IN THE MATTER OF * BEFORE THE
THE APPLICATION OF
RODICK REALTY PARTNERSHIP I * COUNTY BOARD OF APPEALS
-LEGAL OWNER; CLOVERLAND FARMS
DAIRY, INC.-CONTRACT PURCHASER*
NW/SIDE PULASKI HIGHWAY AT
SW/SIDE EBENEZER ROAD * BALTIMORE COUNTY
(10740 PULASKI HIGHWAY)
11TH ELECTION DISTRICT * CASE NO. 99-318-X
5TH COUNCILMANIC DISTRICT

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Deputy Zoning Commissioner dated June 23, 1999 in which the Petition for Special Exception was granted.

with Prejudice dated December 29, 1999, filed by Benjamin Bronstein, Esquire, Counsel for Appellant /Petitioner, on January 3, 2000 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Appellant requests that the appeal filed in this matter be dismissed with prejudice as of December 29, 1999;

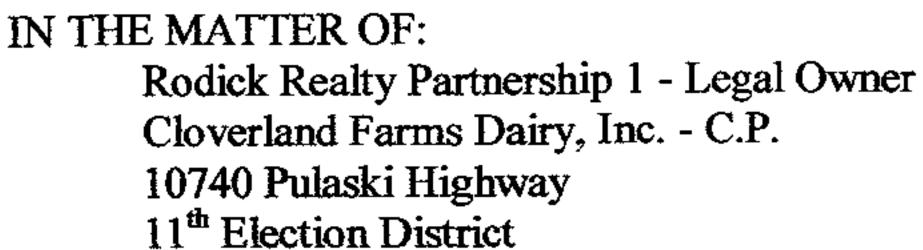
IT IS HEREBY ORDERED this _______, 2000 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED with prejudice.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

Thomas P. Melvin

Charles L. Marks



5th Councilmanic District

(D.Z.C. Granted Special Exception)

- * BEFORE THE
- * BOARD OF APPEALS
- * FOR BALTIMORE COUNTY
- * CASE NO.: 99-318-X

REQUEST FOR DISMISSAL WITH PREJUDICE

At the request of 40 East Sunoco, Inc., and Ronald C. Black, Appellants, please dismiss with prejudice the above-entitled case.

COUNTY BOARD OF APPEALS

00 JAN -3 PM 3: 23

*

Benjamin Bronstein George & Bronstein, LLP

205 Susquehanna Building 29 West Susquehanna Avenue Towson, Maryland 21204

(410) 296-0200

Attorney for 40 East Sunoco, Inc., and Ronald C. Black

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this A day of December, 1999, that a copy of the foregoing Request for Dismissal of Appeal was mailed, postage pre-paid to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, Maryland 21204, attorney for Rodick Realty Partnership 1, Owners/Cloverland Farms Dairy, Inc., Contract Lessee, Petitioners; and to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

Benjamin Bronstein

IN RE: PETITION FOR SPECIAL EXCEPTION

NW/S Pulaski Highway, at SW/S Ebenezer Road (10740 Pulaski Highway)

11th Election District

*

5th Councilmanic District

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

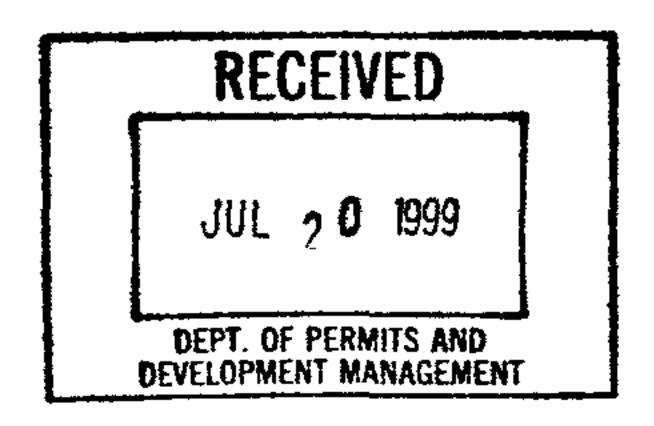
* OF BALTIMORE COUNTY

* CASE NO.: 99-318-X

Rodick Realty Partnership 1, Owners; Cloverland Farms Dairy, Inc., Contr. Lessee

NOTICE OF APPEAL

On behalf of 40 East Sunoco, Inc., and Ronald C. Black, 10800 Pulaski Highway, White Marsh, Maryland 21162, please enter an appeal to the County Board of Appeals for Baltimore County from the decision of the Deputy Zoning Commissioner dated June 23, 1999 in the above-captioned case.



Benjamin Bronstein George & Bronstein, LLP 205 Susquehanna Building 29 West Susquehanna Avenue Towson, Maryland 21204 (410) 296-0200

Attorney for 40 East Sunoco, Inc., and Ronald C. Black

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 20 day of July, 1999, that a copy of the foregoing Notice of Appeal was mailed, postage pre-paid to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, Maryland 21204, attorney for Rodick Realty Partnership 1, Owners/Cloverland Farms Dairy, Inc., Contract Lessee, Petitioners; and to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

Benjamin Bronstein

IN RE: PETITION FOR SPECIAL EXCEPTION

NW/S Pulaski Highway, at SW/S

Ebenezer Road

(10740 Pulaski Highway)

11th Election District

5th Councilmanic District

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 99-318-X

Rodick Realty Partnership 1, Owners;

Cloverland Farms Dairy, Inc., Contr. Lessee *

* * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Rodick Realty Partnership 1, by Steve Feazell, General Partner, and the Contract Lessee, Cloverland Farms Dairy, Inc., by John M. Kemp, Vice President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special exception to permit an automobile service station use in combination with a food store with a sales area larger than 1,500 sq.ft., pursuant to Section 405.4.E.1 of the Baltimore County Zoning Regulations (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 at the hearing on behalf of the Petition were Steve Feazell, General Partner with Rodick Realty Partnership 1, legal owners of the subject property, John M. Kemp, Vice President of Cloverland Farms Dairy, Inc., Contract Lessee, Ken Schmidl, Traffic Engineering expert, Nick Brader, Professional Engineer who prepared the site plan for this property, and Robert A. Hoffman, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Ronald Black and Michael F. Kolosinski, who were represented by Benjamin Bronstein, Esquire. In addition, this office received a letter of opposition from Ronald W. Parker, Esquire, President of the White Marsh Business Association, Inc.

Testimony and evidence offered revealed that the subject property consists of a gross area of 1.75 acres, more or less, zoned B.R.-A.S., and is improved with an abandoned Exxon service station

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building which has been used on a temporary basis for various retail operations. The Petitioners are desirous of razing the existing structure and constructing a combination convenience store/fuel service station operation for Royal Farms. Mr. John Kemp testified that he has been looking in this area for a site to locate a Royal Farms store for many years. He indicated that he attempted to purchase the subject property some time ago, but was out-bid by the current owners of the property. Mr. Kemp testified that they intend to lease the property from Rodick Realty on a long-term basis.

Mr. Nick Brader, Professional Engineer who prepared the site plan, testified concerning the proposed improvements to the subject property and submitted into evidence as Petitioners' Exhibits 1A and 1B, detailed site plans. It is also to be noted that in addition to the proposed Royal Farm store, the Petitioners also propose a future retail area of 5,000 sq.ft.

As noted above, two individuals appeared in opposition to the request, both of whom were represented by Benjamin Bronstein, Esquire. Mr. Kolosinski, who operates the Shell station immediately adjacent to the subject site, and Mr. Ronald Black appeared in opposition to the Petitioners' request. Mr. Kolosinski and Mr. Black are both generally opposed to another gasoline service station being constructed at this location, and are also concerned over the proposed development of the remainder of the property with a retail establishment of 5,000 sq.ft.

On behalf of his clients, Mr. Bronstein raised certain Motions to Dismiss the special exception request. The first Motion to Dismiss was based on the failure of the Petitioner to show a storm water management facility on the site plan. Mr. Bronstein referenced the Zoning Hearing Checklist which is given to applicants at the time of filing a Petition. Page 6 of that Checklist identifies the information that should be contained on the site plan. Items 16 and 17 specifically refer to utilities and features such as storm water management systems. Mr. Bronstein argued that inasmuch as the Petitioner's site plan fails to show a storm water management system on the site, the Petitioner's request for special exception should be dismissed.

After considering Mr. Bronstein's argument on this issue and the argument made by Petitioner's Counsel, I find that the Motion to Dismiss the special exception on the basis that the Petitioner failed to show a storm water management system on the site plan should be denied. The Department of Permits and Development Management's Zoning Hearing Checklist is a guide to assist individuals filing Petitions as to the information that should be contained on the plan. It has not been construed by the Zoning Commissioner's Office as being mandatory. Furthermore, storm water management information at this stage of the hearing process is not pertinent to the special exception request being made. Thus, for these reasons, I am persuaded to deny the Protestants' Motion to Dismiss the Petitioners' request for failure to show a storm water management facility on the site plan.

A second Motion to Dismiss was raised by Counsel for the Protestants asserting that the manner in which the special exception area has been shown on the site plan is inappropriate. Mr. Bronstein argued that the entire property should be included within the special exception request, not just the area used by the Royal Farm Store. The policy and practice of the Department of Permits and Development Management (DPDM) has always been to require the Petitioner/Applicant to limit the area of a special exception request to that portion of the property actually being used. Accordingly, the Petitioner has included only the proposed Royal Farm Store building and a sufficient amount of parking to support same within the special exception area shown on the site plan. The additional 5,000 sq.ft. of retail area for future use stands alone, and should therefore not be included within the special exception area. Based on the policy of DPDM, I am persuaded to deny Mr. Bronstein's second Motion to Dismiss.

The third Motion to Dismiss involved the Petitioner's proposal to install an ATM machine on the property. Mr. Bronstein argued that the B.C.Z.R. require an additional 1,000 sq.ft. of area be set aside to support an ATM machine. However, in this instance, the ATM machine is proposed to be located within the store, itself, and not outside the building on the parking lot. In my view, the regulation is not applicable in this instance and thus, it is not necessary to set aside a separate 1,000

ONDER RECEIVED FILING

sq.ft. area elsewhere on the property to support the ATM use. Accordingly, the Protestants' Motion to Dismiss on this issue should likewise be denied.

It is clear that the B.C.Z.R. permits the use proposed in a B.R.-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, I am satisfied that the Petitioner has met all of the requirements for the requested special exception to be granted. 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 23 day of June, 1999 that the Petition for Special Exception to permit an automobile service station use in combination with a food store with a sales area larger than 1,500 sq.ft., pursuant to Section 405.4.E.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

ORDER RECEIVED FOR FILINGS.

34.

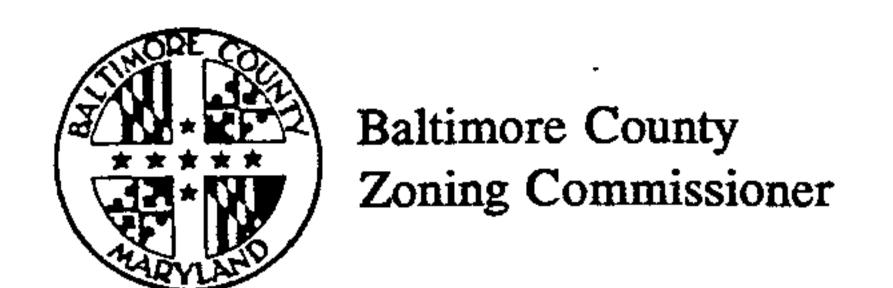
TMK:bjs

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.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County



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

Fax: 410-887-3468

June 23, 1999

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

RE: PETITION FOR SPECIAL EXCEPTION

NW/S Pulaski Highway at SW/S Ebenezer Road

(10740 Pulaski Highway)

11th Election District – 5th Councilmanic District

Rodick Realty Part. I, Owners/ Cloverland Farms Dairy, Inc., Contr. Lessee - Petitioners

Case No. 99-318-X

Dear Mr. Hoffman:

TMK:bis

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

Multhy Hotroro

for Baltimore County

cc: Mr. Steve Feazell, G.P., Rodick Realty Part. I
c/o Prudential Preferred Realty, 312 S. Main Street, Bel Air, Md. 21014
Mr. John M. Kemp, V.P., Cloverland Farms Dairy, Inc.
3611 Roland Avenue, Baltimore, Md. 21211
Benjamin Bronstein, Esquire, 29 W. Susquehanna Avenue, Towson, Md. 21204
Mr. Ronald C. Black, 10800 Pulaski Highway, White Marsh, Md. 21162
Mr. Michael F. Kolosinski, 10728 Pulaski Highway, White Marsh, Md. 21162
Ms. Phyllis Cunningham, 5500 Ebenezer Road, White Marsh, Md. 21162
Code Enforcement Division, DPDM; People's Counsel; Case File



Contract Purchaser/Lessee:

OH FILING

ORDER REC

RED 09/15/98

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 10740 PULASKI HIGHWAY (US ROUTE 4

which is presently zoned BR-AS

I/We do solemnly declare and affirm, under the penalties of

is the subject of this Petition.

Reviewed By _____

<u>Legal Owner(s):</u>

perjury, that I/we are the legal owner(s) of the property which

This Petition shall be filed with the Department of Permits and 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

Section 405.4.E.l of the Baltimore County Zoning Regulations to permit an automobile service station in combination with a food store with a sales area larger than 1,500 square feet.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

CLOVERLAND FARMS DAIRY, INC. Name - Type or Print ice-President Signature John M. Kemp, 3611 Roland Avenue 410-889-0200 Telephone No. Address **Baltimore** MD 21211 Zip Code City State Signature Attorney For Petitioner: Address Robert A. Hoffman City Name - Type or Print Signature Venable, Baetjer & Howard Name Company 210 Allegheny Avenue 410-494-6200 Address Telephone No. Address Towson MD 21204 Zip Code City State City Se No. 99-318-X

New Forms 3/4/99

RODICK REALTY PARTNERSHIP 1 Name - Type or Printe Signature Steve Feakell General Partner Name - Type or Print c7o Prudential Preferred Realty 312 S. Main Street 410-879-3880 Telephone No. Bel Air 21014 MD State Zip Code Representative to be Contacted: Robert A. Hoffman Venable, Baetjer & Howard 210 Allegheny Avenue 410-494-6200 Telephone No. Towson MD 21204 Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING _____ UNAVAILABLE FOR HEARING _____

Date ____



99-318-1

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 10740 Pulaski Highway

(US Route 40)

which is presently zoned BR-AS

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Section 405.4.E.1 of the Baltimore County Zoning Regulations to permit an automobile service station in combination with a food store with a sales area larger than 1,500 square feet.

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

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

				!We do solemnly declare and affirm, under the	: penalties (of perjury, that I/we are
		· William	-	legal comer(s) of the property which is the subject	t of this Pe	tition
Contract Purchaser/Lessee:				Legal Owner(s):		
Cloverland Farms Dairy, Inc. (Type or Print Name)		小田		Rodick Realty Partnership 1 (Type of Cont Name)		
1 hm Tite	, ————————————————————————————————————			Live Heart le		Fartner
Signature John M. Kemp, Vice-Pre	sident			Sena re Steve Feazell, General Partne	≱ Γ	
3611 Roland Avenue Address			-	(Fype or Print Name)		<u> </u>
Audiess				ype of Pitit Name)		
Baltimore	MD.	21211		<i>i</i>		
City	State	Zipcode		Signature		
				c/o Prudential Preferred Realty		(440) 070 0000
			Nation 2 of Parties	312 S. Main Street Address		(410) 879-3880 Phone No
Attorney for Petitioner:				7100.000		T HOTIC NO
Robert A. Hoffman				Bel Air	MD	21014
Venable, Baetjer and Howard, Ll	LP		_	City	State	Zipcode
(Type or Print Name)			-	Name, Address and phone number of legal owner representative to be contacted.	er, contract	purchaser or
				Robert A. Hoffman Venable, Baetjer and Howard, LLP		
Signature		······································	-	Name		416 561-8282
210 Allegheny Ave.		(410) 494-6200		210 Allegheny Ave, Towson, MD 2120)4	(410) 494-6200
Address		Phone No	•	Address		Phone No.
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MATIS WARFIELD

CONSULTING ENGINEERS

Description to Accompany A Petition for A Special Exception

February 5, 1999

Beginning for the same at a pin and cap set on the northwest side of Pulaski Highway, U.S. Route 40, 150' R/W, shown on State Roads Commission of Maryland Plat No. 1671, at the cutoff leading to the southwest side of Ebenezer Road, 70' R/W, shown on Baltimore County Department of Public Works Bureau of Land Acquisition Drawing RW 75-327-1 attached to a Deed dated February 7, 1976, between Exxon Corporation and Baltimore County, Maryland, recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 5620 folio 339, said point of beginning being located North 89° 14' 14" West 100.71' from the centerline intersection of said Pulaski Highway, U.S. Route 40, 150' R/W and said Ebenezer Road, 70' R/W, said point of beginning also being in the 7th or line curving to the right having a radius of 5804.58' for a distance of 300 foot line of that parcel of land described in a Deed dated September 20, 1945 between Harry G. Campbell et al. and Marvin E. Smith et al., recorded among the Land Records of Baltimore County, Maryland in Liber R.J.S. 1404 folio 512, running thence leaving said point of beginning, binding on the northwest line of said Pulaski Highway, U.S. Route 40, shown on said Plat No. 1671 and binding reversely, for part of the distance on part of the said 7th line, and for part of the distance binding reversely on all of the 4th or line curving to the right having a radius of 5804.58' for a distance of 100 foot line line of that parcel of land described in a Deed dated June 2, 1948 between Harry G. Campbell et al. and Marvin E. Smith et al., recorded among the Land Records of Baltimore County, Maryland in Liber T.B.S. 1669 folio 171, in all,

- 1.) southwesterly by a curve to the left having a radius of 5,804.58' for a distance of 235.65', said curve being subtended by a chord bearing South 40° 30' 11" West 235.64' to a point, running thence leaving said Pulaski Highway, U.S. Route 40,
 - 2.) North 48° 50' 18" West 59.28'
 - 3.) North 41° 09' 42" East 9.00'
 - 4.) North 48° 50' 18" West 48.00'
 - 5.) North 41° 09' 42" East 54.82'
 - 6.) North 48° 50' 18" West 92.13'
- 7.) North 41° 09' 42" East 205.10' to a point being South 41° 09' 42" West 36.64' from a 3/4" pinch pipe found at the beginning of said 5th line and to intersect the southwest side of said Ebenezer Road shown on said Baltimore County Department of Public Works Bureau of Land Acquisition Drawing RW 75-327-1, running thence binding on the southwest die of said Ebenezer Road shown of said Drawing RW 75-327-1,
- 8.) southeasterly by a curve to the left having a radius of 480.00' for a distance of 191.58', said curve being subtended by a chord bearing South 43° 40' 51" East 190.31' to a pin and cap set at the end of said cutoff leading to the northwest side of said Pulaski Highway, U.S. Route 40, running thence binding on said cutoff,
- 9.) South 09° 54' 57" West 18.79' to the point of beginning. Containing 44,008 S.F. or 1.01 acres of land more or less.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND NOT INTEND

TO BE USED FOR CONVEYANCES OR AGREEMENTS

MATIS WARFIELD, INC.

6600 York Road • Suite 209 • Baltimore, Maryland 21212 Tel: 410-377-7596 • Fax: 410-377-7657

1cl: 410-5//-/590 • rax: 410-5//-/05/

99-318-X

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANC MISCELLANEOUS RECEIPT	No. 069256 PAID RECEIPT ACTUAL TIME
DATE	150. FRIGESS ACTUAL TIME 7/22/1999 7/22/1999 14:34:51 REG WSO5 CAGHTER NOTE WES TRAVER S
AMOUNT \$ 250.0	Dept 5 528 ZONING VERIFICATION Receipt # 112372 FELM
RECEIVED FROM: George & Bronstein, LLP	CK #0. 059256 Recrit Tot 250.00 250.00 CK .00 CA
FOR: APPEAL #99-318-X	Baltimore County, Waryland
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYI D OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	PROCESS ACTUAL TIME 2/23/1999 2/22/1999 16:11:56
DATE 2/17/99 ACCOUNT 001-6150 . \$ 300.00 (WCR)	ES VS03 CASHIER PWES PEW DRAWER 5 NISCELLANDES CASH RECEIPT Deceipt # 076165 CFL:
RECEIVED Venable, Baetjer & Howard FROM:	M. 063031 300.00 OFFEX: Fl Baltimore County, Maryland
FOR: SPECIAL EXCEPTION . ITEM ### 318	
No Review — Drop Off Case #99-318-X DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHER'S VALIDATION
BALTIMORE COUNTY, M. /LAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT ACCOUNT DATE 7/22/99 ACCOUNT 001-6150	PAID RECEIPT PROCESS ACTUAL THE 7/22/1999 7/22/1999 14:36:09 REG USOS CASHIER WSTE WES DANKER
DATE 1/22/99 ACCOUNT	Dept 5 528 ZONING VERIFICATION Receipt # 112371 0FLH CR VO. 069305 Recept Tot 35.00 35.00 CX .00 CA
FROM:	Baltimore County, Haryland

YELLOW - CUSTOMER

CASHIER'S VALIDATION

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

MOTICE OF ZOMING

Gase: #99-318 X
107/10 Pulaski Highway
NW/S Pulaski Highway, comer
SW/S Ebenezer Road
11th Election District
5th Councilmanic District
Legal Owner(s): Rodick Realty
Partnership 1
Contract Purchaser: Cloverland Farms Dairy, Inc.

Special Exception: for an automobile service station in combination with a food store with a sales area larger than 1,500 square feet.
Hearing: Thursday, April 1, 1999 at 10:00 a.m. in Room 106, County Office Bidg., 111 Chesapeake Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386

Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Beview Office at (410) 887-3391.

3/208 March 11 C296560

CERTIFICATE OF PUBLICATION

TOWSON, MD.,, 19
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 successive
weeks, the first publication appearing on 311.
THE JEFRERSONIAN,
S. Wilkings-
LEGAL ADVERTISING

CERTIFICATE OF POSTING

Jun 4/12

RE Case No 99-318-X

Petitioner/Developer FARM STORES, ETAL

Clo Robert Hoffman, ESP

Date of Hearing/Closing. 4/12/99

A special section

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 #10740 PULASKI HWY & COPNER EBENEZER RD. (Z 516NS)

The sign(s) were posted on

3/25/99

(Month, Day, Year)

Sincerely,

Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

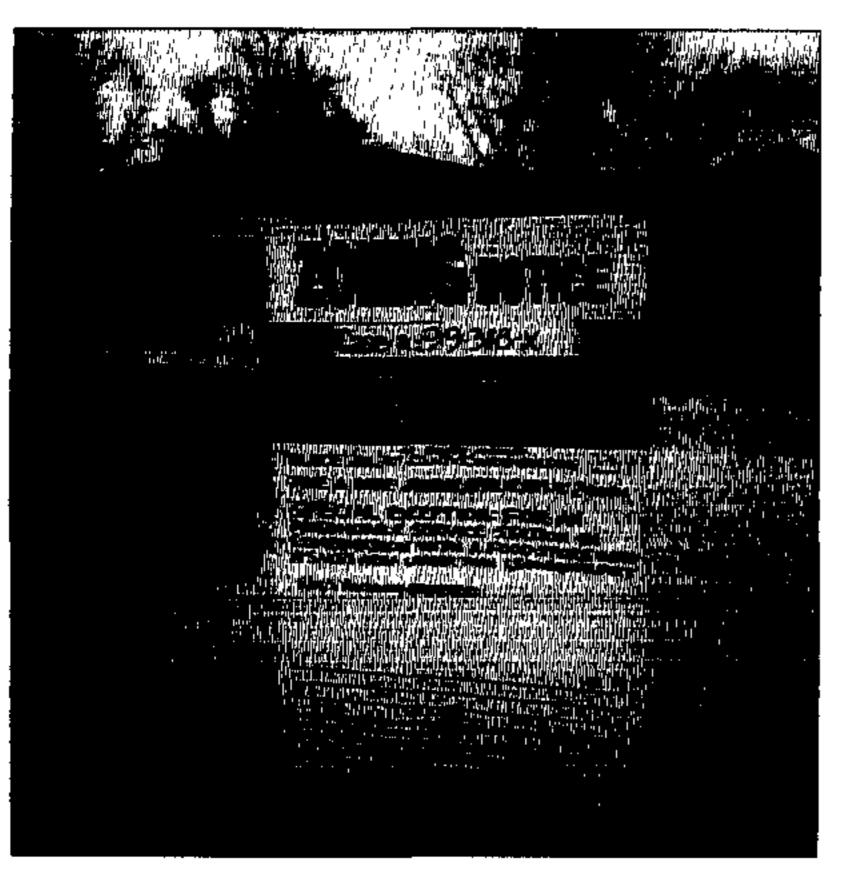
(Address)

HUNT VALLEY, MD. 21030

. (City, State, Zip Code)

410-666-5366; CELL-410-905-8571

(Telephone Number)



#10740 PULASKI HWY @ EBENEZER CLOVERLAND FARM ST. 3/25/99 - 4/12/99



	RE: Case No.: 99-318 X
•	Petitioner/Developer:
	RODICK REALTY
	Date of Hearing/Closing:
Baitimore 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:	
were posted conspicuously on the property located The sign(s) were posted on $\frac{8/4/99}{}$	
	Month, Day, Year)
	Sincerely,
	Jany C. Seend 8/4/99
-	(Signature of Sign Poster and Date)
•	GARY C. FREUND
•	(Printed Name)
	(Address)
	(City, State, Zip Code)
•	(Telephone Number)

ramon D

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:

ZONING NOTICE

Case No.: 99-318-X

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

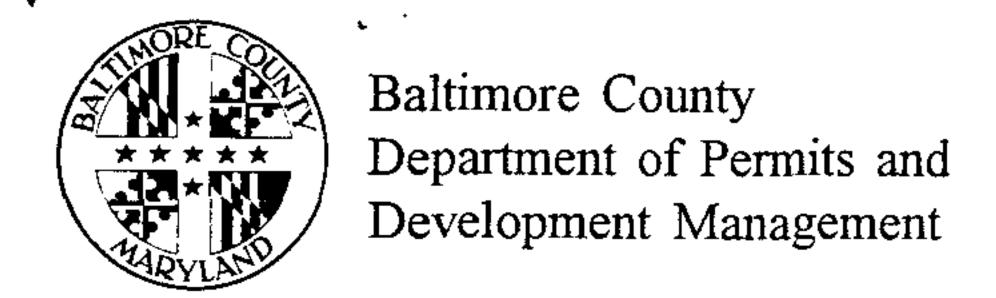
PLACE:
DATE AND TIME:
REQUEST: SPECIAL EXCEPTION FOR AN
AUTOMOBILE SERVICE STATION IN
COMBINATION WITH A FOOD STORE WITH A
SALES AREA LARGER THAN 1,500 SQUARE
FEET.

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



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

February 17, 1999

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

Dear Mr. Hoffman:

RE: Drop-Off Petition, Case No. 99-318-X, 10740 Pulaski Highway

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the above, please do not hesitate to contact Sophia Jennings at or myself 410-887-3391.

Very truly yours,

W. Carl Richards, Jr. Zoning Supervisor

na/scj

Zoning Review

WCR:scj

Enclosures

TO: PATUXENT PUBLISHING COMPANY

March 11, 1999 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esquire Venable, Baetjer & Howard 210 Allegheny Avenue Towson, MD 21204 410-494-6200

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: 99-318-X 10740 Pulaski Highway

NW/S Pulaski Highway, corner SW/S Ebenezer Road

11th Election District – 5th Councilmanic District

Legal Owner: Rodick Realty Partnership 1

Contract Purchaser: Cloverland Farms Dairy, Inc.

Special Exception for an automobile service station in combination with a food store with a sales area larger than 1,500 square feet.

HEARING: Thursday, April 1, 1999 at 10:00 a.m. in Room 106, County Office

Building, 111 West Chesapeake Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

March 2, 1999

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: 99-318-X 10740 Pulaski Highway NW/S Pulaski Highway, corner SW/S Ebenezer Road 11th Election District — 5th Councilmanic District Legal Owner: Rodick Realty Partnership 1

Contract Purchaser: Cloverland Farms Dairy, Inc.

Special Exception for an automobile service station in combination with a food store with a sales area larger than 1,500 square feet.

HEARING: Thursday, April 1, 1999 at 10:00 a.m. in Room 106, County Office

Building, 111 West Chesapeake Avenue

Arnold Jablon Director

c: Robert A. Hoffman, Esquire Rodick Realty Partnership 1 Cloverland Farms Dairy, Inc.

NOTES: (1) THE PETITIONER! MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MARCH 17, 1999.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204

410-887-3180

Hearing Room - Room 48

FAX: 410-887-3182

Old Courthouse, 400 Washington Avenue

October 12, 1999

NOTICE OF ASSIGNMENT

CASE #: 99-318-X

IN THE MATTER OF: RODICK REALTY PARTNERSHIP 1 Legal Owner; CLOVERLAND FARMS DAIRY INC. -C.P. 10740 Pulaski Highway 11th E; 5th C

(D.Z.C. GRANTED special exception.)

ASSIGNED FOR:

WEDNESDAY, JANUARY 5, 2000 at 10:00 a.m. /Day #1 THURSDAY, JANUARY 6, 2000 at 10:00 a.m. /Day #2 and

This appeal is an evidentiaxy hearing; therefore, parties should consider the

Please refer to the Board's Rules of Practice & Procedure, Appendix C,
Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Rathleen C. Bianne

Counsel for Appellant /Protestant : Benjamin Bronstein, Esquire CC:

Appellant /Protestant: 40 East Sunoco, Inc.

/Ronald D. Black

Michael Kolasinik

Newton A. Williams, Esquire

Counsel for Petitioners

Petitioner /Owner

: Robert A. Hoffman, Esquire

: Rodick Realty Partnership 1

c/o Prudential Preferred Realty

Petitioner /C.P. : Cloverland Farms Dairy, Inc.

Nick Brader, P.E.

Ken Schmidl /Traffic

Office of People's Counsel Pat Keller, Director /Planning

Lawrence E. Schmidt /Z.C.

Arnold Jablon, Director /PDM

Virginia W. Barnhart, County Attorney



Baltimore County Department of Permits and Development Management

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

March 25, 1999

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

RE: Case No.: 99-318-X

Petitioner: Cloverland Farms Dairy Location: 10740 Pulaski Highway

Dear Mr. Hoffman:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on February 17, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:ggs

Enclosures



Printed with Soybean Ink on Recycled Paper BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: March 19, 1999

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

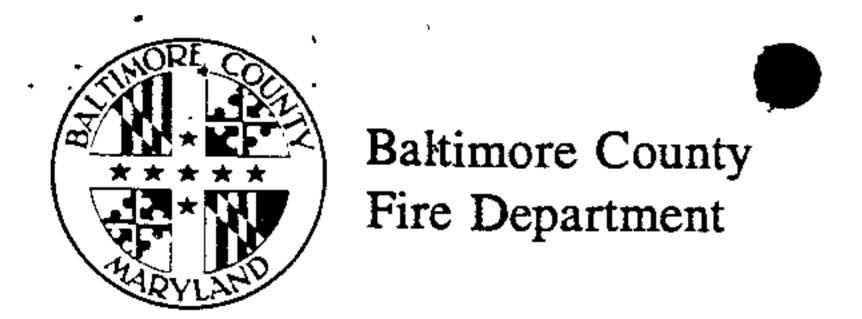
for March 1, 1999

Item No. 318

The Bureau of Development Plans Review has reviewed the subject zoning item. The required landscaping may be provided in the right-of-way as long as sight distance is not hampered.

RWB:HJO:jrb

cc: File



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

March 11, 1999

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

RE: Property Owner: G.D.& R., LTD. - 324

KATHY STUMPF FARACE - 323

CRAIG FETTER'S AUTO & TRUCK CENTER, INC. - 322 KINGSVILLE PLAZA LIMITED PARTNERSHIP - 320 RODICK REALTY PARTNERSHIP 1 - 318

Location: DISTRIBUTION MEETING OF FEBRUARY 29, 1999

Item No.: 324, 323, 322, 320, (318) Zoning Agenda:

Gentlemen:

Fursuant to your request, the referenced property has been surveyed by this Bureal 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 Fretection Association Standard No. 101 "Life Safety Code", 1934 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4381, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: March 10, 1999 Arnold Jablon TO: R. Bruce Seeley AND FROM: SUBJECT: Zoning Item #318 Rodick Realty Partnership Zoning Advisory Committee Meeting of March 1, 1999 The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item. ____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site. X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item: X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code). ____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code). ____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).



Parris N. Glendening Governor

John D Porcari Secretary

Parker F. Williams

Administrator

April 7, 1999

RE:

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

Baltimore County
Item No. 99-318-X
Special Exception
10740 Pulaski Hgwy
Mile Post 19.13

Dear Ms. Stephens:

In response to our March 8, 1999 letter the owner has submitted a revised entrance plan which is acceptable to our office, therefore we have no objection to approval of the Special Exception.

However, we will require the owner to obtain an access permit through our office for the entrance modifications.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Michael M. Lenhart, Acting Chief Engineering Access Permits Division

LG



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

March 8, 1999

RE:

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

Baltimore County Item No. 318 (WCR) Special Exception 10740 Pulaski Hgwy.

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 and as a minimum require the following:

The existing entrances along US 40 shall be restricted to a "one-in-only and a one-out-only" configuration and relocated as far westerly as possible.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Jor Michael M. Lenhart, Acting Chief

Engineering Access Permits Division

LG

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 3, 1999

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT:

10740 Pulaski Highway

INFORMATION:

Item Number:

318

Petitioner:

Cloverland Farms Dairy, Inc.

Zoning:

BR-AS

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the special exception request provided the following issues are addressed:

The front yard building setback is inadequate. Section 405.4.2.b of the Baltimore County Zoning Regulations states: "Except at the required access driveways, a landscape transition area shall be provided along the entire perimeter of fuel service stations. Such areas shall have a minimum width of 10 feet if the fuel service station abuts a public right-of-way..." In addition, paragraph b. of that subsection states: "The landscape transition area shall be vegetated and screened in accordance with the Landscape Manual requirements for automotive uses."

Additionally, the number of access drives is excessive, at least two, preferably three of the access drives should be removed and replaced with a landscaped buffer. The proposed service station is located along a State road (Pulaski Highway).

The staff spoke to Larry Gredlein of SHA, who concurred that the access drives as shown are excessive. This office will defer to the judgement of Mr. Gredlein regarding the location of the access drives.

Section Chief: Jeffry W. Lory
AFK/II.

AFK/JL:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

PULL Dy . Ug

Arnold Jablon, Director

DATE: April 9, 1999

MP1 - 12-33 12.41,

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: 1074

10740 Pulaski Highway

Post-It Fax Note 7671 Date 4/10 pages 2.

To NICK Brade From Teff Long

Co./Dept. Co. Planning

Phone # 887-3480

Fax # 337-7457 Fax #

INFORMATION:

Item Number:

318

Petitioner:

Cloverland Farms Dairy, Inc.

Zoning:

BR-AS

Requested Action:

Special Exception

Amended Comment

The Office of Planning defers to the position of the State Highway Administration in this matter (see attached SHA comment dated April 7, 1999).

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the special exception request provided the following issues are addressed:

The front yard building setback is inadequate. Section 405.4.2.b of the Baltimore County Zoning Regulations states: "Except at the required access driveways, a landscape transition area shall be provided along the entire perimeter of fuel service stations. Such areas shall have a minimum width of 10 feet if the fuel service station abuts a public right-of-way..." In addition, paragraph b. of that subsection states: "The landscape transition area shall be vegetated and screened in accordance with the Landscape Manual requirements for automotive uses."

Additionally, the number of access drives is excessive, at least two, preferably three of the access drives should be removed and replaced with a landscaped buffer. The proposed service station is located along a State road (Pulaski Highway).

The staff spoke to Larry Gredlein of SHA, who concurred that the access drives as shown are excessive. This office will defer to the judgement of Mr. Gredlein regarding the location of the access drives.

Section Chief: M/ M/Za

AFK/JL:

RE: Pl	ETITION FOR SPECIAL EXCEPTION
10740 P	ulaski Highway, NW/S Pulaski Hwy,
corner S	W/S Ebenezer Rd, 11th Election District,
5th Cou	ncilmanic

Legal Owners: Rodick Realty Partnership 1
Contract Purchaser: Cloverland Farms Dairy, Inc.
Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case Number: 99-318-X

* * * * * * * * * *

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 of other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

aude 5. Demilio

Old Courthouse, Room 47

400 Washington Avenue

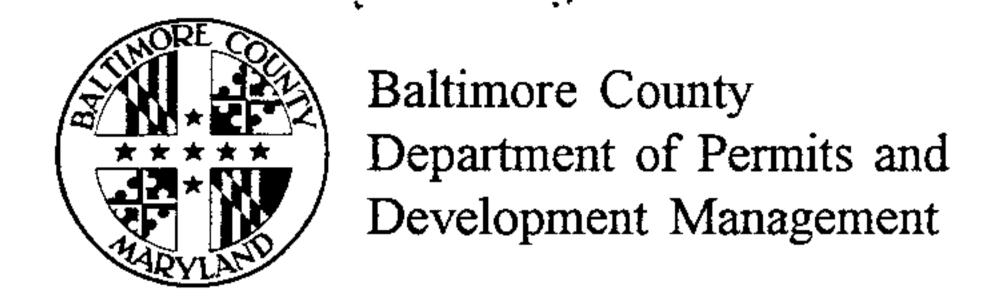
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _______ day of February, 1999, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204, attorney for Petitioner(s).

Peter Max ZIMMERMAN



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
410-887-3391

April 2, 1999

Robert A. Hoffman, Esquire Venable, Baetjer and Howard, LLP 210 Allegheny Avenue P O Box 5517 Towson, Maryland 21285-5517

Dear Mr. Hoffman:

RE: Drop-off Petition Review, (Case #99-318-X), 10740 Pulaski Highway

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are <u>advisory</u> and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

- 1. Add note to site plan "Restroom facilities, water & compressed air will be provided for customers"
- 2. Note the shaded configuration of the Special Exception area on Sheet #1 differs with that on Sheet #2 (location map)

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

Sincerely,

John J. Sullivan, Jr.

Planner II

Zoning Review

JJS:cjs

Enclosure (receipt)

c: Zoning Commissioner

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: March 17, 1999

TO: Larry E. Schmidt

Zoning Commissioner

FROM: James H. Thompson - PC

Code Enforcement Supervisor

SUBJECT: ITEM NO.: 318

PETITIONER: Rodick Realty Partnership 1

VIOLATION CASE NO.: 98-0734

LOCATION OF VIOLATION: NW/S Pulaski Highway, corner

SW/S Ebenezer Road (10740 Pulaski Highway)

11th Election District

DEFENDANT(S): Rodick Realty Partnership 1

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME ADDRESS

Phillis Cunningham 5500 Ebenezer Road

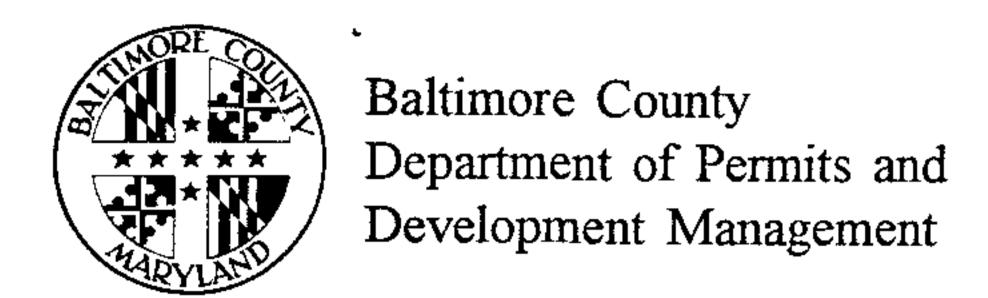
Baltimore, Maryland 21162

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/pc/lmh

+ 3/10 Letter Sent to Priblis Curningham on 3/17/99 Scj

Copy of Hearing Notice



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 10, 1999

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

Dear Mr. Hoffman:

RE: Case Number 99-318-X, 10740 Pulaski Highway

The above matter, previously assigned to be heard on April 1, 1999 has been postponed at your request. The case has been rescheduled for Monday, April 12, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. The new hearing date and time to the hearing notice sign posted on the property as soon as possible.

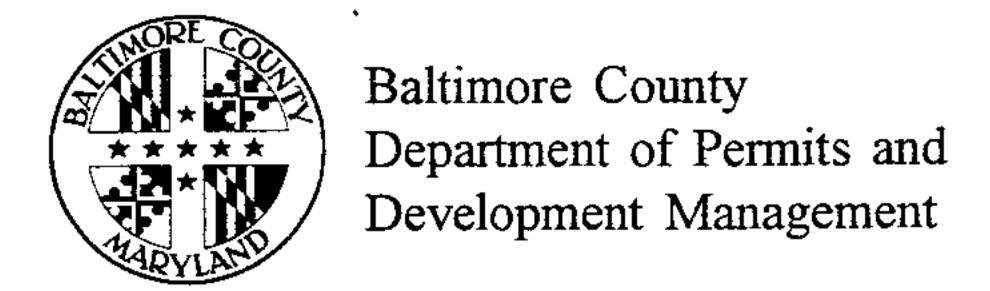
If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

Arnold Jablon Director

AJ:scj

c: Rodick Realty Partnership I Cloverland Farms Dairy, Inc.



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 23, 1999

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

Dear Mr. Hoffman:

RE: Petition for Special Exception, Case No. 99-318-X, 10740 Pulaski Highway

Please be advised that an appeal of the above referenced case was filed in this office on July 20, 1999 by Benjamin Bronstein, Esquire on behalf of 40 East Sunoco, Inc. and Ronald C. Black. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board of Appeals at 410-887-3180.

Arnoid Jabion Director

Sincerely,

AJ:scj

C: Benjamin Bronstein, Esquire, George & Bronstein, 205 Susquehanna Building, 29 W. Susquehanna Avenue, Towson MD 21204
Newton Williams, Esquire, 502 Washington Avenue, Towson MD 21204
Rodick Realty Partnership 1, c/o Prudential Preferred Realty, 312 S. Main Street, Bel Air MD 21014
Cloverland Farms Dairy, Inc., 3611 Roland Avenue, Baltimore MD 21211
Nick Brader, 6600 York Road, Suite 209, Baltimore MD 21212
Ken Schmidt, 8258 Veterans Highway, Suite 19A, Baltimore MD 21108
Michael Kolasinik, 10728 Pulaski Highway, White Marsh MD 21162
Ronald C. Black, 10800 Pulaski Highway, White Marsh MD 21162
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

APPEAL

Petition for Special Exception
10740 Pulaski Highway
NW/S Pulaski Highway at SW/S Ebenezer Road
11th Election District – 5th Councilmanic District
Rodick Realty Partnership 1 - Legal Owner
Cloverland Farms Dairy, Inc. - Contract Purchaser
Case Number: 99-318-X

Petition for Special Exception Description of Property Certificate of Posting (Patrick M. O'Keefe, Sr. – 3/25/99) ✓ Certification of Publication (Jeffersonian – 3/11/99). Entry of Appearance by People's Counsel Petitioner(s) Sign-In Sheet Protestant(s) Sign-In Sheet Zoning Advisory Committee Comments Petitioners' Exhibits: Special Exception & Landscape Plan (dated April 12, 1999) Resume of Nicholas J. Brader, III, P.E. Misc. (Not Marked as Exhibits): Letter from Barbara W. Ormord, Legal Assistant to Mr. W. Carl Richards, dropping off petition (dated February 11, 1999) Notice of Zoning Hearing (dated March 2, 1999) Letter from Barbara W. Ormord, Legal Assistant to W. Carl Richards, Jr., submitting new petition forms (dated March 4, 1999) Letter from Robert A. Hoffman, Esquire to W. Carl Richards, Jr., requesting a postponement (dated March 5, 1999) Letter from Arnold Jablon, Director to Robert A. Hoffman, Esquire, postponing and rescheduling hearing (dated March 10, 1999) Memo from James H. Thompson, Code Enforcement Supervisor, to Larry E. Schmidt, indicating case is the subject of an active violation (dated March 17, 1999) Letter from John J. Sullivan, Jr., Planner II to Robert A. Hoffman, Esquire, regarding suggested revisions (dated April 2, 1999) Letter from Ronald W. Parker, President of White Marsh Business Association, Inc. to Walt Smith, opposing variance (dated April 5, 1999) Deputy Zoning Commissioner's Order dated June 23, 1999 (Granted) ✓ Notice of Appeal received on July 20, 1999 from Benjamin Bronstein, Esquire, on behalf of 40 East

Sunoco, inc. and Ronald C. Black

C: **Benjamin Bronstein, Esquire, George & Bronstein, 205 Susquehanna Building, 29 W. Susquehanna Avenue, Towson MD 21204
Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Ave., Towson MD 21204
Newton Williams, Esquire, 502 Washington Avenue, Towson MD 21204
Rodick Realty Partnership 1, c/o Prudential Preferred Realty, 312 S. Main Street, Bel Air MD 21014
Cloverland Farms Dairy, Inc., 3611 Roland Avenue, Baltimore MD 21211
Nick Brader, 6600 York Road, Suite 209, Baltimore MD 21212
Ken Schmidt, 8258 Veterans Highway, Suite 19A, Baltimore MD 21108
Michael Kolasinik, 10728 Pulaski Highway, White Marsh MD 21162
Ronald C. Black, 10800 Pulaski Highway, White Marsh MD 21162
People's Counsel of Baltimore County, MS #2010

Timothy Kotroco, Deputy Zoning Commissioner Arnold Jablon, Director of PDM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

January 28, 2000

Benjamin Bronstein, Esquire EVANS, GEORGE AND BRONSTEIN Susquehanna Building, Suite 205 29 W. Susquehanna Avenue Towson, MD 21204

> RE: In the Matter of Rodick Realty Partnership I -Legal Owner; Cloverland Farms Dairy, Inc. -Contract Purchaser /Case No. 99-318-X

Dear Mr. Bronstein:

Enclosed please find a copy of the Board's Order of Dismissal of Petition issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco

Administrator

encl.

CC: Ronald D. Black /40 East Sunoco, Inc.
Robert A. Hoffman, Esquire
Rodick Realty Partnership I
C/o Prudential Preferred Realty
Cloverland Farms Dairy, Inc.
Nick Brader, P.E.
Ken Schmidl /Traffic
Office of People's Counsel
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Case No. 99-318-X

SE -To permit an auto service station use in combowith food store with sales area larger than 1500 sf

6/23/99 -D.Z.C.'s Order in which Petition for Special Exception was GRANTED.

10/12/99- Notice of Assignment for hearing scheduled for Wednesday,
January 5, 2000 at 10:00 a.m. and Thursday, January 6, 2000 at 10:00
a.m. sent to the following:

Benjamin Bronstein, Esquire 40 East Sunoco, Inc. /Ronald D. Black Michael Kolasinik Newton A. Williams, Esquire Robert A. Hoffman, Esquire Rodick Realty Partnership 1 c/o Prudential Preferred Realty Cloverland Farms Dairy, Inc. Nick Brader, P.E. Ken Schmidl /Traffic Office of People's Counsel Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney

^{1/03/2000 -} Request for Dismissal with Prejudice filed by Benjamin Bronstein, Esquire, on behalf of 40 East Sunoco, Inc., and Ronald C. Black, Appellants. Order of Dismissal to be issued.

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

DATE:

June 5, 2000

TO:

Arnold Jablon, Director

Permits & Development Management

FROM:

Charlotte E. Radcliffe

Board of Appeals

SUBJECT: CLOSED FILES:

99-11-SPH -Robert F. Webbert, et ux

99-54-SPHXA -David M. Coleman-LO; Francis Honeywell-CP

99-57-A - Stamatios Papastefanou, et ux

99-73-SPHXA -Donald E. Warrener, Jr.

99-113-A – Emil A. Budnitz, Jr. –LO; Jeff Budnitz-CP

99-215-SPH – Ida A & Benjamin A. Petrilli

99-242-XA - Ernest Diegert-LO; Eller Media Co.-CP

99-279-A – Ruth Phillips & Andrew Erdman

99-291-SPH -Schoolden's Automotive Repair, Inc.

99-310-X - Eastern Boulevard Center, Inc. (Famous Pawn, Inc.)

99-318 -Roddick Realty Partnership I-LO;

and Cloverland Farms Dairy, Inc.-CP

99-359-A - Shirley & David Morrison-LO; David Waldhauser-CP

99-492-SPH -William A. and Mary H. Kraft

99-504-SPHXA -Estate of Sol Goldman-LO; Eller Media-CP

Since the above captioned cases have been finalized and no further appeals were taken, we are hereby closing the files and returning same to your office herewith.

Attachments: Case File Nos.: 99-11-SPH; 99-54-SPHXA; 99-57-A; 99-73-SPHXA w/ large exhibit box; 99-113-A; 99-215-SPH w/ large exhibit; 99-242-XA; 99-279-A; 99-291-SPH; 99-310-X; 99-318-X; 99-359-A; 99-492-SPH; and 99-504-SPHXA

File

Baltimore County Government Department of Permits and Development Management



111 West Chesapeake Ave. Towson, Md. 21204 410-887-3321 410-887-2824 (fax)

April 8, 1999

Mr. Ronald Parker White Marsh Business Association, Inc. 11450 Pulaski Highway White Marsh, Md. 21162

> Re: Proposed Gas Station Rt. 40 and Ebenezer Road

> > Case No.: 99-318X

Dear Mr. Parker:

I have received your letter dated April 5, 1999, regarding your opposition to the variance request for the subject site. Please be advised that I do not work with zoning matters, but that I have forwarded your letter to Mr. Carl Richards, supervisor of the Zoning Review Office in this department. Unfortunately, as your letter did not provide a phone number at which you can be contacted, I was unable to bring this to your attention sooner.

If you need additional information regarding this matter, please contact Mr. Richards at 410-887-3391.

Sincerely,

Walter T. Smith, Jr.

Project Manager

WS:ws:lb
c: C. Richards file

WHITE MARSH BUSINESS ASSOCIATION, INC

11450 Pulaski Highway White Marsh, Maryland 21162

4/8/99



Ronald W. Parker, President Jere Shue, Vice President James Włoczewski, Treasurer Jerald Welch, Secretary

April 5, 1999

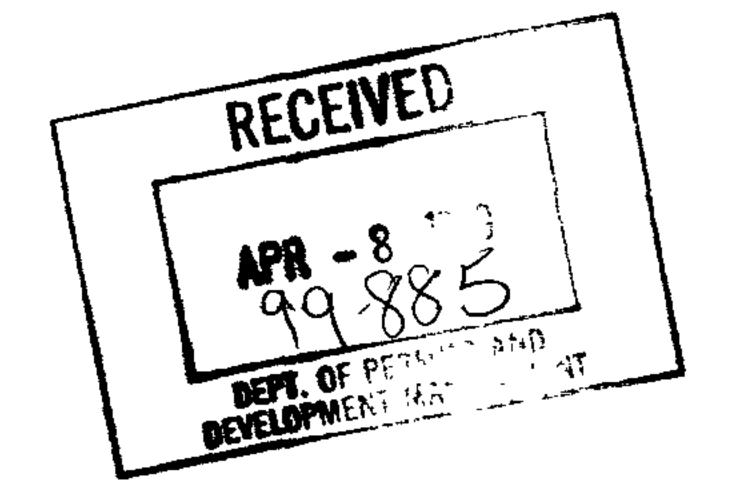
Department of Permits & Development Management County Office Building, Room 125

CALL RICHARDS

111 West Chesapeake Avenue Towson, Maryland 21204

Case No.: 99-318X

Dear Walt:



On behalf of the White Marsh Business Association, we are contesting the variance request of the proposed gas station at Route 40 and Ebenezer Road in Baltimore County.

There are three other gas stations in the immediate vicinity. Within a two-mile radius, there are nine gas stations and 10 restaurants/food businesses, and therefore, we strongly oppose another restaurant and/or gas station in the area.

The community is more concerned about the gas station not only because of the traffic, but because we believe the property is on a flood plain. If you will remember, several years ago, the entire area of the proposed gas station was under water. It was previously an Exxon station, and it was our understanding that the station was closed down and the tanks removed because it was in a federal 100 year flood plain area.

We would like to voice our opposition, and respectfully request that the hearing be postponed to a later date in order to give us time to obtain the opinions of other community members and other community associations as to whether they will support or oppose the zoning variance.

Thank you for your attention to this matter.

Very truly yours,

RWP/dcb

Drec'd this on 4/9 (late). Hearing is scheduled for 2 PM on Monday 4/12

VENABLE, BAFT JER AND HOWARD, LLP

Including professional corporations 210 Allegheny Avenue Post Office Box 5517

Towson, Maryland 21285-5517 (410) 494-6200, Fax (410) 821-0147 www.venable.com

P. 002/002 3/9/99 Reschelule OFFICES IN Ŵ **MARYLAND** WASHINGTON, D.C.

> Robert A. Hoffman (410)-494-6262

RECEIVED

DEPT. OF PERMITS AND

DEVELOPMENT MANAGEMENT

VIRGINIA

March 5, 1999

Via facsimile 410-887-5708

W. Carl Richards, Jr. Zoning Supervisor County Office Building - 1st Floor 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: Sophie

Case No. 99-318-X Rc:

Dear Sophie:

I received a copy of the Notice of Hearing for April 1st, 1999. I plan to be out of town that day and would respectfully request that the hearing be rescheduled for the next week, if possible. I have a hearing scheduled for April 6th at 9:00 a.m., but my schedule is open on any other day that week or the following week.

Thank you for your consideration.

Yours truly,

Robert A. Hoffman

RAH:sm

TO!DOC\$1/RAH01#79957 v1

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OFFICES IN

MARYLAND WASHINGTON, D.C. VIRGINIA

Writer's Direct Number: 410-494-6201

March 4, 1999

HAND DELIVERED

W. Carl Richards, Jr.
Supervisor, Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Sophie Jennings

Re: Case No. 99-318-X

Applicant: Cloverland Farms Dairy, Inc.

10740 Pulaski Highway

Dear Mr. Richards! W

Pursuant to your request, we are submitting new Petitions for Special Exception in the above-captioned matter which have been prepared on the updated zoning form. Please substitute these Petitions for those currently on file.

If you have any questions, please do not hesitate to give me a call.

Sincerely,

Barbara W. Ormord Legal Assistant

BWO/e Enclosures

cc: Robert A. Hoffman, Esquire

TO1DOCS1/erl01/#79806 v1

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OFFICES IN

MARYLAND WASHINGTON, D.C. VIRGINIA

Writer's Direct Number:

C to Rob must pulsmit

Robert Some Some on the Robert Some of the Robert South 410-494-6201



February 11, 1999

HAND DELIVERED

Mr. W. Carl Richards Department of Permits and Development Management County Office Building 111 West Chesapeake Avenue Towson, MD 21204

> Petition for Special Exception Re:

> > Applicant: Cloverland Farms Dairy, Inc. Location: 10740 Pulaski Highway

Dear Mr. Richards:

I am drop filing the enclosed Petition for Special Exception for the abovereferenced property. This request has not been previously reviewed by your office. This property is not in violation of any zoning laws. With this letter, I have enclosed the following documents:

- Petition for Special Exception (3)
- Zoning Description (3)
- Site Plan (12)
- 200' Scale Zoning Map (12) one on each site plan
- 5. Newspaper advertising form (1)
- 6. Check in the amount of \$300.00

If you have any questions or concerns regarding this filing, please give me a call.

Sincerely,

Legal Assistant

BWO Enclosures

cc: Robert A. Hoffman, Esquire

TO1DOC\$1/Baw01/#78841 v1

99-318-X

PETITIONER(S) SIGN-IN SHEET

NAME,	ADDRESS
Rob Hothan	210 Allechens Arc 212
1ch-15.6em->	3611 Robond Avenue 212
Steve Feazell	1002 Klevder Ct. Zel Air 2101
Ken Schmil	8258 Verterus July Sto M4 2110
NICK BRADGE	6600YORK RD SUITE 209 21212
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Case Mr. 99-318X PROTESTANT(S) SIGN-IN SHEET PLEASE PRINT CLEARLY ADDRESS 823-7800 502 Wash, av., 21204 10800 Pul

Nicholas J. Brader, III, P.E.

Education: Bachelor's of Civil Engineering,

University of Delaware,

June 1986

Work Experience:

November 1998 to Present

Matis Warfield, Inc.

Position: Senior Engineer

Responsibilities: Take projects in all Baltimore metropolitan counties

from conception to construction, including Zoning approvals and testimony, waivers, construction plans.

Train staff and assist in engineering and design.

June 1986 to November 1998

George W. Stephens, Jr. & Assoc., Inc.

Position: Senior Associate

Resposibilities: Take projects in all Baltimore metropolitan counties


from conception to construction, including Zoning approvals and testimony, waivers, construction plans.

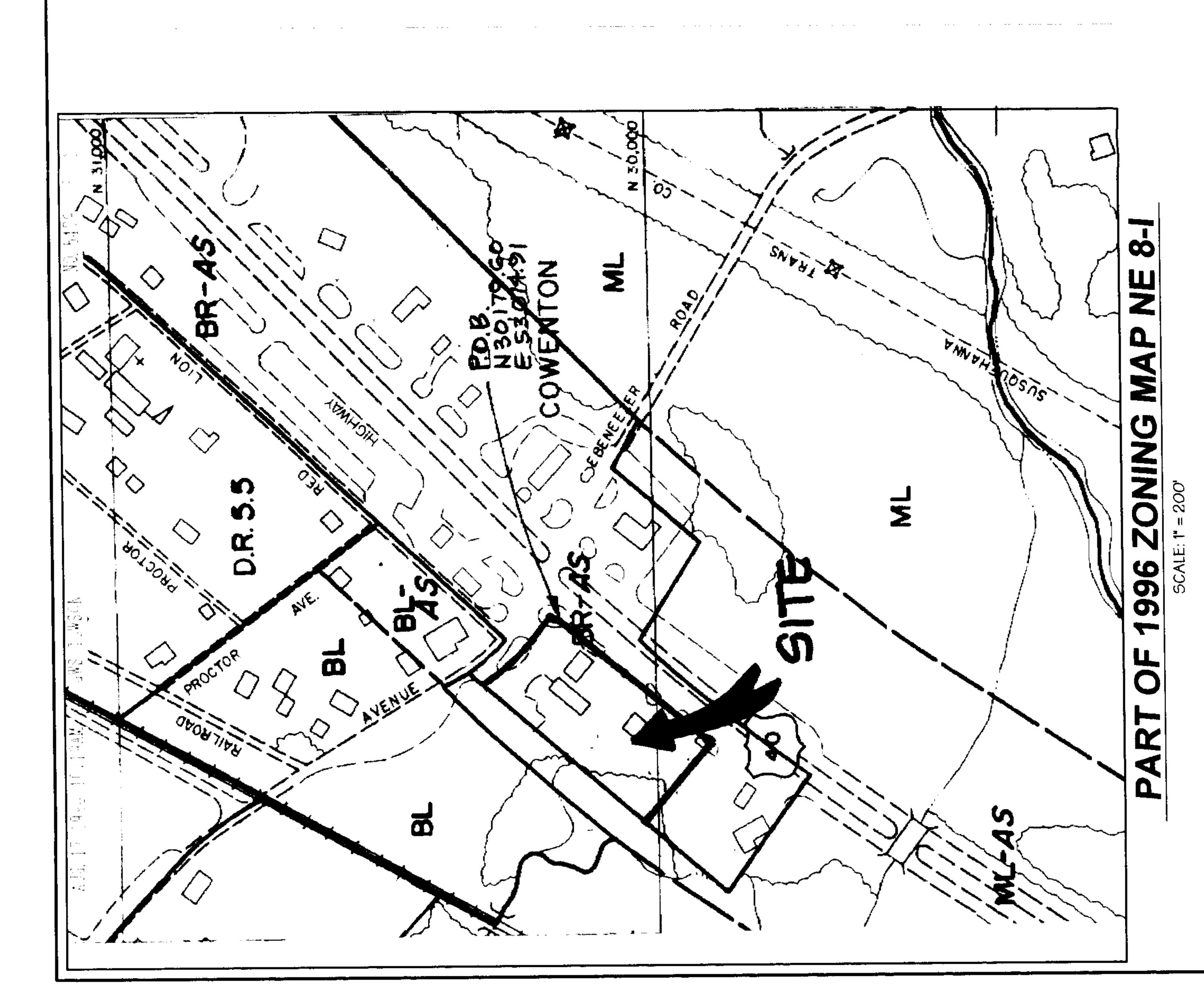
Extensive experience in commercial and industrial projects.

Professional Registration: Registered Professional Engineer

State of Maryland February 1991

Pet Ex 2



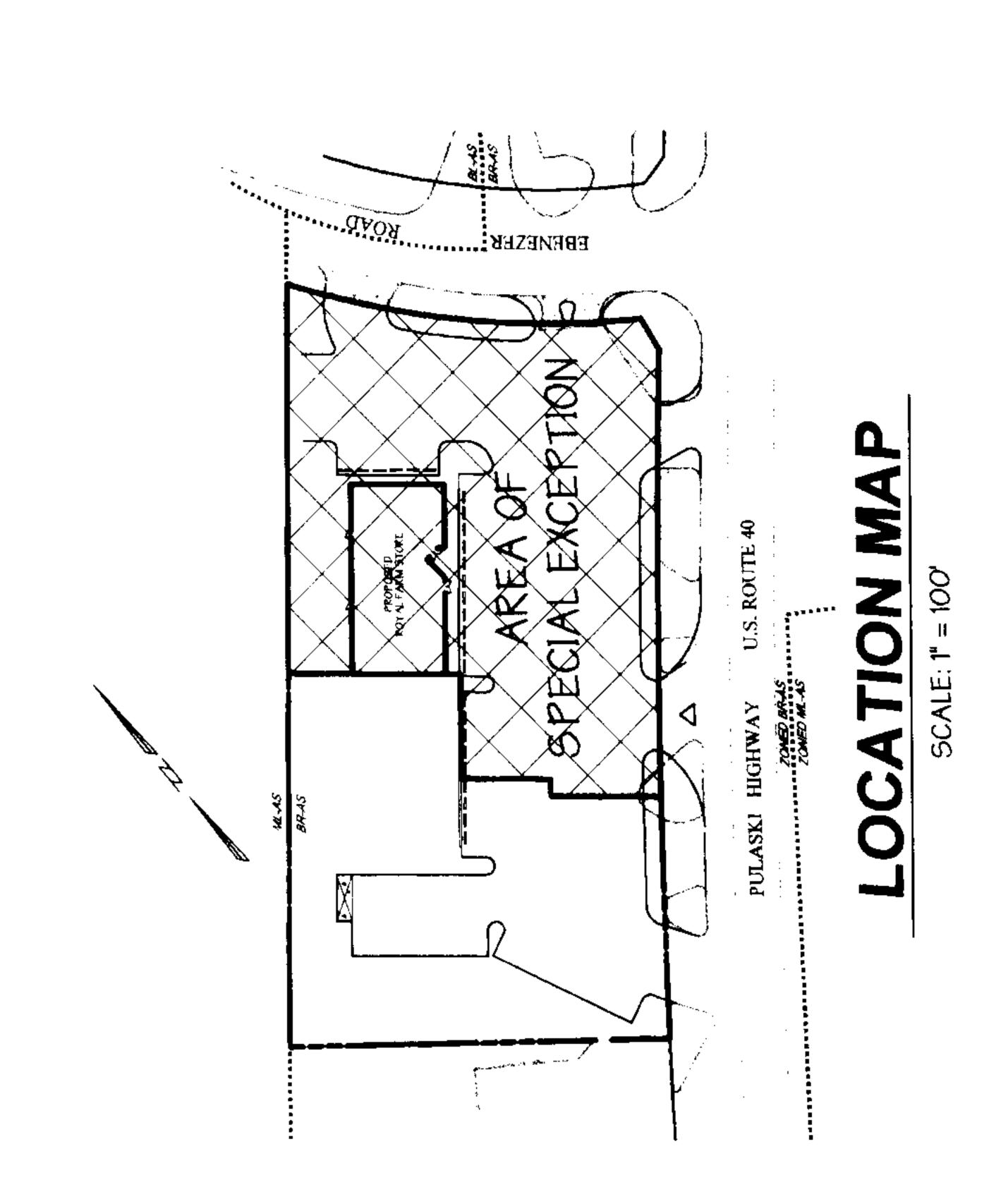


LANDSCAPING CALCU	3 CALC	CULA	LATIONS	1
REQUIRED PLANTING UNITS ADJACENT ROADS	@1 P.U. / 40 L.F. 572L.F. / 40	0 L.F. 572	2L.F. / 40	14.3
INTERIOR ROADS	@1 P.U. / 20 L.F. 105	0 L.F. 105	L.F. / 20	= 5.25
SCREENING PUMPSTER AREA - CLASS A 24	@1 P.U. / 15 LASS A	5 L.F. 24	L.F. / 15	= 1.6
LANDSCAPE TRANSITION AREA	N AREA @	@ 1 P.U. / 10 950 L.F. / 10	10 F. / 10	= 95 P.I
PARKING LOTS	@1 P.U. / 12 P.S. 58 P.S. / 12	2 P.S. 58	P.S. / 12	= 4.8
	\-	OTAL P.	TOTAL P.U. REQUIRED	= 121
7% LANDSCAPED AREA IN PARKING LOT 5750 S.F. x .07	IN PARKING	LOT 5750	S.F. x .07	= 402.5
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	(H.G. G.Z.) (C.G.)
Existing Zoning	BR.AS
Existing Use	Convenience Store
. ~	Convenience Store W/Fuel Pumps
Deed Reference	10445/555
Tax Account Number	11-1600003871
Ancillarly Uses	Minor ancillary uses as permitte
	405.4.D. of the B.C.Z.R. (No add
	footage required)
Proposed Building Floor Area:	
Total	5000 S.F.
Sales Floor Area	S.F.
Floor Area Ratio	.5000 S.F. ÷ 44,008 = 0.11 (3.0
Existing Building Height	14.†
Proposed Duilding Height	. 1 2±
AREA REQUIRED FOR COMBINATION USE 14 Servicing Spaces x 1500 S.F 21,000	JSE -21,000
Additional Site Area Factor:	
4 × 3500	0
Site Area Kequirea	. 35,000 S.F. . 44,008 S.F.
PAPKING SPACES	
Fuel Service W/Combination Use:	
5000 S.F. @ 5/1000	= 25
maximum employee shift	4
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ATM	
Total Required	
PAPKING GPACE DINAFNGIONS.	<u>.</u>
Typical Space	<u>4</u>
Handicap Space	16 × 15 16 × 18
(All spaces to be permanently stripe	striped)

Hours of Operation Max. Number of Employees Max. Number of Employees/Shift Morning/Afternoon = 3 Afternoon/Evening = 3
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	O.5' STRUCTURAL SUPPORT BAR	7 5	C.C.MAK. BIO 404 (E) (Z) SIGN AREA MAY VARY BUT REMAINS WITHIN THE REQUIREMENTS STATED	$\sim \sim \sim \sim$	FUEL PRICES ARE ONLY FOR THE PURPOSE OF ILLUSTRATION					5		SHOPE

- 1. All work shall conform details or as shown on the starting work.
 2. The contractor shall not starting work.
 3. It is the responsibility of and/or electric lines.
 4. No wastes or by-product of the dumpster shall be soforthe as to reflect the light as as to reflect the light as to reflect the light as to reflect the light as to reflect the build as to reproposed sign is to connections to the build connections to the build 10. Stormwater management federal regulations.
 12. The site shall comply without the site is not within the later are no abandoned 15. Restroom facilities, wat

FILENAME: 98062/tetailzoningnotes.s01

hone: (410) 377-7596 Fax: (410) 377-7657

und Farms Dairy, In 1 Roland Avenue re, Maryland 2121 110) 889-0200