

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION - NW/Co. Harford and Joppa Roads 9th Election District 6th Councilmanic District Estate of Sol Goldman, et al Petitioners

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-314-SPHX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the previously approved site plan in Case No. 78-130-X and Restriction No. 2 thereof, and a special exception to permit a food store use in combination with an existing gasoline service station, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Thomas J. Grem of Crown Central Petroleum Corporation, Contract Lessee, appeared, testified, and were represented by Andrew Lapaowker, Esquire. Also appearing on behalf of the Petitioners were Michael P. Malone, Engineering Manager for Crown Central Petroleum Corporation, Karen W. Nace, Dealer. Appearing as interested parties were Richard W. Daw, on behalf of the Cub Hill Improvement Association. There were no Protestants.

Testimony indicated that the subject property consists of 38,236 sq. ft. zoned B.L.-C.N.S. and is improved with a gas and go service station. Said property was the subject of previous Case No. 78-130-X in which Petitioners were granted a special exception for the service station use on July 19, 1978, subject to restrictions. Thereafter, in Case No. 78-1501-A, the property was granted a sign variance for the existing stand-alone sign located on the corner of Joppa and Harford Roads. Testimony indicated Petitioners are desirous of constructing a building

on the subject property for use as a convenience food store, of which 1800 sq. ft. would be devoted to the sales area with the remaining portion used for storage and office space. Testimony indicated the existing kiosks would be removed and a new 4' x 24' dispenser island with two pumps installed.

Proffered testimony indicated that Ms. Nace has been the dealer for Crown Central Petroleum Corporation at this location for the past 4 years and is on the property on a regular basis throughout each day. Testimony indicated the proposed amendment and the addition of the express food mart would not result in any detriment to the health, safety or general welfare of the surrounding community and would comply with the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Mr. Grem, who is Crown's Field Service Representative for the State of Maryland, testified that the majority of the potential customers of the express mart would be existing gasoline customers and/or individuals who travel on the adjoining streets. Mr. Grem indicated that individuals who would be coming to the express mart without it being on their regular driving path would be limited to those traveling during late hours or early morning and not at peak traffic times.

Testimony presented indicated the Petitioners would be willing to comply with all the requirements of the Office of Planning as set forth in their comments dated January 25, 1990, as well as all other requirements of the Zoning Plans Advisory Committee, including, but not limited to, the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), Bureau of Water Quality, dated December 7, 1989.

Petitioners have requested a modification to Restriction No. 2 of Case No. 78-130-X which states as follows:

- 2 -

"2) The subject property shall be developed in strict conformity with the site development plan submitted to this Board as Petitioner's Exhibit 1, particularly as said plan notes in detail shrubbery and landscaping."

A review of the site plan introduced at that time would indicate that the property to the rear and west sides of the subject site was zoned D.R. 16. Currently, the property to the rear is zoned R.O. and the property to the west is zoned B.L. Commercial and has been developed with an office park known as the Carney Center. In their comments dated January 25, 1990, the Office of Planning indicated they would not oppose Petitioners' request provided their detailed comments and suggestions regarding landscaping, location of fencing, dumpster, and parking spaces, are followed. Said comments have been attached hereto and made a part of this Order.

Mr. Daw, who is on the Board of Directors for the Cub Hill Improvement Association, appeared in opposition to Petitioners' request. He testified the Association fears the proposed food mart will create traffic congestion in the area. To support his position, Mr. Daw noted that the Carney Center's use was restricted from use as doctors' offices by the Zoning Commissioner in a prior hearing. Further, he indicated that there were a number of convenience stores within a 3-mile radius of the subject property.

Petitioners indicated that the proposed express mart would have half the sales area of that traditionally devoted to food marts as in the case of 7-Elevens. Petitioners conceded that the proposed sales area was greater than 500 sq. ft. However, it was also noted that Petitioners have 1800 sq. ft. in other food marts throughout Maryland and up to 2800 sq. ft. devoted to express marts in other states.

It is clear that the B.C.Z.R. permits the use proposed, service station with a use in combination food store, in a B.L.-C.N.S. zone by

- 3 -

special exception and that a special exception for a service station has been previously granted. It is equally clear that the proposed use would not 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.

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. 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 relief requested herein should be granted with certain restrictions as more fully described below. Clearly, the surrounding uses have changed since the restrictions imposed in Case No. 78-130-X which support the requested modification to the approved site plan.

- 4 -

ORDER RECEIVED FOR FILING
Date: 3/2/90
By: [Signature]

ORDER RECEIVED FOR FILING
Date: 3/2/90
By: [Signature]

ORDER RECEIVED FOR FILING
Date: 3/2/90
By: [Signature]

ORDER RECEIVED FOR FILING
Date: 3/2/90
By: [Signature]

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of March, 1990 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 78-130-X and Restriction No. 2 thereof, and the Petition for Special Exception to permit a food store use in combination with an existing gasoline service station, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order is has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Prior to the issuance of any permits, Petitioners shall submit a landscaping plan for approval by the Baltimore County Landscape Planner and the Deputy Director of Planning in the Baltimore County Landscape Manual. Further, Petitioners shall provide screening from the 14 additional parking spaces nearest Harford Road to the corner of the property at the rear of the building.
- In light of Petitioners' failure to comply with the landscaping requirements set forth in Case No. 78-130-X, prior to the issuance of any occupancy permits, Petitioners shall comply with the landscaping plan as approved in conformance with Restriction No. 2 set forth above, unless parts of the plan cannot be completed due to weather conditions which shall be determined by the Deputy Director of Planning in his sole discretion.
- Petitioners shall comply with the requirements of the Office of Planning as set forth in their comments

dated January 25, 1990, and the requirements of the Department of Environmental Protection and Resource Management, Bureau of Water Quality, as set forth in their comments dated December 7, 1989, both of which have been attached hereto and made a part hereof.

- The trash dumpster shall be relocated from the proposed location to an area closer to the parking spaces numbered 1, 2 and 3 on Petitioner's Exhibit 1, and screened as approved by the Deputy Director of Planning.
- When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
- Prior to the approval of the revised site plan by the Zoning Office, the Director of Planning or Deputy Director of Planning shall sign said plan indicating their comments have been addressed to their satisfaction.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date: 3/2/90
By: [Signature]

PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-314-SPHX

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 Special Exception for a food store in use in combination with a gasoline service station (Gas & Go) and a special hearing to amend the site plan in Case #78-130X and Restriction No. 2.

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: CROWN CENTRAL PETROLEUM CORP. Michael P. Malone, Esquire (Type or Print Name) Signature: [Signature]

P.O. Box 1168 Baltimore, Maryland 21203 City and State

Attorney for Petitioner: Andrew Lapaowker (Type or Print Name) Signature: [Signature]

P.O. Box 1168 Baltimore, MD 21203 City and State

Attorney's Telephone No.: (301) 532-7400

Legal Owner(s): Estate of Sol Goldman (Type or Print Name) Signature: [Signature]

c/o Windsor Place Corp. 640 Fifth Ave., 3rd Fl. (212) 233-2280 New York, New York City and State

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

Name Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 8 day of DEC 1989, that the subject matter of this petition be advertised, as of DEC 15 1989, in newspapers of general circulation throughout Baltimore County, that property be posted, and that a public hearing be had before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 8 day of FEB 1990 at 10 o'clock A.M.

J. Robert Hines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date: 3/2/90
By: [Signature]

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT 12/2/89 Date

Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21286
Zoning Item # 177, Zoning Advisory Committee Meeting of December 5, 1989
Property Owner: Estate of Sol Goldman
Location: NW/Corner of Harford and Joppa Rds. District: 9
Water Supply: Metro Sewage Disposal: Metro
COMMENTS ARE AS FOLLOWS:

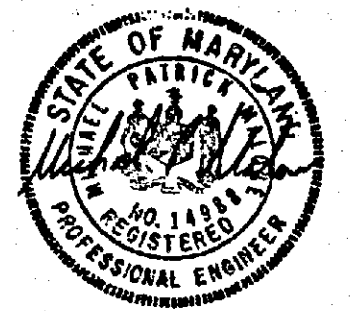
- Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- 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 any items as spray paint processes, underground gasoline tanks (5,000 gallons or more) and such 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 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, 687-6200 x 315.
- Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations for new complete information, contact the Division of Maternal and Child Health.
- If indication work and all charges 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 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 must be 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 possibility of the water supply must be verified by collection of bacteriological and chemical water samples.
- If submission of plans to the County Service Group is required, a Hyd. Geological 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

W. S. Thomas
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

8
70-314-SPHX 177

Crown Service Station MD-74
Joppa and Harford Road
November 22, 1989

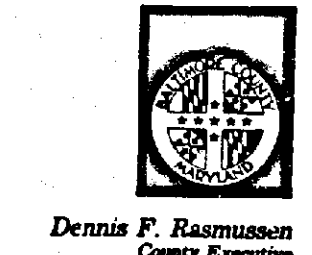
Beginning at the northeast corner of Joppa and Harford Road at a point of 40' west of the centerline of Harford Road, thence S 80°-32'-25" W for a distance of 35.48', thence N 57°-19'-34" W 183.05, thence along a curve with a radius of 918.04', length 58.83', CH N 59°-09'-43" W, thence N 29°-05'-33" E for distance of 128.13', thence S 64°-37'-57" E for a distance of 268.53', thence S 28°-33'-40" E for a distance of 136.07' to a point of the beginning containing 38,236 square feet of land, more or less.



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(801) 887-3233
J. Robert Haines
Zoning Commissioner

March 7, 1990

Andrew Lapyowker, Esquire
P.O. Box 1168
Baltimore, Maryland 21203



RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
NW/Corner Harford and Joppa Roads
9th Election District - 6th Councilmanic District
Estate of Sol Goldman, et al - Petitioners
Case No. 90-314-SPHX

Dear Mr. Lapyowker:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Ann M. Nastrowicz

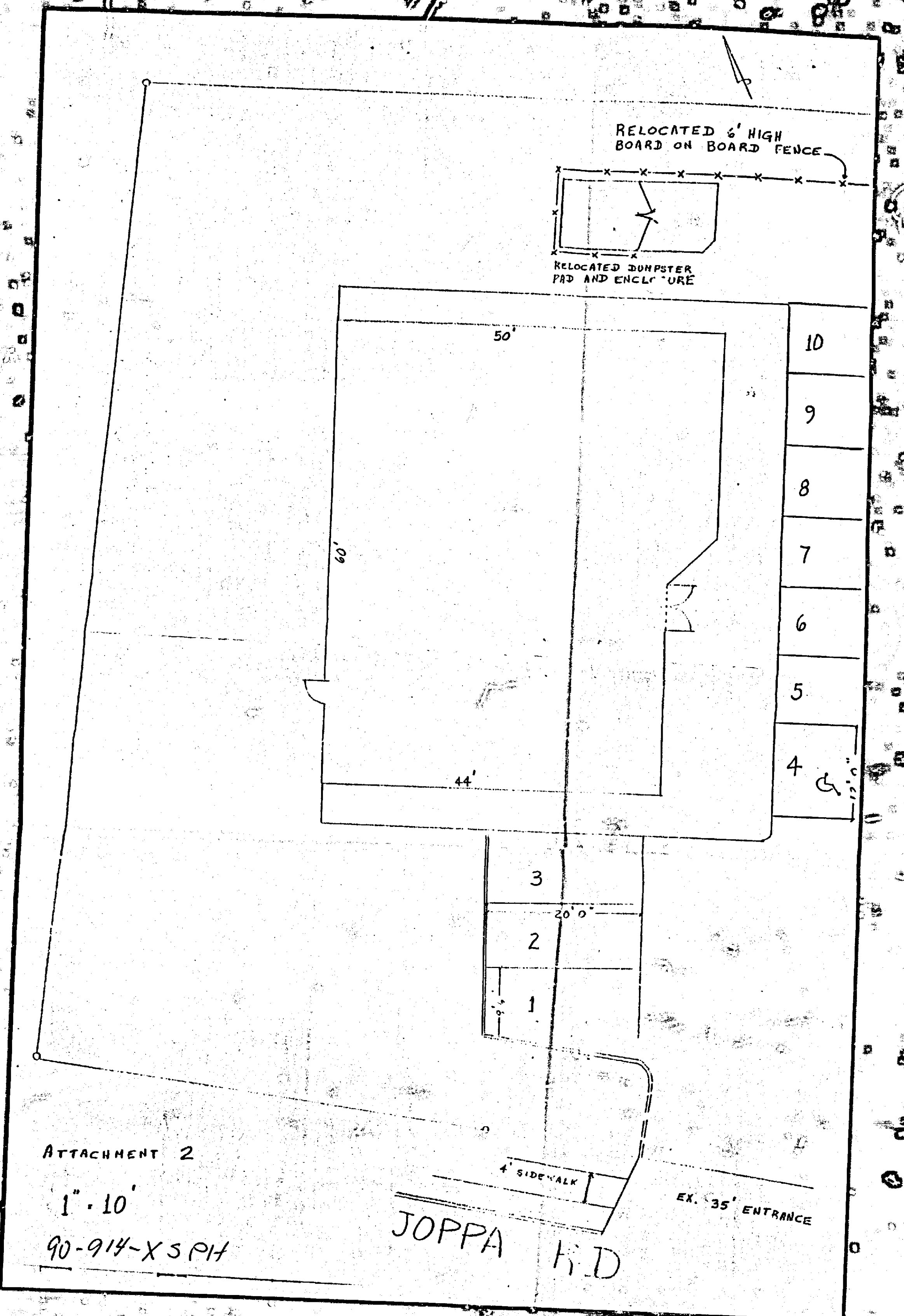
ANN M. NASTROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:hjs

cc: Mr. Richard W. Daw
Cub Hill Improvement Association
2416 E. Joppa Road, Baltimore, Md. 21234

People's Counsel

File



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: January 25, 1990
TO: J. Robert Haines, Zoning Commissioner
FROM: Pat Keller, Deputy Director, Office of Planning and Zoning
SUBJECT: Estate of Sol Goldman, Petitioner/Crown Central Petroleum Corp., Lessee, Item 177 Zoning Petition No. 90-314-XSPH

The Petitioner requests a Special Exception for a food store as a use in combination with a gasoline service station and a Special Hearing to remove a restriction imposed in Case No. 78-130-X.

In reference to this request, staff offers the following comments:
A waiver to the CRG meeting and process was approved on June 16, 1989. (W-89-131); however, a plan must be submitted for approval. The plan must include the waiver file number, the approval date, and any restrictions set forth by the Zoning Commissioner as a result of the subject hearing.

The proposed use and the location of the proposed building are appropriate for the site. The adjacent property to the west and northwest of the site has been developed as an office park (see attachment 1). The proposed convenience store is recommended to be constructed with similar materials and similar architectural treatment as the adjacent Garney Centre. The dumpster pad and enclosure and parking spaces 1 to 3 should be relocated closer to the front of the proposed building in order to increase the amount of pervious surface on the site (see attachment 2).

A field inspection to the site determined that the Petitioner has not complied with the Order and site plan in Case No. 78-130-X in that the landscaping has not been installed in accordance with that plan and the 8 ft. high stockade fence indicated along the N 29° 05' 33" E, 128.13' line does not presently exist. Because of the present development to the west of the site, this office encourages the removal of the fence requirement from the site plan. The schematic landscaping indicated on the site plan for Case No. 90-314-XSPH is less than that required by Case No. 78-130-X. The Petitioner's landscape architect

Estate of Sol Goldman, Item 177
Case No. 90-314-XSPH
Page 2
January 25, 1990

should contact Avery Harden, Office of Planning and Zoning, Current Planning Section, to reconsider and redesign the landscaping of the site in order to meet the intent of the original special exception. These standards may exceed the requirements of the Baltimore County Landscape Manual. Any subsequent plan should indicate the existing and proposed grades on the site in order to determine the impact to the existing earth berm on the western side of the site.

The field inspection also revealed the existence of a temporary storage trailer for Crown on the Chan property to the north of the site. The trailer should be removed from that site and the gate giving access to the Chan property should be permanently closed.

The 6 ft. high board-on-board fence along the north property line should be extended eastward to screen parking spaces 11 to 14.

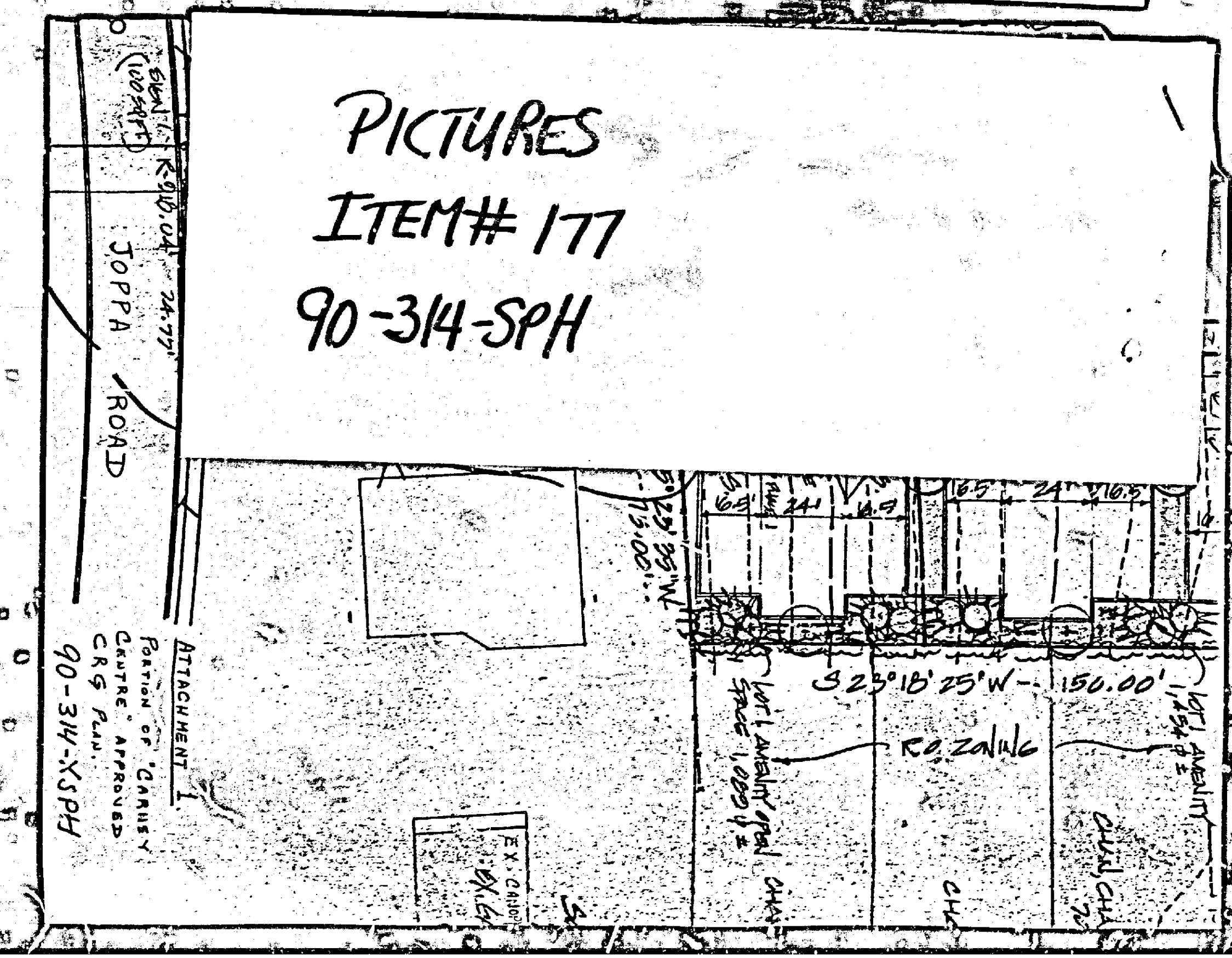
This site is located within a traffic area controlled by a "F" level of service intersection at Harford Road and Joppa Road, as designated on the Basic Services Maps adopted by the County Council. Bill No. 178-79 requires that no final subdivision approval may be granted and no building permit may be issued unless the Director of the Office of Planning and Zoning issues a Reserve Capacity Use certificate in accordance with Section 4A02 of the Baltimore County Zoning Regulations.

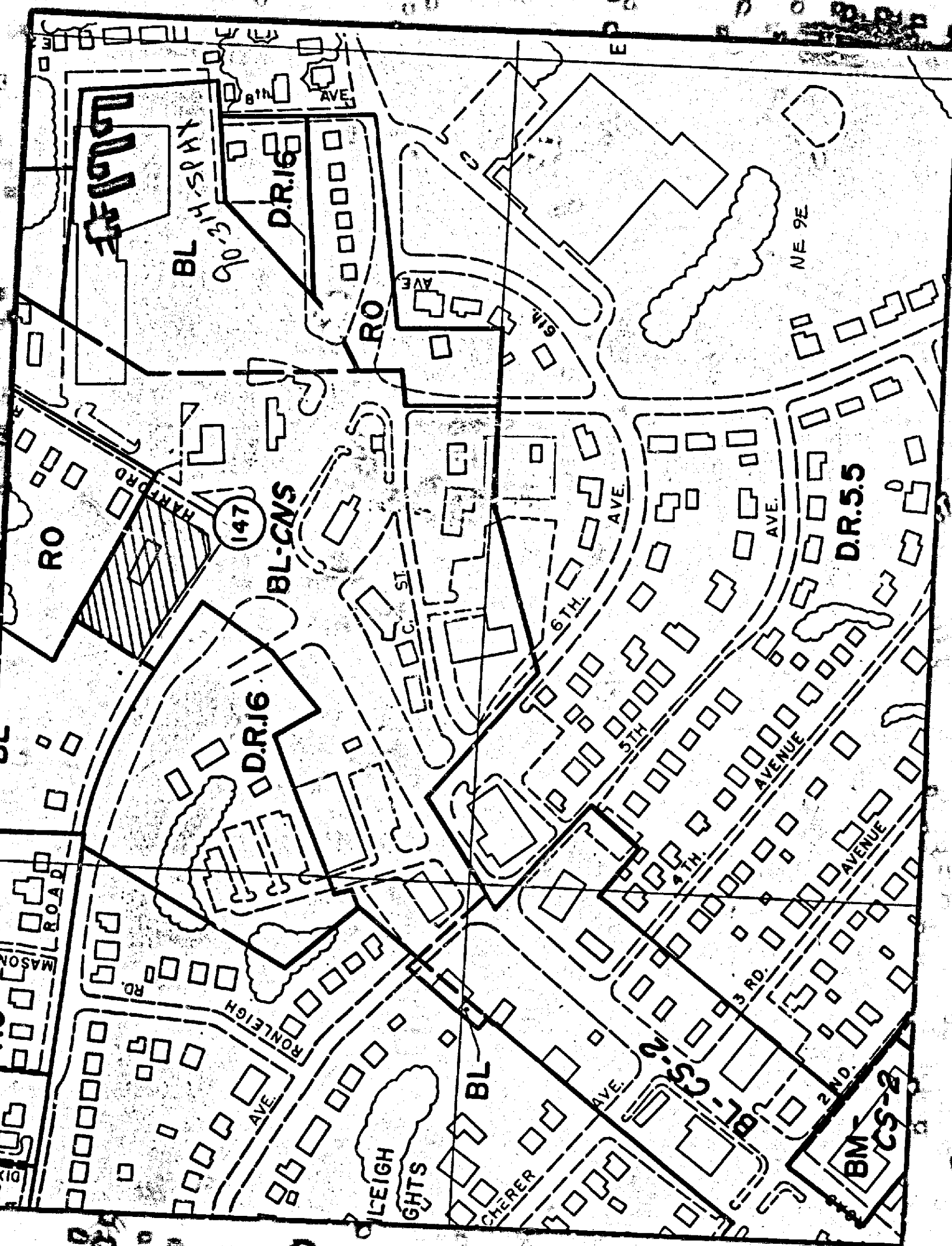
A final landscape plan, approved by the Office of Planning and Zoning, is required prior to the issuance of any building permits.

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.

FK/JL/cmm

Attachment





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

J. Robert Haines
Zoning Commissioner

January 23, 1990

Andrew Lapeyowker, Esquire
P.O. Box 1168
Baltimore, MD 21203

RE: Item No. 177, Case No. 90-314-SPHX
Petitioner: Louisa Little, et al
Petition for Special Exception

Dear Mr. Lapeyowker:

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 JUDITH WINDHARSKI. 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. Michael P. Malone
Ms. Louisa Little

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

J. Robert Haines
Zoning Commissioner

November 29, 1989

Your petition has been received and accepted for filing this 8th day of December, 1989.

J. Robert Haines
ZONING COMMISSIONER

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

Petitioner: Louisa Little, et al
Petitioner's Attorney: Andrew Lapeyowker

Richard H. Trainor
Secretary
Hal Kasoff
Administrator

November 29, 1989

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

Attn: Mr. James Dyer

Re: Baltimore County
Crown Central
Petroleum, Inc.
Zoning Meeting of
12-5-89
W/S Harford Rd. (MD 147)
at N/W Corner of
Joppa Rd. (1150-1171)

Dear Mr. Haines:

After reviewing the submittal of a Special Exception for a food store in use in combination with a gasoline service station, we find the plan acceptable showing a 80' right of way on Harford Road.

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

LB:maw
cc: Crown Central Petroleum Corp.
Mr. J. Ogle

RECEIVED
DEC 4 1989
ZONING OFFICE

My telephone number is (301) 333-1350 (Fax #333-1041)
Telephone for Impaired Hearing or Speech
383-7555 Baltimore Metro - 543-0431 D.C. Metro - 442-4822 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21202-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

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

DATE: January 25, 1990

SUBJECT: Estate of Sol Goldman, Petitioner/Crown Central
Petroleum Corp., Lessee, Item 177
Zoning Petition No. 90-314-SPHX

The Petitioner requests a Special Exception for a food store as a use in combination with a gasoline service station and a Special Hearing to remove a restriction imposed in Case No. 78-130-X.

In reference to this request, staff offers the following comments:

A waiver to the CRG meeting and process was approved on June 16, 1989 (W-89-131); however, a plan must be submitted for approval date, and any restrictions set forth by the Zoning Commissioner as a result of the subject hearing.

The proposed use and the location of the proposed building are appropriate for the site. The adjacent property to the west and northwest of the site has been developed to the site park (see Attachment 1). The proposed convenience store is recommended to be constructed with similar materials and design. The dumpster pad and enclosure and parking spaces 1 and 2 should be relocated closer to the front of the proposed building in order to increase the amount of pervious surface on the site (see Attachment 2).

A field inspection to the site determined that the Petitioner's Case No. 78-130-X in that the landscaping has not been installed in accordance with that plan and the 8 ft. high 128.13' line does not presently exist. Because of the present development to the west of the site, this office encourages the removal of the fence indicated on the site plan. The schematic landscaping indicated on the site plan for Case No. 90-314-SPHX is less than that required by Case No. 78-130-X. The Petitioner's landscape architect

Estate of Sol Goldman, Item 177
Case No. 90-314-SPHX
Page 2
January 25, 1990

should contact Avery Harden, Office of Planning and Zoning, Current Planning Section, to reconsider and redesign the landscaping of the site in order to meet the intent of the original special exception. These standards may exceed the requirements of the Baltimore County Landscape Manual. Any subsequent plan should indicate the existing and proposed grades on the site in order to determine the impact to the existing earth berm on the western side of the site.

The field inspection also revealed the existence of a temporary storage trailer for Crown on the Chan property to the north of the site. The trailer should be removed from that site and the gate giving access to the Chan property should be permanently closed.

The 6 ft. high board-on-board fence along the north property line should be extended eastward to screen parking spaces 11 to 14.

This site is located within a traffic area controlled by a "F" level of service intersection at Harford Road and Joppa Road, as designated on the Basic Services Maps adopted by the County Council. Bill No. 178-79 requires that no final subdivision approval may be granted and no building permit may be issued unless the Director of the Office of Planning and Zoning issues a Reserve Capacity Use certificate in accordance with Section 4A02 of the Baltimore County Zoning Regulations.

A final landscape plan, approved by the Office of Planning and Zoning, is required prior to the issuance of any building permits.

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.

FK/JL/cmm
Attachment

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

12/9/89
Date

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

Zoning Item # 177, Zoning Advisory Committee Meeting of December 5, 1989

Property Owner: Estate of Sol Goldman
Location: NW corner of Harford and Joppa Rds. District: 7

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 a new 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 appearances pertaining to health and safety the (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 conducted, 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

DAE/Chris
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reinecke
Chief

DECEMBER 4, 1989

RE: Property Owner: ESTATE OF SOL GOLDMAN
Location: CROWN CENTRAL PETROLEUM CORP.
Item No.: 177 Zoning Agenda: DECEMBER 5, 1989

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. 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, 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

REVIEWER: [Signature] Noted and Approved [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 19, 1989
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for December 5, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 171, 173, 174, and 178.

For Item 172, the cover over the existing sewer is 7 feet to 10 feet and is adequate. Avoid damage to existing onsite manhole.

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

RWB:s
DEC 27 1989

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
ANDREW LAPADWIKER	P.O. Box 1168, Balt., MD 21203
KAREN W. NACE - 2475	2920 E JOPPA RD 21234
THOMAS J. GREN	7310 RITCHIE HWY 21061
Michael P. Malone	P.O. Box 1168 Balt., MD 21203

Ann's Field Service by J. P. S. K. - MLO

Ann's Engineering, Inc.

Imberish Observer

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Richard A. Daw</i>	<i>2416 E. Joppa Rd 21234</i>
<i>Board of Trustees C. B. Hill Ass</i>	

104.60

CERTIFICATE OF PUBLICATION

January 11, 1990

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 successive weeks, the first publication appearing on Jan 10, 1990.

THE OFFICE OF THE ZONING COMMISSIONER
NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zebe Orlan
Publisher

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 90-314-SPX
Towson, Maryland

District: *9th* Date of Posting: *1/10/90*

Posted for: *Special Exception & Special Hearing*

Petitioner: *Estate of Sol Goldman & Crown Central Petroleum Corporation*

Location of property: *Nelson, Harford & Joppa Rds.*

Location of Sign: *Corner intersection of Harford & Joppa Rds. approx. 21' in width on property of R. Williams*


Remarks:

Posted by: *M. Malone* Date of return: *1/10/90*

Number of Signs: *2*

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

DATE: *1-25-90*


Dennis F. Rasmussen
County Executive

Crown Central Petroleum Corporation
P. O. Box 1168
Baltimore, Maryland 21203

ATTN: MICHAEL P. MALONE, P.E.

Re: Petitions for Special Hearing and Special Exception
CASE NUMBER: 90-314-SPX
M/CORNER HARFORD AND JOPPA RDS.
9th Election District - 9th Councilmanic
Legal Owner(s): Estate of Sol Goldman
Contract Purchaser(s): Crown Central Petroleum Corporation
HEARING: THURSDAY, FEBRUARY 8, 1990 at 11:00 a.m.

Comments: Please be advised that \$154.60 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.


Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

cc: Andrew Lapadwiker, Esq.

NOTE: (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 887-3301 to confirm hearing date.)

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

December 16, 1989


Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Special Exception
CASE NUMBER: 90-314-SPX
M/CORNER HARFORD AND JOPPA RDS.
9th Election District - 9th Councilmanic
Legal Owner(s): Estate of Sol Goldman
Contract Purchaser(s): Crown Central Petroleum Corporation
HEARING: THURSDAY, FEBRUARY 8, 1990 at 11:00 a.m.

Special Exceptions: A food store in use in combination with a gasoline service station (Sec. 10-2a).

Special Hearing: To amend the site plan in Case 79-130-3 and Restriction No. 2.

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 887-3301 to confirm hearing date.)

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

cc: Sol Goldman/Estate of Sol Goldman
Crown Central Petroleum Corporation
Andrew Lapadwiker, Esq.

receipt

Account # R001-6150
Number 1302

90-314-SPX

Date: 2/08/90

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES		
OBO - POSTING SIGNS / ADVERTISING	1	\$154.60
TOTAL:		\$154.60

LAST NAME OF OWNER: GOLDMAN

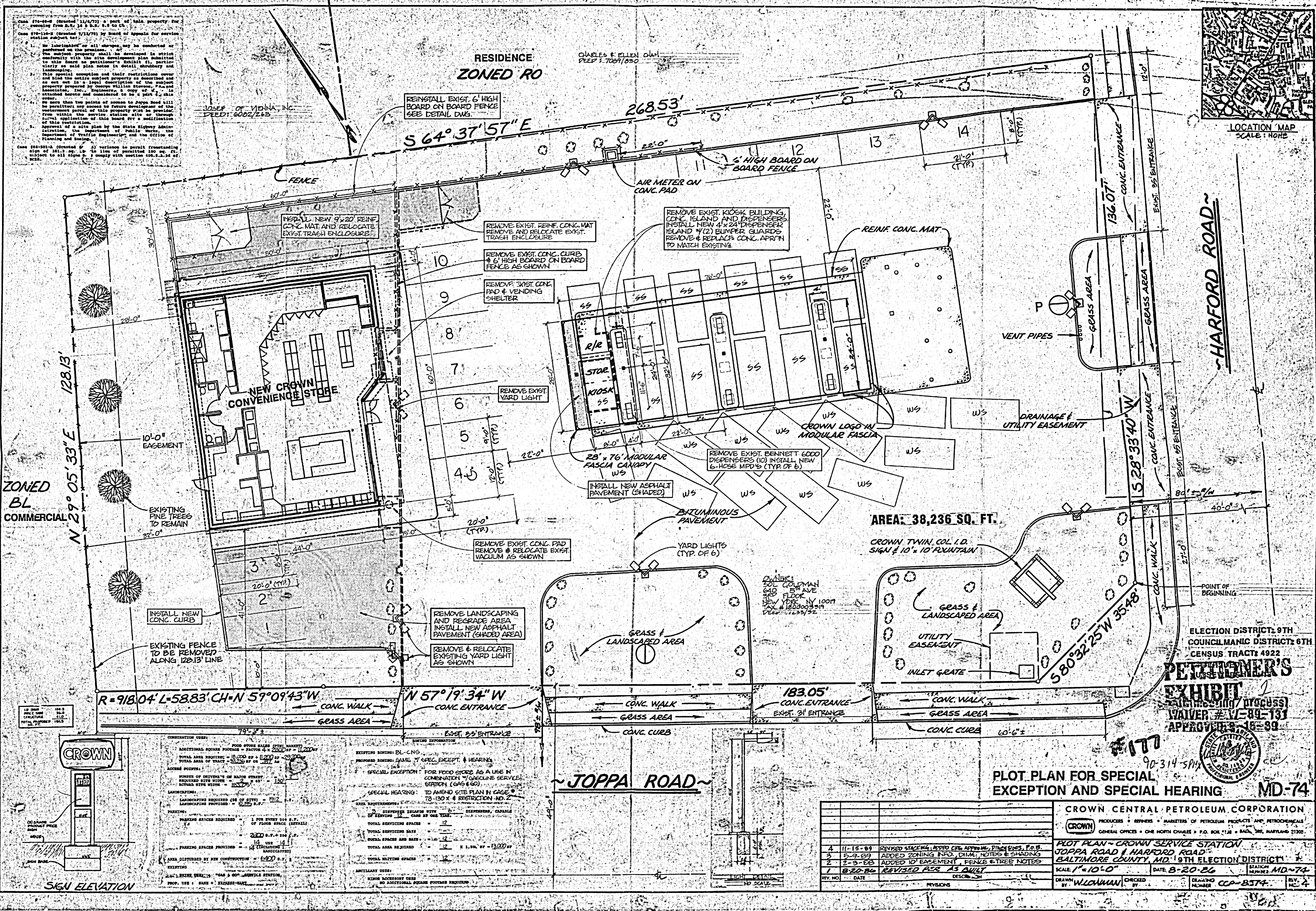
Case 176-69-4 (Granted 11/4/73) a part of said property for...
 Case 178-150-2 (Granted 7/13/78) by Board of Appeals for service station subject to...
 1. Installation of all changes may be conducted or performed on the premises.
 2. The subject property shall be developed in strict conformity with the site development plan submitted to this Board as petitioner's Exhibit 11, particularly as to the plan shown in detail, boundaries and landscaping.
 3. This special exception and their restrictions cover and bind the entire subject property as described and as set forth in the special conditions of the subject property prepared by George William Stever, Attorney at Law, Inc., Baltimore, a copy of which is attached hereto and considered to be a part of this order.
 4. No more than two points of access to Joppa Road will be permitted; any access to future developments of the westernmost parcel of this property will be provided from within the service station site or through a tunnel application of this Board for a modification of this restriction.
 5. Approval of a site plan by the State Highway Administration, the Department of Public Works, the Department of Traffic Engineering and the Office of Planning and Zoning.

RESIDENCE
 ZONED RO

CHARLES & ELLEN CHAN
 PLOT # 7087/890

JOSEF OF VIENNA, INC.
 DEED: 6082/263

LOCATION MAP
 SCALE: NONE



ZONED
 BL
 COMMERCIAL

AREA: 38,236 SQ. FT.

ELECTION DISTRICT: 9TH
 COUNCILMANIC DISTRICT: 6TH
 CENSUS TRACT: 4922

PETITIONER'S
 EXHIBIT
 WAIVER # V-89-131
 APPROVED 1-15-89



PLOT PLAN FOR SPECIAL EXCEPTION AND SPECIAL HEARING MD-74

CROWN CENTRAL PETROLEUM CORPORATION
 PRODUCERS • REFINERS • MARKETERS OF PETROLEUM PRODUCTS AND PETROCHEMICALS
 GENERAL OFFICES • ONE NORTH CHARLES • P.O. BOX 1118 • BALDWIN, MARYLAND 21103

PLOT PLAN - CROWN SERVICE STATION
 JOPPA ROAD & HARFORD ROAD
 BALTIMORE COUNTY, MD. 19TH ELECTION DISTRICT
 SCALE 1"=10'-0" DATE 8-20-86
 DRAWN BY: W. LOHMAN CHECKED BY: []
 DRAWING NUMBER: CCA-8574 REV. NO. 4

REV. NO.	DATE	DESCRIPTION
4	11-15-89	REVISED STAGING, REDED CURB APPROVAL, PILING EROSION, P.O.B.
3	5-9-89	ADDED ZONING INFO, DIMS, NOTES & SHADING
2	2-3-88	ADDED 10' EASEMENT, FENCE & TREE NOTES
1	8-20-86	REVISED PER AS BUILT

COMMITMENT USES:
 ADDITIONAL SQUARE FOOTAGE FACTOR 4 = 2200
 TOTAL AREA REQUIRED = 15,000 SQ. FT. (11,000 SQ. FT. MINIMUM)
 TOTAL AREA OF TRACT = 38,236 SQ. FT. (32,236 SQ. FT. MINIMUM)

ACCESS POINTS:
 NUMBER OF DRIVEN'S ON MAJOR STREET
 REQUIRED SIDE WIDTH
 ACTUAL SIDE WIDTH = 120'-0"

LANDSCAPING:
 LANDSCAPING REQUIRED (SQ. FT.) = 1312
 LANDSCAPING PROVIDED = 1312 SQ. FT.

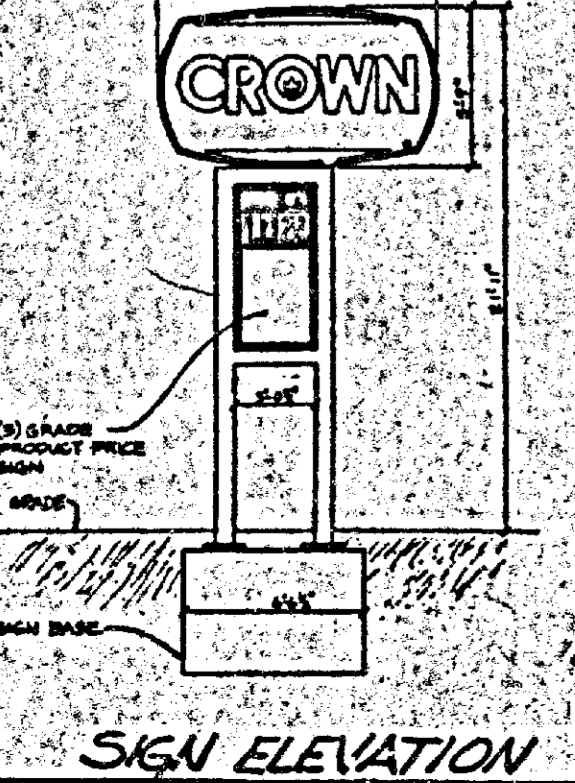
PARKING:
 PARKING SPACES REQUIRED = 1 FOR EVERY 200 S.F. OF FLOOR SPACE (RETAIL)
 2200 S.F. = 11 SPACES
 14 USE 14
 14 (INCLUDING 14 HANDICAPPED)

AREA DISTURBED BY NEW CONSTRUCTION = 6400 S.F.

EXISTING DRIVE WEAR SURF: 60" x 60" SERVICE STATION
 PROP. USE: SAME * EXTERIOR-WALK

ZONING INFORMATION
 EXISTING ZONING: BL-CNS
 PROPOSED ZONING: SAME * SPEC. EXCEPT. & HEARING
 SPECIAL EXCEPTION: FOR FOOD STORE AS A USE IN COMBINATION W/ GASOLINE SERVICE STATION (GAS & GO)
 SPECIAL HEARING: TO AMEND SITE PLAN IN CASE 78-130 X & RESTRICTION NO. 2
 AREA REQUIREMENTS:
 DISPENSER ISLANDS WITH 6 DISPENSERS, CAPABLE OF SERVING 12 CARS AT ONE TIME
 TOTAL SERVICING SPACES = 12
 TOTAL SERVICING BAYS = 12
 TOTAL SPACES AND BAYS = 12
 TOTAL AREA REQUIRED = 12 X 1,300 SF = 15,600 SF

ANCILLARY USES:
 SIGN ACCESSORY USE
 NO ADDITIONAL SQUARE FOOTAGE REQUIRED



BRUNING 44 131 82003