

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
SEC Golden Ring Road and Kenwood Avenue
6401 Golden Ring Road
14th Election District
6th Councilmanic District
Sol W. Reichner
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE # 90-286

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Petitioner herein requests a variance to the Petition for Special Exception, a food store in combination with a service station and a Zoning Variance from Section 405.4.D.8 to allow same with a site square footage of 17,935 square feet in lieu of the required 20,088 square feet, as more particularly described on Petitioner's Exhibits No. 1, 2 and 3.

The Petitioner, by Richard W. VonLuehrte, appeared, testified and was represented by William F. Monaghan, II, Esquire. Also appearing on behalf of the Petitioner was Richard Walsh, a Professional Engineer. Appearing as Protestants were Francis D. Mull and Paul J. Hinkleman.

Testimony indicated that the Petitioner is desirous of rehabilitating the existing service station on the subject site thereby creating a "Sunoco Food Market".

The parties to this hearing originally appeared on January 16, 1990, at which time the Petitioner was instructed that the hearing would have to be continued until January 30, 1990, as the Petitioner corporation appeared without counsel.

Mr. Richard Walsh, a Professional Engineer, indicated that the subject service station has existed for the past 35 years and has become an eyesore. He indicated that the Petitioner's proposal will greatly enhance the

aesthetics of this property and be harmonious with the surrounding community. He indicated that the facility will be open 24 hours for security purposes, but that all lighting on the subject facility will be directed down and away from adjacent properties.

Mr. Paul J. Hinkleman testified that his property adjoins the subject site and that he is concerned about light diffusion from the food store onto his property. The proposed location of the facility's dumpster, as indicated that currently the dumpster is located adjacent to his bedroom window and that the early morning trash removal disturbs the quiet enjoyment of his property. He also testified that he would like to see a privacy fence installed and maintained by Petitioner at the same length and height of the existing fence.

Mr. Francis D. Mull testified and essentially concurred with Mr. Hinkleman's testimony. He complained about the untidiness of the subject site. He testified that he would like to see the 8 foot privacy fence stop before reaching his property, so as not to block his view. He also testified that he would like to see appropriate landscaping around this site particularly along his property line in the nature of shrubbery, 6 feet high.

The Petitioner, in response to the Protestants' request, indicated that they would erect an 8 foot privacy fence and would stop said fence at Mr. Mull's property line to avoid blocking his view. The Petitioner also agreed to move the dumpster as far from the property line as possible and buffer the adjoining neighbors from the dumpster with an 8 foot privacy fence and appropriate vegetative buffer.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.N.S. zone by special exception. It is equally clear that the proposed use would

not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

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

The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

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

The Petitioner has also requested a variance from Section 405.4.D.8 to allow the subject food store in combination with a service station with a site square footage of 17,935 in lieu of the required 20,088 square feet.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his

property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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

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

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

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

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 12th day of February, 1990 that the Petition for Special

Exception for automotive service station and to permit a food store in combination with a service station and a Zoning Variance from Section 405.4.D.8 to allow same with a site square footage of 17,935 square feet in lieu of the required 20,088 square feet, in accordance with Petitioner's Exhibits No. 1, 2 and 3 be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner may apply for his building 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 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. All parking lot lighting shall be no more than 10 feet above-grade. All exterior lighting shall be directed downward and shall not diffuse onto any residential property.
3. The Petitioner shall submit to the Zoning Commissioner and the Landscape Planner for Baltimore County no later than March 30, 1990, a new site plan prepared by a Registered Professional Engineer and/or Land Surveyor which clearly identifies all buildings, existing and/or proposed, the location of the site dumpster, proposed fence and landscaping, and any other information as may be required to be a certified site plan.

J. Robert Haines
Zoning Commissioner for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

February 7, 1990

William F. Monaghan, II, Esquire
Law Offices
Goldstein and Byrne
20 W. Chase Street
Baltimore, Maryland 21201

RE: Petitions for Special Exception and Variance
Case #90-286-XA
Sol W. Reichner
Petitioner

Dear Mr. Monaghan:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm
att.
cc: Peoples Counsel
cc: Protestants

PETITION FOR SPECIAL EXCEPTION & VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-286-XA

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 in combination with a service station and a Variance from Section 405.4.D.8 to allow same with a site square footage of 17,935 sq. ft. in lieu of the required 20,088 square feet.

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.

Legal Owner(s):

Sol W. Reichner

(Type or Print Name)

Signature

(Type or Print Name)

Signature

P.O. Box 21311 301-886-3011

Phone No.

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

DATE 5-16-89 ACCOUNT R-07-615-000

AMOUNT \$ 200.00

RECEIVED Sun Towing & Trucking Co. \$500

FOR 94 Exception & Variance

VALIDATION OR SIGNATURE OF CASHIER

County, on the 11th day of May, 1989

J. Robert Haines
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING - 1/2 HR.
AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS

REVIEWED BY DATE 5-16-89

RECEIVED 5-13-1989

LEGAL DESCRIPTION
6401 Golden Ring Road

BEGINNING for the same at the corner formed by the intersection of the southeasterly line of Golden Ring Road, as laid out and now existing 40 feet wide, and the easterly line of Kenwood Avenue, as laid out and now existing 30 feet wide, and running thence as now surveyed, referring to the following courses to the true meridian as established by the Golden Ring Road and two following courses and distances viz: (1) Southerly 119.51 feet along the arc of a circle to the left having a radius of 219.70 feet and along chord bearing of South 53 deg. 02 min. 58 sec. East and a long chord distance of 118.04 feet southeasterly line of Golden Ring Road and binding for a part along the last line of that parcel of land which be dead dated July 6, 1957 recorded among the Land Records of Baltimore County, Maryland in Liber C.F. 3189 at Folio 131.5 sec. Conveyed by the Wilco Holding Company to Charles C. Ulch and Lydia Marie Ulch, his wife, and reversely along the First Line of that parcel of land which be dead dated January 30, 1946, recorded among the Land Records in Liber P.C. 1430 at Folio 455, was conveyed by Oscar S. Dosh and Julia Dosh, his wife, to Charles H. White Jr. and Helen B. White, his wife, South 30 deg. 05 min. 35 sec. West 202.85 feet to a point on the easterly line of Kenwood Avenue, thence binding along the easterly line of Kenwood Avenue, thence the two following courses and distances viz: (1) Southerly 145.86 feet along the arc of a circle to the right having a radius of 736.7 feet and along chord bearing of North 17 deg. 44 min. 27 sec. West and a long chord distance of 118.9 feet, and (2) North 06 deg. 00 min. 00 sec. West 105.4 feet to the place of beginning containing 22,620 square feet more or less.

Excepting therefrom those lands lying within the right-of-way of Golden Ring Road and Kenwood Road, constituting 4702 sq. ft. as shown on Plan No. 59-217 of the Baltimore County, Department of Public Works, Bureau of Land Acquisition, attached hereto and made a part hereof. Net area remaining 17,917 sq. ft.

Plan Date: 8/8/88
Comments For: 8/13/90
Comments Date: 7/27/90
Revised Comments: 7/30/90
Revised Comments: 9/1/90

On 9/4/90, the developer's engineer, Kathy Roth of E.R.M. (Annapolis), contacted this Office with information concerning zoning public hearings on this site (zoning case #90-286-XA). These revised comments are based on this new information.

The zoning hearing and C.R.G. plans have been reviewed by this office for general compliance with the Baltimore County Zoning Regulations. The following comments identify details necessary in order to determine compliance with these requirements. When these standard and nonstandard details and information is available or provided, it shall be the responsibility of the owner, developer or developer's engineer to rectify all comments (whether previously identified or not) well in advance of any expected final zoning approvals. The intent of the developer must be clear on the C.R.G. plan and any zoning requirements, restrictions and details must be addressed on the C.R.G. plan. When the public hearing was requested, the assistance received at the time of filing the zoning petition and the following zoning staff comments, although they relate to the property, are not to be construed as definitive nor do they indicate the appropriateness of the previous and any possible future public hearing requests. (See copy of letters from John J. Sullivan, Jr. dated 5/18/89 and 10/6/89.)

Petitions are routinely reviewed by the associates for completeness and proper form and suggestions may be made to the applicant so that a proper and accurate application is made addressing the zoning issues as presented at the review. Obviously the staff will endeavor to review the petition as presented to be as complete as possible with the time available, but there is no stigma or responsibility either implied or conferred upon the associates to completely correct the application and address all zoning conflicts and issues on the property.

Environmental Resources Management, Inc.
118 Defense Highway • Suite 300 • Annapolis, Maryland 21401 • (301) 266-0006

RECEIVED
SEP 6 1990
ZONING OFFICE

5 September 1990
Mr. John Lewis
Baltimore County Zoning
111 W. Chesapeake
Towson, MD 21204

File No.: S0009-01-01

Re: Sunoco 897A
6401 Golden Ring Rd.
Waiver No.: W-89-137
Dunn's: 0003-4454

Dear Mr. Lewis:

I spoke with Mr. Les Schreiber of Public Services regarding putting the zoning history on the plan as you and I discussed yesterday. Mr. Schreiber agreed that it would be okay for me to send you an addendum to the plan for this zoning history. However, I should add this zoning history to the plans after I receive your comments and prior to my submittal of the final CRG plans for signature.

A summary of the zoning history is provided below and pertinent documents are provided as enclosures. This information is provided as an addendum to the plans:

- Special Exception Application made 5/16/89.
- Public Hearing: 1/16/90 and 1/30/90, Case #90-286-XA.
- Approved Special Exception and Zoning Variance Letter from Baltimore County 2/7/90.

If you require any additional information please contact me at (301) 266-0006. I look forward to your comments so that I may revise the plans according to your comments as well as the other agencies comments.

Sincerely,
Kathy Roth, Esq.
Kathy J. Roth, P.E.
Agent for Sun R&M Company

The Environmental Resources Management Group with offices worldwide

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

December 8, 1989

NOTICE OF HEARING

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

Petitions for Special Exception and Zoning Variance
CASE NUMBER: 90-286-XA
SEC Golden Ring Road and Kenwood Avenue
6401 Golden Ring Road
14th Election District - 6th Councilmanic
Petitioner(s): Sol M. Reicher (Sun Refining & Marketing Co.)
HEARING: TUESDAY, JANUARY 16, 1990 at 11:00 a.m.

Special Exception: A food store in combination with a service station.
Variance: To allow same with a site square footage of 17,935 sq. ft. in lieu of the required 20,008 sq. ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Sol M. Reicher
Richard W. Vorluehrte

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

January 16, 1990

NOTICE OF CONTINUANCE

CASE NUMBER: 90-286-XA

PETITIONER: Sol M. Reicher

LOCATION: SEC Golden Ring Road and Kenwood Avenue
6401 Golden Ring Road

HEARING OF THE ABOVE MATTER, WHICH BEGAN ON January 16, 1990, WILL CONTINUE ON TUESDAY, JANUARY 30, 1990 at 12:30 p.m.

THIS CONTINUED HEARING WILL TAKE PLACE IN ROOM 106 OF THE COUNTY

OFFICE BUILDING, 111 W. Chesapeake Avenue, Towson, Maryland 21204

Baltimore County Zoning Office

Copies to:

Francis D. Mull
Paul J. Hinkleman
Sol M. Reicher
Richard W. Vorluehrte
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

February 7, 1990

Dennis F. Rasmussen
Dennis F. Rasmussen
County Executive

William F. Monaghan, II, Esquire
Law Offices
Goldstein and Byrne
20 W. Chase Street
Baltimore, Maryland 21201

RE: Petitions for Special Exception and Variance
Case #90-286-XA
Sol M. Reicher
Petitioner

Dear Mr. Monaghan:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
att: Peoples Counsel
cc: Protestants

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 22, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 21, 1989.

THE JEFFERSONIAN,

S. Zane Olson
S. Zane Olson
Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

March 7, 1990

Dennis F. Rasmussen
Dennis F. Rasmussen
County Executive

Mr. Francis D. Mull
6405 Golden Ring Road
Baltimore, Maryland 21237

RE: Sol M. Reicher, Petitioner
Case No. 90-286XA

Dear Mr. Mull:

Receipt of your letter, dated February 23, 1990 is hereby acknowledged. Please be advised that I have placed your letter in the case file and will make it part of the file for future reference.

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

JRH:mmm

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 20, 1989.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zane Olson
S. Zane Olson
Publisher

RECEIVED
FEB 27 1990
ZONING OFFICE

February 23, 1990

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

Attn: J. Robert Haines
Zoning Commissioner

Re: Petitions for Special Exception
and Zoning Variance
SEC Golden Ring Road and Kenwood Avenue
6401 Golden Ring Road
14th Election District - 6th Councilmanic District
Sol M. Reicher, Petitioner
Case #90-286-XA

Dear Mr. Haines:

I wish to make a correction in the findings of fact and conclusions of law. In the 3rd paragraph of the findings of fact, the 3rd paragraph states that "Francis Mull would place a 6 foot high fence to stop before reaching his property." This is incorrect.

I would like to make it known to all parties that the correction should be made as follows:

The 8 foot high privacy fence which will start at Kenwood Avenue and extend along Mr. Hinkleman's property toward Golden Ring Road, and just past the ending of the existing fence, a distance of 26 feet past the property line which divides the Mull and Hinkleman properties, and stop at or very near the rear corner of the Mull house. The balance of the paragraph is correct. "Appropriate landscaping around this site particularly along his property line in the nature of shrubbery, 6 feet high."

Very truly yours,

FRANCIS D. MULL

90-286XA

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
FRANCIS D. MULL	6405 GOLDEN RING RD
FRANCIS D. MULL	BALTO MD 21237
PAUL J. HINKLEMAN	2404 KENWOOD AVE
PAUL J. HINKLEMAN	BALTO MD 21237

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner

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

SUBJECT: Zoning Petition No. 90-286

DATE: January 30, 1990

Staff met with Vincent P. Walsh, a field engineer with Sun Refining and Marketing Company, to discuss this office's revised comments of January 23, 1990. Mr. Walsh stated that compliance with comments of January 23, 1990 would be feasible. However, all but the first recommended restriction would be feasible. However, since a prefabricated 24' X 53' modular food mart building is planned for the site, a pitched roof and dark brick treatment would not be practical.

Based upon our meeting with Mr. Walsh, staff recommends that the conditions outlined in our January 23, 1990, comments be attached with the exception of the first condition.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

RECEIVED
JAN 31 1990
ZONING OFFICE

IN THE MATTER OF SW/S I-795 B/W CHURCH ROAD AND PLEASANT HILL ROAD

4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

RIPARIUS DEVELOPMENT CORPORATION

PETITIONER

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

CASE NO.: 90-286-SPHA

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Zoning Commissioner of Baltimore County at the hearing for the matter captioned above on Wednesday, January 24, 1990 at 9:30 a.m. in Room 106, located at the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Commissioner.

Witness: Patrick Keller, Deputy Director
Address: Baltimore County Office of Planning and Zoning
New Courts Building
401 Bosley Avenue
Towson, Maryland 21204

ROBERT A. HOFFMAN
Venable, Baetjer and Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(301) 823-4111

The witness named above is hereby ordered to so appear before the Zoning Commissioner of Baltimore County. The Commissioner requests the Sheriff to issue the summons set forth herein.

Cost: \$
Summoned: 19
Not Served: 19
Sheriff of Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning and Zoning

July 10, 1991

Mr. Wayne H. Hicks
Construction Manager
Sun Refining and Marketing Co.
4041 Market Street
Aston, Pa. 19014

RE: Zoning Review of Possible Special Hearing Requirements and Zone Line Location

Dear Mr. Hicks:

This letter is in reference to your correspondence, dated June 6, 1991, submitted to this office requesting clarification on two questions. The first is if a special hearing is required to determine the status of the service station use... while the second concerns the location of a DR 16 zone line which appears to be located on part of the site and how this issue is to be corrected.

According to the information provided, this site was approved for a service station under building permit #59216, dated December 1, 1959, and also for a use in combination food store under zoning hearing Case #90-286-SPHA. Therefore, this office will accept the service station with a use in combination food store both as permitted uses and will also agree with the location of the DR 16 zone lines as shown on the approved zoning hearing site plan.

Please be aware that other zoning requirements to be addressed for zoning CRG approval are to include, but not necessarily limited to the zoning CRG Waiver Comments on W-89-127. All other outstanding site deficiencies must be corrected prior to final zoning approvals.

0216-22,620 #
PLOT - 17,917.26 SQ. FT. 41 ACRES

NOTE: Coordinates shown on this plot are based upon the Baltimore County Metropolitan District System Stations & Values, used are as follows:
N1572A27 52123100
N1572A27 52123100
N1572A27 52123100

APPROVED: [Signature]
DATE: 1-8-1990

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF LAND ACQUISITION

BUREAU OF LAND ACQUISITION

PLAN TO ACCOMPANY RIGHT-OF-WAY AGREEMENT

WILLIAM D. PURDUM
CONSULTING ENGINEER OF SURVEY
1252 N. W. 10th St.
Towson, MD 21204

DATE: 1-8-1990

DIVISION OF DRAFTING

DATE: 1-8-1990

SCALE: 1"=50'

1.05.2W-75

DISTRICT 14

NRW 55-217

Check-out Area

PETITIONER'S EXHIBIT 3

Better yet, call this area your control center. And like every other area of the Suncoast Food Mart operation, it has been precisely planned for maximum return with minimum effort.

tips, and from this prime vantage point you can easily view the pump island area as well as the store interior. This is one operation that really puts you in command.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 4, 1990

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

Mr. Sol M. Reichler
P.O. Box 21311
Pikesville, MD 21208

RE: Item No. 500, Case No. 90-286-XA
Petitioner: Sol M. Reichler
Petition for Special Exception

Dear Mr. Reichler:

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,
[Signature]
JAMES K. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Richard W. Vonluhrte
1031 Squire Drive
West Chester, PA 19382

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3393

J. Robert Haines
Zoning Commissioner

Received By: [Signature]
J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this 1st day of November, 1989.

Petitioner: Sol M. Reichler
Petitioner's Attorney:

**Maryland Department of Transportation
State Highway Administration**

December 18, 1989

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

Re: Baltimore County
Sunoco Station
Sol M. Reicher Property
Zoning Meeting
of 10-31-89
S/E/C of Golden Ring Rd.
(MD 588) and Kenwood Ave.
(Item #500)

Dear Mr. Haines:

After reviewing the submittal for a special exception for a food store in combination with a service station, we find the plan acceptable.

If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,

Charles Rose
Charles Rose, Acting Chief
Engineering Access Permits
Division

L.B:mau

cc: Sun Refining & Marketing Company
Mr. J. Ogle

RECEIVED
NOV 22 1989
ZONING OFFICE

My telephone number is (301) 333-1350 (Fax #333-1041)

Teletypewriter for Impaired Hearing or Speech
333-7555 Baltimore Metro - 333-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21202-0717

Richard H. Trainor
Secretary
Neil Kasper
Administrator

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: December 15, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Sol M. Reicher, Item 500
Zoning Petition No. 90-286

The Petitioner requests a Special Exception and Variance to permit a food store in combination with a service station and to allow same with a site square footage of 17,935 sq. ft. in lieu of the required 20,088 sq. ft.

The Petitioner's plat is difficult to read because it contains extraneous information; consequently, staff is unable to properly analyze this request. A review of the file indicates sufficient time was available to revise the required plans.

Furthermore, staff questions how any agency or interested party can provide comments prior to the hearing since the Petitioner has indicated a revised plat will not be filed until the day of the hearing.

Based upon the information provided and the analysis conducted, staff recommends the Petitioner's request be denied.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 337-3211.

PK/JL/cmm

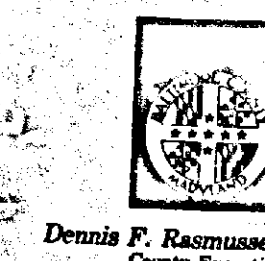
DEC 18 1989

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

November 9, 1989

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

RECEIVED
NOV 16 1989
ZONING OFFICE



Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 131, 132, 133, 134, 136, 137, 138, 139, 140, and 141.

MSF/lab

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

**BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT**

10/30/89
Date

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

Zoning Item # 500, Zoning Advisory Committee Meeting of October 31, 1989

Property Owner: *Sol M. Reicher (Sunoco)*
Location: *1401 Golden Ring Road* District: *14*
Water Supply: *metro* Sewage Disposal: *metro*
COMMENTS ARE AS FOLLOWS:

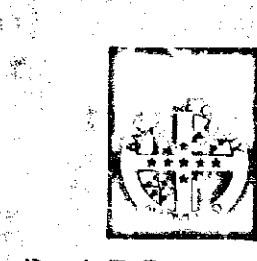
- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () 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 chiller/boiler general which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 887-4500 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 13-111 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 887-3745.
- () Others _____

Charles Rose
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Baltimore County
Fire Department
800 Oak Road
Towson, Maryland 21204-338
(301) 887-4800

Paul H. Reicher,
Chief

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



RE: Property Owner: SOL M. REICHER
Location: SEC Golden Ring Road and Kenwood Ave.
(#6401 Golden Ring Road)
Item No.: 500 Zoning Agenda: 10/31/89

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

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

CRG 11
ALL SELF-SERVICE STATIONS SHALL HAVE 1 ATTENDANT ON DUTY WHILE THE STATION IS OPEN TO THE PUBLIC. THE ATTENDANT'S PRIMARY FUNCTION SHALL BE TO SUPERVISE, OBSERVE, AND CONTROL THE DISPENSING OF CLASS 1 LIQUIDS WHILE ACTUALLY BEING DISPENSED. NFPA 30, 1987 ED., SEC 7-8.4.3 AND SEC 7-8.4.4.

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", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Reicher* Noted and Approved *Paul H. Reicher*
Planning Group Fire Prevention Bureau
Special Inspection Division

NOV 27 1989

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: January 23, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Sol Reicher, Item 500
Zoning Petition No. 90-286

RECEIVED
JAN 26 1990
ZONING OFFICE

Staff has met with Vincent P. Walsh, a field engineer with Sun Refining and Marketing Company to discuss the office's December 15, 1989 comments. Mr. Walsh provided a plat that had been highlighted to emphasize the planning and zoning aspect of the plan.

Based upon review of the revised plan, staff offers the following comments:

- The proposed building should be constructed with a pitched roof and dark brick exterior or similar quality finish.
- Any lighting fixtures used for illumination and security purposes should be arranged to reflect the light away from adjacent residential properties and public streets.
- No outdoor display of retail merchandise shall be permitted.
- Temporary signs or seasonal banners shall not be permitted.
- Dumpsters should be screened from public view.
- The Petitioner shall submit a landscape plan to the Deputy Director of the Office of Planning and Zoning prior to the issuance of any building permits. The plan should include the planting of street trees along Golden Ring Road and Kenwood Avenue.
- A note shall be included on the landscape plan indicating that any planting provided in the public right-of-way shall be maintained by the Petitioner.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 337-3211.

PK/JL/cmm

JAN 26 1990

**CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland**

District: *14th* Date of Posting: *1/24/90*
Posted for: *Special Exception & Variance*
Petitioner: *Sol M. Reicher (Sunoco Refining & Marketing Co.)*
Location of property: *Sol M. Reicher, 1401 Golden Ring Rd. & Kenwood Ave.*
Location of Sign: *Along Kenwood Ave. between 14th & 15th Aves.*
Remarks: _____
Posted by: *Paul H. Reicher* Date of return: *1/24/90*
Number of Signs: *2*

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
(301) 887-3333

DATE: *1-4-90*

Dear Mr. Reicher:

Please be advised that \$425.00 is due for advertising and posting for the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING STAMP

RETURNED BY THE PAYOR

RECEIVED

BALTIMORE COUNTY

ZONING COMMISSIONER

COUNTY OFFICE BUILDING

TOWSON, MARYLAND 21204

DATE: _____

RECEIVED

BALTIMORE COUNTY

ZONING COMMISSIONER

COUNTY OFFICE BUILDING

TOWSON, MARYLAND 21204

DATE: _____

RECEIVED

BALTIMORE COUNTY

ZONING COMMISSIONER

COUNTY OFFICE BUILDING

TOWSON, MARYLAND 21204

DATE: _____

RECEIVED

BALTIMORE COUNTY

ZONING COMMISSIONER

COUNTY OFFICE BUILDING

TOWSON, MARYLAND 21204

DATE: _____

RECEIVED

BALTIMORE COUNTY

ZONING COMMISSIONER

COUNTY OFFICE BUILDING

TOWSON, MARYLAND 21204

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

December 8, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

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

Petitions for Special Exception and Zoning Variance
CASE NUMBER: 90-286-XA
SEC Golden Ring Road and Kenwood Avenue
14th Election District - 6th Councilmanic
Petitioner(s): Sol M. Reicher (Sun Refining & Marketing)
HEARING: TUESDAY, JANUARY 16, 1990 at 11:00 a.m.

Special Exception: A food store in combination with a service station.
Variances to allow same with a site square footage of 17,523 sq. ft. in lieu of the required 20,000 sq. ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office on the date of the hearing set above or presented at the hearing.

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Sol M. Reicher
Richard W. VonLuehrte

BALTIMORE COUNTY, MARYLAND Inter-Office Correspondence

October 19, 1989

TO: J. Robert Haines
Zoning Commissioner and
Ann Westarowicz
Deputy Zoning Commissioner

FROM: John J. Sullivan, Jr.
Planning & Zoning Associate III

SUBJECT: Petition for a Special Exception and Variance
6401 Golden Ring Road, Item #500

During a meeting today in my office, Mr. VonLuehrte stated that it is a very difficult and lengthy process to have plans revised and therefore does not wish to remove the numerous unnecessary (non-zoning) notes and details from the submitted site plan per my requests in my letters. Mr. VonLuehrte stated that the plans contain much information as required by all County agencies and that these types of plans are accepted by many other local and non-local jurisdictions. However, he added that he would highlight the zoning information on a site plan which he will bring to the hearing.

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

January 16, 1990

NOTICE OF CONTINUANCE



Dennis F. Rasmussen
County Executive

CASE NUMBER: 90-286-XA

PETITIONER: Sol M. Reicher

LOCATION: SEC Golden Ring Road and Kenwood Avenue
6401 Golden Ring Road

HEARING OF THE ABOVE MATTER, WHICH BEGAN ON JANUARY 16, 1990, WILL CONTINUE

ON TUESDAY, JANUARY 30, 1990 AT 12:30 P.M.

THIS CONTINUED HEARING WILL TAKE PLACE IN ROOM 106 OF THE COUNTY

OFFICE BUILDING, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

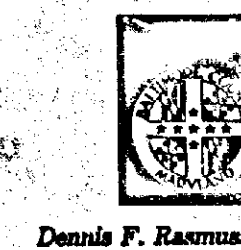
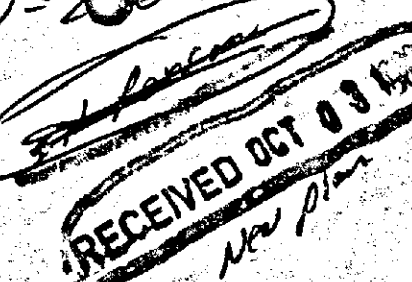
Baltimore County Zoning Office

Copies to:

Francis D. Mull
Paul J. Hinkelman
Sol M. Reicher
Richard W. VonLuehrte
File

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

May 18, 1989



Dennis F. Rasmussen
County Executive

Richard W. VonLuehrte
1031 Squires Drive
West Chester, PA 19382

RE: Petitions for Zoning Hearings
145 Back River Neck Road and
6401 Golden Ring Road
Item Nos. 501 & 500, respectively

Dear Mr. VonLuehrte:

A review of your petitions found that all of the required information is not on the submitted site plans. Enclosed are 20 copies of the submitted "Plot Plan" and 6 copies of the "Zoning Description" (deeds), as well as highlighted copies of Section 405.4.A.1 and .2, 405.3.a and 405.4.D.8 of the Baltimore County Zoning Regulations (B.C.Z.R.) which pertain to information and calculations, all of which must be clearly shown on the site plans. Also see the enclosed checklist for required information for site plans. Correct zoning from R-6 to D.R.-5.5 and election districts. Additionally, the lot size on the zoning descriptions and site plans must agree. I am retaining the petition forms and the 20 copies of the "Miscellaneous Details and Elevation" plans in our files. Include prior zoning hearing, which permitted 241.6 sq. ft. (dual faced) sign at 6401 Golden Ring Road.

If you have any questions, please do not hesitate to call me at 887-3391.

Very truly yours,

John J. Sullivan, Jr.
John J. Sullivan, Jr.
Planning & Zoning Associate III

JJS:scj

Enclosures

cc: file

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

October 8, 1989



Dennis F. Rasmussen
County Executive

Richard W. VonLuehrte
1031 Squires Drive
West Chester, Pa. 19382

RE: Petitions for Zoning Hearings
145 Back River Neck Rd. &
6401 Golden Ring Road
Item Numbers 500 & 501
Respectively.

Dear Mr. VonLuehrte:

On October 3, 1989, I received the revised site plans for Item #501; however, there remains numerous unnecessary items (for zoning purposes) on the plan, which hinder "zoning hearing" clarity while the information regarding this site per Sections 405.3a, 4.A.1, & 2 and 4.D.8 in my letter to you dated May 18, 1989 are not shown anywhere on the site plans. Additionally, all petition forms are being returned for the zoning requests to be added then returned. A revision fee of thirty-five (\$35.00) dollars per site is required.

Lastly, these partial petitions were accepted in good faith on May 18, 1989 with the assumption that revisions would be received in a timely fashion. Consequently, per J. Robert Haines, Zoning Commissioner, if all requested information concerning both sites is not received within fifteen (15) days, the petitions will be dismissed and the monies not refunded.

If you have any questions, please do not hesitate to call me at 887-3391.

Very truly yours,

John J. Sullivan, Jr.
John J. Sullivan
Planning & Zoning Associate

JJS:jat
cc: J. Robert Haines

BALTIMORE COUNTY, MARYLAND Inter-Office Correspondence

TO: J. Robert Haines
Zoning Commissioner

FROM: John J. Sullivan, Jr.
Planning & Zoning Associate

SUBJECT: Revision Fee - Item #500, Golden Ring Road

At the time of the appointment, Mr. VonLuehrte had two petitions scheduled for one time slot. Consequently, because of this fact plus the fact that the appointments were already running late I did not review the petition thoroughly. As such I did not charge a revision fee as it was my fault for originally accepting the petition and plan.

