

IN RE: PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING AND ZONING VARIANCE S/W Boulevard 1st Councilmanic District Robert Kurland, et ux. Petitioners

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No.: 89-273-SPHXA

AMENDED ORDER

Upon a typographical mistake having been made in indicating the request for a 26 foot setback as indicated on Petitioner's Exhibit 1, where, in fact, the setback was requested of 24 feet, and said Findings of Fact and Conclusions of Law dated February 3, 1989, indicate that the variance for the 26 foot setback is granted, it is this 3rd day of FEBRUARY, 1989, ordered, Nunc pro tunc, that the aforesaid variances be granted wherein a 24 foot setback and a 6 foot setback in lieu of the required 30 foot setback be granted in addition to the other setbacks, special exception, and special hearing having been granted by the February 3, 1989 Order.

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

cc: S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600, Towson, Md. 21204

People's Counsel

File

IN RE: PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING AND ZONING VARIANCE S/W Boulevard 1st Councilmanic District Robert Kurland, et ux. Petitioners

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No.: 89-273-SPHXA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a service garage, a special hearing to amend an approved site plan and variances to allow sideyard set backs of 26 feet and 6 feet in lieu of the required 30 feet and to permit a frontyard setback of five feet in lieu of the required ten feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, Robert Kurland, appeared, testified and was represented by S. Eric DiNenna, Esquire. Mr. Edward E. Zimmerman, Real Estate Manager for Besche Oil Company, the supplier of gasoline and oil to the subject property, also testified and was represented by Robert Hoffman, Esquire.

Also appearing on behalf of the Petitioner and the petition filed, were Messrs. Tim Mocan and Ron Krug, immediate property owners to each side of the subject property.

There were no protestants appearing at the time of the hearing.

Testimony indicated the subject property is presently zoned M. L. - I. M. and is presently improved with a service station. The Petitioner and property owner, as well as the operator of the station, wishes to improve the property in the following

manner: He wishes to add to the rear of the service station an addition, that necessitates a variance from the sideyard setback. This addition is to provide services to the traveling public more adequately than is presently being provided. Secondly, he wishes to construct a service garage structure to provide service garage work to the motoring public. At present, your Petitioner operates a service garage on Wilkens Avenue in Baltimore City and the owner of the property, your Petitioner being a lessee, has been notified to close the structure because of certain structural and building code violations. The owner of that property refuses to correct these violations and accordingly, your Petitioner must relocate.

The Petitioner wishes to construct an eight bay (four on each side) structure to perform service garage work on vehicles.

In addition thereto, Besche Oil Company will be providing motor oil and gasoline to the subject property and the Petitioner wishes to improve the service station property by the installation of a canopy.

Mr. Edward E. Zimmerman, on behalf of Besche Oil Company, indicated, through a proffer of counsel, that the gasoline distribution industry characterizes canopies as an industry standard for the protection of the customer from weather, etc. It should be noted that the gas pumps are presently located pursuant to a formerly built automotive service station, prior to 1966 and the present setback of the pumps due in fact infringe upon the setbacks of the M. L. Zoning Regulations as adopted in 1971. The purpose of the canopy, and the requested

variance, is to give complete protection to the customers as aforesaid.

The proposed use and the requested variances would in fact have a less detrimental effect upon the area as indicated by both the Petitioner and the adjoining property owners.

An area variance may be granted where strict application of the Zoning Regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). As stated in that case, certain prerequisites must be met and those prerequisites have been met in this matter.

From a review of the evidence presented, without reviewing all the evidence in detail, it has been determined by the Zoning Commissioner for Baltimore County that the Special Exception, Special Hearing and the Variances requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of FEBRUARY, 1989, that the Petition for Special Exception for service garage, Petition for Special Hearing to amend the site plan, and the requested Variances should be and are hereby GRANTED subject to the following restrictions and conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3233

J. Robert Haines
Zoning Commissioner

February 3, 1989

S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

Dennis F. Rasmussen
County Executive

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCES E/S Southwestern Boulevard, 685' NE of the c/l of Knecht Avenue (4105 Southwestern Boulevard) 13th Election District - 1st Councilmanic District Robert A. Kurland, et ux - Petitioners Case No. 89-273-SPHXA

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variances have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

Paul Leo P.E.

Paul Leo Engineering Inc.
305 W. Pennsylvania Ave.
Towson, Maryland 21204
301-821-5341

DESCRIPTION

4105 SOUTHWESTERN BOULEVARD
THIRTEENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
PARCEL "A"

Beginning for the same at a point on the east side of Southwestern Boulevard, said point being located 685 feet ± northeasterly from the center of Knecht Avenue, thence leaving said east side of Southwestern Boulevard

the four following courses and distances:

- (1) S 61°12'30" East 163.88 feet
- (2) N 31°27'40" East 58.45 feet
- (3) N 31°39'40" East 19.80 feet
- (4) N 61°12'30" W 168.54 feet to the east side of Southwestern Boulevard,

thence binding on the east side of Southwestern Boulevard

- (5) S 28°03'20" West 76.00 feet to the point of beginning.

Containing 0.294 acre of land, more or less.



Engineers - Surveyors - Site Planners

11/17/88

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
GERALDINE A. KLAUBER
FRANCIS X. BORGERDING

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(301) 296-6830
FAX (301) 296-6884

February 22, 1989

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

RE: Case No. 89-273-SPHXA

Dear Mr. Commissioner:

I am in receipt of your Order dated February 3, 1989, as prepared by myself in accordance with your request.

Inadvertently, a typographical mistake was made wherein I indicated in the first paragraph my client's request for a variance of a side yard setback at 26 feet in lieu of the required 30 feet.

I request that you refer to Petition Exhibit 1 as referred to in this first paragraph, wherein the request for the variance was for 24 feet in lieu of the required 30 feet.

At the end of your "Findings of Fact and Conclusions of Law", you granted the variances requested.

I would respectfully request, and enclosed herewith, please find an Amended Order Nunc pro tunc, which I request you sign and forward to all appropriate parties.

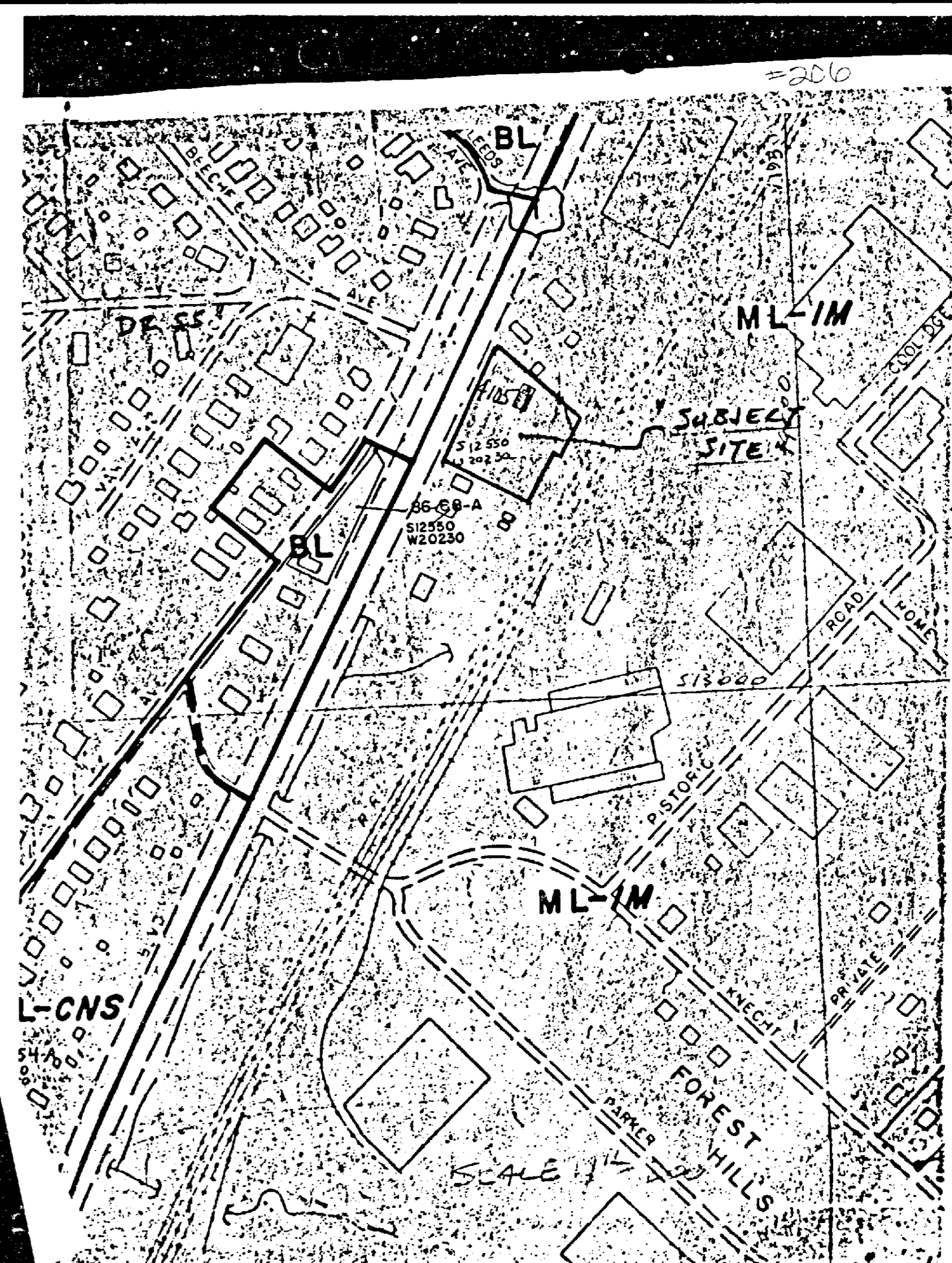
Thank you for your cooperation.

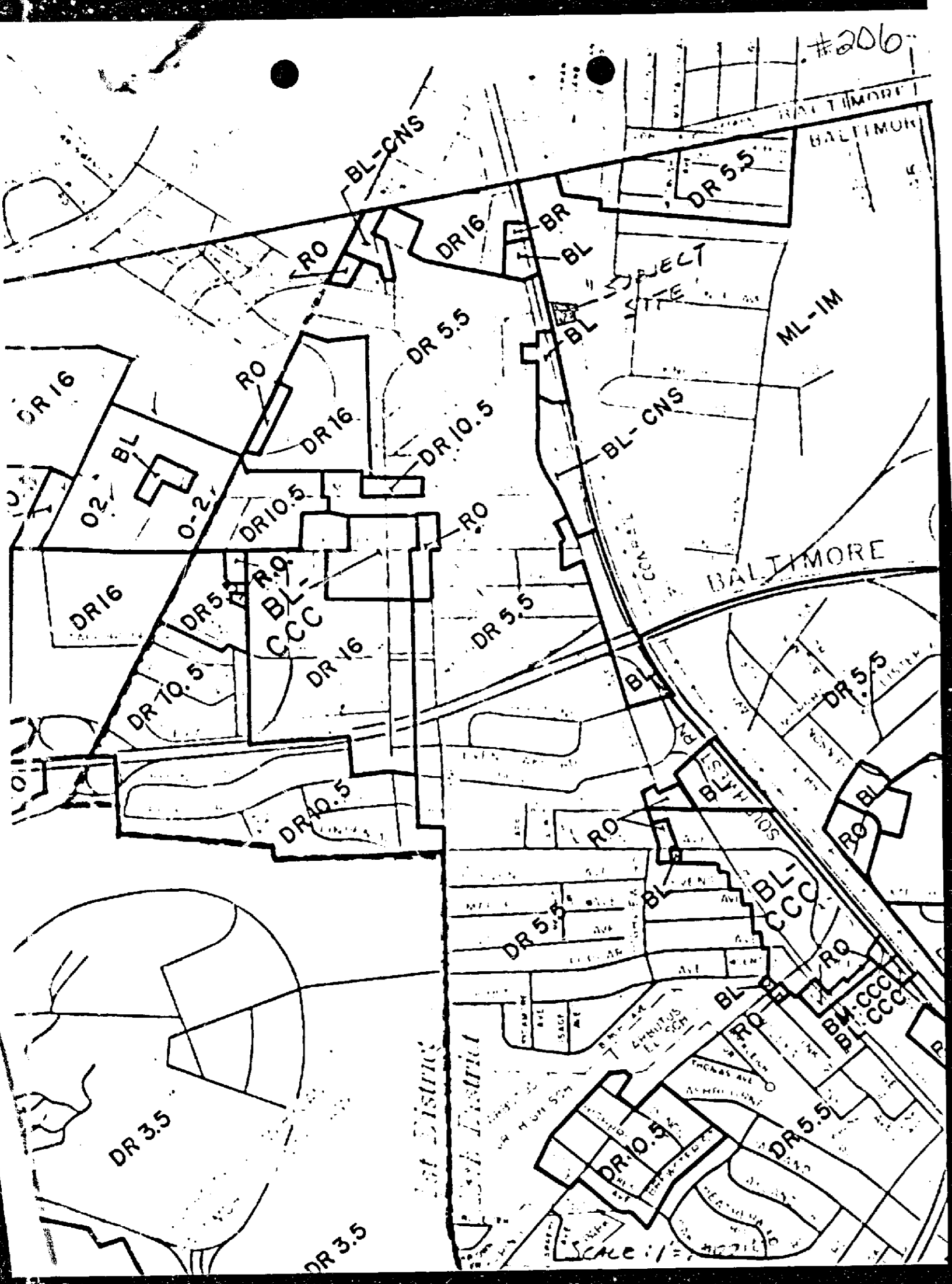
Very truly yours,
S. Eric DiNenna
ERIC DINENNA

SED:cjc

Enclosure

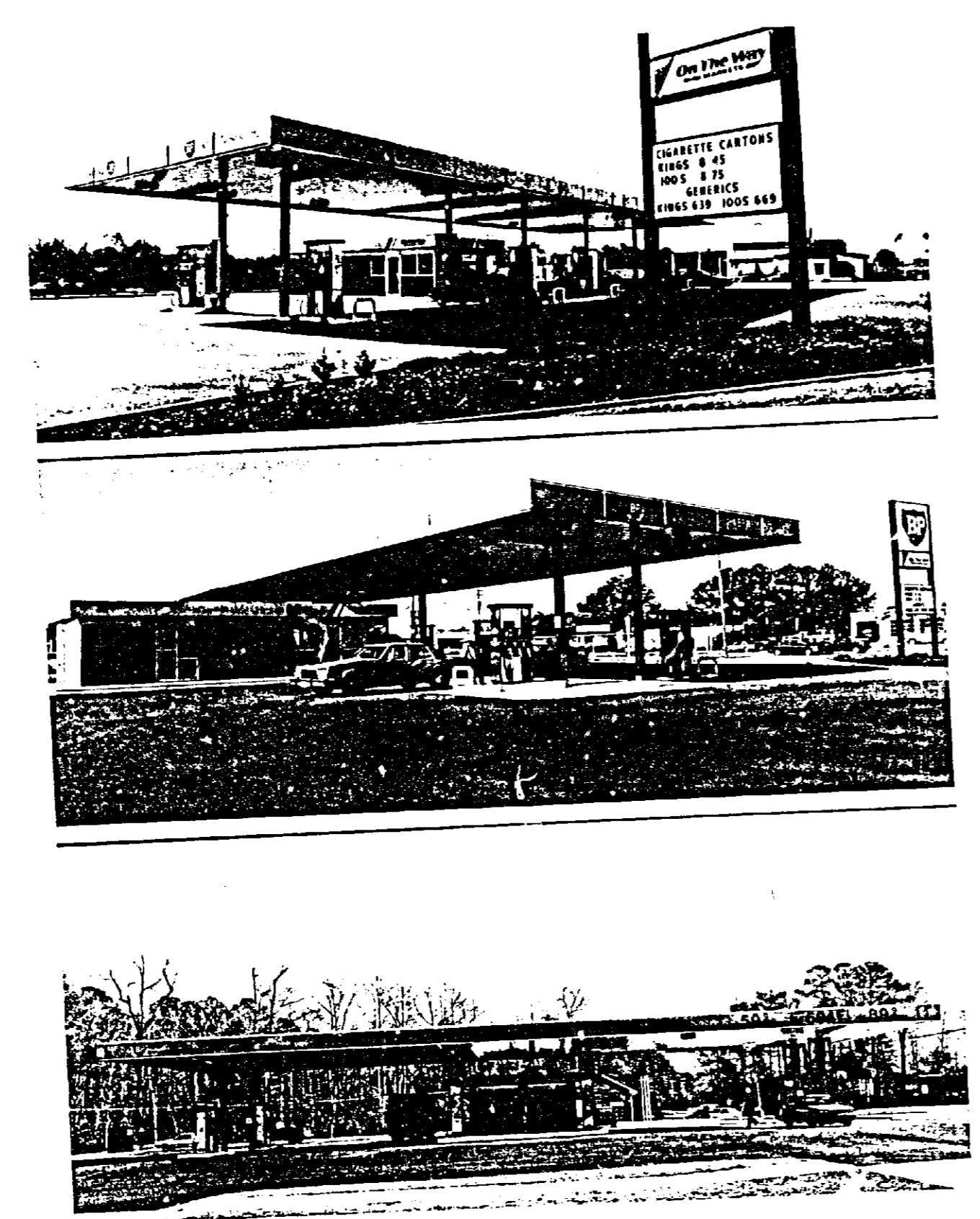
cc: Mr. Robert Kurland





PETITIONER'S EXHIBIT 2

1988 RETAIL DESIGN AND LAYOUT PROGRAM



QUALITY ROOFING CONSTRUCTION
4110 Leeds Avenue
Baltimore, MD 21229
382-4987

Nov 19, 1988

TO WHOM IT MAY CONCERN:

I Ronald W Olinger living at 4110 Leeds Ave, have reviewed the plans for the Arbutus Citgo Station at 4105 Southwestern Blvd. and have no objections to the construction of a canopy and addition to building. I believe this will improve the appearance of the property, which has always been kept in a clean and orderly fashion.

This station provides a valuable service to the community.

Respectfully,

Ronald W Olinger

Ronald W Olinger
cc:rw

PETITIONER'S EXHIBIT 3

November 19, 1988

To: Commissioners of the Zoning Board of Baltimore County

This letter is in regards to the proposed construction, addition, and improvements to be made to the Arbutus Citgo, located at the address known as 4105 Southwestern Boulevard, Baltimore, Maryland 21229, owned and operated by Mr. Robert Kurland.

We the undersigned, have seen and understand the building plans pertaining to the above noted work, and we have absolutely no complaints, protests or negative reactions concerning the projects.

In addition, we also feel that these improvements would be of great help in bettering our neighborhood, and improving the appearance of the above named business.

We sincerely wish Mr. Kurland good luck in completing his proposed improvements, and we are anxious for these projects to begin, and to observe the completed construction.

Sincerely,

Mr. Reinhard P. Krug
Mrs. Debra A. Krug
4207 Southwestern Blvd.
Baltimore, Maryland 21229
536-4772

PETITIONER'S EXHIBIT 4

January 23, 1989

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Commissioner,

I am writing to you to express my approval of the proposed improvements to the business known to me as Arbutus Citgo. I am a regular customer of Mr. Kurland's in addition to being one of his closest neighbors. I reside at 1826 Leeds Avenue. Arbutus Citgo is in plain view looking out of my front window. Mr. Kurland shared with me his plans and drawings and I must say the changes should certainly be welcome in the neighborhood since he is surrounded by similar businesses. I generally view any business improvements as a plus to consumers because the competition breeds better service and prices.

Sincerely,

Craig Fetter
Craig Fetter
1826 Leeds Avenue
Baltimore, Md. 21229

PETITIONER'S EXHIBIT 5

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Robert Hoffman</i>	<i>210 A Hicken Ave</i>
<i>S. Eric Dinenna</i>	<i>409 Wash Ave</i>
<i>Robert A Kurland</i>	<i>555 Old Annapolis Rd</i>
<i>Ann J Kurland</i>	<i>425 Old Annapolis Rd</i>
<i>Ray Jones</i>	<i>4207 S. Western Blvd</i>
<i>John Jones</i>	<i>4103 Southwestern Blvd</i>
<i>Richard Ammerman</i>	<i>300 W. From Ave</i>
	<i>2717 Johnson Dr Rd. Myerwater</i>

RE: PETITION FOR SPECIAL EXCEPTION, BEFORE THE ZONING COMMISSIONER
SPECIAL HEARING & VARIANCE
E/S Southwestern Blvd., 685' NE OF BALTIMORE COUNTY
C/L Knecht Ave. (4105 Southwestern Blvd.), 13th Election Dist.:
1st Councilmanic Dist.

ROBERT A. KURLAND, et ux, Case No. 89-273-SPXKA
Petitioners

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 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 24th day of January, 1989, a copy of the foregoing Entry of Appearance was mailed to S. Eric Dinenna, Esquire, 409 Washington Ave., Suite 600, Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

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

J. Robert Haines
Zoning Commissioner
Mr. Robert A. Kurland
5809 Old New Windsor Pike
Windsor, Maryland 21157

Re: Petitions for Special Hearing, Special Exception, and Zoning Variance
CASE NUMBER: 89-273-SPXKA
E/S Southwestern Blvd., 685' NE of C/L Knecht Avenue
13th Election District - 1st Councilmanic
Petitioner(s): Robert A. Kurland
HEARING SCHEDULED: TUESDAY, JANUARY 24, 1989 at 9:00 a.m.
Dear Mr. Kurland:

Please be advised that \$205.56 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

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

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059713
DATE 1/23/89 ACCOUNT R 01615-000
AMOUNT \$ 205.56
RECEIVED FROM Robert A. Kurland
FOR [Signature]
VALIDATION OR SIGNATURE OF CASHIER
DATE-TIME: [Signature]

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 5, 1989
 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 January 5, 1989.

ARBUS TIMES
 THE JEFFERSONIAN,
 S. Z. Le Orlan
 Publisher

PO 07864
 reg M25133
 case 89-273-SPHXA
 price \$80.28

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 5, 1989
 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 January 5, 1989.

THE JEFFERSONIAN,
 S. Z. Le Orlan
 Publisher

PO 07864
 reg M25133
 case 89-273-SPHXA
 price \$80.28

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

89-273-SPHXA

District: 13
 Date of Posting: January 2, 1989
 Posted to: Special Exception - Variance - Service Station
 Petitioner: Robert A. Kurland
 Location of property: 4105 Southwestern Blvd., 685' NE corner block
 Location of Sign: East side of Southwestern Blvd. on front of subject property
 Remarks: See map
 Posted by: S. Z. Le Orlan
 Number of Signs: 2

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 494-8333
 J. Robert Haines
 Zoning Commissioner
 December 14, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing, Special Exception, and Zoning Variance
 CASE NUMBER: 89-273-SPHXA
 4105 Southwestern Blvd., 685' NE c/l Knecht Avenue
 4105 Southwestern Boulevard
 13th Election District - 1st Councilmanic
 Petitioner(s): Robert A. Kurland
 HEARING SCHEDULED: TUESDAY, JANUARY 24, 1989 at 9:00 a.m.

VARIANCE to permit a 5 foot street setback in lieu of the minimum 10 feet for a canopy, a side yard setback of 26 feet, in lieu of the minimum 30 feet for a service garage, addition, respectively.

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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
 Zoning Commissioner of
 Baltimore County
 cc: John B. Howard, Esq.
 S. Eric DiNenna, Esq.
 Mr. Robert Kurland
 File

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 Section 405.4.A.2.a, 255.1, and 238.2 to permit a 5' street setback in lieu of the minimum 10' for a canopy, a side yard setback of 26' in lieu of the minimum 30' for a service garage, and a side yard setback of 6' in lieu of the minimum 30' for a service station addition, respectively.

To be determined at hearing.

BALTIMORE COUNTY MARYLAND
 OFFICE OF PLANNING AND ZONING
 111 W. CHESAPEAKE AVENUE
 TOWSON, MARYLAND 21284
 (410) 296-6820

Legal Owner(s):
 Robert A. Kurland
 Ann L. Kurland
 S. Eric DiNenna
 5909 Old New Windsor Pike 876-2793
 Westminister, MD 21157
 Name: 10 Allegheny Avenue
 Towson, Maryland 21204 823-4111
 Attorney's Telephone No.: 823-4111

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of December, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 24th day of January, 1989, at 9 o'clock A.M.

ESTIMATED LENGTH OF HEARING - 1/2HR.
 AVAILABLE FOR HEARING MON.-FRI., 9:00 A.M. - 5:00 P.M.
 M.L. DATE 11/21/88

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-273-SPHXA
 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 Service Garage.

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

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

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

Contract Purchaser: (Type or Print Name)
 Signature
 Address
 City and State

Legal Owner(s):
 Robert A. Kurland
 Ann L. Kurland
 S. Eric DiNenna
 409 Washington Ave., Suite 600
 Towson, Maryland 21204
 Attorney's Telephone No.: (301)296-6820

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of December, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 24 day of Jan, 1989, at 9 o'clock A.M.

J. Robert Haines
 Zoning Commissioner of Baltimore County

APPLICATION FOR PERMIT
 BALTIMORE COUNTY MARYLAND
 OFFICE OF THE BUILDING ENGINEER
 TOWSON, MARYLAND 21204

Building Address: 4105 Southwestern Blvd. Baltimore, MD 21284
 Owner Name: Robert A. & Ann L. Kurland
 Building Contractor: GMH INC. 805B Parkwood Court Linthicum, MD 21090 636-0720
 Inspected by: Donald Simmons Assoc. 4637 S. Leisure Ct. Ellicott City, MD 21043

A. TYPE OF IMPROVEMENT
 1. NEW BUILDING CONSTRUCTION
 2. ADDITION
 3. ALTERATION
 4. REPAIR
 5. WRECKING ENTIRE OR UNITS DEDUCTED
 6. MOVING
 7. OTHER

C. TYPE OF USE
 NON-RESIDENTIAL
 8. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
 9. FENCE HEIGHT - HEIGHT
 10. INDUSTRIAL, STORAGE BUILDING
 11. PARKING GARAGE
 12. SERVICE STATION/REPAIR/SALES/REPAIR/XXXX
 13. HOSPITAL, INSTITUTIONAL, NURSING HOME
 14. OFFICE, BANK, PROFESSIONAL
 15. PUBLIC UTILITY
 16. SCHOOL, COLLEGE, OTHER EDUCATIONAL
 17. SIGN
 18. STORE
 19. TRANSIENT HOTEL, MOTEL, INN
 20. TRANSIENT HOTEL, MOTEL, INN
 21. TRANSIENT HOTEL, MOTEL, INN

F. DIMENSIONS
 GARAGE: 12' x 20'
 POWER ROOMS: none
 BATHROOMS: none
 KITCHENS: none
 LIVING ROOMS: none
 BED ROOMS: none
 PORCHES: none
 DECKS: none
 STAIRS: none
 ELEVATORS: none
 MECHANICAL ROOMS: none
 STORAGE ROOMS: none
 ATTIC: none
 BASEMENT: none

G. ALWAYS CAREFULLY READ THE APPLICATION AND FROM THE SAME IS CORRECTED AND TRUE AND THAT IN DOING THIS MORE ALL PROVISIONS OF THE BALTIMORE COUNTY ZONING AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INFORMATION.

PETITION FOR SPECIAL HEARING
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.1 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve Amended Site Plan.

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

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

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

Contract Purchaser: (Type or Print Name)
 Signature
 Address
 City and State

Legal Owner(s):
 Robert A. Kurland
 Ann L. Kurland
 S. Eric DiNenna
 409 Washington Ave., Suite 600
 Towson, Maryland 21204
 Attorney's Telephone No.: (301)296-6820

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of December, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 24th day of Jan, 1989, at 9 o'clock A.M.

J. Robert Haines
 Zoning Commissioner of Baltimore County

DINENNA, MANN & BRESCH
 ATTORNEYS AT LAW
 SUITE 600
 MERCANTILE TOWSON BUILDING
 809 WASHINGTON AVENUE
 TOWSON, MARYLAND 21284
 (410) 296-6820
 November 21, 1988

Dear Mr. Commissioner:
 This is to confirm our conversation on this date, wherein you were willing and will approve a conditional permit for the construction of an addition to the service station located at the above-captioned location.
 As you are aware, pursuant to Item 206 filed with your office on November 21, 1988, the property owners are asking for a side yard setback.
 As we explained to you at our meeting on November 21, 1988, Mr. Kurland is being displaced from a location in Baltimore City and will bring with him to this subject location, six employees for the continued operation of his service station operation.
 This is further to advise you that, pursuant to the signature below, if the Variance requested is not granted, ultimately, he will conform with the Zoning Regulations of Baltimore County.
 I appreciate your cooperation and it is my understanding that you will advise your staff as to Mr. Kurland's ability to go forward with the construction of this addition pending the Zoning Request and hearing.

Very truly yours,
 Robert A. Kurland
 S. ERIC DINENNA

SED:cjc
 cc: Mr. Robert A. Kurland

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

5 BAC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
GERALDINE A. KLAUBER

SUITE 600
MERCANTILE TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6820

November 21, 1988

Robert Haines
Zoning Commissioner for
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Item 206
Location: Southwestern Blvd.
My Client: Robert Kurland

Dear Mr. Commissioner:

This is to confirm our conversation on this date, wherein you were willing and will approve a conditional permit for the construction of an addition to the service station located at the above-captioned location.

As you are aware, pursuant to Item 206 filed with your office on November 21, 1988, the property owners are asking for a side yard set back.

As we explained to you at our meeting on November 21, 1988, Mr. Kurland is being displaced from a location in Baltimore City and will bring with him to this subject location, six employees for the continued operation of his service station operation.

This is further to advise you that, pursuant to the signature below, if the variance requested is not granted, ultimately, he will conform with the Zoning Regulations of Baltimore County.

I appreciate your cooperation and it is my understanding that you will advise your staff as to Mr. Kurland's ability to go forward with the construction of this addition pending the Zoning Request and Hearing.

Very truly yours,

S. Eric Dinenna
S. ERIC DINENNA

Robert A. Kurland
ROBERT A. KURLAND

SED:cjc



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 17, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
000

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

S. Eric Dinenna, Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: Item No. 206, Case No. 89-273-SPHWA
Petitioner: Leo C. Hofmeister, et ux
Petition for Zoning Variance

Dear Mr. Dinenna:

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. 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:dt

Enclosures

cc: Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, Maryland 21204

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND CONTROL

RECEIVED
DEC 15 1988

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

Zoning Item # 206, Zoning Advisor: Robert A. Kurland, et ux
Property Owner: Robert A. Kurland, et ux
Location: E/S Southwestern Blvd. District 13
Water Supply: mtia Sewage Disposal: mtia

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.
- (X) 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 tanks (15,000 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, sauna, whirlpools, hot tub, water and sewerage facilities or other apparatuses 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.
- (X) 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 raising of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 495-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank 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 retested. This test must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the probability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- (X) Others: *required oil separator shall be installed for street bay drainage*

James Dyer
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

December 16, 1988

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

Re: Baltimore County
Robert A. Kurland
Property
Citigo Service Station
Zoning Meeting of 12-6-88
E/S Southwestern Blvd.
685' N/E of Centerline
of Knecht Avenue
(Item #206)

Dear Mr. Haines:

After reviewing the submittal for a special exception for a service garage, we find the plan generally acceptable.

If you have any questions, please call Larry Brocato of this office.

Very truly yours,

Gregory J. Mills, Jr.
Gregory J. Mills, Jr., Chief
Bureau of Engineering
Access Permits

LB:maw

cc: Paul Lee Engineering, Inc.
Mr. J. Ogle

DEC 21 1988
ZONING OFFICE

My telephone number is (301) 333-1250

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St. Baltimore, Maryland 21203-0717

Baltimore County
Fire Department
Towson, Maryland 21204-2866
494-4500

Paul H. Renwick
Chief

December 29, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Robert A. Kurland, et ux
Location: E/S of SW Blvd., 685' NE of c/l of Knecht Avenue
Item No.: 206 Zoning Agenda: Meeting of 12/6/88

Gentlemen:

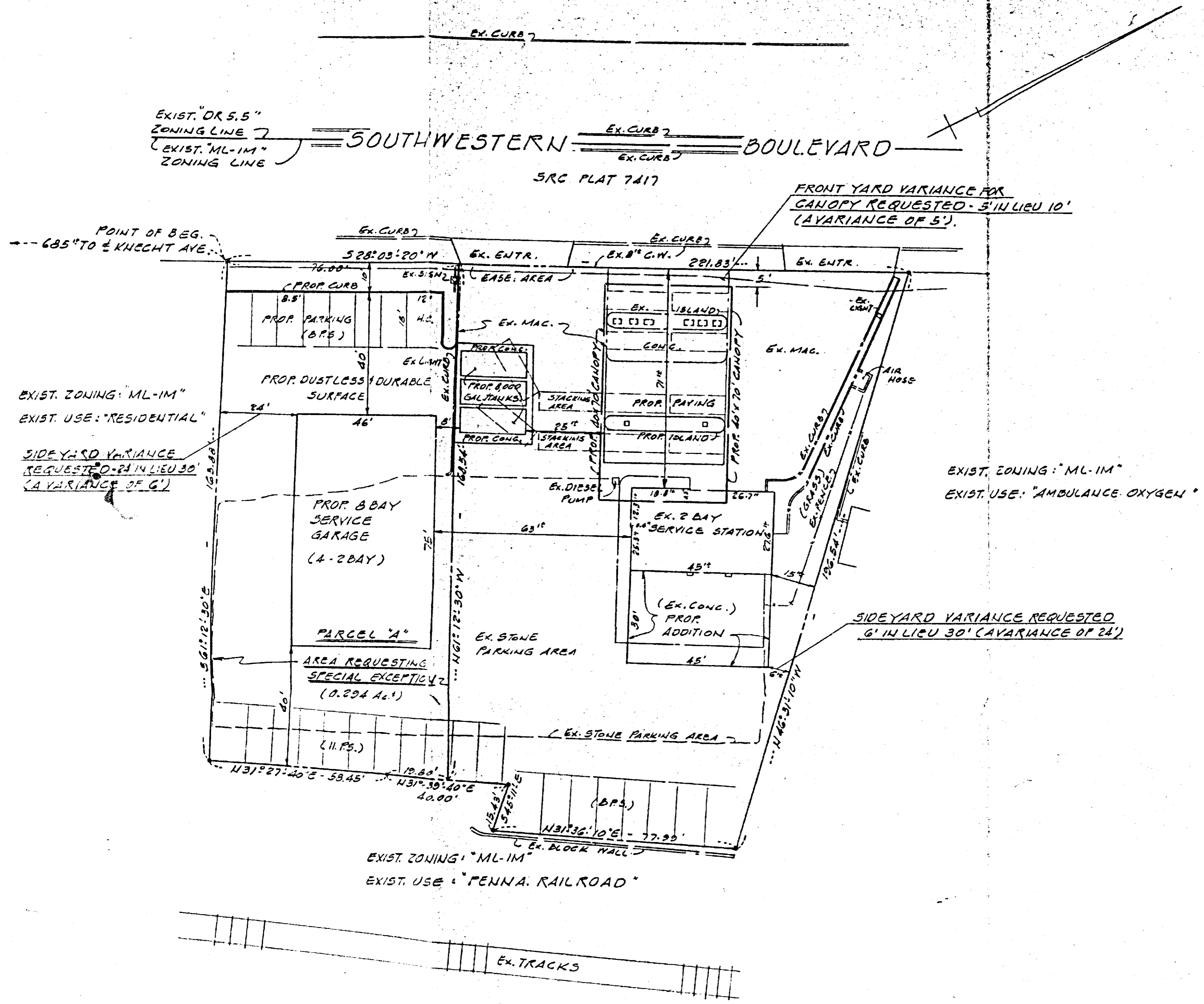
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Renwick* 12/29/88
Planning Group
Special Inspection Division

NOTED & APPROVED: _____
Fire Prevention Bureau

7/1



AREA REQUIREMENTS

GAS SERVICES SPACE	= 4
GARAGE BAYS	= 2
6 X 1500	= 9,000 S.F.
USE MIN. REQUIREMENT	= 15,000 S.F.
TRUCK RENTAL AREA	= 0
TOTAL AREA REQ'D.	= 15,000 S.F.
TOTAL AREA PROVIDED	= 34,848 S.F.

ACCESS POINT

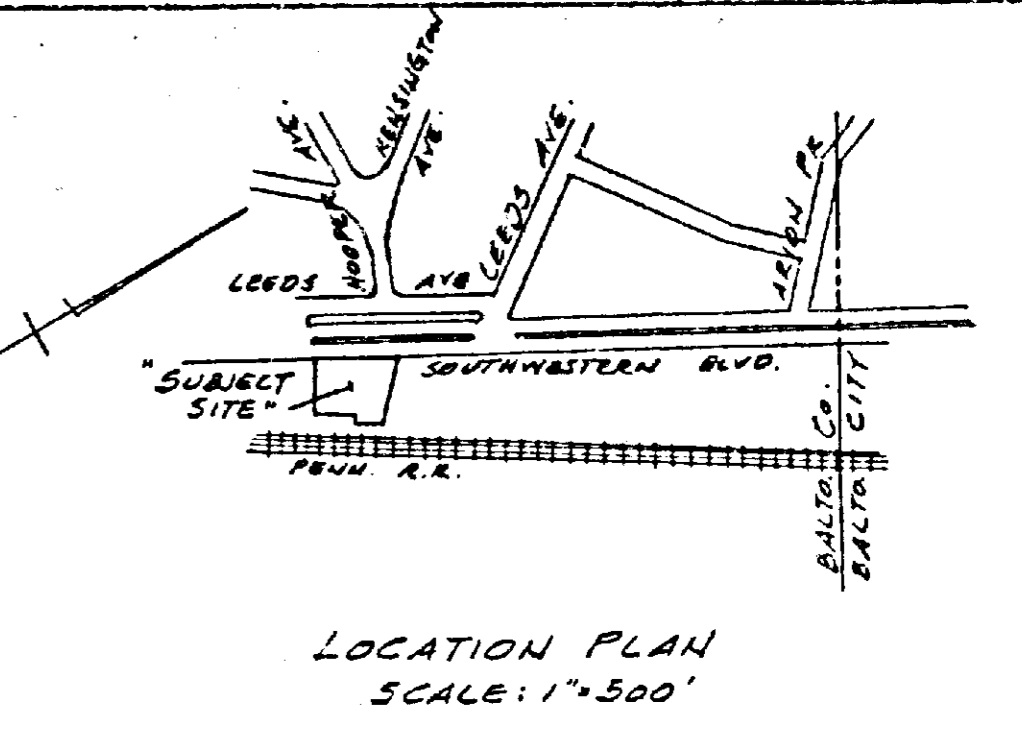
NR DRIVEWAYS ON FRONT STREET	= 2
REQUIRED WIDTH = 65 X 2	= 130'
ACTUAL SITE WIDTH	= 221.8'

LANDSCAPING
 TOTAL = 2100 SF = 6.0 % OF TRACT
 5% OF TRACT = 1,742.4 SF
 LANDSCAPING CONSISTS OF GRASS.

SIGNS
 1 SIGN (6'x8') x 2 = 96 SF

GENERAL NOTES

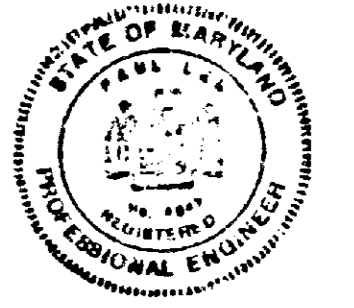
1. AREA OF SITE = 0.80 AC. (34,848 S.F.)
2. EXISTING ZONING OF SITE = "ML-1M"
3. EXISTING USE OF SITE = "CITGO SERVICE STATION"
4. PROPOSED ZONING OF SITE = "ML-1M W/ SPECIAL EXCEPTION"
5. PROPOSED USE OF SITE = "SERVICE STATION & SERVICE GARAGE"
6. OFF-STREET PARKING REQUIRED:
 - A. EXISTING SERVICE STATION = 1254 SF / 300 = 4.2 P.S.
 - B. PROPOSED SERVICE GARAGE (8 BAYS) = 3450 SF / 300 = 11.5 P.S.
 - C. PROPOSED SERVICE STATION ADDIT. = 1350 SF / 300 = 4.5 P.S.
 - D. TOTAL PARKING SPACES REQ'D. = 20.2 P.S. = 21 P.S.
7. NUMBER OF PARKING SPACES SHOWN (INCL. 10 BAYS) = 37 P.S.
8. PETITIONER REQUESTING A SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE IN A "ML-1M" ZONE (PARCEL "A" = 0.294 Ac.)
9. PETITIONER REQUESTING A VARIANCE TO SECT. 255.1 & SECT. 238.2 OF THE ZONING REGULATIONS TO PERMIT A SIDE YARD SETBACK OF 26' IN LIEU OF THE REQUIRED 30' (A VAR. OF 4') FOR SERVICE GARAGE.
10. PETITIONER REQUESTING A VARIANCE TO SECT. 405.4 & 20 OF THE ZONING REGULATIONS TO PERMIT A FRONT YARD SETBACK OF 5' FOR A PROPOSED CANOPY OVER EXISTING PUMP ISLAND IN LIEU OF THE REQUIRED 10' (A VAR. OF 5')
11. PETITIONER REQUESTING A VARIANCE TO SECT. 255.1 & SECT. 238.2 OF THE ZONING REGULATIONS TO PERMIT A SIDE YARD SETBACK OF 6' IN LIEU OF THE REQUIRED 30' (A VAR. OF 24') ADDIT. TO SERVICE STATION.
12. PETITIONER REQUESTING A SPECIAL HEARING TO REVISE THE SITE PLAN.
13. PUBLIC UTILITIES AVAILABLE TO SITE.
14. PETITION FOR RECLASSIFICATION & SPECIAL PERMIT FOR GASOLINE FILLING STATION GRANTED TO PROPERTY AUG. 28, 1950 - CASE # 1761 RS



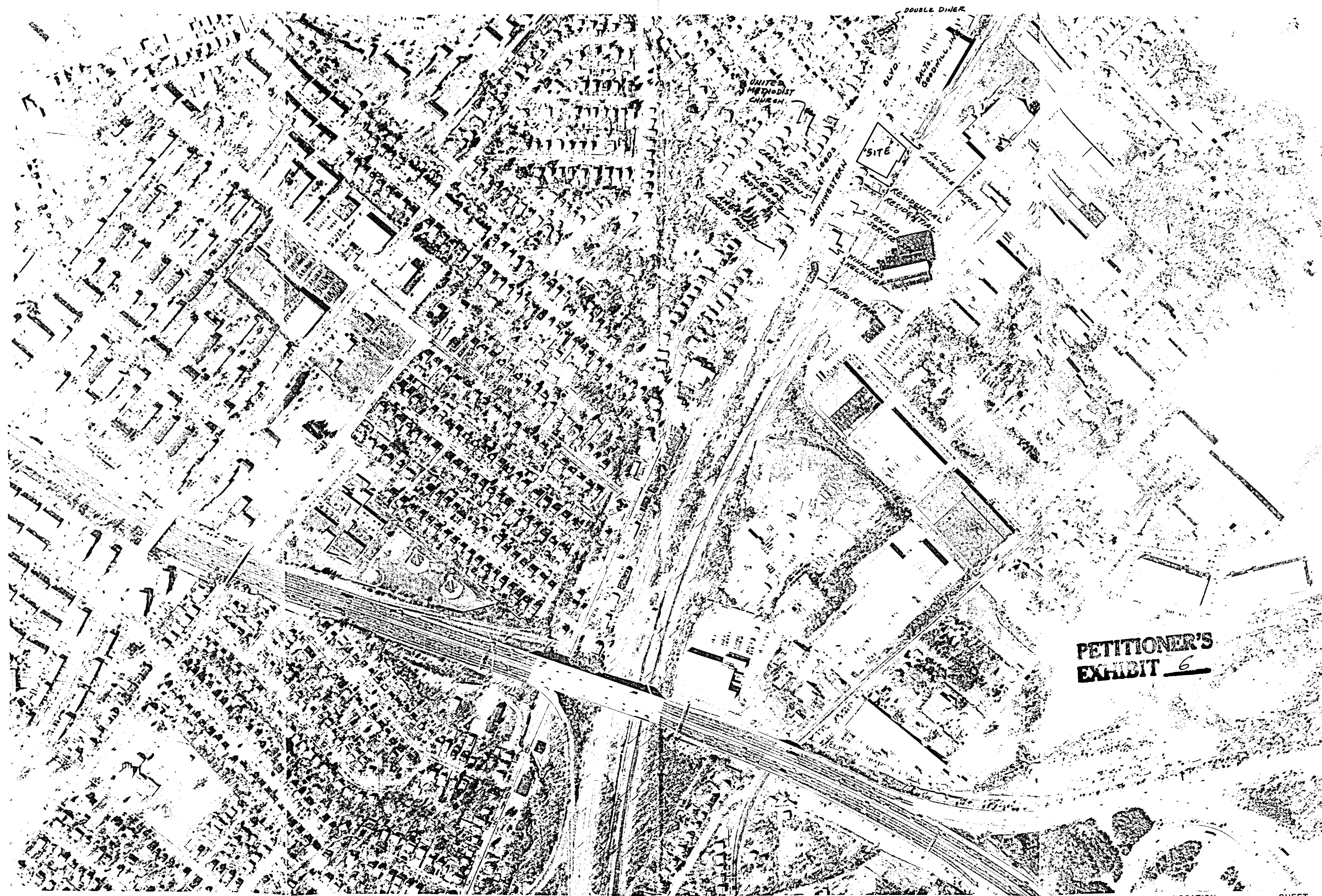
PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCES

*4105 SOUTHWESTERN BLVD.
 ELECT. DIST. 13 BALTIMORE COUNTY, MD.
 SCALE: 1"=20' NOV. 15, 1988

**PETITIONER'S
 EXHIBIT 1**



PAUL LEE ENGINEERING, INC.
 304 W. PENNSYLVANIA AVENUE
 TOWSON, MARYLAND 21204



PETITIONER'S
EXHIBIT 6

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	ARBUTUS	S.W.
DATE OF PHOTOGRAPHY JANUARY 1986	COWDENTOWN	4-D

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401