

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION AND VARIANCES * DEPUTY ZONING COMMISSIONER
NE/CORNER Pulaski Highway * OF BALTIMORE COUNTY
and Ebenezer Road * 11th Election District
(10800 Pulaski Highway) * 5th Councilmanic District
Case No. 90-507-SPHXA
Sun Refining & Marketing Co. *
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the conversion of an existing full-service station to a gas and go, to amend the previously approved plan in Case No. 606, and to determine that the proposed use in combination is permitted, pursuant to Sections 405.8 and 405.4C of the Baltimore County Zoning Regulations (B.C.Z.R.). Petitioner also requests a special exception to approve the use of a portion of the property for a food store with less than 5,000 sq.ft. as a use in combination with the proposed gas and go, pursuant to Section 405.4.D.8 of the B.C.Z.R., and variances to permit a rear yard setback of 1 foot in lieu of the required 30 feet, to permit entrances of 48 feet, 55 feet, and 21 feet, respectively, in lieu of the required minimum 24 feet and maximum of 35 feet, to permit a curb tangent length of 16 feet in lieu of the required 20 feet, to permit a canopy setback from a street right-of-way of 8 feet in lieu of the required 10 feet, to permit an off-street parking setback from the street right-of-way of 5 feet in lieu of the required 10 feet, and to permit a freestanding sign of 172.2 sq.ft. total in lieu of the maximum permitted 100 sq.ft., all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Ronald W. VonLuehrte, Consultant, appeared, testified, and was represented by Seymour R. Goldstein, Esquire. Also

appearing on behalf of the Petitions was William J. Schreiber, Jr., "real-er. There were no Protestants.

Testimony indicated that the subject property, known as 10860 Pulaski Highway, consists of 27,037 sq.ft., zoned B.R.-C.S.1 and is improved with a full-service gasoline service station, which has existed on the property since 1946. Said property was the subject matter of previous Case No. 606 in which a special permit for the operation of a gasoline service station on the site was granted. Petitioner is desirous of converting the subject station to a combination gas and go/food mart service station. Mr. Von Luehrte and Mr. Schreiber testified Petitioner decided to convert the property due to the existence of a number of other automobile repair service centers in the area and changes in technology regarding computerization of the auto repair business. Mr. VonLuehrte testified he is a retired employee of Sunoco with 30 years of experience and is now a land use consultant. He testified that he is familiar with the B.C.Z.R. and site specifications of the subject property. He testified that a service station is permitted by special exception in the B.R.-C.S.1 zone on an individual site and that the proposed use in combination with a food mart at the subject location is permitted by special exception. Mr. Von Luehrte addressed Section 502.1 requirements and the requirements set forth in Section 405 and concluded that the granting of the special hearing and special exception in this instance will not conflict with Section 405 and/or Section 502.1 requirements of the zoning regulations.

Petitioner addressed the variance requests in detail and noted that the majority of the variances requested are due to site conditions which have existed since the late 1940s without any detriment. Petitioner argued the practical difficulty it would suffer if strict compliance with

the zoning regulations is required due to the unique characteristics of the subject property and its narrow width. Mr. Schreiber described his familiarity with the property as the dealer since July 1985. He argued that the variances requested for the entranceway widths are necessary in order to have a smooth flow of traffic through the lot. To support its requests, Petitioner referred to the State Highway Administration's comments which indicate that they find the proposed site plan acceptable. Petitioner has also revised its sign plan and reduced the size of the proposed sign from 172.2 sq.ft. to 120 sq.ft. as depicted in Petitioner's Exhibit 7. In support of its sign request, Mr. Schreiber testified that Pulaski Highway is a heavily travelled road with a speed limit of 55 mph and referred to various pictures indicating site visibility in the area. Petitioner argued that the sign variance requested is necessary to insure adequate visibility. Petitioner noted that the new sign variance requested is actually smaller in size than the existing sign and combines both the pricing and station identification information on one face.

The hearing was then continued to allow Petitioner additional time to file for another variance from Section 405.2B.5 of the B.C.Z.R. as a result of a determination at the hearing that since there was access to Ebenezer Road, which is not considered a Class I commercial motorway, an additional variance was needed. An amended Petition for Zoning Variance was filed and the hearing continued on November 2, 1990.

Petitioner's case was readvertised and reposted to reflect the additional request. The original witnesses for the Petitioner reappeared and testified. There were no Protestants.

Mr. Schreiber testified that access from the subject property to Ebenezer Road has existed since the Petitioner acquired the site in the

1950s, if not since its development as a service station in the 1940s. He argued the access to Ebenezer Road was needed for ingress and egress to the site and for emergency vehicles. Petitioner further argued that such access does not create any detriment to the health, safety or general welfare of the community and to deny same would create unreasonable hardship. Further, Petitioner indicated it would comply with the Zoning Plans Advisory Committee comments submitted by the Developer's Engineering Division of the Department of Public Works dated June 22, 1990. Petitioner submitted a revised site plan which has been marked Petitioner's Exhibit A.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing 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 relief requested will not be detrimental to the public health, safety, and general welfare.

It is clear that the B.C.Z.R. permits the use proposed in a B.R.-C.S.1 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 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 par-

ORDER RECEIVED FOR FILING
Date 11/24/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/24/90
By [Signature]

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By [Signature]

ORDER RECEIVED FOR FILING
Date 11/24/90
By [Signature]

ticular 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.

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 lesser 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 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 in the special hearing, special exception, and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of November, 1990 that the Petition for Special Hearing to approve the conversion of an existing full-service station to a gas and go, to amend the previously approved plan in Case No. 606, and to determine that the proposed use in combination is permitted, pursuant to Sections 405.8 and 405.4C of the B.C.Z.R., in accordance with Petitioner's Exhibit A, be and is hereby GRANTED, subject, however, to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to approve the use of a portion of the property for a food store with less than 5,000 sq.ft. as a use in combination with the proposed gas and go, pursuant to Section 405.4.D.8 of the B.C.Z.R., in accordance with Petitioner's Exhibit A, be and is hereby GRANTED, subject, however, to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit a rear yard setback of 1 foot in lieu of the required 30 feet, to permit entrances of 48 feet, 55 feet, and 21 feet, respectively, in lieu of the required minimum 24 feet and maximum of 35 feet, to permit a curb tangent length of 16 feet in lieu of the required 20 feet, to permit a canopy setback from a street right-of-way of 8 feet in lieu of the required 10 feet, to permit an off-street parking setback from the street

right-of-way of 5 feet in lieu of the required 10 feet, to permit a freestanding sign of 120 sq.ft. total in lieu of the maximum permitted 100 sq.ft., and to permit access to Ebenezer Road, in addition to access solely to a Class I commercial motorway, in accordance with Petitioner's Exhibit A, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) 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 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.
- 2) Petitioners shall provide air and water to customers at no charge.
- 3) The sign variance granted herein is limited to a sign of 120 sq.ft. total of the design as depicted in Petitioner's Exhibit 7.
- 4) Prior to the issuance of any permits, Petitioners shall submit a landscaping plan which has been approved by the Deputy Director of Planning and the Baltimore County Landscape Planner.
- 5) In the event of any abandonment of the subject service station for one year or greater, the special exception and variances granted herein shall be rescinded and the Petitioners and/or the then property owners shall be required to file a new Petition.
- 6) Compliance with the Zoning Plans Advisory Committee comments submitted by the Developer's Engineering Division, Department of Public Works, dated June 22, 1990, unless a waiver by the County is received in writing.
- 7) 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.

[Signature]
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/24/90
By [Signature]

ANN:bjs

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

November 5, 1990

Seymour R. Goldstein, Esquire
20 W. Chase Street
Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
NE/CORNER Pulaski Highway and Ebenezer Road
(10800 Pulaski Highway)
11th Election District - 5th Councilmanic District
Sun Refining & Marketing Co. - Petitioner
Case No. 90-507-SPHXA

Dear Mr. Goldstein:

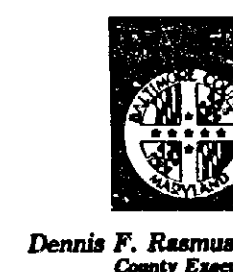
Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted in accordance with the attached Order.

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,

[Signature]
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs
cc: People's Counsel
File



ORDER RECEIVED FOR FILING
Date 11/24/90
By [Signature]

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

J. Robert Haines
Zoning Commissioner

September 19, 1990

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 21204 as follows:

Petitions for Special Hearing, Special Exception and Zoning Variance
CASE NUMBER: 90-507-SHXA
NE/Corner Pulaski Highway and Ebenezer Road
11th Election District - 5th Councilmanic
Petitioner(s): Sun Refining and Marketing Company
HEARING: FRIDAY, NOVEMBER 2, 1990 at 9:30 a.m.

Special Hearing: To convert an existing full-service station to gas and go, to amend the approved plan in zoning case #908 and to determine that the proposed use in combination is permitted.
Special Exception: A food store with less than 5,000 sq. ft. as a use in combination.
Variances: To permit a rear yard setback of 1 ft. in lieu of the required 30 ft.; to permit a curb setback of 48 ft., 55 ft. and 21 ft. in lieu of the required 24 ft. and maximum 35 ft.; to permit a curb length of 16 ft. in lieu of the required 20 ft.; to permit a canopy setback of 8 ft. in lieu of the required 10 ft.; to permit an off-street parking setback from street right-of-way of 5 ft. in lieu of the required 10 ft.; to permit a 120 sq. ft. free-standing sign in lieu of the permitted 100 sq. ft.; to permit access to Ebenezer Road in addition to access solely to a Class I commercial roadway.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Sun Refining and Marketing Company
William J. Schreiner, Jr.
R. W. Von Luehrte
Seymour R. Goldstein, Esq.

NOTICE OF HEARING
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NOTICE OF HEARING
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Petitions for Special Hearing, Special Exception and Zoning Variance
CASE NUMBER: 90-507-SHXA
NE/Corner Pulaski Highway and Ebenezer Road
11th Election District - 5th Councilmanic
Petitioner(s): Sun Refining and Marketing Company
HEARING: FRIDAY, NOVEMBER 2, 1990 at 9:30 a.m.

Special Hearing: To convert an existing full-service station to gas and go, to amend the approved plan in zoning case #908 and to determine that the proposed use in combination is permitted.
Special Exception: A food store with less than 5,000 sq. ft. as a use in combination.
Variances: To permit a rear yard setback of 1 ft. in lieu of the required 30 ft.; to permit a curb setback of 48 ft., 55 ft. and 21 ft. in lieu of the required 24 ft. and maximum 35 ft.; to permit a curb length of 16 ft. in lieu of the required 20 ft.; to permit a canopy setback of 8 ft. in lieu of the required 10 ft.; to permit an off-street parking setback from street right-of-way of 5 ft. in lieu of the required 10 ft.; to permit a 120 sq. ft. free-standing sign in lieu of the permitted 100 sq. ft.; to permit access to Ebenezer Road in addition to access solely to a Class I commercial roadway.

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 13, 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 June 7, 1990

THE JEFFERSONIAN,

S. Zabe Orlean

Publisher

CERTIFICATE OF PUBLICATION

June 13, 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 1 successive weeks, the first publication appearing on June 7, 1990.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zabe Orlean

Publisher

PG 104669

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 6/15/90
Posted for: Special Hearing - Special Exception - Variance
Petitioner: Sun Refining & Marketing Co.
Location of property: NE/Corner Pulaski Hwy & Ebenezer Rd.
Location of Sign: Facing Pulaski Hwy, approx. 15' from curb
Remarks: as property of Baltimore
Posted by: [Signature] Date of return: 6/20/90
Number of Signs: 3

Baltimore County
Zoning Commissioner
County Office Building
211 West Chesapeake Avenue
Towson, Maryland 21204

Date: 7/6/90

Case # 90-507-SHXA

Sun Refining & Marketing Company

Posting and Advertising \$187.65

04404W079MCHRC
BA C00947AM07-06-90

Please make checks payable to: Baltimore County

receipt

Number N# 1841

\$187.65

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

J. Robert Haines
Zoning Commissioner

May 21, 1990

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 21204 as follows:

Petitions for Special Hearing, Special Exception & Variance
CASE NUMBER: 90-507-SHXA
NE/Corner Pulaski Highway and Ebenezer Road
11th Election District - 5th Councilmanic
Petitioner(s): Sun Refining & Marketing Company
HEARING: FRIDAY, JULY 6, 1990 at 10:30 a.m.

Special Hearing: To convert an existing full-service station to gas and go, to amend the approved plan in zoning case #908 and to determine that the proposed use in combination is permitted.
Special Exception: A food store with less than 5,000 sq. ft. as a use in combination.
Variances: To permit a rear yard setback of 1 ft. in lieu of the required 30 ft.; to permit a curb setback of 48 ft., 55 ft. and 21 ft. in lieu of the required 24 ft. and maximum 35 ft.; to permit a curb length of 16 ft. in lieu of the required 20 ft.; to permit a canopy setback of 8 ft. in lieu of the required 10 ft.; to permit an off-street parking setback from street right-of-way of 5 ft. in lieu of the required 10 ft.; to permit a 120 sq. ft. free-standing sign in lieu of the permitted 100 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.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Sun Refining and Marketing Company
R. W. Von Luehrte

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

J. Robert Haines
Zoning Commissioner

June 22, 1990

Mr. H. J. Vaughn
Sun Refining and Marketing Company
4041 Market Street
Aston, PA 19014

RE: Item No. 353, Case No. 90-507-SHXA
Petitioner: Sun Refining and Marketing
Petition for Zoning Variance, Special Hearing
and Special Exception

Dear Mr. Vaughn:

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 E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. R. W. Von Luehrte
1031 Squires Drive
West Chester, PA 19382

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
16th day of May, 1990.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

[Signature]
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Sun Refining and Marketing Co

Petitioner's Attorney:

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

May 18, 1990

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

Attn: Mr. James Dyer

Re: Baltimore County
Sun Refining &
Marketing Company
Zoning Hearing of 5-15-90
N/S Pulaski Highway
Route 40-E and
Ebenezer Road
(Item #353)

Dear Mr. Haines:

After reviewing the submittal for a special hearing to convert an existing full service station to gas and go, we find the plan acceptable.

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

Very truly yours,

[Signature]
Charles Rose, Acting Chief
Engineering Access Permits
Division

LB:maw

cc: Mr. J. Ogle

RECEIVED
MAY 22 1990

ZONING OFFICE

My telephone number is (301) 333-1350 (Fax #333-1011)
Telephone for Impaired Hearing or Speech
303-7555 Baltimore Metro - 563-0451 D.C. Metro - 1-800-452-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

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

May 24, 1990



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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 353, 361, 373, 374, 375, 376, 377, 378 and 379.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

RECEIVED
MAY 25 1990
ZONING OFFICE

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

5/10/90
Date

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

Zoning Item # 353, Zoning Advisory Committee Meeting of May 15, 1990

Property Owner: Sun Refining & Marketing Company District: 11
Location: NE corner Pulaski Highway & Ebenezer Road
Water Supply: metro Sewage Disposal: private
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 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, sauna, whirlpool, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been _____ must be _____ conducted.
 - () The results are valid until _____
 - () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____
- () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3700.
- () 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 Approved by Water Sewer Division DEPT of permit for installation of food service facility at this location will be contingent upon availability of metropolitan sewerage, proposed usage of facility and a comprehensive evaluation of existing private sewage disposal system.

Barbara
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

MAY 10, 1990



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: NE CORNER PULASKI HIGHWAY AND EBENEZER ROAD

Item No.: 353 Zoning Agenda: MAY 15, 1990

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 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: *Pat Keller* 5-10-90 Noted and
Planning Group Approved *Pat Keller*
Special Inspection Division Fire Prevention Bureau

JK/KEK

JULY 6, 90 90-507-SFHXA

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: July 6, 1990
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: SUN REFINING AND MARKETING CO.
ITEM NO. 353

The Petitioner requests a Special Exception for a food store with less than 5,000 sq. ft. as a use in combination under S.405.4.D.8; a special hearing to amend an existing full-service station to gas and go, to amend the approved plan in Zoning Case No. 606 and to determine that the proposed use in combination is permitted by S.405.8 as it references S.405.4.C.; and a variance for various setback requirements and to permit a 172.2 sq. ft. free-standing sign in lieu of the permitted 100 sq. ft.

In reference to the subject request, staff recommends that the petitions be denied. Section 405.2.B.5 indicates that "On an individual site in a C.S.-1 District, with access solely to a Class 1 commercial motorway, but not within 500 feet of any residential zoning or development, at or beyond either end of such district (as measured along the street), and not within 300 feet of the site of any school (other than a business or trade school), or any church."

Should the petitioner's request be granted, however, staff recommends the following conditions:

- 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.

JULY 6, 90 90-507-SFHXA

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
AUGUST 27, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM # 353
PROPERTY OWNER: Sun Refining & Marketing Company
LOCATION: NE corner Pulaski Highway and Ebenezer Road
ELECTION DISTRICT: 11th
COUNCILMANIC DISTRICT: 5th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

X A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1, CONSTRUCTION DRAWINGS MAY BE REQUIRED.

X A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

X OTHER - Rear wall must comply with Tables 906.2 and 906.3. Sign must comply with Article 29 of the BOCA Code as Amended by Council Bill #158-88.

PERMITS MAY BE APPLIED FOR 8 ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 22, 1990
FROM: ROBERT W. BOWLING, P.E., Chief
Developer's Engineering Division
SUBJECT: Zoning Advisory Committee meeting of May 15, 1990
Revised comments for Item 353
Sun Refining and Marketing Company

Ebenezer Road is to be 50' paving on 70' right-of-way. The developer shall be responsible for any paving and right-of-way required to meet these widths. Red Lion Road is to be 40' paving on 60' right-of-way and the developer is responsible for any further right-of-way widening required.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developer's Engineering Division

RWB:DKH:klm

cc: file

JUL 05 1990

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 24, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for May 15, 1990

The Developers Engineering Division has reviewed the subject zoning item and we have no comments for Items B53, 361, 374, 377 and 379.

For Items 375 and 376, the previous County Review Group Comments still apply.

For Item 373, the shed shown in the easement is acceptable if not permanent (on a concrete base).

For Item 378, the lot is parallelogram. If the house is not built square to the side lot lines, the northern-most corner of the house will have much less than a 10-foot side yard.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developer's Engineering Division

RWB:s

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:ggl
ITEM353/XTXGGL

SEYMOUR R. GOLDSTEIN
TERENCE B. BYRNE
WILLIAM F. MONAGHAN II
PAUL M. WISSE
DAVID P. BORDOW
PAUL K. REESE

LAW OFFICES
GOLDSTEIN & BYRNE
20 W CHASE STREET
BALTIMORE, MARYLAND 21201
(301) 837-3380
3381
FAX NO. (301) 783-8837

November 28, 1990

Ann M. Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

Re: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
NE/Corner Pulaski Highway and Ebenezer Road
(10800 Pulaski Highway)
11th Election District - 5th Councilmanic District
Sun Refining & Marketing Co. - Petitioner
Case No. 90-507-SPHXA

Dear Ms. Nastarowicz:

Enclosed is a letter from Department of Public Works covering the right of way at Red Lion Road. Please make this correspondence a part of the file.

If you desire any further clarification, please contact the undersigned.

Thank you for your cooperation in this matter.

Very truly yours,

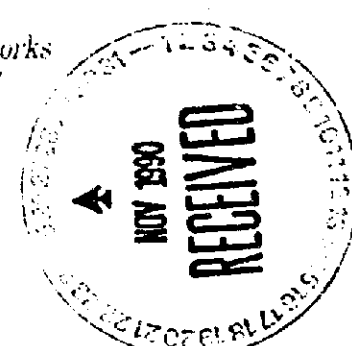
Seymour R. Goldstein

SRG/bac
Enclosure
cc: Joseph E. Zulli, Esq.
Mr. R.W. Von Luehrte
William Bennett
Jelena Vukov

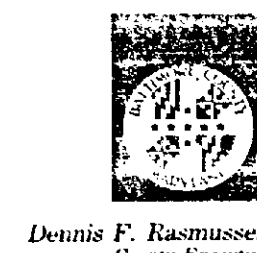
RECEIVED
NOV 29 1990
ZONING OFFICE

Baltimore County
Department of Public Works
Towson, Maryland 21204

Gene L. Neff, P.E.
Director



November 21, 1990



ERM, Inc.
c/o Jelena Vukov
116 Defense Highway, Suite 300
Annapolis, MD 21401

Re: Sun Refining and Marketing Co.
(Item #353)

Dear Ms. Vukov:

The Sun Refining and Marketing Co. site, situated between Red Lion Road and Pulaski Highway at Ebenezer Road will not be required to provide further right-of-way for Red Lion Road at this time due to the close proximity of the existing building to the existing right-of-way and paving.

Very truly yours,

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

RWB:DKH:pab

cc: F.le

SUNOCO/TEXTMEM03

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Gwendolyn Stephens
Docket Clerk

DATE: July 27, 1990

FROM: Ann M. Nastarowicz
Deputy Zoning Commissioner

SUBJECT: Petitions for Special Hearing, Special Exception
and Zoning Variance
NE/Corner Pulaski Highway and Ebenezer Road
(10800 Pulaski Highway)
11th Election District - 5th Councilmanic District
Sun Refining & Marketing Corporation - Petitioner
Case No. 90-507-SPHXA

Please be advised that the subject matter, which was heard in part on July 6, 1990, was continued in order for Petitioner to file an amended Petition. Once the amended Petition has been accepted for filing, please reset the matter in for hearing in front of me and notify all parties of the continued hearing date and time.

Thank you for your assistance in this matter and if you should have any questions, please do not hesitate to contact me.

AMN:bjs

cc: Case File

LAW OFFICES
GOLDSTEIN & BYRNE
20 W CHASE STREET
BALTIMORE, MARYLAND 21201
(301) 837-3380
3381
FAX NO. (301) 783-8837

SEYMOUR R. GOLDSTEIN
TERENCE B. BYRNE
WILLIAM F. MONAGHAN II
PAUL M. WISSE
DAVID P. BORDOW
PAUL K. REESE

July 9, 1990

RECEIVED
JUL 10 1990
ZONING OFFICE

Ann M. Nastarowicz
Deputy Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

Re: Item No. 353, Case No. 90-507-SPHXA
Petitioner: Sun Refining and Marketing
Location: NE Corner Pulaski Highway
and Ebenezer Road

Dear Ms. Nastarowicz:

In reference to the above captioned matter, my clients desire for you to hold your decision in abeyance while they file a Petition for Zoning Variance and have same scheduled as soon as possible.

This Variance would deal with the fact that there is an entrance and exit on Ebenezer Road, which is a secondary road.

Your cooperation in this matter will be deeply appreciated.

Yours very truly,

Seymour R. Goldstein

SRG:mfw

cc: Joseph E. Zulli
Richard W. VonLuehrte

SUN

April 19, 1990

90-507-SPHXA

RECEIVED
APR 23 1990
ZONING OFFICE

Mr. John L. Lewis
Office of Planning & Zoning
111 West Chesapeake Ave.
Towson, MD 21204

Dear Mr. Lewis: Re: Item No. 353
Pulaski & Ebenezer
Whitmarsh, MD

Pursuant to your request, I am returning properly executed application forms.

Very truly yours,

R. W. Von Luehrte

RWL:bfb
Enclosures

BF158

#353
90-507-SPHXA

Dear Mr. VonLuehrte

The secretary informs me that there are only 2 signed special hearing forms in the original signature. Please also include the name of the person signing in type and printed on these forms along with the title he holds.

I am returning these forms to you and will await your return of them. Please Reference Item #353 before filing for hearing.

I hand you
John L. Lewis

4/11/90 Peter Sant

Corrected Petition Recd. 4/24/90

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
R.W. Von Luehrte	1031 SQUIRE DR WEST CHESTER, PA 19382
William J. Schreiber Jr	10800 Pulaski Hwy White Marsh, MD 21162

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
R.W. Von Luehrte	1031 SQUIRE DR WEST CHESTER, PA 19382
S.R. Goldstein	20 W CHASE ST BALTIMORE 21201
William J. Schreiber Jr	1407 Taylor Ave Baltimore 21204

The Secret of
Your Success

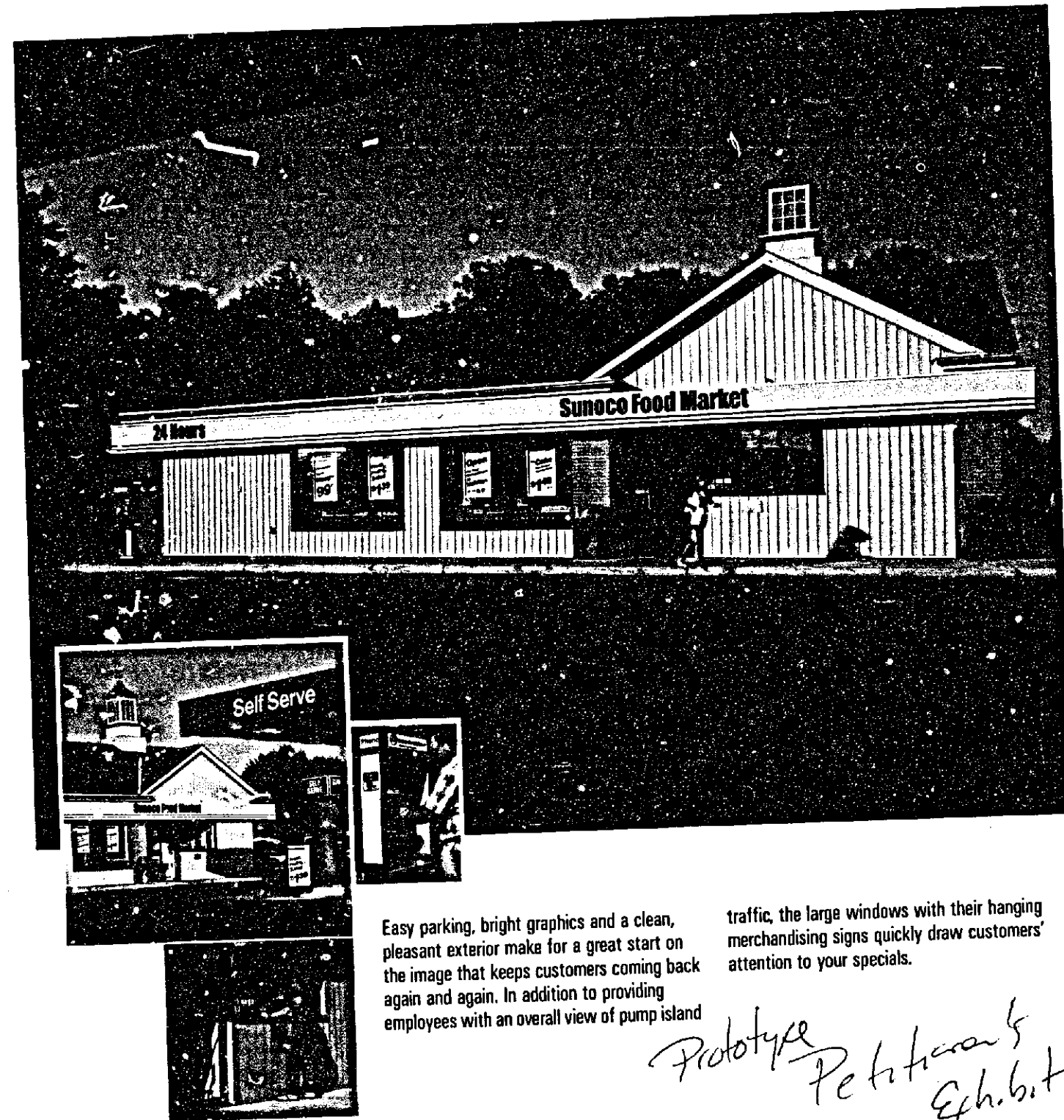
No doubt about it, making the move to your own Sunoco Food Market can prove to be the most profitable decision you have ever made. Before getting to any specifics of the operation though, consider the one word absolutely vital to your coming success.

The word is
IMAGE

PETITIONER'S EXHIBIT # 3

CASE NUMBER: 90-507-SPHYA

Front Exterior



Easy parking, bright graphics and a clean, pleasant exterior make for a great start on the image that keeps customers coming back again and again. In addition to providing employees with an overall view of pump island traffic, the large windows with their hanging merchandising signs quickly draw customers' attention to your specials.

Prototype Petitioner's Exhibit 3

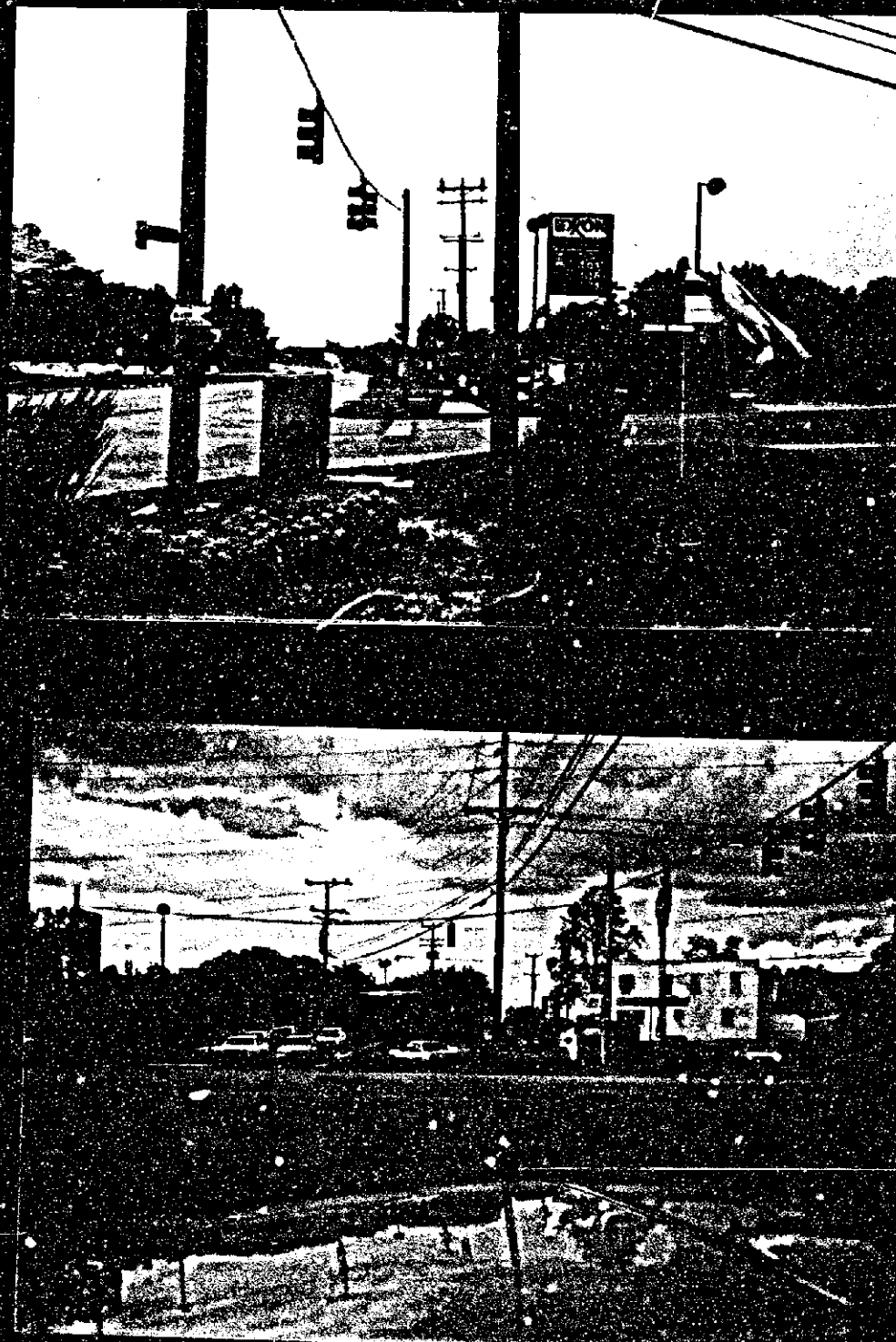
Lift

PETITIONER'S EXHIBIT # 4

CASE NUMBER: 90-507-SPHYA

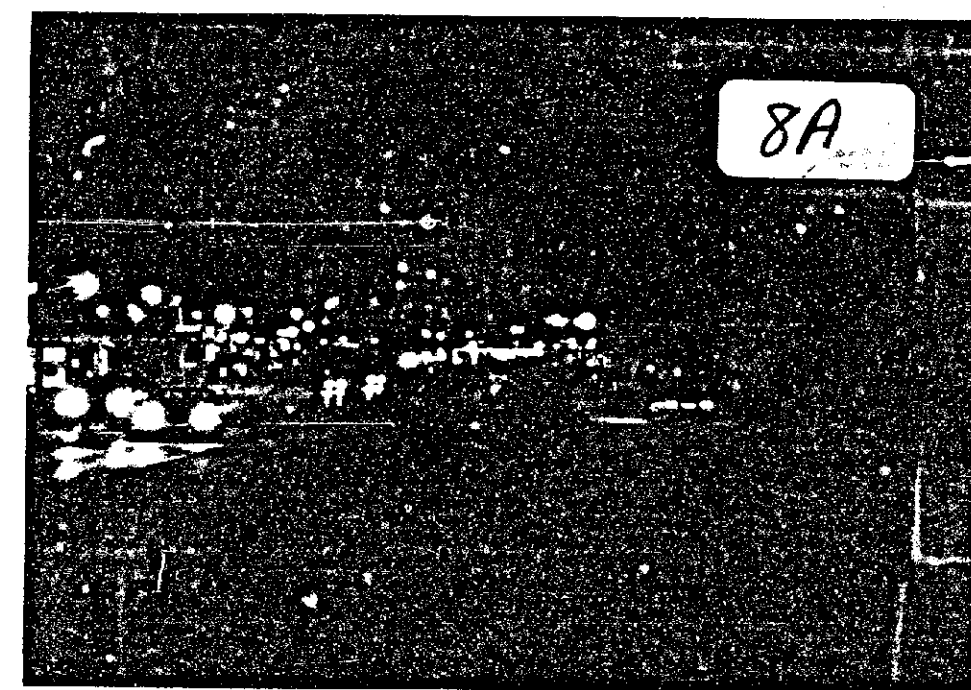


*Petitioner's
Photographs
90-507-SPHYA*

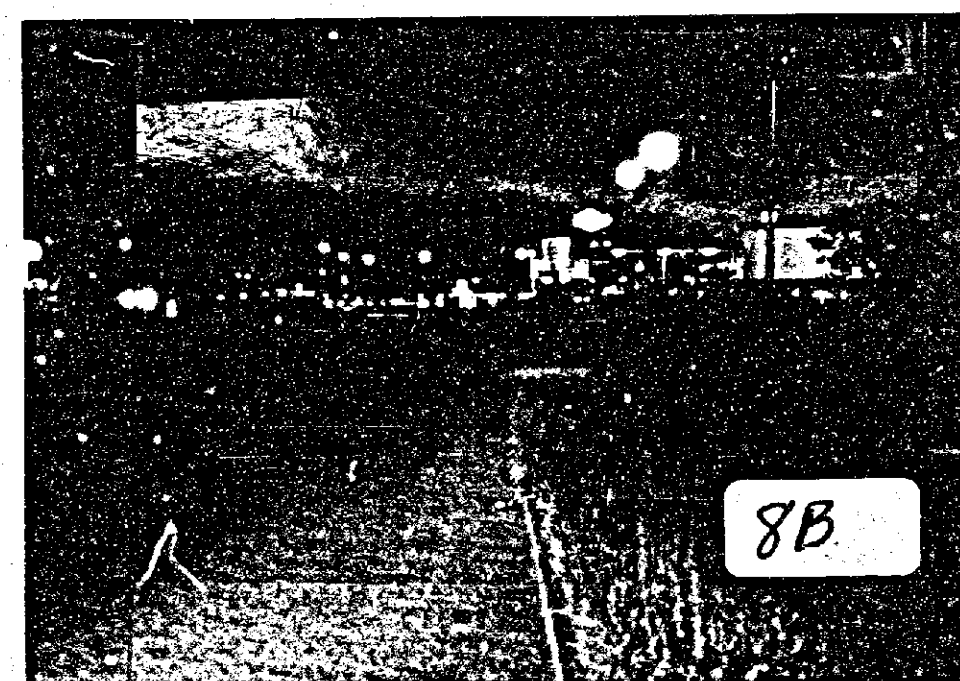


PETITIONER'S EXHIBIT # 5 As Marked

CASE NUMBER: 90-507-SPHYA



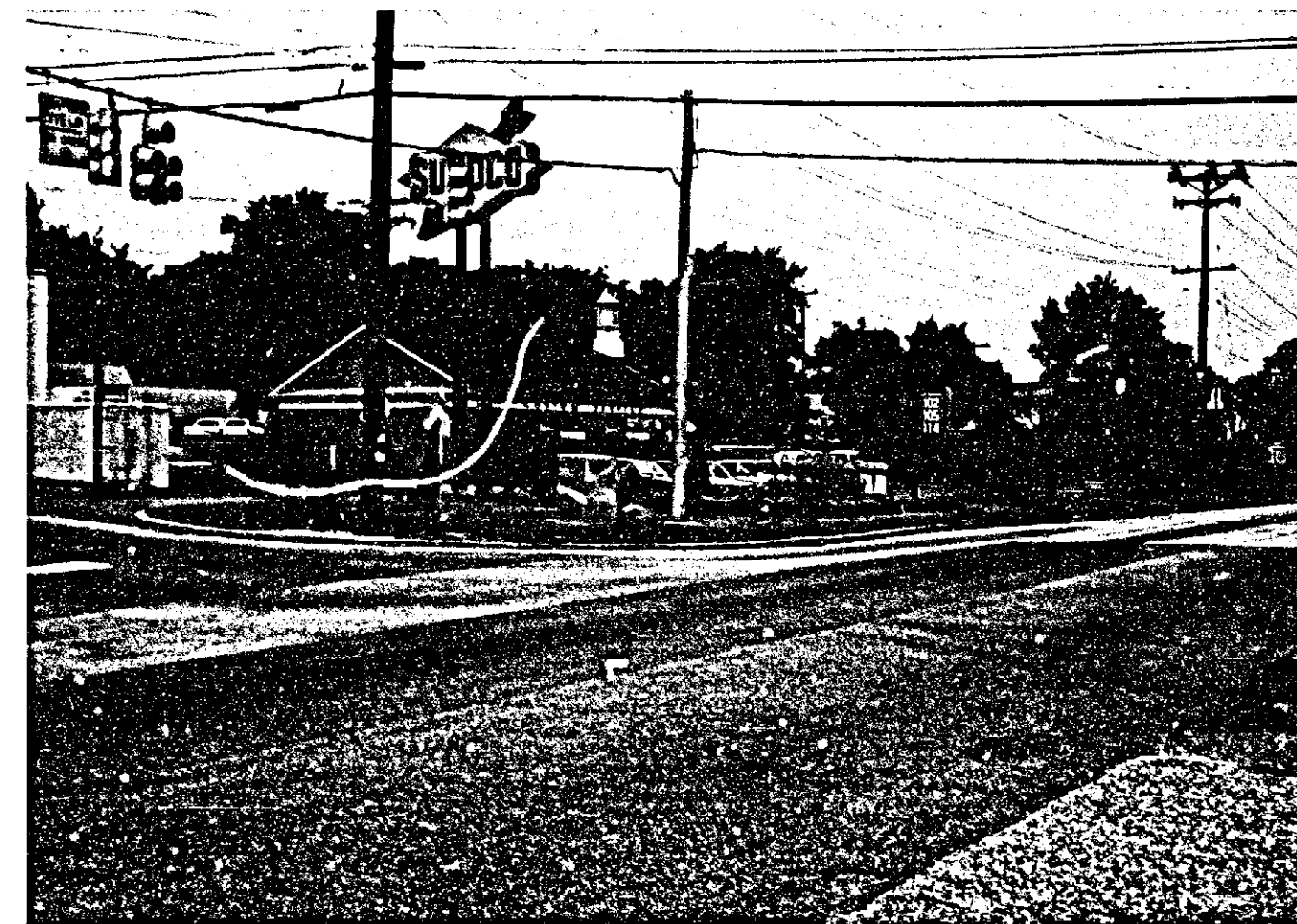
Approximately 600 feet



Approximately 200 ft.

PETITIONER'S EXHIBIT # 2

CASE NUMBER: 90-507-SPHYA



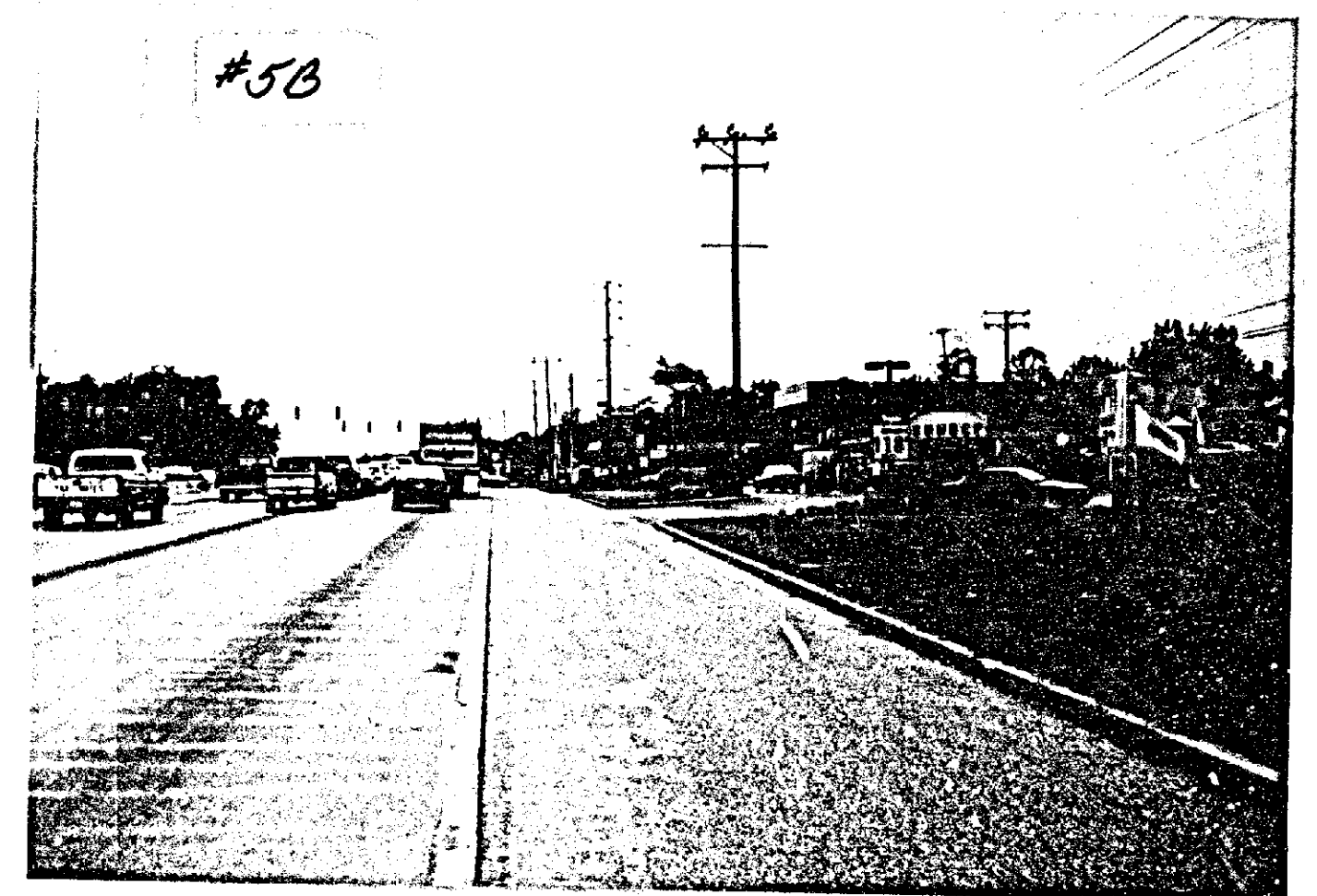
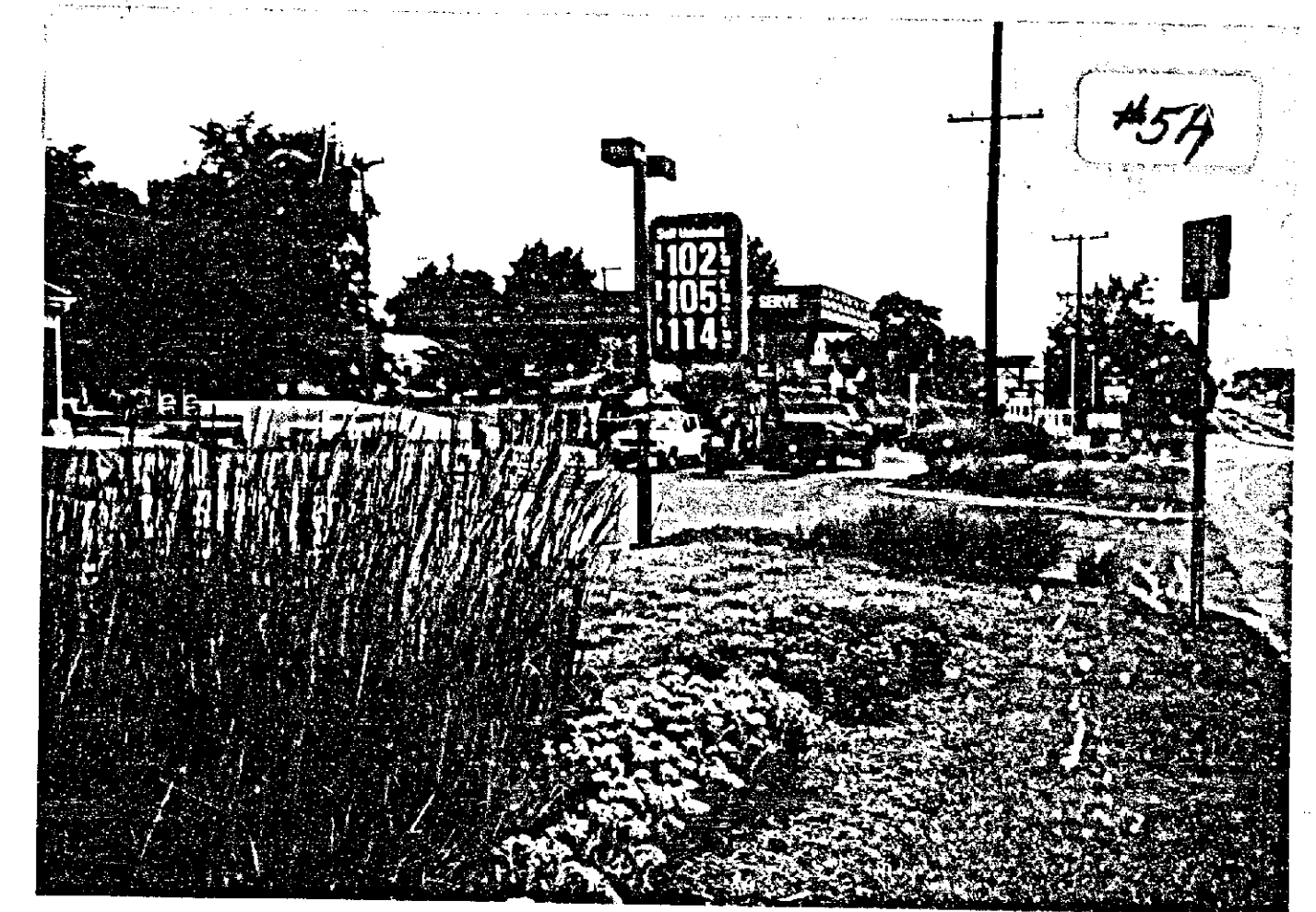
PETITIONER'S EXHIBIT #

CASE NUMBER: 90-507-SPHYA



PETITIONER'S EXHIBIT # 5 As Marked

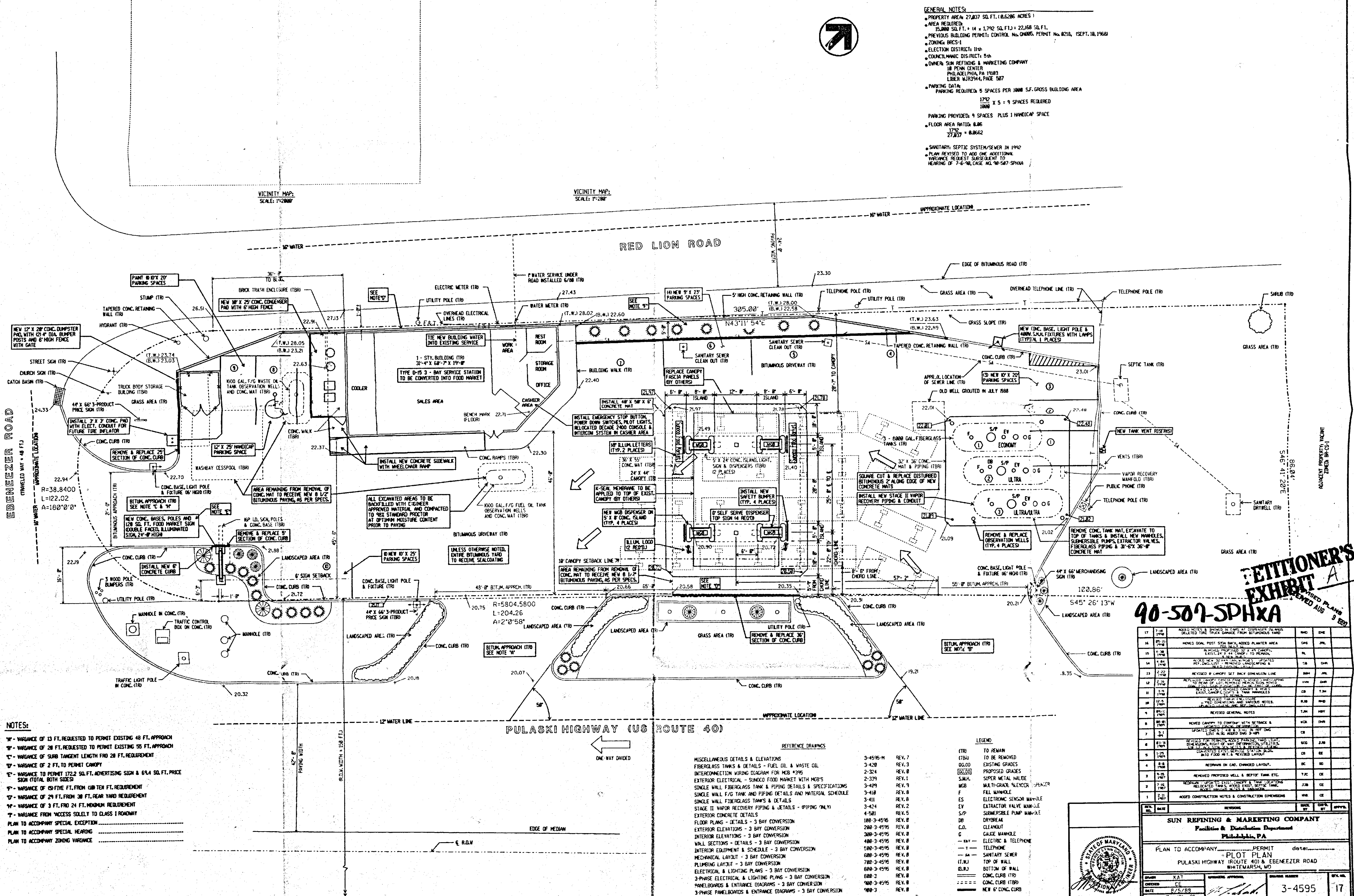
CASE NUMBER: 90-507-SPHYA



PETITIONER'S EXHIBIT # 6

CASE NUMBER: 90-507-SPHYA





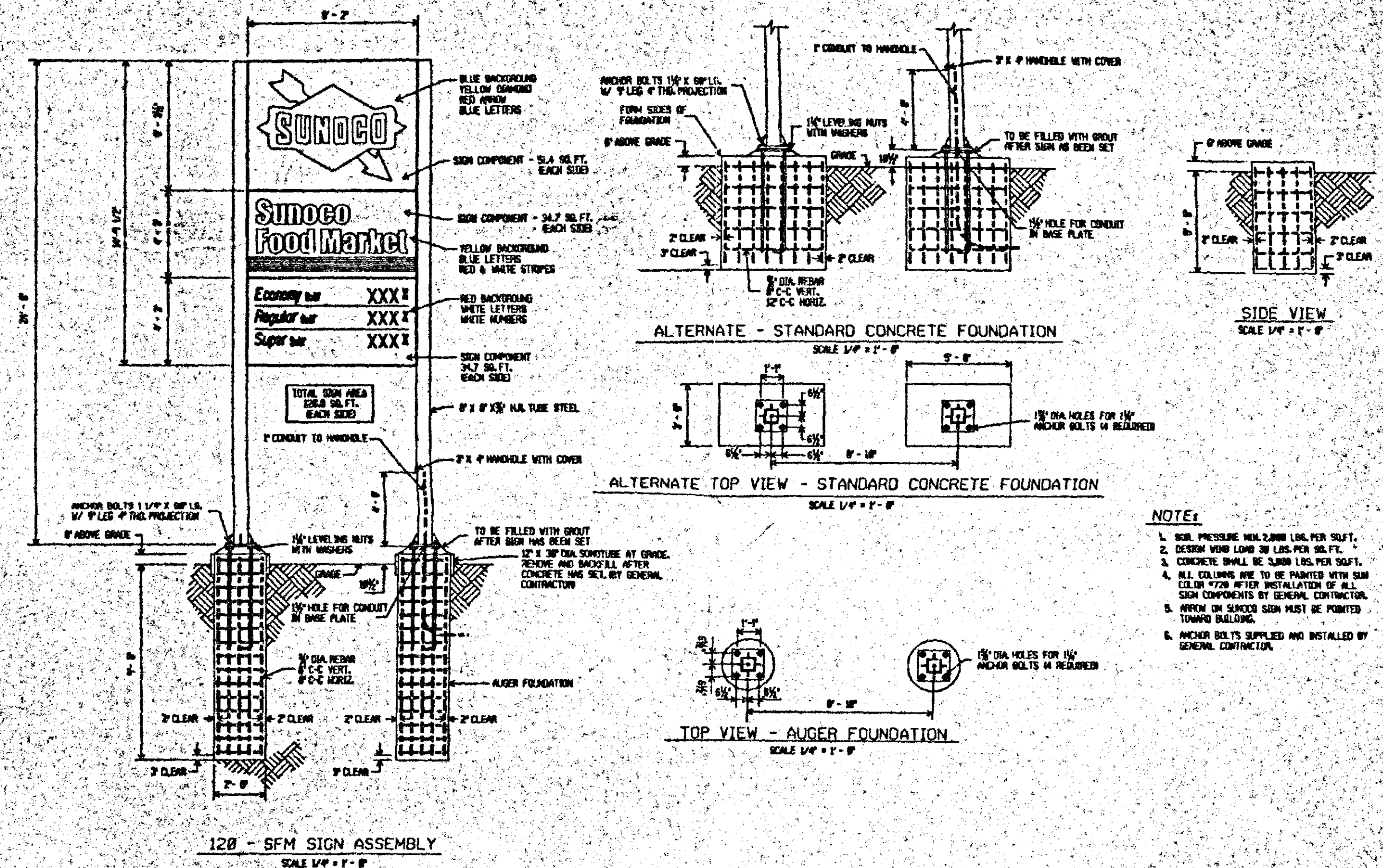
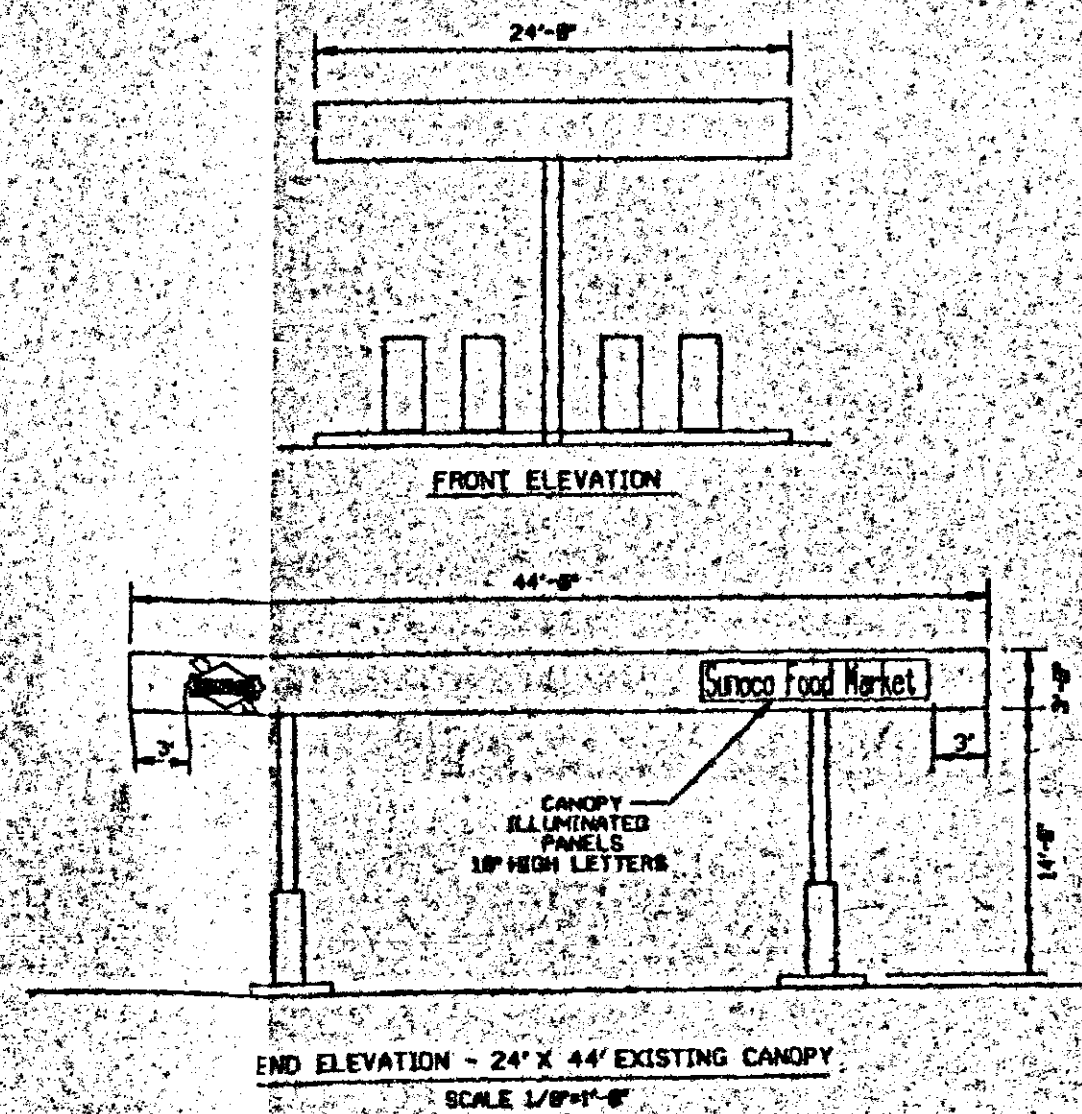
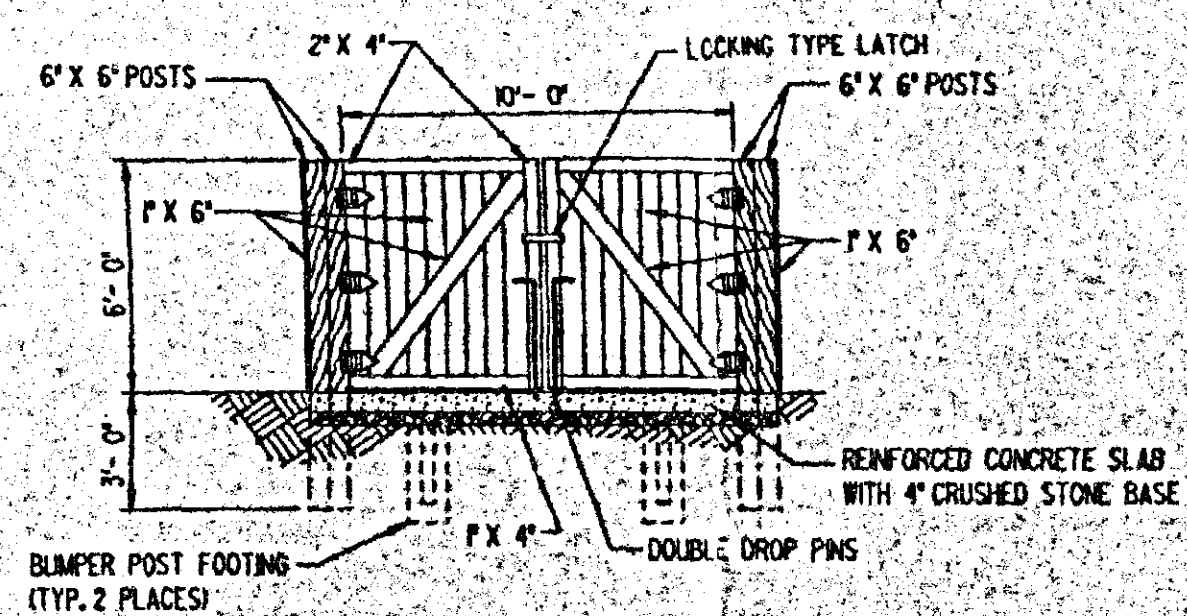
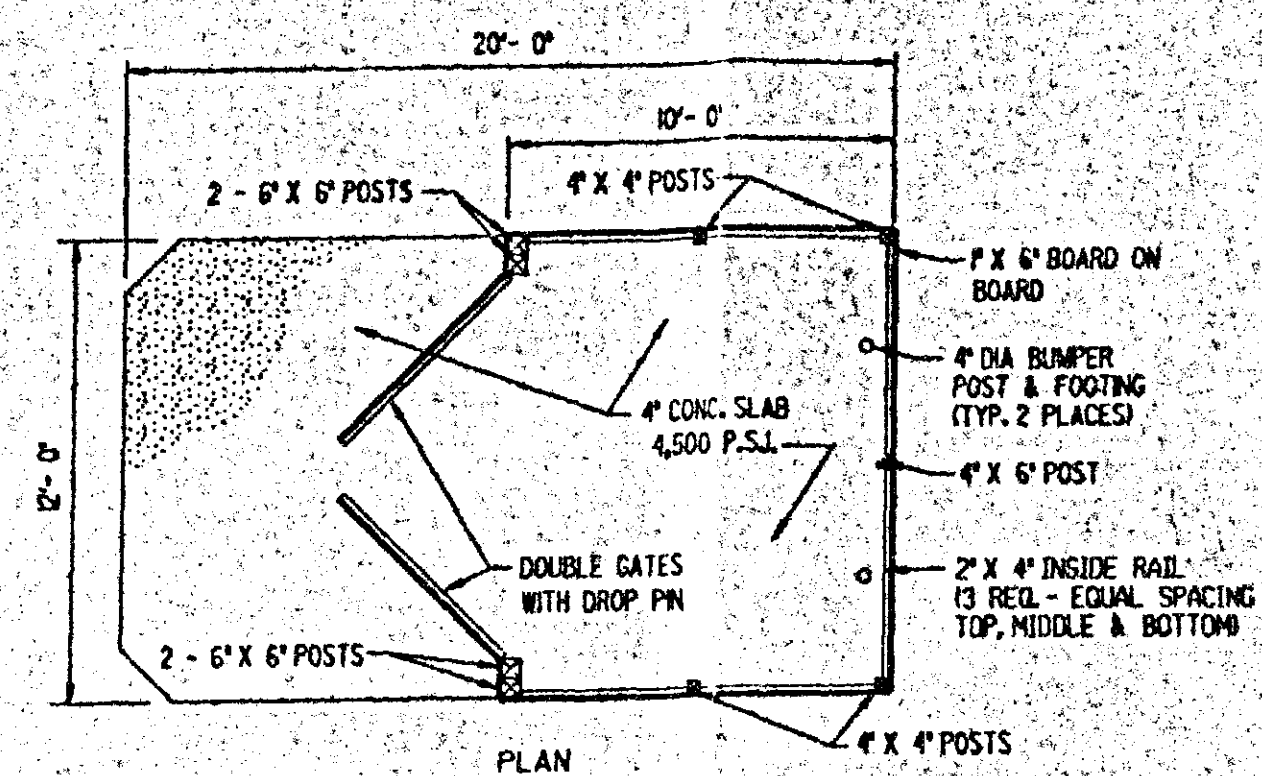
AREA (TR)

**PETITIONER'S
EXHIBIT A**

RECEIVED
FEB 19 1964

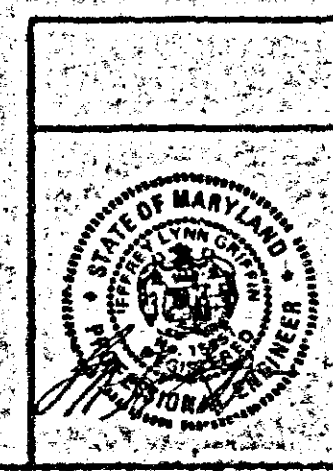
90-507-SPHXA

17	7-18 1949	ALSO NOTES THE TRUCK IN CAMP AT DISTANCE IN PARK DELAYED TRUCK TRAVEL DUE FROM BITUMINOUS TARS	BND	ENE	
16	10-15 1949	MOVED CAMP. POST SIGN BEHIND PLANTER AREA	DWS	JRL	
15	10-30 1949	RE MOVED POSTED TO A CAMP. LOCATED 7 1/2 MI. FROM 1.25 MILE. 1.25 MILE.	PL		
14	8-4 1949	ALSO SEE 22-24 CAMP NOTES. UPDATED RE-DEVELOPED. RE-MOVED LANDSCAPING & RE-DEVELOPMENT. 1.25 MILE.	CB	CHB	
13	2-26 1949	REMOVED 8 CAMP SITE BACK CONCRETE LINE	BND	JRL	
12	2-26 1949	REMOVED CAMP SITE BACK CONCRETE LINE. LOCATED 1.25 MI. FROM 1.25 MILE. 1.25 MILE.	VNN	CHB	
11	1-14 1949	REMOVED CAMP SITE BACK CONCRETE LINE. LOCATED 1.25 MI. FROM 1.25 MILE. 1.25 MILE.	CB	JRL	
10	1-14 1949	REMOVED CAMP SITE BACK CONCRETE LINE. LOCATED 1.25 MI. FROM 1.25 MILE. 1.25 MILE.	BND	JRL	
9	1-14 1949	REMOVED CAMP SITE BACK CONCRETE LINE. LOCATED 1.25 MI. FROM 1.25 MILE. 1.25 MILE.	BND	JRL	
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3	1-14 1949	REMOVED CAMP SITE BACK CONCRETE LINE. LOCATED 1.25 MI. FROM 1.25 MILE. 1.25 MILE.	BND	JRL	
2	1-14 1949	REMOVED CAMP SITE BACK CONCRETE LINE. LOCATED 1.25 MI. FROM 1.25 MILE. 1.25 MILE.	BND	JRL	
1	1-14 1949	REMOVED CAMP SITE BACK CONCRETE LINE. LOCATED 1.25 MI. FROM 1.25 MILE. 1.25 MILE.	BND	JRL	



PETTICOR'S
EXHIBIT 7

NO.	DATE	DESCRIPTION	BY	CHKD BY	APPROVED
1	8/20/68	REPLACES 1/2" DIA. POSTS WITH 1/2" DIA. POSTS	AS	NOTED	
2	8/20/68	REPLACES 1/2" DIA. POSTS WITH 1/2" DIA. POSTS	AS	NOTED	
3	8/20/68	REPLACES 1/2" DIA. POSTS WITH 1/2" DIA. POSTS	AS	NOTED	
4	8/20/68	REPLACES 1/2" DIA. POSTS WITH 1/2" DIA. POSTS	AS	NOTED	
5	8/20/68	REPLACES 1/2" DIA. POSTS WITH 1/2" DIA. POSTS	AS	NOTED	



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

MISCELLANEOUS DETAILS & ELEVATIONS
PULASKI HIGHWAY ROUTE 202 & EDGEMOOR ROAD
WYOMING, DE

DATE: 8/20/68
SCALE: AS NOTED

APPROVED: John J. DeMott
3-4595-M