

IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE -
E/S York Road, 200' N of the c/l
Gerard Avenue
(2127 York Road)
8th Election District
4th Council District

Timonium Land Corp., Owners;
Express Fuel, Inc., Lessees

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Cases Nos. 01-299-SPH & 01-300-XA

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for a single public hearing to consider combined Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, Timonium Land Corporation, and the Contract Lessees, Express Fuel, Inc., through their attorney, Deborah C. Dopkin, Esquire. In Case No. 01-299-SPH, the Petitioners request a special hearing seeking affirmation of the zoning relief granted in prior Cases Nos. 97-547-XA and 99-188-SPH. In addition, the Petitioners request the incorporation of a previously approved "more-in-keeping plan", dated November 24, 1998, for an increased length of car wash, and a previously approved "more-in-keeping plan", dated February 20, 2000, for a second floor office/storage space addition and employee parking spaces, pursuant to Section 405.6.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). Lastly, the Petitioners request approval of the modified northern driveway entrance, pursuant to the plan approved for Krispy Kreme Donuts under State Highway Administration (SHA) Access Permit #B-B-7099-99.

In the alternative, the Petitioners request special exception and variance relief in companion Case No. 01-300-XA. Specifically, the Petitioners request a special exception for a convenience store, a full service car wash, and a carry-out restaurant as a use in combination with a previously approved fuel service station, in accordance with Sections 405.4.E.1, 405.4.E.3, 405.4.E.10 and Section 419 of the B.C.Z.R. In addition, the Petitioners request variance relief from Section 419.3.A.2 to permit nine (9) stacking spaces in lieu of the required 19; from Sections 419.3.B and 409.4.B of the B.C.Z.R. to permit employee parking spaces to be blocked by car wash

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By

5/12/01
Deborah C. Dopkin

stacking spaces; and, in part, from Sections 405.4.A.3.D(1), 405.4.A.3.D(2), 405.4.A.3.D(4), 409.6.A.2, 419.3.B.1 and 419.3.B.4 of the B.C.Z.R. to permit a total of 16 parking spaces in lieu of the required 22 parking spaces; and, to approve a modified plan, pursuant to Section 409.12.B. The subject property and requested relief under each case are more particularly described on the respective site plans submitted, which were accepted into evidence and marked as Petitioner's Exhibits 1 in each case.

Appearing at the requisite public hearing in support of the requests were J. Scott Davison, Principal of Timonium Land Corporation and Express Fuel, Inc., Co-Petitioners, Mickey Cornelius, Traffic Engineer, Ken Colbert, Professional Engineer who prepared the site plan for this property, and Deborah Dopkin, Esquire, attorney for the Petitioners. Also appearing in support of the request was Bill Davis, the operator of similar car wash equipment at other locations. Appearing as interested persons were Mark Beckwith, owner of the nearby Timonium Car Wash, Ltd., and William P. Monk, a Land Planning and Zoning Consultant retained by Mr. Beckwith. In addition, Messrs. Louis W. Miller and John W. Schaller appeared on behalf of the Greater Timonium Community Council (GTCC).

Testimony and evidence offered revealed that the subject property is an irregularly shaped parcel, containing approximately .638 acres in area, zoned B.M.-A.S. The property is located on York Road in Timonium, in a major commercial corridor. To the south, the adjacent lot is improved with a restaurant (Michael's Lounge); to the north is a Krispy Kreme Donuts shop; to the rear (east), the property abuts the Timonium Shopping Center; and the front (west) side of the property abuts York Road. A McDonald's fast food restaurant and the Maryland State Fairgrounds are located across from the subject site.

J. Scott Davison filed the instant Petitions on behalf of Timonium Land Corporation, owner of the subject property. Mr. Davison is also president of a subsidiary corporation known as Express Fuel, Inc., which leases the subject property from Timonium Land Corporation and operates the business thereon.

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In order to appreciate the nature of the relief requested, an understanding of the prior zoning history of the subject site is appropriate. The property was originally developed in the 1960s as a Texaco Service Station which operated for many years. In approximately 1995, the current Petitioners acquired the site and converted the business to a Petro Fuel Service Station which has operated to sell gasoline under that name since that time.

In 1997, the Petitioners sought approval of special exception and variance relief under Case No. 97-547-XA for a convenience store and roll-over car wash facility as uses in combination with the previously approved service station. In addition, the Petitioners sought approval of certain variances from internal setback and landscape transition area requirements as more fully set forth therein. The relief requested in those Petitions was granted by Order of the undersigned Zoning Commissioner on July 29, 1997.

Thereafter, in Case No. 99-188-SPH, the Petitioners sought approval of an amendment to the special exception and variance relief granted in prior Case No. 97-547-XA. The amendment permitted the inclusion of a carry-out restaurant use in combination with the fuel service station, convenience store and roll-over car wash approved in the prior case. By Order dated December 29, 1998, the undersigned Zoning Commissioner granted the Petition for Special Hearing. In addition to these two zoning cases, the Petitioners also submitted "more-in-keeping" plans to the Department of Permits and Development Management (DPDM). These plans sought approval of minor amendments to the plans approved under the prior zoning Orders. The first "more-in-keeping" plan, which was accepted and approved by DPDM on November 24, 1998, was to permit a small increase in the length of the car wash facility and to note the different rated production capacity of the wash machinery. A second "more-in-keeping" plan, which was approved by DPDM on February 24, 2000, permitted the construction of a second floor office/storage area and employee parking area.

The third zoning case filed for this property came under Case No. 00-558-SPH. In that matter, the Petitioner again sought special exception relief, this time seeking a finding that a fully automated, exterior, only, conveyor-type car wash, was in keeping with the spirit and intent of the

roll-over car wash definition found in Section 101 of the B.C.Z.R. Essentially, the Petitioners filed that request in an effort to obtain approval for different car wash machinery. Although the Order issued in that case speaks for itself, the Petitioners essentially proposed upgrading and modernizing the existing car wash equipment and sought approval of that modernization/upgrade as being consistent with the relief granted in prior Cases Nos. 97-547-XA and 99-188-SPH. For reasons fully set forth in the Order issued by me on August 21, 2000, the special hearing relief sought in Case No. 00-558-SPH was denied. Basically, the undersigned determined that the proposed equipment was not consistent with the roll-over car wash facility which had been previously approved, as defined in the B.C.Z.R.

In addition to these zoning cases, a series of commercial permits have been issued for signage, construction of underground storage tanks, and similar improvements on the subject property. The Orders issued in the prior cases by this Zoning Commissioner, the "more-in-keeping" plans and the previously issued commercial permits are identified and highlighted on the plans submitted in this case.

The Petitioners now come before me seeking alternative relief to permit the installation of the car wash equipment described herein and as proposed in prior Case No. 00-558-SPH. In Case No. 01-299-SPH, the Petitioners seek special hearing approval to readopt and reincorporate the previous findings regarding existing improvements, and the proposed new car wash equipment. In the alternative, under Case No. 01-300-XA, the Petitioners request special exception and variance relief as set forth above.

On behalf of the Petitioners, Mr. Colbert explained the history of the uses on the site and the prior zoning cases as set forth above. He also described the surrounding neighborhood. As noted above, the property has been used as a fuel service station for many years. As a result of prior zoning approvals, the property now also features the subject car wash building towards the rear of the site, a convenience store and a Subway carry-out restaurant. In addition, the second floor above the store contains Mr. Davison's offices as well as storage space. Mr. Colbert concluded his testimony by opining that the proposed special exception and variance relief would

not be detrimental to the health, safety and general welfare of the surrounding locale. He indicated that the grant of either alternative relief would be appropriate and met the respective requirements for special exception and variance relief found in Sections 502.1 and 307 of the B.C.Z.R.

Testimony was also offered by Mr. Cornelius, a traffic expert. Mr. Cornelius indicated that he had familiarized himself with the proposed car wash facility and opined that the operation of that use at this site would not cause detrimental impact to the surrounding locale. Mr. Cornelius also described the proposed operation of the car wash from a traffic standpoint and described traffic flow and parking patterns and the stacking spaces that will be provided.

Testimony was also received from Mr. Davison and Mr. Davis, respectively. These gentlemen both testified about the proposed car wash equipment. As more fully described in the Opinion and Order issued by me in Case No. 00-558-SPH, the proposed car wash equipment was found to be state of the art and effective. Indeed, the proposed equipment will operate more efficiently than the roll-over car wash equipment currently used at the subject site. As Mr. Davis explained, the proposed equipment can wash more cars per hour than the roll-over type wash originally approved. This increased efficiency will result in less congestion on the site and prevent the spillage of waiting vehicles onto York Road or other public streets.

The testimony and evidence offered by the Petitioners' witnesses was undisputed. Mr. Miller on behalf of the Greater Timonium Community Council (GTCC) did raise several questions; however, in my judgment, those concerns were adequately addressed by the Petitioners' witnesses. I find that the testimony and evidence offered by the Petitioners' witnesses to be credible, particularly those opinions which indicated that the proposed car wash equipment represents an improvement to the existing roll-over wash machinery. I concur with Mr. Cornelius' conclusions that the traffic patterns, stacking spaces, and parking provided on the site present an appropriate traffic plan. Additionally, by the installation of equipment which can process more cars per hour, it is clear that there will be less potential for the accumulation of traffic and congestion on the subject site and public roads which abut this property.

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Consistent with my prior Order in Case No. 00-558-SPH, I find that the proposed equipment is in the nature of a full-service car wash as defined by the B.C.Z.R and not a roll-over wash. Thus, the alternative special exception relief requested in Case No. 01-300-XA shall be granted to allow a convenience store, a full-service car wash, and a carry-out restaurant as uses in combination with the previously approved fuel service station on the subject property, pursuant to Sections 405.4.E.1, 405.4.E.3, 405.4.E.10 and Section 419 of the B.C.Z.R.

Approval of the special exception relief also mandates consideration of the Petition for Variance filed in Case No. 01-300-XA. The Petitioners' witnesses presented appropriate testimony and evidence to justify variance relief in accordance with Section 307 of the B.C.Z.R. That relief relates to the nine (9) stacking spaces provided in lieu of the required 19, the employee parking spaces, and the total number of parking spaces provided on the lot. Additionally, I will approve the modified parking plan in accordance with Section 409.12.B of the B.C.Z.R. In sum, I find that the plan is appropriate and will not detrimentally impact adjacent properties and/or public streets in the vicinity. This is an important consideration in view of the character of the area and heavy volumes of traffic on York Road. Moreover, the site plan offered in Case No. 01-300-XA shall be approved as part of the Order granting the Petitions therein. This site plan incorporates the "more-in-keeping" changes and amendments shown on the previously approved plans in prior Cases Nos. 97-547-XA and 99-188-SPH.

Having granted the relief in Case No. 01-300-XA, consideration of the Petition for Special Hearing in Case No. 01-299-SPH shall therefore be denied. The grant of that special hearing would be inconsistent with the opinion issued in prior Case No. 00-558-SPH.

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 under the Petition for Special Hearing filed in Case No. 01-299-SPH shall be denied, and the special exception and variance relief requested under Case No. 01-300-XA shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of April, 2001. that the Petition for Special Exception in Case No. 01-300-XA

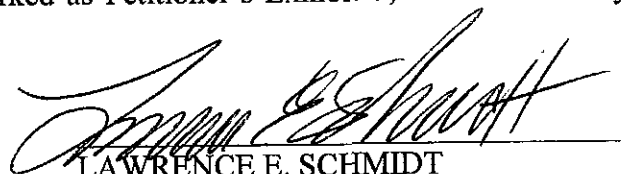
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Date 4/12/01
By [Signature]

seeking approval to allow a convenience store, a full service car wash, and a carry-out restaurant as uses in combination with a previously approved fuel service station, pursuant to Sections 405.4.E.1, 405.4.E.3, 405.4.E.10 and Section 419 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 419.3.A.2 to permit nine (9) stacking spaces in lieu of the required 19; from Sections 419.3.B and 409.4.B of the B.C.Z.R. to permit employee parking spaces to be blocked by car wash stacking spaces; and, in part, from Sections 405.4.A.3.D(1), 405.4.A.3.D(2), 405.4.A.3.D(4), 409.6.A.2, 419.3.B.1 and 419.3.B.4 of the B.C.Z.R. to permit a total of 16 parking spaces in lieu of the required 22 parking spaces; and, to approve a modified plan, pursuant to Section 409.12.B, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the Petition for Special Hearing in Case No. 01-299-SPH seeking affirmation of the zoning relief granted in prior Cases Nos. 97-547-XA and 99-188-SPH; to incorporate an approved "more-in-keeping plan", dated November 24, 1998, for an increased length of car wash, and an approved "more-in-keeping plan", dated February 20, 2000, for a second floor office/storage space addition and employee parking spaces, pursuant to Section 405.6.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.); and, approval of the modification of the northern driveway entrance, pursuant to the plan approved for Krispy Kreme Donuts under State Highway Administration (SHA) Access Permit #B-B-7099-99, in accordance with the site plan submitted in that case and marked as Petitioner's Exhibit 1, be and is hereby DENIED.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



Baltimore County
Zoning Commissioner

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

April 12, 2001

Deborah C. Dopkin, Esquire
409 Washington Avenue, #920
Towson, Maryland 21204

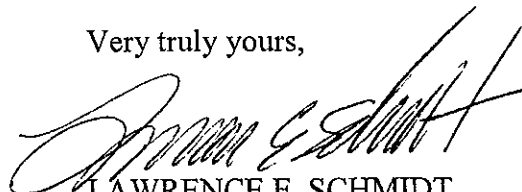
RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
E/S York road, 200' N of the c/l Gerard Avenue
(2127 York Road)
8th Election District – 4th Council District
Timonium Land Corp., Owners; Express Fuel, Inc., Lessees - Petitioners
Cases Nos. 01-299-SPH and 01-300-XA

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing in Case No. 01-299-SPH has been denied and the Petitions for Special Exception and Variance in Case No. 01-300-XA 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: Mr. J. Scott Davison, Timonium Land Corp./Express Fuel, Inc.
2127 York Road, Timonium, Md. 21093
Mr. Kenneth Colbert, Colbert Matz Rosenfelt
2835 Smith Avenue, Suite 206, Baltimore, Md. 21208
Mr. Mark Beckwith, Timonium Car Wash, Ltd.
2114 York Road, Timonium, Md. 21093
Messrs. Lou Miller & John Schaller, GTCC, Inc., 9-B Ridgely Road, Timonium, Md. 21093
Mr. William P. Monk, Morris & Ritchie, 110 West Road, Suite 245, Towson, Md. 21204
Mr. Larry Gredlein, SHA, 707 North Calvert Street, Baltimore, Md. 21202
DEPRM; Office of Planning; People's Counsel; Case File

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





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 2127 York Road

which is presently zoned B.M. - A.S.

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 a convenience store, a full service car wash, and a carry-out restaurant in combination with a previously approved fuel service station in accordance with Sections 405.4.E.1, 405.4.E.3, and 405.4.E.10, and 419.

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 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:

Express Fuel, Inc.

Name - Type or Print

Signature

13814 Jarrettsville Pike 410-628-1410

Address

Phoenix, Maryland 21131

City

State

Zip Code

Attorney For Petitioner:

Deborah C. Dopkin, Esquire

Name - Type or Print

Signature

Deborah C. Dopkin, P.A.

Company

409 Washington Avenue, #920 410-494-8080

Address

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

Timonium Land Corporation

Name - Type or Print

Signature

By Scott Davison, Pres

Name - Type or Print

Signature

By Scott Davison, Pres

Address

14236 Saw Mill Court 410-628-1410

City

State

Zip Code

Representative to be Contacted:

Deborah C. Dopkin, Esquire

Name

409 Washington Avenue, #920 410-494-8080

Address

Towson, Maryland 21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING

Reviewed By JNP Date 1/25/01

Case No. 01-300-XA

REC'D 09/15/98

ORDER RECEIVED FOR FILING

Date

By



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2127 York Road

which is presently zoned B.M. - A.S.

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)

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:

Express Fuel, Inc.

Name - Type or Print

Signature

13814 Jarrettsville Pike

410-628-1410

Address

Telephone No.

Phoenix,

Maryland

21131

City

State

Zip Code

Attorney For Petitioner:

Deborah C. Dopkin, Esquire

Name - Type or Print

Signature

Deborah C. Dopkin, P.A.

Company

409 Washington Avenue, #920

410-494-8080

Address

Telephone No.

Towson,

Maryland

21204

State

Zip Code

Legal Owner(s):

Timonium Land Corporation

Name - Type or Print

Signature

Scott Davison

Name - Type or Print

Signature

14236 Saw Mill Court

410-628-1410

Address

Telephone No.

Phoenix,

Maryland

21131

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Representative to be Contacted:

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OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JNP

Date 1/25/01

ORDER RECEIVED FOR FILING

Case No. 01-300-XA

REU 9/15/98

TO SECTION 419.3.A.2 TO PERMIT 9 STACKING SPACES IN LIEU OF THE REQUIRED 19 STACKING SPACES.

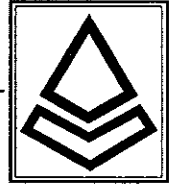
TO SECTIONS 419.3.B AND 409.4.B TO PERMIT EMPLOYEE PARKING SPACES TO BE BLOCKED BY CAR WASH STACKING SPACES.

IN PART TO SECTIONS 405.4.A.3.D(1), 405.4.A.3.D(2), 405.4.A.3.D(4), 409.6.A.2, 419.3.B.1, AND 419.3.B.4 TO PERMIT A TOTAL OF 16 PARKING SPACES IN LIEU OF THE REQUIRED TOTAL OF 22 PARKING SPACES.

TO APPROVE A MODIFIED PLAN IN ACCORDANCE WITH SECTION 409.12.B.

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION

2127 YORK ROAD

BEGINNING AT A POINT ON THE EAST SIDE OF YORK ROAD (MARYLAND ROUTE 45) HAVING A VARIABLE RIGHT-OF-WAY WIDTH, SAID POINT BEING 200.00 FEET MORE OR LESS NORTHERLY FROM THE CENTERLINE OF GERARD AVENUE; THENCE LEAVING SAID POINT AND BINDING ALONG SAID EAST SIDE OF YORK ROAD AND RUNNING NORTH 18 DEGREES 47 MINUTES 06 SECONDS WEST 168.84 FEET; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING THE FOLLOWING COURSES AND DISTANCES: NORTH 71 DEGREES 12 MINUTES 54 SECONDS EAST 143.98 FEET; THEN SOUTH 04 DEGREES 21 MINUTES 22 SECONDS EAST 17.51 FEET; THENCE SOUTH 84 DEGREES 55 MINUTES 50 SECONDS EAST 49.51 FEET; THEN SOUTH 06 DEGREES 57 MINUTES 14 SECONDS WEST 179.75 FEET; THENCE SOUTH 86 DEGREES 55 MINUTES 44 SECONDS WEST 110.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 27,791 SQUARE FEET OF LAND MORE OR LESS.

I:\JOBS\96151 ZON



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

00672

11/20

Admission

\$ 50.00

Express Fuel, Inc

Spec. Ex 4 Variance - 2137 York Rd

C. 300-1A

WHITE - CASHIER

YELLOW - CUSTOMER

1960

DATE: 10/10/77
TIME: 10:00 AM
BY: J. J. J.
PAGE: 1

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Ballena County, Arizona		

01-300-XA

CASHIER'S VALIDATION

**NOTICE OF ZONING HEARING
CHANGE OF HEARING DATE**

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: #01-300-XA

2127 York Road

E/S York Road, 200' +/- N of Gerard Avenue

8th Election District - 4th Councilmanic District

Legal Owner(s): Timonium Land Corporation

Contract Purchaser: Express Fuel, Inc.

Special Exception: for a convenience store, a full-service car wash, and a carry-out restaurant in combination with a previously approved fuel service station. **Variance:** to permit 9 stacking spaces in lieu of the required 19 stacking spaces; to permit employee parking spaces to be blocked by a car wash stacking spaces; to permit a total of 16 parking spaces in lieu of the required 22 parking spaces; and to approve a modified plan.

Hearing: Thursday, March 29, 2001 at 10:00 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/3/664 Mar. 13

0456028

CERTIFICATE OF PUBLICATION

TOWSON, MD, 3/15/, 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 3/13/, 2001.

J. Wilkinson
THE JEFFERSONIAN,

LEGAL ADVERTISING

RE: Case No.: 01-300-XA

Petitioner/Developer: PETRO, ETAL
% CAIR.

40 CAME

Date of Hearing/Closing: 3/29/01

**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 #2127 YORK RD

The sign(s) were posted on

3/13/01
(Month, Day, Year)

Sincerely,

Sincerely,
Paul M. O'Keefe 3/14/01
(Signature of Sign Poster and Date)

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

(Printed Name)

523 PENNY LANE.

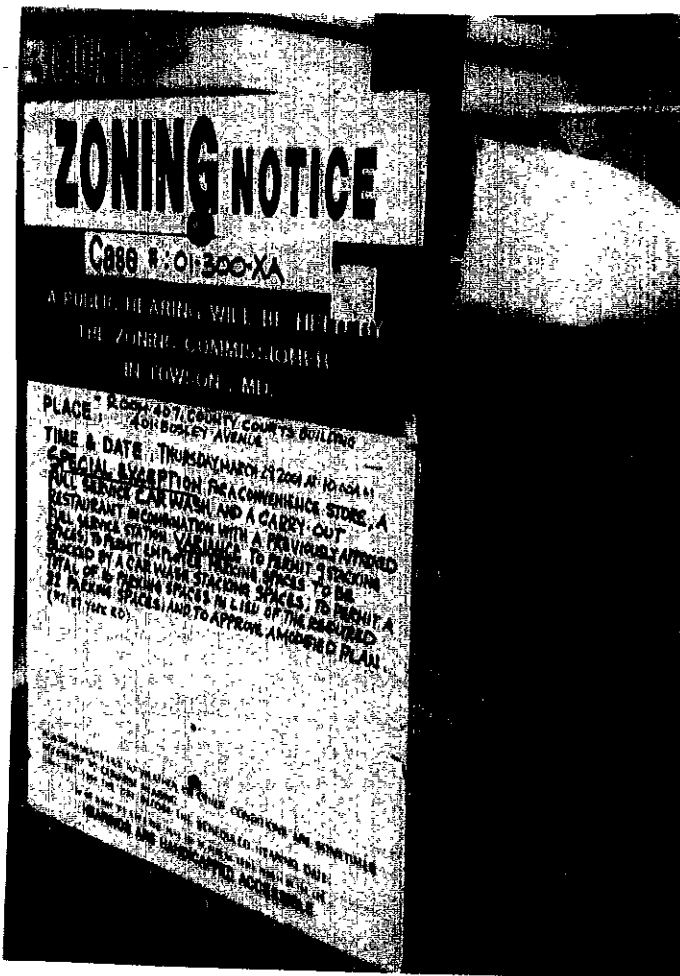
(Address)

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

(City, State, Zip Code)

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

(Telephone Number)



CERTIFICATE OF POSTING

RE: Case No. 01-300-XA

Petitioner/Developer: PETRO/EXPRESS, ETAL
KEN COLBERT, PE

Date of Hearing/Closing: 3/29/01

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 #2127 YORK RD.

The sign(s) were posted on

3/12/01
(Month, Day, Year)

Sincerely,

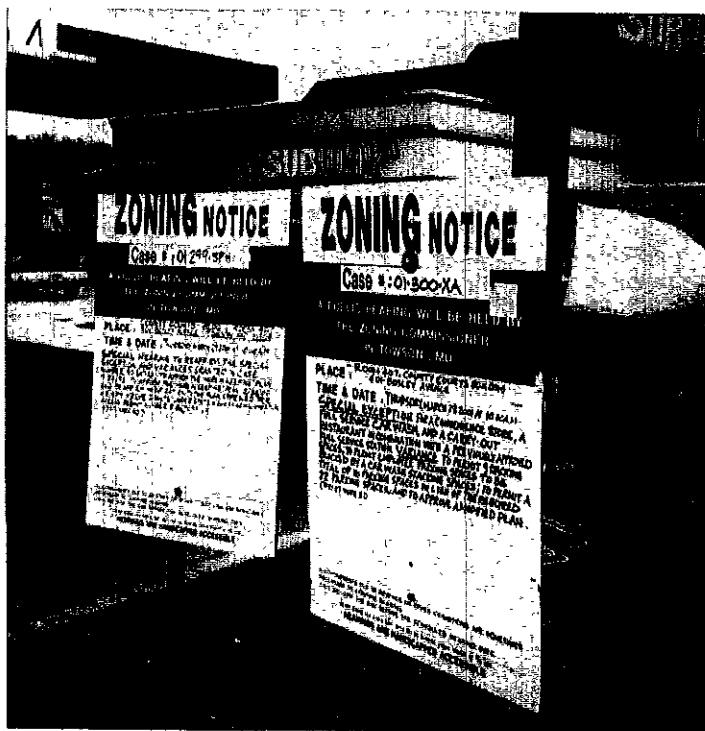
Patrick M. O'Keefe 3/15/01
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE.
(Address)

HUNT VALLEY, MD. 2103
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8.
(Telephone Number)



01-299-SFH 01-300XA
#2127-YORK RD PETRO
#2127-1 MATZ

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
2127 York Road, E/S York Rd, 200' +/- N of Gerard Ave
8th Election District, 4th Councilmanic

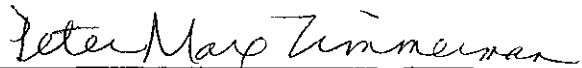
Legal Owner: Timonium Land Corp.
Contract Purchaser: Express Fuel, Inc.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-300-XA

* * * * *

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
People's Counsel for Baltimore County


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 20th day of February, 2001 a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esq., 409 Washington Avenue, Suite 920, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN



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

February 7, 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: 01-300-XA
2127 York Road
E/S York Road, 200' +/- N of Gerard Avenue
8th Election District – 4th Councilmanic District
Legal Owner: Timonium Land Corporation
Contract Purchaser: Express Fuel Inc

Special Exception for a convenience store, a full-service car wash, and a carry-out restaurant in combination with a previously approved fuel service station. Variance to permit 9 stacking spaces in lieu of the required 19 stacking spaces; to permit employee parking spaces to be blocked by a car wash stacking spaces; to permit a total of 16 parking spaces in lieu of the required 22 parking spaces; and to approve a modified plan.

HEARING: Monday, March 19, 2001, at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with the initials "GDZ" written below it.

Arnold Jablon
Director

C: Deborah C Dopkin Esquire, 409 Washington Avenue #920, Towson 21204
Scott Davison, Timonium Land Corp, 14236 Saw Mill Court, Phoenix 21131
June Scott Davison, Express Fuel Inc, 13814 Jarrettsville Pike, Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 2, 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

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

February 12, 2001

NOTICE OF ZONING HEARING CHANGE OF HEARING DATE

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: 01-300-XA
2127 York Road
E/S York Road, 200' +/- N of Gerard Avenue
8th Election District – 4th Councilmanic District
Legal Owner: Timonium Land Corporation
Contract Purchaser: Express Fuel Inc

Special Exception for a convenience store, a full-service car wash, and a carry-out restaurant in combination with a previously approved fuel service station. Variance to permit 9 stacking spaces in lieu of the required 19 stacking spaces; to permit employee parking spaces to be blocked by a car wash stacking spaces; to permit a total of 16 parking spaces in lieu of the required 22 parking spaces; and to approve a modified plan.

HEARING: Tuesday, March 20, 2001, at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon
Director

C: Deborah C Dopkin Esquire, 409 Washington Avenue #920, Towson 21204
Scott Davison, Timonium Land Corp, 14236 Saw Mill Court, Phoenix 21131
June Scott Davison, Express Fuel Inc, 13814 Jarrettsville Pike, Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 2, 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

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

February 15, 2001

NOTICE OF ZONING HEARING CHANGE OF HEARING DATE

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: 01-300-XA
2127 York Road
E/S York Road, 200' +/- N of Gerard Avenue
8th Election District – 4th Councilmanic District
Legal Owner: Timonium Land Corporation
Contract Purchaser: Express Fuel Inc

Special Exception for a convenience store, a full-service car wash, and a carry-out restaurant in combination with a previously approved fuel service station. Variance to permit 9 stacking spaces in lieu of the required 19 stacking spaces; to permit employee parking spaces to be blocked by a car wash stacking spaces; to permit a total of 16 parking spaces in lieu of the required 22 parking spaces; and to approve a modified plan.

HEARING: Thursday, March 29, 2001, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

C: Deborah C Dopkin Esquire, 409 Washington Avenue #920, Towson 21204
Scott Davison, Timonium Land Corp, 14236 Saw Mill Court, Phoenix 21131
J. Scott Davison, Express Fuel Inc, 13814 Jarrettsville Pike, Phoenix 21131

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 14, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 1, 2001 Issue - Jeffersonian

Please forward billing to:
Scott Davison
14236 Saw Mill Court
Phoenix MD 21131

410 628-1410

NOTICE OF ZONING HEARING

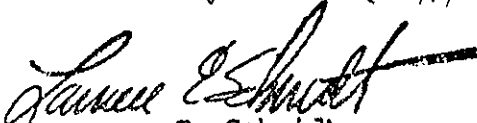
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-300-XA
2127 York Road
E/S York Road, 200' +/- N of Gerard Avenue
8th Election District - 4th Councilmanic District
Legal Owner: Timonium Land Corporation
Contract Purchaser: Express Fuel Inc

Special Exception for a convenience store, a full-service car wash, and a carry-out restaurant in combination with a previously approved fuel service station. Variance to permit 9 stacking spaces in lieu of the required 19 stacking spaces; to permit employee parking spaces to be blocked by a car wash stacking spaces; to permit a total of 16 parking spaces in lieu of the required 22 parking spaces; and to approve a modified plan.

HEARING: Monday, March 19, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

PLEASE CHANGE DATE TO TUESDAY MARCH 20, 2001


Lawrence E. Schmidt

GDL

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.

PAY SEE 2-12-01

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 13, 2001 Issue – Jeffersonian

Please forward billing to:
Scott Davison
14236 Saw Mill Court
Phoenix MD 21131

410 628-1410

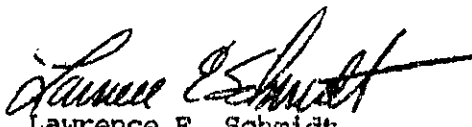
NOTICE OF ZONING HEARING CHANGE OF HEARING DATE

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:

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2127 York Road
E/S York Road, 200' +/- N of Gerard Avenue
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Special Exception for a convenience store, a full-service car wash, and a carry-out restaurant in combination with a previously approved fuel service station. Variance to permit 9 stacking spaces in lieu of the required 19 stacking spaces; to permit employee parking spaces to be blocked by a car wash stacking spaces; to permit a total of 16 parking spaces in lieu of the required 22 parking spaces; and to approve a modified plan.

HEARING: Thursday, March 29, 2001, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt 6DZ

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.

**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: 01-300-~~X~~A
Petitioner: Express Fuel, Inc
Address or Location: 2127 York Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Scott Davison Express Fuel, Inc
Address: 14236 Saw Mill Ct
Phoenix, MD 21131
Telephone Number: 410-628-1410



Baltimore County
Department of Permits and
Development Management

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

March 23, 2001

Deborah C Dopkin Esquire
409 Washington Avenue #920
Towson MD 21204

Dear Ms. Dopkin:

RE: Case Number: 01-300-XA, 2127 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 25, 2001.

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.
Supervisor, Zoning Review

GDZ

WCR: gdz

Enclosures

c: Scott Davison, Timonium Land Corp, 14236 Saw Mill Court, Phoenix 21131
J. Scott Davison, Express Fuel Inc, 13814 Jarrettsville Pike, Phoenix 21131
Howard L Alderman Jr Esquire, 502 Washington Avenue, 8th Floor, Towson 21204
People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 6, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For February 12, 2001
Item Nos. 288, 289, 290, 291, 293, 295,
297, 298, 299, 300, 301, 302, 303, 304,
and 308

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

RWB:HJO:jrb

cc: File



**Baltimore County
Fire Department**

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

February 8, 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: SEE BELOW

Location: DISTRIBUTION MEETING OF February 5, 2001

Item No.: See Below

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

290, 291, 292, 293, 294, 295, 297, 298, 299, 300, .
302, 303, 304, and 308

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley */RBS*

DATE: March 19, 2001

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of February 5, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address
288	10260 York Road
289	10240 York Road
290	2522 Venetian Road
291	5126 Edmondson Avenue
293	998 Rohe Farm Lane
295	Gwynnbrook Property
296	1909 Halethorpe Avenue
297	2707-2709 Rolling Road
298	326 Stone Castle Avenue
299	2127 York Road
300	2127 York Road
301	3916 Old North Point Road
302	7605 Curving Lane
303	703 Main Street
308	104 McCormick Avenue

JL 3/29

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 8, 2001

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

FEB - 9

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-299 and 01-300

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Jeffrey W. Long

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

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

Date: 2.7.01

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

RE: Baltimore County
Item No. 300 JNP

Dear Ms. Jackson:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

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

Very truly yours,

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

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

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE, 8TH FLOOR
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4525
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

2/20/01
TO Jurg
OK
S

February 19, 2001

**SENT BY TELECOPIER
AND MAIL**

Mr. Arnold Jablon, Director
Baltimore County Department of
Permits and Development Management
111 W. Chesapeake Avenue, Suite 109
Towson, Maryland 21204

Re: Case Nos.: 01-299-SPH and 01-300-XA
Request for Postponement

Dear Mr. Jablon:

As you may know, I represent the Timonium Car Wash Limited Partnership, an owner of property in Timonium who has participated in previous hearings applicable to the property known as 2127 York Road. On February 16, 2001, I received a copy of a memorandum from James Thompson to Mr. Claude Profili, both of your department. That memorandum was the first indication that my client and I had of hearings that were scheduled to be held on March 19, 2001 in the above-referenced cases. My client fully intends to participate actively in the hearings held on the petitions filed.

However, checking the list of zoning hearings on the Internet over this past weekend, I find that the hearings are scheduled for March 20, 2001 instead of March 19 as shown in the attached memorandum. In order for my client to appear and be represented, it is necessary that the scheduled hearings be postponed.

I am representing Mr. Albert J. Bierman and his business known as King Mulch in an appeal that is still pending before the County Board of Appeals for Baltimore County. That appeal, docketed as Case No. 99-239-A, has had two previous days of hearing and is scheduled for two more during the month of March. I am enclosing with this letter a copy of a Notice of Assignment, dated December 20, 2000, indicating that the fourth day for this hearing is scheduled for March 20, 2001. Given that one of the protestants is a non-attorney and is not otherwise represented, the first two days

LEVIN & GANN, P. A.

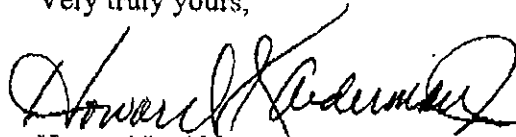
February 19, 2001
Page2

have been consumed with the direct examination of my first witness and only partial cross-examination by said protestant, with little or no cross-examination having yet to be conducted by People's Counsel for Baltimore County. Therefore, I suspect that this case will go beyond the fourth scheduled date.

In any event, I respectfully request that the above-referenced cases be postponed to a mutually convenient date for all parties and all counsel. As I understand it, the property does not have to be posted with the date and time of hearing until March 2, 2001, and this request provides ample opportunity for the Petitioner in those cases to have any appropriate rescheduling noted on the signs before posting.

Should you need additional information with respect to this request, as always, please do not hesitate to contact me.

Very truly yours,



Howard L. Alderman, Jr.

HLA/pal

Enclosure

cc/cnc: Timonium Car Wash Limited Partnership (Personal and Confidential)

Deborah C. Dopkin, Esquire (Sent by Telecopier - 410-492-8082)

Michael P. Tanczyn, Esquire (Sent by Telecopier - 410-296-8827)

U:\hla\jablon-a2.ltr-9956-1.wpd

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum



DATE: February 12, 2001

TO: Claude Profili
Building Inspection

FROM: James Thompson
Code Enforcement

SUBJECT: Permit Number B-410381
2127 York Road

Please be advised that after reviewing the following zoning petitions: case numbers 97-547-XA, 99-188-SPH, 00-558-SPH, 01-299-SPH, 01-300-XA and consulting with John Lewis of Zoning Review, who is very familiar with this site, the referenced permit can in fact be finalized/approved.

I have gone to the extent to place a copy of the Zoning Commissioner's decision in case number 00-558-SPH (currently on appeal) in the active violation file (case number 00-0956). Also, you will find material concerning the upcoming public hearings scheduled for March 19, 2001.

Both attorneys, Deborah C. Dopkin and Michael P. Tanczyn, who represent the interest of the property owner, have been informed of this decision, along with Howard L. Alderman, Jr., whose letter of February 22, 2000 to Director Arnold Jablon started the enforcement action.

Finally, if any active permits exist relative to the "car wash" use, do not finalize them until all upcoming public hearings have been completely decided.

JHT:scj

c: Deborah C. Dopkin, Esquire, 409 Washington Avenue, Towson, MD 21204
Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, MD 21204
Howard L. Alderman, Jr., Esquire, Nottingham Centre, 502 Washington Avenue, 8th Floor, Towson, MD 21204



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-2180
FAX: 410-887-1182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

December 20, 2000

NOTICE OF ASSIGNMENT /Days #3 and #4 (as needed)

CASE #: 99-239-A

IN THE MATTER OF: ALBERT J. BIERMAN -Legal Owner
7947 Pulaski Highway 15th E; 5th C

Day #3 /Cont'd from 12/19/00

(D.Z.C.'s Order -Petition for Variance GRANTED with restrictions.)

Upon verification by the parties to this case, hearing days three and four (as needed) have been scheduled; and have been

ASSIGNED FOR: TUESDAY, MARCH 13, 2001 at 10:00 a.m. /Day #3
TUESDAY, MARCH 20, 2001 at 10:00 a.m. /Day #4 (as needed)

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 unless in 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

cc: Appellant

: People's Counsel for Baltimore County

Counsel for Petitioner
Petitioner
Appellant

: Howard L. Alderman, Jr., Esquire
: Albert J. Bierman
: Barb Pivec -King Mulch/King Pallet

Appellant /Protestant

: Board of Directors /Greater Chesaco
Community Assn.; Russ Mirabile, Pres.

Mr. & Mrs. Leonard J. Hersl
Ms. Marie Luckhardt

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: February 14, 2001

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 300 (01-300-XA))
Legal Owner/Petitioner: Timonium Land Corporation
Contract Purchaser: Express Fuel, Inc.
Property Address: 2127 York Road
Location Description: E/S York Road, 200' +/- N of Gerard Avenue

VIOLATION INFORMATION: Case No.: 00-0956
Defendants: Timonium Land Corp.

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

NAME	ADDRESS
Howard L. Alderman, Jr., Esquire	Nottingham Centre, 502 Washington Avenue 8 th Floor, Towson, MD 21204

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- Complaint letter from Howard L. Alderman, Jr., Esquire (dated 2/22/00)
- Complaint Intake Form/Code Enforcement Officer's report and notes (6 pages)
- Violation Inquiry Notice (dated 3/7/00)
- Building Permits (B-380751 and B-410381)
- Letter from Howard L. Alderman, Jr., Esquire (dated 5/30/00)
- Letter to Deborah C. Dopkin, Esquire (dated 6/16/00)
- Memo to Claude Profili, Building Inspection (dated 2/12/01)

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/scj

c: Code Enforcement Officer Donna Thompson

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

2/23/00
8
TO JT
follow thru
as necessary
ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.
halderma@bcpl.net

February 22, 2000

Mr. Arnold Jablon, Director
Department of Permits
and Development Management
111 W. Chesapeake Avenue
Suite 109
Towson, Maryland 21204

Re: *Request for Enforcement, Investigation and Action*
2127 York Road 183
Case Nos. 99-547-XA and 99-118-SPH

Dear Mr. Jablon:

My clients have requested that I write to you to bring to your attention an apparent violation of the relief granted in the above-referenced cases. The relief requested in Case No. 99-118-SPH was to approve "an amendment to a previously approved special exception and variance in Case No. 97-547-XA, to permit the inclusion of a carry out restaurant in combination with a fuel service station, convenience store and roll-over car wash pursuant to Section 405 of the Baltimore County Zoning Regulations" (emphasis added). Based upon information received from my clients, I am advised that construction on the anticipated improvements is currently underway.

I am also advised that based upon the construction that has occurred to date, instead of the construction proceeding on a roll-over car wash as previously approved, the lessee or its agents or contractors are proceeding with construction of a full-service car wash. As you are aware, the *Baltimore County Zoning Regulations* draw a dramatic distinction between these two types of car washes and the parking requirements required for each. For your use and reference I am enclosing a copy of the definitions of each type of car wash and a copy of BCZR Section 419.3 indicating the number of stacking spaces and parking spaces required for each type of car wash.

Upon your receipt and review of this letter and its enclosures, I would request that you direct a member of your enforcement staff to visit the site and determine if there is a full service car wash presently under construction at the location. If such is the case, I would further request that you issue immediately a stop work order until the construction is modified to bring the construction in-line with the zoning approvals obtained previously. Also for your reference, I am enclosing a copy of a

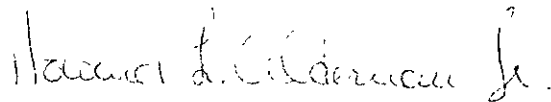
C:\WP\HLA\Miller\ltr to jablon re roll-over car wash

Mr. Arnold Jablon, Director
February 22, 2000
Page 2

Baltimore County Application for Building Permit No. B380751.

Should you or your staff need any additional information in this regard, I would request that you contact me immediately. Thank you for your consideration and attention to this matter.

Very truly yours,



Howard L. Alderman, Jr.

HLA,Jr./dmh
Enclosures

Case Entry/Update
Format : CASREC

Mode : CHANGE
File : PDLV0001

Dt Rec: 3012000 Intake: _____ Act: _____ Case #: 00-0956
Inspector: THOMPSON, D Inspection Group: ENF Inspection Area: 14
Address: 2127 YORK RD Apt #: _____ Zip: 21093
Problem Descript.: FULL SERVICE CAR WASH; NO VIOLATIONS AT THIS TIME

Date of Reinspection: 7172000 Date Closed: ~~3012000~~ Delete Code (X): ~~X~~
Insp./Hear. Notes: REOPENED 6/1/00, D THOMPSON

V 01: _____	V 02: _____
V 03: _____	V 04: _____
V 05: _____	V 06: _____
V 07: _____	V 08: _____
V 09: _____	V 10: _____

F3=Exit
F9=Insert

F5=Refresh
F10=Entry

F6=Select format
F11=Change

CODE ENFORCEMENT REPORT

DATE: 03/01/00 INTAKE BY: TH CASE #: 00-0956 INSPEC: TH

COMPLAINT

LOCATION: 2127 YORK RD.

ZIP CODE: 21093 DIST: 8

COMPLAINANT

NAME: HOWARD ALDERMAN PHONE #: (H) 410- (W) 321-0600

ADDRESS: 305 W. CHESAPEAKE AVE ZIP CODE: 21204

PROBLEM: FULL SERVICE CAR WASH

"PETRO"

**OWNER/TENANT
INFORMATION:**

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: 3/1/00 - 11:00 AM Spoke w/ General Contractor at site. Fortens were in also trench. He explained that this would be full over car wash not full service.

Called complainant and explained same. No violation seen at this time. Case closed.

REINSPECTION:

REINSPECTION:

REINSPECTION:

CASE NO. 00-0956

DATE CLOSED 3/1/00

INSPECTOR Donna Thompson

COMMENTS no violation at this time

CLOSED

PT/WIN
DATE: 3/3/00
STAFF: CO

AS/400
DATE: 3/3/00
STAFF: CO

Reopened 6/1/00

Re-open CODE ENFORCEMENT REPORT

RE-INSPECTION SHEET CONTINUED

Date: 07-28-00 - There is a public hearing being held today - 7-28-00. Per Tim Thompson A pop up date of 30 days - 8-28-00 should be put in place to check the outcome of the hearing and a Reinspection made if necessary.
P.U. 08-28-00

Date:

Date:

Date:

TRAFFIC ENFORCEMENT REPORT

00-0956

DATE: 6/1/00 INTAKE BY: TH CASE #: 00-0956 INSPEC:

COMPLAINT

LOCATION: 2127 YORK RD.

ZIP CODE: 21093 DIST:

COMPLAINANT

NAME: HOWARD ALDERMAN, ESQ PHONE #: (H) 410- (W) 321-0600

ADDRESS: 305 W. CHESAPEAKE AVE.

ZIP CODE: 21204

PROBLEM: FULL SERVICE CAR WASH

OWNER/TENANT INFORMATION:

TAX ACCOUNT #:

ZONING:

INSPECTION:

Spoke w/ Howard Alderman who stated that this building now has ~~conveyer~~ conveyor system and 1st story - which may not be part of E.C. order 97-547-XA

REINSPECTION:

6-5-00 - Visited Site & Spoke to MR Hudler - mgr of station and Steve Skeen of Charles Eng Co Inc - Builder. I explained that there was no permit or Hearing on Record to allow a full service car wash - only a rollover. The

REINSPECTION:

of vehicle stacking spaces change from 9 to 19 when you go to a full service. I don't believe they can do 19 spaces. They will be calling the owners of the property - MR Scott Dewison and MARK Krug - I advised MR Hudler to tell the owners to come to the

REINSPECTION:

Zoning Desk to begin the applicable procedure. The conveyor system car wash is nearly complete. But all other work is not but can proceed as it is permitted, the change to full service is not

COLE ENFORCEMENT REPORT

RE-INSPECTION SHEET CONTINUED

Date: 06-06-00: Revisited Site and met w/owner Scott Davison (Pager # 410-492-4013). He Explained That This type of Car wash Does not Fall into The Full Service Regulations. This car wash is a Self-Service conveyor type. The Vehicle owner never Leaves The vehicle. He drives into The beginning of the mechanism and deposits a Fee into a automatic Receiver. The conveyor starts up and pulls The vehicle thru The wash. At

Date: The end of The wash System The vehicle exits under its own Power and Leaves The property. This system is essentially a moving Roll-over - operating at about Twice The Speed of a standard Roll-over - Thereby Reducing The Stacking of vehicles. There will be no employees to Take Cash (except in The cashiers window for fuel payments) to pre-treat or vacuum at The beginning of The Line, and no employees at The end of The Line to Dry, wax, or clean interiors. In my opinion This is not a Full service car wash, and does not need to meet The Full Service Requirements, and it in fact it is faster than a standard Roll-over. From The 9 space stacking Requirement is adequate.

Date: Deborah Dopkin - Their attorney is sending us documents that states Baltimore county was aware of the conveyor and had no problem with that. Once This is Received I will Contact MR Alderman, The complainant and notify him of my findings. At That Time I will find out when The Car wash is scheduled to open and pay an un-announced visit(s) to verify that there are no employees working at either end of the wash making it either a full service or moving Roll-over (my term) of full

March 7, 2000

VIOLATION INQUIRY NOTICE

MR. ALDERMAN, this is to advise that your inquiry concerning, 2127 YORK RD, TIMONIUM, MD, 21093 has been assigned to DONNA THOMPSON with case number 00-0956. After an inspection of the property, it has been determined that the property is not in violation and complies with existing codes and regulations or has been resolved or corrected.

Please contact inspector DONNA THOMPSON at 410-887-3351 if you have a question or concern about the status of case number 00-0956. Baltimore County is dedicated to effectively enforcing the codes in a manner which will protect the rights of everyone.



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

BUILDING PERMIT

PERMIT DIRECTOR: 410381 CONTROL #: CUC DIST: 08 PREC: 01
DATE ISSUED: 04/14/2000 TAX ACCOUNT #: 1600000071 CLASS: 02 BUILDINGS ENGINEER

PLANS: CONST 2 PLOT 9 R PLAT 0 DATA 0 ELEC YES PLUM YES
LOCATION: 2127 YORK RD
SUBDIVISION: 200 N GERARD AV

OWNERS INFORMATION

NAME: TIMONIUM LAND CORP
ADDR: 14236 SAW MILL CT PHOENIX, MD 21131

TENANT: PETRO

CONTR: CHARLES ENGINEERING

ENGR: JOHN PATRICK CHALK ARCHITECT #5297-A

SELLR:

WORK: CUC FR GAS STATION TO GAS STATION/CONV STORE/
CARRYOUT JNT ALI PER PLANS 1,524SF CONST 2STY
CARWASH/GARAGE ADJN ON REAR 69'X37'X19'4"=6566SF
FLOOR OFFICE ADJN 2ND FL 50'X18'=900SF THIS
PERMIT CANCELS/REPLACES 8580/51CH IN CONST AND
SITE. EXPIRES 12/1/2000

BLDG. CODE: BOCA CODE

RESIDENTIAL CATEGORY:

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: GAS STATION/CONVENIENCE/CARRYOUT + ALI (ADDIT)
259,000.00 EXISTING USE: GAS STATION

TYPE OF IMPRV. ADDITION

USE: OTHER NON-RESIDENTIAL

FOUNDATION:

BASEMENT:

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 27,791SF

FRONT STREET:

SIDE STREET:

FRONT SEIB: NC

SIDE SEIB: NC/70'

SIDE STR SEIB

REAR SEIB: 9.27



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

BUILDING PERMIT

PERMIT DIRECTOR: 380751 CONTROL #: COC DIST: 08 FREQ: 01
DATE ISSUED: 12/01/1999 TAX ACCOUNT #: 1600000071 CLASS: BUILDINGS ENGINEER

PLANS CONST 2 PLOT 9 R PLAT 0 DATA 3 ELEC YES PLUM YES
LOCATION: 2127 YORK RD
SUBDIVISION 200 N GERARD AV

OWNERS INFORMATION

NAME: TIMONUM LAND CORP
ADDR: 1236 SAW MILL CT PHOENIX, MD 21131

TENANT: PETRO
OWNER: EXPRESS FUEL
ENGR: JOHN PATRICK
SELLER:

WORK: CHANGE OF OCCUPANCY FROM GAS STATION TO GAS
STATION/CONVENIENCE/CARRYOUT. INT ALI TO
CONSIST OF DEMO, CONST DRYWALL METAL STUD
PARTITIONS, CEILING GRID, HVAC & DIFFUSERS,
FIXTURES & FINISHES. 1,524SF. CONST 2 SRY
CARWASH & GARAGE 50'X28'8"31'=1,556SF.

BLDG. CODE: RUCA CODE

RESIDENTIAL CATEGORY:

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: GAS STATION/CONVENIENCE/CARRYOUT + ALI/ADDIT
250,000.00 EXISTING USE: GAS STATION

TYPE OF IMPRV: ADDITION

USE OTHER NON-RESIDENTIAL

FOUNDATION

BASEMENT:

SEWAGE

WATER

LOT SIZE AND SETBACKS

SIZE 27,791SF

FRONT STREET:

SIDE STREET:

FRONT SETB NC

SIDE SETB: NC/70'

SIDE STR SETB:

REAR SETB 9.27

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W CHESAPEAKE AVENUE
SUITE 113
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

6/1/00
ST
8
ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

halderma@bcpl.net

May 30, 2000

Mr. Arnold Jablon, Director
Department of Permits
and Development Management
111 West Chesapeake Avenue
Suite 109
Towson, MD 21204

Re: *Request for Subsequent Investigation and Action*
2127 York Road
Zoning Case Nos. 99-547-XA and 99-118-XPB
Prior Violation Inquiry No. 00-00956

Dear Mr. Jablon:

On or about February 22, 1999, I had delivered to your office a request for investigation of the above-referenced property. As you may recall, this property has been approved previously for a variety of uses, including without limitation a "roll-over" car wash. Ms. Thompson investigated the site in March of this year and found no violation in the pre-construction stage.

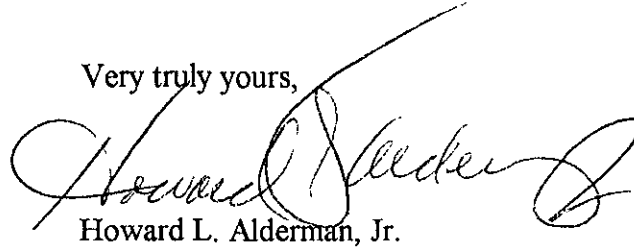
My clients have again contacted me with respect to two issues at the subject property. The first is that the car wash presently being installed is a "full-service" car wash rather than the approved "roll-over" car wash. As I am sure you are aware, the latter provides cleaning of a vehicle in a **stationary position** while the full-service car wash generally involves a conveyor which pulls the vehicle through the wash facility. I am advised by my clients that, in fact, a conveyor has been installed at this location.

The second issue involves the approved structure. It would appear that the previously approved plans for this location are for a single-story building. The building permit that was issued for the subject property, having an Application No. B380751, references a two-story addition. Obviously, if the second story of this building were not contemplated at the time of zoning approval, the parking requirements may be modified. The subject property is a small site. While a roll-over car wash requires only nine stacking spaces, a full-service car wash tunnel requires a full nineteen stacking spaces. Given the fact that this property was approved for a use which requires a fewer number of stacking spaces and, combined with the fact that a second floor addition may further increase parking requirements, I must renew my request, on behalf of my clients, that this matter be investigated and uses and related parking requirements be addressed.

Mr. Arnold Jablon
May 30, 2000
Page 2

Upon your receipt and review of this letter, should you have any question, as always, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Howard L. Alderman, Jr.", written in black ink. The signature is fluid and stylized, with a large initial 'H' and a long, sweeping underline that extends to the right.

Howard L. Alderman, Jr.

HLA,Jr./gba

cc: Ms. Donna Thompson, Code Enforcement Inspector

c:\wp\hla\ajablon530



Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdinspect@co.ba.md.us

June 16, 2000

Deborah C. Dopkin, Esquire
409 Washington Avenue, Suite 920
Towson, Maryland 21204-4903

RE: Case No. 00-0956, 2127 York Road

Dear Ms. Dopkin:

For you and your client's benefit, enclosed you will find a copy of the February 22, and May 30, 2000 letter from Howard L. Alderman, Jr., Esquire, concerning the alleged illegal activities at 2127 York Road. After an extensive review of this department's records, I was able to verify that Zoning Review had approved, on February 24, 2000, the right to allow additional on-site office and storage space for the convenience store and car wash. Thus the issue of this building being only a single-story structure is moot. The February 24, 2000, approval does reflect a "2nd floor office/storage for conv. store" on the newly approved site plan of that same date.

Regarding the matter as to whether one of the future uses of this property will be for a "car wash, full-serve," I disagree with Inspector Harry Fahl that the proposed operation is, in his terms a "moving roll-over" car wash. A close review of the definition of a "car wash, roll-over" under the Baltimore County Zoning Regulations, states that the vehicle is to be in a stationary position during the servicing. Thus, attaching an automobile to a conveyor and having it pulled thorough the car wash is not an operation that is considered "stationary."

Therefore, prior to an occupancy permit being issued for Building Permit No. B380751, Timonium Land Corporation must re-convert the future car wash operation to that

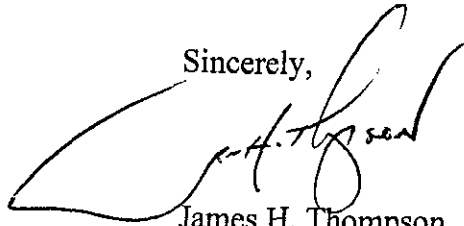
Deborah C. Dopkin, Esquire

Page 2

June 16, 2000

of a "car wash roll-over" or obtain approval via the public hearing process for the current set up. If additional questions exist relative to this case, please contact this office at 410-887-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "J.H. Thompson", written over a large, sweeping horizontal line.

James H. Thompson
Code Inspections and
Enforcement Supervisor

JHT/mc

Enclosure

cc: Howard L. Alderman, Jr., Esquire
305 West Chesapeake Avenue, Ste 113
Towson, Maryland 21204

Supervisor John Altmeyer

Inspector Harry Fahl

MR-1M

D.R. 5.

BM

Parking
Area

SITE

BM
4S

CRO

BR-1M

BR-4S

D.R. 5.5

BL-4S

MR-1M

ZONING MAP
NW 14-A

01-300-XA

