IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
NEC Wise Avenue & Lynch Road
7900 Wise Avenue
12th Election District
7th Councilmanic District
Weinman Corporation
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-59-XA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Exception and Zoning Variance for the property located at 7900 Wise Avenue in the Dundalk section of Baltimore County. The Petitions are filed by the Weinman Corporation, property owners. Special Exception relief is requested for a fuel service station and convenience store in a B.L.-A.S. zone. Variance relief is requested from Section 405.4.A.2.a. of the Baltimore County Zoning Regulations (BCZR), to allow a 22 ft. building setback in lieu of the required 35 ft. All of the relief requested is more particularly shown on Petitioner's Exhibit No. 1, the site plan to accompany the Petitions for Special Exception and Variance.

Appearing at the requisite public hearing held for this case was Brian Darnell on behalf of High's of Baltimore, Inc., the business which presently operates and proposes expansion on site. Also present was John Sherwood III, a Consultant with Legg Mason Realty Group. Michael Maguire and Melanie Moser from Daft, McCune, Walker also appeared and testified. The Petitioner was represented by G. Scott Barhight, Esquire. Numerous residents of the surrounding locale appeared in opposition to the request. Spokesmen for these residents were Martin Spatafore and Scott Gardner.

Examination of the site plan shows that the subject property is located on the northeast corner of Wise Avenue and Lynch Road in Dundalk. The subject property is approximately .547 acres in area and is zoned B.L.-A.S. Photographs of the site which were submitted which show that the

subject property is presently improved with a High's Convenience Store, a Sunny's Surplus store and a drycleaners. Presently, there are four curb cuts which provide access to the property. Two of these curb cuts abut Wise Avenue and the other two abut Lynch Road.

Mr. Darnell, Vice President of Highs of Baltimore, Inc., testified and described his company's plans. He is employed in the Real Estate Division of High's of Baltimore, Inc. He noted that the subject property is improved with an existing High's store which is 2,080 sq. ft. in area. The store has been in operation for approximately 10 years. As noted above, two other businesses operate on the site, a Sunny's Surplus Discount Store and a drycleaners. High's proposes making extensive renovations to the property. The Sunny's Surplus and drycleaning business will be closed and buildings removed. Two fuel pump islands will be installed to dispense fuel. The High's store will remain. Mr. Darnell noted that his company is changing its marketing strategy to adjust to changing conditions in the market place. He noted that many oil companies are doing away with their service garage operations and repair businesses. As is clear to anyone who drives the roadways in Baltimore County, many of the oil companies are operating fuel service only facilities with accessory convenience stores. In an effort to meet this competition, High's Convenience Store will offer fuel sales. Mr. Darnell noted that the present hours of operation, 5:30 A.M. to 11:00 P.M., 7 days a week, will remain the same. Moreover, the High's store will continue to sell the same merchandise as before.

Section 405 of the BCZR regulates fuel service stations in Baltimore County. Section 405.3 provides that the Zoning Commissioner, prior to granting any special exception for a fuel service station, should consider the presence of abandoned fuel service stations in the vicinity of the proposed site. If an abandoned fuel service station is located within one

half mile of the subject property, a rebuttable presumption is established that there is no need for the proposed use.

Testimony and evidence from the Petitioner is that there are no abandoned stations within one-half mile. The Petitioner admits that other stations have closed within the area, however, contend that same have not been legally abandoned.

Nonetheless, the Petitioner offered testimony to rebut the presumption raised within Section 405.3 of the BCZR. In this regard, the testimony of John R. Sherwood, a Vice President of Legg Mason Realty Group, was elicited and his report was submitted as Petitioner's Exhibit No. 5. The report speaks for itself and will not be reviewed in detail here. Needless to say, however, it concludes that the High's Convenience Store, coupled with fuel sales, is economically viable at this location and would serve the needs of this community. Based upon this testimony, I am persuaded that High's has met the standard established within Section 405 of the BCZR.

Testimony was also received from Stephanie Moser, a Landscape Architect with the firm of Daft, McCune, Walker. She submitted copies of the site plan proposed landscape plan which show the numerous improvements which are proposed for this site. In addition to extensive buffering around the perimeter of the property, two entrances will be closed, one on Lynch Road and the other on Wise Avenue. This will clearly result in better internal traffic circulation on the property, as well as reducing the number of curb cuts to these public streets and providing an enhanced safety factor. It is also to be noted that the internal impervious area of the subject site will be reduced.

For their part, the Protestants are distrustful of High's plans. Many of their comments related to the lack of need for additional fuel sales station in this location and concerns over the loss of the drycleaners and

Sunny's Surplus business. It is to be noted, however, that preferences in retail use are not a basis upon which zoning relief can be denied.

Comments were also received from the Zoning Plans Advisory Committee. This committee is composed of agencies of Baltimore County which review zoning Petitions and offer recommendations to the Zoning Commissioner. A comment from the Office of Planning and Zoning states that "The proposed change of the site will contribute to the ongoing effort to improve the commercial corridor along Wise Avenue." I concur. In my view, the Protestants' concerns are unfounded and the proposed development offers an opportunity for real improvement and upgrade to this old commercial site.

The Petition for Special Exception for the subject use must be considered in accordance with the standards set forth in Sections 405 and 502.1 of the BCZR. In my view, the Petitioner has satisfied the requirements of these sections. There is no basis on which to conclude that the proposed use will cause a detriment to the health, safety or general welfare of the locale. To the contrary, I concur with the Office of Planning and Zoning and find that the proposed use will be a real benefit to the vicinity. Thus, the Petition for Special Exception should be granted.

The Petition for Zoning Variance should also be approved. This Petition is requested to essentially legitimize existing conditions. A requested setback relates to the distance from southwest corner of the building to the street right of way on Lynch Road. There is no practical reason for relocating the building to meet this setback. Such a relocation would disrupt internal traffic flow and circulation. Moreover, it is clear that the property is unique in view of its irregular shape. That is, the intersection of Lynch Road and Wise Avenue is not the classic cross shaped intersection which is preferred by Traffic Engineering. The angled intersection results in reduced side yard area on the subject lot and the need for the

requested variance. In my view, the Petitioner has satisfied the tests for a variance to be granted as set forth in Section 307.1 of the BCZR and the case law.

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 16th day of October, 1995 that, pursuant to the Petition for Special Exception, approval for a fuel service and convenience store in a B.L.-A.S., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 405.4.A.2.a. of the Baltimore County Zoning Regulations (BCZR), to allow a 22 ft. building setback, in lieu of the required 35 ft., be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at its 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 subject business shall operate only in the hours of 5:30 A.M. to 11:00 P.M., 7 days per week.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 10/16/95
By M. Ford

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 11, 1995

G. Scott Barhight, Esquire
David K. Gildea
Whiteford, Taylor and Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and Variance
Case No. 96-59-XA
Weinman Corp:, Petitioner

Gentlemen:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, with restrictions, 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 887-3353.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
cc: Mr. Brian Darnell, 1340-L Charwood Road, Hanover, Md. 21076
cc: Mr. Martin Spatafore, 7914 Diehlwood Road, Balto. Md. 21222
cc: Mr. Scott Gardner, 7922 Wise Avenue, Balto.Md. 21222

58

Petition for Special Exception

96-59-XA

to the Zoning Commissioner of Baltimore County

for the property located at 7900 Wise Avenue

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 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 Regulations of Baltimore County, to use the herein described property for

Fuel service station and convenience store.

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/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

G. Scott Barhight
David K. Gildea

(Type or Print Name)

David K. Gildea

Signature

Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue

Address Phone No.

Towson, MD 21204 (410) 832-2000

City State Zipcode

Legal Owner(s):

WEINMAN CORP.

(Type or Print Name)

Signature

MARK S WEINMAN

(Type or Print Name)

VP

Signature

106 Old Court Road, P. O. Box 5992

Address Phone No.

Baltimore, MD 21208 (410) 653-1080

City State Zipcode

Name, Address and phone number of representative to be contacted.

David K. Gildea

Name

Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue

Address Phone No.

Towson, MD 21204 (410) 832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administration & Development Management

58

Petition for Variance

96-59-XA

to the Zoning Commissioner of Baltimore County

for the property located at 7900 Wise Avenue

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 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(s)

Section 405.4A.2.A -- to allow a 22' (twenty-two foot) building set-back in lieu of the required 35' building set-back.

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

To be presented at the hearing.

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/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:
G. Scott Barhight
~~David K. Gildea~~
(Type or Print Name)

David K. Gildea
Signature

Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Address Phone No.

Towson, MD 21204 (410) 832-2000
City State Zipcode

Legal Owner(s):

WEINMAN CORP.
(Type or Print Name)

Signature

MARK S WEINMAN
(Type or Print Name)

Signature

106 Old Court Road, P. O. Box 5992
Address Phone No.

Baltimore, MD 21208 (410) 653-1080
City State Zipcode

Name, Address and phone number of representative to be contacted.

David K. Gildea
Name Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Address Towson, MD 21204 (410) 832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____ unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Zoning Administration & Development Management

Printed with Soybean Ink on Recycled Paper

MICROFILMED

58

95-59-XA

Description to Accompany Petition for Special Exception and Variance

0.55 Acre Parcel

Northeast Side of Wise Avenue

Southeast Side of Lynch Road

Twelfth Election District, Baltimore County, Maryland

DMW

Daft·McCune·Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410 296 3333
Fax 296 4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

Beginning for the same on the northeast side of Wise Avenue and being at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Lynch Road with the centerline of Wise Avenue (1) South 57 degrees 57 minutes 00 seconds East 48 feet, more or less, thence (2) North 19 degrees 57 minutes 00 seconds East 36 feet, more or less, thence leaving said beginning point and binding on the said side of Wise Avenue (1) Northwesterly by a line curving to the right with a radius of 20.00 feet for a distance of 27.47 feet (the arc of said curve being subtended by a chord bearing North 18 degrees 36 minutes 07 seconds West 25.36 feet having a beginning tangent bearing of North 57 degrees 57 minutes 00 seconds West and a departing tangent bearing of North 19 degrees 57 minutes 00 seconds East) to intersect the northeast side of Lynch Road, thence binding thereon (2) North 19 degrees 57 minutes 00 seconds East 133.61 feet, thence leaving said side of Lynch Road and running the following two courses and distances, viz: (3) South 57 degrees 57 minutes 00 seconds East 179.43 feet, and thence (4) South 32 degrees 03 minutes 00 seconds West 147.09 feet to intersect said side of Wise Avenue, thence binding thereon (5) North 57 degrees 57 minutes 00 seconds West 133.61 feet to the place of beginning; containing 0.55 acres of land, more or less.

96-59-XA

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

August 8, 1995

Project No. 95001 (L95001)

STATE OF MARYLAND
MICHAEL T. MAGUIRE
No. 2356
REGISTERED
PROPERTY LINE SURVEYOR

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 96-59-X9

Towson, Maryland

District 12th Date of Posting 9/3/95

Posted for: Special Exception & Variance

Petitioner: Weiman Corp

Location of property: 7900 Wise Ave

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by [signature] Date of return: 9/8/95

Signature

Number of Signs: 1

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: #96-59-XA
(Item 58)
7900 Wise Avenue (High's)
NEC Wise Avenue and Lynch Road
12th Election District
7th Councilmanic
Legal Owner(s):
Weinman Corporation
Hearing: Tuesday, September 19, 1995 at 11:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for fuel service station and convenience store. **Variance** to allow a 22-foot building setback in lieu of the required 35-foot building setback.

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.
8/346 Aug. 31.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/1, 19 95

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 8/31, 19 95.

THE JEFFERSONIAN,

A. Henderson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 78 BY JLL. 004650

96-59-XA

DATE 8/8/95 ACCOUNT R001150

AMOUNT $ 585.00

RECEIVED FROM: Whitford/Taylor Properties

FOR: SPX Code 050 300.00 FOR 7900 WISE AVE.
VAR Code 020 250.00
(1) SIGN. " " 080 35.00

03A03#0452MICHRC $585.00
BA C001:39PM08-08-95

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County Government
Office of Zoning Administration
and Development Management

58

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/neighboring 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 accessed 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.: 58

Petitioner: Weinman Corp.

Location: 7100 Wise Ave.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: David K. Gildea, Esq.

ADDRESS: Whiteford, Taylor + Preston
210 W. Penn. Ave. Towson, Md. 21204

PHONE NUMBER: (410) 832-2066

AJ:ggs

MICROFILMED

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
August 31, 1995 Issue - Jeffersonian

Please foward billing to:

David K. Gildea, Esq.
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204
832-2066

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: 96-59-XA (Item 58)
7900 Wise Avenue (High's)
NEC Wise Avenue and Lynch Road
12th Election District - 7th Councilmanic
Legal Owner: Weinman Corporation
HEARING: TUESDAY, SEPTEMBER 19, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for fuel service station and convenience store.
Variance to allow a 22-foot building setback in lieu of the required 35-foot building setback.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 25, 1995

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 hereinin 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: 96-59-XA (Item 58)
7900 Wise Avenue (High's)
NEC Wise Avenue and Lynch Road
12th Election District - 7th Councilmanic
Legal Owner: Weinman Corporation
HEARING: TUESDAY, SEPTEMBER 19, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for fuel service station and convenience store.
Variance to allow a 22-foot building setback in lieu of the required 35-foot building setback.

Arnold Jablon
Director

cc: Weinman Corporation
David K. Gildea, 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 CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 13, 1995

G. Scott Barhight
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 58
Case No.: 96-59-XA
Petitioner: Mark Weinman

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: August 29, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 7900 Wise Avenue

INFORMATION:

Item Number: 58

Petitioner: Weinman Corporation

Property Size:

Zoning: BL-AS

Requested Action: Special Exception and Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a special exception and a variance in order to improve this existing property with a fuel service station and convenience store.

Based upon a review of the information provided, staff finds that the proposed change to the site will contribute to the ongoing effort to improve the commercial corridor along Wise Avenue. Therefore, this office supports the applicant's request.

Prepared by: Jeffrey W. Long

Division Chief: Carl Richards

PK/JL

MICROFILMED

ITEM58/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Aug. 28, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for August 28, 1995
Item 058

The Development Plans Review Division has reviewed the subject zoning item. If the Special Exception is granted, the new entrance shall be built per Dept. of Public Works Standard Plate R-29 and Plate R-36, Road and Street Details.

The final landscape plan must include major deciduous trees along Lynch Road and Wise Avenue.

RWB:sw

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 08/23/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 21, 1995

Item No.: SEE BELOW Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:29,55,56,57,58,60,62, 63 & 64.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM Joyce Watson DATE: 8/30/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 8/21/95

ZAC Comments

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 29
55
57
58
61
63
5

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-16-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 058 (JLL)

Dear Ms. Watson:

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 affected by any State Highway Administration projects.

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

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

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

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: August 8, 1995

TO: Hearing Officer

FROM: John L. Lewis
Planner II, PDM

SUBJECT: Item #58
7900 Wise Avenue

There is a 2-foot parking aisle with deficiency at one point (20 feet in lieu of 22 feet, per Section 409.4C), which was not covered in the variance. The applicant desired to file without referencing this request with the intent of red-lining a plan at the hearing to correct the problem. They wished to file ASAP and I advised them of potential risks of doing the red-line at the hearing though I am not opposed to their proposed correction (of course).

The "C" store is more than 1,500 square feet so it is a special exception use-in-combination with a service station.

JLL:scj

RE: PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE	*	BEFORE THE
7900 Wise Avenue (High's), NEC Wise Ave and Lynch Road, 12th Election District,	*	ZONING COMMISSIONER
7th Councilmanic	*	OF BALTIMORE COUNTY
Weinman Corporation Petitioner	*	CASE NO. 96-59-XA

* * * * * * * * * * * * *

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

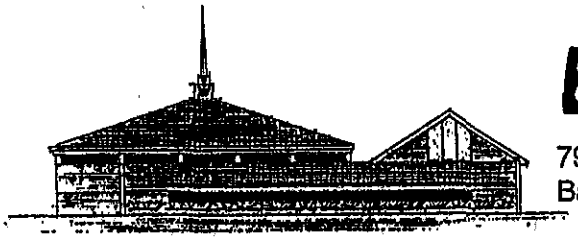
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire and David K. Gildea, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorneys for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



Eastern Assembly of God

7923 Wise Avenue
Baltimore, Maryland 21222

Pastor George Raduano
(410) 285-6010

October 4, 1995

THE HONORABLE JUDGE LAWRENCE SCHMIDT
Zoning Commission - Old Court House
400 Washington Ave.
Room 112
Towson, MD 21204

Dear Judge Schmidt,

I am writing concerning the proposed zoning variance at the corner of Lynch Rd. and Wise Ave. in Dundalk.

To my knowledge everyone in the area is opposed to the variance, especially those close by. It will affect their privacy and work a hardship because it will decrease residential property values.

We do not feel that there is a need for an other service station here, for the following reasons:

1. There are ample service stations on Wise Ave., Holabird Ave. and Merritt Blvd. and also a new service station on the corner of German Hill Rd. and Plainfield Rd. All within a one mile radius.
2. Across from the proposed site, on each corner there used to be service stations which are both closed probably due to lack of business.
3. The Wise Ave. traffic has been greatly reduced due to reduction of employees at the steel mills.
4. Those who have invested in residential property will be forced to absorb a loss in property value.
5. Neighbors and businesses are satisfied with its present use.

Thank you for your consideration in this matter.

If I can be of any further assistance please feel free to call.

Very truly yours,

George Raduano

George Raduano
Pastor

GR/ekr

"Presenting Christ to a lost world"

9 September 1995

ZONING: This is in reference to Case #96-59 - XA
The community of Wise Ave and Diehlwood Rd certainly do PROTEST this change. We do NOT want 2 gas pumps under our single lovely homes windows.
Therefore, we petition this action?

Neighbors this is located on the corner of Wise & Lynch, High's wants to tear down Sunny's and the Cleaners and install these 2 pumps.

Mrs. Elizabeth Wanek 7906 Wise Ave.
x Mr. Mrs. Harold D. McGuire 7907 Diehlwood Rd.
x Mr. & Mrs. Richard Stiegler 7901 Diehlwood Rd.
x Mr. & Mrs. James Szymone 7900 Wise Ave.
Mr & MRS ROBERT L. ALLEN 7900 DIEHLWOOD Rd. 22
John Stutefore 7914 DIEHLWOOD RD
Francis H. Eberole 7915 Diehlwood Rd.
Barbara Vaughan 7912 Diehlwood Rd
Mr Mrs Donald Reeh
7910 DIEHLWOOD RD
Comesty Cleaners 7902 Wise Ave
Melvin B. Gardner 7908 Wise ave
Donna & Charley (7910 Wise Ave.) Hupfer
Mildred & Pearl Surratt 7912 wise ave
Katherine Smith 7916 WISE AVE
Flora Masonx 7918 WISE AVE
Clayton C. Owens III 7917 Diehlwood Rd
Mr. & Mrs. Howard Jones 7911 Diehlwood Rd.
Ann E. Brooks 7906 Diehlwood Rd.
Mr & Mrs James Layton 7914 Diehlwood Rd.
Helen Pacholski 7922 Diehlwood Rd.

9 September 1995

Page 2 continued:

ZONING: This is in reference to Case #6-59 - XA
The community of Wise Ave and Diehlwood Rd Certainly do PROTEST this change:???

Mr. & Mrs. Palanowski 7924 Diehlwood Rd.
Nancy Lee Schuler 7929 Diehlwood Rd.
Denise M. Leoni 7908 Diehlwood Rd
Gilbert G. Hale 7904 Diehlwood Rd.
Grace Woodley 7902 Diehlwood Rd.
[illegible] 7922 Wise Avenue
Carl [illegible] Smith Jr. 1813 MERRITT BLVD 21222
Lisa Schuler 7930 Diehlwood Rd. 21222
Marian Weidenhold 7909 Diehlwood Rd 21222
Karen Howell (owner) 7902 Courtesy Cleaners.
Rev. George Kadunas 7923 Wise Ave. 21222
OK ? Eastern Assembly of God Church
OK William Jones 7909 Wise ave Inverness Presbyterian
* [illegible] 7901 WISE AVE 7-11 Store
* Donna Buzzard 7900 Wise Ave
[illegible] 7920 Diehlwood Rd
Alvin Shifflett 7931 Diehlwood Rd.
Patricia Capp 7932 Wise Ave. 21222
Roxanne Graham 7930 Diehlwood 21222
Thelma Winchell 7902 WISE AVE EMPLOYEE COURTESY
Anthony C. Connelly 7927 Diehlwood 21222

(9 September 1995

Page 3 continued:

ZONING: This is in reference to Case #96-59 - XA
The community of Wise Ave and Diehlwood Rd. Certainly do PROTEST this change??????

John J Howells 7900 Wise Ave 21222
[illegible] 7448 Holsinger Ave 21222
Judy B Dumbrovsky 7926 Diehlwood Rd 21222
Catherine M Filbey 7928 Diehlwood Rd 21222
John S Quick 7418 Diehlwood

Case No. 96-59-XA

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Brian Darnell	1340-L Charwood Rd Hanover, MD 21076
JOHN SHERWOOD III	7 E. REDWOOD ST. BALTO 21202
MIKE MAGUIRE	200 E. PENNSYLVANIA AVE 21286
MELANIE MOSER	" "

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
MARTIN SPATAFORE	7914 DIEHLWOOD RD
KATHERINE SMITH	7916 WISE AVE
Betty B Dunkowsky	7926 Dehlwood Rd
Margaret B Clark	7902 Wise Ave
Karen Howell (surveyor)	7902 Wise Ave
George Wenderhold	7909 Diehlwood Rd
Marion Wenderhold	7909 Diehlwood Rd
James W Hayes	7916 Diehlwood
Jan C Hayes	7916 Diehlwood
Francis H. Ehrsche	7915 Diehlwood Road.
ROBERT CATRON	7888 HARRD RD
Scott Conover	7922 Wise Ave
Joe Howell	7902 Wise Ave

Bulto 21222

spokesmen

MICROFILMED

17 September 1995
7914 Diehlwood Rd.
Baltimore 21222, Md.

DEPARTMENT OF ZONING, Baltimore County,
Case #96-59 - XA

TO WHOM IT MAY CONCERN:

Please understand if it were humanly possible for my husband (John) and myself (Irene Spatafore) to be at this hearing, we most certainly would be. But we will be out-of-town. Therefore, we are sending our son Martin John Spatafore to represent us with this letter.

About 30 years other people in this community be it elders or Civic Assc. they were interested in keeping this area strictly residential and blocked a proposed Deli-Confectionary Store and maybe package goods and we are eternally grateful for Diehlwood Rd. and Wise Ave to remain residential. They also blocked in the 1970's a proposed Day Care Center. Both of these businesses wanted to create another driveway entrance on Diehlwood Rd. We were never against people themselves but to the zoning change.

We think that this posted Zoning Notice of wanting to tear down Old Sunny's and Courtesy Cleaners and put up 2 big gas pumps is deplorable. We don't want to known for the most hazardous corner in Dundalk. And to think these 3 perimeter homes will not be able to open a window or door because of the gas fumes is just outrageous. I sympathize for these people, because I could have been 1 of these home owners. Real Estate has Diehlwood Rd. listed as a Prime street in Dundalk, but who knows if our house value takes a turn for the worst.

I walked these many houses with the enclosed signatures and neighbors are upset to even think of the extra crime rate this will bring. What is robbed more??? Convenience stores and gas stations. I would dread the thought of the offenders jumping fences and hiding around houses (individual) on Diehlwood Rd. and Wise Ave.

The congestion at this corner is more than any driver wants to contend with. The childrens safety is another factor. I wish I had more time to go to the principles of Our Lady of Hope, General John Stricker and Patapsco Senior High and make them aware of all the above hazards. But, time was against me. 15 days was not enough to see and talk to every one concerned.

You must remember this neighborhood is 36 and 38 years old. Therefore, the representation today might be small but this was not our intent. We have many elders on this street, widows and widowers, ages 89, 84, 84, 78, etc. The last 6 houses sold in the last 5-6 years all are young and both need to work. Our latest homeowner are in their 20's and bought ~~&~~ March 1994. The last empty lot on Diehlwood was just sold this past July '95 to property owners in their 30's.

I will keep pounding the sidewalks in this community as long as it stays liveable and safe for all of us.

Thank You,

John Spatafore
John Spatafore

Irene Spatafore
Irene Spatafore

Petit 1A

JONATHAN F. GERLACH
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 17, 1997
Jonathan F. Gerlach

September 18, 1995
7908 Diehlwood Road
Baltimore, MD 21222

To Whom It May Concern: Re: Case #96-59 - XA

I wish to voice my opposition to the proposed zoning variance for the property located at Wise Avenue and Lynch Roads. The property is currently occupied by the High's convenience store, Wise Buys, and Courtesy cleaners.

The proposed zoning variance to relax the standard amount of footage to locate fuel pumps on the property is not in the best interest of the community, may well lead to a dangerous situation due to the nature and size of the property, and should be denied.

I understand that the standard number of feet for locating fuel pumps is 35 feet from the street and the variance proposes to locate the pumps only 22 feet from the street. This variance proposes to relax the normal standards regarding footage required for locating fuel pumps by more than one third! This fact, coupled with the fact that the property is boarded by residential properties on its rear and one side, certainly should be enough to disapprove the variance.

Relaxing footage requirements by such a large amount may be acceptable in a rural area or in an area that is sparsely populated. The area in which the variance is proposed is congested, withstands a lot of foot traffic due to the schools, churches, and businesses in the area, and is not conducive to locating fuel pumps in such a small space.

As a property owner just around the corner from the proposed site, I am dismayed at what might happen to property values in the neighborhood if such a liberal variance is granted and I urge you to deny the request.

Sincerely,

James G. Leoni

Prot 13

JONATHAN F. GERLACH
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 17, 1997

09/11/95

Re: Case # 6-59 XA

To Whom it May Concern

This letter is written in protest of the request to change the corner on Wise Ave & Lynch Rd. to a filling station. The change would not be for the betterment of the neighborhood.

Barbara Vaughan

Pet 1c

JONATHAN F. GERLACH
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 17, 1997

Jonathan F. Gerlach

DEPARTMENT OF ZONING, Baltimore County

15 September 1995
7906 Wise Avenue
Baltimore 21222, Md.

TO WHOM IT MAY CONCERN:

Who Am I ? My name is Elizabeth Wanek and I live at 7906 Wise Ave, next to the complex of Courtesy Cleaners, Old Sunny's Surplus (Wise Buys - now) and High's Convience Store.

I bought my home 38 years ago and kept my premises very nicely groomed and cleaned. I was thrilled to have moved here mostly because of my daughter and son-in-law and 2 grandaughters living 7 houses up the street on Wise Ave from me. What Mother and Dad wouldn't been happier to have their only child living this close.

My husband died July 4th, 1983, so you see I've lived there 12 years by myself and I do not drive, so talk about a convenient family. I am blessed.

My house is a 2 bedroom rancher, (no steps) and lots of windows for light and air. I have watched businesses open and close on those four (4) corners of Wise and Lynch Rds. But mostly what I have enjoyed the most is the children walking and being guided across the streets by an official crossing guard. I have seen all kinds of dress codes, all shapes and sizes. But I've watched them grow up from Our Lady of Hope Elementary School, to General John Stricker and Patapsco Senior High School.

Please don't make my corner so much more congested for those future generations of children. Make them safe.

I am sorry I cannot be with you today but I took sick this July and I am on oxygen and not able to move around much. But if I were well, you would all be hearing from me and listening to a lady in her 80's.

I do not understand, at this time, my daughter Mrs. Bernadine Sizemore is now my spokesperson.

Sincerely,

Mrs. Elizabeth Wanek

9/17/95
James A Cavanaugh
NOTARY

Mrs. Elizabeth Wanek

Bernadine Sizemore
Power of Attorney

comm
eg 9/1/99

Post
1E

9/11/95

To Whom it may concern Case#96-59 XA

We protest the rezoning of the property that Sunny Knights + the cleaning establishment occupy on Muse Avenue.

A gas station will lower the value of our houses and further compact the traffic problem we already have to suffer.

It would be unheard of us to ask for a 12 foot easement to our property therefore we object to this proposal.

Marlene Becker
Donald Becker

10

Prot #

JONATHAN F. GERLACH
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 17, 1997

Jonathan F. Gerlach

MICROFILMED

DEPARTMENT OF ZONING , Baltimore County

15 September 1995
7920 Wise Avenue
Baltimore 21222, Md.

TO WHOM IT MAY CONCERN:

Our names are Bernadine and James Sizemore and we are also 38 year residents of Wise Ave and are now caregivers with legal authority for Mrs. Elizabeth Wanek at 7906 Wise Ave (the main house in issue next to this complex.)

Department of Zoning I do not understand why you gave this community of Diehlwood Rd. and Wise Ave, approximately 35 houses (individual) with so much concern of only 15 days of a posted Zoning Notice. My friends and neighbors, helped us so much getting this petition together but there was so much more work to do.

Mainly my husband and I cannot be at this hearing because of a planned trip (9 months ago) and we are so upset because of this overbearing request, to put of all things - smelly and fume digested gas pumps. What is the Real Estate value of all these 35 homes. Century 21 agents tell me because of this "obstruction" the value of these many homes will go down but mostly my Mother's at 7906 Wise Ave and the other 2 houses 7901 Diehlwood Rd. and 7907 Diehlwood Rd.

Yes, there was a gas station (on the point) many years ago but we did not have the pollution that everyone is putting up with now or the many more homes built in this area, or the over-bearing population and the many more hundreds of cars daily on this corner.

If time permitted, I would have gone to the Baltimore County Police Station, Merritt Blvd, Dundalk and got the statistics of the many accidents on this very, very busy corner.

Plus my Mother fought many battles and jumped many hurdles to keep this complex clean. Sorry to say but the owner of this property is not clean at all. His grass is over-run around gardens, junk and debris is always piled up in back. Oh the public might not see it but it was an eye-sore to my Mom at all times. Therefore, what kind of landlord can we expect now, abandoned gas cans, oil drums piled up and more debris?????

We as the caregivers of this property of 7906 DO NOT feel it wise to grant you the 13 feet shortage in order to obtain this permit. And we are happy to see and hear that our neighbors are such caring people for their own properties.

9/17/95
James A Cavanner
NOTARY

Thank you,

Bernadine Sizemore
Bernadine Sizemore
James Sizemore
James Sizemore

Pro A 1F

Comm
ep 9/1/95

96-595-XA

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE

PETITIONER'S EXHIBIT 4

PETITION AND SITE PLAN

EVALUATION COMMENTS

LEGG MASON

Final Report

Market Analysis

GAS AND GO OPERATION AT THE WISE AVENUE HIGH'S DAIRY STORE DALK, BALTIMORE COUNTY, MARYLAND

Prepared For:

HIGH'S OF BALTIMORE, INC.
1340-L Charwood Road
Hanover, Maryland 21076

Prepared By:

LEGG MASON REALTY GROUP, INC.
7 E. Redwood Street
Baltimore, Maryland 21202

BSC 3022

September 19, 1995

PETITIONER'S EXHIBIT No 5

NOTES:

1. Current Owner: Weinman-Lehman Corporation
   P.O Box 5992
   C/O Melvin Weinman
   Baltimore, MD 21208

   Applicant: Highs of Baltimore, Inc
   1340 L Charwood Road
   Hanover, MD 21076

2. Site Area: .547 Ac ± 23,827 SF

3. Existing Use: Convenience Store
   Proposed Use: Convenience Store and Fuel Service Station
   2 pump islands with
   1 MPD's at each island

4. Site Data: Tax Map 103, Block 12, Parcel 297
   Deed Reference: 4273/6
   Tax Account No.: 12-1223017810
   Zoning: BL-CNS (A.S.)
   Election District: 12
   Councilmanic Dist.: 7
   Street Address: 7900 Wise Ave
   Dundalk, MD 21222

5. Setbacks:

	Required	Provided
Service Station	35' from ROW	23'
Fuel Pump	25' from ROW	57'
Canopy	15' from ROW	48'
Buffer	15' from residentially zoned property	15'
Landscape Transition Area	10' from ROW	10'

6. Building Height:
   Existing Convenience Store: 15'
   Proposed Canopy: 16'-2"

7. Minimum Site Area
   Convenience Store SF x 4 — 8,320 SF
   Fuel Site — 15,000 SF
   Total — 23,320 SF
   Existing Site Area: 23,827 SF

8. Parking Required:
   1 space/ employee on the largest shift = 3
   5 spaces/ 1000 SF of retail = 11
   1 space/ compressed air pump = 1
   Total 15
   Parking Provided: 17

9. Stacking Required:
   1 space/ side of pump island = 4
   Stacking Provided: = 4

10. The proposed canopy is lighted underneath and directed downward. There will be no additional site lighting.

11. There will be signage on three sides of the canopy fascia.

12. Proposed hours of operation: 5:30 AM to 11:00 PM, 7 days a week.

13. Public water and sanitary utilities are currently provided to the existing building.

14. Floor Area Ratio:
    Permitted: = 3.0
    Total Existing: = 0.09
    Total Proposed: = 0.09

15. Amenity Open Space: N/A

16. The base information and boundary location shown hereon have been compiled from a site survey, deeds, and other sources believed to be reliable; however, their accuracy is not guaranteed and is subject to revision.

17. This site was the subject of the following permits:
    41-64 Building
    1135-86 Addition
    Approximate date of last improvement: Spring 1986

18. Signs for the Convenience Store/Fuel Service Station will comply with Section 413 of the BCZR and all zoning policies.

19. Restroom facilities, water and compressed air will be provided for customer use.

20. Zoning History:

    This site was the subject of Zoning Case # 2582-R-S which requested the reclassification from an "A" Residential Zone to an "E" Commercial Zone and a Special Permit to use the property for a Gasoline Service Station. On May 22, 1953, the Zoning Commissioner of Baltimore County granted both requests.

    This site was also the subject of Zoning Case # 3257-S which requested a Special Permit to use the land for the erection of one illuminated 12' x 25' Poster Panel on the East side of Lynch Road approximately 90' North of Wise Ave. On December 16, 1954, the Zoning Commissioner of Baltimore County denied the petition on the grounds that the structure would be detrimental to the safety and general welfare of the community.

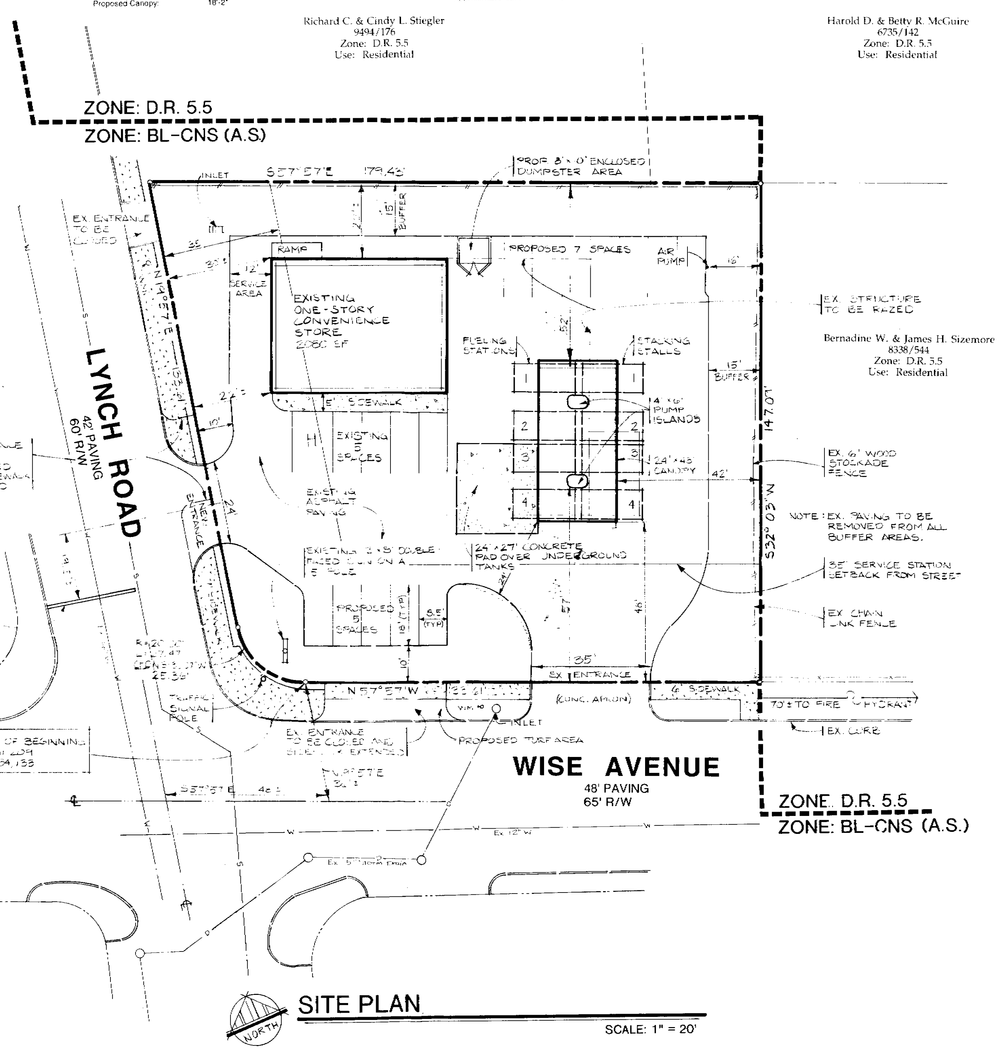
21. Requested Zoning Action:

    Special Exception Pursuant to § 405.2.B.1 of the Baltimore County Zoning Regulations to allow a fuel service station in a BL-CNS (A.S.) zone.

    Variance pursuant to § 405.4A.2.A. to allow a service station building 22' feet from a street right of way in lieu of the required 35'

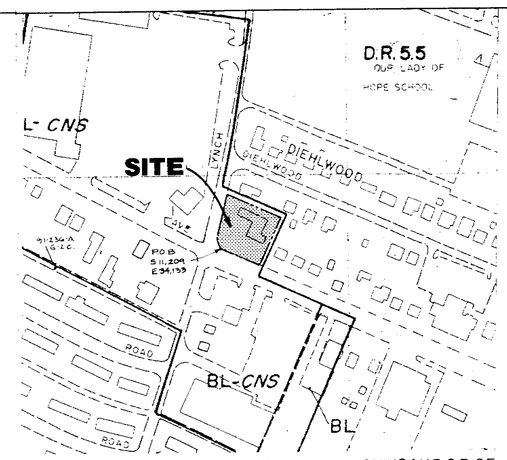
Attorney:
G. Scott Barnight
Whiteford, Taylor & Preston
400 Court Towers
210 West Pennsylvania Avenue
Towson, MD 21204-4515

(410) 832-2000

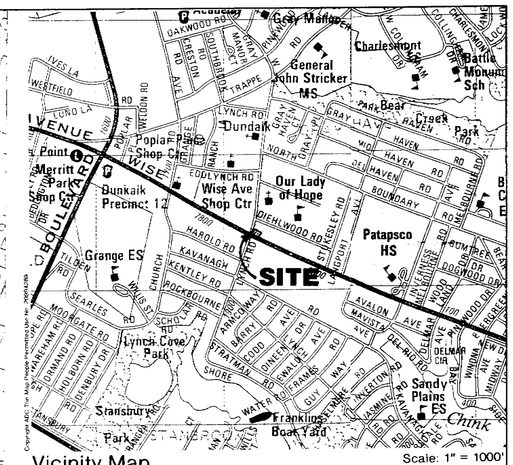


SITE PLAN

SCALE: 1" = 20'

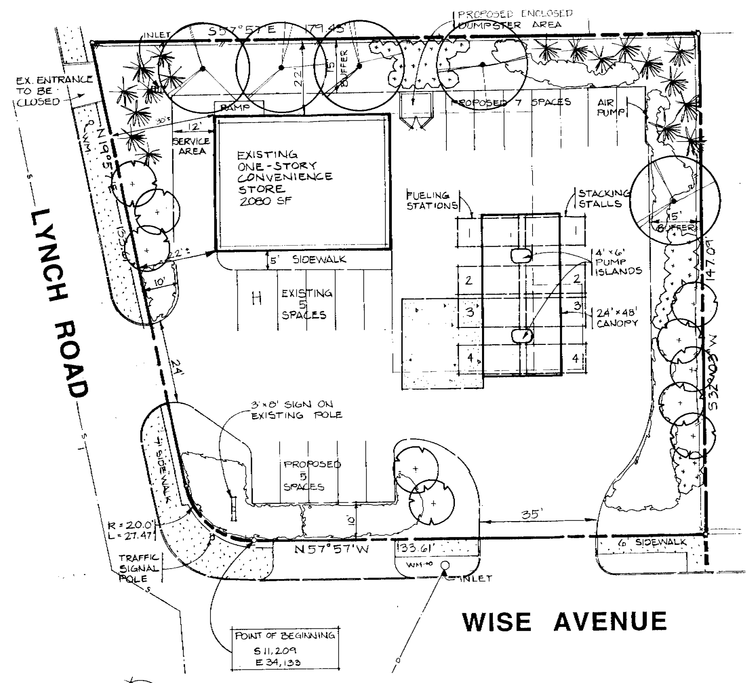


PORTION OF 200' SCALE BALTIMORE COUNTY ZONING MAP S.E. 3F



Vicinity Map

Scale: 1" = 1000'



LANDSCAPE PLAN

Scale: 1"= 20'

LEGEND

- Major Shade Tree
- Flowering Tree
- Evergreen Tree
- Large Shrub
- Shrub

PETITIONER'S EXHIBIT No 2

DMW

Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

Site Plan to Accompany Petition for Special Exception and Variance

HIGH'S-WISE AVENUE

12th Election District — Baltimore County, MD

DATE	BY	REVISIONS
4-18-95	CLZ	SHIFT LANDS FORWARD 2' &
		ADJUST FRONT LEFT ENTRANCE
		CURB

ISSUE DATES			
REVIEW:		BASE:	CLZ
BID:		DRAWN:	CLZ
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
SCALE: As Shown		DATE CHECKED:	8-7-95
PROJECT NO.: 95001		DRAWING:	

NOTES:

1. Current Owner: Wernman-Lerman Corporation, P.O Box 5992, C/O Melvin Weirman, Baltimore, MD 21208
   Applicant: Highs of Baltimore, Inc, 13401 Charwood Road, Hanover, MD 21076
2. Site Area: .547 Ac ± / 23,827 SF
3. Existing Use: Convenience Store
   Proposed Use: Convenience Store and Fuel Service Station, 2 pump islands with 1 MPD's at each island
4. Site Data: Tax Map 103, Block 12, Parcel 297, Deed Reference: 427305, Tax Account No.: 12-1223017810, Zoning: BL-CNS (A.S.), Election District: 12, Councilmanic Dist.: 7, Street Address: 7900 Wise Ave, Dundalk, MD 21222
5. Setbacks:

	Required	Provided
Service Station	35' from ROW	23'
Fuel Pump	25' from ROW	57'
Canopy	15' from ROW	48
Buffer	15' from residentially zoned property	15'
Landscape Transition Area	10' from ROW	10'

6. Building Height: Existing Convenience Store 15', Proposed Canopy 18'-2"
7. Minimum Site Area: Convenience Store SF x 4 = 8,320 SF; Fuel Site = 15,000 SF; Total = 23,320 SF; Existing Site Area: 23,827 SF
8. Parking Required: 1 space/ employee on the largest shift = 3; 5 spaces/ 1000 SF of retail = 11; 1 space/ compressed air pump = 1; Total = 15; Parking Provided: 17
9. Stacking Required: 1 space/ side of pump island = 4; Stacking Provided: = 4
10. The proposed canopy is lighted underneath and directed downward. There will be no additional site lighting.
11. There will be signage on three sides of the canopy fascia.
12. Proposed hours of operation: 5:30 AM to 11:00 PM, 7 days a week
13. Public water and sanitary utilities are currently provided to the existing building.
14. Floor Area Ratio: Permitted: = 3.0; Total Existing: = 0.09; Total Proposed: = 0.09
15. Amenity Open Space: N/A
16. The base information and boundary location shown hereon have been compiled from a site survey, deeds, and other sources believed to be reliable, however, their accuracy is not guaranteed and is subject to revision.
17. This site was the subject of the following permits:
    41-64 Building
    1135-86 Addition
    Approximate date of last improvement: Spring 1986
18. Signs for the Convenience Store/Fuel Service Station will comply with Section 413 of the BCZR and all zoning policies.
19. Restroom facilities, water and compressed air will be provided for customer use.
20. Zoning History

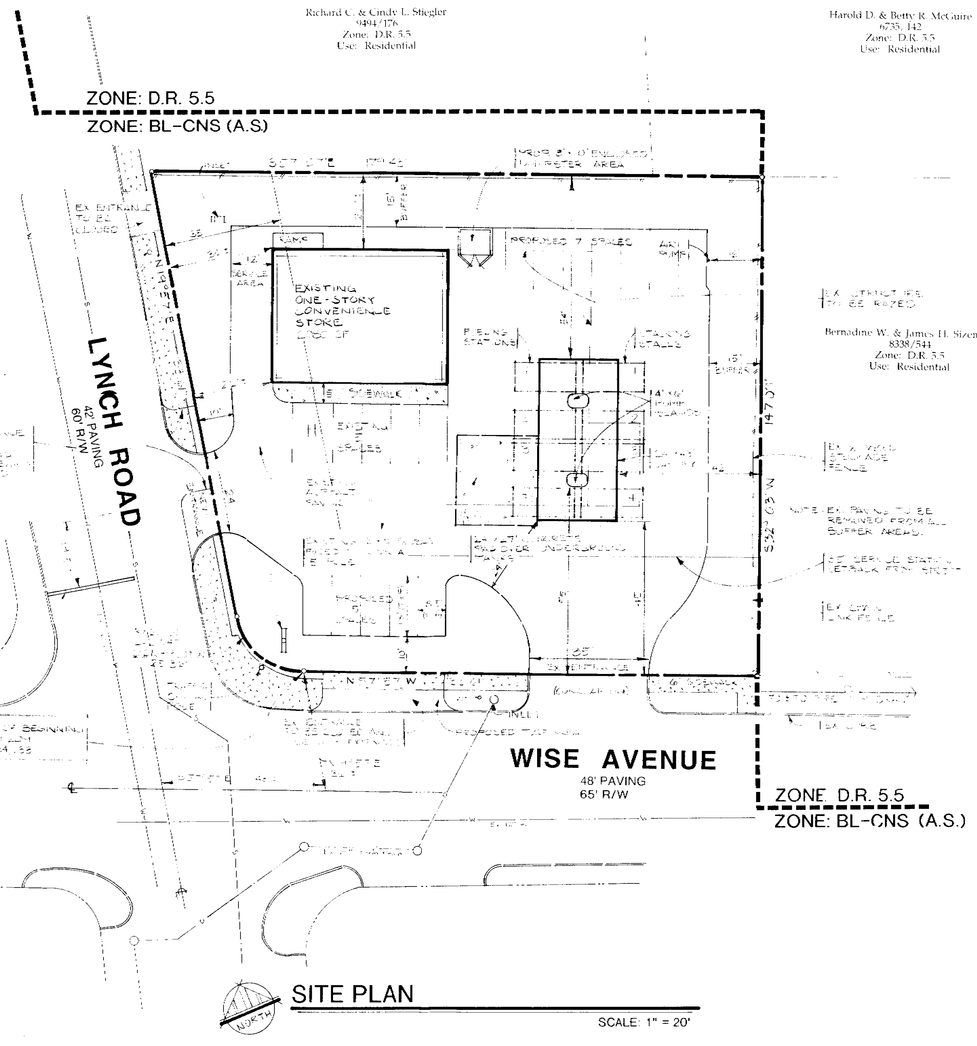
    This site was the subject of Zoning Case # 2582 R-S which requested the reclassification from an "A" Residential Zone to an "E" Commercial Zone and a Special Permit to use the property for a Gasoline Service Station. On May 22, 1953, the Zoning Commissioner of Baltimore County granted both requests.

    This site was also the subject of Zoning Case # 3257-S which requested a Special Permit to use the land for the erection of one illuminated 12' x 25' Poster Panel on the East side of Lynch Road approximately 90' North of Wise Ave. On December 16, 1964, the Zoning Commissioner of Baltimore County denied the petition on the grounds that the structure would be detrimental to the safety and general welfare of the community.
21. Requested Zoning Action:

    Special Exception Pursuant to § 405.2.B.1 of the Baltimore County Zoning Regulations to allow a fuel service station in a BL-CNS (A.S.) zone

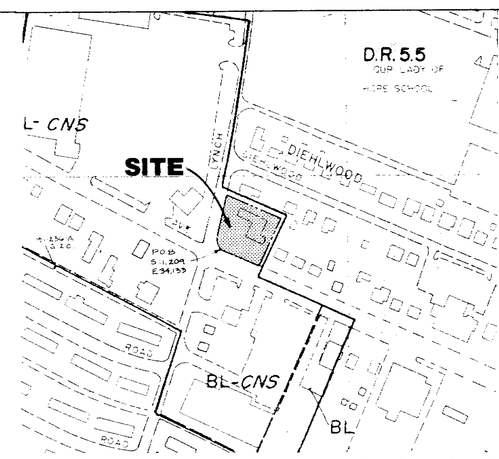
    Variance pursuant to § 405.4A.2.A. to allow a service station building 22 feet from a street right of way in lieu of the required 35

Attorney: G. Scott Barhight, Whiteford, Taylor & Preston, 400 Court Towers, 210 West Pennsylvania Avenue, Towson, MD 21204-4515, (410) 832-2000

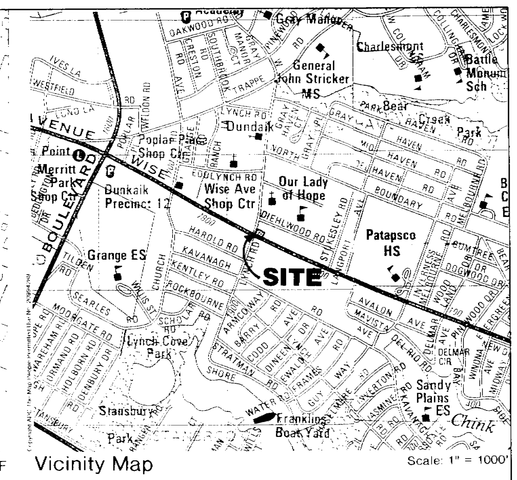


SITE PLAN

SCALE: 1" = 20'

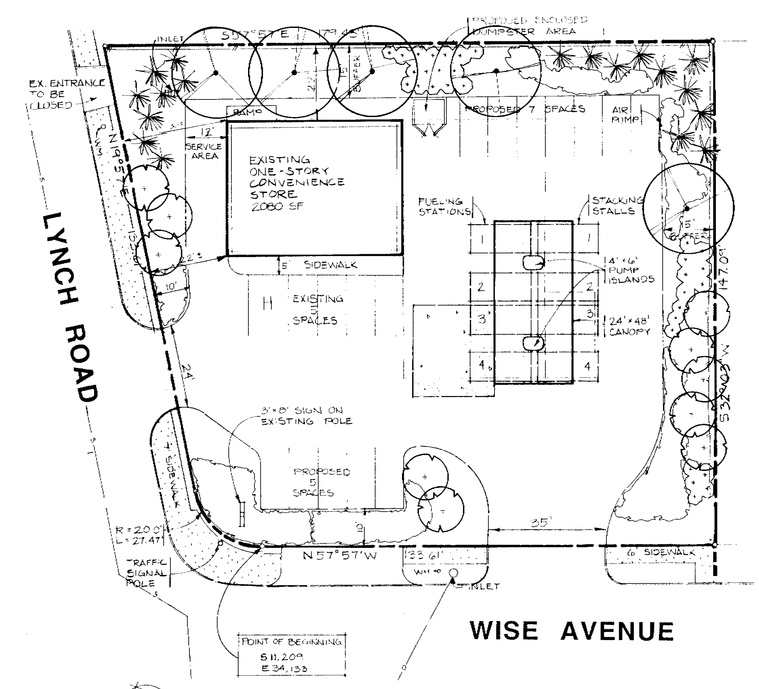


PORTION OF 200' SCALE BALTIMORE COUNTY ZONING MAP S.E. 3F



Vicinity Map

Scale: 1" = 1000'



LANDSCAPE PLAN

Scale: 1" = 20'

LEGEND

- Major Shade Tree
- Flowering Tree
- Evergreen Tree
- Large Shrub
- Shrub

PETITIONER'S EXHIBIT No 3

DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

Site Plan to Accompany Petition for Special Exception and Variance

HIGH'S-WISE AVENUE

12th Election District — Baltimore County, MD

DATE	BY	REVISIONS
[illegible]	[illegible]	[illegible]

ISSUE DATES			
REVIEW:		BASE:	
BID:		DRAWN:	
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
SCALE:	As Shown	DATE CHECKED:	
PROJECT NO.:	95001	DRAWING:	

NOTES:

1. Current Owner: Weinman-Lehman Corporation, P.O. Box 5992, C/O Melvin Weinman, Baltimore, MD 21208
   Applicant: Highs of Baltimore, Inc., 1340-L Charwood Road, Hanover, MD 21076
2. Site Area: .547 Ac ±, 23,827 SF
3. Existing Use: Convenience Store
   Proposed Use: Convenience Store and Fuel Service Station, 2 pump islands with 1 MPD's at each island
4. Site Data: Tax Map 103, Block 12, Parcel 297, Deed Reference: 4273/6, Tax Account No.: 12-1223017810, Zoning: BL-CNS (A.S.), Election District: 12, Councilmanic Dist.: 7, Street Address: 7900 Wise Ave, Dundalk, MD 21222
5. Setbacks:

	Required	Provided
Service Station:	35' from ROW	23'
Fuel Pump	25' from ROW	57'
Canopy	15' from ROW	48'
Buffer	15' from residentially zoned property	15'
Landscape Transition Area	10' from ROW	10'

6. Building Height:
   Existing Convenience Store: 15'
   Proposed Canopy: 16'-2"
7. Minimum Site Area
   Convenience Store SF x 4: 8,320 SF
   Fuel Site: 15,000 SF
   Total: 23,320 SF
   Existing Site Area: 23,827 SF
8. Parking Required:
   1 space/ employee on the largest shift = 3
   5 spaces/ 1000 SF of retail = 11
   1 space/ compressed air pump = 1
   Total: 15
   Parking Provided: 17
9. Stacking Required:
   1 space/ side of pump island = 4
   Stacking Provided: = 4
10. The proposed canopy is lighted underneath and directed downward. There will be no additional site lighting.
11. There will be signage on three sides of the canopy fascia.
12. Proposed hours of operation: 5:30 AM to 11:00 PM, 7 days a week.
13. Public water and sanitary utilities are currently provided to the existing building.
14. Floor Area Ratio:
    Permitted: = 3.0
    Total Existing: = 0.09
    Total Proposed: = 0.09
15. Amenity Open Space: N/A
16. The base information and boundary location shown hereon have been compiled from a site survey, deeds, and other sources believed to be reliable; however, their accuracy is not guaranteed and is subject to revision.
17. This site was the subject of the following permits:
    41-64 Building
    1135-86 Addition
    Approximate date of last improvement: Spring 1986
18. Signs for the Convenience Store/Fuel Service Station will comply with Section 413 of the BCZR and all zoning policies.
19. Restroom facilities, water and compressed air will be provided for customer use.
20. Zoning History:

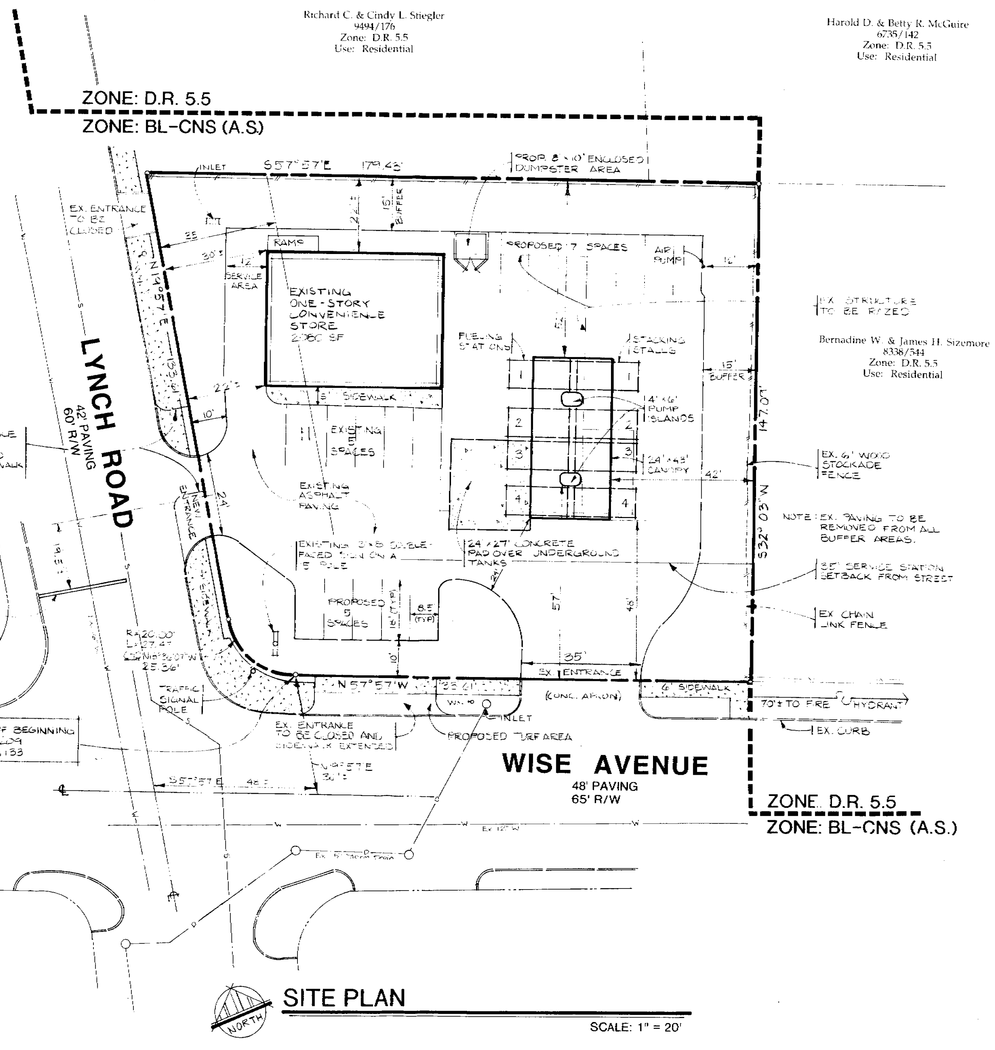
    This site was the subject of Zoning Case # 2582 R-S which requested the reclassification from an "A" Residential Zone to an "E" Commercial Zone and a Special Permit to use the property for a Gasoline Service Station. On May 22, 1953, the Zoning Commissioner of Baltimore County granted both requests.

    This site was also the subject of Zoning Case # 3257-S which requested a Special Permit to use the land for the erection of one illuminated 12' x 25' Poster Panel on the East side of Lynch Road approximately 90' North of Wise Ave. On December 16, 1954, the Zoning Commissioner of Baltimore County denied the petition on the grounds that the structure would be detrimental to the safety and general welfare of the community.
21. Requested Zoning Action:

    Special Exception Pursuant to § 405.2.B.1 of the Baltimore County Zoning Regulations to allow a fuel service station in a BL-CNS (A.S.) zone.

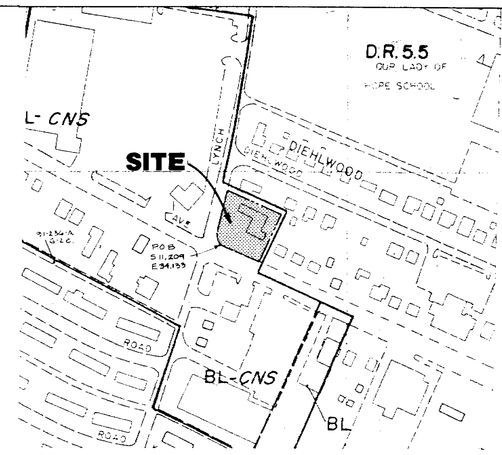
    Variance pursuant to § 405.4A.2.A. to allow a service station building 22 feet from a street right of way in lieu of the required 35'

Attorney:
G. Scott Barhight
Whiteford, Taylor & Preston
400 Court Towers
210 West Pennsylvania Avenue
Towson, MD 21204-4515
(410) 832-2000

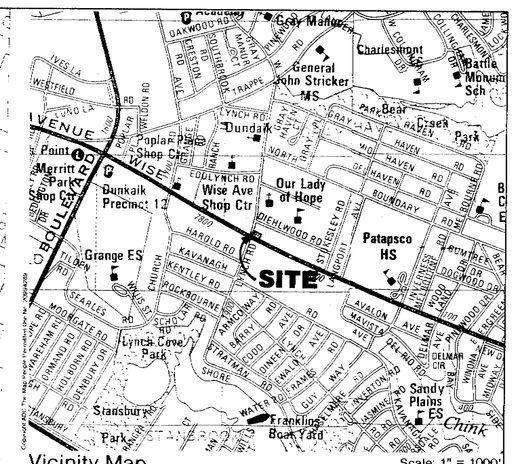


SITE PLAN

SCALE: 1" = 20'

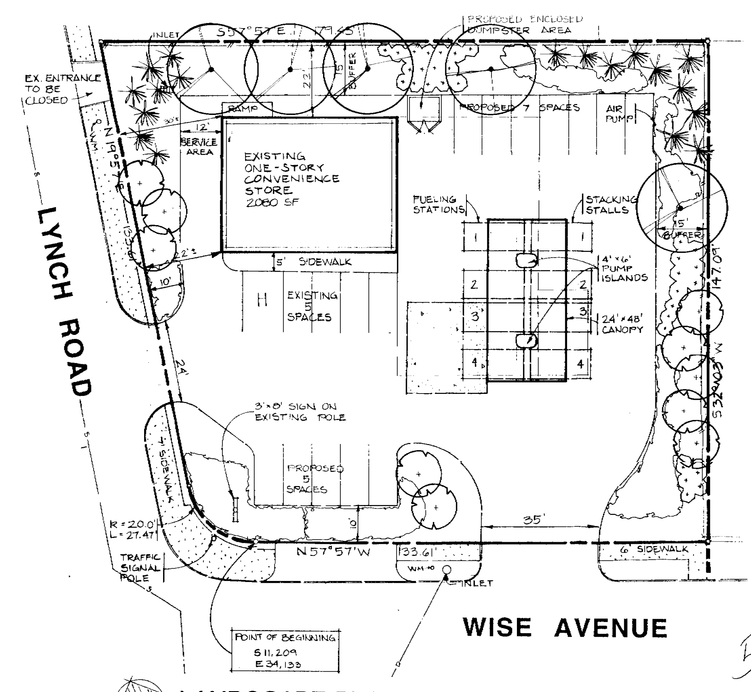


PORTION OF 200' SCALE BALTIMORE COUNTY ZONING MAP S.E. 3F



Vicinity Map

Scale: 1" = 1000'



LANDSCAPE PLAN

Scale: 1"= 20'

LEGEND

- Major Shade Tree
- Flowering Tree
- Evergreen Tree
- Large Shrub
- Shrub

PETITIONER'S EXHIBIT NO. 1

58

96-59-A

DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

Site Plan to Accompany Petition for Special Exception and Variance

HIGH'S-WISE AVENUE

12th Election District — Baltimore County, MD

DATE	BY	REVISIONS

ISSUE DATES			
REVIEW:		BASE:	C.Z.
BID:		DRAWN:	C.Z.
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
SCALE:	As Shown	DATE CHECKED:	8-7-95
PROJECT NO.:	95001	DRAWING:	

NOTES:

1. Current Owner: Weinman-Lehman Corporation
   P.O Box 5992
   C/O Melvin Weinman
   Baltimore, MD 21208

   Applicant: Highs of Baltimore, Inc
   1340 L Charwood Road
   Hanover, MD 21076

2. Site Area: .547 Ac ± 23,827 SF

3. Existing Use: Convenience Store
   Proposed Use: Convenience Store and Fuel Service Station
   2 pump islands with
   1 MPD's at each island

4. Site Data: Tax Map 103, Block 12, Parcel 297
   Deed Reference: 4273/6
   Tax Account No.: 12-1223017810
   Zoning: BL-CNS (A.S.)
   Election District: 12
   Councilmanic Dist.: 7
   Street Address: 7900 Wise Ave
   Dundalk, MD 21222

5. Setbacks:

	Required	Provided
Service Station	35' from ROW	23'
Fuel Pump	25' from ROW	57'
Canopy	15' from ROW	48'
Buffer	15' from residentially zoned property	15'
Landscape Transition Area	10' from ROW	10'

6. Building Height:
   Existing Convenience Store: 15'
   Proposed Canopy: 16'-2"

7. Minimum Site Area
   Convenience Store SF x 4 — 8,320 SF
   Fuel Site — 15,000 SF
   Total — 23,320 SF
   Existing Site Area: 23,827 SF

8. Parking Required:
   1 space/ employee on the largest shift = 3
   5 spaces/ 1000 SF of retail = 11
   1 space/ compressed air pump = 1
   Total 15
   Parking Provided: 17

9. Stacking Required:
   1 space/ side of pump island = 4
   Stacking Provided: = 4

10. The proposed canopy is lighted underneath and directed downward. There will be no additional site lighting.

11. There will be signage on three sides of the canopy fascia.

12. Proposed hours of operation: 5:30 AM to 11:00 PM, 7 days a week.

13. Public water and sanitary utilities are currently provided to the existing building.

14. Floor Area Ratio:
    Permitted: = 3.0
    Total Existing: = 0.09
    Total Proposed: = 0.09

15. Amenity Open Space: N/A

16. The base information and boundary location shown hereon have been compiled from a site survey, deeds, and other sources believed to be reliable; however, their accuracy is not guaranteed and is subject to revision.

17. This site was the subject of the following permits:
    41-64 Building
    1135-86 Addition
    Approximate date of last improvement: Spring 1986

18. Signs for the Convenience Store/Fuel Service Station will comply with Section 413 of the BCZR and all zoning policies.

19. Restroom facilities, water and compressed air will be provided for customer use.

20. Zoning History:

    This site was the subject of Zoning Case # 2582-R-S which requested the reclassification from an "A" Residential Zone to an "E" Commercial Zone and a Special Permit to use the property for a Gasoline Service Station. On May 22, 1953, the Zoning Commissioner of Baltimore County granted both requests.

    This site was also the subject of Zoning Case # 3257-S which requested a Special Permit to use the land for the erection of one illuminated 12' x 25' Poster Panel on the East side of Lynch Road approximately 90' North of Wise Ave. On December 16, 1954, the Zoning Commissioner of Baltimore County denied the petition on the grounds that the structure would be detrimental to the safety and general welfare of the community.

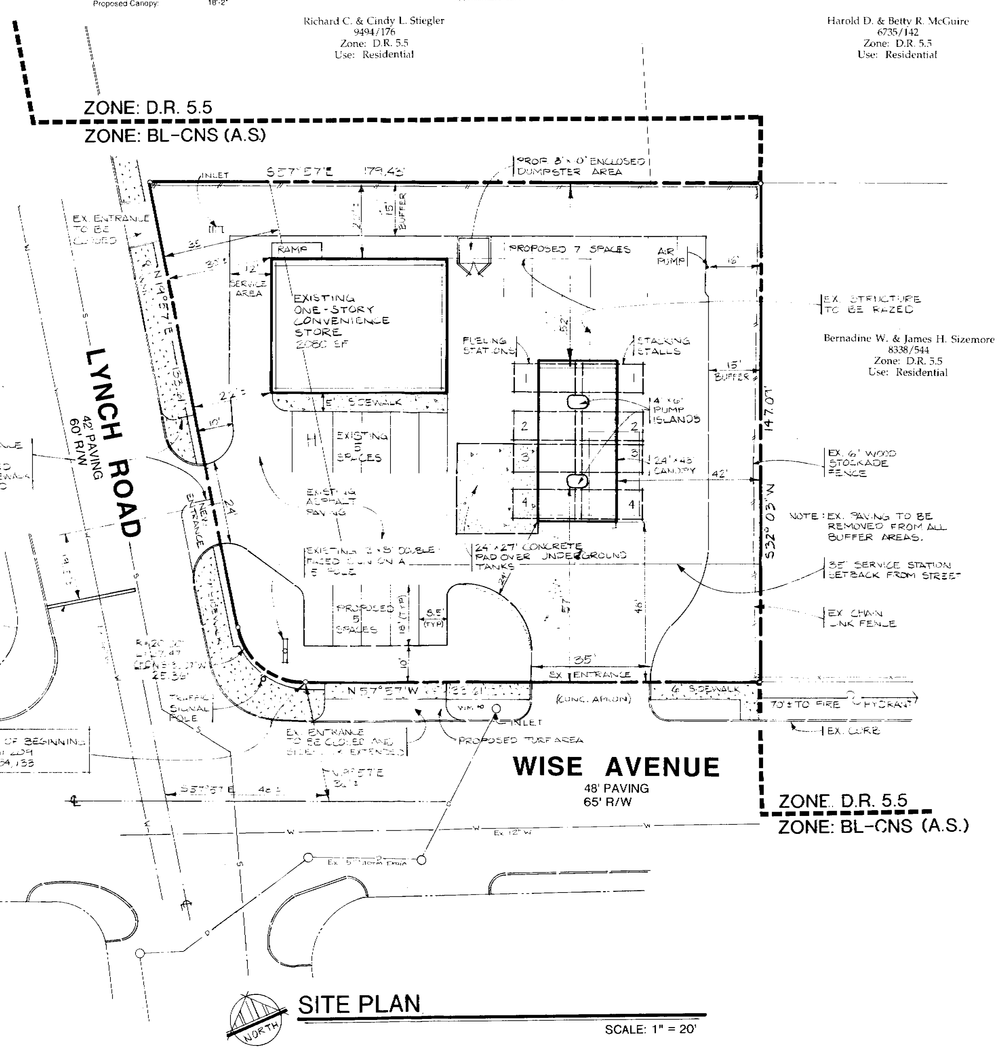
21. Requested Zoning Action:

    Special Exception Pursuant to § 405.2.B.1 of the Baltimore County Zoning Regulations to allow a fuel service station in a BL-CNS (A.S.) zone.

    Variance pursuant to § 405.4A.2.A. to allow a service station building 22' feet from a street right of way in lieu of the required 35'

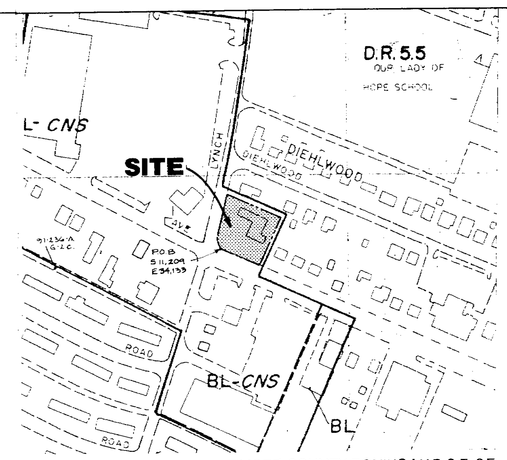
Attorney:
G. Scott Barnight
Whiteford, Taylor & Preston
400 Court Towers
210 West Pennsylvania Avenue
Towson, MD 21204-4515

(410) 832-2000

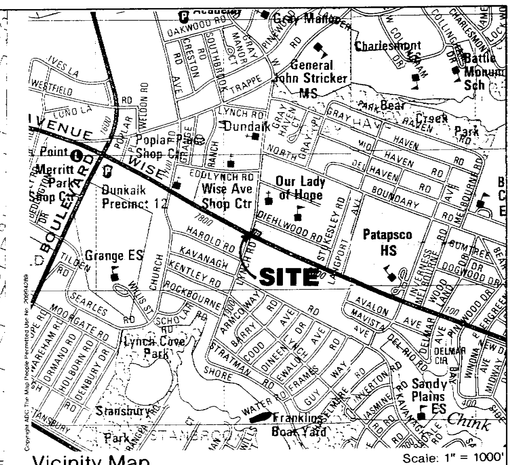


SITE PLAN

SCALE: 1" = 20'

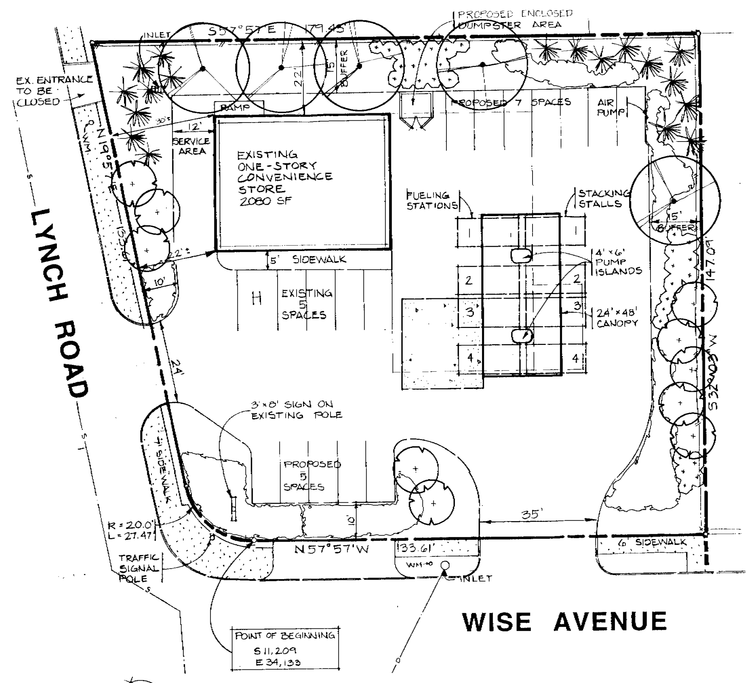


PORTION OF 200' SCALE BALTIMORE COUNTY ZONING MAP S.E. 3F



Vicinity Map

Scale: 1" = 1000'



LANDSCAPE PLAN

Scale: 1"= 20'

LEGEND

- Major Shade Tree
- Flowering Tree
- Evergreen Tree
- Large Shrub
- Shrub

PETITIONER'S EXHIBIT No 2

DMW

Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

Site Plan to Accompany Petition for Special Exception and Variance

HIGH'S-WISE AVENUE

12th Election District — Baltimore County, MD

DATE	BY	REVISIONS
4-18-95	CLZ	SHIFT LANDS FORWARD 2' &
		ADJUST FRONT LEFT ENTRANCE
		CURB

ISSUE DATES			
REVIEW:		BASE:	CLZ
BID:		DRAWN:	CLZ
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
SCALE: As Shown		DATE CHECKED:	8-7-95
PROJECT NO.: 95001		DRAWING:	

NOTES:

1. Current Owner: Wernman-Lerman Corporation, P.O Box 5992, C/O Melvin Weirman, Baltimore, MD 21208
   Applicant: Highs of Baltimore, Inc, 13401 Charwood Road, Hanover, MD 21076
2. Site Area: .547 Ac ± / 23,827 SF
3. Existing Use: Convenience Store
   Proposed Use: Convenience Store and Fuel Service Station, 2 pump islands with 1 MPD's at each island
4. Site Data: Tax Map 103, Block 12, Parcel 297, Deed Reference: 427305, Tax Account No.: 12-1223017810, Zoning: BL-CNS (A.S.), Election District: 12, Councilmanic Dist.: 7, Street Address: 7900 Wise Ave, Dundalk, MD 21222
5. Setbacks:

	Required	Provided
Service Station	35' from ROW	23'
Fuel Pump	25' from ROW	57'
Canopy	15' from ROW	48
Buffer	15' from residentially zoned property	15'
Landscape Transition Area	10' from ROW	10'

6. Building Height: Existing Convenience Store 15', Proposed Canopy 18'-2"
7. Minimum Site Area: Convenience Store SF x 4 = 8,320 SF; Fuel Site = 15,000 SF; Total = 23,320 SF; Existing Site Area: 23,827 SF
8. Parking Required: 1 space/ employee on the largest shift = 3; 5 spaces/ 1000 SF of retail = 11; 1 space/ compressed air pump = 1; Total = 15; Parking Provided: 17
9. Stacking Required: 1 space/ side of pump island = 4; Stacking Provided: = 4
10. The proposed canopy is lighted underneath and directed downward. There will be no additional site lighting.
11. There will be signage on three sides of the canopy fascia.
12. Proposed hours of operation: 5:30 AM to 11:00 PM, 7 days a week
13. Public water and sanitary utilities are currently provided to the existing building.
14. Floor Area Ratio: Permitted: = 3.0; Total Existing: = 0.09; Total Proposed: = 0.09
15. Amenity Open Space: N/A
16. The base information and boundary location shown hereon have been compiled from a site survey, deeds, and other sources believed to be reliable, however, their accuracy is not guaranteed and is subject to revision.
17. This site was the subject of the following permits:
    41-64 Building
    1135-86 Addition
    Approximate date of last improvement: Spring 1986
18. Signs for the Convenience Store/Fuel Service Station will comply with Section 413 of the BCZR and all zoning policies.
19. Restroom facilities, water and compressed air will be provided for customer use.
20. Zoning History

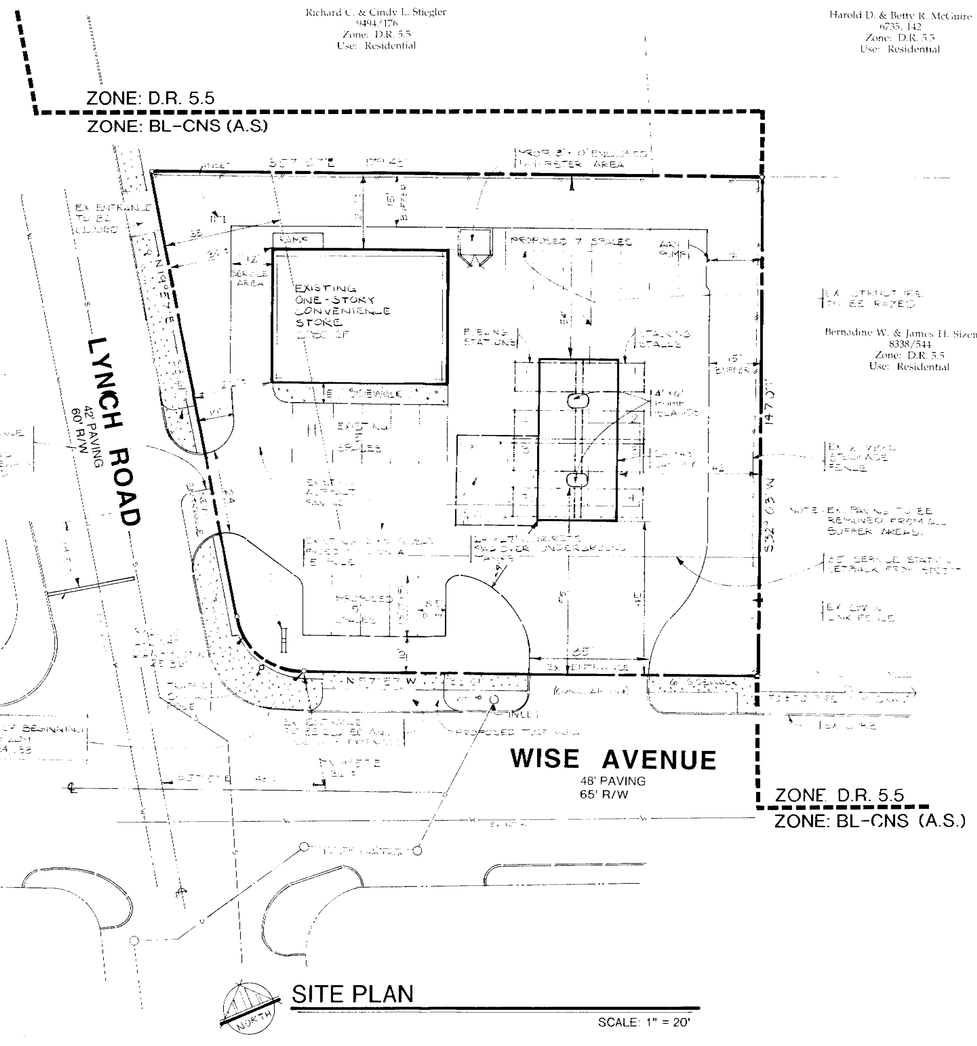
    This site was the subject of Zoning Case # 2582 R-S which requested the reclassification from an "A" Residential Zone to an "E" Commercial Zone and a Special Permit to use the property for a Gasoline Service Station. On May 22, 1953, the Zoning Commissioner of Baltimore County granted both requests.

    This site was also the subject of Zoning Case # 3257-S which requested a Special Permit to use the land for the erection of one illuminated 12' x 25' Poster Panel on the East side of Lynch Road approximately 90' North of Wise Ave. On December 16, 1964, the Zoning Commissioner of Baltimore County denied the petition on the grounds that the structure would be detrimental to the safety and general welfare of the community.
21. Requested Zoning Action:

    Special Exception Pursuant to § 405.2.B.1 of the Baltimore County Zoning Regulations to allow a fuel service station in a BL-CNS (A.S.) zone

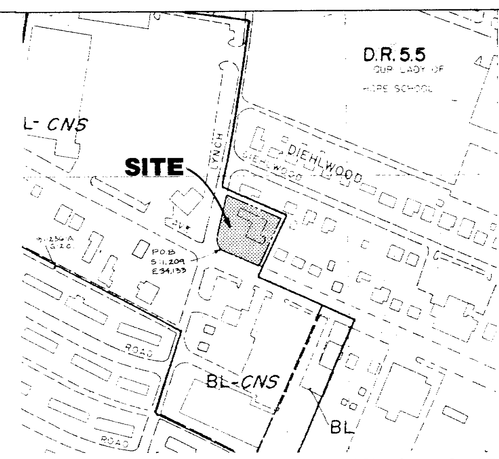
    Variance pursuant to § 405.4A.2.A. to allow a service station building 22 feet from a street right of way in lieu of the required 35

Attorney: G. Scott Barhight, Whiteford, Taylor & Preston, 400 Court Towers, 210 West Pennsylvania Avenue, Towson, MD 21204-4515, (410) 832-2000

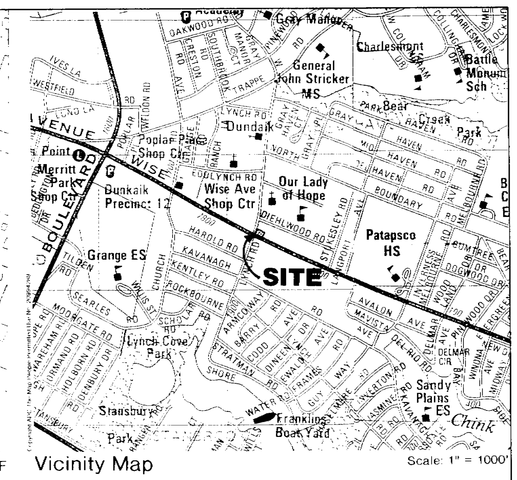


SITE PLAN

SCALE: 1" = 20'

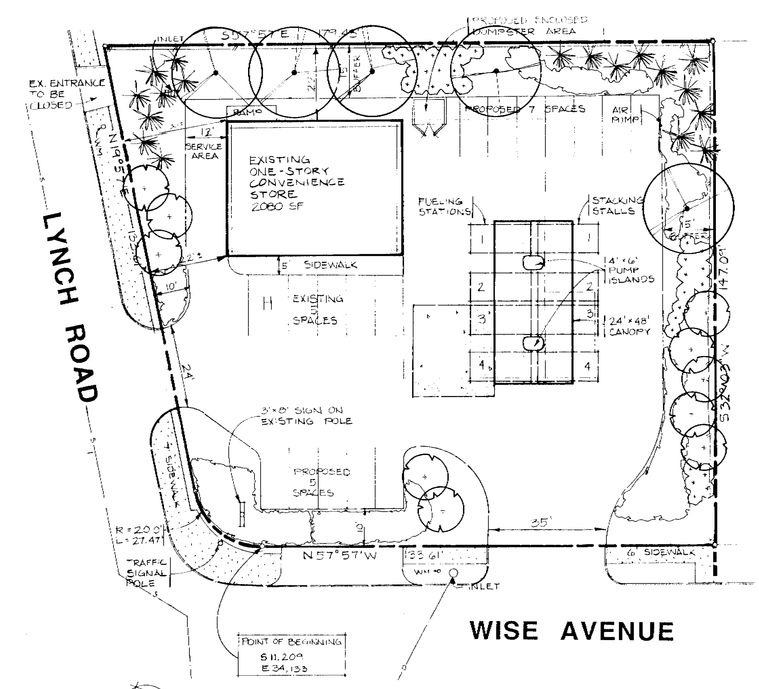


PORTION OF 200' SCALE BALTIMORE COUNTY ZONING MAP S.E. 3F



Vicinity Map

Scale: 1" = 1000'



LANDSCAPE PLAN

Scale: 1" = 20'

LEGEND

- Major Shade Tree
- Flowering Tree
- Evergreen Tree
- Large Shrub
- Shrub

PETITIONER'S EXHIBIT No 3

DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

Site Plan to Accompany Petition for Special Exception and Variance

HIGH'S-WISE AVENUE

12th Election District — Baltimore County, MD

DATE	BY	REVISIONS
[illegible]	[illegible]	[illegible]

ISSUE DATES			
REVIEW:		BASE:	
BID:		DRAWN:	
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
SCALE:	As Shown	DATE CHECKED:	
PROJECT NO.:	95001	DRAWING:	

NOTES:

1. Current Owner: Weinman-Lehman Corporation, P.O. Box 5992, C/O Melvin Weinman, Baltimore, MD 21208
   Applicant: Highs of Baltimore, Inc., 1340-L Charwood Road, Hanover, MD 21076
2. Site Area: .547 Ac ±, 23,827 SF
3. Existing Use: Convenience Store
   Proposed Use: Convenience Store and Fuel Service Station, 2 pump islands with 1 MPD's at each island
4. Site Data: Tax Map 103, Block 12, Parcel 297, Deed Reference: 4273/6, Tax Account No.: 12-1223017810, Zoning: BL-CNS (A.S.), Election District: 12, Councilmanic Dist.: 7, Street Address: 7900 Wise Ave, Dundalk, MD 21222
5. Setbacks:

	Required	Provided
Service Station:	35' from ROW	23'
Fuel Pump	25' from ROW	57'
Canopy	15' from ROW	48'
Buffer	15' from residentially zoned property	15'
Landscape Transition Area	10' from ROW	10'

6. Building Height:
   Existing Convenience Store: 15'
   Proposed Canopy: 16'-2"
7. Minimum Site Area
   Convenience Store SF x 4: 8,320 SF
   Fuel Site: 15,000 SF
   Total: 23,320 SF
   Existing Site Area: 23,827 SF
8. Parking Required:
   1 space/ employee on the largest shift = 3
   5 spaces/ 1000 SF of retail = 11
   1 space/ compressed air pump = 1
   Total: 15
   Parking Provided: 17
9. Stacking Required:
   1 space/ side of pump island = 4
   Stacking Provided: = 4
10. The proposed canopy is lighted underneath and directed downward. There will be no additional site lighting.
11. There will be signage on three sides of the canopy fascia.
12. Proposed hours of operation: 5:30 AM to 11:00 PM, 7 days a week.
13. Public water and sanitary utilities are currently provided to the existing building.
14. Floor Area Ratio:
    Permitted: = 3.0
    Total Existing: = 0.09
    Total Proposed: = 0.09
15. Amenity Open Space: N/A
16. The base information and boundary location shown hereon have been compiled from a site survey, deeds, and other sources believed to be reliable; however, their accuracy is not guaranteed and is subject to revision.
17. This site was the subject of the following permits:
    41-64 Building
    1135-86 Addition
    Approximate date of last improvement: Spring 1986
18. Signs for the Convenience Store/Fuel Service Station will comply with Section 413 of the BCZR and all zoning policies.
19. Restroom facilities, water and compressed air will be provided for customer use.
20. Zoning History:

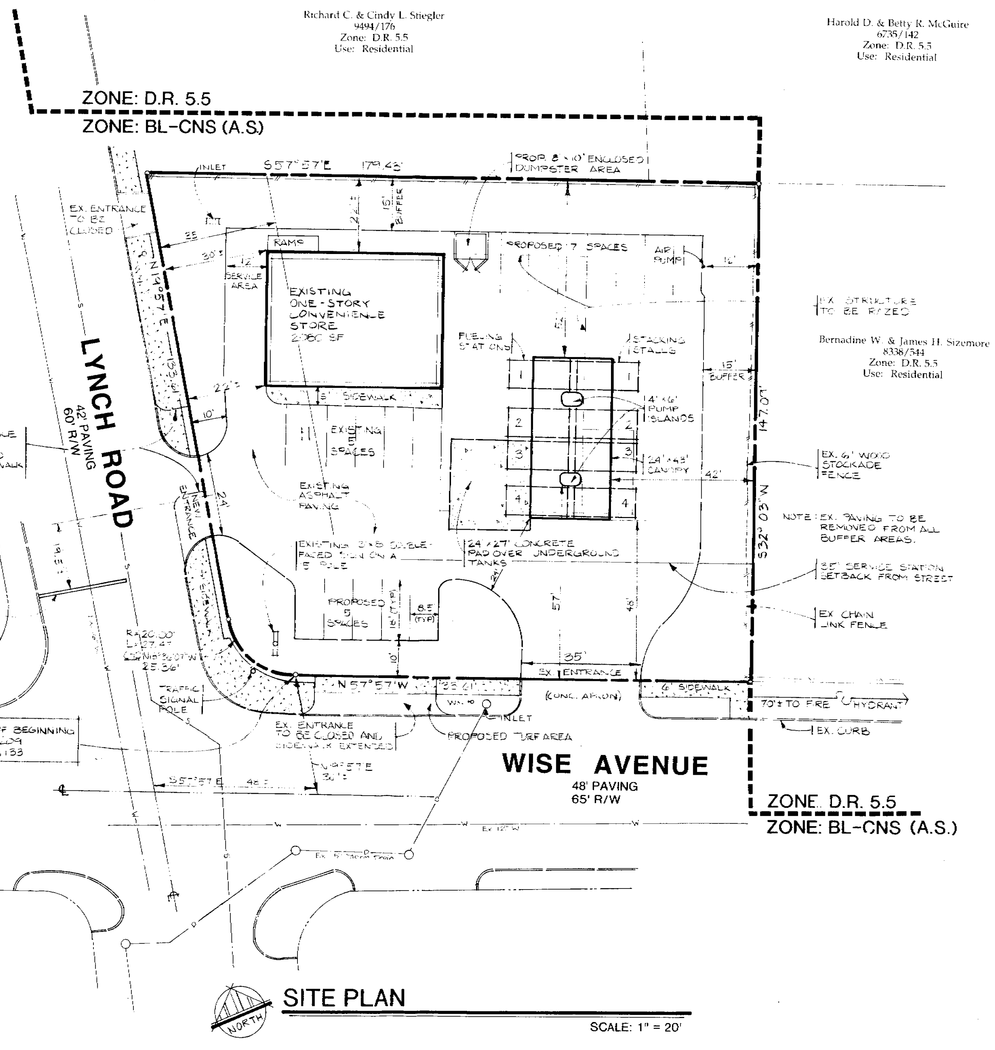
    This site was the subject of Zoning Case # 2582 R-S which requested the reclassification from an "A" Residential Zone to an "E" Commercial Zone and a Special Permit to use the property for a Gasoline Service Station. On May 22, 1953, the Zoning Commissioner of Baltimore County granted both requests.

    This site was also the subject of Zoning Case # 3257-S which requested a Special Permit to use the land for the erection of one illuminated 12' x 25' Poster Panel on the East side of Lynch Road approximately 90' North of Wise Ave. On December 16, 1954, the Zoning Commissioner of Baltimore County denied the petition on the grounds that the structure would be detrimental to the safety and general welfare of the community.
21. Requested Zoning Action:

    Special Exception Pursuant to § 405.2.B.1 of the Baltimore County Zoning Regulations to allow a fuel service station in a BL-CNS (A.S.) zone.

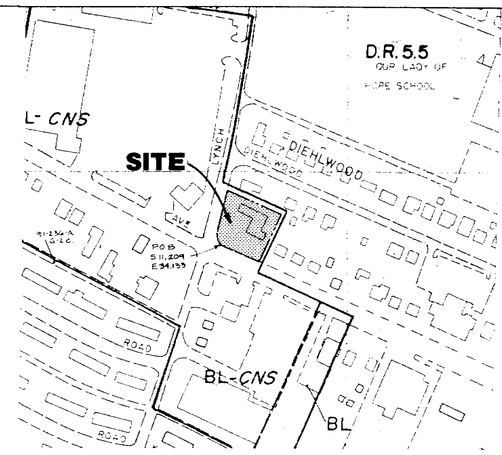
    Variance pursuant to § 405.4A.2.A. to allow a service station building 22 feet from a street right of way in lieu of the required 35'

Attorney:
G. Scott Barhight
Whiteford, Taylor & Preston
400 Court Towers
210 West Pennsylvania Avenue
Towson, MD 21204-4515
(410) 832-2000

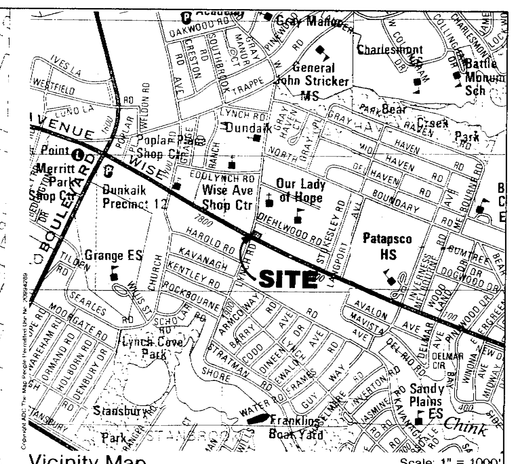


SITE PLAN

SCALE: 1" = 20'

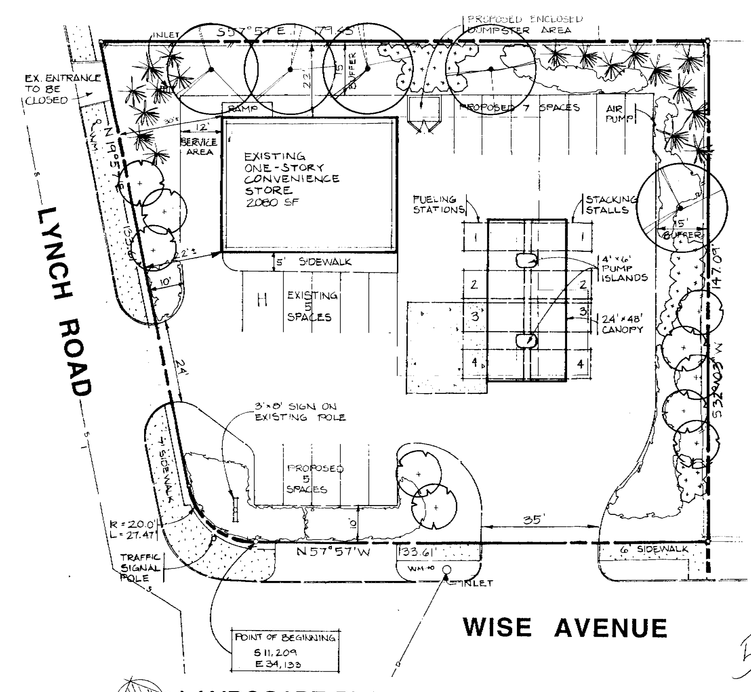


PORTION OF 200' SCALE BALTIMORE COUNTY ZONING MAP S.E. 3F



Vicinity Map

Scale: 1" = 1000'



LANDSCAPE PLAN

Scale: 1"= 20'

LEGEND

- Major Shade Tree
- Flowering Tree
- Evergreen Tree
- Large Shrub
- Shrub

PETITIONER'S EXHIBIT NO. 1

58

96-59-A

DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

Site Plan to Accompany Petition for Special Exception and Variance

HIGH'S-WISE AVENUE

12th Election District — Baltimore County, MD

DATE	BY	REVISIONS

ISSUE DATES			
REVIEW:		BASE:	C.Z.
BID:		DRAWN:	C.Z.
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
SCALE:	As Shown	DATE CHECKED:	8-7-95
PROJECT NO.:	95001	DRAWING:	