

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - SE/Corner Eastern
Boulevard and Island Point Road * DEPUTY ZONING COMMISSIONER
(8235 Eastern Boulevard)
15th Election District * OF BALTIMORE COUNTY
7th Councilmanic District *
* Case No. 97-128-XA
Racetrac Petroleum, Inc., Property Owner;
Cloverland Farms Dairy, Inc., Contract Purchaser - Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 8235 Eastern Boulevard, located at its intersection with Diamond Point Road and Island Point Road in Essex. The Petitions were filed by the owners of the property, Racetrac Petroleum, Inc., through Max Lenker, President, and the Contract Purchaser, Cloverland Farms Dairy, Inc., by John M. Kemp, President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special exception for a fuel service station use in combination with an ancillary convenience store with a sales floor area of less than 1500 sq.ft., pursuant to Section 405.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from the B.C.Z.R. as follows: From Sections 405.4.A.1, 405.4.E.1, and 405.4.D.2 to permit a total site area of 18,708 sq.ft. in lieu of the minimum required 22,600 sq.ft.; from Sections 405.4.A.2.B and 409.8.A.4 to permit side yard landscape transition areas of 0 feet and 5 feet in lieu of the minimum required 10 feet; from Sections 405.4.A.3.D and 409.6 to permit 5 parking spaces in lieu of the required 9 spaces; and from Section 405.4.B to permit a waiver of the required restroom facilities. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Appearing at the hearing on behalf of the Petitions were John Kemp, President of Cloverland Farms Dairy, Inc., Contract Purchaser, Nick Braaden, Professional Engineer with G. W. Stephens, Jr. and Associates, Inc., who prepared the site plan for this property, Timmy Ruppertsberger, and Robert A. Hoffman, Esquire, attorney for the Petitioners. No one appeared in opposition to the request; however, several citizens from the surrounding community appeared in full support of the Petitioners' request.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.593 acres, more or less, zoned B.R.-I.M. and is improved with an automotive service station which has been abandoned for some time and has become an eyesore to the surrounding community. Fortunately, the Contract Purchasers are desirous of renovating the property and proposed to remove all existing structures and construct a Royal Farm Store with ancillary gasoline fuel sales. The proposed improvements to the site are more particularly described on the site plan submitted and marked as Petitioner's Exhibit 1. The Contract Purchaser has been successful over the years at purchasing abandoned and run-down properties and recycling them into attractive and productive businesses. This is another example of such an effort by Cloverland Farms Dairy, Inc. In order to proceed with the proposed improvements, however, the relief requested is necessary.

It is clear that the B.C.Z.R. permits the use proposed in a B.R.-I.M. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and

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DATE
BY

requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

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

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

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

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief 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 relief should be granted.

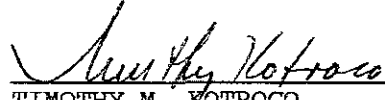
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of December, 1996 that the Petition for Special Exception for a fuel service station use in combination with an ancillary convenience store with a sales floor area of less than 1500 sq.ft., pursuant to Section 405.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.), 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 the B.C.Z.R. as follows: From Sections 405.4.A.1, 405.4.E.1, and 405.4.D.2 to permit a total site area of 18,708 sq.ft. in lieu of the minimum required 22,600 sq.ft.; from Sections 405.4.A.2.B and 409.8.A.4 to permit side yard landscape transition areas of 0 feet and 5 feet in lieu

ORDER RECEIVED FOR FILING
12/19/96
12/19/96

of the minimum required 10 feet; from Sections 405.4.A.3.D and 409.6 to permit 5 parking spaces in lieu of the required 9 spaces; and from Section 405.4.B to permit a waiver of the required restroom facilities, 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.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 12/17/96
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

December 17, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
SE/Corner Eastern Boulevard and Island Point Road
(8235 Eastern Boulevard)
15th Election District - 7th Councilmanic District
Racetrac Petroleum, Inc., Property Owner;
Cloverland Farms Dairy, Inc., Contract Lessee - Petitioners
Case No. 97-128-XA

Dear Mr. Hoffman:

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,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Max Lenker, President, Racetrac Petroleum, Inc.
P.O. Box 103035, Atlanta, GA 30348

Mr. John M. Kemp, President, Cloverland Farms Dairy, Inc.
2200 North Monroe Street, Baltimore, MD 21217

Mr. Nick Braaden, G. W. Stephens, Jr. & Associates, Inc.
658 Kenilworth Avenue, Towson, Md. 21286

People's Counsel; Case File

MICROFILMED



Petition for Special Exception¹²⁸ to the Zoning Commissioner of Baltimore County

for the property located at 8235 Eastern Boulevard

which is presently zoned BR-IM

97-128-XA

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 part of 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 pursuant to Section 405.2.B of the Baltimore County Zoning Regulations (with an ancillary convenience store sales floor area less than 1500 square feet)

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 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:

Cloverland Farms Dairy, Inc.

(Type or Print Name)

By: John M. Kemp
Signature John M. Kemp, President

2200 North Monroe Street
Address

Baltimore MD 21217
City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature [Signature]
210 Allegheny Ave. (410) 494-6200
Address Phone No

Towson MD 21204
State Zipcode

Legal Owner(s):

Racetrac Petroleum, Inc.

(Type or Print Name)

By: Max Lenker
Signature Max Lenker, President

(Type or Print Name)

Signature

c/o Tax Department
P.O. Box 105035

Address

Phone No.

Atlanta GA 30348
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
Name

210 Allegheny Ave, Towson, MD 21204 (410) 494-6200
Address Phone No.

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

MICROFILMED

ORDER RECEIVED FOR FILING
Date 9.18.96 By KEC
DROP OFF
NO REVIEW



Petition for Variance

128

to the Zoning Commissioner of Baltimore County

for the property located at 8235 Eastern Boulevard

97-128-XA

which is presently zoned BR-IM

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 part of hereof, hereby petition for a Variance from Section(s)

See attached.

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

To be determined at 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 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:

Cloverland Farms Dairy, Inc.

(Type or Print Name)

By:

Signature John M. Kemp, President

2200 North Monroe Street

Address

Baltimore

City

MD

State

21217

Zipcode

Attorney for Petitioner:

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

Address

(410) 494-6200

Phone No

Towson

MD

State

21204

Zipcode

Legal Owner(s):

Racetrac Petroleum, Inc.

(Type or Print Name)

By:

Signature

(Type or Print Name)

Max Lenker, President

Signature

c/o Tax Department

P.O. Box 105035

Address

Phone No.

Atlanta

City

GA

State

30348

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE



UNDER RECEPTION FOR FILING
Date 8-18-96 402

DROP OFF
TO REVIEW
8-18-96 402

VARIANCES REQUESTED

97-128-XA

1. Variance of §405.4.A.1., 405.4.E.1. and 405.4.D.2. to permit a site area of 18,708 s.f. in lieu of the 22,600 s.f. required.
2. Variance of §405.4.A.2.B and 409.8.A.4 to permit side yard landscape transition areas of zero and five (5) ft. in lieu of the 10 ft. required.
3. Variance of §405.4.A.3.D and 409.6 to permit 5 parking spaces in lieu of the nine (9) spaces required.
4. Variance of §405.4.B to waive restrooms.

TO1DOCS1/BAW01/0030424.01

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

128

FROM THE OFFICE OF
 GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
 ENGINEERS
 658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

97-128-XA

Description to Accompany Petition for
 Special Exception and Variance

July 15, 1996

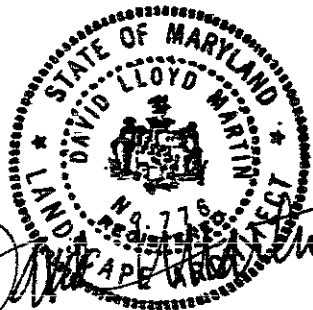
The Point of Beginning being located southeasterly 63 feet plus or minus from the point of intersection of the centerline Eastern Boulevard, also known as Maryland Route 150, and Island Point Road. Thence beginning for the same at the corner formed by the intersection of the south side of Eastern Boulevard and the east side of Island Point Road, thence binding on the south side of Eastern Boulevard,

- 1) Northeasterly by a curve to the left with a radius of 4638.33 feet for a distance of 37.78 feet, having a chord bearing and distance of North 59° 45' 11" East 37.78 feet,
- 2) North 59° 31' 11" East 168.69 feet,
- 3) North 59° 31' 11" East 25.00 feet, thence leaving the south side of Eastern Boulevard
- 4) South 30° 28' 49" East 139.01 feet, to the center of the paving of Old Eastern Avenue,
- 5) Thence running along the centerline of Old Eastern Avenue by a curve to the right with a radius of 520.87 feet for a distance of 146.38 feet, having a chord bearing and distance of South 69° 03' 52" West 145.90 feet, thence leaving said centerline:
- 6) North 11° 48' 30" East 16.44 feet to the east side of Island Point Road, thence binding on the east side of Island Point Road
- 7) North 52° 07' 54" West 26.00 feet,
- 8) North 29° 30' 49" West 59.00 feet,
- 9) North 13° 38' 02" East 22.26 feet to the point of beginning.

Containing 0.429 acres of land more or less.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY

NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS



MICROFILMED

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: #97-128-XA
(Item 128)

8235 Eastern Boulevard
Royal Farm Store
SE/S Eastern Boulevard and
NE/S Island Point Road
15th Election District
7th Councilmanic

Legal Owner(s):
Racetrac Petroleum, Inc.
Contract Purchaser(s):
Cloverland Farms Dairy, Inc.

Special Exception: for a fuel service station (with an ancillary convenience store sales floor area less than 1,500 square feet). Variance: to permit a site area of 18,708 square feet in lieu of the 22,600 square feet required; to permit side yard landscape transition areas of zero and 5 feet in lieu of the 10 feet required; to permit 5 parking spaces in lieu of the 9 spaces required; and to waive restrooms.

Hearing: Tuesday, October 22, 1996 at 9:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 867-3353.
(2) For information concerning the File and/or Hearing, Please Call 867-3391.

10/05/96 Oct. 3

C87794

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/3, 1996

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 10/3, 1996.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

A. H. Erickson

10/10/96 10/10/96

TO: PUTUMENT PUBLISHING COMPANY
October 3, 1996 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esq.
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204
494-6200

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: 97-128-XA (Item 128)
8235 Eastern Boulevard
Royal Farm Store
SE/S Eastern Boulevard and NE/S Island Point Road
15th Election District - 7th Councilmanic
Legal Owner(s): Racetrac Petroleum, Inc.
Contract Purchaser(s): Cloverland Farms Dairy, Inc.

Special Exception for a fuel service station (with an ancillary convenience store sales floor area less than 1,500 square feet).

Variance to permit a site area of 18,708 square feet in lieu of the 22,600 square feet required; to permit side yard landscape transition areas of zero and 5 feet in lieu of the 10 feet required; to permit 5 parking spaces in lieu of the 9 spaces required; and to waive restrooms.

HEARING: TUESDAY, OCTOBER 22, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

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.

MICROFILMED

SECRET
OFFICE OF THE SECRETARY OF DEFENSE

DATE 5/6/67

-ACCOUNT-

AMOUNT \$ 620.00 (VGR)

RECEIVED
FROM: _____

Cloverland Farms Dairy Inc

NOTICE - SPECIAL PRESENTATION

$\sigma^2 = 0.76$

~~CHLSD 10/16 = 12/04~~

3235 Haftern Boulevard

1. The first part of the paper is devoted to the study of the asymptotic behavior of the solutions of the system (1) as $\epsilon \rightarrow 0$. It is shown that the solutions of the system (1) converge to the solutions of the system (2) as $\epsilon \rightarrow 0$.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

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

September 27, 1996

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: 97-128-XA (Item 128)
8235 Eastern Boulevard
Royal Farm Store
SE/S Eastern Boulevard and NE/S Island Point Road
15th Election District - 7th Councilmanic
Legal Owner(s): Racetrac Petroleum, Inc.
Contract Purchaser(s): Cloverland Farms Dairy, Inc.

Special Exception for a fuel service station (with an ancillary convenience store sales floor area less than 1,500 square feet).

Variance to permit a site area of 18,708 square feet in lieu of the 22,600 square feet required; to permit side yard landscape transition areas of zero and 5 feet in lieu of the 10 feet required; to permit 5 parking spaces in lieu of the 9 spaces required; and to waive restrooms.

HEARING: TUESDAY, OCTOBER 22, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, reading "Arnold Jablon". The signature is written in a cursive, flowing style.

Arnold Jablon
Director

cc: Racetrac Petroleum, Inc.
Cloverland Farms Dairy, Inc.
Robert A. Hoffman, Esq.

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

MICROFILMED





Baltimore County
Department of Permits and
Development Management

TWK.

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

141

November 21, 1996

NOTICE OF REASSIGNMENT

Rescheduled from 10/22/96
CASE NUMBER: 97-128-XA (Item 128)
8235 Eastern Boulevard
Royal Farm Store
SE/S Eastern Boulevard and NE/S Island Point Road
15th Election District - 7th Councilmanic
Legal Owner(s): Racetrac Petroleum, Inc.
Contract Purchaser(s): Cloverland Farms Dairy, Inc.

Special Exception for a fuel service station (with an ancillary convenience store sales floor area less than 1,500 square feet).
Variance to permit a site area of 18,708 square feet in lieu of the 22,600 square feet required; to permit side yard landscape transition areas of zero and 5 feet in lieu of the 10 feet required; to permit 5 parking spaces in lieu of the 9 spaces required; and to waive restrooms.

HEARING: TUESDAY, DECEMBER 10, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

ARNOLD JABLON
DIRECTOR

cc: Racetrac Petroleum, Inc.
Cloverland Farms Dairy, Inc.
Robert A. Hoffman, Esq.
Ed Ziegensuss

MICROFILMED





Baltimore County
Department of Permits and
Development Management

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

October 18, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 128
Case No.: 97-128-XA
Petitioner: Racetrac Petroleum, Inc

Dear Mr. Hoffman:

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 September 18, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a circular official stamp.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

97-128-XA

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: October 7, 1996

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

SUBJECT: Zoning Advisory Committee Meeting
for October 7, 1996
Item No. 128

The Development Plans Review Division has reviewed the subject zoning item. The entrances to the proposed site will be constructed per Baltimore County's Department of Public Works Std. Plate R-29, Road & Street Details, Service Station Entrance Channelization at Road Intersection.

All improvements, intersections, entrances, drainage requirements and construction affecting a State road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

This office supports the variance to the Landscape Manual of 0 feet and 5 feet setbacks in lieu of the required 10 feet.

RWB:HJO:jrb

cc: File

ZONE30B

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

97-128-XA

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

September 26, 1996

FROM: Robert A. Wirth
DEPRM

SUBJECT: Zoning Item #128 - Racetrac Petroleum Inc.
8235 Eastern Boulevard
Zoning Advisory Committee Meeting of September 30, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Ground Water Management

Site to be served by a holding tank. Owner is responsible for pumping and maintenance.

RAW:sp

RACETRAC/DEPRM/TXTSBP

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

97-128-XA

DATE: 10/02/96

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

RE: Property Owner: RACETRAC PETROLEUM, INC.

Location: CORNER SE/S EASTERN BLVD. AND NE/S ISLAND POINT RD.
(8235 EASTERN BLVD. - ROYAL FARM STORE)

Item No.: 128 Zoning Agenda: SPECIAL EXCEPTIO/VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

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

cc: File

MICROFILMED





Maryland Department of Transportation
State Highway Administration

97-128-XA

David L. Winstead
Secretary

Parker F. Williams
Administrator

10/3/90

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

RE: Baltimore County
Item No. 128 (WCR)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, 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

MICROFILMED



Code

Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

CASE NUMBER C-97-2205

October 17, 1996

LOCATION: 8235 EASTERN AVENUE
BALTIMORE MD. 21224

OWNER: CLOVERLAND FARMS DAIRY INC.
2200 NORTH MONROE STREET
BALTIMORE, MD. 21217

R/A: NATHAN PATZ
2110 MARYLAND NATIONAL
BALTIMORE, MD. 21202

TAX ID: 1520301590

Dear Property Owners:

In accordance with the Baltimore County Code, Article IV, Section 402.(d), an inspection was conducted of the above commercially zoned location. This inspection revealed violation(s) according to the following code(s):

- (x) Building Code of Baltimore County, Maryland, Section 102.1.
- (x) Baltimore County Code Sec. 7-65 thru 7-70 Property Investment Act

The following correction(s) is/are required:

1. Maintain, replace and/or repair all exterior construction, including but not limited to broken windows and doors, flaking or worn exterior paint or conditions caused by vandalism.
2. Remove all rubbish or other debris from the premises.
3. Remove or maintain in good condition all permitted exterior signs.
4. Commercial properties must use boarding material to secure the property which is no greater than the opening and which matches the predominant exterior color of the structure.

Failure to comply by November 30, 1996 will result in further legal action in which you may be subject to a civil and/or criminal penalties. If you should have any questions please contact this office at 887-5681 or 887-3351.

Inspector Wasilewski
Code Enforcement Division

12/2/96 Inspected property Buildings not secure
Roof on Main building needs repair
Misc. Junk, Trash and debris on site
Inspector Wasilewski



Code Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

* * * * * CORRECTION NOTICE * * * * *

CASE NUMBER C-97-2156

ELECTION DISTRICT: 15

LOCATION: 8235 EASTERN AVENUE
BALTIMORE, MD 21224
TAX # 1520301590
OWNER: RACETRAC PETROLEUM
PO BOX 22845T
OKLAHOMA CITY OK. 73123
RACETRAC PETROLEUM
TAX DEPARTMENT
PO BOX 105035
ATLANTA, GEORGIA 30348

DEAR PROPERTY OWNERS:

PLEASE BE ADVISED THAT AN INSPECTION OF THE ABOVE REFERENCED
LOCATION REVEALED THAT THERE IS AN APPARENT VIOLATION AND THE FOLLOWING
CORRECTION IS REQUIRED:

- 1.REMOVE ALL UNLICENSED AND/OR INOPERATIVE MOTOR VEHICLES, AUTO PARTS, JUNK, TRASH AND DEBRIS FROM THE ABOVE LISTED LOCATION.
- 2.CEASE THE PARKING/STORAGE TRACTOR TRAILERS.
- 3.CEASE THE OPERATION OF A CLASS II TRUCKING FACILITY.

PLEASE NOTE: ABANDONED SERVICE STATIONS LOOSE THERE ZONING ONE YEAR AFTER THE USE IS ABANDONED.

IF YOU HAVE ANY FURTHER QUESTIONS, PLEASE CONTACT THIS OFFICE AT 887-5681. FAILURE TO COMPLY BY NOVEMBER 20, 1996 WILL RESULT IN THE ISSUANCE OF A CITATION WHEREIN YOU ARE SUBJECT TO A CIVIL PENALTY OF \$200.00 FOR EACH VIOLATION, AND EACH DAY SHALL BE CONSIDERED A SEPARATE VIOLATION (CIVIL PENALTY BILL #132-85).

INSPECTOR: WASILEWSKI

October 2, 1996

111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

September 27, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer, and Howard
210 Allegheny Avenue
Towson, MD 21204

97-128-XA
Hearing: 10/22/96-PP

RE: Drop-Off Petition Review (Item #128)
8235 Eastern Boulevard
15th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "JCM", written over the typed name and title.
Joseph C. Merrey
Planner I
Zoning Review

JCM:scj

Enclosure (receipt)

c: Zoning Commissioner



P.P.

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
8235 Eastern Blvd. (Royal Farm Store),	*	ZONING COMMISSIONER
SE/S Eastern Blvd. and NE/S Island Point Rd		
15th Election District, 7th Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner(s): Racetrac Petroleum, Inc.	*	CASE NO. 97-128-XA
Contract Purchaser(s): Cloverland Farms		
Dairy, Inc.	*	
Petitioners		
* * * * *		

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 21st day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

VENABLE
ATTORNEYS AT LAW

OFFICES IN

9/18/96

MARYLAND
WASHINGTON, D.C.
VIRGINIA

128

Writer's Direct Number:
(410) 494-6201

September 18, 1996

Via Hand Delivery

Mr. Carl Richards
Department of Permits & Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

DROP-OFF
9/18/96
uc

Re: Legal Owner: Racetrac Petroleum, Inc.
Contract Lessee: Cloverland Farms Dairy, Inc.
Property Location: 8235 Eastern Boulevard
Petition for Special Exception and Zoning Variance

OK

Dear Mr. Richards: Carl:

I am hereby drop filing the enclosed Petition for Special Exception and Variance with regard to the above captioned property. This request has been previously reviewed by Joe Merrey. Pursuant to Zoning Enforcement, there are no outstanding zoning violations on site. Enclosed for submittal are the following documents:

1. Petition for Special Exception (3);
2. Petition for Variance (3);
3. Zoning descriptions (3);
4. Site plans with 200' scale zoning map (12); and
5. Check in the amount of \$620.00.

If you have any questions, please give me a call.

Sincerely,

Barbara

Barbara W. Ormord
Legal Assistant

BWO:pmp
Enclosures

cc: Robert A. Hoffman, Esquire

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

VENABLE
ATTORNEYS AT LAW

Hand Delivery

Gwen Stephens
Dept. of Permits & Dev. Mgmt.

1.2.2007-4.27.07

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

VENABLE
ATTORNEYS AT LAW

96-5295
10/1/96
CG
JO FS
OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Writer's Direct Number:
410-494-6201

October 1, 1996

Hand Delivery

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No.: 97-128-XA
Petitioner: Cloverland Farms Dairy, Inc.

Dear Mr. Jablon:

I represent Cloverland Farms Dairy, Inc., the petitioner, in the above captioned matter. The hearing in this matter has been scheduled for Tuesday, October 22, 1996, and unfortunately John Kemp, Vice President of Cloverland Farms Dairy, Inc. will be out of town at that time. Therefore, I respectfully request a postponement of the hearing to another date, preferably after November 15, 1996.

Thank you for your consideration.

Yours truly,



Robert A. Hoffman

cc: Lawrence Schmidt, Zoning Commissioner
John M. Kemp, Cloverland Farms Dairy, Inc.
Dawn Brader, G. W. Stephens & Associates

bw
TOIDOC51/BAW01/0031692.01

9331 1-100

RECEIVED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

<u>NAME</u>
Rob Hoffman
Timmy Ruppensberger
John Kemp
Nick Braader

<u>ADDRESS</u>
210 Allegheny Ave 21204
210 Allegheny Ave 21204
2200 W. Monroe St. 21217
658 Kenilworth Ave 21204

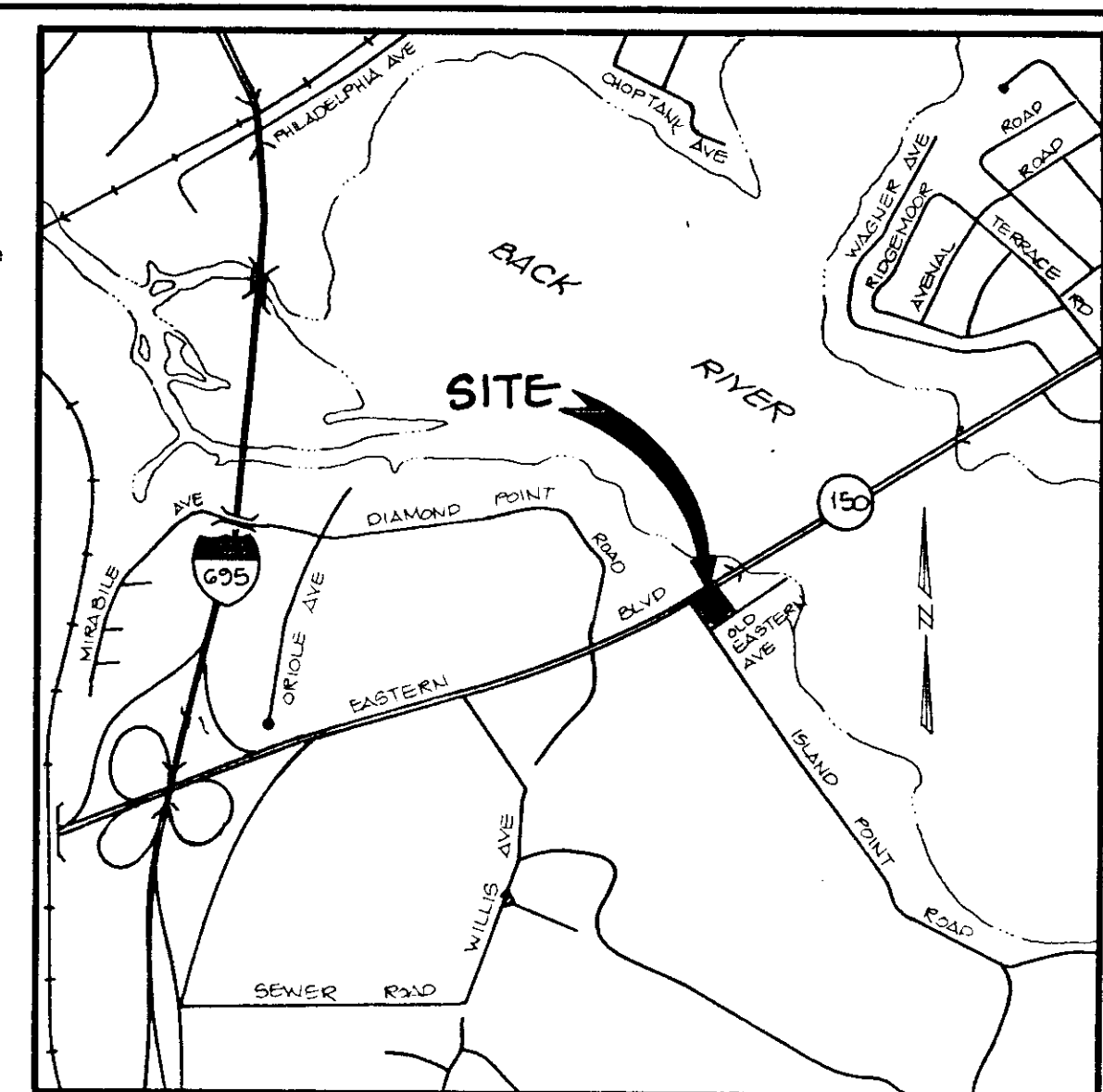


MICROFILMED

"EMPLOYEE TABULATION"	
HOURS OF OPERATION	24 HRS / 7 DAYS PER WEEK
MAX NO. OF EMPLOYEES	15 - 20
MAX NO. OF EMPLOYEES / SHIFT	MORNING / AFTERNOON = 3 AFTERNOON / EVENING = 3 NIGHT = 2

LEGEND	
PROPERTY LINE	---
EX. CURB & GUTTER	---
EX. FIRE HYDRANT	---
EX. WATER	---
EX. FORCE MAIN	---
EX. STORM DRAIN	---
EX. GAS	---
EX. BG & E POLE	---
EX. ROAD RIGHT-OF-WAY	---
ZONING LINE	---
EX. FENCE	---
EX. STREETLIGHT	---
EX. CONCRETE	---
EX. GRAVEL	---
EX. OVERHEAD LINES	---
EX. TELEPHONE CONDUIT	---
EX. BOLLARD POLE / LIGHT	---

SITE DATA	
Site Area	0.429 AC ±
Existing Zoning	ML-IM
Existing Use	Abandoned Automotive Station
Proposed Use	Convenience Store w/ Fuel Pumps
Deed Reference	7510/096
Tax Account Number	15-1520301590
Ancillary Uses	Minor ancillary uses as permitted in Section 405 of the B.Z.C.R. (No additional square footage required)
Existing Building Floor Area:	
Total	1300 S.F.
Sales Floor Area	920 S.F.
Floor Area Ratio	1300 S.F. / 18,687 S.F. = 0.07 (2.0 permitted)
Existing Building Height	14' ±
Proposed Building Height	14' ±
SITE AREA REQUIRED	
8 Servicing Spaces x 1500 S.F.	= 12,000 S.F. (Use 15,000 S.F.)
Total Min. Site Area Required	15,000 S.F.
Total Site Area Provided	18,680 S.F.
PARKING SPACES	
Fuel Service w/Combination Use	
1300 @ 5/1000	= 7 P.S.
	+ 3 for maximum shift
	= 11 P.S.
Total Required	11 P.S.
Total Provided	7 P.S. (Includes 1 Handicap)
PARKING SPACE DIMENSIONS	
Typical Space	8'5" x 18'
Parallel Space	7'5" x 21'
Handicap Space	16' x 18'
	(All spaces to be permanently striped)

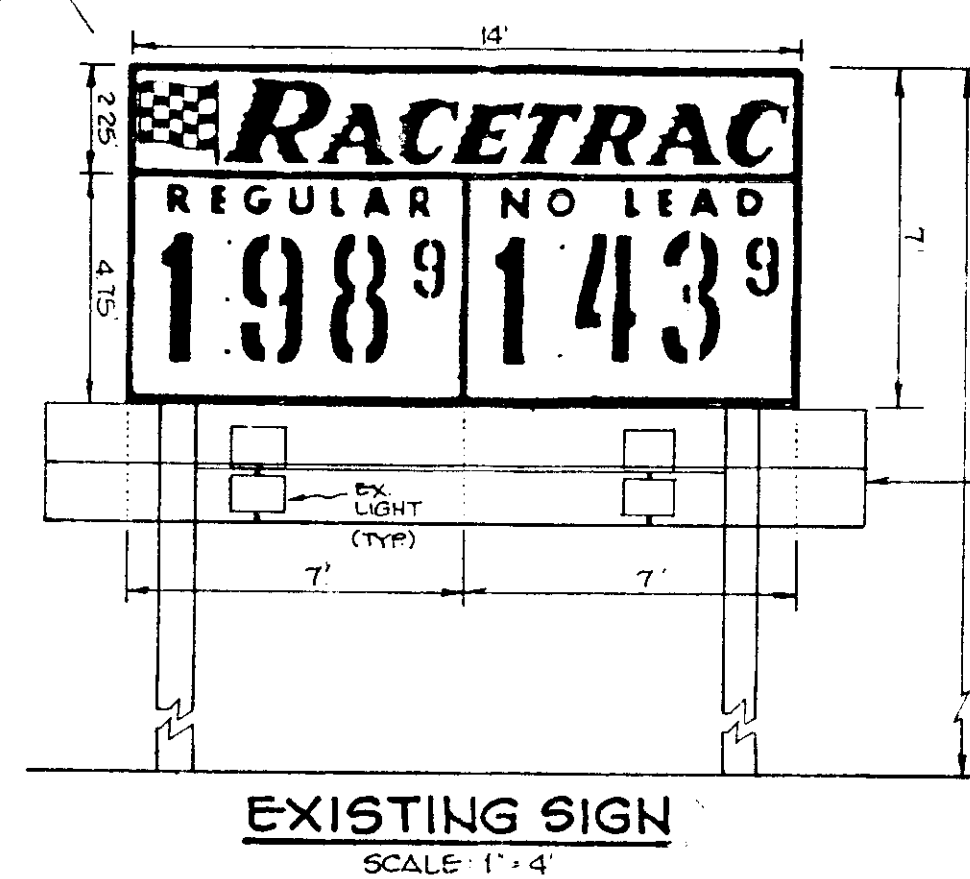
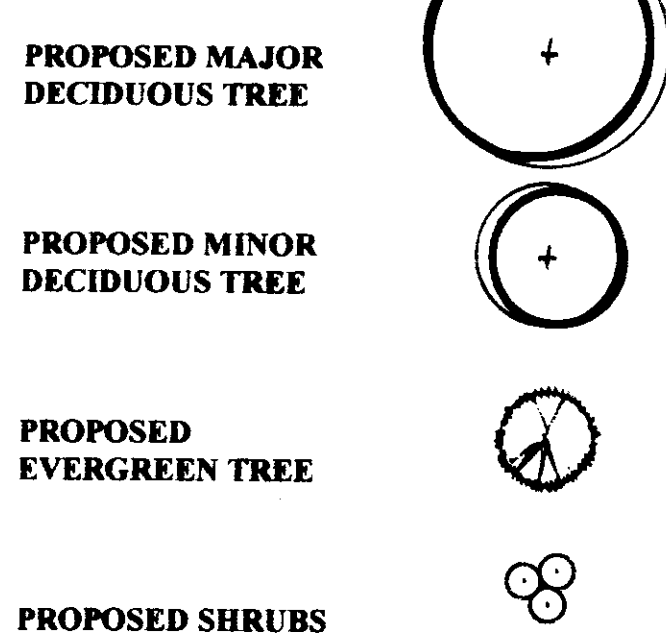


VICINITY MAP
SCALE: 1"=1000'

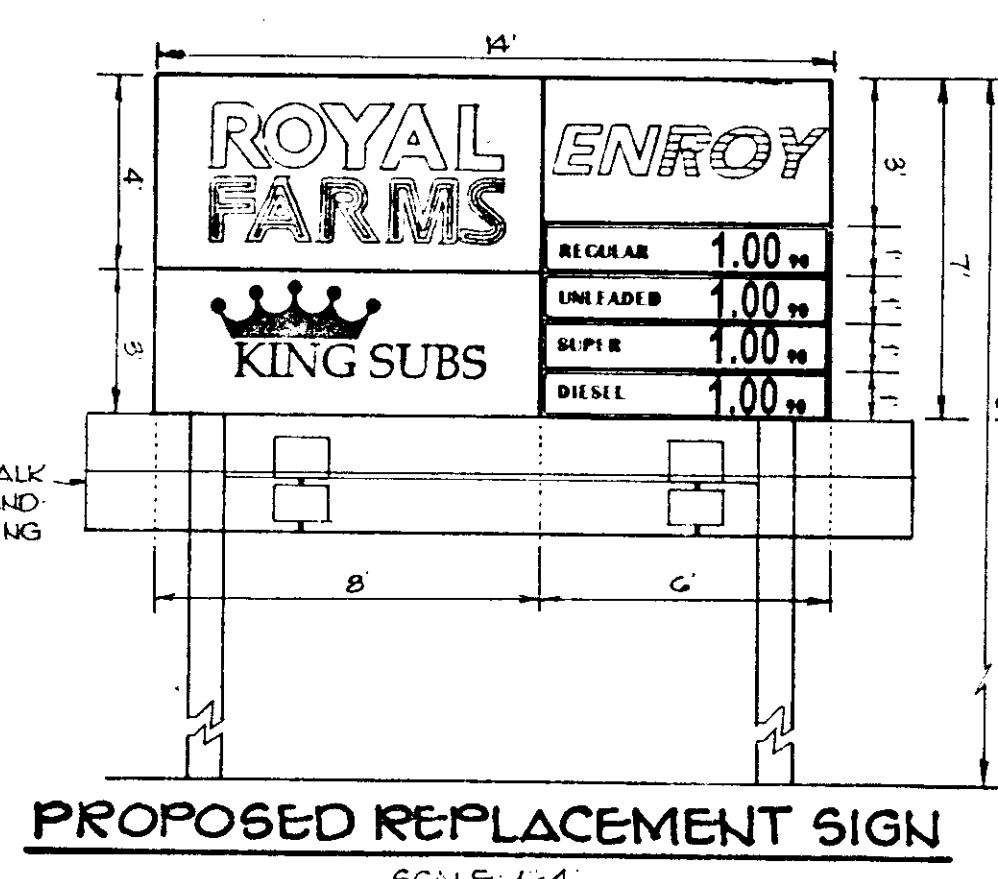
LANDSCAPE CALCULATIONS

<i>Planting Units Required:</i>			
Adjacent Roads	@ 1 P.U. / 40 L.F.	=	9.5 P.U.
	380 L.F. / 40		
Transition Area	@ 1 P.U. / 10 L.F.	=	37.8 P.U.
	378 L.F. / 10		
TOTAL P.U. REQUIRED			= 47.3 P.U.
<i>Planting Units Provided</i>			
Major Deciduous	@ 1.1	0	7 = 7 P.U.
Minor Deciduous	@ 2.1	0	4 = 2 P.U.
Evergreen	@ 2.1	0	12 = 6 P.U.
Shrub	@ 5.1	0	162 = 32.4 P.U.
TOTAL P.U. PROVIDED			= 47.4 P.U.

KEY



EXISTING SIGN
SCALE: 1"=4'



PROPOSED REPLACEMENT SIGN
SCALE: 1"=4'

THERE ARE TWO (2) PROPOSED REPLACEMENT SIGNS WITH A TOTAL OF FOUR (4) FACES TOTALING 252 S.F. OF SIGN AREA.

THIS IS A PROSPECTIVE REPRESENTATION OF THE PROPOSED REPLACEMENT SIGN. PLACEMENT AND DIMENSIONS OF THE SIGN LOGOS ARE SUBJECT TO MODIFICATION BY THE DEVELOPER. THE TOTAL SIGN DIMENSIONS WILL REMAIN UNCHANGED. THE EXISTING SIGN AND PROPOSED REPLACEMENT SIGN ARE EACH DOUBLE-FACED AND ILLUMINATED. EACH FACE HAS AN AREA OF 88 S.F. INCLUDING PRICING AREAS. THIS ONE SIGN HAS A TOTAL OF 2 FACES TOTALING 176 S.F.
*SEE ZONING COMMISSIONER'S POLICY MANUAL PAGE 4-69.3

 GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC. CIVIL ENGINEERS & LAND SURVEYORS 658 KENILWORTH DRIVE, SUITE 100 TOWSON, MARYLAND 21204 (410) 825-8120	DEVELOPER Cloverland Farms Dairy, Inc. 2200 North Monroe Street Baltimore, Maryland 21217 (410) 669-2222	OWNER Racetrac Petroleum, Inc. c/o Tax Department P.O. Box 105035 Atlanta, Georgia 30348	SCHEMATIC LANDSCAPING PLAN ROYAL FARM STORE 8235 Eastern Boulevard Baltimore, Maryland 21224 Election District 15 Councilmanic District 7 Scale: 1"=20' Tax Map 96 - Parcel 152 June 26, 1996 Sheet 2 of 2
---	---	---	--

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - SE/Corner Eastern
Boulevard and Island Point Road * DEPUTY ZONING COMMISSIONER
(8235 Eastern Boulevard)
15th Election District * OF BALTIMORE COUNTY
7th Councilmanic District
* Case No. 97-128-XA
Racetrac Petroleum, Inc., Property Owner;
Cloverland Farms Dairy, Inc., Contract Purchaser - Petitioners
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 8235 Eastern Boulevard, located at its intersection with Diamond Point Road and Island Point Road in Essex. The Petitions were filed by the owners of the property, Racetrac Petroleum, Inc., through Max Lenker, President, and the Contract Purchaser, Cloverland Farms Dairy, Inc., by John M. Kemp, President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special exception for a fuel service station use in combination with an ancillary convenience store with a sales floor area of less than 1500 sq.ft., pursuant to Section 405.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from the B.C.Z.R. as follows: From Sections 405.4.A.1, 405.4.E.1, and 405.4.D.2 to permit a total site area of 18,708 sq.ft. in lieu of the minimum required 22,600 sq.ft.; from Sections 405.4.A.2.B and 409.8.A.4 to permit side yard landscape transition areas of 0 feet and 5 feet in lieu of the minimum required 10 feet; from Sections 405.4.A.3.D and 409.6 to permit 5 parking spaces in lieu of the required 9 spaces; and from Section 405.4.B to permit a waiver of the required restroom facilities. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were John Kemp, President of Cloverland Farms Dairy, Inc., Contract Purchaser, Nick Braaden, Professional Engineer with G. W. Stephens, Jr. and Associates, Inc., who prepared the site plan for this property, Timmy Ruppertsberger, and Robert A. Hoffman, Esquire, attorney for the Petitioners. No one appeared in opposition to the request; however, several citizens from the surrounding community appeared in full support of the Petitioners' request.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.593 acres, more or less, zoned B.R.-I.M. and is improved with an automotive service station which has been abandoned for some time and has become an eyesore to the surrounding community. Fortunately, the Contract Purchasers are desirous of renovating the property and proposed to remove all existing structures and construct a Royal Farm Store with ancillary gasoline fuel sales. The proposed improvements to the site are more particularly described on the site plan submitted and marked as Petitioner's Exhibit 1. The Contract Purchaser has been successful over the years at purchasing abandoned and run-down properties and recycling them into attractive and productive businesses. This is another example of such an effort by Cloverland Farms Dairy, Inc. In order to proceed with the proposed improvements, however, the relief requested is necessary.

It is clear that the B.C.Z.R. permits the use proposed in a B.R.-I.M. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and

requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

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

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

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

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief 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 relief should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of December, 1996 that the Petition for Special Exception for a fuel service station use in combination with an ancillary convenience store with a sales floor area of less than 1500 sq.ft., pursuant to Section 405.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.), 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 the B.C.Z.R. as follows: From Sections 405.4.A.1, 405.4.E.1, and 405.4.D.2 to permit a total site area of 18,708 sq.ft. in lieu of the minimum required 22,600 sq.ft.; from Sections 405.4.A.2.B and 409.8.A.4 to permit side yard landscape transition areas of 0 feet and 5 feet in lieu

of the minimum required 10 feet; from Sections 405.4.A.3.D and 409.6 to permit 5 parking spaces in lieu of the required 9 spaces; and from Section 405.4.B to permit a waiver of the required restroom facilities, 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.

Timothy M. Kotrood
TIMOTHY M. KOTROOD
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs



Baltimore County
Zoning Commission
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

December 17, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
SE/Corner Eastern Boulevard and Island Point Road
(8235 Eastern Boulevard)
15th Election District - 7th Councilmanic District
Racetrac Petroleum, Inc., Property Owner;
Cloverland Farms Dairy, Inc., Contract Lessee - Petitioners
Case No. 97-128-XA

Dear Mr. Hoffman:

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. Kotrood
TIMOTHY M. KOTROOD
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Max Lenker, President, Racetrac Petroleum, Inc.
P.O. Box 103035, Atlanta, GA 30348

Mr. John M. Kemp, President, Cloverland Farms Dairy, Inc.
2200 North Monroe Street, Baltimore, MD 21217

Mr. Nick Braaden, G. W. Stephens, Jr. & Associates, Inc.
658 Kenilworth Avenue, Towson, Md. 21286

People's Counsel; Case File



Petition for Special Exception
to the Zoning Commissioner of Baltimore County

for the property located at 8235 Eastern Boulevard
which is presently zoned BR-IM

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 part of 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 pursuant to Section 405.2.B of the Baltimore County Zoning Regulations (with an ancillary convenience store sales floor area less than 1500 square feet)

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 this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Cloverland Farms Dairy, Inc.
(Type or Print Name)
By: *John M. Kemp*
Signature John M. Kemp, President
2200 North Monroe Street
Address
Baltimore MD 21217
City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
(Type or Print Name)
By: *Robert A. Hoffman*
Signature
210 Allegheny Ave.
Address
Baltimore MD 21204
City State Zipcode

(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.)

Legal Owner(s):

Racetrac Petroleum, Inc.
(Type or Print Name)
By: *Max Lenker*
Signature Max Lenker, President
2200 North Monroe Street
Address
Baltimore MD 21217
City State Zipcode

Signature

c/o Tax Department
P.O. Box 105035
Address
Atlanta GA 30348
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted:
Robert A. Hoffman
Venable, Baetjer and Howard, LLP
Name
210 Allegheny Ave., Towson, MD 21204 (410) 494-6200
Address Phone No.

ESTIMATED LENGTH OF HEARING

unavailable for hearing the following dates
Next Two Months
ALL OTHER DATE

REVIEWED BY: DATE

ORDER RECEIVED FOR FILING
Date
By

PROF OFF
NO REVIEW
9-18-96 401

Zoning Administration
& Development Management



Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at 8235 Eastern Boulevard
which is presently zoned BR-IM

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 part of hereof, hereby petition for a Variance from Section(s)

See attached.

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

To be determined at 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 this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Cloverland Farms Dairy, Inc.
(Type or Print Name)
By: *John M. Kemp*
Signature John M. Kemp, President
2200 North Monroe Street
Address
Baltimore MD 21217
City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
(Type or Print Name)
By: *Robert A. Hoffman*
Signature
210 Allegheny Ave.
Address
Baltimore MD 21204 (410) 494-6200
City State Zipcode

ESTIMATED LENGTH OF HEARING

unavailable for hearing the following dates
Next Two Months
ALL OTHER DATE

REVIEWED BY: DATE

ORDER RECEIVED FOR FILING
Date
By

PROF OFF
NO REVIEW
9-18-96 401

Zoning Administration
& Development Management

ORDER RECEIVED FOR FILING
Date
By

9-18-96 401

VARIANCES REQUESTED

1. Variance of \$405.4.A.1., 405.4.E.1. and 405.4.D.2. to permit a site area of 18,708 s.f. in lieu of the 22,600 s.f. required.
2. Variance of \$405.4.A.2.B and 409.8.A.4 to permit side yard landscape transition areas of zero and five (5) ft. in lieu of the 10 ft. required.
3. Variance of \$405.4.A.3.D and 409.6 to permit 5 parking spaces in lieu of the nine (9) spaces required.
4. Variance of \$405.4.B to waive restrooms.

T01DOCS1/BAW01/0030424.01

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
608 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description to Accompany Petition for
Special Exception and Variance

July 15, 1996

The Point of Beginning being located southeasterly 63 feet plus or minus from the point of intersection of the centerline Eastern Boulevard, also known as Maryland Route 150, and Island Point Road. Thence beginning for the same at the corner formed by the intersection of the south side of Eastern Boulevard and the east side of Island Point Road, thence binding on the south side of Eastern Boulevard.

- 1) Northeasterly by a curve to the left with a radius of 4638.33 feet for a distance of 37.78 feet, having a chord bearing and distance of North 59° 45' 11" East 37.78 feet.
- 2) North 59° 31' 11" East 168.69 feet.
- 3) North 59° 31' 11" East 25.00 feet, thence leaving the south side of Eastern Boulevard
- 4) South 30° 28' 49" East 139.01 feet, to the center of the paving of Old Eastern Avenue.
- 5) Thence running along the centerline of Old Eastern Avenue by a curve to the right with a radius of 520.87 feet for a distance of 146.38 feet, having a chord bearing and distance of South 69° 03' 52" West 145.90 feet, thence leaving said centerline:
- 6) North 11° 48' 30" East 16.44 feet to the east side of Island Point Road, thence binding on the east side of Island Point Road
- 7) North 52° 07' 54" West 26.00 feet.
- 8) North 29° 30' 49" West 59.00 feet.
- 9) North 13° 38' 02" East 22.26 feet to the point of beginning.

Containing 0.429 acres of land more or less.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS



128

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/3, 1996

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 10/3, 1996.

THE JEFFERSONIAN,
A. Henickson
LEGAL AD. - TOWSON

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 West Chesapeake Avenue, Towson, Maryland 21204, on Tuesday, October 22, 1996 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case #97-128-XA (Item 128)
8235 Eastern Boulevard
Royal Farm Store
SE/S Eastern Boulevard and NE/S Island Point Road
15th Election District - 7th Councilmanic
Legal Owner(s): Racetrac Petroleum, Inc.
Contract Purchaser(s): Cloverland Farms Dairy, Inc.
Special Exception for a fuel service station (with an ancillary convenience store sales floor area less than 1,500 square feet) to permit side yard landscape transition areas of zero and 5 feet in lieu of the 10 feet required; to permit 5 parking spaces in lieu of the 9 spaces required; and to waive restrooms.
Hearing: Tuesday, October 22, 1996 at 9:00 a.m. in Room 118, Old Courthouse.
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, CONTACT THIS OFFICE AT 887-3391.
10/30/96 Del. 3 C/774

BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 9/13/96 ACCOUNT 001-5150
AMOUNT \$ 121.00 (TWR)
RECEIVED FROM: Cloverland Farms Dairy, Inc.
FOR: 1225 Western Boulevard
TOWSON, MD 21204
VALIDATION OR SIGNATURE OF CASHIER
CASHIER: [Signature] PINK - AGENCY YELLOW - CUSTOMER

TO: FUTURE PUBLISHING COMPANY
October 3, 1996 Same - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esq.
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204
494-6200

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 West Chesapeake Avenue in Towson, Maryland 21204

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

CASE NUMBER: 97-128-XA (Item 128)

8235 Eastern Boulevard
Royal Farm Store
SE/S Eastern Boulevard and NE/S Island Point Road
15th Election District - 7th Councilmanic
Legal Owner(s): Racetrac Petroleum, Inc.
Contract Purchaser(s): Cloverland Farms Dairy, Inc.

Special Exception for a fuel service station (with an ancillary convenience store sales floor area less than 1,500 square feet).
Variance to permit a site area of 18,708 square feet in lieu of the 22,600 square feet required; to permit side yard landscape transition areas of zero and 5 feet in lieu of the 10 feet required; to permit 5 parking spaces in lieu of the 9 spaces required; and to waive restrooms.
HEARING: TUESDAY, OCTOBER 22, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

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.



Baltimore County
Department of Permits and
Development Management

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

September 27, 1996

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 West Chesapeake Avenue in Towson, Maryland 21204

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

CASE NUMBER: 97-128-XA (Item 128)
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Variance to permit a site area of 18,708 square feet in lieu of the 22,600 square feet required; to permit side yard landscape transition areas of zero and 5 feet in lieu of the 10 feet required; to permit 5 parking spaces in lieu of the 9 spaces required; and to waive restrooms.

HEARING: TUESDAY, OCTOBER 22, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Racetrac Petroleum, Inc.
Cloverland Farms Dairy, Inc.
Robert A. Hoffman, Esq.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING 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

November 21, 1996

NOTICE OF REASSIGNMENT

Rescheduled from 10/22/96
CASE NUMBER: 97-128-XA (Item 128)
8235 Eastern Boulevard
Royal Farm Store
SE/S Eastern Boulevard and NE/S Island Point Road
15th Election District - 7th Councilmanic
Legal Owner(s): Racetrac Petroleum, Inc.
Contract Purchaser(s): Cloverland Farms Dairy, Inc.

Special Exception for a fuel service station (with an ancillary convenience store sales floor area less than 1,500 square feet).
Variance to permit a site area of 18,708 square feet in lieu of the 22,600 square feet required; to permit side yard landscape transition areas of zero and 5 feet in lieu of the 10 feet required; to permit 5 parking spaces in lieu of the 9 spaces required; and to waive restrooms.

HEARING: TUESDAY, DECEMBER 10, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
DIRECTOR

cc: Racetrac Petroleum, Inc.
Cloverland Farms Dairy, Inc.
Robert A. Hoffman, Esq.
Ed Ziegensuss

Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

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

October 18, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 128
Case No.: 97-128-XA
Petitioner: Racetrac Petroleum, Inc.

Dear Mr. Hoffman:

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 September 18, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: October 7, 1996

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

SUBJECT: Zoning Advisory Committee Meeting
for October 7, 1996
Item No. 128

The Development Plans Review Division has reviewed the subject zoning item. The entrances to the proposed site will be constructed per Baltimore County's Department of Public Works Std. Plate R-29, Road & Street Details, Service Station Entrance Channelization at Road Intersection.

All improvements, intersections, entrances, drainage requirements and construction affecting a State road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

This office supports the variance to the Landscape Manual of 0 feet and 5 feet setbacks in lieu of the required 10 feet.

RWB:HJO:jrb

cc: File

ZUNE30B

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
September 26, 1996

FROM: Robert A. Wirth
DEPRM

SUBJECT: Zoning Item #128 - Racetrac Petroleum Inc.
8235 Eastern Boulevard
Zoning Advisory Committee Meeting of September 30, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Ground Water Management

Site to be served by a holding tank. Owner is responsible for pumping and maintenance.

RAW:sp

RACETRAC/DEPRM/TATSBP

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 10/8/96

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

RE: Property Owner: RACETRAC PETROLEUM, INC.

Location: CORNER SE/S EASTERN BLVD. AND NE/S ISLAND POINT RD.
(8235 EASTERN BLVD. - ROYAL FARM STORE)

Item No.: 128 Zoning Agenda: SPECIAL EXCEPTION/VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

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

cc: File

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on Recycled Paper

Maryland Department of Transportation
State Highway Administration
97-128-XA

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County
Item No. 128 (WCR)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

Michael E. Smith
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2288 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Code Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

CASE NUMBER C-97-2205

October 17, 1996

LOCATION: 8235 EASTERN AVENUE

BALTIMORE, MD. 21224

OWNER: CLOVERLAND FARMS DAIRY INC.

R/A: NATHAN PATZ

2200 NORTH MONROE STREET

2110 MARYLAND NATIONAL

BALTIMORE, MD. 21217

BALTIMORE, MD. 21202

TAX ID: 1520301590

Dear Property Owners:

In accordance with the Baltimore County Code, Article IV, Section 402.4(b), an inspection was conducted of the above commercially zoned location. This inspection revealed violation(s) according to the following code(s):

(x) Building Code of Baltimore County, Maryland, Section 102.1.

(x) Baltimore County Code Sec. 7-65 thru 7-70 Property Investment Act

The following correction(s) is/are required:

1. Maintain, replace and/or repair all exterior construction, including but not limited to broken windows and doors, flaking or worn exterior paint or conditions caused by vandalism.
2. Remove all rubbish or other debris from the premises.
3. Remove or maintain in good condition all permitted exterior signs.
4. Commercial properties must use boarding material to secure the property which is no greater than the opening and which matches the predominant exterior color of the structure.

Failure to comply by November 30, 1996 will result in further legal action in which you may be subject to a civil and/or criminal penalties. If you should have any questions please contact this office at 887-5661 or 887-3351.

Inspector Wasilewski
Code Enforcement Division

11/1/96 Inspected property. Buildings not secure from vandals. Signs and debris on property. Inspected by Wasilewski.

Code Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

CASE NUMBER C-97-2156 ELECTION DISTRICT: 15

LOCATION: 8235 EASTERN AVENUE

BALTIMORE, MD 21224

TAX # 1520301590

OWNER: RACETRAC PETROLEUM

PO BOX 228457

OKLAHOMA CITY OK. 73123

RACETRAC PETROLEUM

TAX DEPARTMENT

PO BOX 105035

ATLANTA, GEORGIA 30348

DEAR PROPERTY OWNERS:

PLEASE BE ADVISED THAT AN INSPECTION OF THE ABOVE REFERENCED LOCATION REVEALED THAT THERE IS AN APPARENT VIOLATION AND THE FOLLOWING CORRECTION IS REQUIRED:

1. REMOVE ALL UNLICENSED AND/OR INOPERATIVE MOTOR VEHICLES, AUTO PARTS, JUNK, TRASH AND DEBRIS FROM THE ABOVE LISTED LOCATION.
2. CEASE THE PARKING/STORAGE TRUCKS TRAILERS.
3. CEASE THE OPERATION OF A CLASS II TRUCKING FACILITY.

PLEASE NOTE: ABANDONED SERVICE STATIONS LOOSE THERE ZONING ONE YEAR AFTER THE USE IS ABANDONED.

IF YOU HAVE ANY FURTHER QUESTIONS, PLEASE CONTACT THIS OFFICE AT 887-5661. FAILURE TO COMPLY BY NOVEMBER 20, 1996 WILL RESULT IN THE ISSUANCE OF A CITATION WHEREIN YOU ARE SUBJECT TO A CIVIL PENALTY OF \$200.00 FOR EACH VIOLATION, AND EACH DAY SHALL BE CONSIDERED A SEPARATE VIOLATION (CIVIL PENALTY BILL #132-85).

INSPECTOR: WASILEWSKI

October 2, 1996

111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204



Baltimore County
Department of Permits and
Development Management

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

September 27, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer, and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Drop-Off Petition Review (Item #128)
8235 Eastern Boulevard
15th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Joseph C. Merrey
Joseph C. Merrey
Zoning Review

JCM:scj

Enclosure (receipt)

c: Zoning Commissioner

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on Recycled Paper

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
8235 Eastern Blvd. (Royal Farm Store),
SE/S Eastern Blvd. and NE/S Island Point Rd
15th Election District, 7th Councilmanic
Legal Own. r(s): Racetrac Petroleum, Inc.
Contract Purchaser(s): Cloverland Farms
Dairy, Inc.
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-128-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 27th day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

VENABLE
ATTORNEYS AT LAW

September 18, 1996

Via Hand Delivery

Mr. Carl Richards
Department of Permits & Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Legal Owner: Racetrac Petroleum, Inc.
Contract Lessee: Cloverland Farms Dairy, Inc.
Property Location: 8235 Eastern Boulevard
Petition for Special Exception and Zoning Variance

Dear Mr. Richards: Carl:

I am hereby drop filing the enclosed Petition for Special Exception and Variance with regard to the above captioned property. This request has been previously reviewed by Joe Merrey. Pursuant to Zoning Enforcement, there are no outstanding zoning violations on site. Enclosed for submittal are the following documents:

1. Petition for Special Exception (3);
2. Petition for Variance (3);
3. Zoning descriptions (3);
4. Site plans with 200' scale zoning map (12); and
5. Check in the amount of \$620.00.

If you have any questions, please give me a call.

Sincerely,

Barbara W. Ormord
Barbara W. Ormord
Legal Assistant

BWO:pmp

Enclosures

cc: Robert A. Hoffman, Esquire

TO:DOCS1/BAW01/0010897.01

Hand Delivery
Gwen Stephens
Dept. of Permits & Dev. Mgmt.

VENERABLE

October 1, 1996

Hand Delivery:
Arnold Jablon, Director
Office of Zoning Administration
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No.: 97-128-XA
Petitioner: Cloverland Farms Dairy, Inc.

Dear Mr. Jablon:

I represent Cloverland Farms Dairy, Inc., the petitioner, in the above captioned matter. The hearing in this matter has been scheduled for Tuesday, October 22, 1996, and unfortunately John Kemp, Vice President of Cloverland Farms Dairy, Inc. will be out of town at that time. Therefore, I respectfully request a postponement of the hearing to another date, preferably after November 15, 1996.

Thank you for your consideration.

Yours truly,



Robert A. Hoffman

cc: Lawrence Schmidt, Zoning Commissioner
John M. Kemp, Cloverland Farms Dairy, Inc.
Dawn Brader, G. W. Stephens & Associates

Writer's Direct Number:
410-494-6201

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

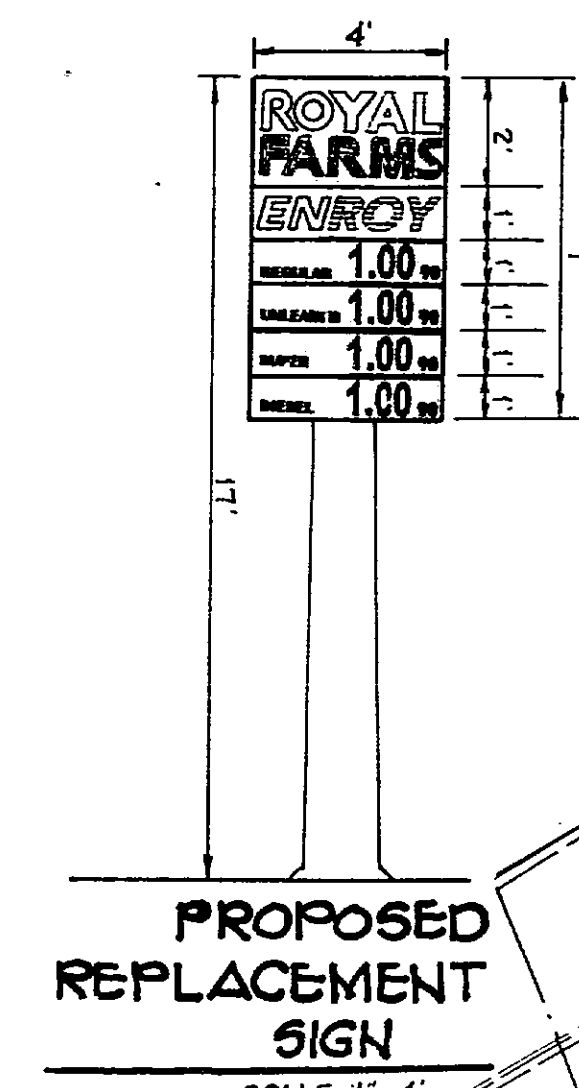
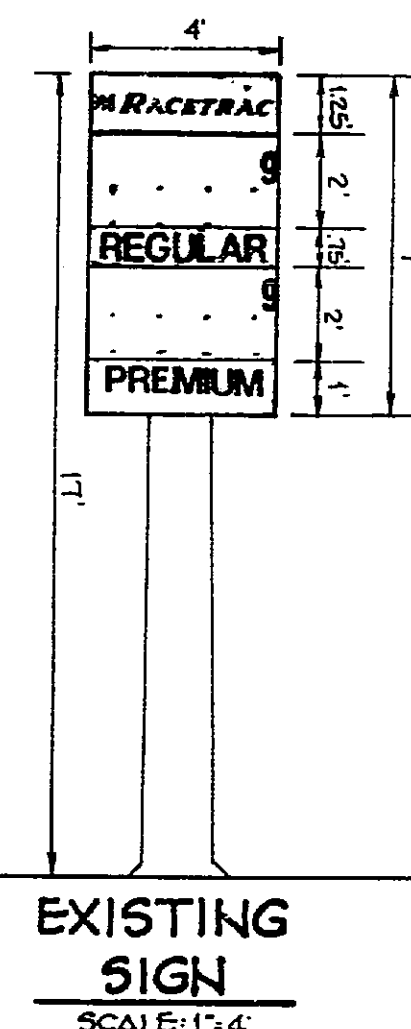
96-5295

DETENTIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Robert Hartman	210 Allegheny Ave 21204
Timothy Ruppelshagen	210 Allegheny Ave 21209
John Henry	2200 W. Monroe St. 21211
Nick Brander	658 Kenilworth Ave 21204

GENERAL NOTES

- Stormwater management is exempt (no additional paving)
- All signs to be in accordance with B.C.Z.R.
- Site will comply with section 405.4 A.Z.C. (B.C.Z.R.)
- Any underground fuel tanks to be installed with all local, state & federal regulations
- Final landscape plan to be approved by Baltimore County
- The site shall be made to comply with all applicable sections of the Fire Prevention Code prior to occupancy or beginning of operation
- The buildings and structures existing or proposed shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code" 1991 Edition prior to occupancy
- All lighting that is to be relocated will be positioned so as not to reflect into residential areas or interfere with traffic
- Dumpster is to be screened
- The buildings and structures existing or proposed shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code" 1991 Edition prior to occupancy
- The Site is in the IDA Critical Area
- All existing on-site structures, paving and concrete are to be removed unless otherwise noted



THIS IS A PROSPECTIVE REPRESENTATION OF THE PROPOSED REPLACEMENT SIGN. PLACEMENT AND DIMENSIONS OF THE SIGN LOGOS ARE SUBJECT TO MODIFICATION BY THE DEVELOPER. THE TOTAL SIGN DIMENSIONS WILL REMAIN UNCHANGED.

THE EXISTING SIGN AND PROPOSED REPLACEMENT SIGN ARE EACH DOUBLE-FACED AND ILLUMINATED. EACH FACE HAS AN AREA OF 28 S.F. INCLUDING PRICING AREAS. THIS ONE SIGN HAS A TOTAL OF 2 FACES TOTALING 56 S.F.

*SEE ZONING COMMISSIONER'S POLICY MANUAL PAGE 4-69.3

- ## LEGEND
- PROPERTY LINE
 - EX. CURB & GUTTER
 - PROX. CURB & GUTTER
 - EX. FIRE HYDRANT
 - EX. WATER
 - EX. FORCE MAIN
 - EX. STORM DRAIN
 - EX. GAS
 - EX. 80 & 8" POLE
 - EX. ROAD RIGHT-OF-WAY
 - ZONING LINE
 - EX. FENCE
 - EX. STREETLIGHT
 - EX. CONCRETE
 - EX. GRAVEL



(EMPTY LOT)
STATE OF MARYLAND
STATE ROADS COMMISSION
1187/77
P.25

SITE DATA

Gross Site Area	0.923 AC.
Net Site Area	0.429 AC.
Existing Zoning	BR-1M
Existing Use	Abandoned Automotive Station
Proposed Use	Fuel Service Station
Ancillary Use	Convenience Store
Deed Reference	7510/096
Tax Account Number	15-1520301990
Existing Building Floor Area	1600 S.F.
Total	1300 S.F. - 18,687 S.F. = 0.09 (2.0 permitted)
Sales Floor Area	1432
Floor Area Ratio	1432
Existing Building Height	14'2"
Proposed Building Height	14'2"

SITE AREA REQUIRED

12 Servicing Spaces x 1500 S.F.	18,000 S.F.
1180 (Sales Floor Area) x 4	4,720 S.F.
Total Min. Site Area Required	22,720 S.F.
Total Site Area Provided	18,708 S.F.

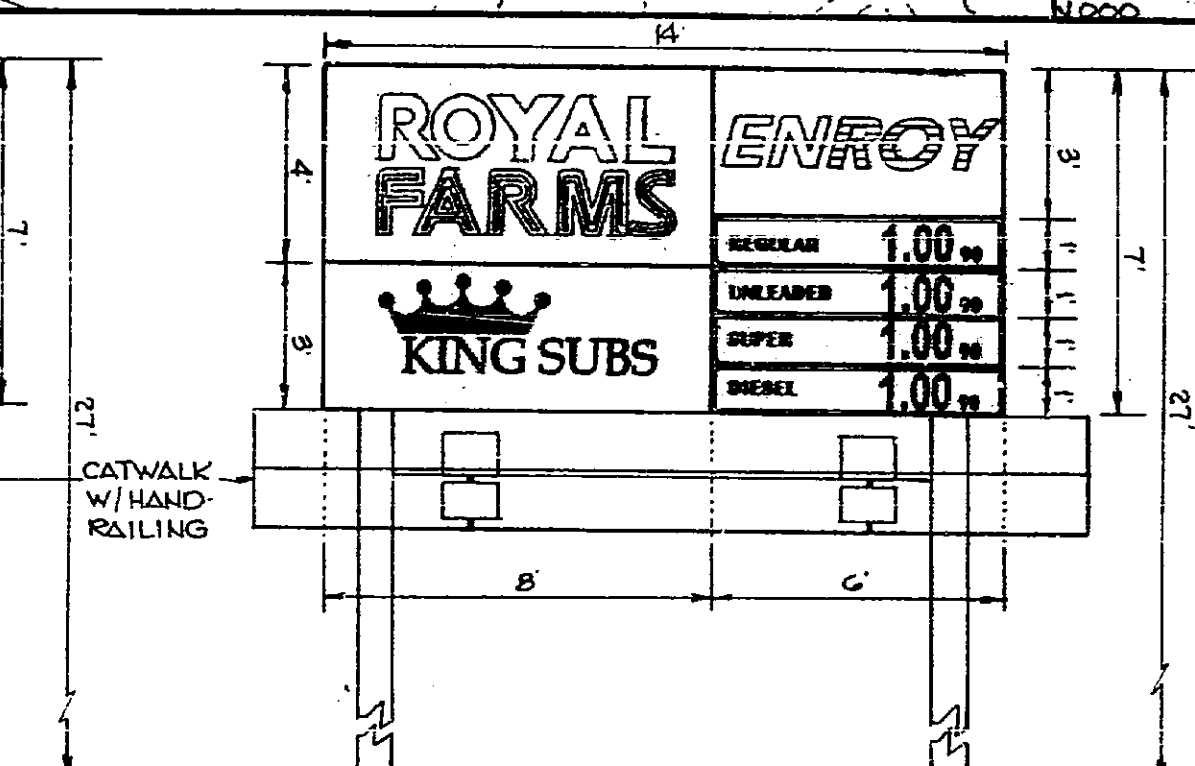
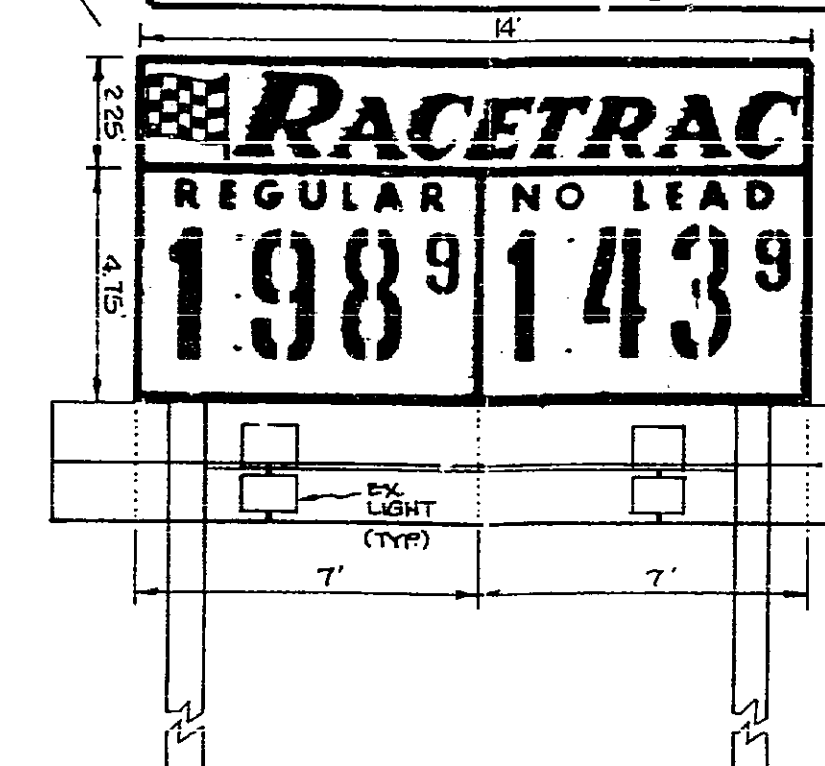
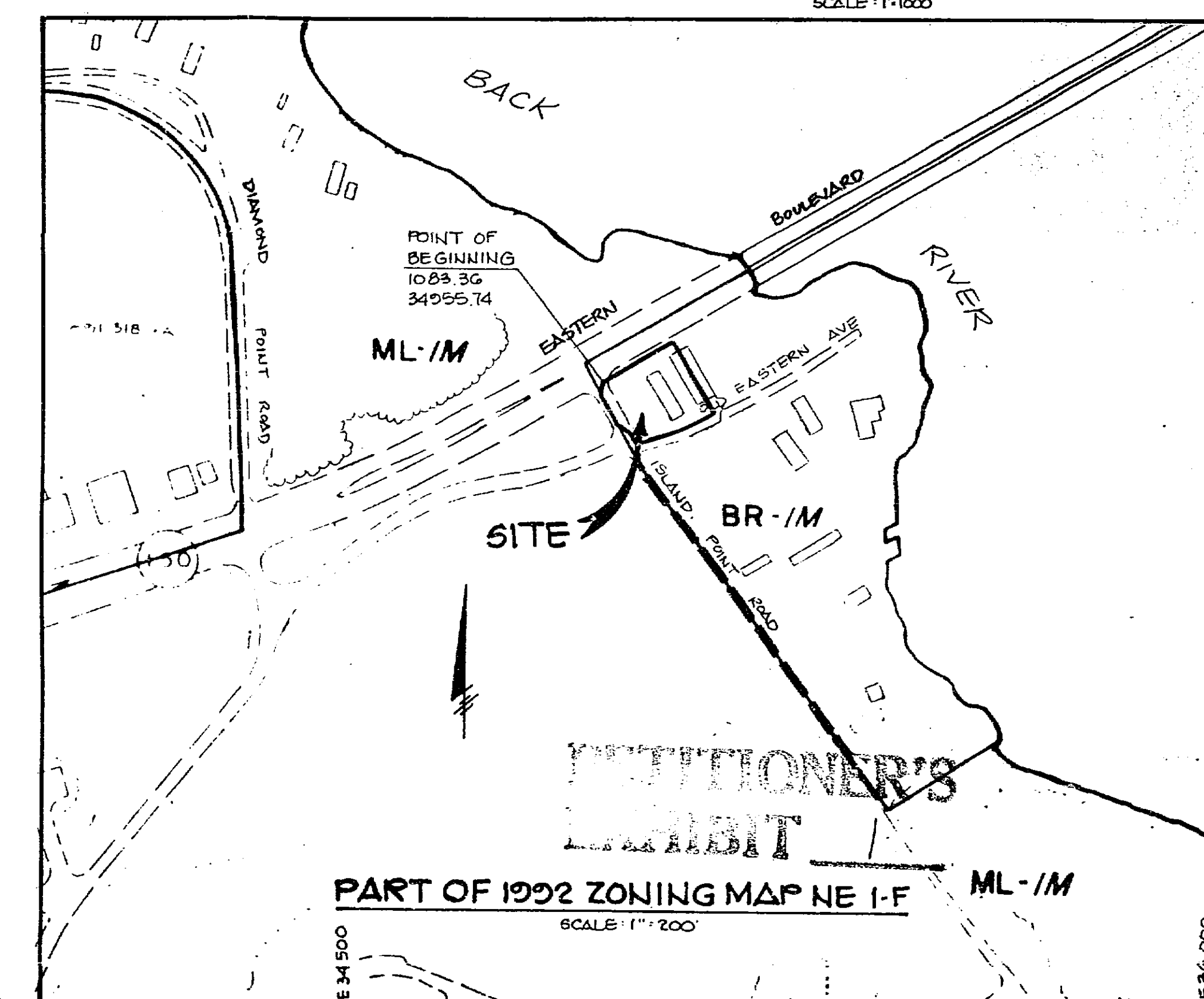
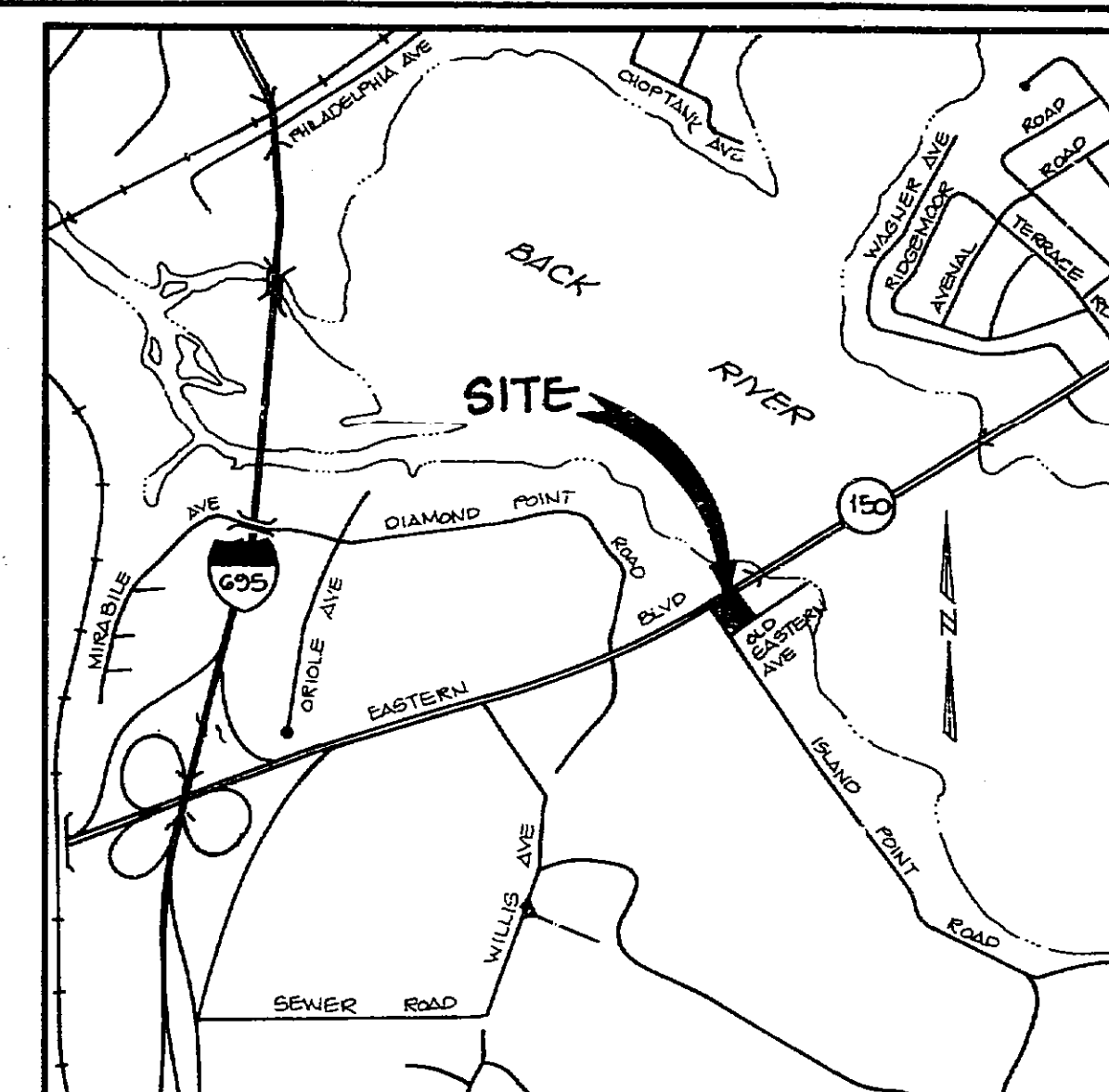
PARKING SPACES

Fuel Service w/Combination Use:	1600 @ 5/1000	= 3.2 S.P.
Total Required:		= 3.2 S.P.
Total Provided:		= 3.2 S.P. (Includes 1 Handicap)

PARKING SPACE DIMENSIONS

Typical Space	8'5" x 18'
Parallel Space	7'5" x 21'
Handicap Space	10' x 18'

(All spaces to be permanently striped)



THIS IS A PROSPECTIVE REPRESENTATION OF THE PROPOSED REPLACEMENT SIGN. PLACEMENT AND DIMENSIONS OF THE SIGN LOGOS ARE SUBJECT TO MODIFICATION BY THE DEVELOPER. THE TOTAL SIGN DIMENSIONS WILL REMAIN UNCHANGED. THE EXISTING SIGN AND PROPOSED REPLACEMENT SIGN ARE EACH DOUBLE-FACED AND ILLUMINATED. EACH FACE HAS AN AREA OF 28 S.F. INCLUDING PRICING AREAS. THIS ONE SIGN HAS A TOTAL OF 2 FACES TOTALING 56 S.F.

*SEE ZONING COMMISSIONER'S POLICY MANUAL PAGE 4-69.3

THERE ARE TWO (2) PROPOSED REPLACEMENT SIGNS WITH A TOTAL OF FOUR (4) FACES TOTALING 252 S.F. OF SIGN AREA.

VARIANCES & SPECIAL EXCEPTION REQUESTED

- Variance to permit a site area of 18,708 S.F. in lieu of the 22,800 S.F. required [Sections 405.4.A.1, 405.4.E.1, and 405.4.D.2.]
- Variance to permit side yard landscape transition areas of zero and 5' in lieu of the 10' area required [Section 405.4.A.2.B.]
- Variance to permit 5 parking spaces in lieu of 9 required [Sections 405.4.A.3.D and 405.4.A.2.]
- Variance to waive restrooms [Section 405.4.B.]
- Special exception to permit a fuel service station with an ancillary convenience store with a sales area of 1180' or less [Section 405.4.D.2.]

DEVELOPER
Cloverland Farms Dairy, Inc.
2200 North Monroe Street
Baltimore, Maryland 21217
(410) 669 - 2222

OWNER
Racetrac Petroleum, Inc.
c/o Tax Department
P.O. Box 185035
Atlanta, Georgia 30348

PLAT TO ACCOMPANY PETITIONS FOR ZONING VARIANCES & A SPECIAL EXCEPTION ROYAL FARM STORE

8235 Eastern Boulevard
Baltimore, Maryland 21224

Election District 15
Congressional District 7
Scale: 1"=20'

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Tax Map 96 - Parcel 152
June 26, 1996
Sheet 1 of 2

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120