/15/82 4 a.m. automobiles
stopped in traffic lane, skidding
fail to reduce speed stopped on roadway
raining
- 2.26 0 Perring Parkway
2.27 Injury Friday 4/23/82 7 a.m. Light Duty Truck
1 school bus moving constant speed, stopped
in traffic lane Defective vehicle equipment
weather clear

ACCIDENT REPORT

Intersection of Perring Parkway & Taylor Avenue
1982-1985

1983

- 1.05 damage Sunday 2/13/83 5 p.m.
weather clear automobiles
moving constant speed making right turn
Improper turns
- 1.05 damage Thursday 10/13/83 6 a.m. foggy
automobiles fail to yield right of way,
speed too great for conditions
- 1.05 Incapacitating 3 pedestrians injured Sunday
2/13/83 2 p.m. weather clear automobile and stationwagon
moving constant speed, making left turn
fail to yield right of way
- 1.05 damage Wednesday 8/17/83 9 a.m. weather clear
automobiles making left turn moving constant
speed fail yield right of way
- 1.05 Non-Incapacitating Tuesday 5/31/83 6 p.m.
cloudy automobiles fail to obey traffic signal
- 1.05 Possible Injury Friday 9/23/83 10 p.m. clear
police vehicle/emergency, automobile
fail to obey traffic signal
- 1.05 Non-Incapacitating Wednesday 6/8/83 6 p.m. clear
automobile single vehicle fail to yield right of way
pedestrian injured
- 1.05 Non-Incapacitating Friday 4/23/83 12 mn
clear automobiles fail to obey traffic signal

1984

- 20 ft. south 1.05 8/19/84 12 mn clear hit run
speed too great for conditions Injury 3
- 61' north 1.05 9/25/84 10 a.m. raining fail to reduce speed
Injury 2
- 75' north 1.05 9/19/84 8 p.m. clear hir run
fail to reduce speed property damage
- 9' north 1.05 4/27/84 10 a.m. clear defective
vehicle equipment Injury 3
- at intersection 1.05 5/31/84 7 p.m. clear fail to reduce speed
Injury 2

ACCIDENT REPORT

Intersection of Perring Parkway & Taylor Avenue
1982-1985

1984 (cont.)

- at intersection 1.05 6/26/84 6 p.m. clear fail to reduce speed
negligent driving Injury 3
- 10' north 1.05 8/21/84 9 p.m. clear use of alcohol
property damage
- 20' south 10/1/84 9 a.m. raining
fail to reduce speed negligent driving
Injury 2
- 45 ft. north 10/12/84 9 p.m. clear
fail to reduce speed Injury 3
- 20 ft. south 1.05 12/14/84 10 p.m. weather unknown
Improper passing hit run property damage
- 15' north 1.05 12/12/84 7 p.m. cloudy fail to drive in
designated lane hit run property damage
- 200' north 1.05 12/14/84 7 p.m. raining single vehicle
speed too great for conditions property damage fixed object
- at intersection 1.05 7/7/84 11 p.m. clear fail to obey other
traffic control use of alcohol Injury 3

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 14, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 14, 1985.

THE JEFFERSONIAN,

18 Kentish
Publisher
85-272-XSPHA
Cost of Advertising
26.00

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., March 14, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 14, 1985.

THE JEFFERSONIAN,

18 Kentish
Publisher
85-272-XSPHA
Cost of Advertising
26.00

CATE OF PUBLICATION

85-272-XSPHA
Towson, Md. 4/3 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for consecutive weeks, the first publication appearing on the 4th day of April, 1985.

The TOWSON TIMES

Cost of Advertisement: 38.69

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 3/16/85
Posted for: Special Exception - Special Hearing - Variance
Petitioner: Atlantic Richfield Company
Location of property: 56' East of Taylor & Beverly Hill Avenue
Location of Signs: 111 West Chesapeake Avenue, Corner of Taylor & Beverly Hill Avenue
Remarks: 111 West Chesapeake Avenue, Corner of Taylor & Beverly Hill Avenue
Posted by: M. J. Taylor Date of return: 3/12/85
Number of Signs: 4

March 5, 1985
Atlantic Richfield Company
c/o Richard B. Fleen
P. O. Box 1260
Southwestern, Pennsylvania 15358-1260

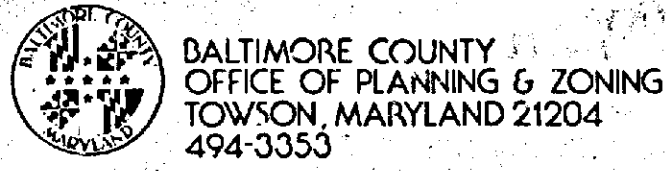
NOTICE OF HEARING
Re: Petition for Special Exception, Special Hearing and Variance
52' corner Taylor and Beverly Hill Avenues
Atlantic Richfield Company - Petitioner
Case No. 85-272-XSPHA

TIME: 11:00 a.m.
DATE: Monday, April 1, 1985
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

cc: Mr. A. J. Cortese
SVP/Gen Associates
21 Governor's Court
Baltimore, Maryland 21207

Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 003194
DATE: 3-18-85 ACCOUNT: 07-615-000
AMOUNT: \$ 250.00
PAID TO: Atlantic Richfield Co.
FOR: 56' East of Taylor & Beverly Hill Avenue
8 0130000250000 52154
VAL DATE, E OR SIGNATURE OF CASHIER



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

ARNOLD JABLON
ZONING COMMISSIONER

March 28, 1985

Atlantic Richfield Company
c/o Richard B. Sloan
P.O. Box 1260
Southeastern, PA 19398-1260

RE: Petition for Special Exception,
Special Hearing and Variances
SE/corner Taylor and Beverly Hill Aves.
Atlantic Richfield Co., Petitioner
Case No. 85-272-XSPHA

Dear Mr. Sloan:

This is to advise you that \$84.69 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. 005369

DATE 4-1-85 ACCOUNT R-01-615-000

AMOUNT \$ 84.69

RECEIVED FROM Robert L. Sloan for Cash

FOR Adam & Gustaf Case 85-272-XSPHA

8056*****04691a 5016F

VALIDATION OR SIGNATURE OF CASHIER

STV/LYON ASSOCIATES.

ENGINEERS, ARCHITECTS & PLANNERS
21 GOWAN ROAD
BALTIMORE, MD 21207-2722
301/944-9112

ZONING DESCRIPTION FOR
ARCO PETROLEUM PRODUCTS
SOUTHEAST CORNER OF TAYLOR AVENUE & BEVERLY HILL AVENUE,
ELECTION DISTRICT 9, BALTIMORE COUNTY, MARYLAND.

BEGINNING FOR THE SAME at a point along the southwest side of Taylor Avenue, being located North 62°26'53" East 14.68 feet from the east side of Beverly Hill Avenue, thence running along the southwest side of Taylor Avenue the two following courses and distances,

1. South 58°14'46" East 56.20 feet thence,
2. South 58°02'06" East 88.15 feet, thence leaving Taylor Avenue and running,
3. South 31°57'54" West 12.99 feet thence,
4. South 31°04'53" East 95.02 feet thence,
5. South 31°09'37" West 55.22 feet thence,
6. North 58°20'23" West 183.83 feet to intersect said east side of Beverly Hill Avenue, thence along same,
7. North 04°05'05" East 114.26 feet, thence with a site flare,
8. North 62°26'53" East 14.68 feet to the point of beginning.... containing 0.483 acre of land, more or less.

Mark A. Riddle
Mark A. Riddle

January 15, 1985

STV/LYON ASSOCIATES, INC.
Mark A. Riddle
Md. Reg. P.L.S. No. 244



STV ENGINEERS, Engineers, Architects, Planners, Construction Managers, Professional Member Firm
STV/Engineers Transportation Associates, STV/Lyon Associates, STV/Management Consultants Group, STV,
H. D. Nottingham & Associates, STV/Sanders & Thomas, STV/Sentinel, STV/Seelye Stevenson Value & Knecht

PETITION FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCES

9th Election District

LOCATION: Southeast corner Taylor and Beverly Hill Avenues

DATE AND TIME: Monday, April 1, 1985 at 11:00 a.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 food store (less than 5,000 sq. ft.) in combination with a service station (gas and go); Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the conversion of an existing service station to a gas and go operation and Variances to allow a canopy setback of 4.5 ft. in lieu of the required 10 ft. and a pump island setback of 13.5 ft. in lieu of the required 15 ft., to allow a site area of 21,033 sq. ft. in lieu of the required 21,216 sq. ft., to allow a rear setback of 16 ft. in lieu of the required 20 ft., to permit an existing side yard setback of 30 ft. in lieu of 35 ft. and 55 ft. to centerline of street in lieu of 60 ft. and to permit 2 freestanding signs with a total square footage of 361.75 sq. ft. (counting both sides) in lieu of permitted 100 sq. ft.

Being the property of Atlantic Richfield Company, as shown on plat plan filed with the Zoning Office.

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 the 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

IN RE: PETITIONS SPECIAL EXCEPTION,
SPECIAL HEARING, AND ZONING
VARIANCES
SE/corner Taylor and
Beverly Hill Avenues - 9th
Election District
Atlantic Richfield Company,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-272-XSPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a food store (less than 5,000 square feet) in combination with a service station (gas and go); approval to convert an existing service station to a gas and go operation; and variances to permit a canopy setback of 4 1/2 feet instead of the required 10 feet, a pump island setback of 13 1/2 feet instead of the required 15 feet, a site area of 21,033 square feet instead of the required 21,216 square feet, a rear yard setback of 16 feet instead of the required 20 feet, an existing side yard setback of 30 feet instead of the required 35 feet, a setback of 55 feet to the centerline of the street instead of the required 60 feet, and two freestanding signs with a total of 361 3/4 square feet instead of the permitted 100 square feet, all as more particularly shown on Petitioner's Exhibit 1.

The Petitioner, by its real estate representative, Robert Oliver, appeared and was represented by Counsel. Anthony J. Cortale of STV Lyons Associates, also testified on behalf of the Petitioner. Mary Ginn and Kay Turner, representing the Alliance of Baltimore County Community Councils, appeared in opposition. Testimony indicated that the subject property, zoned B.L.-C.N.S., is presently improved with a service station which the Petitioner hopes to convert into a gas and go operation in combination with a food store. The site is located on Taylor Avenue at the intersection with Beverly Hill Avenue, near Perring

ORDER RECEIVED FOR FILING
DATE April 5, 1985
BY *Arnold Jablon*

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being adversely affected, the special exception, special hearing, and variances should be granted.

However, the request for a freestanding sign with a total of 331 3/4 square feet (both sides) is excessive. There is no doubt that a case has been made for a larger sign than the BCZR allow, but the size requested cannot be justified. The Petitioner presented no evidence that a sign of such proportions would alleviate any practical difficulty if not permitted. Therefore, the permitted size of the sign shall be 200 square feet, or 100 feet per face, in addition to the 3' x 10' spandrel sign between the pumps.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of April, 1985, that the Petition for Special Exception for a food store (less than 5,000 square feet) in combination with a service station (gas and go); that the conversion of an existing service station to a gas and go operation and, as such, the Petition for Special Hearing; and that the Petition for Zoning Variances to permit a canopy setback of 4 1/2 feet instead of the required 10 feet, a pump island setback of 14 feet instead of the required 15 feet, a site area of 21,033 square feet instead of the required 21,216 square feet, a rear yard setback of 16 feet instead of the required 20 feet, an existing side yard setback of 30 feet instead of the required 35 feet, a setback of 55 feet to the centerline of the street instead of the required 60 feet, and two freestanding signs with a total of 230 square feet instead of the permitted 100 square feet be and the same are hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return,

ORDER RECEIVED FOR FILING
DATE April 5, 1985
BY *Arnold Jablon*

DATE April 5, 1985
BY *Arnold Jablon*

- 5 -

Parkway. After extensive studies, the Petitioner determined that this site would be suitable for such a projected use as described and that, in fact, there is a need for such a use in the community. It was also determined that the use would be economically feasible at this location and that there are 56 other bays available in the immediate vicinity. Testimony further indicated that the subject proposal would not create any traffic problems. Indeed, the County Review Group (CRG) approved the project on December 19, 1984.

The Petitioner proposes to remove the two existing bays, convert the building to a food store, and replace the existing pump islands with two new islands, each having four pump dispensers. A walk-in cool box would be added to the rear of the building, which requires the rear yard setback. The side yard setback is needed to bring the site up to present standards.

The front pump island requires a variance because it cannot be located any further back from Taylor Avenue. If the variance were granted, 17'6" would exist between the islands. If the variance were not granted, there would be serious interference with traffic flow between them. The existing island is 12 feet from the street, and the new island will set back as far as practical so as not to interfere with traffic. The canopy over the front island will extend about 9 feet. If this variance were denied, it would overhang only 3 feet, which is insufficient to serve the intended purpose, i.e., to protect customers during inclement weather.

The Petitioner also seeks a variance for its signs, totaling 361 3/4 square feet. A 3' x 10' sign would extend between pump dispensers located on the front island. The 23'2"-high identification sign would be located at the corner of Taylor and Beverly Hill Avenues and would identify the gas and food store operations.

ORDER RECEIVED FOR FILING
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BY *Arnold Jablon*

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- 2 -

The Protestants are opposed only to the sign variance. They argued that the requested square footage is unnecessary inasmuch as there will be identification signs for the food store on the building itself.

The Petitioner seeks relief from Section 405.4.D.8, pursuant to Section 502.1, Baltimore County Zoning Regulations (BCZR), from Sections 405.4.A.2.a, 405.4.A.1, 232.2.b, and 413.2.f, pursuant to Section 307, BCZR, and relief to convert from a service station to a gas and go operation.

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

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

The Petitioner has the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the use proposed by the Petitioner do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1110 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or

ORDER RECEIVED FOR FILING
DATE April 5, 1985
BY *Arnold Jablon*

DATE April 5, 1985
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- 3 -

alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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

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

Pursuant to the advertisement, posting of property, and public hearing held and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not

ORDER RECEIVED FOR FILING
DATE April 5, 1985
BY *Arnold Jablon*

DATE April 5, 1985
BY *Arnold Jablon*

- 4 -

AUG 29 1985

DATE April 4, 1989
 BY Paul P. Langford
 ADMINISTRATIVE ASSISTANT

and be responsible for returning, said property to its original condition.

2. The Petitioner may choose to eliminate the 3' x 10' spandrel sign and add the 30 square feet to the other freestanding sign to allow a total of 230 square feet. No other freestanding signs shall be permitted.

[Signature]
 Zoning Commissioner of
 Baltimore County

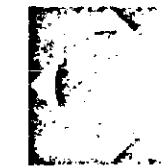
AJ/srl

cc: Joseph M. Roulhac, Esquire

Mrs. Mary Ginn

Mr. Ken Holmes

People's Counsel



STV/LYON ASSOCIATES.

ENGINEERS, ARCHITECTS & PLANNERS.
 21 GOVERNOR'S COURT
 BALTIMORE, MD 21207-2722
 301/944-9112

AVAILABLE SERVICE BAYS

LOCATION	NO. OF BAYS
1.) Arco	2 Bays
2.) Exxon Station	4 Bays
3.) Kimmel Auto Center	3 Bays
4.) Meineke Repairs	3 Bays
5.) Ezrine Auto Center	5 Bays
6.) Merchants Tire and Auto Center	6 Bays
7.) Arco Station	3 Bays
8.) Sunoco Station	2 Bays
9.) Pauls Garage	1 Bay
10.) Exxon Station	4 Bays
11.) B & G Automotive Repairs	2 Bays
12.) Phillips 66 Station	2 Bays
13.) Amoco Station	2 Bays
14.) Western Auto	2 Bays
15.) Texaco Station	2 Bays
16.) Prestige Hi Tech Auto Center	5 Bays
17.) Curtis Auto Service	2 Bays
18.) Exxon Station	3 Bays
19.) Sunoco Station	5 Bays
Total (1 Mile Radius)	58 Bays

PETITIONER'S
 EXHIBIT 3

STV ENGINEERS, Engineers, Architects, Planners, Construction Managers, Professional Member Firms
 STV/Baltimore Transportation Associates STV/Lyon Associates STV/Management Consultants Group STV/
 H. D. Nottingham & Associates STV/Sanders & Thomas STV/Santelmo STV/Seeley Stevenson Value & Knecht



PETITIONER'S
 EXHIBIT 1

Convenience for your
 Community



