

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE - * ZONING COMMISSIONER
SE/Corner Joppa Road and * OF BALTIMORE COUNTY
Virginia Avenue * Case No. 98-147-SPHXA
(201 E. Joppa Road)
9th Election District
4th Councilmanic District
Exxon Corporation *
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, Exxon Corporation, by Robert Caserta, through their attorney, David K. Gildea, Esquire. The Petitioner seeks a special exception to permit the addition of a carry-out restaurant as a use in combination with an existing fuel service station use in combination with a convenience store, and a special hearing to approve an amendment to the previously approved site plans in prior Case Nos. 96-482-SPHA, 86-35-A, 82-105-A, and 3049 to reflect the proposed improvements. In addition, the Petitioner seeks a variance from Section 405.4.E of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a site area of 17,306 sq.ft. in lieu of the required 21,186 sq.ft. 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 Petition were Robert G. Caserta, Anthony Corteal, Jr. and Jerry Sellers, representatives of STV, Inc., who prepared the site plan for this property, and David K. Gildea, Esquire, attorney for the Petitioner. Appearing as an interested party was Donald McCulloh, Executive Director of the Towson Development Corporation. No one appeared in opposition to the requests.

ORDER RECEIVED FOR FILING

Date 11/15/98

By [Signature]

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.4696 acres, zoned B.M.-C.T., and has been owned by the Exxon Corporation for many years. The property is located on the southeast corner of the intersection of Joppa Road and Virginia Avenue in Towson. Vehicular access to the property is by way of both Joppa Road and Virginia Avenue. In accordance with the recent industry trend, the subject property was converted from a gasoline service station to a gas and go/convenience store operation, pursuant to the relief granted in prior Case No. 96-482-SPHA. The service bays were removed and the building raised and replaced with a 1,431 sq.ft. Tiger Mart. Presently the site features the aforementioned 27'x53' Tiger Mart as well as 14 pump islands and related internal drive aisles.

The Petitioners now come before me seeking to convert a portion of the interior of the Tiger Mart building to a carry-out restaurant use. Specifically, a small area of the building (approximately 231 sq.ft. in area) is being refurbished for use as a Jerry's Sub Shop. It is to be emphasized that there will be no new construction on site, or building addition. That is, 231 sq.ft. of the existing retail building will be converted for use by the sub shop operation.

In order to effectuate this change, special exception relief is requested in view of the new use, pursuant to Section 233 of the B.C.Z.R., and a special hearing to approve an amendment to the previously approved site plans to reflect the proposed improvements is necessary. Furthermore, a variance is requested from Section 405.4.E of the B.C.Z.R. which requires additional site area for such multi-use operations.

It is to be observed that there were no Protestants at the hearing and no adverse Zoning Plans Advisory Committee comments. The Office

ORDER RECEIVED FOR FILING
11/18/99
C.E.'s
16'

of Planning originally issued a comment indicating they were opposed to the relocation of the identification sign on the premises; however, at the hearing, Counsel for the Petitioner indicated that the property owner had abandoned its plan to relocate that sign, thus, that issue is moot. Additionally, Mr. McCulloh on behalf of the Towson Development Corporation, indicated support for the project.

Based on the testimony and evidence offered, all of which was undisputed, I am persuaded to grant the relief requested. In my judgment, the proposal will not be detrimental to the surrounding locale and meets the standards set forth in Section 502.1 of the B.C.Z.R. Moreover, variance relief is warranted in accordance with Section 307. A grant of the relief requested recognizes the change in industry trends and the fact that the major oil companies are selling gasoline in conjunction with the offering of other consumer services.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of November, 1997 that the Petition for Special Exception to permit the addition of a carry-out restaurant use in combination with an existing fuel service station use in combination with a convenience store, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plans in prior Case Nos. 96-482-SPHA, 86-35-A, 82-105-A, and 3049 to reflect the proposed improvements, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 405.4.E of the Baltimore County Zoning Regulations

(B.C.Z.R.) to permit a site area of 17,306 sq.ft. in lieu of the required 21,186 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their permits 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 11/13/00
BY [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

November 18, 1997

David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204

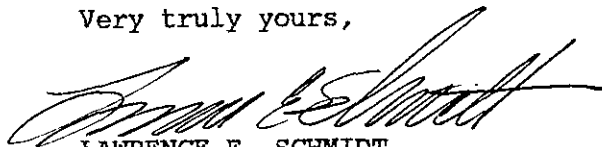
RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
SE/Corner Joppa Road and Virginia Avenue
(201 E. Joppa Road)
9th Election District - 4th Councilmanic District
Exxon Corporation - Petitioner
Case No. 98-147-SPHXA

Dear Mr. Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, 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,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Robert Caserta, Exxon Corporation
6301 Ivy Lane, Suite 700, Greenbelt, Md. 20770

Messrs. Anthony Corteal, Jr. & Jerry Zellers, STV, Inc.
21 Governor's Court, Baltimore, Md. 21244

Mr. Donald McCulloh, Executive Director, Towson Development Corp.
23 W. Chesapeake Avenue, Towson, Md. 21204

People's Counsel; Case Files



POWER OF ATTORNEY

#147

KNOW ALL MEN BY THESE PRESENTS.

98-147-5PHXA

THAT EXXON CORPORATION, a New Jersey corporation, having an office in Houston, Texas, hereby nominates, constitutes, and appoints **ROBERT G. CASERTA** as its true and lawful attorney-in-fact to execute and deliver for and in the name and on behalf of Exxon Corporation permits, licenses and applications for permits and licenses, and Certificates of Capital Improvement, in connection with the development and construction of retail and service station outlets or additions, modifications or enhancements thereto.

The power and authority conferred herein to execute and deliver instruments may not be delegated.

This Power of Attorney shall be effective December 1, 1996, shall expire on December 1, 1998, and shall have the same force and effect as though special authority were granted by Exxon Corporation to the named attorney-in-fact to execute and deliver each such instrument or document separately for each and every such instrument or document so executed and delivered.

EXECUTED on this 21st day of November, 1996.

EXXON CORPORATION

(Corporate Seal)

By Joe T. McMillan
Executive Vice-President of
Exxon Company, U.S.A. and
Vice-President of Exxon Corporation

ATTEST:

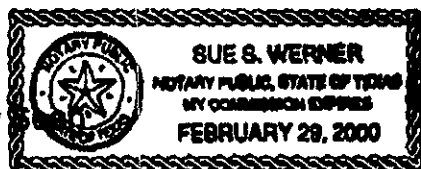
[Signature]
Assistant Secretary

FORM
APPROVED
[Signature]

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on NOVEMBER 21, 1996, by Joe T. McMillan, Vice-President of Exxon Corporation, a New Jersey corporation, on behalf of said corporation.

(Notary
P38



[Signature]
Notary Public in and for
the State of Texas



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

98-147-SPHXA

201 E. Joppa Road

which is presently zoned

RM-CT

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

482

Amendment of the previously approved plans in case numbers 96-~~12~~-SHA, 86-35A, 82-105A, 3049.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

David K. Gildea

(Type or Print Name)

Signature

Whiteford, Taylor & Preston L.L.P.

210 W. Pennsylvania Avenue

Address Phone No

4th Floor

City Towson, MD 21204 State (410) 832-2066 Zipcode

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

Signature

Robert Caserta

(Type or Print Name)

Signature

6301 Ivy La, Suite 700

Address

(301) 513-7511

Phone No.

Greenbelt, MD 20770

City

State

Zipcode

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

David K. Gildea

Name Whiteford, Taylor & Preston, L.L.P.

210 W. Pennsylvania Ave. (410) 832-2066

Address Phone No

4th Floor, Towson, MD 21204

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY:

DATE 10-14-97

ORDER RECEIVED FOR FILING

Date

By



147



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 201 E. Joppa Road

which is presently zoned BM-CT

98-147-SP4XA

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

Addition of a carry-out restaurant use in combination with existing fuel service station, use in combination with a convenience store.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

David K. Gildea

(Type or Print Name)

Signature

Whiteford, Taylor & Preston L.L.P.

210 W. Pennsylvania Avenue

4th Floor

Towson, MD 21204 (410)832-2066

City

State

Zipcode

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

Signature

Robert Caserta

(Type or Print Name)

Signature

6301 Ivy Lane, Suite 700 (301)513-7511

Address

Phone No

Greenbelt, MD 20770

City

State

Zipcode

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

David K. Gildea

Name

Whiteford, Taylor & Preston, L.L.P.

210 W. Pennsylvania Ave

(410)832-2066

Address

4th Floor, Towson, MD 21204

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE 10-14-97

ORDER RECEIVED FOR FILING

Date

By



#147



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

201 E. Joppa Road

which is presently zoned

BM-CT

98-147-5PHXA

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

405.4E

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

To permit 17,306 square feet in site area in lieu of the required 21,186 square feet.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

David K. Gildea

(Type or Print Name)

Signature

Whiteford, Taylor & Preston L.L.P.
210 W. Pennsylvania Ave.

Address

4th Floor

Phone No.

Towson, MD 21204 (410)832-2066

City

State

Zipcode

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.

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

Signature

Robert Caserta

(Type or Print Name)

Signature

6301 Ivy La, Suite 700

(301)513-7511

Address

Phone No.

Greenbelt, MD 20770

City

State

Zipcode

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

David K. Gildea

Name Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Ave. (410)832-2066

Address 4th Floor, Towson, MD 21204 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

10-14-97

Printed with Soybean Ink
on Recycled Paper

ORDER RECEIVED FOR FILING

Date

By

147

ATTACHMENT TO PETITION FOR VARIANCE FOR
PROPERTY LOCATED AT 201 E. JOPPA ROAD

Justification: To be Presented at the hearing

ORDER RECEIVED FOR FILING

Date

By

11/18/12
[Signature]

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

DAVID K. GILDEA
DIRECT NUMBER
410 832-2066
dgildea@wtplaw.com

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 551-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

November 4, 1997

Via Hand Delivery

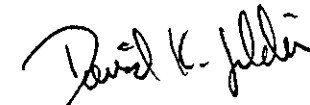
Mr. John J. Sullivan, Jr.
Office of Permits and Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Exxon station located at 201 E. Joppa Road
Our File No.: 02951/00034

Dear John:

Enclosed please find the attachment to the Petition for Variance that you requested. Should you have any questions or comments, please contact me. With kind regards, I am

Very truly yours,



David K. Gildea

DKG:bhb
Enclosure
120425

ORDER RECEIVED FOR FILING
Date 11/15/97
By [Signature]

STV Incorporated

21 Governor's Court
Baltimore, Maryland 21244-2722
(410) 944-9112 fax: (410) 298-2794

147

ZONING DESCRIPTION FOR
EXXON COMPANY, U.S.A.
SOUTHEAST CORNER OF JOPPA ROAD AND VIRGINIA AVENUE
TOWSON, 9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND.

98-147-SPHXA

BEGINNING at a point on the east side of Virginia Avenue, which is 60 feet wide, said point being distant 167.15 feet south of the centerline of East Joppa Road, which is 70 feet wide. thence running with and binding on said east side of Virginia Avenue,

1. North $04^{\circ} 27' 07''$ West 102.35 feet to a point, thence along a site flare or fillet,
2. North $40^{\circ} 06' 47''$ East 42.60 feet to a point, thence along the south side of said E. Joppa Road,
3. North $84^{\circ} 28' 31''$ East 104.40 feet to a point, thence leaving E. Joppa Road and running for the two following courses and distances,
4. South $06^{\circ} 29' 23''$ East 127.80 feet to a point, and
5. South $82^{\circ} 41' 16''$ West 138.99 feet to the place of beginning, as recorded in Deed Liber E.H.K., Jr. No. 6959, Folio 489.

CONTAINING 17,307 square feet or 0.397 acre of land more or less. Also known as No. 201 E. Joppa Road, and located in the Ninth Election District.

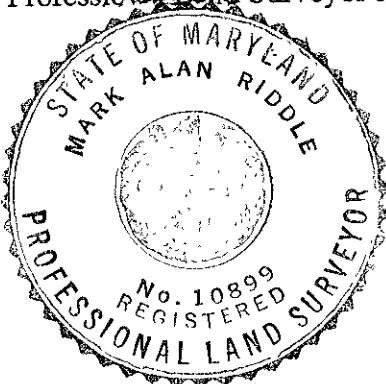


May 22, 1996

STV INCORPORATED

Mark A. Riddle

MD Professional Land Surveyor No. 10899



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 Towson, Maryland on the property identified herein as follows:

Case: #98-147-SPHXA
201 East Joppa Road
SEC Joppa Road and Virginia Avenue
9th Election District
4th Councilmaric
Legal Owner(s):
Exxon Corporation

Special Exception: for addition of a carry-out restaurant use in combination with existing fuel service station use in combination with a convenience store. **Special Hearing:** to approve an amendment to the previously approved plans in case numbers 96-482-SPH, 86-35-A, 82-105-A, and 3049. **Variance:** to permit 17,306 square feet in site area in lieu of the required 21,186 square feet.

Hearing: Monday, November 17, 1997 at 2:00 p.m. in Room 407 Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391

10/531 Oct. 30 C185860

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 30, 19 97

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 Oct. 30, 19 97.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON



Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 147

Petitioner: Exxon Corp.

Location: 201 E. Joppa Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: David Gibbs Whitehead, Taylor + Packer

ADDRESS: 210 W. Penn. Ave. Suite 700

Towson, MD 21204

PHONE NUMBER: (410) 832-2000

AJ:ggs

(Revised 09/24/96)

Request for Zoning: ~~Variance~~ ^{and} 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.: 98-147-SPH & A

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

PLACE: _____

DATE AND TIME: _____
405 E

REQUEST: Variance, special Exception & special Hearing to permit
A site area of 17,306 sq ft. in lieu of minimum required 21,186
sq ft; The addition of a carry-out restaurant use in combination
with existing fuel service station & convenience store and to amend
the previously approved site plans granted in case nos 96-482-SPHA,
86-35-A, and 82-105-A and 3049 respectively.

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Item No. ¹⁴⁷
~~044439~~

DATE 10-14-97 ACCOUNT R-001-6150
AMOUNT \$ 650.⁰⁰

RECEIVED FROM: Whiteford, Taylor, Preston

PDM

FOR: Commercial Special Exception, Variance
2 Hearing Filing Fee

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
10/14/1997 10/14/1997 10:41:32
REG US03 CASHIER WHIL ULM DRAWER 3
5 MISCELLANEOUS CASH RECEIPT
Receipt # 020713 OFLN
CR NO. 044439

650.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 98-147-SPHA
Petitioner/Developer:
(Exxon Corp.)
Date of Hearing/Closing:
(Nov. 17, 1997)

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

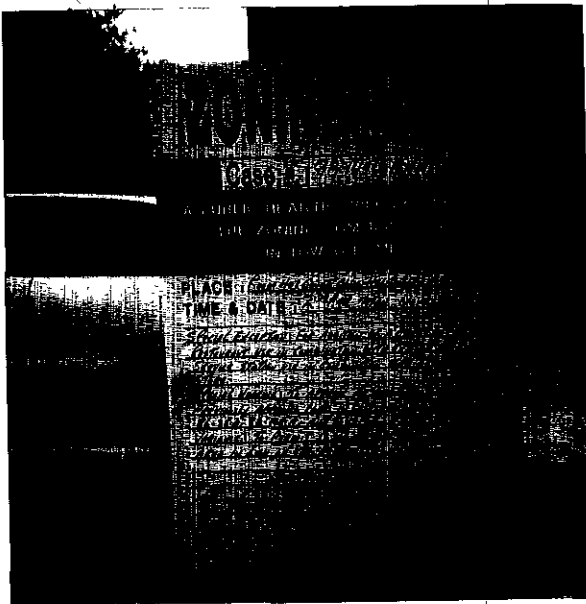
Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____**

_____ 201 East Joppa Road Baltimore, Maryland 21286 _____

**The sign(s) were posted on _____ Nov. 3, 1997 _____
(Month, Day, Year)**



Sincerely,

Thomas P. Ogle, Sr.
(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

**_____ (410)-687-8405 _____
(Telephone Number)**

98-147-SPHA



Baltimore County
Department of Permits and
Development Management

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

October 26, 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 Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-147-SPHXA
201 East Joppa Road
SEC Joppa Road and Virginia Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Exxon Corporation

Special Exception for addition of a carry-out restaurant use in combination with existing fuel service station use in combination with a convenience store.

Special Hearing to approve an amendment to the previously approved plans in case numbers 96-482-SPH, 86-35-A, 82-105-A, and 3049.

Variance to permit 17, 306 square feet in site area in lieu of the required 21, 186 square feet.

HEARING: MONDAY, NOVEMBER 17, 1997 at 2:00 p.m. in Room 407 Courts Building, 401 Bosely Avenue.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Exxon Corporation
David Gildea, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 2, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) 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 12, 1997

David K. Gildea, Esquire
Whiteford, Taylor & Preston L.L.P.
210 W. Pennsylvania Avenue
4th Floor
Towson, MD 21204

RE: Item No.: 147
Case No.: 98-147-SPHXA
Petitioner: Exxon Corporation

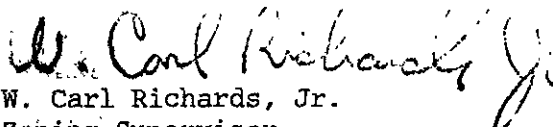
Dear Mr. Gildea:

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 October 14, 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,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

October 5, 1997

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

RE: Property Owner: Martha B. Mays and Robert B. Mays, 143
Exxon corporation, 147
Vestry of St. James Church, 163

Location: DISTRIBUTION MEETING OF October 27, 1997

Item No.: 143, 147, and 163

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.

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



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

TO: PDM

DATE: _____

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: OCT, 27, 1997

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

Item #'s:

137

153

143

162

147

148

152

RBS:sp

BRUCE2/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

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 10-29-97
Item No. 147 JJS

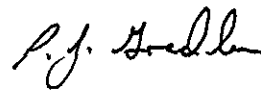
Dear Ms. Eubanks:

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

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,


for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: October 31, 1997

FROM: *[Signature]* Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for November 3, 1997
Item Nos. 137, 143, 147, 148, 151,
152, 153, & 163

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE1103.NOC

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

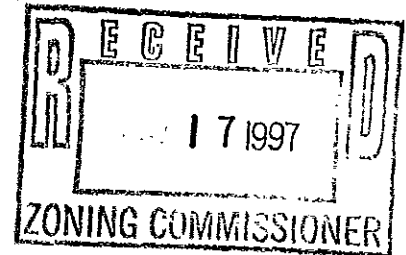
*Monday
11/17
98-147*

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

Date: November 11, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 201 E. Joppa Road



INFORMATION

Item Number: 147

Petitioner: Exxon Corporation

Zoning: BM-CT

Summary of Recommendations:

This site is located within the Towson Community Plan area and is subject to design guidelines for the Central Towson area. This office supports the granting of the requested area Variance to allow the addition of the sub shop within the existing convenience food store. However, the proposed relocation of the freestanding identification sign is of significant concern. Its current location was shown on the site plan approved in Case No. 96-482 SHA, and it functions well in conjunction with the overall streetscape which was reviewed by the Design Review Panel and this office. Therefore, the Office of Planning recommends that the sign be maintained in its present location as a condition of the approval of the subject request, or, in the alternative, this matter should be forwarded to the Design Review Panel prior to any final determination.

Prepared by: Jeffrey W. Long

Division Chief: Jeffrey W. Long for Gary Kerns

AFK/JL

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

Date: November 11, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 201 E. Joppa Road

INFORMATION

Item Number: 147
Petitioner: Exxon Corporation
Zoning: BM-CT

Post-It® Fax Note 7671		Date 11/12	# of pages 1
To	David Gildea	From	Jeff Long
Co./Dept.	W.T.P.	Co.	Planning
Phone #	410 832 2066	Phone #	887-3495
Fax #	410 832 2015	Fax #	

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Prepared by:

Jeffrey W. Long

Division Chief:

Jeffrey W. Long for Gary Kerins

AFK/JL

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

David K. Fidler

Whitehead Taylor & Preston

210 W. Penn. Ave. Durham NC 27204

JERRY ZELLERS

STV, INC. (ENGINEER)

21 GOVERNOR'S COURT. BART. MD 21244

TONY CORTESE JR

STV INC

ROBERT G. CASERTA

EXXON CORPORATION



PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

copy
DONALD McCULLOH

EXEC. DIRECTOR

TOWSON DEVELOPMENT CORP.

23 W. CHESAPEAKE AVE.

TOWSON, MD. 21204



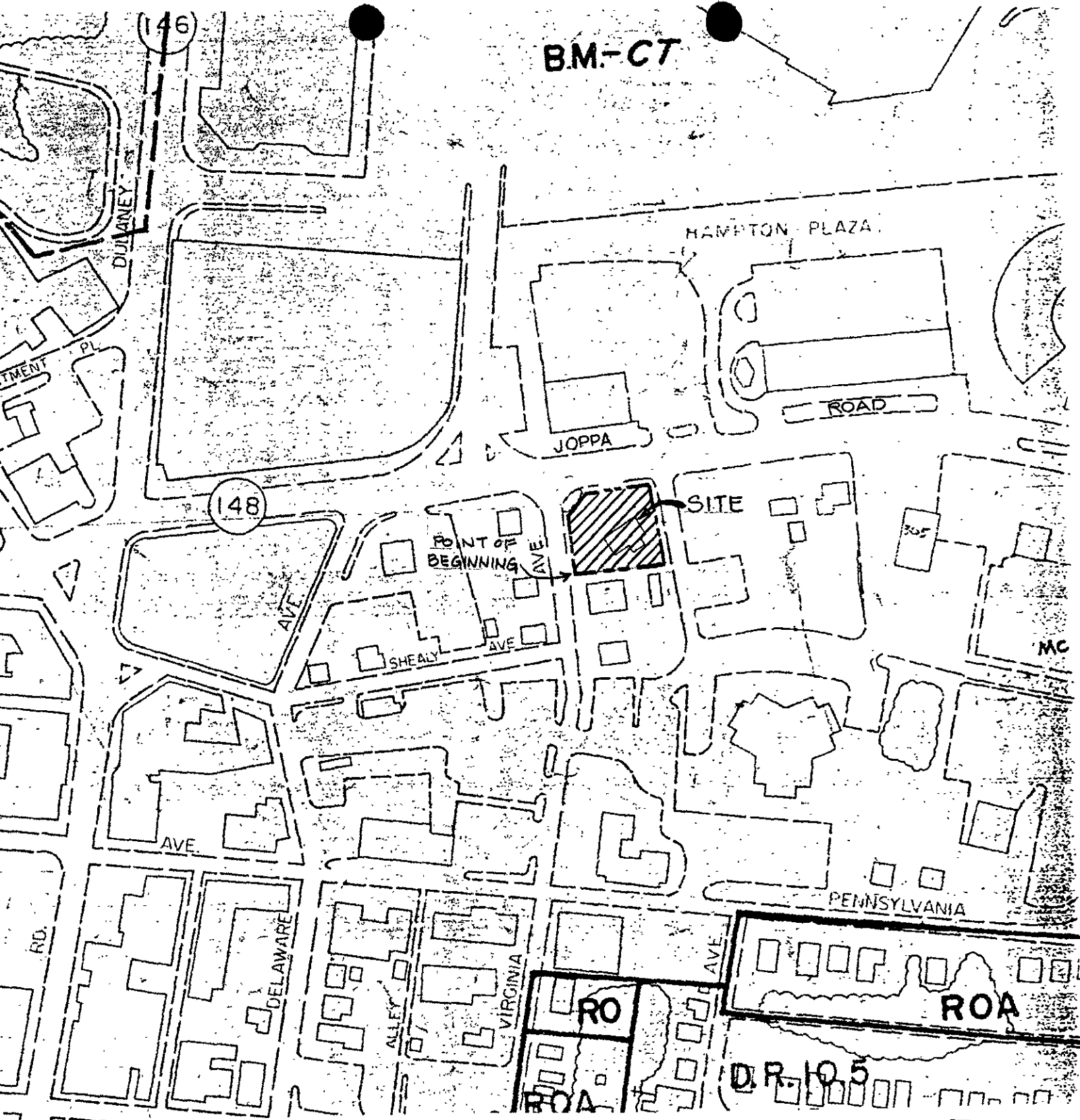
Photographs

Case 98-147-SAM
17









ZONING MAP

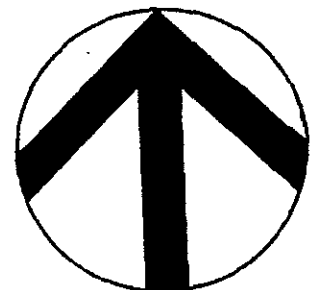
98-147-
SPHXA

#147

EXXON "TIGER MART"

201 EAST JOPPA ROAD

BALTIMORE COUNTY ZONING MAP NE 10-A



SCALE: 1" = 200'

20' x 10' Floor Plan #147
EQUIPMENT SCHEDULE

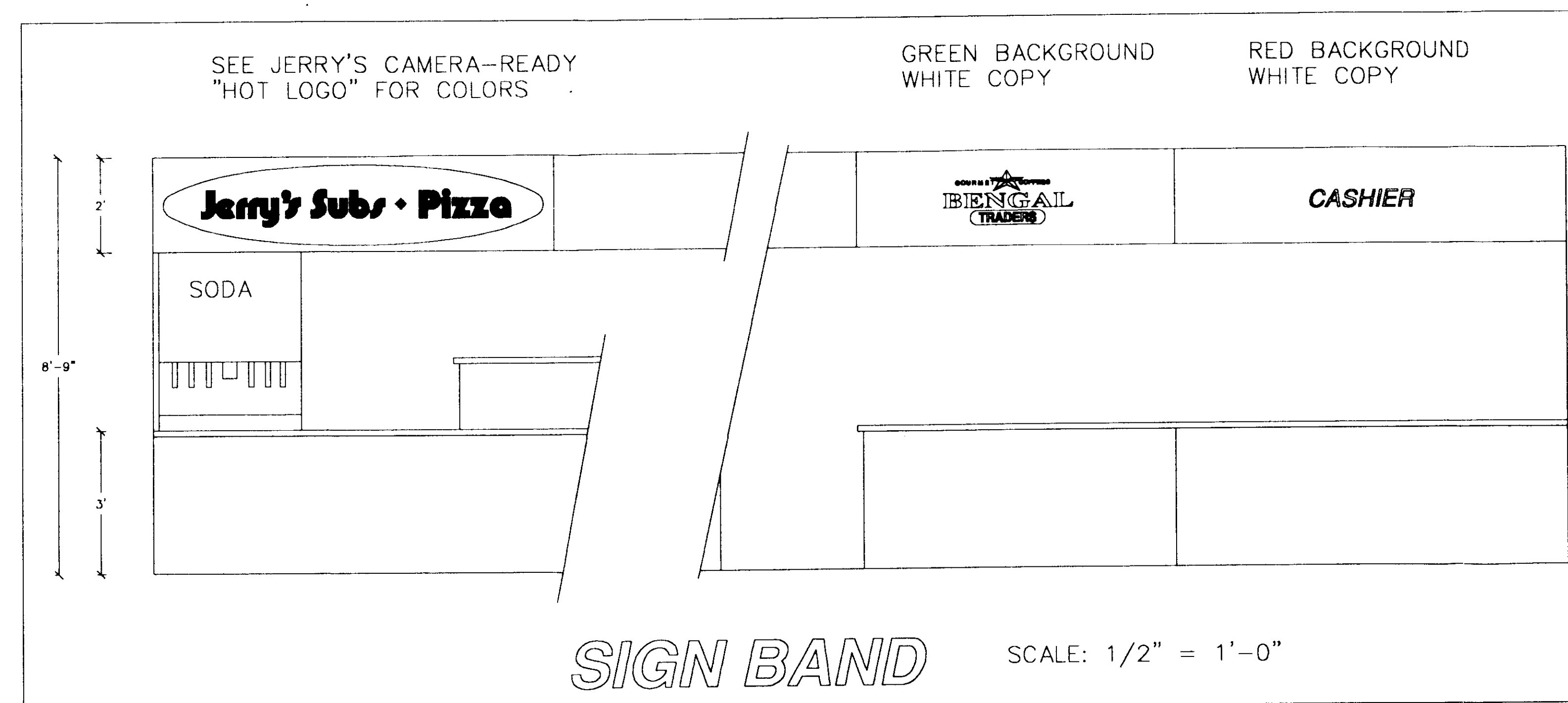
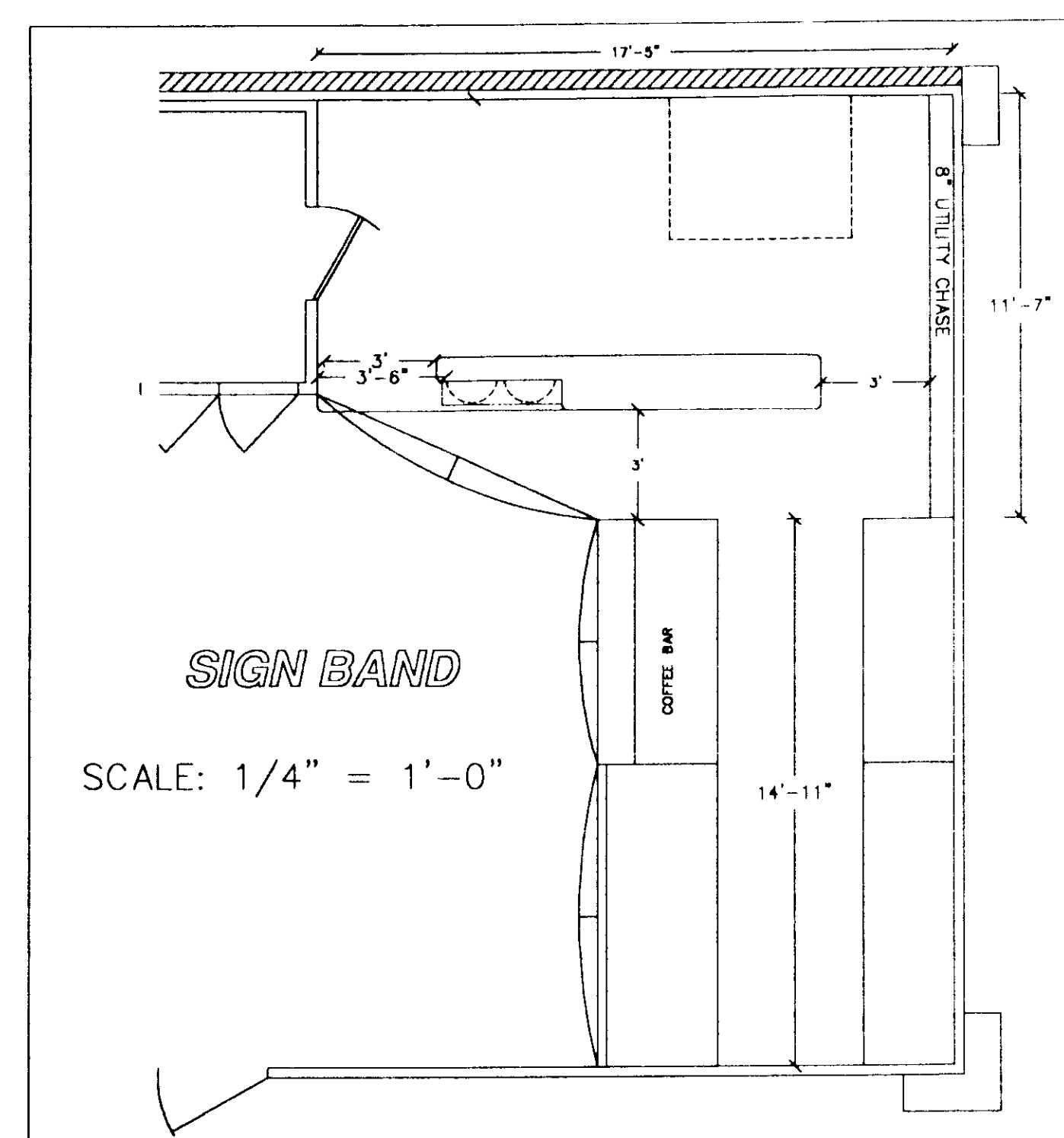
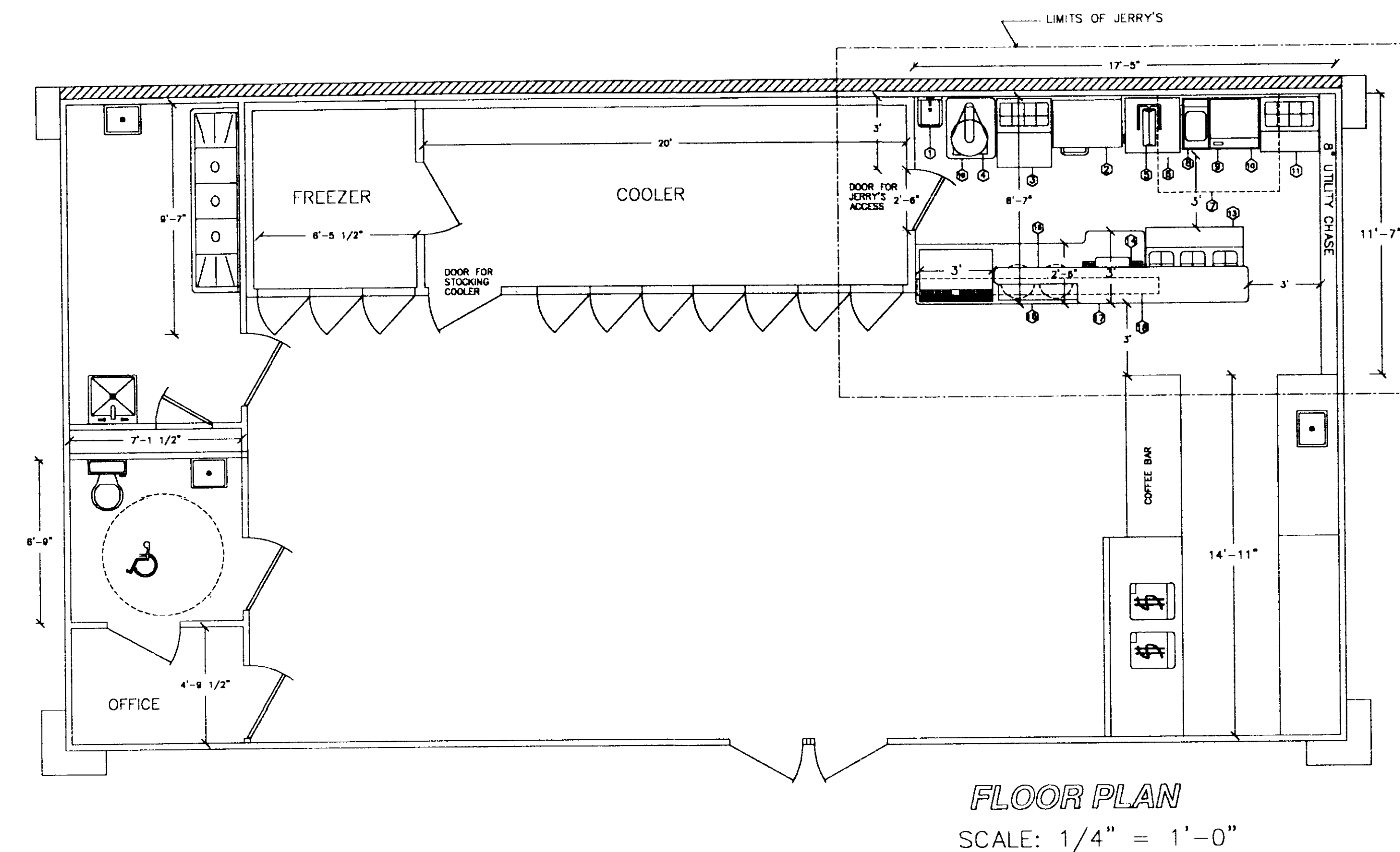
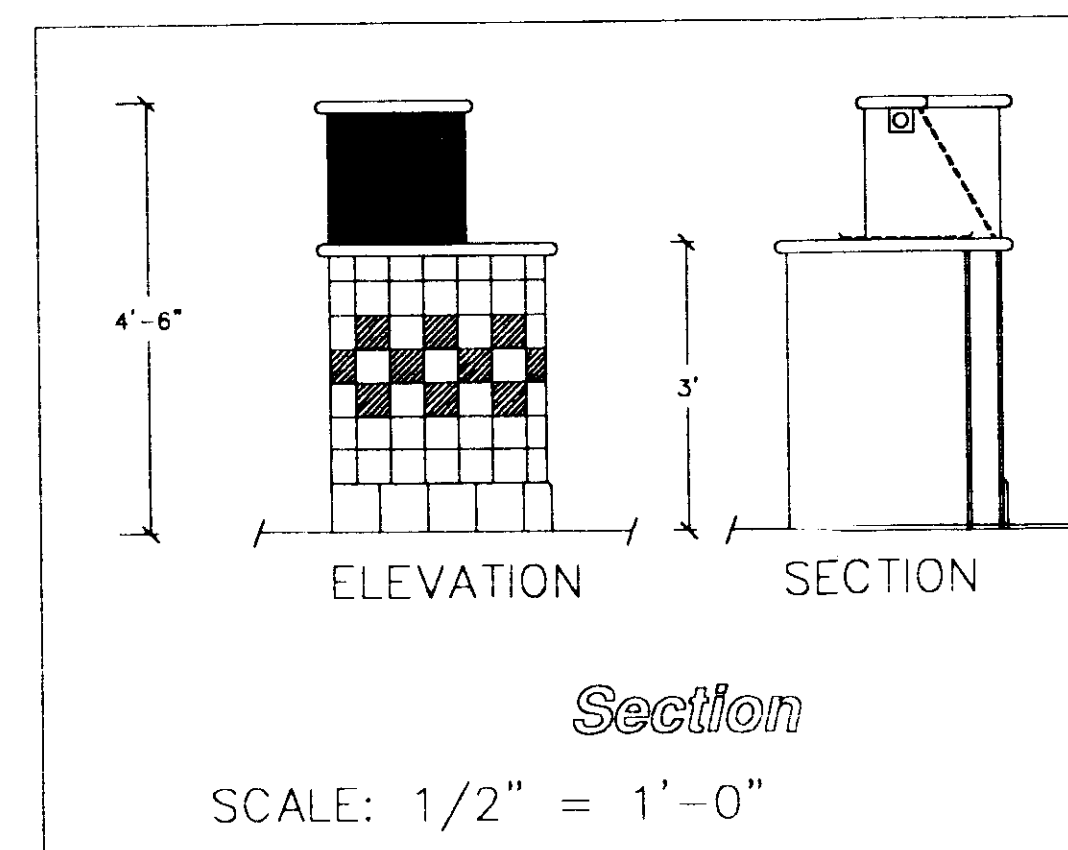
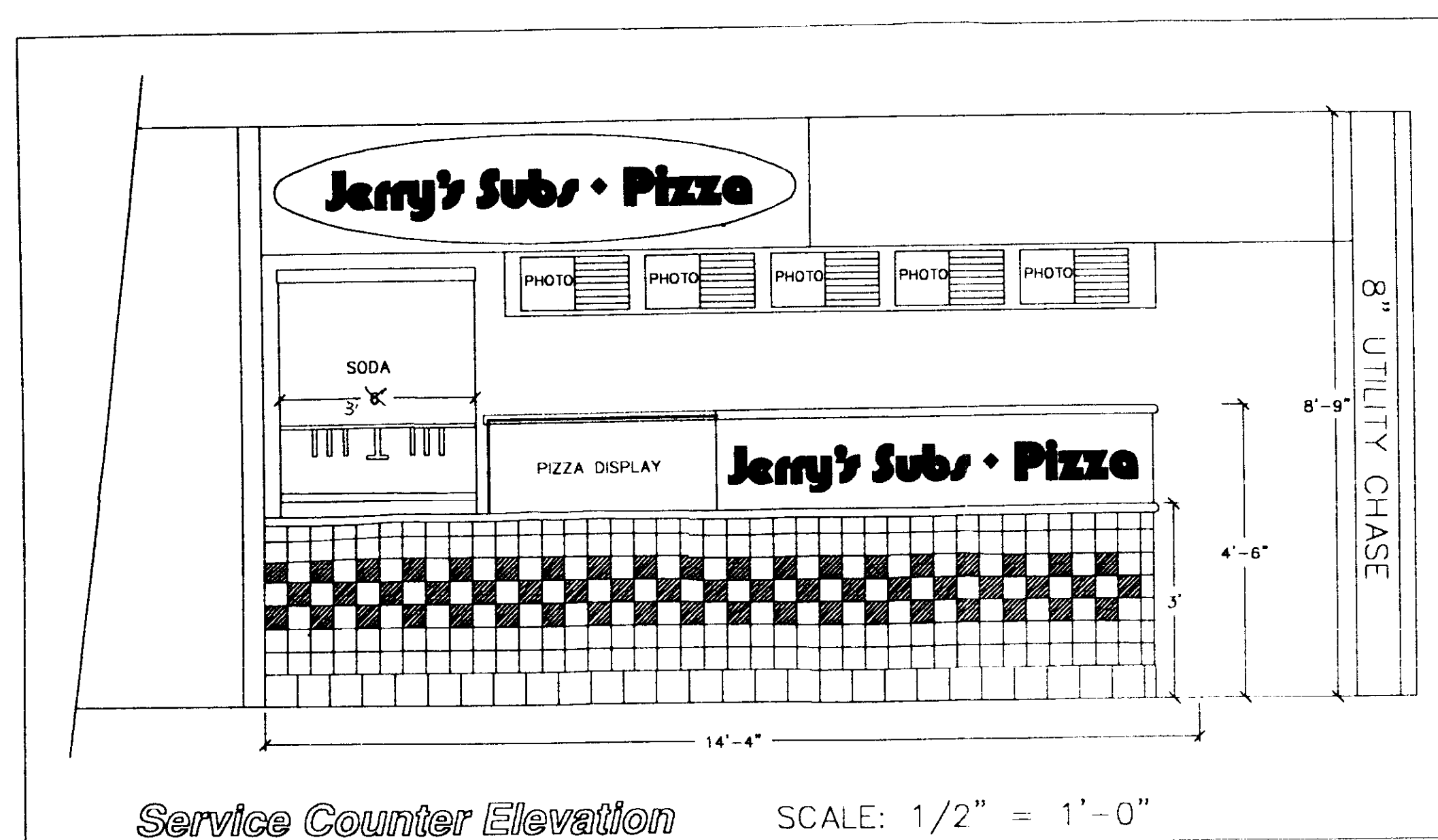
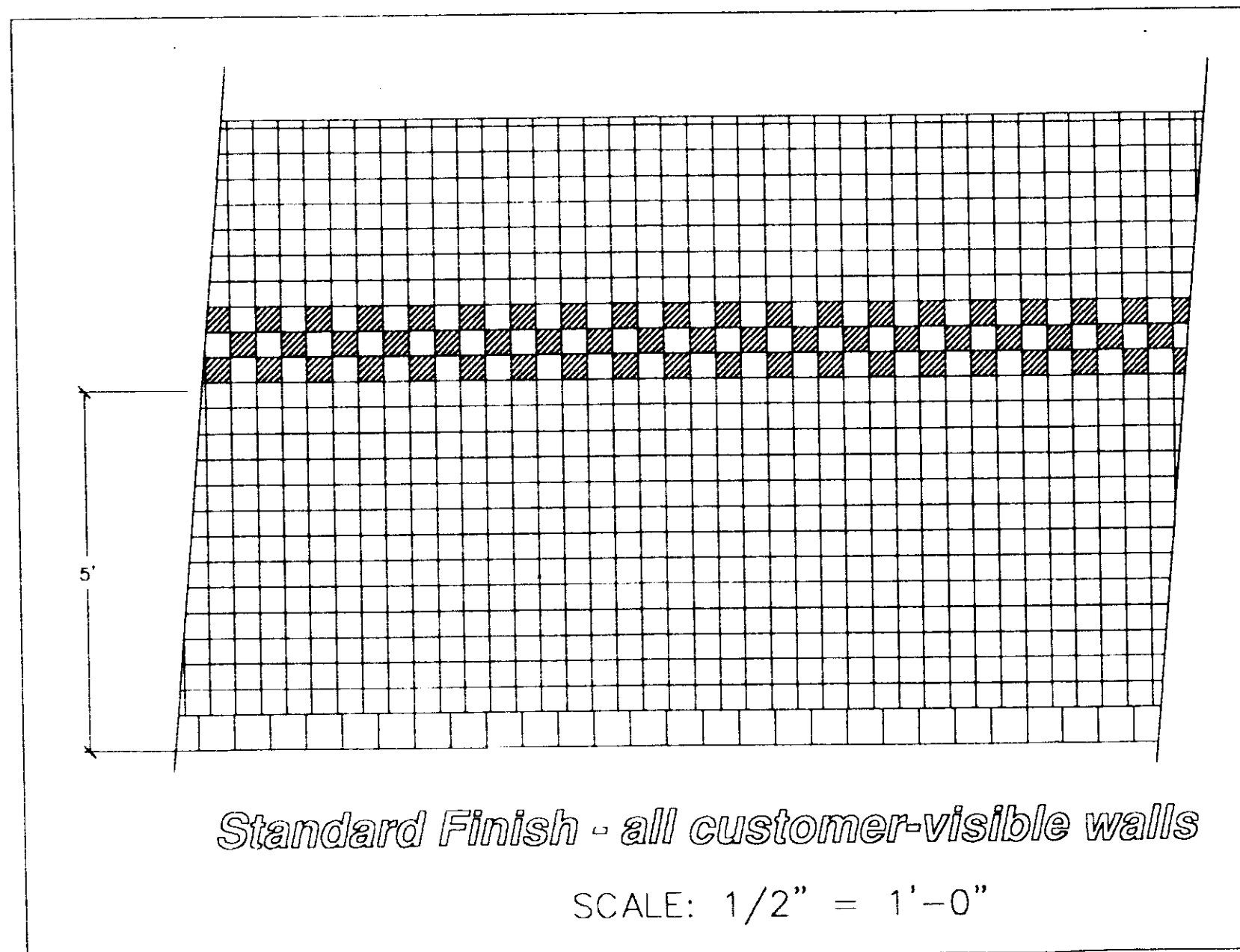
	item	mfg	model	W x D x H	electrical
1	HAND SINK	EAGLE	HSAN10F	10" x 13" x 36"	
2	DOUBLE PIZZA OVEN	LINCOLN	A LA CARTE	35" x 25" x 4'	(2)ea. 208V / 29A / 1PH
3	PIZZA PREP REFR.	BEVERAGE-AIR	SUR27C	27" x 34" x 46"	115V/6A / 1/4HP
4	DOUGH PRESS	PROPROCESS	DP-1100	21" x 22" x 39"	120V / 12.5A / 1450W
5	FRY DUMP	ANETS	CRISPY	12" x 20" x 16"	115V / 500W
6	WORKTOP FREEZER	BEVERAGE-AIR	WTF-27	27" x 29" x 36"	115V / 6A / 1/4HP
7	EXHAUST HOOD	CAPTIVEAIRE	2448SW	5' x 4' x 2'	SEE HOOD DRWGS.
8	FRYER	WYOTT	EF-15N	1' x 2' x 1'	208V / 20.6A / 4.28KW
9	GRILL	WYOTT	EG-24	2' x 2' x 1'	208V / 28.8A / 6KW
10	FRYER/GRILL STAND	WYOTT	KDS-36	3' x 2' x 3'	
11	STEAK PREP REFR.	BEVERAGE-AIR	SUR27	27" x 29" x 46"	115V / 6A / 1/4HP
12	FRY TIMER (not shown)	F.A.S.T.	FASTRON	8" x 6" x 6"	115V / 2A
13	SANDWICH PREP REFR.	BEVERAGE-AIR	SUR48-18M	27" x 34" x 46"	115V / 4A / 1/6HP
14	CONVEYOR TOASTER	HOLMAN	210HX	30" x 14" x 14"	208V / 14A / 2.8KW
15	PIZZA DISPLAY	BRASS SMITH	FG-42	42" x 2' x 16"	3' FLUOR. TUBE 2A
16	LOW COUNTER	CUSTOM	CORIAN	4' x 3' x 3'	
17	HIGH COUNTER	CUSTOM	CORIAN	5' x 18" x 4'-6"	
18	MENU/LOGO BOARD	GELBERG	5-PANEL	10' x 8" x 2'	FLUOR. TUBES 4A
19	STAINLESS TABLE	METAL MASTERS	T2430SEB	2' x 30" x 3'	

Service Counter Construction

CONSTRUCT KNEEWALL 2'-10 1/2" HIGH
1/2" GYP. BD. EA. SIDE
CERAMIC TILE FRONT AND END: DALMFG.: WHITE/VERMILION.
BLACK CERAMIC BULLNOSE BASE w/BLACK GROUT.
F.R.P. BACK SIDE.
1/2" CORIAN TOP BUILT UP AT EDGE TO 1-1/2" THICKNESS
1/2" ROUNDOVER AT ALL EDGES.
ALUMINUM STOREFRONT FRAMING PANEL WITH RED CORIAN INSERT.
TOP SHELF 18" WIDE IN CORIAN - CAMEO WHITE

Finishes

WALLS GLAZED CERAMIC TILE: WHITE WITH RED ACCENT
BY DAL MFG. GLOSS WHITE/ VERMILION
(NO SUBSTITUTIONS)
FLOOR EXISTING TO REMAIN
BASE VINYL COVE BASE
CEILING VINYL COATED GYPSUM TO REMAIN



98-147-5PHXA

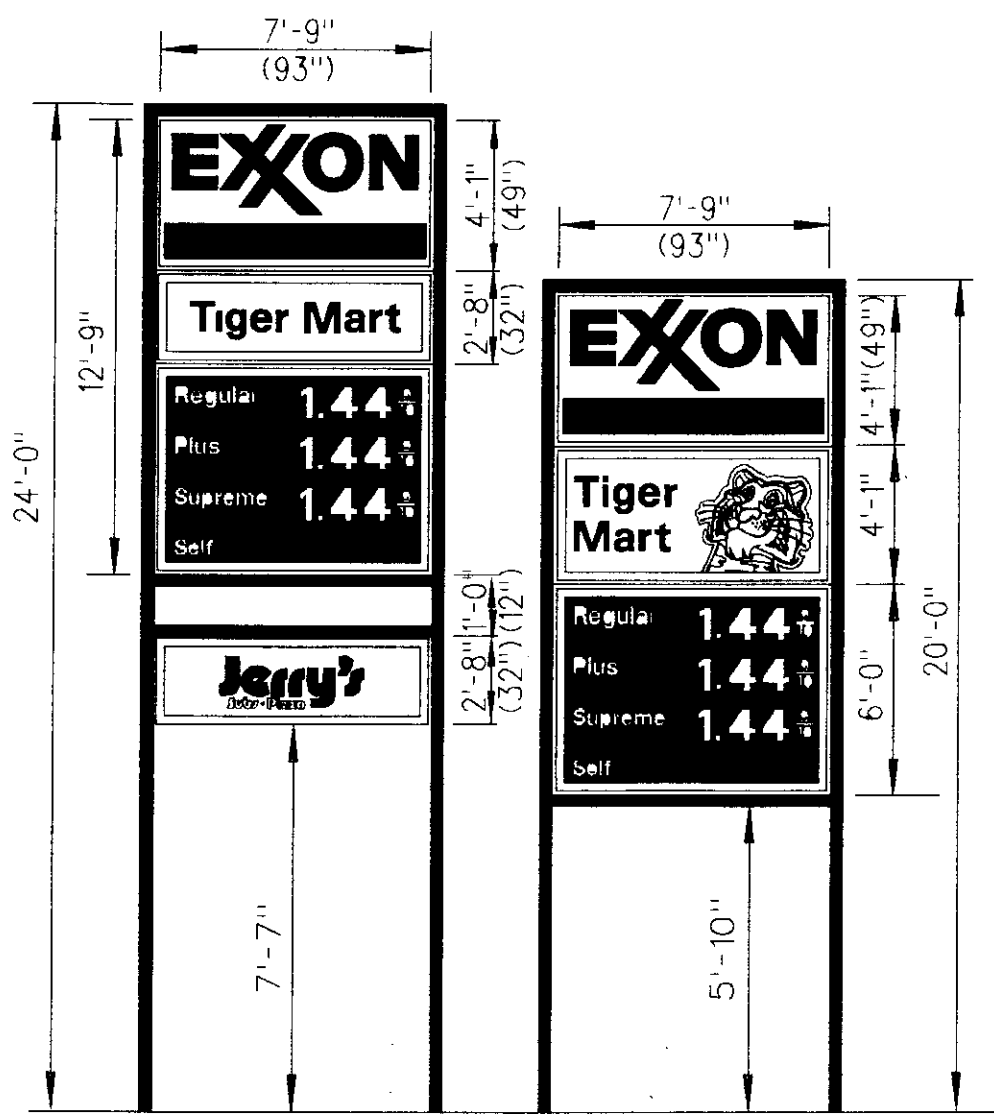
Jerry's
Subs • Pizza

at
TOWSON EXXON

201 EAST JOPPA ROAD
TOWSON, MARYLAND

Jerry's Systems, Inc.
15942 Shady Grove Road
Gaithersburg, Md 20877
301-921-8777

Drawn By: JR
SEPT 16, 1997



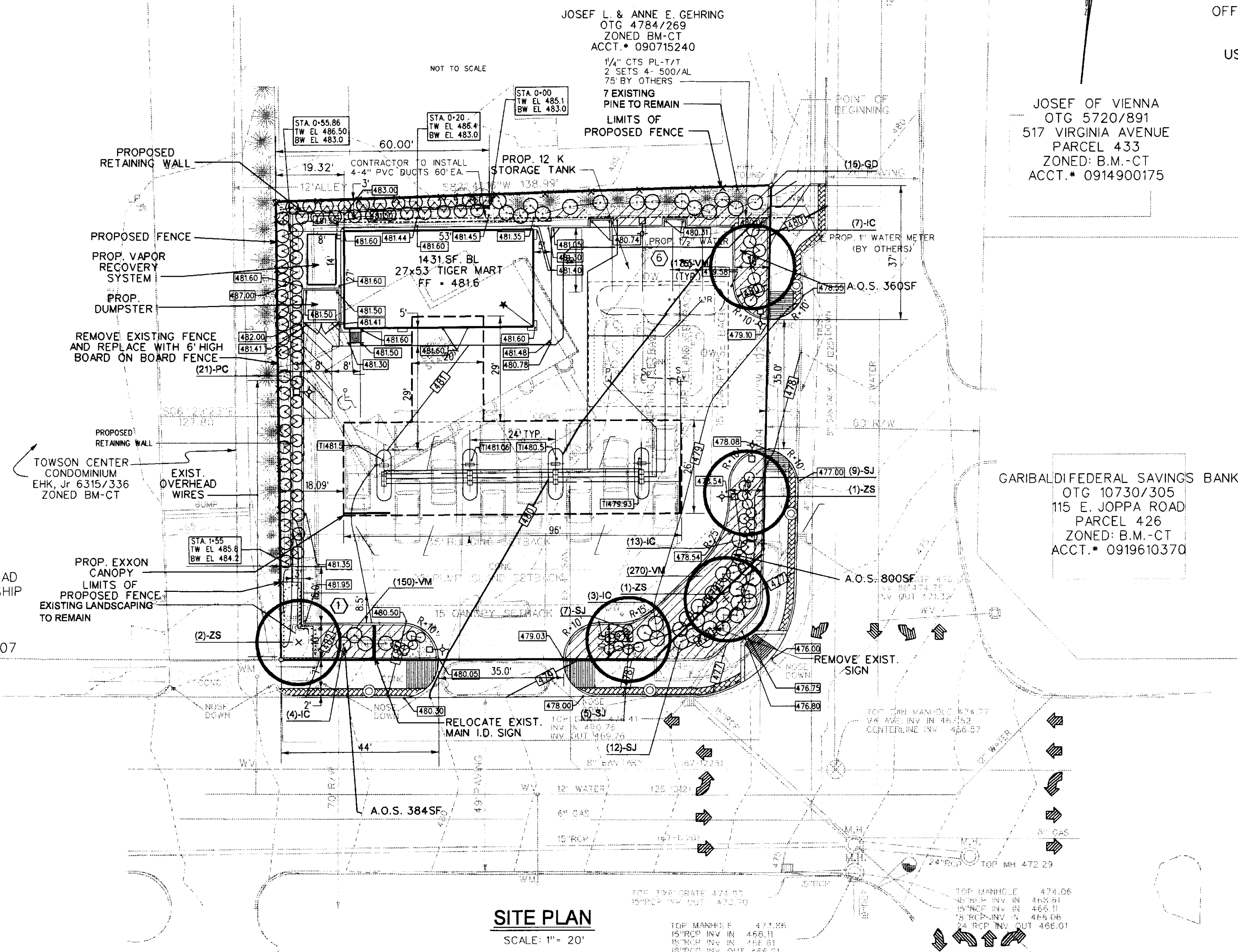
TOTAL BUILDING SIGNAGE PERMITTED
FRONTING JOPPA ROAD - 2' x 53' - 106 SF.
FRONTING VIRGINIA AVE. - 2' x 27' - 54 SF.

TOTAL BUILDING SIGNAGE REQUESTED
FRONTING JOPPA ROAD - 104 SF.
FRONTING VIRGINIA AVE. - 30.0 SF.

TOTAL FREESTANDING SIGNAGE PERMITTED
75 SF.

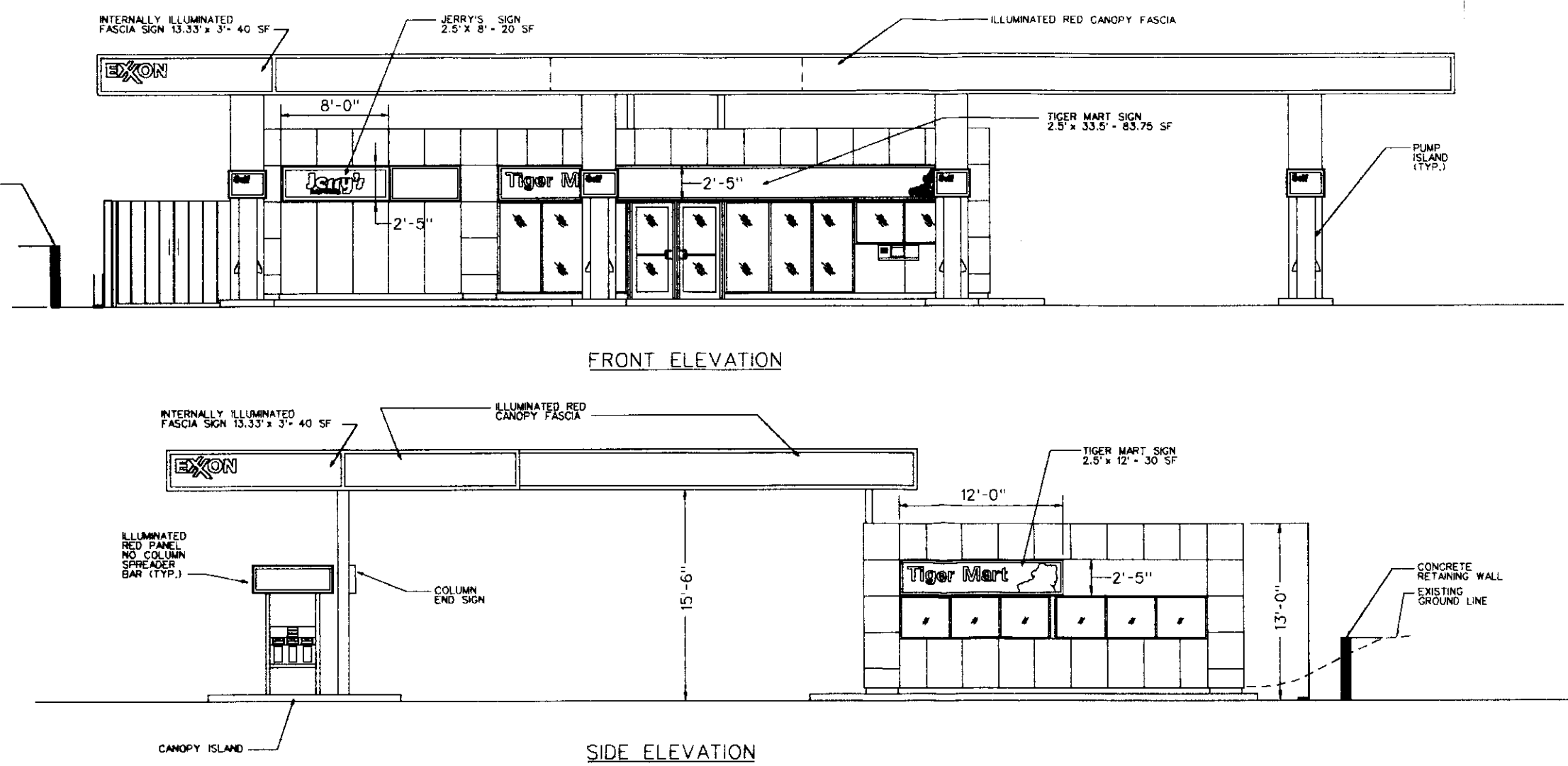
TOTAL FREESTANDING SIGNAGE REQUESTED
32 SF - 21 SF - 21 SF - 74 SF.
PRICE SIGN NOT INCLUDED IN CALCULATION OF
TOTAL SIGN AREA, PER MARYLAND STATE LAW.

203 E. JOPPA ROAD
LIMITED PARTNERSHIP
7356/430
PARCEL 146
ZONED: B.M.-CT
ACCT. # 1700009907



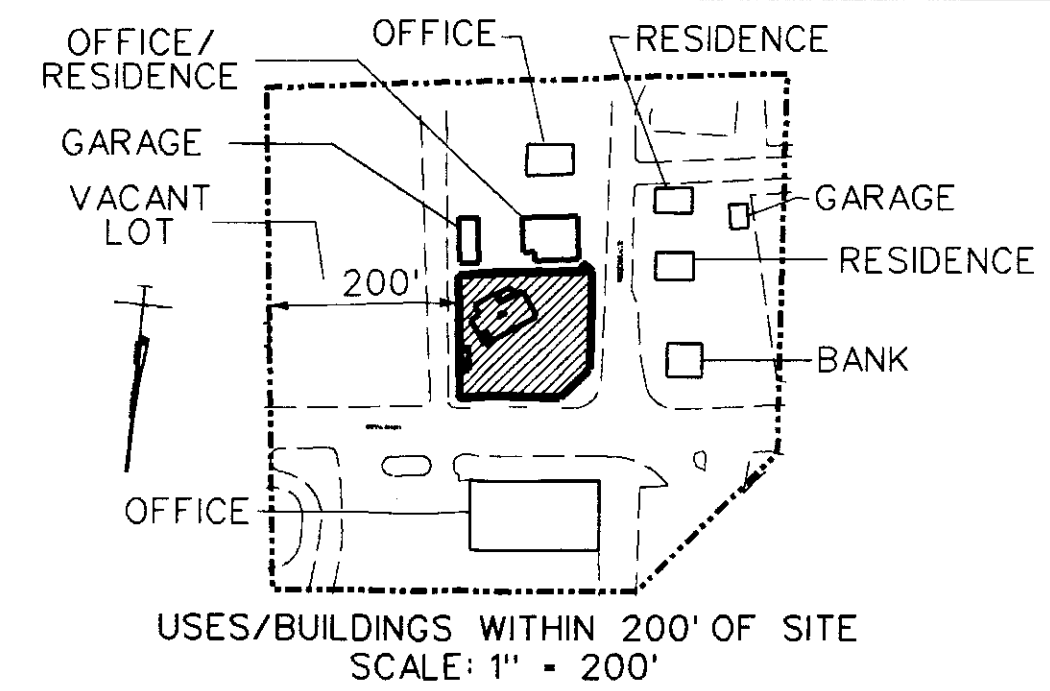
SITE PLAN
SCALE: 1" = 20'

200 E. JOPPA ROAD ASSOC.
6353/785
200 E. JOPPA ROAD
PARCEL 317
ZONED: B.M.-CT
ACCT. # 0907151813



FRONT ELEVATION

SIDE ELEVATION



USES/BUILDINGS WITHIN 200' OF SITE
SCALE: 1" = 200'



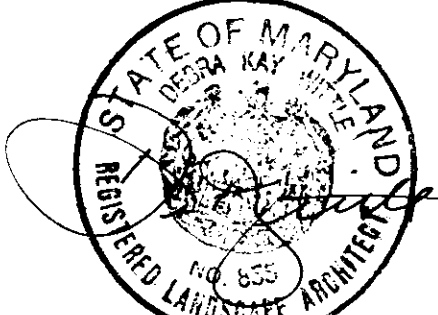
VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES:

1. APPLICANT: EXXON CORPORATION
2. OWNER: EXXON COMPANY, USA
6301 IVY LANE, SUITE 700
GREENBELT, MARYLAND 20770
(301) 513-7511
LIBER 6959, FOLIO 489
DATED JULY 15, 1985
TAX MAP NO. 70A, GRID 12
PART OF PARCEL 437
TAX ACCOUNT NO. 0905320024
3. COUNCILMANIC DISTRICT: 4TH
CENSUS TRACT: 490900
ELECTION DISTRICT: 9C4
WATERSHED: 10
SUBDIVISION: TOWSON TOWN CENTER
4. PREPARER: STV INCORPORATED (Jerry Zellers)
21 GOVERNORS COURT
BALTIMORE, MARYLAND 21244
(410) 944-9112
5. ZONING - BM-CT
6. NET SITE AREA - 0.3973 AC. - OR 17,306 SF
7. GROSS SITE AREA - 0.4696 AC. - OR 20,456 SF
8. REQUIRED SITE AREA:
15,000 SF. - (4 x 1,200 SF.) - (6 x 231 SF.) - 21,186 SF.
9. PARKING
REQUIRED - CONVENIENCE STORE - 3 SPACES/1000 SF (GFA) - 4
SELF SERVICE AIR OR VACUUM CLEANER UNIT 1 SPACE/UNIT - 1
EMPLOYEES - 1 SPACE/EMPLOYEE ON THE LARGEST SHIFT - 2
CARRY OUT RESTAURANT - 5 SPACES/1000 SF. - 1
TOTAL NUMBER OF SPACES - 8
Business hours - 24 hour operation 7 days a week
- PROPOSED - STANDARD PARKING - 7 SPACES
HANDICAPPED PARKING - 1 SPACE
TOTAL - 8 SPACES
- ALL SPACES WILL BE A MINIMUM OF 8.5 X 18 FEET.
ALL PARKING AND UNLOADING AND AISLE AREAS ARE TO BE PAVED WITH A DURABLE
AND DUSTLESS SURFACE OF BITUMINOUS CONCRETE AND PERMANENTLY STRIPED.
10. ZONING HISTORY:
CASE NO. 3409
A. ZONING COMMISSIONER (ORDER DATED APRIL 14, 1955).
(1) GRANTED PETITION FOR RECLASSIFICATION FROM "A" ZONE TO "B" ZONE.
(2) GRANTED SPECIAL EXCEPTION FOR A FUEL SERVICE STATION.
B. BOARD OF APPEALS (ORDER DATED JANUARY 14, 1956).
(1) AFFIRMED ZONING COMMISSIONER'S DECISION WITH CONDITIONS THAT
STOCKADE FENCE BE BUILT ALONG THE BACK PROPERTY LINE AND THAT LIGHT BE
DIRECTED AWAY FROM RESIDENTIAL AREAS.
C. CIRCUIT COURT FOR BALTIMORE COUNTY (ORDER DATED MARCH 6, 1956).
(1) AFFIRMED BOARD OF APPEALS DECISION.
CASE NO. 82-105A
A. ZONING COMMISSIONER (ORDER DATED OCTOBER 30, 1981).
(1) TWO VARIANCES GRANTED:
(a) TO PERMIT A TWO FOOT (2') CANOPY FRONT YARD SET-BACK TO EAST JOPPA
ROAD IN LIEU OF THE REQUIRED MINIMUM TEN FOOT (10')
CANOPY FRONT YARD SET-BACK.
(b) TO PERMIT AN ELEVEN FOOT (11') PUMP AISLE SET-BACK TO EAST JOPPA ROAD
IN LIEU OF THE REQUIRED MINIMUM FIFTEEN FOOT (15') PUMP
AISLE SET-BACK.
CASE NO. 86-35A
A. VARIANCE GRANTED TO PERMIT 301.7 SF OF SITE SIGNAGE IN LIEU OF
THE REQUIRED 100 SF.
CASE NO. 96-486-SHA A ZONING COMMISSION ORDER DATED OCTOBER 21, 1996 AND AMENDED
ON OCTOBER 28, 1996)
1. GRANTED SPECIAL HEARING REQUEST TO AMEND PURSUANT TO SECTION 405.6 THE
PREVIOUSLY APPROVED PLANS IN CASE NOS. 3409, 82-105A AND 56-53-A
2. GRANTED A VARIANCE OF SECTION 405.4.A TO PERMIT TWO-WAY VEHICULAR TRAVELWAY
WIDTHS OF 7', 8', 11', 12', AND 14' IN LIEU OF THE REQUIRED MINIMUM WIDTH OF 20'.
11. THERE ARE NO WETLANDS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES
HABITAT ON THE SITE.
12. ALL LIGHTING FIXTURES TO ILLUMINATE THE PROPERTY SHALL BE ARRANGED TO REFLECT
LIGHT AWAY FROM PUBLIC STREET ON ADJACENT PROPERTIES.
13. TRASH WILL BE COLLECTED BY A PRIVATE CONTRACTOR.
14. ALL SIGNS WILL COMPLY WITH (B.C.Z.R.).
15. THERE ARE NO WELLS OR SEPTIC SYSTEMS ON THIS SITE.
16. F.A.R.
EXISTING FAR - 2,132 DIVIDED BY 20,456 - 0.104
PROPOSED FAR - 1,431 DIVIDED BY 20,456 - 0.069
PERMITTED FAR - 5.5 X 17,306 SF - 95,163 SF
17. THE NEAREST FIRE HYDRANT IS LOCATED ON THE SOUTHEAST CORNER AT THE
INTERSECTION OF EAST JOPPA ROAD AND VIRGINIA AVENUE.
18. AMENITY OPEN SPACE: (A.O.S.)
REQUIRED - 0.10 X 1,431 SF - 144 SF
PROPOSED - 1,544 SQ.FT.
19. RELIEF REQUESTED
A. SPECIAL HEARING - TO AMEND THE PREVIOUSLY APPROVED PLANS AND CASE NUMBERS:
96-482-SHA, 86-35A, 82-105A, 3409.
B. SPECIAL EXCEPTION - TO PERMIT AN ADDITION OF A CARRY OUT RESTAURANT USE IN
COMBINATION WITH AN EXISTING FUEL SERVICE STATION.
C. VARIANCES -
1. SECTION 405.4E - TO PERMIT 17,306 SF. IN SITE AREA IN LIEU OF THE REQUIRED 21,186 SF.
20. THIS PROJECT IS EXEMPT FROM THE FOREST CONSERVATION REQUIREMENTS. (LESS THAN
40,000 SF OF DISTURBANCE)
21. LIMITED EXEMPTION WILL BE REQUESTED PURSUANT TO BALTIMORE COUNTY CODE SECTION
26-171 (a) (7).
21. THE ENTIRE SITE CONSIST OF GIB (GLENELO) SOILS.
22. THE SITE IS LOCATED ON BUS ROUTE NO. 3, 11 & 55.

98-147-SPHXA

PRINTED



PLAN TO ACCOMPANY ZONING PETITION AND SPECIAL HEARING