

TN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION AND VARIANCE - * DEPUTY ZONING COMMISSIONER
SW/S Harford Road, 38' SE of *
the c/l of East Avenue * OF BALTIMORE COUNTY
(9205 Harford Road) *
11th Election District * Case No. 98-328-SPHXA
6th Councilmanic District *

R. Benson Phelps, LLC *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, R. Benson Phelps, LLC, by John H. Phelps, Member, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioner seeks approval of an amendment to the previously approved site plan in prior Case No. 5529-X for the conversion of the existing service bays to a carry-out restaurant use, and a modified parking plan and modified parking requirements for the proposed use, pursuant to Sections 409.12B and 409.8.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). The Petitioner also requests a special exception to continue the existing automotive fuel service station use, pursuant to Section 230.13 of the B.C.Z.R., in combination with a convenience store with a sales area of greater than 1500 sq.ft., pursuant to Section 405.4.E.1 of the B.C.Z.R.; a roll-over car wash, pursuant to Sections 405.4.E.2 and 419.1 of the B.C.Z.R.; and carry-out restaurant, pursuant to Section 405.4.E.10 of the B.C.Z.R. In addition to the special hearing and special exception relief sought, the Petitioner requests variance relief as follows: From Section 450.4.F.5(a) of the B.C.Z.R. to permit the existing three, wall-mounted enterprise signs to remain located on the front facade in lieu of the two signs per facade permitted as of right;

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Date

By

from Section 405.4.A.3(c) of the B.C.Z.R. to permit a single fuel service space without the necessity of one stacking space; and, if the modified parking plan is not approved pursuant to the special hearing relief sought herein, then relief is requested from Section 409.6.A.2 of the B.C.Z.R. to permit 12 parking spaces for the carryout/convenience store in lieu of the required 15 spaces. 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 John H. Phelps, representative of R. Benson Phelps, LLC, Owner of the property, Ashton Menifee, a representative of Carroll Independent Fuel Company, Developer, Edwin S. Howe, Professional Engineer with KCW Consultants, Inc., C. Richard Moore, a traffic engineering consultant with Wells and Associates, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

At the onset of the hearing, the Petitioner amended the third variance requested within its Petition for Variance and submitted a revised site plan, marked into evidence as Petitioner's Exhibit 2. In accordance with the revised site plan, the Petitioners propose to construct an addition to the existing building rather than remove same and construct a new building. The building will actually be smaller than that originally proposed; thus, only 14 spaces are required. The Petition was amended accordingly and the hearing proceeded.

Testimony and evidence offered revealed that the subject property consists of 0.664 acres, more or less, zoned B.M.-A.S., and is improved with a 2300 sq.ft., one-story masonry building. The property is located on the southeast corner of the intersection of Harford Road and East

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JBP

Avenue, just north of the exit ramp from the Baltimore Beltway (I-695) to Harford Road. The property is currently improved with a gasoline service station which has existed on the property for many years. The Petitioner is desirous of converting the site to a use in combination gasoline sales/convenience store/car wash facility in accordance with Petitioner's Exhibit 2. The Petitioner recognizes the need to remain competitive with other gasoline service stations in the area, most of which have already converted from automobile repair facilities to gas and go service stations with accessory convenience store and car wash uses. However, in order to proceed with the proposed conversion, the requested special exception, special hearing and variance relief are necessary. As noted above, the Petitioner originally proposed to raze the existing building and construct new buildings to house the convenience store/gasoline sales and car wash services. However, the Petitioners have since modified their plans and now wish to proceed with the proposed improvements, utilizing the existing building. In addition, a modified parking plan is proposed, pursuant to Sections 409.12.B and 409.8.B.1 of the B.C.Z.R., which, if approved, would obviate the need for the parking variance to permit 12 spaces in lieu of the required 14. On behalf of the Petitioner, Mr. Alderman proffered that there are no specific parking requirements set forth in the B.C.Z.R. for a gasoline service station use in combination with a convenience store and roll-over car wash. Mr. Alderman indicated that while the modified parking plan, shown on Petitioner's Exhibit 2, would provide 12 "hard" spaces, it does not account for the additional spaces under the canopy. Furthermore, the Petitioner believes that 12 parking spaces would be sufficient, given the use proposed for this property.

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It is clear that the B.C.Z.R. permits the use proposed in a B.M.-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 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:

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Date
By

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 special hearing and variance relief are not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. Furthermore, I find that the modified parking plan shown on Petitioner's Exhibit 2 is appropriate and should be approved. In the opinion of this Deputy Zoning Commissioner, the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and meets the spirit and intent of the zoning regulations. Inasmuch as the modified parking plan has been approved, the variance to allow 12 parking spaces in lieu of the required 14 shall be dismissed as moot.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above,

the special hearing, special exception and variance relief sought should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of May, 1998 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in prior Case No. 5529-X to reflect the proposed conversion of the existing service bays to a carry-out restaurant use, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a modified parking plan and modified parking requirements for the proposed use, pursuant to Sections 409.12B and 409.8.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to continue the existing automotive fuel service station use, pursuant to Section 230.13 of the B.C.Z.R., in combination with a convenience store with a sales area of greater than 1500 sq.ft., pursuant to Section 405.4.E.1 of the B.C.Z.R., in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a roll-over car wash, pursuant to Sections 405.4.E.2 and 419.1 of the B.C.Z.R., and carry-out restaurant, pursuant to Section 405.4.E.10 of the B.C.Z.R., in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; and,

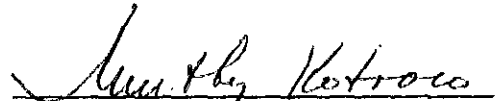
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450.4.F.5(a) of the B.C.Z.R. to permit the existing three, wall-mounted enterprise signs to remain located on the front facade

ORDER RECEIVED
Date 5/13/98
By [Signature]

in lieu of the maximum permitted two signs per facade permitted as of right, and from Section 405.4.A.3(c) of the B.C.Z.R. to permit a single fuel service space without the necessity of one stacking space, in accordance with Petitioner's Exhibit 2, 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 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.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6.A.2 of the B.C.Z.R. to permit 12 parking spaces for the carryout/convenience store in lieu of the required 14 spaces, be and is hereby DISMISSED AS MOOT.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 5/13/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

May 13, 1998

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
SW/S Harford Road, 38' SE of the c/l of East Avenue
(9205 Harford Road)
11th Election District - 6th Councilmanic District
R. Benson Phelps, LLC - Petitioner
Case No. 98-328-SPHXA

Dear Mr. Alderman:

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,

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. John H. Phelps, R. Benson Phelps, LLC
2900 Loch Raven Road, Baltimore, Md. 21218

Mr. Ashton Meniffee, Carrol Independent Fuel Company
9205 Harford Road, Baltimore, Md. 21234

People's Counsel; Case Files



Petition for Variance
[continuation sheet]

LEGAL OWNERS: R. BENSON PHELPS, LLC

Property Address: 9205 Harford Road

Variance Relief Requested:

- ▶ from BCZR § 450.4.F.5(a) for the three, wall mounted enterprise signs otherwise allowed to be located on the front facade in lieu of the maximum of two per facade permitted as of right.
- ▶ from BCZR §405.4A.3.c to permit a single fuel service space without the necessity of one stacking space.
- ▶ If the modified parking plan is not approved as part of the Special Hearing Petition filed herewith, from BCZR § 409.6.A.2 to permit a total of 12 parking spaces for the carryout/convenience store in lieu of the 14 spaces otherwise required.

Justification:

- existing topography of the subject property;
- irregular shape of existing lot;
- identification of three, separate enterprises on site;
- configuration of existing improvements; and
- such further justification as will be presented at the time of the hearing on this Petition.

COPY

File
Revised
4/28/98

98-328-SPHX.A



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

9205 Harford Road

which is presently zoned

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

SEE ATTACHED

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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr., Esquire

Levin & Gann, P.A.

805 W. Chesapeake Avenue, Suite 113

Towson, MD 21204

Signature

Address

410-321-0600

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):

R. BENSON PHELPS, LLC

(Type or Print Name)

By: John H. Phelps

Signature

JOHN H. PHELPS, Member

(Type or Print Name)

Signature

2900 Loch Raven Road

Address

410-235-9911

Phone No

Baltimore, Maryland 21218

City

State

Zipcode

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

R. BENSON PHELPS, LLC

c/o Howard Phelps

Name

2700 Loch Raven Rd. 21218 410-235-9911

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: RT/BR

DATE

3/11/98

ORDER RECEIVED FOR FILING

Date

By

98-328-SPHXA

#328

Petition for Special Hearing
[continuation sheet]

LEGAL OWNERS: R. BENSON PHELPS, LLC

Property Address: 9205 Harford Road

Special Hearing Request:

Approval of the conversion of the existing service bays to carry-out restaurant use and amendment of previously approved site plans, in Case No. 5529-X, for the subject property.

Approval, pursuant to BCZR §§409.12.B and 409.8.B.1, of a modified parking plan and modified parking requirements for the proposed uses in accordance with the specific detail shown on the Plans to accompany this Petition.

5/13/98
[Signature]



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 9205 Harford Road

which is presently zoned BM-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

SEE ATTACHED

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:

Howard L. Alderman, Jr., Esquire

Levin & Gann, P.A.

305 W. Chesapeake Avenue, Suite 113

Towson, MD 21204

Signature

Address Phone No.

City

State

Zipcode

Legal Owner(s):

R. BENSON PHELPS, LLC

(Type or Print Name)

By: Signature

JOHN H. PHELPS, Member

Signature

2900 Loch Raven Road 410-235-9911

Address

Phone No.

Baltimore, Maryland 21218

City

State

Zipcode

Name, Address and phone number of representative to be contacted

R. BENSON PHELPS, LLC

c/o Howard Phelps

Name

2700 Loch Raven Rd. 21218 410-235-9911

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: RT 11/12 DATE 3/11/98

ORDER RECEIVED FOR FILING

98-328-SPHXA

4 328

Petition for Special Exception
[continuation sheet]

LEGAL OWNERS: R. BENSON PHELPS, LLC

Property Address: 9205 Harford Road

Special Exception Uses Requested:

- ▶ continuation of automotive fuel service station pursuant to BCZR §230.13, in combination with the following:
- ▶ convenience store with a sales area of greater than 1500 square feet pursuant to BCZR §405.4.E.1;
- ▶ roll-over car wash pursuant to BCZR §§405.4.E.2 & 419.1; and
- ▶ carry-out restaurant pursuant to BCZR §405.4.E.10

ORDER RECEIVED PER FILING
Date 5/13/18
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

9205 Harford Road

which is presently zoned

BM-AS

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

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

SEE ATTACHED

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

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Howard L. Alderman, Jr., Esquire

Levin & Gann, P.A.

(Type or Print Name)

305 W. Chesapeake Avenue, Suite 113

Towson, MD 21204

Signature

Address

410-321-0600

Phone No.

City

State

Zipcode

Legal Owner(s):

R. BENSON PHELPS, LLC

(Type or Print Name)

By: John H. Phelps

Signature

JOHN H. PHELPS, Member

(Type or Print Name)

Signature

2900 Loch Raven Road

Address

410-335-9911

Phone No.

Baltimore, Maryland

21218

City

State

Zipcode

Name, Address and phone number of representative to be contacted

R. BENSON PHELPS, LLC

c/o C. Howard Phelps

Name

2700 Loch Raven Rd.

Address

21218 410-235-9911

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: RT/BR

DATE

2/11/98

#328

ORDER RECEIVED FOR FILING
3/13/98

Printed with Soybean Ink
on Recycled Paper



98-328-SPHXA

Petition for Variance
[continuation sheet]

LEGAL OWNERS: **R. BENSON PHELPS, LLC**

Property Address: **9205 Harford Road**

Variance Relief Requested:

- ▶ from BCZR § 450.4.F.5(a) for the three, wall mounted enterprise signs otherwise allowed to be located on the front facade in lieu of the maximum of two per facade permitted as of right.
- ▶ from BCZR §405.4A.3.c to permit a single fuel service space without the necessity of one stacking space.
- ▶ If the modified parking plan is not approved as part of the Special Hearing Petition filed herewith, from BCZR § 409.6.A.2 to permit a total of 12 parking spaces for the carryout/convenience store in lieu of the 15 spaces otherwise required.

Justification:

- existing topography of the subject property;
- irregular shape of existing lot;
- identification of three, separate enterprises on site;
- configuration of existing improvements; and
- such further justification as will be presented at the time of the hearing on this Petition.

ORDER RECEIVED FOR FILING
Date 5/13/18
By [Signature]

328

*Amended
Petition
TMK*

Petition for Variance
[continuation sheet]

LEGAL OWNERS: R. BENSON PHELPS, LLC

Property Address: 9205 Harford Road

Variance Relief Requested:

- ▶ from BCZR § 450.4.F.5(a) for the three, wall mounted enterprise signs otherwise allowed to be located on the front facade in lieu of the maximum of two per facade permitted as of right.
- ▶ from BCZR §405.4A.3.c to permit a single fuel service space without the necessity of one stacking space.
- ▶ If the modified parking plan is not approved as part of the Special Hearing Petition filed herewith, from BCZR § 409.6.A.2 to permit a total of 12 parking spaces for the carryout/convenience store in lieu of the 14 spaces otherwise required.

Justification:

- existing topography of the subject property;
- irregular shape of existing lot;
- identification of three, separate enterprises on site;
- configuration of existing improvements; and
- such further justification as will be presented at the time of the hearing on this Petition.

ORDER RECEIVED FOR FILING

Date

By

3/3/98
[Signature]

KCW Consultants, Inc.

Civil Engineers and Land Surveyors
3104 Timanus Lane, Suite 101 / Baltimore, Maryland 21244

(410) 281-0030 / 281-0033 / Fax (410) 298-0604

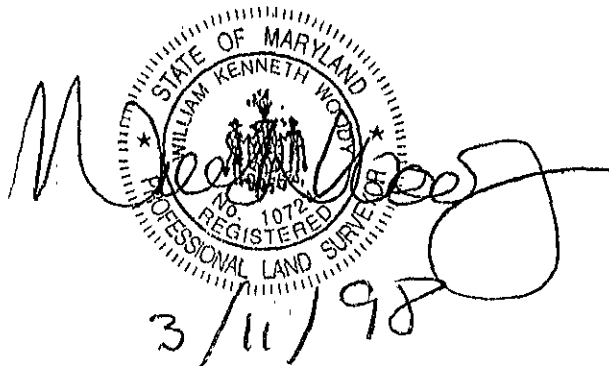
Re: R. BENSON PHELPS, LLC
9205 Harford Road

Zoning Description

Beginning at a point on the Southwesternmost right-of-way line of Harford Road (60 feet right-of-way) at the distance of 38 feet Southeasterly from the centerline of East Avenue (50 feet right-of-way) thence leaving said point and running with and binding on the Southwesterly right-of-way line of East Avenue:

1. South 56 degrees 24 minutes 06 seconds East 146.15 feet, thence leaving said East Avenue right-of-way
2. South 33 degrees 57 minutes 29 seconds West 200.20 feet, thence
3. North 56 degrees 21 minutes 06 seconds West 143.02 feet, thence running with and binding on the southeasterly right-of-way of Harford Road sixty(60) feet wide,
4. North 33 degrees 03 minutes 40 seconds East 200.08 feet

To the place of beginning. Containing 0.664 acres of land more or less. As recorded in deed liber 11138 folio 60.



98-328-SPHXA #328

**NOTICE OF ZONING
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: #98-328-SPHXA
9205 Harford Road
SE/S Harford Road, 60' +/-
SW of centerline Duncan Lane
11th Election District
8th Councilmanic District
Legal Owner(s):
R. Benson Phelps, LLC

Special Hearing: to approve the conversion of the existing service bays to carry-out restaurant use and amendment of previously approved site plans in case #5529-X; and approval of a modified parking plan and modified parking requirements for the proposed uses

Special Exception: for continuation of automotive fuel service station, for a convenience store with a sales area of greater than 1,500 square feet, roll-over car wash, and carry-out restaurant.

Variance: to allow the three, wall-mounted enterprise signs in lieu of the maximum of two per facade; to permit a single fuel service space without the necessity of one stacking space; and to permit, if necessary, a total of 12 parking spaces for the carry-out/convenience store in lieu of the 15 spaces otherwise required.

Hearing: Monday, May 4, 1998 at 10:00 a.m. in Room 407, County Courts Bldg., 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 Case Call (410) 887-3391

3 April 16 C221060

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/16/, 19 98

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 4/16/, 19 98

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

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

No.

DATE 4-28-98 ACCOUNT R-001-6150

AMOUNT \$ 10.00

RECEIVED FROM: London & G. A. A.

FOR: Revised Plan (Commercial) for
2000 Hearing at 98-328-SPH X.27

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 151725

DATE 3/11/98 ACCOUNT R001-6150

AMOUNT \$ 650.00

RECEIVED FROM: R. Benson Phelps, LLC / Carol's Independent Fuel Co.

FOR: 9205 Hartford Rd.

Code 070

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

98-328 SPHXA

Item # 328

PAID RECEIPT

PROCESS ACTUAL TIME
3/11/1998 3/11/1998 10:24:15
REG 0605 CASHIER DRY EXT DRAWER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 055632
CP NO. 051725

650.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE Case No. 98-328 SPHKA

Petitioner/Developer R. BENSON PHELPS, LLC

% HOWARD ALDERMAN, ESQ

Date of Hearing/Closing 5/4/98

2 10⁰⁰ AM

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

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 #9205 HARBORD RD.

The sign(s) were posted on _____

4/19/98
(Month, Day, Year)



Sincerely,

Patrick M. O'Keefe 4/20/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
(Telephone Number)

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR SPECIAL EXCEPTION *
PETITION FOR VARIANCE * ZONING COMMISSIONER
9205 Harford Road, SE/S Harford Rd, *
60'± SW of c/l of Duncan Lane * OF BALTIMORE COUNTY
11th Election District, 6th Councilmanic * CASE NO. 98-328-SPHXA
R. Benson Phelps, LLC *
Petitioner *

* * * * *

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 15th day of April, 1998, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., 305 W. Chesapeake Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

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

March 23, 1998

NOTICE OF ZONING 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: 98-328-SPHXA
9205 Harford Road
SE/S Harford Road, 60' +/- SW of centerline Duncan Lane
11th Election District - 6th Councilmanic District
Legal Owner: R. Benson Phelps, LLC

Special Hearing to approve the conversion of the existing service bays to carry-out restaurant use and amendment of previously approved site plans in case #5529-X; and approval of a modified parking plan and modified parking requirements for the proposed uses. Special Exception for continuation of automotive fuel service station; for a convenience store with a sales area of greater than 1,500 square feet; roll-over car wash; and carry-out restaurant. Variance to allow the three, wall-mounted enterprise signs in lieu of the maximum of two per facade; to permit a single fuel service space without the necessity of one stacking space; and to permit, if necessary, a total of 12 parking spaces for the carry-out/convenience store in lieu of the 15 spaces otherwise required.

HEARING: Monday, May 4, 1998 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is written in a cursive, flowing style. Below the signature, the name "Arnold Jablon" and the title "Director" are printed.

Arnold Jablon
Director

c: R. Benson Phelps, LLC
Howard L. Alderman, Jr., Esquire

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 19, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
April 16, 1998 Issue - Jeffersonian

Please forward billing to:
R. Benson Phleps, LLC
2900 Loch Raven Road
Baltimore, MD 21218

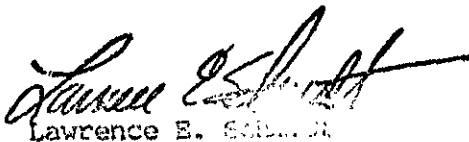
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HEARING: Monday, May 4, 1998 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: _____

Petitioner: R. BENSON PHELPS, LLC

Address or Location: 9205 HANFORD ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: R. Benson Phelps, LLC

Address: 2900 LOCH RAVEN ROAD

BALTIMORE MD 21218

Telephone Number: 410-235-9911

Revised 2/20/98 - SCJ

98-328-SPHXA

Item #328

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

Item # 328

ZONING NOTICE

Case No.: 98-328 SP4XA

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Hearing to approve a waiver to approve the conversion of
existing service bays to carry-out restaurant use and to modify the parking plan.
Special Exception to continue an automotive fuel service station, a
convenience store with a sales area greater than 1500 square feet, a 11-car
car wash, and a carry-out restaurant. Variance to permit three wall mounted
signs in lieu of two, to permit single fuel service space, and a modified parking
plan with a total of 12 parking spaces in lieu of 15.
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

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: March 30, 1998

FROM: Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for March 30, 1998
 Item No. 328

The Bureau of Developer's Plans Review has reviewed the subject zoning item. The proposed car wash does not have adequate maneuvering area and shall be redesigned.

The Landscape Manual requires parking to be a minimum of 6 feet of the face-of-building.

This office requests that the Hearing Officer require that sidewalks in the right-of-way be reduced to 5 feet so that the landscape area may be expanded.

A schematic landscape plan should be submitted.

RWB:HJO:jrb

cc: File

ZONE0330.328

BALTIMORE COUNTY, MARYLAND

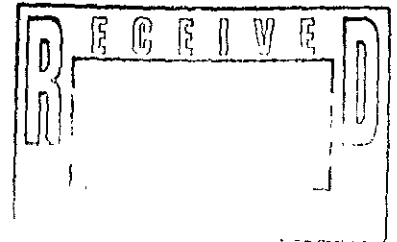
INTER-OFFICE CORRESPONDENCE

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

DATE: March 31, 1998

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

SUBJECT: Zoning Advisory Petitions



The Planning Office has no comments on the following petitions (s):

Item No. 328

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

AFK/JL

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

TO: PDM
FROM: R. Bruce Seeley. *RBS/yp*
Permits and Development Review
DEPRM

DATE: 3/23/98

SUBJECT: Zoning Advisory Committee
Meeting Date: March 23, 98

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

Item #'s: 321 (328) 331
326 329
327 330

RBS:sp

BRUCE2/DEPRM/TXTS8P



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary

Parker F. Williams
Administrator

March 24, 1998

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

RE: Baltimore County
Item No. 328
Special exception
9205 Harford Road
MD 147 at East Avenue
Carroll Independent Fuel Company
Mile Post 1.50

Dear Ms. Eubanks:

We have reviewed the referenced item and have no objection to approval of the special exception.

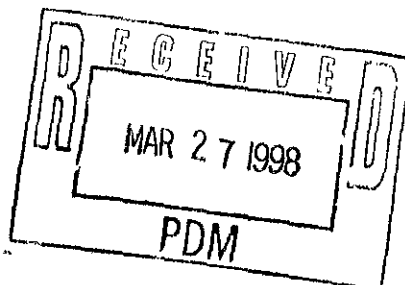
However, we will require the owner to obtain an access permit through this office. Please have their representative contact this office regarding the required improvements conditioned to the permit.

Should you have any questions, please contact Larry Gredlein at 410-545-5606. You may also E-mail him (lgredlein@sha.state.md.us).

Very truly yours,

for Lawrence J. Gredlein
for Ronald Burns, Chief
Engineering Access Permits Division

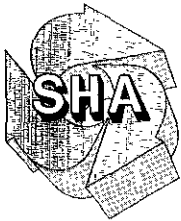
LG/eu



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



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary

Parker F. Williams
Administrator

May 14, 1998

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

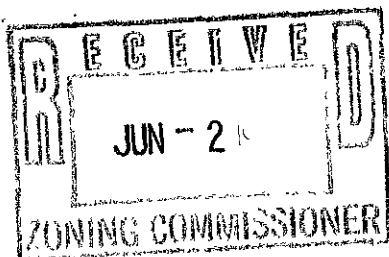
RE; Baltimore County
#98-328 SPHXA
9205 Harford Road
MD 147 at East Avenue
Carroll Independent Fuel Company
Mile Post 1.50

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval of the special exception.

However, we will require the owner to obtain an access permit through this office. Please have their representative contact this office regarding the required improvements conditioned to the permit.

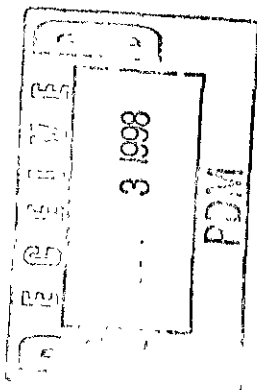
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Ronald Burns, Chief
Engineering Access Permits Division

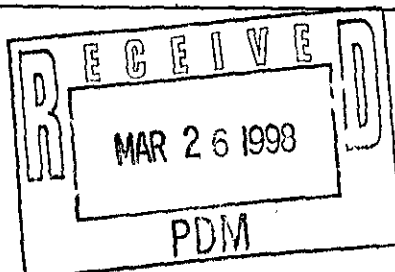
LG/eu



*Sharon:
Granted May 13/1998
file in your file
Room - zoning comm*



Baltimore County
Fire Department



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

MARCH 23, 1998

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

RE: Property Owner: THOMAS TZOMIDES - 321
HJR - BENSON VENTURE LLC - 327
R. BENSON PHELPS, LLC - 328
W. WORTH MCKEITHAN AND EVELYN B. MCKEITHAN -
331
GLORIA TEMPLE FRIEND - 334

Location: DISTRIBUTION MEETING OF MARCH 23, 1998

Item No.: 321, 327, 328, 331, 334 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", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Jim
5/4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 31, 1998

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

SUBJECT: Zoning Advisory Petitions

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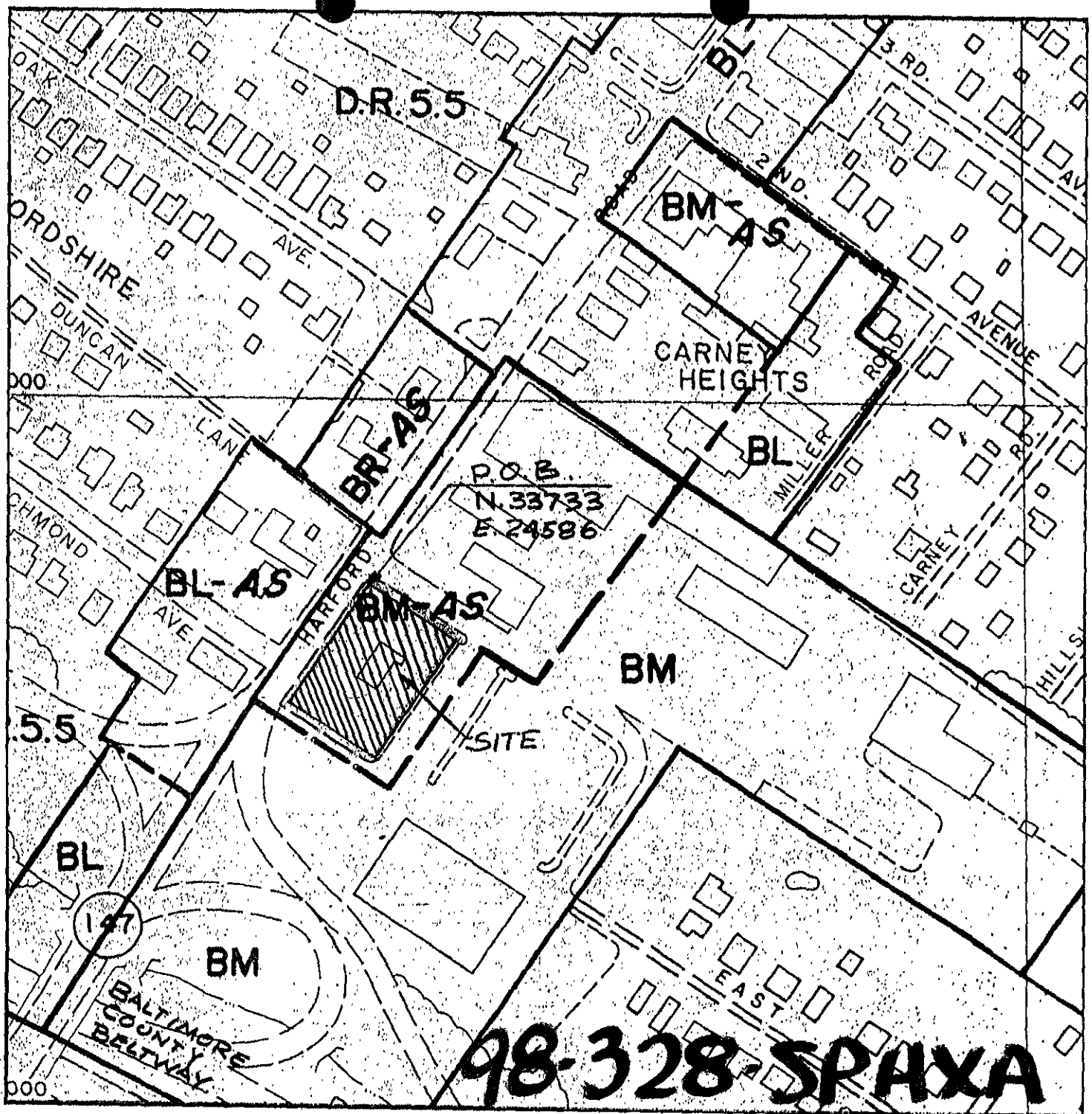
Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Keene

AFK/JL



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP N.E. 9-E (COPY) # 320

KCW Consultants, Inc.
CIVIL ENGINEERS AND LAND SURVEYORS
3104 TIMANUS LANE, SUITE 101
BALTIMORE, MARYLAND 21244
TELE:(410) 281-0033
FAX:(410) 289-0604

PLAT TO ACCOMPANY SPECIAL EXCEPTION
FOR
CARROLL INDEPENDENT FUEL CO.
9205 HARFORD ROAD

BALTIMORE CO., MARYLAND ELECTION DISTRICT - 11
SCALE: 1"= 200' COUNCILMATIC DISTRICT 6

