

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 food store with less than 5,000 square feet in conjunction with a service station (gas-n-go) as permitted under BCZR 405.4.D.8.

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:

Legal Owner(s):

AMOCO OIL COMPANY

(Type or Print Name)

Signature

By Signature Charles T. Bogdanowicz

Project Engineer

(Print Name)

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

614 Bosley Avenue, Towson, MD 21204 828-9441

Phone No.

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

614 Bosley Avenue, Towson, MD 21204 828-9441

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614 Bosley Avenue, Towson, MD 21204 828-9441

Phone No.

AMENDED 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 food store with less than 5,000 square feet in conjunction with a service station (gas-n-go) as permitted under BCZR 405.4.D.8.

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:

Legal Owner(s):

AMOCO OIL COMPANY

(Type or Print Name)

Signature

By Signature Robert T. Adolph

Project Engineer

(Print Name)

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

2208 Corbin Road

Phone No.

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Hamilton, Maryland 21214

Phone No.

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

614 Bosley Avenue

Phone No.

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Towson, Maryland 21204

Phone No.

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

614 Bosley Avenue, Towson, MD 21204 828-9441

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614 Bosley Avenue, Towson, MD 21204 828-9441

Phone No.

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

614 Bosley Avenue, Towson, MD 21204 828-9441

Phone No.

Address

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 413.2.f to allow one (1) business sign with a total area of 183.02 square feet in lieu of three (3) signs with a total area of 100 square feet as permitted; and 405.4.A.2.a to allow a sign setback of 3 feet from the right-of-way line in lieu of the required 6 feet.

(1) The variance is necessary for compliance with law governing pricing and advertising.

(2) Without the variance, it would be extremely difficult to effectively advertise the products and services available, and there is no location for the sign that would be in compliance with the setback requirements.

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:

Legal Owner(s):

AMOCO OIL COMPANY

(Type or Print Name)

Signature

By Signature Charles T. Bogdanowicz

Project Engineer

(Print Name)

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

14520 Green Road

Phone No.

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Baldwin, Maryland 21013

Phone No.

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

614 Bosley Avenue, Towson, MD 21204 828-9441

Phone No.

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

614 Bosley Avenue, Towson, MD 21204 828-9441

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614 Bosley Avenue, Towson, MD 21204 828-9441

Phone No.

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614 Bosley Avenue, Towson, MD 21204 828-9441

Phone No.

Address

IN THE MATTER OF THE APPLICATION OF AMOCO OIL COMPANY FOR A SPECIAL EXCEPTION AND VARIANCE ON PROPERTY LOCATED ON THE NORTH-WEST CORNER OF HARFORD ROAD AND CHENOOK AVENUE 9th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 88-137-XA

OPINION

This case comes before this Board on an appeal from a decision of the Zoning Commissioner granting a special exception for a food store in conjunction with a gas-and-go station and a variance on the requested signs, with some restrictions. The appeal in this case was filed in regard to restriction #1 limiting the hours of operation and restriction #5 limiting the preparation of food as this location.

Richard Truelove, a registered Professional Engineer, prepared the site plan. He summarized briefly everything contained thereon and entered the plan as Petitioner's Exhibit #1.

Charles Bogdanowicz, the project engineer for Amoco Oil, testified that he plans all Amoco's projects, both new and rebuilt, and described the operation proposed at this site. He specifically noted that there will be no seating or counters for the food service but merely the warming of pre-prepared food in a microwave oven for off-site consumption.

Robert Adorf, the present lessee, operates the existing service station on a 12-hour cycle from 6:00 a.m. to 6:00 p.m., and stated that he formerly operated on a 24-hour basis but for the last several years, he was no longer able to do so because of personal health problems. He described in detail the traffic flow at the site.

Washington Bowie, a Technical Manager for Environmental Services from the Greiner Corporation, testified as to the noise level that would be

there as a result of a Granted Special Exception on November 15, 1965 in case 165-166X.

The testimony tends to establish that Harford Road along this section is a very busy commercial strip. There are several service garages and retail establishments along Harford Road on both sides of the road. The side streets, like Chenook Avenue, are lined with attractive single family residential dwelling units. These residential properties have been in place with little change for more than 25 years. The commercial use along Harford Road has intensified during the same period of time.

The testimony and evidence indicates that the Protestants are the most directly affected residential neighbors to the subject property. They are very unhappy with the present commercial uses along Harford Road. They object to the noise and lights at night from these commercial uses. Mrs. Keimig claims the noise from the other properties keep her awake all night and that the gas fumes from the present filling station is menacing her health and property. She objects to the smell of a gas station and does not like to look at privacy screening fences that are now in place. She wants the D.R.5.5 section of the subject property cleaned and maintained.

The Petitioner testified that he wishes to raze the present filling station and construct a new gas-n-go service garage with a small food operation. The revised plat of October 26, 1987 and Petitioner's Exhibit 1 both show the same basic operating plan. The differences between the two are changes that were requested during the Zoning Commissioner's hearing of October 23, 1987.

The Petitioner testified that the proposed service station would sell gas and some food. There would be a small convenience store. There will

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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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:

Legal Owner(s):

be no automobile repair work done on the site. There will be no service bays. No damaged automobiles will be stored on the site and the entire subject property will have a finished appearance basically similar to the new Amoco Station located at Harford Road and North Avenue.

The entire commercial section of the site will be razed and the new gas-n-go and convenience store will be constructed. The new sign is required, because of the changed property line, resulting from the change in the design of Chenoak Avenue. Mr. Haynie testified, in his expert opinion, that the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) had and would be complied with by this project. Furthermore, the need for the sign variance is consistent with the requirements of Section 307 of the B.C.Z.R.

The evidence of the Petitioner and his expert and lay witnesses tends to clearly establish that the requirements of Section 502.1 of the B.C.Z.R. have been complied with by this new project. There was testimony concerning all of the issues required by Section 502.1 of the B.C.Z.R.

The issue in the Special Exception is whether or not the requirements of Section 502 of the B.C.Z.R. have been successfully met by the Petitioner. The cases clearly establish that "... the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show the particular use, proposed at the particular location would have any adverse effect above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." Schultz v. Pitts, 291 Md. 1, 432 A.2d 1319 at 1327 (1981).

- 3 -

The Court went on to say in Schultz that,

"... the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal." (at page 1325)

The Petitioner must only show to the satisfaction of the Zoning Commissioner that the proposed use would be conducted without real detriment to the community to meet his burden. See, Turner v. Hammond, 270 Md. 41, 310A2d 543 (1973). When the Petitioner produces credible and probative evidence on all of the specific issues established by Section 502.1, then a special exception should be granted.

In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the community and would not adversely affect the public good. The evidence tends to show that the presently existing special exception use (i.e. filling station) has not adversely impacted the community any more than a filling station would in any other community.

- 4 -

The new service garage will, in many ways, be less adverse than the old filling station and, in some ways, more adverse. However, it will be conducted without real detriment to the neighborhood and there is no legal requirement to prove that it is going to be a benefit to the community..

In order to control the new use, the Zoning Commissioner will use his authority to prescribe appropriate conditions and safeguards for the community when granting this special exception. Section 502.2 of the Baltimore County Zoning Regulations. See also, Montgomery County v. Nossberg, 228 Md. 555, 180 A.2d 851 (1962).

The facts, circumstances and evidence of the use proposed by the Petitioner do not show that the proposed use, at the particular location, described in Petitioner's Exhibit 1, would have any adverse impact above and beyond that inherently associated with such a special exception used irrespective of its location within the zone. Schultz v. Pitts, 432 A.2d 1319 (1981).

I cannot find as a matter of law that the proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in the 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 B.C.Z.R.

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 should be granted.

- 5 -

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 B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement 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 variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, It is Ordered by the Zoning Commissioner of Baltimore County, this 7th day of December, 1987, that the Petition for Special Exception for a service garage be and is hereby GRANTED, subject to the conditions listed below which are conditions precedent of the Petitioner's continued use of the Special Exception, and furthermore, that the variance to allow one (1) business sign with a total area of 184 sq. feet in lieu of the three (3) business signs with a total area of 100 square feet and to allow a setback of 3 feet from the right-of-way for the business sign in lieu of the required 6 feet be and is hereby GRANTED, from and after the date of this order, subject, however, to the following:

1. The hours of operation shall be limited to no more than 6:00 A.M. to 11:00 P.M., seven days a week.
2. No automobiles may be stored or parked overnight on the site except inside the existing building. There shall be no vehicle storage area.

- 6 -

3. A landscaping plan, in accordance with the Baltimore County Landscape Manual, shall be submitted for approval to the Current Planning and Development Division, Office of Planning and Zoning, subject to the following additions.

The entire D.R.5.5 portion of the subject property shall be cleaned and landscaped with an evergreen planting strip on both sides of the 6 feet shown on the zoning line. All landscaping is to be maintained in good repair and trimmed at least twice a year. All dead plants or trees are to be replaced each year.

Furthermore, the north property line from the side walk to the rear fence line shall be fenced with a 6 foot chain link perimeter fence with redwood filler slats.

4. The site shall be developed consistently with the representations found on Petitioner's Exhibit A, the revised site plan and the conditions set forth herein.

5. There shall be no hot food on a grill or cooking facilities at this location. Additionally, there shall be no seating provided either in the building or on the property site.

6. All outdoor lighting shall be directed onto the subject property and shall be shielded as needed from unnecessary overburn onto other properties.

7. The Petitioners may apply for their building permit and be granted same upon receipt of this order; however, the petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the application process from this Order has expired. If, for whatever reason, this order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J.R. HAINES
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JRH:mmn
cc: Peoples Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines

TO: Zoning Commissioner

Date: September 22, 1987

Norman E. Gerber, AICP

FROM: Director of Planning and Zoning

SUBJECT: Zoning Petition No. 88-137-XA

There are no comprehensive planning factors requiring comment on the above numbered petition.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:KAK:dme

cc: Ms. Shirley M. Hees, Legal Assistant, People's Counsel
File

RECEIVED
SEP 25 1987
ZONING OFFICE

#88-137-XA
9th District
HW/cor. Harford Rd. and Chenoak Ave.
AMOCO OIL COMPANY
2 SIGNS

PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE

9th Election District - 6th Councilmanic District

Case No. 88-137-XA

LOCATION: Northwest Corner of Harford Road and Chenoak Avenue

DATE AND TIME: Friday, October 23, 1987, at 10:00 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 with less than 5,000 square feet in conjunction with a service station (gas-n-go)

Petition for Zoning Variances to permit one business sign with a total area of 183.02 sq. ft. in lieu of three signs with a total area of 100 sq. ft. and a sign setback of 3 feet from the right-of-way line in lieu of the required 6 feet

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

In the event that this Petition(s) 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.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

IN RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE
Northwest corner Harford Road and Chenoak Avenue
9th Election District
6th Councilmanic District
AMOCO OIL COMPANY and ROBERT T. ADOLPH, et ux.
Petitioners

BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY
CASE NO.: 88-137-XA

ENTRY OF APPEARANCE

Please enter the appearance of Anthony J. DiPaola as co-counsel for the Appellants/Petitioners with W. Vernon Booser as counsel in the above-captioned matter.

Anthony J. DiPaola
Anthony J. DiPaola
614 Bowley Avenue
Towson, Maryland 21204
(301)828-9441

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of May, 1988, a copy of the foregoing Entry Of Appearance was hand-delivered to all parties present at the hearing.

Anthony J. DiPaola
Anthony J. DiPaola

- 7 -

COVAHEY & BOOZER, P.A.
ATTORNEYS AT LAW
814 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

March 29, 1988

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEWAN
ANTHONY J. DIPAULA

REPLY TO:
ANNEX OFFICE
SUITE 101
608 BALTIMORE AVE.
TOWSON, MD 21204
AREA CODE 301
828-5525

HAND-DELIVERED

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

Re: Case No.: 88-137-XA
Amoco Oil Company

Gentlemen:

Enclosed please find copies of an Amended Petition for Special Exception and Amended Petition for Zoning Variance which have been filed this date with the Zoning office. The Amendment was necessary only to correctly reflect that Amoco Oil Company is Contract Purchaser/Lessee of the property, contingent upon the outcome of these Petitions, and not legal owner. The Agreement between the parties does, however, appoint Amoco as attorney-in-fact for the owners to pursue zoning approval.

We apologize for any inconvenience or difficulties this may have caused.

Very truly yours,
Anthony J. DiPaula
Anthony J. DiPaula

AJD/bb

cc: Phyllis C. Friedman, People's Counsel
James Hoswell, Office of Planning
J. Robert Haines, Zoning Commissioner
Mrs. Nellie Klemig
Mrs. Donald Chenoweth

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kausoff
Administrator

October 26, 1987

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: Mr. James Dyer

Re: ZAC Meeting of 9-1-87
ITEM: 874
Property Owner: Amoco Oil Company
Location: NW/C Harford Road,
Rou a 147, and Chenoak Avenue
Existing Zoning: B.L. - CS 2
Proposed Zoning: Variance to
allow one business sign with a
total area of 183.02 square feet in
lieu of three signs with a total
area of 100 square feet and to allow
a sign setback of 3 feet from the
right-of-way line in lieu of the
required 6 feet and a Special
Exception for a food store with
less than 5,000 square feet in
conjunction with a service station
(gas and go)
Area: .4795
District: 9th Election District

RECEIVED
OCT 29 1987

ZONING OFFICE

Dear Mr. Haines:

On review of the submittal of 4-27-87 for variance of business sign, the State Highway Administration - Bureau of Engineering Access Permits offers the following comments.

The Project Development Section has indicated the proposed easement limit necessary to provide a six (6) foot sidewalk. The proposed 54 foot (5 lane section) roadway would be constructed within the existing sixty (60') right of way.

Although this information is tentative, we will require the site plan to be revised prior to a hearing date being set.

My telephone number is (301) 333-1350

Teleprinter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

COVAHEY & BOOZER, P.A.
ATTORNEYS AT LAW
814 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

December 29, 1987

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEWAN
ANTHONY J. DIPAULA

REPLY TO:
ANNEX OFFICE
SUITE 101
608 BALTIMORE AVE.
TOWSON, MD 21204
AREA CODE 301
828-5525

HAND DELIVERY

J. Robert Haines
Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: CASE NO.: 88-137XA
AMOCO OIL COMPANY
HARFORD ROAD AND CHENOAK AVENUE

Dear Mr. Haines:

On behalf of the Petitioner, please enter an appeal to the County Board of Appeals from the decision rendered on December 9, 1987 in the above-referenced matter. Enclosed is my escrow check in the amount of \$190.00 to cover the cost of same.

Very truly yours,
F. Vernon Boozer
F. Vernon Boozer

FVB/jab
enclosure

cc: People's Counsel
C. T. Bogdanowicz (Amoco)
Robert Haynie (APR Assoc.)
Steve Feazell

RECEIVED
DEC 29 1987

ZONING OFFICE

Mr. R. Haines
Page -2-
October 26, 1987

The submittal for variance of a business sign has been forwarded to the State Highway Administration Beautification Section, c/o Morris Stein (333-1642), for all comments relative to zoning.

If you have any questions, please do not hesitate to call Mr. George Wittman at 333-1350.

Very truly yours,
Robert J. Mills, Jr.
Robert J. Mills, Jr.
Acting Chief
Bureau of Engineering
Access Permits

GW:maw

cc: Mr. J. Ogle
Mr. M. Stein

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

9-17-87
Date

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

Zoning Item # 74, Zoning Advisory Committee Meeting of 9-1-87

Property Owner: Amoco Oil Co.

Location: NW/C Harford Road & Chenoak Ave

Water Supply: public Sewage Disposal: public

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests, have been _____ must be _____ conducted.
- () The results are valid until _____.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Application.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a hydrogeological study and an Environmental Effects Report must be submitted.
- () Others _____

Karen R. Murray
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
494-3554

September 23, 1987

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 73, 74, 75, 77, 78, and 80.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:ab

RECEIVED
SEP 30 1987

ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

September 1, 1987

Paul H. Reineke

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Amoco Oil Company

Location: NW/C Harford Road and Chenoak Avenue

Item No.: 74

Zoning Agenda: Meeting of 9/1/87

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals 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.

- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

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

- () 7. The Fire Prevention Bureau has no comment at this time.

REVIEWED BY: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Special Inspection Division
Fire Prevention Bureau
* NFA 30, Section 7-6.4.3, shall apply. Attendants primary duty is to supervise observe, and control the dispensing of class I liquids.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 22, 1987

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

F. Vernon Booser, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Item No. 74 - Case No. 88-137-XA
Petitioner: Amoco Oil Company
Petitions for Zoning Variance and
Special Exception

Dear Mr. Booser:

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.

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,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: APR Associates, Inc.
7427 Harford Road
Baltimore, Maryland 21234



Maryland Department of Transportation State Highway Administration

Richard H. Trainor
Secretary
Hal Kasoff
Administrator

September 8, 1987

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Attn: James Dyer

Re: Baltimore County
Item #74
Property Owner:
Amoco Oil Company
Location: NW/C Harford
Road (Maryland Route 147)
and Chenoak Avenue
Existing Zoning: B.L. CS2
Proposed Zoning: Variance
to allow one business sign
with a total area of
183.02 sq. feet in lieu
of three signs with a
total area of 100 sq.
feet and to allow a sign
setback of 3 feet from
the right-of-way line in
lieu of the required 6 feet
and a Special Exception for
a food store with less
than 5,000 feet in conjunc-
tion with a service
station (gas and go)
Area: .4795 acres
District 9th

RECEIVED
SEP 10 1987

ZONING OFFICE

Dear Mr. Haines:

On review of the submittal for variance of a business sign, the submittal has been forwarded to the State Highway Administration Beautification Section, C/O Morris Stein (333-1642), for all comments relative to zoning.

In addition, the State Highway Administration Bureau of Engineering Access Permits is forwarding the site plan to S.H.A. Project Development for review and comments on improvements to the Baltimore Beltway study, from Maryland Route 140, Reisterstown Road to Maryland Route 702 at Eastern Avenue.

con't

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. J. Robert Haines
Page 2
September 8, 1987

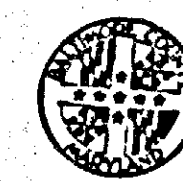
Additional comments will be forwarded to Baltimore County Zoning on the State Highway Administration Project Development review.

Very truly yours,

George J. Wittman
Geston J. Mills, Jr.
Acting Chief-Bureau of
Engineering Access Permits
by: George Wittman

CJM-GW/es

cc: Morris Stein w/att.



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

June 10, 1988

Mrs. Donald Chenoweth
2927 Chenoak Avenue
Baltimore, MD 21234

RE: Case No. 88-137-XA
Amoco Oil Company

Dear Mrs. Chenoweth:

Enclosed per your request is a copy of the Maryland Rules B1 through B13 concerning appeals taken from decisions of the Board of Appeals to the Circuit Court for Baltimore County. These rules outline steps to be taken, including the actual appeal, the petition, memorandum, etc. I've highlighted each beginning section.

Also enclosed is a sample copy of an actual appeal you would also be required to pay for the cost of the transcript, which would be handled directly between you and the court reporter (Carolyn Peatt; 828-4148).

I hope this answers some of your questions concerning the appeal process. In the event you decide to appeal this case to the Circuit Court, please be sure to send a copy of both your appeal and the petition to this office prior to filing in the Court.

Sincerely,

Kathleen C. Weidenhammer
Administrative Secretary

Encls.



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

June 8, 1988

F. Vernon Booser, Esquire
614 Bosley Avenue
Towson, MD 21204

RP: Case No. 88-137-XA
Amoco Oil Company

Dear Mr. Booser:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals regarding the subject case.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Anthony J. DiPaula, Esquire
Mr. Charles T. Rogdanowicz
Amoco Oil Company
Mrs. Donald Chenoweth
Mrs. Nellie Klemig
Phyllis Cole Friedman, Esquire
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney



Baltimore County, Maryland PEOPLE'S COUNSEL RM. 223, COURT HOUSE TOWSON, MARYLAND 21204 494-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

April 28, 1988

Anthony J. DiPaula, Esquire
Covahey & Booser, P. A.
614 Bosley Avenue
Towson, Maryland 21204

RE: Amoco Oil Company, Petitioners
Zoning Case No. 88-137-XA

Dear Mr. DiPaula:

Thank you for your letter dated April 27, 1988. It is my understanding, however, that not only is Amoco primarily concerned with Restrictions 1 and 3, but that it does not intend to oppose the other restrictions. If that is the case, it is the present intention of this office not to participate in the appeal hearing.

If that is not the case, please communicate with me promptly so that we can make a final decision on our participation.

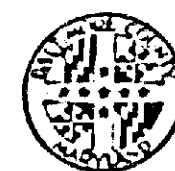
Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

cc: County Board of Appeals

PMZ:sh

RECEIVED
COUNTY BOARD OF APPEALS
138 APR 28 P 12 23



County Board of Appeals of Baltimore County Room 200 Court House Towson, Maryland 21204 (301) 494-3180 January 22, 1988

HEARING ROOM #218

NOTICE OF ASSIGNMENT

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

CASE NO. 88-137-XA

AMOCO OIL COMPANY

111/101, Harford Rd. and Chenoak Ave.

9th E. Dist.; 6th C. Dist.

SE-Food store in conj. w/service station
(gas-n-go)
Var.-Signs

12/9/87 - Z.C.'s Order-GRANTED w/restrictions

ASSIGNED FOR:

THURSDAY, MAY 1, 1988, AT 10 A.M.

cc: Mrs. Donald Chenoweth

Mrs. Nellie Klemig

F. Vernon Booser, Esq.

Phyllis C. Friedman

David Fields

James Hoswell

J. Robert Haines

Ann Nastarowicz

James Dyer

Locket Clerk

Counsel for Petitioner Anthony J. DiPaula
DIANE WALSH, Amoco Counsel.

People's Counsel

Office of Planning

" " "

Zoning Office

" " "

" " "

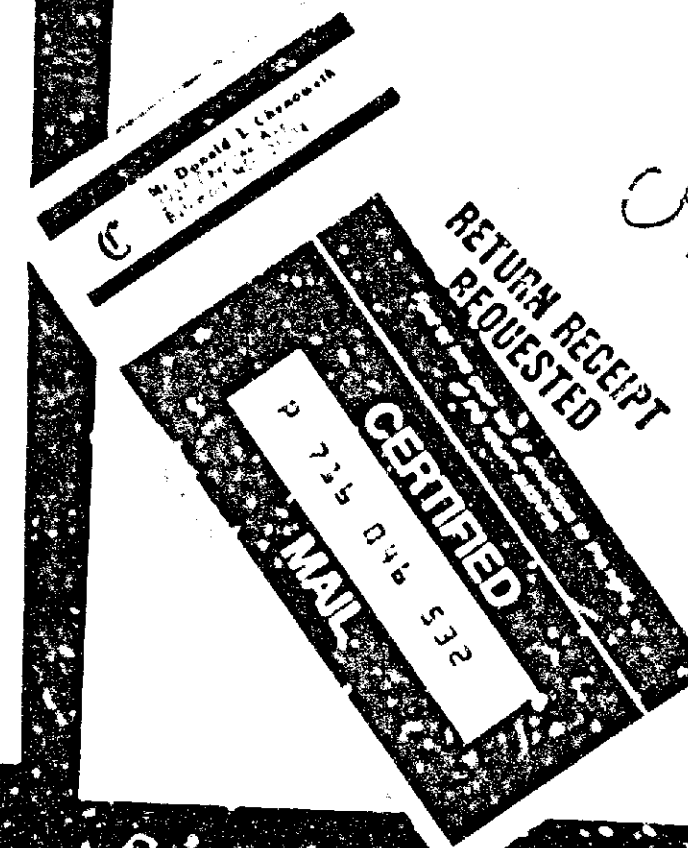
" " "

June Holmen, Secretary

1/22/88 - Following notified of hear. set for Thurs. May 5, 1988, at 10 a.m.

Mrs. Chenoweth
Mrs. Klemig
F. Vernon Booser
Phyllis Friedman
David Fields, J. Hoswell
J. R. Haines, A. Nastarowicz, J. Dyer, Doc. Clerk

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



§ 11.2 MARYLAND ZONING DECISIONS

Where a change in law occurs by virtue of a judicial decision during the course of an administrative appeal, a circuit court is not only empowered to remand for such factual findings and further consideration, but is required to do so in order to permit an appellant the right to rely upon the new law. In the subject case, while a decision to deny a special exception was on appeal to the circuit court, the Maryland Court of Appeals rendered its decision in *Schultz v. Pritts*, 291 Md. 1, 432 A.2d 1319 (1981), which changed the law with respect to consideration of particular adverse effects emanating from special exception uses and the trial court was correct in remanding the matter to the county board of appeals to apply the new standards set forth in the *Schultz* case, *supra*. A litigant is entitled to the application of a change in law which has come about while he is enjoying his appellate privileges.

Skipjack Cove Marina, Inc. v. Board of County Comm'rs of Cecil County, 264 Md. 381, 287 A.2d 49 (1972).

Under local zoning ordinance provisions, a Board of Appeals is authorized to prescribe appropriate conditions and safeguards in granting special exceptions.

See also *Montgomery County v. Mossburg*, 228 Md. 555, 180 A.2d 851 (1962).

Kassab v. Burkhardt, 34 Md. App. 699, 368 A.2d 1064 (1977).

An applicant for a special exception must meet all conditions precedent to the grant of such use. In the instant case, planned unit development provisions requiring that evidence be submitted to demonstrate that the subject development will be served by public water and sewage disposal systems which exist at the time the plan is submitted for approval must be literally interpreted. The courts may not attempt, under the guise of construction, to

276

DECISIONS

uses, if they rdinance, do fare of the ng plan this of validity (Citations

s promoted se district, etc. cannot substantial that the 'cts above iated with 724.

"Witnesses lues, etc., al home ies, were ernalized probative

47 Md.

nd gravel l by the he Court omments id (2) the he Court compre- as such, e subject nined to

RELATED AREAS

§ 11.2

be a legitimate use of land in the O-S Zone, subject to meeting applicable requirements.

Zoning boards dealing with special exceptions are delegated limited authority to permit such uses which the legislative body has determined, *prima facie*, can be allowed in specific use districts, absent any particular facts or circumstances to rebut this presumptive finding. If the applicant has met its burden of producing credible and probative evidence on all issues and requirements, a special exception must be granted. The Court concluded by stating: "Our examination of the record convinces us that the applicant more than met its burden of producing probative and credible evidence on all issues required to be proven, and that the evidence of the protestants was so vague and indefinite as to fail to raise fair debate in a reasoning mind...." 47 Md. App. at 480, 424 A.2d at 397.

Mayor & City Council of Baltimore v. Foster & Kleiser, 46 Md. App. 163, 416 A.2d 762 (1980).

The Court of Special Appeals reversed a denial of a conditional use permit to erect a sign, based solely upon the vague and unsupported fear that it might hinder efforts to improve other areas in the same neighborhood. The Court stated:

"The City Council, by permitting billboards as a conditional use, has legislatively determined that, as a general rule, they do not menace or endanger the public health, safety, general welfare or morals within the area of that permitted use. The Board has a limited amount of discretion to deny the use if there is substantial evidence to show that, notwithstanding the underlying legislative conclusion, a particular structure would have such an effect. But it may not thwart the legislative will based upon unspecific and unsupported protestations and concerns. In short, these conclusions have absolutely no

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§ 11.2 MARYLAND ZONING DECISIONS

evidentiary support, and are therefore by law, arbitrary and capricious." 46 Md. App. at 171-72, 416 A.2d at 767.

Turner v. Hammond, 270 Md. 41, 310 A.2d 543 (1973).

A special exception or conditional use is a part of a comprehensive zoning plan sharing the presumption that as such it is in the interest of the general welfare and, therefore, valid. It is a zoning mechanism that delegates to an administrative board a limited authority to permit enumerated uses the legislature has determined can be allowed absent any facts or circumstances negating the presumption.

The burden of proof on the applicant and the duties of the administrative body are explained, thusly:

"While the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements he does not have the burden of showing affirmatively that his proposed use accords with the general welfare. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material but if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the functioning of the comprehensive plan, a denial of an application for a special exception is arbitrary, capricious and illegal." 270 Md. at 55, 310 A.2d at 551.

See also *Rockville Fuel & Feed Co. v. Board of Appeals of the City of Gaithersburg*, 257 Md. 183, 187, 252 A.2d 499, 501-02 (1970); *Montgomery County v. Merlands Club, Inc.*, 202 Md. 279, 287, 96 A.2d 261, 264 (1953).

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

December 9, 1987

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variances and Special Exception
Case Nos. 88-137XA

Dear Mr. Boozer:

Pursuant to the recent hearing held on the subject case, please be advised that your Petition for a Special Exception and Zoning Variances have been Granted.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. ROBERT HAINES
ZONING COMMISSIONER

JRH:mm
enclosure

APR ASSOCIATES, INC.
Surveyors - Engineers
7427 Harford Road
BALTIMORE, MD 21234

(301) 444-4312

TO: ZONING COMMISSIONER
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

LETTER OF TRANSMITTAL

DATE: 26 OCT 1987

TO: MR. ROBERT HAINES

RE: SPECIAL EXCEPTION

HARFORD RD. & CHENOA AVENUE

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:
☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☒ HAND-DELIVERED

COPIES	DATE	NO.	DESCRIPTION
1	27 APR 87		PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

RECEIVED
OCT 23 1987

ZONING OFFICE

IF AFE TRANSMITTED as checked below:
☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☒ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS:
MR. HAINES,
THE PLAT WAS CORRECTED ACCORDING TO THE COMMENTS RECEIVED DURING THE ZONING COMMISSIONER HEARING ON OCT 23, 1987.

COPY TO: _____
SIGNED: Robert Haines

BOB ADOLPH'S SUNOCO SERVICE

ROAD SERVICE - PICKUP & DELIVERY
GENERAL REPAIRS

8300 HARFORD ROAD
1 BLOCK NORTH OF BELTWAY BALTIMORE, MD 21234

BALTIMORE COUNTY Zoning Commissioner
111 W. Chesapeake Ave.
Towson, Maryland 21204

Dear Sir,

Several months ago I leased my property at 9300 Harford Road to Amoco Oil Company pending building permits. In addition there is a requirement for a special exception which was filed 8/18/87. The item # is 74. I am over 60 years of age and have a bad heart. I am not supposed to work over three hours a day. Because I let my mechanics know I was giving up the business I have lost all my help and income from the property which is my only income. As a result I am working twelve hours a day 6 days a week. I realize that the county is being flooded with zoning requests due to comprehensive rezoning, but I very much need to get this hearing over with so that I can close this station and stop worrying about how to pay my bills. I would appreciate any help you could give me concerning getting this hearing scheduled.

Sincerely,
Robert Adolph

RECEIVED
SEP 14 1987

ZONING OFFICE

COVAHEY & BOOZER, P.A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9841

March 29, 1988

HAND-DELIVERED

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

Re: Case No.: 88-137-XA
Amoco Oil Company

Gentlemen:

Enclosed please find copies of an Amended Petition for Special Exception and Amended Petition for Zoning Variance which have been filed this date with the Zoning Office. The Amended Company is Contract Purchaser/Lessee of the property, contingent upon the outcome of these Petitions, and not legal owner. The Agreement between the parties does, however, appoint Amoco as attorney-in-fact for the owners to pursue zoning approval.

We apologize for any inconvenience or difficulties this may have caused.

Very truly yours,

Anthony J. DiPaula

AJD/bb

cc: Phyllis C. Friedman, People's Counsel
James Hoswell, Office of Planning
J. Robert Haines, Zoning Commissioner
Mrs. Nellie Klemig
Mrs. Donald Chenoweth



County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 491-3180

January 22, 1988

NOTICE OF ASSIGNMENT

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

CASE NO. 88-137-XA

AMOCO OIL COMPANY

NW/cor. Harford Rd. and Chenoak Ave.

9th F. Dist.; 6th C. Dist.

SE-Food store in conj. w/service station

(gas-n-go)

Var.-Signs

12/9/87 - Z.C.'s Order-GRANTED w/restrictions

THURSDAY, MAY 5, 1988, at 10 a.m.

ASSIGNED FOR:

cc: Mrs. Donald Chenoweth

Mrs. Nellie Klemig

F. Vernon Boozer, Esq.

Phyllis C. Friedman

David Fields

James Hoswell

J. Robert Haines

Ann Nastarowicz

James Iyer

Lockett Clerk

Counsel for Petitioner

People's Counsel

Office of Planning

" " "

" " "

Zoning Office

" " "

" " "

" " "

June Holden, Secretary

Request Notification: Norman E. Gerber, Director of Planning
James Hoswell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Bucket Client:

APPEAL

Petitions for Special Exception and Zoning Variance
NW/Cor. Harford Road and Chenoak Avenue
9th Election District - 6th Councilmanic District
Amoco Oil Company - Petitioner
Case No. 88-137-XA

SP-EXCEP.-food store in conjunction with service station (gas-n-go)
Var.-Signs

Petitions for Special Exception and Zoning Variance

Description of Property

Certificate of Posting

Certificates of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1) Plat of Property

A) Revised Plat of Property dated 10/26/87

Zoning Commissioner's Order dated December 9, 1987

Notice of Appeal received December 29, 1987 from F. Vernon Boozer, Esquire,
Attorney for Petitioner

Anthony J. De Paula, Esq.
614 Bosley Ave. #2204
Co-Counsel - Petitioner

McDonald Chinnith
5927 Chennock Ave. (21234)

Tom Thibault (No. 115)
5927 Chennock Ave. (21234)

F. Vernon Boozer, Esquire, Attorney for Petitioner
614 Bosley Avenue
Towson, Maryland 21204

Phyllis Friedman, Esquire
People's Counsel of Baltimore County
Rm. 223, Old Courthouse
Towson, Maryland 21204

Mr. Charles T. Bogdanowicz
Amoco Oil Company, Proj. Engr.
14520 Green Road
Baldwin, MD 21013

Request Notification: Norman E. Gerber, Director of Planning
James Howell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

apf associates, inc.
surveyors-engineers

ALEXANDER P. NATYOL, P.E., L.S.
ROBERT L. HAYNE, P.E.
KEVIN L. DUBLET, P.E.
PAUL A. HAYTON
EDWARD F. DEACIO - L.S., P.E., L.S.
ROBERT L. HAYNE

AMOCO OIL COMPANY
DESCRIPTION OF PROPERTY
HARFORD AND CHENOAK AVENUE
NINTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the Northwest right-of-way line of Harford Road, 60 feet wide, as shown on the State Roads Commission of Maryland Right-of-Way Plat No. 2696 and at the beginning of a gusset line connecting said right-of-way line of Harford Road with the Northeastly side of Chenoak Avenue as shown on Baltimore County Bureau of Land Acquisition drawing RW 66-343-1, thence leaving Harford Road and binding along said gusset line, referring all courses to the True Meridian as established for the Baltimore County Metropolitan District, South 84 degrees 11 minutes 40 seconds West 30.47 feet to a point on the Northeastly side of Chenoak Avenue; thence binding thereon North 54 degrees 51 minutes 40 seconds West 126.62 feet to intersect the last or South 35 degrees 08 minutes 20 seconds West 140.14 foot line of a parcel of land which by Deed dated May 9, 1966 and recorded in Liber O.T.G. 4619, page 121 was conveyed by Sun Oil Company to William A. Kelmig and wife; thence leaving Chenoak Avenue and binding reversely along said line North 35 degrees 08 minutes 20 seconds East 130.14 feet to intersect the fourth or South 63 degrees 01 minutes 20 seconds East 171.48 foot line of a parcel of land which by Deed dated March 2, 1966 and recorded in Liber

7427 harford road ballimore, md. 21234 tel: 301 444 4312

AMOCO OIL COMPANY
DESCRIPTION OF PROPERTY
HARFORD AND CHENOAK AVENUE
NINTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
PAGE 2

4587, page 338 was conveyed by Edward E. Moreau to Sun Oil Company; thence binding along said line South 63 degrees 01 minutes 20 seconds East 151.90 feet to intersect the Northeast right-of-way line of Harford Road; thence binding thereon by a curve having a radius of 17,218.74 feet for an arc length of 131.74 feet and a chord of South 35 degrees 27 minutes 18 seconds West 131.74 feet to the point of beginning; containing 20,886 square feet or 0.4795 acres more or less.

BEING and comprising the land conveyed to Sun Oil Company by the two hereinmentioned deeds:

1) From Lester G. Chennoweth and wife dated March 2, 1966 and recorded in Liber 4587, page 341.

2) From Edward E. Moreau dated March 2, 1966 and recorded in Liber 4587, page 338.

4/22/87

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCES : OF BALTIMORE COUNTY
NW Corner Harford Rd. and :
Chenoak Ave., 9th District :
AMOCO OIL COMPANY, Petitioner : Case No. 88-137-XA

ENTRY OF APPEARANCE

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

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

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

I HEREBY CERTIFY that on this 22nd day of September, 1987, a copy of the foregoing Entry of Appearance was mailed to F. Vernon Boozer, Esquire, 614 Bosley Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

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

J. ROBERT HAINES
ZONING COMMISSIONER

October 14, 1987

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
NW/Cor. Harford Rd. and Chenoak Ave.
9th Election District - 6th Councilmanic District
Amoco Oil Company - Petitioner
Case No. 88-137-XA

Dear Mr. Boozer:

This is to advise you that \$124.58 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE ORDER. THIS FEE WILL NOT BE ISSUED.

No. 37958

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

DATE: 10/23/87 ACCOUNT: 8-01-615-000

12 SIGNS & POSTS
MAILED RETURNED

RECEIVED FROM: F. Vernon Boozer, Esq., 614 Bosley Ave., Towson, MD 21204

AMOUNT: \$

ADVERTISING & POSTING COSTS PL. CASE #88-137-XA

FOR: \$ 8028*****1245618 22346

VALIDATION OR SIGNATURE OF CASHIER

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, Maryland 21204

September 16, 1987

NOTICE OF HEARING

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
NW/Cor. Harford Road and Chenoak Avenue
9th Election District - 6th Councilmanic District
Amoco Oil Company - Petitioner
Case No. 88-137-XA

TIME: 10:00 a.m.

DATE: Friday, October 23, 1987

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

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
Baltimore County

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

DATE: 8-18-87 ACCOUNT: 890-617

AMOUNT: \$ 200.00

RECEIVED FROM: Amoco Oil Company

FOR: Zoning Variance & Special Exception

VALIDATION OR SIGNATURE OF CASHIER

Mrs. Nellie D. Keinig
2926 Chenoak Avenue
Baltimore, Maryland 21234

COVAHEY & BOOZER, P.A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301 828-9441

EDWARD C. COVAHEY JR.
F. VERNON BOOZER
MARK S. DEVAN
ANTHONY J. DIPALMA

December 29, 1987

RE: CASE NO. 88-137XA
AMOCO OIL COMPANY
HARFORD ROAD AND CHENOAK AVENUE

Dear Mr. Haines:

On behalf of the Petitioner, please enter an appeal to the County Board of Appeals from the decision rendered on December 9, 1987 in the above-referenced matter. Enclosed is my escrow check in the amount of \$190.00 to cover the cost of same.

Very truly yours,
F. Vernon Boozer

FVB/jab

enclosure

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

DATE: 12/29/87 ACCOUNT: 8-01-615-000

AMOUNT: \$ 190.00

RECEIVED FROM: F. Vernon Boozer, Esq., 614 Bosley Ave., Towson, MD 21204

FOR: Zoning Variance & Special Exception

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 11/13/87

Posted for: Amoco Oil Co

Petitioner: Amoco Oil Co

Location of property: NW/Cor. Harford Rd. & Chenoak Ave.

Location of Signs: 614 Bosley Ave. & Chenoak Ave.

Remarks: 614 Bosley Ave. & Chenoak Ave.

Posted by: *Phyllis Cole Friedman*

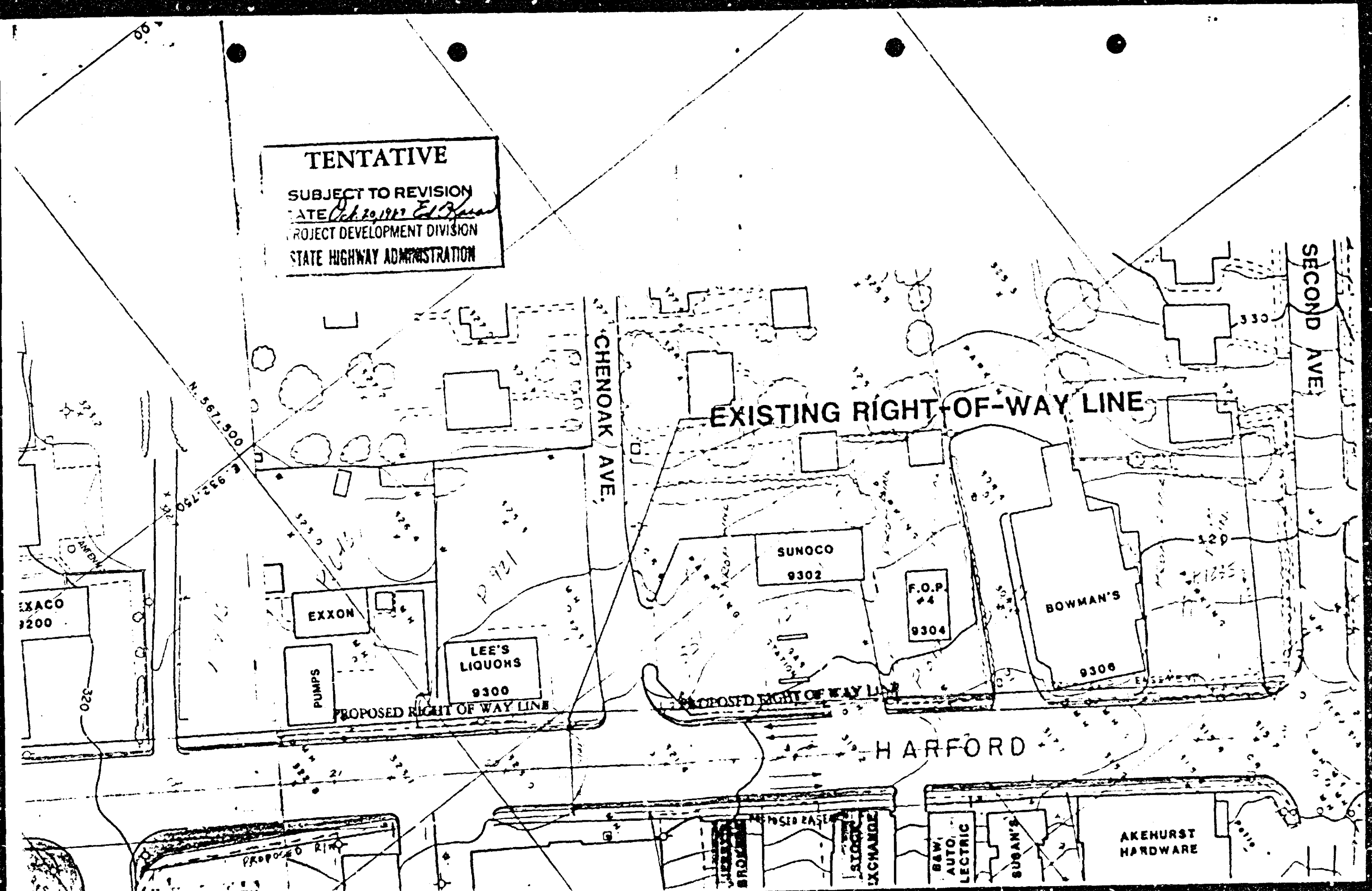
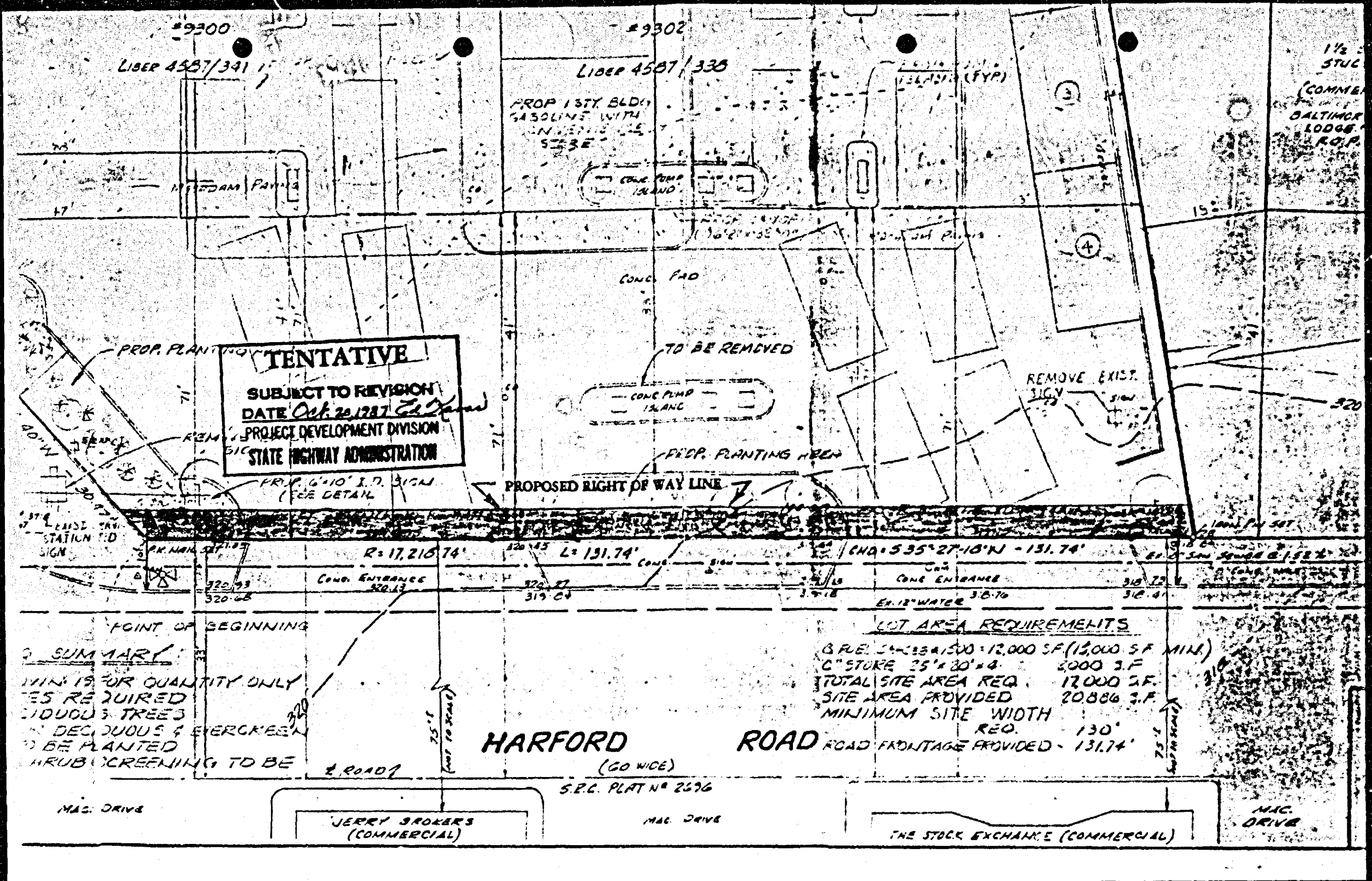
Date of return: 11/13/87

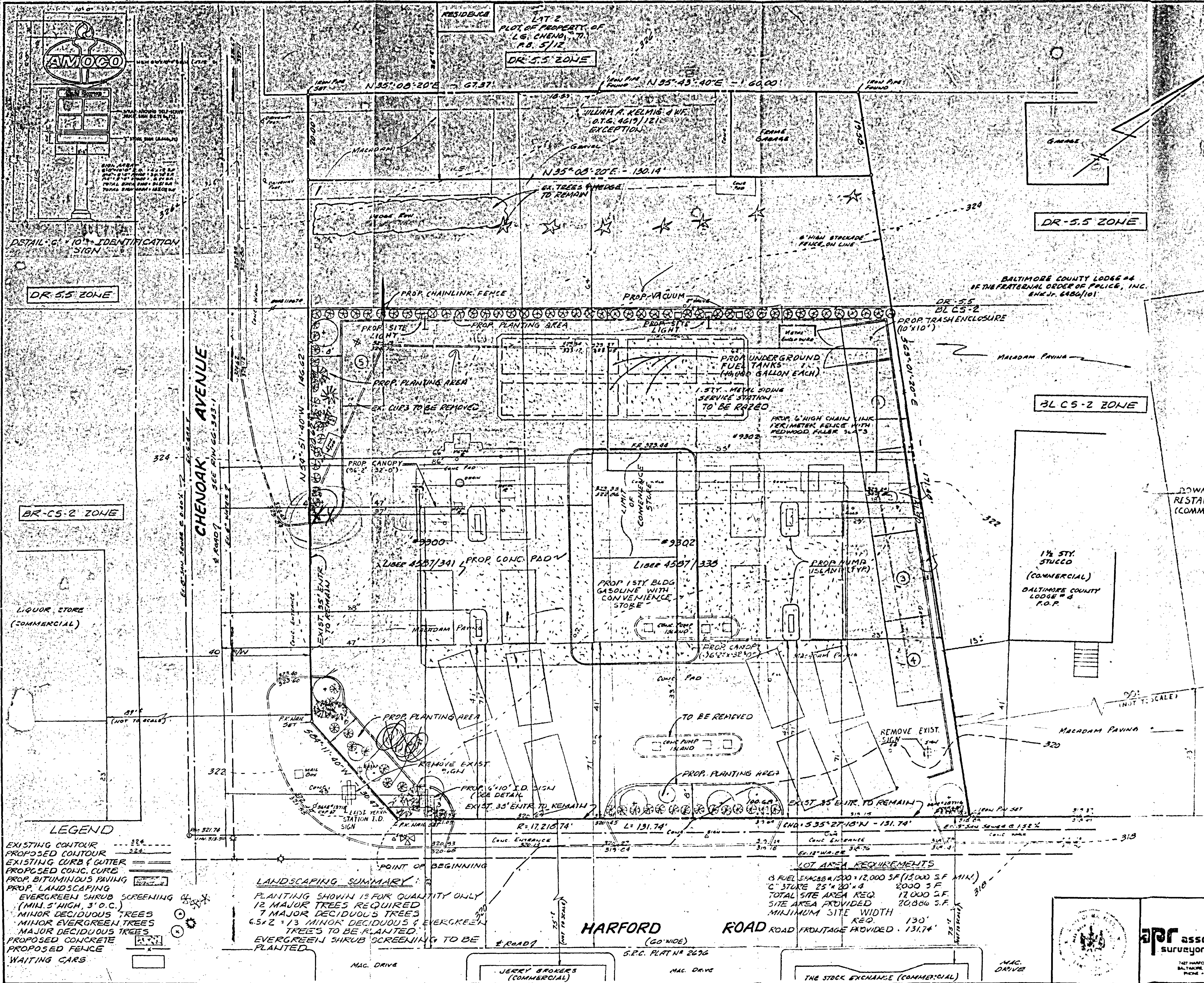
CERTIFICATE OF PUBLICATION

TOWSON, MD., 19...

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 19...

THE JEFFERSONIAN,
Susan L. O'Connell
Publisher





LOCATION MAP
Scale: 1"=1000'

- NOTES:**
- 1) BEARINGS SHOWN REFER TO THE TRUE MERIDIAN AS ESTABLISHED FOR THE BALTIMORE COUNTY METROPOLITAN DISTRICT.
 - 2) ELEVATIONS SHOWN REFER TO BALTIMORE COUNTY DATUM BENCH MARK HUB NO. 10152 ELEV. 322.85
25' IRON PIPE BENCH MARK RETURN S.W. CORNER HARFORD RD & CHENOAK AVENUE
 - 3) AREA OF PROPERTY: 20,886 SQ. FT. OR 0.4795 AC.
 - 4) EXISTING ZONE BL-C5-2
 - 5) PROPOSED ZONE BL-C5-2 WITH SJE FOR CONVENIENCE STORE
 - 6) EXISTING USE GASOLINE STATION
 - 7) PROPOSED USE GASOLINE STATION WITH CONVENIENCE STORE
 - 8) ALL EXISTING STRUCTURES ON SITE TO BE RAZED
 - 9) OFF STREET PARKING: PARKING REQ'D @ 1 SPACE/200 S.F. (865+200) = 5 SPACES PROVIDED
ALL PARKING SPACES SHALL BE 10'x20'
ALL PAVING SHALL BE BITUMINOUS CONCRETE SURFACE.
ALL CURB SHOWN ON SITE SHALL BE 6" H. BY 8" W. CONCRETE.
SCREENING SHALL MEET THE REQUIREMENTS OF THE BALTIMORE COUNTY LANDSCAPE MANUAL
 - 10) LIGHTING SHALL BE A MAXIMUM OF 18" HIGH PERIMETER LIGHTS SHALL BE DIRECTED DOWNWARD AND INTO SITE.
 - 11) LANDSCAPE REQUIREMENTS:
a) EVERGREEN SHRUBS PLANTED 3' ON CENTER, MIN. 5' HIGH, ALONG PLANTING AREA AT HARFORD ROAD AND CHENOAK AVENUE.
b) PLANT QUANTITY - 250'x20'x130'
PROVIDE 7 MAJOR DECIDUOUS TREES
12 EVERGREEN OR MINOR DECIDUOUS TREES
CREDIT FOR 7 TREES AND HEDGE ROW SHOWN TO REMAIN
 - 12) PREVIOUS SPECIAL EXCEPTION CASE NUMBER: 05-366X

EX-1741
J. Signs

88-137-XA

- LEGEND**
- EXISTING CONTOUR --- 322'
 - PROPOSED CONTOUR --- 322'
 - EXISTING CURB & GUTTER ---
 - PROPOSED CONC. CURB ---
 - PROPOSED BITUMINOUS PAVING ---
 - PROPOSED LANDSCAPING ---
 - EVERGREEN SHRUB SCREENING (MIN. 5' HIGH, 3" O.C.) ---
 - MINOR DECIDUOUS TREES ---
 - MAJOR DECIDUOUS TREES ---
 - PROPOSED CONCRETE ---
 - PROPOSED FENCE ---
 - WAITING CARS ---

LANDSCAPING SUMMARY

PLANTING SHOWN IS FOR QUANTITY ONLY

12 MAJOR TREES REQUIRED

7 MAJOR DECIDUOUS TREES

65+2 = 73 MINOR DECIDUOUS & EVERGREEN TREES TO BE PLANTED

EVERGREEN SHRUB SCREENING TO BE PLANTED

LOT AREA REQUIREMENTS

3 FUEL TANKS @ 500'x12,000 SF (15,000 SF MIN.)

6" STUPE 25'x20'x4 2000 SF

TOTAL SITE AREA REQ'D 17,000 SF

SITE AREA PROVIDED 20,886 S.F.

MINIMUM SITE WIDTH REQ'D 130'

ROAD FRONTAGE PROVIDED 131.74'



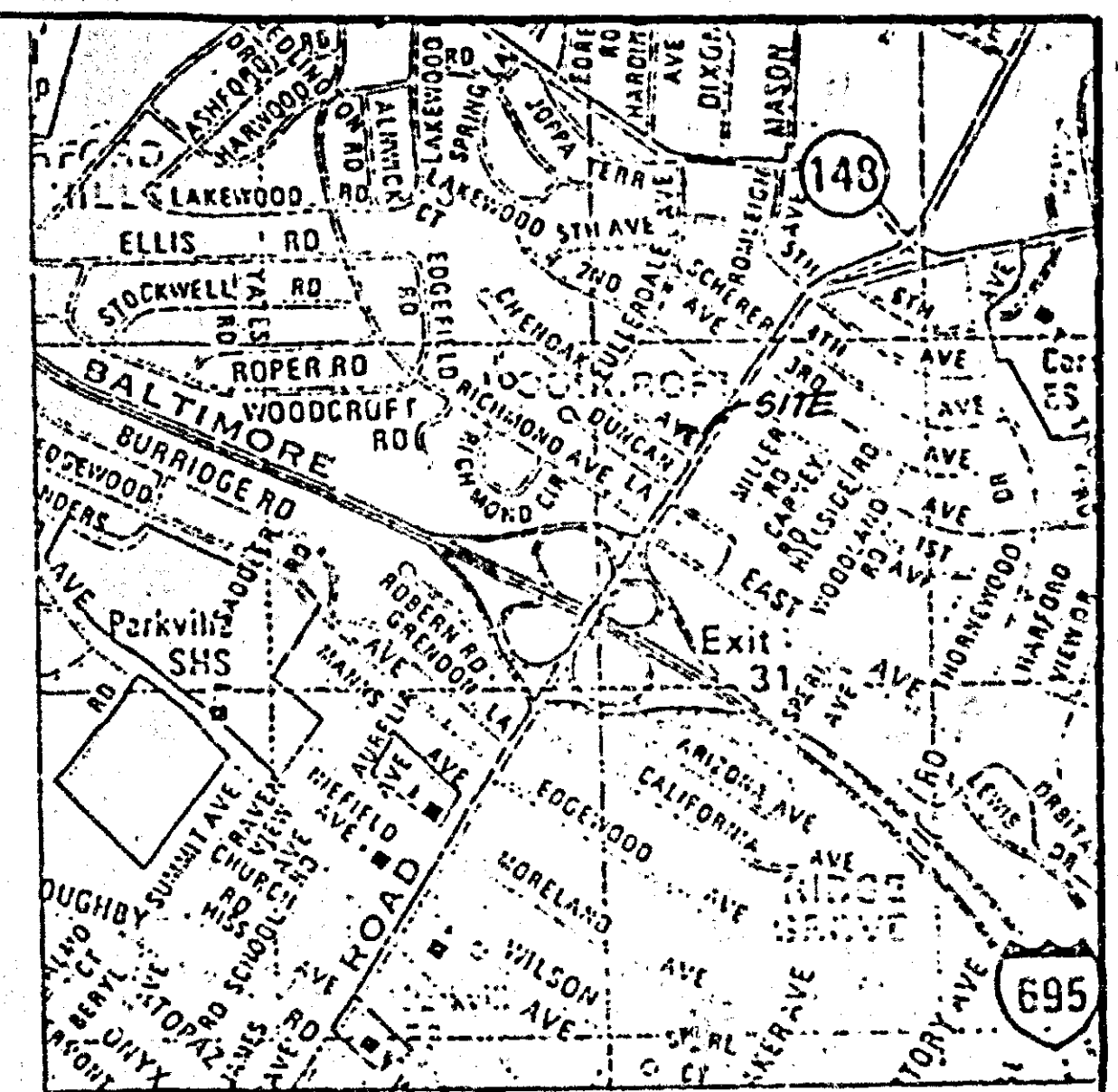
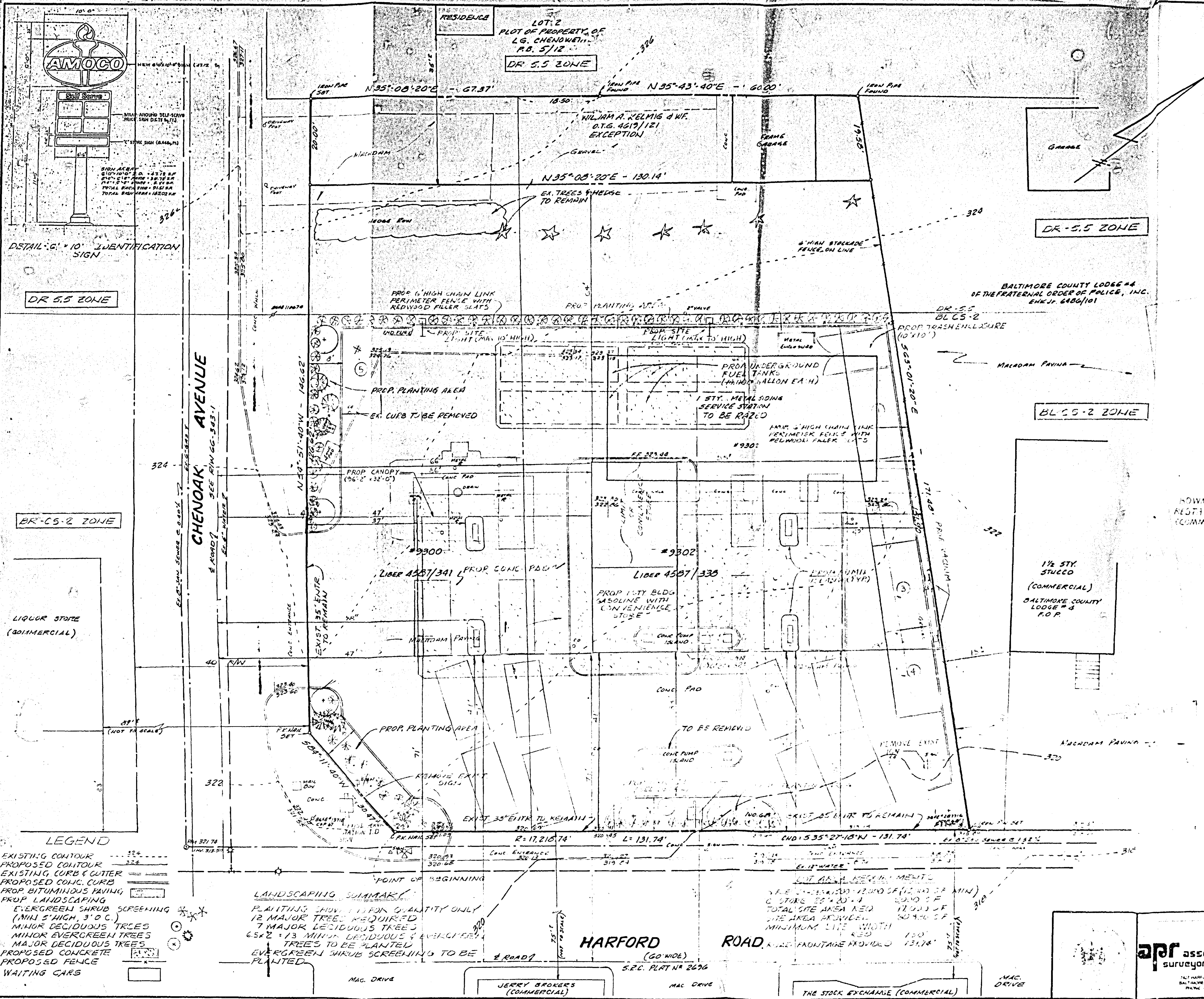
apr associates, inc.
surveyors-engineers

AMOCO OIL COMPANY
PLAT TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION
HARFORD ROAD AND CHENOAK AVENUE

NINTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: 1"=10'

APRIL 27, 1987



AMOCO OIL COMPANY
 PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION
 HARFORD ROAD AND CHENOK AVENUE

ap associates, inc.
 surveyors-engineers
 311 HART WOOD ROAD
 BALTIMORE, MD 21204
 PHONE 461-4372

NINTH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND

SCALE: 1"=10'
 APRIL 27, 1987



EXISTING CURTAIN
PROPOSED CURTAIN
PROPERTY LINE
SANITARY SEWER
WATER LINE
GOLF LINE

S&T QUANTITY			BOTANICAL NAME		COMMON NAME	REMARKS
<u>SHRUBS:</u>						
E. PAT.	44	8-24"	EUONYMUS PATEUS 'MANHATTAN'	MANHATTAN EUONYMUS	3'-0" DB	
J. HOR.	54	15-18"	JULIPERUS HOE. 'PUMMOA COMPACT'	COMPACT ANDORRA JUNIPER	2'-0" DB	
T. CUS.	56	24-30"	TAXUS CUSPIDATA 'DOUGLHERMPS'	DOUGLASS YEW	2'-0" DB	
T. NA.	63	24-30"	TAXUS CUSPIDATA 'NANA'	DWARF JAPANESE YEW	2'-0" DB	
<u>TREES:</u>						
CR. PH.	2	6-8' EAB	CRATAEGUS PHAENOPYRUM	WASHINGTON HAWTHORN	THREE	
P. NIG.	3	4-5' EAB	PIRUS NIGRA	AUSTRIAN PINE		
P. CAL.	5	2-2 1/2' CAL. EAB	PIRUS CALLERYANA 'WHITEHOUSE'	WHITEHOUSE PEAR		
Z. SER.	4	2-2 1/2' CAL. EAB	ZELKOVA SERPATA 'GREEN VASE'	GREEN VASE ZELKOVA		

2. PLANTING SHALL BE IN ACCORDANCE WITH 'LANDSCAPE GUIDING SPECIFICATIONS' BY LANDSCAPE CONTRACTORS ASSOC. OF VA, D.C. & MD. WITH A ONE YEAR WARRANTY.

3. EXISTING SITE USE: GAS STATION
 PROPOSED SITE USE: GAS STATION & CONVENIENCE STORE

1. STREET TREES:
500.00 PLANTING @ 10 = 5 TREES
5 TREES PROVIDED (3 MILLER + 2 PILE - 4 MAJR + 4 MAJR = 8)
NOTE: DUE TO OVERHEAD WIRES AND SIGHT LINES AT INTERSECTION,
MOST REQUIRED STREET TREES ARE LOCATED AT REAR OF
PROPERTY TO SUPPLEMENT SCREENING OF ADJACENT
RESIDENCE.
2. SCREENING:
AT ADJACENT BUSINESS ZONE SCREENED WITH 6' HIGH C.I. FENCE
WITH WOOD SLATS.
AT ADJACENT RESIDENCE SCREENED WITH EXISTING 12' HIGH
ACERVITAE AND 6' HIGH C.I. FENCE WITH WOOD SLATS AND
EVERGREEN HEDGING AT 3'-0" O.C. ON EACH SIDE OF FENCE.
(AS PER ZONING COMMISSIONERS REQUIREMENTS).
3. PARKING:
5 SPACE @ 12 = 1 TREE PROVIDED.

CRG APPROVAL DATE _____
CRG FILE # OR Waiver # W37-178
PERMIT CONTROL No. _____

"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, 1993, dated May 10, 1995."

Charles T. Bogdanowicz 2-3-

SIGNATURE OF APPLICANT DATE

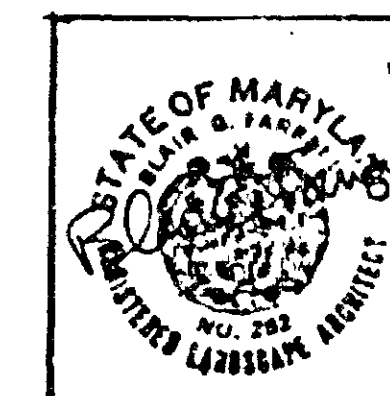
Charles T. Bogdanowicz

PRINT NAME

14000 Green Rd

Beltsville, Md. 20719 552-5501

ADDRESS PHONE



**Blair Gates Farrand
Landscape Architects**
416 Lyman Avenue
Baltimore Maryland 21212
(301) 435-3400

AMOCO OIL COMPANY
PLANTING PLAN
HARPER ROAD & CHICKAWA AVENUE
NINTH ELEC. DISTRICT BALTIMORE CO., MD.
SCALE: 1" = 10' 3 FOOTING'S