IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE

SE/Corner Wise Avenue & Church Road

(7801 Wise Avenue) * DEPUTY ZONING COMMISSIONER

12th Election District

7th Councilmanic District * OF BALTIMORE COUNTY

Amoco Oil Company

* Case No. 97-442-X

Petitioner

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Exception for that property known as 7801 Wise Avenue, located at its intersection with Church Road in Dundalk. The Petition was filed by the owner of the property, Amoco Oil Company, by Charles T. Bogdanowicz, Chief of Construction. The Petitioner seeks relief, pursuant to Section 405.2.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a gasoline service station use in combination with a convenience food store, greater than 1,500 sq.ft. in area, pursuant to Section 405.4.E.1 of the B.C.Z.R. 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 on behalf of the Petition were Charles T. Bogdanowicz, and William P. Monk, Land Planning and Zoning Consultant. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 0.6132 acres, more or less, zoned B.L.-A.S. and is the site of a Roy Rogers fast food restaurant. The Petitioner recently purchased the subject property and wishes to redevelop the site with a combination Amoco Oil service station and convenience store. The proposed improvements include a convenience store of 1,872 sq.ft. and a separate canopy which will cover three gasoline pump islands consisting of six (6) multiple

Chapter Received for Planse

Date

(444)

product dispensers (MPD) as shown on Petitioner's Exhibit 1. In addition, extensive landscaping is proposed for the site. In order to proceed with the proposed improvements, however, a special exception is necessary. The Petitioner has done an excellent job of redeveloping the subject property, not only in its design of the proposed new facility, but also in landscaping the subject site to the extent shown on the site plan.

It should be noted that the Office of Planning submitted Zoning Plans Advisory Committee comments dated April 23, 1997 in which they recommended the existing chain link fence be replaced with a board-on-board fence, or a combination of fencing and landscaping. Therefore, as a condition of approval, I shall require that the Petitioners remove the existing fence and submit a landscape plan incorporating landscaping and fencing for the subject site for review and approval by the Landscape Architect for Baltimore County.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-A.S. 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 spe-

cial 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.

In addition to the findings set forth in Section 502.1 of the B.C.Z.R., I am required to consider the presence of any abandoned fuel service stations in the vicinity of the subject site. A finding by the Zoning Commissioner of the presence of one abandoned fuel service station, as defined in Section 405.7 of the B.C.Z.R., within a one-half mile radius, or two such stations within a one mile radius of the subject site, establishes that there is no need for the proposed use, unless rebutted to the Zoning Commissioner's satisfaction by market data. The testimony and evidence presented in the instant case established that there are no abandoned fuel service stations in the vicinity of the subject site. Therefore, the relief requested meets the requirements of this provision of the special exception standards, pursuant to Section 405.3 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.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4% day of June, 1997 that the Petition for

Special Exception seeking relief, pursuant to Section 405.2.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a gasoline service station use in combination with a convenience food store greater than 1,500 sq.ft., pursuant to Section 405.4.E.1 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioner shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County. Said plan shall incorporate a board-on-board fence, or other similar appropriate fencing, in its landscape design.
- 3) The existing chain link fence shall be removed and replaced with a new board-on-board fence, or other similar fencing, in accordance with the landscape plan to be submitted for review and approval.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs



Baltimore County Zoning Commissioner Office of Planning and Zoning

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

June 4, 1997

Mr. Charles T. Bogdanowicz 1 W. Pennsylvania Avenue, Suite 900 Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
SE/Corner Wise Avenue & Church Road
(7801 Wise Avenue)

12th Election District - 7th Councilmanic District

Amoco Oil Company - Petitioner

Case No. 97-442-X

Dear Mr. Bogdanowicz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

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for Baltimore County

TMK:bjs

cc: Mr. William P. Monk

222 Bosley Avenue, C-6, Towson, Md. 21204

People's Counsel; Case Files

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
7801 Wise Avenue, SEC Wise Ave and Church 12th Election District, 7th Councilmanic		ZONING COMMISSIONER
Amoco Oil Company	*	OF BALTIMORE COUNTY
Petitioners	*	CASE NO. 97-442-X

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned 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.

> Poter May Unneman PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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

the foregoing Entry of Appearance was mailed to William Monk, Inc., 222 Bosley Avenue, C-6, Towson, MD 21204, representative for Petitioner.

Peter Max Zimmeinan TER MAX ZIMMERMAN

442



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

7801 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

a gasoline service station per Section 405.2 B (1) and a convenience food store greater than 1500 square feet per Section 405.4 E (1), as a use in combination.

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.

		deduct administrative		lable for Hearing	Next Two Month
Olty	State	Zipcode	ESTIMATED LENGTH OF HEARING		
ddress	Phone No.		Address	CE USE ONLY	PHORE INC
			222 Bosley Ave., C-6,	Towson, MD	, 21204
lignature			William Monk, Inc.	4	10-494-8931
Type or Print Name)		·	City Name, Address and phone number of leto to be contacted.	· State gal owner, contract	Zipcode purchaser or represents
			Towson	MD	21204
ttorney for Petitloner:			1 W. Pennsylvania Ave.	. Ste. 900	410-494-3729 Phone No
ity	State	Zipcode	Signature		
ldress		·	(Type or Print Name)		
gnature		4	Charles THEF OF	sadano - Constri	uncz) Jeria
ype or Print Name)			Charles T. Bogdanowic	:Z	
ontract Purchaser/Lessee			Legal Owner(s) AMOCO Oil Co.		
			I/We do solemnly declare and affirm, un legal owner(s) of the property which is the	e subject of this Pet	tition

ENGINEERS • PLANNERS

442

ZONING DESCRIPTION 7801-7805 WISE AVENUE 12TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the southwest side of Wise Avenue as widened to 60 feet and shown on Baltimore County Plat HRW 52-092-3 205'+/- south of the intersection with Church Road, running thence binding on the southwest side of Wise Avenue, (1) North 61 degrees 30 minutes 50 seconds West 136.62 feet to a point of curvature, (2) thence by a line curving to the left with a radius of 20 feet the distance of 37.69 feet and a chord bearing South 64 degrees 29 minutes 35 seconds West 32.36 feet to the eastmost right of way of Church Road as now widened and shown on the aforesaid plat HEW 52-092-3, then binding on Church Road, (3) South 10 degrees 30 minutes 00 seconds West 194.28 feet to intersect the southwest line of Lot No. 1, Eddlynch, thence binding on the rear lines of Lots 1 through 5 and on the northeast side of a 20 foot alley as shown on the Subdivision Plat No. 2, Section No. 5, Eastfield, as recorded among the aforesaid Land Records in Plat Book No. 23 folio 85, (4) South 62 degrees 18 minutes 00 seconds East 94.85 feet to the southmost corner of Lot No. 5, of Eddlynch, thence bindidng on the division line between Lot No. 5 and Lot No. 6, (5) north 28 degrees 42 minutes 20 seconds East 209.66 feet to the place of beginning.

Containing 26,711 square feet or 0.6132 acres +/-.



9686zdes/d40

NOTICE OF REARING

The Zoning Commissioner of Resistance County, by authority of the Zoning Act and Heighton to the Soning Act and Heighton to the Soning Act and Heighton to Statement Double Williams had a public healing to John son, Maryland on the property identified havein as follows: Case, #97-442-X 7801 Wise Avenue and Church SEC Wise Avenue and Church Road

Anochimatic Legal Owner(3):
Legal Owner(3):
Anoco OR Company
Special Exception: for a gasoline service station and contrainers food store on Tool store in combination. Hearing: Tuesday, May 20, Hearing: Toonbroation. Hearing: Tuesday, May 20, 1997 at 2:00 p.m., 4th floor legal on Source Bidg., 401 Bosley Avenue.

LAWRENGE E. SCHMIDT
Zoning Commissioner for
Bakintone County
NOTES. (1) Hearings are
Handicapped Accessible, for
Special accommodations
Please Call 887-3593.
(2) For information conserrange the File andror Hearing,
please Call 887-3391.

C137610 4/363 April 24

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/24

_ successive published in THE JEFFERSONIAN, a weekly newspaper published THIS IS TO CERTIFY, that the annexed advertisement was in Towson, Baltimore County, Md., once in each of weeks, the first publication appearing on #124

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

BALTIMORE COUNTY, FICE OF FINANCE - REV MISCELLANEOUS CASH	ENUE DIVISION	VIL 1	No. 028	656
TE 4/11/97	ACCOUNT	5000	100 Roote	150
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RECEIVED FROM:	ONK INC		54	
FOR: SPX F1	UNG			•
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VAL SIGNBUTION 11TE - CASHIER PINK - AGENCY YELLOW	IDATION OR SIGNA	TURE OF CASHIE	R	



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:

- 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.: .442
Petitioner: AMOCO OIL CO.
Location: 7801 WISE AVE.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: WILLIAM MONK INC
ADDRESS: 222 BUSLEY ALE SUME C-6
TOWSON, MAD 21204
PHONE NUMBER: 410 - 484-8931
j.

AJ:ggs

(Revised 04/09/93)



Request for Zoning: Variant, Special Exception, or Special Hearing)
Date to be Posted: Anytime before but no later than	
Format for Sign Printing, Black Letters on White Background:	

ZONING NOTICE

Case No.: 97-442-SPX

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: _*				
DATE AND TIME: *				
REQUEST: A SPECIAL EXCEPTION FOR A GASOLINE SERVICE				
STATION AND A CONVENIENCE STORE GREATER THAN 1500				
SQUARE FT. IN AREA AS A USE IN COMBINATION.				

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96 post.4.doc

*UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.

TO: PUTUXENT PUBLISHING COMPANY
April 24, 1997 Issue - Jeffersonian

Please foward billing to:

William Monk, Inc. 222 Bosley Avenue, Suite C-6 Towson, MD 21204 410-494-8931

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 in <u>Towson, Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-442-X
7801 Wise Avenue
SEC Wise Avenue and Church Road
12th Election District - 7th Councilmanic
Legal Owner(s): Amoco Oil Company

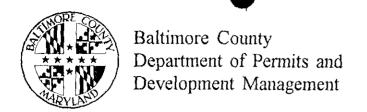
Special Exception for a gasoline service station and convenience food store greater than 1500 square feet as a use in combination.

HEARING: TUESDAY, MAY 20, 1997 at 2:00 p.m., 4th floor hearing room Courts Bldg., 401 Bosley Avenue.

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.



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

April 18, 1997

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 in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-442-X
7801 Wise Avenue
SEC Wise Avenue and Church Road
12th Election District - 7th Councilmanic
Legal Owner(s): Amoco Oil Company

Special Exception for a gasoline service station and convenience food store greater than 1500 square feet as a use in combination.

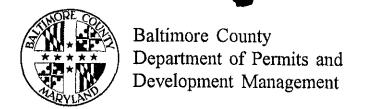
HEARING: TUESDAY, MAY 20, 1997 at 2:00 p.m., 4th floor hearing room Courts Bldg., 401 Bosley Avenue.

Arnold Jablon Director

cc: Amoco Oil Company William Monk, Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 5, 1997.

- (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.



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

May 16, 1997

Mr. Charles T. Bogdanowicz 1 W. Pennsylvania Avenue, Suite 900 Towson, MD 21204

RE: Item No.: 442

Case No.: 97-442-X

Petitioner: Amoco Oil Co.

Dear Mr. Bogdanowicz:

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 April 11, 1997.

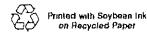
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are 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 (410-887-3391).

Sincerely, Richard

W. Carl Richards, Jr. Zöning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Date: April 28, 1997

Department of Permits & Development

Management

FROM: Robert W. Bowling, Chief

BRANGE SENERLY WE HE WE WE

Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for April 28, 1997

Item No. 442

The Development Plans Review Division has reviewed the subject zoning item.

A schematic landscape plan must be submitted.

Access to Church Road near the southern property line should be eliminated. Adequate parking and dumpster area can be provided without this access.

RWB:HJO:cab

cc: File

ZONE428.442

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date: April 23, 1997

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

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: 7801 Wise Avenue

<u>INFORMATION</u>

Item Number: 442

Petitioner: Amoco Oil Company

BL-AS Zoning:

Requested Action: Special Exception

Summary of Recommendations:

Staff recommends that the existing, deteriorated chain link fence be replaced with a board-on-board fence or a combination of a fence and landscaping should the applicant's request be granted.

Division Chief: Cay L. Klerns

AFK/JL

Baltimore County Government Fire Department





(410) 887-4500

 PDM

5 1991

May

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

April 22, 1997

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

RE: Property Owner: Amoco Dil Company

Location: DISTRIBUTION MEETING OF April 28, 1997

Item No.: 442

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.

- The site shall be made to comply with all applicable parts 4. 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 ccs File



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

PDM

FROM:

R. Bruce Seeley

Permits and Development Review

DEPRM

SUBJECT:

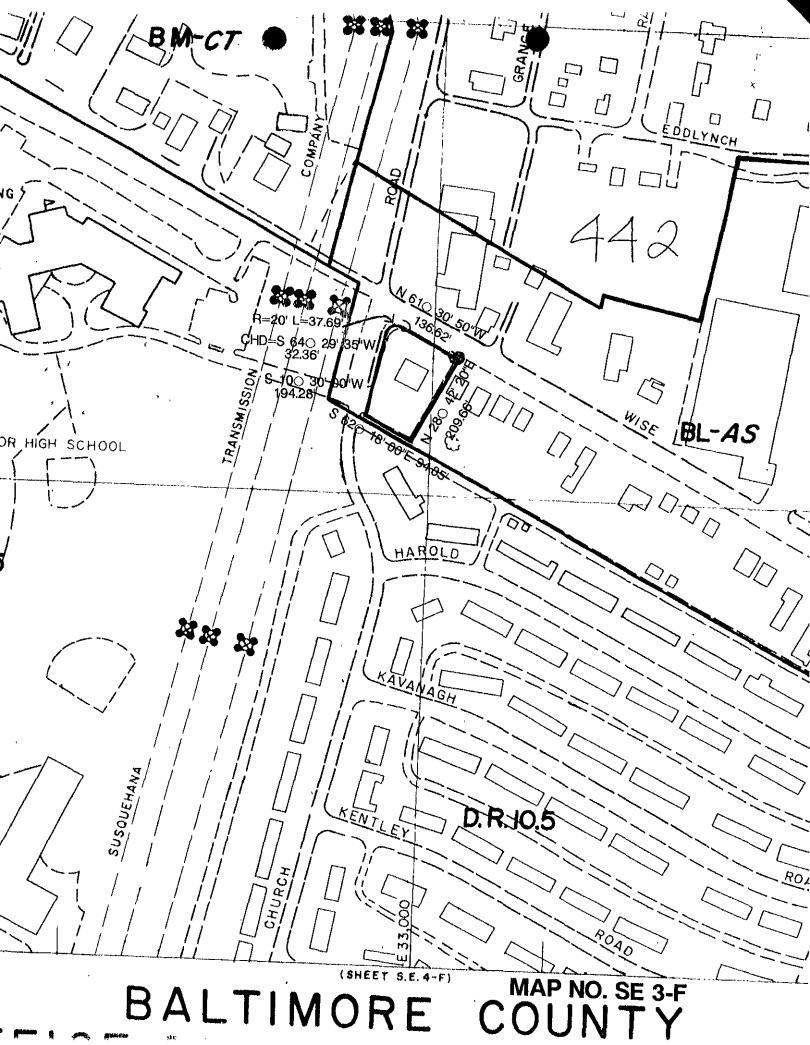
Zoning Advisory Committee
Meeting Date: (1911/21,97

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

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP



PLEASE PRINT CLEARLY

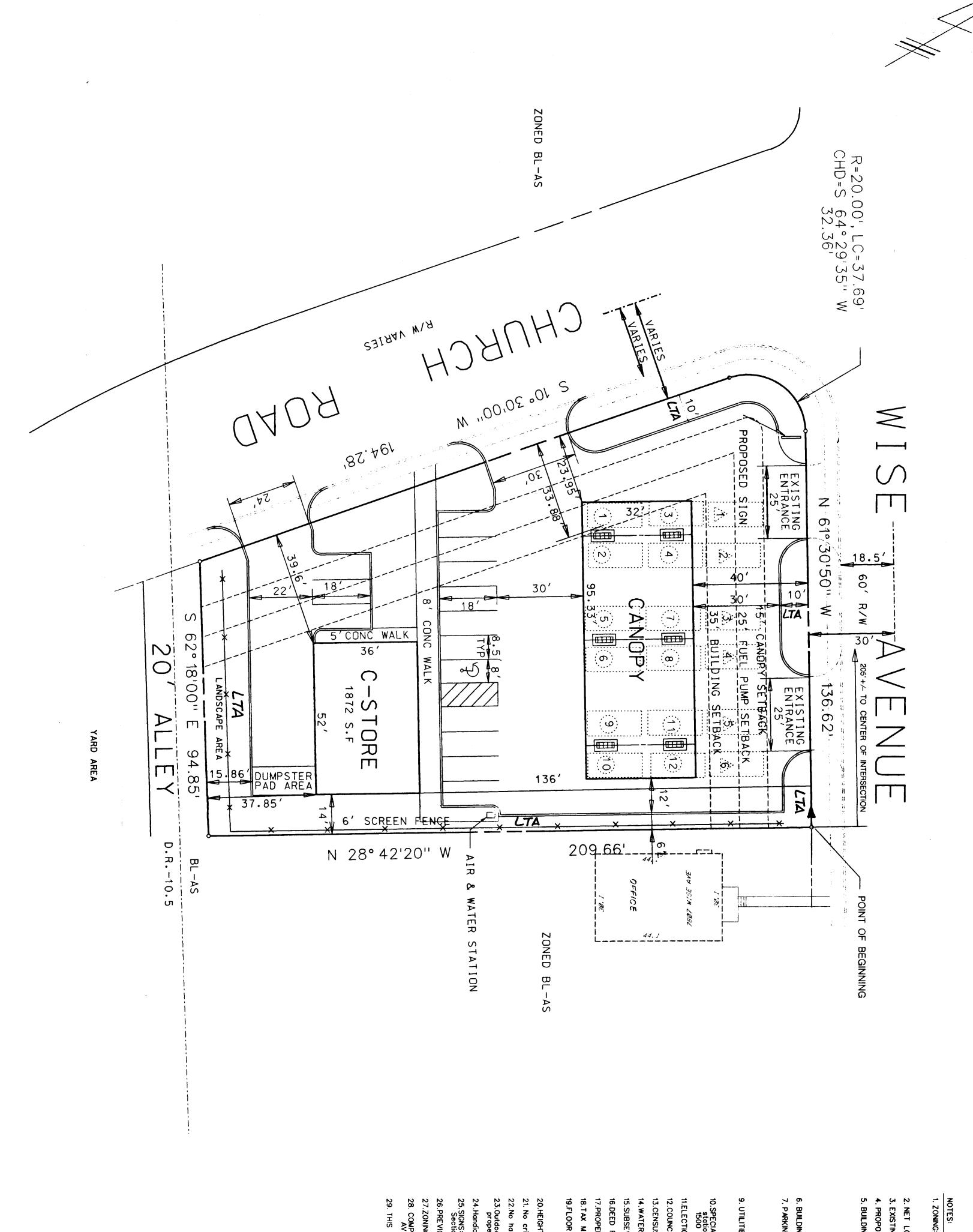
PETITIONER(S) SIGN-IN SHEET

00

NAME	ADDRESS
BILL MONK	222 Bosier NE
·	SUINE C-6
	40012 JWV 51594
CHARTES T. BOGDANOWICZ	AMOGO PETROLEUM PRODUCTS
	I W. PENNSYLVANIN FORE. SUITE 9
	POSIS am, cosmot
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COMPANY

BALTIMORE

