IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - NW/Corner Westminster Pike and Hanover Road (10 Westminster Pike and 15 Hanover Road) 4th Election District 3rd Council District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 01-262-SPHXA
Hazel V. Gies, Owner; Cloverland Farms Dairy, Inc., Contract Purchaser	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, Hazel V. Gies, and the Contract Purchaser, Cloverland Farms Dairy, Inc., by John M. Kemp, Executive Vice President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special hearing to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store with **less** than 1500 sq.ft. of sales floor area as determined by the Zoning Commissioner, as an ancillary use, pursuant to Section 405.6.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), or, in the alternative, a special exception to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store with **greater** than 1500 sq.ft. of sales floor area as a use in combination, pursuant to Section 405.4.E.1 of the B.C.Z.R. In addition, the Petitioners request a variance from Section 405.4.A.2.a of the B.C.Z.R. to permit a minimum distance between the existing convenience store and a street right-of-way of 20 feet in lieu of the required 35 feet; from Section 405.4.A.2.b to permit a minimum landscape transition area width of 5 feet in lieu of the required 10 feet for a fuel service station abutting a public right-of-way, and of 0 feet in lieu of the required 6 feet for a side yard abutting non-residentially zoned land; and, from Section 409.8.A.4 to permit a minimum distance between surface parking and the right-of-way line of a public street of 7 feet in lieu of the required 10 feet. It is to be noted that the Petitioners requested the special exception

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Date 2/27/01
By Bpalmer

and variance relief only on an as-needed basis. The Petitioner asserts that this relief is not necessary if the special hearing is granted. The subject property and relief requested are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibits 1A and 1B.

Appearing at the requisite public hearing on behalf of the Petitioners were Edward L. Gies, the property owner's son, John M. Kemp, Executive Vice President of Cloverland Farms Dairy, Inc., Contract Purchaser, and Peter W. Ratcliffe. Also appearing in support of the request were Ken Schmid, a Traffic Engineer, and Nick Brader, Civil Engineer with Matis Warfield who prepared the site plan. The Petitioners were represented by David Karceski, Esquire, and Robert Hoffman, Esquire. Appearing as an interested person in the matter was Scott Carothers, a nearby resident of the area.

The subject property under consideration is an irregularly shaped parcel located at the northwest corner of the apex created by the convergence of Hanover Road (Maryland Route 30), Westminster Pike (Maryland Route 140), and Main Street in Reisterstown. The property is actually comprised of two parcels, identified as Lots A and B presently owned by Hazel V. Gies. Lot A, also known as 10 Westminster Pike, is the larger of the two parcels and is located immediately adjacent to the intersection. For many years, Lot A was improved with a gasoline service station which served as a landmark in the Reisterstown community. Most recently, a Shell station operated on the property; however, that business closed approximately six months ago. Presently, the property is not in active use, but is used for storage. Lot B actually abuts Hanover Road (Maryland Route 30) and is located immediately adjacent to Lot A. Lot B, also known as 15 Hanover Road, is a rectangularly shaped parcel improved with a Royal Farms store which has existed on the property for some time.

Reflecting the recent trend, the Petitioners propose to consolidate Lots A and B into a single parcel and redevelop the site with a combination fuel service station and convenience store. The building footprint of the existing Royal Farms store on Lot B will remain the same and the building will neither be relocated nor enlarged; however, certain exterior changes are proposed to

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By

modernize the building and to make it more aesthetically pleasing. As to Lot A, that site will be redeveloped with new pump islands and a kiosk.

As noted above, the applicants seek relief in the alternative. The determination of the relief required is primarily dictated by the size of the sales area of the convenience store. If the sales area is determined to be less than 1500 sq.ft., then the convenience store is permitted as an ancillary use to the fuel service station, pursuant to the special hearing. If the area of the convenience store is determined to be greater than 1500 sq.ft., then a special exception is required. In addition, variance relief is requested to legitimize existing conditions on the property.

Petitioner's Exhibit 1A shows the floor plan of the existing convenience store. That plan shows the building's gross area of 2305 sq.ft. and a sales floor area of 1352 sq.ft. The sales area, however, does not incorporate the large freezer area, cash register area, rest rooms or offices.

Upon review of the testimony and evidence offered, as well as the site plan, I am persuaded that the Petitioners have improperly calculated the sales floor area. Although it could be argued that the freezer is for storage purposes, the items stored therein are sold to the general public. Moreover, it seems obvious that the cash register area is an integral part of the sales operation of the site. Thus, I would exclude only the restrooms and offices from a determination of the gross sales floor area. Applying this methodology, it is my judgment that the total square footage of the sales area is greater than 1500 sq.ft. Thus, a special exception is necessary.

The undisputed testimony and evidence presented was clear that the subject site has been used in the proposed fashion for many years. Although historically Lot A has operated as a separate business from Lot B, it is apparent that the overall site has housed both a fuel service station and convenience store operation for some time. There was no testimony or evidence presented to indicate that these uses have been detrimental to the health, safety or general welfare of the surrounding locale. To the contrary, it is found that these are appropriate and reasonable uses for this "downtown" Reisterstown area. Thus, the Petition for Special Exception will be approved to permit the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store greater than 1500 sq.ft. of sales floor area as a use in

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Date 9/27/11
By Brochuchman

combination as permitted under Section 405.4.E.1 of the B.C.Z.R. The alternative special hearing relief seeking approval of a convenience store of less than 1500 sq.ft. as an ancillary use is denied as moot.

As noted above, variance relief is also requested for certain existing conditions. These variances are necessary in view of the redevelopment of the property. The first variance seeks relief to permit a minimum distance of 20 feet between the existing convenience store and the right-of-way for Hanover Road. This variance request relates to the east side of the building. As noted above, the building will not be enlarged and the footprint will remain the same. Relocation of the building to meet the required setback is neither practical nor warranted.

The second variance request seeks relief for certain landscape transition areas. The reduced 5-foot variance relates to existing conditions adjacent to the property's frontage along Hanover Road and is warranted so as to accommodate the existing points of vehicular access and internal driveway. The 0-foot setback is actually fictional in that it relates to the internal lot line between Lots A and B.

Finally, the third variance relates to a distance of 7 feet between surface parking for a non-residential use and the right-of-way for Hanover Road in lieu of the required 10-foot setback. Again, this variance relates to existing conditions on-site.

Based upon the testimony and evidence presented, I am persuaded to grant the variance relief. The site is unique by virtue of its configuration, orientation, and location immediately adjacent to this intersection, and its historic use. Moreover, the Petitioners would suffer a practical difficulty if relief were denied in that existing buildings need be relocated. Finally, there will be no detrimental impact caused by the grant of the variance on the surrounding locale. In sum, the Petitioner's proposal appears to be an appropriate redevelopment of the subject site.

It is to be noted that the Office of Planning generally endorses the proposal; however, requests authorization to review and approve elevation drawings, lighting details, sign package, and landscaping plans in view of the substantial investment that Baltimore County has made to revitalize this older community. I concur that the Office of Planning should have some reasonable

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Date 2/27/04
By

participation and review of these items to insure that the development is consistent with revitalization efforts in the area. However, this review should be reasonably balanced to consider the historic use of the property and location of existing structures. Also, the concerns of the community are warranted. In this regard, Counsel for the Petitioners proffered that the community requested additional on-site lighting to provide security for this downtown area. This may be at odds with the Office of Plannings' schematic approach. In any event, I will require the Petitioners to submit its final drawings relative to building elevation, lighting, landscaping and signage to the Office of Planning for their review and consideration.

Additionally, it is to be noted that the State Highway Administration (SHA) may require a reconfiguration of existing access points. The Petitioners shall be required to pursue and resolve this issue with the SHA. I will leave it to that State agency for a final determination as to proper points of access from the State roads over which this agency has jurisdiction.

Finally, contemporaneously with the public hearing held in this matter, communication was received from Baltimore County's Department of Environmental Protection and Resource Management (DEPRM) regarding this site. That communication indicates that Lot A (10 Westminster Pike) was contaminated by periodic leakage during its use as a fuel service station. Apparently, the Maryland Department of Environment has assumed control over whatever cleanup and/or remediation efforts are necessary. DEPRM has deferred to MDE and by its Zoning Advisory Committee (ZAC) comment, dated February 26, 2001, recommends that the location of monitoring wells be shown on all plans and that prior to the issuance of any permits, MDE's directives be satisfied. I concur that such a restriction is appropriate and will incorporate same.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of February, 2001 that the Petition for Special Exception to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store with **greater** than 1500 sq.ft. of sales floor area as a use in combination,

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Date 2/27/01
By Brehmer

pursuant to Section 405.4.E.1 of the B.C.Z.R., in accordance with Petitioner's Exhibits 1A and 1B, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 405.4.A.2.a of the B.C.Z.R. to permit a minimum distance between the existing convenience store and a street right-of-way of 20 feet in lieu of the required 35 feet; from Section 405.4.A.2.b to permit a minimum landscape transition area width of 5 feet in lieu of the required 10 feet for a fuel service station abutting a public right-of-way, and of 0 feet in lieu of the required 6 feet for a side yard abutting non-residentially zoned land; and, from Section 409.8.A.4 to permit a minimum distance between the surface parking and the right-of-way line of a public street of 7 feet in lieu of the required 10 feet, in accordance with Petitioner's Exhibits 1A and B, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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.

2) Prior to the issuance of any permits, the Petitioners shall submit building elevation drawings, lighting plan, landscaping plan, and sign package proposals to the Office of Planning for review and approval.

3) Prior to the issuance of any permits, the Petitioners shall obtain written approval from the SHA relative to the appropriateness of the existing/ proposed access points. In the event a reconfiguration of those access points is deemed necessary, it shall be at the discretion of the SHA.

4) Pursuant to the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated February 26, 2001, (copy attached hereto) the Petitioners shall amend any plans submitted to show the location of monitoring wells. In addition, the Petitioners shall comply with all requirements of the Maryland Department of the Environment (MDE) as to remediation efforts and/or clean-up of this site, prior to the issuance of any permits.

5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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Date 2/27/01
By

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store of **less** than 1500 sq.ft. of sales floor area as determined by the Zoning Commissioner as an ancillary use, pursuant to Section 405.6.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DISMISSED AS MOOT.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date _____
By _____

December 8, 2000

ZONING DESCRIPTION
TO ACCOMPANY A PETITION FOR A SPECIAL HEARING, SPECIAL EXCEPTION (IF NEEDED) AND VARIANCE (IF NEEDED)FOR ROYAL FARM STORE 10-15 WESTMINSTER PIKE IN THE FOURTH ELECTION DISTRICT OF BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the northerly Right of Way line of Westminster Pike (Maryland Route 140) at the intersection with Hanover Road (Maryland Route 30) as shown on Record E.H.K., Jr. 51 folio 40 said point of beginning being designated as point 4 on said plat, running thence and binding on the northerly side of Westminster Pike, (1) North 56 degrees 02 minutes 14 seconds West 179.65 feet, thence leaving Westminster Pike and running for the lines of this zoning description (2) North 33 degrees 57 minutes 46 seconds East 80.84 feet, (3) North 06 degrees 35 minutes 34 seconds West 19.23 feet, (4) North 02 degrees 17 minutes 12 seconds East 27.00 feet, (5) North 54 degrees 01 minutes 28 seconds West 42.02 feet, (6) North 35 degrees 58 minutes 32 seconds East 32.54 feet, (7) South 02 degrees 04 minutes 37 seconds East 35.48 feet, (8) South 87 degrees 42 minutes 48 seconds East 165.24 feet to the West side of Hanover Road (Maryland Route 30), thence running and binding on the west side of Hanover Road, (9) South 05 degrees 59 minutes 22 seconds West 148.07 feet, (10) southwesterly by a curve to the left having a radius of 914.47 feet for a distance of 61.39 feet subtended by a chord with the bearing South 04 degrees 03 minutes 57.5 seconds West 61.40 feet and (11) South 62 degrees 25 minutes 51 seconds West 30.16 feet to the place of beginning.

Containing 0.698 Acres of Land, more or less.

Note: This description only satisfies the requirements of a Zoning Petition and is not to be used for the purposes of conveyance.

STATE OF MARYLAND
REGISTERED
PROFESSIONAL ENGINEER

262

IN THE MATTER OF THE APPLICATION OF CLOVERLAND FARMS DAIRY, INC. –CP; HAZEL V. GIES – LEGAL OWNER FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE ON PROPERTY LOCATED ON THE NW/C WESTMINSTER PIKE & HANOVER ROAD (15 HANOVER RD /10 WESTMINSTER PIKE)	* * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 01-262-SPHXA
4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	

* * * * * * * * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals of Baltimore County by way of an appeal filed by Michael P. Tanczyn, Esquire, on behalf of Iftikhar Ahmad, John D. Heim, Howard Caltrider, Kim Shower, Tom Reynolds, Ray Harmon III, Daniel C. Harris, and John Stafford, Appellants /Protestants, from a decision of the Zoning Commissioner dated February 27, 2001in the subject matter.

WHEREAS, the Board is in receipt of a Dismissal of Appeal filed December 4, 2002 by Michael P. Tanczyn, Esquire, on behalf of Iftikhar Ahmad, John D. Heim, Howard Caltrider, Kim Shower, Tom Reynolds, Ray Harmon III, Daniel C. Harris, and John Stafford, Appellants /Protestants (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Appellants /Protestants requests that the appeal taken in this matter be withdrawn and dismissed as of December 4, 2002,

IT IS ORDERED this 10th day of December 2002 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 01-262-SPHXAbe and the same is hereby **DISMISSED.**

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks, Chairman

Lawrence S. Wescott

Melissa Moyer Adams

IN THE MATTER OF:	*	**BEFORE THE**
Cloverland Farms Dairy, Inc. Petition for Special Hearing, Special Exception and Variances NW Corner 5 Hanover Road & 10 Westminster Pike	*	**ZONING COMMISSIONER**
	*	**OF**
	*	**BALTIMORE COUNTY**
	*	
		CASE NO. 01-262-SPHXA
	*	

* * * * * * * * * * * * *

DISMISSAL OF APPEAL

Now comes Michael P. Tanczyn, on behalf of Iftikhar Ahmad, John D. Heim, Howard Caltrider, Kim Shower, Tom Reynolds, Ray Harmon, III, Daniel C. Harris, and John Stafford, and withdrawals the Appeal which was filed previously.

Michael P. Tanczyn /cbf

MICHAEL P. TANCZYN, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823
Attorney for the Protestant

RECEIVED
DEC 04 2002
BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 4th day of December, 2002, a copy of the foregoing Entry of Appearance was hand delivered to Robert A. Hoffman, Esquire, David Karceski, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, Maryland, 21204, Attorney for the Petitioner, and to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 47 Old Courthouse, 400 Washington Avenue, Towson, Maryland, 21204.

Michael P. Tanczyn /cbf

MICHAEL P. TANCZYN, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823
Attorney for the Protestant

IN THE MATTER OF:	*	**BEFORE THE**
Cloverland Farms Dairy, Inc. Petition for Special Hearing, Special Exception and Variances NW Corner 5 Hanover Road & 10 Westminster Pike	*	**ZONING COMMISSIONER OF BALTIMORE COUNTY**
MARCH 1, 2001 ~~FEB 28~~	*	**CASE NO. 01-262-SPHXA**

* * * * * * * * * * * * *

ENTRY OF APPEARANCE AND MOTION TO REOPEN HEARING

Please enter the appearance of Michael P. Tanczyn, Esquire as Attorney for Iftikhar Ahmad, Protestant, whose address is 30 Main Street, Reisterstown, Maryland, 21136.

Please reopen this hearing to receive testimony concerning the past zoning history and use of the property as it may affect your decision on the three Petitions before you in this case.

MICHAEL P. TANCZYN, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823
Attorney for the Protestant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 1st day of March, 2001 a copy of the foregoing Entry of Appearance was hand delivered to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, Maryland, 21204, Attorney for the Petitioner, and to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 47 Old Courthouse, 400 Washington Avenue, Towson, Maryland, 21204.

MICHAEL P. TANCZYN, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823
Attorney for the Protestant

IN THE MATTER OF:	*	**BEFORE THE**
Cloverland Farms Dairy, Inc.	*	**ZONING COMMISSIONER OF**
Petition for Special Hearing, Special Exception & Variances NW Corner 5 Hanover Road & 10 Westminster Pike	*	**BALTIMORE COUNTY**
	*	**CASE NO. 01-262-SPHXA**

* * * * * * * * * * * * *

NOTICE OF APPEAL

Please note an Appeal from the February 27, 2001 Order granting the Petition for Special Exception to approve an expansion/reconstruction of an existing fuel service station and the addition of an existing convenience store with greater than 1,500 square feet of sales floor area as a use in combination, and from the Grant of the Petition for Variance Relief and letter Order March 15, 2001, by the following persons who are taxpayers and feel aggrieved by those decisions to the Board of Appeals for Baltimore County.

The Appellants include John D. Heim, 19 Hanover Road, Reisterstown, Maryland, 21136, Howard Caltrider, 320 Westminster Road, Reisterstown, Maryland, 21136, Kim Shower, 14313 Hanover Pike, Reisterstown, Maryland, 21136, Tom Reynolds, 427 Cockeys Mill Road, Reisterstown, Maryland 21136, Ray Harmon, III, 317 Main Street, Reisterstown, Maryland, 21136, Iftikhar Ahmad, 30 Main Street, Reisterstown, Maryland, 21136, Daniel C. Harris, 14531 Hanover Road, Reisterstown, Maryland, 21155, and John Stafford, 107 Main Street, Reisterstown, Maryland, 21136, by their undersigned Attorney. Please advise us of any hearing dates in this matter when set.

MICHAEL P. TANCZYN, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823
Attorney for the Protestants/Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 26th day of March, 2001 a copy of the foregoing Notice of Appeal was mailed by first class mail, postage prepaid, to Robert A. Hoffman, Esquire and David Karceski, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, Maryland, 21204, Attorneys for the Petitioners, and to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 47 Old Courthouse, 400 Washington Avenue, Towson, Maryland, 21204.

MICHAEL P. TANCZYN, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823
Attorney for the Protestants/Appellants

RECEIVED
MAR 26 2001
By GDZ

IN THE MATTER OF:	*	**BEFORE THE**
Cloverland Farms Dairy, Inc.	*	**ZONING COMMISSIONER OF**
Petition for Special Hearing, Special Exception & Variances NW Corner 5 Hanover Road & 10 Westminster Pike	*	**BALTIMORE COUNTY**
	*	**CASE NO. 01-262-SPHXA**

* * * * * * * * * * * * *

NOTICE OF APPEAL

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MICHAEL P. TANCZYN, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823
Attorney for the Protestants/Appellants

CERTIFICATE OF SERVICE

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MICHAEL P. TANCZYN, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823
Attorney for the Protestants/Appellants

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: 262

Petitioner: Cloverland Farms Dairy, Inc.

Address or Location: 15 Hanover Pike / 10 Westminster Pike

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dontell

Address: 210 Allegheny Ave.
Towson, MD 21204

Telephone Number: ~~410-42~~ 410-494-6201

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 30, 2001 Issue – Jeffersonian

Please forward billing to:
Amy Dontell
210 Allegheny Avenue
Towson MD 21204

410 494-6201

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: 15 Hanover Road/10 Westminster Pike
NWC Westminster Pike and Hanover Road
4th Election District – 3rd Councilmanic District
Legal Owner: Hazel V. Gies
Contract Purchaser: Cloverland Farms Dairy, Inc.

Special Hearing to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store as an ancillary use. Special Exception to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store as a use in combination. Variance to allow a minimum distance of 20 feet between the existing convenience store and a street right-of-way in lieu of the required 35 feet; to allow a minimum landscape transition area width of 5 feet abutting a public right-of-way in lieu of the required 10 feet and zero feet in a side yard in lieu of the required 6 feet; to allow a minimum distance of 7 feet between the surface parking and the right-of-way line of a public street in lieu of the required 10 feet.

HEARING: Thursday, February 15, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt
GDZ

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.

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 15 Hanover Pike/10 Wesminster Pike
which is presently zoned BL-AS

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 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 the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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.

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

Contract Purchaser/Lessee:

Cloverland Farms Dairy, Inc.
Name - Type or Print

By: John M. Kemp
Signature John M. Kemp, Executive Vice-President

3611 Roland Avenue 410-889-0200
Address Telephone No.

Baltimore, MD 21211-2408
City State Zip Code

Legal Owner(s):

Hazel V. Gies
Name - Type or Print

Hazel V. Gies
Signature

Name - Type or Print

Signature

23 Wolf Avenue 410-356-7291
Address Telephone No.

Reisterstown MD 21136
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue 410-494-6200
Address Telephone No.

Towson, MD 21204
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

210 Allegheny Avenue 410-494-6200
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 01-262PHXA

Reviewed By JWM **Date** 12-27-00

REV 9/15/98

15 Hanover Pike/10 Westminster Pike

Petition for Special Hearing

Special Hearing to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store (less than 1500 square feet of sales floor area as determined by the Zoning Commissioner) as an ancillary use pursuant to Section 405.6.A.1 of the Baltimore County Zoning Regulations.

TO1DOCS1/erl01/#108947 v1

262

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 15 Hanover Pike/10 Westminster Pike

which is presently zoned BL-AS

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

SEE ATTACHED.

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.

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

Contract Purchaser/Lessee:

Cloverland Farms Dairy, Inc.
Name - Type or Print

By: John M. Kemp
Signature John M. Kemp, Executive Vice-President

3611 Roland Avenue 410-889-0200
Address Telephone No.

Baltimore, MD 21211-2408
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue 410-494-6200
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

Hazel V. Gies
Name - Type or Print

Hazel V. Gies
Signature

Name - Type or Print

Signature

23 Wolf Avenue 410-356-7291
Address Telephone No.

Reisterstown MD 21136
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

210 Allegheny Avenue 410-494-6200
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By JWM Date 12.27.00

Case No. 01-262 SPHA

REV 09/15/98

15 Hanover Pike/10 Westminster Pike

Petition for Special Exception (IF NEEDED)

1. Special Exception to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store (less than 1500 square feet of sales floor area to be determined by the Zoning Commissioner) as an ancillary use

OR

2. Special Exception to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store (greater than 1500 square feet of sales floor area) as a use in combination pursuant to Section 405.4.E.1 of the Baltimore County Zoning Regulations.

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 15 Hanover Pike/10 Westminster Pike

which is presently zoned BL-AS

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 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)

TO BE DETERMINED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, 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.

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

Contract Purchaser/Lessee:

Cloverland Farms Dairy, Inc.
Name - Type or Print

By: John M. Kemp
Signature John M. Kemp, Executive Vice-President

3611 Roland Avenue 410-889-0200
Address Telephone No.

Baltimore, MD 21211-2408
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue 410-494-6200
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

Hazel V. Gies
Name - Type or Print

Hazel V. Gies
Signature

Name - Type or Print

Signature

23 Wolf Avenue 410-356-7291
Address Telephone No.

Reisterstown MD 21136
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

210 Allegheny Avenue 410-494-6200
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By _____ Date _____

Case No. _____

REV 9/15/98

15 Hanover Pike/10 Westminster Pike

Petition for Variances (IF NEEDED)

1. Variance from Section 405.4.A.2.a of the Baltimore County Zoning Regulations ("BCZR") to allow a minimum distance of twenty (20) feet between the existing convenience store and a street right-of-way in lieu of the required thirty-five (35) feet.

2. Variance from BCZR Section 405.4.A.2.b to allow a minimum landscape transition area width of five (5) feet for a fuel service station abutting a public right-of-way in lieu of the required ten (10) feet and of zero (0) feet in a side yard abutting nonresidentially zoned land in lieu of the required six (6) feet.

3. Variance from BCZR Section 409.8.A.4 to allow a minimum distance of seven (7) feet between the surface parking for a nonresidential use and the right-of-way line of a public street in lieu of the required ten (10) feet.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 93129

DATE 3-27-01 ACCOUNT 001-006-6150

AMOUNT $ 495.00

RECEIVED FROM: MICHAEL P TANCZYN ESQUIRE

FOR: APPEAL SPECIAL EXCEPTION, VARIANCE & SIGN CASE #01-262-SPHXA
LEGAL OWNER: HAZEL V GIES
CONTRACT PURCHASER: CLOVERLAND FARM DAIRY INC

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT ACTUAL TIME
3/27/2001 3/27/2001 09:21:31
REC 4905 CASHIER MSTE MES DRAWER 5
SUBOBJ 6150 OFLN
Dep 5 ZONING VERIFICATION
DB 01 09:12
Receipt Tot 495.00
495.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

212

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 90603

DATE 12-27-00 ACCOUNT R.1.6150

AMOUNT $ 650.00

RECEIVED FROM: Cleveland Paving, Inc.

FOR: SDH, X, A.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

JCM.

PAID RECEIPT

PAYMENT	ACTUAL	TIME
12/27/2000	12/27/2000	10:18:05

REG 0005 CASHIER ASIE MES ORDER
Dept 5 526 ZONING VERIFICATION
Receipt # 192696 CHK
CR NO. 09060
Rcpt Tot 650.00
650.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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: #01-262-SPHXA
15 Hanover Road/10 Westminster Pike
NWC Westminster Pike and Hanover Road
4th Election District –3rd Councilmanic District
Legal Owner(s): Hazel V. Gies
Contract Purchaser: Cloverland Farms Dairy, Inc.

Special Hearing: to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store as an ancillary use. **Special Exception:** to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store as a use in combination. **Variance:** to allow a minimum distance of 20 feet between the existing convenience store and a street right-of-way in lieu of the required 35 feet; to allow a minimum landscape transition area width of 5 feet abutting a public right-of-way in lieu of the required 10 feet and zero feet in a side yard in lieu of the required 6 feet; to allow a minimum distance of 7 feet between the surface parking and the right-of-way line of a public street in lieu of the required 10 feet.

Hearing: Thursday, February 15, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley 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.

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

JT/1/800 Jan. 30 C447384

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/1, 2001

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 1/30, 2001.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

[redacted]

APPEAL SIGN POSTING REQUEST

CASE NO. 01-262-SPHXA

HAZEL V. GIES-LO; CLOVERLAND FARMS DAIRY, INC.-CP

NW/c Westminster Pike and Hanover Road
(10 Westminster Pike and 15 Hanover Road)

4th Election District — Appealed 3/26/01

Attachment – (Plat to accompany Petition
- Petitioner's Exhibit No. 1A)

**********COMPLETE AND RETURN BELOW INFORMATION**********

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Charlotte Radcliffe
Appeals Clerk

RE: Case No. 01 - 262 SPHXA
Petitioner/Developer:
GIES / CLOVERLAND

This is to certify that the necessary appeal sign(s) was posted conspicuously on

property located at N/W/C WESTMINSTER PIKE & HANOVER RD.

The sign(s) was posted on APRIL 19, 2001.

By _____
(Signature of Sign Poster)

_____
(Printed Name)

15K7

CERTIFICATE OF POSTING

LS 2/15

RE Case No 01-262-SPHXA

Petitioner/Developer: ROYAL FARM, ETAL
C/O VENABLE

Date of Hearing/Closing: 2/15/01

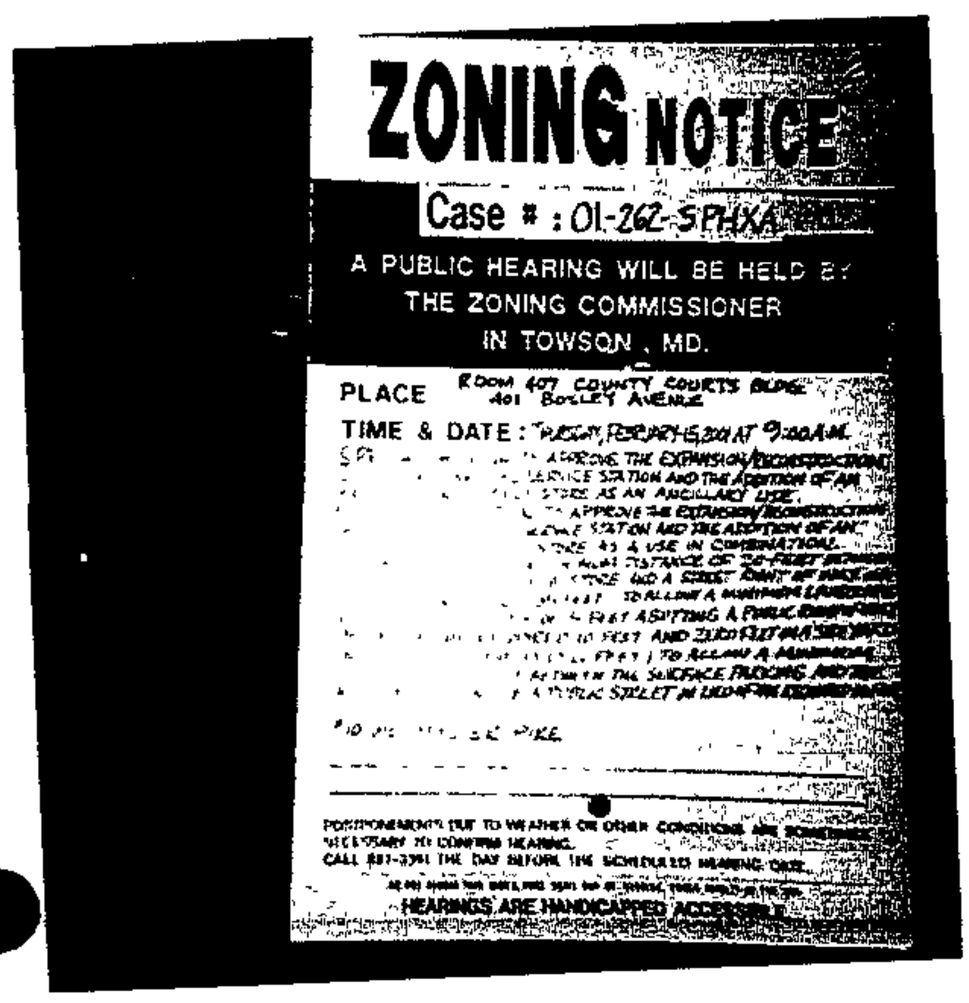
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 #10-WESTMINSTER PIKE & #15 HANOVER PIKE (2 SIGNS)

The sign(s) were posted on 1/28/01
(Month, Day, Year)



Sincerely,

Patrick M. O'Keefe 2/2/01
(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)

01-262-SPHXA
#10 WESTMIN. PIKE & #15 HANOVER PIKE
CLOVERLAND 2/15/01

CERTIFICATE OF POSTING

RE: Case No 01-262-SPHXA

Petitioner/Developer: ROYAL FARMS, ETAL

C/O AMY DONTELL

Date of Hearing/Closing: 2/15/01

2 SIGNS

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 #10 - WESTMINSTER PIKE & #15 - HANOVER PIKE

The sign(s) were posted on 1/29/01
(Month, Day, Year)

Sincerely,

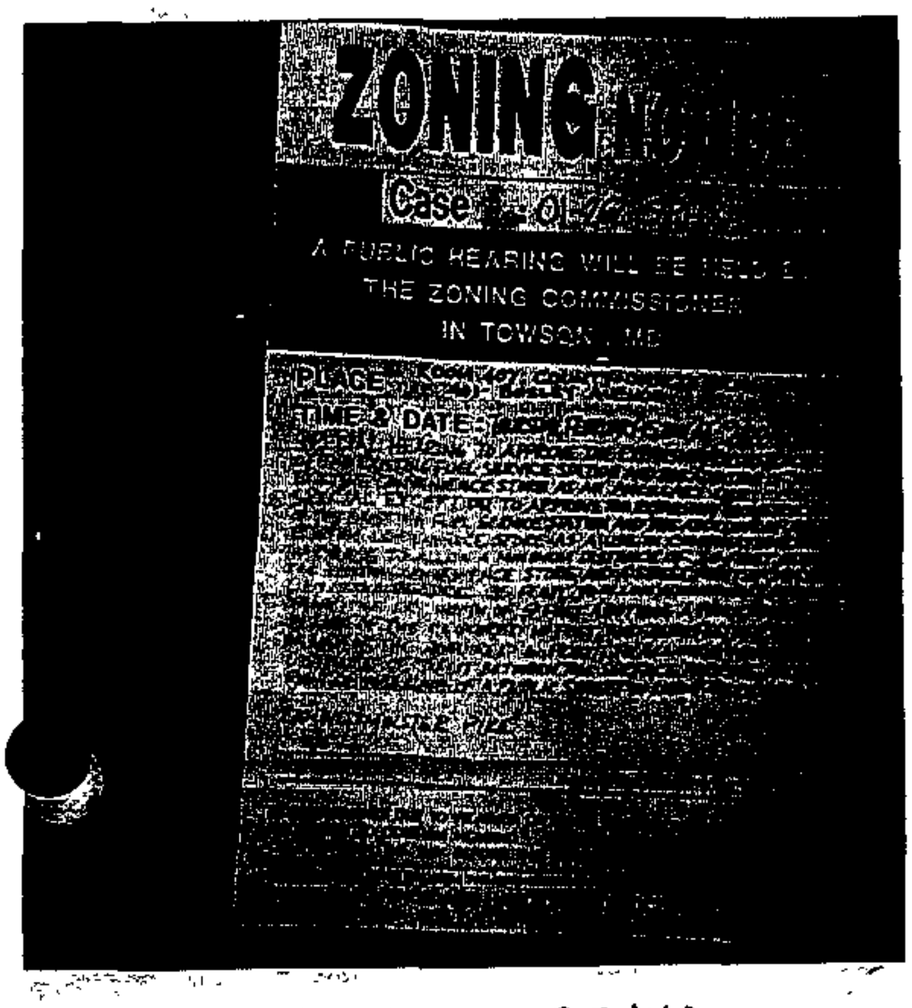
Patrick M O'Keefe 1/30/01
(Signature of Sign Poster and Date)

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)



01-262-SPHXA
#10 WESTMIN. PIKE & #15 HANOVER PIKE
HONORLANTY

Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

January 10, 2001

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: 15 Hanover Road/10 Westminster Pike
NWC Westminster Pike and Hanover Road
4th Election District – 3rd Councilmanic District
Legal Owner: Hazel V. Gies
Contract Purchaser: Cloverland Farms Dairy, Inc.

Special Hearing to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store as an ancillary use. Special Exception to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store as a use in combination. Variance to allow a minimum distance of 20 feet between the existing convenience store and a street right-of-way in lieu of the required 35 feet; to allow a minimum landscape transition area width of 5 feet abutting a public right-of-way in lieu of the required 10 feet and zero feet in a side yard in lieu of the required 6 feet; to allow a minimum distance of 7 feet between the surface parking and the right-of-way line of a public street in lieu of the required 10 feet.

HEARING: Thursday, February 15, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Printed with Soybean Ink
on Recycled Paper

Arnold Jablon
Director

C: Robert A. Hoffman, Venable, Baetjer and Howard, LLP, 210 Allegheny Avenue, Towson 21204
Hazel V. Gies, 23 Wolf Avenue, Reisterstown 21136
John M. Kemp, EVP, Cloverland Farms Dairy, Inc., 3611 Roland Avenue, Baltimore 21211

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 31, 2001.**
(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.

Baltimore County
Department of Permits and
Development Management

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

February 12, 2001

Robert A Hoffman
Venable Baetjer & Howard LLP
210 Allegheny Avenue
Towson MD 21204

Dear Mr. Hoffman:

RE: Case Number: 01-262-SPHXA, 15 Hanover Pike/10 Westminster Pike

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 27, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Hazel V Gies, 23 Wolf, Reisterstown 21136
John M Kemp EVP, Cloverland Farms Dairy Inc, 3611 Roland Avenue, Baltimore 21211
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: March 6, 2001

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 16, 2001
Item Nos. 251, 252, 253, 254, 255, 256, 257, 259, 260, 261, 262, 263, 264, and 265

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZAC-1-16-2001-NO COMMENT ITEMS-362001 doc

Lo 2/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 7, 2001

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

FEB - 9

SUBJECT: 15 Hanover Pike/10 Westminster Pike

INFORMATION:

Item Number: 01-262

Petitioner: Hazel V. Gies

Zoning: BL - AS

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has determined that the subject site is located at the northern gateway to Reisterstown, and is in the Reisterstown National Historic District. Routes 30 and 140 intersect at this location which is also the genesis of Main Street, the primary commercial route through Reisterstown. Reisterstown is one of Baltimore County's best-known antique shopping destinations.

In 1999, the Maryland Department of Transportation in concert with Baltimore County completed the "Main Street Streetscape Project." Thousands of dollars were spent to enhance and revitalize the "period" feel of old Reisterstown. The project is considered to be a great success and includes the installation of turn of the century street-lighting, new curbing, and stone sidewalks.

Consistent with the efforts to enhance the historic nature of Main Street, the Office of Planning recommends approval of the subject request provided the following are met:

1. Submit elevations for the canopy, lighting details, and a sign package that includes ground mounted signs in lieu of free-standing signs to this office for review and approval prior to the issuance of any permits

2. Supplemental landscaping should be provided within the five-foot buffer area adjacent to Hanover Pike.

Prepared by: _____

Section Chief: _____

AFK:MAC:

W:\DEVREV\ZAC\01-262.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

FEB 26

TO: Lawrence E. Schmidt

FROM: R. Bruce Seeley

DATE: February 26, 2001

SUBJECT: Zoning Item #262
5 Hanover Pike/10 Westminster Pike
Royal Farms Store

Zoning Advisory Committee Meeting of January 8, 2001

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

_____ 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).

__X__ An active groundwater contamination investigation is currently being conducted on site by the Maryland Department of the Environment (MDE). No building permits will be issued by DEPRM until approval is given by MDE.

__X__ Any monitoring wells on site must be shown and labeled on all plans submitted to DEPRM for review.

Reviewer: R. Bruce Seeley Date: February 26, 2001

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: January 10, 2001

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

RE: Baltimore County
Item No. 262 (JCM)
Cloverland Farms Dairy Inc.
15 Hanover RD/10 Westminster Pike
MD 30/MD 140
Mile Post 0.00/9.93

Dear Ms. Jackson:

This office has reviewed the referenced Item and has no objection to approval of the Special Hearing.

However we will require the owner to obtain an access permit through our office and as a minimum the following roadway improvements will be required:

- The site will be limited to one entrance on MD 30 and one entrance on MD 140, close the two existing entrances closest to the intersection of MD 30 /MD 140.

Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Should any additional information be required please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

CC: Robert W. Bowling, P.E.

My telephone number is _____

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

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

Baltimore County
Fire Department

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

January 10, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: HAZEL V. GIES

Location: DISTRIBUTION MEETING OF JANUARY 8, 2001

Item No.: 262

Dear Ms. Stephens:

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: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley AC/RBS

DATE: January 19, 2001

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of January 8, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address
251	2855 Lodge Farm Road
254	6311 Sherwood Road
255	800 Race Road
257	2005 Security Boulevard
258	15505 Carroll Road
259	10407 Vincent Road
261	1018 Wagner Road
262	15 Hanover Road 10 Westminster Pike
263	9639 Belair Road
265	1678 Bullock Circle

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: February 5, 2003

TO: Arnold Jablon, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton *trs*
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
01-326-SPH	*01-326-SPH*	Alberta Mantz Glen Arm Homes LLC	1630 Turkey Point Road
02-202-A	*02-202-A*	Pamela Matthews	23 Glenwood Avenue
01-262-SPHXA	*01-262-SPHXA*	Hazel V. Gies Cloverland Farms CP	15 Hanover Road/ 10 Westminister Pike
02-554-SPH	*02-554-SPH*	Gerard L. and Maria Elias	808 Upper Glencoe Road

Attachment: SUBJECT FILE(S) ATTACHED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

FEB 26

TO: Lawrence E. Schmidt

FROM: R. Bruce Seeley

DATE: February 26, 2001

SUBJECT: Zoning Item #262
5 Hanover Pike/10 Westminster Pike
Royal Farms Store

Zoning Advisory Committee Meeting of January 8, 2001

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

_____ 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).

__X__ An active groundwater contamination investigation is currently being conducted on site by the Maryland Department of the Environment (MDE). No building permits will be issued by DEPRM until approval is given by MDE.

__X__ Any monitoring wells on site must be shown and labeled on all plans submitted to DEPRM for review.

ORDER RECEIVED FOR FILING
Date 2/27/01
By

Reviewer: R. Bruce Seeley Date: February 26, 2001

LAW OFFICES
MICHAEL P. TANCZYN, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

November 7, 2001

County Board of Appeals of Baltimore County
Attn: Ms. Kathy Bianco, Administrative Director
Old Courthouse, Room 48
400 Washington Avenue
Towson, MD 21204

Special Exception & Variances, Case No. 01-262-SPHXA

Dear Kathy:

As attorney for the Protestants who noted an Appeal in this action, I would ask since a hearing date has not been assigned by the Board, that a hearing date be assigned at the Board's earliest convenience.

I believe that because of the known environmental hazard at this site namely, a gasoline spill in excess of 8,000 gallons which occurred previously and has yet to be remediated, that this case should be assigned at least for a full day and perhaps for two days so that it can be concluded at the first hearing. As you can tell from the number of Protestants who appealed whom I represent, this is a matter of great concern to many merchants and citizens in the area.

Thank you very much for your assistance in setting this and I look forward to hearing back from you soon.

Very truly yours,

Michael P. Tanczyn, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
01 NOV -8 PM 4:27

MPT/gr

cc: John D. Heim
Howard Caltrider
Kim Shower
Tom Reynolds
Ray Harmon
Iftikhar Ahmad
Daniel C. Harris
John Stafford
Robert A. Hoffman, Esquire
David Karceski, Esquire
Peter Max Zimmerman, Esquire

LAW OFFICES
MICHAEL P. TANCZYN, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

January 14, 2002

County Board of Appeals of Baltimore County
Attn: Ms. Kathy Bianco, Administrative Director
Old Courthouse, Room 48
400 Washington Avenue
Towson, MD 21204

Re: *Hazel v. Gies - Special Exception & Variances, Case No. 01-262-SPHXA*

Dear Kathy:

Thank you for the Notice of Assignment dated January 4, 2002 which we just received on January 11, 2002 regarding the hearing date in the above matter scheduled for March 5, 2002 at 10:00 a.m.

I am awaiting a final argument date from the Court of Special Appeals and have been asked to block off the time period of March 4 through 15, 2002 for possible assignment of *Haynes v. Baltimore County*. I would, therefore, request a re-assignment of the above case to the closest available time period after March 15, 2002 for which there are no schedule conflicts.

By copy of this letter to Petitioners' attorney, Robert A. Hoffman and David Karceski, as well as Pete Zimmerman, I am making them aware of this request.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Michael P. Tanczyn, Esquire

MPT:cbr

cc: John D. Heim
Howard Caltrider
Kim Shower
Tom Reynolds
Ray Harmon
Iftikhar Ahmad
Daniel C. Harris
John Stafford
Robert A. Hoffman, Esquire
David Karceski, Esquire
Peter Max Zimmerman, Esquire

02 JAN 15 PM 12:07

County Board of Appeals of Baltimore County

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

PP'd to 6/05 and 6/19/03
PP req'd by M. Tanczyn

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

January 4, 2002

NOTICE OF ASSIGNMENT

CASE #: 01-262-SPHXA

IN THE MATTER OF: ***HAZEL V. GIES –Legal Owner;***
CLOVERLAND FARMS DAIRY, INC. – C.P.
15 Hanover Road /10 Westminster Pike
4th Election District; 3rd Councilmanic District

2/27/2001 – ZC's Order – Petitions for Special Exception and Variance relief GRANTED; special hearing MOOT.

ASSIGNED FOR: ***TUESDAY, MARCH 5, 2002 at 10:00 a.m.***

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

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).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Protestants : Michael P. Tanczyn, Esquire
Appellants /Protestants : John D. Heim, Ray Harmon III, Howard Caltrider, Iftikhar Ahmad, Kim Shower, Daniel C. Harris, Tom Reynolds, John Stafford

Counsel for Petitioners : Robert A. Hoffman, Esquire
David Karceski, Esquire

Petitioner /Legal Owner : Hazel V. Gies and Edward L. Gies
Petitioner /Contract Purchaser : John M. Kemp, Exec. V.P.
Cloverland Farms Dairy, Inc.

Ken Schmidt & Nick Brader /Matis Warfield

Scott Carothers
People's Counsel for Baltimore County

Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

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410-887-3180
FAX: 410-887-3182

PP'd @ request of Counsel for Petitioners
6/19/02 = Day #1
7/17/02 = Day #2

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

January 18, 2002

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-262-SPHXA

IN THE MATTER OF: ***HAZEL V. GIES –Legal Owner;***
CLOVERLAND FARMS DAIRY, INC. – C.P.
15 Hanover Road /10 Westminster Pike
4th Election District; 3rd Councilmanic District

2/27/2001 – ZC's Order – Petitions for Special Exception and Variance relief GRANTED; special hearing MOOT.

which was assigned to be heard on 3/05/02 has been **POSTPONED** at the request of Counsel for Appellants; and has been reassigned to the following confirmed dates; and has been

REASSIGNED FOR: **WEDNESDAY, JUNE 5, 2002 at 10:00 a.m. /Day #1 and**
WEDNESDAY, JUNE 19, 2002 at 10:00 a.m. /Day #2

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

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

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If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

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c: Counsel for Appellants /Protestants : Michael P. Tanczyn, Esquire
Appellants /Protestants : John D. Heim, Howard Caltrider, Kim Shower, Tom Reynolds, Ray Harmon III, Iftikhar Ahmad, Daniel C. Harris, John Stafford

Counsel for Petitioners : Robert A. Hoffman, Esquire
David Karceski, Esquire
Petitioner /Legal Owner : Hazel V. Gies and Edward L. Gies
Petitioner /Contract Purchaser : John M. Kemp, Exec. V.P. Cloverland Farms Dairy, Inc.

Ken Schmidt & Nick Brader /Matis Warfield — Pat Keller, Director /Planning
Scott Carothers — Lawrence E. Schmidt, Zoning Commissioner
People's Counsel for Baltimore County — Arnold Jablon, Director /PDM

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MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Writer's Direct Number:
(410) 494-6285

dhkarceski@venable.com

February 22, 2002

HAND-DELIVERED

Kathleen C. Bianco, Administrator
County Board of Appeals for Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

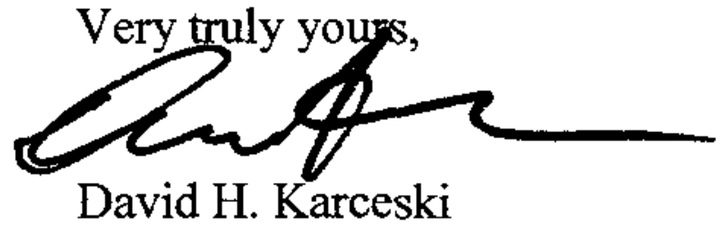
Re: Case No.: 01-262-SPHXA
Property: 15 Hanover Road, 10 Westminster Pike
4th Election District, 3rd Councilmanic District

Dear Mrs. Bianco:

I am writing on behalf of Robert Hoffman to request a postponement of the above-captioned hearing scheduled for Wednesday, June 5, and Wednesday, June 19, 2002. Nicholas J. Brader, the engineer responsible for preparing the site plan for the above-referenced property, will be unable to testify on the first date. Therefore, it is respectfully requested that the hearing be postponed to June 19, 2002, and July 17, 2002, be reserved as a new second date for this matter.

Thank you for your consideration of this request.

Very truly yours,



David H. Karceski

DHK/bl
cc: Mr. John M. Kemp
Mrs. Hazel V. Gies
Mr. Edward L. Gies
Mr. Nicholas J. Brader
Michael P. Tanczyn, Esquire
Robert A. Hoffman, Esquire
TO1DOCS1/DHK01/#132052 v1

02 FEB 22 PM 1:23

County Board of Appeals of Baltimore County

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410-887-3180
FAX: 410-887-3182

w/o wp
Appellants
12/04/02

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

November 14, 2002

REVISED NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-262-SPHXA **IN THE MATTER OF:** ***HAZEL V. GIES –Legal Owner;***
CLOVERLAND FARMS DAIRY, INC. – C.P.
15 Hanover Road /10 Westminster Pike
4th Election District; 3rd Councilmanic District

2/27/2001 – ZC's Order – Petitions for Special Exception and Variance relief GRANTED; special hearing MOOT.

which was assigned for two days of hearing (12/04 and 12/05) has been reassigned to only one day of hearing (12/05/02) as requested by Counsel for Petitioners and Counsel for Protestants; and is now

REASSIGNED FOR: **THURSDAY, DECEMBER 5, 2002 at 10:00 a.m. (one day only)**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

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If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Protestants : Michael P. Tanczyn, Esquire
Appellants /Protestants : John D. Heim, Howard Caltrider, Iftikhar Ahmad, Kim Shower, Tom Reynolds, John Stafford

Counsel for Petitioners : Robert A. Hoffman, Esquire
David Karceski, Esquire
Petitioner /Legal Owner : Hazel V. Gies and Edward L. Gies
Petitioner /Contract Purchaser : John M. Kemp, Exec. V.P.
Cloverland Farms Dairy, Inc.

Ken Schmidt & Nick Brader /Matis Warfield
Scott Carothers
People's Counsel for Baltimore County

Pat Keller, Director /Planning
Lawrence E. Schmidt, Zoning Commissioner
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Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

June 19, 2002

THIRD NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-262-SPHXA **IN THE MATTER OF:** ***HAZEL V. GIES –Legal Owner;***
CLOVERLAND FARMS DAIRY, INC. – C.P.
15 Hanover Road /10 Westminster Pike
4th Election District; 3rd Councilmanic District

2/27/2001 – ZC's Order – Petitions for Special Exception and Variance relief GRANTED; special hearing MOOT.

Reset 11/14/02 one day only

which was assigned to begin on 6/19/02 has been **POSTPONED** at the request of Counsel for Petitioners and with agreement of Counsel for Protestants and the Deputy People's Counsel from both assigned dates; and has been

REASSIGNED FOR: ~~**WEDNESDAY, DECEMBER 4, 2002 at 10:00 a/.m. /Day #1 and**~~
THURSDAY, DECEMBER 5, 2002 at 10:00 a.m. /Day #2

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

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Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Protestants : Michael P. Tanczyn, Esquire
Appellants /Protestants : John D. Heim, Ray Harmon III, Howard Caltrider, Iftikhar Ahmad, Kim Shower, Daniel C. Harris, Tom Reynolds, John Stafford

Counsel for Petitioners : Robert A. Hoffman, Esquire
David Karceski, Esquire
Petitioner /Legal Owner : Hazel V. Gies and Edward L. Gies
Petitioner /Contract Purchaser : John M. Kemp, Exec. V.P.
Cloverland Farms Dairy, Inc.

Ken Schmidt & Nick Brader /Matis Warfield
Scott Carothers
People's Counsel for Baltimore County

Pat Keller, Director /Planning
Lawrence E. Schmidt, Zoning Commissioner
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Postponed on record 6/19/02; next to 12/04 and 12/05/02 if needed

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

February 27, 2002

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-262-SPHXA **IN THE MATTER OF:** ***HAZEL V. GIES –Legal Owner;***
CLOVERLAND FARMS DAIRY, INC. – C.P.
15 Hanover Road /10 Westminster Pike
4th Election District; 3rd Councilmanic District

2/27/2001 – ZC's Order – Petitions for Special Exception and Variance relief GRANTED; special hearing MOOT.

which was assigned to begin on 6/05/02 has been **POSTPONED** at the request of Counsel for Petitioners to begin on 6/19/02 and a new second day added; and has been

REASSIGNED FOR: **WEDNESDAY, JUNE 19, 2002 at 10:00 a.m. /Day #1 and**
~~WEDNESDAY, JULY 17, 2002 at 10:00 a.m. /Day #2~~

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Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Protestants : Michael P. Tanczyn, Esquire
Appellants /Protestants : John D. Heim, Ray Harmon III, Howard Caltrider, Iftikhar Ahmad, Kim Shower, Daniel C. Harris, Tom Reynolds, John Stafford — returned - unable To deliver

Counsel for Petitioners : Robert A. Hoffman, Esquire
David Karceski, Esquire
Petitioner /Legal Owner : Hazel V. Gies and Edward L. Gies
Petitioner /Contract Purchaser : John M. Kemp, Exec. V.P.
Cloverland Farms Dairy, Inc.

Ken Schmidt & Nick Brader /Matis Warfield
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*** **HEARING ROOM** – *Room 48* ***
Basement –Old Courthouse
400 Washington Avenue

APPEAL HEARINGS SCHEDULED FOR THE WEEK OF JUNE 17, 2002

TUESDAY 6/18 **9:30 am** **Case No.: CBA-01-150** **/HEARING**

In the Matter of:
Tuffy Auto Service
4201 Wholesale Club Drive, Baltimore, MD 21236

RE: False Alarm Fees / Reg #C 979795 8

11:00 am **Case No.: CBA-01-152 and 153** **/HEARING**

In the Matter of:
EZ Car Wash
6317 Kenwood Avenue, Baltimore, MD 21237

RE: False Alarm Fees / Reg # C 979137 3

1090 Old Northpoint Road, Baltimore, MD 21222

RE: False Alarm Fees / Reg # C 955954 8

WEDNESDAY 6/19 **10:00 am** **Case No.: 01-262-SPHXA** **/HEARING**

In the Matter of:
Hazel Gies – Legal Owner
Cloverland Farms Dairy, Inc. – Contract Purchaser
10 Westminister Pike

RE: SPH – To approve expansion / reconstruction of existing fuel / service station; etc.

THURSDAY 6/20 **9:00 am** **Case No.: 01-025-SPH** **/DELIBERATION**

In the Matter of:
Jeanette and William Clark
2900 Taylor Avenue

SCHEDULE CONTINUED ON NEXT PAGE FOR THURSDAY JUNE 20, 2002

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DEVELOPMENT MANAGEMENT

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SCHEDULE CONTINUED

THURSDAY 6/20 9:30 am Case No.: CBA-02-122 /DELIBERATION

In the Matter of:
9400 Liberty Limited Partnership
9400 Liberty Road

10:30 am Case No.: CBA-02-122 /HEARING

In the Matter of:
Mt. Vista Golf Course Ltd.
11101 Raphel Road
Civil Citation: 01-7565

RE: Code Inspections and Enforcement Violation

1:30 pm Case No.: CBA-01-151 /HEARING

In the Matter of:
James Riffin
49 Scott Adam Rd., Cockeysville, MD 21030

RE: DEPRM Decision / Violations / landfill grading on suspended permit

---

c: Executive Office
Law Office
Director /PDM
People's Counsel
Planning Office
Court Info. Desk
County Council
Board Members
Court Reporter

County Board of Appeals of Baltimore County

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TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

WCR

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

February 27, 2002

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-262-SPHXA

IN THE MATTER OF: ***HAZEL V. GIES –Legal Owner;***
CLOVERLAND FARMS DAIRY, INC. – C.P.
15 Hanover Road /10 Westminster Pike
4th Election District; 3rd Councilmanic District

2/27/2001 – ZC's Order – Petitions for Special Exception and Variance relief GRANTED; special hearing MOOT.

which was assigned to begin on 6/05/02 has been **POSTPONED** at the request of Counsel for Petitioners to begin on 6/19/02 and a new second day added; and has been

REASSIGNED FOR: **WEDNESDAY, JUNE 19, 2002 at 10:00 a.m. /Day #1 and**
WEDNESDAY, JULY 17, 2002 at 10:00 a.m. /Day #2

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Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Protestants : Michael P. Tanczyn, Esquire
Appellants /Protestants : John D. Heim, Ray Harmon III, Howard Caltrider, Iftikhar Ahmad, Kim Shower, Daniel C. Harris, Tom Reynolds, John Stafford

Counsel for Petitioners : Robert A. Hoffman, Esquire
David Karceski, Esquire
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Ken Schmidt & Nick Brader /Matis Warfield — Pat Keller, Director /Planning
Scott Carothers — Lawrence E. Schmidt, Zoning Commissioner
People's Counsel for Baltimore County — Arnold Jablon, Director /PDM

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Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

November 14, 2002

REVISED NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-262-SPHXA **IN THE MATTER OF:** ***HAZEL V. GIES –Legal Owner;***
CLOVERLAND FARMS DAIRY, INC. – C.P.
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Kathleen C. Bianco
Administrator

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Ken Schmidt & Nick Brader /Matis Warfield
Scott Carothers
People's Counsel for Baltimore County

Pat Keller, Director /Planning
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Arnold Jablon, Director /PDM

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Baltimore County
Department of Permits and
Development Management

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

May 17, 2001

Nicholas J. Brader, III, P.E.
Matis Warfield
10540 York Road, Suite M
Hunt Valley, MD 21030

Dear Mr. Brader:

RE: Geis Property, Lot 3, Spirit & Intent Case #83-185-SPHXA

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. Your request is for a determination by this office that the reconstruction of a fuel service station on lot 3 of the submitted red-lined site plan be approved as being within the spirit and intent of case #83-185-SPHXA APPROVED BY THE Board of Appeals on 12/8/83. This request, a 2nd refinement of the County Review Group (CRG) plan was suggested by the DRC on 4/30/01. This site had prior CRG approved on 6/9/83 and 1st refinement approved on 6/9/98. However, per Section 405.6 of the B.C.Z.R., your request can not be approved by a Spirit & Intent Letter but by a More in Keeping plan. The plan must state what is being done to be more in keeping including restroom facilities and compressed air available to customers, landscaping, etc. The plans will be reviewed for compliance with standards as much as possible. You must contact the Office of Planning and the Developers' Engineering Office for a determination that they can approve your request as a More in Keeping plan.

Once all agencies are satisfied, provide 3(Titled) More in Keeping plans signed by the Offices of Planning and Developers' Plan Review to this office for approval.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John J. Sullivan
Planner II
Zoning Review

JJS:ggs
c: 83-185-SPHXA
01-262-SPHXA

Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

March 27, 2001

Hazel V. Gies
23 Wolf Avenue
Reisterstown MD 21136

Dear Ms. Gies:

RE: Case No. 01-262-SPHXA, 15 Hanover Road & 10 Westminster Pike

Please be advised that an appeal of the above-referenced case was filed in this office on March 26, 2001 by Michael P Tanczyn PA, on behalf of John D Heim, Howard Caltrider, Kim Shower, tom Reynolds, Ray Harmon III, Iftikhar Ahmad, Daniel C Harris, and John Stafford. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

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

Sincerely,

GDZ

Arnold Jablon
Director

AJ: gdz

c: Rob Hoffman, 210 Allegheny Avenue, Towson 21204
Ken Schmil, 325 Gambrills Road, Gambrills 21054
Edward Gies, 115 Gwynnbrook Avenue, Owings Mills 21117
Peter Ratcliffe, 10404 Stevenson Road, Stevenson MD 21153
David Karceski, 210 Allegheny Avenue, Towson 21204
Nick Brader, 10540 York Road, Hunt Valley 21030
John M Kemp, 3611 Roland Avenue, Baltimore 21211
People's Counsel

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FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

June 19, 2002

THIRD NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-262-SPHXA

IN THE MATTER OF: ***HAZEL V. GIES –Legal Owner;***
CLOVERLAND FARMS DAIRY, INC. – C.P.
15 Hanover Road /10 Westminster Pike
4th Election District; 3rd Councilmanic District

2/27/2001 – ZC's Order – Petitions for Special Exception and Variance relief GRANTED; special hearing MOOT.

which was assigned to begin on 6/19/02 has been **POSTPONED** at the request of Counsel for Petitioners and with agreement of Counsel for Protestants and the Deputy People's Counsel from both assigned dates; and has been

REASSIGNED FOR: **WEDNESDAY, DECEMBER 4, 2002 at 10:00 a/.m. /Day #1 and THURSDAY, DECEMBER 5, 2002 at 10:00 a.m. /Day #2**

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Kathleen C. Bianco
Administrator

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c: Counsel for Appellants /Protestants : Michael P. Tanczyn, Esquire
Appellants /Protestants : John D. Heim, Ray Harmon III, Howard Caltrider, Iftikhar Ahmad, Kim Shower, Daniel C. Harris, Tom Reynolds, John Stafford

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Cloverland Farms Dairy, Inc.

Ken Schmidt & Nick Brader /Matis Warfield — Pat Keller, Director /Planning
Scott Carothers — Lawrence E. Schmidt, Zoning Commissioner
People's Counsel for Baltimore County — Arnold Jablon, Director /PDM

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Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

March 15, 2001

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

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

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
(10 Westminster Pike and 15 Hanover Road)
4th Election District – 3rd Council District
Hazel V. Gies, Property Owner; Cloverland Farms Dairy, Inc., Contract Pur. - Petitioners
Case No. 01-262-SPHXA

Dear Counsel:

In lieu of a formal opinion and Order, this letter shall serve as a ruling on the Motion to Reopen the hearing in the above-captioned matter, filed by Mr. Tanczyn on behalf of Iftikhar Ahmad, a nearby property owner, on March 1, 2001. His request shall be treated as a Motion for Reconsideration, pursuant to Rule K of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County.

The Petitions filed in the above-captioned matter requested relief to permit the expansion/reconstruction of an existing fuel service station/convenience store on the subject site. The special hearing was not in the nature of a request for approval of a nonconforming use. Had that been the case, the historical use of the site may have had relevance. Moreover, Mr. Hoffman has opposed the request to reopen the hearing, correctly noting that the hearing was properly advertised and posted and could have been attended by any interested persons. Thus, for all of these reasons, the Motion to Reopen is hereby denied. Obviously, any interested person may appeal this decision and/or the prior Order issued by the undersigned in this case on February 27, 2001.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel; Case File

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Towson, Maryland 21285-5517
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OFFICES IN

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WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Robert A. Hoffman
(410) 494-6262

rahoffman@venable.com

March 7, 2001

HAND-DELIVERED

MAR - 7

Lawrence E. Schmidt, Esquire
Zoning Commissioner of Baltimore County
County Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

Re: Cloverland Farms Diary, Inc.
01-262-SPHXA

Dear Commissioner Schmidt:

We have received Michael P. Tanczyn's Entry of Appearance and Motion to Reopen Hearing in which he requests that the Zoning Commissioner reopen the hearing in the above-referenced matter on behalf of his client, Iftikhar Ahmad. Mr. Tanczyn gives as a reason for reopening the hearing his client's desire to provide "testimony concerning past zoning history and the use of the property." This information was certainly available at the time of the public hearing on February 15, 2001, and could have been presented then by Mr. Ahmed. Consequently, no valid reason exists to reopen the hearing and we object to any such relief.

Very truly yours,

Robert A. Hoffman

RAH/dhk
TO1DOCS1/DHK01/#113315 v1

LAW OFFICES
MICHAEL P. TANCZYN, P.A.
Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

March 26, 2001

Hand Delivered

The Honorable Lawrence E. Schmidt
Zoning Commissioner
Room 407
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: Cloverland Farms Dairy, Inc. Petition for Special Hearing
Special Exception & Variances, Case No. 01-262-SPHXA

Dear Mr. Schmidt:

Enclosed herewith please find Notice of Appeal for filing on behalf of the Protestants/ Appellants in this matter, along with our check to cover the cost of same. Please notify us of any hearing dates when scheduled.

Very truly yours,

Michael P. Tanczyn, Esquire

MPT/gr
Enclosure

cc: John D. Heim
Howard Caltrider
Kim Shower
Tom Reynolds
Ray Harmon
Iftikhar Ahmad
Daniel C. Harris
John Stafford
Robert A. Hoffman, Esquire
David Karceski, Esquire
Peter Max Zimmerman, Esquire

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

February 26, 2001

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

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
NW/Corner Westminster Pike and Hanover Road
(10 Westminster Pike and 15 Hanover Road)
4th Election District – 3rd Council District
Hazel V. Gies, Property Owner; Cloverland Farms Dairy, Inc., Contract Pur. - Petitioners
Case No. 01-262-SPHXA

Dear Messrs. Hoffman & Karceski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been dismissed as moot, and the Petitions for Special Exception and Variance 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Hazel V. Gies, 23 Wolf Avenue, Reisterstown, Md. 21136
Mr. Edward Gies, 115 Gwynnbrook Avenue, Owings Mills, Md. 21117
Mr. John M. Kemp, Executive Vice President, Cloverland Farms Dairy, Inc.
3611 Roland Avenue, Baltimore, Md. 21211-2408
Mr. Nick Brader, Matis-Warfield, 10540 York Road, Hunt Valley, Md. 21030
Mr. Ken Schmid, 325 Gambrills Road, Gambrills, Md. 21054
Mr. Scott Carothers, 51 Main Street, Reisterstown, Md. 21136
Office of Planning; People's Counsel; Case File

RE: PETITION FOR SPECIAL HEARING PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANC 15 Hanover Road/10 Westminster Pike, NWC Westminster Pike and Hanover Rd 4th Election District, 3rd Councilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	FOR
	*	BALTIMORE COUNTY
Legal Owner: Hazel V. Gies Contract Purchaser: Cloverland Farms Dairy, Inc. Petitioner(s)	*	
	*	Case No. 01-262-SPHXA

* * * * * * * * * * * * * *

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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of January, 2001 a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	210 Allegheny Ave 21204
Ken Schmidt	325 Gambrills Rd, Gambrills, Md.
Edward L Gies	115 Gwynnbrook Ave Owings Mills 21117
PETER N. RATCLIFFE	10404 STEVENSON RD. STEVENSON MD 21153
DAVID KARCESKI	210 Allegheny Ave 21204
NICK BRADER	10540 YORK RD; HUNT VALLEY, MD 21030
John M. Kemp	3611 Roland Ave. Balto 21211

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on Recycled Paper

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Scott Carothers	51 Main St Reisterstown 21136

Case No. 01-262-SPHXA

Hazel V. Geis – Legal Owner; Cloverland Farm Dairy, Inc. – Contract Purchaser

SPH – to approve expansion existing fuel station; addition of existing convenience store w/less than 1500 sf as ancillary use; ALTERNATIVE – SE –approval of expansion and addition of convenience store w/more than 1500 sf of sales floor area; VAR – distance between existing conv store & right of way; side yard; surface parking & right of way.

2/27/01 – ZC's Order in which requested SE and Variance relief were GRANTED with restrictions; special hearing is MOOT.

11/08/01 – Letter from M. Tanczyn, counsel for Appellants, requesting hearing date; concern over environmental hazard at site.

1/04/2002 –Notice of Assignment sent to following; assigned for hearing on Tuesday, March 5, 2002 at 10 a.m.:

Michael P. Tanczyn, Esquire
John D. Heim
Ray Harmon III
Howard Caltrider
Iftikhar Ahmad
Kim Shower
Daniel C. Harris
Tom Reynolds
John Stafford
Robert A. Hoffman, Esquire
David Karceski, Esquire
Hazel V. Gies and Edward L. Gies
John M. Kemp, Exec. V.P.
Cloverland Farms Dairy, Inc.
Ken Schmidt & Nick Brader /Matis Warfield
Scott Carothers
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

1/15/02 – Letter requesting postponement of 3/05/02 hearing date filed by Michael P. Tanczyn, Esquire, on behalf of Appellants /Protestants – final argument in CSA during that period of time. T/C w/David Karceski – confirmed no problem with postponement; per telephone conversations with Mr. Karceski and Mr. Tanczyn's office – no problem with reassignment date of 6/05/02 and 6/19/02 (Mr. Hoffman believed two days may be necessary to conclude this matter). Notice of PP and Reassignment to be sent.

1/18/02 – Notice of PP and Reassignment sent to parties; reassigned to Wednesday, June 5, 2002 at 10:00 a.m. (day #1) and Wednesday, June 19, 2002 at 10:00 a.m. (Day #2).

2/22/02 – Letter from David Karceski, Esquire, counsel for Petitioners; requesting postponement of first date of 6/05/02; engineer who prepared plan and will testify is unavailable; requesting that 6/19/02 be assigned as day #1 with additional date for day #2.

2/27/02 – Second Notice of PP and Reassignment sent to parties; case reassigned to begin on June 19, 2002 at 10:00 a.m. (day #1); and assigned for day #2 on Wednesday, July 17, 2002 at 10:00 a.m.

6/19/02 – Board convened for hearing (Stahl, Barranger, Wescott); on the record and prior to hearing, Counsel for Petitioner requested a postponement of this matter from both assigned dates (6/19 and 7/16/02) after discussion with Counsel for Protestants and Deputy People's Counsel; and, as agreed by counsel, new dates assigned near end of year (pending additional hearing below). Notice of Reassignment sent this date to all parties.

11/14/02 – T/C from M. Tanczyn – confirming conversations with D. Karceski regarding scheduling of this matter for one day only (that date being 12/05/02, with 12/04/02 being withdrawn); Revised Notice sent this date indicating that Thursday, December 5, 2002 at 10 a.m. is the only date assigned for hearing in this matter.

12/04/02 – Dismissal of Appeal filed by Michael P Tanczyn, Esquire, on behalf of Iftikhar Ahmad, John D. Heim, Howard Caltrider, Kim Shower, Tom Reynolds, Ray Harmon III, Daniel C. Harris, and John Stafford. Order of Dismissal to be issued.

APPEAL

Petition for Special Exception & Variance
15 Hanover Road/ 10 Westminster Pike
NWC Westminster Pike & Hanover Road
4th Election District – 3rd Councilmanic District
Hazel V Gies- Legal Owner
Cloverland Farms Dairy Inc - Contract Purchaser
Case No.: 01-262-SPHXA

RECEIVED
COUNTY BOARD OF APPEALS
2001 MAR 28 AM 11:37

Petition for Special Exception & Variance (dated 12/27/00)

Zoning Description of Property

Notice of Zoning Hearing (dated 1/10/01)

Certification of Publication (The Jeffersonian issue 1/30/01)

Certificate of Posting (1/28/01 posted by Patrick M O'Keefe)
Certificate of Posting (1/29/01 posted by Patrick M O'Keefe)

Entry of Appearance by People's Counsel (1/19/01)

Petitioner(s) Sign-In Sheet
Rob Hoffman, 210 Allegheny Ave, Towson 21204
Ken Schmil, 325 Gambrills Road, Gambrills 21054
Edward Gies, 115 Gwynnbrook Avenue, Owings Mills 21117
Peter W Ratcliffe, 10404 Stevenson Road, Stevenson 21153
David Karceski, 210 Allegheny Ave, Towson 21204
Nick Brader, 10540 York Road, Hunt Valley 21030
John M Kemp, 3611 Roland Avenue, Baltimore 21211

Geoloc. Not necessary to list

Protestant(s) Sign-In Sheet
Scott Carothers, 51 Main Street, Reisterstown 21136

Citizen(s) Sign-In Sheet
(none)

Zoning Advisory Committee Comments

Petitioners' Exhibits:
1A Vicinity Map (dated 11/20/00)
1B Vicinity Map Updated (dated 2/15/01)

Protestants' Exhibits:
(none)

E

Miscellaneous (Not Marked as Exhibits):
(none)

Zoning Commissioner's Order (2/27/01 - Granted)

Notice of Appeal received on 3/26/01 from Michael P Tanczyn PA

---

c: Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Towson, MD 21204
John D. Heim, 19 Hanover Road, Reisterstown, MD 21136
Howard Caltrider, 320 Westminster Road, Reisterstown, MD 21136
Kim Shower, 14313 Hanover Pike, Reisterstown, MD 21136
Tom Reynolds, 427 Cockeys Mill Road, Reisterstown, MD 21136
Ray Harmon, III, 317 Main Street, Reisterstown, MD 21136 - unable To deliver
Iftikhar Ahmad, 30 Main Street, Reisterstown, MD 21136
Daniel C. Harris, ~~14531 Hanover Road, Reisterstown, MD 21155~~
John Stafford, 107 Main Street, Reisterstown, MD 21136
Robert Hoffman, Esq. & David Karceski, Esq., VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue, Towson, MD 21204
Hazel V. Gies and Edward L. Gies, 23 Wolf Avenue, Reisterstown, MD 21136
John M. Kemp, Exec. Vice Pres., Cloverland Farms Dairy, Inc.,
3611 Roland Avenue., Baltimore, MD 21211-2408
Ken Schmid & Nick Brader, Matis Warfield, 10540 York Rd, Hunt Valley - 21030
Scott Carothers, 51 Main Street, Reisterstown, MD 21136
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

Daniel Harris
4626 Kolinsville Rd
Clearville, PA 15535

IN THE MATTER
OF THE APPLICATION OF
HAZEL GIES
FOR SPECIAL EXCEPTION FOR
A CONVENIENCE STORE;
FOR SPECIAL HEARING TO
APPROVE A NONCONFORMING
SERVICE STATION USE, ETC.
AND FOR A VARIANCE FROM
§405.4.A.3.a OF THE
BALTIMORE COUNTY
ZONING REGULATIONS
NW CORNER HANOVER ROAD
& WESTMINSTER PIKE
4th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
~~BALTIMORE COUNTY~~
NO. 83-185-XSPHA

OPINION

This case comes before the Board of Appeals on an appeal from the Zoning Commissioner's Order approving the nonconforming use of the subject property which is located on the northwest corner of Hanover Road and Westminster Pike, in the Fourth Election District of Baltimore County, and granting a variance to permit 0 feet in lieu of the required 20 feet between access driveways and a street corner. The Zoning Commissioner's Order was dated June 14, 1983.

The Petitioner presented a specific plan which would require the removal of three existing structures on the 1.4 acres of land and the erection of three new facilities. The property and the buildings are all owned by a single owner and leased to the business persons who are utilizing parts of the site. The property is zoned B.L., which is a conforming, non-regulation use.

The owner has maintained a service station on the site since the early part of the twentieth century. The property was zoned commercial in December, 1967, and since a service station is a function of this classification it is in conformance. The property is non-regulation because it does not meet all the requirements for expansion. Therefore, it is in conforming, non-regulation use as grandfathered-in in December, 1967 zoning regulations.

In his petition the Petitioner has included a plan to expand his service station, which has been closed for approximately two years, to a "gas and go" operation. Also included in the plan is a proposal to build two new buildings which would be separate and apart from the service station operation. One would be a convenience store; the other a building housing three to four retail stores.

According to §405.8.A of the Baltimore County Zoning Regulations, a service station may be reconstructed and expanded as long as such reconstruction and expansion is confined to the limits of the site, is located in a B.L. zone and, in the judgment of the Zoning Commissioner, is improved to be more in keeping with Subsections 405.4 and 405.5 of the regulations. Subsections 405.4 and 405.5 include requirements to site layout, street improvements, setbacks, access, parking, lighting, signs, internal circulation and screening. The Board finds that the Petitioner's plan does, in fact, consider all of these factors and meets all the requirements set forth in these subsections. Further, this Board finds that by granting the variance on the curb length, the radius of the curb at the corner of the property will be eased, allowing a better traffic flow at that point.

Testimony by Mr. Michael Flanigan, an engineer with the Baltimore County Department of Traffic Engineering, indicated that there will be no increase in the volume of traffic as a result of the operation of the proposed "gas and go" service station and the convenience store. In fact, testimony by Mr. Baker from Cloverland Farms, Inc. substantiated this fact. He stated that Cloverland builds or operates its convenience stores in areas where the volume of traffic is already sufficient to maintain such an operation.

The question raised by the Protestants is whether Petitioner's plan for a convenience store apart from but on the same site as the service station is a use in combination. §405.4.D of the Baltimore County Zoning Regulations states: "The uses listed below and uses accessory thereto may be permitted in integral combination with such a service station by special exception." In the opinion of this Board, by referencing the words "integral combination" the regulations are quite specific. Such wording not only suggests that both operations are under one roof, but also that one is financially dependent on the other and/or use the same sales personnel and necessarily are open for business the exact same hours. The proposed renovation of the subject site approaches a mini shopping center containing a gas and go, a convenience food store and several small retail outlets all leased and operated by separate individual proprietors, but all using common access points and maneuvering areas. The Board is of the opinion that this use in no way

constitutes a use in combination. Throughout Baltimore County there are many small business operated by independant proprietors located on sites at which they utilize a common entrance and common maneuvering areas which are not considered uses in combination, and the Board sees no difference between these uses and the uses proposed on the subject site. The Board will order that the proposed convenience store and the retail outlets as proposed do not constitute a use in combination but are uses permitted by right under the existing zoning and will, therefore, dismiss the petition for a special exception to grant these uses. Protestants opposing this special hearing cited the heavy traffic conditions at the site and the lack of need for a gas and go operation or an additional food store in the area. There was testimony that this proposal would not be a traffic generator but would only use the already existing traffic and that the proposed improvements could only improve the existing traffic flow, and the issue of need raised by nearby existing service station operators must not be a factor considered by this Board when deciding proposed land use.

Testimony by Mr. Robert W. Baker from Cloverland Farms, Inc. showed that, while Cloverland hopes that profits from the proposed convenience store will warrant its being open 24 hours a day, if profits are not sufficient Cloverland will adjust the hours accordingly. No such statement was made by Mr. Robert J. Philburn from Shell Oil regarding the 24 hour service station operation.

O R D E R

For the reasons set forth in the aforegoing Opinion, it is this 8th day of December, 1983, by the County Board of Appeals, ORDERED that a nonconforming use for a service station has existed and has been conducted on the subject property since the 1930s and as such is hereby GRANTED the right to continue; and it is

FURTHER ORDERED that an improved and expanded site plan, a common [illegible] or access driveways and maneuvering areas by the service station [illegible] and [illegible] (convenience) store and retail uses, and the conversion of a full service station to a gas and go operation all in accordance with the site plan prepared by George W. Stephens, Jr. and Associates, Inc., revised May 16, 1983,

and marked as Petitioner's Exhibit #11, are approved and as such the petition for special hearing is hereby GRANTED, subject to the following restrictions:

1. The proposed improvements shall be architecturally compatible, and all building materials used, including but not limited to kiosk, canopy, sign standards, and buildings, shall be similar in color and texture.

2. No more than three free-standing signs shall be permitted, shall be mounted on similar style standard, and shall not extend more than 20 feet above street level. The service station sign shall not exceed 100 square feet, including pricing signs and any other free-standing sign shall not exceed 50 square feet. A sign affixed to a building shall not extend above any part of the roof or parapet.

3. An existing underground storage tank(s) containing waste oil shall have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.

4. The building located on the northwestern portion of the property and marked "proposed retail shops" may be relocated closer to Westminster Pike. The building along the northern property line may be as large as 33' x 76'.

5. Compliance with all requirements of the Maryland Department of Transportation.

6. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning, including a detailed landscaping plan required for approval by the Current Planning and Development Division.

IT IS FURTHER ORDERED, that contingent upon the granting of the special hearing, the petition for a special exception is hereby DISMISSED; and it is

FURTHER ORDERED that the petition for variance to permit curb tangent lengths of 0 feet in lieu of 20 feet between access driveways and a [illegible] is hereby GRANTED.

Any appeal from this decision must be in accordance with Rules

B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett

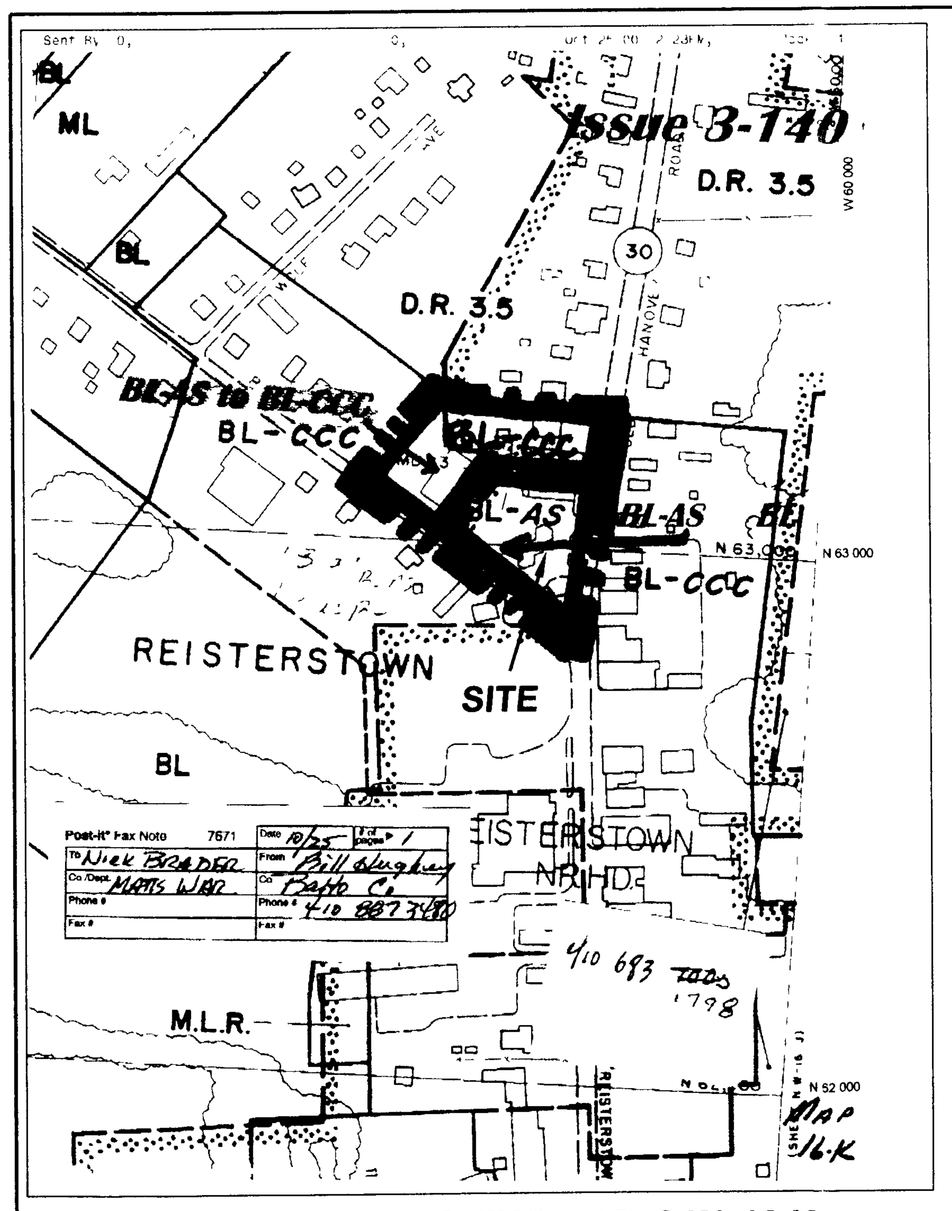
William T. Hackett, Chairman

Diana K. Vincent

Diana K. Vincent

Patricia Phipps

Patricia Phipps



PART OF 1996 ZONING MAP S.W. 16-K

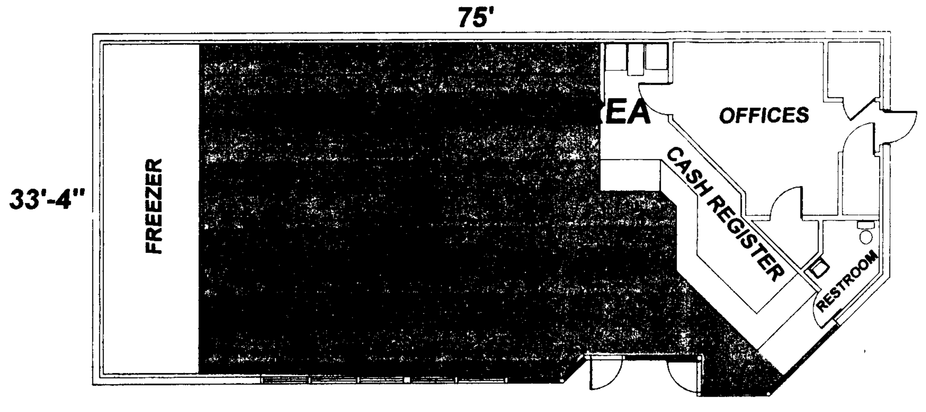
(WITH OVERLAY FROM 2000 CZMP)

1" = 200'

ZONING HISTORY

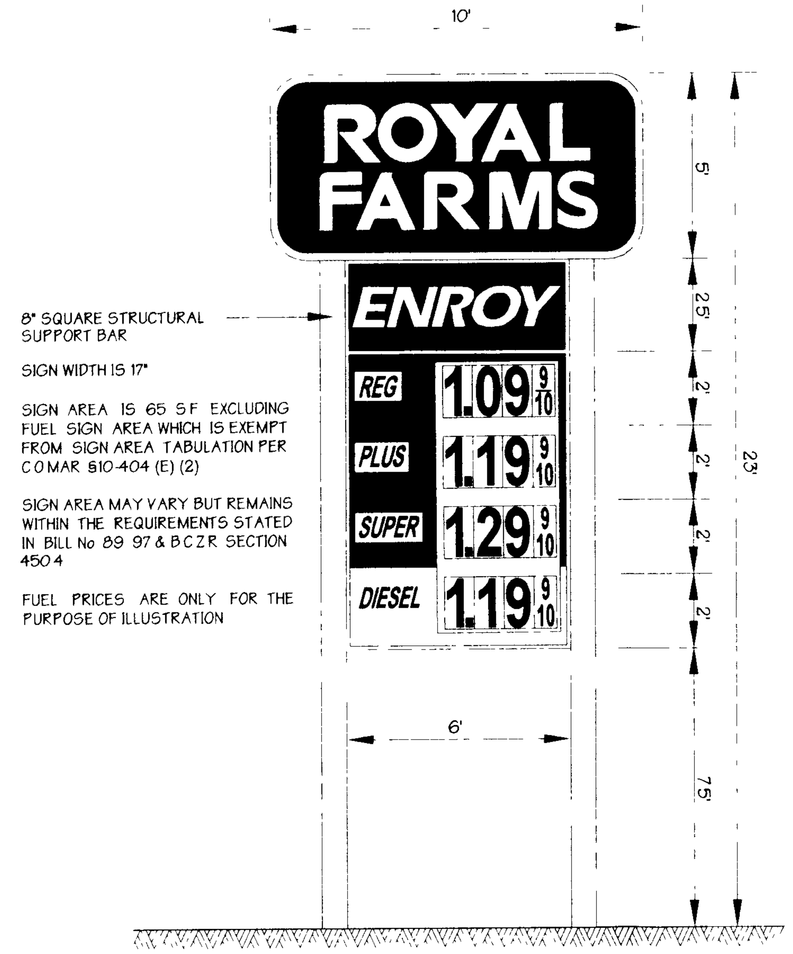
ISSUE 3-140 CZMP 2000 - BL- AS ZONING WAS RETAINED ON THIS SITE BUT WAS CHANGED TO BL-CCC ON ADJACENT PROPERTY (SEE MAP ABOVE)

CASE # 83 - 185 - XSPHA BOARD OF APPEALS FOUND THAT THE NON-CONFORMING SERVICE STATION USE HAD EXISTED SINCE THE 1930'S AND GRANTED IT THE RIGHT TO CONTINUE THE EXPANDED SITE PLAN WAS APPROVED AS WELL AS A VARIANCE TO PERMIT 0' CURB TANGENT LENGTHS



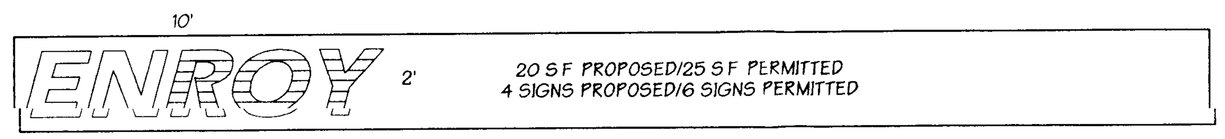
FLOOR PLAN - EXISTING ROYAL FARMS STORE

SCALE 1" = 10'



STORE SIGN DETAIL

NO SCALE



CANOPY SIGN DETAIL

NO SCALE

54 S F PROPOSED/ 2 x 75'(BUILDING LENGTH) = 150 S F ALLOWED

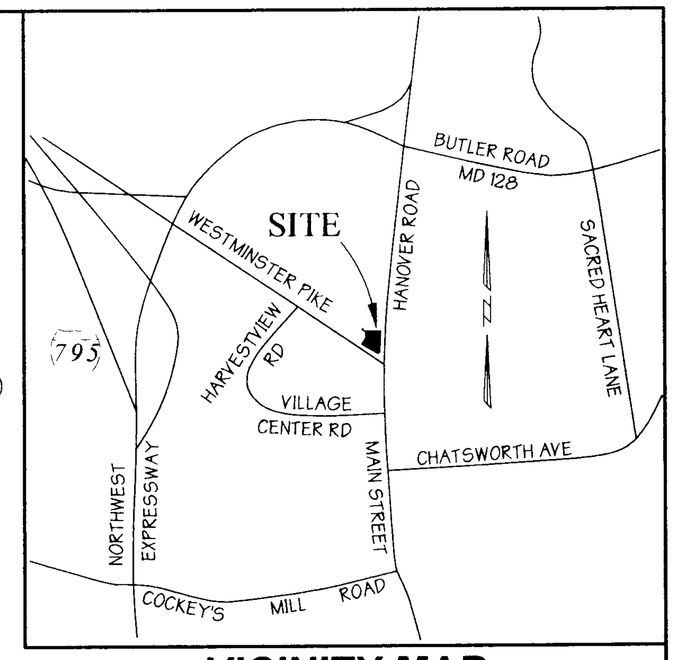
BUILDING FACE SIGN DETAIL

NO SCALE

SITE DATA

Lot Area	0 698 AC, 30,409 S F (Lot A and Lot B)
Existing Zoning	BL AS
Councilmanic District	3
Existing Use	Fuel Service, Convenience Store
Proposed Use	Fuel Service with ancillary Convenience Store
Deed Reference	8035/096 PLAT EHK JR 51/40
Tax Account Numbers	04 1900012142 & 04 1900012143
Ancillarly Uses	Minor ancillary uses as permitted in Section 405 4 D of the B C Z R (No additional square footage required)
Proposed Building Floor Area	
Total	2305 S F
Sales Floor Area	1352 S F
Floor Area Ratio	2434 S F + 30,409 S F = 0 08(3 0 permitted)
Proposed Building Height	18'±
AREA REQUIRED FOR COMBINATION USE	
12 Servicing Spaces x 1500 S F	= 18,000
Additional Site Area Factor	
4 x 1352 (or 2,305 s f)	5,408 S F (or 9,220 S F)
Total Site Area Required	23,408 S F (or 27,220 S F)
Total Site Area Provided	30,409 S F
Area of Special Exception (Lot A and Lot B)	30,409 S F
PARKING SPACES	
Fuel Service w/Combination Use	
2305 S F @ 5/1000	12
maximum employee shift	2
air	1
Total Required	15
Total Provided	15
PARKING SPACE DIMENSIONS	
Typical Space	9' x 18'
Handicap Space	13' x 18' (Existing)
(All spaces to be permanently striped)	

ROYAL FARMS STORE	
Hours of Operation	24 Hours/7 Days per Week
Max Number of Employees/Shift	Morning/Afternoon = 2 Afternoon/Evening = 2 Night = 2



VICINITY MAP

SCALE 1" = 1000'

GENERAL NOTES

1 All work shall conform to Baltimore County standard specifications and details or as shown on these approved plans
2 The contractor shall notify Miss Utility 1 800 257 7777 five days prior to starting work
3 It is the responsibility of the contractor to investigate for underground gas and/or electric lines
4 To our knowledge no wastes or by products will be produced on the Site
5 The site has an existing dumpster area
6 See architectural plans for exact building dimensions
7 All fixtures used to illuminate the off-street parking area shall be so arranged as to reflect the light away from residential sites and public streets
8 The proposed sign shall conform with B C Z R section 450
9 The contractor is to verify the locations of existing water and sewer connections to the building and to relocate if necessary
10 The site is exempt from stormwater management as less than 5,000 s f will be disturbed
11 Any underground fuel tanks are to be installed in accordance with all local, state and federal regulations
12 The site shall comply with all applicable sections of the Fire Prevention Code prior to occupancy or beginning of operation
13 The site is not within the Chesapeake Bay Critical Area
14 Water, compressed air and public restrooms shall be provided in accordance with the B C Z R section 405
15 All proposed curb radii are 5' unless otherwise noted

SCHEMATIC PLANT KEY

KEY	QUANTITY	TYPE	SIZE	DESC
	13	MAJOR DECIDUOUS TREE	2-2½" CAL	B&B
	4	FLOWERING TREE	1¾" CAL	B&B
	58	EVERGREEN SHRUB	24-30" HT	B&B
	38	DECIDUOUS SHRUB	18-24" HT	B&B
	1000 S F	GROUND COVER		CONT

PLANTING CALCULATIONS

PU'S REQUIRED
1 PU/15 L F ADJ TO RDWY @ 430 LF = 29 PU'S
1 PU/20 LF INTERIOR RDWY @ 80 L F = 4 PU'S
1 PU/10 LF ADJ TO COMMERCIAL @ 383 LF = 38 PU'S
1 PU/12 PARKING SPACES @ 14 SPACES = 1 PU
TOTAL PU'S REQUIRED = 72 PU'S

PU'S PROVIDED
13 MAJOR DECIDUOUS TREES = 13 PU'S
4 FLOWERING TREES = 2 PU'S
96 SHRUBS = 19 PU'S
1000 SQ FT GROUND COVER = 2 PU'S
TOTAL PU'S PROVIDED = 36 PU'S

EXISTING
2 MAJOR DECIDUOUS TREES = 2 PU'S
2 FLOWERING TREES = 1 PU
20 SHRUBS = 4 PU'S
500 SQ FT GROUND COVER = 1 PU
TOTAL PU'S EXISTING = 8 PU'S

262

SPECIAL HEARING REQUESTED

» Special Hearing to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store (less than 1500 square feet of sales floor area as determined by the Zoning Commissioner) as an ancillary use pursuant to Section 405 6 A 1 of the Baltimore County Zoning Regulations

SPECIAL HEARING REQUESTED (IF NEEDED)

» Special Hearing to confirm that the fuel service station use is an individual use rather than a use in combination with other uses that share its parking space manuevering area

PETITION FOR SPECIAL EXCEPTION (IF NEEDED)

1 Special Exception to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store (less than 1500 square feet of sales floor area to be determined by the Zoning Commissioner) as an ancillary use

OR

2 Special Exception to permit the addition of an existing convenience store (greater than 1500 square feet of sales floor area) as a use in combination with the existing fuel service station pursuant to Section 405 4 E 1 of the Baltimore County Zoning Regulations

PETITION FOR VARIANCES (IF NEEDED)

* 1 Variance from Section 405 4 A 2 a of the Baltimore County Zoning Regulations ("BCZR") to allow a minimum distance of twenty (20) feet between the existing convenience store and a street right-of-way in lieu of the required thirty-five (35) feet

** 2 Variance from BCZR Section 405 4 A 2 b to allow a minimum landscape transition area width of five (5) feet for a fuel service station abutting a public right-of-way in lieu of the required ten (10) feet and zero (0) feet in a side yard abutting nonresidentially zoned land in lieu of the required six (6) feet

*** 3 Variance from BCZR Section 409 8 A 4 to allow a minimum distance of seven (7) feet between the surface parking for a non-residential use and the right of way line of a public street in lieu of the required ten (10) feet

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phone 410-683-7904
facsimile 410-683-1798
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OWNER
Lot A and Lot B
Hazel V. Gies
23 Wolf Avenue
Reisterstown, Maryland 21136-1028

DEVELOPER
Cloverland Farms Dairy, Inc.
3611 Roland Avenue
Baltimore, Maryland 21211-2408
(410) 889-0200

Plan to Accompany A Petition for Special Exception

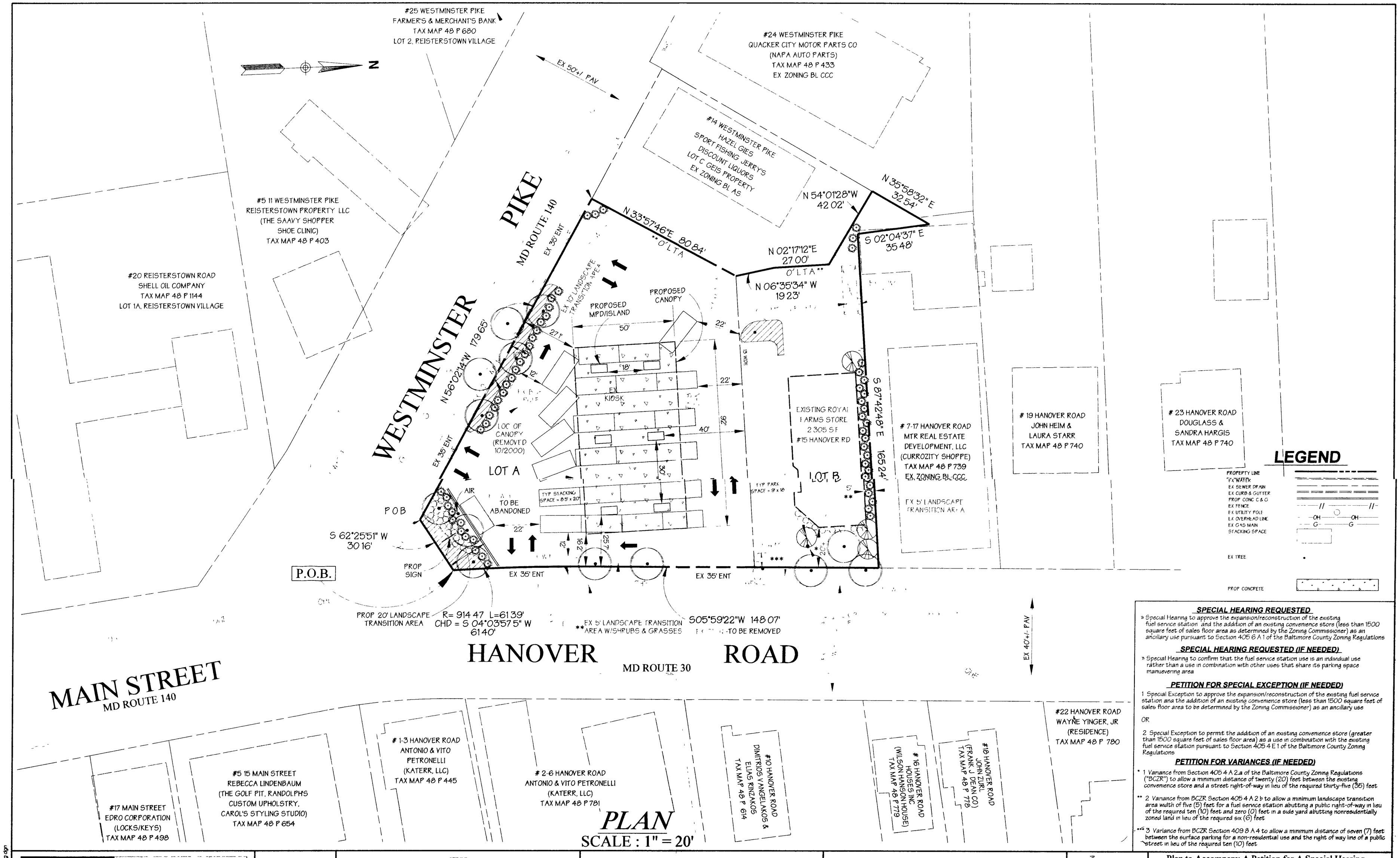
ROYAL FARMS STORE

15 Hanover Road/10 Westminster Pike
Reisterstown, Maryland 21136

Election District 4
Parcel 369
Scale: as shown

Tax Map 48
November 20, 2000
Sheet 1 of 2

FILENAME 99039revsedzoningnotes sign



PLAN

SCALE : 1" = 20'

SPECIAL HEARING REQUESTED

» Special Hearing to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store (less than 1500 square feet of sales floor area as determined by the Zoning Commissioner) as an ancillary use pursuant to Section 405 6 A 1 of the Baltimore County Zoning Regulations

SPECIAL HEARING REQUESTED (IF NEEDED)

» Special Hearing to confirm that the fuel service station use is an individual use rather than a use in combination with other uses that share its parking space manuevering area

PETITION FOR SPECIAL EXCEPTION (IF NEEDED)

1 Special Exception to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store (less than 1500 square feet of sales floor area to be determined by the Zoning Commissioner) as an ancillary use

OR

2 Special Exception to permit the addition of an existing convenience store (greater than 1500 square feet of sales floor area) as a use in combination with the existing fuel service station pursuant to Section 405 4 E 1 of the Baltimore County Zoning Regulations

PETITION FOR VARIANCES (IF NEEDED)

* 1 Variance from Section 405 4 A 2.a of the Baltimore County Zoning Regulations ("BCZR") to allow a minimum distance of twenty (20) feet between the existing convenience store and a street right-of-way in lieu of the required thirty-five (35) feet

** 2 Variance from BCZR Section 405 4 A 2 b to allow a minimum landscape transition area width of five (5) feet for a fuel service station abutting a public right-of-way in lieu of the required ten (10) feet and zero (0) feet in a side yard abutting nonresidentially zoned land in lieu of the required six (6) feet

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12/21/00

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Plan to Accompany A Petition for A Special Hearing, Special Exception (If Needed) and Variances (If Needed)

ROYAL FARMS STORE

15 Hanover Road/10 Westminster Pike
Reisterstown, Maryland 21136

Election District 4
Parcel 369
Scale: as shown

Tax Map 48
November 20, 2000
Sheet 2 of 2

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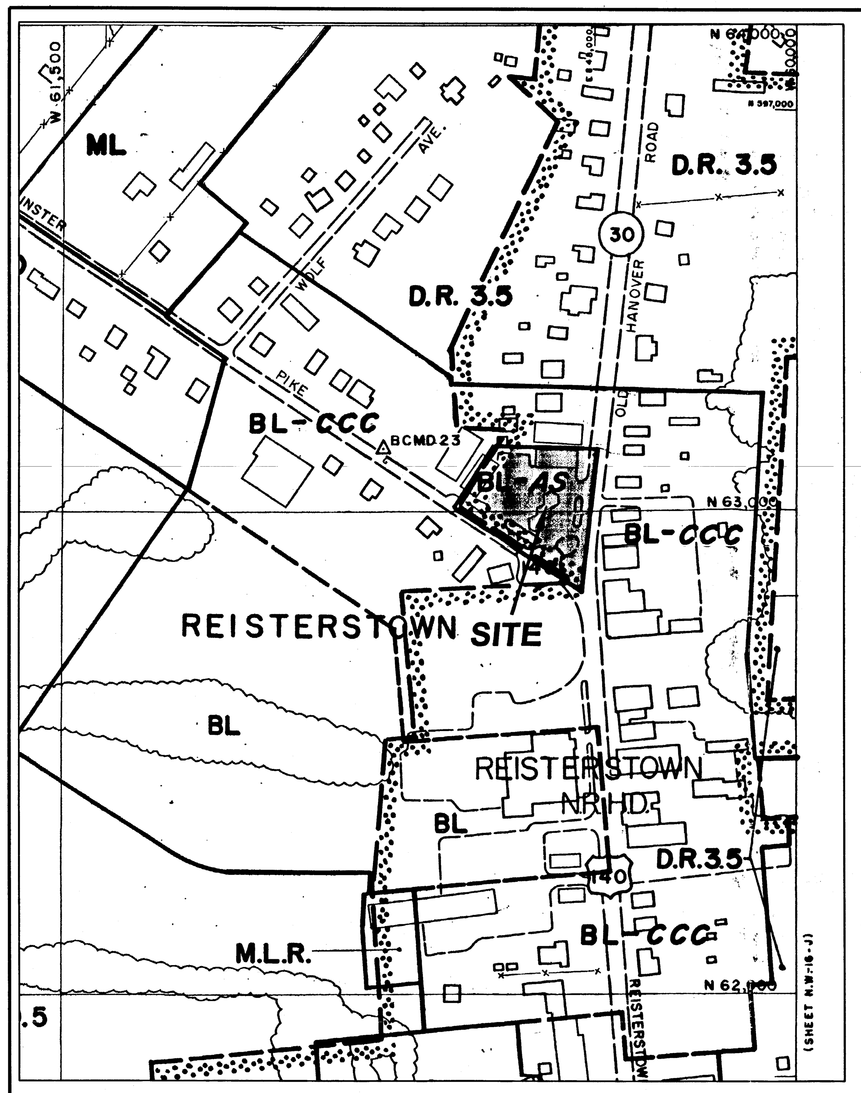
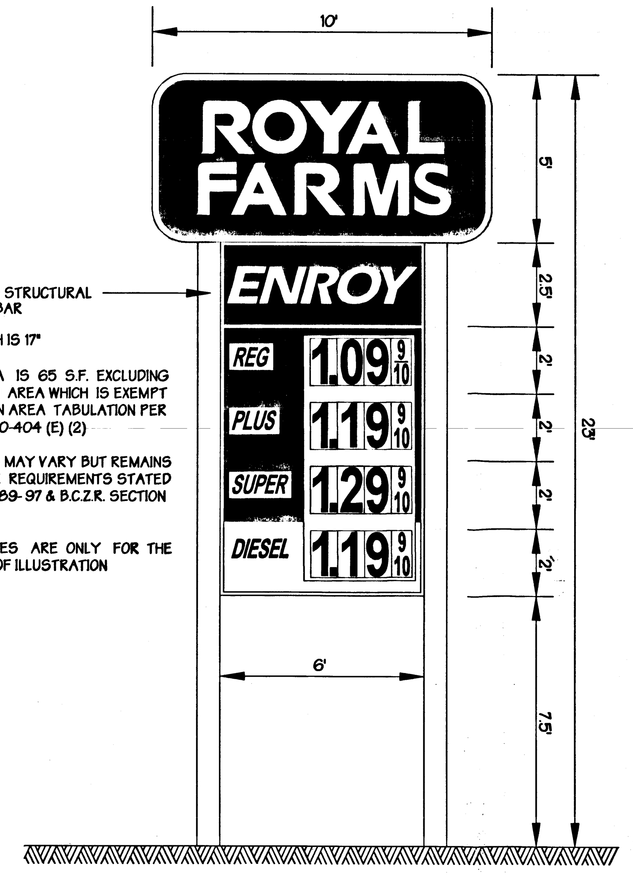


PART OF 2000 ZONING MAP S.W. 16-K

1" = 200'



STORE SIGN DETAIL

NO SCALE

CANOPY SIGN DETAIL

NO SCALE

54 S.F PROPOSED/ 2 x 75'(BUILDING LENGTH) = 150 S.F. ALLOWED

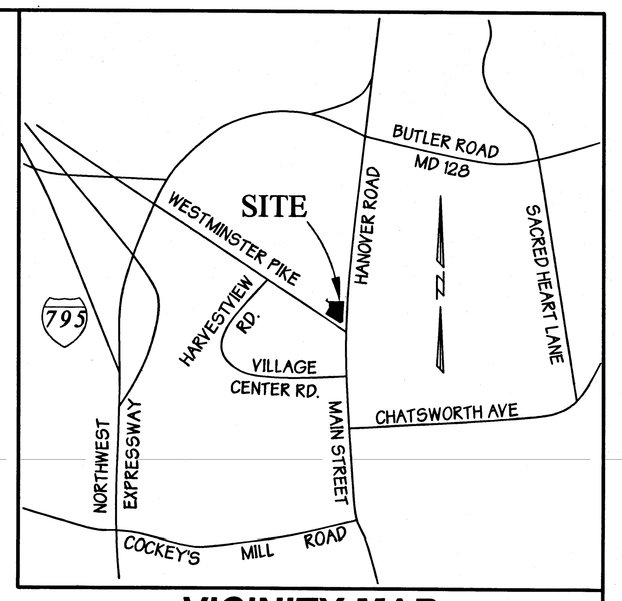
BUILDING FACE SIGN DETAIL

NO SCALE

SITE DATA

Lot Area	0.698 AC., 30,409 S.F (Lot A and Lot B)
Existing Zoning	BL-AS
Councilmanic District	3
Existing Use	Fuel Service, Convenience Store
Proposed Use	Fuel Service, Convenience Store
Deed Reference	8035/096 PLAT EHK JR. 51/40
Tax Account Numbers	04 1900012142 & 04 1900012143
Ancillarly Uses	Minor ancillary uses as permitted in Section 405.4.D. of the B.C.Z.R. (No additional square footage required)
Proposed Building Floor Area	
Total	2305 S.F.
Sales Floor Area	1900 S.F.
Floor Area Ratio	2305 S.F. + 30,409 S.F. = 0.08(3.0 permitted)
Proposed Building Height	18'±
AREA REQUIRED FOR COMBINATION USE	
12 Servicing Spaces x 1500 S.F.	= 18,000 S.F.
Additional Site Area Factor:	
4 x 1900	7,600 S.F.
Total Site Area Required	25,600 S.F.
Total Site Area Provided	30,409 S.F.
Area of Special Exception (Lot A and Lot B)	30,409 S.F.
PARKING SPACES	
Fuel Service w/Combination Use:	
2305 S.F. @ 5/1000	12
maximum employee shift	2
air	1
Total Required	15
Total Provided	15
PARKING SPACE DIMENSIONS:	
Typical Space	9' x 18'
Handicap Space	13' x 18' (Existing)
(All spaces to be permanently striped)	

ROYAL FARMS STORE	
Hours of Operation	24 Hours/7 Days per Week
Max. Number of Employees/Shift	Morning/Afternoon = 2 Afternoon/Evening = 2 Night = 2



VICINITY MAP

SCALE: 1" = 1000'

GENERAL NOTES

1. All work shall conform to Baltimore County standard specifications and details or as shown on these approved plans.
2. The contractor shall notify Miss Utility 1-800-257-7777 five days prior to starting work.
3. It is the responsibility of the contractor to investigate for underground gas and/or electric lines.
4. The site has an existing dumpster area.
5. See architectural plans for exact building dimensions.
6. All fixtures used to illuminate the off-street parking area shall be so arranged as to reflect the light away from residential sites and public streets.
7. The proposed sign shall conform with B.C.Z.R.section 450.
8. The contractor is to verify the locations of existing water and sewer connections to the building and to relocate if necessary.
9. A storm water management waiver was granted on May 2, 2001.
10. Any underground fuel tanks are to be installed in accordance with all local, state and federal regulations.
11. The site shall comply with all applicable sections of the Fire Prevention Code prior to occupancy or beginning of operation.
12. The site is not within the Chesapeake Bay Critical Area.
13. Water, compressed air and public restrooms shall be provided in accordance with the B.C.Z.R. section 405.
14. All proposed curb radii are 5' unless otherwise noted.
15. The site is not within a 100 year floodplain.

ZONING HISTORY, CRG HISTORY & PERMIT HISTORY

ISSUE 3-140 CZMP 2000 - BL- AS ZONING WAS RETAINED ON THIS SITE BUT WAS CHANGED TO BL-CCC ON ADJACENT PROPERTY (SEE MAP ABOVE)

CASE # 83 - 185 - XSPHA BOARD OF APPEALS FOUND THAT THE NON-CONFORMING SERVICE STATION USE HAD EXISTED SINCE THE 1930'S AND GRANTED IT THE RIGHT TO CONTINUE. THE EXPANDED SITE PLAN WAS APPROVED AS WELL AS A VARIANCE TO PERMIT 0' CURB TANGENT LENGTHS. A "MORE IN KEEPING" PLAN WAS APPROVED 6/20/01 PURSUANT TO THIS CASE TO ALLOW FOR THE RECONSTRUCTION OF THE SITE.

CASE #01-262-SPHXA : A SPECIAL EXCEPTION WAS GRANTED TO APPROVE THE EXPANSION/ RECONSTRUCTION OF THE EXISTING FUEL SERVICE STATION AND THE ADDITION OF A CONVENIENCE STORE AS A COMBINATION USE. VARIANCES WERE GRANTED TO ALLOW A SETBACK OF 20 FEET TO THE RIGHT OF WAY FOR THE EXISTING CONVENIENCE STORE IN LIEU OF THE REQUIRED 35 FEET, TO PERMIT LANDSCAPE TRANSITION AREA OF 5 FEET TO THE RIGHT OF WAY IN LIEU OF THE REQUIRED 10 FEET, TO PERMIT A LANDSCAPE TRANSITION AREA OF 0 FEET TO ABUTTING NON RESIDENTIAL LAND IN LIEU OF THE REQUIRED 6 FEET AND TO PERMIT A MINIMUM DISTANCE OF 7 FEET BETWEEN PARKING AND THE RIGHT OF WAY LINE IN LIEU OF THE REQUIRED 10 FEET. RESTRICTION INCLUDE PROCEEDING AT RISK UNTIL EXPIRATION OF APPEAL PERIOD, REVIEW OF BUILING ELEVATIONS, LANDSCAPING, ETC. BY THE OFFICE OF PLANNING, OBTAIN SHA APPROVAL FOR ENTRANCES, INDICATE ANY MONITORING WELLS AND REFERENCE THE ZONING ORDER WHEN APPLYING FOR PERMITS. THE SPECIAL HEARING TO ALLOW THE EXPANSION/RECONSTRUCTION OF THE EXISTING FUEL SERVICE STATION AND THE ADDITION OF A CONVENIENCE STORE WITH A SALES AREA OF LESS THAN 1500 S.F. WAS DISMISSED AS MOOT.

CRG APPROVAL DATES: 6/9/86, FIRST REFINEMENT 6/9/98, SECOND REFINEMENT 7/3/01

BUILDING PERMITS : B456079, CANOPY OVER GAS PUMPS - COMPLETED MARCH 2002
B458070, STORE RENOVATION - COMPLETED MARCH 2002

STATE HIGHWAY ACCESS PERMIT B-B-7902-01 ISSUED 10/23/01 - WORK COMPLETED MARCH 2002.

Lot No 1

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PROFESSIONAL ENGINEER No. 18558 JOSEPH BRUCE MATIS STATE OF MARYLAND

OWNER

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DEVELOPER

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(410) 889-0200

PETITION FOR SPECIAL EXCEPTION

Special Exception to permit a fuel service station and an existing convenience store as a use in combination pursuant to Sections 405.2.B.1 and 405.4.E.1 of the Baltimore County Zoning Regulations.

Plan to Accompany A Petition for Special Exception

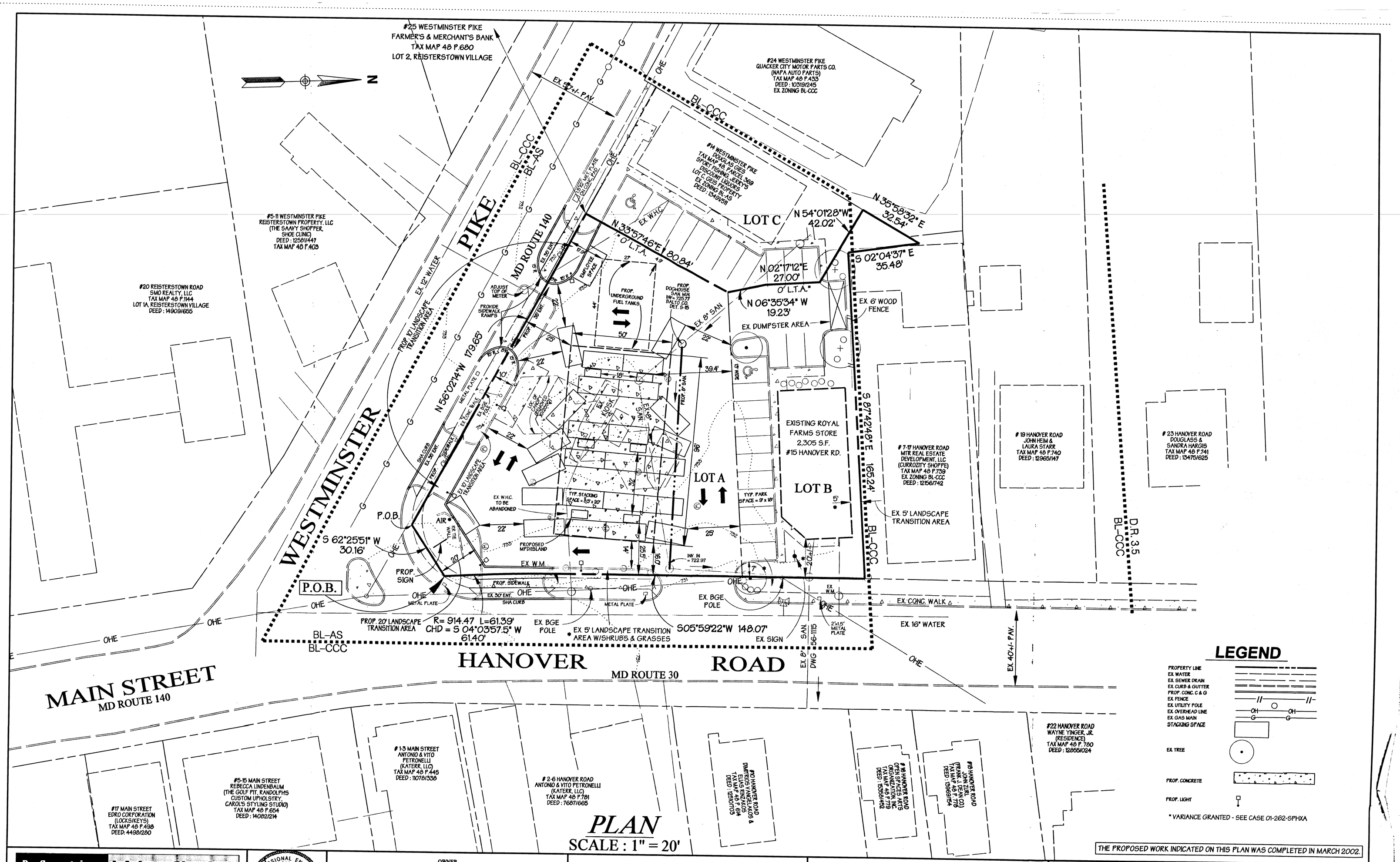
ROYAL FARMS STORE

15 Hanover Road/10 Westminster Pike
Reisterstown, Maryland 21136

Election District 4
Parcel 369
Scale: as shown

Tax Map 48
July 9, 2002
Sheet 1 of 3

03-324-X



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PROFESSIONAL ENGINEER No. 18558 — STEVEN J. KOSANOVICH — STATE OF MARYLAND

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Election District 4
Parcel 369
Scale: as shown

Tax Map 48
July 9, 2002
Sheet 2 of 3

SPECIFICATIONS FOR PLANTING

PLANT IDENTIFICATION:
All plants shall be properly marked for identification and checking.

USE OF PLANT MATERIAL:
The contractor will verify plant quantities prior to bidding and any discrepancies shall be brought to the attention of the Landscape Architect. The Contractor shall furnish and place all plants required to complete the work as shown in the drawings. Substitutions will not be permitted unless proof of unavailability of specified material is submitted to the Landscape Architect for approval prior to bidding. Unauthorized substitutions may be rejected at any time. Plant sizes shall conform to the minimum standards for specimen quality as set forth in the American Standard for Nursery Stock.

PLANT QUANTITY:
All plants shall be grown, hardy to the climate, free of pests, diseases, injurious conditions of having been stored in cold storage, and free from defects of form, disease or injury, and shall have a healthy, vigorous root system. Plants must be nursery grown. Plants shall not be replaced after installation. The origin of the plant shall be general conform to the natural growth requirements unless otherwise specified. All plants must be nursery grown and shall conform to American Standard for Nursery Stock, latest edition. Plants shall be free of any defects, such as, but not limited to, sunscald, windburn, abrasions, disfigurement, pests, eggs or larvae. Plants shall be well branched and shall have a healthy, well developed root system. Plants shall be free of defects and shall be of vigorous growth when planted. Plants shall be of normal growth for the species and variety. Plants shall be free of injurious insects or pests of any kind. Plants shall be free of mechanical injuries, scars, abrasions, or sunburned areas. Plants shall be of symmetrical growth and free of dead branches. Plants shall be free of any defects such as knots, sun scald, injuries, abrasions, disease or insect eggs.

PLANT SPACING:
Plant spacing to be made perpendicular to slope or as shown on the plans.

SOIL MIX:
Soil mix will be 3:1 existing soil and 1:1 soil and mulch or equal organic materials approximately retain pH and nutrient.

SOIL COD:
The field soil shall conform to the American Association of Nurserymen specifications entitled "Minimum Standards for Nursery Stock, AAN 2000, latest edition.

EXCAVATION:
Holes for all plants shall be 12" larger in diameter than root of ball or container and shall have vertical sides. The plant shall be placed in a round 12" wider than root diameter. Soil removed shall be placed in a separate pile and shall be mixed with organic material in the ratio of one cubic yard of organic material (i.e., leaf mold, composted sawdust, peat moss) to every two cubic yards of soil.

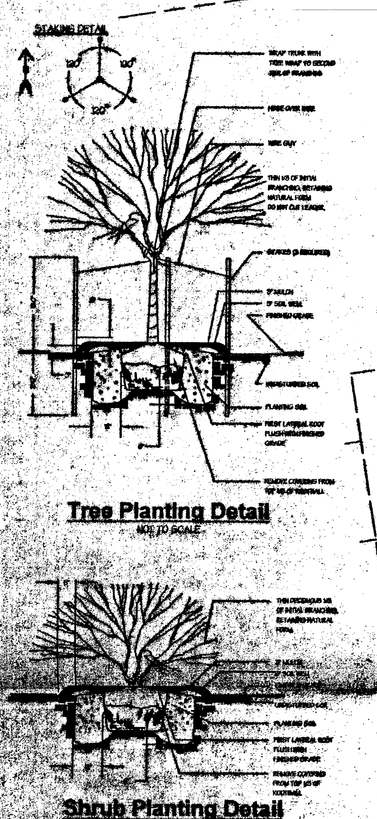
PLANTING:
Backfill the pit with soil mix, reasonably free of stones, subsoil, clay, lumps, brush, roots, weeds, harmful plants, litter, toxic substances, or any other material unsuitable to be used in plant growth or hinder planting, mulching, or maintenance operations. Install any mycorrhizal or amendment planting conditions, such, as but not limited to, mycorrhizal inoculum. Mix should be added to the satisfaction of the Landscape Architect and Owner representative. Water thoroughly after installation of plants and after all shrubs and trees have been staked. Fertilize all trees and shrubs with slow release fertilizer in the ratio and rate 10-6-4 nitrogen, 10% organic, phosphorus, potassium, and trace elements. Trees 60-72 lbs per 1000 sq.ft. Shrubs 8-24 lbs per 1000 sq.ft., and Groundcover Rate 8-24 lbs per 1000 sq.ft.

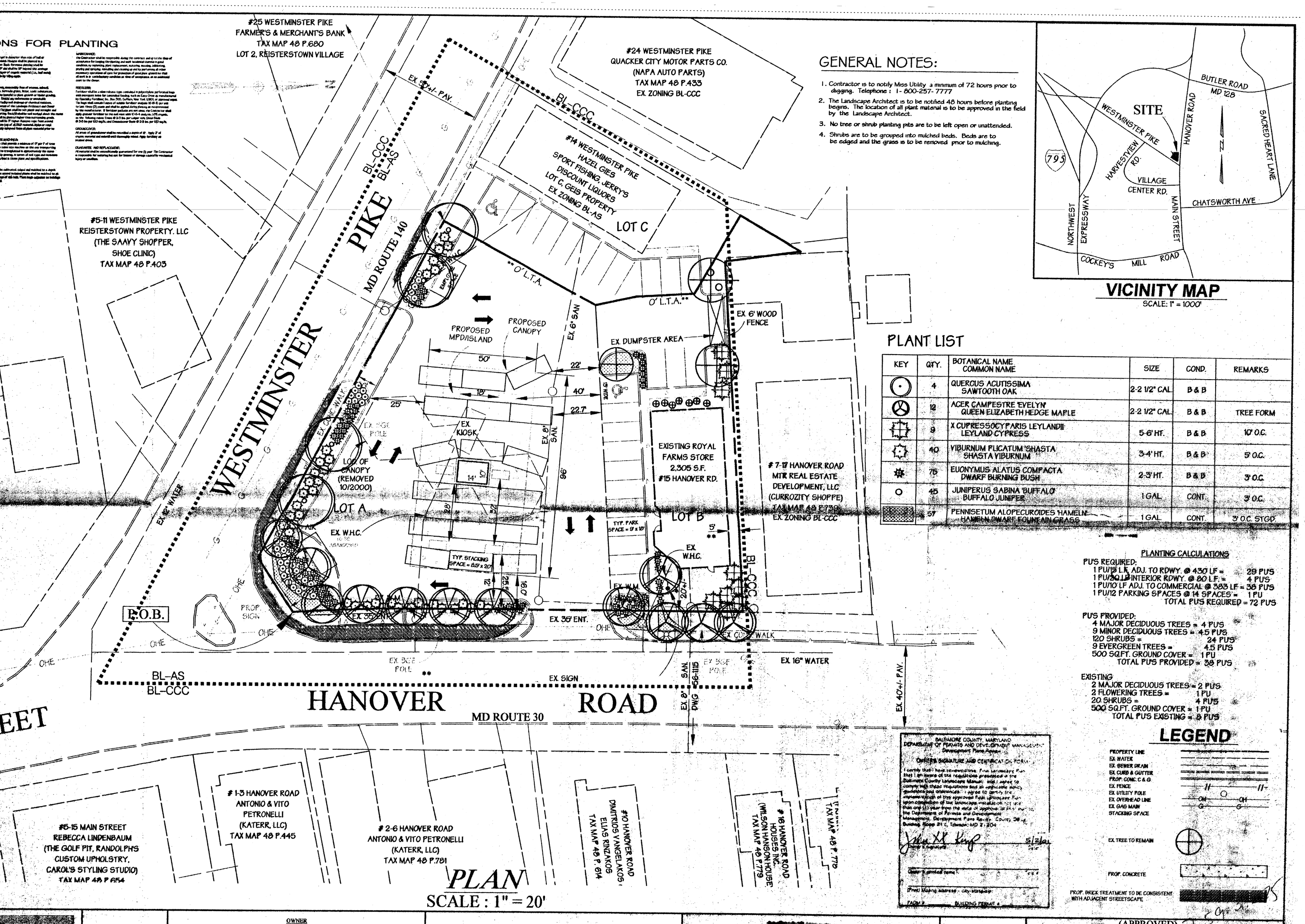
MARKERS/WIRE:
The Contractor shall be responsible during the contract and up to the time of acceptance for keeping the tagging and each individual marker in good condition. Tagging and marking shall be done with a durable material, easily and completely readable, and secure, so as to prevent the loss of tags. Necessary operations of care for protection of good plant growth so that all work is in satisfactory condition at time of acceptance, at no additional cost to the Owner.

MULCHING:
Contractor shall be a sole reliance type contained in polyethylene perforated bags with convenient tabs for convenient handing, such as Easy Grow, as manufactured by Specialty Fertilizer, Inc., Box 2005, Buffalo, New York 14205, or approved equal. The bags shall consist 1 ounce of soluble fertilizer analysis 10-6-5 per unit for use three (3) years and shall be applied during planting as recommended by the manufacturer. If fertilizer packets are not used, the Contractor shall apply granular fertilizer to the root zone rate 10-6-4 analysis, 10% organic, 50% slow release nitrogen, 2 lbs per 100 sq.ft. Shrubs 8-24 lbs per 1000 sq.ft., and Groundcover Rate 8-24 lbs per 1000 sq.ft.

GROUNDCOVER:
All areas of groundcover shall be mulched a depth of 3". Apply 2" of organic material and extend well beyond edges. Apply fertilizer as stated above.

GUARANTEE AND REPLACEMENT:
All material shall be unconditionally guaranteed for one (1) year. The Contractor is responsible for replacing that can for losses or damage caused by mechanical injury or condition.





PLAN
SCALE : 1" = 20'

GENERAL NOTES:

1. Contractor is to notify Miss Utility a minimum of 72 hours prior to digging. Telephone : 1- 800-257- 7777
2. The Landscape Architect is to be notified 48 hours before planting begins. The location of all plant material is to be approved in the field by the Landscape Architect.
3. No tree or shrub planting pits are to be left open or unattended.
4. Shrubs are to be grouped into mulched beds. Beds are to be edged and the grass is to be removed prior to mulching.

VICINITY MAP
SCALE: 1" = 1000'

PLANT LIST

KEY	QTY.	BOTANICAL NAME / COMMON NAME	SIZE	COND.	REMARKS
	4	QUERCUS ACUTISSIMA / SAWTOOTH OAK	2-2 1/2" CAL.	B & B	
	12	ACER CAMPESTRE 'EVELYN' / QUEEN ELIZABETH HEDGE MAPLE	2-2 1/2" CAL.	B & B	TREE FORM
	9	X CUPRESSOCYPARIS LEYLANDII / LEYLAND CYPRESS	5-6' HT.	B & B	10' O.C.
	40	VIBURNUM PLICATUM 'SHASTA' / SHASTA VIBURNUM	3-4' HT.	B & B	5' O.C.
	76	EUONYMUS ALATUS COMPACTA / DWARF BURNING BUSH	2-3' HT.	B & B	3' O.C.
	45	JUNIPERUS SABINA 'BUFFALO' / BUFFALO JUNIPER	1 GAL.	CONT.	3' O.C.
	57	PENNISETUM ALOPECUROIDES 'HAMELN' / HAMELN DWARF FOUNTAIN GRASS	1 GAL.	CONT.	3' O.C. STGD.

PLANTING CALCULATIONS

PU'S REQUIRED:
1 PU/13 L.F. ADJ. TO RDWY. @ 430' LF = 29 PU'S
1 PU/20 LF INTERIOR RDWY. @ 80 L.F. = 4 PUS
1 PU/10 LF ADJ. TO COMMERCIAL @ 383 LF = 38 PU'S
1 PU/12 PARKING SPACES @ 14 SPACES = 1 PU
TOTAL PU'S REQUIRED = 72 PU'S

PU'S PROVIDED:
4 MAJOR DECIDUOUS TREES = 4 PU'S
9 MINOR DECIDUOUS TREES = 4.5 PU'S
120 SHRUBS = 24 PU'S
9 EVERGREEN TREES = 4.5 PU'S
500 SQ.FT. GROUND COVER = 1 PU
TOTAL PU'S PROVIDED = 38 PU'S

EXISTING
2 MAJOR DECIDUOUS TREES = 2 PU'S
2 FLOWERING TREES = 1 PU
20 SHRUBS = 4 PU'S
500 SQ.FT. GROUND COVER = 1 PU
TOTAL PU'S EXISTING = 8 PU'S

LEGEND

PROPERTY LINE
EX. WATER
EX. SEWER DRAIN
EX. CURB & GUTTER
PROP. CONC. C & G
EX. FENCE
EX. UTILITY POLE
EX. OVERHEAD LINE
EX. GAS MAIN
STACKING SPACE
EX. TREE TO REMAIN
PROP. CONCRETE
PROP. BRICK TREATMENT TO BE CONSISTENT WITH ADJACENT STREETSCAPE

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
Development Plans Review
OWNER'S SIGNATURE AND CERTIFICATION FORM
I certify that I have reviewed the final landscape plan that I am aware of the regulations presented in the Baltimore County Landscape Manual, and I agree to comply with these regulations and all applicable zoning conditions and easements. I agree to certify the implementation of the approved final landscape plan upon completion of the landscape installation. I will then contact the Department of Permits and Development Management, Development Plans Review, County Office Building, Room 21 1, Towson, MD 21204
Owner's signature 5/2/01
Owner's printed name
Owner's mailing address - city, zip code
PARCEL # BUILDING PERMIT #

(APPROVED)
FINAL LANDSCAPE PLAN

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DATE 7-6-01

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~~Sheet 3 of 3~~

Sheet 3 of 3