

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE - BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 91-459-SPHXA Frederick W. Winkler Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an amendment to the previously approved site plan in Case Nos. 63-80-SPH and 64-96-SPH; a special exception for a gasoline service station in combination with a "carry-out" food shop and car wash, pursuant to Sections 405.4.D(1) and 405.4.D(4) of the Baltimore County Zoning Regulations (B.C.Z.R.); and variances from Sections 255.1, 102.2 and 238.2 of the B.C.Z.R. to permit a distance between buildings of 27 feet in lieu of the required 60 feet, and from Sections 253.2.B and 253.2.B(2) of the B.C.Z.R. to permit a car wash on an arterial street in lieu of the required Class I Commercial motorway, all as more particularly described on Petitioner's Exhibit 17.

The Petitioner, Frederick W. Winkler, appeared and testified. Also appearing and testifying on behalf of the Petitioner was William P. Monk, Land Planner and Zoning Consultant. There were no Protestants.

Testimony indicated that the subject property, known as 4305 Southwestern Boulevard, consists of 0.929 acres more or less, zoned M.L.-I.M., and is currently improved with a Texaco two-bay service station with a canopy over the gasoline pumps. The petitioner is desirous of adding a two-bay car wash and converting a portion of the existing service station to a carry-out food shop, all of which is more particularly described on

Petitioner's Exhibit 17. The Petitioner submitted numerous photographs showing the existence of the property at the time of his purchase and the appearance of the property as it exists today. The pictures indicated that the property is both attractive and well-maintained. Testimony further indicated that due to the limited site width and the need to physically separate the car wash from the existing service station building, the Petitioner needs a variance to permit a distance of 27 feet between the existing service station building and proposed car wash.

It is clear that the B.C.Z.R. permits the use proposed in a M.L.-I.M. 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 particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes

of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

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

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 variances are 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. In addition, the Petitioner's witnesses have demonstrated that the requested relief is consistent with the requirements of Section 502.1 of the B.C.Z.R. and would otherwise not be detrimental to the surrounding community.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above,

the relief requested in the Petitions for Special Hearing, Special Exception and Variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of August, 1991 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case Nos. 63-80-SPH and 64-96-SPH to reflect a gasoline service station use in combination with a "carry-out" food shop and car wash, in accordance with Petitioner's Exhibit 17, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a gasoline service station use in combination with a "carry-out" food shop and car wash, pursuant to Sections 405.4.D(1) and 405.4.D(4) of the B.C.Z.R., in accordance with Petitioner's Exhibit 17, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance from Sections 255.1, 102.2 and 238.2 of the B.C.Z.R. to permit a distance between buildings of 27 feet in lieu of the required 60 feet and from Sections 253.2.B and 253.2.B(2) of the B.C.Z.R. to permit a car wash on an arterial street in lieu of the required Class I Commercial motorway, in accordance with Petitioner's Exhibit 17, be and is hereby GRANTED, subject, however, to the following restrictions:

- 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) The Petitioners shall provide air and water to customers at no charge.

ORDER RECEIVED FOR FILING Date 8/21/91 By [Signature]

ORDER RECEIVED FOR FILING Date 8/21/91 By [Signature]

ORDER RECEIVED FOR FILING Date 8/21/91 By [Signature]

ORDER RECEIVED FOR FILING Date 8/21/91 By [Signature]

3) 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.

4) Prior to the issuance of any building permits, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

5) The hours of operation for the proposed car wash shall be limited to 8:00 AM to 8:00 PM, Monday through Sunday, for so long as the existing dwelling at 4209 Southwestern Boulevard continues to be occupied and utilized for residential purposes.

6) Any dumpsters located on the subject property shall be fully enclosed and landscaped.

7) There shall be no temporary signs or seasonal banners on the site.

8) 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 of Timothy M. Kotroco, Deputy Zoning Commissioner for Baltimore County

TMK:bjjs

ORDER RECEIVED FOR FILING Date 8/21/91 By [Signature]

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-459-SPHXA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the approved special exception plans (Case #63-80 SPH & 64-96 SPH)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing 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: Frederick Wayne Winkler (Type or Print Name), Signature, Address, City and State, Attorney for Petitioner: 4305 Southwestern Blvd., 301-247-3560, Baltimore, Maryland, 21229, Name, address and phone number of legal owner, contract purchaser or representative to be contacted: William P. Monk, 100 W. Pennsylvania Ave., Towson, Maryland, 21204, 494-8931

ORDERED By The Zoning Commissioner of Baltimore County, this 22 day of May 1991, that the subject matter of this petition be advertised, as of May 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 6 day of Aug 1991 at 10:30 o'clock A.M.

Signature of J. Robert Hines, Zoning Commissioner of Baltimore County

PETITION FOR SPECIAL EXCEPTION TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-458-SPHXA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a gasoline service station in combination with a "carry out" food shop (Section 405.4 D (3)), and a gasoline service station in combination with a car wash (Section 405.4 D (4)).

Property is to be posted and advertised as prescribed by Zoning Regulations.

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

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

Contract Purchaser: Frederick Wayne Winkler (Type or Print Name), Signature, Address, City and State, Attorney for Petitioner: 4305 Southwestern Blvd., 301-247-3560, Baltimore, Maryland 21229, Name, address and phone number of legal owner, contract purchaser or representative to be contacted: William P. Monk, 100 W. Pennsylvania Ave., Towson, Maryland - 21204, 494-8931

ORDERED By The Zoning Commissioner of Baltimore County, this 22 day of May 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 6 day of Aug 1991 at 10:30 o'clock A.M.

Signature of J. Robert Hines, Zoning Commissioner of Baltimore County

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-459-SPHXA

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 Variance from Section 255.1, 102.2 and 238.2 to provide 27' in lieu of the required 60' between buildings, and sections 253.2.B and 253.2.B(2) to permit a car wash on an arterial street in lieu of the required Class I Commercial motorway

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: Frederick Wayne Winkler (Type or Print Name), Signature, Address, City and State, Attorney for Petitioner: 4305 Southwestern Blvd., 301-247-3560, Baltimore, Maryland 21229, Name, address and phone number of legal owner, contract purchaser or representative to be contacted: William P. Monk, 100 W. Pennsylvania Ave., Towson, Maryland, 21204, 494-8931

ORDERED By The Zoning Commissioner of Baltimore County, this 22 day of May 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 6 day of Aug 1991 at 10:30 o'clock A.M.

Signature of J. Robert Hines, Zoning Commissioner of Baltimore County

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ZONING DESCRIPTION

91-459-SPHXA

BEGINNING on the southeast side of Southwestern Blvd., 80 feet wide, at a distance 595.00 feet northeast of the centerline of Knecht Avenue and running on the southeast side of Southwestern Blvd. the following courses and distances:

- 1. South 27 degrees 57 minutes 40 seconds west 200.15 feet;
2. South 61 degrees 47 minutes 20 seconds east 162.52 feet;
3. North 33 degrees 31 minutes 40 seconds east 200.77 feet;
4. North 61 degrees 47 minutes 20 seconds west 181.77 feet to the place of beginning, containing 36,381 square feet in the 13th Election District.

Property known as 4305 Southwestern Blvd.



91-459-SPHXA
AUG 6 1991

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

JULY 26, 1991

(301) 887-4500

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21284

RE: REVISED PLANS WERE RECEIVED FOR ITEM #429 (CASE #91-459-SPHXA)
ON 6/21/91.

Item No.: 429 Zoning Agenda: JULY 2, 1991

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.

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.

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

REVIEWER: Capt. James Kelly 7-26-91
Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JR/KFY

Rec'd
7/31/91 jrs

429

RECEIVED
JUN 11 1991

ZONING OFFICE:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 7, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for May 21, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 424, 425, 426, 428 and 430.

For Item 429, a County Review Group Meeting may be required.

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

RWB:s

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

Table with columns for NAME and ADDRESS. Includes entries for Bill Monk and Wayne Winkler.

91-459-SPHXA

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Wirth / SWM (2)(Pre-App Permit only) DATE: October 3, 1991
Mr. Powell / EIRD
Mr. Pilson / WBS
Mr. Flowers / CRCA
Mr. Maranto / Planning
Mr. Richards / Zoning
Mr. Bowling / DED (2)
Mr. Famili / Traffic
Mr. Weiss / Sanitation
Mr. Beaumont / Land Acq.
Ms. Lutz / House Nos.
Capt. Kelly / Fire Dept.
Mr. Kincer / Rec. & Parks
Mr. Brocato / SWA
Mr. Butcher / CSP
Mr. Keller / OPZ Deputy Director (FYI)

FROM: Susan Wimbley
Bureau of Public Services

SUBJECT: District: IC1
Project Name: Arbutus Texaco
Project No.: 91187 4305 Southwestern Blvd
Engineer: William Monk, Inc.
Phone No.: 494-8931

TO: JLL
RECEIVED
OCT 4 1991
By: SJ

ACTION REQUESTED:
CRG Plan Review (Meeting Waived) : XX W-91-105 /
CRG Plan Refinement Review :
CRG Non-Material Amendment Review :
CRG Plan Approval Extension Review :
Panhandle Minor CRG Plan Review :
Minor Subdivision Review :
Pre-Approved Building Permits: No

Please provide separate comments for Building Permits.
NOTE: Please detail any comments where permit cannot be approved, but subdivision approval is acceptable.

Please review the attached plan for compliance with current regulations and return comments to our office by 10/25/91. If you have no comments or do not need to review this plan, please indicate by placing your initials here.

Thank you for your attention to our request.

SDW:mmm
cc: File

ARBITUS TEXACO
4305 Southwestern Boulevard
W-91-105

CRG Waiver Plan Review
Plan Date: 9/27/91
Comments For: 10/25/91
Comments Date: 10/22/91
Comments Completed: 10/25/91

The plan is in agreement with the approved site plan in Zoning Case #91-459-SPHXA. Zoning approves this plan for C.R.G.

Final zoning approval is contingent first, upon all plan comments being addressed on the C.R.G. plan; and secondly, upon the final resolution of all comments, the outcome of any requested zoning hearings and finally, the inclusion of the blue commercial checklist information being included on the building permit site plans.

Any requests for further information from the Zoning Office must include a reference to the waiver file #W-91-105 and written correspondence or revised plans must be accompanied by a copy of these comments.

JOHN E. LEWIS
PLANNER II

JLL:scj

cc: Current Planning
Zoning File - #91-459-SPHXA
Waiver File

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Avery Harden DATE: September 27, 1991
Office of Current Planning

FROM: Timothy M. Kotrocco
Deputy Zoning Commissioner

SUBJECT: Petitions for Special Hearing, Special Exception and Variance
SE/S Southwestern Boulevard, 595' NE of Knecht Avenue
(4305 Southwestern Boulevard)
13th Election District - 1st Councilmanic District
Frederick W. Winkler - Petitioner
Case No. 91-459-SPHXA

This letter is being written to clarify any misunderstanding that may have occurred as a result of my imposing Restriction 3 in the Order issued on August 21, 1991 in the above-captioned matter. Please be advised that at the hearing, I advised the Petitioner's landscape architect, William P. Monk, that the landscaping that existed on the property at that time was sufficient, provided it was regularly maintained, and that additional landscaping would not be required. However, I did request that he prepare and submit a plan depicting the landscaping as it presently exists for documentation purposes only.

Restriction 3 is a standard requirement when no landscaping or insufficient landscaping exists on a property and was inadvertently imposed in this instance. As such, the attached landscaping plan is being submitted in accordance with my request and is not subject to your review and approval prior to the issuance of any permits.

Thank you for your consideration in this matter and should you have any questions on the subject, please do not hesitate to call me.

TMK:bjs
cc: Case File

WILLIAM MONK, INC.

CAMPBELL BUILDING
100 W. PENNSYLVANIA AVENUE
Suite 305
TOWSON, MD 21284
301-494-8931

LAND USE PLANNING - ENVIRONMENTAL PLANNING - ZONING

September 25, 1991

Mr. Timothy M. Kotrocco
Deputy Zoning Commissioner
111 W. Chesapeake Avenue
Towson, MD 21284

Re: Case # 91-459-SPHXA

Dear Mr. Kotrocco:

I am in receipt of your order on the above referenced case. However, I am requesting clarification as to restriction number 3. Restriction number 3 reads as follows:

"Prior to the issuance of any permits, petitioners shall submit a landscape plan which has been approved by the Deputy Director of Planning and the Baltimore County Landscape Planner".

It was my understanding from the dialogue at the hearing that based upon the photographs which we submitted showing the high quality of landscaping which presently exists, that you indicated to me and Mr. Winkler that rather than having to do any additional landscaping, all we needed to do was prepare a plan which reflected the existing conditions and more importantly the type and size of the plant materials. This would go into the record as part of the CRG plan. We have already conducted a field inventory of all plant materials which were basically reflected on our zoning plat. There was one exception, that being the white pines adjacent to the residence (north side of property) need to be increased. We propose to do this consistent with the plan.

Due to my clients desire to proceed with the project before the inclement weather sets in and the all too evident time frame it takes to get building permits approval, we are requesting clarification of this issue in order that we do not enter into a lengthy dialogue with the reviewing agencies representatives.

Your timely attention to this matter would be most appreciated.

Cordially,

William P. Monk
cc: Frederick Winkler



The undersigned being a portion of a Suburban Space plan the location of a car wash and snack shop to this facility would be a great asset to the community.

Date	Name	Address
Aug-02-91	MARC FABER	302 S. PULASKI ST
Aug-02-91	David Tomcollon	30 Westway South
Aug-2-91	Robert Costen	5405 Highrise St.
Aug 2, 91	Angela Fialdy	1006 ST CHARLES AVE
AUG 2, 91	Jan K. Moorhead	701-H N. ROCKGLEN RD 2ND FL
8-2-91	B. D.	9332 OAK WHITE RD BARR
8-2-91	Mikel Pollard	Tappahannock VA
8-3-91	Carly Lewis	4408 Edmondson Ave.
8-3-91	John J. Jurek	4408 Highview Ave.
8-2-91	Michael Kuegel	OWN POST CENTER
8/2-91	R. H. H. Jackson	5745 Oakland Rd #27
8/2/91	W. J. Clappett	401 College Dr
8/2/91	James A. Kennedy	3839 WILKENS AVE 21229
8/2/91	John J. Jurek	714 College Dr #27
8/2/91	John J. Jurek	3042 Pearson Ave
8/2/91	John J. Jurek	3339 WILKENS AVE 21229
8-2-91	John J. Jurek	904 Circle Dr 21227
8-2-91	John J. Jurek	4320 Highview Ave 21229
8-2-91	John J. Jurek	22 S. Bellegrove Rd 21228
8-2-91	John J. Jurek	627 Lora Ave. Jans. MD 21229
8-2-91	John J. Jurek	4556 EDWARDS AVE BAYO MD 21218
8-2-91	John J. Jurek	2008 Lincoln Ave Halethorpe Md 21227
8-2-91	John J. Jurek	143 ARDOR PK RD BALTO. MD 21229
8-2-91	John J. Jurek	211 Fall Tree Ct 21227

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

111 West Chesapeake Avenue  
Towson, MD 21201

887-5554

DATE: 7/15/91

Frederick Wayne Winkler  
4305 Southwestern Boulevard  
Baltimore, Maryland 21229

RE:  
Case Number: 91-459-SPHYA  
SE/S Southwestern Boulevard, 595' NE of Knecht Avenue  
13th Election District - 1st Councilmanic  
Petitioner(s): Frederick Wayne Winkler  
HEARING: TUESDAY, AUGUST 6, 1991 at 10:30 a.m.

Dear Petitioner(s):

Please be advised that \$152.14 is due for advertising and posting of the above captioned property.

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

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

ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

cc: William P. Nook

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

111 West Chesapeake Avenue  
Towson, MD 21201

887-5554

DATE: 7/15/91

NOTICE OF HEARING

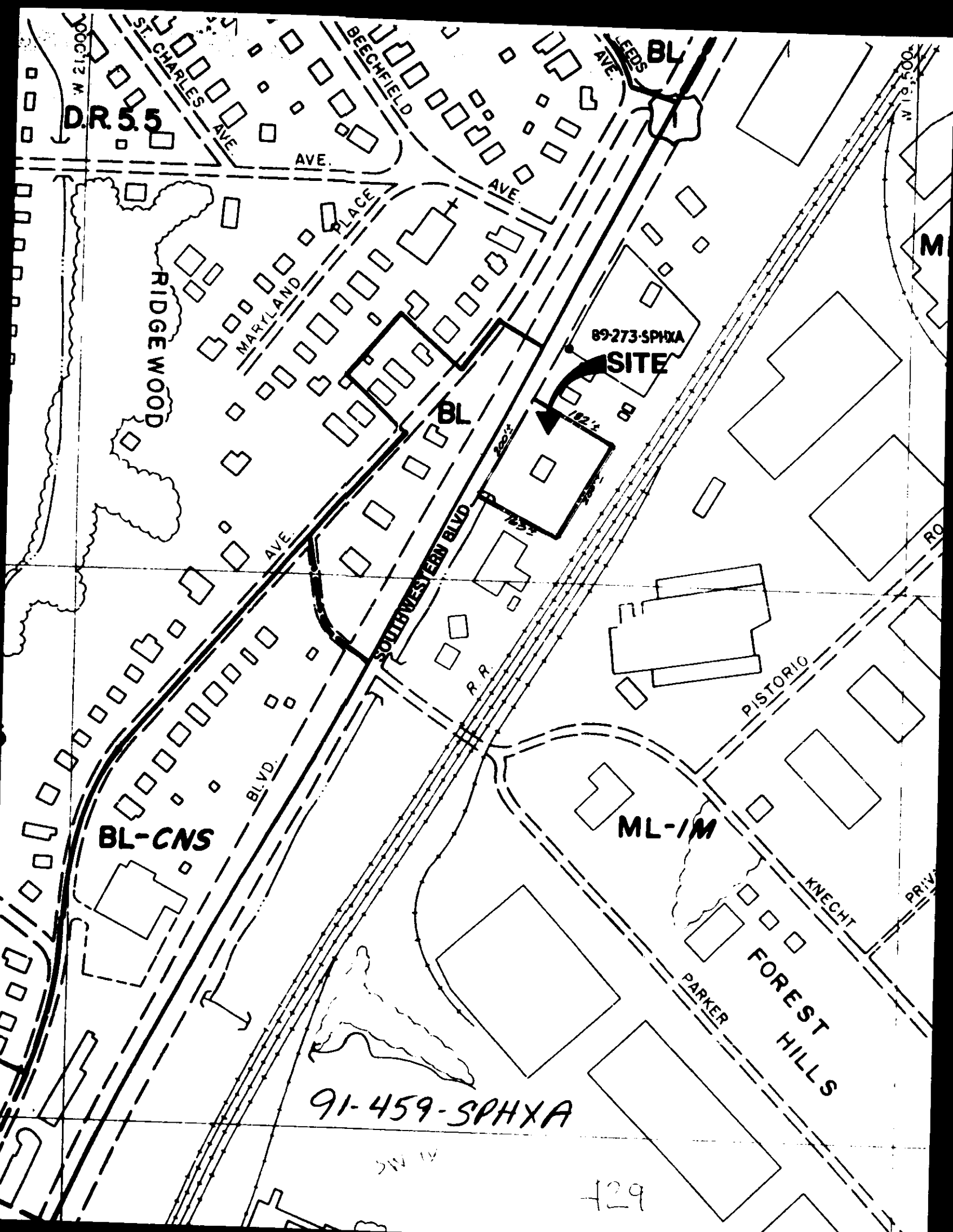
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-459-SPHYA  
SE/S Southwestern Boulevard, 595' NE of Knecht Avenue  
4305 Southwestern Boulevard  
13th Election District - 1st Councilmanic  
Petitioner(s): Frederick Wayne Winkler  
HEARING: TUESDAY, AUGUST 6, 1991 at 10:30 a.m.

Special Exception for a gasoline service station in combination with a "carry out" food shop and a gasoline service station in combination with a car wash.  
Special Hearing to approve an amendment to the approved special exception plan (case nos. 63-80-SPW and 64-96-SPW).  
Variance to provide 27 feet in lieu of the required 40 feet between buildings and to permit a car wash on an arterial street in lieu of the required Class I commercial motorway.

Zoning Commissioner of  
Baltimore County

cc: Frederick Wayne Winkler  
William P. Nook



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

District: 11  
Date of Posting: 7/15/91

Posted for: Frederick Wayne Winkler

Petitioner: Frederick Wayne Winkler

Location of property: 4305 Southwestern Boulevard

Location of Sign: 4305 Southwestern Boulevard

Remarks:

Posted by: Frederick Wayne Winkler  
Date of return: 7/15/91

Number of Signs: 1

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

Account P.001.6306  
Number: 11-459

Date: 7/15/91

Partner Validation

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

May 28, 1991

TO: Zoning Commissioner  
Office of Planning and Zoning

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #429, Zoning Advisory Committee Meeting of May 21, 1991, Mr. Frederick Wayne Winkler, SE/S Southwestern Boulevard, 595' NE of centerline Knecht Avenue (#4305 Southwestern Boulevard), D-13, Public Water and Sewer

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 complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

SSF:rmk  
429ZNG/GWRMK

**EXHIBIT 13**

**Commercial Motorway, Class I:** A motorway, of portion thereof at least one mile in length, with at least 70% of all frontage thereon (the sum of the lengths of both sides), excluding land publicly owned for highway right-of-way purposes, zoned as B.L., B.M., B.R., and/or M.L., and designated as a Class I commercial motorway under ordinance of the County Council. No portion of a motorway shall be considered as a Class I commercial motorway unless such portion is bounded at its ends by intersections with freeways, expressways, arterial streets, town-center boundaries, political-subdivision boundaries, the urban-rural demarcation line, or major streams or rivers. (Bill No. 40, 1967.)

**Commercial Motorway, Class II:** Same as Class I commercial motorway in all respects except that less than 70% of the frontage considered, but at least 20% of such frontage, is zoned B.L., B.M., B.R., and/or M.L., and except that it is designated as Class II commercial motorway under ordinance of the County Council. (Bill No. 40, 1967.)

**Commercial Vehicle:** Any vehicle with a gross vehicle weight or gross combination weight over 10,000 pounds, or any vehicle, regardless of weight, which: (1) is used for the transportation of materials, products, freight, other vehicles, or equipment in furtherance of any commercial activity; or (2) is used "for hire"; or (3) displays advertising thereon. Identification of the vehicle's manufacturer, model or dealer shall not be deemed to include any farm vehicle or farm equipment actually and regularly used on a farm, satellite farm, or farmette; school or church vehicle located at a civic, educational, social, recreational or religious institution; recreational vehicle as defined in Section 101; trailer (or mobile home) as defined in Section 101; vanpool or historic vehicle as registered with the State Motor Vehicle Administration. As used herein, gross vehicle weight or gross combination weight means the weight, recorded by the State Motor Vehicle Administration on the vehicle's registration certificate or recorded by the manufacturer on the certificate of origin if no specific weight is recorded on the registration certificate. (Bill No. 70, 1988.)

**Community:** A coherent urban area generally comprising three to five neighborhoods and a central concentration of public facilities and commercial uses necessary or appropriate to serve the population of the area as a whole, usually including a middle, junior-high or high-school (or school-recreation center) and a variety store. (Bill No. 100, 1970.)

**Community Care Center:** A small-scale facility, sponsored or operated by a private charitable organization or by a public agency and licensed by the Maryland State Department of Health and Mental Hygiene or by the Maryland State Department of Social Services, for the housing, counseling, supervision, or rehabilitation of alcoholics or drug abusers or of physically or mentally

1-9  
APPROVED JUL 0 1 1991

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. 7/9, 1991

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 7/4, 1991.

THE JEFFERSONIAN,  
S. Zate Orlov  
Publisher  
\$77.14

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:

Case Number: 91-459-SPHYA  
SE/S Southwestern Boulevard, 595' NE of Knecht Avenue  
4305 Southwestern Boulevard  
13th Election District - 1st Councilmanic  
Petitioner(s): Frederick Wayne Winkler  
HEARING: TUESDAY, AUGUST 6, 1991 at 10:30 a.m.

Special Exception for a gasoline service station in combination with a "carry out" food shop and a gasoline service station in combination with a car wash.  
Special Hearing to approve an amendment to the approved special exception plan (case nos. 63-80-SPW and 64-96-SPW).  
Variance to provide 27 feet in lieu of the required 40 feet between buildings and to permit a car wash on an arterial street in lieu of the required Class I commercial motorway.

Zoning Commissioner of  
Baltimore County  
AUG 7 1991 July 4

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. 7/9, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in the ARBUTUS TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/4, 1991.

ARBUTUS TIMES  
S. Zate Orlov  
Publisher  
\$77.14

NOTICE OF HEARING  
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Special Hearing to approve an amendment to the approved special exception plan (case nos. 63-80-SPW and 64-96-SPW).  
Variance to provide 27 feet in lieu of the required 40 feet between buildings and to permit a car wash on an arterial street in lieu of the required Class I commercial motorway.

Zoning Commissioner of  
Baltimore County  
AUG 7 1991 July 4

**EXHIBIT 12A**  
BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner  
DATE: August 5, 1991  
FROM: Pat Keller, Deputy Director, Office of Planning and Zoning  
SUBJECT: Frederick Winkler, Item No. 429, AMENDED COMMENT

In reference to the petitioner's requested variance, staff offers the following comments:

Based upon information provided by Mr. William P. Monk, this office concludes that the subject property is well maintained and visually attractive.

This site is bounded to the north, south, and east by property zoned M.L.-I.M. An existing Crown Station is located directly across Southwestern Boulevard from the applicant's site. A non-conforming residential use is situated directly north of the proposed car wash. With the exception of that property, the proposed development is in keeping with the land uses found in the immediate vicinity along Southwestern Boulevard.

The existing landscape treatment of the property is of superior quality; however, this office recommends that a landscape plan be filed with the Baltimore County landscape planner to ensure a continuation of the same quality landscape materials.

The Office of Planning and Zoning is reviewing and updating the 1968 Commercial Motorway Map. Southwestern Boulevard will be recommended for designation as a Class I commercial motorway.

The Office of Planning and Zoning recommends the petitioner's request be granted conditioned upon the following:

- Until such time as the existing dwelling (4209 Southwestern Boulevard) is converted to a non-residential use, the hours of operation of the proposed car wash shall be limited at the discretion of the zoning commissioner based upon the evidence presented at the hearing regarding this matter.

**WILLIAM MONK, INC.**

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



**SITE IMPROVEMENTS**

**PETITIONER'S EXHIBIT 13A**



**WILLIAM MONK, INC.**

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



**BEFORE**

**PETITIONER'S EXHIBIT 14**

**AFTER**



**WILLIAM MONK, INC.**

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



**BEFORE**

**EXHIBIT 15**



**WILLIAM MONK, INC.**

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

**PETITIONER'S EXHIBIT 16**



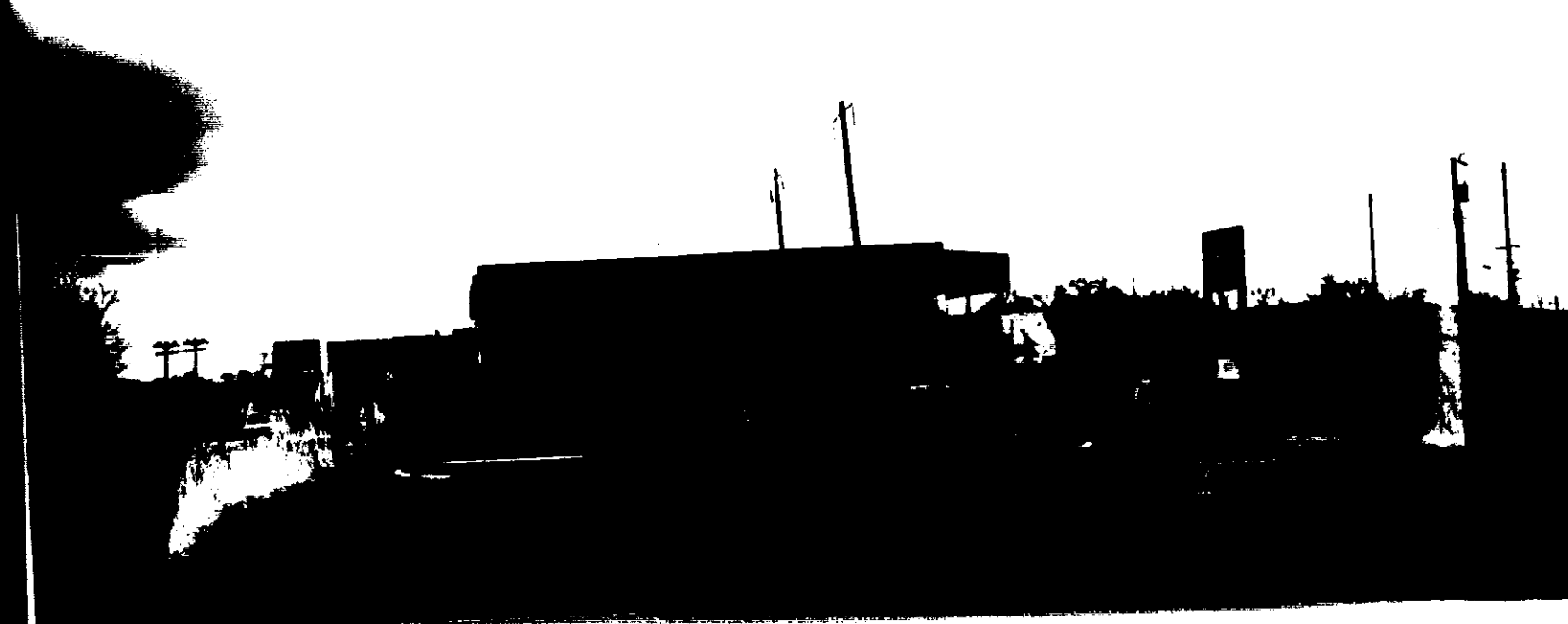
**BEFORE**

**WILLIAM MONK, INC.**

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

**4301-05 SOUTHWESTERN BLVD.**



**PETITIONER'S EXHIBIT 17**

**WILLIAM MONK, INC.**

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

**SOUTHWESTERN BLVD.**



**VIEW NORTH**

**PETITIONER'S EXHIBIT 18**

**VIEW SOUTH**



**WILLIAM MONK, INC.**

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

**ADJACENT LAND USE CROWN GAS STATION**



**# 1**


**PETITIONER'S EXHIBIT 19**



CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

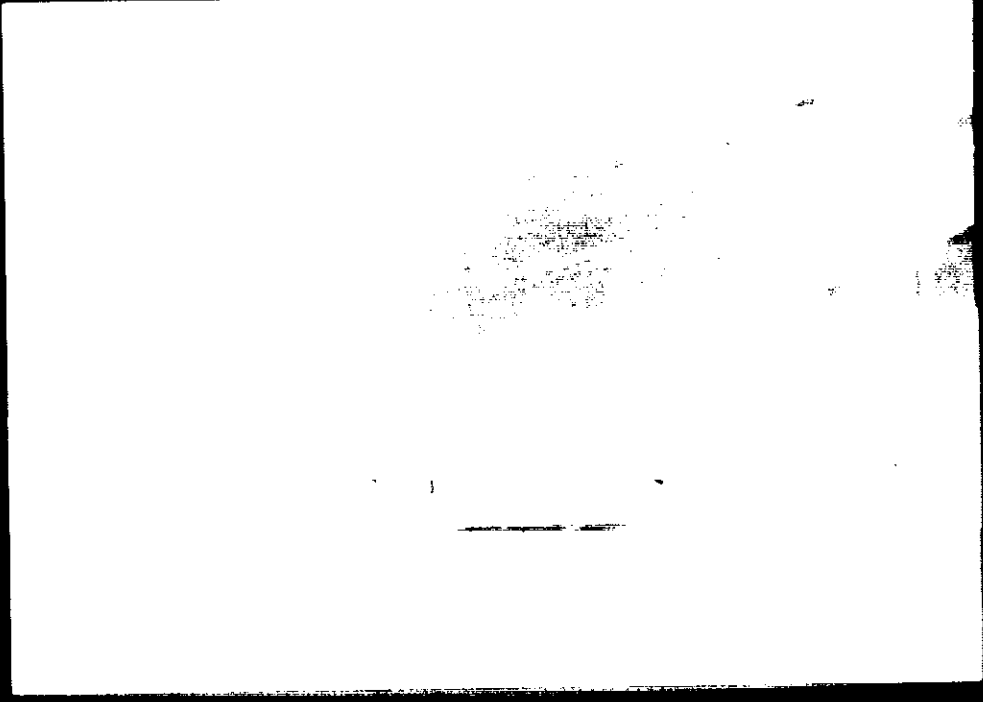
**WILLIAM MONK, INC.**  
LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

**ADJACENT LAND USE**



# 2

**PETITIONER'S EXHIBIT 2**




# 3

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

**WILLIAM MONK, INC.**  
LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING


**ADJACENT LAND USE**



# 4

**PETITIONER'S EXHIBIT 5**

**B P GAS STATION**




# 5

**CASE # 89-273 SPHXA**

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931


**WILLIAM MONK, INC.**  
LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

**ADJACENT LAND USE**



**SOUTH SIDE**

**PETITIONER'S EXHIBIT 6**




**NORTH SIDE**

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

**WILLIAM MONK, INC.**  
LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

**ADJACENT LAND USE**

**AMTRACK LINES**




**PETITIONER'S EXHIBIT 7**

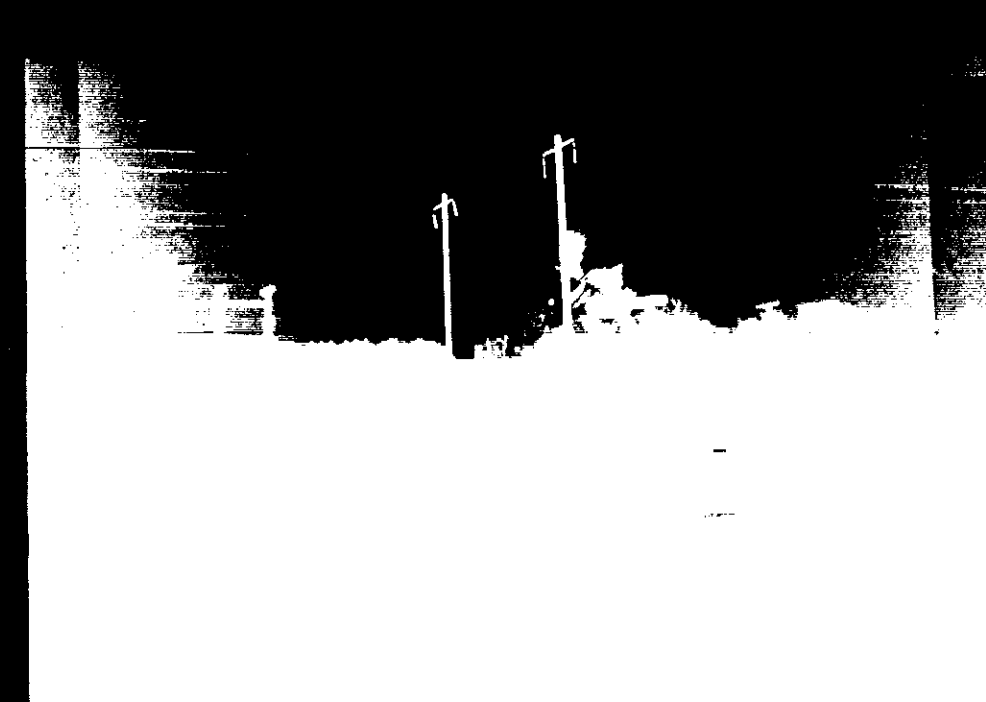
CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

**WILLIAM MONK, INC.**  
LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

**AFTER**



**BEFORE**




**PETITIONER'S EXHIBIT 8**

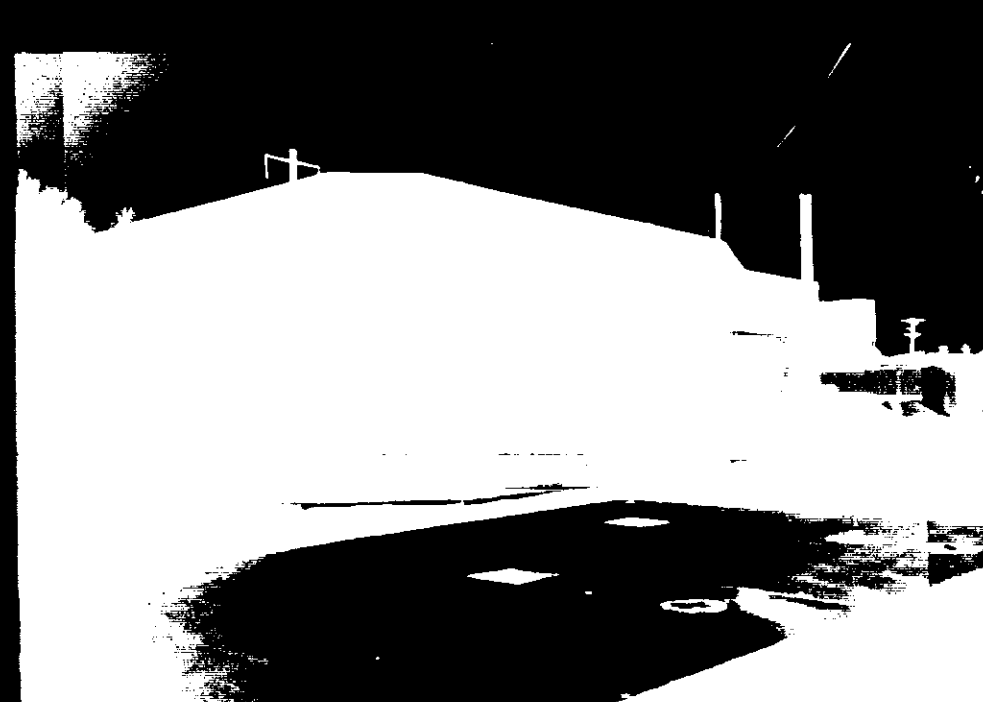
CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

**WILLIAM MONK, INC.**  
LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

**SERVICE BAYS**



**EXISTING CONDITIONS**




**PETITIONER'S EXHIBIT 9**

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931


**WILLIAM MONK, INC.**  
LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

**LANDSCAPING - REAR**

**BEFORE**



**AFTER**





**PETITIONER'S EXHIBIT 10**

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21284  
301-494-8931

**WILLIAM MONK, INC.**  
LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

**EXISTING LANDSCAPING AND FENCE**

**PETITIONER'S EXHIBIT 11**

**WILLIAM MONK, INC.**

CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21204  
301-494-8931

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



**AFTER**

**PETITIONER'S EXHIBIT 12**

**BEFORE**



**WILLIAM MONK, INC.**

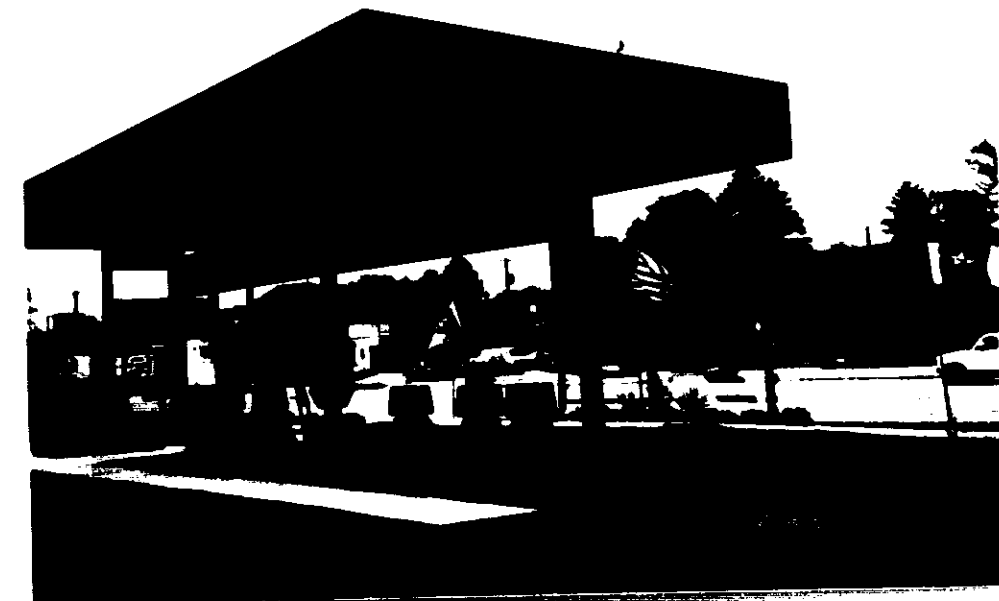
CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
Suite 305  
TOWSON, MD 21204  
301-494-8931

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



**EXISTING CONDITIONS**

**PETITIONER'S EXHIBIT 12**



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

111 West Chesapeake Avenue  
Towson, MD 21204

July 8, 1991

887-3353

Mr. Frederick W. Winkler  
4305 Southwestern Blvd  
Baltimore, MD 21229

RE: Item No. 429, Case No. 91-459-SPHXA  
Petitioner: Frederick W. Winkler  
Petition for Special Exception, Special Hearing  
and Variance

Dear Mr. Winkler:

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,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures

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

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this  
18th day of June, 1991.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Frederick W. Winkler  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: June 7, 1991  
Zoning Commissioner

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

SUBJECT: Frederick Winkler, Item No. 429

In reference to the petitioner's requested variance, staff offers the following comments:

Based upon information provided by Mr. William P. Monk, this office concludes that the subject property is well maintained and visually attractive.

This site is bounded to the north, south, and east by property zoned M.L.-I.M. An existing Crown Station is located directly across Southwestern Boulevard from the applicant's site. A non-conforming residential use is situated directly north of the proposed car wash. With the exception of that property, the proposed development is in keeping with the land uses found in the immediate vicinity along Southwestern Boulevard.

The existing landscape treatment of the property is of superior quality; however, this office recommends that a landscape plan be filed with the Baltimore County landscape planner to ensure a continuation of the same quality landscape materials.

The Office of Planning and Zoning recommends the petitioner's request be granted conditioned upon the following:

- Until such time as the existing dwelling (4209 Southwestern Boulevard) is converted to a non-residential use, the hours of operation of the proposed car wash shall be limited at the discretion of the zoning commissioner based upon the evidence presented at the hearing regarding this matter.
- No outdoor display of retail merchandise shall be permitted.
- No temporary signs or seasonal banners shall be permitted on site.

Frederick Winkler, Item No. 429  
Page Two  
June 7, 1991

- Water and high pressure air service should be provided on site.
- Dumpsters should be fully enclosed and landscaped.

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

PK/JL/cmm  
ITEM429/ZAC1

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: July 3, 1991

TO: Mr. J. Robert Haines  
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 21, 1991  
ITEM NUMBER: 429

This office has no comments for item number 429.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-4500

MAY 31, 1991

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

RE: Property Owner: FREDERICK WAYNE WINKLER  
Location: #4305 SOUTHWESTERN BOULEVARD  
Item No.: 429 Zoning Agenda: MAY 21, 1991

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.

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: *Carl J. Kelly* 5/21/91 Noted and Approved  
Planning Group Captain *J. F. Dieckhoff*  
Special Inspection Division Fire Prevention Bureau

JR/KEK

# PLAN TO ACCOMPANY SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCES APPLICATION

## NOTES:

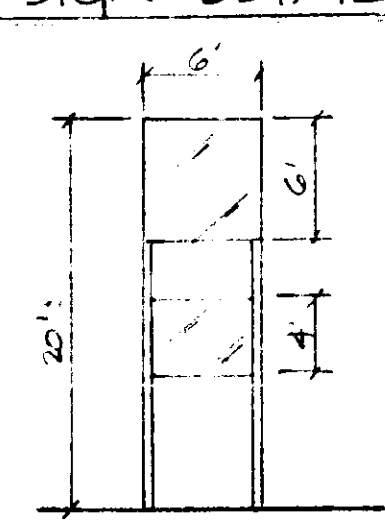
- 1) ZONING:  
EXISTING- ML-1M  
PROPOSED- ML-1M
- 2) LOT AREA: 10,350 S.F. (APPROX.) / 230.9 A.C. ± 34,455 S.F. (NET) / 791 A.C. (APPROX.)
- 3) EXISTING USE: TEXACO SERVICE STATION
- 4) PROPOSED USE: TEXACO SERVICE STATION & CAR WASH/CARRY OUT FOOD SHOP
- 5) BUILDING AREA: SEE NOTE #20
- 6) BUILDING SETBACKS: REQUIRED PROVIDED  
FRONT- 35' 34' (EXISTING)  
INTERIOR SIDE- N/A 10' FROM (EXISTING)  
REAR- 30' 60' (EXISTING)  
STREET CORNER SIDE- N/A N/A
- 7) PARKING:  
REQUIRED- GASOLINE STATION: 2 SPACES/BAY; 6 SPACES; CARRY OUT FOOD SHOP: 5 SPACES/1000 S.F. SPACES  
PROVIDED- 25 SPACES TOTAL
- 8) UTILITIES:  
SEWER- PUBLIC  
WATER- PUBLIC
- 9) SPECIAL HEARING: TO AMEND THE APPROVED SPECIAL EXCEPTION PLAN (CASE # 63-86-598) & 4 D(43).
- 9a) VARIANCE: TO PERMIT THE 2 BAY CAR WASH TO BE LOCATED IN THE REAR OF THE PROPOSED 2 BAY CAR WASH BUILDING, SUBJECT TO THE 25' SETBACK TO THE REAR PROPERTY LINE IN ORDER TO PERMIT A CAR WASH ON AN ARTERIAL STREET IN LIEU OF THE REAR 30' SETBACK REQUIRED BY THE ZONING REGULATIONS.
- 10) SPECIAL EXCEPTION: TO PERMIT A GASOLINE SERVICE STATION IN COMBINATION WITH A CARRY OUT FOOD SHOP (SUBJECT TO SECTION 4.2.4.1.2) & A CAR WASH (SUBJECT TO SECTION 4.2.4.1.2) ON A CAR WASH (SUBJECT TO SECTION 4.2.4.1.2).

- 11) Election District: 13
- 12) Councilmanic District: 1
- 13) Census tract: 4309
- 14) Watershed: 29
- 15) Subwatershed: 74
- 16) Deed Reference: 4622/304
- 17) Property Account No.: 13-13-203020892
- 18) Tax Map 101, Grid 18, Parcel 875
- 19) Floor Area:  
Service Station 3,940  
Carry Out Food Shop 232  
4,470 SQ. FT.  
Car Wash (2 Bay) 1,628 SQ. FT.  
6,098 SQ. FT.
- 20) Building Coverage: 14.3%
- 21) Floor Area Ratio:  
Maximum Permitted: 2.0  
Proposed: .07
- 22) Height of Building: 1 Story/15 FT
- 23) Lot Size Tabulations:  
Area Required:  
Service Station 15,000 SQ. FT.  
Carry Out Food Shop (503 SQ. FT. x 6) 3,018 SQ. FT.  
18,018 SQ. FT.
- 24) No. of Employees: NA
- 25) Hours of Operation: NA
- 26) Mass Transit Adjustment: NA
- 27) Average Daily Trips (ADT'S): NA
- 28) The proposed plan will result in no additional disturbance of land adjacent to the existing drainage swales and the existing open space shall be maintained in its current condition.
- 29) No critical areas, archeological sites, existing historic buildings or endangered species habitats on site.
- 30) This site does not contain hazardous materials to the best of our knowledge.
- 31) Any exist. fuel tanks will be pumped and removed under the supervision of personnel of the waste management section of D.E.P.R.M. prior to grading. A permit is required for removal.
- 32) Landscaping/Buffers: As shown on plan
- 33) Amenity Open Space:  
Required: NA  
Proposed:
- 34) Stormwater Management: The site is currently improved by impervious surfaces (i.e. macadam and crusher run). No additional disturbance will occur beyond the limits of the impervious surface. A waiver to SWM is being requested.
- 35) All outdoor lighting will be directed away from the adjacent residential houses, where applicable.
- 36) The proposed building will be designed and constructed in accordance with the M.F.P.A. 101 Life Safety Code.
- 37) Handicap Ramps to be provided where necessary.
- 38) Waivers:  
Stormwater management: A waiver will be applied for. CDD Meeting and Plan: A waiver will be applied for in May 1991.
- 39) Signs: Existing freestanding and building mounted signs to remain as is. See freestanding sign detail on plan.

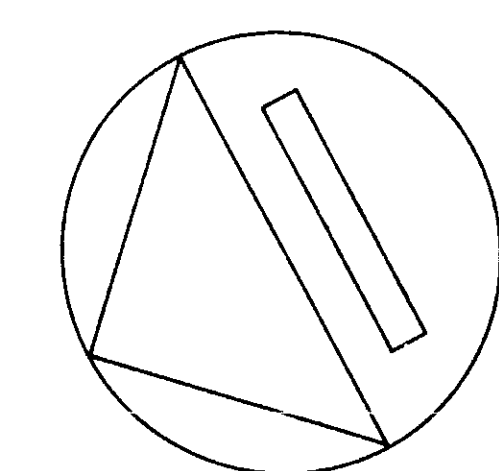
Commercial Permits:	Purpose	Date
Permit Control		
R002124 C-0065-89	interior alteration	1-11-89
R005040 TAC-285-89	for store install	3-22-89
R006136 C-114-89	propane tank canopy	4-11-89
R010413 MC	6' wood fence	3-31-89
R016256 SI-5468-89	two signs on the canopy	5-12-89

- 41) Zoning History:  
11/14/49 Special Exception for a gas station "granted" & reclassification to a ML zone. (No case number)  
10/9/63 Special Hearing to modify the previous Special Exception "denied" by the Zoning Commissioner. (Case # 63-86-598)  
4/16/64 Case No. 64-86 granted by the Zoning Commissioner  
5/15/64 Combined hearing w/63-86-598  
8/18/64 Board of Appeals granted Special Hearing Special Exception to amend Special Exception Plan.  
10/29/64 Special Hearing to confirm & allow use of the property as a small warehouse, above ground storage in accordance with Sec. 253.4.
- 42) Car Wash Calculations:  
15 cars serviced per 1/2 hour, 4 cycles for two bays = 15 stacking spaces + 10 stacking spaces (additional) = 25 stacking spaces.  
Total required: 25 stacking spaces  
Total provided: 25 stacking spaces

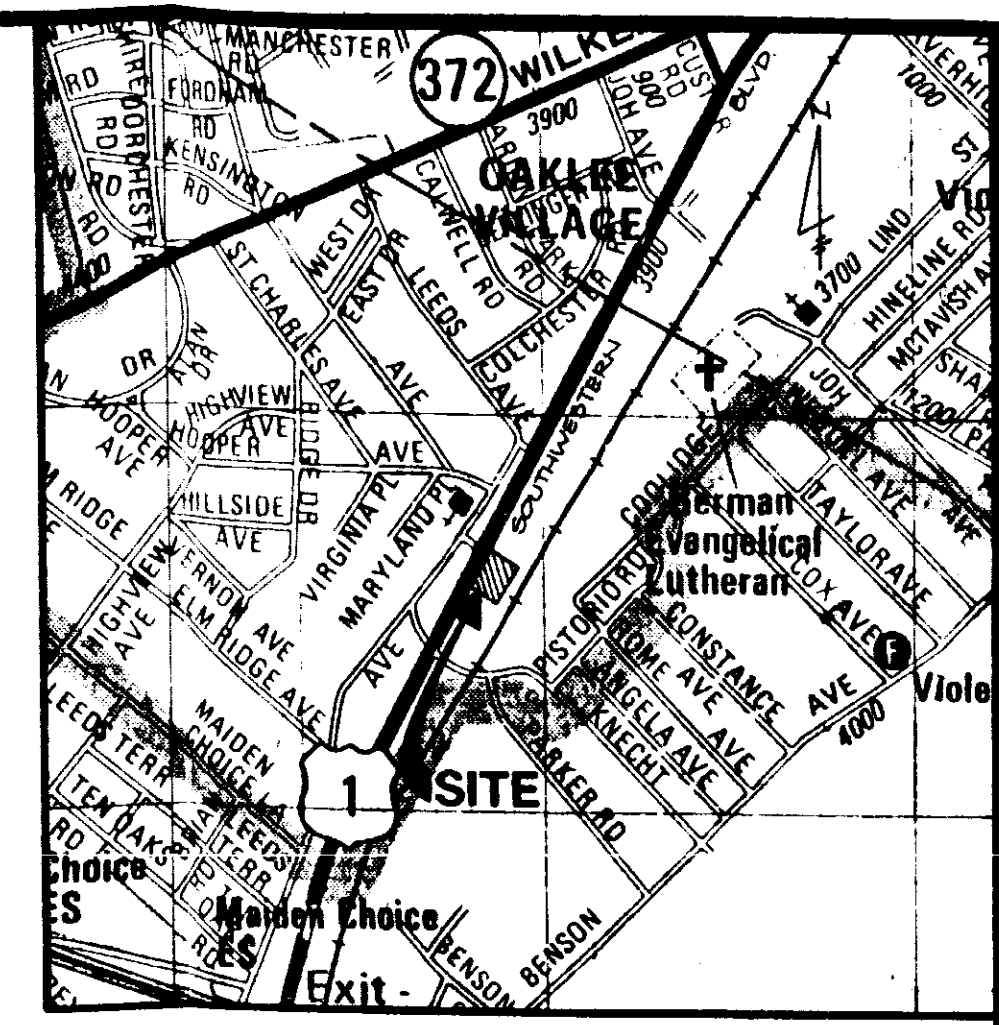
EXISTING FREESTANDING SIGN DETAIL



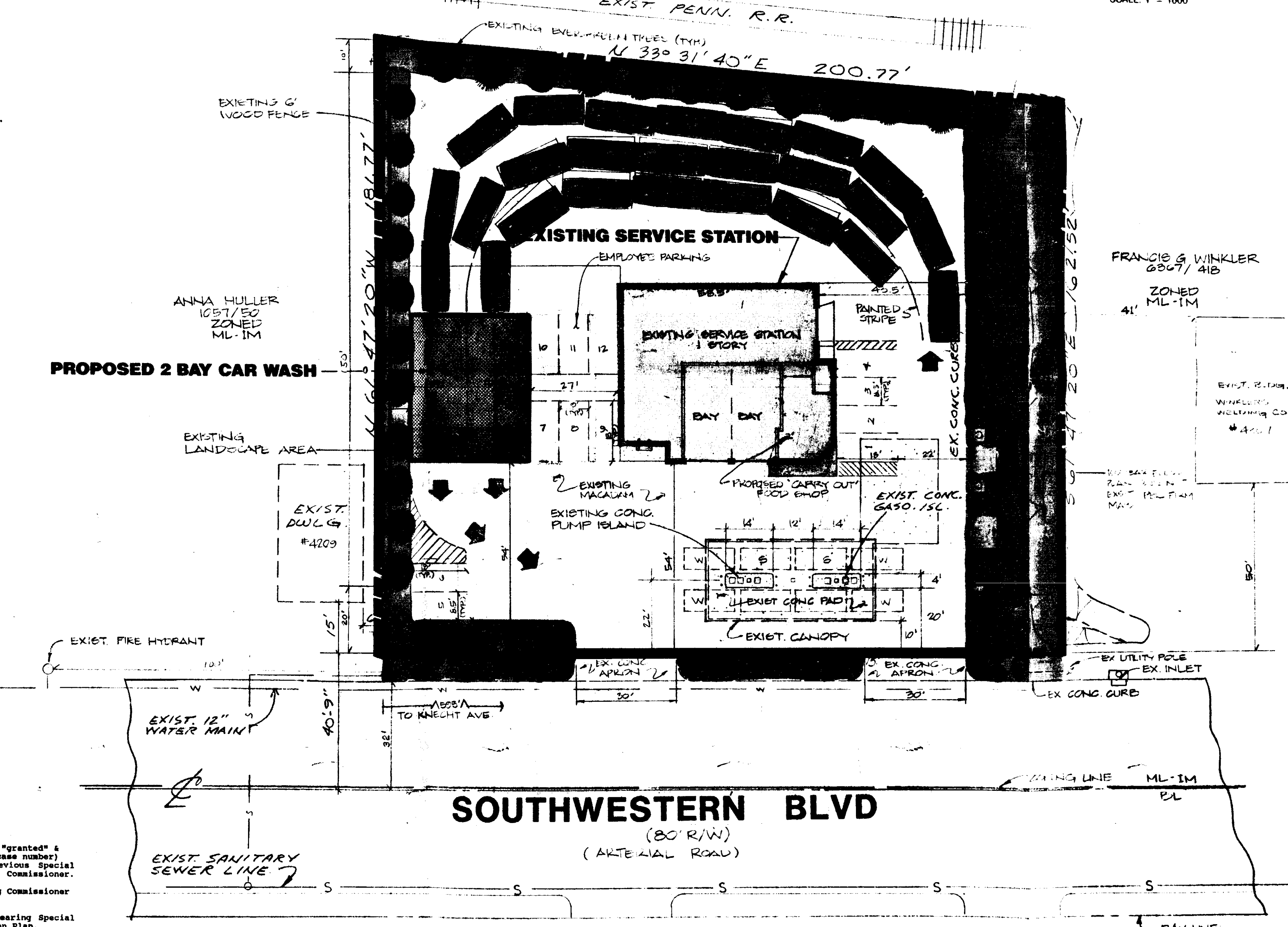
SCALE 1"=10'



AMTRAK ZONED ML-1M



VICINITY MAP SCALE: 1" = 1000'



## PRELIMINARY SITE PLAN

4305 SOUTHWESTERN BLVD  
BALTIMORE COUNTY, MARYLAND

WILLIAM P. WINKLER  
PLANNING & ZONING CONSULTANT  
17

PREPARED BY:  
WILLIAM P. WINKLER  
LAND USE PLANNING AND ZONING CONSULTANT  
THE CAMPBELL BUILDING  
100 W. PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21284  
(301) 484-8831

APPLICANT:  
FREDERICK WAYNE WINKLER  
4305 SOUTHWESTERN BLVD.  
BALTIMORE, MARYLAND 21228

SCALE: 1" = 20'	DRAWN BY: JG	DATE: 5/2/91	REVISED: 5/2/91
--------------------	-----------------	-----------------	--------------------

# PLAN TO ACCOMPANY SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCES APPLICATION

## NOTES:

- 1) ZONING:  
EXISTING- ML-1M  
PROPOSED-
- 2) LOT AREA: 10,450 sq. ft. (40' x 261' 0" x 104' 4 1/2" (NET) 2,101 sq. ft. (NET) 231'
- 3) EXISTING USE: TEXACO SERVICE STATION
- 4) PROPOSED USE: TEXACO SERVICE STATION & CAR WASH/CANOPY OVER EXISTING
- 5) BUILDING AREA: SEE NOTE #20
- 6) BUILDING SETBACKS: 

	REQUIRED	PROVIDED
FRONT-	25'	54' (EXISTING)
INTERIOR SIDE-	N/A	10' (EXISTING)
REAR-	30'	60' (EXISTING)
STREET CORNER SIDE-	N/A	N/A
- 7) PARKING:  
REQUIRED- GASOLINE STATION 3 SPACES / BAY 1 6 SPACES  
CARRY OUT FOOD SHOP 5 SPACES / 1000 sq. ft. 2 SPACES  
PROVIDED- 12 SPACES
- 8) UTILITIES:  
SEWER- PUBLIC  
WATER- PUBLIC
- 9) SPECIAL HEARING: TO APPROVE THE APPROVED SPECIAL EXCEPTION PLAN (CASE # 63-80-SPH)
- 9a) VARIANCE: TO EXISTING USE 1, 10, 12 AND 19B TO ALLOW 21' IN SETBACK OF THE PROPOSED 2 BAY CAR WASH BUILDING. SECTION 230.2B & 230.2E (2)  
TO PERMIT A CAR WASH CANOPY OVER EXISTING SERVICE STATION IN VIOLATION OF THE REG. ZONING CODE AND M.D. REGULATORY.
- 10) SPECIAL EXCEPTION: (A) A GASOLINE SERVICE STATION IN CONJUNCTION WITH A CARRY OUT FOOD SHOP (SECTION 4.3.4.1 & 4.2).  
(B) A GASOLINE SERVICE STATION IN CONJUNCTION WITH A CAR WASH (SECTION 4.3.4.1 & 4.2).

- 11) Precinct District: 13
- 12) Councilmanic District: 1
- 13) Census tract: 4309
- 14) Watershed: 29
- 15) Subwatershed: 74
- 16) Deed Reference: 4622/304
- 17) Property Account No.: 13-13-203020892
- 18) Tax Map 101, Grid 18, Parcel 875
- 19) Floor Area: 

Service Station	3,940
Car Wash	2,470
Car Wash (2 Bay)	1,628
	6,038
- 20) Building Coverage: 14.3%
- 21) Floor Area Ratio: 

Maximum Permitted:	2.0
Proposed:	.07
- 22) Height of Building: 1 Story/15 FT
- 23) Lot Size Tabulations: 

Area Required:		
Service Station	15,000	SQ. FT.
Car Wash (503 SQ. FT. x 6)	3,018	SQ. FT.
	18,018	SQ. FT.
- 24) No. of Employees: 4 EMPLOYEES TOTAL
- 25) Hours of Operation: NA
- 26) Mass Transit Adjustment: NA
- 27) Average Daily Trips (ADT'S): 50 CARS/PER HOUR = 0 = 240 / EXIST. GASOLINE SERVICE A PUMP. NO CHANGES FOR THIS PLAN.
- 28) The proposed plan will result in no additional disturbance of land adjacent to the existing drainage easels and the existing open space shall be maintained in its current condition.
- 29) No critical areas, archeological sites, existing historic buildings or endangered species habitats on site.
- 30) This site does not contain hazardous materials to the best of our knowledge.
- 31) Any exist. fuel tanks will be pumped and removed under the supervision of personnel of the waste management section of D.E.P.R.M. prior to grading. A permit is required for removal.
- 32) Landscaping/Buffers: As shown on plan
- 33) Amenity Open Space: 

Required:	NA
Proposed:	
- 34) Stormwater Management: The site is currently improved by impervious surfaces (i.e. padlocks and crusher run). No additional disturbance will occur beyond the limits of the impervious surface. A waiver to SWM is being requested.
- 35) All outdoor lighting will be directed away from the adjacent residential houses, where applicable.
- 36) The proposed building will be designed and constructed in accordance with the M.F.P.A. 101 Life Safety Code.
- 37) Handicap Ramps to be provided where necessary.
- 38) Waivers: 

Stormwater management: A waiver will be applied for. CMC Meeting and Plan: A waiver will be applied for in May 1991.
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- 39) Signs: Existing freestanding and building mounted signs to remain as is. See freestanding sign detail on plan.
- 40) Commercial Permits: 

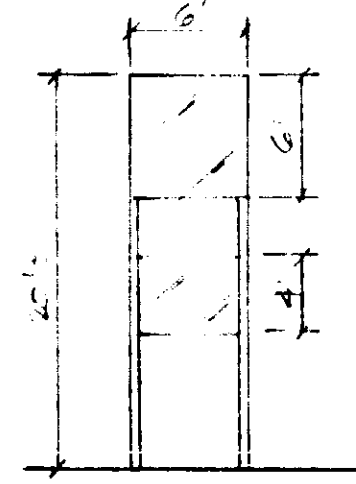
Permit	Control	Purpose	Date
8002124	C-0065-89	Interior alteration for store	1-11-89
8005040	TAC-285-89	Install propane tank	3-22-89
8006125	C-334-89	canopy	4-11-89
8010433	MC	6' wood fence	3-31-89
8016256	SI-5668-89	two signs on the canopy	3-12-89

- 41) Zoning History: 

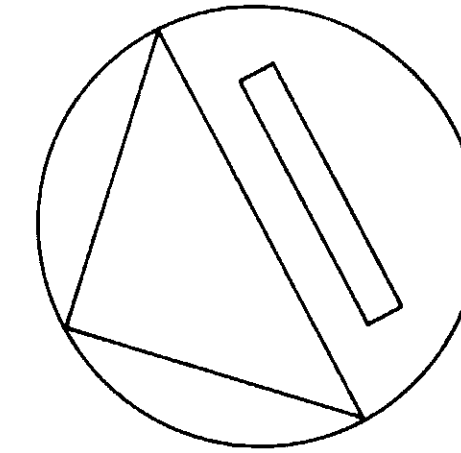
11/14/49	Special Exception for a gas station "granted" & reclassification to a M. zone. (No case number)
10/9/63	Special Hearing to modify the previous Special Exception "denied" by the Zoning Commissioner. (Case # 63-80-SPH)
4/16/64	Case No. 64-96 granted by the Zoning Commissioner
5/15/64	Appealed
8/18/64	Combined hearing w/63-80-SPH
10/29/64	Board of Appeals granted Special Hearing Special Exception to amend Special Exception Plan.
10/29/64	Special Hearing to confirm & allow use of the property as a small warehouse, above ground storage in accordance with Sec. 253.4.
- 42) Car Wash Computations: 

15 cars serviced per 1/2 hour, 4 cycles for two bays = 15 stacking spaces + 10 stacking spaces (additional) = 25 stacking spaces.
Total required: 25 stacking spaces
Total provided: 25 stacking spaces

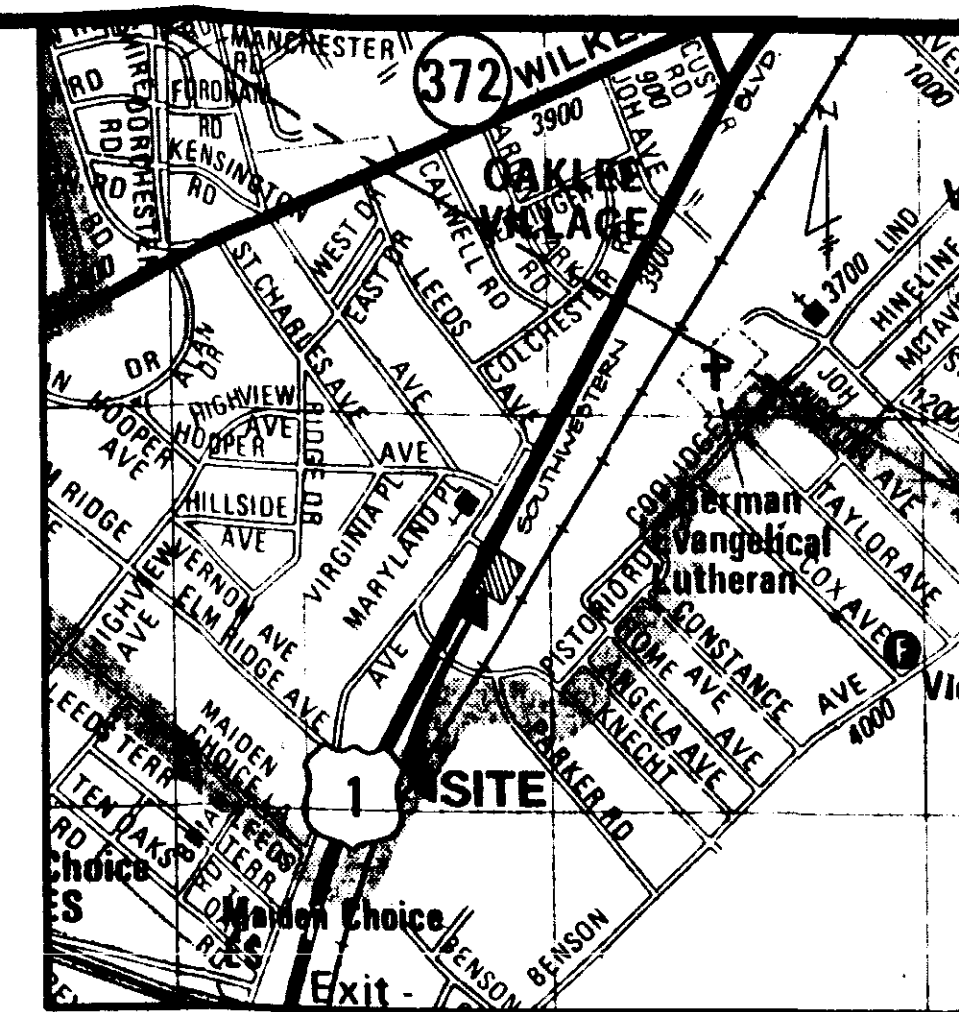
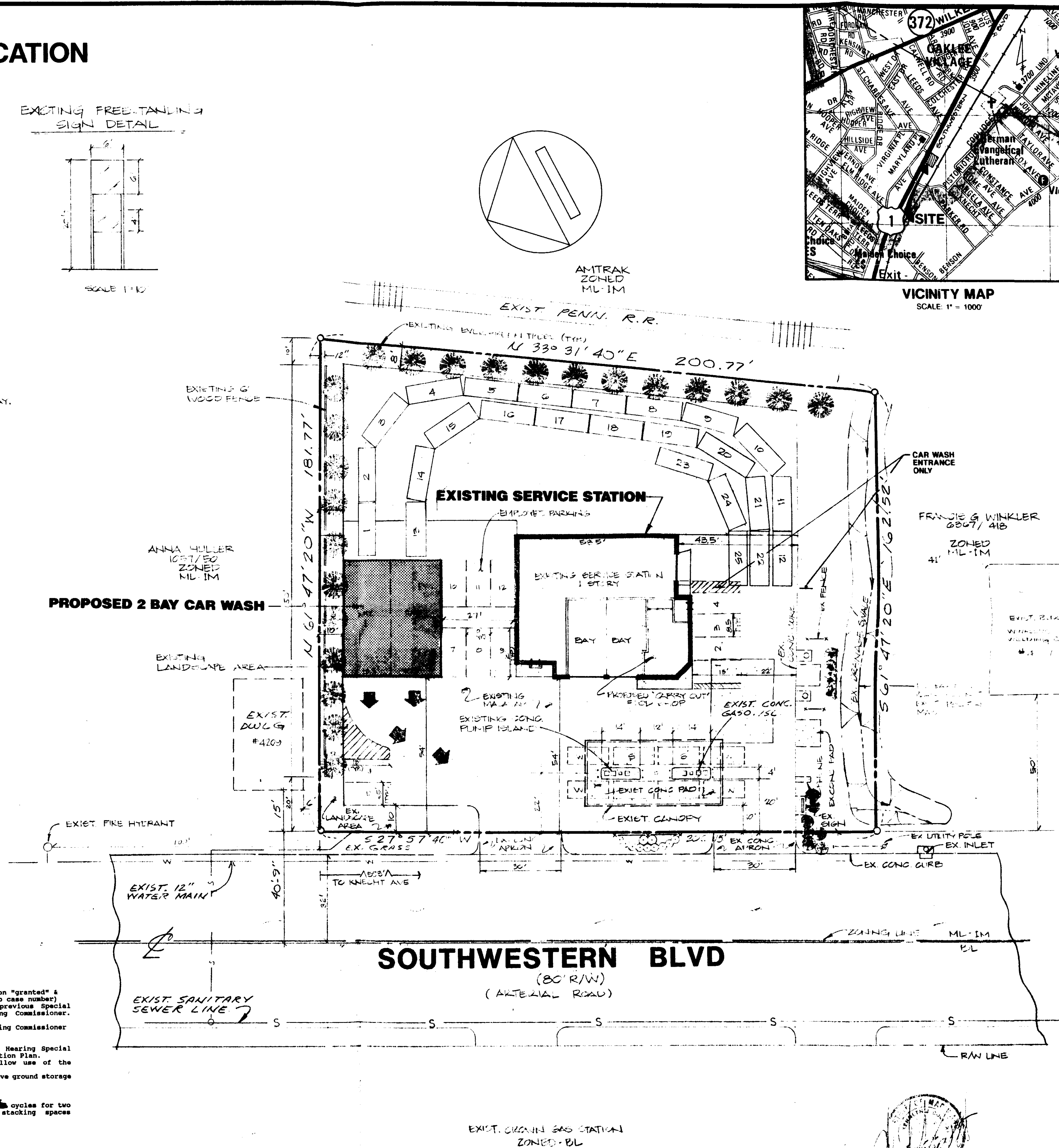
### EXISTING FREESTANDING SIGN DETAIL



SCALE 1"=10'



AMTRAK ZONED ML-1M



VICINITY MAP  
SCALE: 1" = 1000'

PREPARED BY:  
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APPLICANT:  
FREDERICK WAYNE WINKLER  
4305 SOUTHWESTERN BLVD.  
BALTIMORE, MARYLAND 21228

**PRELIMINARY SITE PLAN**

**4305 SOUTHWESTERN BLVD**  
**BALTIMORE COUNTY, MARYLAND**

**#429**  
**91-459-SPHXA**  
**6/21/91** REVISED PLANS

SCALE: 1" = 20'	DRAWN BY: JTG	DATE: 5/21/91	REVISED: 6/21/91
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