

CIRCUIT COURT FOR BALTIMORE COUNTY

CIVIL GENERAL

89-471-SPHXA

DOCKET 78 PAGE 174 CASE NO. 90CG974 CATEGORY Appeal

ATTORNEYS

IN THE MATTER OF
THE APPLICATION OF
EXXON CORPORATION
FOR A SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE ON
PROPERTY LOCATED ON THE
WEST SIDE OF GOUCHER BOULEVARD
NORTH SIDE PUTTY HILL AVENUE
(800 GOUCHER BOULEVARD)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
ZONING NO. 89-471-SPHXA
FELLOWSHIP FOREST COMMUNITY ASSOCIATION

Appellant

EXXON CORPORATION
Appellee

H. Patrick Stringer, Jr.
Mudd, Harrison & Burch
300 Jefferson Bldg.
105 W. Chesapeake Ave.
(04) 828-1335

F. Vernon Boozer
Anthony J. DiPaula
Covahey & Boozer, PA
614 Bosley Ave (4) 828-9441
EXXON CORPORATION

- (1) March 14, 1990 - Appellant's Order for Appeal & Petition, fd.
- (2) March 16, 1990 - Certificate of Notice fd.
- (3) Mar 26, 1990 - App of F. Vernon Boozer and Anthony J. DiPaula for the Appellee, EXXON CORPORATION and Same Day Answer to Petition on Appeal fd.
- (4) Apr 10, 1990 - Appellant's FELLOWSHIP FOREST COMMUNITY ASSOCIATION Motion for Extension of Time and Order of Court Granting Same fd. (DML)
- (5) May 14, 1990 - Transcript of Record, fd.
- (6) May 14, 1990 - Notice of Filing of Record, fd. copies Sent.
- (7) June 13, 1990 - Appellant's Motion for Extension of Time to File Memorandum fd.
- (8) June 27, 1990 - Appellant's Memorandum of Law, fd
- (9) July 9, 1990 - Ruling by Judge Levitz: Appellant's Motion for Extension of Time to File a Memorandum (paper #7) is MOOT as the Memorandum was filed July 27, 1990 .
- (10) July 27, 1990 - Correspondence fd.
- (11) Aug. 21, 1990 - Appellee's EXXON CORP. Memorandum pursuant to rule B-12. fd.
- Sept. 11, 1990 Hon. James T. Smith Jr. Hearing had. Decision held sub-curia, Opinion and Order to be filed.
- (12) Oct. 29, 1990 - Transcript of Record, fd.
- (13) Oct. 29, 1990 - Opinion and Order of court that the decision of

40/09

CV GEN	COSTS	90
CV CLK		80
LIBRY		10
POST		2
CKCHECK	TL	92
#78843 0001 R02		1
CV GEN		90
CV CLK		10
LIBRY		10
CKCHECK	TL	2
#85979 0001 R02		1

PAID

NOV 26 1990

SUZANNE MERRISH, C

PER

(13) Oct. 29, 1990 - Opinion and Order of court that the decision of

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 4, 1989

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

o0o

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

RE: Item No. 377, Case No. 89-471-SPHXA
Petitioner: Exxon Corporation, et al
Petition for Zoning Variance and
Special Hearing and Special Exception

MEMBERS

Bureau of
Engineering

Department of
Traffic Engineering

State Roads Commission

Bureau of
Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial
Development

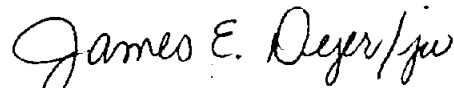
Dear Mr. Boozer:

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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,



JAMES E. DYER

Chairman

Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Mark Hoffman
Project Engineer
11350 McCormick Road
Hunt Valley, MD 21031

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

ooo

People's Counsel
Room 223
Court House
Towson, Maryland 21204

RE: Item No. 377
Case No. 89-471-SPHXA

MEMBERS

Bureau of
Engineering

Department of
Traffic Engineering

State Roads Commission

Bureau of
Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial
Development

Dear People's Counsel:

The following departments have no comments for the
above referenced petitions:

<u>N/A</u>	Public Works (Engineering)
<u>N/A</u>	State Highway
<u>N/A</u>	Project Planning
<u>✓</u>	Traffic Engineering
<u> </u>	Environmental Protection and Resource Mgmt
<u> </u>	Fire Department
<u>N/A</u>	Permits and Licenses
<u>N/A</u>	Industrial Development
<u>N/A</u>	Board of Education

Very truly yours,

James E. Dyer/dt

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Attachment

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

3/17/89

Date

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

Zoning Item # 377, Zoning Advisory Committee Meeting of March 21, 1989

Property Owner: Exxon Corporation

Location: Cor. of Wks of Goucher Blvd. + NB of Putty Hill Ave. District: 9

Water Supply: metro Sewage Disposal: metro

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(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- (✓) A permit to construct from the Bureau of 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 generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () 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 887-3745, 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, 887-3775.
- (✓) 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 887-3745.
- () 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 must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- (✓) Others Drainage from interior service bays is to be directed to sanitary sewer via oil separator.

[Signature]

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

Paul H. Reineke
Chief

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



Re: Property Owner: Exxon Corporation

Location: Corner of W/S of Goucher Blvd and N/S of Putty Hill Ave.

Dennis F. Rasmussen
County Executive

Item No.: 377

Zoning Agenda: March 21, 1989

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.
- () 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: Capt Joseph Kelly 3-17-89
Planning Group
Special Inspection Division

NOTED &
APPROVED:

Capt Wm J. Brady Jr
Fire Prevention Bureau

89-471-SPHA
Protestants #1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

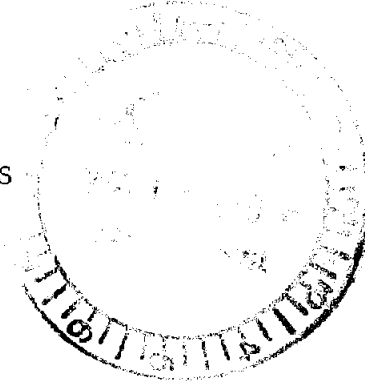
TO: J. Robert Haines
Zoning Commissioner

DATE: May 16, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-471-XSPHA
Item No. 377



Re: Exxon Corporation

The Petitioner requests a special exception to allow a food store and a car wash as uses in combination with an automotive service station, a special hearing to amend a prior site plan and variances to rear yard setback requirements and to allow five business signs totalling 314 square feet in lieu of the permitted three signs totalling 100 square feet. In reference to this request, staff offers the following comments:

The Petitioner has requested a waiver to the CRG plan and meeting process (W-89-111) that has been denied. The Waiver advisory Committee had serious concerns regarding ingress and egress, stacking for the car wash, proposed grading, and community concerns. If the Commissioner grants this petition, the approved zoning plan should conform to the approved CRG plan and the final landscape plan.

The 314 square feet requested for signage is excessive. The wall signs for the shop and car wash give them adequate identification. Therefore, this office recommends that the panels proposed for the free standing sign be eliminated. In addition, this office finds no compelling need to allow additional identification on the spreader bars.

A final landscape plan is required prior to the issuance of any building permit.

89-471-SPHXA

Prot. # 2a-m.

81

1 IN THE MATTER OF: * BEFORE THE
2 EXXON CORPORATION * BALTIMORE COUNTY BOARD
3 Case No. 89-471-SPHA * BOARD OF APPEALS
4 February 9, 1990 * OF BALTIMORE COUNTY

5 * * * * *

6 The above-entitled matter came on for hearing
7 before the Baltimore County Board of Appeals of Baltimore
8 County at the County Office Building, Towson, Maryland
9 21204 at 10 o'clock a.m., February 9, 1990.

10 * * * * *

BOARD MEMBERS:

11 ARNOLD G. FOREMAN, Acting Chairman
12 LYNN MORELAND
 JOHN G. DISNEY

APPEARANCES:

13 ANTHONY J. DiPAULA, Esquire
14 On behalf Appellant

15 H. PATRICK STRINGER, JR., Esquire
 On behalf of Protestants
 Fellowship Forest

16 STEVE BUCKINGHAM, Esquire
17 On behalf of Protestants
 Loch Raven Village

18 PHYLLIS COLE FRIEDMAN, Esquire
19 People's Counsel

20 Reported by:
21 C.E. Peatt

FILED OCT 29 1990

12/2/90

IN THE MATTER OF
THE APPLICATION OF
EXXON CORPORATION
FOR A SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCE ON PROPERTY
LOCATED ON THE WEST SIDE OF GOUCHER
BOULEVARD, NORTH SIDE PUTTY HILL
AVENUE (800 GOUCHER BOULEVARD)
9th ELECTION DISTRICT
4th COUNCILLMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 89-471-SPHXA

OPINION

This matter comes before the Board on a petition by Exxon Corporation for a special exception and variance concerning the service station located at the corner of Goucher Boulevard and Putty Hill Avenue. There currently exists a service station at this location that operates as a full-service facility with an older building with three existing service bays. The Petitioner requests a change in this site to remove the existing structure and rebuild this as a gas-and-go operation with a convenience shop. The Petitioner further requests additional signage; one sign to be added to the 24-foot free-standing sign located at the corner of the property and additional signage to be located on top of the pumps facing the roadway which fronts the station.

Exxon Corporation presented testimony from David Wang, a Civil Engineer, regarding the current status of the property and the now-proposed use of the property. Currently the service station has two curb cuts accessing onto Goucher Boulevard and two curb cuts accessing onto Putty Hill Avenue. After consultation with the County Review Group (CRG), the site plan was amended to allow only one access onto Putty Hill Avenue.

Exxon further proposes to place a shop measuring 24 feet by 46 feet on this site; that this shop although measuring 1,104 square feet, the total retail area would be 600 square feet. Further proposed would be signs indicating that a shop exists on the property. One of the signs requested by Exxon is to

Case No. 89-471-SPHXA
Exxon Corporation

be added to the 24-foot free-standing sign and that sign would total 19.6 square feet. That sign would have the word "shop" on it and be a two-sided type of sign. Further, Exxon desires to place four signs onto pumps facing the roadway, these signs having the word "Exxon" on them.

The new site would eliminate all service bays and Mr. Wang indicated that the lighting of the premises would be reduced from a height of 16-foot lights to lights which measure 8 feet in height. Further testimony is that 32 percent of the site would be devoted to green space.

Mr. Ollie Mumpower was accepted as an expert in traffic engineering. He testified that a study of the site, and similar sites, was done and that in his opinion more than 10 percent of the traffic generated by this site would be used for the convenience store only. As a result of the studies made by Mr. Mumpower, he was of the opinion that the level of service at the intersection of Putty Hill Avenue and Goucher Boulevard would not increase if this special exception was granted. Mr. Mumpower indicated that the level of service according to the County standard is a level "C" at this intersection which places it in the acceptable range.

Further testimony was received from Mark Hoffman, a Construction and Maintenance Engineer working for Exxon, U.S.A. He advised that the new site would increase the gasoline dispensing facilities from four to six pumps. He further testified that the present hours of the facility are from 6:00 a.m. to midnight, and that the proposed new site would be a 24-hour type of operation. The proposed site would have security by means of better lighting, electrical security locks on the convenience store, a transaction tray for dealing with suspicious persons, and a constant video surveillance system. He further testified that the current facility has experienced break-ins after the station has closed for the night.

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Exxon Corporation

The Board next heard from Norman E. Gerber, who was accepted as an expert in the area of planning and zoning. He testified that all the requirements of Section 502.1 in his opinion have been met and that this facility will not be a detriment to the existing community. Mr. Gerber noted that the service station is an allowable use in this B.L. zone and that a food store is allowable in this B.L. zone. However, the combination of both service station and food store needs the special exception subject to this hearing.

The Board will note that many protestants appeared at the hearing, and five of their number testified on this hearing date. The Board heard from Louis E. Heidrick, Assistant Principal, Calvert Hall High School, who testified that the school was opposed to the granting of the special exception because of their belief that the convenience store aspect of the service station would be a factor in the safety and welfare of their students, and that such a convenience store would constitute an administrative nuisance to their students. Mr. Heidrick indicated that students are not allowed to leave the campus until after their last class in the afternoon, and that staggered class dismissals would allow the students to cross back and forth from the school to the convenience store through an intersection which he believed to be heavily travelled and dangerous. He further indicated that this type of store was located across from the playing fields of Calvert Hall, and that when sport activities are on the school grounds students and/or other persons would tend to cross the road to buy the impulse foods sold at that location. It was noted on cross-examination that students from Calvert Hall regularly go across to the Towson Marketplace located on the opposite corner and naturally must cross Putty Hill Avenue to access that location.

Mr. John Hammill, a resident of Fellowship Forest for the last 10 years, described the type of neighborhood as single-family homes of high value

Case No. 89-471-SPHXA
Exxon Corporation

with much green space. He is the former president of the community association. He feels traffic would increase through the neighborhood should this type of gas-and-go with a convenience store be approved by this Board. He is further opposed to this convenience store because of what he perceives to be a natural increase in the number of cars which would be brought to the area, the problem of trash being increased through the purchases of snack foods, the potential for increased crime due to the round-the-clock hours of operation of the store, a general objection to the 24-hour type of operation, and an opposition as to the increased lighting such a site would have.

Mr. Melvin Morris, a 32-year resident of the area, described the heavy traffic located at that intersection and opposes this special exception due to what he believes to be more traffic to be brought to the neighborhood and more people brought to the neighborhood.

The Board next heard from Denise Naylor, a 24-year resident of the Courthouse Square Apartments, who lives directly across from the site. Ms. Naylor expressed concern at the continuing crime problem in the Courthouse Square Apartments and feels that the establishment would lure strangers into the neighborhood and increase the crime problem, as well as the traffic problem.

Panzer Management Company, the property managers for Courthouse Square Apartments, through their representative, Greg Sauter, opposed the special exception, again citing crime, traffic, and lighting. Further, Mr. Sauter indicated that the existence of a 24-hour gas-and-go operation directly behind the Courthouse Square Apartments would constitute noise pollution and that the residents who live near this site deserve a period of quiet from at least midnight to 6:00 a.m. He said the noise from cars pulling in and out of the station, the stopping and starting of engines and the accessory noise made by those automobiles would be a detriment to the residents of the Courthouse Square Apartments.

Case No. 89-471-SPHXA
Exxon Corporation

The Board feels many of the concerns voiced by the protestants to be legitimate. After a review of the evidence and documents presented for the Board's consideration, the Board finds as a fact that the conversion of the current site to the proposed site would not contribute to any substantial volume of traffic at the intersection of Goucher Boulevard and Putty Hill Avenue. The Board further finds that the addition of a convenience store to this location would not conflict with Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

However, the Board feels that the operation of this site on a 24-hour basis is an absolute intrusion into the quiet residential nature of this neighborhood which had existed and should continue to exist after the hour of midnight. The Board finds that the lengths gone to by the Petitioner to make this area more attractive and safer are in the best interests of the site and its neighbors.

ORDER

Therefore, for the foregoing reasons, it is this 23rd day of February, by the County Board of Appeals of Baltimore County ORDERED that the special exception to have a food store in combination with an automotive service station (gas-and-go) be and is hereby GRANTED with the following restrictions:

1. That the operation of this business be limited to the hours which fall between 6:00 a.m. and 12:00 midnight.
2. That no video games or other amusement devices be allowed in the convenience store premises.
3. That proper trash receptacles be located both inside and outside the convenience store.
4. That after the hours of operation of their facility, the lighting on the site is limited to only that necessary for the security of the premises.

and,

Case No. 89-471-SPHXA
Exxon Corporation

IT IS FURTHER ORDERED that the request for variance to allow an additional sign on the free-standing sign, that new sign to be 19.6 square feet with the word "SHOP" on it is hereby GRANTED; and,

IT IS FURTHER ORDERED that the four signs proposed which would be located on the pumping stations facing the roadway are also GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Arnold G. Foreman
Arnold G. Foreman, Acting Chairman

Lynn B. Moreland
Lynn B. Moreland

John G. Disney
John G. Disney

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - Corner W/S Goucher Boulevard, N/S Putty Hill Avenue (800 Goucher Boulevard) 9th Election District 4th Councillmanic District

EXXON CORPORATION
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-471-SPHXA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an amendment to the site plan previously approved in Case No. 65-240-RX; a special exception to permit a food store use with less than 5,000 sq.ft. in combination with a car wash use in an existing automotive service station on the subject property; and a variance to permit a commercial building abutting a residential zone to have a rear yard setback of 13 feet in lieu of the required 20 feet, and 5 business signs totalling 314.04 sq.ft. in lieu of the maximum permitted 3 signs totalling 100 sq.ft., all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mark E. Hoffman, Project Engineer, appeared, testified, and was represented by Anthony J. DiPaula, Esquire. Also appearing on behalf of the Petition were David S. Wang with Frederick Ward Associates. Numerous residents of the area appeared as Protestants. Appearing and testifying on behalf of the Protestants were the following: Rick Fabian, President, Fellowship Forest; Vince Curran, President, and Steve Buckingham of the Loch Raven Village Association; Mary Williamson, Regional Manager for Panzer Management, Manager of Towson Courthouse Square; Martha Clark of the Towson Estates Association; H. Patrick Stringer, a resident of Holden Road; Mrs. Joseph Pick, a resident

of Lake Drive; George White, a resident of Towson Courthouse Square; and Marion K. Yeaple, a resident of Hillen Road.

Testimony indicated that the subject property, known as 800 Goucher Boulevard, consists of 1.4486 acres more or less zoned B.L.-C.S.A., and is currently improved with an Exxon gasoline service station which was granted a special exception in Case No. 65-240-RX. Testimony indicated Petitioners are desirous of razing the existing service station and replacing it with an Exxon Gas 'N' Go and car wash. Mr. Wang testified his office had been retained by Petitioners to prepare the development plans for the subject property identified herein as Petitioner's Exhibit 1. He testified in his opinion the proposed uses are compatible and will not result in a substantial amount of increased business. He further testified in his opinion there would be no detriment to the health, safety or general welfare of the community and the requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) would be met. On cross examination Mr. Wang testified his firm was not retained nor equipped to undertake traffic studies to ascertain the impact the proposed changes might have on traffic in the area or marketing studies to determine the increase in the amount of business, if any, that would be generated by the change in uses. In Mr. Wang's opinion, most of the food store business would be generated by gasoline and/or car wash customers.

Mr. Hoffman testified he is project manager for the construction, maintenance, engineering and development of the proposed site. He testified it is the Petitioners' position that the convenience store and car wash operation are ancillary uses to the gasoline service station and will result in only indirect sales from gasoline customers. He testified the hours of operation of the convenience store and car wash would be dictated

ORDER RECEIVED FOR FILING
Date 2/23/89
By [Signature]

COURT RECEIVED FOR FILING
Date 2/23/89
By [Signature]

by the independent dealer of the service station and not Exxon. However, Exxon is hopeful the convenience store will be open on a 24-hour basis. Mr. Hoffman testified regarding marketing studies done by Exxon for the need and compatibility of the proposed change in use. On cross examination, however, he admitted he had not seen those marketing studies and that the studies were done nationally and did not pertain to this particular location.

Testimony presented by the Protestants emphasized the currently heavily congested area of Goucher Boulevard and Putty Hill Avenue. The Protestants believe the proposed development would result in a tremendous amount of traffic exiting the car wash onto Putty Hill Avenue which requires a right turn into the residential area. The Protestants further argued Petitioners had not met their burden regarding the criteria set forth in Sections 307 and 507.1 of the B.C.Z.R. Testimony indicated the Protestants believe the proposed plans would have an adverse impact upon the health, safety, and general welfare of the community. The Protestants emphasized their opinion was based upon their many years of residing in the area and stated the proposed use would create a more horrendous traffic situation than currently exists.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.S.A. zone by special exception. However, it is equally clear that the proposed use would be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

After reviewing all of the testimony and evidence presented, it appears that the special exception should not be granted.

- 3 -

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In fact, the Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have an adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

Petitioner has not met its burden in proving that the proposed use will be detrimental to the health, safety, or general welfare of the locality, and will not tend to create congestion in roads, streets, or alleys therein.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, it appears that the requirements of Section 502.1 have not been met and the health, safety, and general welfare of the community shall be adversely affected. Therefore, the relief requested in the special exception should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of June, 1989 that the Petition for Special Hearing to approve an amendment to the site plan previously approved in Case No. 65-240-RX; a Special Exception to permit a food store use with less than 5,000 sq.ft. in combination with a car wash use in an existing automotive service station on the subject property; and a Variance to permit a commercial building abutting a residential zone to have a rear yard setback of 13 feet in lieu of the required 20 feet, and 5 business

- 4 -

signs totalling 314.04 sq.ft. in lieu of the maximum permitted 3 signs totalling 100 sq.ft., in accordance with Petitioner's Exhibit 1, he and are hereby DENIED.

AMN-bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

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 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve to amend the site plan previously approved in case #65-240RX.

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

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

F. Vernon Boozar/Anthony J. DiPaula

(Type or Print Name)

Signature

614 Bosley Avenue

Address

Towson, MD 21204

City and State

Attorney's Telephone No.: 828-9441

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

By: Mark Hoffman

Signature Mark Hoffman,

Project Engineer

(Type or Print Name)

Signature

11350 McCormick Rd. 785-6642

Address

Hunt Valley, MD 21031

City and State

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

F. Vernon Boozar

Name

614 Bosley Avenue 828-9441

Address Towson, MD 21204 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of March, 1989, 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 17th day of May, 1989, at 11 o'clock A.M.

s.c.o.-No.1

(over)

Frederick Ward Associates Inc. Engineers • Architects • Surveyors
P.O. Box 310 • 5 South Main Street, Bel Air, Maryland 21014 • (301) 838-7900 • 879-2090

February 14, 1989

BEGINNING for the same at a point on the westerly side of Goucher Boulevard at the northerlymost corner of the Exxon Corporation property thence along the westerly side of Goucher Boulevard,

- (1) by a curve to the right in a southerly direction of radius 1855.00 feet an arc distance of 131.54 feet and subtended by a chord South 06° 22' 02" East 131.52 feet,
- (2) South 04° 19' 50" East 225.52 feet,
- (3) South 00° 34' 08" West 49.11 feet
- (4) by a curve to the right in a southerly direction of radius 91.00 feet an arc distance of 29.78 feet and subtended by a chord South 09° 56' 31" West 29.65 feet,
- (5) South 48° 40' 00" West 66.28 feet to intersect the northerly right-of-way line of Putty Hill Avenue. Thence along Putty Hill Avenue
- (6) by a curve to the right in a southwesterly direction of radius 91.00 feet an arc distance of 37.55 feet and subtended by a chord South 73° 51' 26" West 37.28 feet,
- (7) South 85° 40' 10" West 169.46 feet thence on the northwesterly outline of the Exxon Corporation property,
- (8) North 23° 37' 51" East 553.77 feet to the point of Beginning

CONTAINING 1.449 acres of land more or less as shown on a plat entitled "Section Three, Loch Raven Manor" as recorded among the Land Records of Baltimore County in Plat Book GLB 23, folio 122.

BEING the remainder of that tract or parcel of land described in an Assignment of Lease by Cities Service Oil Company to Exxon Corporation by an Assignment dated July 19, 1977 as recorded among the Land Records of Baltimore County in Liber EKH Jr. 5892, folio 443.



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 Sections 232.3.b to allow a commercial building abutting a residence zone with a rear yard setback of 13 feet in lieu of the required 20 feet, and Section 412.4.5 to allow 3 business signs with a total area of 314.04 square feet in lieu of 3 signs with a total area of 100 square feet as permitted.

1. Without the variances it would be extremely difficult to effectively advertise the products and services available.
2. The sign variance is necessary to comply with State and federal laws governing pricing and advertising.
3. The rear yard variance is necessary due to irregular shape and dimensions of the property.

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

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

By: Mark Hoffman

Signature Mark Hoffman,

Project Engineer

(Type or Print Name)

Signature

11350 McCormick Rd. 785-6642

Address

Hunt Valley, MD 21031

City and State

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

F. Vernon Boozar

Name

614 Bosley Ave. 828-9441

Address Towson, MD 21204 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of March, 1989, 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 17th day of May, 1989, at 11 o'clock A.M.

J. Robert Haig
Zoning Commissioner of Baltimore County

(over)

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 and a car wash as uses in combination with an existing automotive service station (Section 405.4.D.4 and 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:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

By: Mark Hoffman

Signature Mark Hoffman,

Project Engineer

(Type or Print Name)

Signature

11350 McCormick Rd. 785-6642

Address

Hunt Valley, MD 21031

City and State

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

F. Vernon Boozar

Name

614 Bosley Ave. 828-9441

Address Towson, MD 21204 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of March, 1989, 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 17th day of May, 1989, at 11 o'clock A.M.

J. Robert Haig
Zoning Commissioner of Baltimore County

(over)

15 MINUTE OF HEARING - 1/2HR. (over)
s.c.o.-No.1
NEXT TWO MONTHS
OTHER
DATE 3/8/89

WHEREFORE, Appellant prays that an extension of time to forward the transcript and record be extended for a period of thirty (30) days or May 14, 1990.

H. Patrick Stringer, Jr.
H. Patrick Stringer, Jr.
Mudd, Harrison & Burch
300 Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 828-1335
Attorney for Fellowship
Forest Community Association,
Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 10 day of April, 1990, a copies of the foregoing were mailed, postage prepaid, to County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204; Anthony DiPaula, Esquire, 614 Bosley Avenue, Towson, Maryland 21204, Steven Buckingham, Esquire, 915 Cathedral Street, Baltimore, Maryland 21201, and Phyllis, Friedman, Esquire, People's Counsel for Baltimore County, 409 Washington Avenue, Suite 900, Towson, Maryland 21204.

H. Patrick Stringer, Jr.
H. Patrick Stringer, Jr.

To: Patrick Stringer

Carolyn Peatt (Court Reporter for Board of Appeals) needs an extension of time to file the transcript of Exxon Corp. 90-CG-974 due to the transcript being destroyed in the computer.
Carolyn Peatt, 4/10/90

IN THE MATTER OF
THE APPLICATION OF
EXXON CORPORATION
FOR A SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCE ON
PROPERTY LOCATED ON THE
WEST SIDE OF GOUCHER BOULEVARD
NORTH SIDE PUTTY HILL AVENUE
(800 GOUCHER BOULEVARD)
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT
ZONING NO. 89-471-SPHXA
FELLOWSHIP FOREST COMMUNITY
ASSOCIATION,
Appellant

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
No. 78/174/90CG-974

ORDER

Upon consideration and review of the Appellant's Motion for Extension of Time, it is this _____ day of _____, 1990, by the CIRCUIT COURT FOR BALTIMORE COUNTY,

ORDERED, That the time for forwarding the transcript and record in the above-captioned case be extended for a period of thirty (30) days, and shall be filed with the Court on or before May 14, 1990.

Judge

MUDD, HARRISON & BURCH
ATTORNEYS AT LAW
300 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
CALL 828-1335
TELEFAX 828-1048

June 13, 1990

Circuit Court for Baltimore County
County Courts Building
Towson, Maryland 21204

Re: Case No. 78/174/90CG-794
Exxon Corporation

Dear Sir or Madam:

I am filing a Motion for Extension of Time to File a legal Memorandum required under Maryland Rule B12. So that the Court is not confused or misled, I wish to make it clear that I have requested a thirty day extension to file the Memorandum, but opposing counsel has agreed to an extension for only seven days.

Very truly yours,
H. Patrick Stringer, Jr.
H. Patrick Stringer, Jr.

HPS:cp

cc: Anthony DiPaula, Esquire
Phyllis Friedman, Esquire
Steven Buckingham, Esquire
County Board of Appeals

Enclosure

11:21 AM 4/14/90
COUNTY BOARD OF APPEALS
RECEIVED

IN THE MATTER OF
THE APPLICATION OF
EXXON CORPORATION
FOR A SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCE ON
PROPERTY LOCATED ON THE
WEST SIDE OF GOUCHER BOULEVARD
NORTH SIDE PUTTY HILL AVENUE
(800 GOUCHER BOULEVARD)
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT
ZONING NO. 89-471-SPHXA
FELLOWSHIP FOREST COMMUNITY
ASSOCIATION,
Appellant

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
No. 78/174/90CG-974

MOTION FOR EXTENSION OF TIME TO FILE MEMORANDUM

Appellant, Fellowship Forest Community Association, by its attorney, H. Patrick Stringer, Jr., requests an extension of time to file a Memorandum in the above matter, and for reasons states as follows:

1. Counsel for the Appellant has received notice of filing of the record in the above matter.
2. The transcript of the record before the Board of Appeals is voluminous and is taking a great deal of time to read the transcript and prepare a Memorandum as required by Rule B12.
3. Counsel for the Appellant desires additional time to prepare the required legal Memorandum.
4. Counsel for Exxon Corporation has agreed to an extension for seven (7) days, until June 21, 1990.

WHEREFORE, Appellant prays that an extension of time to file a legal Memorandum be extended for a period of thirty (30) days or July 16, 1990.

H. Patrick Stringer, Jr.
H. Patrick Stringer, Jr.
Mudd, Harrison & Burch
300 Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 828-1335
Attorney for Fellowship
Forest Community Association,
Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 13 day of June, 1990, a copies of the foregoing were mailed, postage prepaid, to County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204; Anthony DiPaula, Esquire, 614 Bosley Avenue, Towson, Maryland 21204, Steven Buckingham, Esquire, 915 Cathedral Street, Baltimore, Maryland 21201, and Phyllis Friedman, Esquire, People's Counsel for Baltimore County, 409 Washington Avenue, Suite 900, Towson, Maryland 21204.

H. Patrick Stringer, Jr.
H. Patrick Stringer, Jr.

IN THE MATTER OF
THE APPLICATION OF
EXXON CORPORATION
FOR A SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCE ON
PROPERTY LOCATED ON THE
WEST SIDE OF GOUCHER BOULEVARD
NORTH SIDE PUTTY HILL AVENUE
(800 GOUCHER BOULEVARD)
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT
ZONING NO. 89-471-SPHXA
FELLOWSHIP FOREST COMMUNITY
ASSOCIATION,
Appellant

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
No. 78/174/90CG-974

ORDER

Upon consideration and review of the Appellant's Motion for Extension of Time to File Memorandum, it is this _____ day of _____, 1990, by the CIRCUIT COURT FOR BALTIMORE COUNTY,

ORDERED, That the time for filing Appellant's Memorandum in the above-captioned case be extended for a period of thirty (30) days and shall be filed with the Court on or before July 16, 1990.

Judge

IN THE MATTER OF
THE APPLICATION OF
EXXON CORPORATION
FOR A SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCE ON
PROPERTY LOCATED ON THE
WEST SIDE OF GOUCHER BOULEVARD
NORTH SIDE PUTTY HILL AVENUE
(800 GOUCHER BOULEVARD)
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT
ZONING NO. 89-471-SPHXA
FELLOWSHIP FOREST COMMUNITY
ASSOCIATION,
Appellant

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
No. 78/174/90CG-974

ORDER

Upon consideration and review of the Appellant's Motion for Extension of Time, it is this 10th day of April, 1990, by the CIRCUIT COURT FOR BALTIMORE COUNTY,

ORDERED, That the time for forwarding the transcript and record in the above-captioned case be extended for a period of thirty (30) days, and shall be filed with the Court on or before May 14, 1990.

True Copy Test
SUZANNE MEHSH, Clerk
S. Mehsh
Deputy Clerk

RECEIVED
COUNTY BOARD OF APPEALS
50 APR 13 PM 12:45

IN THE MATTER OF THE
APPLICATION OF
EXXON CORPORATION FOR A
SPECIAL EXCEPTION AND
VARIANCE ON PROPERTY LOCATED
ON THE WEST SIDE OF GOUCHER
BLVD., NORTH SIDE PUTTY HILL
AVENUE (800 GOUCHER BOULEVARD)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
FELLOWSHIP FOREST
COMMUNITY ASSOCIATION
PLAINTIFF
ZONING CASE NO.: 89-471-SPHXA

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IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

Case No.: 78/174/90CG-974

ANSWER TO PETITION ON APPEAL

Exxon Corporation, Appellee, by F. Vernon Boozer,
Anthony J. DiPaula and Jovahey & Boozer, P.A., its attorneys,
in Answer to the Petition on Appeal filed by Fellowship Forest
Community Association, Appellant, states:

1. That the Petition fails to state a claim upon
which relief can be granted.
2. That it denies the allegations of paragraph 1 of
the Petition, and further answering states that the record in
the case is directly contrary to the conclusory allegations of
that paragraph.
3. That it denies the allegations of paragraph 2 of
the Petition, and further answering states that the record in
its entirety overwhelmingly supports the decision of the Board.

4. That it denies the allegations of paragraph 3 of
the Petition, and would demand strict proof of the allegations
thereof.

5. That further answering, by way of negative
defense, Appellee raises the defense of the legal existence of
the Appellant, pursuant to Rule 2-323(f).

WHEREFORE, having fully answered, Appellee requests
that this Honorable Court:

- A. Dismiss the Appeal with costs; and
- B. Grant unto Appellee such other and further relief
as the Court deems appropriate.

F. Vernon Boozer

Anthony J. DiPaula
Jovahey & Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204
(301) 828-9441

90-03-73.cb

2

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26 day of March, 1990,
a copy of the foregoing Answer to Petition for Appeal was
mailed, first class, postage prepaid to H. Patrick Stringer,
Jr., Esquire, Mudd, Harrison & Burch, 300 Jefferson Building,
105 W. Chesapeake Avenue, Towson, Maryland 21204; County Board
of Appeals, Room 315, County Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland 21204; Steven Buckingham, Esquire, 915
Cathedral Street, Baltimore, Maryland 21201; and Phyllis
Friedman, Esquire, People's Counsel for Baltimore County, 409
Washington Avenue, Suite 900, Towson, Maryland 21204.

Anthony J. DiPaula

90-03-73.cb

3

IN THE MATTER OF
THE APPLICATION OF
EXXON CORPORATION
FOR A SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCE ON
PROPERTY LOCATED ON THE
WEST SIDE OF GOUCHER BOULEVARD
NORTH SIDE PUTTY HILL AVENUE
(800 GOUCHER BOULEVARD)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
ZONING NO. 89-471-SPHXA
FELLOWSHIP FOREST COMMUNITY
ASSOCIATION,
Appellant

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
No. 78/174/90CG-974

APPELLANT'S MEMORANDUM OF LAW

Appellant, Fellowship Forest Community Association, by
its attorney, H. Patrick Stringer, Jr., pursuant to Maryland Rule
B12, submits this legal memorandum in support of its Appeal.

Statement of the Case

Exxon Corporation filed a Petition with the Zoning
Commissioner of Baltimore County for a Special Exception to
permit a food store in combination with an existing automotive
gas service station on the northeast corner of Goucher Boulevard
and Putty Hill Avenue; and a variance to permit a commercial
building abutting a residential zone to have a rear yard setback
of 13 feet in lieu of the required 20 feet.¹ The Petitioner
further requested a variance to permit additional signage at
the site. In essence, the Petitioner requests a change in the

¹ At the Board of Appeals, the Petitioner withdrew its
request for the setback variance. (T.7).

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COUNTY BOARD OF APPEALS
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site to remove the existing structure and rebuild the gas station
as a "gas-and-go" operation with a convenience store.

After an evidentiary hearing, the Deputy Zoning
Commissioner found that the proposed use at the particular
location would have an adverse impact above and beyond that
inherently associated with such a special exception use, and that
the Petitioner failed to show that the proposed use would be
conducted without real detriment to the neighborhood and would
not adversely affect the public interest. The Deputy Zoning
Commissioner therefore denied the Petition for Special Exception
and Variance.

The Petitioner appealed the decision of the Deputy
Zoning Commissioner to the County Board of Appeals. Although the
Board of Appeals found that "the operation of this site on a
24-hour basis is an absolute intrusion into the quiet residential
nature of this neighborhood which had existed and should continue
to exist after the hour of midnight..." the Board granted the
Special Exception to have a food store in combination with an
automotive service station, but restricted the operation of the
business in several ways, including limiting the hours of
operation to 6:00 a.m. until 12 midnight.

Fellowship Forest Community Association, a Homeowners
Association representing the residential neighborhood located
directly across from the Exxon service station, has filed this
Appeal from the decision of the County Board of Appeals granting
the Special Exception and Variance.

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Statement of Facts

Exxon proposes to demolish the existing building at
this gas station and rebuild with a convenience store measuring
24 feet by 46 feet, construct a canopy, and increase the number
of gas pumps from 4 to 6. (T.95). Exxon desires to operate the
store 24 hours a day, although the existing gas station presently
operates between 6:00 a.m. and 12 midnight. (T.99). If allowed
to operate the mini-market, Exxon will sell a variety of snack
items, including soft drinks, coffee, tea, milk, dairy products,
bakery products, snack foods, beauty items and "impulse type
products." (T.97).

The gas station in question is located on the northwest
corner of Goucher Boulevard and Putty Hill Avenue in Towson,
Maryland. Directly across Putty Hill Avenue from the gas station
are residential garden apartments (T.43), and Fellowship Forest,
a residential neighborhood of 125 large, single family homes of
high value. (T.42, 168). Diagonally across the intersection of
Goucher Boulevard and Putty Hill Avenue is Calvert Hall College,
a high school for more than 1,000 boys. (T.42, 158). Directly
behind the gas station are the Courthouse Square apartments,
residential garden apartments with mostly elderly residents.
(T.43, 182). Behind the Courthouse Square Apartments is located
the community of Greenbrier, another residential neighborhood of
individual homes, and to the west of Greenbrier are more
residential neighborhoods. Indeed, with the exception of a small
grocery located in an old house on the corner of Hillen Road and
Radebaugh's Florist, there are no other commercial businesses

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west of Goucher Boulevard until York Road, approximately one mile
from the gas station. (T.43-44, 66-67, 136-137). Otherwise, the
area is strictly residential, with "many residential
neighborhoods" from Goucher Boulevard to York Road. (T.44-45).

Exxon's own site planner admitted traffic congestion is
already a significant problem at the site. (T.47). Putty Hill
Avenue just west of the intersection narrows from two lanes to
one lane, causing a bottleneck of traffic moving towards the
Towson central business district a mile away. (T.46-47). From
the Exxon station westbound until York Road, a distance of
approximately one mile, Putty Hill Avenue (which turns into
Hillen Road and then Burke Avenue), is a two lane road, one lane
in each direction. (T.47). This road travels through
residential neighborhoods until it reaches York Road. (T.45).
Moreover, because of a concrete median across from the gas
station on Putty Hill Avenue, all traffic exiting the gas station
on Putty Hill Avenue must turn right and proceed through the
residential areas on the two lane street. (T.45, 46, 57). A
median on Goucher Boulevard prevents traffic exiting the station
on Goucher Boulevard from turning left and proceeding northbound
on Goucher Boulevard (T.46), and therefore, all traffic exiting
on Goucher Boulevard must turn right and also pass the boundary
of Fellowship Forest. (T.148).

Numerous residents of the surrounding communities
appeared at both the hearing before the Deputy Zoning
Commissioner and the Board of Appeals to oppose the Special
Exception, and expressed their concerns that a convenience store

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at this site will add further to traffic congestion. During the
CRG process, the Zoning Committee comments express concerns
regarding ingress to and egress from the gas station. (T.45).

Mr. Louis E. Heidrick, Assistant Principal of Calvert
Hall High School, testified that the administration of Calvert
Hall opposes the Special Exception, because of their concern that
students, who will in all probability patronize the convenience
store, were in danger crossing such a busy intersection to get to
the mini-market, "an attractive nuisance". (T.157). Calvert
Hall's baseball field is located directly across the intersection
from the gas station, and fans attending the games could also be
expected to patronize the store, at their peril crossing the
intersection. (T.161).

Residents of the surrounding communities also expressed
fears of increased crime, trash, noise, lighting and people
congregating because of the convenience store's presence, which
the Board of Appeals permitted to be open until midnight.

Exxon is also seeking to increase the area of signage
to 275 feet, to advise the public of the convenience store, even
though the existing signage already exceeds 100 square feet
permitted by the County Regulations. (T.22, 25, 30). Thus, the
additional signage requested is in addition to a variance already
granted by the County. (T.31). The new sign Exxon wants to add
is 19.2 square feet, lighted, and will be directly across the
street from the residential homes in Fellowship Forest. (T.48,
49, 51).

Exxon intends to operate the store 24 hours a day

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(T.26, 57), but the Board of Appeals, in granting the Special Exception, limited the operation to the hours between 6:00 a.m. and 12 midnight.

Argument

The Baltimore County Zoning Regulations (hereinafter "B.C.Z.R."), Section 405.4D8 provides that a food store with less than 5,000 square feet in combination with a service station is a use permitted only by Special Exception. B.C.Z.R., Section 502.1 provides that before any Special Exception may be granted, the Petitioner must prove that the use for which the Special Exception is requested will not:

- "(a) be detrimental to the health, safety, or general welfare of the locality involved;
- (b) tend to create congestion in roads, streets or alleys therein;
- (c) create a potential hazard from fire, panic or other danger;
- (d) tend to over crowd land and cause undue concentration of population;
- (e) interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- (f) interfere with adequate light and air;
- (g) be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations;
- (h) be inconsistent with the impermeable

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surface and vegetative retention provisions of these zoning regulations. The Baltimore County Council has expressly stated its Legislative Policy with respect to automotive service stations:

"findings--The location of automotive service stations and certain other vehicle-oriented uses has often generated undesirable strip commercial development; further, road access to automotive-service stations and certain other vehicle-oriented uses has caused excessive traffic congestion, thus depreciating or jeopardizing public investment in roads and resulting in an increased need for additional highways; further, such uses have in many instances been designed and operated so as to be unsightly, resulting in conditions deleterious to the general welfare of the community; further, automotive-service stations tend to take on ancillary uses which, if not properly regulated, often become objectionable; further, the overabundance of automobile-service stations in certain areas has resulted in improper maintenance and abandonment of the premises, thereby engendering neighborhood blight; and further, that automotive-service stations constitute the most numerous of all vehicle-oriented uses; and in view of all of the foregoing, the public health, welfare and safety requires that these regulations be promulgated. B.C.Z.R. Section 405.1A.

Purpose--It is the purpose of this section to permit the location of automotive-service stations...only in accordance with comprehensive planning goals, especially in relating service stations to neighborhood, community, or town centers; to regulate motor-vehicle access to such uses so as to cause minimum disruption of traffic.... B.C.Z.R. Section 405.1B

The evidence before the Board of Appeals permits only one conclusion: that granting Exxon a Special Exception to operate a convenience store in conjunction with the gas station at the intersection of Goucher Boulevard and Putty Hill Avenue will be detrimental to the health, safety or general welfare of

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the residential neighborhoods adjacent to the gas station, the Special Exception will add to already congested roads, and is inconsistent with the Legislative Policy as stated in B.C.Z.R. Section 405.1. The location of Calvert Hall College, a boys' high school of over 1,000 students diagonally across the intersection from the site, is a unique circumstance applicable to Exxon's request for a Special Exception. The administration of Calvert Hall High School opposes the convenience store because it will attract students to buy the sodas and snack foods offered, and the intersection of Goucher Boulevard and Putty Hill Avenue is a dangerous intersection for pedestrians to cross. (T.157-160). The administration foresees students walking over to the convenience store and back to Calvert Hall after class and before after-school activities begin, or "dashing across the street" to buy snacks while watching a game at the baseball field located diagonally across the intersection. (T.161). As the Vice Principal noted, a convenience store will be a "drawing card" for the high school students, creating a safety hazard for the boys crossing the congested intersection. (T.161-163).

John Hamill, a 10 year resident of Fellowship Forest, and Melvin Morris, a 32 year resident, testified that the intersection at Goucher Boulevard and Putty Hill Avenue is already terribly congested, and particularly so at the entrance to the gas station, where Putty Hill Avenue merges to one lane and cars enter and exit the station. (T.169-178). The traffic directly affects Fellowship Forest because traffic exiting the station to go southbound on Goucher Boulevard at first proceeds

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first proceeds westbound on Putty Hill Avenue approximately one block and then turns left and double backs on Hillen Road past the houses in Fellowship Forest. (T.170). Traffic that proceeds westbound on Putty Hill Avenue until Hillen Road and Burke Avenue also passes homes located in Fellowship Forest.

The gas station is already the only commercial development on the west side of Goucher Boulevard from Joppa Road to Loch Raven Boulevard, and this request is a variance on a variance. (T.172). The community surrounding this site does not want more commercial business added to the already existing anomaly. (T.176). This gas station would be the only business open all night near Fellowship Forest. (T.173). The sign Exxon wants to make even bigger and brighter is across Hillen Road from a number of homes in Fellowship Forest, and already sticks out "like a sore thumb." (T.174).

In addition to the community concerns over traffic congestion, residents of Fellowship Forest and the Courthouse Square Apartments fear that with the addition of another business to the site, particularly a mini-market, crime, noise, trash and loitering will necessarily increase as a result of the mini-market attracting strangers into the community, particularly after dark. (T.172-173, 183-184, 190).

Mr. Greg Sauter, Director of Residential Management for the Panzer Management Company which operates the Courthouse Square Apartments, testified on behalf of his Company in opposing the Special Exception requested by Exxon. (T.191). Panzer Management Company shares the concerns of the Courthouse Square

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residents that the additional business attracted to the mini-market will increase traffic congestio. and crime. (T.192). Moreover, Mr. Sauter testified that the business at a mini-market will create noise pollution from car engines, car radios and conversation. (T.192-193). The proposed convenience store will be only 56 feet from the nearest apartment building, certainly within earshot. (T.193). As Mr. Sauter noted, citizens living in a residential area are entitled to quiet, and traffic noise from cars constantly entering and leaving a convenience store is not conducive to a residential environment, and would have an adverse affect on the community. (T.193).

Exxon paraded witnesses before the Board of Appeals to express their opinions that the Special Exception would be compatible with the requirements of B.C.Z.R. Section 502.1, but their opinions lack any factual support. Exxon's site engineer, Mr. Wang, admitted that traffic is already heavy and congested, traffic bottlenecks as Putty Hill Avenue decreases from two lanes to one lane west of the site, and the only egress from the station is to turn right and proceed one mile through residential neighborhoods. He also testified that existing signage already exceeds that permitted by the County Regulations, and the increased signage desired by Exxon will further exceed the Regulations. The additional signage desired by Exxon of 19.2 square feet will be lighted and located directly across the street from the homes in Fellowship Forest. His opinion, therefore, that the proposed use will not adversely impact surrounding communities is without any foundation. Indeed, as

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the Deputy Zoning Commissioner found, his own factual testimony contradicts his conclusion.

Mr. Wang further testified that a convenience store in conjunction with a gas station would not increase business or traffic. (T.27). However, the testimony of Mark Hoffman, a construction and maintenance engineer with Exxon, contradicts Mr. Wang's testimony. According to Mr. Hoffman, Exxon's marketing studies indicate that convenience product business has increased dramatically (T.104), and Exxon expects an increase in the number of cars at the site with the addition of a mini-market. (T.115). Another witness called by Exxon, Mr. Mumpower, testified that his consulting company observed two other gas stations with convenience stores and found that as much as 10% of the business used the convenience store only, and did not come to the station for gas. (T.77, 81). Incredibly, however, Mr. Mumpower testified that a convenience store would increase traffic at the intersection by "two vehicles in the morning and three vehicles in the evening." (T.78-79). Mr. Mumpower based his opinion on a "study" by his company observing two other gas stations. (T.83, 87). Mr. Mumpower, himself, did not personally conduct or observe the traffic at the two other stations with a convenience store. (T.84). The traffic counts on which Mr. Mumpower based his opinion were conducted by observing only two gas stations on only one day for only four hours. (T.84-85). Mr. Mumpower has never conducted, and knows of no study, that compares traffic to a gas station before and after its conversion to a station with a convenience store. (T.86). Without such a study, any opinion

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that a convenience store will not add to traffic is baseless, and indeed, contradicts Exxon's own marketing studies that a convenience store will increase business at the site. (T.104, 115).

Moreover, Mr. Mumpower has no knowledge of how many pedestrians will come to the convenience store and has not even considered whether it could potentially become a "hang out." (T.86). Mr. Mumpower has not considered whether Calvert Hall students will frequent the mini-market, and if so, how safe or accessible the intersection is for pedestrians. (T.86).

Norman Gerber, proffered as an urban designer, based his opinion of compliance with Section 502.1 on what he heard at the hearing itself and on his review of the CRG file and the Zoning Regulations themselves, (T.130, 138), that is, he did not himself study the impact on traffic congestion. (T.145, 151). Mr. Gerber admitted the limited means of ingress and egress to the station is already "a problem," and constitutes poor traffic management. (T.147). All traffic leaving the gas station must pass Fellowship Forest's boundary. (T.148).

Exxon's site planner has not "studied" whether an increase in trash from candy, cakes, cokes or package goods sold at the proposed store will be a problem, (T.53), and in fact, deferred those questions to an Exxon representative. (T.53, 55). The Exxon representative, however, Mr. Hoffman, nor the marketing department, had not addressed the question whether trash will increase. (T.120). Nor has Exxon done any studies regarding whether a convenience store is typically the target of crime as

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opposed to a closed gas station, (T.54, 63), although Exxon admitted "secured facilities" are needed to protect convenience stores from crime and Exxon will take greater precautions against crime if a convenience store is built. (T.54).

Exxon has the financial wherewithal to parade "expert" witnesses before the Board of Appeals to say the buzz words required by Section 502.1, but none of Exxon's witnesses had a sufficient factual basis or personal knowledge to support their opinions. John Hamill, a long term resident of Fellowship Forest, summarized the testimony of Exxon's experts best when he noted that the consultants who "don't live there; I live there..." and base their opinion on a 4 hour traffic study do not have a sufficient foundation to support their conclusions. Moreover, the experts disregard Exxon's proposal to increase their pumps by 50% and build a convenience store for the purpose of generating income and increasing business, and despite Exxon's intentions, the experts are still willing to opine, without factual basis, that traffic will not increase. Their testimony is simply unfounded.

Counsel for the Petitioner admits that the Petitioner has the burden of proving that traffic will not be further congested by the addition of a convenience store at the site. (T.195). The Petitioner argued its case at the Board of Appeals on the prediction that "eventually its going to be required that Hillen Road get widened to two lanes..." and the residents of Fellowship Forest and Greenbrier will "have to give up part of their front yards on [Hillen Road] to alleviate the traffic

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problem." (T.196). Special Exceptions, however, are not to be granted based on what can be done in the future to accommodate the use, but rather, whether the use will adversely impact existing conditions. Exxon has requested a Special Exception to build a convenience store in conjunction with its gas station for no other purpose than to attract additional business to this corner, but the corner cannot accommodate the added business. To operate a convenience store in conjunction with this particular gas station is not compatible with the spirit and harmony of the Baltimore County Zoning Regulations. The testimony establishes that a convenience store at this particular site will adversely affect the safety and general welfare of the many residents and high school students nearby and will further congest the roads.

Conclusion

The Fellowship Forest Community Association requests the Court to reverse the decision of the Board of Appeals and deny Exxon Corporation's Petition for a Special Exception and Variance.

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Mudd, Harrison & Burch
300 Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 828-1333
Attorney for Fellowship
Forest Community Association,
Appellant

14

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 27 day of June, 1990, a copies of the foregoing were mailed, postage prepaid, to County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204; Anthony DiPaula, Esquire, 614 Bosley Avenue, Towson, Maryland 21204, Steven Buckingham, Esquire, 915 Cathedral Street, Baltimore, Maryland 21201, and Phylliss Friedman, Esquire, People's Counsel for Baltimore County, 409 Washington Avenue, Suite 900, Towson, Maryland 21204.

H. Patrick Stringer, Jr.
H. Patrick Stringer, Jr.

15

IN THE MATTER OF
THE APPLICATION OF
EXXON CORPORATION
FOR A SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCE ON
PROPERTY LOCATED ON THE
WEST SIDE OF GOUCHER BOULEVARD
NORTH SIDE PUTTY HILL AVENUE
(800 GOUCHER BOULEVARD)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
ZONING NO. 89-471-SPHXA
FELLOWSHIP FOREST COMMUNITY
ASSOCIATION

Appellant

APPELLEE'S MEMORANDUM PURSUANT TO RULE B-12

Exxon Corporation, Appellee, by Anthony J. DiPaula and Covahey & Boozer, P.A., its attorneys, hereby submits this Memorandum of Law pursuant to Rule B-12.

This is an Appeal from an Order of the Baltimore County Board of Appeals granting a special exception for a food store with less than 5,000 square feet as a use in combination with a automotive service station, and a variance to allow additional signage on the site to indicate the presence of the combination use food store. After an entire day of testimony before the Board of Appeals, the Petitions were granted but with certain restrictions on the grant to absolutely minimize any possible intrusion into the neighboring community.

62-01-12 AM 10-22
RECEIVED
COUNTY BOARD OF APPEALS

The law is well settled in Maryland that a Court will not substitute its judgment in a zoning case as to the soundness of an action taken by a Zoning Board if the question decided by the Board was fairly debatable and its action is not shown to have been arbitrary, capricious, or illegal. Furthermore, the action of the Zoning Board is to be sustained if, on the evidence presented, the matter is fairly debatable and the facts presented are sufficient to support the decision. The Court will not set aside a decision by a Zoning Board if there is substantial evidence to justify the Board's findings and the decision is not arbitrary, capricious or discriminatory. Crother, Inc. v. Johnson, 225 Md. 379 (1961); Frdman v. Board of Zoning Appeals of Baltimore County, 212 Md. 288 (1957). The Appellant has not addressed on which bases the Court should reverse the Board's findings and decision, but assumedly Appellant believes that the Board's decision was arbitrary and capricious or unsupported by substantial evidence. Appellee submits that what the Appellant is asking the Court to do is to substitute its judgment for that of the Board, something the Court cannot be asked to do.

At the beginning of the hearing, the Appellant, through its counsel, presented to the Board what they expected to show (T.12). Generally, Appellant proposed to show that

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there would be a detrimental impact on the surrounding community; and that the proposed use would affect the safety of the young men attending Calvert Hall College High School located on the opposite corner. Id. Appellant further claimed that Appellee/Petitioner would not meet its burden of proof to show that the proposed use would not have an adverse effect on the safety and general welfare of the surrounding community. Id.

As the case unfolded, it became clear that the primary concern of the Appellant was the traffic situation at the intersection of Goucher Boulevard and Putty Hill Avenue. All of the witnesses who appeared on behalf of the Appellant testified that during rush hour the intersection is a congested area, and that they feared that the new use would generate additional traffic which would only exacerbate the problem. Exxon took the time to study what if any impact the new use would have upon the traffic situation, and found the change, if any, would be insignificant (T.78,81). The traffic engineer hired by Exxon to conduct a study testified that the level of service at the intersection in question would remain unchanged (T.78). Testimony further showed that the level of service at the subject intersection is that of level "C" meaning that service is acceptable and would continue to be acceptable even

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if it worsened to a level "D" (T.79). Probably the most important testimony offered by Mr. Mumpower, the traffic expert, was that new trips which would be considered an increase in traffic are not generated by the type of use proposed in this case (T.80,81). He testified that convenience store trips are a secondary type of trip, "a trip that's already on the road". Id. His testimony was corroborated by the site planner, David Wang, who testified that his personal experience in dealing with this type use is that it is considered "a traffic interceptor and not a traffic generator" (T.27).

There was no testimony or evidence offered by the Protestant/Appellant to contradict that offered by the Appellee/Petitioner that the proposed use would not have an adverse impact on the existing traffic. The Protestant/Appellant draws its conclusion that there must necessarily be an increase in traffic based upon the testimony that Exxon is expecting increased business as a result of the new improvements. An increase in business is not necessarily an increase in the number of cars, but is intended to be more money spent per car. Exxon hopes to get the further convenience business from the customers who are buying gas already (T.112-114). Based upon the testimony presented to the

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Board that this type of use intercepts traffic which is already on the road, probably the exact opposite conclusion than that drawn by Appellant is more reasonable, namely that if Exxon could draw more traffic into the site, it would alleviate some of the traffic congestion about which the residents of Fellowship Forest complain, traffic congestion caused by commuter traffic not Exxon-generated traffic. This was acknowledged by Appellant's own witnesses (T.175-176, 180-181).

It is clear from the Board's findings of fact and opinion that all of the testimony and evidence was considered, and the Board found that the conversion of the site "would not contribute to any substantial volume of traffic at the intersection of Goucher Boulevard and Putty Hill Avenue". (See the Board's Opinion, Page 5). The only concern expressed by the County Department of Traffic Engineering during the course of the County Review Group (CRG) process was that of ingress and egress to the site, which concern was addressed by Exxon's agreement to accept the County's recommendation that the two access drives on Putty Hill be reduced to one drive to be located farther from the intersection than the existing drive (T.19, 45, 131-132, 146-47).

It is clear from the Board's Findings of Fact, Conclusions, and Order, that the other concerns expressed by

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the Protestant/Appellant were adequately addressed. The concerns of Calvert Hall that students would be attracted to the site and that to cross at the intersection of Goucher Boulevard and Putty Hill Avenue would constitute a danger to the students was shown through cross-examination of Calvert Hall's Vice-Principal to be something which already exists since the students frequently cross Putty Hill Avenue during all hours of the day, including rush hour, to obtain their snack items and otherwise, "hang out" at Towson Marketplace (T.163-167). The direct testimony of Norman Gerber, a former director of Planning and expert in the area of planning, testified that such concerns of pedestrian traffic utilizing the new facility were adequately considered by the use of traffic control devices at the subject intersection (T. 144-145, 153).

The remaining objections or concerns presented by the Protestant consisted of an anticipated increase in crime, noise, trash, and loitering (Appellant's Memorandum, page 9). The Board considered all of this testimony which undoubtedly prompted the many restrictions imposed by the Board, including but not limited to the prohibition on video games and amusement devices; requirement of trash receptacles inside the store and outside throughout the site; and minimization of lighting on

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County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

March 16, 1990

H. Patrick Stringer, Jr., Esquire
Mudd, Harrison & Burch
300 Jefferson Bldg.
105 W. Chesapeake Ave.
Towson, Maryland 21204

Re: Case No. 89-471-SPHXA (Exxon Corporation)

Dear Mr. Stringer:

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

The cost of the transcript of the record must be paid by you. In addition, the cost incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

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

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul, Legal Secretary

Encl.



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

March 16, 1990

Anthony J. DiPaula, Esquire
614 Bosley Avenue
Towson, Maryland 21204

Re: Case No. 89-471-SPHXA (Exxon Corporation)

Dear Mr. DiPaula:

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

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul, Legal Secretary

Encl.

cc: Mark E. Hoffman, Exxon Corporation
David S. Wang, Frederick Ward Assoc.
Vince Curran, Pres., Loch Raven Village Assoc.
Steve Buckingham, Loch Raven Village Assoc.
Mary Williamson, Fanner Mgmt.
Martha Clark, Towson Estates Assoc.
People's Counsel for Baltimore County
Mr. C.P. Hollingsworth
Mr. Joseph Fick
Mr. George White
Ms. Marion K. Yeaple
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

IN THE MATTER OF
THE APPLICATION OF
EXXON CORPORATION
FOR A SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCE ON
PROPERTY LOCATED ON THE
WEST SIDE OF GOUCHER BOULEVARD
NORTH SIDE PUTTY HILL AVENUE
(800 GOUCHER BOULEVARD)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
ZONING NO. 89-471-SPHXA
FELLOWSHIP FOREST COMMUNITY
ASSOCIATION,

Appellant

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

78/174

90-CG-974

ORDER FOR APPEAL

Please note an appeal to the Circuit Court for Baltimore County from the final Opinion and Order by the County Board of Appeals of Baltimore County dated February 23, 1990, on behalf of Fellowship Forest Community Association, Appellant.

H. Patrick Stringer, Jr.
H. Patrick Stringer, Jr.
Mudd, Harrison & Burch
300 Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 828-1335
Attorney for Fellowship
Forest Community Association,
Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 14 day of March, 1990, a copy of the foregoing was mailed, postage prepaid, to County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204; Anthony DiPaula, Esquire, 614 Bosley Avenue, Towson, Maryland 21204, Steven Buckingham, Esquire, 915 Cathedral Street, Baltimore, Maryland 21201, and Phylliss, Friedman, Esquire, People's Counsel for Baltimore County, 409 Washington Avenue, Suite 900, Towson, Maryland 21204.

H. Patrick Stringer, Jr.
H. Patrick Stringer, Jr.

IN THE MATTER OF
THE APPLICATION OF
EXXON CORPORATION
FOR A SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCE ON
PROPERTY LOCATED ON THE
WEST SIDE OF GOUCHER BOULEVARD
NORTH SIDE PUTTY HILL AVENUE
(800 GOUCHER BOULEVARD)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
ZONING NO. 89-471-SPHXA
FELLOWSHIP FOREST COMMUNITY
ASSOCIATION,

Appellant

PETITION ON APPEAL

Fellowship Forest Community Association, Protestants below and Appellants herein, by their attorney, H. Patrick Stringer, Jr., having filed an Order for Appeal with this Petition from the final Opinion and Order by the County Board of Appeals of Baltimore County dated February 23, 1990, pursuant to Maryland Rule B-2(e), files this Petition and for reasons state:

1. The Order of the County Board of Appeals granting Exxon Corporation the special exception to have a food store in combination with an automotive service station was arbitrary, capricious, and erroneous as a matter of law.
2. The Order of the County Board of Appeals granting Exxon Corporation a special exception to have a food store in combination with an automotive service station is unsupported by competent, material, and substantial evidence in light of the entire record as submitted, and the County Board of Appeals had no legally sufficient evidence upon which to base its conclusion.
3. The Order by the County Board of Appeals granting

Exxon Corporation a special exception to have a food store in combination with an automotive service station exceeds the statutory authority or jurisdiction of the County Board of Appeals.

WHEREFORE, Appellants pray that the Order by the County Board of Appeals granting Exxon Corporation a special exception to have a food store in combination with an automotive service station be reversed, and the petitions be denied.

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H. Patrick Stringer, Jr.
Mudd, Harrison & Burch
300 Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 828-1335
Attorney for Fellowship
Forest Community Association,
Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 14 day of March, 1990, a copy of the foregoing was mailed, postage prepaid, to County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204; Anthony DiPaula, Esquire, 614 Bosley Avenue, Towson, Maryland 21204, Steven Buckingham, Esquire, 915 Cathedral Street, Baltimore, Maryland 21201, and Phylliss, Friedman, Esquire, People's Counsel for Baltimore County, 409 Washington Avenue, Suite 900, Towson, Maryland 21204.

H. Patrick Stringer, Jr.
H. Patrick Stringer, Jr.

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
824 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441
FAX 301-228-2131

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK A. DEWAN
ANTHONY J. DIPALA
THOMAS A. DORE

DIRECT TO:
ANNEX OFFICE
SUITE 101
808 BALTIMORE AVE.
TOWSON, MD 21204
AREA CODE 301
828-2228

January 16, 1990

HAND DELIVERED

Mr. Mitch Kellman
Baltimore County Zoning Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING,
SPECIAL EXCEPTION AND VARIANCE
2/S GOUCHER BLVD., N/S PUTTY HILL AVE.
(800 GOUCHER BLVD.)
9TH ELECTION DISTRICT, 4TH COUNCILMANIC DISTRICT
EXXON CORPORATION - PETITIONER
CASE NO.: 89-471-SPHXA

Dear Mr. Kellman:

Enclosed please find ten (10) copies of a revised Site Plan for the above case. The matter is presently scheduled to be heard by the Board of Appeals on February 9, 1990 on appeal from the denial of the Petitions by Deputy Commissioner Nastarowicz on June 1, 1989. The revised Site Plans do not seek any new approvals, but rather contain deletions from what was requested earlier. Specifically, the Special Exception for the car wash as been deleted from the Site Plan. The deletion of the car wash obviates the need for the rear yard setback variance of thirteen feet (13') in lieu of twenty feet (20'). The amended Site Plan also affects the other Variance in that the deletion of the car wash portion of the ID sign lessens the square footage for total 275.64 square feet. In addition, I wish to discuss this matter with you prior to the hearing, I am contemplating withdrawing the Petition for Special Hearing in that the original case was filed as Case No.: 85-240X, two (2) years prior to the effective date of Bill 40 in 1967.

Mr. Mitch Kellman
January 16, 1990
Page 2

By copy of this letter, a copy of the Plan is being delivered to the Board of Appeals for its file, and the Board is likewise being notified of the petitioner's intention to withdraw one of the two Variances, one of the two Special Exceptions, and possibly the Petition for Special Hearing. Also enclosed is a check in the amount of \$75.00 for the cost of filing the Amended Plan. Please forward the receipt to this office after filing.

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

AJD/cab
16 cb.5

cc: Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204 (w/encl.)

Mark E. Hoffman,
Exxon Corporation
Executive Plaza III
11350 McCormick Road
Hunt Valley, Maryland 21031

David S. Wang,
Frederick Ward Associates
5 S. Main Street
Bel Air, Maryland 21014

People's Counsel of Baltimore County
Room 304 - County Office Building
Towson, Maryland 21204

Vince Curran, President
Loch Raven Village Association
1533 Duxbury Road
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Steven Buckingham
Loch Raven Village Association
1653 Muszuch Road
Towson, Maryland 21204

Mr. Mitch Kellman
January 16, 1990
Page 3

Mary Williamson, Regional Manager
Panzer Management
804 Mockingbird Lane
No. 103
Towson, Maryland 21204 (w/encl.)

Martha Clark,
Towson Estates Association
828 E. Joppa Road
Towson, Maryland 21204 (w/encl.)

H. Patrick Stringer, Esquire
Fellowship Forest
506 Holden Road
Towson, Maryland 21204 (w/encl.)

Mr. Joseph Thick
606 Lake Drive
Towson, Maryland 21204

Mr. George White
58 Acorn Circle
Apt. 302
Towson, Maryland 21204

Ms. Marion K. Yeaple
619 Hillen Road
Towson, Maryland 21204

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 2, 1989

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing, Special Exception & Variance
W/S Goucher Boulevard, W/S Putty Hill Avenue
(800 Goucher Boulevard)
9th Election District, 4th Councilmanic District
EXXON CORPORATION - Petitioner
Case No. 89-471-SPHXA

Dear Board:

Please be advised that an appeal of the above-referenced case was
filed in this office on June 30, 1989 by Anthony J. DiPaula, Attorney
on behalf of the Petitioner. All materials relative to the case are
being forwarded herewith.

Please notify all parties to the case of the date and time of the
appeal hearing when it has been scheduled. If you have any questions
concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

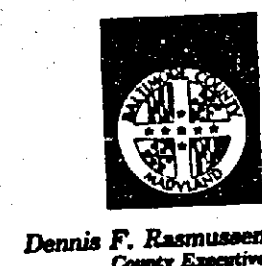
Enclosures

cc: Mark E. Hoffman, Exxon Corporation, Executive Plaza III
11350 McCormick Road, Hunt Valley, MD 21031

Anthony J. DiPaula, 614 Bosley Avenue, Towson, MD 21204

David S. Wang - Frederick Ward Associates
5 S. Main Street, Bel Air, MD 21014

COUNTY BOARD OF APPEALS
89 AUG - 2 PM 3:14



Dennis F. Rasmussen
County Executive

Appeal Cover Letter - Case No. 89-471-SPHXA
August 2, 1989
Page 2

Rick Fabian, President - Fellowship Forest

Vince Curran, President - Loch Raven Village Association
1533 Duxbury Road, Towson, MD 21204

Steve Buckingham - Loch Raven Village Association
1653 Mussuch Road, Towson, MD 21204

Mary Williamson, Regional Manager - Panzer Management
804 Mockingbird Lane, No. 103, Towson, MD 21204

Martha Clark - Towson Estates Association
828 E. Joppa Road, Towson, Maryland 21204

H. Patrick Stringer, 506 Holden Road, Towson, MD 21204

Joseph Thick, 606 Lake Drive, Towson, MD 21204

George White, 58 Acorn Circle, Apts. 302, Towson, MD 21204

Marion K. Yeaple, 619 Hillen Road, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL GENERAL

DOCKET 78 PAGE 174 CASE NO. 9005974 CATEGORY Appeal

ATTORNEYS

IN THE MATTER OF
THE APPLICATION OF
EXXON CORPORATION
FOR A SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE ON
PROPERTY LOCATED ON THE
WEST SIDE OF GOUCHER BOULEVARD
NORTH SIDE PUTTY HILL AVENUE
(800 GOUCHER BOULEVARD)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
ZONING NO. 89-471-SPHXA
FELLOWSHIP FOREST COMMUNITY ASSOCIATION

Appellant

H. Patrick Stringer, Jr.
Mudd, Harrison & Burch
300 Jefferson Bldg.
105 W. Chesapeake Ave.
(04) 828-1335

EXXON CORPORATION
Appellee

F. Vernon Boozer
Anthony J. DiPaula
Covachy & Boozer, PA
614 Bosley Ave (4) 828-9441
EXXON CORPORATION

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE * DEPUTY ZONING COMMISSIONER
Corner W/S Goucher Boulevard, *
N/S Putty Hill Avenue * OF BALTIMORE COUNTY
(800 Goucher Boulevard) *
9th Election District * Case No. 89-471-SPHXA
4th Councilmanic District *
Exxon Corporation *
Petitioner * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an
amendment to the site plan previously approved in Case No. 65-240-RX; a
special exception to permit a food store use with less than 5,000 sq.ft.
in combination with a car wash use in an existing automotive service sta-
tion on the subject property; and a variance to permit a commercial build-
ing abutting a residential zone to have a rear yard setback of 13 feet in
lieu of the required 20 feet, and 5 business signs totalling 314.04 sq.ft.
in lieu of the maximum permitted 3 signs totalling 100 sq.ft., all as more
particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mark E. Hoffman, Project Engineer, appeared,
testified, and was represented by Anthony J. DiPaula, Esquire. Also ap-
pearing on behalf of the Petition were David S. Wang with Frederick Ward
Associates. Numerous residents of the area appeared as Protestants.
Appearing and testifying on behalf of the Protestants were the following:
Rick Fabian, President, Fellowship Forest; Vince Curran, President, and
Steve Buckingham of the Loch Raven Village Association; Mary
Williamson, Regional Manager for Panzer Management, Manager of Towson
Courthouse Square; Martha Clark of the Towson Estates Association; H.
Patrick Stringer, a resident of Holden Road; Mrs. Joseph Thick, a resident

of Lake Drive; George White, a resident of Towson Courthouse Square; and
Marion K. Yeaple, a resident of Hillen Road.

Testimony indicated that the subject property, known as 800
Goucher Boulevard, consists of 1.4486 acres more or less zoned B.L.-
C.S.A., and is currently improved with an Exxon gasoline service station
which was granted a special exception in Case No. 65-240-RX. Testimony
indicated Petitioners are desirous of razing the existing service station
and replacing it with an Exxon Gas 'N' Go and car wash. Mr. Wang testified
his office had been retained by Petitioners to prepare the development
plans for the subject property identified herein as Petitioner's Exhibit 1.
He testified in his opinion the proposed uses are compatible and will not
result in a substantial amount of increased business. He further testified
in his opinion there would be no detriment to the health, safety or general
welfare of the community and the requirements set forth in Section 502.1
of the Baltimore County Zoning Regulations (B.C.Z.R.) would be met. On
cross examination Mr. Wang testified his firm was not retained nor equipped
to undertake traffic studies to ascertain the impact the proposed changes
might have on traffic in the area or marketing studies to determine the
increase in the amount of business, if any, that would be generated by the
change in uses. In Mr. Wang's opinion, most of the food store business
would be generated by gasoline and/or car wash customers.

Mr. Hoffman testified he is project manager for the construction,
maintenance, engineering and development of the proposed site. He testi-
fied it is the Petitioners' position that the convenience store and car
wash operation are ancillary uses to the gasoline service station and will
result in only indirect sales from gasoline customers. He testified the
hours of operation of the convenience store and car wash would be dictated

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
814 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARY S. DEWANE
ANTHONY J. DIPALA

FAK 301-285-8131

DIRECT TO:
ANNEX OFFICE
SUITE 101
806 BALTIMORE AVE.
TOWSON, MD 21204
AREA CODE 301
828-5828

June 30, 1989

HAND DELIVER

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

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION
& VARIANCE - CASE NO.: 89-471-SPHXA
PETITIONERS: EXXON CORPORATION
800 GOUCHER BOULEVARD

Dear Mr. Haines:

Please enter an Appeal to the Board of Appeals from the
decision rendered on June 1, 1989. Enclosed is a check to cover
the cost of same.

Very truly yours,

Anthony J. DiPaula

AJD/cab
30'cb.1

RECEIVED
PAYMENT
6-30-89 (06-a)
ZONING OFFICE

by the independent dealer of the service station and not Exxon. However,
Exxon is hopeful the convenience store will be open on a 24-hour basis.
Mr. Hoffman testified regarding marketing studies done by Exxon for the
need and compatibility of the proposed change in use. On cross examina-
tion, however, he admitted he had not seen those marketing studies and
that the studies were done nationally and did not pertain to this particu-
lar location.

Testimony presented by the Protestants emphasized the currently
heavily congested area of Goucher Boulevard and Putty Hill Avenue. The
Protestants believe the proposed development would result in a tremendous
amount of traffic exiting the car wash onto Putty Hill Avenue which re-
quires a right turn into the residential area. The Protestants further
argued Petitioners had not met their burden regarding the criteria set
forth in Sections 307 and 502.1 of the B.C.Z.R. Testimony indicated the
Protestants believe the proposed plans would have an adverse impact upon
the health, safety, and general welfare of the community. The Protestants
emphasized their opinion was based upon their many years of residing in
the area and stated the proposed use would create a more horrendous traffic
situation than currently exists.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-
C.S.A. zone by special exception. However, it is equally clear that the
proposed use would be detrimental to the primary uses in the vicinity.
Therefore, it must be determined if the conditions as delineated in Sec-
tion 502.1 are satisfied.

After reviewing all of the testimony and evidence presented, it
appears that the special exception should not be granted.

- (1) March 14, 1990 - Appellant's Order for Appeal & Petition, fd.
(2) March 16, 1990 - Certificate of Notice fd.
(3) Mar 26, 1990 - App. of F. Vernon Boozer and Anthony J. DiPaula for the
Appellee, EXXON CORPORATION and Same Day Answer to Petition on Appeal fd.
(4) Apr 10, 1990 - Appellant's FELLOWSHIP FOREST COMMUNITY ASSOCIATION Motion
for Extension of Time and Order of Court Granting Same fd. (DIL)
(5) May 14, 1990 - Transcript of Record, fd.
(6) May 14, 1990 - Notice of Filing of Record, fd. copies Sent.
(7) June 13, 1990 - Appellant's Motion for Extension of Time to File Memorandum fd.
(8) June 27, 1990 - Appellant's Memorandum of Law, fd.
(9) July 9, 1990 - Ruling by Judge Levitz: Appellant's Motion for Extension
of Time to File a Memorandum (paper #7) is MOOT as the Memorandum was filed
July 27, 1990.
(10) July 27, 1990 - Correspondence fd.
(11) Aug. 21, 1990 - Appellee's EXXON CORP. Memorandum pursuant to rule
B-12, fd.
Sept. 11, 1990 Hon. James T. Smith Jr. Hearing had. Decision held sub-curia.
Opinion and Order to be filed.

CV GEN COSTS 90744
CLK 80.00
LIBRY 10.00
POST 2.00
CHECK TL 92.00
#78943 0001 R02 715:51
03/14/90

(12) Oct. 29, 1990 - Transcript of Record, fd.
(13) Oct. 29, 1990 - Opinion and Order of Court that the decision of
the county board of appeals for Baltimore County is hereby affirmed, with the costs of
this appeal to be paid by Appellant. (DIL)
DOCKET 78 PAGE 174 CASE NO. 9005974

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In fact, the Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have an adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone.

Petitioner has not met its burden in proving that the proposed use will be detrimental to the health, safety, or general welfare of the locality, and will not tend to create congestion in roads, streets, or alleys therein.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, it appears that the requirements of Section 502.1 have not been met and the health, safety, and general welfare of the community shall be adversely affected. Therefore, the relief requested in the special exception should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of June, 1989 that the Petition for Special Hearing to approve an amendment to the site plan previously approved in Case No. 65-240-RX; a Special Exception to permit a food store use with less than 5,000 sq.ft. in combination with a car wash use in an existing automotive service station on the subject property; and a Variance to permit a commercial building abutting a residential zone to have a rear yard setback of 13 feet in lieu of the required 20 feet, and 5 business

signs totalling 314.04 sq.ft. in lieu of the maximum permitted 3 signs totalling 100 sq.ft., in accordance with Petitioner's Exhibit 1, be and are hereby DENIED.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

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 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve to amend the site plan previously approved in case #65-240RX.

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): (Type or Print Name) Signature Address City and State
By: Mark Hoffman Project Engineer
Attorney for Petitioner: F. Vernon Booser/Anthony J. DiPaula 11350 McCormick Rd. 785-6642
Hunt Valley, MD 21031
614 Bosley Avenue
Towson, MD 21204
Attorney's Telephone No.: 828-9441

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of March, 1989, 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 17th day of May, 1989, at 11 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

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 and a car wash as uses in combination with an existing automotive service station (Section 405.4, D.4 and 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: (Type or Print Name) Signature Address City and State
Legal Owner(s): (Type or Print Name) Signature Address City and State
By: Mark Hoffman Project Engineer
Attorney for Petitioner: F. Vernon Booser/Anthony J. DiPaula 11350 McCormick Rd. 785-6642
Hunt Valley, MD 21031
614 Bosley Avenue
Towson, MD 21204
Attorney's Telephone No.: 828-9441

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of March, 1989, 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 17th day of May, 1989, at 11 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

LENGTH OF HEARING - 1/2 H.
DATE 3/8/89

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 232.3.b. to allow a commercial building abutting a residence zone with a rear yard setback of 13 feet in lieu of 20 feet as required, and Section 412.4.4 to allow 3 business signs with a total area of 314.04 square feet in lieu of 3 signs with a total area of 100 square feet as permitted.

- Without the variances it would be extremely difficult to effectively advertise the products and services available.
- The sign variance is necessary to comply with State and Federal laws governing pricing and advertising.
- The rear yard variance is necessary due to irregular shape and dimensions of the property.

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

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

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

Contract Purchaser: (Type or Print Name) Signature Address City and State
Legal Owner(s): (Type or Print Name) Signature Address City and State
By: Mark Hoffman Project Engineer
Attorney for Petitioner: F. Vernon Booser/Anthony J. DiPaula 11350 McCormick Rd. 785-6642
Hunt Valley, MD 21031
614 Bosley Avenue
Towson, MD 21204
Attorney's Telephone No.: 828-9441

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of March, 1989, 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 17th day of May, 1989, at 11 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

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

Paul H. Reinke
Chief

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

Re: Property Owner: Exxon Corporation

Location: Corner of W. of Goucher Blvd and N/S of Putty Hill Ave.

Item No.: 377

Zoning Agenda: March 21, 1989

Gentlemen:

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

1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 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.
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.

NOTED & APPROVED
Planning Group
Special Inspection Division

NOTED & APPROVED
Fire Prevention Bureau

MAR 20 1989

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

3/17/89
Date

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

Agenda Item #377. Zoning Advisory Committee Meeting of March 21, 1989

Property Owner: Exxon Corporation

Location: Cor of W/S of Goucher Blvd and N/S of Putty Hill Ave. District: 9

Water Supply: Metro Sewage Disposal: Metro

COMMENTS ARE AS FOLLOWS:

1. 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.
2. Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
3. A permit to construct from the Bureau of 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.
4. A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
5. 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.
6. Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
7. 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.
8. 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.
9. Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management for more complete information and/or removal of environmentally hazardous materials and solid wastes.

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

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

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 367, 368, 369, 370, 371, 372, 374, 375, 376, 377, 378, 379, 380, 381, and 382.

April 21, 1989

Very truly yours,

Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
APR 28 1989

ZONING OFFICE

Frederick Ward Associates Inc. Engineers • Architects • Surveyors
P.O. Box 310 • 5 South Main Street, Bel Air, Maryland 21014 • (301) 858-7900 • 879-2090

February 14, 1989

BEGINNING for the same at a point on the westerly side of Goucher Boulevard at the northerlymost corner of the Exxon Corporation property thence along the westerly side of Goucher Boulevard,

- (1) by a curve to the right in a southerly direction of radius 1855.00 feet an arc distance of 131.54 feet and subtended by a chord South 06° 22' 02" East 131.52 feet,
- (2) South 04° 19' 50" East 225.57 feet,
- (3) South 00° 34' 08" West 49.11 feet
- (4) by a curve to the right in a southerly direction of radius 91.00 feet an arc distance of 29.78 feet and subtended by a chord South 09° 56' 31" West 29.65 feet,
- (5) South 40° 40' 00" West 66.28 feet to intersect the northerly right-of-way line of Putty Hill Avenue. Thence along Putty Hill Avenue
- (6) by a curve to the right in a southwesterly direction of radius 91.00 feet an arc distance of 27.55 feet and subtended by a chord South 73° 51' 26" West 37.28 feet,
- (7) South 85° 40' 10" West 169.46 feet thence on the northwesterly outline of the Exxon Corporation property,
- (8) North 23° 37' 51" East 553.77 feet to the point of Beginning

CONTAINING 1.449 acres of land more or less as shown on a plat entitled, "Section Three, Loch Raven Manor" as recorded among the Land Records of Baltimore County in Plat Book GIB 23, folio 122.

BEING the remainder of that tract or parcel of land described in an Assignment of Lease by Cities Service Oil Company to Exxon Corporation by an Assignment dated July 19, 1977 as recorded among the Land Records of Baltimore County in Liber EHK Jr. 5892, folio 443.



RE: PETITION FOR SPECIAL HEARING, : BEFORE THE COUNTY BOARD OF APPEALS
PETITION FOR SPECIAL EXCEPTION, :
& PETITION FOR VARIANCE : OF BALTIMORE COUNTY
W/S Goucher Blvd., N/S Putty Hill Ave. (800 Goucher Blvd.)
2nd Election District
4th Councilmanic District
EXXON CORPORATION, Petitioner : Zoning Case No. 89-471-SPHXA

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
(301) 887-2188

I HEREBY CERTIFY that on this 15th day of August, 1989, a copy of the foregoing Entry of Appearance was mailed to Anthony J. DiPaula, Esquire, 614 Bosley Avenue, Towson, Maryland 21204, Attorney for Petitioner.

Phyllis Cole Friedman
Phyllis Cole Friedman

92-9 AM 51 AUG 89
STATION 10 CIVIL JUDICIAL
RECEIVED

Ann Nastarowicz
Deputy Zoning Comm.

re: Case #89-471-SPHXA

Dear Miss Nastarowicz:

My wife and I have been residents at the Courthouse Square Apts. since 1972, living in a building directly behind the gasoline/repair station concerned in the subject case number. Due to a medical emergency we were unable to attend the zoning hearing held this morning. We do however wish to register our dissatisfaction and rejection of the proposal.

From 1972 onward, the Goucher/Putty Hill intersection has become noisier and busier, including many accidents, fire and police sirens, Towson Plaza traffic and noise, plus nighttime gas station activities all serve to destroy the peace and tranquility of this residential neighborhood. We fear for a further deterioration should a 24 hour car wash and convenience be implemented. We implore you to disapprove the proposal!

Would you please mail us a copy of your findings?

Sincerely yours,

Arthur C. Madden
Arthur C. Madden

RECEIVED
MAY 18 1989
ZONING OFFICE

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
DAVID S. WANG
MARK E. HOFFMAN
Anthony J. DiPaula, Esq.
William J. Join
Thomas Michael

ADDRESS
FREDERICK WARD ASSOC
5 S. MAIN STREET, BEL AIR, MD 21014
EXXON CORP. USA, EXECUTIVE PLAZA III
11350 McCombs Dr. Houston, TX 77037
614 Bosley Ave. Towson MD 21204
800 Goucher Blvd Towson, MD 21204
2232 Tollgate Circle Bel Air

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
E.P. Vincent Curran	1533 DORQUAY RD, Towson
STEPHEN A. BUCKENHAM	1653 MOUNTAIN RD, Towson
MARY WILLIAMSON	814 ROCKINGHAM RD, Towson
H. PATRICK STRINGER	506 HOLDEN RD, Towson
DENISE NAYLOR	54 ACORN CIR #103 21204
Mrs J.J. Yenni	816 MICHAMBER FARM #204 21204
Mr V.J. Ragan	54 ACORN CIRCLE 201
Mrs Dorothy F. Sherrin	54 ACORN CIR - apt 304
Mrs M. M. M. M. M.	54 ACORN CIRCLE 201
PAULINE M. MORRIS	54 ACORN CIRCLE 204
ROSE M. E. BRILHART	68 ACORN CIRCLE - 303
Mary C. Paley	54 ACORN CIRCLE - 202
Martha E. Young	54 ACORN CIRCLE - 204
Robin Evans	502 DOGWOOD LANE TOWSON
Thomas Michael	2232 TOLLGATE CIRCLE BEL AIR
Bruce Hough	621 Lark Drive Towson 21204
Martha E. Young	825 S. L. Ave. Towson

89-471-SPHXA
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
22nd day of March, 1989.

J. Robert Haines
ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Exxon Corporation, et al
Petitioner's Attorney: P. Vernon Booser, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

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

Paul H. Rebeck
Chief

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

Property Owner: Exxon Corporation
Location: Corner of W/S of Goucher Blvd and N/S of Putty Hill Ave.
Item No.: 377

Dennis F. Rasmussen
County Executive

Zoning Agenda: March 21, 1989

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.

() 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: *Pat Keller* 207-3178
Planning Office
Special Inspection Division

NOTED & APPROVED: *Capr Wm J. Busch*
Fire Prevention Bureau

NR 2000

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
DATE: May 16, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-471-SPHXA
Item No. 377

Re: Exxon Corporation

The Petitioner requests a special exception to allow a food store and a car wash as uses in combination with an automotive service station, a special hearing to amend a prior site plan and variances to rear yard setback requirements and to allow five business signs totalling 314 square feet in lieu of the permitted three signs totalling 100 square feet. In reference to this request, staff offers the following comments:

The Petitioner has requested a waiver to the CRC plan and meeting process ("89-111) that has been denied. The Waiver advisory Committee had serious concerns regarding ingress and egress, stacking for the car wash, proposed grading, and community concerns. If the Commissioner grants this petition, the approved zoning plan should conform to the approved CRC plan and the final landscape plan.

The 314 square feet requested for signage is excessive. The wall signs for the shop and car wash give them adequate identification. Therefore, this office recommends that the panels proposed for the free standing sign be eliminated. In addition, this office finds no compelling need to allow additional identification on the spreader bars.

A final landscape plan is required prior to the issuance of any building permit.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
May 4, 1989

County Office Bldg.
111 W. Chesapeake Ave.
Towson, Maryland 21204

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

RE: Item No. 377, Case No. 89-471-SPHXA
Petitioner: Exxon Corporation, et al
Petition for Zoning Variance and
Special Hearing 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 of 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

cc: Mr. Mark Hoffman
Project Engineer
11550 McCormick Road
Hunt Valley, MD 21031

MAY 17, 1989 89-471-SPHXA
BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
DATE: May 19, 1989

FROM: Robert W. Bowling, P.E.

SUBJECT: Item #377

PROPERTY OWNER: Exxon Corporation
LOCATION: Corner of W/W of Goucher Boulevard and N/S of Putty Hill Avenue
DISTRICT: 9th Election District

The Plan for the subject zoning plan has been reviewed by the Developers Engineering Division and our comments are as follows:

WATER COMMENTS:

The Developer shall contact Mr. Carlyle Brown of the Bureau of Public Services on 887-3321 for information on obtaining water service where the meter required is 3" or less, or the Developers Engineering Division on 887-3751 for water service requiring meters 4" and larger.

The total water and/or Sanitary Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges.

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

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

Robert W. Bowling
Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:pab
cc: File
EXXONPUT/TXTCOMM2

MAY 24 1989

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

April 21, 1989

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

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 367, 368, 369, 370, 371, 372, 374, 375, 376, 377, 378, 379, 380, 381, and 382.

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

MSF/lab

RECEIVED
APR 28 1989
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 1, 1989

P. Vernon Booser, Esquire
Anthony J. DiPaula, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND ZONING VARIANCE
Corner W/S Goucher Boulevard, N/S Putty Hill Avenue
(800 Goucher Boulevard)
9th Election District - 4th Councilmanic District
Exxon Corporation - Petitioners
Case No. 89-471-SPHXA

Dear Messrs. Booser & DiPaula:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Zoning Variance have been denied 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 Mr. Charlotte Radcliffe at 494-3391.

Very truly yours,
Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
For Baltimore County

ANN:bjs
cc: Attached List of Protestants
People's Counsel
File

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
Date: 3/17/89

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

Zoning Item # 377, Zoning Advisory Committee Meeting of March 21, 1989
Property Owner: Exxon Corporation
Location: Corner of W/S of Goucher Blvd and N/S of Putty Hill Ave. District: 9
Water Supply: Metro Sewage Disposal: Metro

COMMENTS ARE AS FOLLOWS:

(X) 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(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.

(X) A permit to construct from the Bureau of 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 charcoal generation 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 must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.

() Prior to approval of 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) For 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.

(X) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, 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, 887-3775.

(X) 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 887-3745.

() 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 must be accomplished prior to conveyance of property and approval of Building Permit Applications.

() Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

() If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.

() In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-3754.

(X) Others: Drainage from interior service bays is to be directed to sanitary sewer via oil separator

J. Robert Haines
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

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

EDWARD C. COVAHEY, JR.
F. VERNON BOOSER
MARK S. DEWNE
ANTHONY J. DIPAULA

FAX 301-298-2131

REPLY TO:
ANNEX OFFICE
SUITE 101
806 BALTIMORE AVE.
TOWSON, MD 21204
AREA CODE 301
828-8828

June 30, 1989

HAND DELIVER
Mr. J. Robert Haines
Baltimore County Zoning Commissioner
County Court Building
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - CASE NO.: 89-471-SPHXA
PETITIONERS: EXXON CORPORATION
800 GOUCHER BOULEVARD

Dear Mr. Haines:

Please enter an Appeal to the Board of Appeals from the decision rendered on June 1, 1989. Enclosed is a check to cover the cost of same.

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

AJD/cab
30 cb.1

RECEIVED
6-30-89 (05-cw)
ZONING OFFICE

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441
FAX 301-286-1311
REVISED PLAN
File Copy
DIRECT TO
ANNE ARUNDEL
SUIT 101
608 BALTIMORE AVE
TOWSON, MD 21204
AREA CODE 301
828-5525

January 16, 1990

HAND DELIVERED

Mr. Mitch Kellman
Baltimore County Zoning Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING,
SPECIAL EXCEPTION AND VARIANCE
2/S GOUCHER BLVD., N/S PUTTY HILL AVE.
(800 GOUCHER BLVD.)
9TH ELECTION DISTRICT, 4TH COUNCILMANIC DISTRICT
EXXON CORPORATION - PETITIONER
CASE NO.: 89-71-SPHXA

Dear Mr. Kellman:

Enclosed please find ten (10) copies of a revised Site Plan for the above case. The matter is presently scheduled to be heard by the Board of Appeals on February 9, 1990 on appeal from the denial of the Petitions by Deputy Commissioner Nastarowicz on June 1, 1989. The revised Site Plans do not seek any new approvals, but rather contain deletions from what was requested earlier. Specifically, the Special Exception for the car wash as a use in combination is being withdrawn, and the car wash has been deleted from the Site Plan. The deletion of the car wash obviates the need for the rear yard setback variance of thirteen feet (13') in lieu of twenty feet (20'). The amended Site Plan also affects the other Variance in that the deletion of the car wash portion of the ID sign lessens the square footage for total signage from the originally requested 314.04 square feet to 275.64 square feet. In addition, I wish to discuss this matter with you prior to the hearing, I am contemplating withdrawing the Petition for Special Hearing in that the original case was filed as Case No.: 65-240RX, two (2) years prior to the effective date of Bill 40 in 1967.

Mr. Mitch Kellman
January 16, 1990
Page 2

By copy of this letter, a copy of the Plan is being delivered to the Board of Appeals for its file, and the Board is likewise being notified of the petitioner's intention to withdraw one of the two Variances, one of the two Special Exceptions, and possibly the Petition for Special Hearing. Also enclosed is a check in the amount of \$75.00 for the cost of filing the Amended plan. Please forward the receipt to this office after filing.

Very truly yours,

Anthony J. DiPaula

AJD/cab
16 cb.5

cc: Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204 (w/encl.)

Mark E. Hoffman,
Exxon Corporation
Executive Plaza III
11350 McCormick Road
Hunt Valley, Maryland 21031

David S. Wang,
Frederick Ward Associates
5 S. Main Street
Bel Air, Maryland 21014

People's Counsel of Baltimore County
Room 304 - County Office Building
Towson, Maryland 21204

Vince Curran, President
Loch Raven Village Association
1533 Duxbury Road
Towson, Maryland 21204 (w/encl.)

Steven Buckingham
Loch Raven Village Association
1653 Mussuch Road
Towson, Maryland 21204

Mr. Mitch Kellman
January 16, 1990
Page 3

Mary Williamson, Regional Manager
Panzer Management
804 Mockingbird Lane
No. 103
Towson, Maryland 21204 (w/encl.)

Martha Clark,
Towson Estates Association
828 E. Joppa Road
Towson, Maryland 21204 (w/encl.)

H. Patrick Stringer, Esquire
Fellowship Forest
506 Holden Road
Towson, Maryland 21204 (w/encl.)

Mr. Joseph Thick
606 Lake Drive
Towson, Maryland 21204

Mr. George White
58 Acorn Circle
Apt. 302
Towson, Maryland 21204

Ms. Marion K. Yeaple
619 Hillen Road
Towson, Maryland 21204

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180
HEARING ROOM - Room 301
County Office Building

APPEAL HEARINGS SCHEDULED FOR THE
WEEK OF FEBRUARY 5, 1990

TUESDAY 2/6/90 10:00 a.m. (CASE NO. 88-240-X POSTPONED TO 5/11/90)

WEDNESDAY 2/7/90 10:00 a.m. FRANKLIN WOODS, Franklin Square Drive,
14th Election District
CBA-89-150

RE: Denial of Waiver from Public Works
Standards - defer road improvements/
waive portion sidewalks

WEDNESDAY 2/7/90 1:00 p.m. (CASE NO. CBA-89-151 DISMISSED)

THURSDAY 2/8/90 HEARING ROOM NOT AVAILABLE FOR CBA HEARING

FRIDAY 2/9/90 10:00 a.m. EXXON CORPORATION, W/s Goucher Blvd.,
N/s Putty Hill Ave. (800 Goucher Blvd.)
9th Election District; 4th Councilmanic District
#89-71-SPHXA

SPH - Amendment to #65-240-RX;
SE - food store/car wash in existing auto
service station;
VAR - setbacks/signs

cc: Executive Office
County Council
Law Office
People's Counsel
Planning Office
Current Planning
Board Members
Court Reporter
Information Desks (2)
Docket Clerk - Zoning

RECEIVED
JAN 24 1990
ZONING OFFICE

County Board of Appeals of Baltimore County



HEARING ROOM -
Room 301, County Office Bldg.

September 27, 1989
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. 89-471-SPHXA EXXON CORPORATION, W/s Goucher Blvd., N/s Putty Hill Ave. (800 Goucher Blvd.)
9th Election District
4th Councilmanic District
SE - food store with less than 5,000 sq. ft. and car wash as uses in combination with an existing automotive service station
SPH - to amend previously approved site plan in case #65-240RX
VAR - commercial building abutting a residence setbacks and signs
6/1/89 - Z.C.'s Order DENYING Petitions

ASSIGNED FOR: FRIDAY, FEBRUARY 9, 1990 at 10:00 a.m.

cc: Mr. Mark E. Hoffman - Exxon Corp. Appellant
Anthony J. DiPaula, Esquire Counsel for Appellant
Mr. David S. Wang
Mr. Rick Fabian (no address available)
Mr. Vince Curran
Mr. Steve Buckingham
Ms. Mary Williamson
Ms. Martha Clark
Mr. H. Patrick Stringer
Mr. Joseph Thick
Mr. George White
Ms. Marion K. Yeaple
Mr. C.P. Hollingsworth
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
M. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LindaLee M. Kuszmual - Legal Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

March 16, 1990

Anthony J. DiPaula, Esquire
614 Bosley Avenue
Towson, Maryland 21204

Re: Case No. 89-471-SPHXA (Exxon Corporation)

Dear Mr. DiPaula:

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

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

LindaLee M. Kuszmual
LindaLee M. Kuszmual, Legal Secretary

Encl.

cc: Mark E. Hoffman, Exxon Corporation
David S. Wang, Frederick Ward Assoc.
Vince Curran, Pres., Loch Raven Village Assoc.
Steve Buckingham, Loch Raven Village Assoc.
Mary Williamson, Panzer Mgmt.
Martha Clark, Towson Estates Assoc.
People's Counsel for Baltimore County
Mr. C.P. Hollingsworth
Mr. Joseph Thick
Mr. George White
Ms. Marion K. Yeaple
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
M. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9TH
Date of Posting: 4/28/89
Posted for: Notice, Special Hearing, Special Exception
Petitioner: Exxon Corporation
Location of property: W/s Goucher Blvd. & N/s Putty Hill Ave.
800 Goucher Blvd.
Location of Sign: Facing East on Goucher Blvd. & Putty Hill Ave.
Remarks: 1/28/89
Posted by: [Signature]
Number of Signs: 3
Date of return: 4/29/89

CERTIFICATE OF PUBLICATION

TOWSON, MD. 4/20, 1989

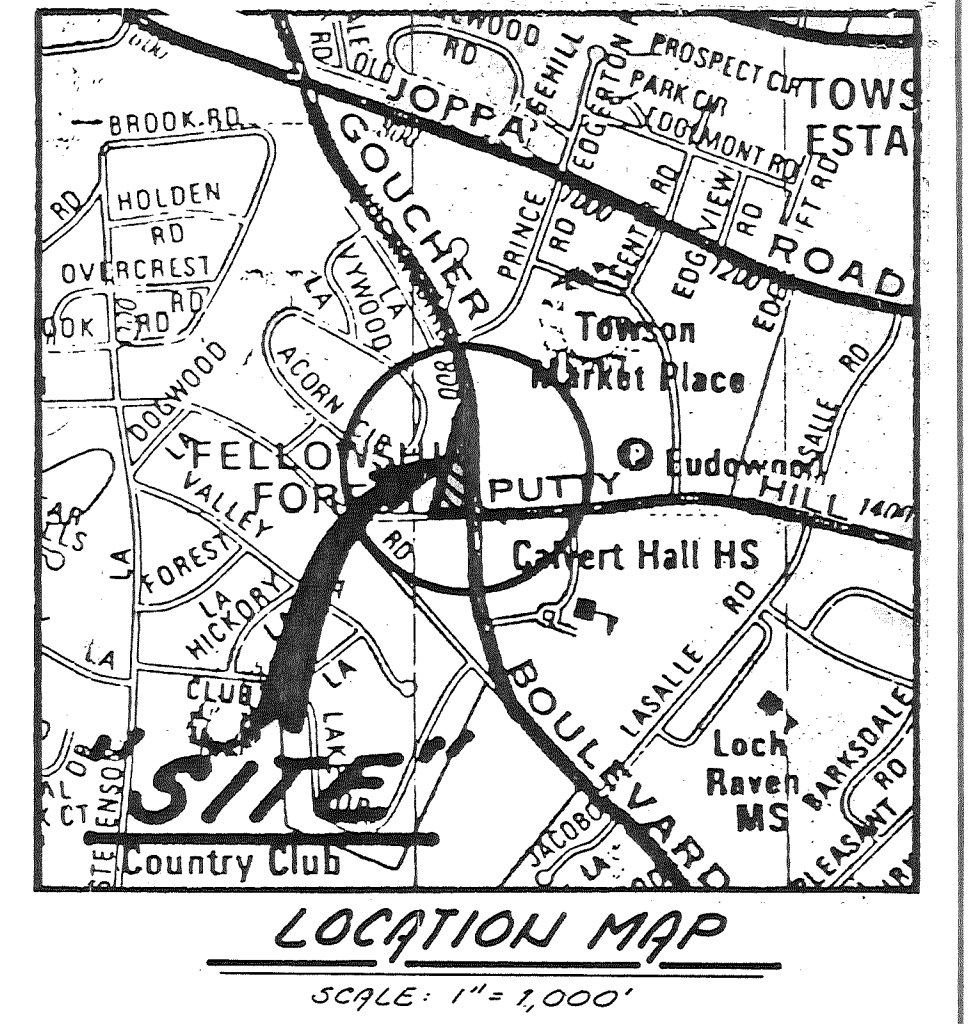
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 10 successive weeks, the first publication appearing on 4/20, 1989

[Signature]
TOWSON TIMES

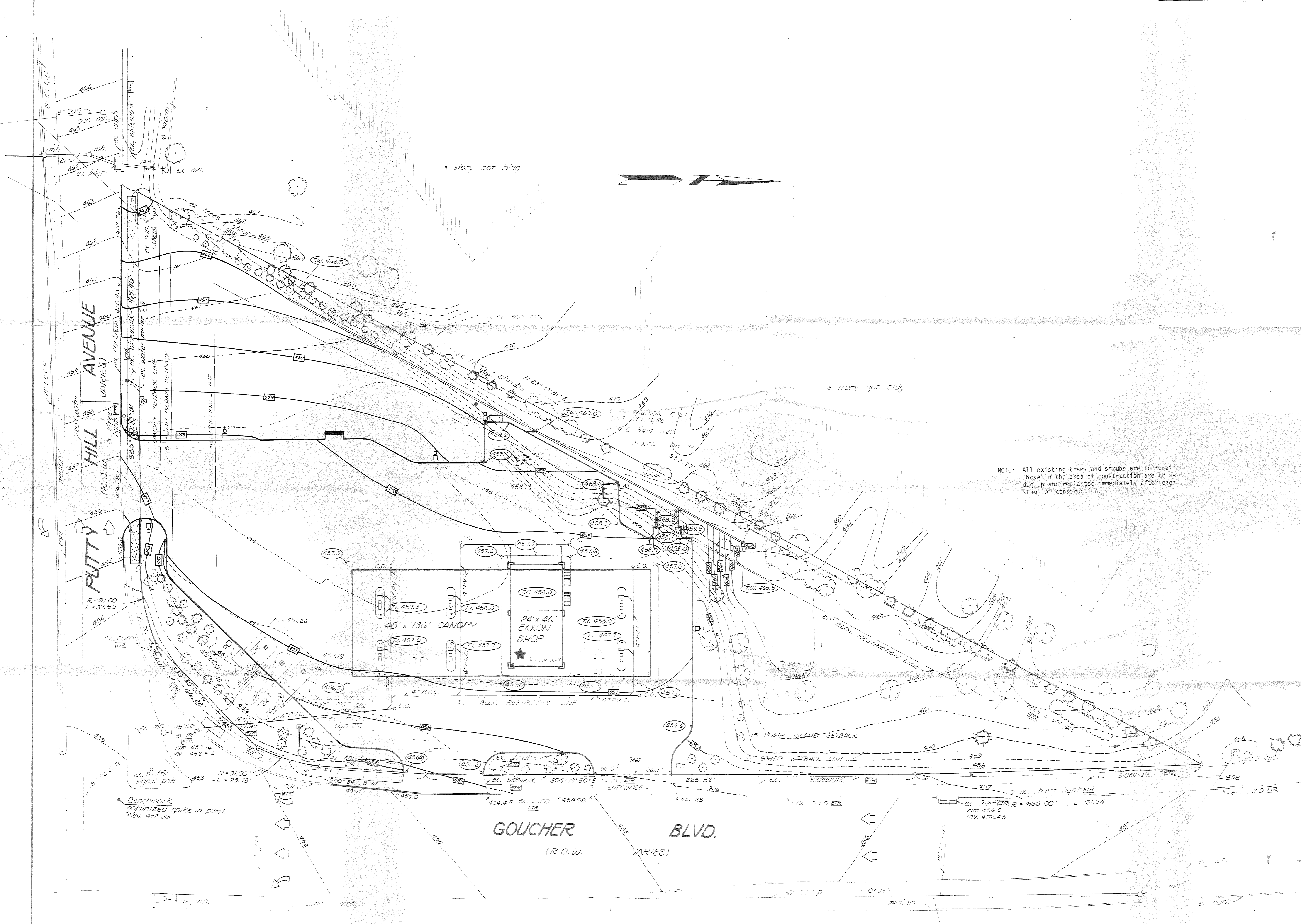
Publisher

PO 11000
reg M28915
co 89-471-SPHXA
price 4123.87

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the County and the Board of Baltimore County, has scheduled a public hearing on the proposed Special Exception for the property located at 800 Goucher Boulevard & N/S Putty Hill Ave. in the County Office Building, Room 315, Towson, Maryland 21204, on Friday, May 17, 1990 at 11:00 a.m.
Petition for Special Hearing, Special Exception and Zoning Variance
Case # 89-471-SPHXA
Corner of W/s Goucher Boulevard & N/S Putty Hill Ave.
800 Goucher Boulevard
9th Election District
4th Councilmanic District
Exxon Corporation
Petitioner
Hearing Date: Wednesday, May 17, 1990 at 11:00 a.m.
Special Hearing: To amend the use plan previously approved in case #65-240-RX. Special Exception: A food store with less than 5,000 sq. ft. and a car wash as uses in combination with an existing automotive service station. Variance to allow a commercial building abutting a residence setbacks and signs.
In the event that the Petition is granted, a building permit may be issued within the forty (40) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during the appeal for good cause shown. Such request must be filed and received in the office by the Zoning Commission on or before the hearing of the appeal.

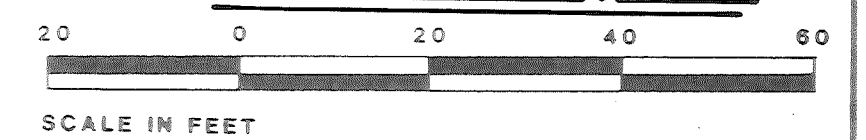


EX
ID

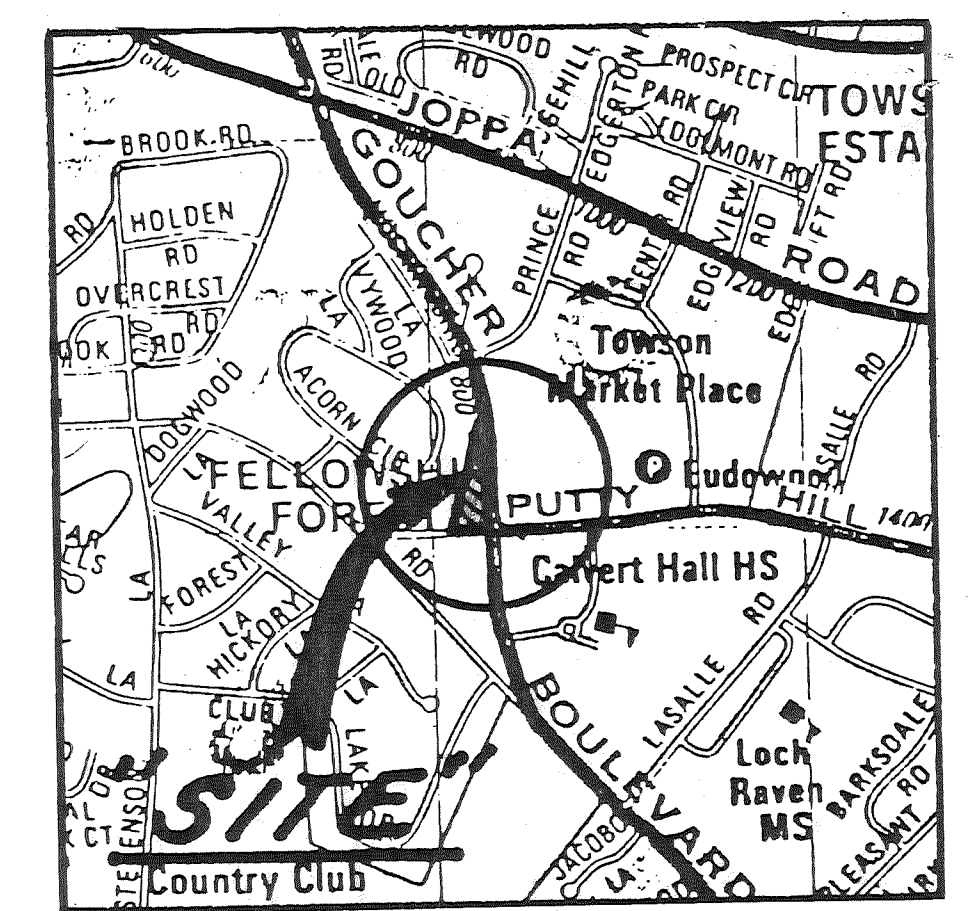


NOTE: All existing trees and shrubs are to remain. Those in the area of construction are to be dug up and replanted immediately after each stage of construction.

Handwritten signature
C.R.G. PLAN



DATE	REVISIONS	BY	CHK	EXXON COMPANY, U.S.A.	PROJECT NO.
11-20-87	REMOVED CAR WASH AS PER EXXON	R.O.S.	T.J.M.	Marketing Department	DISC NO.
12-14-87	REVISED ENTRANCES ALONG PUTTY HILL AVE. AND REGRADED AREA	R.O.S.	T.J.M.	DATE 12/9/88 DRAWN BY R.O.S. CHK BY T.J.M. SCALE 1" = 20'	RAS NO. 2-7887 DWG. NO. 4 OF 5
				Grading Plan GOUCHER BOULEVARD & PUTTY HILL AVENUE ELECTION DISTRICT 9 • COUNCIL DISTRICT 4 TOWSON BALTIMORE COUNTY MARYLAND	1989-0471



LOCATION MAP
SCALE: 1" = 1,000'

EX
IE

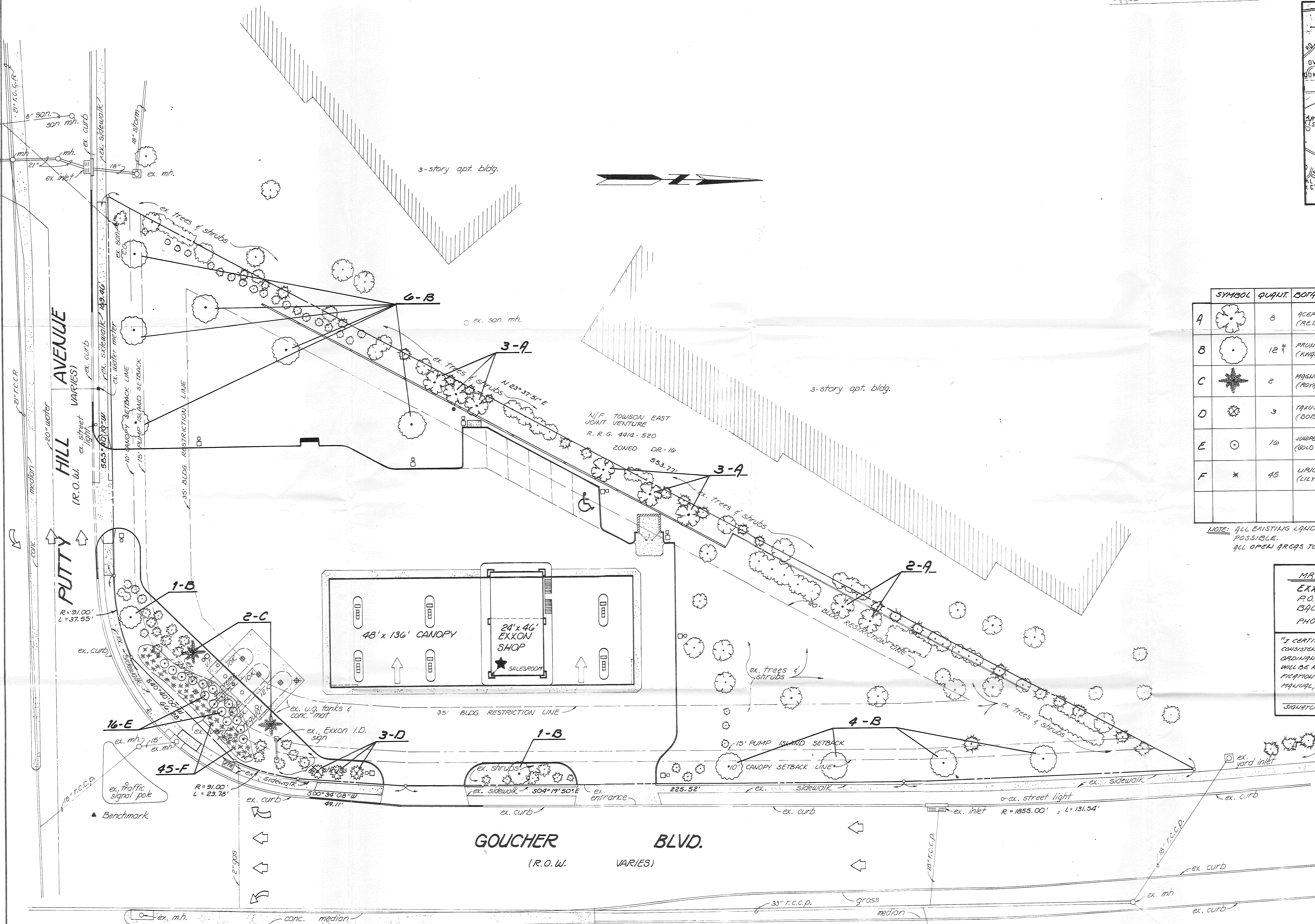
SYMBOL	QUANT	BOTANICAL/COMMON NAME	SIZE	REMARKS
A	8	ACER RUBRUM (RED MAPLE)	2" CGL.	B & B @ 10' O.C. (MIN.)
B	12	PRUNUS SERRULATA "KWAZAN" (KWAZAN FLOWERING CHERRY)	2" CGL.	B & B
C	2	MAGNOLIA STELLATA "ROYAL STAR" (ROYAL STAR MAGNOLIA)	30"	B & B
D	3	TAXUS X MEDIA "L.C. BOBBINK" (BOBBINK YEW)	30"	B & B @ 10' O.C.
E	1/2	JUNIPERUS CHINENSIS "PITZERIANA PURA" (GOLD TIP PITZER JUNIPER)	18"	B & B @ 4' O.C.
F	45	LIRIOPE MUSCARI "BIG BLUE" (LILY TURF)	#1 CONT.	18" O.C.

NOTE: ALL EXISTING LANDSCAPING WILL BE PRESERVED WHEREVER POSSIBLE.
ALL OPEN AREAS TO BE LANDSCAPED WITH 300.

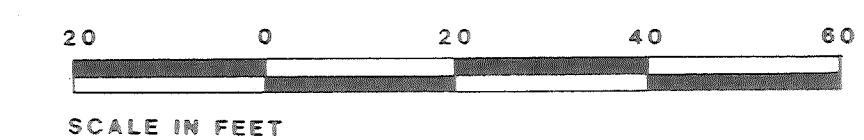
MR. MARK HOFFMAN
EXXON COMPANY, U.S.A.
P.O. BOX 1288
BALTIMORE, MARYLAND 21203
PHONE: 301-785-6642

"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, 1985, DATED _____, 19____."

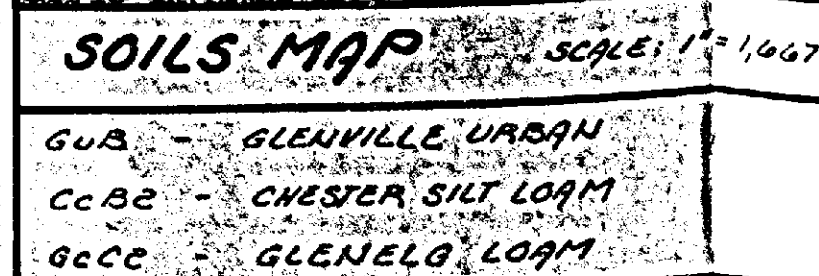
SIGNATURE OF APPLICANT _____ DATE _____



CRG PLAN



DATE	REVISIONS	BY	CHK.	EXXON COMPANY, U.S.A.	PROJECT NO.
11-20-89	REMOVED "CAR WASH", REVISED LANDSCAPING AS PER EXXON	R.O.S.	T.J.M.	Marketing Department	
12-14-89	REVISE PUTTY HILL AVE. ENTRANCES AND 1/2-1- AND REVISE LANDSCAPING IN SAID AREA.	R.O.S.	T.J.M.		
				landscaping footprint	
				GOUCHER BLVD. & PUTTY HILL AVE.	RAS NO. 2-7887
				BALTIMORE COUNTY, MD.	DWG. NO. 5 OF 5



- D.B. - BUILDING SUPPLIER
- O.C. - GENERAL CONTRACTOR
- F - EXIST
- D - OTHER
- ★ - BUILDING ORIENTATION POINT
- 23-- - EXISTING CONTOUR
- (13) - PROPOSED CONTOUR
- (23.0) - NEW GRADE
- S - EXIST. DRAINAGE
- Q - OBSERVATION pt. (2) C/R
- V - HOSE B/D B/D C/D
- ETD - EXISTING TO DEMOLITION
- NEW - MEET EXISTING GRADE

EXISTING EXXON OWNED IMPROVEMENTS WHICH ARE NOT PART OF THIS PROJECT ARE TO BE REMOVED BY AND BECOME THE PROPERTY OF THE GENERAL CONTRACTOR EXCEPT AS FOLLOWS:

1. PROPERTY/EQUIPMENT TO BE TRANSMITTED TO EXXON AFTERWARD LOOKED BY EXXON WITH A PROJECT ENGINEER:
 - a. USED LIGHTS, AND GASOLINE & DIESEL INVENTORY
 - AN AERIAL SYSTEM
2. PROPERTY/EQUIPMENT TO BE RECEIVED BY EXXON: VERIFY WITH EXXON PROJECT ENGINEER:
 - ADAMS
3. ALL UTILITY CONNECTIONS ARE TO BE AS PER LOCAL CODE BY S.C.
4. S.C. TO PROVIDE CONDUIT & WIRING TO EXXON I.D. SIGNS & CONDUIT ONLY TO PUBLIC TELEPHONE BOOTH
5. SITE PLANT SUPERSEDES ALL WORKING DRAWINGS.

WATER: 57-162, 9-4
SEWER: 66-613
STORM DRAIN: 58-300, 9-
58-301, 9-
58-304, 9-
HIGHWAY: 75-0444

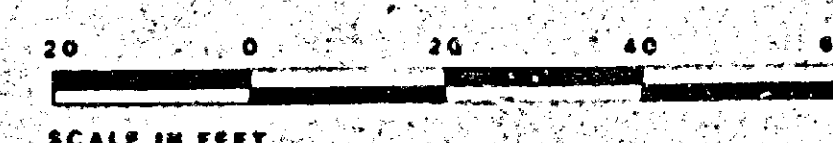
NOTE: All existing trees and shrubs are to remain. Those in the area of construction are to be dug up and replanted immediately after each stage of construction.

89-471-SPHX A

SPECIAL EXCEPTION PLAN - DWG. # 1 OF 3

JAN 09 1990

C.R.G. PLAN



CURRENT PLANNING CRG # IX-554
PUBLIC SERVICES CRG # 89274

EXXON COMPANY, U.S.A.

EXXON STATION

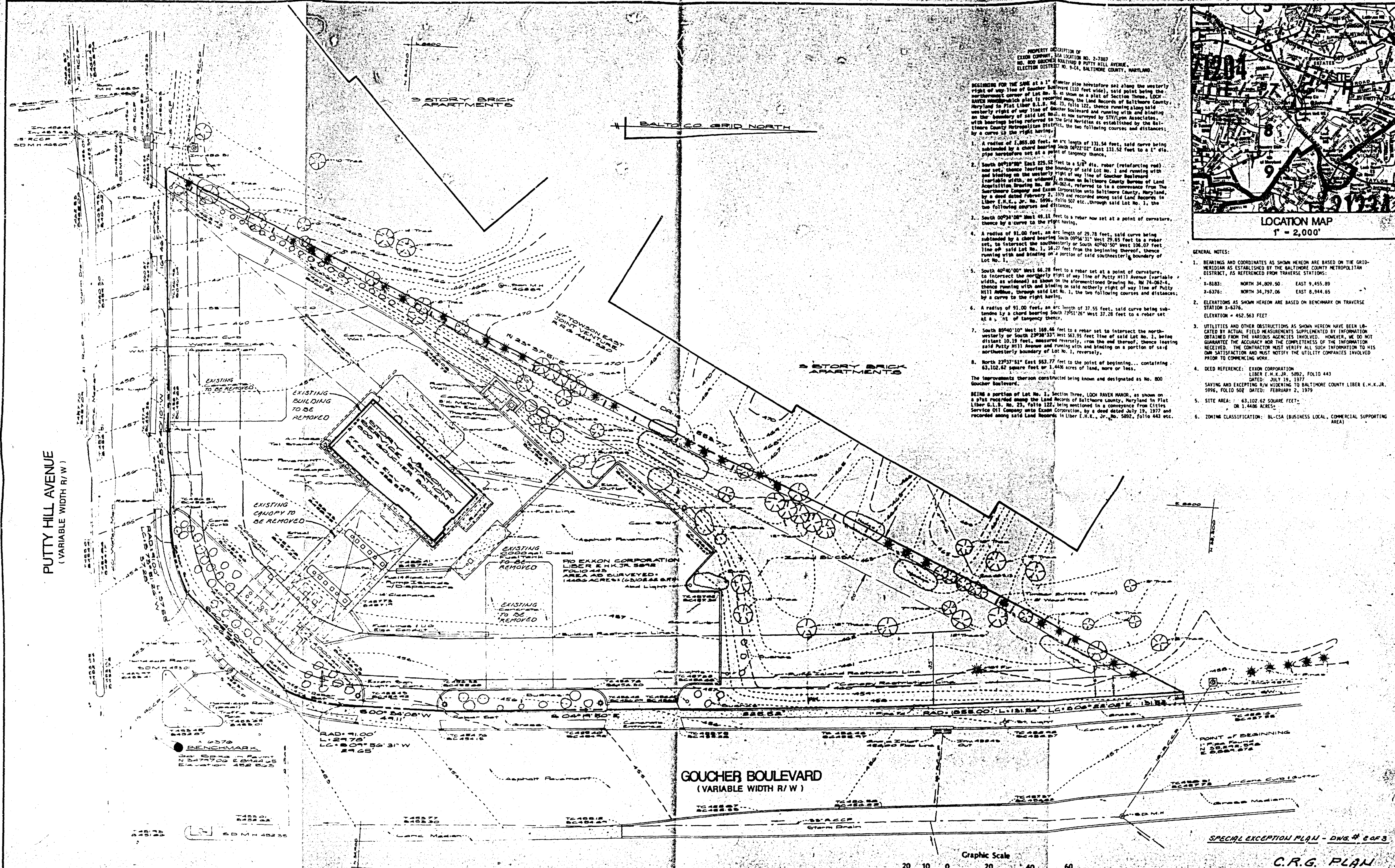
GOUCHER BOULEVARD & PUTTY HILL AVENUE
M. ELECTION DISTRICT 9 • COUNCIL DISTRICT 4
JANUSON BALTIMORE COUNTY MARYLAND

PROJECT NO.	
DISC. NO.	
RAS NO.	2-
DWG. NO.	10

**CONSULTANT :
FREDERICK WARD ASSOCIATES
P.O. BOX 727
BEL AIR MD. 21014
301-838-7900
CONTACT : THOMAS MICHAEL**

OWNER:
EXXON CO. U.S.A.
P.O. BOX 4415
HOUSTON, TEXAS 77210
713-656-7770
CONTACT: BILL VANCE

DATE	REVISIONS	BY	DATE
11-20-89	REMOVED CAR WASH QS PER EXXON	R.O.S.	T.N.
12-14-89	REVISE ENTRANCES ON PUTTY WALL QVS.	R.O.S.	T.N.



LOCATION MAP
1" = 2,000'

- GENERAL NOTES:
1. BEARINGS AND COORDINATES AS SHOWN HEREON ARE BASED ON THE GRID-MERIDIAN AS ESTABLISHED BY THE BALTIMORE COUNTY METROPOLITAN DISTRICT, AS REFERENCED FROM TRAVERSE STATIONS:
X-8183: NORTH 34,809.50 EAST 9,455.89
X-6376: NORTH 34,797.06 EAST 8,944.65
 2. ELEVATIONS AS SHOWN HEREON ARE BASED ON BENCHMARK ON TRAVERSE STATION X-6376.
ELEVATION = 452.563 FEET
 3. UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN LOCATED BY ACTUAL FIELD MEASUREMENTS SUPPLEMENTED BY INFORMATION OBTAINED FROM THE VARIOUS AGENCIES INVOLVED. HOWEVER, WE DO NOT GUARANTEE THE ACCURACY NOR THE COMPLETENESS OF THE INFORMATION RECEIVED. THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION AND MUST NOTIFY THE UTILITY COMPANIES INVOLVED PRIOR TO COMMENCING WORK.
 4. DEED REFERENCE: EXXON CORPORATION
LIBER E.M.K.JR. 5892, FOLIO 443
DATED: JULY 19, 1977
SAYING AND EXCEPTING R/W WIDENING TO BALTIMORE COUNTY LIBER E.M.K.JR. 5996, FOLIO 507 DATED: FEBRUARY 2, 1979
 5. SITE AREA: 63,102.62 SQUARE FEET;
OR 1.446 ACRES
 6. ZONING CLASSIFICATION: BL-CSA (BUSINESS LOCAL, COMMERCIAL SUPPORTING AREA)

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

REVISIONS		
NO	DATE	DESCRIPTION

I HEREBY CERTIFY THAT THIS SURVEY, MADE ON THE GROUND UNDER MY SUPERVISION ON 12/9/88, CORRECTLY SHOWS THE PROPERTIES, LINES AND RELATIONSHIP OF BUILDINGS AND OTHER STRUCTURES TO THE PROPERTY LINES AND THE LAND INDICATED HEREON; THAT THERE ARE NO ENCROACHMENTS OF BUILDINGS OR STRUCTURES ONTO SAID LAND EXCEPT AS SHOWN.

MARK A. RIDLEY P.L.S. #244

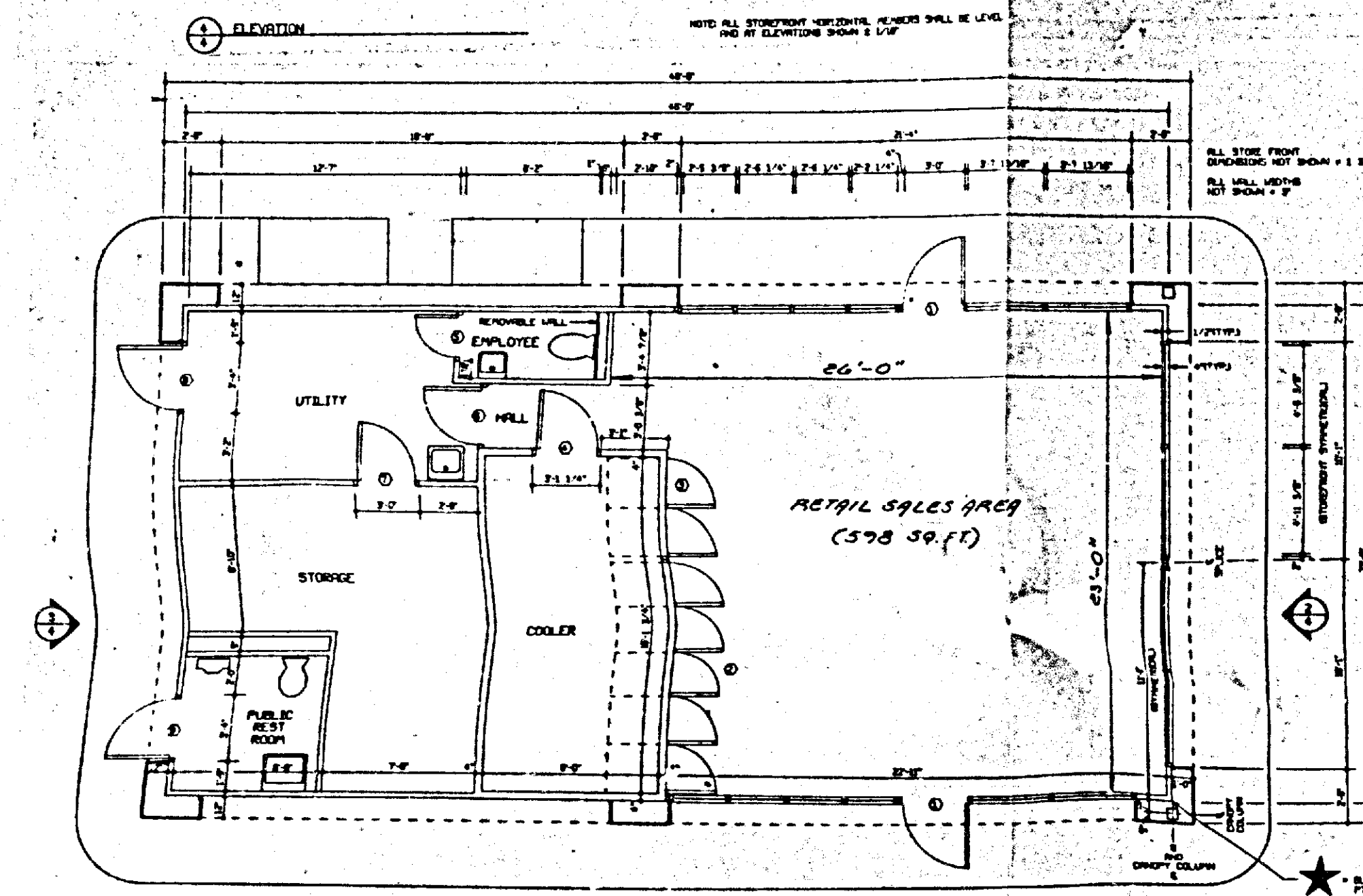
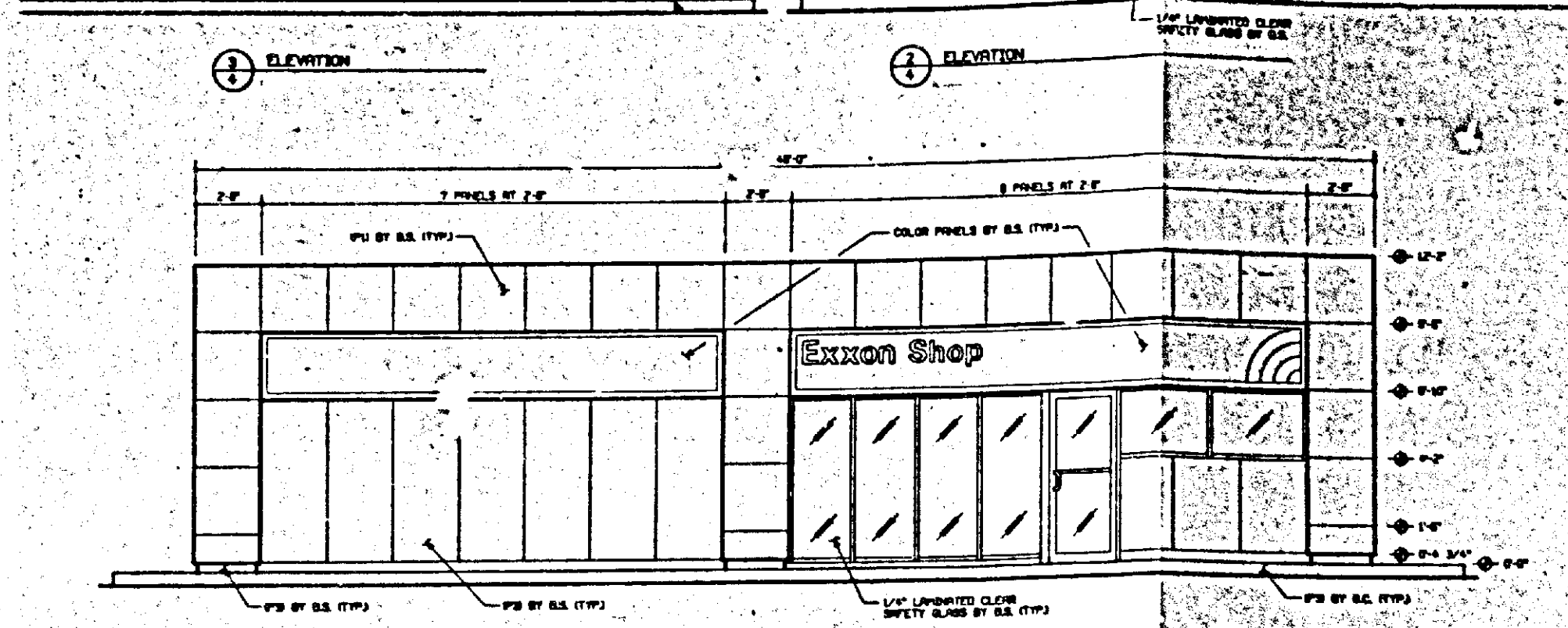
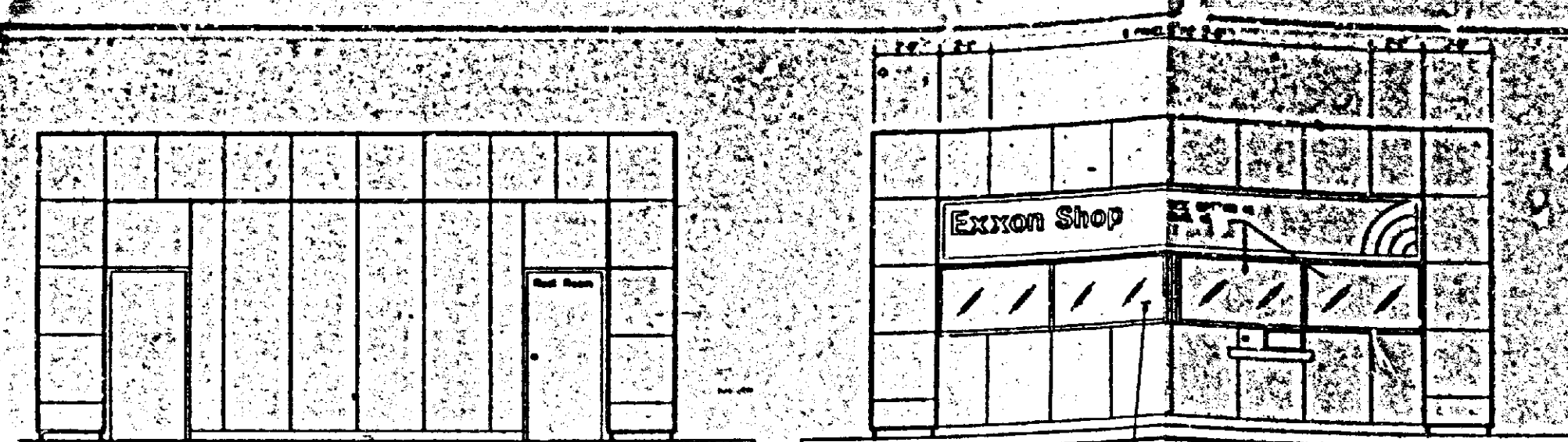
PLAN PREPARATION	
DRAWN BY: SAH	DATE: 12/9/88
DESIGNED BY:	SCALE: 1" = 20'
DATE: 1/10/89	

TOPOGRAPHIC & BOUNDARY SURVEY
EXXON COMPANY, U.S.A.
N.W. COR. GOUCHER BLVD. & PUTTY HILL AVE.
BALTIMORE COUNTY, MD.
ELECTION DIST. 9 COUNCIL DIST. 4

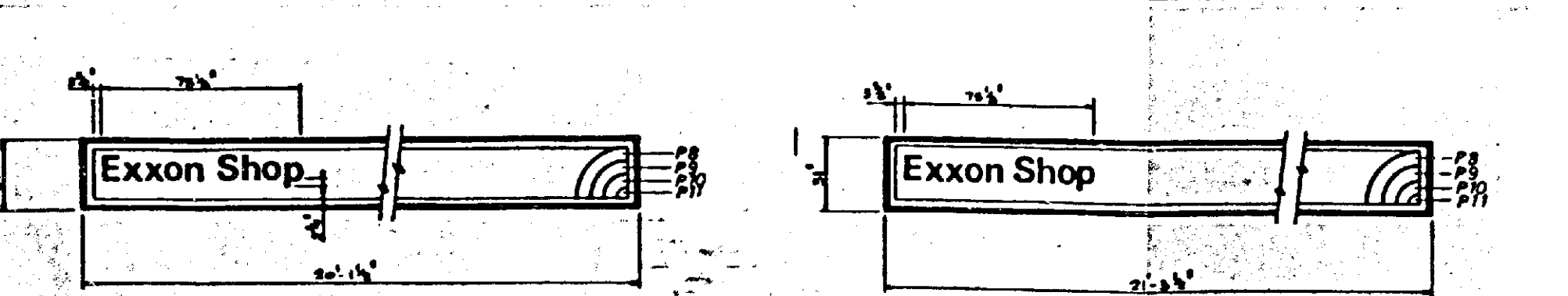
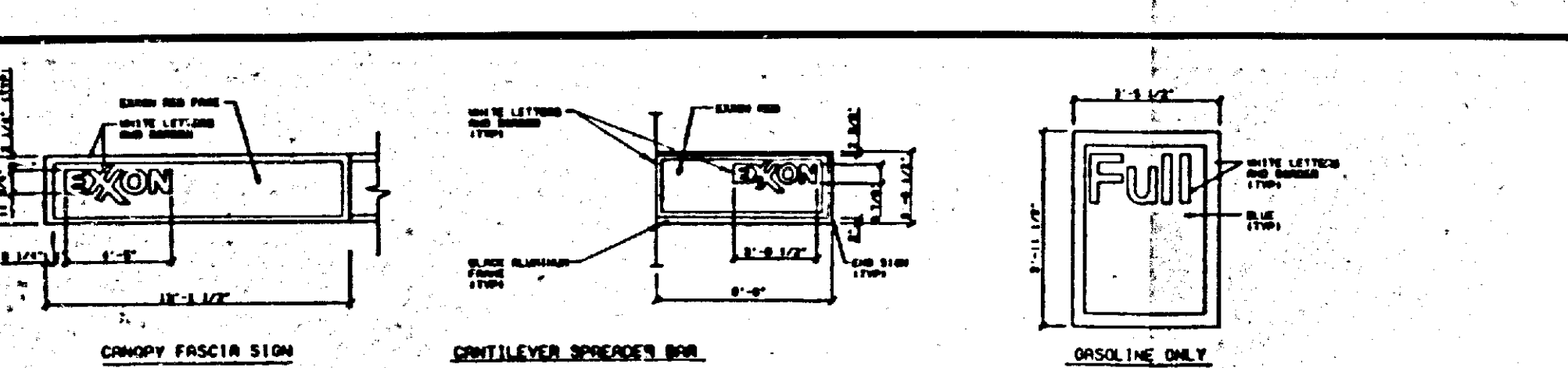
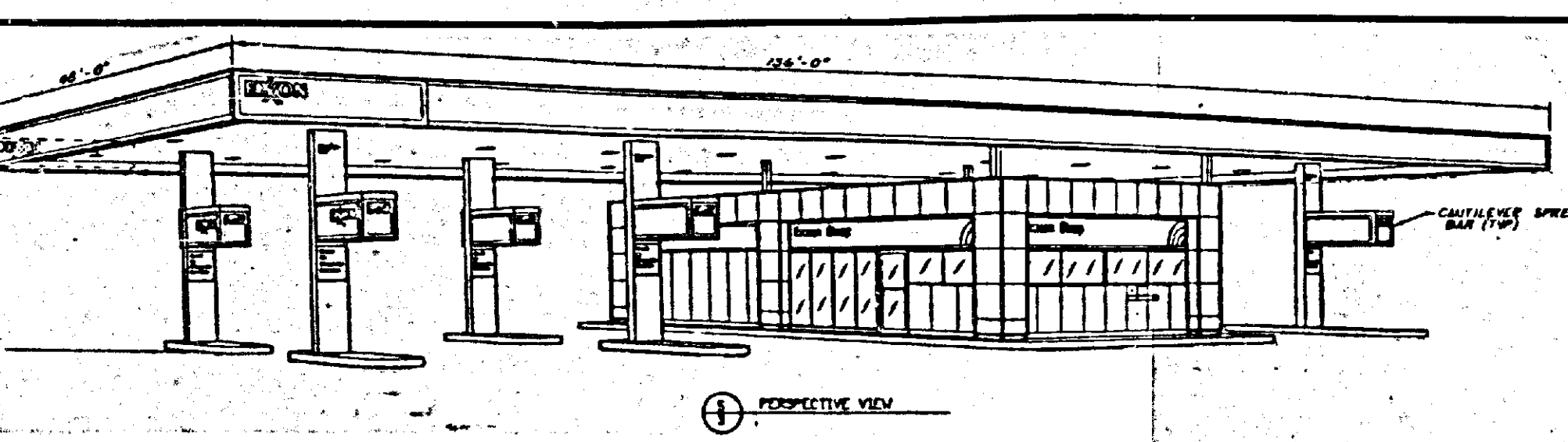
DRAWING NO.
764-53-015

SHEET NO.
2 OF 5

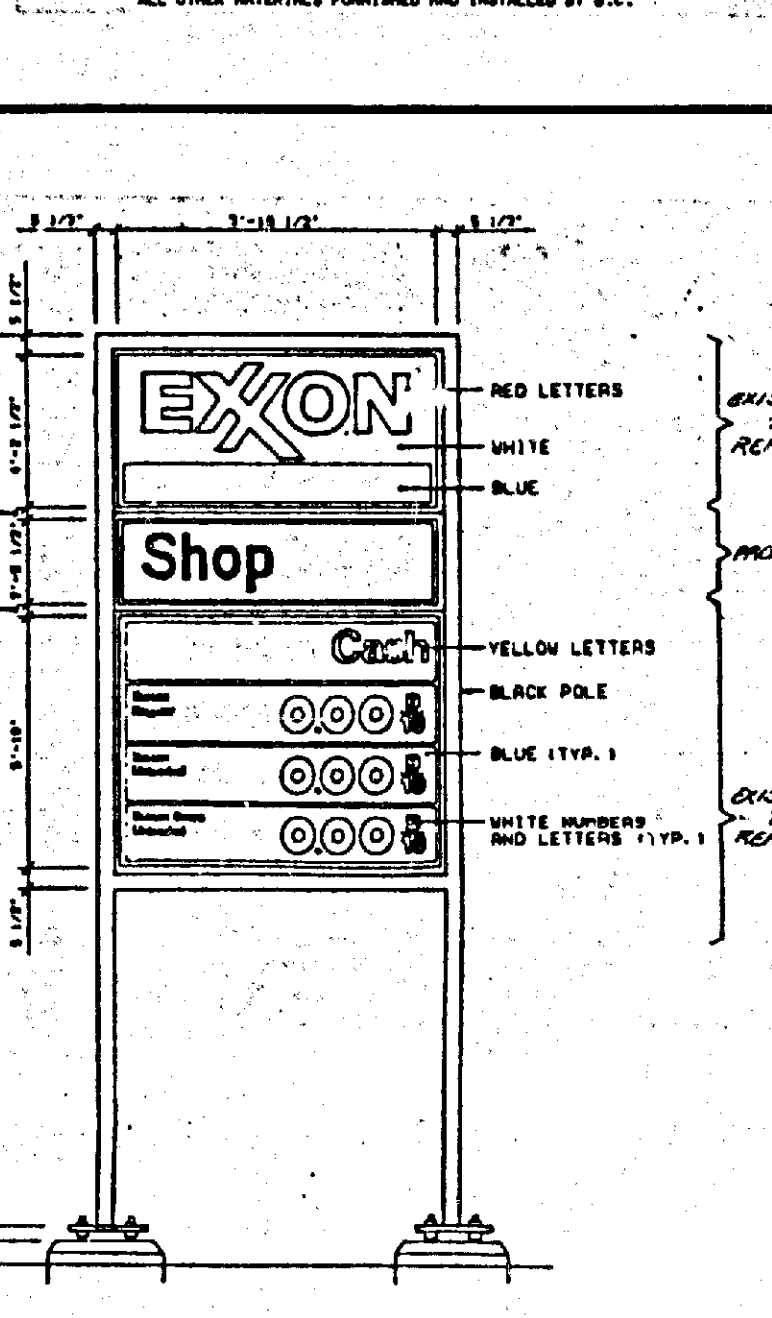
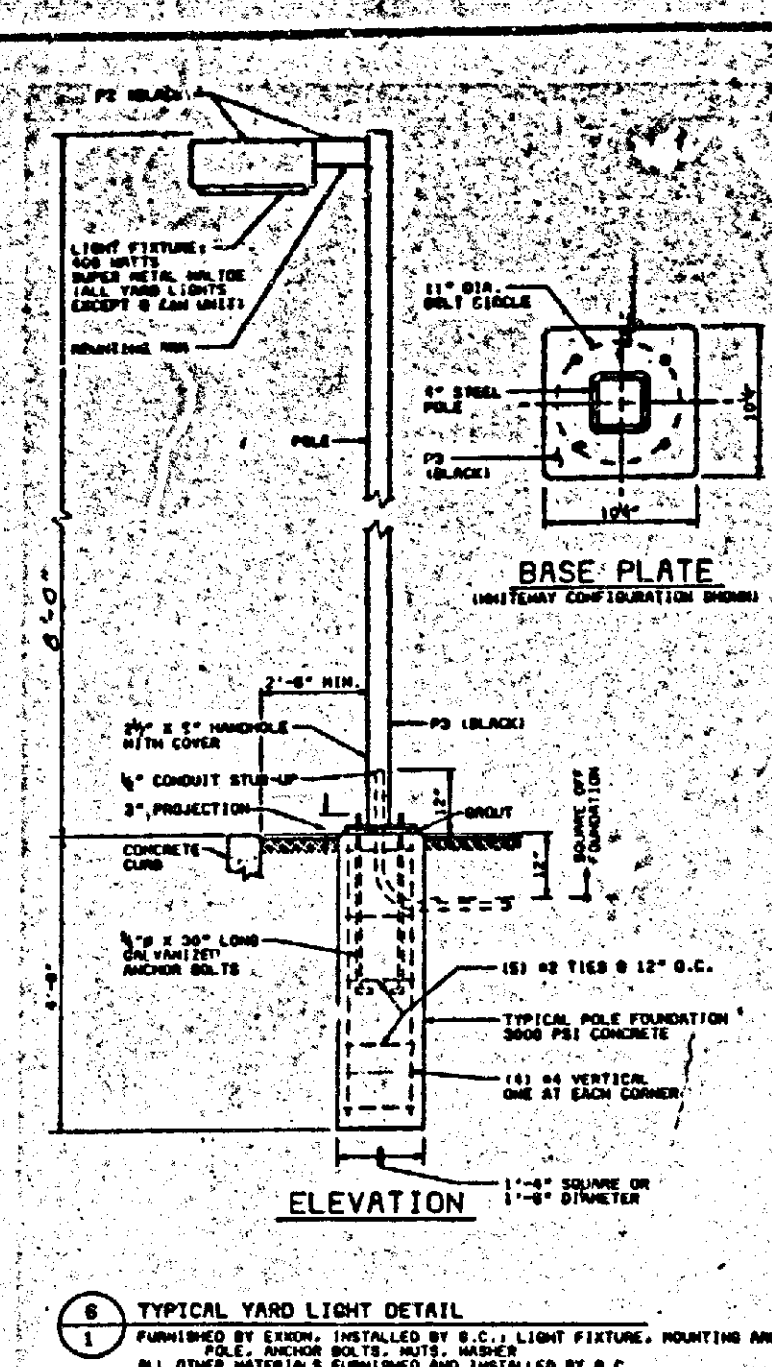
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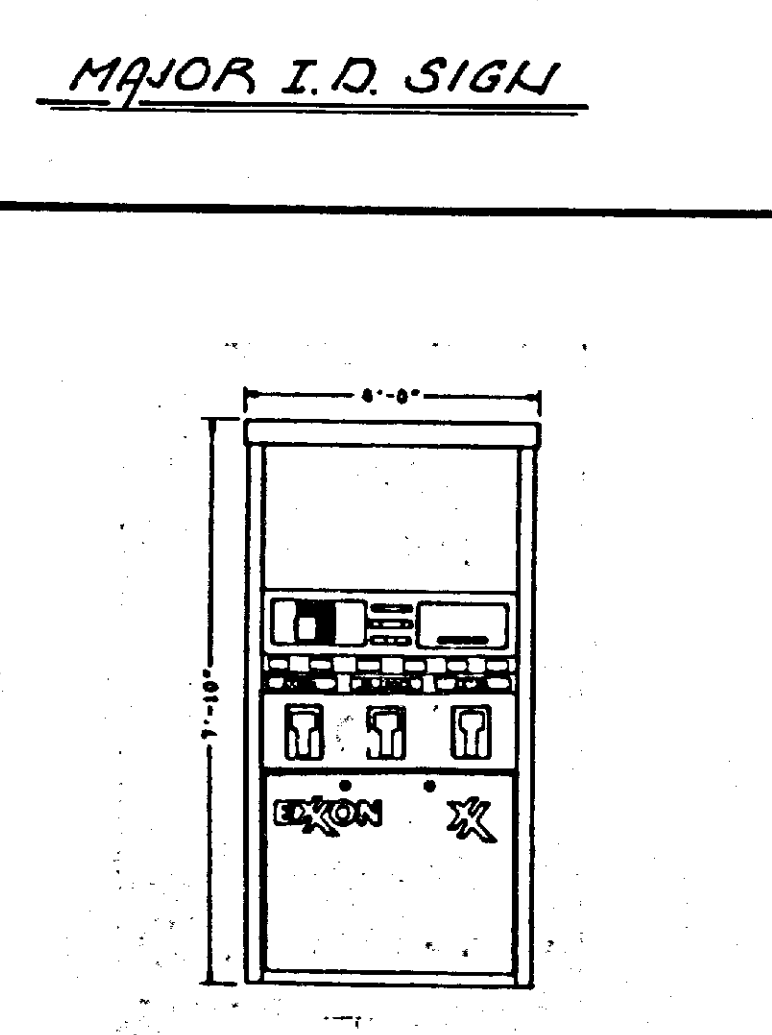
BUILDING ELEVATIONS



BUILDING FASCIA SIGNS



MAJOR I.D. SIGN



DISPENSER ELEVATIONS

OWNER & PETITIONER
EXXON COMPANY U.S.A.
 P.O. BOX 4415
 HOUSTON, TEXAS 77210
 PHONE: (713) 656-7770
 CONTACT: BILL VANCE

ZONING STATUS
 EXISTING ZONING: BL-CSS
 EXISTING USE: SERVICE STATION
 PROPOSED USE: SERVICE STATION W/ CONVENIENCE STORE (SPECIAL EXCEPTION)

PREVIOUS ZONING HISTORY
 CASE # 65-240-RX:
 2-6-65 - PETITION FILED FOR RECLASSIFICATION FROM R-10 TO BL-CSS. SPECIAL EXCEPTION FOR A FILLING STATION FOR SMITHMORE COMPANY.
 3-10-65 - ORDER FOR RECLASSIFICATION & SPECIAL EXCEPTION DENIED BY ZONING COMMISSIONER.
 3-17-65 - APPEAL FILED TO THE COUNTY BOARD OF APPEALS.
 4-3-65 - ORDER FOR RECLASSIFICATION GRANTED & THE SPECIAL EXCEPTION WITHDRAWN AT THE TIME OF HEARING.
 5-2-65 - APPEAL FILED BY PETITIONERS.
 12-9-65 - ORDER FOR THE RECLASSIFICATION GRANTED BY THE COUNTY BOARD OF APPEALS AND AFFIRMED BY THE CIRCUIT COURT JUDGE LESTER L. BARRETT.

CASE # 89-324-9:
 "VARIANCE TO PERMIT THE REPLACEMENT OF AN EXISTING NON-CONFORMING 184 S.F. I.D. SIGN AND POLE WITH A NEW 158.16 S.F. I.D. SIGN, IN LIEU OF THE PERMITTED 100 S.F. TOTAL FOR BOTH SIDES."
 3-18-88 - VARIANCE GRANTED BY ZONING COMMISSIONER WITH THE FOLLOWING RESTRICTION:
 1) THE PETITIONER MAY APPLY FOR HIS SIGN PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONER IS HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT HIS OWN RISK UNTIL SUCH TIME AS THE APPLICABLE APPEAL 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.

CASE # 89-471-SPHX:
 PETITION TO AMEND A SITE PLAN PREVIOUSLY APPROVED IN CASE NO. 65-240-RX, A SPECIAL EXCEPTION TO PERMIT A FOOD STORE USE WITH LESS THAN 5,000 S.F. IN COMBINATION WITH A C&A WASH IN AN EXISTING AUTOMOTIVE SERVICE STATION, AND A VARIANCE TO PERMIT A COMMERCIAL BUILDING ROUTING A RESIDENTIAL ZONE TO HAVE A REAR YARD SETBACK OF 13 FEET IN LIEU OF THE REQUIRED 20 FEET, AND 5 BUSINESS SIGNS TOTALLING 319.09 S.F. IN LIEU OF MAXIMUM PERMITTED 3 SIGNS TOTALLING 100 S.F.
 6-1-89 - PETITION DENIED BY ZONING COMMISSIONER.
 6-30-89 - APPEAL FILED BY PETITIONER.

AREA REQUIRED
 6 DISPENSER ISLANDS WITH MULTIPLE PRODUCT DISPENSERS (EXTRA, UNLEADED, EXXON) SERVING TWELVE CARS AT ONE TIME.
 TOTAL SERVING SPACES = 12
 TOTAL SPACES = 12

MINIMUM SITE AREA REQUIRED (12 SPACES) (3000 SF/SPACE) = 18,000 S.F.
 TOTAL AREA OF SITE = 62,102.6 S.F. = 1.45 AC.
 ADDITIONAL AREA REQUIREMENTS = (6)(TOTAL PUR. AREA) = (6)(319) = 1,914 S.F.
 TOTAL AREA REQUIRED = 20,914 S.F.

USE IN COMBINATION WITH SERVICE STATION
 1) FOOD STORE WITH LESS THAN 5,000 S.F. OF RETAIL SALES AREA.
 2) FLOOR AREA RATIO = $\frac{\text{OLDG. FLOOR AREA}}{\text{SITE AREA}} = \frac{1104}{62,103} = .018$

ACCESS POINTS
 ONE EXISTING & ONE PROPOSED -
 - 2-35' WIDE DRIVEWAYS ON GOUCHER BLVD.
 PROPOSED - 1-35' WIDE DRIVEWAY ON PUTTY HILL AVE.
 MINIMUM SITE WIDTH (ALONG GOUCHER BLVD) = 2(65) = 130 FEET
 ACTUAL SITE WIDTH = 488 FEET

LANDSCAPE
 KEY AREA MAP
 AREA "A" = 29,074 S.F.
 AREA "B" = 3,442 S.F.
 AREA "C" = 457 S.F.
 LANDSCAPE AREA REQUIRED = 3,155.1 S.F. (5% OF TOTAL TRACT)
 LANDSCAPE AREA PROVIDED = 32,973 S.F. (52% OF SITE)
 NOTE: LANDSCAPING TO BE MAINTAINED BY STATION OPERATOR.

PARKING
 PARKING SPACES REQUIRED: 5 SPACES PER 1000 S.F. FLOOR AREA = $\frac{1104 \times 5}{1000} = 5.52 \approx 6$ SPACES
 PARKING SPACES PROVIDED: 6 (INCLUDING 1 HANDICAP SPACE)

SIGN INFORMATION
 MAJOR I.D. SIGN
 EXISTING TO REMAIN - EXXON I.D. - 33.14 S.F./EA. SIDE (66.28 TWO SIDES)
 PROPOSED - SHOP ANCILLARY - 19.20 S.F./EA. SIDE (38.40 TWO SIDES)
 EXISTING TO REMAIN - PRICE - 45.94 S.F./EA. SIDE (91.88 TWO SIDES)
 TOTAL FOR MAJOR I.D. (INCLD. PRICE) = 98.28 S.F./EA. SIDE (196.56 TWO SIDES)
 PROPOSED - CANTILEVER SPREADER BAR
 EACH BAR - 19.77 S.F./EA. SIGN
 TOTAL: 4 BARS = 79.08 S.F.

ZONING NOTES

SETBACKS

	STREET R.O.W.	STREET 'E'
GOUCHER BLVD.		
MAIN BLDG.		
MIN. REQ'D.	35'	60'
PROPOSED	89'	109'
CANOPY		
MIN. REQ'D.	10'	35'
PROPOSED	42'	104'
PUMP ISLAND		
MIN. REQ'D.	15'	40'
PROPOSED	43'	107'
FREESTANDING SIGN		
MIN. REQ'D.	6'	31'
PROPOSED	6'	71'

PUTTY HILL AVE.

	STREET R.O.W.	STREET 'E'
GOUCHER BLVD.		
MAIN BLDG.		
MIN. REQ'D.	35'	60'
PROPOSED	162'	204'
CANOPY		
MIN. REQ'D.	10'	35'
PROPOSED	80'	133'
PUMP ISLAND		
MIN. REQ'D.	15'	40'
PROPOSED	98'	149'
FREESTANDING SIGN		
MIN. REQ'D.	6'	31'
PROPOSED	60'	109'

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SPECIAL EXCEPTION PLAN - DWG. # 3 OF 3

C.R.G. PLAN

OWNER & PETITIONER EXXON COMPANY U.S.A. P.O. BOX 4415 HOUSTON, TEXAS 77210 PHONE: (713) 656-7770 CONTACT: BILL VANCE	CONSULTANT FREDERICK WARD ASSOCIATES INC. 5 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 PHONE: (301) 638-7900 • (301) 879-2090 CONTACT: THOMAS MICHAEL	DATE	REVISIONS	BY	CHK	EXXON COMPANY, U.S.A. A DIVISION OF EXXON CORPORATION Real Estate & Engineering Marketing Department DATE 12/9/88 DRAWN BY R.O.S. CHK BY T.J.M. SCALE 1/8"=1'-0"	ELEVATION DETAILS & NOTES GOUCHER BOULEVARD & PUTTY HILL AVENUE ELECTION DISTRICT 9 • COUNCIL DISTRICT 4 TOWSON, BALTIMORE COUNTY, MARYLAND	PROJECT NO.
		12-14-87	ELEV. DETAILS & NOTES PLAN RE-DRAFTED	R.O.S.	T.J.M.			DISC NO.
								RAS NO. 2-7887
								DWG. NO. 3 OF 5