IN RE: PETITIONS FOR SPECIAL HEARING,

* DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 90-507-SPHXA

Sun Refining & Marketing Co. * * * * * * * * * *

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 1 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., Dealer. There were no Protestants.

Testimony indicated that the subject property, known as 10800 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

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-

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.

nderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted,

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 2 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 the required minimum 24 feet and maximum of 35 feet, to permit a curb angent 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
- 7) When applying for a building permit, the site plan and landscaping plan filed must reference this a Masterage

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

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

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.

ANN M. NASTAROWICZ Deputy Zoning Commissioner

AMN:bjs cc: People's Counsel

Very truly yours,

Q_HNatrony

for Baltimore County

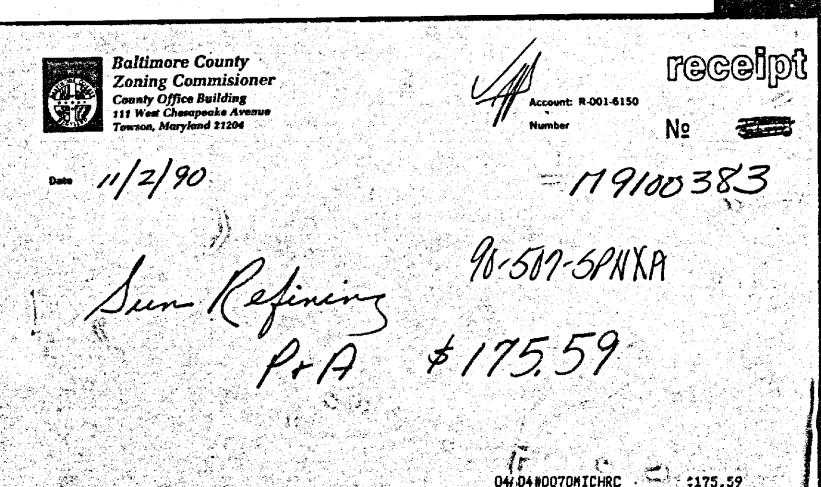
•		353			
TOR S	SPECIAL HEARING			PETITION FOR	
		HXA		TO THE ZONING COMMISSIONER OF	
The undersigned, legal owner(s) of the P	hereto and made a part hereof, hereby petition	mbo-		The undersigned, legal owner(s) of described in the description and plat attached the Zoning Law	the property situate in Baltimore (sched hereto and made a part hereof,
described in the described 500.7 of the Balt	more County Zoning Commissioner should approve		\$1 ⁴	described in the description and plat atta Special Exception under the Zoning Law herein described property for a food	min ===== 0
ther or not the notice station	to gas and go, to amend the approved parts and				
roning case #606 and to determine that the	perkins proposed use in Communication is				
c 405 si es it references S.440.4.0.				****************	###
Property is to be posted and advertised	e Special Hearing advertising, posting, etc., up re to be bound by the zoning regulations and re-	oon fil-			sed as prescribed by Zoning Regulati
I, or we, agree to pay expenses of the aboving of this Petition, and further agree to and a tions of Baltimore County adopted pursuant to	the Mountly Day for Day			I, or we, agree to pay expenses of all of this petition, and further agree to and of Baltimore County adopted pursuant to	pove Special Exception advertising, poly l are to be bound by the zoning regul the Zoning Law for Baltimore Cour
tions of Baltimore County adopted party	I/We do solemnly declare and	affirm,		of Baltimore County adopted pursuant u	I/We do solemi
	are the legal owner(s) of the pr which is the subject of this Petition	·	edy Section		under the penalties are the legal owne which is the subject
	- 10	MAP NE GE			Legal Owner(s):
Contract Purchaser:	Legal Owner(s): Sun Refining and Marketing Co	mcany <u>e-4</u>		Contract Purchaser:	SUN REFINING ANI (Type or Print Name)
(Type or Print Name)	(Type or Print Name)	2. D. TTH		(Type or Print Name)	ev: Dech
	Signature H. J. Vaughn Division Manager	DATE 1 24 92		Signature	Signarure H. J. V Division
Signature	(Type or Print Name)	1000		Address	(Type or Print Name)
Address	Signature	GE'S		Clary and States	Signature
City and State	218umma			City and State Attorney for Petitioner:	
Attorney for Petitioner:	4041 Market Street (215) 499-	-5770 one No.			4041 MARKET ST.
(Type or Print Name)	Address Aston, PA. 19014			(Type or Print Name)	Aston, PA
Signature	City and State			Signature	City and State Name, address and phone r
	Name, address and phone number of legal of tract purchaser or representative to be con-	ntacted		Address	tract purchaser or represe
Address	R. W. Von Luehrte			City and State	R.W. VON LUEHR Name 1031 S WEST CHESTER,
City and State Attorney's Talephone No.:	Name 1031 Squires Dr. West Chester PA 19382 (21	5) 436-0540 none No.		Attorney's Telephone No.:	
· · · · · · · · · · · · · · · · · · ·				OPDURED By The Zoning Comm	issioner of Baltimore County, this
ORDERED By The Zoning Commission	ner of Baltimore County, this	cortised. 25		of	that the subject matter of this p
May 19/,	hat the subject master of reneral circulation	on through-		magnined by the Zoning Law of Baltim	ore County, in two newspapers of ger
naminal by the Zoning Law of Butting	sted, and that the public hearing be had before	the Zoning Baltimore	FILING	out Baltimore County, that property be Commissioner of Baltimore County in	1 Room 106, County Office Building
		2.3%'clock	FORF	County, on the	_ day of, 19.
County and de	y or		90	Дм.	1 Rober
M.	Zoning Commissioner of Baltim	neall.	RECEIVED F		Zoning Commissi
	Zoning Commissioner of Baltim	ore County	REC		Zomig Com
				z.C.O.—No. 1	(over)
ECONo.1	(over)		ORD Date		
			a negative probability of the second	ation and the second section of the second	
				NOTICE OF HEARING	
			Ba tro	The Zoring Commissioner of Rist Baltimore County, by authority of the Zoning Act and Regulations B6 of Baltimore County will hold a	CERTIFICATE OF P
			pul idi the	bild public hearing on the property intig identified herein to Room 108 of the County Office Building, to	
Baltimore County		oglees of the second se		ieC. cated at 111 W. Chesapeake AV- use enus in Towson, Maryland 21204 tol. as follows:	THE TO TO CEPTIEV that the ann
Zoning Commissioner County Office Building	Account: R-001-6			Prolitions for Special Hearing. Special Exception and Zoning Variance	THIS IS TO CERTIFY, that the annual in the NORTHEAST TIMES BOOSTEI
Townson, Maryland 21204	Number	Nº 2061		NEComer of Pulsers Indian	EPORTER, weekly newspapers publish
				Petitioner(s): Our Rollning and Market.	nce in each of successive weeks,
				hy Company Housing Date: Friday, Nov. 2, 1990 et 6:30 a.m.	10-3,1990
				Special Hearing: To convert an existing full-convice station to the special sp	
				proved plan in zoning case #608 and to determine that the proposed use in combination is permitted. Special Exception: A	
				food store with the than 5,000 so, it	NORTHEAST NORTHEA
4/09/70*	H900025	13 - Tean San San San San San San San San San S		setber setbeck of 1 ft. in lieu of the re- quires of 48 c. 55 ft. and 21 ft. in lieu of the re- guires of 48 ft. 55 ft. and 21 ft. in lieu of the re- guires of 48 ft. 55 ft. and graph	
PUBLIC HEARING FEES	RTY PRICE			35 ft. 35 ft.; to permit a curb tangent length of 16 ft. In lieu of the re- quirer quired 20 ft.; to permit a canopy	silete.
ozo -ZDNING VARIANCE (THER)			setted setteck of 8 ft. in set of an off- quired quired 10 to be permit on off- street parking setteck took street	
040 -SPECIAL HEARING:(righted season of \$ % in law of the required to it, to permit a 120 of the fit from the controlling agos to have of the permit of permitted 100 sq. it, to permit of permitted 100 sq. it, to permit of the permitted 100 sq. it, to permit and it.	
050 -SPECIAL EXCEPTION				permit permitted for sea. Road in addi- oses in Ebensett Road in addi- tion to to access acisty to a Class I commit commercial motorway.	5 /0
070 -SUM OF ABOVE FEE	(MAXIMUM) Se make checks payable to: Baltimore County		and the second	J ROBERT HAINES Zoning Commissioner of Resimone County	
Cashler Validations	TOTAL: \$450.00			NUTO NUTOOZI OG 4	G C
				The Zoring Connectioned of American County, by substity of American Andrews County, by substity of American County (County)	CERTIFICATE OF
불병 (하다) 상황에 가입니다 [4] 사람들 방사가 하는 하는 그 사람이 나는 그는 그 사람이 되었다.	90-507-SPHXA		to of P.	e Zoning Act and result hold a Baltimore County will hold a Jolic hearing on the property Jolic hearing in Prove 106 of	
Baltimore County Zoning Commissioner		19919999		e County Office Business Av- sted at 111 W. Chosepesie Av- pare in Townor, Maryland 21204	TOWSON, MD.,
County Office Building	Account: R-001-615			Petitions for Special Houring	THIS IS TO CERTIFY, that the
Towsen, Maryland 21204	Number	Nº 3149		Zoning Variance Case No.: 96-607-SPHCAN NE/Corner of Pulmate High-	published in THE JEFFERSONIAN,
Deb. 8/09/90	M9100110			Sen Councilmento	in Towson, Baltimore County, Md., o weeks, the first publication appearing
				Sun Refiring and Market- ing Company Hearing Dete: Friday, Nov. 2, 1990 at 9:30 a.m.	
REVISED PUBLIC HEARING F				Special Hearing: To convert	
110 -REVISIONS (ALL OTHE				ges and go, to amorto proved plan in zoning case #806 and to determine that the	THE
LAST NAME OF DUNER: SUN	TOTAL: \$75.00 REFINING			permitted. Special tess than 5,000 food store with less than 5,000	172
				Variance: to permit a roar yard	

BA COD2:52PHO8-09-90

The undersigned legal owner(s) of the	he property situate in Baltimore County and which is hed hereto and made a part hereof, hereby petition for a and Zoning Regulations of Baltimore County, to use the
lescribed in the description and plat attach	and Zoning Regulations of Baltimore County, to use the
continuation unior S.403.4.D.8	tore with less then 5,000 square feet as a use in
Property is to be posted and advertise	ed as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of about of this petition, and further agree to and a of Baltimore County adopted pursuant to	ve Special Exception advertising, posting, etc., upon filing are to be bound by the zoning regulations and restrictions the Zoning Law for Baltimore County.
of Baltimore County adopted Parones of	I/We do solemnly declare and affirm,
	are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s):
Contract Purchaser:	SUN REFINING AND MARKETING CO. (Type or Print Name)
(Type or Print Name)	Signature H. J. Vaughn
Signature	Division Manager
City and State	Signature
Attorney for Petitioner:	4041 MARKET ST. (215-499-5770)
(Type or Print Name)	Address Phone No. Aston, PA
Signature	City and State Name, address and phone number of legal owner, con-
Address	R.W. VON LUEHRTE
City and State Attorney's Telephone No.:	WEST CHESTER, PA 19382 (215-436-0540)
ORDERED By The Zoning Commiss	sioner of Baltimore County, thisday
of may 19 90	, that the subject matter of this petition be advertised, as
out Baltimore County, that property be	posted, and that the public hearing be had before the Zoning Room 106, County Office Building in Towson, Baltimore
County, on the	day of, 19, ato'clock
<u>Д. — м.</u>	J. Robert Springs
	Zoning Commissioner of Baltimore County.
Z.C.O.—No. 1	(over)
Superior Service De Angelon (19 September 19	
NOTICE OF IMARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations	CERTIFICATE OF PUBLICATION
of Baltimore County will hold a public hearing on the property distribution therein in Floom 108 of the County Office Building, to cated at 111 W. Chesapeste Av.	10-11,199
enue in Towson, Maryland 21204 (c) as follows: P Pelitions for Special Hearing.	THIS IS TO CERTIFY, that the annexed advertisement was publish-
Zoning Variance Case No.: 90-507-SPHXA ed in	n the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES PORTER, weekly newspapers published in Baltimore County, Md.,
8 Pottioner(s):	e in each of successive weeks, the first publication appearing
Hearing Date: Friday. Nov. 5, 1990 et #.30 a.m. Off	10-3,1990
are are existing full-service station to a ges and go, to amend the approved plan in zoning case #606 and to determine that the proposed use in combination is	
permitted. Special Exception: 1 ood food store with two than 5,000 o, ft sq. ft as a use or combination.	NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER
office entirect of 1 ft. In lieu of the re- ulres quired 30 ft.; to permit extremes of 48 ft. 55 ft. and 21 ft. In lieu of the minimum 24 ft. and regularum 5 ft. 35 ft.; to permit a curb tangent	5.2ehe. Orlown
length of 16 ft. In Neu of the re- puired 20 ft.; to permit a canopy setbed setbeck of 8 ft. in Seu of the re- quired 100 ft.; to permit on off-	Publisher
regular required 10 ft.; to permit a 120 eq. regular required 10 ft.; to permit a 120 eq. R. feed St. free-extending sign in fees of the	1,1,1,69
perver porter to Ebenezer Road in add	\$ 100.59
COMPA CONTINUES DE LA CONCRET HANES	
J. ROBERT HAINES Zoning Commissioner of Beltimore County NUMIO NUMIONAL OCL 4.	rija a kalangila kal
ALTICONTROL OF NEATHERS OF NATION COUNTY OF NATIONAL OF NEATHERS OF NATIONAL OF NEATHERS OF NATIONAL O	CERTIFICATE OF PUBLICATION
ALFIGURERT HAINES Zoning Commissioner of Beatmore County NAVIO NAVION21 Oct. 4. SOTICE OF NEA-1988 The Zoning, Commissioner of Innova County, by sestimate of Innova County, by sestimate of Zoning Act and Regulations Selimoner County will hold a sile hearing on the property milled herein in Room 108 of County County will hold a sile hearing on the property milled herein in Room 108 of County County Will hold a sile hearing on the property milled herein in Room 108 of County County Research County Resea	CERTIFICATE OF PUBLICATION TOWSON, MD., 10-11. 19 20
ALFICE OF REARISM J. FIGBERT HAINES Zoning Commissioner of Behimore County NUMO NUMON21 Oct. 4. SIOTICE OF REARISM IN Zoning, Commissioner of Invoire County, by existency of Zoning Act and Regulations Salimore County will hold a lice treating on the property nitted harein in Room 108 of County Office Building, to-ad at 111 W. Choespasies Avair in Towson, Maryland 21204 tollower.	TOWSON, MD.,
J. FOBERT HAINES Zoning Commissioner of Behimore County NAPIO N.P10/021 Oct. 4 SOTICE OF NEA-1988 The Zoning, Convidenance of Innova County, by estimate of Innova County, by estimate of Zoning Act and Regulations Selimore County will hold a sic hearing on the property mitted herein in Room 108 of County Office Building, to add at 111 W. Chresapeales Avans in Towers, Maryland 21204 tollows. Petitions for Special Hearing. Special Exception and Zoning Variance Cose No.: 90-607-SPHMA NE/Corner of Pulsant High-	TOWSON, MD.,
Zoning Commissioner of Behinner County NUMIO NUMION21 Oct. 4. BOTHCE OF NEATHER The Zoning, Commissioner of Behinner County, by exhausty of Zoning Act and Regulations Salitimore County will hold a site hearing on the property pitted herein in Room 108 of County Office Building, to-ed et 111 W. Cheespeake Avale in Towson, Maryland 21204 tollows: Petitions for Special Hearing, Special: Exception and Zoning Variance Case No.: 90-607-SPHUA NE/Corner of Pulsanti Highway and Ebenszer Road 11th Election District Sin Councilments Petitions(s):	TOWSON, MD.,
Zoning Commissioner of Bestimore County NAPIO NAPION21 Oct. 4. ***BOTHCE OF NEAR-WHITE The Zoning, Commissioner of Innova County, by extinately of Zoning Act and Regutations Bestimore County will hold a life twenting on the property nitted herein in Room 108 of County Office Building, load at 111 W. Chesapaelie Anale in Torson, Maryland 21204 tollower. Petitions for Special Hearing. Brecial Exception and Zoning Variance Case No.: 90-607-89-10/A. NE/Comer of Pulsatid High-way and Ebanezer Road 11th Election District Pullionar(s): Sun Refiring and Market ing Company Hearing Date: Friday, New 2, 1990 at 9:30 a.m.	TOWSON, MD.,
Zoning Commissioner of Belimore County NU/10 NU/10/021 Oct. 4. ##################################	TOWSON, MD.,
Zoning Commissioner of Behinner County NUM10 NUM10/021 Oct. 4. ##################################	TOWSON, MD., THIS IS TO CERTIFY, that the annexed advertisement was ublished in THE JEFFERSONIAN, a weekly newspaper published a Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on
Zoning Commissioner of Beatmore County NAPIO NAPION21 Oct. 4 ***SOTICE OF NEARING** The Zoning, Convictation of Beatmore County, by estimate of Innova County, by estimate of Innova County, by estimate of Beatmore County will hold a side hearing on the property nitted herein in Room 108 of County Office Building, load at 111 W. Chesapealer Avage in Towson, Maryland 21204 tollows. Petitions for Special Hearing. Bapecial Exception and Zoning Variance Case No.: 90-607-8PHXA NE/Corner of Pulanti Highway and Eberazer Road 11th Election District 5th Councilments Petitioner(s): Sun Refining and Market- ing Company Hearing Date: Friday, Nov. 2, 1990 at 9:30 a.m. Special Hearing: To convert in estimating full-service station to pas and go, to amend the approved plan in zoning case #605 and to determine that the proposed use in combination is permitted. Special Exception: A	TOWSON, MD., THIS IS TO CERTIFY, that the annexed advertisement was ublished in THE JEFFERSONIAN, a weekly newspaper published a Towson, Baltimore County, Md., once in each of successive seeks, the first publication appearing on

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-507-5 PHXA 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 98.238.2 to permit a rear yard setback of 1 ft. in lieu of the required 30 ft.; S.405.4.A.3.b to permit entrances of 48 ft., 55 ft., & *21 ft. in lieu of the minimum 26 ft. a maximum of 35 ft.; S.405.4.3.8 to permit a carb tangent length of 16 ft. in lieu of the required 20 ft.; S.405.4.A.2.a to permit a canopy setback of 8 ft. in lieu of the required 40 ft.; S.409.8 to permit an off-street parking setback from street right-of-way of 5 ft. in lieu of the required 10 ft.; S.413.2.f to permit a 172.2 sq. ft. free-standing sign in lieu of the permitted 100 sq. ft. of the Zoning Regulations of Baltimore County, to the Zoning Lew of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) TO BE ESTABLISHED AT HEARING * these variances not listed on nlam. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Sun Refining and Marketing Company (Type or Print Name) (Type or Print Name) City and State Attorney for Petitioner: 4041 Market Street (215) 499-5770 Address Aston, PA 19014 (Type or Print Name) City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted R. W. Von Luehrte City and State Name 1031 Squires Dr. West Chester. PA 19382 [215] 436-0540

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towner, Maryland Posted for: - Special flooring - Special Facuption - Univace Petitioner: Sun Ru Fring + Mork tring Company Location of property: NELCOX Peleski Hwy & Ebono E. Location of Signe Fassing Polaski Hwy opprox. 20' Fr. 700 Lug, 04 Date of return: 10/15/90



8A C010:02AH11-02-90

Maryland

1300 N. CALVERT STREET Baltimore 2, Maryland Phone: MUlberry 5-0469 - 0470

Surveying and 90-501-50111A REGISTERED Maryland - New York Pennsylvania - Deley Engineering Co., Inc.

December 20, 1961

DESCRIPTION OF PROPERTY

PULASKI HIGHWAY & EBENEZER ROAD

BEGINNING for the same at a pipe set on the Northwest Rightof-way line of Pulaski Highway, U.S. Rte. # 40 said point of beginning being situated South 45 degrees 26 minutes, 13 seconds West 528.10 ft. from the beginning point of Parcel No. 1 as shown on the State Road R/W Plat No. 2021 and as described in a deed dated 20 February, 1936, from the State Roads Commission of the State of Maryland to Louis B. Holzknecht and recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. 972 Folio 142 thence leaving said point of beginning and running and binding on the Northwest Right-of-Way line of Pulaski Highway South 45 degrees 26 minutes 13 seconds West 100.86 ft. to a pipe thence still binding on the Northwest Right-of-Way line of Pulaski Highway by a curve to the left with a radius of 5804.58 ft. Southwesterly 204.27 ft. having a chord bearing of South 44 degrees 26 minutes 00 seconds West 204.25 ft. to a pipe thence leaving the Northwest side of Pulaski Highway by a curve to the right with a radius 38.84 ft. Northwesterly 121.87 ft. having a chord bearing of North 46 degrees 41 minutes 20 seconds West 77.69 ft. to a pipe set on the Southeast side of Red Lion Road thence running and binding on the Southeast side of Red Lion Road North 43 degrees 11 minutes 45 seconds East 305.00 ft. to a pipe thence leaving the Southeast side of Red Lion Road and running South 46 degrees 41 minutes 20 seconds East 86.04 ft. to the place of beginning.

Containing 0.623 Ac ±.

SCALE____ft. - 1 inch.

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

Sun Refining and Marketing Company 4041 Market Street Aston, Pennsylvania 19014

ATTN: H. J. VAUGHN Petitions for Special Hearing, Special Exception and Zoning Variance

CASE NUMBER: 90-507-SPHXA NE/Corner of 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.

Please be advised that \$175.59 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & PUST 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 Galtimore County, Maryland. Bring the chack and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland Elfteen (15) minutes before your hearing is scheduled to begin.

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

> J. Robert Haines ZONING COMMISSIONER

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

J. Robert Haines
Zoning Commissioner



A COLUMN TO THE PROPERTY OF TH NOTICE OF HEARING

The Zecting Commissioner of Battimore County, by authority of the Zoning Act and Regulations of Battimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chiseapeaka Avenus in Towson, Maryland 21204 as follows:

Petitions for Special Hearing, Special Exception & Variance Case no.: 90-507-SP11XA NE/Corner Pulasid Highway and Ebenezer Road 11th Election District

5th Councilmanic Petitioner(s): Sun Refining & Marketing Co Hearing Date: Friday, July 6, 1990 at 10:30 s.m.

Special Hearing: to convert a

Special Hearing: to convert an existing full-service station to gas and go, to arrend the approved plan in zoning case #808 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. Variance: to permit a rear yard setback of 1 ft. in lieu of the required 30 ft.; to permit entrances of 48 ft., 55 ft. and 21 ft., in lieu of the minimum 24 ft. and maximum 35 ft.; to permit a ret permit service of 16 ft. in lieu of the minimum 24 ft.

and maximum 36 ft.; to permit at ours tengent length of 16 ft. In lieu of the required 20 ft.; to permit at canopy setback of 8 ft. in lieu of the required 10 ft.; to permit an off-street periong setback from street right-of-way of 5 ft. in lieu of the required 10 ft.; to permit at 172.2 sq. ft. thee-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 issuence of said permit during this

suance 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

Zoning Commissioner of Baltimore County NEA/J6/024 June 7.

NOTICE OF HEARING

The Zoning Commissioner of Betimore County, by authority of the Zoning Act and Regulations of Betimore County will hold a public hearing on the properly identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapeake Av-erus in Towardn, Maryland 21204

Petitions for Special Hearing Special Exception & Variang Case no.: 90-507-SPHXA NE/Corner Pulsated Highway and Ebenezer Road 11th Election District

ciel Exception: A food store with less than 5,000 ag. ft. as a use in

less than 5,000 ad. it. as a use it combination. Variance: to permit a rear yard seback of 1 ft. in lieu of the required 30 ft.; to permit entrances of 48 ft., 55 ft. and 21 ft., in lieu of the minimum 24 ft. and maximum 35 ft.; to permit a curb tangent length of 16 ft. in lieu of the required 20 ft.; to permit a canopy selback of 8 ft. in lieu of the required 10 ft.; to permit a canopy selback of 8 ft. in lieu of the required 10 ft.; to permit an anticipation pertition selback from

off-street parking setback from street right-of-way of 5 ft. in lieu of the required 10 ft.; to permit a 172.2 sq. ft. free-standing sign in tieu 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

any request for a stay of the is-

suproce 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

Zoning Commissioner of Baltimore County NEAU/8/024 June 7.

J. ROBERT HAINES

J. ROBERT HAINES

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 21204 as follows:

Petitions for Special Hearing, Special Exception and Zoning Variance CASE NUMBER: 90-507-SPHXA NE/Corner of 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 #506 and to determine that the proposed use in combination is permitted. Special Excepiton: A food store with less than 5,000 sq. ft. as a use in combination. Variance: To permit a rear yard setback of 1 ft. in lieu of the required 30 ft.; to permit extremes of 48 ft., 55 ft. and 21 ft. in lieu of the minimum 24 ft. and maximum 35 ft.; to permit a curb tangent 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 Ebeneezer Road in addition to access solely to a Class I commercial motorway.

J. Robert Haines

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

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



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

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

located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Special Hearing to convert an existing full-service station to gas and go, to amend the approved plan in zoning case #606 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. Variance to permit a rear yard setback of 1 ft. in lieu of the required 30 ft; to permit entrances of 48 ft., 55 ft. and 21 ft., in lieu of the minimum 24 ft. and maximum 35 ft.; to permit a curb tangent 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 rightof-way of 5 ft. In lieu of the required 10 ft.; to permit a 172.2 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 permi 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.

Baltimore County

Sun Refining and Marketing Company R. W. Von Luehrte

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. 19 90

THE JEFFERSONIAN,

5. Zese Orlan

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was publish ed 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 June 7,19 90.

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

5. Zere Orlan

PO 104669

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-SPHXA Petitioner: Sun Refining and Marketing Petition for Zoning Variance, Speical 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, DAMES E. DYER Chairman Zoning Plans Advisory Committee

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

ZONING DEPARTMENT OF BALTIMORE COUNTY

District Date of Posting 6/5/90

Posted for: Space 16 | Harring - Space | Francisco Variable

Petitioner: Sun Sun Sun & Mode ting (a.

Location of property: NE | Core Pulsate Hay to be no to Refer Location of Signer Focing Pulasti Huy gamex. 15 Fr. moduty

60820 CK#

Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenue

19 jegi Account: R-001-6150 1841

Case # 90-507-SPHXA

Sun Refining & Marketing Company

Posting and Advertising

\$187.65

04A04#0079MICHRC PA C009:47AM07-06-90

Please make checks payable to: Baltimore County

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

Aston, Pennsylvania 19014

Baltimore County

Sun Refining & Marketing Company 4041 Market Street

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

Please be advised that \$_187.65 is due for advertising and posting of the above captioned property.

DATE 7/3/90

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 daltimore 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.

cc: R. W. Von Luehrte

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



Your petition has been received and accepted for filing this 16th day of May, 1990.

1. Robert Haines

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

Sun Refining & Marketing Company Zoning Meeting of 5-15-N/S Pulaski Highway Route 40-E and Ebenezer Road (Item #353)

Re: Baltimore County

Dear Mr. Haines:

LB:maw

cc: Mr. J. Ogle

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,

> Carles don Charles Rose, Acting Chief; Engineering Access Permits Division

ZONING OFFICE

My telephone number is (301) 333-1350 (Fax #333-10,1)

Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

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

May 24, 1990



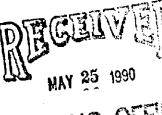
Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

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 Traffic Engineer Associate II

MSF/lvw



ZONING OFFICE

90-507-SPHXA 7/6/90

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Zoning Advisory Committee

DATE: June 22, 1990

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-cf-way widening required.

Developer's Engineering Division

RWB:DKH:klm

BAUTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL ROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner Office of Planning and Zoning County Office Building

Zoning Item 1353, Zoning Advisory Committee Meeting of May 15, 1990

Property Owner: Sun Refining + Marketing Company

Location: NE corner Pulaski Highway + Ebeneezer Road

District: 11

Water Supply: Metan Sewage Disposal: Onivate Water Supply: Metro Sewage Disposal: Orivate

COMMENTS ARE AS FOLLOWS:

(V) 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

n pennic to construct from the pureau of quartey management is required for social feels as spray partial 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 Puilding 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

Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and severage 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 raing 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 asbestoes, 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

() 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 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 Approval by Watery Sewer Division - DEPPM of permit for installation of a food service facility at this location will be contingent upon availability of metropolitan sewerage, projected usages of facility and a comprehensive evaluation of existing private sewage disposal system.

MANAGEMENT

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 24, 1990

FROM: Robert W. Bowling, P.E.

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 353; 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, DAK ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

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

Paul H. Reincke

J. Robert Haines

Zoning Commissioner

Item No.:

Office of Planning and Zoning

Baltimore County Office Building

MAY 10, 1990

Dennis F. Resmussen

Towson, MD 21204

RE: Property Owner: SUN REFINING AND MARKETING COMPANY NE CORNER PULASKI HIGHWAY AND EBENEZER ROAD Location:

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 I 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.

Planying Group Special Inspection Division

JK/KEK

JULY LIC 20-507-5MX4-1-

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE AUGUST 27, 1990

J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF FROM CHARLES E. LICENSES
PERMITS & LICENSES

ZONING LTEM #: 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.

() RAMPS (degree slope) () PARKING LOCATION NUMBER PARKING SPACES

() CURB CUTS () SIGNAGE () BUILDING ACCESS

() 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.

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

REQUIRED. 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).

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 @ 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

JULY 6th 90-507-SPHXA

BALTIMORE COUNTY, MARYLAND

DATE: July 6, 1990

INTER-OFFICE CORRESPONDENCE

J. Robert Haines

Zoning Commissioner 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 convert 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 petitions be denied. Section 405.2.8.5 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.

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 anyu 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/TXTGGL

LAW OFFICES GOLDSTEIN & BYRNE 20 W. CHASE STREET BALTMORE, MARYLAND 21201 (301) 837-3380 FAX: NO. (301) 783-9537

SEYMOUR R. GOLDSTEIN TERRENCE B. BYRNE" WILLIAM F. MONAGHAN, I PALE M. WEISS"
DAVID P. BOKOW"
PALE K. REESS"

M ALBO MEMBER OF D.C. BAR M ALBO MEMBER OF W. VA. BAR

November 28, 1990

Ann M. Nastarowicz Depucy 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. 9C-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,

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

Sin

ZONING OFFICE

4-24-3-3CC Sunoco Marketing

Re: Item No. 353
Pulaski & Ebeneezer
Whitemarsh, MD

Pursuant to your request, I am returning properly executed

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

Sun Refining and Marketing Company
4041 Market Street
Aston PA 19014
215 499 5770 I om returning these forms to you ZONING OFFICE يت توسيدتها بيان وهيم بعدوجود مرموهم محدودها بالم

Baltimore County Department of Public Works Towson, Maryland 21204 Gene L. Neff, P.E. November 21, 1990

Dennis F. Rasmussen

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.

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

> > 90-507-SPHXA

للد الرجيهية مشتدرون بالرياس ويجود جيئها يبتك الجهدية عارا المر

and the state of t

RWB:DKH:pab cc: Fale

SUNOCO/TXTMEMO3

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

DATE: July 27, 1990

Gwendolyn Stephens

Ann M. Nastarowicz V

and Zoning Variance

(10800 Pulaski Highway)

Case No. 90-507-SPHXA

ties of the continued hearing date and time.

cc: Case File

have any questions, please do not hesitate to contact me.

Deputy Zoning Commissioner

SUBJECT: Petitions for Special Hearing, Special Exception

NE/Corner Pulaski Highway and Ebenezer Road

11th Election District - 5th Councilmanic District

Sun Refining & Marketing Corporation - Petitioner

Please be advised that the subject matter, which was heard in

Thank you for you assistance in this matter and if you should

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 par-

Docket Clerk

PLEASE PRINT CLEARLY 1031 SQUIRES DR WEST CHESTER PA. 19382 10800 Puzzk. Hwy William J. Schreiber Jr White our HELD AILOS

PETITIONER(S) SIGN-IN SHEET

1031 SQUIRES OR WEST CHESTER, PA R.W. VON LUEHRTE 20W CHASE ST BALTOID 21234 5R GOLDSTEIN Willem J Schreiber Jr

LAW OFFICES GOLDSTEIN & BYRNE 20 W. CHASE STREET BALTIMORE MARYLAND 21201

(301) 837-3380 FAX: NO. (301) 783-9537

SEYMOUR R. GOLDSTER TERRENCE B. BYRNE" WILLIAM F. MONAGHAN, I Paul M. Weiss" David P. Bokow" Paul K. Reess

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

Dear Ms. Nastarowicz:

Ann M. Nastarowicz

Baltimore County

Deputy Zoning Commissioner

Office of Planning & Zoning

Towson, Maryland 21204

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,

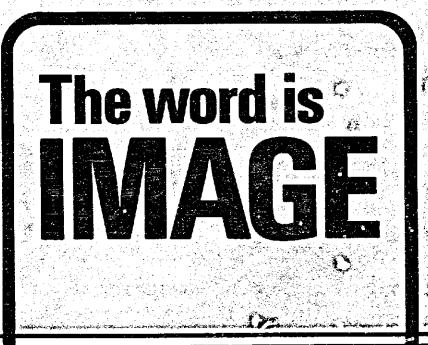
CC: Joseph E. Zulli

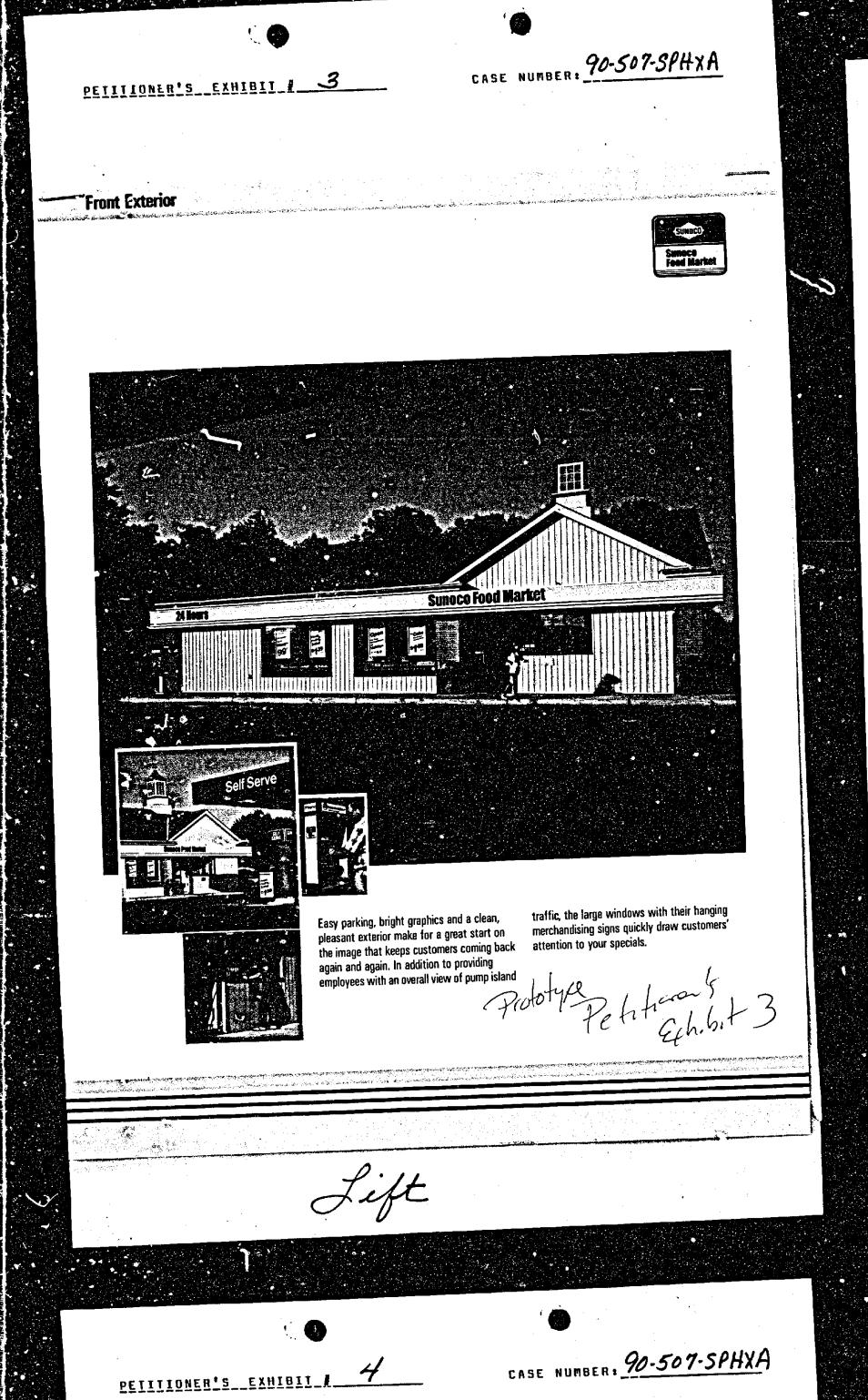
SRG; mfw

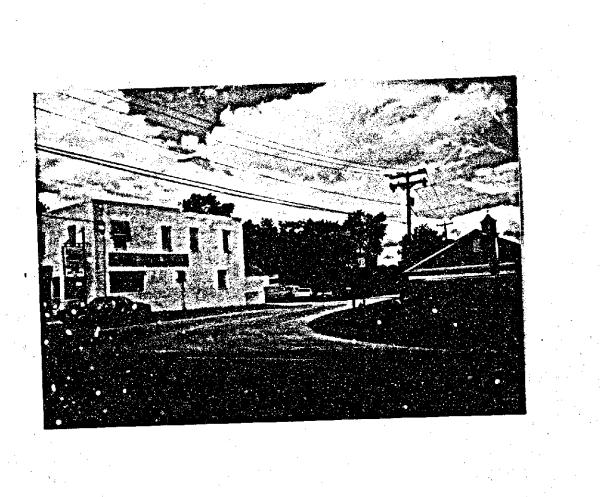
Richard W. VonLuehrte

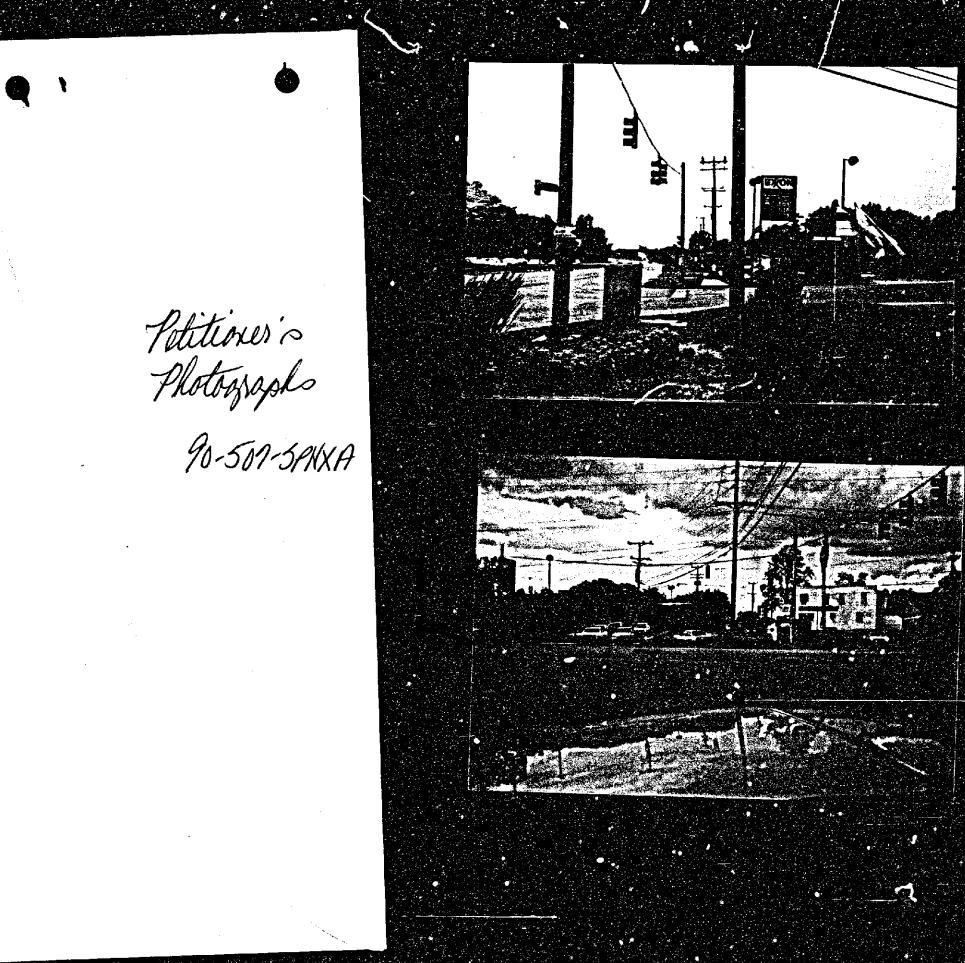
The Secret of **Your Success**

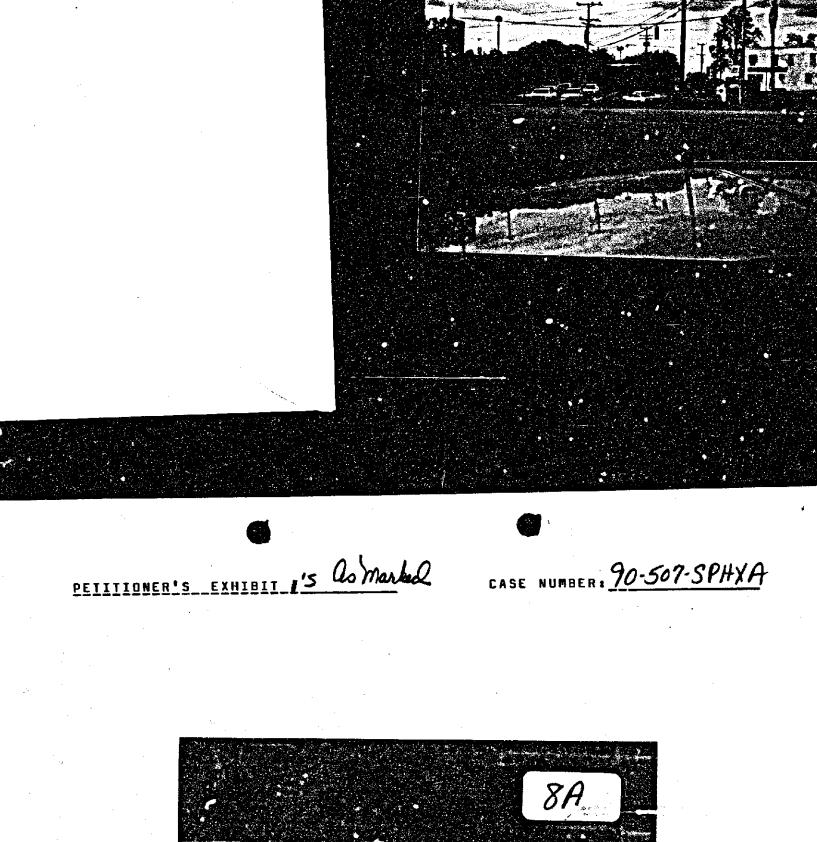
No doubt about it, making the move to your own Sunoco Food Market can prove to be the most profitable decision you have ever made. Before getting to any specifics of the operation though, consider the one word absolutely vital to your coming

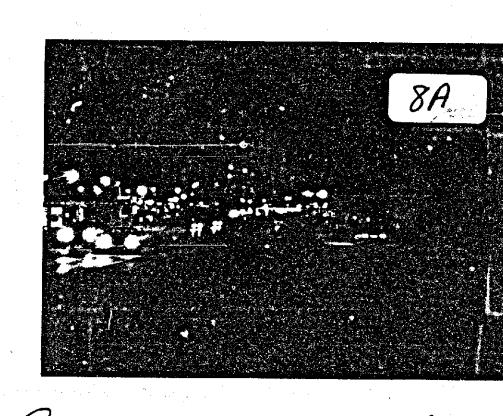




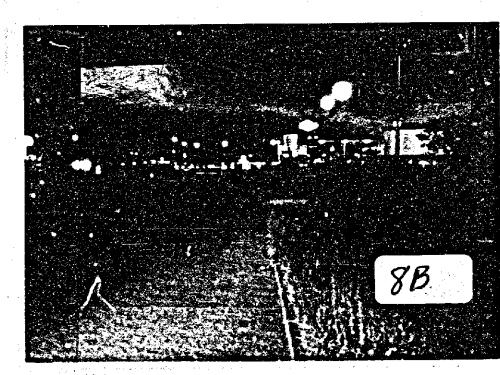














CASE NUMBER: 90-507-SPHXA



