

IN RE: PETITIONS FOR SPECIAL EXCEPTION, *	BEFORE THE
HEARING AND VARIANCE	
NW/S Baltimore National Pike, 827' NE *	ZONING COMMISSIONER
of Engleside Avenue	
1st Election District *	OF BALTIMORE COUNTY
1st Councilmanic District	
(5612 Baltimore National Pike) *	CASE NO. 01-448-SPHXA
BP Corporation *	
Petitioner	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception, Special Hearing and Variance, filed by the BP Corporation, involving property located at 5612 Baltimore National Pike. The subject property is zoned BM-AS. The Petitioner is requesting a special exception to permit a fuel service station use in combination with a convenience store/restaurant and ancillary use ATM. In addition, a special hearing is requested to amend the previously approved site plan in Case No. 69-128-XA. Finally, a variance is requested to permit 25 parking spaces in lieu of the required 30 parking spaces.

Appearing at the hearing on behalf of these requests were John Lombardo, on behalf of BP Corporation, Greg Reed, professional engineer who prepared the site plan of the property and David K. Gildea, attorney at law, representing the Petitioner. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this hearing, consists of 0.926 acres, more or less. The subject property is located on the north side of Baltimore National Pike, near its intersection with Johnnycake Road. The property is currently improved with an existing Amoco Service Station. Recently, BP and Amoco merged and the decision has been made to convert existing gasoline service stations into a new fuel service

RECEIVED FOR FILING

Date

7/5/01

By

R. J. Johnson

station use in combination with a convenience store/restaurant. This entails a complete renovation of the property, tearing down the old service station and replacing it with a new car wash, convenience store and pump islands and canopies. The details of this development are more particularly shown on Petitioner's Exhibit No. 1 , the site plan submitted into evidence. In order to proceed with the renovation of the subject property, the special exception request, special hearing and variance requests are necessary.

It is clear that the B.C.Z.R. permits the use proposed of a fuel service station use in combination with a convenience store/restaurant and ancillary use ATM in a BM-AS zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and their property. McLean v. Soley, 270 Md. 208 (1973).

To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's requests for special exception, special hearing and variance shall be granted.

ORDER RECEIVED FOR FILING

Date

7/5/01

By

J.P. Gennaro



Baltimore County
Zoning Commissioner

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

July 5, 2001

David K. Gildea, Esquire
19 E. Fayette Street, Suite 205
Baltimore, Maryland 21202

RE: Petitions for Special Exception, Special Hearing & Variance
Case No. 01-448-SPHXA
Property: 5612 Baltimore National Pike

Dear Mr. Gildea:

Enclosed please find the decision rendered in the above-captioned case. The Petitions for Special Exception, Special Hearing and Variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Office of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

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

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. John Lombardo
BP Corporation
1 W. Pennsylvania Ave., Suite 95
Towson, MD 21204

Mr. Greg Reed
310 Gleneagles Court, Suite 302
Towson, MD 21286

Census 2000

For You, For Baltimore County

Census 2000





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 5612 Baltimore National Pike

which is presently zoned

BM-AS

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

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

Fuel Service Station use-in-combination with a convenience store/restaurant and ancillary use ATM.

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

David K. Gildea, Gildea, LLC

(Type or Print Name)

Signature

19 E. Fayette St. Suite 205

Address

Phone No.

Baltimore, MD 21202

City

State

Zipcode

410-332-0707

Legal Owner(s):

BP Corporation

(Type or Print Name)

Signature

John Lombardo

Signature

1 W. Pennsylvania Ave. Suite 95

Address

Phone No.

Towson, Md. 21286 410-494-3772

City

State

Zipcode

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

David K. Gildea

Name

19 E. Fayette St. Balt. Md 21202

Address

Phone No.

410-332-0707

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: CTM DATE 4/24/01

CASE # 01-448-XSPHIA

ORDER RECEIVED FOR FILING
Date 7/5/01





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5612 Baltimore National Pike
which is presently zoned BM-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An amendment to the previously approved plan in case no.
69-128-XA.

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

David K. Gildea, Gildea LLC
(Type or Print Name)

Signature

19 E. Fayette St. Suite 205
Address Phone No.

Baltimore, MD 21202
City State Zipcode

410-332-0707

Legal Owner(s):

BP Corporation

(Type or Print Name)

Signature

(Type or Print Name)

Signature

1 W. Pennsylvania Ave. Suite 95
Address Phone No.

Towson, MD 21286 410-494-3772
City State Zipcode
Name, Address and phone number of representative to be contacted.

David K. Gildea
Name

19 E. Fayette St. Suite 205 21202
Address Phone No.

410-332-0707

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: CTM DATE 4/24/01

CASE # 01-448-XSPHA





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5612 Baltimore National Pike

which is presently zoned BM-AS

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

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

See Attached.

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

To be presented at the hearing.

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

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

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

David K. Gildea, Gildea, LLC

(Type or Print Name)

Signature

19 East Fayette St. Suite 205

Address

Phone No.

Baltimore, MD 21202

City

State

Zipcode

410-332-0707

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

Legal Owner(s)

BP Corporation

(Type or Print Name)

Signature

John Combarbo

(Type or Print Name)

Signature

1 W. Pennsylvania Ave. Suite 95

Address

Phone No

Towson, MD 21286 410-494-3772

City

State

Zipcode

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

David K. Gildea

Name

19 E. Fayette St. Suite 205 21202

Address

Phone No

410-332-0707

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: CTM

DATE

4/24/01

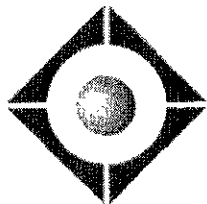
CASE # 01-448-X SPHA

Printed with Soybean Ink
on Recycled Paper

**ATTACHMENT TO THE PETITION FOR VARIANCE
FOR THE PROPERTY LOCATED AT 5612 BALTIMORE NATIONAL PIKE**

1. BCZR Section 405.4A.3.d - To permit 25 parking spaces in lieu of the required 30 parking spaces.
2. BCZR Section 405.4A.2.b - To permit a seven (7) foot landscape transition area abutting a public right of way in lieu of the required ten (10) foot landscape transition area.

Variance Withdrawn
JMK



CONTROL POINT ASSOCIATES, INC.

BOUNDARY & TOPOGRAPHIC SURVEYS • SUBDIVISIONS • CONSTRUCTION STAKING

#448

810 Gleneagles Court
Suite 300
Towson, MD 21286
Telephone 410.821.7900
Fax 410.821.9335

March 29, 2001

**ZONING DESCRIPTION
OF THE LANDS OF
AMERICAN OIL COMPANY
DEED LIBER 1996, FOLIO 488
FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MD**

BEGINNING AT A POINT ON THE NORTHERNMOST SIDE OF BALTIMORE NATIONAL PIKE, AT 150 FOOT WIDE, SAID POINT BEING AT THE INTERSECTION OF THE DIVISION LINE OF THE HEREIN DESCRIBED LANDS OF THE AMERICAN OIL COMPANY IN DEED LIBER 1996 AT FOLIO 488, AND THE LANDS OF STONEHENGE, LLC, IN DEED LIBER 12265 AT FOLIO 579, SAID POINT BEING FURTHER LOCATED BY THE FOLLOWING TWO (2) COURSES AND DISTANCES FROM THE EASTERNMOST SIDE OF INGLESIDE AVENUE;

- A. SOUTH 56 DEGREES 21 MINUTES 20 SECONDS EAST 134.43 FEET TO A POINT; AND THENCE,
- B. NORTH 72 DEGREES 02 MINUTES 56 SECONDS EAST 827.05 FEET TO THE PLACE OF BEGINNING;

THENCE, LEAVING BALTIMORE NATIONAL PIKE AND BINDING ON THE EASTERNMOST OUTLINE OF THE STONEHENGE, LLC, LANDS, AND REFERRING SAID COURSES AND DISTANCES TO THE MARYLAND STATE GRID MERIDIAN NAD 83 NORTH VIZ;

- 1. NORTH 00 DEGREES 44 MINUTES 48 SECONDS EAST 305.99 FEET TO A POINT AT THE SOUTHWESTERNMOST CORNER OF LANDS CONVEYED FROM THE AMERICAN OIL COMPANY TO HONOLULU RAPID TRANSIT COMPANY, LTD, IN DEED LIBER 5100 AT FOLIO 434; THENCE, BINDING ON THE SOUTHERNMOST OUTLINE OF THE LANDS CONVEYED TO THE HONOLULU RAPID TRANSIT COMPANY,
- 2. SOUTH 79 DEGREES 59 MINUTES 32 SECONDS EAST 151.98 FEET TO A POINT ON THE WESTERNMOST OUTLINE OF THE LANDS OF ANTHONY ALBERTO CALABRESE ETAL IN DEED LIBER 8112 AT FOLIO 13; THENCE, LEAVING THE HONOLULU RAPID TRANSIT COMPANY LANDS, AND BINDING ON THE CALABRESE LANDS,
- 3. SOUTH 00 DEGREES 44 MINUTES 48 SECONDS WEST 230.77 FEET TO A POINT ON THE AFOREMENTIONED NORTHERNMOST SIDE OF BALTIMORE NATIONAL PIKE; THENCE, LEAVING THE CLABRESE LANDS, AND BINDING ON BALTIMORE NATIONAL PIKE
- 4. SOUTH 72 DEGREES 02 MINUTES 56 SECONDS WEST 158.36 FEET TO THE PLACE OF BEGINNING;

CONTAINING IN ALL 40,256 SQUARE FEET OR 0.924 ACRES OF LAND MORE OR LESS; BEING ALL THOSE LANDS CONVEYED FROM FRANK J. IULA TO THE AMERICAN OIL COMPANY, BY DEED DATED JULY 27, 1951, AND RECORDED AMONG THE LAND RECORD BOOKS OF BALTIMORE COUNTY, MARYLAND, IN DEED LIBER 1996 AT FOLIO 488, EXCEPTING ALL THOSE LANDS CONVEYED FROM THE AMERICAN OIL COMPANY TO HONOLULU RAPID TRANSIT COMPANY, LTD, BY DEED DATED JUNE 2, 1970, AND RECORDED AMONG THE AFORESAID LAND RECORDS IN DEED LIBER 5100 AT FOLIO 434.

Prepared by.MET
Reviewed by.JWS



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 92962

DATE

4/24/01

ACCOUNT

R001 006 6150

AMOUNT \$

650.00

RECEIVED
FROM:

BOWLER E+IG. P.C.

FOR:

01-448-XSP1-1A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
4/24/2001 4/24/2001 11:19:11

RECEIPT # 110292

RECEIPT # 110292

DR 5 520 ZONING VERIFICATION

CR ID. 929962

Recpt Tot

650.00

650.00 CR

.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: #01-448-XSPHA
5612 Baltimore National Pike
NW/S Baltimore National Pike, 827' N/E of E/S Engleside Ave.
1st Election District - 1st Councilmanic District
Legal Owner(s): Sandra & Edward Schafer, Jr.

Special Hearing: to amend to previously approved plan in case no. 69-128-XA; **Special Exception:** to allow fuel service station use-in-combination with a convenience store/restaurant and ancillary use ATM; **Variance:** to permit 25 parking spaces in lieu of the required 30 parking spaces; to permit a seven (7) foot landscape transition area abutting a public right of way in lieu of the required ten (10) foot landscape transition area.

Hearing: Wednesday, June 27, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Rosley 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/6/888 June 12

C474455

CERTIFICATE OF PUBLICATION

6/14, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/12, 2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 01-448-XSPHA

Petitioner/Developer: SANDRA AND

EDWARD SCHAFER JR.

Date of Hearing/Closing: JUNE 27, 2001

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 5612 BALTIMORE NATIONAL
PIKE

The sign(s) were posted on JUNE 12, 2001
(Month, Day, Year)

Sincerely,

SSG Robert Black 6/12/01
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

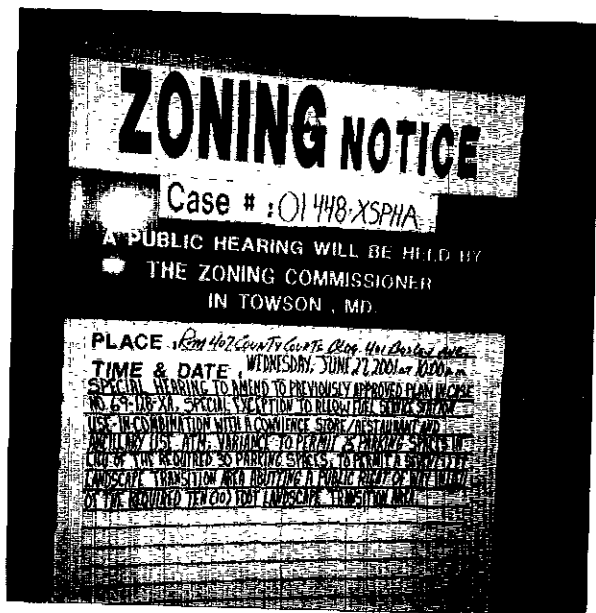
(Address)

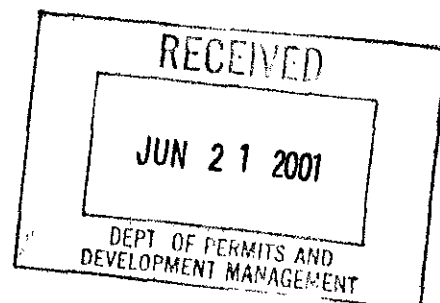
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





RECEIVED

JUN 21 2001

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

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/neighbor 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: 01 448 XSPHA
Petitioner: BP Corporation
Address or Location: 5612 Baltimore National Pike

PLEASE FORWARD ADVERTISING BILL TO:

Name: David K. Gildea
Address: 301 N. Charles St. Suite 800
Baltimore, Md. 21201
Telephone Number: (410) 234-0090



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

May 22, 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: 01-448-XSPHA
5612 Baltimore National Pike
NW/S Baltimore National Pike, 827' N/E of E/S Engleside Avenue
1st Election District – 1st Councilmanic District
Legal Owners: Sandra & Edward Schafer Jr

Special Hearing to amend to previously approved plan in case no. 69-128-XA; Special Exception to allow fuel service station use-in-combination with a convenience store/restaurant and ancillary use ATM; Variance to permit 25 parking spaces in lieu of the required 30 parking spaces; to permit a seven (7) foot landscape transition area abutting a public right of way in lieu of the required ten (10) foot landscape transition area.

HEARING: Wednesday, June 27, 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 G.D.Z.", is written over the printed name.

Arnold Jablon G.D.Z.
Director

C: David K Gildea, 19 E Fayette St, Suite 25, Baltimore 21202
John Lombardo, BP Corp, 1 W Pennsylvania Ave, Suite 95, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 12, 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
Tuesday, June 12, 2001 Issue – Jeffersonian

Please forward billing to:

David K Gildea
301 N Charles St, Suite 800
Baltimore MD 21201

410 234-0070

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: 01-448-XSPHA

5612 Baltimore National Pike

NW/S Baltimore National Pike, 827' N/E of E/S Engleside Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Sandra & Edward Schafer Jr

Special Hearing to amend to previously approved plan in case no. 69-128-XA; Special Exception to allow fuel service station use-in-combination with a convenience store/restaurant and ancillary use ATM; Variance to permit 25 parking spaces in lieu of the required 30 parking spaces; to permit a seven (7) foot landscape transition area abutting a public right of way in lieu of the required ten (10) foot landscape transition area.

HEARING: Wednesday, June 27, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G.D.Z.
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

June 22, 2001

David K Gildea
Gildea LLC
301 N Charles Street
Suite 800
Baltimore MD 21201

Dear Mr Gildea:

RE: Case Number: 01-448-XSPHA, 5612 Baltimore National Pike

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 24, 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. *WCR*
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: John Lombardo, BP Corporation, 1 W Pennsylvania Ave, Ste 95, Towson 21286
People's Counsel



Jim
6/27

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 29, 2001

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 01-448**

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

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
5612 Baltimore National Pike, NW/S Baltimore National
Pike, 827' NE of E/S Engleside Ave
1st Election District, 1st Councilmanic

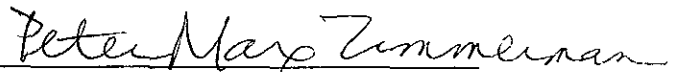
Legal Owner: BP Corporation
Petitioner(s)

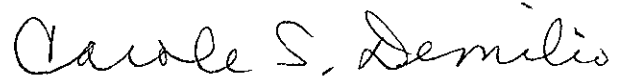
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-448-SPHXA

* * * * *

ENTRY OF APPEARANCE

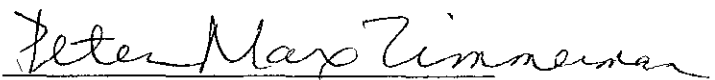
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**


PETER MAX ZIMMERMAN
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 4th day of June, 2001 a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Esq., Gildea, LLC, 301 N. Charles Street, Suite 800, Baltimore, MD 21201, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

David K. Gildea

GREG REED

JOHN LOMBARDO

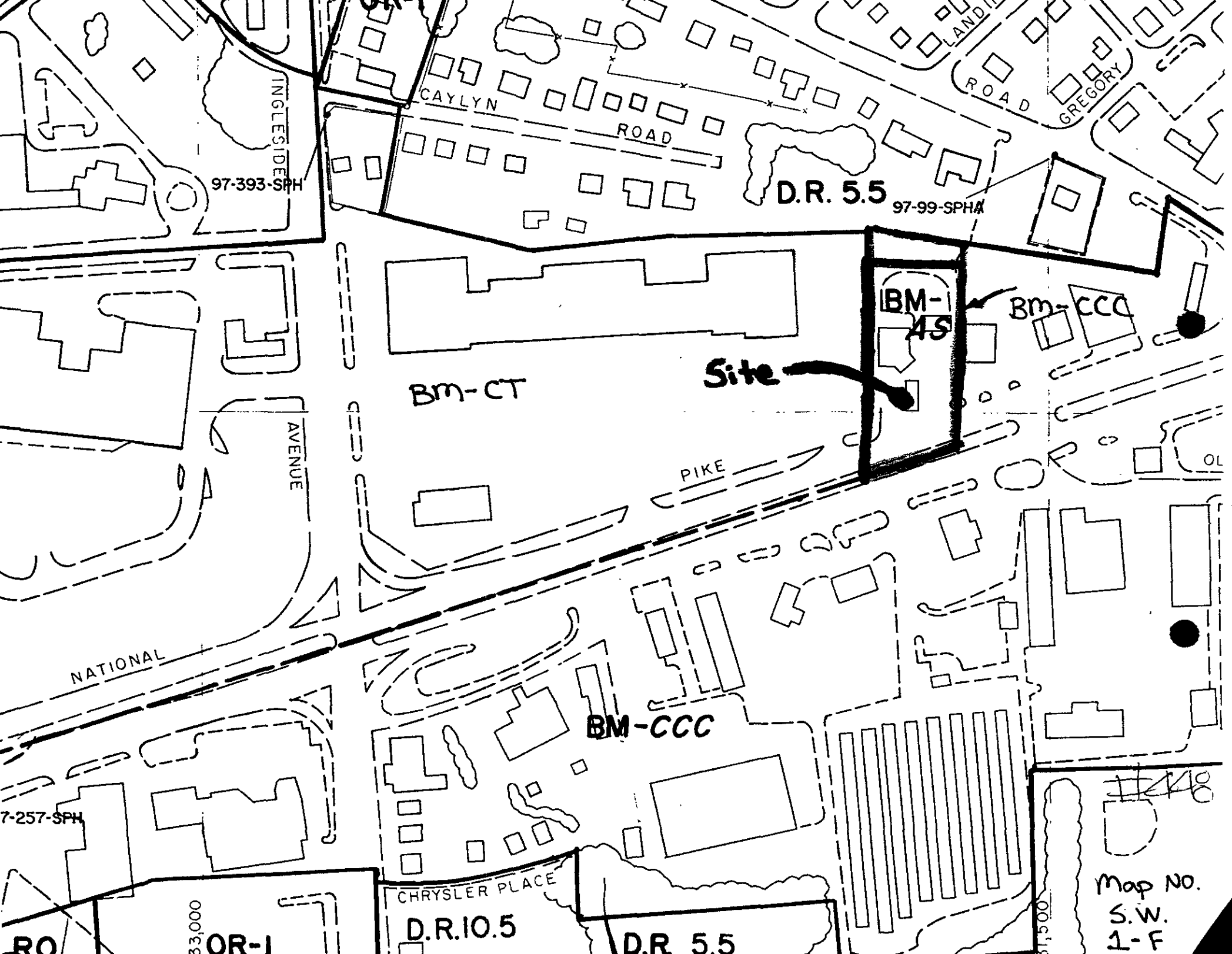
ADDRESS

301 N. Charles ST. Suite 800
Balt. Md. ~~21201~~ 21201

310 GLENEAGLES CT STE 300
TOWSON MD 21286

BP, 1 W. Pennsylvania Ave.
Towson, MD 21204





97-393-SPH

CAYLYN

ROAD

D.R. 5.5

97-99-SPH

BM-45

Bm-CCC

Bm-CT

Site

PIKE

AVENUE

NATIONAL

BM-CCC

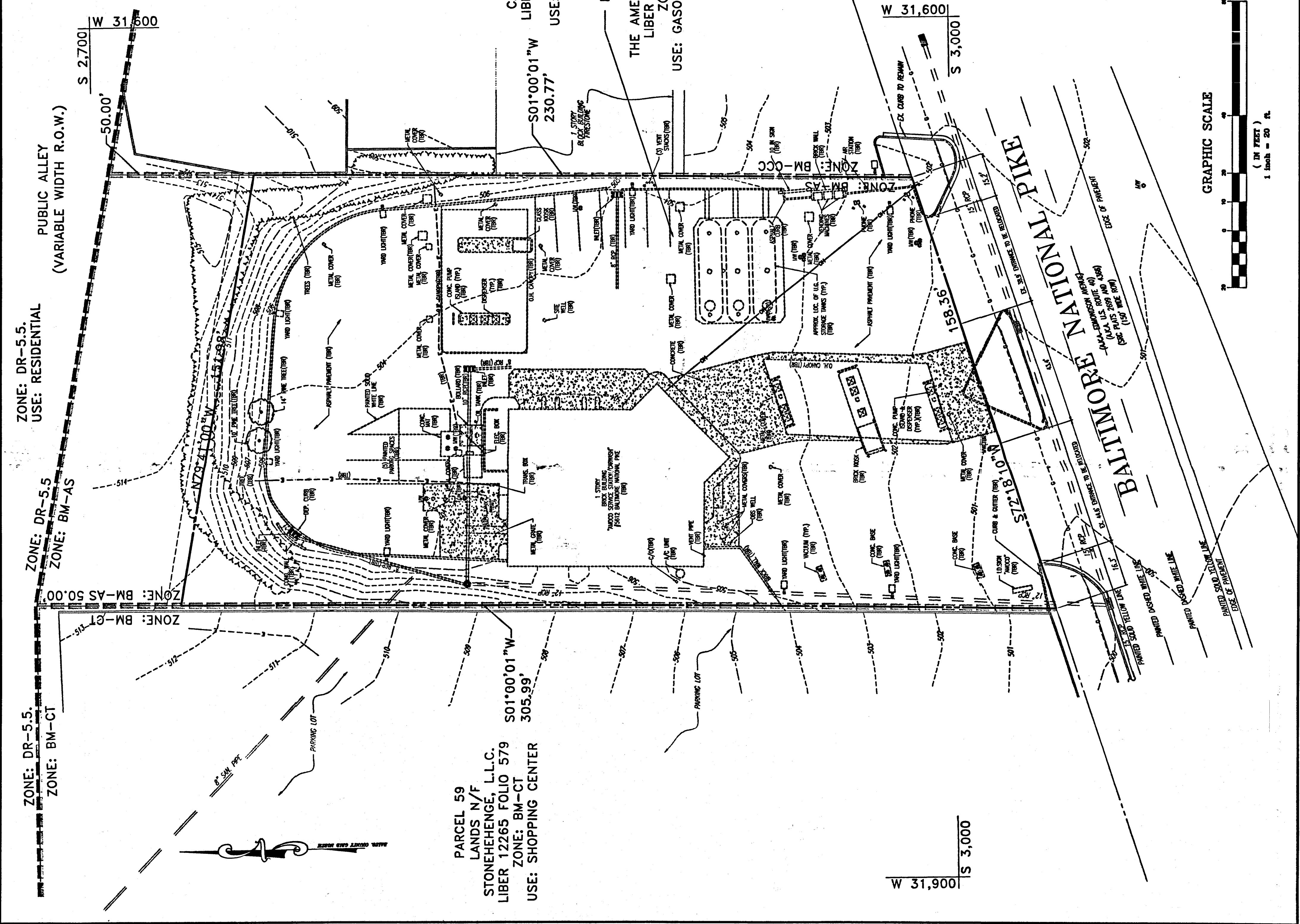
7-257-SPH

CHRYSLER PLACE

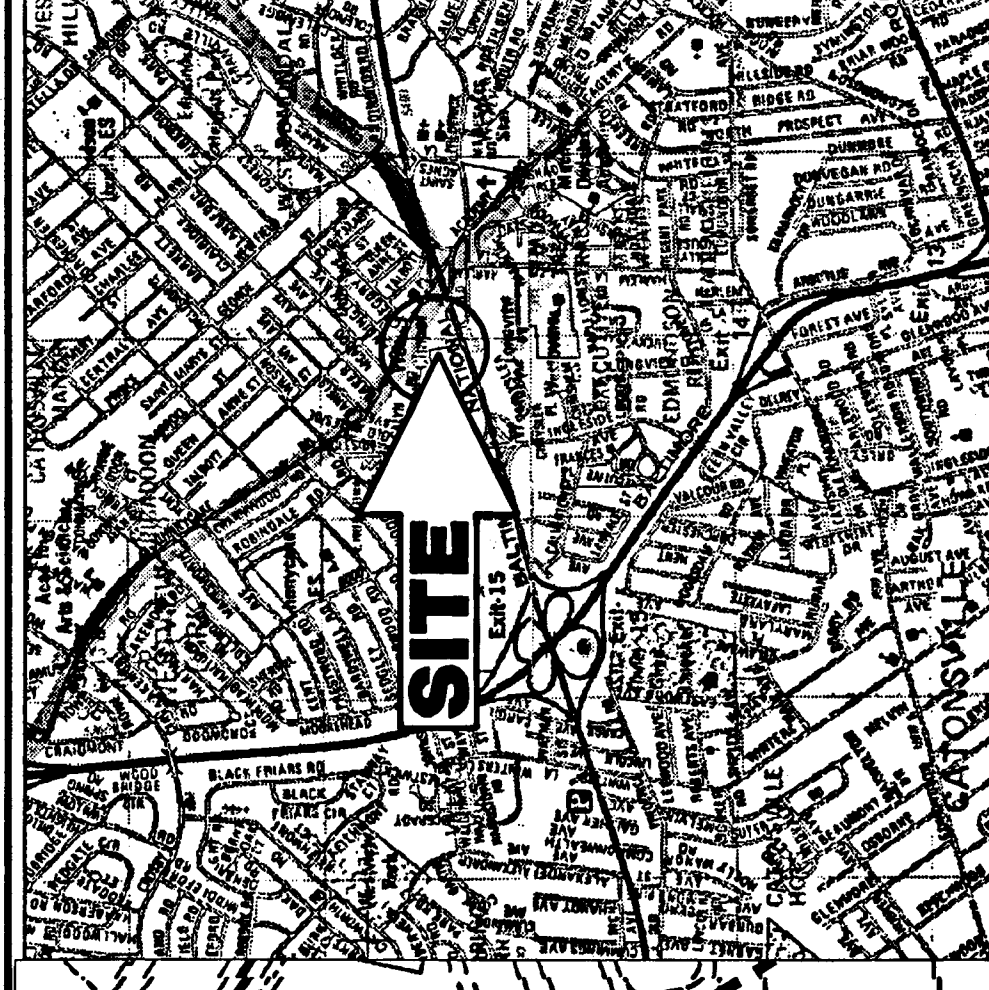
D.R. 10.5

D.R. 5.5

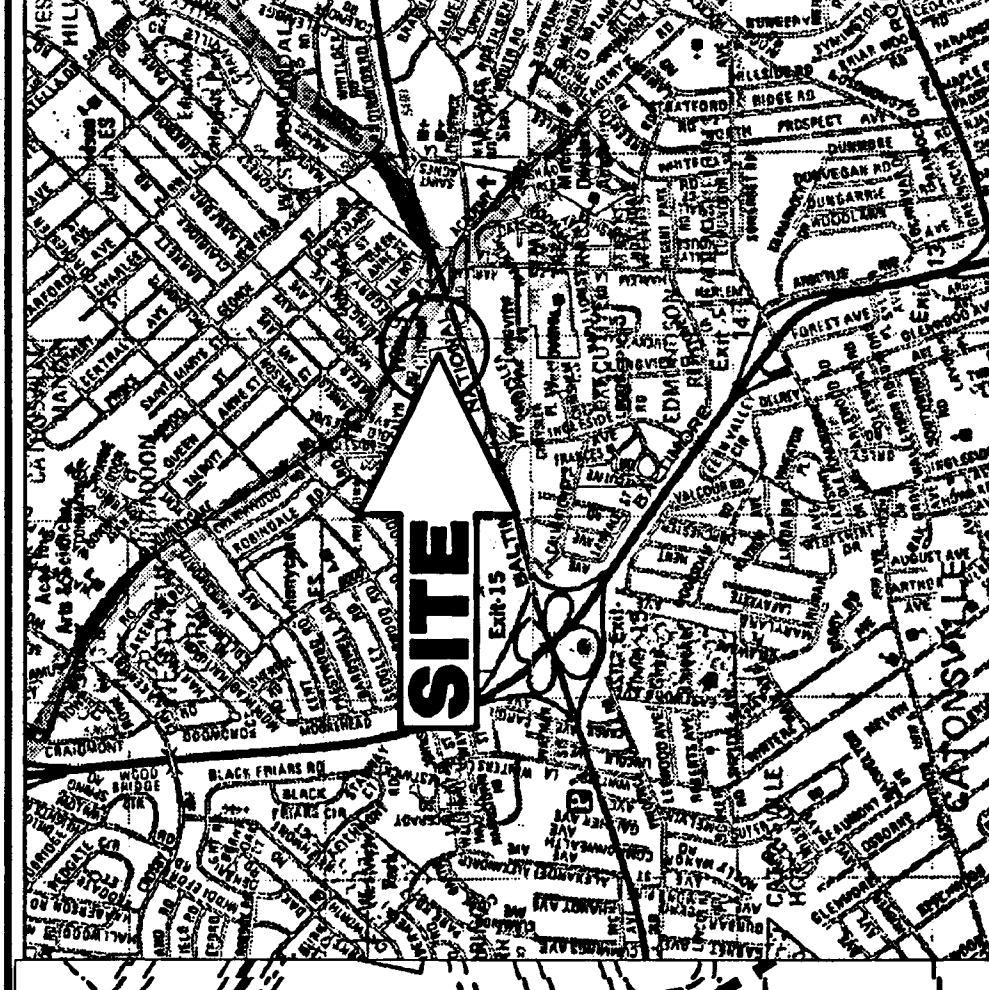
Map No.
S.W.
1-F



ZONING MAP
SCALE: 1"=200'



SOILS MAP
SCALE: 1"=200'



LOCATION MAP
SCALE: 1"=200'

PARCEL 59
LANDS N/F
STONECHENG, L.L.C.
LIBER 12265 FOLIO 579
ZONE: BM-CT
USE: SHOPPING CENTER

PARCEL 347
LANDS N/F
THE AMERICAN OIL COMPANY
LIBER 1398 FOLIO 488
ZONE: BM-AS
USE: GASOLINE SERVICE STATION

PARCEL 60
LANDS N/F
CABABRESE ROSIRA
LIBER 8112, FOLIO 13
ZONE: BM-CCC
USE: AUTO TIRES SALES

- NOTES:
- THE PLAN IS BASED ON INFORMATION OBTAINED FROM A SURVEY PREPARED BY CONTROL POINT ASSOCIATES, INC. AND OTHER REFERENCE MATERIAL AS LISTED HEREON.
 - THIS PROPERTY IS KNOWN AS PARCEL 347, MAP 95, DED 20 AS IDENTIFIED ON THE TAX MAPS OF BALTIMORE COUNTY, CATONSVILLE, STATE OF MARYLAND.
 - SITE AREA = 42,256 S.F. OR 0.959 AC.
 - ELEVATIONS SHOWN HEREON ARE BASED UPON BALTIMORE COUNTY VERTICAL DATUM REFERENCE BALTIMORE COUNTY BUREAU OF ENGINEERING BENCHMARK NO. 1981, ELEV. = 451.175.
 - PROPERTY IS LOCATED IN FLOOD HAZARD ZONE C (AREAS OF MINIMAL FLOODING) PER REF. MAP #2.
 - EXISTING ITEMS TO BE REMOVED ARE DEPICTED WITH DASHED LINES.
- REFERENCES:
- MAP #95 OF THE OFFICIAL TAX MAPS OF BALTIMORE COUNTY, CATONSVILLE, STATE OF MARYLAND.
 - MAP ENTITLED "NATIONAL FLOOD INSURANCE PROGRAM, FIRM FLOOD INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND (UNINCORPORATED AREAS) PANEL 350 OF 575" PREPARED BY FEDERAL EMERGENCY MANAGEMENT AGENCY, EFFECTIVE DATE: MARCH 2, 1981, COMMUNITY-PANEL NUMBER 240010 0390 B.
 - SANITARY SEWER MAPS PROVIDED BY BALTIMORE COUNTY, CATONSVILLE, STATE OF MARYLAND.
 - MAP ENTITLED "EXISTING SERVICE CENTER CAR WASH, BALTIMORE COUNTY, MARYLAND PREPARED BY AMERICAN OIL COMPANY, DATED JUNE 19, 1984, LAST REVISED APRIL 27, 1979, COMMUNITY NUMBER 300742.
 - MAP ENTITLED "STATE ROUTES COMMISSION OF MARYLAND, US 40 EDMONDSON AVENUE EXTENDED", PREPARED BY MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION, DATED JULY 20, 1936, LAST REVISED OCTOBER 17, 1939, PLAN NO. 2585, CONTRACT NO. P-334-1-425.
 - MAP ENTITLED "STATE ROUTES COMMISSION OF MARYLAND, EDMONDSON AVENUE EXTENDED", PREPARED BY MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION, ISSUED DATE: SEPTEMBER 4, 1940, LAST REVISED APRIL 9, 1941, PLAN NO. 4356, CONTRACT NO. P-334-1-425.
 - MAP ENTITLED "STATE ROUTES COMMISSION OF MARYLAND, EDMONDSON AVENUE EXTENDED", PREPARED BY MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION, ISSUED DATE: SEPTEMBER 16, 1940, LAST REVISED DECEMBER 2, 1940, PLAN NO. 4356, CONTRACT NO. P-334-1-425.
 - MAP ENTITLED "RIGHT OF WAY PROJECT: EDMONDSON AVENUE EXTENDED-CITY LINE TO ROLLING ROAD, PREPARED BY BALTIMORE COUNTY, BALTIMORE COUNTY, MARYLAND, DATED: DECEMBER 12, 1974, PLAN NO. 4356, CONTRACT NO. P-334-1-425, CONSTRUCTION PROJECT NO. P-334-1-425.

- LEGEND
- ON-SITE PROPERTY LINE / R.O.W. LINE
 - NEIGHBORING PROPERTY LINE / INTERIOR PARCEL LINE
 - EASEMENT LINE
 - BUILDING/PARKING SETBACK LINE
 - R.O.W. CENTERLINE
 - SANITARY SEWER MAIN
 - STORM SEWER
 - WATER LINE
 - GAS LINE
 - UG ELECTRIC LINE
 - UG TELEPHONE LINE
 - OH WIRE
 - EDGE OF PAVEMENT
 - CONCRETE CURB & GUTTER
 - BUILDING LINE
 - DRAINAGE DITCH
 - INDEX CONTOUR LINE
 - INTERMEDIATE CONTOUR LINE
 - SPOT ELEVATION
 - RIP RAP
 - HEADWALL OR ENDWALL
 - MANHOLE
 - YARD INLET
 - CURB INLET
 - STORM STRUCTURE NO. LABEL
 - DECORATIVE AREA LIGHT
 - AREA / YARD LIGHT
 - HYDRANT
 - WATER METER
 - WATER VALVE
 - GAS VALVE
 - MONITORING WELL
 - UTILITY POLE
 - SIGN
 - TYPICAL NOTE TEXT

CONSENT/NOTICE TO CONVEY

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DATE: 10/20/2023

SPECIAL EXCEPTION PLAN
2900 SERIES HARMONY WITH
CAR WASH & 6 MPD
DOMINO CANOPY

5612 BALTIMORE
NATIONAL PIKE
CATONSVILLE MD 21228
BALTIMORE COUNTY

STORE # 12

SCALE: 1"=200' ALIANCE ZONE JL

DATE: 3/13/01 SP 10PM BW

DESIGNED BY: G.H.R. ALIANCE PM

DRAWN BY: M.J.G. CAD F. M07042SSO

CHECKED BY: B.M.P. CAD F. M0007042

DATE: 10/20/2023

EXISTING CONDITIONS
PLAN

1

OF 5 REV. NO.

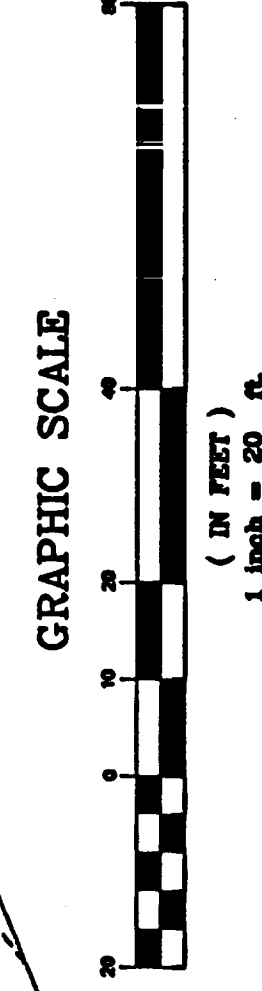
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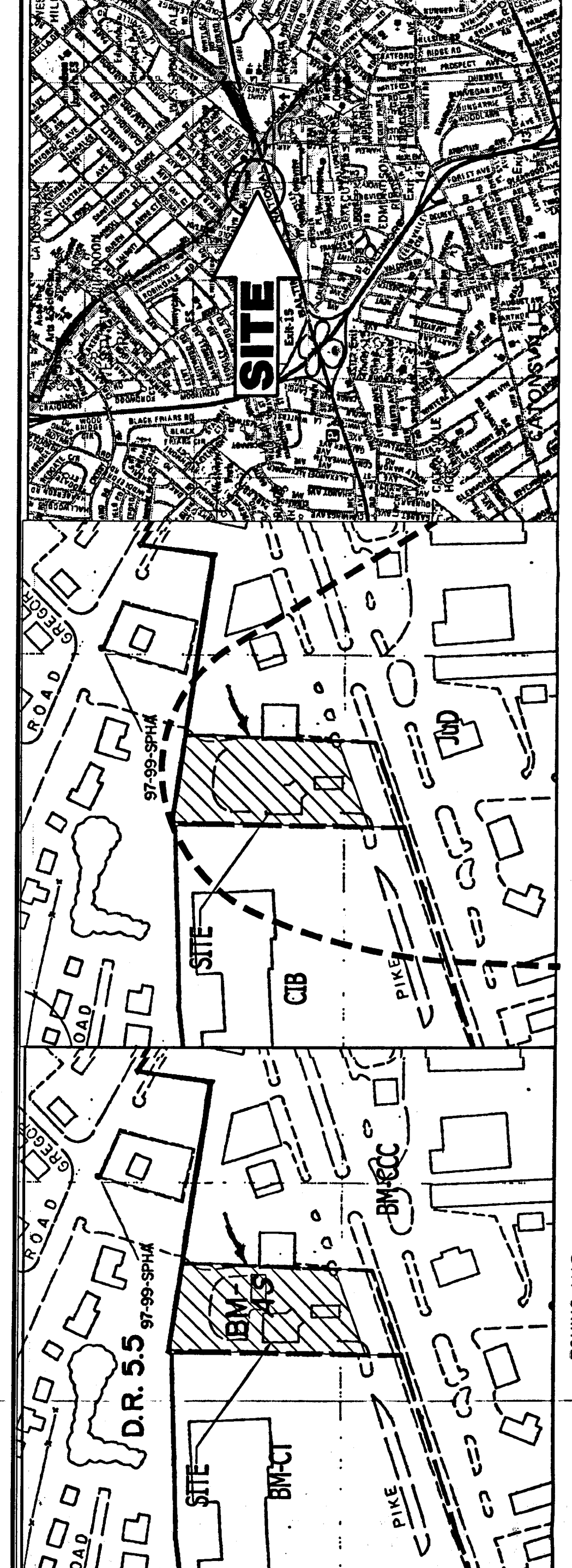
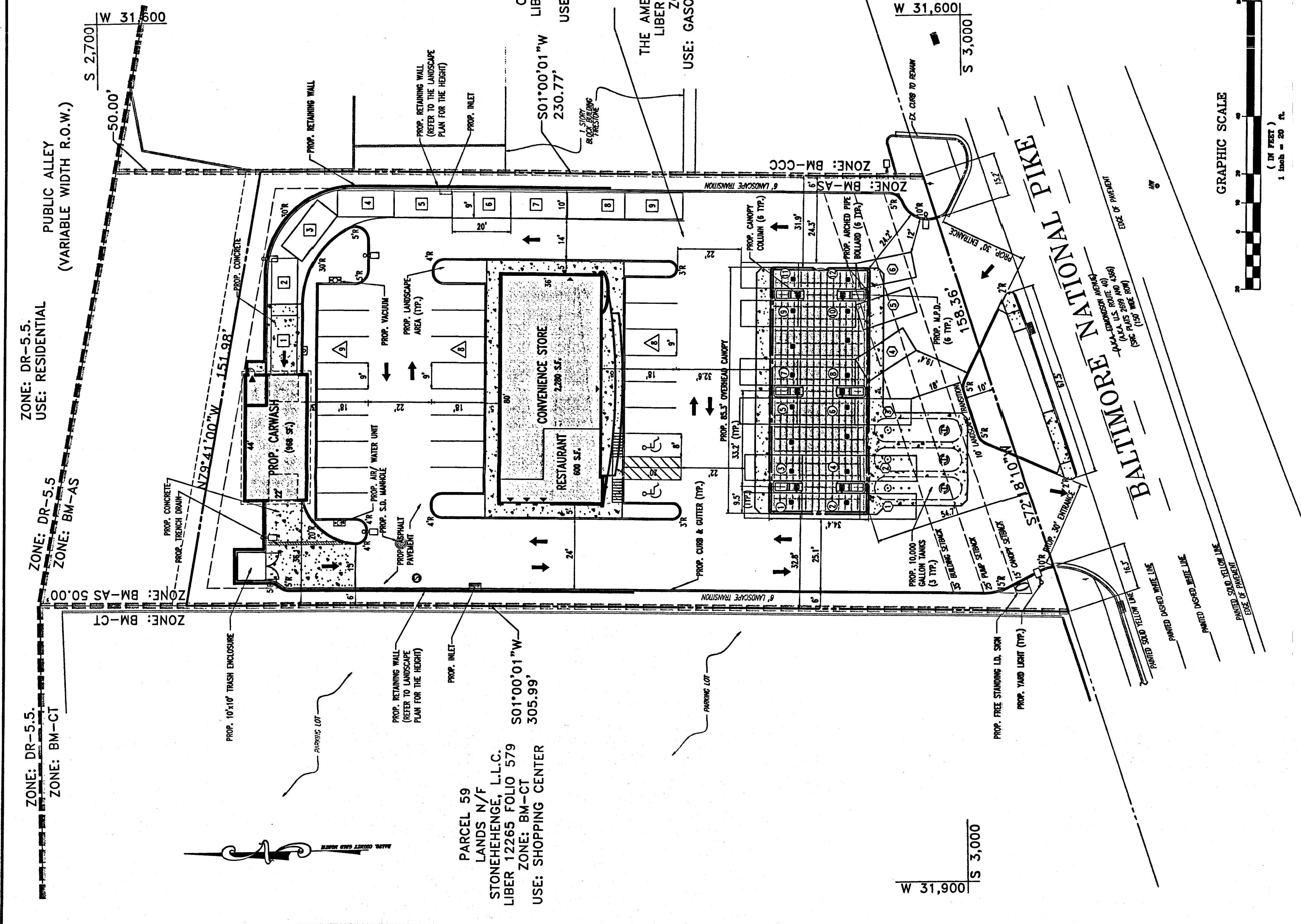
*PLANS TO ACCOMPANY
SPECIAL HEARING, VARIANCE
AND SPECIAL EXCEPTION MISS UTILITY

#1

#448

THESE PLANS ARE FOR SPECIAL
EXCEPTION AND NOT TO BE UTILIZED
FOR CONSTRUCTION





1 W. PENNSYLVANIA AVENUE, STE. 55
TOWSON, MARYLAND

BOHLER ENGINEERING, P.C.

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A.J. VOLANTH

PROFESSIONAL ENGINEER
VIRGINIA LICENSE NO. 0402 03438
DISTRICT OF COLUMBIA LICENSE NO. 10789
DELAWARE LICENSE NO. 10034

BALTIMORE CITY

DEPARTMENT OF PUBLIC WORKS

ENGINEER

1120 WELSH ROAD, SUITE 110
NORTHWALES, PA 19454
(215) 412-9005 FAX: (215) 412-0861

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AND YOUR NEIGHBORHOOD

THE BALTIMORE CITY MISS UTILITY
DEPARTMENT HAS BEEN DESIGNATED
AS THE OFFICIAL MISS UTILITY
FOR THE CITY OF BALTIMORE.

PLAN PREPARED BY

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809 GREENGLASS COURT, SUITE 109
TOWSON, MARYLAND 21286
ATTN: BOHLER ENGINEERING
PHONE: 410-621-7900

APPLICANT/DEVELOPER

BP CORPORATION
1 WEST PENNSYLVANIA AVENUE
SUITE 55
TOWSON, MARYLAND 21286
ATTN: STEPHEN PATEL
PHONE: 410-484-3724

LOCATION MAP

SCALE: 1"=200'

CONTROL POINT ASSOCIATES, INC.
1120 WELSH ROAD, SUITE 110
NORTHWALES, PA 19454
(215) 412-9005 FAX: (215) 412-0861

SOILS MAP

SCALE: 1"=200'

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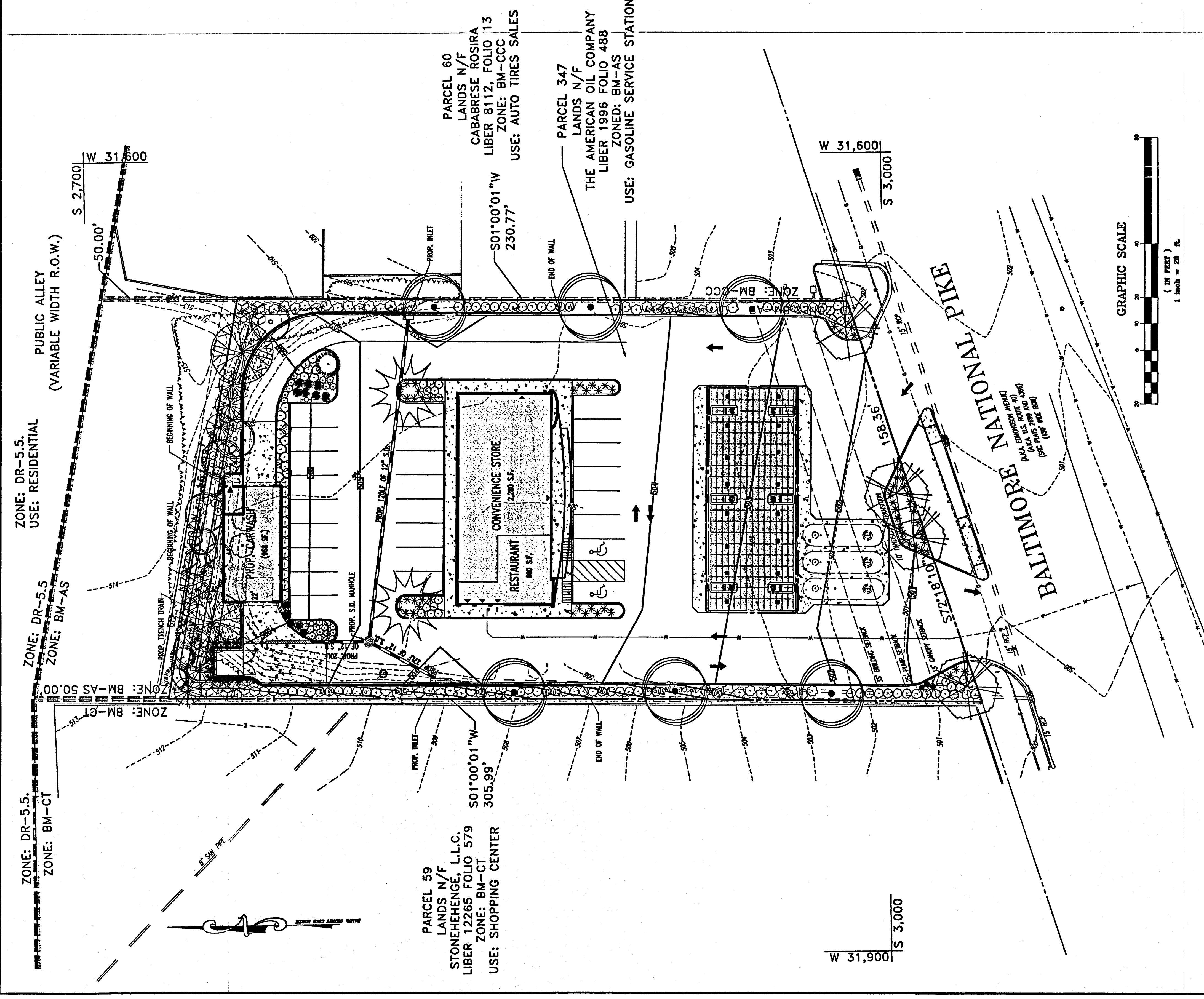
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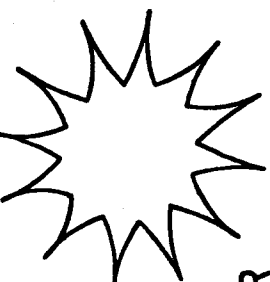
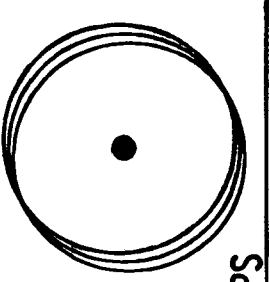
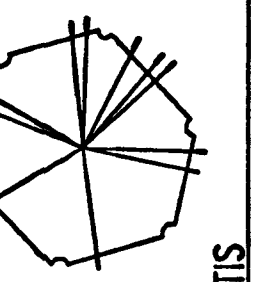
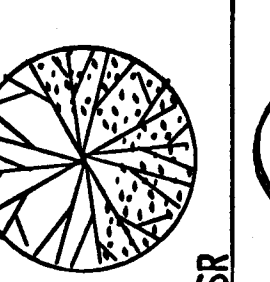
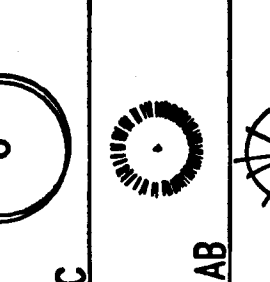
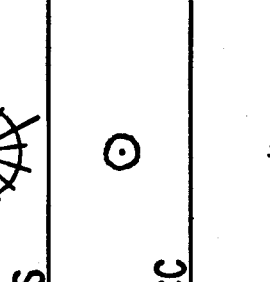
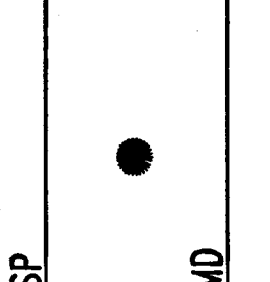
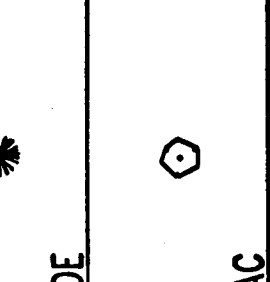
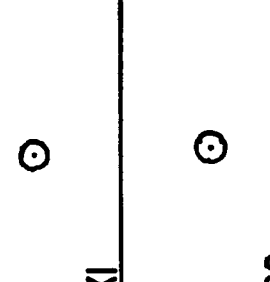
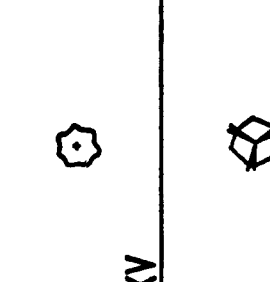
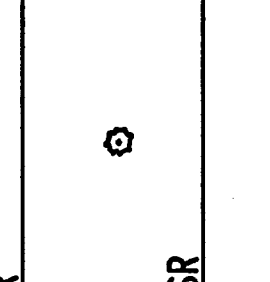
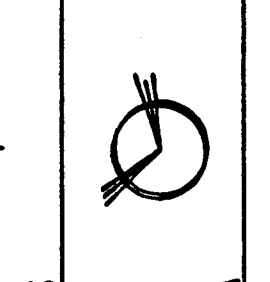
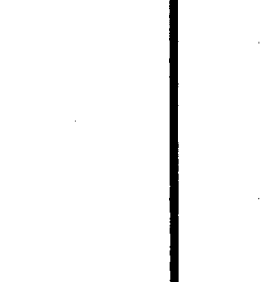
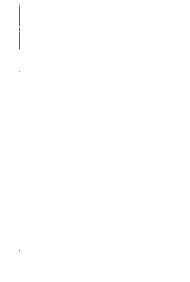
CONTROL POINT ASSOCIATES, INC.
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NORTHWALES, PA 19454
(215) 412-9005 FAX: (215) 412-0861

SOILS MAP

SCALE: 1"=200'

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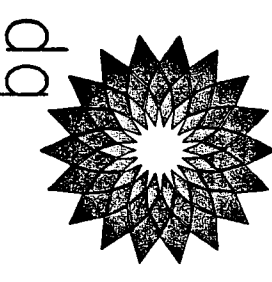


LANDSCAPE PLANTINGS				
SYMBOL	QUANTITY	BOTANICAL NAME/ COMMON NAME	SIZE	REMARKS
	2	ACER RUBRUM/ RED MAPLE	2 1/2-3" CAL	B&B
	6	FRAXINUS PENSYLANICA 'SUMMIT'/ SUMMIT GREEN ASH	2 1/2-3" CAL	B&B
	4	GLEDITSIA TRIACANTHOS VAR. INTERMIS 'SHADEMASTER'/ SHADEMASTER HONEY LOCUST	2 1/2-3" CAL	B&B
	2	LIQUIDAMBARSTYRACIFLUA 'ROTUNDOLOBA'/ SEEDLESS SWEETGUM	2 1/2-3" CAL	B&B
	2	AMELANCHIER CANADENSIS/ MULTI STEM SHADBLOW SERVICEBERRY	8-10"	B&B
	6	PICEA ABIES/ NORWAY SPRUCE	6-7'	B&B
	8	PINUS STROBUS/ EASTERN WHITE PINE	6-7'	B&B
	73	ILEX CRENATA/ 'COMPACTA'	24-30"	#3 CAN
	13	JUNIPURAS SQUMATA 'PARSONI'/ PARSON JUNIPER	15-18" SPRD.	#3 CAN
	12	TAXUS X MEDIA 'DENSIFORMIS'/ DENSIFORMIS YEW	24-30"	B+B
	10	THUJA OCCIDENTALIS 'EMERALD'/EMERALD GREEN ARBITRAE	5-6'	B+B
	30	EUONYMUS ALATUS 'COMPACTUS'/ DWARF WINGED EUONYMUS	30-36"	B+B
	16	FORSTYHIA X INTERMEDIA 'SPECTABILIS'/ SHOWY BORDER FORSTYHIA	3-4'	B+B
	21	SPIREA X BUMALDA 'GOLDFLAME'/ GOLD FLAME SPIREA	15-18"	#3 CAN
	50	SPIREA X VANHOUTTEI/ VANHOUTTE SPIREA	30-36"	#5 CAN
	19	VIBURNUM X RHYTHIDOPHYLLUM/ LEATHERLEAF VIBURNUM	3-4'	B+B
	23	CONTONEASTER SAUCIFOLIUS 'REPEN'/ WILLOWLEAF CONTONEASTER	15-18" SPRD.	#2 CAN
	49	JUNIFERUS CHINENSIS VAR. SARGENTI/ SARGENT JUNIPER	15-18" SPRD.	#3 CAN
	3	PENNSSETUM ALOPECUROIDES/ DWARF FOUNTAIN GRASS	2 GAL.	CONTAINER

PLANTING UNIT
(1) 2 1/2-3" MAJOR DECIDUOUS TREE
(2) 1-1 1/2" MINOR DECIDUOUS TREES
(3) SHRUBS 18-30"
(500) SQUARE FEET OF GROUND COVER



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800-4-A-UTILITY
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AND FIELD MARKED BY THE
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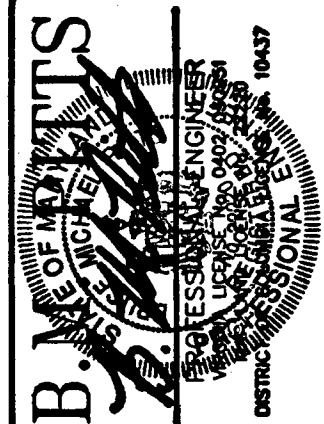


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ALAN@BP.COM 410.274.2200



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4810 GLENVIEW COURT •
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A.J. VOLANTH
PROFESSIONAL ENGINEER
MARYLAND LICENSE NO. 0000000000
PROJECT OF COLUMBIA LICENSE NO. 00728
RESIDENTIAL LICENSE NO. 0000000000



B.M. OF A.M.T.S.
REGISTERED PROFESSIONAL ENGINEER
STATE OF MARYLAND
LICENSE NO. 0000000000

**5612 BALTIMORE
NATIONAL PIKE**
CATONSVILLE, MD 21228
BALTIMORE COUNTY

STORE # 12

SCALE: 1"=20'
DATE: 3/13/01
DESIGNED BY: G.H.R.
DRAWN BY: M.J.G.
CHECKED BY: B.M.P.
APPROVED: J.L.

LANDSCAPE PLAN

SHEET 06

REV. No.
OF 5

CONFIDENTIALITY STATEMENT:
The recipient of these materials understands that they are confidential and not to be distributed outside the project. The recipient agrees to maintain the confidentiality of the information and to return the materials to the sender upon completion of the project. The recipient agrees to use the information only for the purposes intended and to not make copies of the information for any other purpose. The recipient agrees to use the information only for the purposes intended and to not make copies of the information for any other purpose.

ADDITIONAL INFORMATION:
SPECIAL EXCEPTION PLAN
2900 SERIES HARMONY WITH
CAR WASH & 6 MPD
DOMINO CANOPY

III: REQUIREMENTS FOR PROJECT CONDITION

REQUIREMENTS		CALCULATIONS REQUIRED/PROPOSED	COMPLIANCE
A.3.1 PLANNING UNIT (PU) PER AC OF ADJACENT PARKLAND.	B1.6A. ADJACENT TO PUBLIC ROOM SCREENING SHALL COMPLY WITH THE CLASS B REQUIREMENTS. MINIMUM HEIGHT OF SHRUBS AT INSTALLATION SHALL BE 18". SPACES MUST PROVIDE A MINIMUM OF TWO FEET-FOUR INCHES AT MATERIAL ELEVATION FOR PROTECTION OF THE AREA TO BE SCREENED.	TOTAL LENGTH ALONG BALUNARE: MINIMUM PUE: 90.36 L.F. PROPOSED: 3 GTS (3 PU)	COMPLIES
B1.2. RESERVE 7% OF THE PARKING SPACE FOR AIRWAY OR OTHER USES. 12 PARKING SPACES.	H.4 CLASS "X" SCREEN IS REQUIRED FOR DRIVEWAYS. CLASS "X" SCREENS ARE TO PROVIDE VISUAL BARRIERS, WHICH WILL REDUCE THE LEVEL OF HEART, DISTRESS, AND OFFENSIVE DEFENDING ON SITE CONFLICT. 1 PU PER 15 L.F. OF THE ROAD TO BE SCREENED.	TOTAL PARKING LOT AREA: 9,900.04 SQ. FT. REQUIRED: 7%. 693.50 FL. PROPOSED: 666.03 SQ. FT. TOTAL PARKING SPACES: 25 PROPOSED: 2 AC (2 PU)	COMPLIES
D.1.5. SLOPES 2% OR GREATER OCCASIONALLY MAY BE NEAR THE TOP OF THE SLOPE. SHALL GRADE THE SLOPE TO 1 PU PER 15 L.F. MAXIMIZED AT THE TOP OF THE SLOPE. ALL PLANTINGS SHALL INCLUDE A Mixture OF SHADE TOLERANT, AND TOLERANT AND DECIDUOUS TREES.	K.1.2. EXCEPT FOR THE REQUIRED ACCESS DRIVES, A PLANNING UNIT'S ADJACENT DRIVEWAY SHALL BE REMOVED FOR AN AIRWAYING USE. THE LANDSCAPE AREA SHALL HAVE A MINIMUM WIDTH OF 10' IF THE TRAIL SERVICE STATION OF CAR WASH ROADS & PARK ROW DRIVEWAY SHALL COVER WITH COARSE OR RECYCLED RUBBER (SEE ADDENDUM FOR REQUIREMENTS. (SEE ADDENDUM	PROPOSED SLOPE: (24) 7" TILL SLOPE: 160 L.F. REQUIRED: 2 PU PROPOSED: 15SR, 3 AG, 1 PUB, 6 SW, 20 WH (10 PU)	COMPLIES
K.2.3. THE LANDSCAPE AREA SHALL HAVE A MINIMUM WIDTH OF 6' IN ALL CASES. COMMERCIALITY OR INDIVIDUALITY ZONED JAWD AND SHALL BE REGULATED AT THE RATE OF 1 PU PER AC.	L.1. LENGTH ALONG PUBLIC ROW: 90.36 L.F. REQUIRED: 7 PU (7' HIGH AT MINIMUM), 10' HIGH PROPOSED: NONE	TOTAL LENGTH OF PROPOSED: 780.74 REQUIRED: 50 PU (7' HIGH AT MINIMUM), 6' HIGH PROPOSED: 6 FWS, 2 LSR, 5 AG, 6 PUB, 8 SW, 75 CC, 15 DMC, 16 DZ, 9 SRG, 30 SW, 19 WH (53.19 PU)	COMPLIES

A. PLANTING PITS SHALL

- [illegible]

SHALL BE FURNISHED AND INSTALLED AS INDICATED;
S EQUIPMENT INDICATED; AND CLEAN-UP

- [illegible]

CONSTRUCTION SOIL CONDITION	MIN./WIDTH PREPARED SOIL FOR TREES (X)	TYPE OF PREPARATION
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[illegible]

LANDSCAPE DETAILS

OF 5

REV. NO.

OF 5

REV. NO.

ALPERT ENGINEERING, INC.



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HOBOKEN, NEW JERSEY 07030

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A.J. VOLANTH

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EXPIRATION LICENSE NO. 00734

B. M. VOLANTH

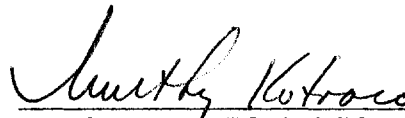


THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of July, 2001, that the special exception request to permit a fuel service station use in combination with a convenience store/restaurant and ancillary use ATM., be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the special hearing relief to amend the previously approved site plan in Case No. 69-128-XA, be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the variance request to permit 25 parking spaces in lieu of the required 30 parking spaces, be and is hereby APPROVED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date

7/5/01

By

