

IN RE: PETITION FOR SPECIAL EXCEPTION
 8 1/2 Back River Neck Road, 83'
 S of French Avenue
 (145 Back River Neck Road)
 15th Election District
 5th Councilmanic District
 Sun Refining & Marketing Co.
 Petitioner

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 90-324-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a food store use in combination with an existing service station on the subject property in accordance with Petitioner's Exhibit 1.

The Petitioner, by Richard W. VonLuehrte, Real Estate Consultant, and Vincent P. Walsh, Field Engineer, appeared, testified and was represented by Seymour R. Goldstein, Esquire. Also appearing on behalf of the petitioner were Ronald C. Black, Dealer. There were no Protestants.

Testimony indicated that the subject property, known as 145 Back River Neck Road, consists of 24,440 sq.ft. more or less, zoned B.L.-C.S.2, of which 4,440 sq.ft. is a perpetual easement area. Said property has been the site of a gasoline service station since the 1950s, with Petitioner owning the property since 1964. Mr. VonLuehrte testified Petitioner is desirous of converting the existing building, which contains three service bays and consists of 1,820 sq.ft., to an express food mart in accordance with that depicted in Petitioner's Exhibit 1, containing 1,908 sq.ft. of which a portion will be used for storage/utility space, office space and rest rooms. Testimony indicated that Petitioner has reevaluated the present use of the subject property and as a result of a demographic study, has determined that the express food mart proposed will be a more viable use than the existing service station. Petitioner has indicated

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 By [Signature]

the proposed project will comply with the requirements of the Office of Planning and the Department of Environmental Protection and Resource Management (DEPRM). Mr. VonLuehrte testified that until retiring within the last four years, he had worked for over 30 years in the Real Estate Department for Petitioner and is very familiar with the proposed use in combination with a gasoline station. He reviewed each of the requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and after describing the area and presenting photographs of the subject site, concluded that in his opinion, all the requirements will be met.

A review of the zoning files indicates that a Petition for Zoning Reclassification and Special Permit to use the property for a gasoline service station was granted on January 12, 1953 in Case No. 2442-RK.

Since the hearing in December, 1953, there have been changes in zoning of the property, which is currently zoned B.L.-C.S.2. A service station is not permitted as of right or by special exception in the B.L.-C.S.2 zone on an individual site. Petitioners presented no evidence that the proposed use was permitted under the current zoning as of right or by special exception. Therefore, the service station use is a nonconforming use and as such, is governed by the requirements of Sections 104 and 405.8A of the Baltimore County Zoning Regulations (B.C.Z.R.). Section 405.8A permits as of right the expansion or construction of a gas station and any ancillary uses listed in Section 405.4C. Section 405.8A states that:

"Notwithstanding other provisions of these Zoning Regulations to the contrary, any automotive-service station which legally existed on December 31, 1967 and which has not lost its permitted status by reason of the termination of a special exception applying thereto shall be governed by the provisions of the following paragraphs:

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 By [Signature]

A. Subject to the provisions of Paragraph C below, the main structure of any such automotive-service station may be expanded or reconstructed and any ancillary uses listed in Paragraph 405.4C may be added to any such establishment, provided that such station and all such expansion, reconstruction, or addition of uses: is either confined to the limits of the site as it existed on December 31, 1967 or to an expanded site as approved under Paragraph B..."

A food store with less than 5,000 sq.ft. is a use in combination under Section 405.4. The ancillary uses listed in Section 405.4C are permitted as of right with a service garage use, while uses in combination listed in Section 405.4.D.5 are permitted only after a special exception hearing.

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property. Clearly, the property enjoys a nonconforming use as a service station.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978). The facts of this case indicate that the use of the property as a service station is a permitted nonconforming use. The issue is whether or not Petitioners may convert to a gas and go and add a food mart.

Petitioners propose a change in use or expansion of an existing use. When the claimed non-conforming use has changed, or expanded, the Commissioner must determine whether or not the proposed use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current/pro-

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posed activity is within the scope of the nonconforming use, the Commissioner should consider the following factors:

(a) To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;

(b) Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original non-conforming use."

McKemy v. Baltimore County, Md., Supra.

The facts of the case do not support that the addition of the food mart to the service station is permitted. In 1953, Petitioners were granted a reclassification of the property and a special permit to use same as a service station. The zoning regulations are very clear that food stores and service stations are not one and the same use. The effect is clearly different as in all cases the zoning regulations require a special exception hearing in order to add a food store to an existing service station, whether or not the station and/or the food mart standing alone are permitted as of right in a particular zone. Although the physical change to the site may not be a drastic enlargement or extension, the addition of a food mart is the addition of a new use. In my opinion, the addition of a separate use, distinguishable from the nonconforming use as a second use, is not mere intensification.

Section 101 of the B.C.Z.R. defines "accessory use or structure" as follows:

"...An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a ser-

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vice station) shall be considered a principal use." (underlining added)

Clearly, the proposed food store with less than 5,000 sq.ft. is a use in combination under the zoning regulations and said addition would consist of a second use and therefore a different use not permitted under McKemy and/or Section 405.8A. The ruling in this case is consistent with the findings in the Case of In Re: Crown Stations, Inc., Case Nos. 90-93-SPHX, 90-94-SPHX, and 90-95-X.

After reviewing all of the testimony and evidence presented, it appears that the relief requested in the Petition for Special Exception should be denied.

It is clear that the B.C.Z.R. currently does not permit the use proposed in a B.L.-C.S.2 zone as of right or by special exception. The proposed addition of a food store with less than 5,000 sq.ft. of floor space would be the addition of a second principal use and as such, is not permitted under the B.C.Z.R.

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 denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of June, 1990 that the Petition for Special Exception for a food store use in combination with an existing service station, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

ANN M. HASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

MICROFILMED

ORDER RECEIVED FOR FILING
 Date 4/23/91
 By AMN:bjg

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-324-X

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 an existing service station.

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

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

Contract Purchaser: (Type or Print Name) Signature Address City and State	Legal Owner(s): Sun Refining & Marketing Co. (Type or Print Name) Signature (Type or Print Name) Signature Address City and State
Attorney for Petitioner: (Type or Print Name) Signature Address City and State	8041 Market Street (215) 899-5770 Address Phone No. Aston, PA 19014 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted R.W. VonLuehrte 1031 Squires Drive West Chester, PA 19380 (715) 436-0540 Address Phone No.
Attorney's Telephone No.:	19

ORDERED BY The Zoning Commissioner of Baltimore County, this 19 day of DEC 19 89, that the subject matter of this petition be advertised, as of 13 day of FEB 19 90, at 10:30 o'clock County, on the 13 day of FEB 19 90, at 10:30 o'clock

ORDER RECEIVED FOR FILING
 Date 4/23/91
 By [Signature]

MICROFILMED

Low Office
 GOLDSTEIN & BYRNE
 30 W. CHANE STREET
 BALTIMORE, MD. 21201

Richard W. VonLuehrte
 REAL ESTATE CONSULTANT
 1031 SQUIRES DRIVE
 WEST CHESTER, PA. 19382 (715) 436-0540

LEGAL DESCRIPTION
 FEE PROPERTY
 145 Back River Neck Road

All that lot of ground, situate, lying and being in the 15th Election District of Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say: According to a survey dated November 21, 1963 made by David W. Pomeroy, Registered Surveyor and Engineer.

Beginning for the same at a nail set on the Northeast side of Back River Neck Road 40 feet wide, at the dividing line between Lots Nos. 12 and 13, Block "C", as shown on a Plat of French's Park, recorded among the Land Records of Baltimore County in Plat Book M.P.C. No. 6, folio 138, and running thence and binding on the Northeast side of Back River Neck Road North 27 degrees 33 minutes West 112.44 feet to pipe set at the dividing line between Lots Nos. 8 and 9, Block "C" as shown on said plat, thence leaving the Northeast side of Back River Neck Road and binding on said last mentioned dividing line North 35 degrees 15 minutes East 199.04 feet to a pipe set at the Northeast corner of East 199.04 feet to a pipe set at the Northeast corner of said Lot No. 9, and running thence and binding on the rear lot said Lot No. 9, and running thence and binding on said last mentioned dividing line South 35 degrees 15 minutes West 199.04 feet to the place of beginning.

Containing 20,000 square feet of land more or less.

BEING the same lot or parcel or ground which by Deed dated October 9, 1952 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2186 folio 540 was granted and conveyed by GEORGE RIESS, widower, to RAY D. KIRKENDALL and LEON J. KIRKENDALL, in fee simple.

LEGAL DESCRIPTION
 PERMANENT EASEMENT
 145 Back River Neck Road

Grantor, their heirs and assigns, hereby grants hereto unto Grantee its executors, administrators, successors and assigns, an easement for ingress and egress together with the right to install approaches on that certain parcel of land situated in the town of Essex, County of Baltimore, State of Maryland, more particularly described as follows:

Beginning at a point in the northerly right of way line of back River Neck Road 112.44 feet from the southeasterly property line of lands owned by Sun Oil Company thence at an angle proceeding in a northerly direction along lands owned by Sun Oil Company a distance of 90' to a point thence at an angle and proceeding in a southeasterly direction a distance of 106.25' to a point in the northerly right of way line of Back River Neck Road thence at an angle and running in a southeasterly direction along the northerly right of way line on Back River Neck Road a distance of 111' to a point and place of beginning. Containing 4440 square feet.

501
 90-324-X

Overall Interior

SUNOCO FOOD MARKET

This is where your Sunoco Food Market gets down to business... high turnover, high-profit business. And Sunoco already took out the guesswork. While the master floor plan might look simple, placement of each and every component has been carefully planned to increase customer convenience, inventory visibility and most importantly, your profits.

Robert Haines

PUBLICATION

NEWS

1990

er of Petition
ver Neck Rd.
M38160

VS a weekly newspaper

January 1990

January 25 19 90

Avenue Inc.
per publisher

Robert Caldwell

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:
Case Number: 90-324-X
E/S Back River Neck Road, 63' S of French Avenue
145 Back River Neck Road, 15th Election District - 5th Councilmanic District
Petitioner(s): Sun Refining & Marketing Company
HEARING DATE: TUESDAY, FEBRUARY 13, 1990 at 10:30 a.m.
Special Exceptions: A food store in combination with an existing service station. 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 the 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.
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 887-3391 to confirm hearing date.
J. ROBERT HAINES
Zoning Commissioner
BALTIMORE COUNTY, MARYLAND

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3353

J. Robert Haines
Zoning Commissioner

January 10, 1990

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:

Petition for Special Exception
CASE NUMBER: 90-324-X
E/S Back River Neck Road, 63' S of French Avenue
145 Back River Neck Road
15th Election District - 5th Councilmanic District
Petitioner(s): Sun Refining & Marketing Company
HEARING: TUESDAY, FEBRUARY 13, 1990 at 10:30 a.m.

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

cc: Sun Refining & Marketing Company
R. W. VonLuehrte
File

BALTIMORE COUNTY, MARYLAND 90-324-X

Inter-Office Correspondence

TO: J. Robert Haines
Zoning Commissioner and
Ann Nastarowicz
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 #501
145 Back River Neck Road, Item #501

During a meeting today in my office, M. 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, dated May 18 and October 8 of this year (copies attached). 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.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th
Date of Posting: 1/26/90

Posted for: Special Exception

Petitioner: Sun Refining & Marketing Co.

Location of property: E/S Back River Neck Rd., S of French Ave
145 Back River Neck Rd.

Location of Sign: Facing Back River Neck Rd., across E. Fr. and Hwy.
D.V. property of Baltimore

Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3353

J. Robert Haines
Zoning Commissioner

RE: Petition for Special Exception
CASE NUMBER: 90-324-X
E/S Back River Neck Road, 63' S of French Avenue
145 Back River Neck Road
15th Election District - 5th Councilmanic District
Petitioner(s): Sun Refining & Marketing Company
HEARING: TUESDAY, FEBRUARY 13, 1990 at 10:30 a.m.

Dear Sirs:

Please be advised that \$ 126.08 is due for advertising and posting of the above captioned property.

receipt

Account R-001-6150
Number 1356

Date: 2/15/90

DATE: 2/15/90

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

J. Robert Haines
Zoning Commissioner

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

RE: Petitions for Zoning Hearings
E/S Back River Neck Rd. &
6401 Golden Ring Road
Item Numbers 501 & 500
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 405-4.A.1. & 2 and 4.D.8 in my letter to you dated May 13, 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:jet
cc: J. Robert Haines

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3353

J. Robert Haines
Zoning Commissioner

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

RE: Petitions for Zoning Hearings
E/S 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 Sections 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.-3.5 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:cj
cc: file

CERTIFICATE OF PUBLICATION

TOWSON, MD. January 25, 1990

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 Jan 25, 19 90

THE JEFFERSONIAN,
S. Zehe Orlem
Publisher

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:
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E/S Back River Neck Road, 63' S of French Avenue
145 Back River Neck Road, 15th Election District - 5th Councilmanic District
Petitioner(s): Sun Refining & Marketing Company
HEARING DATE: TUESDAY, FEBRUARY 13, 1990 at 10:30 a.m.
Special Exceptions: A food store in combination with an existing service station. 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 the 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.
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 887-3391 to confirm hearing date.
J. ROBERT HAINES
Zoning Commissioner
BALTIMORE COUNTY, MARYLAND

receipt

Account R-001-6150
Number 1356

Date: 2/15/90

DATE: 2/15/90

90-324

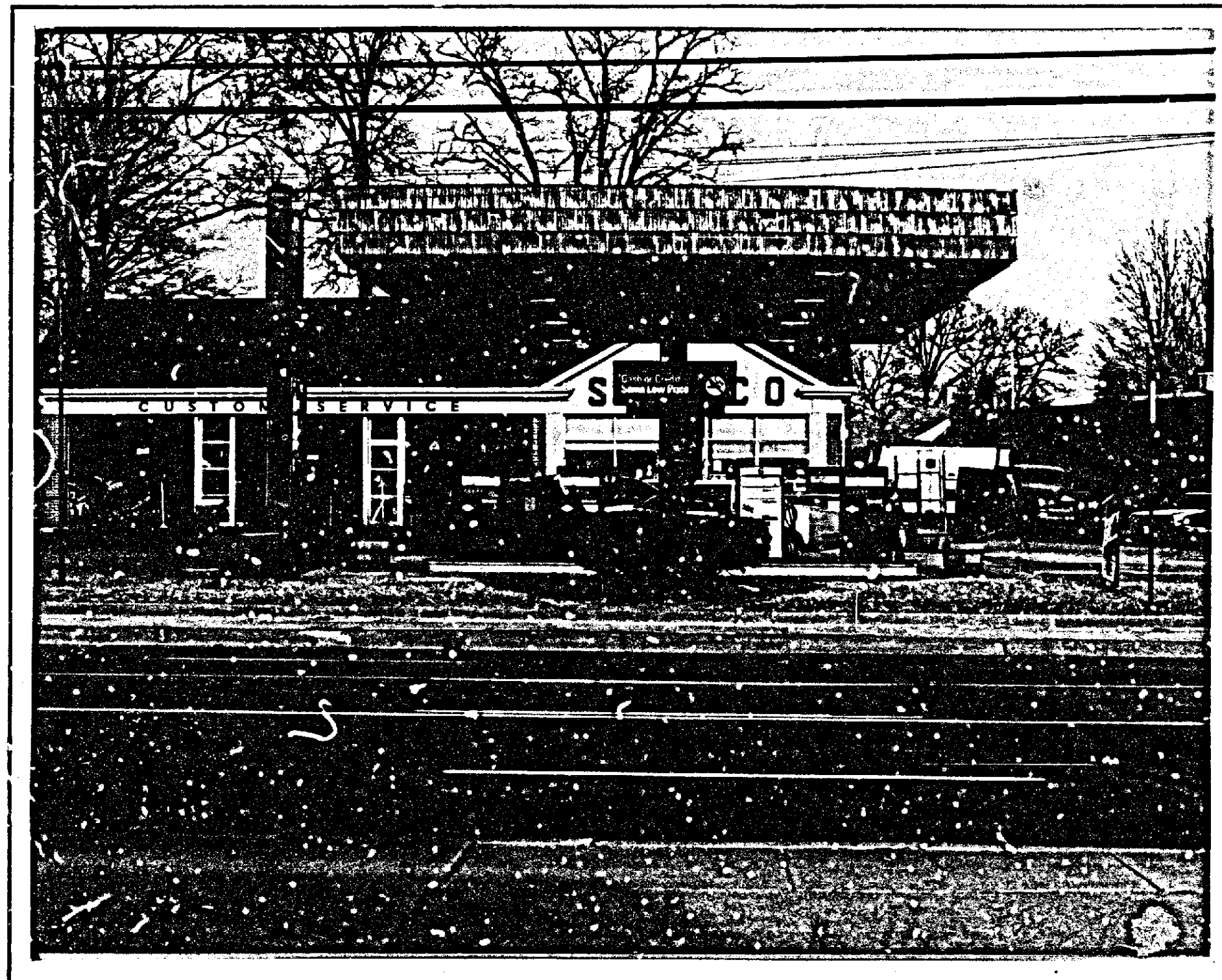
Public Hearing Fees
Posting Signs / Advertisements 1 x \$126.08
TOTAL: \$126.08

LAST NAME OF OWNER: SUN REFINING & MARKETING CO.

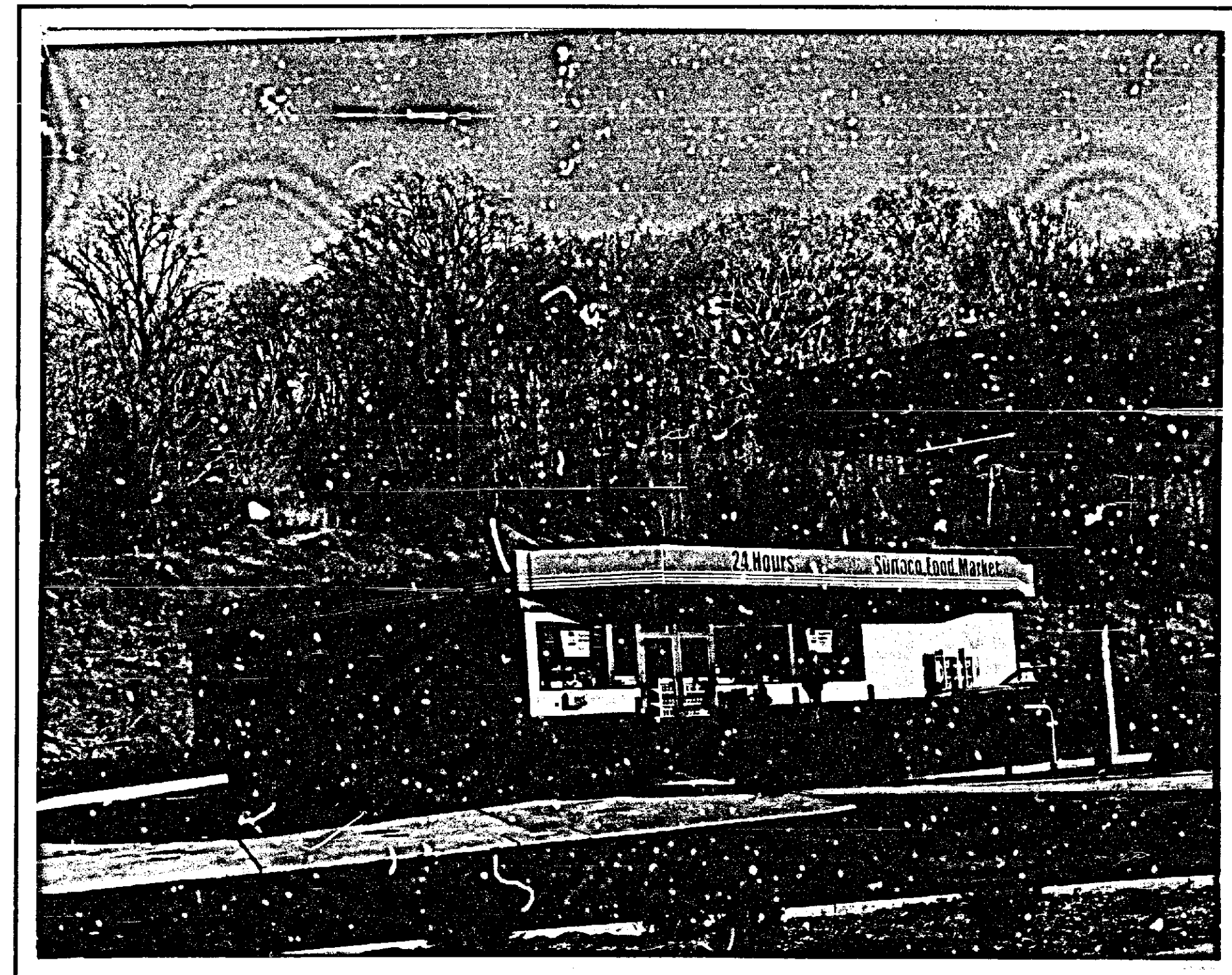
Cashier Validation: _____

Please make checks payable to: Baltimore County

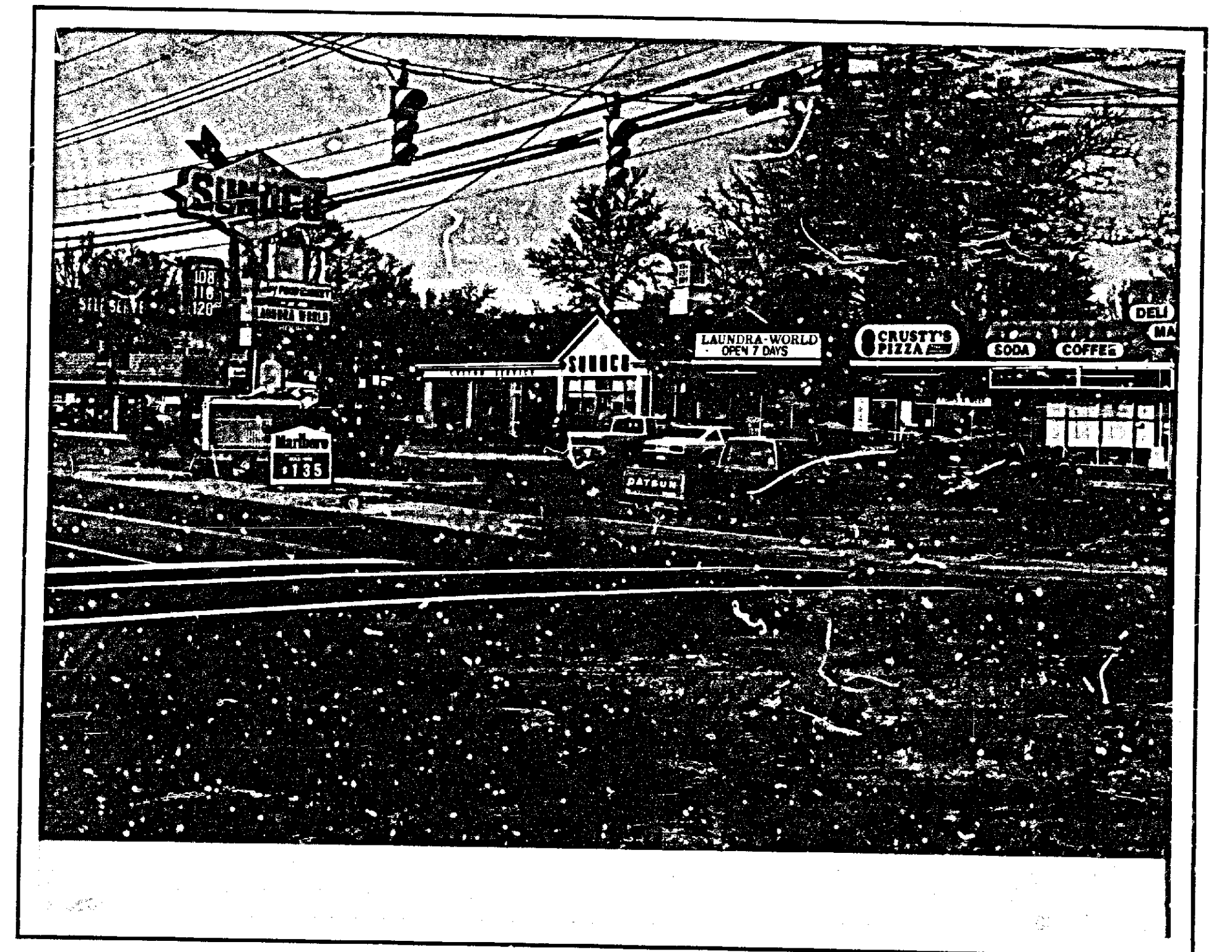
In the event of snow, telephone 887-3391 to confirm hearing date.



Pettrone's Exhibit 2



Pettrone's Exhibit 3



Pettrone's Exhibit 4

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

J. Robert Haines
Zoning Commissioner

January 30, 1990



Dennis F. Rasmussen
County Executive

Mr. R. W. VonLuehrte
1031 Squires Drive
West Chester, PA 19380

RE: Item No. 501, Case No. 90-324-X
Petitioner: Sun Refining & Marketing
Petition for Special Exception

Dear Mr. VonLuehrte:

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 MINIARSKI. 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: Sun Refining & Marketing Co.
4041 Market Street
Aston, PA 19014

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

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 19th day of December, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Sun Refining & Marketing Co. et al
Petitioner's Attorney:

Feb 13

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: February 6, 1990
Revised
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Sun Refining and Marketing Co., Item 501

The Petitioner requests a Special Exception for food store in combination with an existing service station.

Staff met with Vincent P. Walsh, a field engineer with Sun Refining and Marketing Company, to discuss this office's comments of January 23, 1990.

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

- 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 on site.
- 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 Back River Neck Road.
- 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 887-3211.

PK/JL/cmm

2/7/90 called no answer - mailed copies to Mr. VonLuehrte.

FEB 0 1990
FEB 07 1990

JAN 13 Feb 13

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: Sun Refining and Marketing Co., Item 501

The Petitioner requests a Special Exception for food store in combination with an existing service station.

Based upon review of the information provided and the analysis conducted, 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 on site.
- 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 Back River Neck Road.
- 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 887-3211.

PK/JL/cmm

FEB 26 1990

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

January 11, 1990



Dennis F. Rasmussen
County Executive

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 184, 185 and 186.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan,
Traffic Engineer Assoc. II

MKF/lab

RECEIVED
JAN 26 1990
ZONING OFFICE

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

12/14/89
Date

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

Zoning Item # 501, Zoning Advisory Committee Meeting of December 19, 1989
Property Owner: Sun Refining & Marketing Company District: 15
Location: 145 Back River Neck Road Sewage Disposal: metro
Water Supply: metro

- COMMENTS ARE AS FOLLOWS:
- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for an 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 each item 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 chabroiler 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 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, 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 Material 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 15-117 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

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Helms
Chief

DECEMBER 19, 1989



Dennis F. Rasmussen
County Executive

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

RE: Property Owner: SUN REFINING AND MARKETING COMPANY
Location: #145 BACK RIVER NECK ROAD
Item No.: 501 Zoning Agenda: DECEMBER 19, 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.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

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

JK/KEK

DEC 20 1989

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

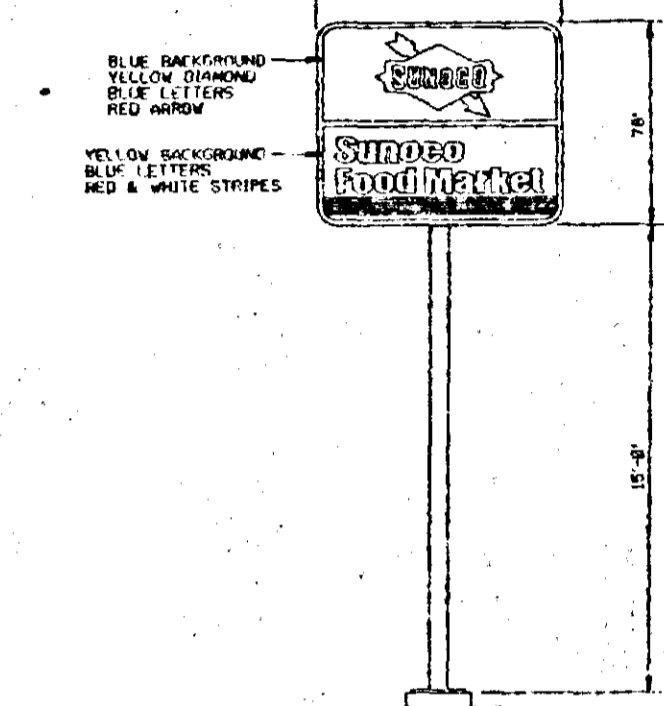
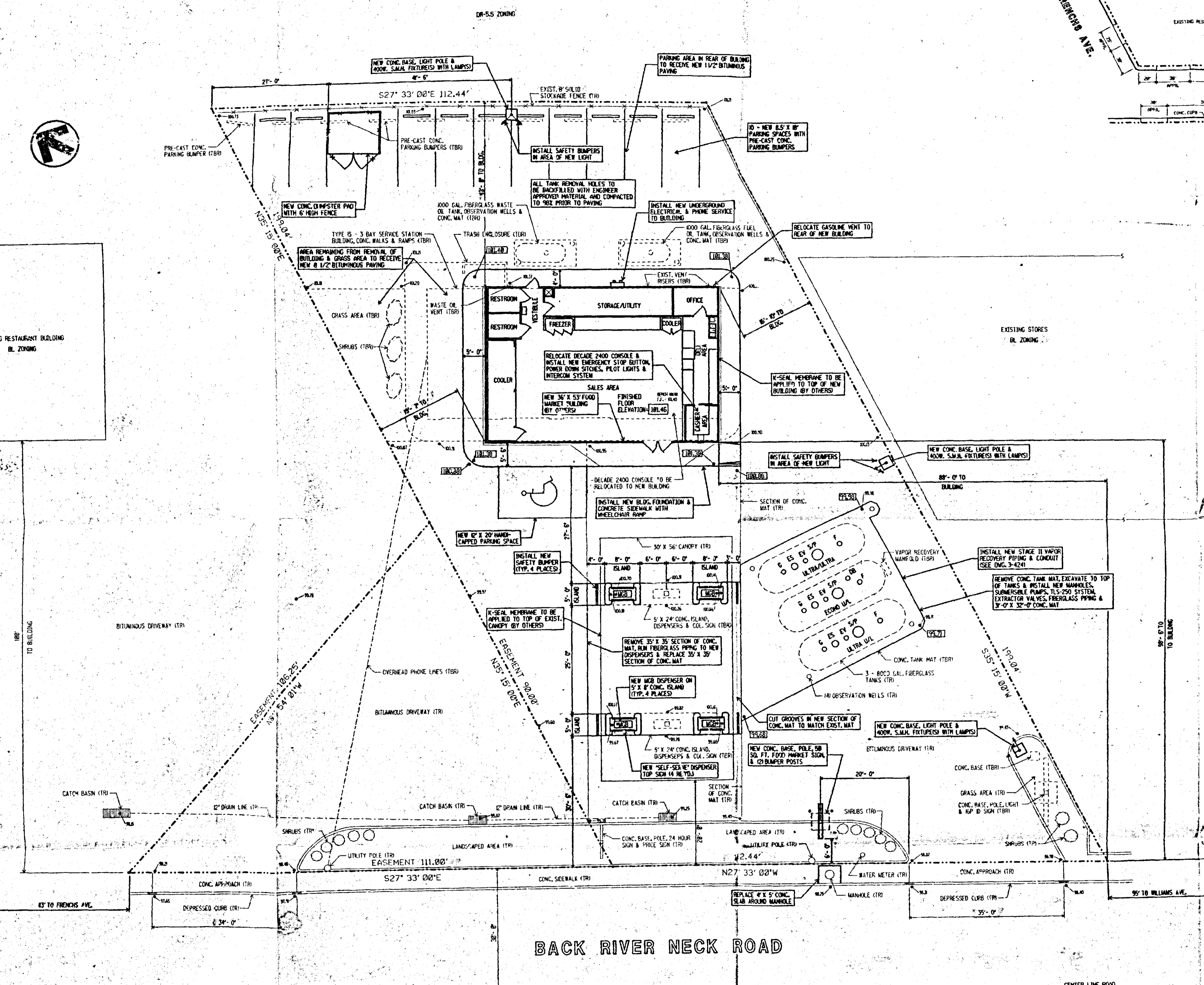
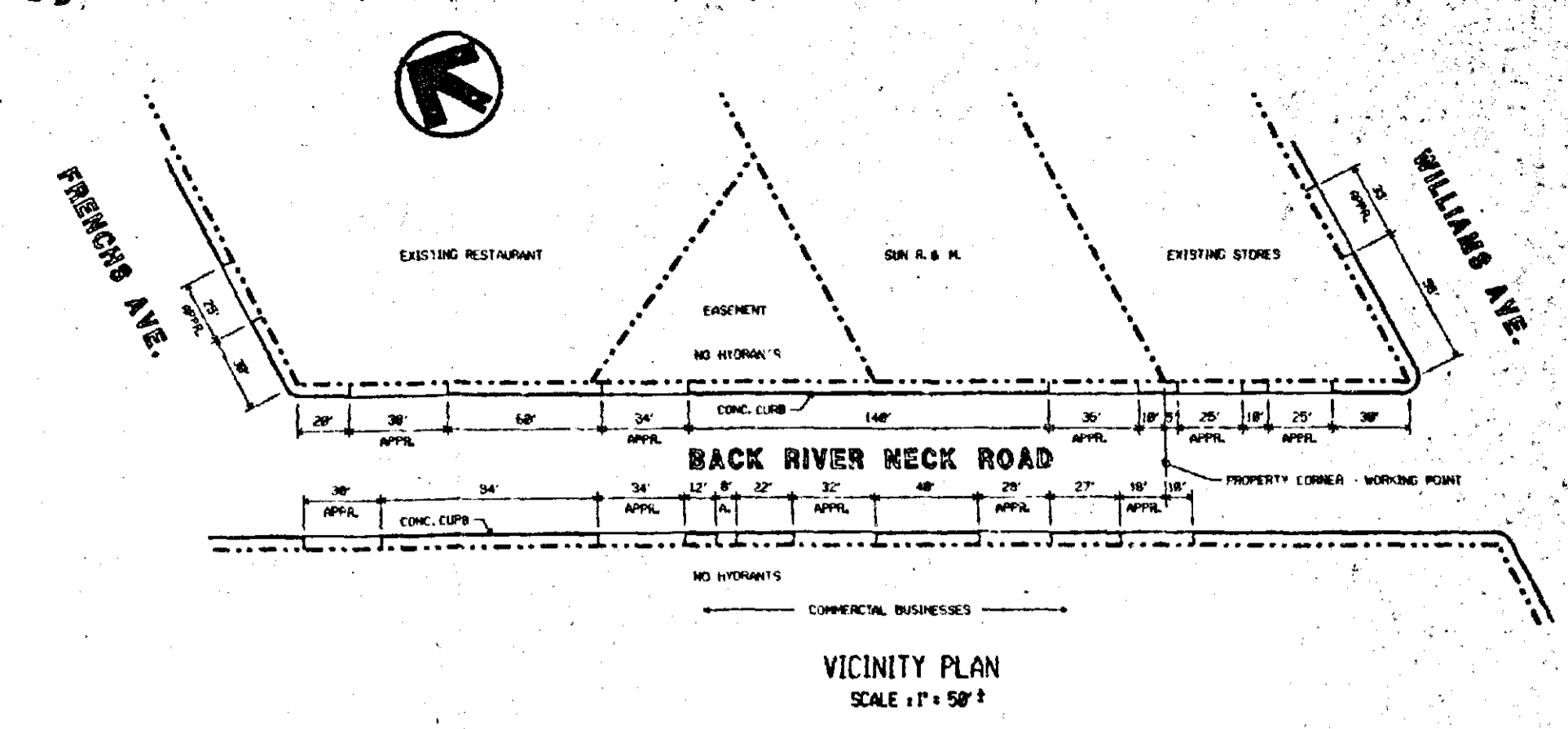
The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 184, 185, 186, 189 and 190.

For Items 184, 187 and 188 the CRG comments remain valid.

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

RWB:s

DEC 27 1989



- LEGEND**
- (TR) TO REMAIN
 - (TBO) TO BE REMOVED
 - 00.00 EXISTING GRADES
 - 00.00 PROPOSED GRADES
 - SALH SUPER METAL HALOGEN
 - MOB MULTI-GRADE BLENDER DISPENSER
 - F FILL MANHOLE
 - ES ELECTRONIC SENSOR MANHOLE
 - EV EXTRACTOR VALVE MANHOLE
 - S/P SUBMERSIBLE PUMP MANHOLE
 - G GAUGE MANHOLE
 - DB DRYBREAK
 - CONC. CURB (TR)
 - CONC. CURB (TBO)

REFERENCE DRAWINGS

NO.	DESCRIPTION	DATE	REV.
1-4660	MISCELLANEOUS DATA'S & ELEVATIONS	1-4660	REV. 7
2-328	EMERGENCY STOP/START & DISPENSER SHUT-DOWN SCHEMATIC	2-328	REV. 8
2-324	INTERCONNECTION WIRING DIAGRAM FOR MOB DISPENSER	2-324	REV. 2
2-339	EXTERIOR ELECTRICAL - SUNOCO FOOD MARKET WITH MOB'S	2-339	REV. 1
3-489	SINGLE WALL FIBERGLASS TANK & PIPING DETAILS & SPECIFICATIONS	3-489	REV. 9
3-418	SINGLE WALL FIBERGLASS TANK AND PIPING DETAILS AND MATERIALS SCHEDULE	3-418	REV. 8
3-417	SINGLE WALL FIBERGLASS TANK & DETAILS	3-417	REV. 8
3-424	STAGE II VAPOR RECOVERY PIPING & DETAILS - PIPING ONLY	3-424	REV. 2
4-581	EXTERIOR CONCRETE DETAILS	4-581	REV. 5
5-3	36' X 57' MODULAR BUILDING FLOOR PLAN	5-3	REV. 8
2-4	36' X 57' MODULAR BUILDING INTERIOR EQUIPMENT & SCHEDULE	2-4	REV. 1
5-7	36' X 57' MODULAR BUILDING INTERIOR ELEVATIONS	5-7	REV. 8
9-1	36' X 57' MODULAR BUILDING PLUMBING PLAN	9-1	REV. 8
P-2	36' X 57' MODULAR BUILDING INTERIOR PLUMBING PLAN	P-2	REV. 8
EL-1	36' X 57' MODULAR BUILDING SINGLE PHASE ELECTRICAL PLAN	EL-1	REV. 8
EL-2	36' X 57' MODULAR BUILDING SINGLE PHASE ELECTRICAL PLAN	EL-2	REV. 8
EL-3	36' X 57' MOD. BLDG. 1PH/3PH/480V A. SVC. EXCHANGE WIRING	EL-3	REV. 8
P-18	36' X 57' MODULAR BUILDING FOUNDATION PLAN	P-18	REV. 8

X-408-06
105#

REVISION 1

PLANNED DATA - SETIAL USE
 E.D.C. - 800 SQ. FT.
 5 SPACES FOR EACH 1000 SQ. FT.
 1000 X 5 - 8x4 SPACES REQUIRED
 10 SPACES SHOWN @ 8.5 X 10'
 1 - HANDICAPPED SPACE SHOWN @ 12' X 20'
 PAVING TYPE - MAXIMUM
 SIGNS - 5' MIN. FROM PROPERTY LINE.

PROPERTY ZONED: BLC-2 P
 5th ELECTION DISTRICT
 SUN COUCHMAN DISTRICT
 PRELIMINARY BLDG. PERMIT # CONTROL NO. C-92-10, PROPERTY ZONED: BLC-2
 PERMIT NO. 21530 (UB-R-79)
 TEE PROPERTY 26,800 SQ. FT. (AREA) 16.5 AC. 4,056 PACE 319
 EASEMENT AREA 4448 SQ. FT. - LIDER 507' PACE 119
 AREA REQUIRED: 25,800 SQ. FT. @ 0.748 AC. @ 1 = 22,632 SQ. FT. @

OWNER: SUN REFINING & MARKETING CO.
 UTILITIES:
 SEWER @ ON WILLIAMS, 10' ON FRANCIS, 20' ON BACK, 14" ON NECK RD.
 WATER @ ON BACK RIVER NECK RD., 10' ON WILLIAMS, 20" ON FRANCIS
 R.O.R. - 60' PAVEMENT 48'

NO.	DATE	REVISION	BY	APP'D.
1	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
2	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
3	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
4	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
5	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
6	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
7	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
8	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
9	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
10	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
11	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
12	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
13	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
14	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
15	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
16	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
17	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
18	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
19	11/17/83	REVISED PER PLAN NO. 3-424	DMV	
20	11/17/83	REVISED PER PLAN NO. 3-424	DMV	

SUN REFINING & MARKETING COMPANY
 Facilities & Distribution Department
 Philadelphia, PA

PLOT PLAN
 145 BACK RIVER NECK RD.
 ESSEX, MD

DATE: 11-17-83
 DRAWN BY: DMV
 CHECKED BY: DMV
 APPROVED BY: DMV

PROJECT NUMBER: 3-4660
 SHEET NO.: 5