

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
NEC Belair Road and Fitch Ave.
7901 Belair Road
14th Election District
6th Councilmanic District
Bourquin LLC
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-230-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Exception and Petition for Zoning Variance for the property known as 7901 Belair Road, just north of the junction of the Baltimore Beltway (I-695) and Belair Road. The Petition is filed by the property owner, Bourquin LLC, by Paul A. Bourquin. Within the Petition for Special Exception, relief is requested to permit a service garage in a B.L. zone, pursuant to Section 230.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). As to the Petition for Variance, relief is sought from Section 409.8.A.4 of the B.C.Z.R. to permit a 0 ft. setback for parking spaces from the proposed road right of way in lieu of the required 10 ft. All of the relief requested is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Exception and Variance.

Appearing on behalf of the Petitions was Paul A. Bourquin, Petitioner. Also appearing was Paul Lee, the engineer who prepared the plat. The Petitioner was represented by Francis X. Borgerding, Jr., Esquire. There were no Protestants present.

Uncontradicted testimony and evidence presented is the the subject property is approximately .31 acres in area and is zoned B.L. As noted above, the site is immediately adjacent to Belair Road, not far from the Baltimore Beltway. The property is located along the heavy commercialized corridor of Belair Road. Numerous commercial/retail uses exist adjacent to and near the site.

Mr. Bourquin testified that he has been interested in the property since 1986. In February of that year, he entered into a lease with Shell Oil Company to be the proprietor of gasoline station on the site. Since that time, he has operated a Shell station business thereon. His business has included sales of gasoline, the operation of a small snack shop and auto repairs. The auto repair business is conducted within a 3 bay service garage building which is located towards the rear of the property. The remaining portion of the site is improved with the required parking lot.

Recently, Mr. Bourquin was advised by the State Highway Administration of their plans to widen Belair Road. In fact, the State has proceeded with its plans to widen Belair Road at this point and Mr. Bourquin has, in fact, lost 35 ft. of frontage on the property to the State. That is, the State has condemned this land for acquisition for the roadway widening. As a result of this action by the State, the net area of the site has been decreased to a size below Shell's minimum requirements for gasoline station operations. That is, Shell has determined that the site is no longer appropriate for its operation and has terminated its arrangement with Mr. Bourquin to operate on site.

However, in order to save his small business, Mr. Bourquin has decided to continue service garage operations on site, irrespective of the fact that he is no longer affiliated with the Shell Oil Company. The gasoline tanks and pump islands have been removed. However, the service garage building has been retained. Moreover, Mr. Bourquin now comes before me under the Petitions for Special Exception and Variance to permit continued operation.

It is to be particularly noted that there will be no physical improvements to the site. That is, the service garage building is not being expanded and other than the work occasioned by the roadway widening, the site

- 2 -

will not be altered. Moreover, much of the business which has previously been conducted on site will continue. Mr. Bourquin testified that he has built a strong reputation in the community for doing quality service work on vehicles. He does not do any body paint or fender repair but performs the usual automobile service work such as tune-ups, oil changes, wheel alignments, etc. Also, the traffic to the site will no doubt be less. In that there will be no gasoline station, the only people patronizing the site will be for repairs. Mr. Bourquin testified that approximately 10 to 12 vehicles will be repaired daily. Further, as has been the practice, damaged vehicles will not be stored on the site on a long term basis.

As noted above, a service garage use is permitted on the subject B.L. tract by special exception. Pursuant to the applicable provisions of the B.C.Z.R., the Petitioner must adduce testimony and evidence that the proposed use will not be detrimental to the health, safety and general welfare of the community. Specifically, the standards enunciated in Section 502.1 of the B.C.Z.R. must be met. It is abundantly clear that the special exception should be permitted. In considering this Petition, it is to be noted that the site has already been engaged in a substantially similar use for many years. In fact, the original filling station special exception was granted in 1966. Since that time, Mr. Bourquin and his predecessors have used the site to house an automobile repair/maintenance facility. It is clear, based on the history of the site, that service garage operations are not detrimental to the surrounding locale. Thus, the Petition for Special Exception should be granted.

As to the Petition for Zoning Variance, it is to be noted that the requested variance pertains to the parking spaces on the north corner of the property. Under the parking requirements contained within the B.C.Z.R., 8 parking spaces are required and 11 are provided. Mr. Lee indi-

- 3 -

cated that several existing spaces are being lost on the north side of the property due to the road widening. In an effort to retain as much parking as necessary, the variance is requested for that corner of the site.

An area parking variance is permitted under the B.C.Z.R. pursuant to Section 307 thereof. Therein, the Petitioner must demonstrate that denial of the variance would constitute a practical difficulty or unreasonable hardship upon the Petitioner. Moreover, relief can be granted only if within the spirit and intent of the B.C.Z.R. and if same will not be detrimental to the surrounding locale.

In this case, it is clear that all of the tests enunciated in the above referenced section have been met. The variance should and will, therefore, be granted.

Moreover, additional discussion is warranted in this case referencing the Zoning Plans Advisory Committee (ZAC) comments. All zoning Petitions filed in this office undergo review and comment by the Committee. This Committee is comprised of numerous agencies of Baltimore County which evaluate the Petition for compliance and consistency with their internal standards. One comment received was from Robert M. Bowling, Sr. of the Developers Engineering Office. Mr. Bowling suggested relocation of the curb cut which provides access to the site from Fitch Avenue. It is to be noted that presently the site is accessed by three curb cuts, two on Belair Road and one on Fitch Avenue. As a result of the roadway widening, one of the curb cuts will be eliminated on Belair Road leaving only one access point from that street. As to the existing Fitch Avenue access, same will be retained; however, is being narrowed from a distance of 35 ft. to 25 ft. Per Mr. Bowling's comment, the Developer's Engineering section suggests a relocation of the access to a point 20 ft. south from the proposed locale.

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tion. Mr. Bowling cites Department of Public Works Standard Detail Plate R-29 to support his comment.

In discussing this request, Mr. Lee noted that the plan, as presently drawn, reflects the instructions given to him by the State Highway Administration. In fact, he produced a State drawing (Petitioner's Exhibit No. 4) which indicated that the Fitch Avenue access point should remain where it is presently located and reduced to a width of 25 ft.

Thus, it is clear that Mr. Bourquin is left between a rock and hard place. He has been given one set of directions/instructions by the State Highway Administration and a conflicting recommendation from the Developer's Engineering Section. Under the circumstances, I will yield to the direction of the State Highway Administration. In fact, Mr. Lee testified that preliminary road widening has begun and that the access point has been marked. If the Developer's Engineering section wishes to take up this issue with the State Highway Administration, they are free to do so. However, it is patently unfair to put the Petitioner in the middle of conflicting recommendations made by these governmental agencies.

The second ZAC comment was generated by the Office of Planning and Zoning (OPZ). That comment in essence suggests that the variance request be modified to allow a 5 ft. setback on the north side of the property which fronts Belair Road. Within the 5 ft. strip, a schematic landscaping arrangement has been offered by OPZ.

I am appreciative of OPZ's goal in promoting a more attractive street scene along the commercial corridors of Belair Road and similar major arterial highways in Baltimore County. Certainly, the landscape of many of these roads (Belair Road, Harford Road, York Road, etc.) is cluttered and undesirable. However, a dose of common sense need be applied in this case. From the Petitioner's perspective, he was lawfully operating a thriving

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ing business at this site for 7 years. The business provided tax revenue and employment to Baltimore County, as well as services to Mr. Bourquin's customers. Through absolutely none of his doing, the State determined to widen Belair Road, thereby significantly reducing the size of his property. The reduction in size was to such an extent that it nearly put him out of business, by causing Shell Oil Company to abandon its operations there. In an effort to hold onto this business, Mr. Bourquin has purchased the lot and determined to carry on his service garage operation from the site. He is making no new improvements to the property and there will be no new construction. The existing parking lot and 3 bay service garage will be utilized as before. Under these circumstances, it is entirely unreasonable to request him to expend additional sums to preserve a narrow 5 ft. strip for landscape purposes. It is questionable whether landscaping in a 5 ft. strip would be worth the effort. The site constraints imposed by the highway widening on this business are difficult. To further reduce the Petitioner's net usable acreage by requiring landscaping is inappropriate. I will leave it to the good judgment of Mr. Bourquin to make the property attractive. Clearly, he has an interest in presenting an attractive and pleasing environment to market his business. Thus, for these reasons, OPZ's comment regarding proposed landscaping will not be incorporated.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 10th day of January, 1994 that, pursuant to the Petition for Special Exception, approval for use of the property as a service garage in a B.L. zone, under Section 230.1 of the B.C.Z.R., be and is hereby GRANTED; and,

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IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 of the B.C.Z.R. to permit a 0 ft. setback for parking spaces from the proposed road right of way, in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted:

1. The Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LES:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING
Date 1/10/94
By [Signature]

- 7 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 7, 1994

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue
Suite 600
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance
Case No. 94-230-XA
Bourquin L.L.C., Petitioner

Dear Mr. Borgerding:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
att.
cc: Mr. Paul A. Bourquin
Mr. Paul Lee



Printed on Recycled Paper

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 7901 Belair Road, Baltimore County, MD
which is presently zoned B.L.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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(s) 409.8.A.4 of the Baltimore County Zoning Regulations to permit a 0' setback for parking spaces from proposed road R/W in lieu of required 10' (A variance of 10').

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)

a. Shape and configuration of the property; and
b. For such other and further reasons as will be presented at the hearing of this matter.

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.

Contract Purchaser/Lessee
(Type or Print Name)
Bourquin L.L.C.
Signature
Paul Bourquin, Member
Address
Francis X. Borgerding, Jr.
409 Washington Ave., Ste. 600
Towson, MD 21204 296-6820

Legal Owner(s)
(Type or Print Name)
Bourquin L.L.C.
Signature
Paul Bourquin, Member
Address
Francis X. Borgerding, Jr.
409 Washington Avenue, Suite 600
Towson, MD-21204 296-6820

ESTIMATED LENGTH OF HEARING
unavailable for hearing
the following date: 12-3-93
ALL OTHER: 12-3-93
REVIEWED BY: RIT DATE: 12-3-93
ITEM # 231

Petition for Special Exception
to the Zoning Commissioner of Baltimore County
for the property located at 7901 Belair Road, Baltimore County, MD
which is presently zoned B.L.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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 Regulations of Baltimore County, to use the herein described property for a service garage in a "BL" zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations.

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.

Contract Purchaser/Lessee
(Type or Print Name)
Bourquin L.L.C.
Signature
Paul Bourquin, Member
Address
Francis X. Borgerding, Jr.
409 Wash. Ave., Ste. 600
Towson, MD 21204 296-6820

Legal Owner(s)
(Type or Print Name)
Bourquin L.L.C.
Signature
Paul Bourquin, Member
Address
Francis X. Borgerding, Jr.
409 Wash. Ave., Ste. 600
Towson, MD 21204 296-6820

ESTIMATED LENGTH OF HEARING
unavailable for hearing
the following date: 12-3-93
ALL OTHER: 12-3-93
REVIEWED BY: RIT DATE: 12-3-93
ITEM # 231

Petition for Special Exception
to the Zoning Commissioner of Baltimore County
for the property located at 7901 Belair Road, Baltimore County, MD
which is presently zoned B.L.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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 Regulations of Baltimore County, to use the herein described property for a service garage in a "BL" zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations.

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.

Contract Purchaser/Lessee
(Type or Print Name)
Bourquin L.L.C.
Signature
Paul Bourquin, Member
Address
Francis X. Borgerding, Jr.
409 Wash. Ave., Ste. 600
Towson, MD 21204 296-6820

Legal Owner(s)
(Type or Print Name)
Bourquin L.L.C.
Signature
Paul Bourquin, Member
Address
Francis X. Borgerding, Jr.
409 Wash. Ave., Ste. 600
Towson, MD 21204 296-6820

ESTIMATED LENGTH OF HEARING
unavailable for hearing
the following date: 12-3-93
ALL OTHER: 12-3-93
REVIEWED BY: RIT DATE: 12-3-93
ITEM # 231

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14th Date of Posting: 12/3/93
Posted for: Paul Bourquin, Member
Petitioner: Paul Bourquin, Member
Location of property: 7901 Belair Road, Baltimore County, MD
Location of Sign: Paul Bourquin, Member
Remarks: 12/3/93
Posted by: 12/3/93
Number of Signs: 2

CERTIFICATE OF PUBLICATION
TOWSON, MD. 12/3/93
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 successive weeks, the first publication appearing on 12/3/93, 1993.

THE JEFFERSONIAN
LEGAL AD. - TOWSON

Baltimore County Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
74-230-XA
Account: 9001-4130
Number: 231
RIT

Date: 12-3-93
7901 BELAIR RD.
BALTO. MD 21207

020 - VAR - \$ 250.00
050 - SPX - \$ 300.00
080 - 2 SIGNS - \$ 70.00
TOTAL - \$ 620.00

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 231
Petitioner: Bourquin L.L.C.
Location:
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Paul Bourquin
ADDRESS: 7901 Belair Rd.
Baltimore, Md 21207
PHONE NUMBER:
AJ:ggs (Revised 04/09/93)

Item Number: 231
Planner: RT
Date Filed: 12-3-93

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney
The following information is missing:
Descriptions, including accurate beginning point
Actual address of property
Zoning
Acreage
Plats (need 12, only submitted)
200 scale zoning map with property outlined
Election district
Councilmanic district
BCZR section information and/or wording
Hardship/practical difficulty information
Owner's signature (need original signature) and/or printed name and/or address and/or telephone number
Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
Power of attorney or authorization for person signing for legal owner and/or contract purchaser
Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TKTSOPH)
11/17/93

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

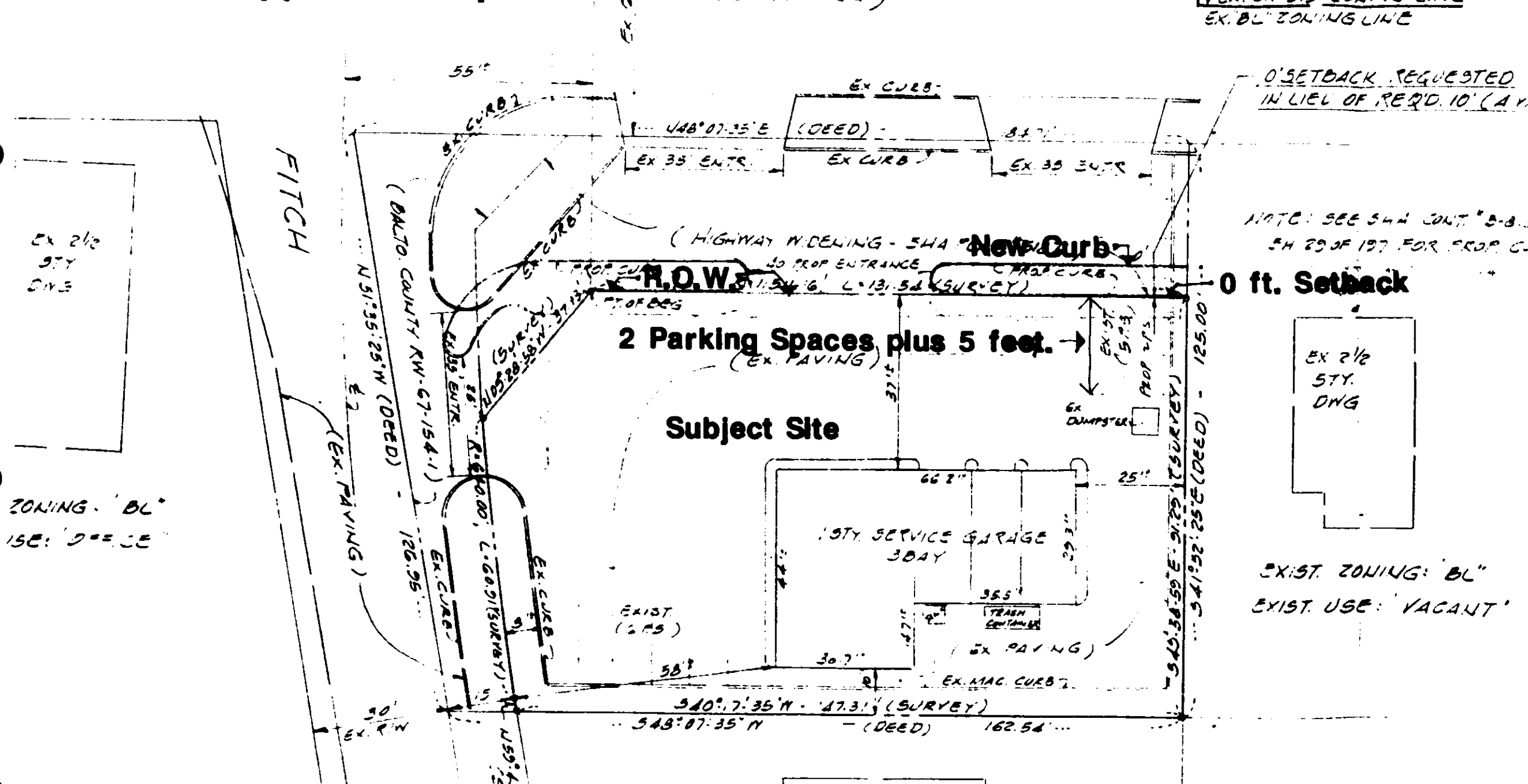
CASE NUMBER: 94-230-XA (Item 231)
7901 Belair Road
NEC Belair Road and Fitch Avenue
14th Election District - 6th Councilmanic
Petitioner(s): Bourquin LLC
HEARING: THURSDAY, JANUARY 6, 1994 at 2:00 p.m. in Rm. 118, Old Courthouse.

Special Exception to permit a service garage.
Variance to permit a zero foot setback for parking spaces from proposed road right-of-way in lieu of the required 10 feet.

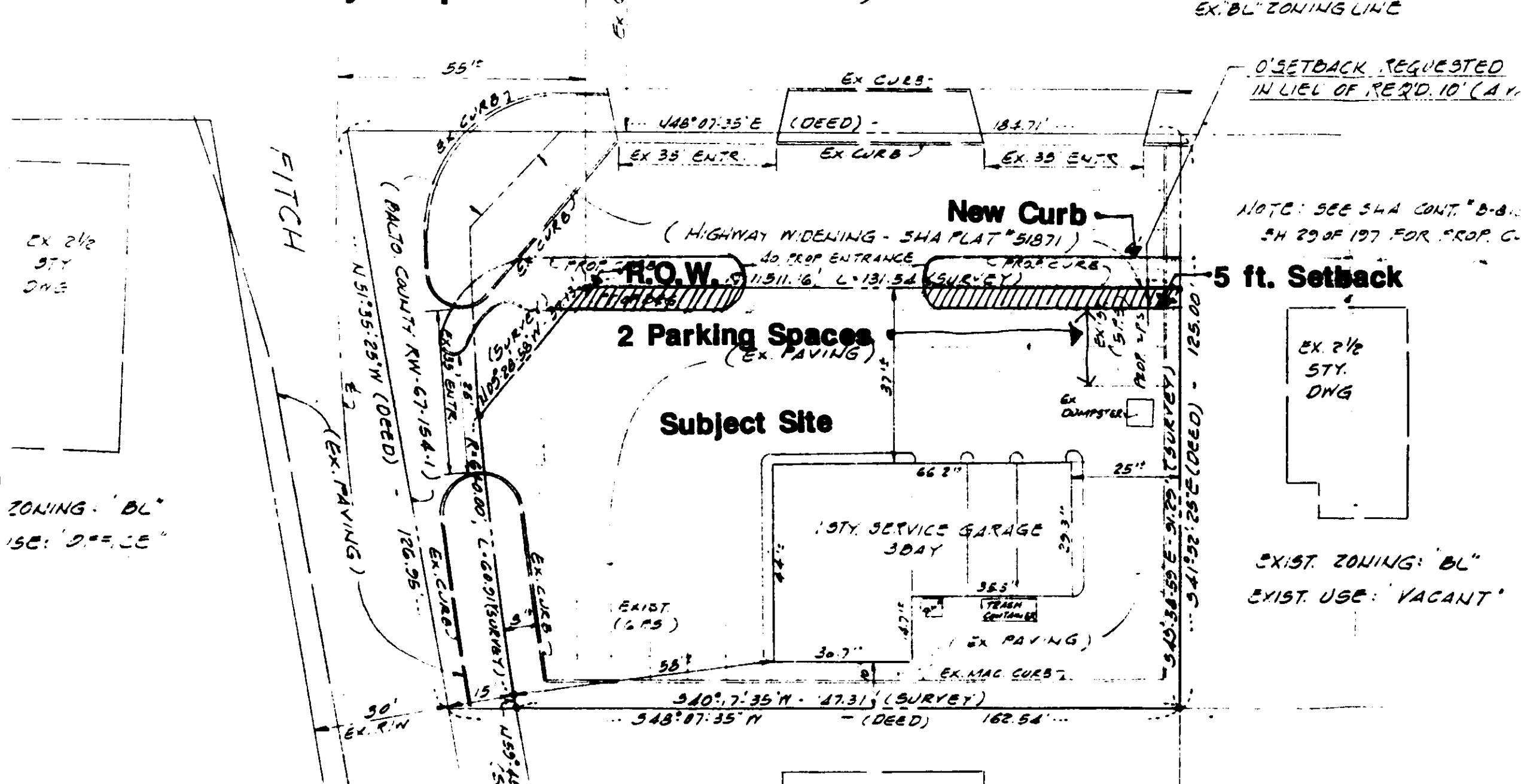
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

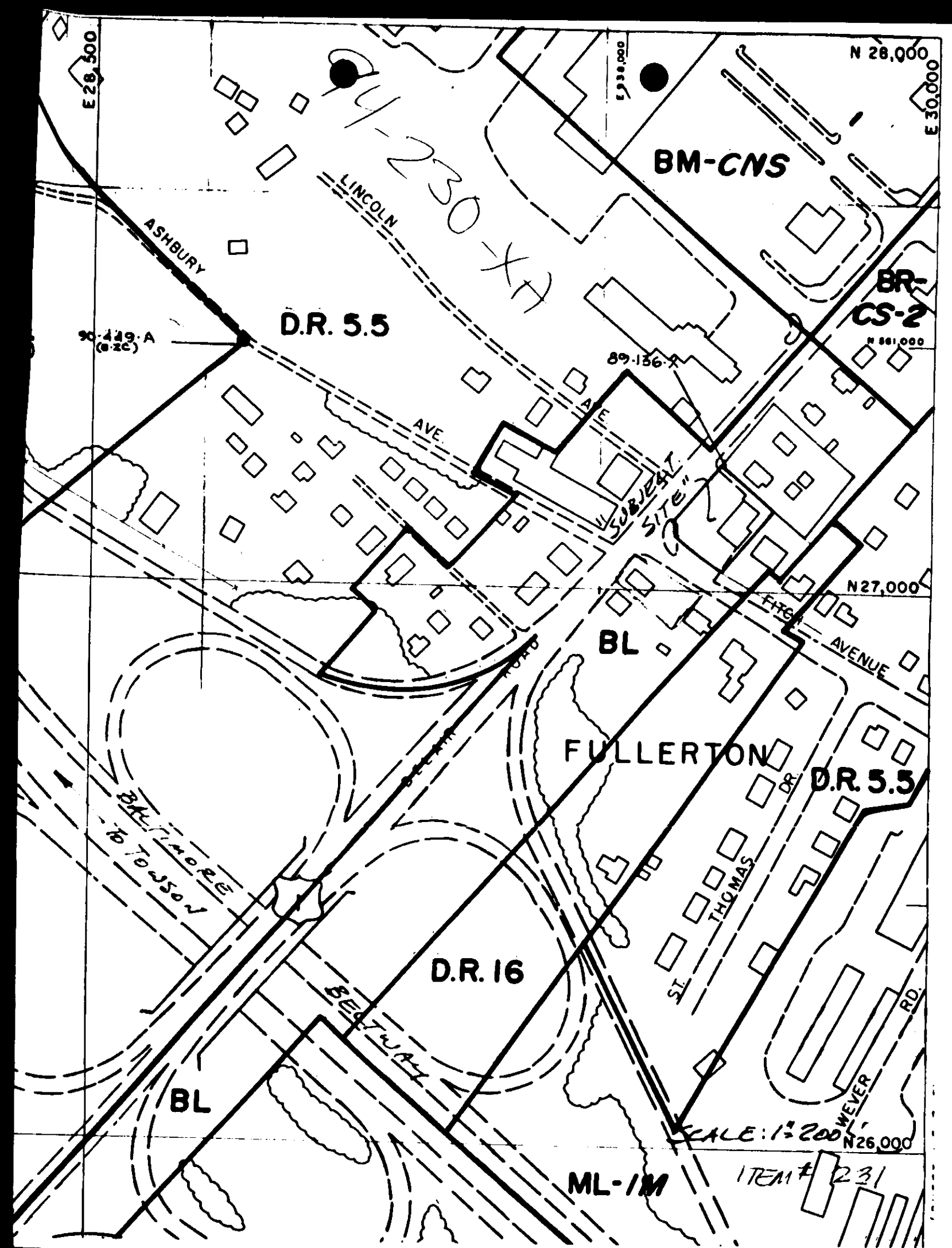
SKETCH 1 Applicant Proposal



SKETCH 2 County Request



SKETCH 3 Future Redevelopment



To Whom It May Concern,

I am the pastor of St. Peter's Lutheran Church which is located directly across Belair Road from Fullerton Auto Service Station. I and others here have utilized their services on many occasions and are very pleased both with their work and the convenience of the location. I believe the services they offer are very much needed in this community and would like to see it stay as it is. We would therefore support their being allowed to continue operations at the present site.

Sincerely,
Peter Daniel Jensen

RECEIVED
JAN 12 1994

January 5, 1994

To Whom it may concern,

For the past 4 years I have enjoyed the pleasure of dealing with what was formerly known as Fullerton Shell, now known as Fullerton Auto Repair. I am in total support of retaining the auto repair facility at the present location and whatever zoning changes that would be required in order to do so. It is absolutely essential that this location be maintained as is. The location has assisted many, many individuals who have, for countless reasons, required auto care, on both a local scale, but also a traveling scale as well. I cannot even count the times I, myself, have witnessed the event where an individual has walked into the station for assistance due to auto failure on the beltway & required immediate

assistance & received it within minutes time. Had it not been for Fullerton Auto Repair, these individuals would have had to travel on foot a far greater distance. Again, my full support is given to all efforts in maintaining this facility.

Should additional information be required, please feel free to contact me.

Respectfully,
Mary L. Bowen

(H) 410-661-5008
(W) 410-766-2600


Purty Hill Body Shop Inc.
8225 BELAIR ROAD - BALTIMORE, MARYLAND 21236 - PHONE 668-0660

January 6, 1994

Re: Fullerton Auto Service Center
7901 Belair Road
Baltimore, Md. 21236

To Whom It May Concern:

We have been doing business with Fullerton Auto Service, formally Fullerton Shell since 1986. It is a full service mechanical facility and inspection center. The workmanship is outstanding, the facility is a great asset to the rest of the community and is desperately needed.

Sincerely,

Charles F Schluter

Charles F. Schluter
Owner

Pat 20
JAN 4, 1994
TO WHOM IT MAY CONCERN -

THIS LETTER IS BEING WRITTEN ON BEHALF OF THE FULLERTON SERVICE CENTER. I HAVE BEEN A CUSTOMER OF THE SERVICE CENTER FOR APPROXIMATELY FIVE YEARS.

THE FACILITY IS CLOSE TO MY HOME AND MR. BOURQUIN AND HIS STAFF HAVE BEEN INVALUABLE TO ME IN REGARD TO AUTO REPAIRS, TOWING, ETC.

I WOULD NOT WANT TO SEE THIS FACILITY ALTERED IN ANY WAY. IT WOULD BE A SUBSTANTIAL TO ME AND I AM SURE THAT THE OTHER PATRONS OF THE SERVICE CENTER SHARE THE SAME FEELINGS.

George J. Toner, Jr.

GEORGE J. TONER, JR.
3705 RED BERRY WAY
BALTO. MD. 21236


RANDY'S LANDSCAPING INC.
Our Business is Growing
NURSERY AND GARDEN CENTER

January 5, 1994

To Whom It May Concern,

The Fullerton Shell on 7901 Belair Rd. was a wonderful service to me, my crews and also to the other business owners in this area. The closeness and the guaranteed good service always helped us to get on our way at a quick and easy pace. I hope they will soon be back at that location for mine and other businesses convenience.

Sincerely,

Randall McNoggle

7620 Lillian Holt Drive • Baltimore, Maryland 21237 • 410-668-4600
Express Planting Service • Erosion Control • Sodding • Seeding • Mulching • Shrubs and Trees • All Phases of Landscaping Work


Shell Oil Company

Suite 900
Two Fountain Square
11921 Freedom Drive
Reston VA 22090

Mid-Atlantic District

January 5, 1994

Mr. Francis X. Bourquid Jr., Esquire
Dinenna and Breschi
400 Washington Avenue
Towson, Maryland 21204

Subject: Special Exception and Variance
Case#94-230-XA
7001 Belair Road
Baltimore, Maryland

Dear Mr. Bourquid:

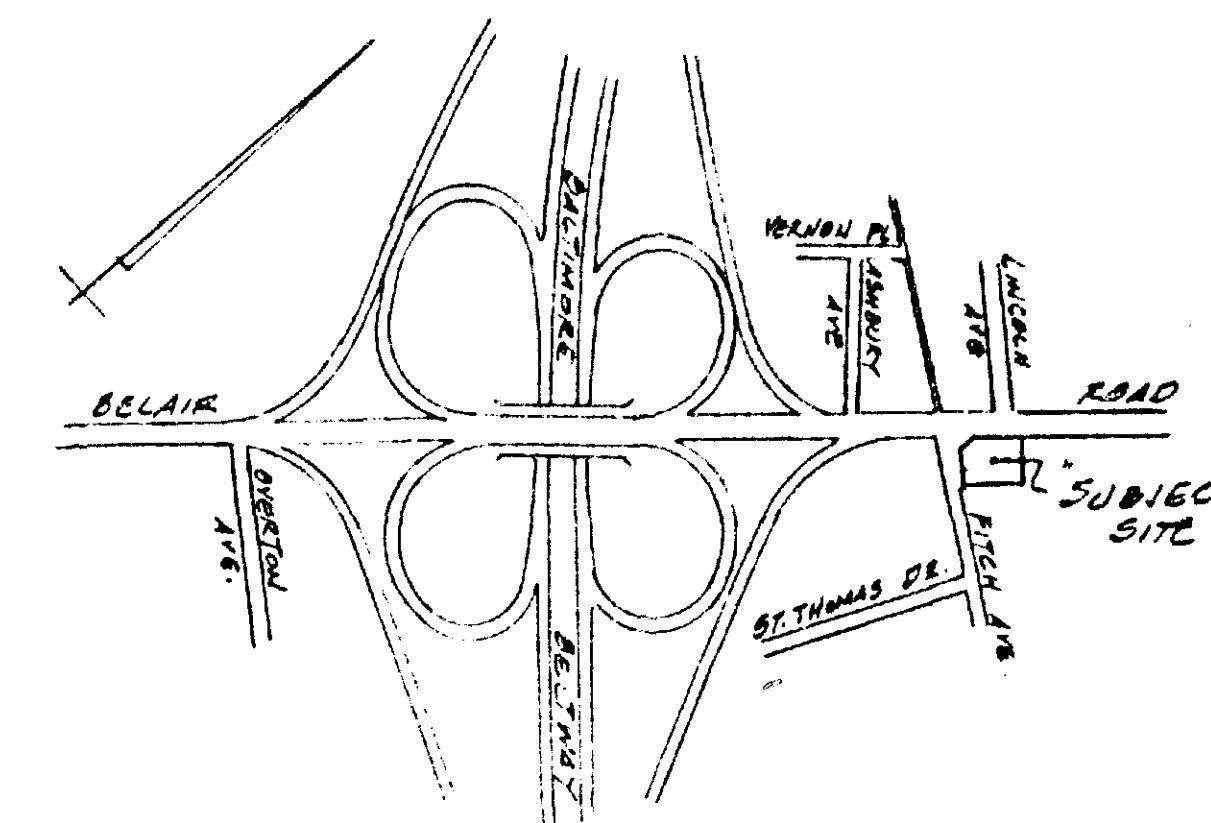
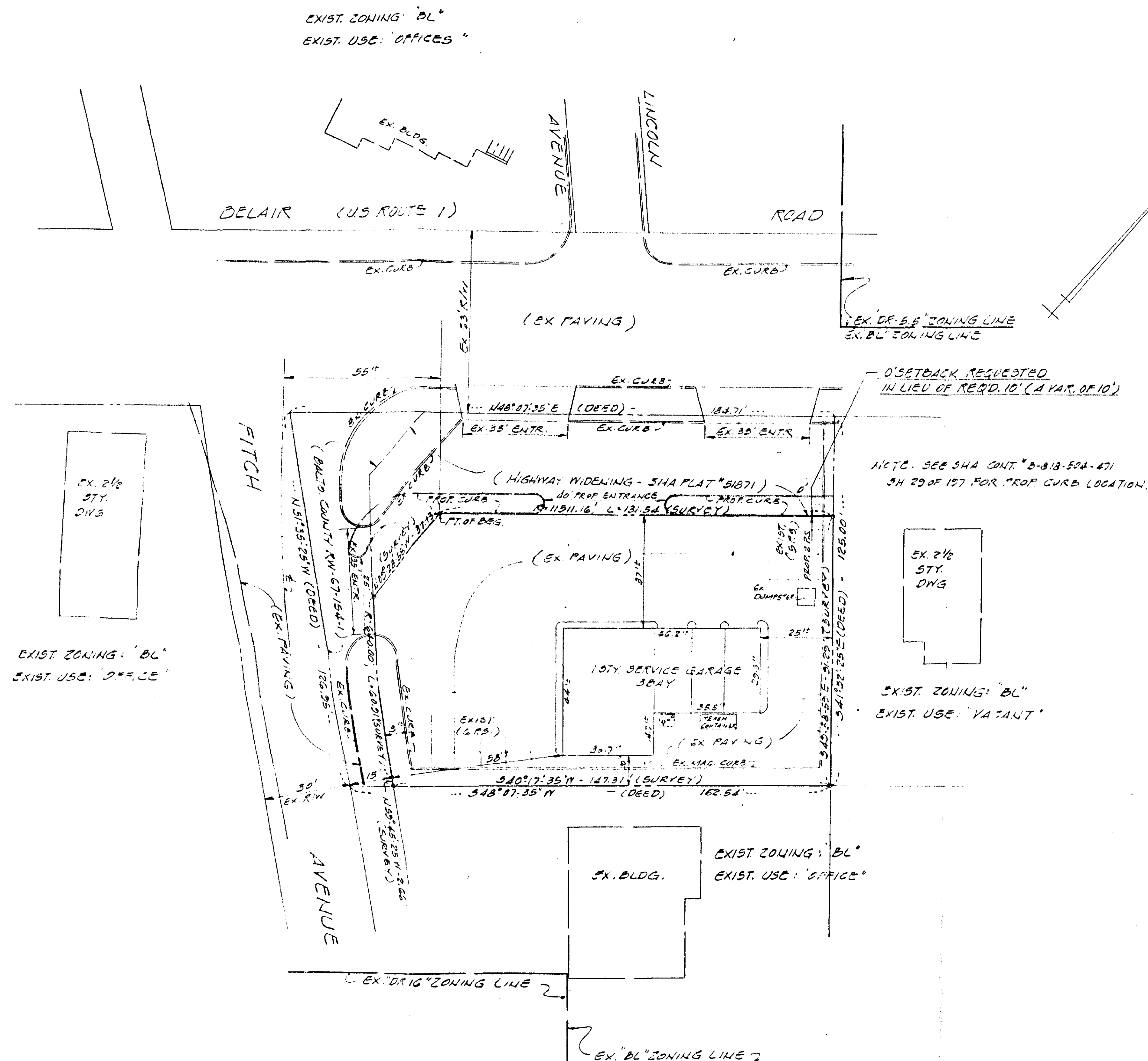
The purpose of this letter is to grant Shell's support for your client Paul Borquin's efforts to obtain the subject special exception and variance for Shell's property at Belair and Fitch Roads. As you are aware under our sales agreement with Paul, this property is deed restricted against gasoline sales. Although Shell has always operated the site with a repair facility, the county requires the special exception.

If you need any further information for the hearing please call me.

Sincerely,

John J. Geyer
John J. Geyer
Real Estate Rep

PETITIONER'S EXHIBIT 403



LOCATION PLAN
SCALE: 1" = 500'

GENERAL NOTES

1. AREA OF PROPERTY = 13,537 S.F. (0.31 AC.) GROSS = 21,703 S.F.
2. EXISTING ZONING OF PROPERTY = "BL" W/ SPECIAL EXCEPTION
3. EXISTING USE OF PROPERTY = "SERVICE STATION"
4. PROPOSED ZONING OF PROPERTY = "BL" W/ SPECIAL EXCEPTION
5. PROPOSED USE OF PROPERTY = "SERVICE GARAGE"
6. REQUIRED OFF STREET PARKING:
EX. 10TY SERVICE GARAGE (384YS)
2,301 S.F. @ 3.3/1000 = 70 = 875
7. NUMBER OF P.S. SHOWN (INCL. 384YS) = 1175
8. PETITIONER IS REQUESTING A SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE IN A "BL" ZONE.
9. PETITIONER IS REQUESTING A VARIANCE TO SECT. 400.8.4.1 OF THE BCZ TO PERMIT A 0' SETBACK FOR PARKING SPACES FROM PROPOSED ROAD R/W IN LIEU OF REQUIRED 10' (A VARIANCE OF 10').
10. ANY DAMAGED VEHICLE WILL BE STORED OVERNIGHT IN THE SERVICE BAYS.
11. ALL SIGNS TO COMPLY WITH SECTION 413 OF THE BCZ AND ALL ZONING POLICIES
12. PROPERTY SERVED BY PUBLIC UTILITIES
13. ZONING CASE # 66-286-RX: PROPERTY REZONED FROM R-5 TO BL WITH SPECIAL EXCEPTION FOR FILLING STATION

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION & VARIANCE # 7901 BELAIR ROAD

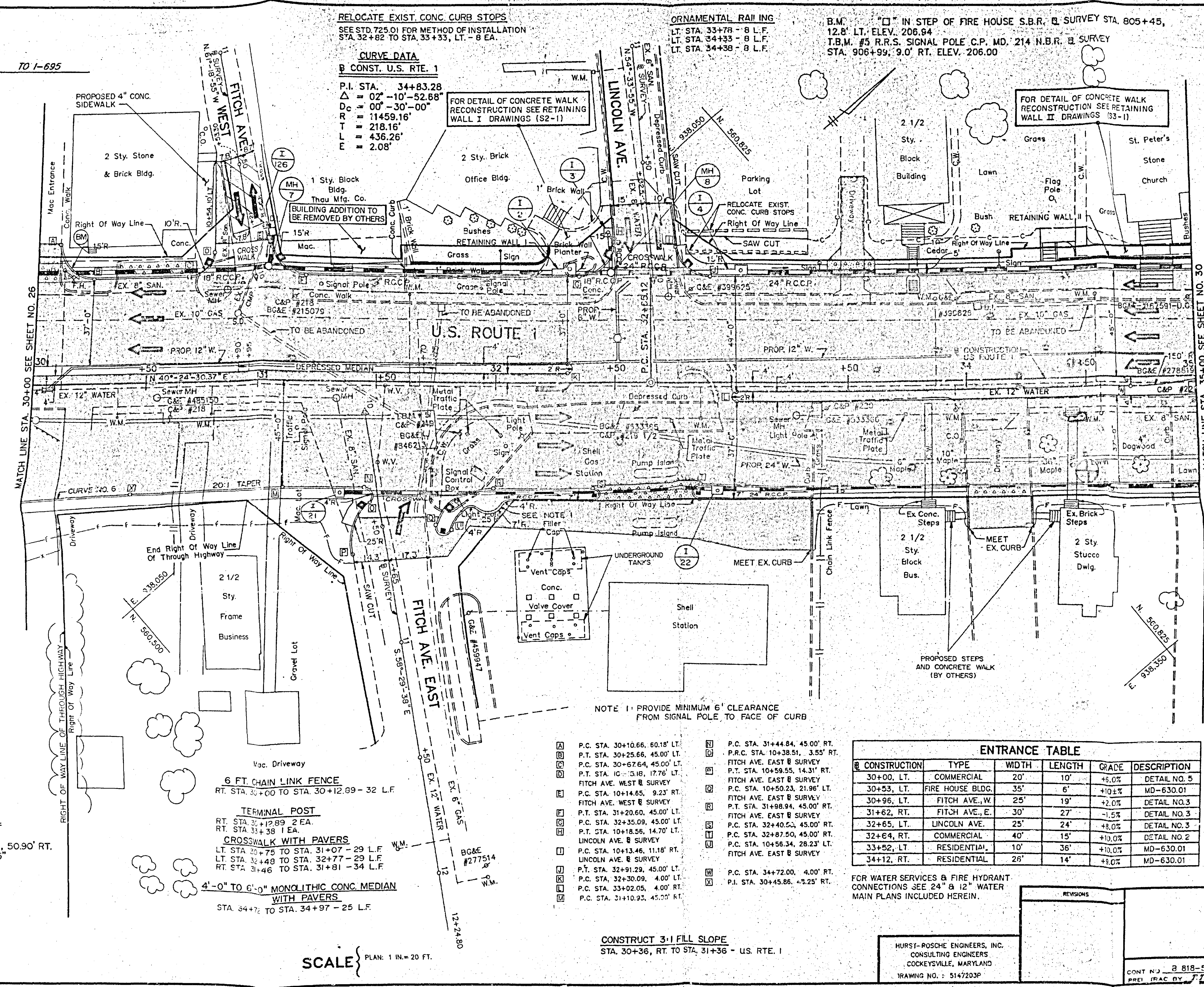
14TH ELECT. DIST. BALTIMORE COUNTY, MD.
6TH CD. NOV 19, 1993
SCALE: 1" = 30'

PETITIONER'S
EXHIBIT No 1

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204
ITEM # 231



94-230-XA



PETITIONER'S EXHIBIT No. 4

MICROFILMED