## 36-233-X PETITION FOR SPECIAL EXCEPTION TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for \_\_\_ a car wash in combination with a service station (gas and go), a special hearing for conversion of a full service gas station to gas and go; and to amend the site plan filed in zoning case 5436-XA 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, 200 under the penalties of perjury, that I/we are the legal owner(s) of the property 1000 which is the subject of this Petition. Lessee-Petitioner: Gornadykanter -\_egal Owner(s): The Twelve Knotts Limited Partnership Parkway, Inc. BY MARTIN G KNOTT By: Charles R. Christ (Type or Print Name) Charles R Christ (Type or Print Name) 5921 Moravia Road (Type or Print Name) Baltimore, Maryland 21206 City and State Attorney for Petitioner: c/o Partners Real Estate Management Co. Arvin E. Rosen 516 N. Charles St., Suite 308 625-4800 Baltimore, Maryland 21201 Two East Fayette Street Name, address and phone number of legal owner, contract purchaser or representative to be contacted Baltimore, Maryland 21202 Name 2 E. Fayette St. Attorney's Telephone No.: \_539-6606 Balto., MD 21202 ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ 30th\_\_\_\_\_ day of \_\_October\_\_\_\_, 19\_85\_, 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 Balt more 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 day of \_December\_\_\_\_, 19\_85\_, at \_1:30\_ o'clock

cc: Arvin E. Rosen, Esquire

People's Counsel

The Petitioner herein requests a special exception for a car wash in combination with a service station (gas and go) and, additionally, to convert an existing service station to a gas and go operation and to amend the site plan filed in Case No. 5436-XA, as more particularly described on Petitioner's Exhibit 1. The Petitioner, by its Regional Manager, Jerry Witte, and the Lessee, Parkway, Inc., by its President, Charles R. Christ, appeared and were represented by Counsel. Brian Jones, a registered civil engineer, also appeared on behalf of the Petitioner. There were no Protestants. Testimony indicated that the subject property, located on McClean Boulevard and zoned B.M., is presently improved with a three-bay service station, of which one bay is used as a car wash and the remaining two are used for mechanical repairs. The Lessee proposes to change the service station to a and go operation and convert the two bays presently used for mechanical repairs to car wash facilities. The gas and go operation will have attached fuel dispensers, enabling eight vehicles to be serviced. Vehicles will enter the gar wash at the north end of the site, either from McLean Boulevard or by rvice road which borders the north property line, and exit onto McLean Boulevard at the south end of the site. The car wash is designed to permit WHITNEY, BAILEY, COX & MAGNANI

DESCRIPTION OF PROPERTY TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION CAR WASH IN BM ZONE

IN RE: PETITION SPECIAL EXCEPTION

NW/corner of McClean Boule-

vard and the Baltimore City

vard) 9th Election District

Twelve Knotts Limited Partner-

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Line (7300 McClean Boule-

July 30, 1985

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 86-233-X

All that parcel of land being Lot number four(4), a portion of Parcel '8' Perring Parkway Shopping Center located on the west side of McClean Boulevard in the ninth election district of Baltimore County described as follows:

Beginning for the same at the point of intersection on the west side of McClean Boulevard, 80 feet wide, and the northern boundary of Baltimore City, said point being South 90°00'00" West 83.29 feet from the point of intersection of the east side of said McClean Boulevard and the north side of Perring Manor Road, 50 feet wide, and running thence binding on said west side of McClean Boulevard(1) northwesterly binding on an arc curving to the left with a radius of 960.00 feet for a distance of 152.64 feet, which arc is subtended by a chord bearing North 21°22'54" West 152.48 feet, thence binding on the south side of a 24 foot right-of-way now established for use in common with others the following two courses and distances, viz: (2) southwesterly binding on an arc curving to the right with a radius of 226.90 feet for a distance of 110.22 feet which arc is subtended by a chord bearing South 77°55'23 1/2" West 109.14 feet, (3) North 88° 09'40" West 28.05 feet, thence binding on a line of division now established (4) South 00°00'00" East 120.04 feet to a point on the aforesaid northern boundary of Baltimore City, thence (5) South 90°00'00" East 190.34 feet to the point of beginning.

Containing21,058 square feet, more or less, being a portion of the entire tract of land conveyed by Glenn F. Gall, and wife, to the Severn River Construction Company by deed dated July 20, 1954 and recorded among the land records of Baltimore County in Liber G.L.B. 2541, Folio 322 and being also all of that tract or parcel of land described in a lease from Northbrook Apartments, Inc. to Phillips Petroleum Company, and recorded among the land records aforesaid in Liber 4624 Folio 590.

The herinbefore described parcel of land having been taken from deeds and plats of record.



each customer to take whatever time is needed, with the average time being 10 to 15 minutes each. The three bays will handle approximately 14 vehicles per one-half hour.

Mr. Christ, who operates five other similar businesses, and Mr. Jones testified that the on-site stacking is more than sufficient to satisfy the needs of both the gas and go operation and car wash facilities. In addition, the evidence presented is clear that the conversion will be a definite improvement to the community.

The Petitioner seeks relief from Sections 405.4.D and 233.4, pursuant to Section 502.1, Baltimore County Zoning Regulations (BCZR), for the special exception; from Sections 500.7 and 405.7, BCZR, for the conversion; and to amend the previously approved site plan.

After due consideration of the evidence and testimony presented, it is determined that the conversion of the existing service station to a gas and go operation would not adversely affect the health, safety, and general welfare of the community, and in fact, would be a positive improvement.

It is clear that the BCZR permits the use requested by the Petitioner in a B.M. 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 in 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 restricng, as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which show that the proposed use met the prescribed standards and requireset forth in Section 502.1. In fact, the Petitioner has shown that

- 2 -

the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances 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 1319 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 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.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception, the conversion of the existing service station to a gas and go operation, and the amendment to the site plan filed in Case No. 5436-XA should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, \_ day of December, 1985, that the Petition for Special Exception for a car wash in combination with a service station (gas and go), conversion of the existing service station to a gas and go operation, and the amendment to the site plan filed in case No. 5436-XA be and are hereby GRANTED from and after the date of this Order.

> Zoning Commissioner of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION NW Corner McClean Blvd. & Baltimore City Line (7300 McClean Blvd.), 9th District

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

TWELVE KNOTTS LIMITED Case No. 86-233-X PARTNERSHIP, Petitioner

ENTRY OF APPEARANCE

\* : : : : : :

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

> Phyllis Cole Friedman People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 8th day of November, 1985, a copy of the foregoing Entry of Appearance was mailed to Arvin E. Rosen, Esquire, Two East Farette St., Baltimore, MD 21202; and Mr. Charles R. Christ, Parkway, Inc., 5921 Moravia Rd., Baltimore, MD 21206.

Peter Max Zinmerman

PETITION FOR SPECIAL EXCEPTION 9th Election District

LOCATION:

Northwest Corner of McClean Blvd. & Baltimore City Line (7300 McClean Blvd.)

Wednesday, December 4, 1985, at 1:30 p.m.

PUBLIC HEARING:

DATE AND TIME:

Room 106, County Office Building, 111 West 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 to use the described property for a car wash in combination with a service station (gas and go), a conversion of a full service gas station to gas and go; and to amend the site plan filed in zoning case 5436-XA.

Being the property of <u>Twelve Knotts Limited Partnership</u> the plat filed with the Zoning Office.

In the event that this Petition is 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



ARNOLD JABLON ZONING COMMISSIONER

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER November 27, 1985

Arvin E. Rosen, Esquire 2 E. Fayette Street Baltimore, Maryland 21202

> Re: Petition for Special Exception NW/cor. McClean Blvd. & Balto. City Line (7300 McClean Blvd.) 9th Election District Twelve Knotss Limited Partnership -Petitioners Case No. 86-233-X

Dear Mr. Rosen:

This is to advise you that \$57.90 is due for advertising and posting of the above property. This fee must be paid before an \$57.90 is due for advertising

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT No. 012417 DATE PROPERTY

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586

PAUL H. REINCKE

October 2, 1985

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

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Twelve Knotts Limited Partnership

Location: NW/Corner McClean Blvd. and Baltimore City/County Line

Gentlemen:

Item No.: 119

Zoning Agenda: Meeting of October 1, 1985

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 or \_\_\_\_\_ 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

(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.

Fire Prevention Code prior to occupancy or beginning of operation.

( ) 6. Site plans are approved, as drawn.

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

REVIEWER: Approved:
Planning Group Fire Prevention Bureau Special Inspection Division

November 1, 1985

Arvin E. Rosen, Esquire 2 E. Fayette Street Baltimore, Maryland 21202

> NOTICE OF HEARING Re: Petition for Special Exception NW/cor. McClean Blvd. & Balto. City Line (7300 McClean Blvd.) 9th Election District Twelve Knotts Limited Partnership Case No. 86-233-X

1:30 p.m. Wednesday, December 4, 1985

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

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

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No. 012586

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE November 12, 1985

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

> > MEMBERS

Development

Arvin E. Rosen, Esquire Two East Fayette Street Baltimore, Maryland 21202

RE: Item No. 119 - Case No. 86-233-X Dear Mr. Rosen:

Burcau of Engineering Department of Traffic Engineering State Poads Commission Bureau of Fire Prevention Health Department Project Planning Building Department Board of Education Zoning Administration Industrial

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 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.

Petitioner - Twelve Knotts Limited

Special Exception Petition

Partnership

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 the 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, remes E. Dyer WAMES E. DYER Chairman Zoning Plans Advisory Committee

JED:nr Enclosures

> cc: Whitney, Bailey, Cox & Magnani 1850 York Road Timonium, Maryland 21093

OFFICE OF PLANNING AND ZOWNG TOWSON MARYEAND 2004 ACRMAN E GEROER

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

Dear Mr. Jablon:

NOVEMBER 14, 1985

Re: Coning Advisory "eeting of OCTOBER 1, 1985

Item + 119
Property Owner: TWELVE KNOTTS LIMITED
Location: PARTHER SHIP NW/cor. Mc CLEDN BLUD. + BALTIMIZE The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The Items checked below are

(X)There are no site planning factors requiring comment. There are no site planning factors requiring comment.
 A County Review Group Meeting is required.
 A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
 This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
 A record plat will be required and must be recorded prior to issuance of a building permit.
 The access is not satisfactory.
 The parking arrangement is not satisfactory. )The circulation on this site is not satisfactory.
)The parking arrangement is not satisfactory.
)Parking calculations must be shown on the plan.
()This property contains soils which are defined as wetlands, and development on these soils is prohibited.
()Construction in or alteration of the floodulatin is prohibited under the provisions of Section 22-93 of the Development Regulations.

( )Development of this site may constitute a potential conflict with the Baltimore County Master Plan.

( )The amended Development Plan was approved by the Planning Board On

(X)Landscaping: Must comply with deltimore County Landscape Manual.

(Ithe property is located in a deficient service area as defined by Bill 173-79. No building permit may be issued until a Reserve

Capacity Use Certificate has been issued. The deficient service is

() The property is located in a traffic area controlled by a "0" level intersection as defined by 3:11 173-79, and is conditions change traffic capacity may become more limited. The Basic Services Areas the removaluated annually by the County Council. ( )Additional comments:

Europhe A. Bober Chief, Current Planning and Development

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

November 20, 1985

TED ZALESKI, JR. DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner Office of Planning and Zoning Dear Mr. Jablon: Comments on Item # 119 Zoning Advisory Committee Meeting are as follows:

Property Cymer: Twelve Knotts Limited Partnership NW/Corner McClean Blvd. and Baltimore City/County Line District: APPLICABLE ITEMS ARE CIRCLED:

All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards. A building and other miscellaneous permits shall be required before the start of any construction. C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable. All Use Groups except R-L Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-O to an interior lot line. R-L Use Groups require a one hour wall if closer than 3'-O to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1407. Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-O of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table LC: and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) \_\_\_\_\_\_, of the Baltimore H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland architectural or Engineer seals are usually required. The change of Use Groups are from Use \_\_\_\_\_\_\_ to Use \_\_\_\_\_\_\_, or to Mixed Uses \_\_\_\_\_\_\_. See Section 312 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

Gas stations shall comply with Section 602.0 and 603. of the Building Code. Also Sections Article 16 and Article 28 of the B.O.C.A. Fire Prevention Code control flammable liquids as referenced in Section 602.1 and as adopted by the State Fire Marshall's office. K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Cifice of Plunning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting koom 122 of the Jounty Office Building at 111 Character Avanua, Town and Avanua (200). a. Chesapeake Avenue, Towson, Maryland 21204. arole & demhan

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO Zoning Commissioner Date November 21, 1985 Norman E. Gerber, AICP, Director FROM Office of Planning and Zoning

SUBJECT Zoning Petition No. 86-233-X

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

NEG:JGH:slm

For Special Exception 9th Election District LOCATION: Northwest Corner of McClean Blvd. & Balto., City Line (7300 McClean Blvd.) DATE AND TIME: Wednesday, December 4, 1985, at 1:30 p.m. PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, The Zoning Commissioner of Baltimore County, by authority of the Zon-County, will hold a public hearing: Petition for Special Exception to use the described property for a car wash in combination with a service station (gas and go), a conversion of a full service gas station to gas and go; and to amend the site plan filed in zoning case 5436-XA. Being the property of Twelve Knotts Limited Partnership as shown on the plat filed with the Zening Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request mit during this period for good cause shown. Such request must be received

in writing by the date of the hearing

BYORDEROF

Zoning Commissioner Of Baltimore County

set above or made at the hearing.

CC: Jumes Hashell

86-233-X

This is to Certify, That the annexed

was inserted in Ope Times, a newspaper printed and published in Baltimore County, once in each

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 26-233-X Townen, Maryland

07/	<del></del>
District 974	Date of Poeting 11/8/75
Posted for: Special Frantion	
Petitioner: Inelie Knoth Line	ited Portnership
Location of property: NW/cor Mc Clean	Clos. + Bolle Chilia
7300 Milhon 15.	Ivd.
Location of Signer D For 174 17 /2 /2 for fine	ef McClor Blod & 715 diven
Leading To lowing Morer Dele ID for	na HCClory 13/11 down Die
Remarks / 50/16/1/4/140 POTY OFFICE	12' Ex Vacalular
Posted by Signature	Date of return: ///5/78
Signature Stumber of Signat 2_	

## CERTIFICATE OF PUBLICATION

## PETITION FOR SPECIAL . EXCEPTION 9th Election District

LOCATION: Northwest Corner of McClean Blvd. & Baltimore City Line (7300 McClean Blvd.) DATE AND TIME: Wednesday, December 4, 1985 at 1:30 p.m. PUBLIC HEARING: Room 106 County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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Being the property of Twelve Knotts Limited Partnership as shown on the plat filed with the Zoning Office.

In the event that this Petition : 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 Baitimore County

November 14 , 19 85 TOWSON, MD., 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 November 14

THE JEFFERSONIAN,

Publisher

Cost of Advertising

24.75

Case No. 86-233-X

Petitioner

Attorney

Petitioner's

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

30th Your petition has been received and accepted for filing this

ARNOLD JABLON Zoning Commissioner

Received by:

Chairman, Zoning Plans

Advisory Committee

Arvin E. Rosen, Esquire

Twelve Knotts

Limited Partnership

