

IN RE: PETITION FOR VARIANCE
S/S Broening Road, 65' E of the
c/l of Dundalk Avenue
(6801 Broening Road)
12th Election District
7th Councilmanic District
Logan Village Center, LLC
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-376-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for the subject property known as 6801 Broening Road, located near Broening Highway and the Dundalk Marine Terminal in southeastern Baltimore County. The Petition was filed by the owner of the property, Logan Village Center, LLC, by Lawrence J. Thanner, Jr., Member, and the Contract Lessee, High's of Baltimore, Inc., by Brian Darnell, Vice President, through their attorney, G. Scott Barhight, Esquire. The Petitioners request a special exception to permit a fuel service station use in combination with a convenience store of 1,850 sq.ft., and to terminate the special exception previously granted for an automotive service garage in Case No. 94-64-X. In addition to the special exception relief sought, the Petitioners request a variance from Section 405.4.A.2.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street right-of-way setback of 34.5 feet in lieu of the required 35 feet for an existing building. The subject property and relief sought are more particularly described on the plat submitted to accompany the Petitions filed and marked as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Lawrence Thanner for the Logan Village Center, Brian Darnell, Vice President of High's of Baltimore, Inc., Michael Maguire, Registered Property Line Surveyor with Dast-

McCune-Walker, Inc., and G. Scott Barhight, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Martha Lawrence, a nearby property owner, and Kathleen Schmidt.

Testimony revealed that the subject property consists of 0.492 acres, more or less, zoned B.L.-A.S. and is improved with a one-story brick building and accessory canopy which are currently being used as an automotive repair garage. This property is identified as Parcel A on Petitioner's Exhibit 1 and is part of a larger tract of land on which the Logan Village Shopping Center is situated. Parcel A was the subject of prior Case No. 94-64-X in which the Petitioners were granted a special exception for a service garage by Order issued September 30, 1993. Testimony indicated that the Petitioners are now desirous of relocating a High's convenience store to the existing building, eliminating the service garage use but continuing the fuel service. Testimony revealed that the Petitioners currently operate a High's store at the other end of the shopping center property in a 40' x 50' one-story block building. The Petitioners wish to relocate this store to the subject site and continue the fuel service as a combined use.

Further testimony revealed that a number of improvements are proposed for the subject property, including extensive landscaping. The existing canopy will be removed and a new one installed at an angle where vehicular traffic will have more convenient access to the fuel pumps on the site. Brian Darnell, Vice President for High's of Baltimore, Inc., testified that High's currently operates 138 stores in the Baltimore-Metropolitan area and approximately 10 in the Dundalk area alone. He testified that the existing store on the property has been successful; however, the proposed relocation will allow High's to provide greater services to its

customers in this area. He further testified that the hours of operation for the new store will be from 5:30 AM to 11:00 PM daily.

Appearing and testifying in opposition to the Petitioners' request were Martha Lawrence and Kathleen Schmidt. Ms. Lawrence resides on Dundalk Avenue, directly across from the subject site. Ms. Lawrence is vehemently opposed to High's relocating its convenience store from one end of the shopping center to the proposed location. She objects to the hours of operation and the additional pedestrian and vehicular traffic that the new store will create at this location. She stated that because the shopping center is run-down, undesirables loiter on and around the facility. She believes that the use proposed will only exacerbate the situation and result in loiterers closer to her home. Ms. Lawrence also believes that the additional traffic that will be generated by the proposed use will be detrimental to the use and enjoyment of her property.

Further testimony revealed that the special exception and variance relief sought have been requested pursuant to Bill No. 172-93 which was recently enacted by the Baltimore County Council. This Bill specifically regulates fuel service stations and car wash uses throughout the County and requires additional findings over and above those imposed by Sections 502.1 and 307.1 of the B.C.Z.R. Testimony offered by the Petitioners indicated that High's was unable to locate any abandoned service station within a one-mile radius of the subject site as required by Section 405.3 of the B.C.Z.R. The Petitioners testified that they have been able to satisfy all other requirements imposed upon the use by the newly enacted Bill No. 172-93. However, one item that they were not able to satisfy was the required 35-foot setback from a street right-of-way. Testimony indicated that the existing building, which was constructed by the Amoco Oil

Company in approximately 1980, is located 34.5 feet from the street right-of-way. Therefore, a variance is needed in order to utilize the building as proposed.

It is clear that the B.C.Z.R. permits the use proposed in the B.L.-A.S. zones 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 testimony of the most affected Protestant, Martha Lawrence, was that she feared for her safety due to the loitering of undesirable individuals at the shopping center. I believe that relocating the High's convenience store to the proposed location will have a positive influence on the environment at this end of the shopping center. High's is a very reputable company. Its stores are neat and clean, well-lit, and provide a valid service to the communities in which they are located. Furthermore, there will be a clerk in the store most hours of the day in order to keep an eye on any suspicious activities that may take place in and around the

subject site. As a result, I believe the proposed relocation will provide more security and a safer environment for Mrs. Lawrence as well as other residents in the area.

In the opinion of this Deputy Zoning Commissioner, the proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

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

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R.

and will not result in any injury to the public good. Furthermore, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. The existing building was constructed some time ago at its present location and to require strict compliance with the regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of May, 1994 that the Petition for Special Exception to permit a fuel service station use in combination with a convenience store of 1,850 sq.ft., and to terminate the special exception previously granted for an automotive service garage in Case No. 94-64-X, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 405.4.A.2.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street right-of-way setback of 34.5 feet in lieu of the required 35 feet for an existing building in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 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 relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the previously approved special exception for an automotive service garage shall not terminate until such time as a use and occupancy permit is issued for the new use granted herein.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 5/19/94
By TMK

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

May 17, 1994 (410) 887-4386

G. Scott Barhight, Esquire
210 W. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
S/S Broening Road, 65' E of the c/l of Dundalk Avenue
(6801 Broening Road)
12th Election District - 7th Councilmanic District
Logan Village Center, LLC - Petitioner
Case No. 94-376-A

Dear Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Lawrence J. Thanner, Jr., Logan Village Center, LLC
P.O. Box 4127, Timonium, Md. 21094

Mr. Brian Darnell, Vice President, High's of Baltimore, Inc.
1340-L Charwood Road, Hanover, Md. 21075

Ms. Martha Lawrence
3319 Dundalk Avenue, Baltimore, Md. 21222

Ms. Kathleen Schmidt
106 E. Aylesbury Road, Timonium, Md. 21093

People's Counsel; File

ORDER RECEIVED FOR FILING
Date 5/19/94
By TMK

- 7 -

ORDER RECEIVED FOR FILING
Date 5/19/94
By TMK

- 6 -

ORDER RECEIVED FOR FILING
Date 5/19/94
By TMK

- 5 -



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 6801 Broening Road
which is presently zoned BL-AS

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 fuel service station in combination with a convenience store of 1,850 square feet, and to terminate the special exception for an automobile service garage previously granted in Case No. 94-64-X.

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, or we, 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.

Legal Owner(s):
High's of Baltimore, Inc.
(Type or Print Name)
Signature: *[Signature]*
1340-L Charwood Road
Address
Hanover, Maryland 21075
City State Zipcode

Legal Owner(s):
Logan Village Center, LLC
(Type or Print Name)
Signature: *[Signature]*
1340-L Charwood Road
Address
Hanover, Maryland 21075
City State Zipcode

Attorney for Petitioner:
G. Scott Barhight
(Type or Print Name)
Signature: *[Signature]*
210 W. Pennsylvania Ave, 4th Fl
Address
Towson, MD 21204
City State Zipcode

Attorney for Petitioner:
G. Scott Barhight
(Type or Print Name)
Signature: *[Signature]*
210 W. Pennsylvania Ave, 4th Fl
Address
Towson, MD 21204
City State Zipcode

ESTIMATED LENGTH OF HEARING
unavailable for Posting
the following date: 3-22-94
OTHER: 3-22-94
REVIEWED BY: R.T. DATE: 3-22-94
ITEM# 359



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 6801 Broening Road
which is presently zoned BL-AS

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)
405.4.A.2.A to permit a setback from a street right-of-way of 34.5 feet in lieu of the required 35 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
The Petitioner seeks to reuse an existing structure which has a setback of 34.5 feet from a street right-of-way. It would be an extreme hardship and a practical difficulty to require the Petitioner to relocate the existing building.

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, or we, 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.

Legal Owner(s):
High's of Baltimore, Inc.
(Type or Print Name)
Signature: *[Signature]*
1340-L Charwood Road
Address
Hanover, Maryland 21076
City State Zipcode

Legal Owner(s):
Logan Village Center, LLC
(Type or Print Name)
Signature: *[Signature]*
1340-L Charwood Road
Address
Hanover, Maryland 21076
City State Zipcode

Attorney for Petitioner:
G. Scott Barhight
(Type or Print Name)
Signature: *[Signature]*
210 W. Pennsylvania Ave, 4th Floor
Address
Towson, Maryland 21204
City State Zipcode

Attorney for Petitioner:
G. Scott Barhight
(Type or Print Name)
Signature: *[Signature]*
210 W. Pennsylvania Ave, 4th Floor
Address
Towson, Maryland 21204
City State Zipcode

ESTIMATED LENGTH OF HEARING
unavailable for Posting
the following date: 3-22-94
OTHER: 3-22-94
REVIEWED BY: R.T. DATE: 3-22-94
ITEM# 359

Description 94-376-XA

to Accompany Petition
for Special Exception and Zoning Variances

0.492 Acre Parcel

East Side of Dundalk Avenue

South Side of Broening Road

Twelfth Election District, Baltimore County, Maryland

DMW

Draft McCune-Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21206

410 296 4334

Fax 296 4 25

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the point formed by the intersection of the east side of Dundalk Avenue, 116 feet wide, and the south side of Broening Road, 60 feet wide, and at a point located easterly 65 feet, more or less, from a point on the centerline of said Dundalk Avenue, said last mentioned point being distant 53 feet, more or less, as measured southerly along said centerline of Dundalk Avenue from its intersection with the centerline of said Broening Road, thence running from the aforementioned point of beginning and binding on the south side of said Broening Road referring all courses of this description to the Grid Meridian established in the Baltimore County Metropolitan District, (1) North 86 degrees 28 minutes 18 seconds East 147.84 feet, thence leaving said line and running the two following courses and distances, viz: (2) South 20 degrees 19 minutes 20 seconds East 130.00 feet, and thence (3) South 69 degrees 40 minutes 40 seconds West 141.54 feet to the east side of said Dundalk Avenue, thence binding thereon (4) North 20 degrees 19 minutes 20 seconds West 172.72 feet to the point of beginning; containing 0.492 of an acre of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.
February 8, 1994
Project No. 93014 B (L93014B)

Page 1 of 1

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 12th Date of Posting 4/1/94

Posted for: 3001 Executive Highway

Petitioner: High's of Baltimore, Inc.

Location of property: 6801 Broening Rd, near Village Center

Location of Sign: 6801 Broening Rd, near Village Center

Remarks: 3001 Executive Highway, for party, 3001

Posted by: [Signature] Date of return: 4/1/94

Number of Signs: 2

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, on the following date and time:

Case Number: 94-376-XA (Item 359)
6801 Broening Road
Logan Village Center
12th Election District
Legal Owner(s): High's of Baltimore, Inc.
Contract Purchaser(s): Logan Village Center, LLC
HEARING: TUESDAY, MAY 3, 1994 at 11:00 a.m. in Rm. 106, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204

Special Exception for a fuel service station in combination with a convenience store of 1,850 square feet and to terminate the special exception for an automobile service garage previously granted in case #94-64-X. Variance to permit a setback from a street right-of-way of 34.5 feet in lieu of the required 35 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3391.
or
Non concerning the File and/or Hearing, Please Call 887-3391.
4038 April 7,

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 9, 1994

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 April 7, 1994.

THE JEFFERSONIAN,

A. HERRICKSON

LEGAL AD. - TOWSON



Zoning Administration & Development Management
Office of Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
94-376-XA
Account: R 0016150
Number 359

Date 2/24/94
High's of Baltimore, Inc.
6801 Broening Rd.

AD - VARIANCE - \$1,200.00
AD - CITY - \$1,200.00
AD - THE SIGN - \$1,200.00
TOTAL - \$3,600.00

Please Make Checks Payable To: Baltimore County 339403-22-94

Cashier Validation

No. 16989
Date 2/24/94 File No. 2557/1 Amount 585.00
Detail filing of petition for variance: special exception
Name of File High's of Baltimore
Client Of GSB
Handled By SR

94-376-XA
620

No. 17028
Date 3/21/94 File No. 3425/110 Amount 35.00
Detail 58-posting fee rolling Road
Name of File BTR REALTY
Client Of GSB
Handled By SR

94-376-XA

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:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) 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.: 359
Petitioner: HIGH'S OF BALTIMORE, INC.
Location: 6801 BROENING RD.

PLEASE FORWARD ADVERTISING BILL TO:
NAME: WHITEFORD, TAYLOR & PRESTON
ADDRESS: 7 SAINT PAUL ST. SUITE 1400
BALTO, MD. 21202-1626

* PHONE NUMBER: (410) 347-8700

MUST BE SUPPLIED

Item Number: 359
Planner: RT
Date Filed: 3-22-94

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
BC2R section information and/or wording
Hardship/practical difficulty information
Owner's signature (need minimum 3 original signatures) and/or printed name and/or address
Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
Printed name and title of person signing for agent 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 (THTSOH)
11/17/93

TO: PUTNEY PUBLISHING COMPANY
April 7, 1994 Issue - Jeffersonian

Please forward billing to:

Whiteford, Taylor & Preston
7 St. Paul Street, #1400
Baltimore, Maryland 21202-1626
347-8700

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, on the following date and time:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-376-XA (Item 359)
6801 Broening Road
Logan Village Center
12th Election District - 7th Councilmanic
Legal Owner(s): High's of Baltimore, Inc.
Contract Purchaser(s): Logan Village Center, LLC
HEARING: TUESDAY, MAY 3, 1994 at 11:00 a.m., Rm. 118, Old Courthouse.

Special Exception for a fuel service station in combination with a convenience store of 1,850 square feet and to terminate the special exception for an automobile service garage previously granted in case #94-64-X. Variance to permit a setback from a street right-of-way of 34.5 feet in lieu of the required 35 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MARCH 31, 1994

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: 94-376-1A (Item 359)
6801 Broening Road
Logan Village Center
S/S Broening Road, C-1/- E of c/l Dundalk Avenue
12th Election District - 7th Councilmanic
Legal Owner(s): Logan Village Center, LLC
Contract Purchaser(s): High's of Baltimore, Inc.
HEARING: TUESDAY, MAY 3, 1994 at 11:00 a.m. In Rm. 118, Old Courthouse.

Special Exception for a fuel service station in combination with a convenience store of 1,800 square feet and to terminate the special exception for an automobile service garage previously granted in case #94-64-X.
Variance to permit a setback from a street right-of-way of 34.5 feet in lieu of the required 35 feet.

Arnold Jablon
Arnold Jablon
Director

cc: Logan Village Center, Inc.
High's of Baltimore, Inc.
G. Scott Barhight, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 03/30/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Settlement:

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.

S. 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", 1991 edition prior to occupancy. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS 359 AND 361.

RECEIVED
MAR 31 1994
ZADM

REVIEWER: LT. ROBERT P. BAUERWALD
Fire Prevention, PHONE: 867-4831, RE-1106F

cc: File

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 22, 1994

G. Scott Barhight
210 West Pennsylvania Avenue, Fourth Floor
Towson, Maryland 21204

RE: Case No. 94-376-XA, Item No. 359
Petitioner: Logan Village Center, LLC
Petitions for Special Exception and Variance

Dear Mr. Barhight:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 March 22, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

PETITION FOR SPECIAL EXCEPTION : BEFORE THE
PETITION FOR VARIANCE : ZONING COMMISSIONER
Logan Village Center, S/S Broening : OF BALTIMORE COUNTY
Road, 65' +/- E of c/l Dundalk Ave. :
(6801 Broening Road), 12th Election :
Dist., 7th Councilmanic Dist. : CASE NO: 94-376-XA
PETITIONER :
LOGAN VILLAGE CENTER, LLC :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 4th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esq., 210 W. Pennsylvania Avenue, 4th Floor, Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 11, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for April 11, 1994
Item No. 359

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the Landscape Manual. Please submit a schematic landscape plan with the Development Plan submittal.

In addition, this site is subject to all development regulations.

RWB:ew

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Willa Lawrence</i>	<i>3319 Dundalk Ave 21222</i>
<i>Kathleen Schmit</i>	<i>106 E. Lytleburg Rd 21223</i>

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>MICHAEL MAGUIRE</i>	<i>700 K. PENNSYLVANIA AVE</i>
<i>Brian Pachell</i>	<i>1340 L CHESAPEAKE RD HANOVER MD</i>
<i>Lawrence Thanner</i>	<i>P.O. Box 4127 Timonium MD</i>

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kasson
Administrator

4-1-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 4359 (LT)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

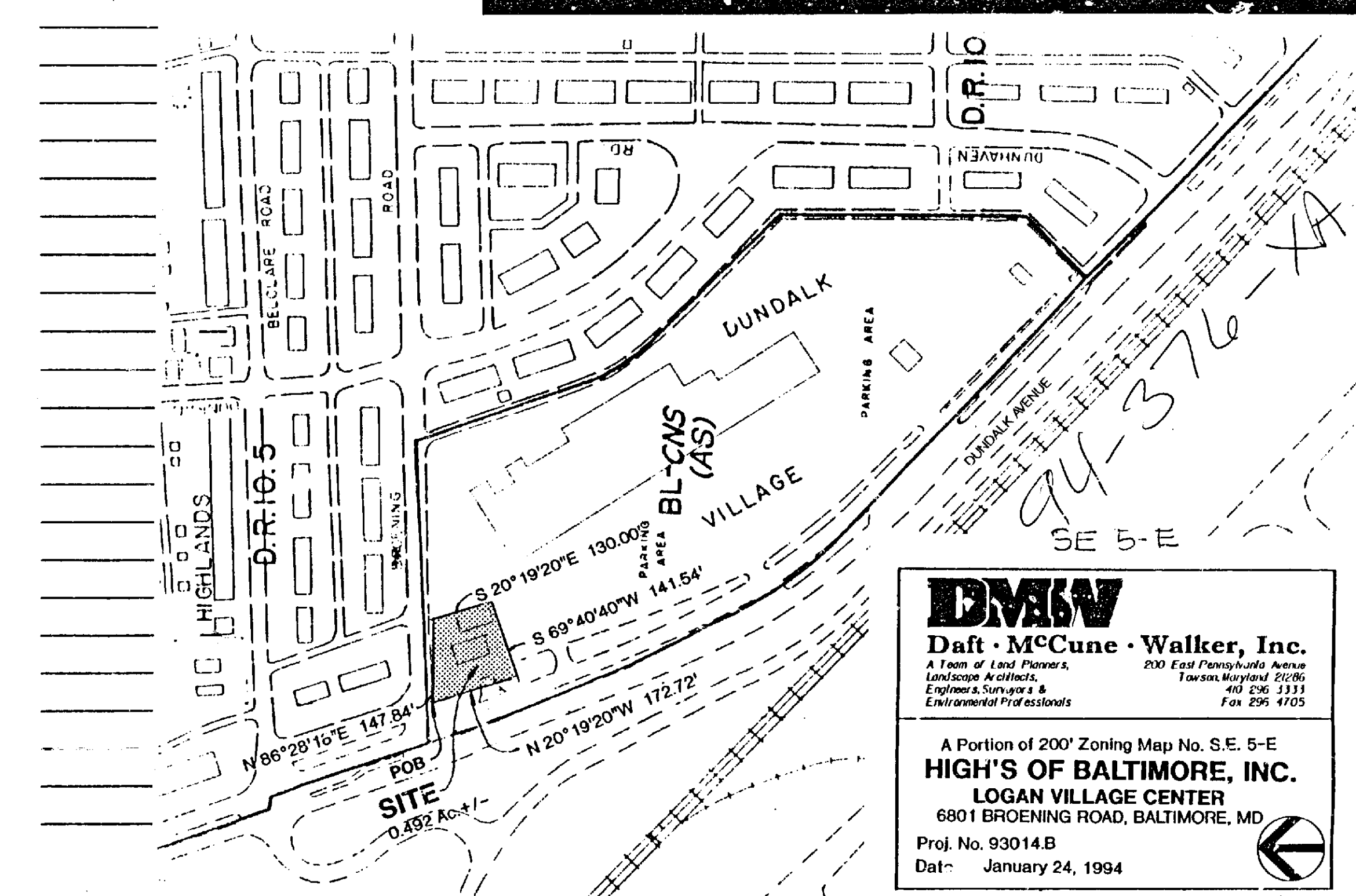
Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
DAVID N. KATZ, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202



DMW
Daft - McCune - Walker, Inc.
A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

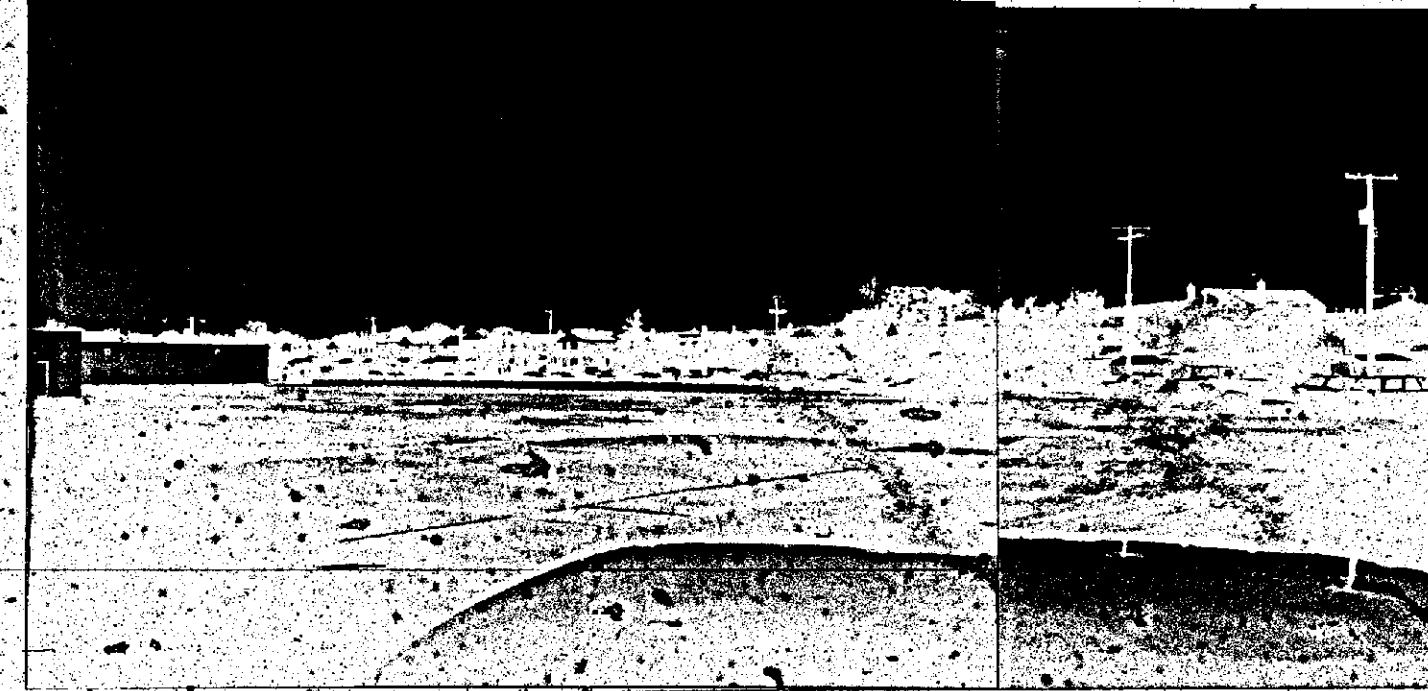
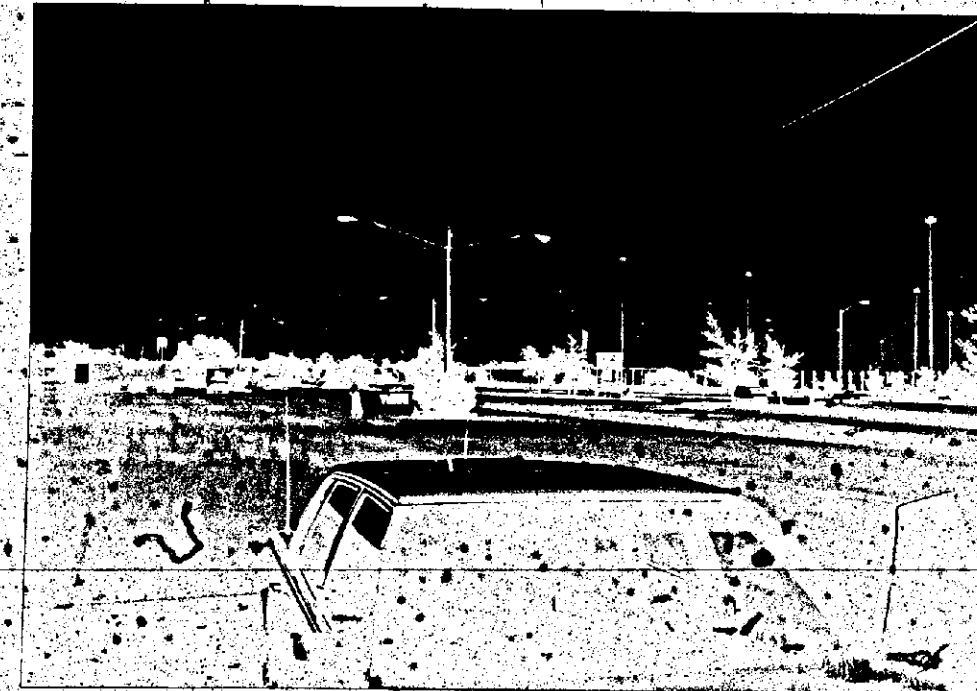
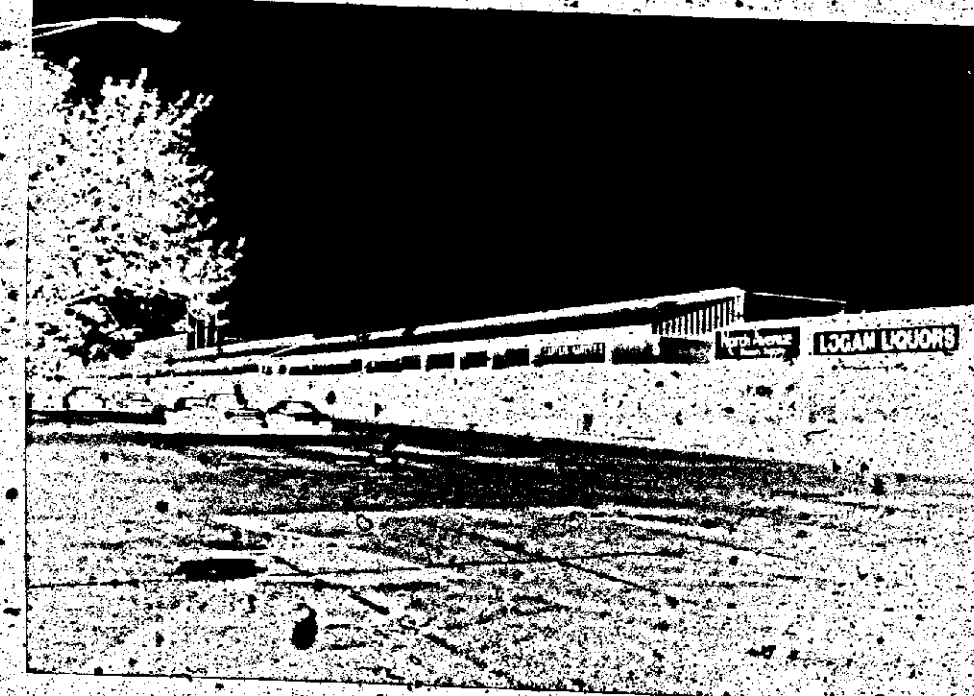
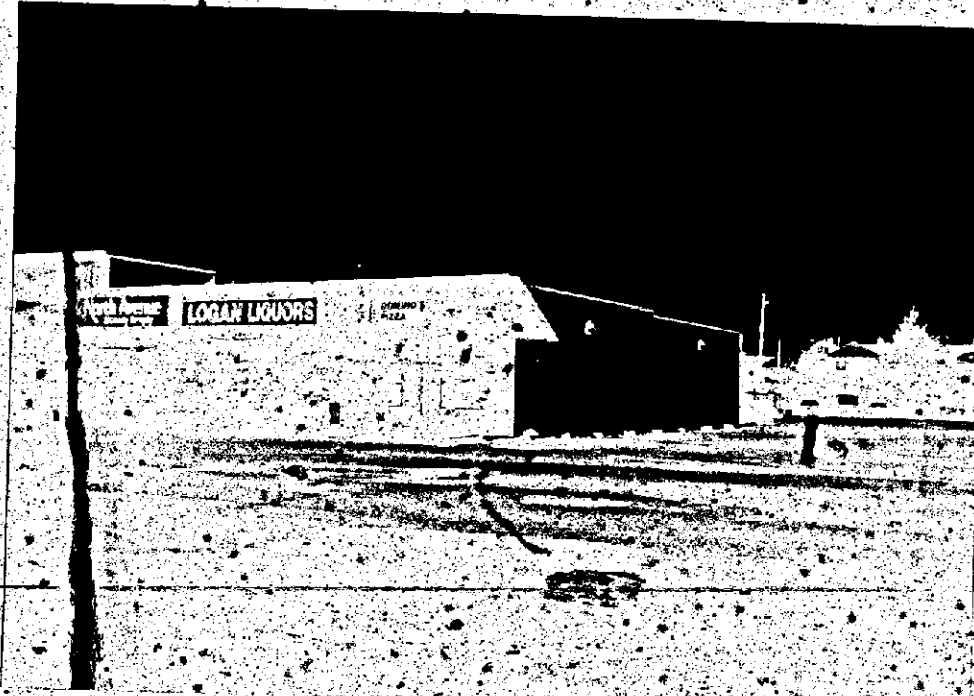
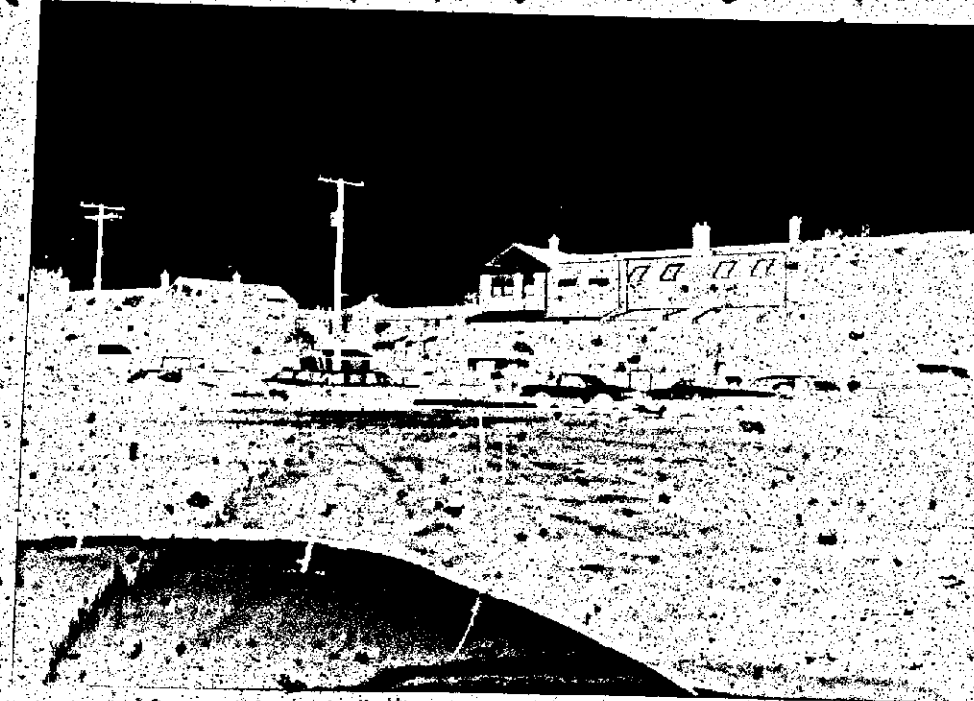
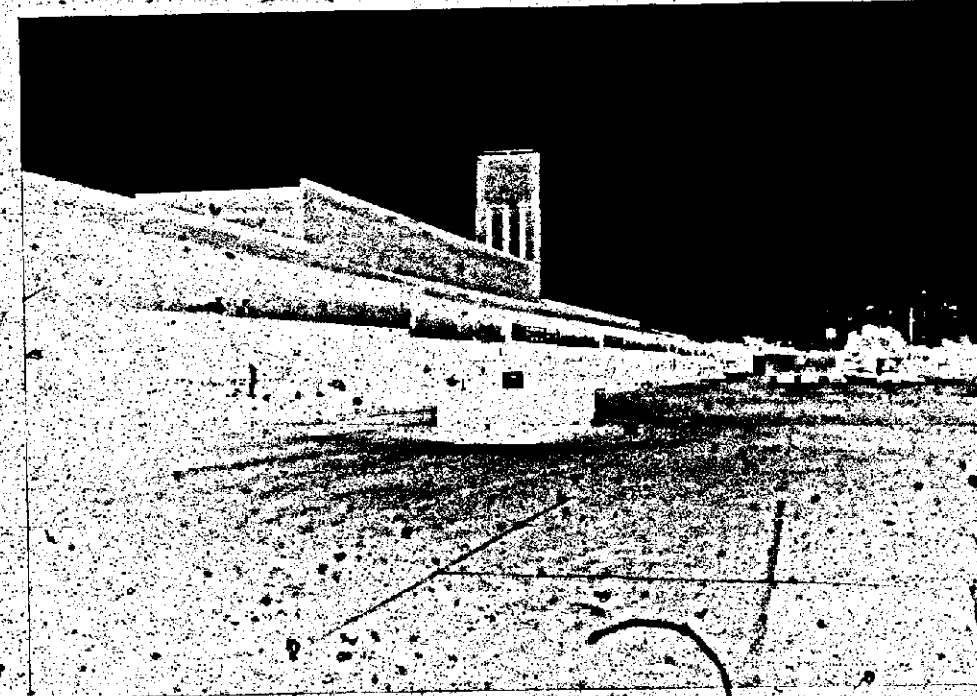
200 East Pennsylvania Avenue
Towson, Maryland 21206
410-286-1111
Fax 286-4705

A Portion of 2007 Zoning Map No. S.E. 5-E
HIGH'S OF BALTIMORE, INC.
LOGAN VILLAGE CENTER
6801 BROENING ROAD, BALTIMORE, MD
Proj. No. 93014.B
Dat: January 24, 1994

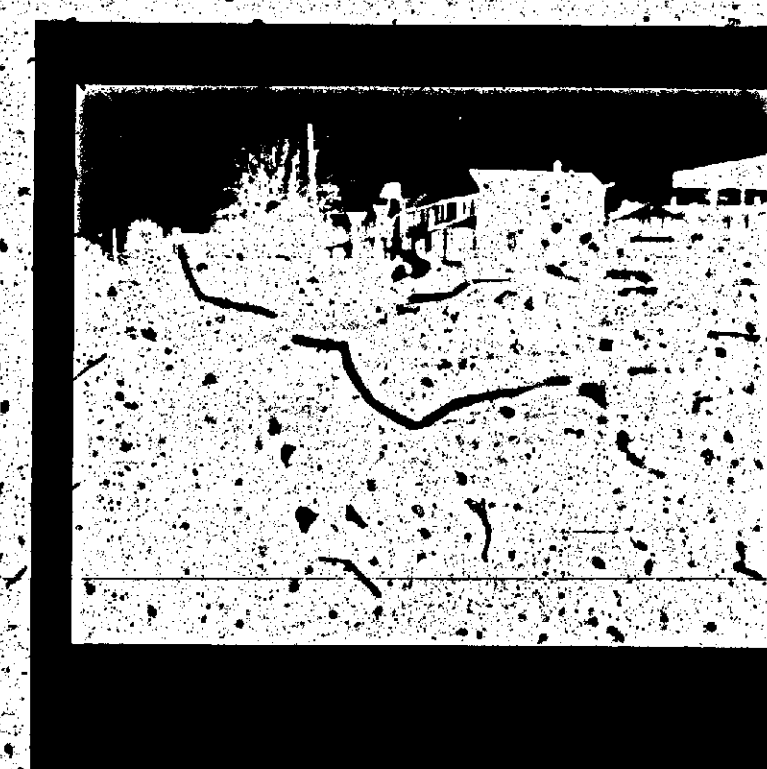
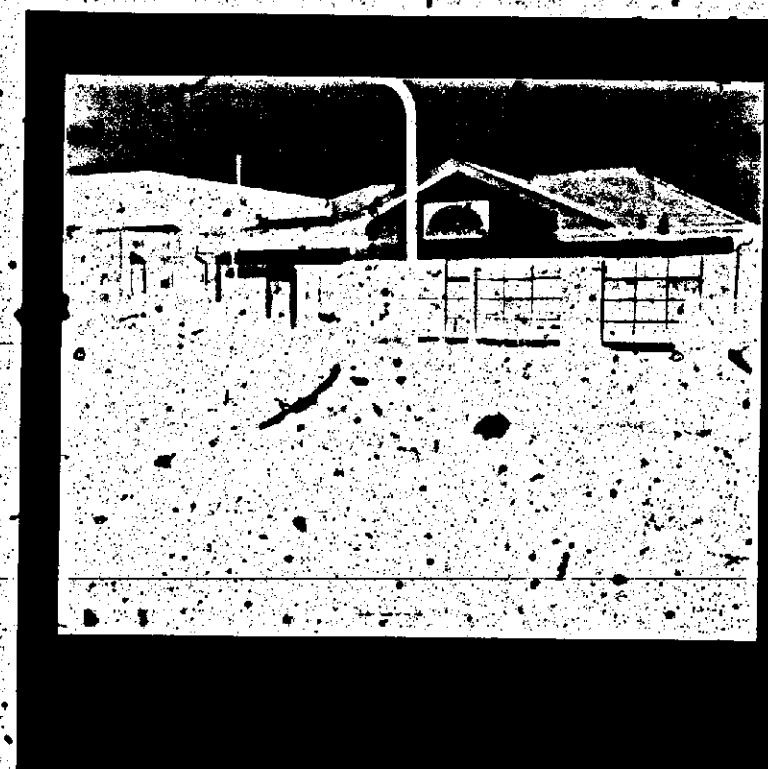
80-21-X

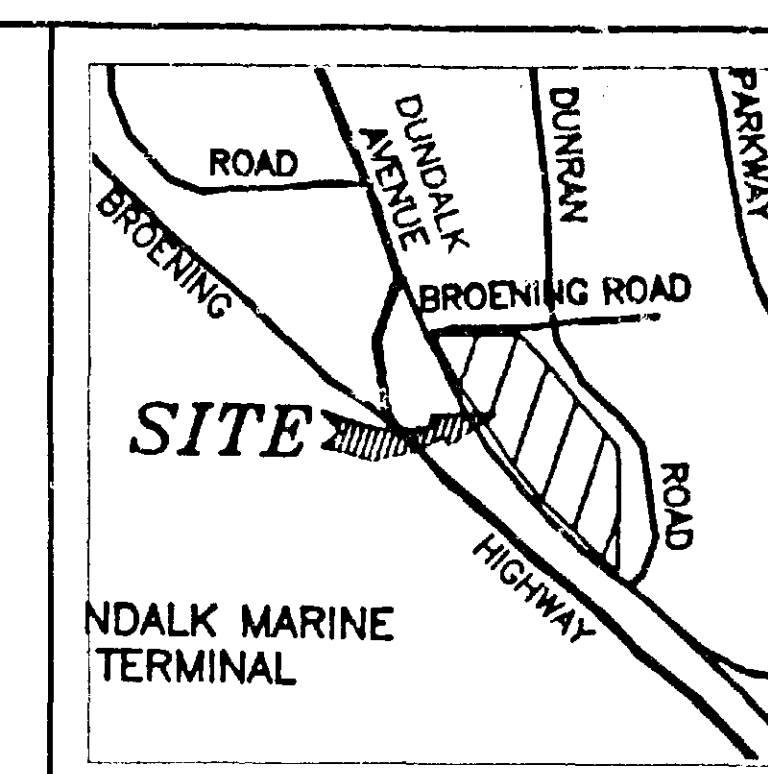
Baltimore County Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

For File
94-376-XA
PET EX #2

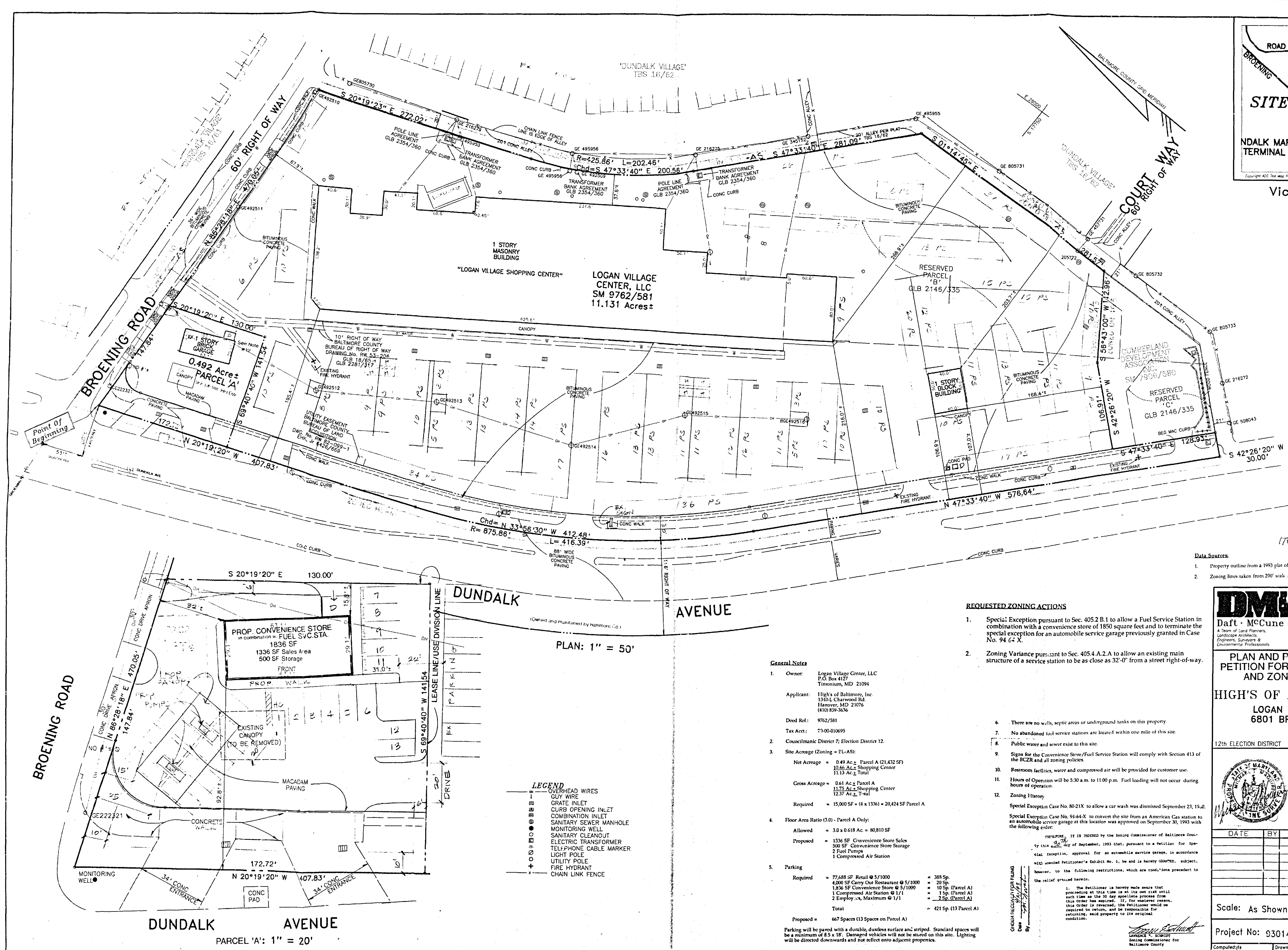


Add'l
photographs
Case 94-376-XA





Vicinity Map
Scale: 1" = 1000'



Data Sources:
1. Property outline from a 1993 plat of survey prepared by Daft-McCune-Walker, Inc.
2. Zoning lines taken from 200' scale zoning maps.

REQUESTED ZONING ACTIONS

- Special Exception pursuant to Sec. 405.2.B.1 to allow a Fuel Service Station in combination with a convenience store of 1850 square feet and to terminate the special exception for an automobile service garage previously granted in Case No. 94 G-4.
- Zoning Variance pursuant to Sec. 405.4.A.2.A to allow an existing main structure of a service station to be as close as 32'-0" from a street right-of-way.

General Notes

- Owner: Logan Village Center, LLC
P.O. Box 4127
Timonium, MD 21094
Applicant: High's of Baltimore, Inc.
13504 Charwood Rd.
Hanover, MD 21076
(410) 859-3636
Deed Ref: 9762/581
Tax Acct: 73-00-010695
2. Councilmanic District 7, Election District 12.
3. Site Acreage (Zoning = TL-AS):
Net Acreage = 0.49 Acre ± Parcel A (21,432 SF)
10.66 Acre ± Shopping Center
11.13 Acre ± Total
Gross Acreage = 0.61 Acre ± Parcel A
11,725 Acre ± Shopping Center
12,37 Acre ± Total
Required = 15,000 SF ± (4 x 1336) = 20,424 SF Parcel A
4. Floor Area Ratio (FAR) - Parcel A Only:
Allowed = 3.0 x 0.618 Acre = 80,810 SF
Proposed = 1336 SF Convenience Store Sales
500 SF Convenience Store Storage
2 Fuel Pumps
1 Compressed Air Station
5. Parking
Required = 77,088 SF Retail @ 5/1000 = 385 Sp.
4,000 SF Carry Out Restaurant @ 5/1000 = 20 Sp.
1,836 SF Convenience Store @ 5/1000 = 10 Sp. (Parcel A)
1 Compressed Air Station @ 1/1 = 1 Sp. (Parcel A)
2 Employee, Maximum @ 1/1 = 2 Sp. (Parcel A)
Total = 421 Sp. (13 Parcel A)
Proposed = 667 Spaces (13 Spaces on Parcel A)
Parking will be paved with a durable, dust-free surface and striped. Standard spaces will be a minimum of 8.5 x 18'. Damaged vehicles will not be stored on this site. Lighting will be directed downwards and not reflect onto adjacent properties.

There are no wells, septic areas or underground tanks on this property.
No abandoned fuel service stations are located within one mile of this site.
Public water and sewer exist to this site.
Signs for the Convenience Store/Fuel Service Station will comply with Section 413 of the BCZM and all zoning policies.
Restroom facilities, water and compressed air will be provided for customer use.
Hours of Operation will be 5:30 a.m. to 11:00 p.m. Fuel loading will not occur during hours of operation.
Zoning History:
Special Exception Case No. 80-21X to allow a car wash was dismissed September 23, 1990.
Special Exception Case No. 94-44-X to convert the site from an American Gas station to an automobile service garage at this location was approved on September 30, 1993 with the following order:
"WHEREAS, it is intended by the Zoning Commission of Baltimore County by this 30th day of September, 1993 that, pursuant to a Petition for Special Exception, approval for an automobile service garage, in accordance with amended Petitioner's Exhibit No. 1, be and is hereby granted, subject, however, to the following restrictions, which are conditions precedent to the said grant herein:
1. The Petitioner is hereby made aware that approval of 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.
2. The Petitioner is hereby made aware that approval of 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."

DMW
Daft-McCune-Walker, Inc.
A Team of Land Planners
Landscape Architects
Engineers, Surveyors &
Environmental Professionals
200 East Pennsylvania Avenue
Pawcatuck, Maryland 21286
410 286 3333
Fax 410 286 3700

**PLAN AND PLAT TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION
AND ZONING VARIANCE**

HIGH'S OF BALTIMORE, INC.
LOGAN VILLAGE CTR.
6801 BROENING ROAD

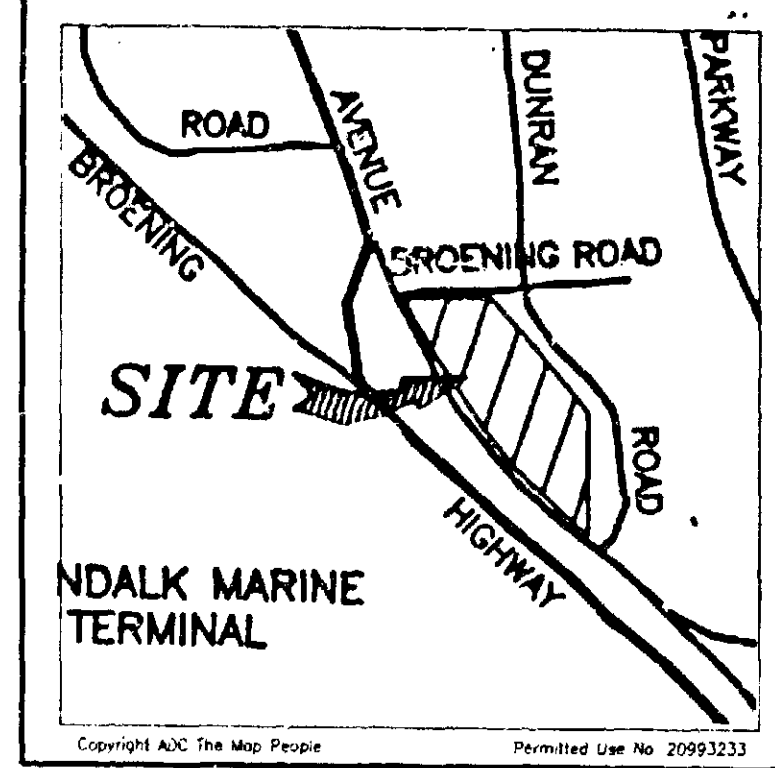
12th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

DATE	BY	REVISIONS

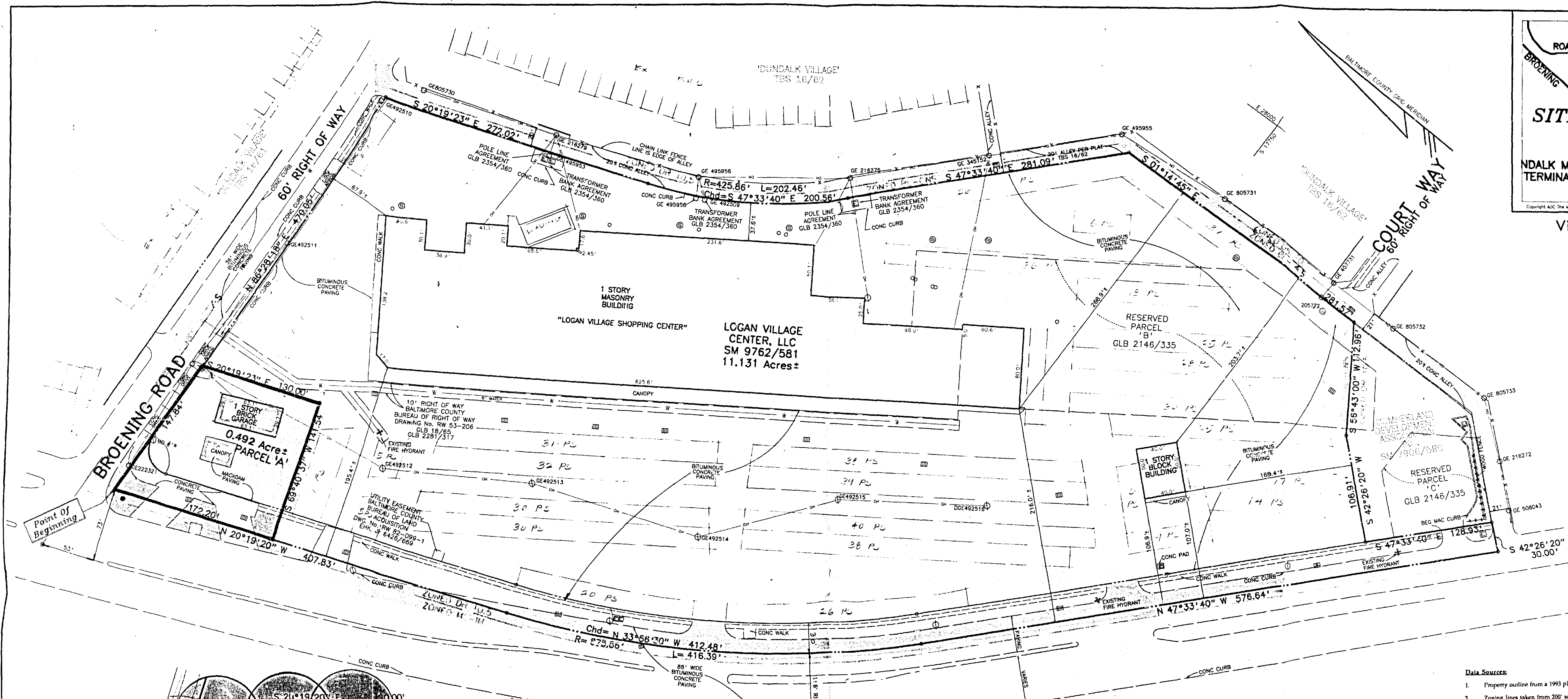
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Project No: 93014.B
Date: January 24, 1994
Computed by: [Signature]
Drawn by: [Signature]
Checked by: [Signature]

94-376-XB
94-376-46

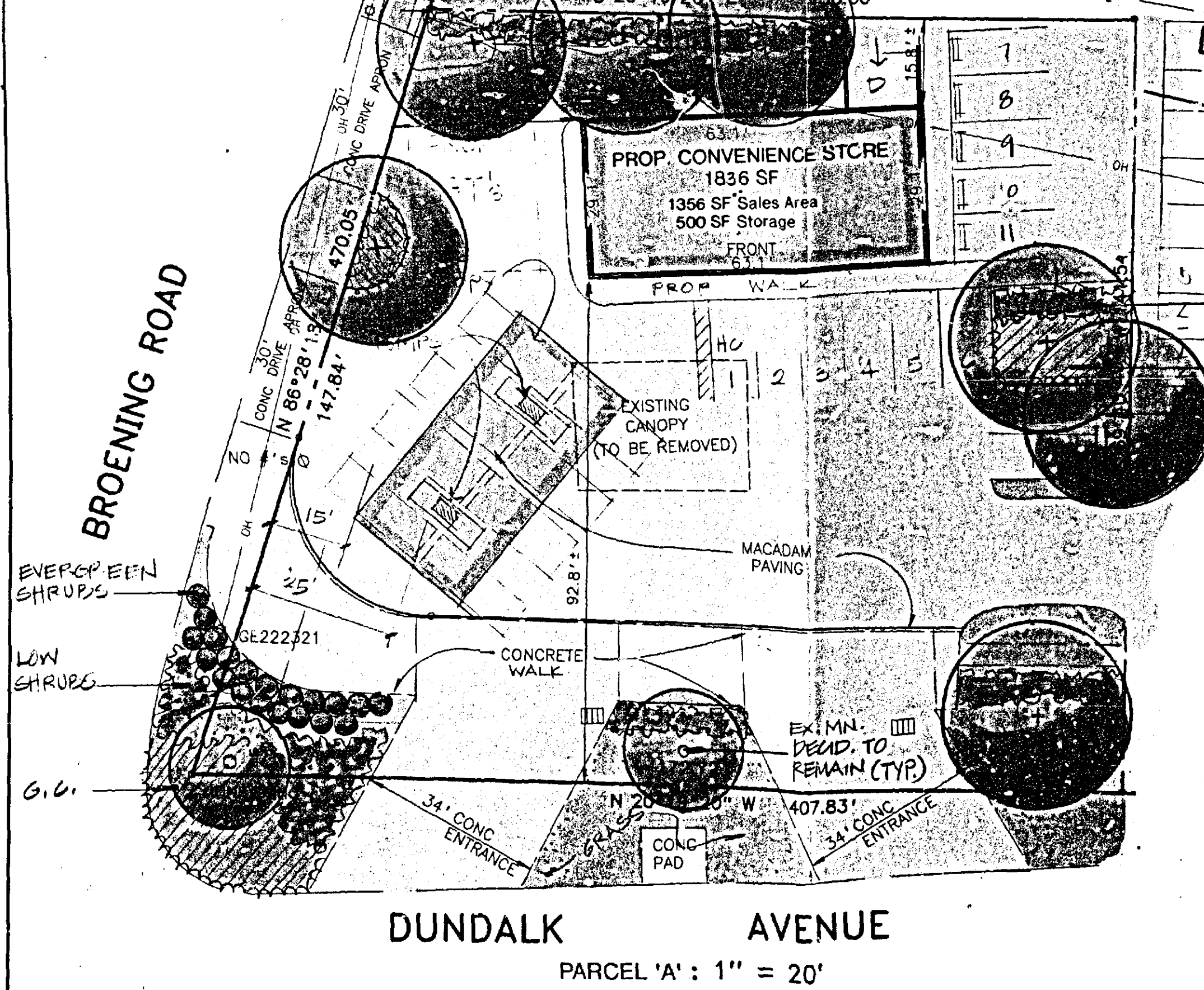
ITEM # 359



Vicinity Map
Scale: 1" = 1000'



Data Sources:
1. Property outline from a 1993 plat of survey prepared by Daft-McCune-Walker, Inc.
2. Zoning lines taken from 200' scale zoning maps.



DUNDALK AVENUE
PLAN: 1" = 50'

Landscape Planting

Required =	590 LF Adj. Rd. @ 1/40 =	15 P.U.
	272 LF S/R Yd. @ 1/10 =	28 P.U.
	13 P.S. @ 1/12 =	2 P.U.
Total		45 P.U.
Proposed =	115 Hedge Shrubs @ 1/5 =	23 P.U.
	55 Shrubs @ 1/5 =	11 P.U.
	1500 SF G.C. @ 1/500 =	3 P.U.
	2 Ex. Mn. Dec. @ 2/1 =	1 P.U.
	7 Maj. Dec. @ 1/1 =	7 P.U.
Total		45 P.U.

Planting will be in accordance with Baltimore County Landscape Manual, latest edition.

LEGEND

—	OVERHEAD WIRES
—	GUY WIRE
—	GRATE INLET
—	CURB OPENING INLET
—	COMBINATION INLET
—	SANITARY SEWER MANHOLE
—	MONITORING WELL
—	SANITARY CLEANOUT
—	ELECTRIC TRANSFORMER
—	TELEPHONE CABLE MARKER
—	LIGHT POLE
—	FIRE HYDRANT
—	CHAIN LINK FENCE

General Notes

- Owner: Logan Village Center, LLC
P.O. Box 412
Tunnam, MD 21094
- Applicant: High's of Baltimore, Inc.
1340-L Charnwood Rd.
Hanover, MD 21076
(410) 859-3636
- Deed Ref: 9762/581
- Tax Acct: 20-00-010695
- Councilman/District 7, Election District 12
- Site Acreage (Zoning = BL-AS):
Net Acreage = 0.49 Ac. Parcel A (21,432 SF)
10.66 Ac. Shopping Center
11.13 Ac. Total
Gross Acreage = 0.61 Ac. Parcel A
11.73 Ac. Shopping Center
12.37 Ac. Total
Required = 15,000 SF + (4 x 1336) = 20,424 SF Parcel A
- Floor Area Ratio (FAR) - Parcel A Only:
Allowed = 3.0 x 1618 Ac. = 80,819 SF
Proposed = 1336 SF Convenience Store Sales
500 SF Convenience Store Storage
2 Fuel Pumps
1 Compressed Air Station
- Parking:
Required = 77,688 SF Retail @ 5/1000 = 388 Sp.
4,200 SF Carry Out Restaurant @ 5/1000 = 20 Sp.
1,836 SF Convenience Store @ 5/1000 = 19 Sp. (Parcel A)
1 Compressed Air Station @ 1/1 = 1 Sp. (Parcel A)
2 Employees, Maximum @ 1/1 = 2 Sp. (Parcel A)
Total = 421 Sp. (13 Parcel A)
Proposed = 667 Spaces (13 Spaces on Parcel A)

Parking will be paved with a durable, dustless surface and striped. Standard spaces will be a minimum of 8.5 x 18'. Damaged vehicles will not be stored on this site. Lighting will be directed downwards and not reflect onto adjacent properties.

"I certify that I have reviewed this Schematic Landscape plan, that I am aware of the landscape regulations presented in the Baltimore County Landscape Manual, latest edition, and I agree to comply with these regulations and all applicable policy, guidelines, and ordinances."
Brian Darnell
Signature of Applicant
BRIAN DARNELL
(Print Name)

2-4-94
Date

6. There are no wells, septic areas or underground tanks on this property.
7. No abandoned fuel service stations are located within one half mile of this site.
8. Public water and sewer exist to this site.
9. Signs for the Convenience Store/Fuel Service Station will comply with Section 413 of the BCZR and all zoning policies.
10. Restroom facilities, water and compressed air will be provided for customer use.
11. Hours of Operation will be 5:30 a.m. to 11:00 p.m. Fuel loading will not occur during hours of operation.
12. Zoning History
Special Exception Case No. 80-21X to allow a car wash was dismissed September 23, 1980.
Special Exception Case No. 94-64X to convert the site from an American Gas station to an automobile service garage at this location was approved on September 30, 1993 with the following order:
"WHEREAS, it is ordered by the Zoning Commission of Baltimore County that the following be a condition of the Special Exception approval for an automobile service garage, in accordance with unexpired Petitioner's Petition No. 1, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted herein:
1. The Petitioner is hereby made aware that the Special Exception approval process from this time on the 10 day application process from the order has expired. If for any reason the order is not received, the Petitioner would be required to re-submit the application for the Special Exception, and be responsible for the cost of the application, and the original condition."
Brian Darnell
Signature of Applicant
Zoning Commission for Baltimore County

DMW
Daft - McCune - Walker, Inc.
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals
200 East Pennsylvania Avenue
Towson, Maryland 21206
410 296 2333
Fax 296 4705

SCHEMATIC LANDSCAPE PLAN

HIGH'S OF BALTIMORE, INC.
LOGAN VILLAGE CTR.
6801 BROENING ROAD

12th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Petitioner's Exhibit No. 1

DATE	BY	REVISIONS

Scale: As Shown
Project No: 93014.B
Date: January 24, 1994

Computed by: [] Drawn by: [] Checked by: []