

IN RE: PETITIONS FOR SPECIAL EXCEPTION, *
HEARING AND VARIANCE
SW/S York Road, 200' NW *
of Timonium Road
8th/7th Election District *
3rd Councilmanic District *
(2114 York Road) *

BP Corporation *
Petitioner

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 01-462-SPHXA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Special Exception, Special Hearing and Variance for the property located at 2114 York Road in Timonium. The Petition is filed by the BP Corporation, property owner. Special exception relief is requested to approve a fuel service station use in combination with a convenience store/restaurant and full service car wash and ancillary ATM use. Special hearing relief is requested to approve an amendment to the previously approved special exception in Case No. 85-339-X. Two variances are sought. They are, a variance from Section 405.4A.3d of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 29 parking spaces in lieu of the required 37 parking spaces and from Section 238.3 of the B.C.Z.R., to permit a 6 ft. side yard setback in lieu of the required 30 ft. side yard setback. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the four-page site plan to accompany the petitions for special exception, special hearing and zoning variance.

Appearing at the requisite public hearing held for this case was John Lombardo, Zoning and Development Manager of BP Corporation, Petitioner. Also present was Greg Reed from Bohler Engineer, P.C., the preparer of the site plan. The Petitioner was represented by David K. Gildea, Esquire. Also present was Larry Townsend from the Greater Timonium Community Council (GTCC).

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Dac 7/16/01
J.R. Johnson

The subject property is well known to this Zoning Commissioner and is a rectangularly shaped parcel with frontage on York Road, near the State Fairgrounds in Timonium. The property is approximately .938 acres in area, zoned BR-AS. To the south, the property abuts a lot which is improved with a Signet Bank. To the north, the property is adjacent to a lot featuring a McDonald's restaurant. To the rear or west of the property are the grounds owned by the Maryland State Fair & Agricultural Society, Inc. This portion of York Road is a commercial corridor featuring retail, restaurant and general business uses.

Presently, the site is improved with a small one-story brick building identified as an Amoco Express Store. Additionally, there are four fuel dispensers, underground fuel tanks and a one-story car wash building. As is the case with many oil companies, the Petitioner, BP Corporation, proposes extensive renovations to the site. Reflecting current market trends, the site will be redeveloped to provide not only the traditional sale of gasoline, but also include a convenience store, a small restaurant and ancillary ATM machine.

Mr. Lombardo, from BP Corporation, testified and fully described the proposed plan. The redeveloped site will feature six gasoline dispensers with state of the art technology to accommodate customers. Additionally, there will be a store selling conveniences and household items. Additionally, the site will feature a small coffee shop, trading under the name of "The Wild Bean Café". This is a BP trade name. The café will feature the sale of sandwiches, coffee, soft drinks and similar items. The facility will have three small tables with two chairs at each table.

Mr. Reed also offered testimony regarding the plan. He described the redevelopment and discussed in detail the specifics of the site plan. He indicated that the proposed car wash facility will be smaller than the existing facility (2,800 sq. ft. vs. 1,900 sq. ft.). He also discussed the justification for the variances. In this regard, the new car wash building will be constructed slightly closer to the property line than the existing building. This is to provide room for a lane to

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Date 7/16/01
By J.R. Jenson

accommodate better traffic circulation on site. However, the site will be landscaped and its visual appearance upgraded. The proposed landscape plan is attached as page 3 to the site plan. The car wash building will be minimally closer to the existing bank building than is the present situation.

A question was raised during the course of the hearing regarding the legal identify of the proposed use under the Baltimore County Zoning Regulations. It was indicated that when the petitions were filed, the Department of Permits & Development Management required the specific identification of the restaurant component of the operation as a "fast food restaurant". This designation generated, in part, the need for the variance from the parking requirements, specifically, relief is requested to permit 29 parking space in lieu of the required 37. If the restaurant component was not designated as a separate entity, only 30 spaces would be required and a variance of only one space necessary.

It could be argued that as written, Section 405 of the B.C.Z.R. does not reflect the current trend in the oil/convenience store industry of incorporating multiple uses within a single property. Certainly, the nature of the food service proposed at this site is not generally considered a restaurant. The food service is purely incidental to the primary purpose of the business to sell fuel. It is a convenience item for patrons of the gasoline station.

Nonetheless, Section 405.4e of the B.C.Z.R. specifically identifies "Uses in combination with fuel service stations." Uses identified include convenience stores, car washes and restaurants. That is, it is clear that the County Council, in enacting this section, identified certain land uses as "uses in combination" with fuel service stations as opposed to accessory uses. As such, I believe that the Office of Permits & Development Management properly implemented the Zoning Regulations in computing the required parking spaces. Thus, I find that 37 parking spaces are required under Code. This proposed use, as defined in Section 405.4e, is a fuel service station with

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By R. J. Spawson

uses in combination therewith, including a convenience store, a car wash and a restaurant. Those uses are not accessory, but specifically permitted uses in combination.

It is further to be noted that there were no protestants nor adverse zoning advisory committee comments offered at the hearing. Mr. Townsend from the Greater Timonium Community Council indicated that his association supported the plan. Apparently, there were some original concerns; however, they were addressed by revised plans. Additionally, there are no adverse zoning advisory committee comments.

Turning first to the petition for special exception, the record of this case compels the finding that same should be granted. The proposed use is not dramatically different from the existing use on the property. There is no evidence that the use as proposed will cause any detrimental impact to the health, safety or general welfare of the locale. Indeed, there are similar fuel service stations operated nearby and this use is not incompatible with the surrounding locale. I find that the standards set out in Section 502.1 are met.

The petition for special hearing should likewise be granted in that the proposal represents an appropriate upgrade to the use of the property. In my judgment, this is an improvement to the existing use of the site.

Finally, the grant of the zoning variances is appropriate. The property is somewhat unique by virtue of its configuration and constraints. A modest relocation of the car wash tunnel closer to the property line is appropriate in that it benefits interior traffic circulation on the site. Apparently, GTCC favors this approach so as to eliminate the possibility of traffic backing up from the car wash onto York Road. Moreover, a variance from the parking requirement is appropriate for reasons noted above. It is not anticipated that any individuals will come to the site to dine at the restaurant only. The users of the restaurant will be those who are servicing their automobiles. For these reasons, the petition for variance should be granted.

APPROVED AND FORWARDED:
DATE 7/16/01
BY J. D. Gannon

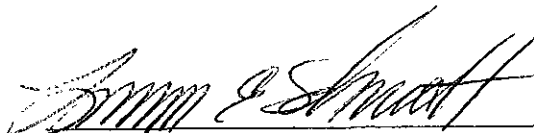
Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered at the hearing, I find that the Petitioner's requests for special exception, special hearing and variance shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th 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. 85-339-X, be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the variance requests to permit 29 parking spaces in lieu of the required 37 parking spaces and to permit a 6 ft. side yard setback in lieu of the required 30 ft. side yard setback, be and are 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.



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

ORIGINAL RECEIVED FOR FILING
Date 7/16/01
By R. Johnson



Baltimore County
Zoning Commissioner

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

July ¹⁶/₁₇, 2001

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

RE: Petitions for Special Exception, Special Hearing & Variance
Case No. 01-462-SPHXA
Property: 2114 York Road

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 black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure

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



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on Recycled Paper

Copies to:

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

Mr. Greg Reed
810 Gleneagles Court, Suite 300
Towson, MD 21286

Mr. Larry Townsend
1111 Longbrook Road
Lutherville, MD 21093

File

GILDEA, LLC
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AUG - 3

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SCROSS@GILDEALLC.COM

August 2, 2001

Sent Via Facsimile and Regular Mail

Zoning Commissioner Lawrence E. Schmidt
4th Floor
401 Bosley Avenue
Towson, MD 21204

Re: BP/2114 York Rd. (SS# 822)
Case No.: 01-462-SPHXA
Motion for Reconsideration

Dear Commissioner Schmidt:

Enclosed please find our Motion for Reconsideration of Case No. 01-462-SPHXA decided on July 16, 2001. Please call if you have any questions or comments regarding this filing.

Very truly yours,


Sebastian A. Cross

DKG:bhb

Enclosure

CC: Mr. John R. Lombardo, BP/Amoco
Mr. Gregory H. Reed, Bohler Engineering
David K. Gildea, Esquire
Patsy Malone, Esquire

*I spoke to
counsel / motion
with drawn
JES
8/2/01*

IN RE: PETITIONS FOR SPECIAL EXCEPTION *	BEFORE THE
HEARING AND VARIANCE SW/S YORK	
ROAD, 200' NW OF TIMONIUM RD *	ZONING COMMISSIONER
7 th ELECTION DISTRICT	
3 rd COUNCILMANIC DISTRICT *	OF BALTIMORE COUNTY
(2114 YORK ROAD)	
	CASE NO.: 01-462-SPHXA
BP Corporation,	*
Petitioner	

MOTION FOR RECONSIDERATION

BP Corporation ("BP"), Petitioner, by its undersigned counsel, hereby submits this Motion for Reconsideration of the Zoning Commissioner's Findings of Fact and Conclusions of Law in Case No. 01-462-SPHXA.

I. INTRODUCTION

On July 16, 2001, the Zoning Commissioner for Baltimore County ("Zoning Commissioner") approved the following for BP's property located at 2114 York Road:

1. A Petition for Special Exception for a fuel service station use in combination with a convenience store/restaurant and ancillary use ATM.
2. A Petition for Special Hearing to amend the previous site plan in Case No. 85-339-X.
3. A Petition for Variance to permit 29 parking spaces in lieu of the required 37 parking spaces and to permit a six (6) foot side yard setback in lieu of the required thirty (30) foot side yard setback.

In the findings, the Zoning Commissioner classified the portion of the use employed to sell food on the premises as a "fast food" restaurant. See Op. of Comm'r at 3. Classifying this food service use as a "fast food" restaurant required a Variance from the parking requirements outlined by Baltimore County Zoning Regulations ("BCZR") §409.6(A)(2). This classification of a "fast food" restaurant use at this site by the Zoning Commissioner constituted an error as the use to be employed does not maintain the

characteristics of a "fast food" restaurant. Due to the precedent that may be set for other sites, Petitioner asks the Zoning Commissioner to reconsider his finding that the Petitioner's proposed food service area was a fast food restaurant. BP requests that the use be classified as a convenience store or, in the alternative, a carry out restaurant.

II. RETAIL CENTER ATTACHED TO FUEL SERVICE STATION SHOULD BE CLASSIFIED AS A CONVENIENCE STORE

As described at the hearing, BP proposes to provide its customers with an array of convenience food items and household products, access to an automatic teller machine, and a limited food service operating under the trade name of "Wild Bean Cafe" consisting mainly of pre-made bakery items, salads, soups, coffee drinks, and a few specialty sandwiches. While BP proposes to have a few tables and chairs, it fully anticipates that the vast majority of its food service customers will choose to consume the food off premises. According to the definitions provided in Section 101 of the Baltimore County Zoning Regulations ("BCZR"), BP believes that the proposed food service falls within the definition of "convenience store."

The Baltimore County Zoning Regulations define "convenience store" as "[a] retail establishment which primarily sells refrigerated products, household items, carry out food products or prepackaged frozen, chilled or sealed foods and meals, that may be heated by the customer at the premises, but are generally eaten off-site. A convenience store does not exceed a gross floor area of 5,000 square feet and is usually open for at least 12 hours in a twenty four hour period."(emphasis added). As the Zoning Commissioner properly found, BP's primary business is to sell fuel. The convenience store and related food service described at the hearing are offered simply as a convenience to its customers. Fuel service customers expect this type of "one stop shopping" and other simple amenities that are often sold by convenience stores. The

food service section makes up approximately one-fifth (1/5) of the entire convenience store and anticipated convenience store proceeds. This small portion of the overall use and proceeds demonstrates the majority of products sold within the proposed structure will not involve food products but, rather, other household items and snacks. Thus, the general character of the use should be a convenience store as the attributes of this use pervade the structure.

III. FOOD SERVICE PORTION OF RETAIL CENTER ATTACHED TO FUEL SERVICE STATION SHOULD BE CLASSIFIED AS A “CARRY OUT” RESTAURANT

If the Zoning Commissioner does not believe the use should be classified as a convenience store, the use should be classified as a “carry out” restaurant instead of a “fast food” restaurant.

A fast food restaurant is defined by BCZR Section 101 as:

An establishment whose principle business is to sell ready to consume food and beverages in disposable containers and which is not a drive-in restaurant. A fast food restaurant has some or all of the following characteristics:

1. Prepackaged, frozen, chilled, or sealed food and meals are cooked in advance for immediate sale.
2. Food and beverages that are ordered over the counter or by motorists from within their vehicles.
3. Food and beverages are consumed on the premises of the restaurant or within the motor vehicle on or off the premises.

A carry out restaurant is defined by BCZR Section 101 as,

An establishment whose principal business is the sale of ready-to-consume food and beverages to customers who order their food and beverages over the counter, by telephone or by fax machine and whose principle characteristic is that food and beverages are consumed off premises. (emphasis added)

Parking requirements differ for fast food and carry out restaurants. Section 409.6 of the BCZR requires that carry out restaurants have five (5) parking spaces per 1,000 square feet of gross floor area, while fast food restaurants require sixteen (16) parking

spaces per 1,000 feet of gross floor area with at least ten (10) spaces required in all cases (there are certain exceptions not applicable at the current site). Classifying BP's use as a carry out restaurant would be more in keeping with the purposes of these parking regulations.

The justification for the greater amount of parking spaces necessary for fast food restaurants is due to the fact that fast food restaurants are normally a destination for individuals and families where a dining experience is expected as part of the trip with consumers parking their cars while dining inside. Carry out restaurants require less parking spaces as carry out consumers generally consume their food off the store's premises. As outlined later in this Motion, the character of the food service to be imported by BP is that of a carry out restaurant which will not entail patrons consuming their food on premises in a dining experience. This food service does not rise to the sit down level of a fast food restaurant and, therefore, less parking requirements are needed. By classifying the restaurant as a carry out restaurant the accompanying parking requirements for the carry out restaurant would be in keeping with the character of the use employed by BP.

A. Food Service Portion Fails to Satisfy the Requirements of a Fast Food Restaurant.

In the Opinion, the Zoning Commissioner classified the food service portion of the retail center as, "a small coffee shop ... [featuring] ... sandwiches, coffee, soft drinks, and similar items." See Op. of Comm'r at 2. This food service portion of the fuel service station is a very small portion of the overall approved use and employs approximately one-fifth (1/5) of the convenience store facility. This portion is comprised of a food service counter and three small tables with two chairs at each corresponding table.

The characteristics of both how the food is ordered and consumed at the BP location fail to achieve the characteristics of a fast food restaurant. Fast food restaurants generally are dining locations whereby a patron will order and eat the meal within the restaurant itself or will eat the meal in their car on the premises. These commonly accepted fast food restaurants (e.g. McDonalds) where one consumes their meal on the premises are destinations chosen solely by consumers interested in obtaining a meal. BP's proposed food service facility will not be a destination for patrons solely motivated by the purchase of food. Rather, BP's proposed food service acts as a convenience to the motoring public. The vast majority of this food will not be consumed on the premises or within a vehicle on the premises. Also, although BP's food will be ordered and served over the counter, it will not be ordered from patrons within their cars.

The majority of patrons will be stopping into the fuel service station out of a necessity for fuel and not for a dining experience. This factor was contemplated by BP as the three small tables included in this portion of the station are designed for use by a single patron or couple of patrons. These tables would allow for one to briefly wait for their order to be completed, read the paper, or any other similar brief sitting reprieve. Although these tables serve as a convenience to the motoring public who may want to briefly sit down, the purpose of their limited seating is not to allow seating for every customer who has ordered food. This limited seating demonstrates both the lack of capacity for patrons seeking a dining experience on the premises and the reality that such a dining experience was never contemplated by BP.

B. The Zoning Commissioner's Findings.

The Zoning Commissioner was not presented with any argument that the correct classification of the use is a "carry out" restaurant at the hearing. As such, the Zoning

Commissioner mentioned the retail food portion of the fuel service station was a “fast food” restaurant. Despite this characterization from the Zoning Commissioner, it seems as though the comments contained in the Opinion are in harmony with the classification of a carry out restaurant.. The Zoning Commissioner stated, “Certainly, the nature of the food service proposed at this site **is not generally considered a restaurant**. The food service is **purely incidental** to the primary purpose of the business to sell fuel. It is a **convenience item** for patrons of the gasoline station.” See Op. of Comm’r at 3 (emphasis added). This statement demonstrates the Zoning Commissioner realized the food service was not of a restaurant/dining character, but rather exists as a convenience item for those who may desire to purchase food while they are in the station. This position necessarily results in BP’s food service being characterized as either a convenience store or carry out restaurant according to the BCZR.

The Zoning Commissioner also recognized patrons are not motivated to travel to the fuel service station for a dining experience. The Zoning Commissioner stated, “It is not anticipated that **any** individuals will come to the site to dine at the restaurant only. Using this restaurant will be those servicing their automobiles.” See Op. of Comm’r at 4 (emphasis added). Again, absent directly classifying the food service as a carry out restaurant, this realization by the Zoning Commissioner supports the notion this food service facility is not a fast food restaurant as defined by the BCZR. This food service station is not a destination for diners but rather for motorists requiring fuel or other such similar products for their automobiles. Fast food restaurants are generally the destination for patrons solely because of the dining experience. A fuel service station does not provide such a “dining experience” and, as such, should not be classified as a fast food restaurant.

C. The Food Service Portion of Station Should be Classified as a Carry Out Restaurant.

As previously outlined, the food service station proposed by BP will provide ready to consume food and beverages to customers that order from a counter. It has been demonstrated that the vast majority of these patrons will consume their food off of the premises as there is neither the capacity nor motivation by patrons to have a dining experience at a fuel service station. This lack of consuming food on the premises is said to be the "principle characteristic" of a "carry out" restaurant and, as such, BP's food service would fall into this category much more comfortably than a fast food classification. The BCZR has outlined which characteristics dominate each type of restaurant and BP believes, upon reconsideration, that a carry out restaurant classification should prevail over the term handed down in the Zoning Commissioner's Opinion.

IV. CONCLUSION

BP submits this Motion for Reconsideration in order to clarify the classification of the retail center use located at BP station and employ the correct parking regulations as a result. The retail center attached to BP's fuel service station is dominated both in size and merchandise by household and food items commonly attributed to convenience stores. The small ratio in terms of total area of the service station that the food service employs does not thrust the fuel service station into the category of a fast food restaurant. However, if the food service portion of BP's fuel service station requires a restaurant classification, BP submits that the classification of a carry out restaurant is an appropriate one as defined by the BCZR. Fast food restaurants are destinations made out of a desire solely for food. It is at fast food restaurants that consumers contemplate sitting through a dining experience. Such a dining experience will not be available to BP's customers through this food service and, as such, the food service maintains the characteristics of a

carry out restaurant. Allowing for this classification will be in keeping with the definition section of the BCZR and also allows for the appropriate amount of required parking spaces to be applied. This lessened standard for parking is desirable because the nature of a consumer's visit to the BP station and subsequent purchase of food can be characterized as brief and not extended into a more formal sit-down, dining experience. Therefore, BP requests that the former classification of fast food restaurant be reconsidered to classify BP's retail portion of the fuel service station as either a convenience store or carry out restaurant.

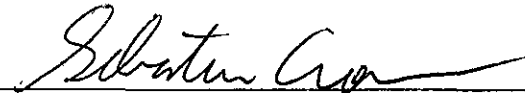


David K. Gildea
Sebastian A. Cross
Gildea, LLC
301 N. Charles Street, Suite 800
Baltimore, MD 21201
(410)234-0070
Attorneys for Petitioner, BP Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of August, 2001, a copy of the Petitioner's Motion for Reconsideration was faxed and mailed first class, postage prepaid to:

Zoning Commissioner Lawrence E. Schmidt
Circuit Court for Baltimore County
County Courts Building
4th Floor, 401 Bosley Avenue
Towson, MD 21204


Sebastian A. Cross



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2114 York Road
which is presently zoned BR-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 special exception
in Case No. 85-339-X.

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.

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

Gildea, LLC

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

Signature

19 E. Fayette St. Suite 205

Address Phone No 410-332-0707
Baltimore, MD 21202
City State Zipcode

Legal Owner(s):

BP Corporation

(Type or Print Name)

Signature

John R. Lombardo, Zoning & Dev.
(Type or Print Name) Manager

Signature

1 West Pennsylvania Ave. 410-494-
Address Phone No 3772

Towson, MD 21204
City State Zipcode
Name, Address and phone number of representative to be contacted

David K. Gildea
Name

19 E. Fayette St., Baltimore, MD
Address 21202 Phone No 410-332-0707

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JNP DATE 4/30/01

OF-462-XSPHA



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 2114 York Road

which is presently zoned BR-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 Full Service Car Wash 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

Legal Owner(s)

BP Corporation

(Type or Print Name)

Signature

John R. Lombardo, Zoning & Dev.
(Type or Print Name) Manager

Signature

Attorney for Petitioner

Gildea, LLC

David K. Gildea, Esq.

(Type or Print Name)

Signature

19 E. Fayette St. Suite 205

Address

Phone No

410-332-0707

Baltimore,

MD

21202

City

State

Zipcode

1 West Pennsylvania Ave. 410-494-3772
Address Phone No

Towson, MD 21286.

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. Baltimore MD 21202

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JNP DATE: 4/30/01

01-462-KSPHA

ORDER RECEIVED FOR FILING

Date

7/16/01

By

J. C. Jensen



2340072
FAX





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2114 York Road

which is presently zoned BR-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)

1. 405.4A.3.d- to permit 29 parking spaces in lieu of the required 37 parking spaces.

2. Section 238.2 - to permit a 6 ft. side yard setback in lieu of the required 30 foot side yard setback.

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:

Gildea, LLC
David K. Gildea, Esq.

(Type or Print Name)

Signature

19 E. Fayette St. Suite 205

Address

Phone No. 410-332-0707

Baltimore, MD

State

21202

City

Zipcode

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 R. Lombardo, Zoning & Dev.
(Type or Print Name) Manager

Signature

1 West Pennsylvania Ave 410-494-3772

Address

Phone No

Towson, MD

City

State

21286

Zipcode

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

David K. Gildea

Name

19 E. Fayette St.

Address

Baltimore, MD 21202

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JNP DATE 4/30/01

01-462-KSPHA



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on Recycled Paper



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

92864

DATE

4/20/01

ACCOUNT

R-001-006-6150

AMOUNT \$

650.00

RECEIVED
FROM:

BP Corporation

FOR:

2114 York Road (01-462-XSPHA)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT

ACTUAL

TIME

4/30/2001

4/30/2001

11:31:26

12-1

MS06

CASHIER DML

DRYER

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1-1

RECEIPT # 13927

OFF

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520 ZONING VERIFICATION

CR

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092864

Receipt Tot

650.00

650.00 DE

.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: #01-462-XSPHA

2114 York Road

SW/S York Road, 200' NW Timonium Road

7th Election District - 3rd Councilmanic District

Legal Owner(s): John R. Lombardo, BP Corporation

Special Exception: to permit fuel service station in combination with a Convenience Store/Restaurant & full service car wash & ancillary use. **Special Hearing:** to amend previously approved special exception in Case NO. 85-389-X. **Variance:** to permit 29 parking spaces in lieu of the required 37 parking spaces; to permit a 6 foot side yard setback in lieu of the required 30 foot side yard setback.

Hearing: Tuesday, July 3, 2001 at 2:00 p.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/6/748 June 19

C476286

CERTIFICATE OF PUBLICATION

6/21, 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 6/19, 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.: 01-462-XSPHA

Petitioner/Developer: John R

LOMBARDO

Date of Hearing/Closing: July 3, 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 2114 YORK Road

The sign(s) were posted on JUNE 18, 2001
(Month, Day, Year)

Sincerely,

SSG Robert Black 6/18/01
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

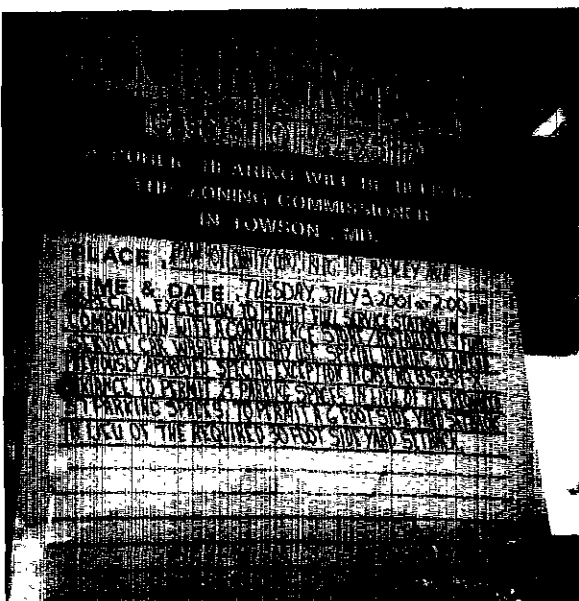
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



RECEIVED

JUN 22 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/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- ⁴⁶² ~~402~~ -KSPHA

Petitioner: BP Corporation

Address or Location: 2114 York Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: David K. Golden, Esq.

Address: 301 N. Charles St. Suite 800
Baltimore, MD. 21201

Telephone Number: (410) 234-0070

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 18, 2001 Issue – Jeffersonian

Please forward billing to:

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

410 234-0070

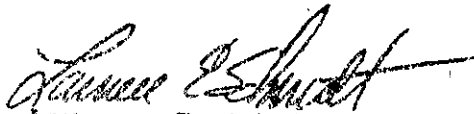
NOTICE OF ZONING HEARING

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: 01-462-XSPHA
2114 York Road
SW/S York Road, 200' NW Timonium Road
7th Election District – 3rd Councilmanic District
Legal Owner: John R. Lombardo, BP Corporation

Special Exception to permit fuel service station in combination with a Convenience Store/Restaurant & full service car wash & ancillary use. Special Hearing to amend previously approved special exception in Case No. 85-339-X. Variance to permit 29 parking spaces in lieu of the required 37 parking spaces; to permit a 6 foot side yard setback in lieu of the required 30 foot side yard setback.

HEARING: Tuesday, July 3, 2001 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT 672
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

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

June 4, 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: 01-462-XSPHA
2114 York Road
SW/S York Road, 200' NW Timonium Road
7th Election District – 3rd Councilmanic District
Legal Owner: John R. Lombardo, BP Corporation

Special Exception to permit fuel service station in combination with a Convenience Store/Restaurant & full service car wash & ancillary use. Special Hearing to amend previously approved special exception in Case No. 85-339-X. Variance to permit 29 parking spaces in lieu of the required 37 parking spaces; to permit a 6 foot side yard setback in lieu of the required 30 foot side yard setback.

HEARING: Tuesday, July 3, 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".

Arnold Jablon *GDZ*
Director

C: David Gildea, Esq., 19 E. Fayette St., Ste 205, Baltimore 21202
John R Lombardo, BP Corporation, 1 W Pennsylvania Ave, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 18, 2001.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

June 29, 2001

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

Dear Mr. Gildea:

RE: Case Number: 01-462-XSPHA, 2114 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 30, 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. G D Z
Supervisor, Zoning Review

WCR: gdz

Enclosures

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



7/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 6, 2001

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

JUN - 7

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-462 & 01-483

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



Baltimore County
Fire Department

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

June 5, 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 May 21, 2001

Item No.: 462, 475, 476, 480, 481, 006

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LIEUTENANT 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
INTEROFFICE CORRESPONDENCE

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

DATE: June 5, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For May 29, 2001
Item No. 462

The Bureau of Development Plans Review has reviewed the subject zoning items.

Onsite drainage facilities serving only areas within the site are considered private. Therefore, construction and maintenance shall be the developer's responsibility. However a drainage area map, scale 1"=200', including all facilities and drainage areas involved, shall be shown on a plan and submitted to Baltimore County for review.

The developer must provide necessary drainage facilities (*temporary or permanent*) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result due to improper grading or improper installation of drainage facilities will be the full responsibility of the developer.

RWB:HJO:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE

2114 York Road, SW/S York Rd,
200' NW of Timonium Rd
7th Election District, 3rd Councilmanic

Legal Owner: BP Corporation
Petitioner(s)

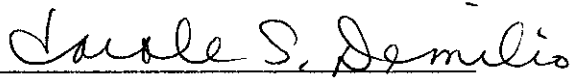
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-462-SPHXA

* * * * *

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

GILDEA, LLC
301 NORTH CHARLES STREET
SUITE 800
BALTIMORE, MARYLAND 21201
FAX 410-834-0072
www.gildea.com

DAVID K. GILDEA
DIRECT NUMBER
410-834-0070
DAVIDGILDEA@GILDEA.COM

SEBASTIAN A. CROSS
DIRECT NUMBER
410-834-0071
SCROSS@GILDEA.COM

July 5, 2001

Sent Via Facsimile Only

Zoning Commissioner Lawrence E. Schmidt
4th Floor
401 Bosley Avenue
Towson, MD 21204

Re: BP/2114 York Rd. (SS# 822)
Case No.: 01-462-SPHXA

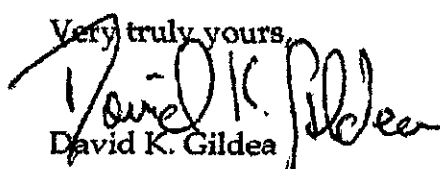
Dear Commissioner Schmidt:

As you requested at the July 3, 2001 hearing for the above referenced property, I am supplying to you the case numbers of the two previous BP/ Amoco fuel service stations cases recently heard by Timothy Kotroco:

1. 5612 Baltimore National Pike - case number 01-448-XSPHA.
2. Rolling Road and Dogwood Road (Rolling Heights Industrial Park) - case number 01-408-X.

Should you have any questions or comments, please contact me. With kind regards, I am

Very truly yours,


David K. Gildea

DKG:bhb

CC: Mr. John R. Lombardo, BP/ Amoco
Mr. Gregory H. Reed, Bohler Engineering

Imb
6/27/01

IN RE: PETITIONS FOR SPECIAL EXCEPTION, *
HEARING AND VARIANCE

NW/S Baltimore National Pike, 827' NE *
of Engleside Avenue *
1st Election District *
1st Councilmanic District *
(5612 Baltimore National Pike) *

BP Corporation *
Petitioner *

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 01-448-SPHXA

* * * * *

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

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.

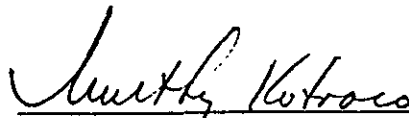
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's requests for special exception, special hearing and variance shall be granted.

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

01-462-SPHXA

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
David K. Gildea

GREG REED

JOHN LOMBARDO

DAVID K. GILDEA

ATTORNEY AT LAW

GILDEA, LLC

301 NORTH CHARLES STREET
SUITE 800
BALTIMORE, MARYLAND 21201

TEL 410-234-0070
FAX: 410-234-0072
DAVIDGILDEA@GILDEALLC.COM

ADDRESS

301 N. Charles ST.
Suite 800 Balt MD 21201

810 GLEN EAGLES CT

STE 300 TOWSON MD 21286

BP Amoco, 1 W. Pennsylvania
Ave, Suite 95, Towson, MD



Printed with Soybean Ink
on Recycled Paper

Case Number 01-462-SPHXA

PLEASE PRINT LEGIBLY

Citizen

PROTESTANTS SIGN-IN SHEET

[illegible]

MR-1M

GROUND S

ROAD

BM

Parking Area

BM-4S

BR-1M

BR SITE 4S

BL-4S

BR

BL

BM

MR-1M

BLR

TMONIUM RD.

W 3,000

GERARD AVE

D.R. 5.5

96-340-SPHA

HATHAW

HAMMEN ROAD

TMONIUM

(SHEET N W 13-A)

[illegible]

MR-IM

GROUND S

BM

Parking Area

BR-IM

BR SITE

BL-AS

D.R.5.5

TIMONIUM

HAMMEN ROAD

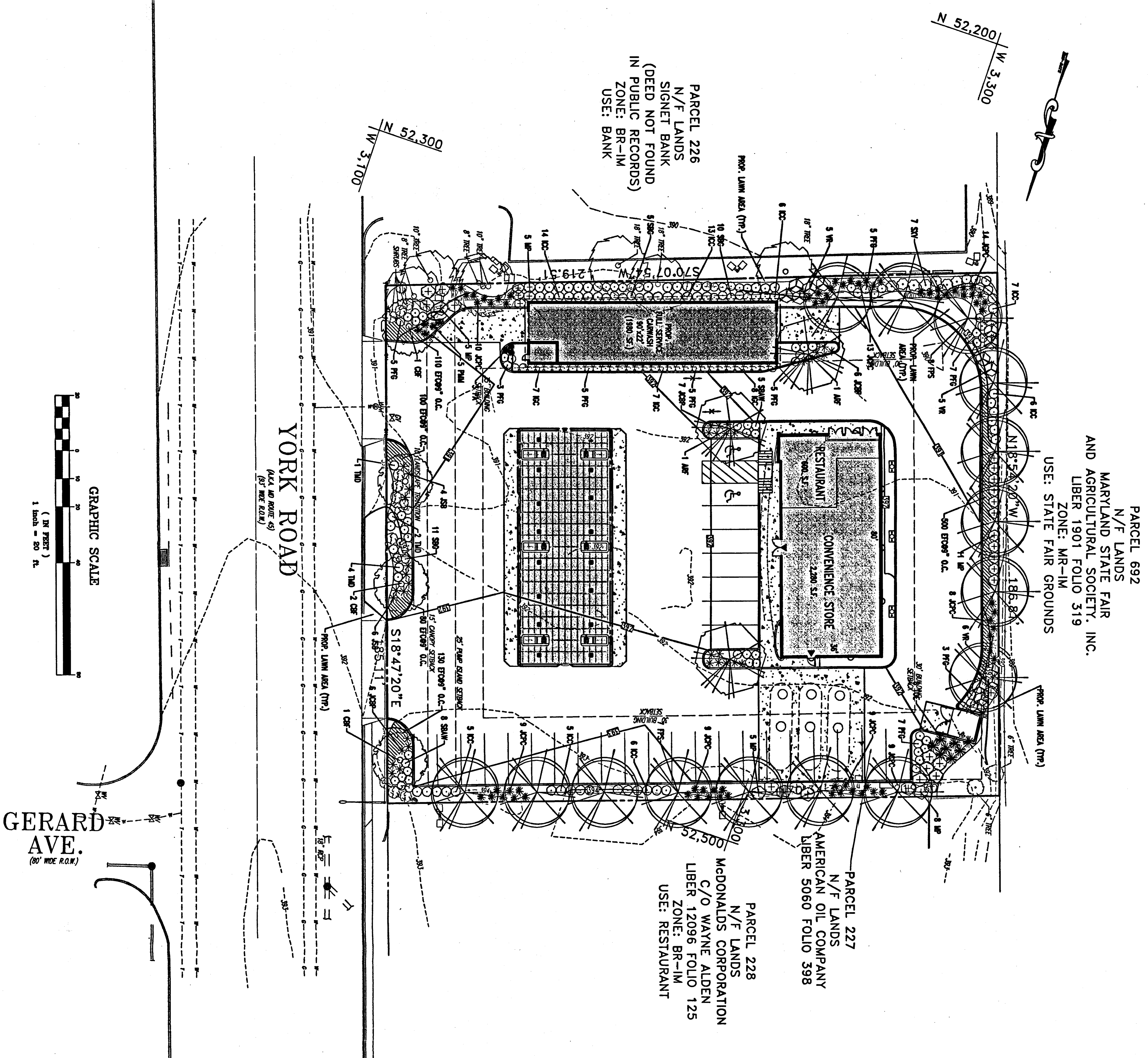
HATHAW

EDGEMOOR

W 3,000 RD.

(SHEET N W 13-A)

[illegible]



LANDSCAPE SCHEDULE									
DATE	SET	GENERAL NOTE	CONTRACT NAME	SSC	ISSUES				
2016	1	ACR RAINIER "TANAGER"	NO SIGHT NAME	2 1/2" - 3" O.D.	048				
2016	2	ACR RAINIER "TANAGER"	PRINCE OF WALES "HAWAII"	2 1/2" - 3" O.D.	048				
2016	3	ACR RAINIER "TANAGER"	SHAWT REED "SI"	2 1/2" - 3" O.D.	048				

REQUIREMENTS FOR PROJECT CONDITIONS

REQUIREMENTS	QUALIFYING (REQUIRED/PROPOSED)	COMMENTS
ALL 11 FARMING, RANCHING, MINING, (P) OR OF ANY AGRICULTURAL INDUSTRY.	111. DEPT. LUMBER, LUMBER, MIN. IND. L. F. PROPOSED 4 OFS (1)	MINER
ALL RESIDE 75% OF THE YEAR IN THE COUNTY WHERE THEY ARE EMPLOYED IN THE FARM, RANCH, MINING, OR OTHER AGRICULTURAL SERVICE.	111. FARMING, LUMBER, MIN. IND. L. F. PROPOSED 111.23.35 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000	
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PLANTING LIST

- (1) 2 1/2-3" MAJOR DECIDUOUS TREES
- (2) 1-1 1/2" MINOR DECIDUOUS TREES
- (2) EVERGREEN TREES 6" TALL
- (5) SHRUBS 18-30"

(300) SQUARE FEET OF GROUND COVER

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



BEFORE YOU DIG CALL
1-800-251-7777
PROTECT YOURSELF, GIVE THREE
WORKING DAYS NOTICE

OF 4

3

REV. No.

GRADING AND LANDSCAPE PLAN

SCALE	1"=20'	ALLIANCE MARK	J.F.
DATE	03/02/01	DP REF#	D.L.
DESIGNED BY:	G.H.R.	ALLIANCE P#	K.V.
DRAWN BY:	M.J.G.	CU F:	M0703131
CHECKED BY:	B.M.P.	JOB F:	M0007031
DRAWING TITLE:			

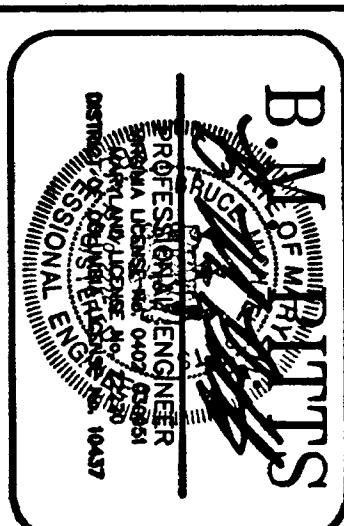
2114 YORK ROAD
TIMONING, MARYLAND
BALTIMORE COUNTY
STORE # 822

SPECIAL EXCEPTION PLAN
2900 SERIES HARMONY WITH
6 PACK MPD CANOPY
& FULL SERVICE CAR WASH

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EXCLUDED FROM CONFIDENTIALITY.

[illegible]

A.J. VOLANTH

PROFESSIONAL ENGINEER
VIRGINIA LICENSE No. 0402 30438
MARTLAND LICENSE No. 21542
DISTRICT OF COLUMBIA LICENSE No. 10728
PENNSYLVANIA LICENSE No. 4431-4-E
DELAWARE LICENSE No. 10734

- ♦ PROJECT MANAGERS ♦
- ♦ ENVIRONMENTAL & SITE PLANNERS ♦
- ♦ MONITORIAL ENGINEERS ♦
- ♦ NEW JERSEY ♦ NEW YORK ♦
- ♦ VIRGINIA ♦ PENNSYLVANIA ♦
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- ♦ TOWSON, MARYLAND 21286 ♦
- ♦ (410) 621-7900 FAX: (410) 621-7977 ♦



**BOHLER
ENGINEERING
P.C.**



SIGNAGE CALCULATIONS

I. FREESTANDING ENTERPRISE SIGNAGE:
A. PERMITTED: 75 SQ. FT. (PURSUANT TO BCZR 450 ET SEQ.)
B. PROPOSED:

ONE FREESTANDING SIGN:	48.42 SQ. FT.
BP EMBLEM:	10.53 SQ. FT.
AMOCO FUELS:	10.53 SQ. FT.
PRICE:	N/A
TOTAL:	69.48 SQ. FT.

II. SERVICE STATION/CANOPY ENTERPRISE SIGNAGE:

A. CANOPY
PERMITTED: SIX (6) SIGNS @ 25 SQ. FT. EACH
(PURSUANT TO BCZR 450 ET SEQ.)
PROPOSED: FOUR 7.07 SQ. FT. CANOPY FASCIA SIGNS

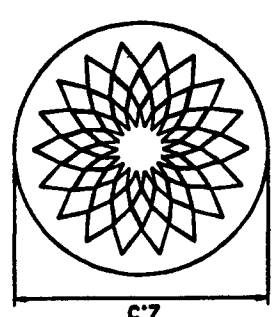
III. WALL MOUNTED ENTERPRISE SIGNAGE:

A. FRONT
PERMITTED: 2 SQ. FT. PER LINEAR FOOT OF BUILDING
FRONTAGE (PURSUANT TO BCZR 450 ET SEQ.)
2 SQ. FT. x (80LF. + 22LF) = 204 SQ. FT.

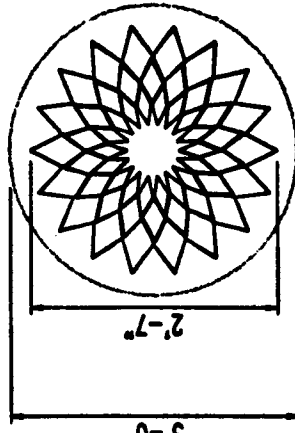
PROPOSED:
BUILDING SIGN (C) @ 97.50 S.F. = 97.50 S.F.
BP EMBLEM SIGN (B) @ 44.51 S.F. = 44.51 S.F.
CAR WASH EMBLEM (D) @ 6.25 S.F. = 18.75 S.F.
CAR WASH SIGN (E) 13.50 S.F. = 13.50 S.F.
TOTAL = 174.26 S.F.

car wash

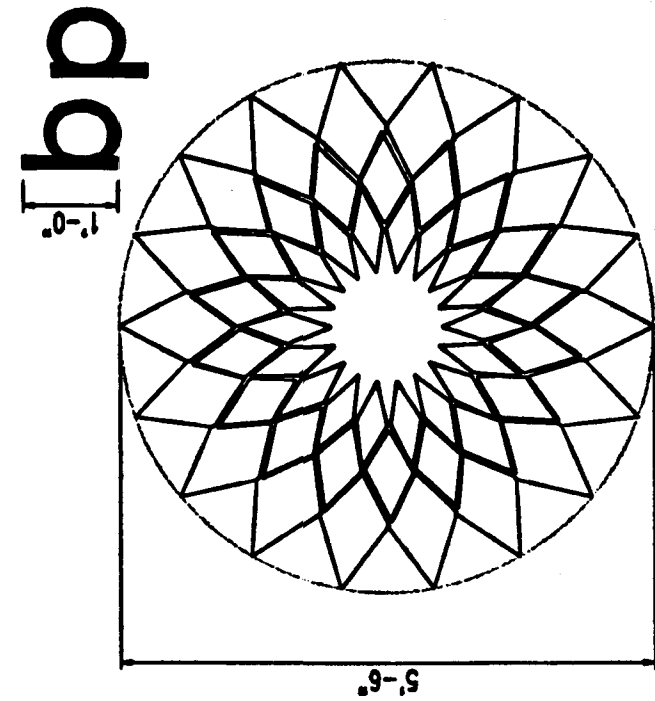
E CAR WASH SIGN 13.50 S.F.
SCALE: 1" = 2'



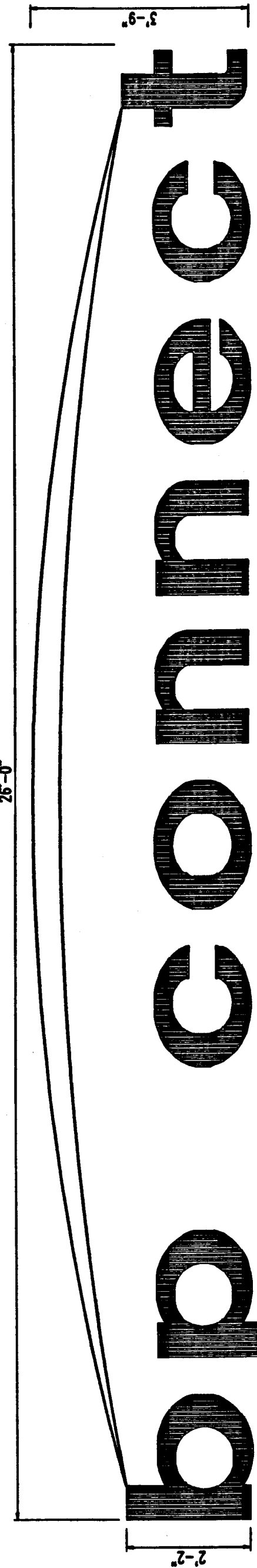
D CAR WASH EMBLEM 6.25 S.F.
SCALE: 1" = 2'



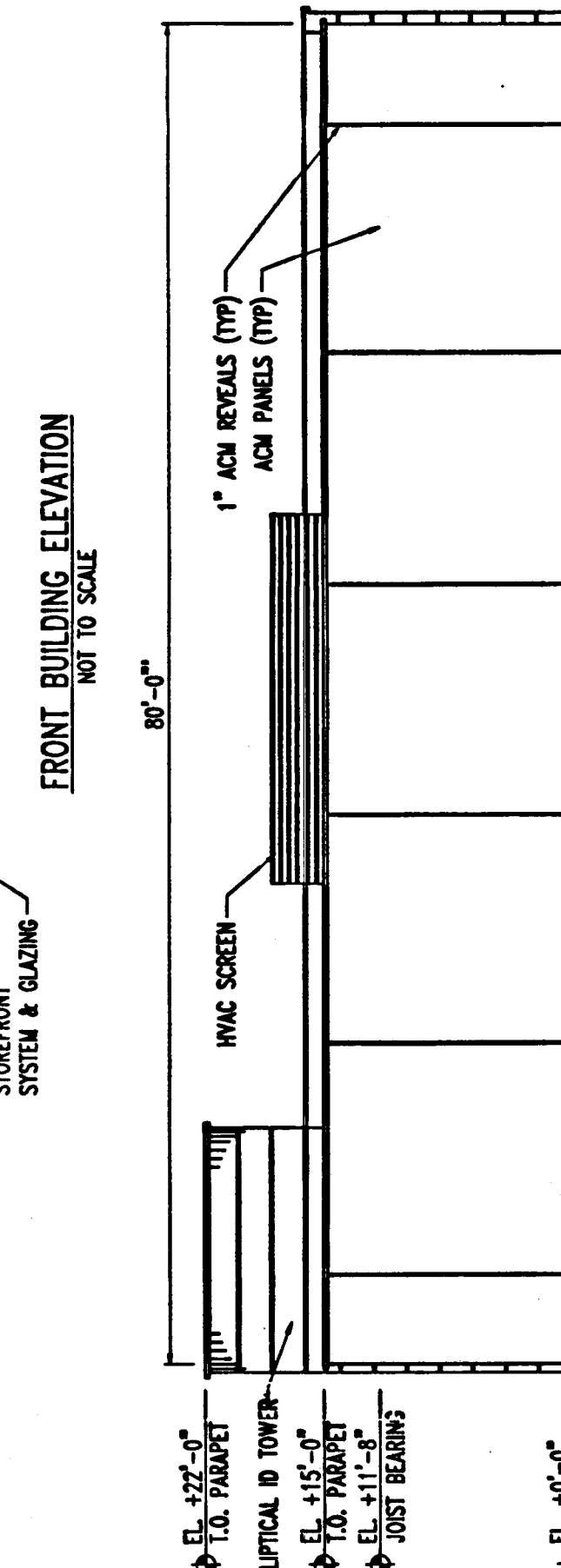
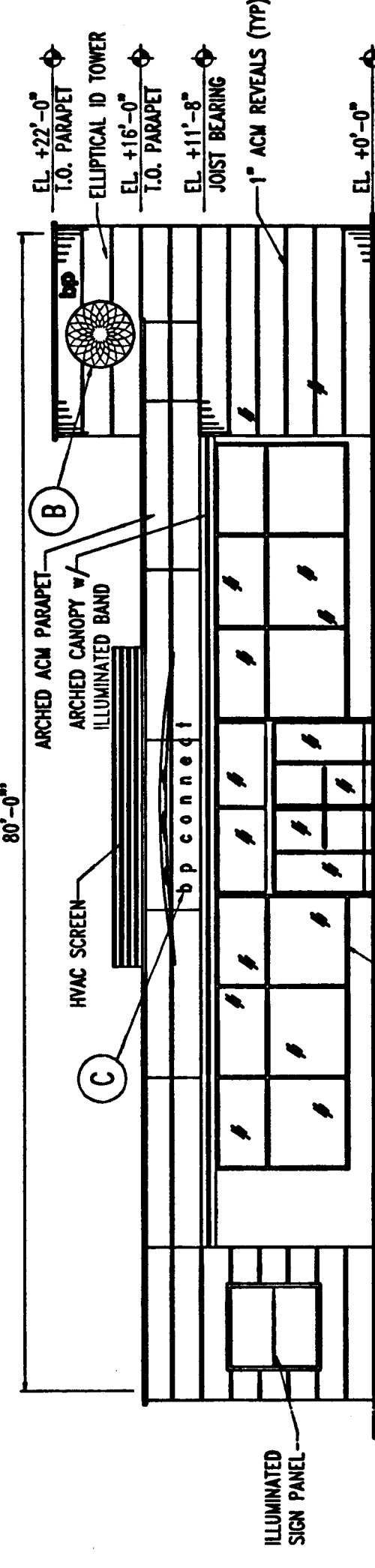
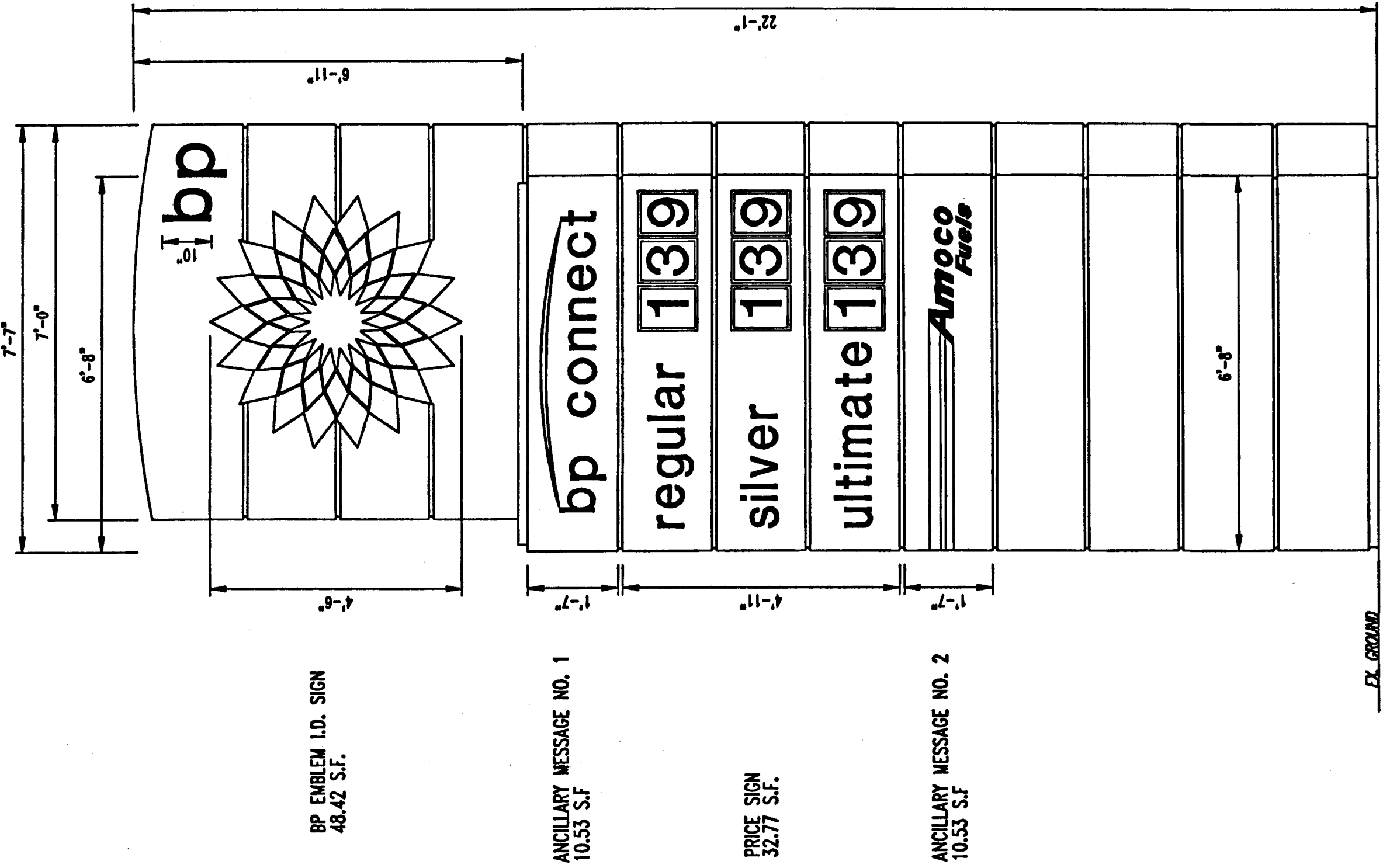
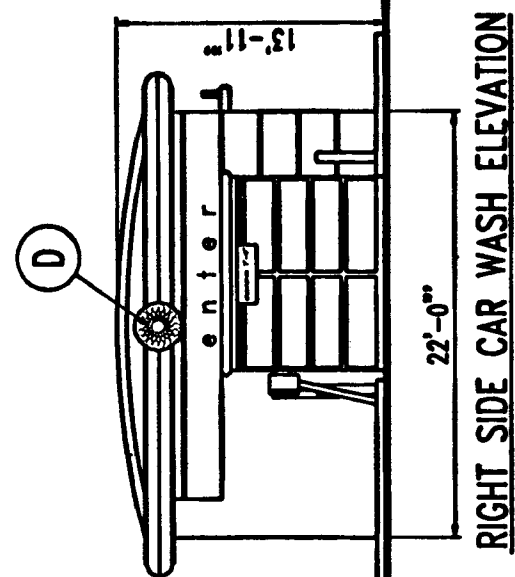
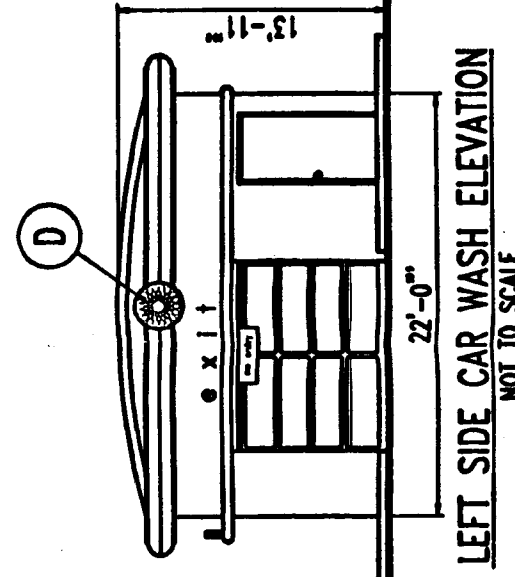
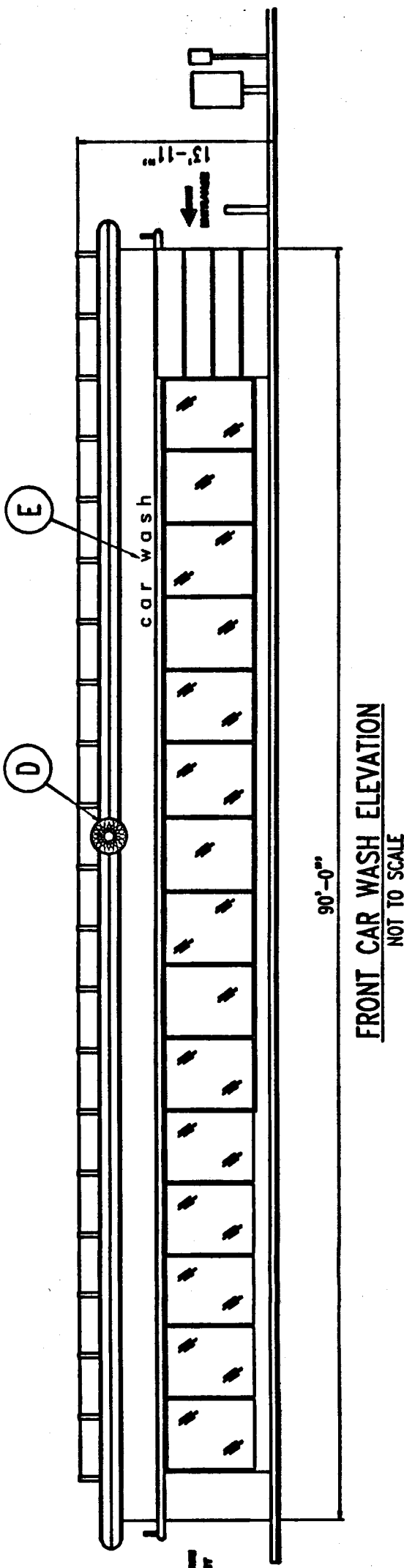
A CANOPY FASCIA SIGN 7.07 S.F.
SCALE: 1" = 2'



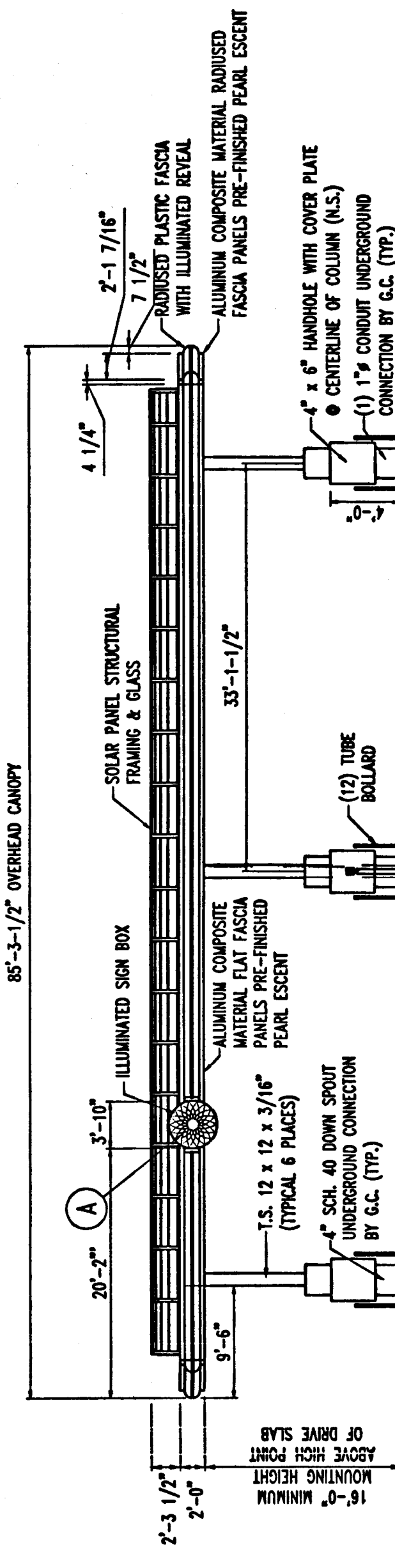
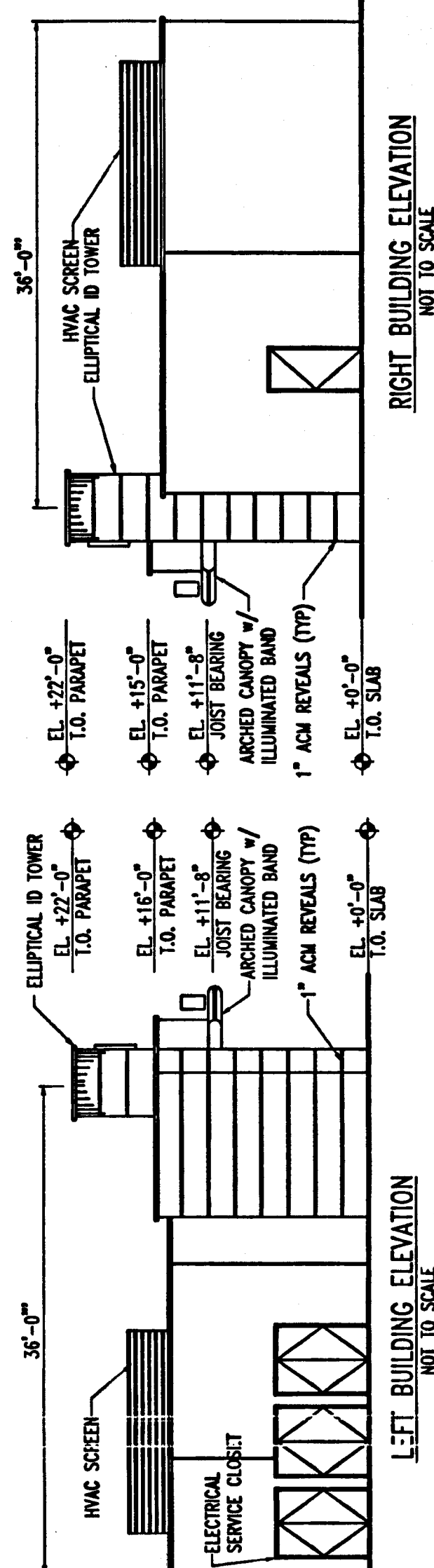
B PROPOSED BP EMBLEM 44.51 S.F.
SCALE: 1" = 2'



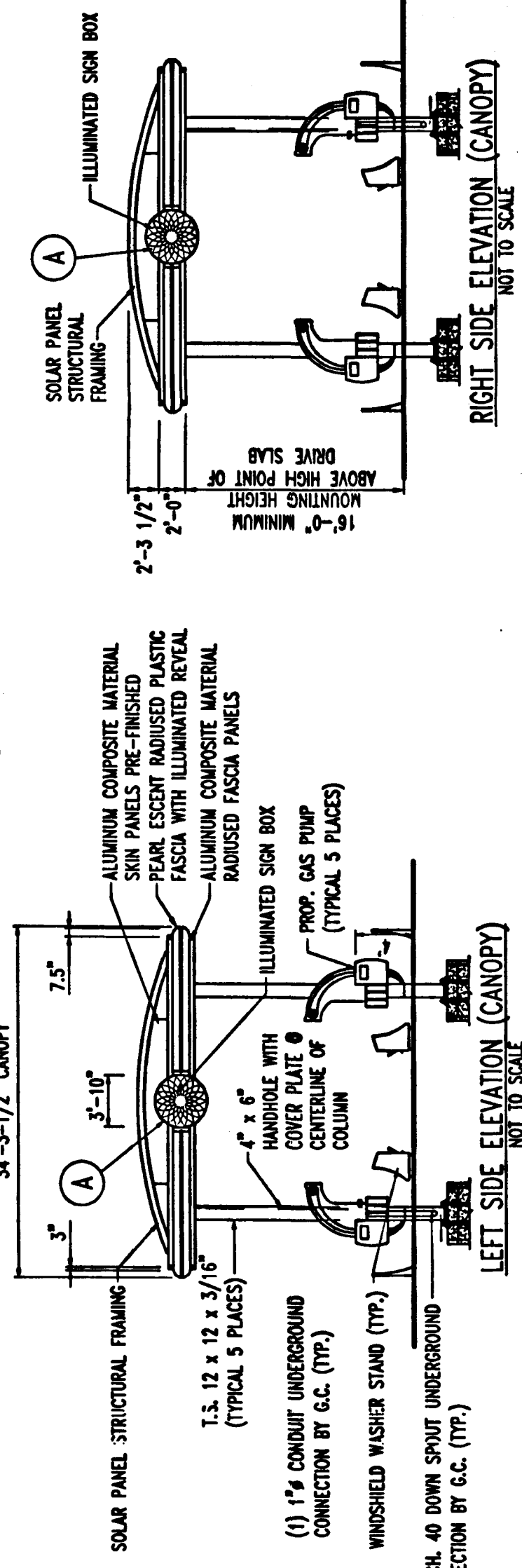
C PROPOSED BUILDING SIGN 97.50 S.F.
SCALE: 1" = 2'



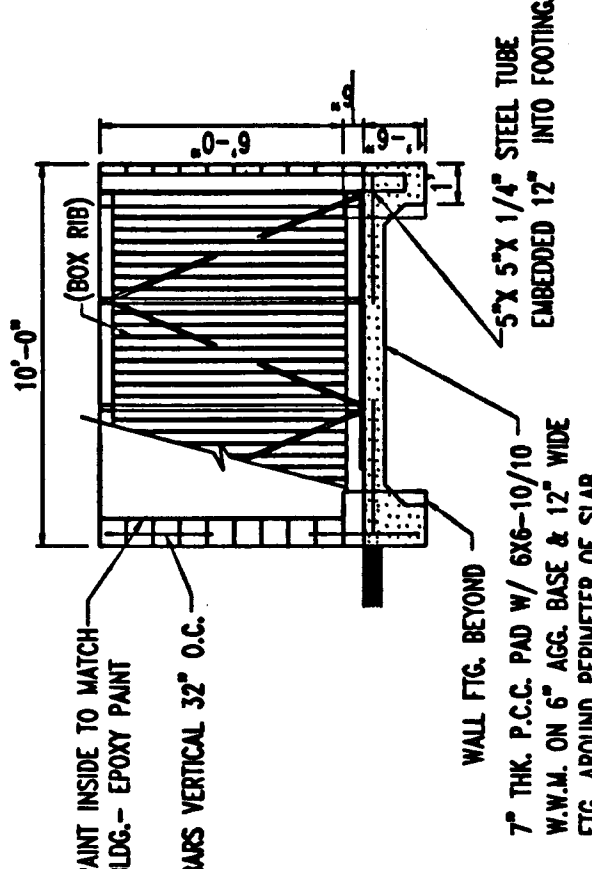
REAR BUILDING ELEVATION
NOT TO SCALE



FRONT ELEVATION (CANOPY)
NOT TO SCALE



PROPOSED LD SIGN
SCALE: 1" = 2'



TRASH ENCLOSURE DETAIL
NOT TO SCALE

1 W. PENNSYLVANIA AVENUE, STE. 95
TOWSON, MARYLAND

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B.M. ENGINEERS

PROFESSIONAL ENGINEER
MARYLAND LICENSE NO. 21442
PENNSYLVANIA LICENSE NO. 043014-2
DELAWARE LICENSE NO. 10734

CONSULTANT'S STATEMENT

The recipient of these drawings understands that they are to be used for the purpose intended by the engineer and that the engineer is not responsible for the construction of the project or for the performance of the project. The engineer's responsibility is limited to the design and construction of the project as shown on these drawings.

REVISIONS

2900 SERIES HARMONY WITH
6 PACK MPD CANOPY
& FULL SERVICE CAR WASH

2114 YORK ROAD
TOWSON, MARYLAND
BALTIMORE COUNTY

STORE # 822

SCALE: 1" = 20'

DATE: 03/02/01

DESIGNED BY: M.J.G.

DRAWN BY: R.L.B.

CHECKED BY: B.M.P.

DATE: 03/02/01

PROJECT: 03/02/01

PROJECT: 03/02/01

ELEVATIONS

4

REV. NO. 4