IN RE: PETITION FOR SPECIAL EXCEPTION SW/S North Point Boulevard @ cor. SE/S Saint Monica Drive 15th Election District 7th Councilmanic District (4043 North Point Boulevard) Carl T. Julio, Edward V. Julio and Phyllis J. Della Rocca *Petitioners*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 01-520-X

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, Carl T. Julio, Edward V. Julio and Phyllis J. Della Rocca and the contract purchaser, WAWA, Inc., requesting a special exception to permit a fuel service station on an individual site and a convenience store and carry-out restaurant as uses in combination with the proposed fuel service station, pursuant to Sections 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Appearing at the hearing on behalf of the special exception request were Kevin Small, Wes Guckert, Alex Krowzow, Greg Harvey and Robert Hoffman, attorney at law, representing the Petitioner. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this special exception request, consists of 1.459 acres, more or less, zoned BL-AS. The subject property is unimproved at this time. Recently, the property was the site of an old abandoned grocery store. The old building has been torn down and the entire site is in for development at this time. The subject property is located on the southwest corner of the intersection of North Point Boulevard and Saint Monica Drive. The subject property is located in an area that is currently undergoing commercial revitalization.

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Date 8/28/01
By

The Petitioner herein, WAWA, Inc., is desirous of constructing a 5,740 sq. ft. convenience store in conjunction with gasoline pumps. The particulars of the development are more specifically shown on Petitioners' Exhibit No. 1, the site plan submitted into evidence at the hearing. While no testimony was provided in opposition to the Petitioners' request at the hearing, a letter of opposition was received from the Office of Planning dated July 12, 2001. The Planning Office has recommended that the Petitioners' request be denied. Apparently, and as the testimony at the hearing demonstrated, Baltimore County has purchased the property adjacent to this site from the same owner. The County is expending close to $2 million dollars to develop the adjacent property with an indoor soccer facility in conjunction with an outdoor tot lot. The construction of the aforementioned recreational center is part of the revitalization efforts that are taking place in this area of Dundalk. The Planning Office believes that the use proposed, pursuant to this special exception, is not in keeping with the commercial revitalization and community conservation efforts occurring within this area. This is not a particularly favored use adjacent to this recreational facility and outdoor tot lot. In areas where communities are undergoing revitalization, particular attention should be paid to the position of the Office of Planning. This particular special exception request will have a greater impact at this location than it would on a similarly zoned parcel of property located elsewhere within the County. This is particularly true, given the construction of a new recreational facility and outdoor tot lot adjacent to the subject property, as well as the community conservation efforts being undertaken at this time in this area of Dundalk. As a consequence, the Petitioners' special exception request must be denied.

ORDER RECEIVED FOR FILING
Date 8/28/01
By N. Jameson

THEREFORE, IT IS ORDERED this 28th day of August, 2001, by this Deputy Zoning Commissioner for Baltimore County, that the Petitioners' request for Special Exception, to approve a convenience store and carry-out restaurant as uses in combination with a proposed fuel service station, be and is hereby DENIED.

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

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 8/28/01
By B. Grimm

IN THE MATTER OF THE THE APPLICATION OF CARL T. JULIO, EDWARD V. JULIO, AND PHYLLIS J. DELLA ROCCA –OWNERS; WAWA, INC. – CONTRACT PURCHASER FOR SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE SW/S OF NORTH POINT BLVD @ COR SE/S SAINT MONICA DRIVE (4043 NORTH POINT BOULEVARD) 15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT	* * * * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 01-520-X

* * * * * * * * *

OPINION

This case comes before the Board of Appeals based on a timely appeal by Carl T. and Edward V. Julio and Phyllis J. Della Rocca, legal owners; and WAWA, Inc., contract purchasers. These Petitioners have appealed an Order of the Deputy Zoning Commissioner dated August 28, 2001, denying the Petition for Special Exception to approve a convenience store and carry-out restaurant as uses in combination with a proposed fuel service station at 4043 North Point Boulevard, 15th Election District, 7th Councilmanic District of Baltimore County, Maryland.

The case was heard by the Board *de novo* on May 29, 2002, and public deliberation in accordance with Maryland's open meetings law was held on the same day. Robert A. Hoffman, Esquire, represented the Petitioners. There were no Protestants, nor did anyone attend the hearing in addition to those associated with the Petitioners' case.

The Petitioners' first witness was Alex Krowzow, senior real estate manager for WAWA, Inc. Mr. Krowzow indicated that his primary duty is to develop WAWA sites and that he has developed 30 such sites in the Baltimore area. He first looked at the subject site in June 1999 and negotiated a long-term land lease in December 1999.

The vacant site is 1.459 acres on which WAWA proposes a 5,700 square foot building with six gasoline dispensers capable of fueling 12 cars under a single canopy. Mr. Krowzow submitted a site plan (Petitioners' Exhibit 1), a landscape plan (Petitioners' Exhibit 2), building

and canopy elevations (Petitioners' Exhibit 3) and a layout plan for the interior of the proposed convenience store and carryout restaurant (Petitioners' Exhibit 4).

Mr. Krowzow testified that the carryout restaurant occupies the entire right side of the store and offers fresh sandwiches, salads and the like prepared on the premises. He noted that the stores do not place dumpsters outside, but store trash in special rooms where the street trash is separated from the food trash. All loading and vendors deliver to the rear of the store. He submitted an artist's rendering of the exterior of the proposed building (Petitioners' Exhibit 5).

Further testimony from Mr. Krowzow confirmed that North Point Boulevard is a divided four-lane highway, that the subject property is zoned BL-AS (Business Local-Auto Service), and that there are two access ramps to I-695 close by. Other uses in the area include a Royal Farms store across St. Monica Avenue from the subject site; an indoor soccer facility under construction by Baltimore County and housed in a metal Butler building adjacent to the subject site; and a High's convenience store and several bars/restaurants opposite the subject site.

It was Mr. Krowzow's opinion that the proposed WAWA facility would improve services in the area because they are open 24 hours a day with clean facilities and public restrooms inside the building. He also noted that WAWA is known for reaching out to the community, working with the area schools, Cub Scouts, PTAs, etc., and offering career programs within the neighborhood. In support he submitted a packet of community comments (Petitioners' Exhibit 6).

He cited as an example the WAWA that was built in 1987 about three miles from the subject site in Edgemere. That facility is across from the Edgemere Elementary School which Mr. Krowzow emphasized was built by Baltimore County subsequent to the construction of the WAWA store.

Mr. Krowzow opined that there are no negatives to the WAWA proposal at this location.

He submitted a 200-scale zoning map showing the uses along North Point Boulevard (Petitioners' Exhibit 7) in support of his testimony.

The next witness was Gregory Harvey, project engineer for WAWA, Inc. Mr. Harvey testified that it is his job to obtain the necessary permits and approvals to construct the proposed facility. He indicated that he had supervised the construction of 95 WAWA stores in Pennsylvania, New Jersey and throughout the Delmarva region.

Mr. Harvey testified that fuel service would meet or exceed all local, state and federal standards. As Petitioners' Exhibit 8, he submitted an overview of the fuel dispensing/monitoring equipment which he said employs the latest technology available. He emphasized that the fuel service would have no adverse impact on the community. He further indicated that there are no previously existing fuel tanks on the subject site and that the project is undergoing the required environmental impact phases. To date WAWA has completed Phase 1 and they are not aware of, nor do they expect, any environmental problems.

Kevin Small of Frederick Ward Associates testified next. Mr. Small was accepted by the Board as an expert landscape architect and land planner with 14 years experience and licensed in Pennsylvania, Maryland and Virginia. Mr. Small testified that he prepared both the site plan and the landscape plan, submitted as Petitioners' Exhibits 1 and 2, in preparation for the Special Exception Petition.

With regard to the requirements of §502.1 of the *Baltimore County Zoning Regulations*, Mr. Small testified that the proposed facility was not detrimental to the health, safety and welfare of the community. In fact he opined that the safety of the locality would be improved because of the improved traffic circulation from the soccer complex and the fact that those using that complex would not need to cross any streets to get to the convenience store.

He felt as well that there was no congestion caused by the WAWA at this location

because the Petitioners are in fact improving the access to the subject site. In addition there is no potential, Mr. Small said, for fire, panic or other dangers. Also the proposed facility would not crowd the land but would actually improve the current situation there by removing existing impervious surfaces and adding 13,000 square feet of greenery.

The proposal, according to Mr. Small, would not interfere with public convenience in that adequate public water and sewer already exist to serve the site. As to light and air, the proposal calls for a one-story building which is actually smaller than those adjoining the site.

Mr. Small emphasized that the proposal is precisely in accordance with the BL-AS zoning which envisions such uses along busy arterials and designates the site for auto service. He found that the proposal is compatible with the spirit and intent of the existing zoning and meets all impermeable and vegetative retention provisions as required. There will be a 10-foot landscape buffer around the site plus a 20-foot buffer to the rear where the site adjoins residential properties. Water quality issues will be addressed in accordance with the requirements of the law.

Finally there is no R.C. zoned land in the immediate area of the subject site and there are no detrimental environmental issues in Mr. Small's opinion.

The final witness for the Petitioners was Mickey Cornelius of The Traffic Group, Inc. The Board accepted Mr. Cornelius as an expert in traffic engineering. Mr. Cornelius prepared a traffic report in July 2001 which he submitted as Petitioners' Exhibit 9. He stated that he has reviewed the subject site recently and finds no change from his study of 2001.

Mr. Cornelius testified that the signalized intersection at St. Monica Drive and North Point Boulevard is rated A as is the one at North Point Boulevard and Old Battle Grove Road to the north of the site and the one at North Point Boulevard and New Battle Grove Road to the south. He opined that the three intersections would continue to operate at level A with the

addition of the WAWA facility.

He further pointed out that there are three points of access to the proposed facility with right turns only onto North Point Boulevard and full access to the signalized intersection at St. Monica Drive. There is also full access between the residential community and the WAWA site as well as easy access from the soccer complex. All have in Mr. Cornelius' opinion excellent sight distance.

He further stated that the internal circulation on site is excellent with plenty of space and wide aisles for vehicles to maneuver. He opined that the development of this site as a WAWA facility would not cause any congestion in streets or alleys.

In closing Mr. Hoffman argued that the WAWA as proposed would be an advantage to the neighborhood, especially the new soccer complex within walking distance with no need to cross streets. He further stated that the proposal is consistent with surrounding uses such as the flea market, bars and the nearby heavier industrial.

On behalf of the Petitioners, Mr. Hoffman submitted Exhibit 10 A-D, 200-scale zoning maps, showing commercial uses and recreational facilities in close proximity to the subject site. He argued that this site is not unique to the area and the subject proposal fits well within the community.

Board Findings

With respect to a request for a Special Exception, the Board is bound by BCZR Section 502, specifically §§ 502.1 and 502.2, which read:

> 502.1--Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not:
>
> a. Be detrimental to the health, safety, or general welfare of the locality involved;
>
> b. Tend to create congestion in roads, streets or alleys therein;

c. Create a potential hazard from fire, panic or other dangers;

d. Tend to overcrowd land and cause undue concentration of population;

e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;

f. Interfere with adequate light and air;

g. Be inconsistent with the purposes of the property's zoning classification nor in any other way be inconsistent with the spirit and intent of these Zoning Regulations;

h. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

i. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers, and floodplains in an R.C. 2, R.C. 4, R.C. 5 or R.C. 7 Zone.

502.2--In granting any special exception, the zoning commissioner or the board of zoning appeals, upon appeal, shall impose such conditions, restrictions, or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. The owners, lessees or tenants of the property for which a special exception is granted, if required by the zoning commissioner, or board of zoning appeals, upon appeal, shall enter into an agreement in writing with said zoning commissioner and/or the county commissioners of Baltimore County, stipulating the conditions, restrictions, or regulations governing such special exception, the same to be recorded among the land records of Baltimore County. The cost of such agreement and the cost of recording thereof shall be borne by the party requesting such special exception. When so recorded, said agreement shall govern the exercise of the special exception as granted, as to such property, by any person, firm or corporation, regardless of sale, lease, assignment or other transfer.

The Petitioners' expert witnesses, Kevin Small and Mickey Cornelius, testified that, in their opinion, the Special Exception requested would not cause any adverse effect on the surrounding community. Each specifically addressed the requirements of § 502.1 and testified that the subject proposal met those requirements. They further opined that the WAWA project would offer certain advantages and improvements to the site as it currently exists including

improved traffic circulation and increased landscaping, thus fulfilling the spirit and intent of the current zoning classification of BL-AS as intended.

In fact there was no evidence presented before the Board to indicate that any adverse effect would occur as a result of the Special Exception as requested.

The Board, in assessing this case, has applied principles established by the Courts of this State relative to the Special Exception.

The leading case authority in Maryland is *Schultz v. Pritts*, 291 Md. 1 (1981). In that case, Judge Rita Davidson stated:

> When the legislative body determines that other uses are compatible with the permitted uses in a use district, but that the beneficial purposes such other uses serve do not outweigh their possible adverse effect, such uses are designated as conditional or special exception uses. Such uses cannot be developed if at the particular location proposed they have an adverse effect above and beyond that ordinarily associated with such uses.
>
> * * *
>
> The duties given to the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan.
>
> * * *
>
> If [the applicant] shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide.

While the Petitioners may not need to show affirmatively that the proposed use accords with the general welfare (*Turner v. Hammond*, Md. 41, 54-55, 310-A2d 543, [1977]), the Board noted the completeness of the site and landscaping plans as well as the gasoline system

monitoring, and we find that the convenience store and carryout restaurant as uses in combination with the fuel service station is compatible with other uses permitted on land zoned BL-AS in Baltimore County.

The Board finds that, based on the testimony and evidence presented, the Petitioners have met the burden imposed upon them, and the Board will grant the Special Exception as requested.

ORDER

IT IS THEREFORE this 31st day of July, 2002 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Exception to approve a convenience store and carry-out restaurant as uses in combination with a proposed fuel service station at 4043 North Point Boulevard, 15th Election District, 7th Councilmanic District of Baltimore County, Maryland, be and the same is hereby **GRANTED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks, Chairman

Lawrence M. Stahl

Margaret Worrall

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
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July 3, 2002

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: *In the Matter of: Carl T. & Edward V. Julio and Phyllis J. Della Rocca –Legal Owners; WaWa, Inc., Alex Krowzow – C.P.*
Case No. 01-520-X

Dear Mr. Hoffman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco /tks

Kathleen C. Bianco
Administrator

Enclosure

c: Carl T. & Edward V. Julio and
Phyllis J. Della Rocca
Alex Krowzow /WaWa
Gregory T. Harvey /WaWa
Edward Poniatowski
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

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BEFORE THE

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CASE NO. 01-506-XA

IN RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE
SE/S Eastern Boulevard and
SW/S Seversky Court
(1627 Eastern Boulevard)
15th Election District
5th Councilmanic District

Mark McAllister
Petitioner

Alfred L. Brennan, Jr.
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825 Eastern Boulevard
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Attorneys for Petitioner

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IN RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE SE/S Eastern Boulevard and SW/S Seversky Court (1627 Eastern Boulevard) 15th Election District 5th Councilmanic District Mark McAllister, Petitioner	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 01-506-XA

* *

BRIEF OF PETITIONER

Petitioner Mark McAllister, by his attorneys Alfred L. Brennan, Jr. and Brennan and Brennan, hereby file the Brief of Petitioner, as follows:

STATEMENT OF THE CASE

This is an appeal by Petitioner of the decision of the Deputy Zoning Commissioner of Baltimore County (the "Commissioner"), on August 8, 2001, to deny a special exception request to approve the operation of an automotive service station at 1627 Eastern Boulevard (the "Property") pursuant to § 230.13 of the Baltimore County Zoning Regulations ("BCZR"). The Commissioner also denied Petitioner's request for variance relief to permit a rear yard setback abutting a residential zone of zero feet in lieu of the required twenty feet, as required by BCZR § 232.3B, and to allow existing fencing in lieu of the required total screening of "damaged or disabled motor vehicles" pursuant to BCZR § 405A.1.

Protestants noted a timely appeal on September 5, 2001. The case was heard before the County Board of Appeals of Baltimore County on June 2, 2002..

QUESTIONS PRESENTED

1. Does the operation of an automotive service center on the Property have any adverse effects above and beyond those inherently associated with the operation of an automotive service center irrespective of its location within the zone?

2. Do the Provisions of the BCZR which Form the Basis of the Variance Petitions Apply to the Property?

3. Assuming that the Above BCZR Provisions Apply to the Property, Should the Variance Petitions, Requesting a Zero Foot Rear Yard Setback in Lieu of the Required Twenty Feet, and Allowing Existing Fencing in Lieu of Required Total Screening, be Granted?

   a. Is the Property unique and unusual in a manner different from the nature of the surrounding properties, such that the uniqueness and peculiarity of the Property causes the Regulations to impact disproportionately upon the Property?

   b. Would strict compliance with the Regulations impose a practical difficulty upon the Petitioner?

   c. Is the grant of the variance in strict harmony with the spirit and intent of the Regulations, and does the variance grant relief to Petitioner without injury to public health, safety, and general welfare?

STATEMENT OF FACTS

The Property has been operated as an automotive service center since 1950. Hearing before the Baltimore County Board of Appeals, June 4, 2002, Extract, ("E"), at 10-11. At that time, gasoline was sold in conjunction with the automotive service repair business. Id. Special permit No. 1791 was issued on August 17, 1950 to permit this use [E. 10.] Gasoline was sold at the site until about 1982 or 1983, when a fire damaged the property. Shortly thereafter, the gasoline tanks were removed [E. 14.] General automotive repair is performed at the service center; tune ups, exhaust work, tires and alignment. No body work is performed on the Property. Thus, most cars are in and out of the Property within one day. [E. 16.]

The automotive service center on the Property has been an integral part of the community for many years. Most of the customers are local residents, and many senior citizens use its services [E.17]. Petitioner has been a good corporate citizen, repainting the back wall of the Property after it had been defaced with graffiti, repairing the fence, and complying with all requests made by zoning inspectors [E. 26-28].

The Property is physically small, having a net lot size of only 0.21 acres [E. 7]. Ten parking spaces exist on the Property [E. 8] . The Property is accessible from both Eastern Boulevard and Seversky Court [E. 8]. Aerial photographs taken by the Baltimore County Office and Planning demonstrate that the current location of the building on the Property is the same as it was in 1954 [E.12].

Were the 20 foot rear yard requirement of BCZR § 232.3B to be enforced, the Property would be rendered essentially unusable, as Petitioner would be left with only seven feet of usable space in his building [E.10]. He would be unable to operate virtually any type of business in this small space [E.10, 26].

ARGUMENT

1. Standard of Review.

Section 603 of the Baltimore County Charter provides that "[a]ll hearings held by the [B]oard [of Appeals] shall be held *de novo*. As the Court of Special Appeals explained in Pollard's Towing, Inc. v. Berman's Body Frame and Mechanical, Inc., 137 Md. App. 277, 288, 768 A.2d 131, 137 (2001), "unless otherwise limited by statute or court rule, a *de novo* hearing is an entirely new hearing at which time all aspects of the case should be heard anew as if no decision had been previously rendered." The Board of Appeals can therefore render its decision based on the evidence before it.

2. The Operation of an Automotive Service Center at 1627 Eastern Boulevard Does Not Have Any Adverse Effects Above and Beyond Those Inherently Associated with the Operation of an Automotive Service Center Irrespective of its Location Within the Zone.

The basic standard for resolving special exception issues is Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981). Schultz was recently applied by the Court of Special Appeals in Eastern Outdoor Advertising Co. v. Mayor and City Council of Baltimore, 128 Md. App. 494, 739 A.2d 854 (1999) cert den 358 Md. 163 (2000). Under Schultz and its progeny, a proposed special exception or conditional use "is prima facie valid absent any fact or circumstance negating the presumption....This presumption in favor of conditional uses [and special exceptions] exists because the legislature made a policy determination that the conditional use is a permitted use provided certain conditions are met." Eastern Outdoor, supra, 128 Md. App at 525, 739 A.2d at 870. *See also* BCZR § 502 ("All of the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal."). Therefore:

> the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

Schultz, supra, 291 Md. at 22-23, 432 A.2d at 1331. Thus, in Eastern Outdoor, the Court of Special Appeals overturned the Board of Appeals' decision to bar an outdoor billboard because the Board failed to make any finding that the proposed billboard would have "specific adverse effects...in its proposed location above and beyond those inherent to such a sign as would obtain generally elsewhere in the City within a B-5-1 district." Eastern Outdoor, supra, 128 Md. App. at 527-28, 739 A.2d at 872. There is similarly no evidence in the instant record indicating that the operation of an automotive service center at 1627 Eastern Boulevard would have "specific

adverse effects" at that location above and beyond those inherently associated with the operation of an automotive service center in the BL-AS zone.

Section 502.1 of the BCZR enumerates the conditions which the Baltimore County Council has determined must be considered in granting a special exception:

> Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:
>
> A. Be detrimental to the health, safety or general welfare of the locality involved;
>
> B. Tend to create congestion in roads, streets or alleys therein;
>
> C. Create a potential hazard from fire, panic or other danger;
>
> D. Tend to overcrowd land and cause undue concentration of population;
>
> E. Interfere with adequate provisions for schools, parks water, sewerage, transportation or other public requirements, conveniences or improvements;
>
> F. Interfere with adequate light and air;
>
> G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
>
> H. Be inconsistent with the impermeable surface and vegetative retention provision of these Zoning Regulations...[1]

A. The Operation of the Automotive Service Center on the Property is Not Detrimental to the Health, Safety or General Welfare of the Locality.

The operation of the service center at 1627 Eastern Boulevard provides a service to the local community. Most of its customers are local residents, and many senior citizens also use the service center [E. 17]. As very little collision work is performed at the shop [E. 16], it is unlikely that severely damaged cars would be parked on the premises. The owner of the property has been a good citizen by complying with all requests by zoning inspectors [E. 27], as

well as repairing the fences on the property numerous times and repainting the back wall of the Property after it had been defaced with graffiti [E. 26].

B. The Automotive Service Center Will Not Tend to Create Congestion in Roads, Streets or Alleys in the Zone.

The main frontage of the Property is along Eastern Boulevard [E. 7] which is a major thoroughfare in the Essex community. Ingress and egress is also possible from Seversky Court [E. 8]. As there is a maximum of 10 parking spaces on the Property [E. 8], the operation of an automotive service center on the Property will not cause congestion in the roads of the zone. As customers tend to drop off and pick up their cars, the amount of traffic caused by the operation of the service center is small in comparison to other businesses such as donut shops or gasoline stations, in which traffic is constantly in and out of such premises.

C. The Operation of the Automotive Service Center on the Property Does not Create a Potential Hazard from Fire, Panic or Other Danger.

The hazard from fire has been reduced at the Property since 1982 or 1983 when the gasoline storage tanks were removed [E. 14]. Furthermore, since no body work is performed on the Property [E. 16], the risk of accidents from welding torches used in the performance of body repair is reduced in comparison to other automotive service centers which perform such work.

D. The Automotive Service Center Will Not Tend to Overcrowd Land and Cause Undue Concentration of Population.

The total square footage of the building on the Property is 2475 square feet [E. 8] with a total capacity of 10 parking spaces [E. 8-9]. The facility is therefore too small to have an adverse impact on land or population density.

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[1] The last factor is applicable only to R.C.2, R.C.4, R.C.5 or R.C.7 zones; the instant zone is BL-AS.

E. The Operation of the Automotive Service Center on the Property Will Not Interfere with Adequate Provisions for Schools, Parks, Water, Sewerage, Transportation or Other Public Requirements, Conveniences or Improvements.

See response to paragraph (D) above.

F. The Height of the Building on the Property Does Not Interfere with Adequate Light and Air.

Petitioner's Exhibit 4 is a photograph of the front of the service center. Exhibit 4B depicts the service center from across the street. Exhibit 4C shows the building on the Property with other buildings adjacent to it. Petitioner's Exhibit 4G is a photograph of the back wall and the back structure of the garage and the alleyway [E. 17-20]. These photographs demonstrate that the height of the building on the Property is not sufficient to interfere with the surrounding properties' enjoyment of adequate light and air.

G. The Operation of the Automotive Service Center is Not Inconsistent with the Purposes of the Current Zoning Classification Nor Inconsistent with the Spirit or Intent of the BCZR.

The Property is situated in a B.L., or Business, Local zone. The permissible uses in a B.L. zone are regulated by § 230 of the BCZR. The intent of the Business, Local zone is to permit the operation of small businesses. For example, the businesses listed in § 230.9, permitted in a B.L. zone, are small businesses. Examples of the businesses listed in § 230.9 are an antique shop, automobile accessory shop, bowling alley, dairy products store, florist, gift shop, hobby shop and transit facilities. Section 230.12 provides that no more than 5 persons can be "engaged in the repair or fabrication of goods on the premises (subsection B) and no more than 5 horsepower "shall be employed in the operation of any one machine used in repair or fabrication" (total of 15 horsepower limit on all machines)(subsection C).

The operation of the automotive service center on the Property is such a small business contemplated by the Business, Local zoning classification. Most of the customers are local

residents [E. 17]. The premises are physically small, with the building on the premises comprising only 2475 square feet, with ten parking spaces [E. 8-9]. The total net acreage of the Property is 0.21 acres [E. 7]. The automotive service center on the Property is manifestly a small business contemplated within the spirit and intent of the Business, Local zoning classification.

H. The Presence of an Automotive Service Center on the Property Predates the Establishment of the Impermeable Surface and Vegetative Retention Provisions of the BCZR.

Subsection 502.1H of the BCZR was enacted in 1982. The automotive service center on the Property has existed there since at least 1954, as indicated in the aerial photos from the Baltimore County Office of Planning (Petitioner's Exhibits 3A and 3B). The lot has been completely covered in concrete since that time. Thus, other than occasional weeds, there has been no vegetation on the Property since 1954.

The Property does not violate any of the criteria set forth in § 502.1 of the BCZR, nor is there any evidence from the record of any possible adverse impacts above and beyond the adverse impacts of an automotive service center within the Business, Local zone.

3. The Provisions of the BCZR which are the Subject of the Variance Petitions Do Not Apply to the Property.

A. Section 232.3 of the BCZR Does Not Apply to the Property Because the Rear Lot Line of the Property Does Not "Abut a Lot."

Section 232.2 of the BCZR requires a rear yard for commercial buildings under the following circumstances: "B. For commercial buildings, none [a rear yard] required, except that where the rear lot line abuts a lot in a residence zone,there shall be a rear yard not less than 20 feed deep."

Black's Law Dictionary defines a lot as follows:

> A share; one of several parcels into which property is divided. Any portion, piece, division or parcel of land. Fractional part or subdivision of block,

> according to plat or survey....; portion of platted territory measured and set apart for individual and private use and occupancy....A lot is commonly one of several other contiguous parcels of land making up a block. Real property is typically described by reference to lot and block numbers on recorded maps and plats.

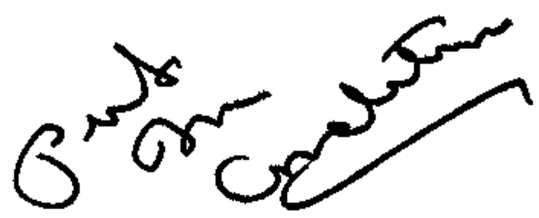
Black's Law Dictionary, (5th ed. 1979) at 853. According to the site plan submitted as Exhibit A, the rear lot line of the Property abuts a 15 foot alley, which does not fall within the definition of a "lot" as set forth above. The width of the alley ranges from 18 to 41 feet from the nearest curb line. Therefore, the Property does not "abut a lot", which is a prerequisite for the BCZR 20 foot rear yard requirement.

B. No "Damaged" or "Disabled" Vehicles are Stored on the Premises.

Section 405A of the BCZR related to the storage of damaged or disabled vehicles on the premises of a service garage. Section 405A.1 requires that "all such vehicles shall be screened from off-site view by walls (including building walls) or fences at least eight feet in height. The regulation obviously contemplates that such vehicles are either physically damaged and thus unsightly, or that such vehicles are disabled and cannot be moved for a long period of time. These vehicles might be used for spare parts. Such inoperable vehicles would most likely also be in an unsightly condition. The purpose of the screening is therefore to shield these unattractive sights from the general public.

The record indicates that no vehicles of this type are stored on the Property. No collision work is performed there [E. 16]. As the nature of the business is tune-up, exhaust work, tires, alignment and performance work, most cars are in and out on the same day [E. 16]. The longest period of time that a car is on the Property is 2-3 days, if a part must be ordered [E. 16].

Thus, the presence and movement of cars on the Property is more like an automotive parking facility than the type of facility contemplated by the regulation. This section is therefore applicable to the Property.



4. **The Requested Variance Petitions Should Be Granted.**

Section 307.1 of the BCZR states, in pertinent part, as follows:

> [T]he County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations ... only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship ... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area .. regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare.

As a threshold matter, it should be noted that the phrase "practical difficulty or unreasonable hardship" has been interpreted by the Court of Appeals to mandate analysis under only one of those standards: "[T]he Court of Appeals emphasized that the grant of the requested area variance was justified on proof of 'practical difficulty' alone and that proof of hardship was not required because the governing zoning ordinance, which phrased the criteria of 'practical difficulty or unreasonable hardship' in the disjunctive, could be construed as requiring that only the lesser standard of proof be applied." Anderson v. Board of Zoning Appeals, 22 Md. App. 28, 40, 322 A.2d 220, 227 (1974). The instant variance is classified as an area variance. See Friends of the Ridge v. Baltimore Gas and Electric Co., 342 Md. 645, 651, 724 A.2d 34, 37 fn. 6 (1999) ("When variance issues are involved, some cases regarding setbacks or height restrictions refer to them as "dimensional" variances...and some as "deviational" variances. In Maryland, they are commonly referred to as "yard" variances, distinguishing them from "use" variances....) (citations omitted). The "unreasonable hardship" standard is applicable to use variances, while the "practical difficulty" standard is used for area variances. Cromwell v. Ward, 102 Md. App. 691, 694, 651 A.2d 424, 426 n.1. Therefore, in the instant case it is appropriate to apply the "practical difficulty" standard.

a. The Property is Unique and Unusual in a Manner Different from the Nature of the Surrounding Properties, such that the Uniqueness and Peculiarity of the Property causes the Regulations to Impact Disproportionately upon the Property.

This "uniqueness" element of the variance analysis is a threshold question. If the property is not unique under Cromwell, the analysis stops. See, Cromwell, supra, 102 Md. App. at 721, 651 A.2d at 439 ("We conclude that the law in Maryland and in Baltimore County under its charter and ordinance remains as it has always been--a property's peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist in conjunction with the ordinance's more severe impact on the specific property because of the property's uniqueness before any consideration will be given to whether practical difficulty or unnecessary hardship exists."); accord Riffin v. People's Counsel of Baltimore County, 137 Md.App. 90, 767 A.2d 922 cert den. 363 Md. 660 (2001).

In discussing the uniqueness requirement, the Cromwell court cited Salisbury Board of Zoning Appeals v. Bounds, 240 Md. 547, 554, 214 A.2d 210 (1965):

> Where property, due to unique circumstances applicable to it, cannot reasonably be adopted to use in conformity with the restrictions ... hardship arises.... The restrictions of the ordinance, taken in conjunction with the unique circumstances *affecting the property* must be the proximate cause of the hardship.... [T]he hardship, arising as a result of the act of the owner ... will be regarded as having been self-created, barring relief...." The instant case fits squarely within the above general rule.... [I]f the appellees had used proper diligence ... and then made accurate measurements ... [the resultant hardship could have been avoided]. The hardship ... was entirely self-created....

Cromwell, supra, 102 Md. App. at 706, 651 A.2d at 431-32. The court noted that had the contractor in Cromwell checked the applicable height limitation, the situation could have been avoided. Id.

In contrast, Petitioner's predecessor in title could not have checked either of the

restrictions involved in this case, because they did not exist at the time the automotive service station was originally built. The 20-foot rear yard requirement, § 232.3 was enacted in 1963, while section 405A was enacted in 1969. Therefore, the circumstances existing in Cromwell, that the petitioner had exceeded the existing height limitations, are not applicable here. No rear yard limitations existed at the time the service center was constructed.

Significantly, at the time the service center was built, in 1950, Baltimore County had evaluated the peculiar circumstances existing at the time and concluded that an automotive service center could be built upon the Property, as evidenced by the issuance of permit no. 1791, issued on August 17, 1950 [E. 10-11]. Aerial photographs taken by the Baltimore County Office of Planning in January, 1954 indicate that the service center was in the same location then as it is now [E. 12, Exhibits 3A and 3B].

The instant factual scenario fits squarely within the definition of a vested right: '[W]hen a property owner obtains a lawful building permit, commences to build in good faith, and completes substantial construction on the property, his right to complete and use that structure cannot be affected by any subsequent change of the applicable building or zoning regulations.' " Sycamore Realty Co. Inc. v. People's Counsel of Baltimore County, 344 Md. 57, 67, 684 A.2d 1331, 1336 (1996). As stated above, the original zoning permit was issued in 1950, and the service station was definitely in existence in 1954, when the aerial photos were taken. The Petitioner's ability to use the Property as a service center cannot be affected by the subsequent passage of rear yard requirements in 1963, nor screening requirements in 1969. Additionally, the granting of the special permit in 1950, and use of the Property in conformance therein since then, constitutes "unique circumstances applicable to [the Property]" under Cromwell.

b. Strict Compliance with the Regulations Imposes a Practical Difficulty upon the Petitioner.

Anderson set forth the three-part "practical difficulty" standard as follows:

> Where the standard of 'practical difficulty' applies, the applicant is relieved of the burden of showing a taking in a constitutional sense, as is required under the 'undue hardship' standard In order to justify the grant of an area variance the applicant need show only that: '1) Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. '2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners. '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, supra, 22 Md. App. at 39, 322 A.2d at 226, citing McLean v. Soley, 270 Md. 208, 214-215, 310 A.2d 783, 787 (1973). Cromwell also requires that the condition causing the practical difficulty cannot be self-inflicted, the result of the applicant's own actions. Cromwell, supra, 102 Md. App. at 722, 651 A.2d at 440.

1) Compliance with the Strict Letter of the Regulations would Unreasonably Prevent the Petitioner from Using the Property for a Permitted Purpose or would Render Conformity with Such Restrictions Unnecessarily Burdensome.

The effect of the rear yard requirement of § 232.3 would be to render the Property essentially unusable. There would be a seven-foot wide usable area after the 20 foot yard requirement was implemented [E. 10]. Petitioner's expert property line surveyor was unaware of any business which could effectively operate in a seven-foot wide building [E. 10].

The "strict letter" of the screening requirement of § 405A.1 states that "[a]ll such [disabled or damaged] vehicles shall be screened from off-site view by walls (including building walls) or fences at least eight feet in height." Although Petitioner has argued that the vehicles it

services are not "damaged or disabled", the logical consequence if this were not the case would be for the entire property to be screened, as such vehicles would be "stored" anywhere on the Property. Taken to the extreme, "strict" reading, a sliding gate mechanism might even be required, as a gap in the screening large enough for vehicle ingress and egress would probably result in the "damaged or disabled" vehicles being visible "from off-site view".

2) The grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district.

The grant of the variance would do substantial justice to the applicant as he would be able to continue to conduct his business as it has been conducted since the 1950's. Enforcement of the rear yard requirement would cause disruption to adjoining property owners as a significant amount of demolition would take place. Furthermore, the resulting offset would result in an unusual and distracting appearance which would create a disharmony in the strip of buildings to which the Property is adjacent, as the other buildings next to the Property share the same zero setback as the Property.

The screening requirement would also detract from the appearance of the surrounding properties. As the photographs indicate, the vicinity of Eastern Boulevard in which the Property is located is characterized by wide open space. Enforcement of the screening requirement would create a jarring, prison-like appearance created by an eight-foot tall impermeable barrier around the Property, no matter how aesthetically it was designed.

3) Relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

The spirit of the rear-yard requirement is that a 20 foot spacing should exist between the back of a commercial establishment and a residential lot. In fact, the testimony indicates that

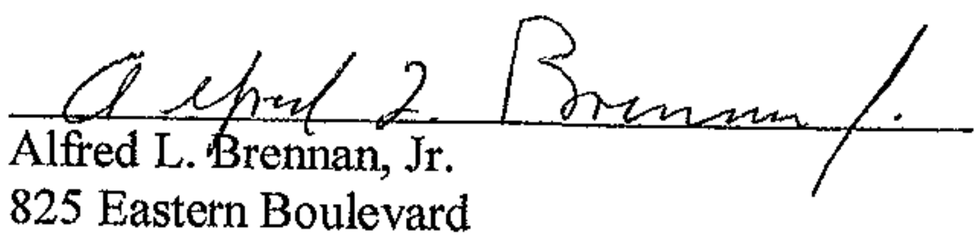
there is 41 feet of concrete in back of the building on the Property, as well as the fact that the Property does not actually abut a residential lot, but abuts an alley [E. 9]. Furthermore, the area in back of the Property is a condominium which has been demolished, and which is a proposed park area [E. 8-9]. Therefore, the intent of the regulation, which is to create space between commercial establishments and residences, is preserved by granting the requested relief.

In addition, the spirit of the screening regulation is also preserved, as there are no "disabled or damaged" vehicles on Petitioner's property.

CONCLUSION

Petitioner has demonstrated that there are no adverse effects above and beyond those inherently associated with the operation of an automotive service center irrespective of its location within the zone. Furthermore, Petitioner have demonstrated that the physical characteristics of the Property are unique, that they would suffer a practical difficulty if the Regulations were strictly enforced against them, and that grant of the variance is in accordance with the spirit of the Regulations, and would not adversely effect the public health, safety and welfare. Therefore, Petitioner respectfully requests that the Petitions for Special Exception and Variances be granted.

BRENNAN AND BRENNAN,
ATTORNEYS AT LAW, P.A.



Alfred L. Brennan, Jr.
825 Eastern Boulevard
Baltimore, Maryland 21221
(410) 687-3434

Attorneys for Petitioner

Baltimore County
Zoning Commissioner

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

August 28, 2001

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

RE: Petitions for Special Exception
Case No. 01-520-X
Property: 4043 North Point Boulevard

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Special Exception has been denied 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,

Timothy Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Printed with Soybean Ink on Recycled Paper

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 4043 North Point Boulevard

which is presently zoned BL-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, lega owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto an made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use th herein described property for

SEE ATTACHED.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by th 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:

WAWA, INC.
Name - Type or Print

By: Alex Krowzow
Signature Alex Krowzow, MCR, Senior Real Estate Manager

200 W. Baltimore Pike (610) 358-8000
Address Telephone No.

WaWa, PA 19063
City State Zip Code

Legal Owner(s):

Carl T. Julio Phyllis J. Della Rocca
Name - Type or Print

Carl T. Julio Phyllis J. Della Rocca
Signature

Edward V. Julio
Name - Type or Print

Edward V. Julio
Signature

10 Parks Avenue (410) 628-6000
Address Telephone No.

Cockeysville, MD 21030-4922
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

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

Towson, MD 21204
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

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

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP **Date** 6/8/01

Case No. 01-520-X

REV 09/15/98

ROOM RECEIVED FOR FILING
8/28/01

4043 North Point Boulevard

Petition for Special Exception

Special Exception to permit a fuel service station on an individual site, and a convenience store and carry-out restaurant as uses in combination with the proposed fuel service station pursuant to Sections 405.2.B.1, 405,4.E.1, and 405.4.E.10 of the Baltimore County Zoning Regulations.

TO1DOCS1/erl01/#117301 v1

FREDERICK WARD ASSOCIATES, INC.

ENGINEERS

ARCHITECTS

SURVEYORS

1.459 acre parcel located at ~~4017~~ 4043 KB. North Point Boulevard, situated in 15th Election District, Baltimore County, Maryland.

Beginning at a point in the southerly right-of-way for North Point Boulevard at the intersection of Saint Monica Drive. Thence South 29° 27' 37" East 230.31 feet to a point. Thence South 60° 32' 23" West 250.00 feet to a point. Thence North 29° 27' 37" West 230.31 feet to a point. Thence by a curve to the right having a radius of 25.00 feet and an arc length of 39.27 feet. Thence North 60° 32' 23" East 200.00 feet. Thence by a curve to right having a radius of 25.00 feet and an arc length of 39.27 feet to the point of beginning hereof.

CONTAINING 1.459 acres of land, more or less.

BEING as part of that parcel as described in Liber E.H.K. Jr. 5397, Folio 561.

STATE OF MARYLAND
JOHN VERNON MCKEE III
No. 10867
PROFESSIONAL LAND SURVEYOR

MARYLAND

BEL AIR

COLUMBIA

VIRGINIA

WARRENTON

01-520-X

P.O. Box 727, 5 South Main Street, Bel Air, Maryland 21014-0727
Phone: 410-879-2090 • 410-838-7900 • Fax: 410-893-1243 • Toll Free Outside MD: 888-879-8599
Website: www.fredward.com

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5626

DATE 09-06-01 ACCOUNT R001 006 6150

AMOUNT $ 285.00

ROBERT A HOFFMAN

RECEIVED FROM: VENABLE BAETJER + HOWARD LLP

FOR: APPEAL CASE NO 01-520-X
CARLT + EDWARD V JULIO
PHYLLIS J DELLA ROCCA
4043 NORTH POINT BOULEVARD GZ

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT	ACTUAL	TIME
9/07/2001	9/06/2001	15:09:01

REG WS04 CASHIER DDOL DMD DRAWER 2
RECEIPT # 155392 OFLN
Dept 5 52B ZONING VERIFICATION
CK NO. 005626

Recpt Tot 285.00
285.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: # 01-520-X
4043 North Point Boulevard
SW/S North Point Boulevard @ Cor. SE/S Saint Monica Drive
15th Election District-7th Councilmanic District
Legal Owner(s): Phyllis J. Della Rocca, Carl T. and Edward V. Julio.
Contract Purchaser: WAWA Inc., Alex Krowzow.

Special Exception: to permit a fuel service station on an individual site and a convenience store and carryout restaurant as used in combination with the proposed fuel service station.

Hearing: Monday, August 6, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

7/190 July 19 C481624

CERTIFICATE OF PUBLICATION

7/19/, 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 7/19/, 2001.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Scale 8/6/01

RE: Case No.: 01-520-X

Petitioner/Developer: JULIO, ETAL
VENABLE C/O AMY DONTELL

Date of Hearing/Closing: AUG. 6, 2001

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

Fax Note 7671		Date	# of pages ▶ 3
To ROBIN/BETTY		From O'KEEFE	
Co./Dept. ZONING COMM.		Co.	
Phone # 887 4386		Phone #	
Fax # 887-3468		Fax # 324-4139	

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 NORTH POINT BLV.@ 2 SIGNS (ONSITE) ST. MONICA DR.

The sign(s) were posted on 7/14/01
(Month, Day, Year)

Sincerely,

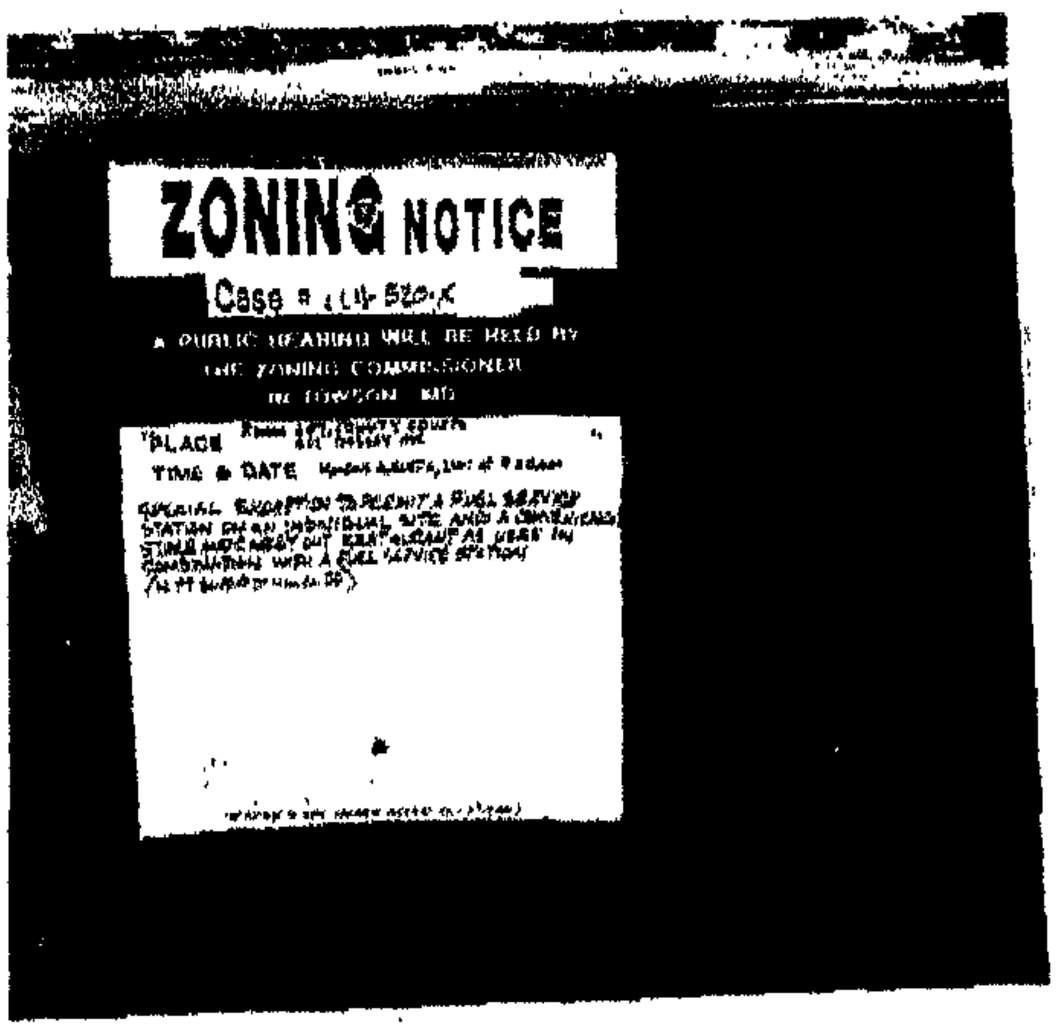
7/16/01
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

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

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



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: 01-520-X

Petitioner: JULIO / DELLA-ROCCA

Address or Location: 4043 NORTH POINT BLVD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: AMY DONTELL

Address: 210 ALLEGHENY AVE
TOWSON

Telephone Number: (410) 494 6244

Revised 2/20/98 - SCJ

Baltimore County
Department of Permits and
Development Management

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

June 25, 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: 01-520-X
4043 North Point Boulevard
SW/S North Point Boulevard @ Cor. SE/S Saint Monica Drive
15th Election District – 7th Councilmanic District
Legal Owner Phyllis J, Della Rocca Carl T. and Edward V Julio
Contract WAWA Inc, Alex Krowzow

Special Exception to permit a fuel service station on an individual site and a convenience store and carry-out restaurant as uses in combination with the proposed fuel service station.

HEARING: Monday, August 6, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GDZ
Director

C: Robert A Hoffman, Venable Baetjer & Howard LLP, 210 Allegheny Ave, Towson 21204
Carl T, Edward V. Julio & Phyllis J. Della Rocca 10 Parks Avenue, Cockeysville 21030

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 21, 2001.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 19, 2001 Issue – Jeffersonian

Please forward billing to:
Amy Dontell
Venable Baetjer & Howard LLP
210 Allegheny Avenue
Towson MD 21204

410 494-6244

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: 01-520-X
4043 North Point Boulevard
SW/S North Point Boulevard @ Cor. SE/S Saint Monica Drive
15th Election District – 7th Councilmanic District
Legal Owner Phyllis J, Della Rocca Carl T. and Edward V Julio
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HEARING: Monday, August 6, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
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.

APPEAL SIGN POSTING REQUEST

CASE NO. 01-520-X

CARL T. JULIO, EDWARD V. JULIO AND
PHYLLIS J. DELLA ROCCA

SW/s North Point Blvd., @ cor. SE/s Saint Monica Drive
(4043 North Point Boulevard)

15th Election District — Appealed: 9/~~5~~4/01

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

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

CERTIFICATE OF POSTING

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

Attention: Charlotte Radcliffe
Appeals Clerk

RE: Case No. 01-520-X
Petitioner/Developer:
JULIO, JULIO, ROCCA

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

property located at 4043 NORTH POINT BLVD.

The sign(s) was posted on 10/4/01, 2001.

By Gary C. Freund
(Signature of Sign Poster)

GARY C. FREUND
(Printed Name)

County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

March 5, 2002

NOTICE OF ASSIGNMENT

CASE #01-520-X **IN THE MATTER OF: CARL T. & EDWARD V. JULIO AND PHYLLIS J DELLA ROCCA –Legal Owners; WAWA, Inc., -CP**
- Petitioners 4043 North Point Boulevard 15th E; 7th C

8/28/01 – Petition for Special Exception DENIED by Deputy Zoning Commissioner.

ASSIGNED FOR: **WEDNESDAY, MAY 29, 2002 at 10:00 a.m.** ~~/Day #1 and~~ ~~**TUESDAY, JULY 9, 2002 at 10:00 a.m.**~~ ~~/Day #2~~ Completed in one day.

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

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

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

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

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Petitioners : Robert A. Hoffman, Esquire
Petitioners /Owners : Carl T. & Edward V. Julio and Phyllis J. Della Rocca
Petitioners /Contract Purchaser : Alex Krowzow /WaWa
Gregory T. Harvey /WaWa

Edward Poniatowski

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

Printed with Soybean Ink on Recycled Paper

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

August 3, 2001

Carl T & Edward V Julio
Phyllis June Della Rocca
10 Parks Avenue
Cockeysville MD 21030-4922

Dear Sirs & Madam:

RE: Case Number: 01-520X, 4043 North Point Boulevard

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 8, 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. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Robert A Hoffman, Venable Baetjer & Howard LLP, 210 Allegheny Avenue, Towson 21204
Alex Krowzow, WAWA, Inc, 200 W Baltimore Pike, WaWa PA 19063
People's Counsel

Ink 8/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 12, 2001

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

SUBJECT: 4043 North Point Blvd.

INFORMATION:

Item Number: 01-520

Petitioner: Carl T. Julio and Phyllis J. Della Rocca

Zoning: BL-AS

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and analysis conducted, the Office of Planning does not support the applicant's request to construct a WaWa convenience store in combination with a service station at North Point Village. The use, at this particular location, raises concerns due the proximity of the proposed county-owned and operated soccer complex. In addition to the soccer-related activities, the proposed facility will also be improved with an outdoor tot lot. Funding for this public facility will ultimately total 1.974 million dollars. This major county/state investment at this particular location makes this property unique and sets it apart from other similarly zoned and improved properties in the vicinity.

It seems clear that the improvement of the subject property with a convenience store in combination with a service station would have a greater impact with respect to off-site conflicts–the soccer complex and associated tot lot–than a similar use located elsewhere in the BL-AS zone. Therefore, the Office of Planning recommends the applicant's request be denied.

Prepared by: Mark A. Cunningham

Section Chief: Gary Kerns

AFK:MAC:lsn

\\NCH_NW\VOL3\WORKGRPS\DEVREV\ZAC\01-520.doc

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Robert A. Hoffman
(410) 494-6262

rahoffman@venable.com

September 4, 2001

HAND-DELIVERED

Mr. Arnold Jablon, Director
Department of Permits and Development
Management
County Office Building – Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

Lawrence S. Wescott, Chairman
County Board of Appeals for
Baltimore County
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RECEIVED
COUNTY BOARD OF APPEALS
01 SEP -4 PM 2:25

Re: Petition for Special Exception
4043 North Point Boulevard
SW/S of North Point Boulevard @ cor.
SE/S Saint Monica Drive
15th Election District – 7th Councilmanic District
Case No.: 01-520-X

Dear Mr. Jablon and Mr. Wescott:

On behalf of the contract purchaser/developer of the above-referenced property, WAWA, Inc., as well as the legal owners of the property, Carl T. Julio, Edward V. Julio, and Phyllis J. Della Rocca, we note an appeal from the decision of the Deputy Zoning Commissioner for Baltimore County, dated August 28, 2001, denying the Petition for Special Exception.

The names and addresses are as follows:

WAWA, Inc.
Main Office:
Mr. Gregory T. Harvey
Project Engineer
260 West Baltimore Pike
WaWa, Pennsylvania 19063

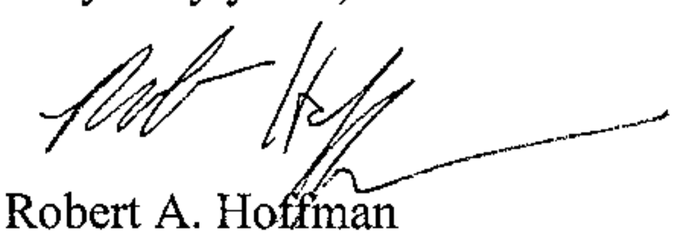
VENABLE
ATTORNEYS AT LAW

Local Office:
Mr. Alex Krowzow, MCR
Senior Real Estate Manager
P.O. Box 1123
Bel Air, Maryland 21014

Mr. Carl T. Julio
Mr. Edward V. Julio
Mrs. Phyllis J. Della Rocca
10 Parks Avenue
Cockeysville, Maryland 21030-4922

We have enclosed a check in the amount of $285.00 to cover the filing fee for the appeal and the costs associated with posting. If you have any questions regarding this appeal, please feel free to give me a call.

Very truly yours,



Robert A. Hoffman

RAH/dhk
Enclosure

TO1DOCS1/DHK01/#122245 v1

Baltimore County
Fire Department

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

June 25, 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 June 25, 2001

Item No.: 506, 507, 509, and 520

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 18, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For July 2, 2001
Item Nos. 502, 503, 505, 506, 507, 508,
509, 510, 511, 512, 513, 516, 517, 519,
and 520

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

RWB:HJO:jrb

cc: File

ZAC-7-2-2001-NO COMMENT ITEMS-7182001.doc

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: June 25, 2001

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

RE: Baltimore County
Item No. 520 (JNP)
4043 North Point BLVD
MD 151

Dear Ms. Jackson:

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

However, we will require the owner to obtain an access permit. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

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

LG

My telephone number is _____

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

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

Ink 8/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 12, 2001

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

SUBJECT: 4043 North Point Blvd.

INFORMATION:

Item Number: 01-520

Petitioner: Carl T. Julio and Phyllis J. Della Rocca

Zoning: BL-AS

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and analysis conducted, the Office of Planning does not support the applicant's request to construct a WaWa convenience store in combination with a service station at North Point Village. The use, at this particular location, raises concerns due the proximity of the proposed county-owned and operated soccer complex. In addition to the soccer-related activities, the proposed facility will also be improved with an outdoor tot lot. Funding for this public facility will ultimately total 1.974 million dollars. This major county/state investment at this particular location makes this property unique and sets it apart from other similarly zoned and improved properties in the vicinity.

It seems clear that the improvement of the subject property with a convenience store in combination with a service station would have a greater impact with respect to off-site conflicts–the soccer complex and associated tot lot–than a similar use located elsewhere in the BL-AS zone. Therefore, the Office of Planning recommends the applicant's request be denied.

Prepared by: Mark A. Cunningham

Section Chief: Gary Kerns

AFK:MAC:lsn

13

\\NCH_NW\VOL3\WORKGRPS\DEVREV\ZAC\01-520.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 9, 2001

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

SUBJECT: 4043 North Point Blvd.

INFORMATION:

Item Number: 01-520

Petitioner: Carl T. Julio and Phillis J. Della Rocca

Zoning: BL-AS

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request contingent upon the following:

1. Provide a pedestrian connection between St. Bridget Lane and the soccer complex. A pedestrian walkway should also be provided between the soccer complex and the service station. These walkways should be protected and heavily marked so as to provide safe passage between facilities.
2. Provide sidewalks along the perimeter of the subject property. The same should be shown on the development plan.
3. Submit a set of building elevation drawing, and a landscape plan to the Office of Planning for review and approval prior to the issuance of any building permits.
4. All exterior lights shall be "full-cutoff" fixtures only. The same shall apply to any exterior lights attached to the structure.

Prepared by: Mark A Cunningham

Section Chief: Jeffrey W Long
AFK:MAC:

RE: PETITION FOR SPECIAL EXCEPTION 4043 North Point Boulevard, SW/S North Point Blvd, at cor. SE/S St. Monica Dr 15th Election District, 7th Councilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	FOR
Legal Owner: Carl T. Julio, Edward V. Julio, Phyllis J. DellaRocca Contract Purchaser: WaWa, Inc. Petitioner(s)	*	BALTIMORE COUNTY
	*	Case No. 01-520-X

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

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of July, 2001 a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

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

September 11, 2001

Peter M. Zimmermann
People's Counsel
400 Washington Avenue
Towson MD 21204

Dear Mr. Zimmermann:

RE: Case No. 01-520-X, 4043 North Point Boulevard

Please be advised that an appeal of the above-referenced case was filed in this office on September 4, 2001 by Robert A Hoffman, Venable Baetjer & Howard LLP, on behalf of Carl T & Edward V Julio and Phyllis J Della Rocca. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

Arnold Jablon GDZ
Director

AJ: gdz

c: Robert A Hoffman, Venable Baetjer & Howard LLP, 210 Allegheny Avenue, Towson MD 21285
Carl T & Edward V Julio & Phyllis J Della Rocca, 10 Parks Avenue, Cockeysville 21030
People's Counsel

Printed with Soybean Ink
on Recycled Paper

APPEAL

Petition For Special Exception
4043 North Point Boulevard
SW/S of North Point Boulevard @ Cor.
SE/S Saint Monica Drive
15th Election District – 7th Councilmanic District
Carl T & Edward V Julio and Phyllis J Della Rocca- Legal Owner
WAWA Inc, Alex Krowzow - Contract Purchaser
Case No.: 01-520-X

Petition for Special Exception (dated 06/08/01)

Zoning Description of Property

Notice of Zoning Hearing (dated 06/25/01)

Certification of Publication (The Jeffersonian issue dated 07/19/01)

Certificate of Posting (dated 07/14/01 posted Patrick M O'Keefe)

Entry of Appearance by People's Counsel (dated 07/13/01)

Petitioner(s) Sign-In Sheet (1 Sheet)

Protestant(s) Sign-In Sheet (None)

Citizen(s) Sign-In Sheet (None)

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. Site Plan To Accompany Special Exception (dated 06/07/01)
2. WAWA Food Market Area Breakdown
3. Photographs (2 Pictures)
4. Landscape Plan WAWA Inc (dated 7/26/01)

Protestants' Exhibits:
(None)

Miscellaneous (Not Marked as Exhibits):
(None)

Deputy Zoning Commissioner's/Zoning Commissioner's Order (dated 08/28/01 - DENIED)

Notice of Appeal received on September 4, 2001 from Robert A Hoffman, Venable Baetjer & Howard LLP, on behalf of Carl T & Edward V Julio and Phyllis J Della Rocca

c: Robert A Hoffman, Venable Baetjer & Howard LLP, 210 Allegheny Avenue, Towson MD 21285
Carl T & Edward V Julio, and Phyllis J Della Rocca, 10 Parks Avenue, Cockeysville 21030
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

Case No. 01-520-X

SE –To permit fuel service station and convenience store and carry-out restaurant as uses in combination w/proposed fuel station

8/28/01 –D.Z.C.'s Order in which Petition for Special Exception was DENIED.

3/05/2002 -Notice of Assignment sent to following; assigned for hearing on Wednesday, May 29, 2002 at 10:00 /Day #1; and Tuesday, July 9, 2002 at 10:00 a.m. /Day #2:

Robert A. Hoffman, Esquire
Carl T. & Edward V. Julio and
Phyllis J. Della Rocca
Alex Krowzow /WaWa
Gregory T. Harvey /WaWa
Edward Poniatowski
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

5/29/02 – Board convened for hearing (Marks, Stahl, Worrall); concluded in one hearing day; deliberated at conclusion of hearing this date; special exception request GRANTED; meets requirements. Written Opinion and Order to be issued; appellate period to run from date of written Order.

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Carl T. Julio, Edward V. Julio, and Phyllis J. Della Rocca – Owners / WaWa, Inc. Alex Krowzow - CP
Case No.: 01-520-X

DATE: May 29, 2002

BOARD/PANEL:

Lawrence M. Stahl	LMS
Charles L. Marks	CLM
Margaret Worrall	MW

RECORDED BY: Theresa R. Shelton / Legal Secretary

PURPOSE: To deliberate the Petition for Special Exception filed by legal owners, Cart L. Julio, Edward V. Julio, and Phyllis J. Della Rocca, and the contract purchaser, WaWa, Inc., to permit a fuel service station on individual site and a convenience store and carry-out restaurant as uses in combination with proposed fuel service station.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- No adverse affect
- Testimony indicated that this may improve area
- Proposal fulfills all provisions of §502.1; all issues were addressed specifically
- No protestants were present
- Statutory requirements were met
- Counsel provided both witnesses and examples

FINAL DECISION: Unanimous decision by the Board of Appeal to REVERSE the Findings of Fact and Conclusions of Law issued by the Deputy Zoning Commissioner (Kotroco) in which request special exception relief was denied and GRANT the request for special exception.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted,

Theresa R. Shelton

Theresa R. Shelton
County Board of Appeals

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

DATE: September 26, 2002

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

FROM: Theresa R. Shelton trs
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

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

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
01-520-X	***PDM No.: 01-520-X***	Carl T. and Edward V Julio and Phyllis J. Della Rocca	4043 North Point Boulevard

Attachment: SUBJECT FILE(S) ATTACHED

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Robert A. Hoffman
(410) 494-6262

rahoffman@venable.com

September 4, 2001

HAND-DELIVERED

Mr. Arnold Jablon, Director
Department of Permits and Development
Management
County Office Building – Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

Lawrence S. Wescott, Chairman
County Board of Appeals for
Baltimore County
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
4043 North Point Boulevard
SW/S of North Point Boulevard @ cor.
SE/S Saint Monica Drive
15th Election District – 7th Councilmanic District
Case No.: 01-520-X

Dear Mr. Jablon and Mr. Wescott:

On behalf of the contract purchaser/developer of the above-referenced property, WAWA, Inc., as well as the legal owners of the property, Carl T. Julio, Edward V. Julio, and Phyllis J. Della Rocca, we note an appeal from the decision of the Deputy Zoning Commissioner for Baltimore County, dated August 28, 2001, denying the Petition for Special Exception.

The names and addresses are as follows:

WAWA, Inc.
Main Office:
Mr. Gregory T. Harvey
Project Engineer
260 West Baltimore Pike
WaWa, Pennsylvania 19063

VENABLE
ATTORNEYS AT LAW

Local Office:
Mr. Alex Krowzow, MCR
Senior Real Estate Manager
P.O. Box 1123
Bel Air, Maryland 21014

Mr. Carl T. Julio
Mr. Edward V. Julio
Mrs. Phyllis J. Della Rocca
10 Parks Avenue
Cockeysville, Maryland 21030-4922

We have enclosed a check in the amount of $285.00 to cover the filing fee for the appeal and the costs associated with posting. If you have any questions regarding this appeal, please feel free to give me a call.

Very truly yours,

Robert A. Hoffman

RAH/dhk
Enclosure

TO1DOCS1/DHK01/#122245 v1

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5626

DATE 09-06-01 ACCOUNT R001 006 6150

AMOUNT $ 285.00

ROBERT A HOFFMAN

RECEIVED FROM: VENABLE BAETJER + HOWARD LLP

FOR: APPEAL CASE NO 01-520-X
CARLT + EDWARD V JULIO
PHYLLIS J DELLA ROCCA
4043 NORTH POINT BOULEVARD GZ

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT	ACTUAL	TIME
9/07/2001	9/06/2001	15:09:01

AL W504 CASHIER DBOL ID DRAWER 2
RECEIPT # 155392 OFLN
DEPT 5 528 ZONING VERIFICATION
CASH NO. 005626

Recpt Tot 285.00
285.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

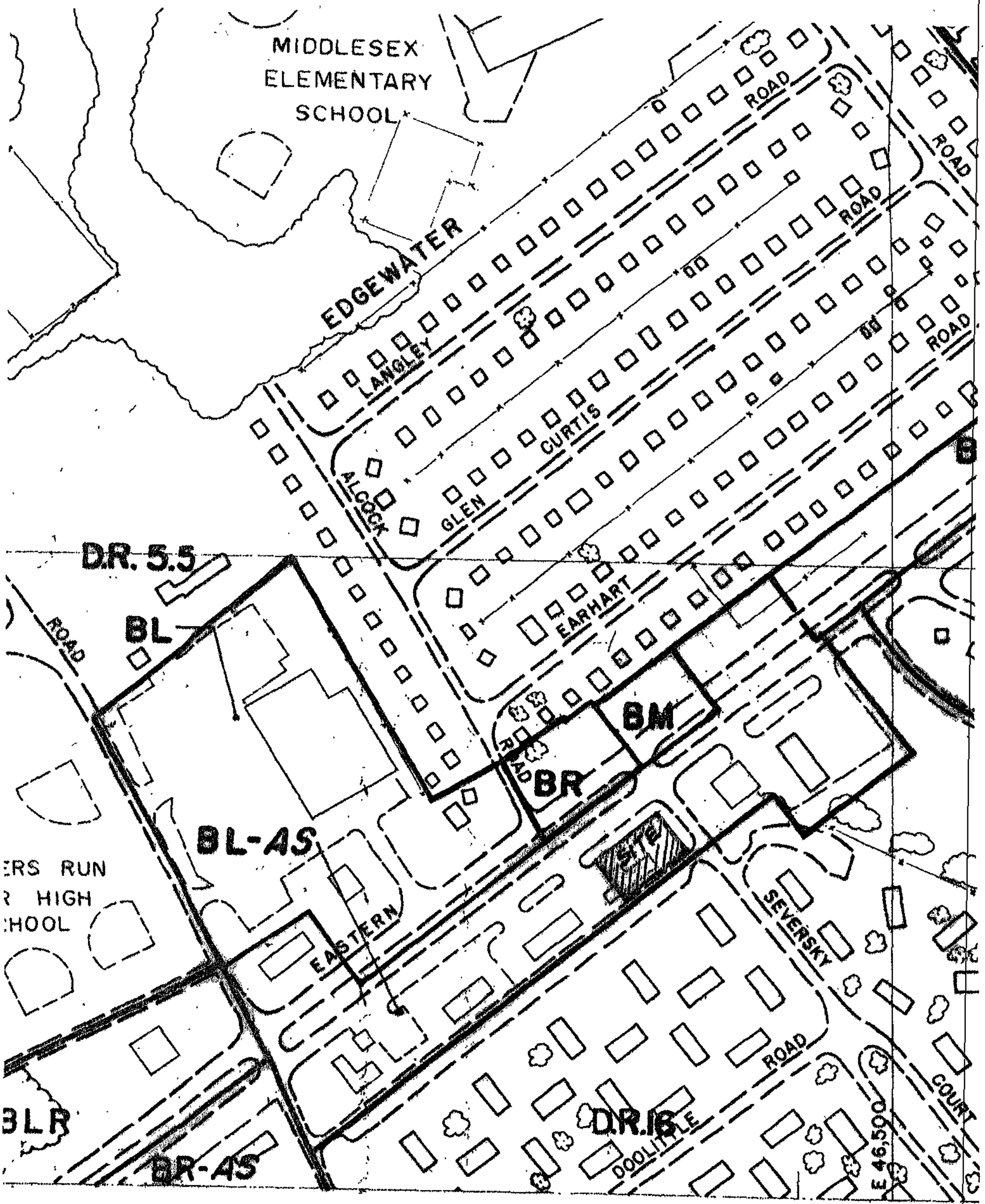
01-520-X

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
KEVIN SMALL	FWA 5 SOUTH MAIN ST. (PO 727) BEL AIR MD. 21014
WES GUCKERT	9900 FRANKLIN SQ. DR SUITE H BALTO 21236
ALEX KROWZOW	P.O BOX 1123, BEL AIR MD 21014
GREG HARVEY	260 W. BALTIMORE PIKE, WALWA PA 19063
ROBERT HOFFMAN	210 ALLEGHENY AVENUE, TOWSON

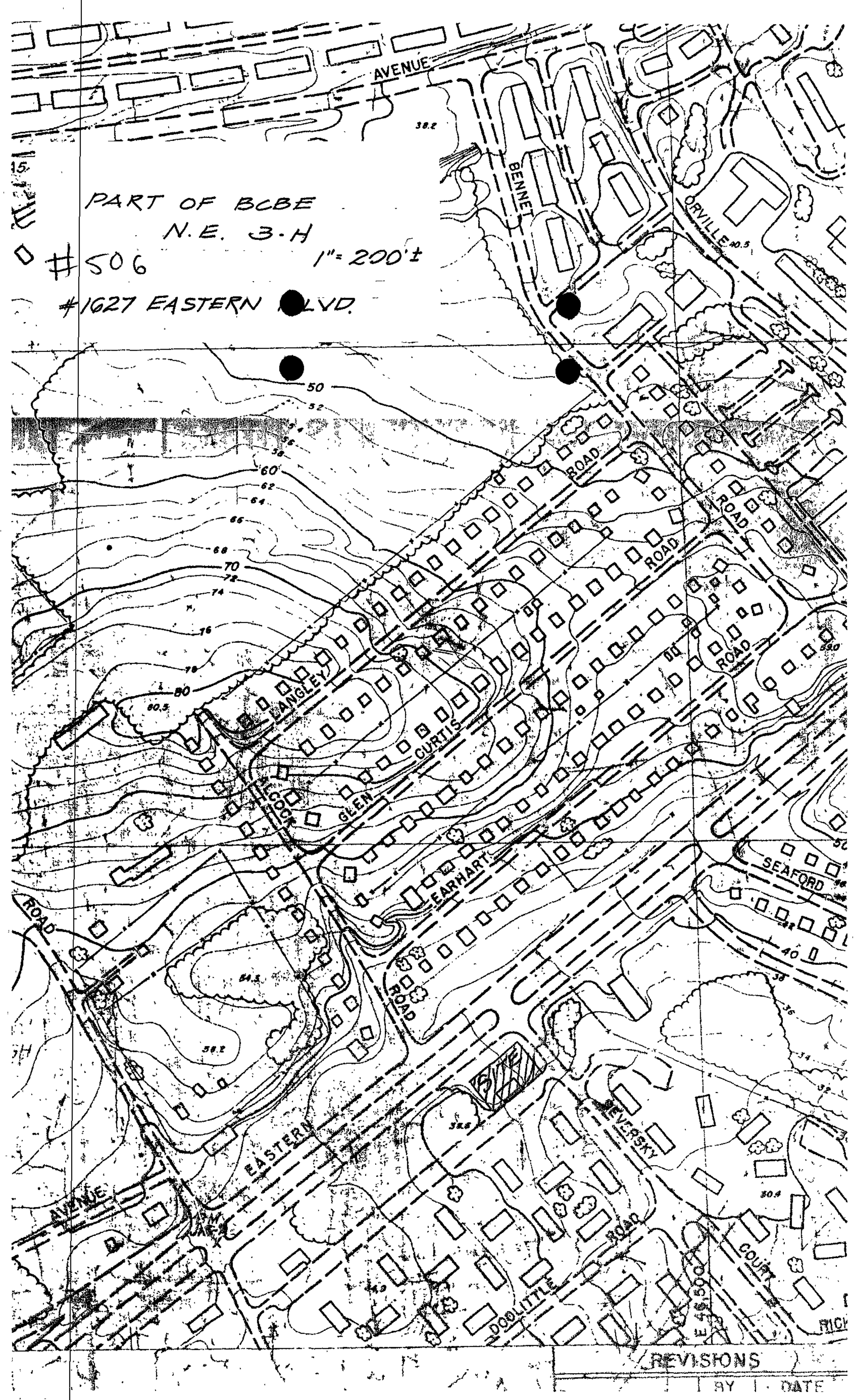
Printed with Soybean Ink
on Recycled Paper



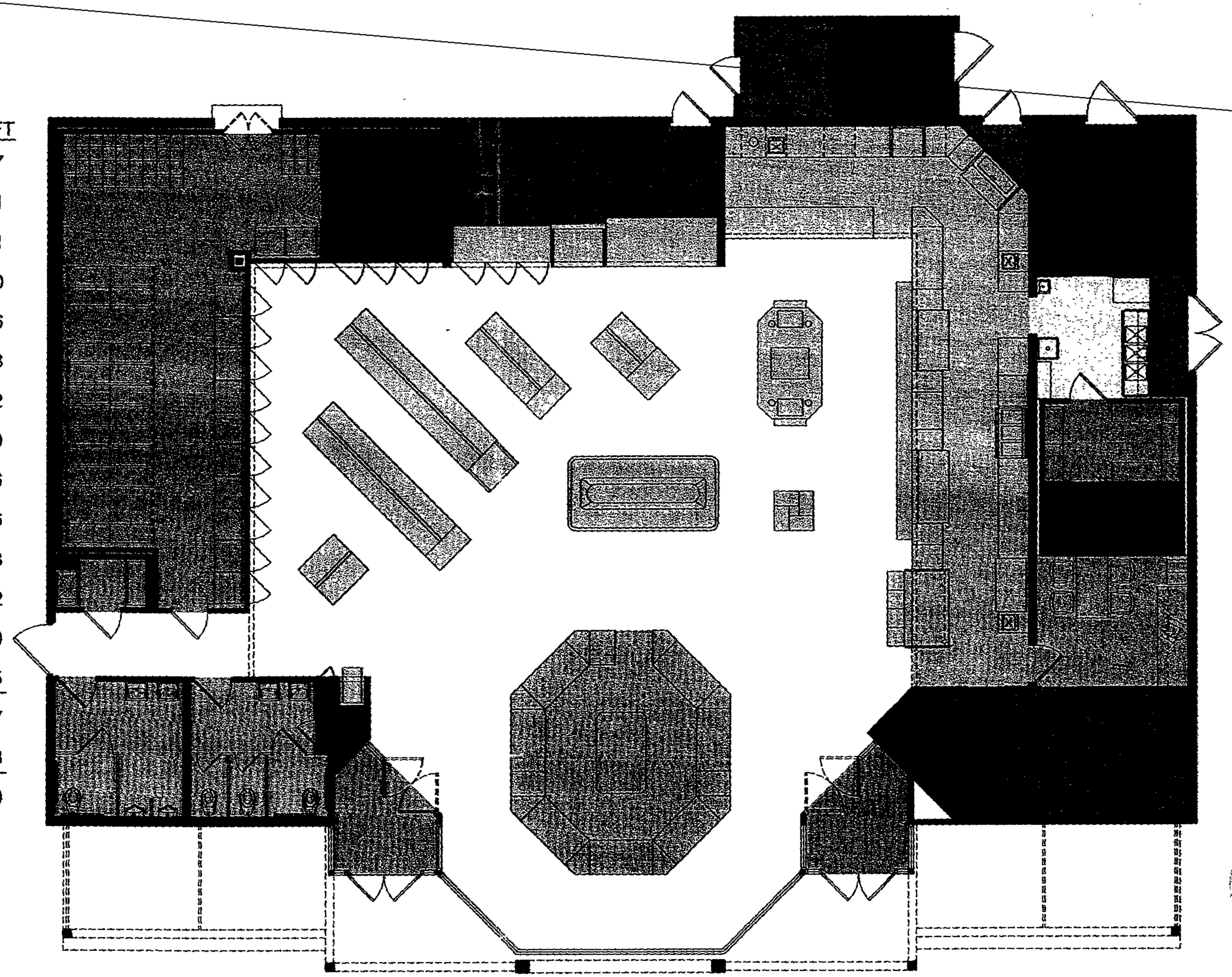
#506 PART OF O.P.Z. N.E. 3-H
1" = 200' ±

PART OF BCBE
N.E. 3-H
1" = 200'±

#506
#1627 EASTERN BLVD.



AREAS	SQ FT
VESTIBULE	137
CHECKOUT	291
FOOD SERVICE	561
DISPLAY	420
CIRCULATION	1936
REST ROOMS/ JANITOR	258
WASH/ PREP	92
FROZEN COLD STORAGE	150
REFRIG COLD STORAGE	656
DRY STORAGE	186
TRASH ROOM	213
MANAGER'S OFFICE	82
ASSOCIATES	130
BUILDING SERVICE	235
TOTALS	5347
WALLS	393
GROSS SQUARE FEET	5740

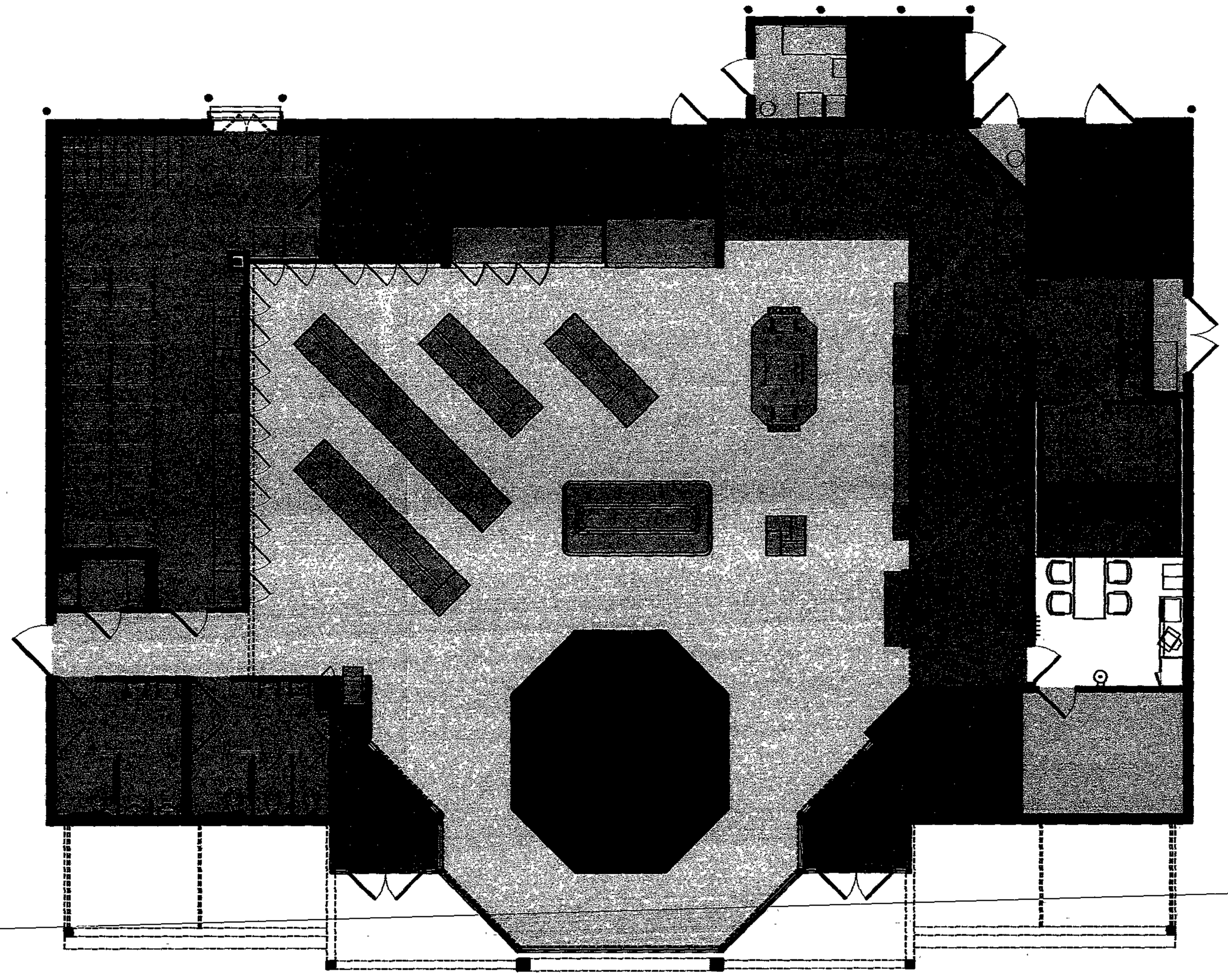


Pet Ex #2

Wawa Food Market Area Breakdown

P2 Stucco
May 25, 2001

AREAS	SQ FT
VESTIBULE	137
CHECKOUT	291
FOOD SERVICE	570
DISPLAY	428
CIRCULATION	1917
REST ROOMS/ JANITOR	262
WASH/ PREP	92
FROZEN COLD STORAGE	150
REFRIG COLD STORAGE	658
DRY STORAGE	183
TRASH ROOM	214
MANAGER'S OFFICE	86
ASSOCIATES	130
BUILDING SERVICE	229
TOTALS	5347
WALLS	393
GROSS SQ FT	5740

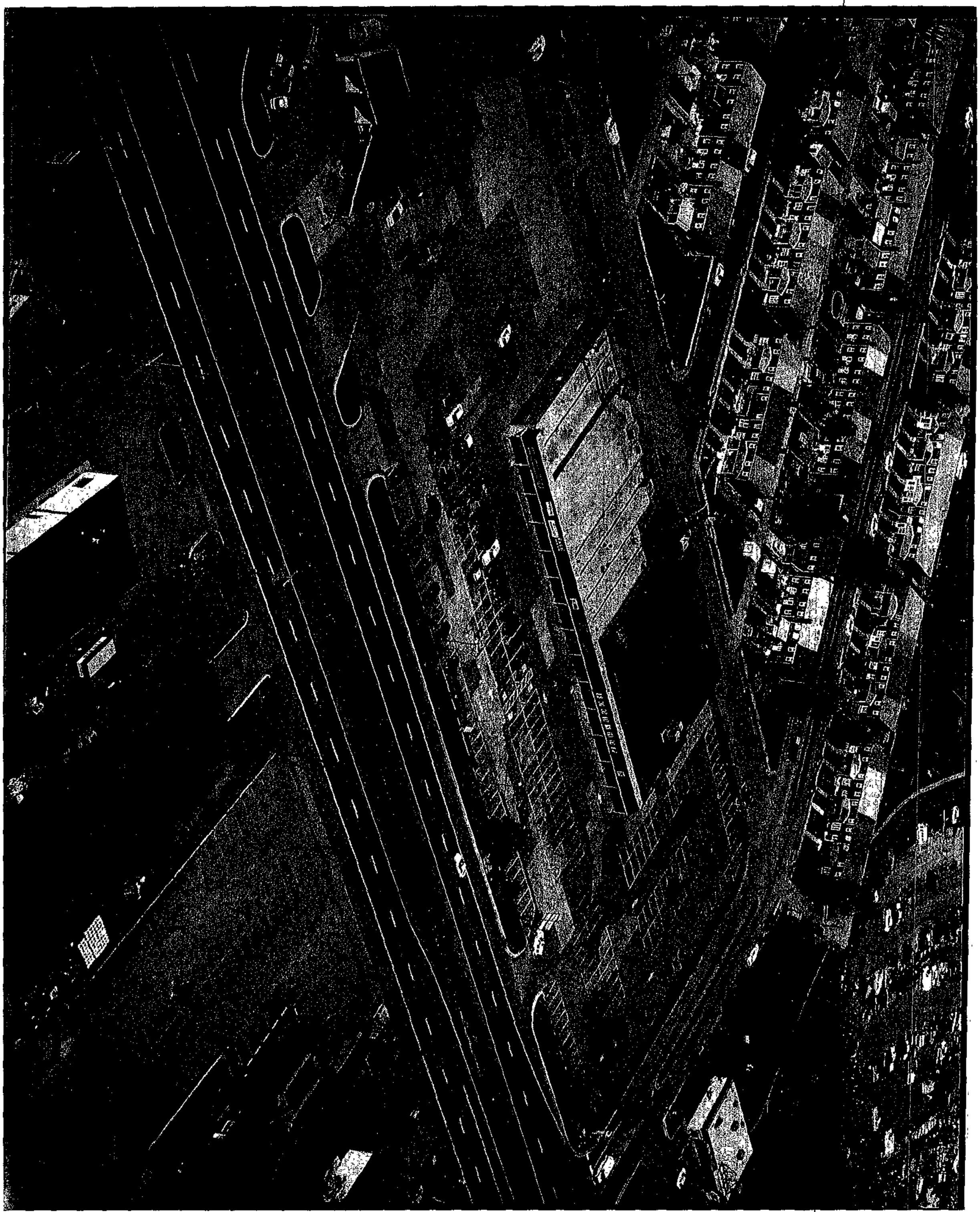


P2 Stucco

May, 2002

Pet. #4

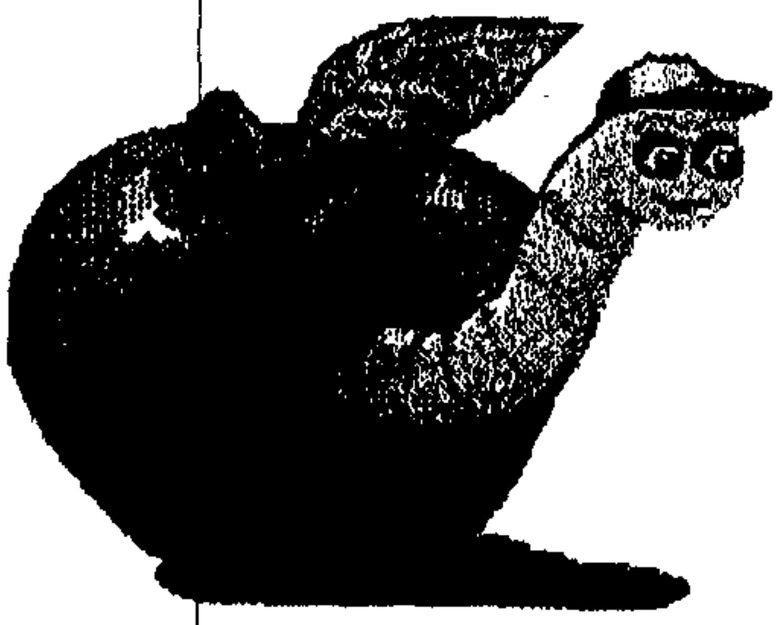
Pet 3A



Ref Ex 5B

Pet. #5

Ret. #6



A MEMO from the DESK of Beth Birtwell

May 17, 2002

Dear Mr. du Pont,

Kathy Ciallella has just completed the Junior Achievement program in my third grade classroom. It is a wonderful, hands-on program that gives the students a look at real life experiences.

Kathy is well prepared, organized, personable and interesting. The students look forward to her visits. All students participate and benefit from the experience.

I applaud Wawa, and you personally for becoming involved with Junior Achievement. You are sending a very positive message to the students and their parents. Wawa cares about children and learning. They are willing to invest their employees' time and efforts in teaching children.

I feel very fortunate to be associated with Mrs. Ciallella and Wawa.

Sincerely,

Wawa
Established 1803

Alex

I hope this helps!

Please let me know if you need anything else.

Good Luck

Mandy

05/28 '02 15:10 NO.974 01/01

School to Career Program Pays Off in a Huge Way!

by JoAnne Smith, Regional Recruiter and Donna Zagiel, Regional Training Manager

Summertime and the staffing challenges it brings to the shore stores in South Jersey brought about innovative recruiting efforts in the Millville Region. Supervisor, Rob Moore, in an effort to help staff these stores, initiated a partnership between Wawa and the Cumberland Job Training Consortium to recruit students, many of which came from the Cumberland County School District.

Cumberland County School District

Through the Cumberland County Job Training Consortium, we ventured into our school to career programs in the Cumberland County school district. This alliance was designed to give students more information about interviewing and applying for jobs, plus the different opportunities available at Wawa. The latest contact with Cumberland County has achieved terrific results. On Monday, June 21st, Rob Moore coordinated a recruiting event at the Millville office to prescreen students from Vineland, Bridgeton and Millville, New Jersey. The students began to arrive at 1:30 p.m. and by 2:30 p.m., over 110 students were filling out applications in the Millville office. The students were taken in groups of 25 to the training room for a brief Wawa presentation and then onto interviews. From the students interviewed, 65 were hired for the summer. The majority of the students were under the age of 18 and very eager to be working. These new associates attended orientation, deli training and started in their stores on July 1st, just in time for the big holiday weekend. Most new associates commented that without this program, they would not have been able to work. Wawa managers were just as excited to be receiving the extra help for the summer. Transportation was not a challenging factor this year. Cumberland County was the recipient of a $100 million State Urban Enterprise Zone Grant to be used over the next ten years to provide transportation for students to work in the state during the summer months.

Future Opportunities

We are presently in the process of accessing opportunities for these associates. Our hope is that many of these students will stay on with us beyond the summer, possibly to work in one of our gasoline stores planned to open in Vineland in the fall. This has definitely been a win-win situation. Credit for the success of this program goes out to Karen Pommer, Doris Ellingsen, Charles Schlarp, Harry Brown, Martin Lane, Sanford Blau, Stan Mutter, Judy Ginder, Chris Dinkelacker, Richard Blovad, Mike Rainy, Angela Kleshick, Marie Ravel, Lynn Smith, Toni Caffrey, Donna Zagiel, Ron Powell, Margo Cochran, Marie Ravel and Joanne Smith, Rob Moore. Many thanks also to the Millville Regional Office staff who fielded numerous phone calls for directions to the office and made every single room in the building available for us to use for interviews.

WAWA

business growth well into the new millennium."

Wawa Salutes the Thomas R. Ridge Memorial Scholarship Recipients

From L-R: Front row: Melissa Wood, Dick Wood, Diane Durso, Bethany O'Neal

Back row: Sean Guinane

On June 16, 1999, five distinguished scholarship winners were presented with a one year, $2,000 scholarship from the Thomas Ridge-Wawa Memorial Scholarship Fund at the annual Wawa Shareholders meeting. The fund honors the memory of Ridge's father who was a respected member of the food industry for 25 years. The scholarship is used to provide grants to college and graduate students. Criteria for selection includes community contribution, academic excellence, leadership ability and overall excellence of character. Wawa was eligible to sponsor five $2,000 scholarships.

Diane Durso: Diane is the daughter of Gus and Maureen Durso. Gus is the Director of Category Management. Diane will be attending the University of Delaware in the fall as a freshman majoring in Psychology.

Jennifer Eichinger: Jennifer works at the Wawa Help Desk in the Central Monitoring Station and also is responsible for the nightly polling of our stores. Jennifer is the daughter of Jeanne and Mike Eichinger. Jeanne is a Program Coordinator in the Training and Development Department. Mike is a Regional Project Manager for the Claymont Region. Jennifer will be entering her senior year at Neumann College in the fall, majoring in Computer Sciences.

Sean Guinane: Sean is the son of Carol and John Guinane. Carol is the manager of Store 401 in Bricktown, NJ. Sean will be attending the University of the Sciences in Philadelphia in August, entering a five-year Master's Degree Program.

Bethany O'Neal: Bethany is a Customer Service Associate at Store 351 in Cape May Courthouse, New Jersey. Bethany is the daughter of Bryna and Ralph O'Neal. Bryna is the Manager of Store 351. Bethany will be attending Rutgers University College of Pharmacy at the Brunswick Campus in the fall, entering her junior jear.

Melissa Wood: Melissa is the daughter of Bob and Pat Wood. Bob is a long-term Wawa associate and is a Category Analyst in the Marketing Department. Melissa will be attending Rutgers University in the fall as a freshman, majoring in Biology.

Wawa salutes our recipients for their dedication and hard work. As recipients of the Wawa Scholarships, they have shown that they have what it takes to represent our company as our best and brightest leaders. Wawa is committed to education, and we thank all of our scholarship recipients for their commitment.

Wawa President and CEO Dick Wood with scholarship recipient Melissa Wood

WAWA
05/28 '02 15:08 NO.973 01/01

05/28 '02 14:59 NO.972 07/07

Area 4 Easter Egg Hunt

For the first time in years, the sun was shining as bright as the smiles on the children's faces during the annual Easter Egg Hunt in Area 4. Sponsored by the Area 4 Teambuilding Committee, the hunt was held at Washington Lake Park in Washington Township, NJ. Associates and their families were treated to an Easter Egg Hunt for children of all ages. After the event, the children lined up to have their picture taken with the Easter Bunny, and received a bag of candy for their efforts.

WAWA

05/28 '02 14:58 NO.972 06/07

A Cub Sighting

by Kevin Sterling

Store Manager Chrissy Barneski (back, right) opened her doors at Store 495 to a local scouting Pack.

Chrissy Barneski, Manager of Store 495 in Hammonton, New Jersey, had several cubs in her store last month. These cubs were not the ferocious kind, but the Cub Scout Pack 81, Den 3 of Washington Township. Chrissy opened her doors to these cubs to help them earn three arrow points for their Bear badge in communication by learning some of the aspects of the Wawa business. Scouts learned about their community and how to prepare meals by building their own hoagies. Wawa was thrilled to help these cubs earn their points and embraces them as important members of the community.

WAWA

Value People, Embrace Change

Pictured left to right: Arnulo DeLeon, Fermin Soto, Ofelia Lopez, Alma Ramires, Diana Lopez, John Golias (Manager - 739), Karina Silva, Catalina Bravo, Yaneth Elias, Chris Campbell (Manager - 739)

Personas con Valor, Cambio Enmendado De izquierda a derecha: Arnulo DeLeon, Fermin Soto, Ofelia Lopez, Alma Ramirez, Diana Lopez, John Golias (Gerente - Store 739), Karina Silva, Catalina Bravo, Yaneth Elias, Chris Campbell (Gerente - Store 306)

On Thursday, September 6, associates from the stores in Princeton, Store 739 and Rocky Hill, Store 306, celebrated a significant personal and professional accomplishment — the successful completion of their first English as a Second Language course! Over a period of five weeks, these associates met three days a week at the YWCA in Princeton to study workplace English. They impressed their instructors by arriving early for class, working hard, and always wanting to stay late to learn even more. They impressed their store managers, immediately applying their new vocabulary in the store with customers, improving customer service and teamwork.

These associates are brave, accepting the challenge to learn a new language. They demonstrated unwavering fortitude, perseverance, dedication and commitment to themselves, their families and their futures. These associates are a valuable asset to our company and a shining example to their community.

05/28 '02 14:58 NO.972 04/07

Reaching out to Future Customers

by Jean Zubert, Store Manager, Store 48

Mariah Streck was the winner in her age category in the Halloween contest for children in the community.

Each holiday, Debbie Nelson, manager of Store 197, fosters a fun atmosphere with customers and associates. She has developed a coloring contest for each holiday and encourages the neighborhood children to participate. Debbie awards the winner with a gift bag and their pictures are displayed in the store during the holiday.

Mason, a regular customer of Store 197 and winner of the 4th of July coloring contest.

WAWA

05/28 '02 14:57 NO.972 03/07

A Community's Efforts For The Children - The Henderson Family

by Assistant Manager Chuck Roberts, Store 35

While many of us watch or read the news, we are absorbed by the tragedies that happen every day, both near and far. That's why when a local family experienced their own tragedy, we felt compelled to offer help.

In December, while talking with a regular customer, I learned that a long-time customer had passed away, at the young age of 39, leaving behind three children. As a father of five children, I felt that there must be something that could be done to help these children. Learning from their school principal that these three children had also lost their father five years prior, I asked him if there was something we could do. After receiving a letter from the school, I received approval from Rich Wood, my Supervisor, to place a collection canister on the counter. The customer response was incredible. Within hours, we had filled the canister. We were collecting close to $100 per day. Within four weeks, we collected over $3,000.

Wawa Assistant Manager, Chuck Roberts, presents funds collected at his store for the Henderson family, to the children's aunt, Jean Tancredi. Dr. Joseph Reischut, Principal of Grace Park Elementary School looks on.

While the tremendous turnout and credit goes to the customers and the community, I am proud to be part of a company that has the initiative and means for a community to come together for a neighbor, a friend and for three children who really need the support, both financially and emotionally. We are showing this community that the phrase "My Wawa" means "we care" and in turn, they have shown their support to Wawa by shopping in our store. These three children now live with their aunt, uncle and cousin, in a newly formed family of six. It's *Doing the Right Thing* in action, something Wawa values. And, it's at Wawa that this new beginning was given a chance to succeed.

WAWA

Pet. # 8

Proposed Wawa Gasoline System

The following is an overview of Wawa's proposed gasoline system for use at all new locations with gasoline as an offering. Wawa is proposing a state of the art, totally secondarily contained system that will insure protection of the environment. All equipment that contains gasoline is backed up by secondary containment, i.e.: double wall tanks and containment units, to ensure that the possibility of a release of product to the environment is minimized.

System will include double wall tanks and piping with electronic monitoring of inventory and interstitial spaces. System will meet or exceed all applicable EPA and state regulations, including recently passed regulations, and will be comprised of the following items:

Double wall fiberglass tanks:

- (3) tanks, 20,000 gallon capacity
- interstitial space (between primary and secondary walls) filled with brine solution level of brine monitored electronically, any gain or loss of brine would indicate problem with primary or secondary wall.
- fiberglass will not rust or corrode - compatible with all current and anticipated future fuels. (i.e., methanol blends, oxygenated fuel)

Double wall flexible piping system:

- will not rust or corrode
- interstitial space is monitored for presence of any liquid
- continuous runs, all joints are secondarily contained in containment unit, either on top of tank or under dispenser.
- compatible with all current and anticipated future fuels. (i.e., methanol blend, oxygenated fuels)

Containment Units, at tank and under dispensers:

- units under dispensers contain any possible leaks for dispenser and piping fittings
- units at tanks contain submersible pumps, piping fittings and all penetration into tanks.

Electronic Monitoring:

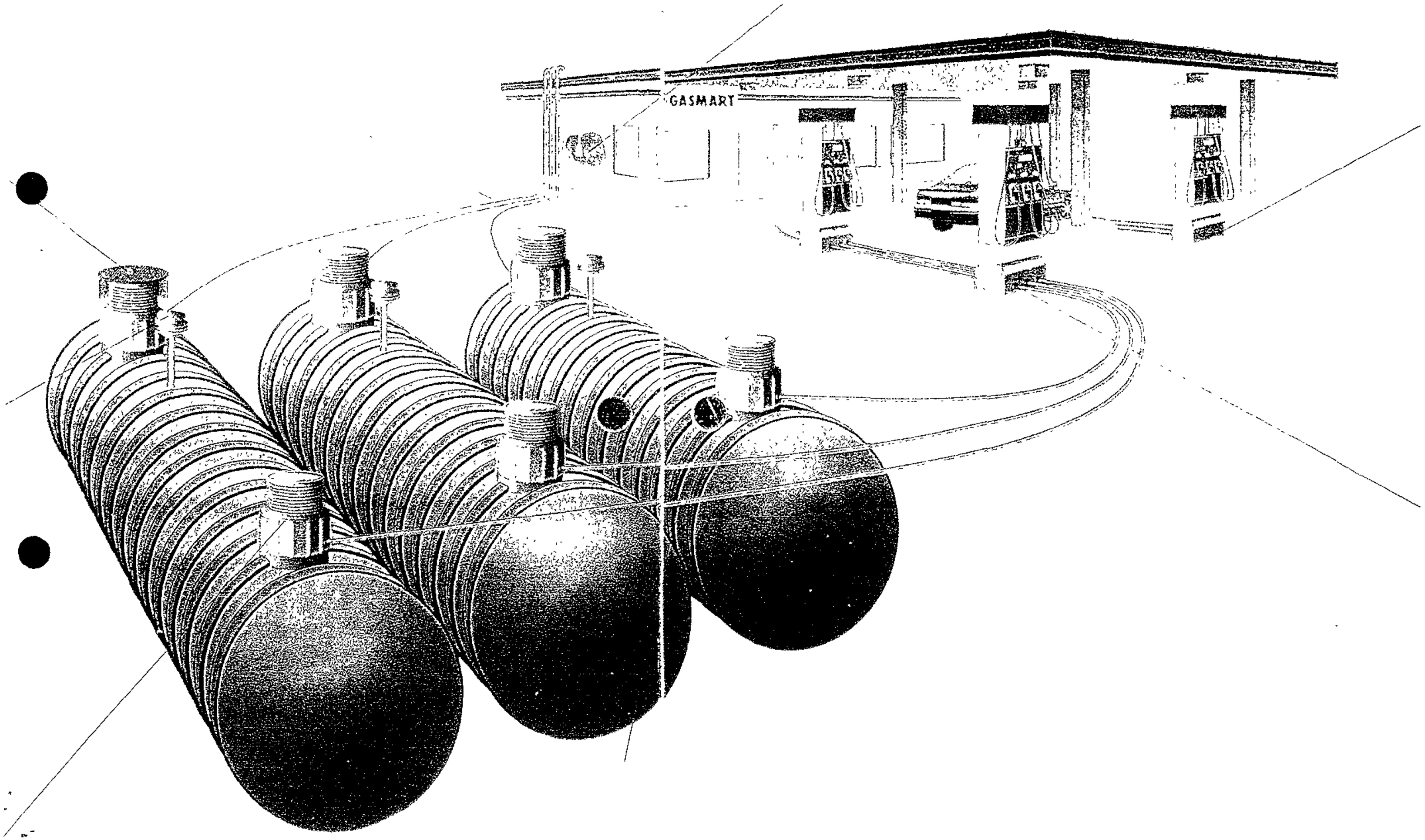
- monitor console in building provides store personnel with inventory data status of complete system.
- magnetostrictive probe in each tank provides accurate inventory control
- liquid sensors in all containment units
- brine sensor monitors fluid level of tank interstitial space.
- provides continuous statistical leak detection for piping and tank (statistical analysis of inventory, monitors for variances that would indicate loss of product)

Overfill Units:

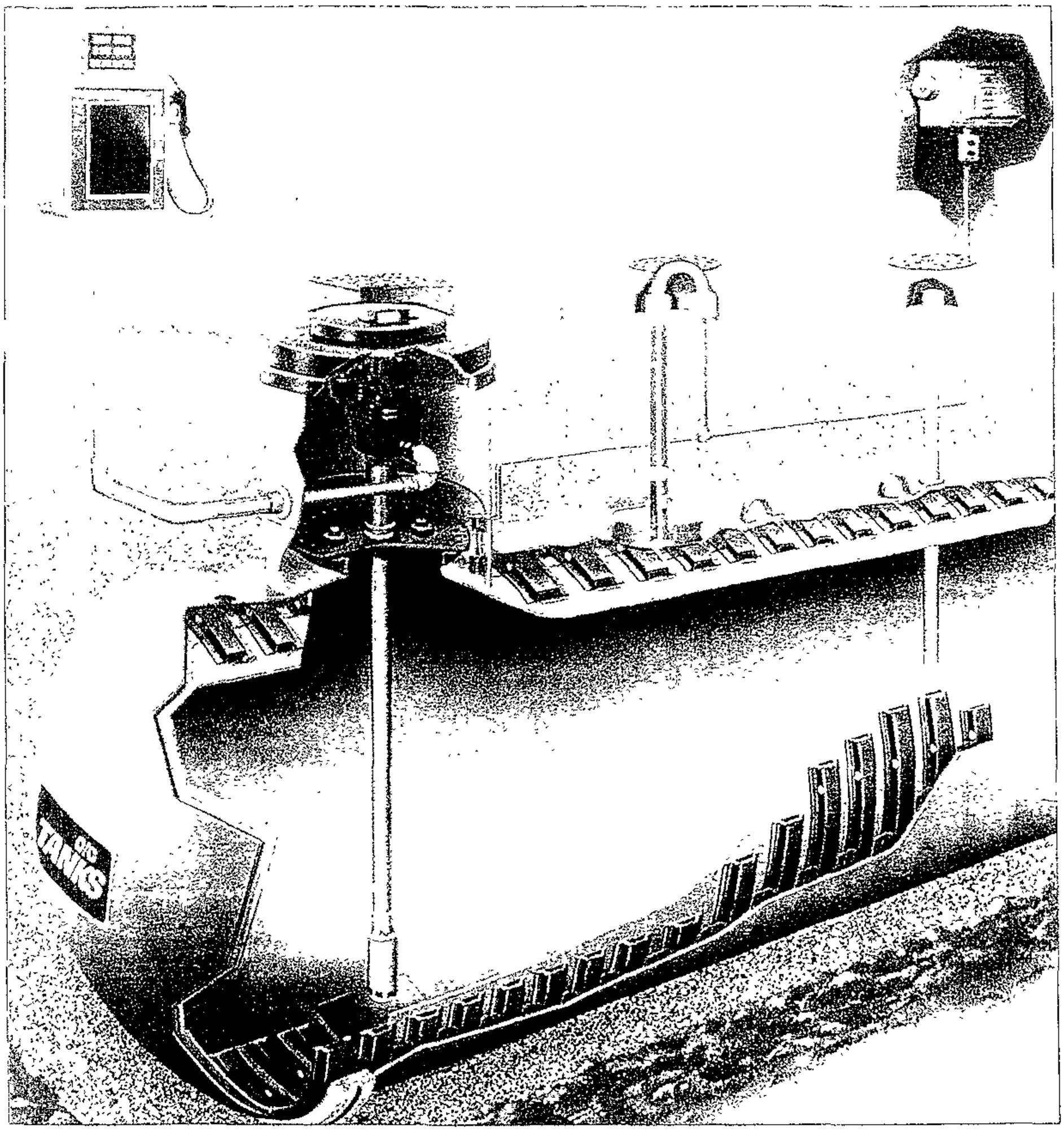
- capture and contain any fuel that could be lost during delivery process
- electronic alarms warn delivery person as tank approaches capacity
- mechanical shut-off prevents delivery person from overfilling tank (mechanical flapper and float)

Leak Detectors & Shear Valves:

- mechanical leak detector at each submersible pump shuts down product flow if sudden drop in pressure occurs, i.e., pipe damaged by digging or drilling.
- shear valve under each dispenser shuts down product flow if dispenser is catastrophically disturbed, i.e., automobile knocks dispenser over.

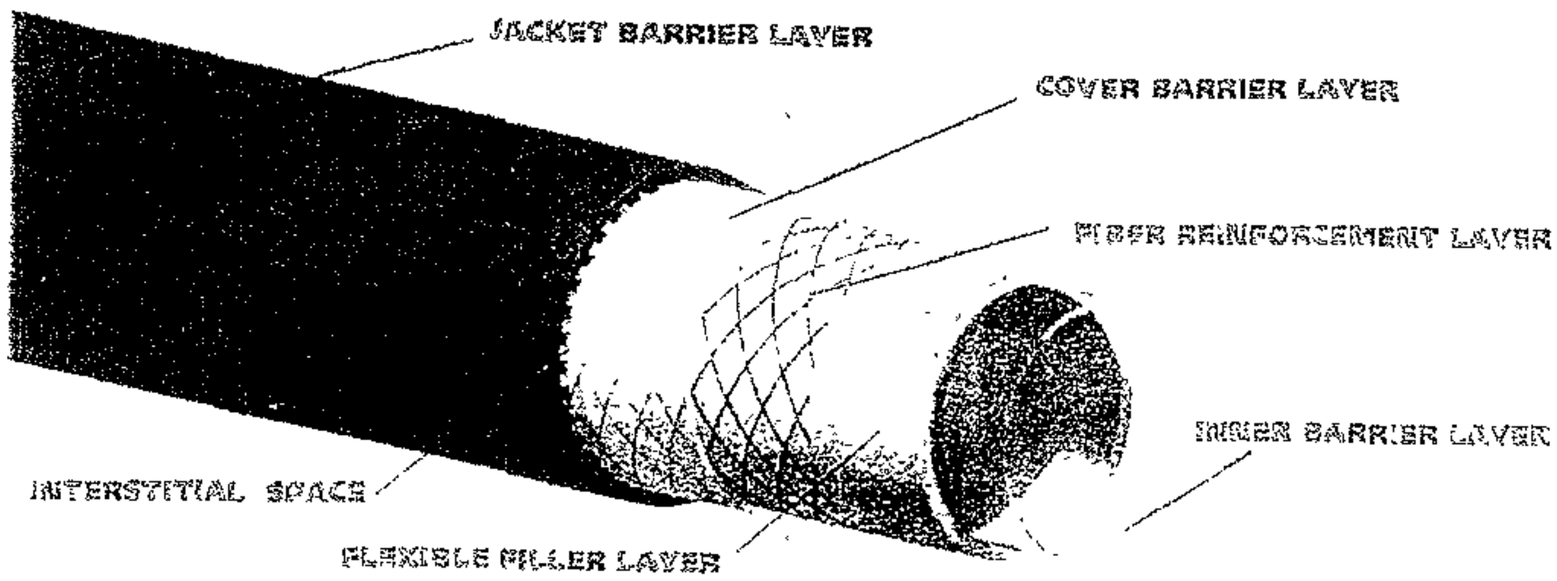

GASMART

Doublewall Fiberglass Tank

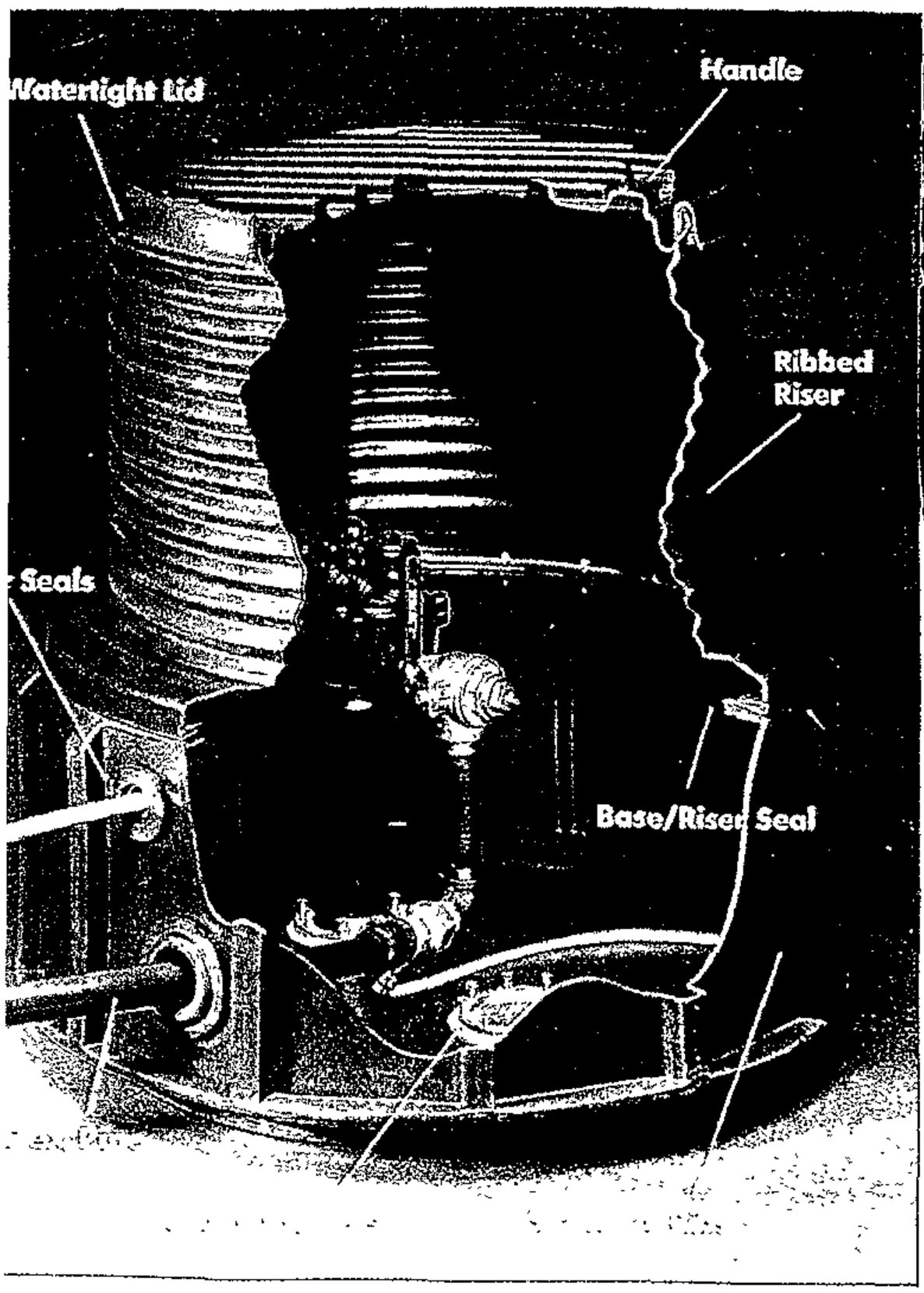


- Blue area represents interstitial space filled with brine.

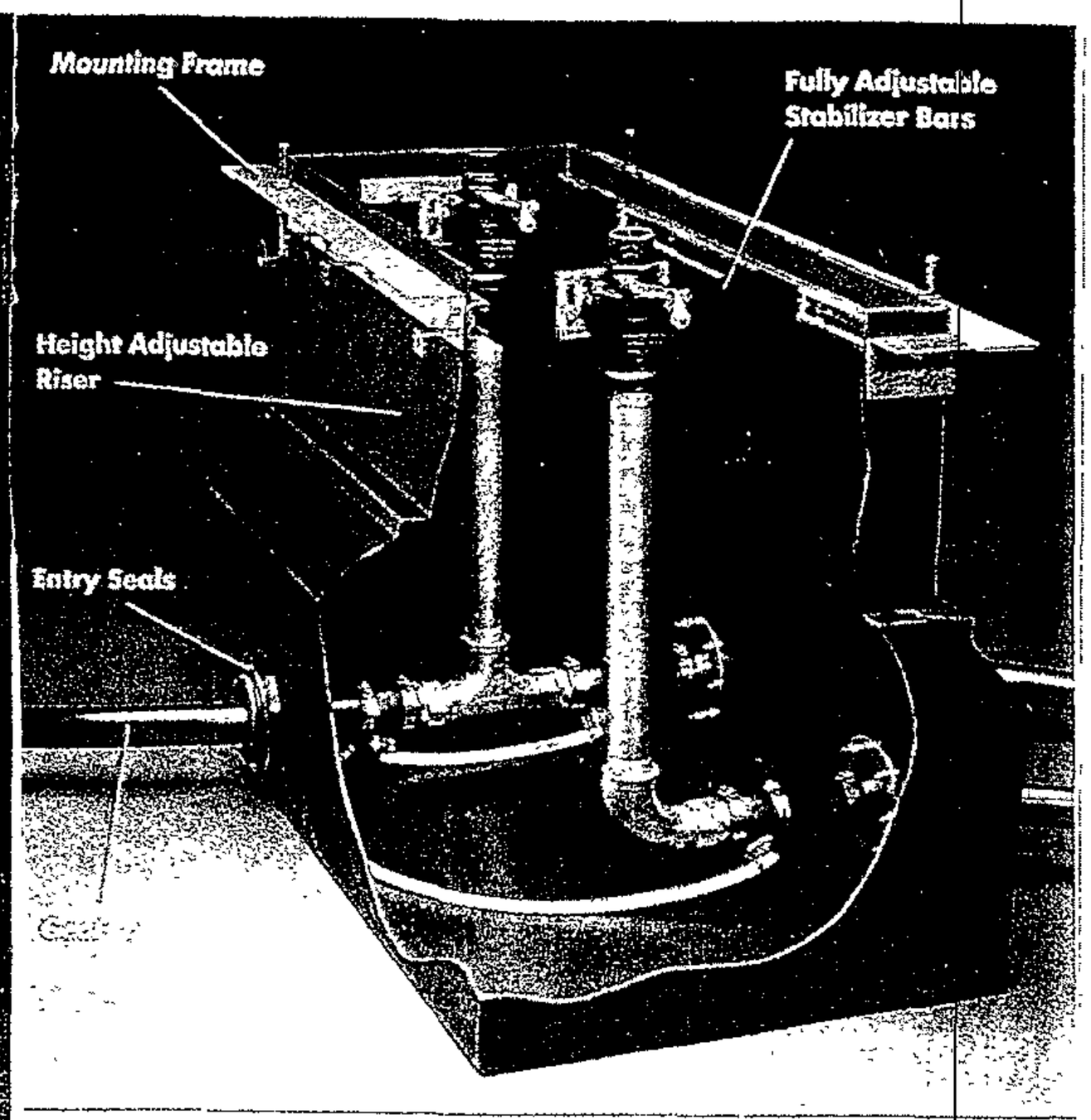
Flexible Doublewall Piping



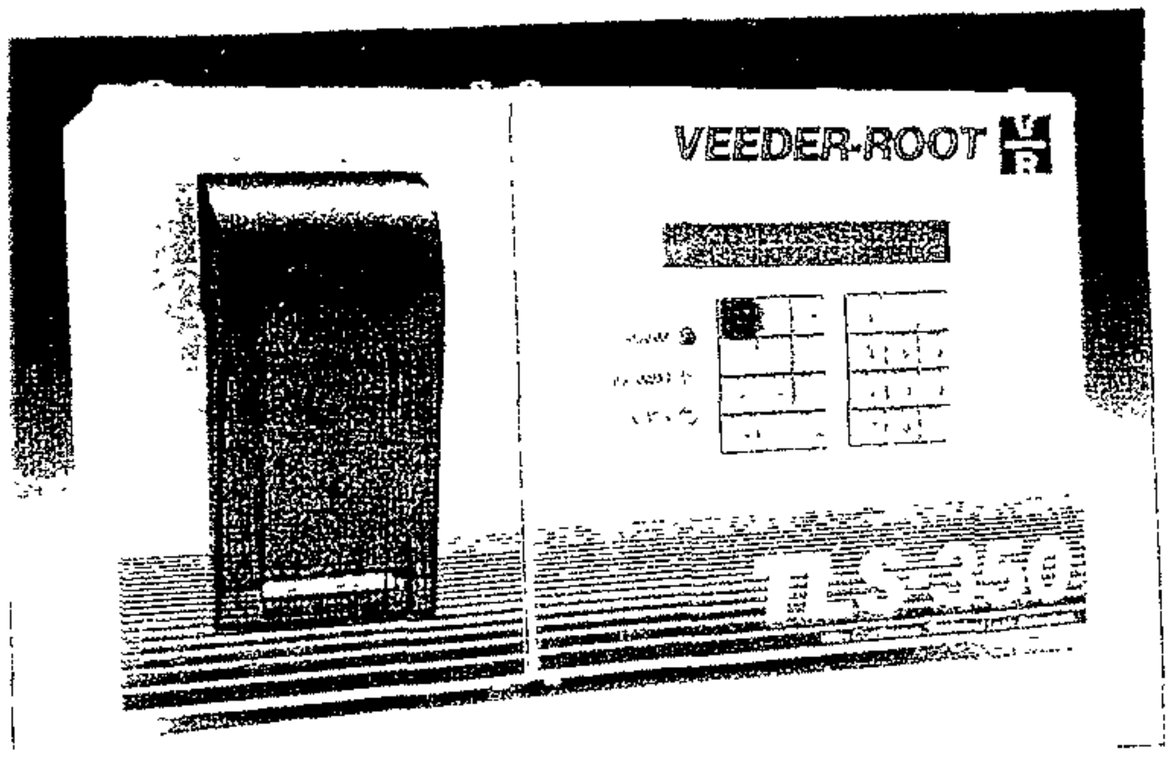
Submersible Containment Unit



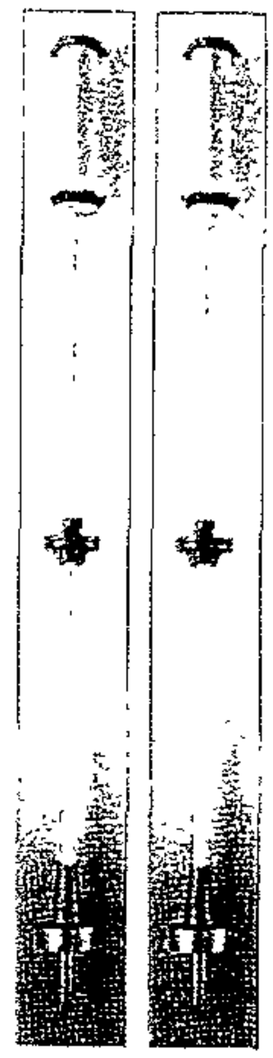
Dispenser Containment Unit



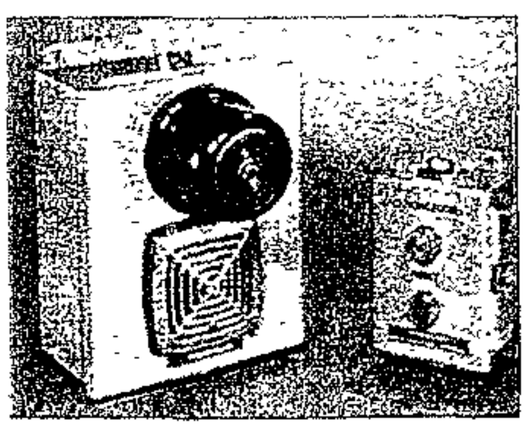
Electronic Monitoring



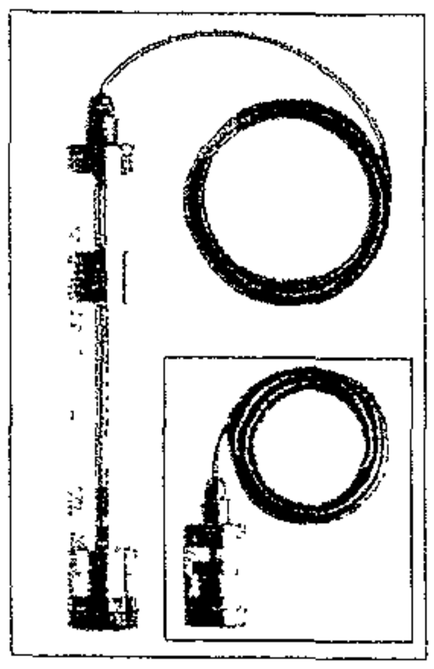
Electronic Console



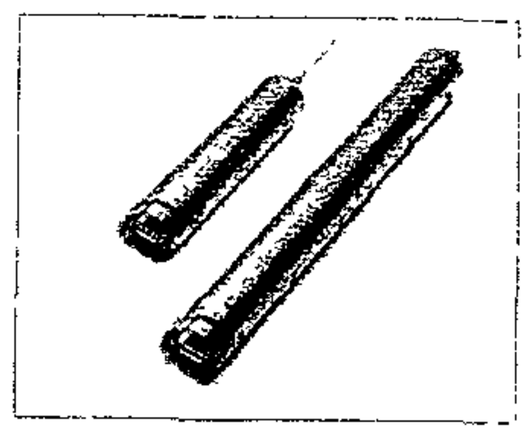
Series 8473 Magnetostrictive Probes with 0.1 GPH and 0.2 GPH Leak Detection Capability, respectively
Highly accurate, trouble-free inventory control and in-tank leak testing in gasolines, diesel and other approved fluids. Magnetostrictive probes are approved for aboveground storage tank applications.



Overfill Alarm and Alarm Acknowledgement Switch
Provides early warning of potential UST overfills via an alarm relay in the TLS-350 console.

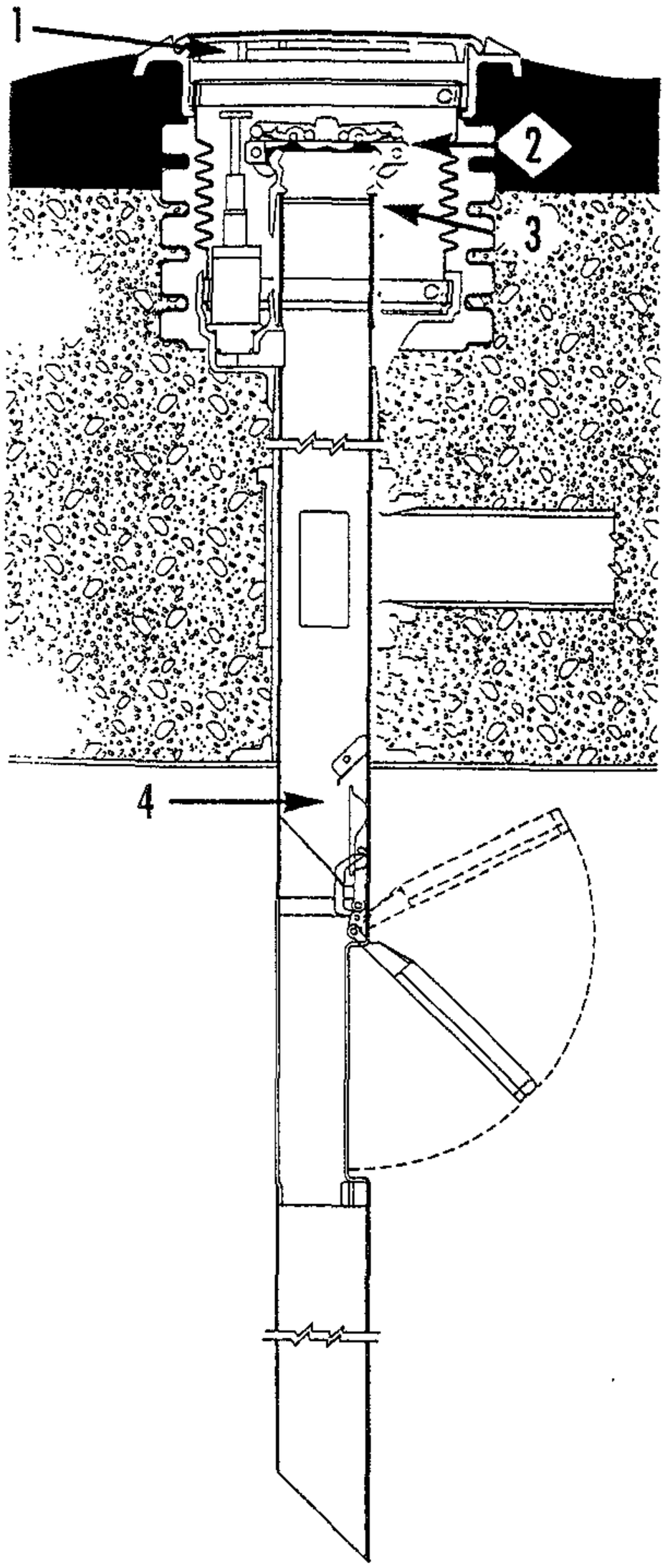


Series 7943 Hydrostatic Sensors
Detect fluid level changes in brine-filled reservoirs or interstitial spaces of double-wall tanks.



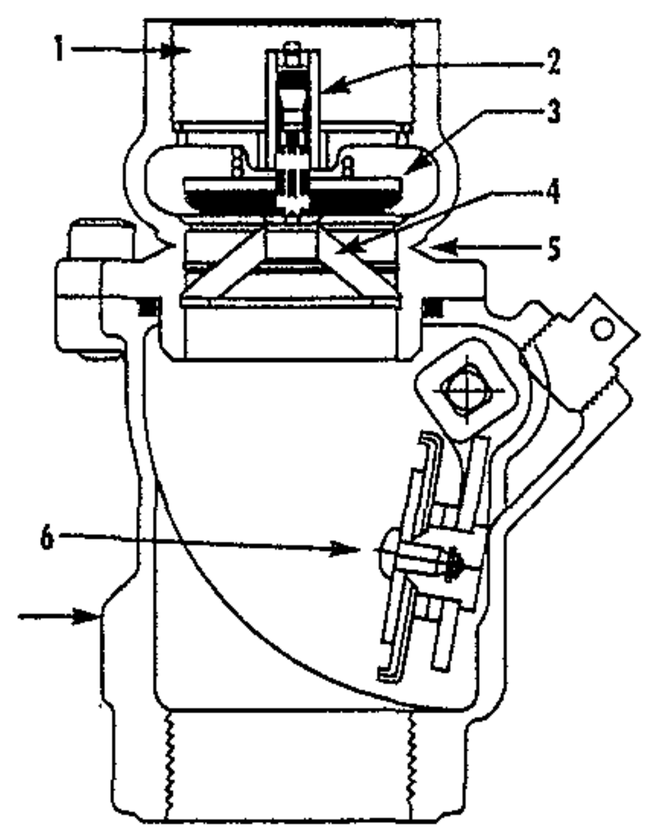
4SITE Series 7943 Dispenser Pan and Containment Sump Sensors
Sensors accurately detect the presence of hydrocarbons and other fluids and differentiate between them in a dispenser pan or containment sump.

Overfill Containment Unit



Mechanical Overfill Shut-off

Dispenser Shear Valve



PROCEEDINGS

* * * * *

THE CHAIRMAN: Let the record show the County Board of Appeals for Baltimore County is in its regularly scheduled session for today, June 4th, relative to Case No. 01-506-XA, in the matter of Mark McAllister, legal owner, petitioner, 1627 Eastern Boulevard, relative to petition for special exception and petition for variance which was denied by the Deputy Zoning Commissioner under an opinion and order dated August 8, 2001.

Will counsel present state their appearance and representation, please.

MR. BRENNAN: Alfred L. Brennan, Jr., counsel for Mark McAllister, legal owner of the property.

THE CHAIRMAN: There doesn't appear to be any counsel for any protestants. Is anybody in the room here to protest the petition for special exception and variance?

(No response.)

THE CHAIRMAN: No one having a response, let the record show there does not appear to be any protestants in

the room.

Anything preliminarily, Mr. Brennan?

MR. BRENNAN: Yes, please. My client is the owner of property known as 1627 Eastern Boulevard located in the Essex-Middle area of Baltimore County.

It had been used as a gasoline service station up until 1983. At the time, there was a fire and they discontinued the pumping of gasoline and strictly operated the business as a service center.

It's been used as an automotive service center since 1983 to date.

The reason that my client initially filed this petition was not a result of any complaint. He attempted to get an inspection certificate so he can inspect vehicles, and he was told at that time that he needed to have a special exception for a service garage, so we are filing a petition in order to basically legitimatize the business that's been operating since 1983 under different owners of the property.

There was also a petition for a variance. There are two requests for a zoning variance. One is section

232.3B to allow a rear yard setback abutting a residential zone of zero feet in lieu of the required twenty feet, and we intend to show this property has been or the building has been where it's been since 1950, and it's a unique situation in that it would be a practical difficulty to actually comply with this section, and it would also be a practical difficulty for any other building in this strip or this area to comply.

We are also asking for a zoning variance under 405A.1 out of an abundance of caution to allow the existing fences in lieu of the required total screening of damaged or disabled motor vehicles.

Our contention is we don't keep damaged or disabled motor vehicles there, because most of the vehicles are just there to be repaired, and leave.

They are not damaged. They are not disabled. But as an abundance of caution, we're asking for that also, and for the reasons to be stated through my witnesses, we are going to request the special exception and variance be granted.

THE CHAIRMAN: Okay. Do you want to call your

first witness?

MR. BRENNAN: Scott Dallas.

J. SCOTT DALLAS,

havaing been called as a witness, was duly sworn and testified as follows.

DIRECT EXAMINATION.

BY MR. BRENNAN:

Q. State your name and address, please.

A. Jonathan Scott Dallas, 13523 Long Green Pike, Baldwin, Maryland 21203.

Q. What's your profession?

A. I'm a licensed Maryland property line surveyor, and I am the president of J. S. Dallas, Incorporated and we prepared the site plan for the subject property.

Q. How long have you been engaged in the practice of property surveying?

A. I have been licensed for fourteen years, and I have been engaged in this type business for over twenty-five years.

Q. Are you familiar with the rules and regulations of Baltimore County zoning?

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1 Q. If the petitioner was required to have a
2 twenty-one foot setback, how much usable area would one
3 have with this property site, under the current zoning?
4 A. The exterior dimensions he'd be left with would
5 only be nine feet in width, so it would effectively be
6 unusable, less than seven feet for fifty foot of building,
7 and then he has the small addition that would stick out
8 from that nine foot section, twelve feet by twenty-five,
9 but it would be very difficult to use it, certainly, in
10 his type of business.
11 Q. Is there any type of business that could use
12 that?
13 A. Not that I know that could really operate in a
14 seven-foot wide -- there wouldn't be any effective usable
15 area for office space or any kind of individual space.
16 Q. Did you have an opportunity to -- you can take
17 the stand, I'm sorry -- to do a history on this particular
18 property with the zoning board?
19 A. Yes. We did go through zoning files and we found
20 a special permit that was called at that time which was
21 No. 1791. It was issued on August 17 of 1950, a special

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1 permit for a gasoline service station.
2 We did also attempt to get a site plan which was
3 mentioned in this permit file, but whatever may have been
4 available was illegible completely. You couldn't make out
5 anything on the site plan, or even tell it was a site plan
6 in part of the file.
7 Q. Let me show you this document, Mr. Dallas. Do
8 you recognize this document?
9 A. Yes, sir.
10 Q. What is it?
11 A. That is the file that -- that's what the zoning
12 department makes available to us for that case No. 1791.
13 Q. The second document from the left on the top, is
14 that the opinion and order granting the right to use this
15 property as a gasoline service station?
16 A. Yes, it is. The last paragraph clearly says it
17 is ordered that it can be used in that way.
18 Q. This was 1950?
19 A. Yes.
20 MR. BRENNAN: Move to introduce this as
21 Petitioner's B.

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1 THE CHAIRMAN: Admitted.
2 MS. BARRANGER: No. 2.
3 Q. You also had an opportunity to review aerial
4 photos from the Baltimore County Office of Planning?
5 A. Yes, sir.
6 Q. Let me show you those. Do you recognize these
7 photographs?
8 A. Yes, I do.
9 Q. Is our property located on these photos?
10 A. It is.
11 Q. What's the date of the photos?
12 A. They're both dated January 4, 1954.
13 Q. These are aerial photos?
14 A. Yes.
15 Q. With this orange marker. Can you mark our
16 building?
17 A. Yes. Do you want me to mark them both?
18 Q. Please.
19 MR. BRENNAN: I'd like to move these as
20 Petitioner's 3A and B.
21 THE CHAIRMAN: Admitted.

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1 MR. BRENNAN: I don't have any further questions
2 at this time.
3 THE CHAIRMAN: Okay. Thank you. You are
4 excused.
5 THE WITNESS: Thank you.
6 MR. BRENNAN: Mr. Heins.
7 R O N A L D J. H E I M,
8 having been called as a witness, was duly sworn and
9 testified as follows.
10 DIRECT EXAMINATION
11 BY MR. BRENNAN:
12 Q. State your name and address, please.
13 Q. Ronald J. Heim, Belair, Maryland 21014.
14 Q. Mr. Heim, are you currently leasing the premises
15 known as 1627 Eastern Boulevard?
16 A. Yes, I am.
17 Q. You operate a business there?
18 A. Yes.
19 Q. What's the name of the business?
20 A. M&G Auto Service.
21 Q. What's the nature of your business?

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what the premises look like?
A. Yes.
MR. BRENNAN: I would like to introduce this as Exhibit 4.
THE CHAIRMAN: When were they taken?
THE WITNESS: sunday.
Q. This past Sunday?
A. Yes.
THE CHAIRMAN: Accepted.
Q. Let me show you that. Do you recognize that photo?
A. Yes.
Q. This is looking on an angle?
A. Yes. This is from across the street.
MR. BRENNAN: Introduce this as 4B.
Q. Do you recognize this photo?
A. Yes.
Q. Is this a photograph showing your property and also showing the buildings adjacent to you?
A. Yes.
MR. BRENNAN: Introduce this as 4C.

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MS. BARRANGER: 4C.
Q. Let me show you this photograph. Do you recognize that?
A. Yes.
Q. What's that photo show?
A. This is looking out from the actual shop onto the road onto the curb.
Q. Looking across Eastern Boulevard in this photo?
A. Yes, looking across.
MR. BRENNAN: Move to introduce that in evidence.
MS. BARRANGER: 4D.
Q. Let me show another photograph. Do you recognize that photograph?
A. Yes. Looking across the street, Seversky Court and our side.
Q. And the trees in the back?
A. The trees in the back are from the Village of Tall Trees.
MR. BRENNAN: Move to introduce this next exhibit.
MS. BARRANGER: 4E.

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Q. Let me show you that photograph. Do you recognize that?
A. Yes.
Q. What's that picture show?
A. A picture of our sign that's on the corner of Eastern Boulevard and Seversky Court.
Q. What's across the street?
A. The liquor store.
Q. Is that Norman's?
A. Norman's tag and title.
MR. BRENNAN: Move to introduce this as the next exhibit.
MS. BARRANGER: 4F.
Q. Let me show this photograph. Do you recognize that?
A. Yes.
Q. What's that show?
A. This is picture of the back wall and the back structure of the garage and the alleyway.
MR. BRENNAN: Move to introduce this as Petitioner's Exhibit 4G.

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MS. BARRANGER: How do you spell "Seversky"?
THE WITNESS: s-e-v-e-r-s-k-y.
Q. Mr. Heim, looking at those photos, it looks as if we are doing some curb work in front of your property?
A. Correct.
Q. Have they put new curbs and sidewalk in front of your property?
A. They started. They haven't finished everything.
Q. From your conversations with the contractors, is it your understanding that this property is going to be maintained by the state?
A. Yes. We had asked about putting some flowers in, and the state said that would all be maintained and the grass would be maintained by the state.
Q. So the photographs where it shows just dirt between the curb and the sidewalk and from the sidewalk to your inside parking lot, it's your understanding that the state is going to maintain that?
A. Correct.
Q. And have they indicated what, if any, kind of trees or --

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1 or --
2 Q. The first one is zero instead of a twenty-foot
3 setback?
4 A. Right.
5 Q. If you had to comply with the twenty-foot
6 setback, could you use the property for any business?
7 A. Not that I could foresee.
8 Q. Have you, with respect to the fence requirement,
9 have you provided fencing from the rear?
10 A. We have taken out the fence on numerous occasions
11 and had to repair it as well as replace it, because behind
12 us was The Village of Tall Trees -- it's not the most
13 pleasurable place to be -- but at times they pull things
14 down or spray painted it, and we replaced it. Yes, we
15 have done maintenance to it.
16 Q. You're making reference to the fence shown in
17 photographs of the alleyway and the back of your property?
18 A. Yes. We painted that back wall a number of
19 occasions where they have come back and graffittied the
20 wall. One day it was a one-day situation. We try to
21 maintain it.

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1 Q. Did you ever have any contact with Baltimore
2 County zoning inspectors?
3 A. Yes, I have, especially on my first few months
4 when I rented the property.
5 Q. What did they require you to do?
6 A. They asked me to -- a wall on my property in the
7 back seemed to have a like -- be leaning -- and they asked
8 me to put poles in there just to prevent in case it would
9 fall, and I put concrete and cemented them to the ground.
10 Q. Did you do that?
11 A. Yes.
12 Q. Is that shown on the photographs?
13 A. The photographs I did see -- that's it. Right
14 near the wall, there is four poles I put in there. Just
15 that the inspector was saying -- because it had kind of a
16 bow out -- they wanted to make sure in case that wall
17 started to give way with water or anything, that it would
18 be taken care of.
19 Q. Did they require you to do anything else?
20 A. Not at that particular time, no.
21 Q. Did they ever ask you to do anything else?

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1 A. No.
2 MR. BRANNAN: I don't have any further
3 questions,
4 MS. BARRANGER: I have one question, Mr.
5 McAllister. You made a statement about there was a fire,
6 I believe, in August of '99?
7 THE WITNESS: Yes.
8 MS. BARRANGER: Was that the second fire?
9 THE WITNESS: I didn't have the property the
10 first fire. If I'm not mistaken, that's when Mr. Eyler
11 had the location, and he had a problem which caused quite
12 a bit of of explosion of a tank, acytelene.
13 Ours was for changing a fuel tank, and we had a
14 problem. The tank had fallen to the floor and, at that
15 time, it ignited somehow, and that's what caused the fire.
16 MS. BARRANGER: So there were two fires? Two
17 separate fires?
18 THE WITNESS: Two separate fares.
19 MS. BARRANGER: Thank you.
20 MR. BRENNAN: I have no further witnesses.
21 THE CHAIRMAN: Okay. So you're resting your case

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1 in chief?
2 MR. BRENNAN: Yes, sir.
3 THE CHAIRMAN: We will have to publicly
4 deliberate this matter, and we'll take it under
5 advisement.
6 What we'd like for you to do is prepare a brief
7 for us. And in the brief, indicate to us your thoughts --
8 and also we have our notes, of course -- but you may want
9 to reiterate anything about the uniqueness or unusual
10 nature of the property, and you can cite some cases for
11 us, if you will.
12 And also in your brief, will you indicate some of
13 the requirements of 502.1 which are the special exception
14 requirements, and 405.
15 You might also want to address the uniqueness and
16 the unusual nature that will cover the variances, so you
17 can take your time on that. We'd like to have the briefs
18 before we deliberate.
19 MR. BRENNAN: When would you like me to get it
20 into you?
21 THE CHAIRMAN: Give me your time frame. Thirty

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Pet. #9

The Traffic Group

July 3, 2001

Wawa, Inc.
Mr. Greg Harvey
260 W. Baltimore Avenue
Wawa, Pennsylvania 19063

RE: Wawa – North Point Village
MD 151 at St. Monica Drive
Baltimore County, Maryland
Our Job No.: 2001-0511

Dear Mr. Harvey:

The Traffic Group, Inc. has undertaken a Traffic Impact Analysis to determine the impact of a proposed Wawa Convenience Market with gasoline pumps to be located along the west side of MD 151 in the southwest quadrant of North Point Boulevard and St. Monica Drive.

Access to the property will be to and from MD 151 (right-in/right-out) to and from St. Monica Drive (full movement) and to and from St. Bridget Lane (full movement). The site is proposed to be developed with a 5,740 sq. ft. convenience market and 12 fueling positions.

Based upon the information contained in this report, all of the nearby intersections are currently operating with Levels of Service "A" and will continue to operate with Level of Services "A" with the development of the Wawa Store.

For purposes of this analysis, we have continued to assume 150% of the ITE Trip Generation Rates as requested by the Maryland State Highway Administration. As of the writing of this report, ITE has not yet published their July Journal, which will carry updated trip rates for Wawa Convenience Stores.

The following is a description of the information contained in this report.

EXHIBIT 1 Site location map showing the location of the property along the west side of MD 151

EXHIBIT 1A Reduced copy of the site layout

EXHIBIT 2 Details the existing lane use at all of the intersections that were studied as part of our analysis including the signalized intersections of MD 151 and Old Battlegrove Road and MD 151 and New Battlegrove Road.

EXHIBIT 3 Shows the existing peak hour turning movements for the morning and evening peak hours. Appendix A contains copies of the turning movement counts, condition diagrams and photographs.

EXHIBIT 4 Shows the trip generation rates and totals for the proposed Wawa Store using ITE trip rates. The bottom of this exhibit indicates that the trips that were assigned to the intersections were increased by 50% as requested by the State Highway Administration. We also utilized pass-by trips of 50% in the morning peak hour and 60% in the evening peak hour.

EXHIBIT 5 Details the trip assignment for the trips projected to be generated by the property and the trip distribution that 80% of the traffic to and from MD 151 and the balance of the traffic distributed along New Battlegrove Road, St. Bridget Lane, St. Monica Drive, and Old Battlegrove Road.

EXHIBIT 6 Shows the effect of pass-by trips generated by the site traffic on the nearby access points.

EXHIBIT 7 Shows the total peak hour traffic volumes taking into consideration existing conditions, existing traffic plus traffic from the Wawa Store.

EXHIBIT 8 Details the results of the intersection capacity analysis utilizing the Critical Lane Volume method detailing that all intersections are operating and will continue to operate at Level of Service "A" during both

the morning and evening peak hours. Appendix B to this report contains copies of the Critical Lane Volume Worksheets utilizing State Highway Administration methodology.

Based upon the information contained in this report, it is clear that the Wawa Store will not create an adverse effect on traffic conditions.

Sincerely,

John W. Guckert

John W. Guckert
President

rmh

JWG:rmh

cc: Rob Hoffman (UPS)
Cornel McTaggart (UPS)
Shulin Li, P.E., P.T.O.E.
Derek B. Joost, P.E., P.T.O.E.
Joe Caloggero, P.E., P.T.O.E.
Mickey Cornelius, P.E., P.T.O.E.

(2001-0511/wp/report)
(UPS)

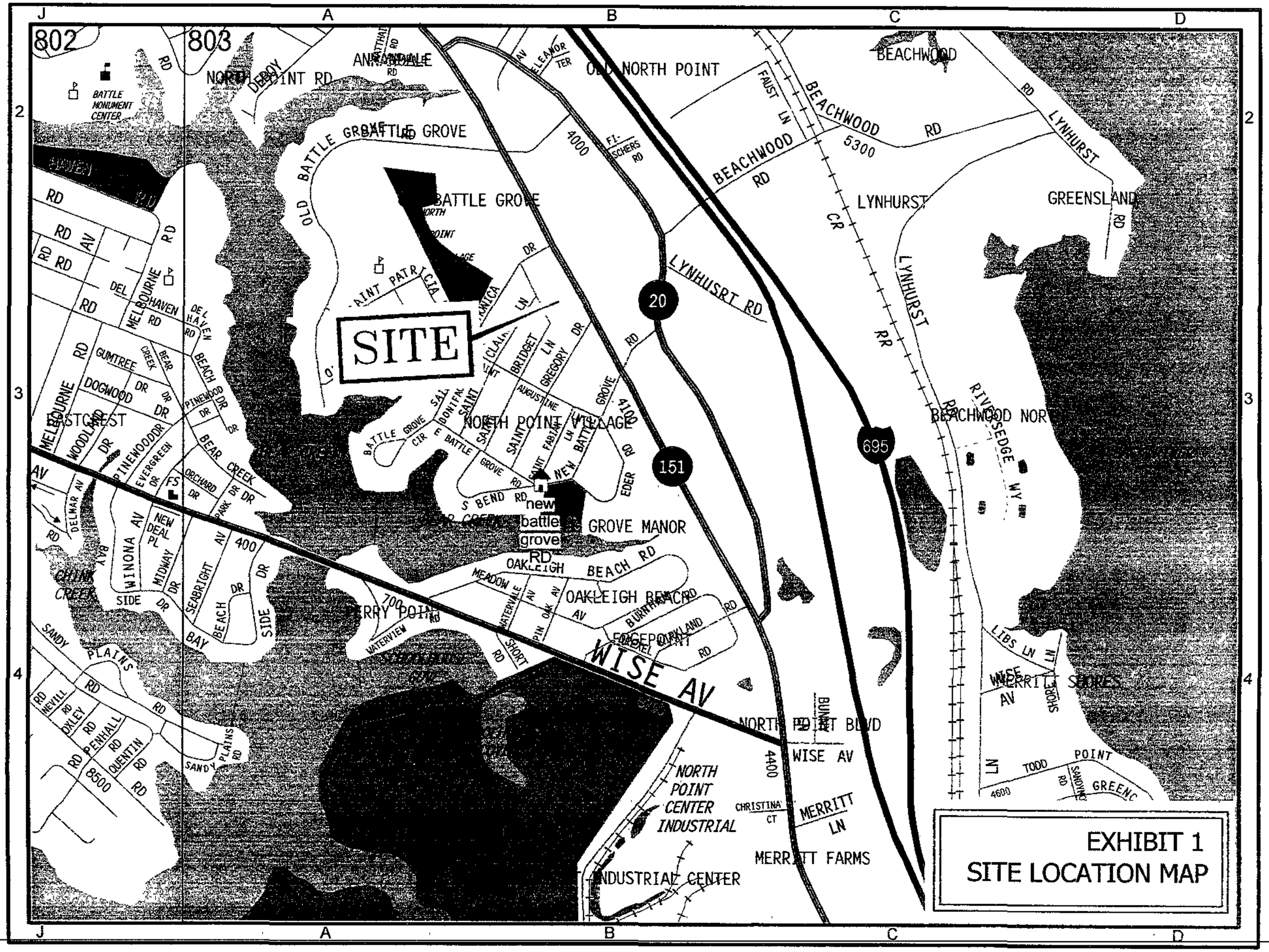


EXHIBIT 1
SITE LOCATION MAP

DEVELOPMENT SUMMARY

1. ADDRESS: 1040 NORTH POINT BLVD.
   BALTIMORE, MARYLAND

2. ELECTION DISTRICT 15TH
   COUNCILMANIC DISTRICT 7TH

2. CENSUS TRACT 4525
   WATERSHED 35
   SUBWATERSHED 42

3. PROPERTY ZONE: ..... BL-AS (BUSINESS LOCAL-AUTOMOTIVE SERVICES)
   PARCEL ..... 39 GRID 9
   TAX MAP ..... 104 PLAT 20/60
   TAX ACCOUNT NO. 15-1450061
   DEED REFERENCE ..... E.H.K. JR. 5397/561
   PARCEL AREA ..... 1.07 ± 1.459 AC
   AREA OF SPECIAL EXCEPTION ..... 1.459 AC

5. EXISTING USE: RETAIL

6. PROPOSED USE: FUEL SERVICE STATION
   CONVENIENCE RETAIL
   CARRY OUT RESTAURANT

   FRONT YARD: 35 FEET
   SIDE YARD: NONE ADJACENT TO BL
   CANOPY SETBACK: 15 FEET
   FUEL PUMP SETBACK: 25 FEET

7. AREA REQUIREMENTS:
   12 (TWELVE) FUELING SPACES X 1500/SPACE = 18000 SF
   1 (ONE) ATM = 1000 SF
   CONVENIENCE STORE: 1,000 SF ÷ 4 = 250 SF
   CARRY-OUT RESTAURANT: 1740 SF X 6 = 10,440 SF
   TOTAL SQUARE FEET (BUILDING): 5,760 SF
   TOTAL MIN. LOT AREA: 45,540 SF

8. PARKING REQUIRED:
   1 SPACE/EMPLOYEE = 3 SPACES
   1 SPACE/AIR WATER UNIT = 1 SPACE
   1 SPACE/ATM = 1 SPACE
   4 SPACES/1000 SF CONVENIENCE AREA = 20 SPACES
   9 SPACES/1000 SF (CARRY-OUT ONLY) RESTAURANT = 5 SPACES

   TOTAL SPACES REQUIRED = 34 SPACES
   TOTAL SPACES PROVIDED = 42 SPACES
   TYPICAL PARKING SPACE (9 FEET X 18 FEET)

9. LANDSCAPE BUFFERS:
   RIGHT-OF-WAY - 10 FEET
   RIGHT-OF-WAY (ACROSS FROM RESIDENTIAL) - REQ. 40 FEET
   (PROVIDED: 20 FEET)

10. ACCESS POINTS:
    ONE 35' WIDE ENTRANCE FROM NORTH POINT BOULEVARD
    ONE 30' WIDE ENTRANCE FROM SAINT MONICA DRIVE
    ONE 30' WIDE ENTRANCE FROM SAINT BRIDGET LANE

11. EXISTING IMPERVIOUS AREA: 65,594.00 SF
    PROPOSED IMPERVIOUS AREA: 65,592.00 SF

12. THE SITE IS NOT WITHIN THE 100 YR FLOOD PLAIN BASED ON THE FEMA FLOOD INSURANCE MAP PANEL 240010 0400 NOVEMBER 17, 1983.

13. THERE ARE NO EXISTING WETLANDS WITHIN SITE BOUNDARY.

14. THE SITE IS NOT DESIGNATED AN AREA OF CRITICAL STATE AND NOT WITHIN CHESAPEAKE BAY CRITICAL AREA.

15. THE SITE IS EXEMPT FROM OPEN SPACE REQUIREMENTS.

16. RESTROOMS, WATER AND COMPRESSED AIR WILL BE PROVIDED FOR CUSTOMERS PER SECTION 405.4.E OF THE BALTIMORE COUNTY ZONING REGULATIONS.

17. THE PROPERTY IS NOT LOCATED WITHIN A NATIONAL REGISTER OR A BALTIMORE HISTORICAL DISTRICT NOR ARE ANY OF THE EXISTING STRUCTURES LISTED AS FEDERAL, STATE OR BALTIMORE COUNTY HISTORICAL LANDMARKS. NO STRUCTURES ARE LISTED ON THE NAHR AND TRADITION OF HISTORICAL PROPERTIES.

18. HOURS OF OPERATION WILL BE 24 HOURS A DAY, 7 DAYS A WEEK.

19. SIGNAGE WILL BE IN COMPLIANCE WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING ORDINANCE.

20. ZONING HISTORY:
    PERMITS - ORIGINAL PROPERTY DEVELOPMENT OCCURRED IN 1966. AFTER CONTACTING A VARIETY OF BALTIMORE COUNTY BUILDING AND OTHER RECORDS, THERE WAS NO PERMIT INFORMATION FOUND THAT PRE DATES THIS DEVELOPMENT.

21. PROPERTY IS WITHIN THE URBAN RURAL DEMARCATION LINE (URDL).

NOTE: THE 1991 PETITION FOR SPECIAL EXCEPTION GRANTED FOR GASOLINE SERVICE STATION (CASE NO. 91-308-XA) ABANDONED.

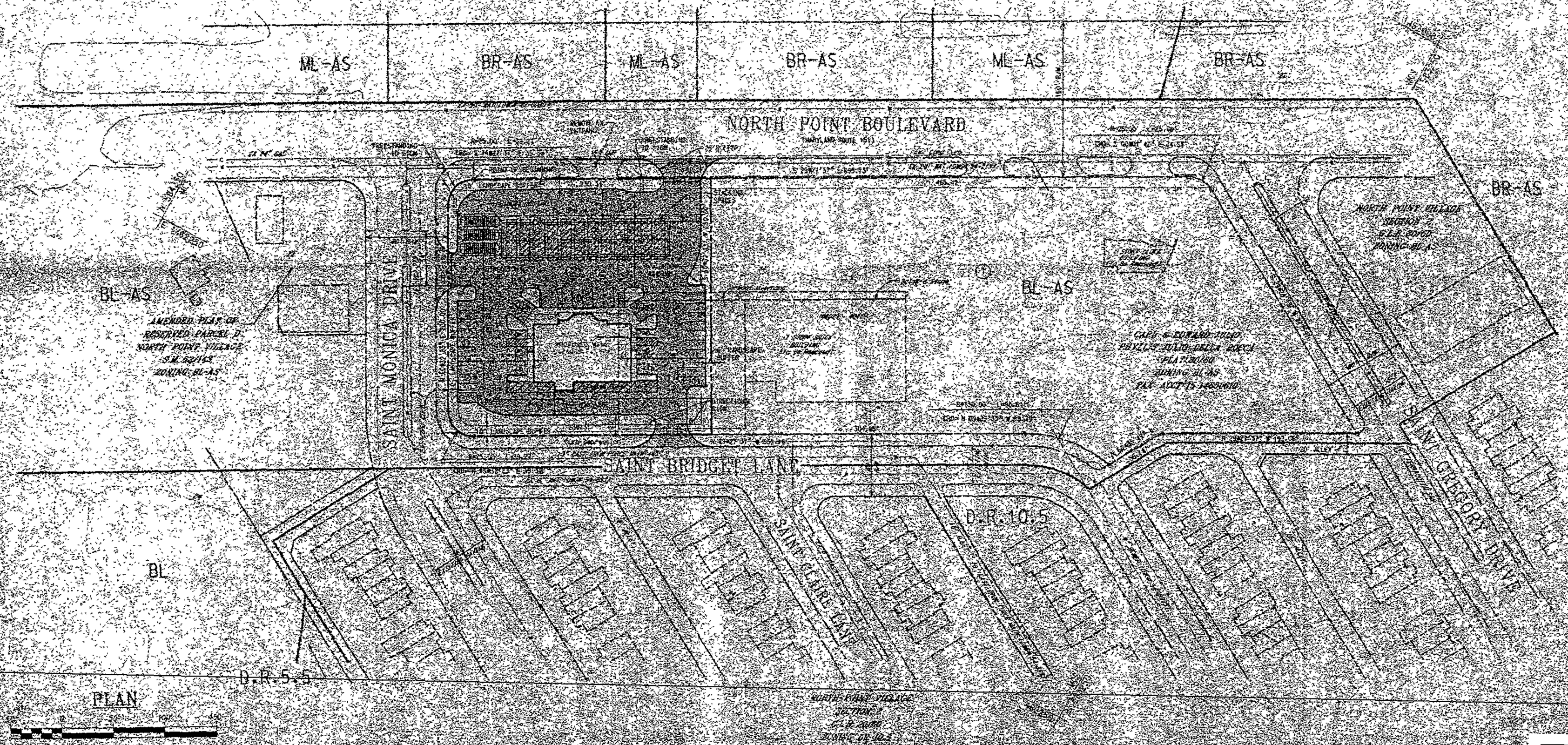
RELIEF REQUESTED

PETITION FOR SPECIAL EXCEPTION

TO PERMIT A FUEL SERVICE STATION USE IN COMBINATION WITH A CONVENIENCE STORE AND CARRY-OUT RESTAURANT.

BR-AS — ZONING SUMMARY

VICINITY MAP
1" = 2000'



PLAN

SCALE: 1" = 50'

REVISION		
REV.	DATE	DESCRIPTION

OWNER
CARL T. JULIO
EDWARD V. JULIO
PHYLLIS JULIO DELLA ROCCA
10 PARKS AVENUE
COCKEYSVILLE, MD. 21030-1922

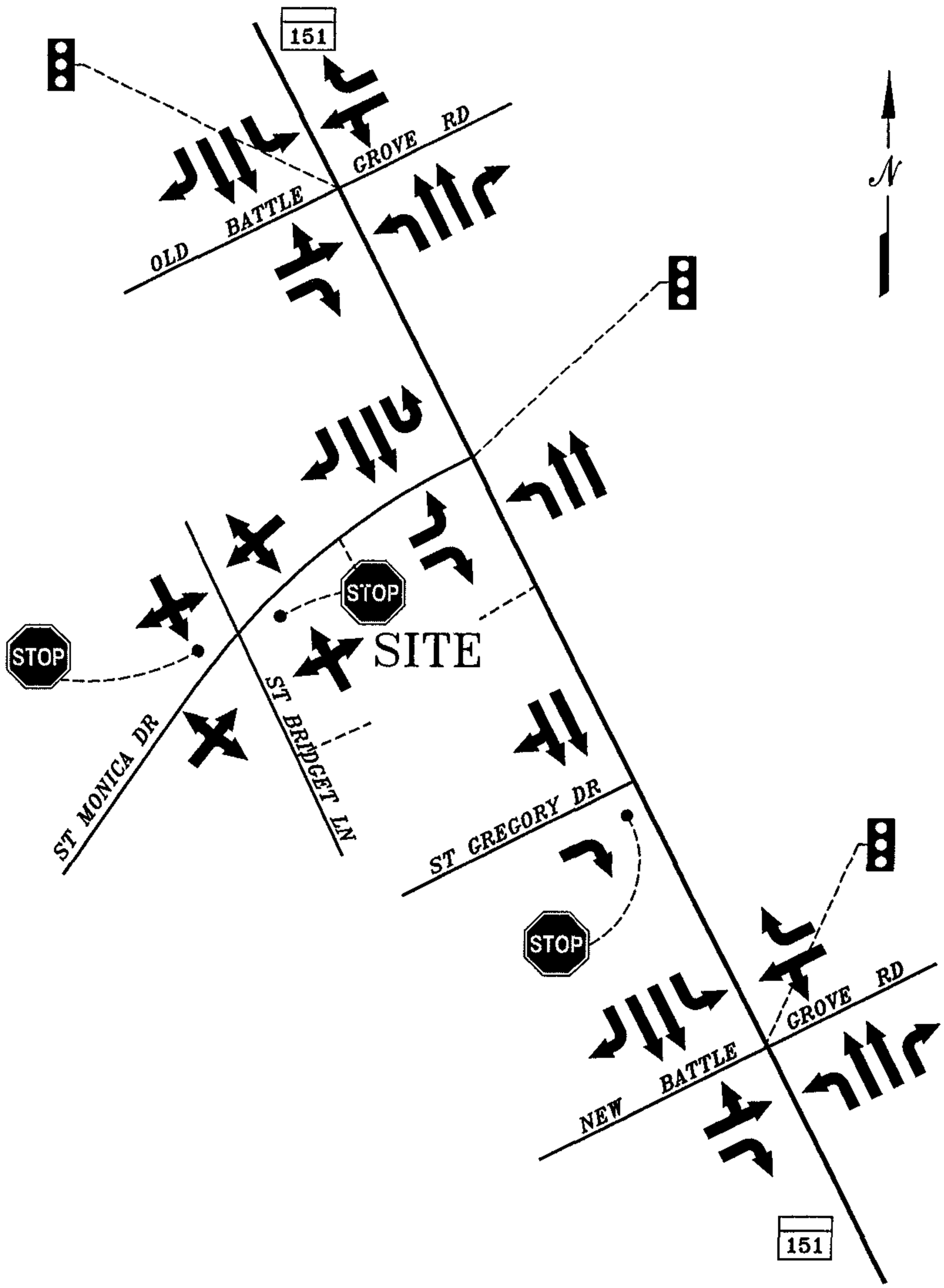
DEVELOPER
WAWA, INC.
REAL ESTATE DEPT.
260 W. BALTIMORE PIKE
WAWA, PA. 19063

FREDERICK WARD ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS
Frederick, Maryland

SITE PLAN TO ACCOMPANY SPECIAL EXCEPTION
WAWA, INC.
NORTH POINT VILLAGE
North Point Boulevard
15th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 50'

EXHIBIT 1A
SITE LAYOUT

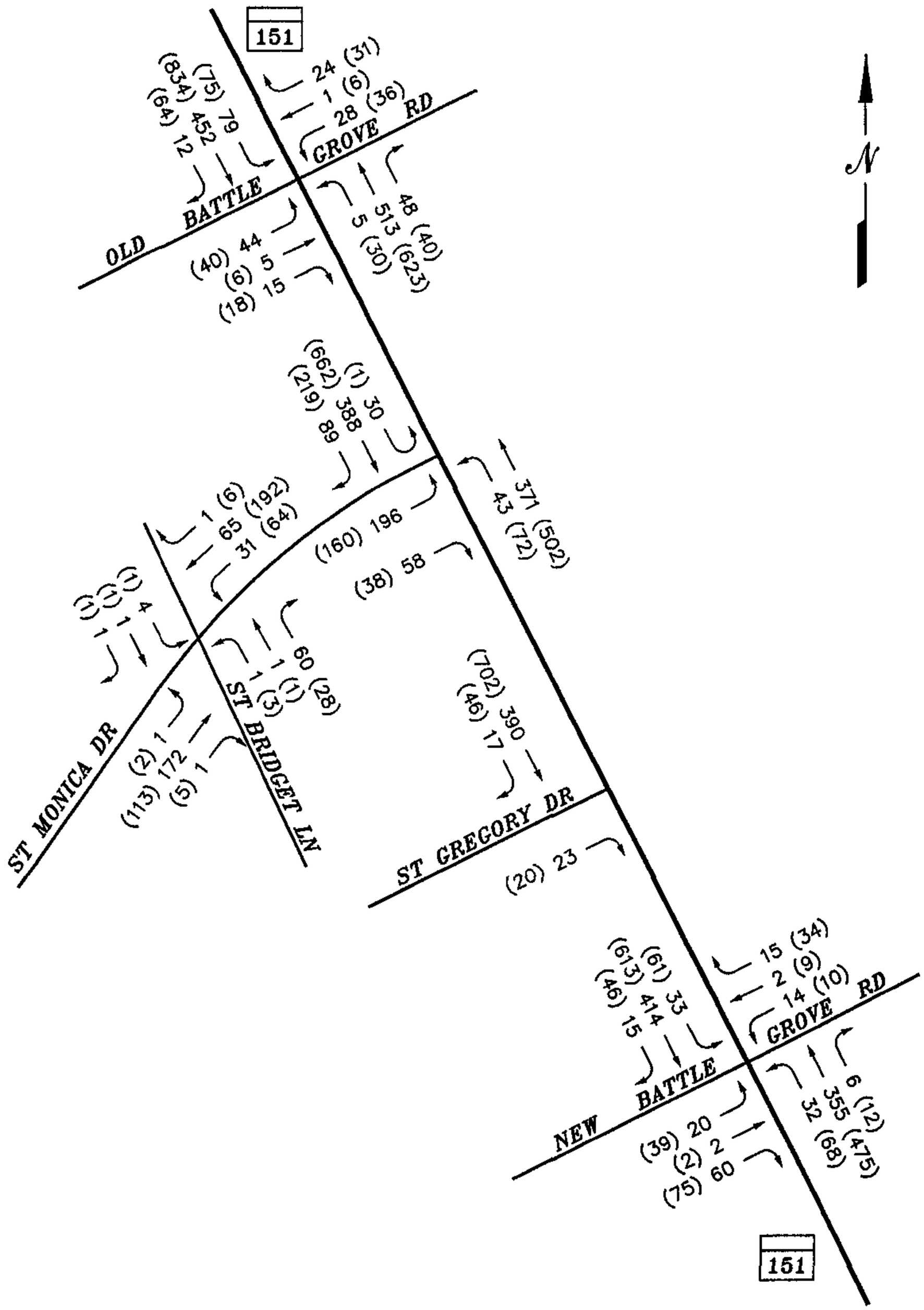


NOT TO SCALE

The Traffic Group

EXHIBIT 2
EXISTING LANE USE

SL, 010511\0601.DWG-LU-EXIST, 06/29/01



NOT TO SCALE

The Traffic Group

00 – MORNING PEAK HOUR
(00) – EVENING PEAK HOUR

EXHIBIT 3
EXISTING PEAK HOUR
TRAFFIC VOLUMES

SL, 010511\0601.DWG–EXIST, 06/27/01

Summary of Trip Generation Calculation

For 5,740 Sq.Ft. of Convenience Market with Gasoline Pumps

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	845.60	163.67	1.00	4854
7-9 AM Peak Hour Enter	22.79	0.00	1.00	131
7-9 AM Peak Hour Exit	22.79	0.00	1.00	131
7-9 AM Peak Hour Total	45.58	18.50	1.00	262
4-6 PM Peak Hour Enter	30.31	0.00	1.00	174
4-6 PM Peak Hour Exit	30.31	0.00	1.00	174
4-6 PM Peak Hour Total	60.61	35.37	1.00	348
Saturday 2-Way Volume	1448.33	735.17	1.00	8313
Saturday Peak Hour Enter	28.90	0.00	1.00	166
Saturday Peak Hour Exit	26.68	0.00	1.00	153
Saturday Peak Hour Total	55.58	0.00	1.00	319

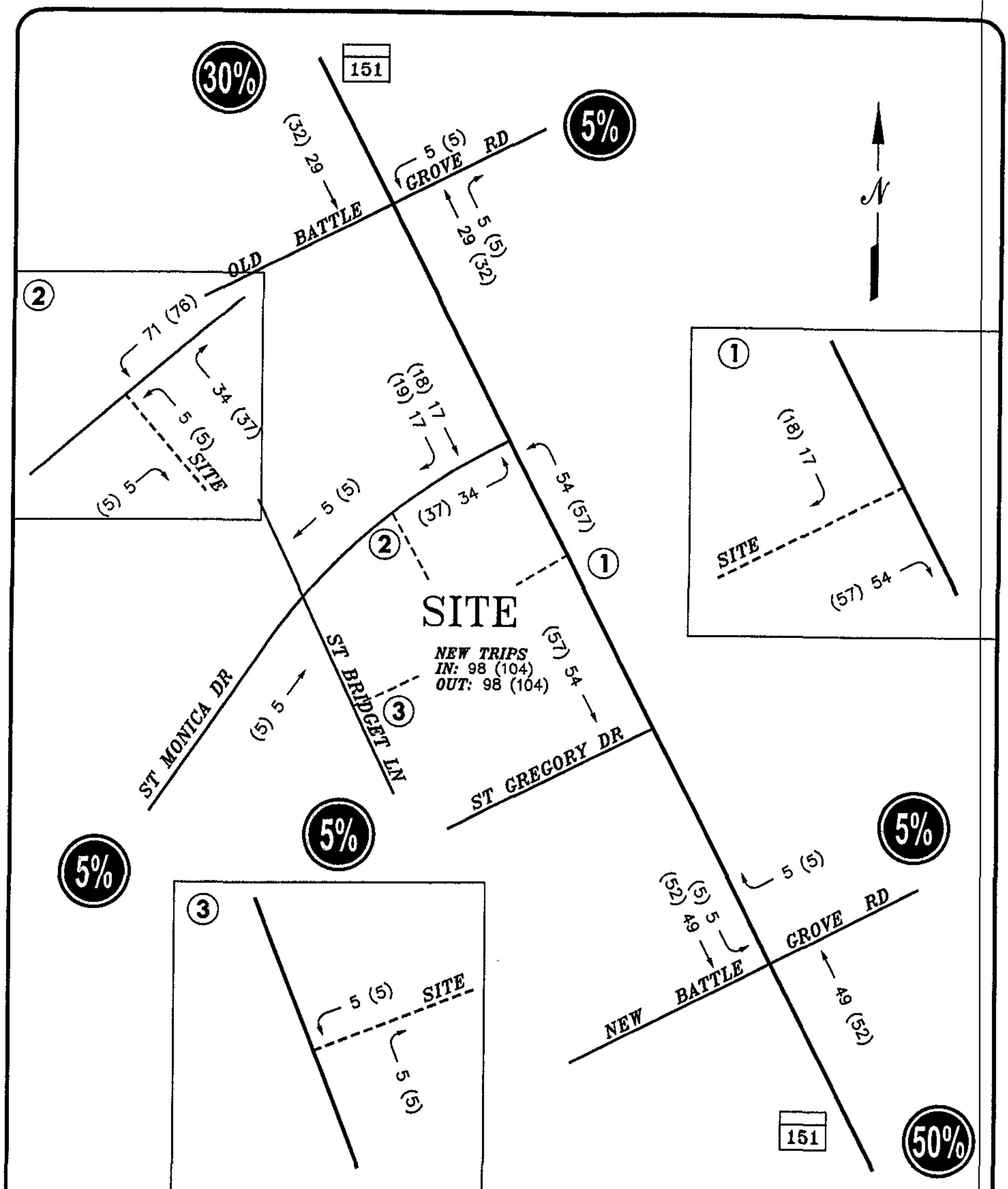
Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

NOTE:
1. TRIPS ASSUMED FOR WAWA STORE WILL BE ITE TRIPS LISTED ABOVE INCREASED BY 50% [illegible] CHARACTERISTICS.
2. PASS-BY TRIPS ARE ASSUMED TO BE 50% IN THE MORNING PEAK HOUR AND 60% IN THE EVENING PEAK HOUR.

The Traffic Group

EXHIBIT 4
TRIP GENERATION RATES
AND TOTALS FOR WAWA STORE

SL, 010511\0601.DWG-TRIP_ST, 06/28/01



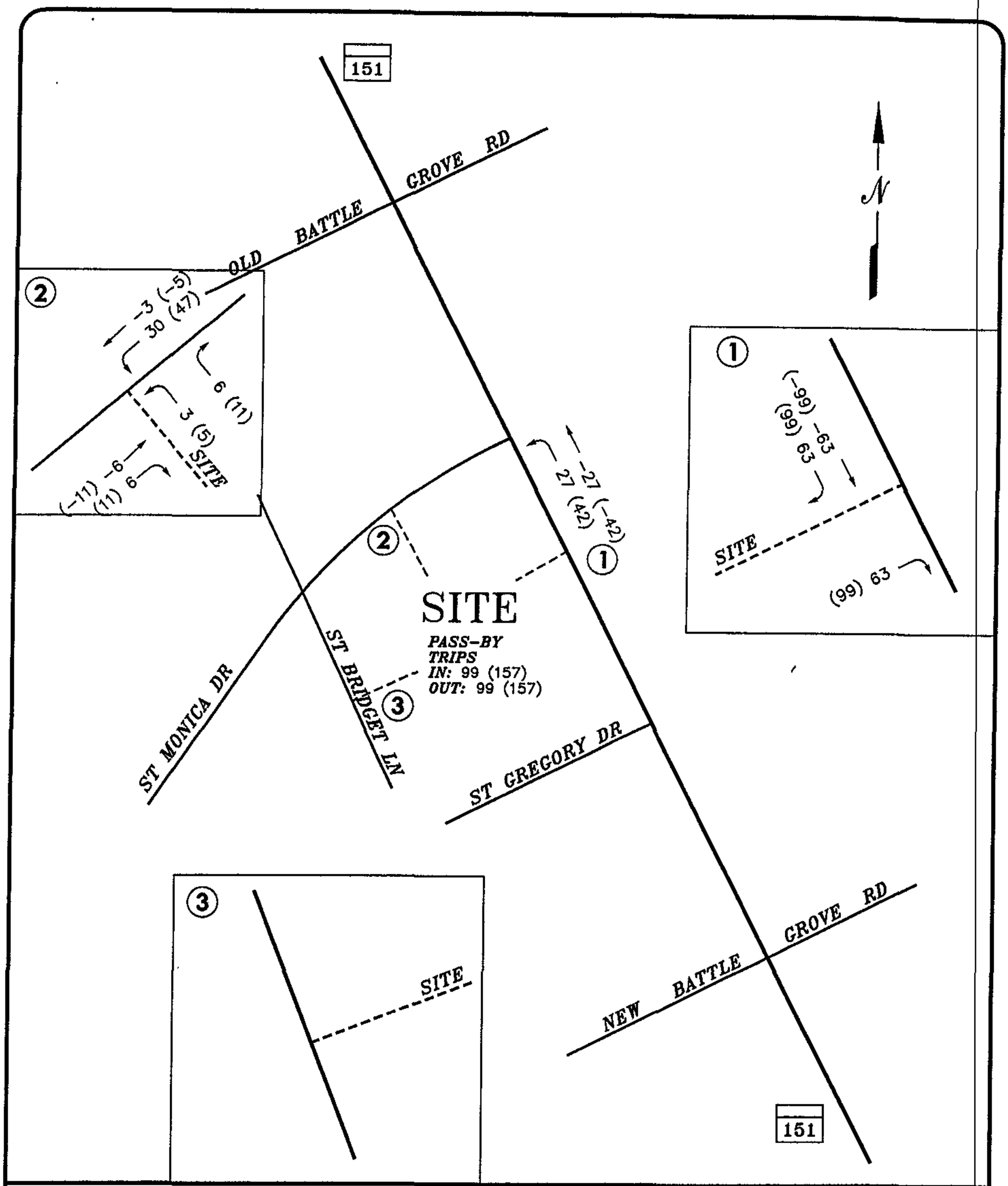
The Traffic Group

NOT TO SCALE

00 – MORNING PEAK HOUR
(00) – EVENING PEAK HOUR

EXHIBIT 5
NEW TRIP ASSIGNMENT
FOR SUBJECT SITE

SL, 010511\0601.DWG–SITEN, 06/29/01



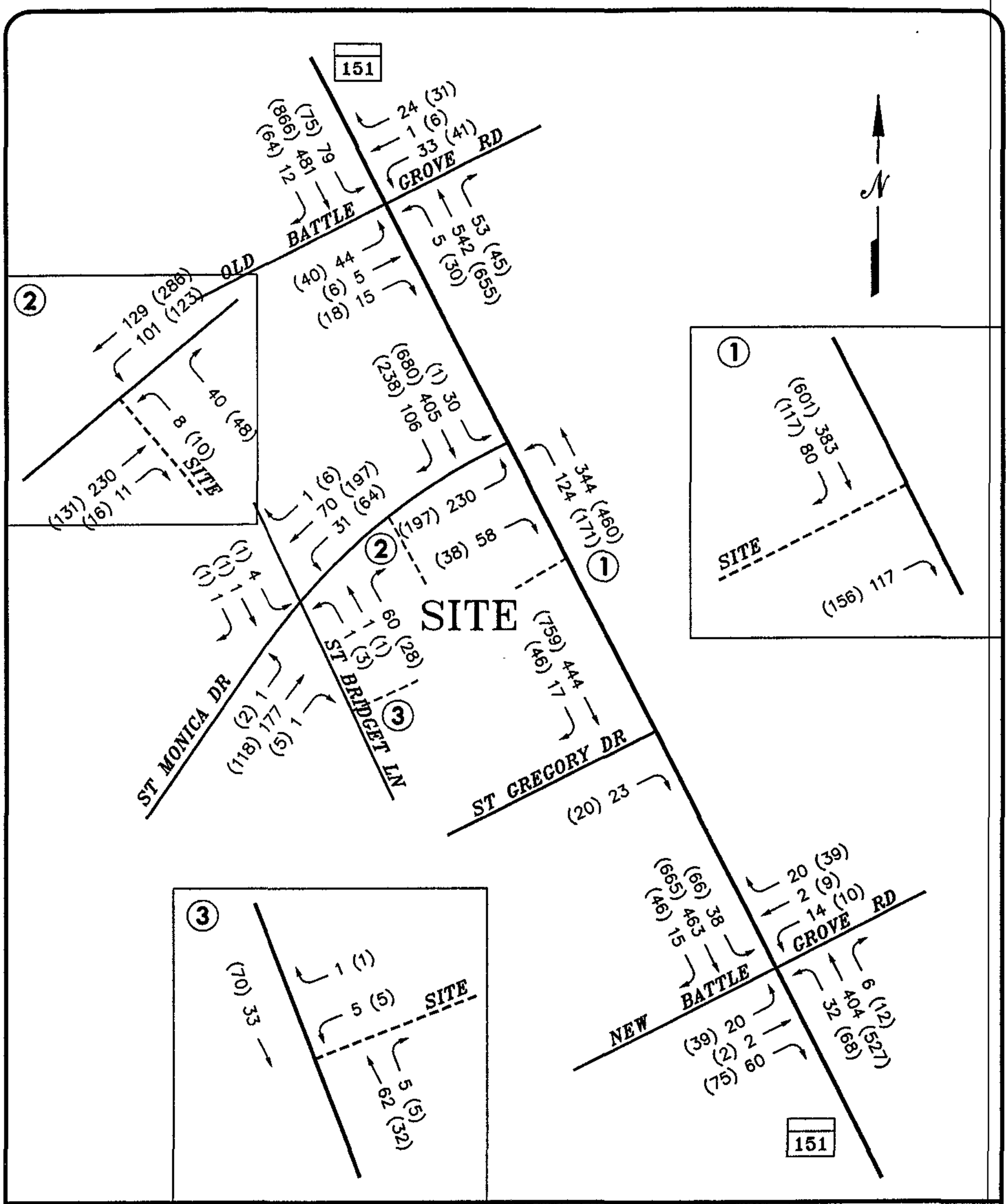
NOT TO SCALE

The Traffic Group

00 - MORNING PEAK HOUR
(00) - EVENING PEAK HOUR

EXHIBIT 6
EFFECT OF PASS-BY TRIPS
GENERATED BY SUBJECT SITE

SL, 010511\0601.DWG--SITEP, 06/29/01



NOT TO SCALE

00 – MORNING PEAK HOUR
(00) – EVENING PEAK HOUR

The Traffic Group

EXHIBIT 7
TOTAL PEAK HOUR
TRAFFIC VOLUMES

SL, 010511\0601.DWG–TOT, 06/29/01

MORNING PEAK HOUR TRAFFIC	EXISTING	TOTAL
1. MD 151 & Old Battle Grove Rd	A/442	A/463
2. MD 151 & St Monica Dr	A/452	A/577
3. MD 151 & St Gregory Dr	A/247	A/277
4. MD 151 & New Battle Grove Rd	A/302	A/329
5. St Monica Dr & St Bridget Ln	A/271	A/276
6. MD 151 & Site Access	-----	A/372
7. St Monica Dr & Site Access	-----	A/390
8. St Bridget Ln & Site Access	-----	A/73

EVENING PEAK HOUR TRAFFIC	EXISTING	TOTAL
1. MD 151 & Old Battle Grove Rd	A/575	A/597
2. MD 151 & St Monica Dr	A/596	A/742
3. MD 151 & St Gregory Dr	A/431	A/463
4. MD 151 & New Battle Grove Rd	A/464	A/493
5. St Monica Dr & St Bridget Ln	A/303	A/308
6. MD 151 & Site Access	-----	A/551
7. St Monica Dr & Site Access	-----	A/479
8. St Bridget Ln & Site Access	-----	A/76

NOTE:

1. Total Traffic is derived from combining Existing Traffic and traffic to be generated by site.

EXHIBIT 8
RESULTS OF INTERSECTION
CAPACITY ANALYSIS (CLV)

APPENDIX A

Intersection Turning Movement Counts and Photos

The Traffic Group

VEHICLE TURNING MOVEMENT COUNT - SUMMARY

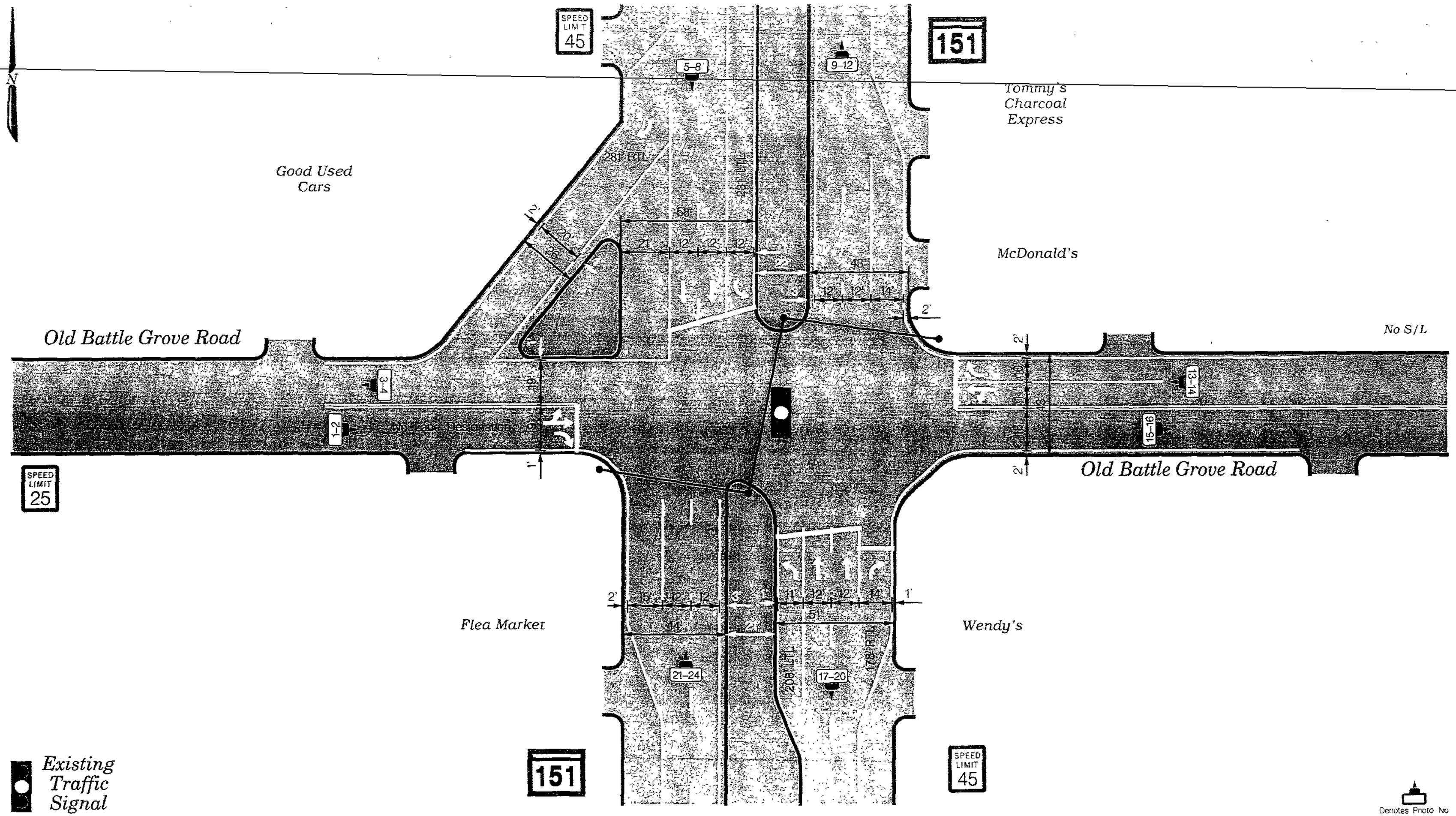
Intersection of: Md. 151
and: Old Battle Grove Rd.
Location: Baltimore Co., Md.

Counted by: TP, LL
Date: May 30, 2001
Weather: Fair, Warm
Entered by: MN

Day: Wednesday

The Traffic Group

TIME	TRAFFIC FROM NORTH on: Md. 151					TRAFFIC FROM SOUTH on: Md. 151					TRAFFIC FROM EAST on: Old Battle Grove Rd.					TRAFFIC FROM WEST on: Old Battle Grove Rd.					TOTAL N + S + E + W
	RIGHT	THRU	LEFT	U-TN	TOTAL	U-TN	LEFT	THRU	RIGHT	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	U-TN	LEFT	THRU	RIGHT	TOTAL	
AM																					
07:0-15	2	90	16	3	111	0	0	133	14	147	6	0	6	0	12	0	7	1	2	10	280
15-30	3	105	12	3	123	0	0	143	3	146	6	0	8	0	14	0	10	2	5	17	300
30-45	1	100	13	1	115	0	1	133	17	151	7	0	6	0	13	0	9	1	3	13	292
45-00	4	116	20	7	147	0	4	121	20	145	3	0	3	0	6	0	7	0	2	9	307
08:0-15	4	131	19	4	158	0	0	116	8	124	8	1	11	0	20	0	18	2	5	25	327
15-30	4	101	20	4	129	1	0	95	14	110	9	2	5	0	16	0	9	0	3	12	267
30-45	4	101	19	1	125	0	1	119	14	134	4	1	6	0	11	0	15	0	3	18	288
45-00	7	118	14	1	140	1	0	99	20	120	16	1	10	0	27	0	6	2	3	11	298
2 Hr Totals	29	862	133	24	1048	2	6	959	110	1077	59	5	55	0	119	0	81	8	26	115	2359
1 Hr Totals																					
07-08	10	411	61	14	496	0	5	530	54	589	22	0	23	0	45	0	33	4	12	49	1179
715-815	12	452	64	15	543	0	5	513	48	566	24	1	28	0	53	0	44	5	15	64	1226
730-830	13	448	72	16	549	1	5	465	59	530	27	3	25	0	55	0	43	3	13	59	1193
745-845	16	449	78	16	559	1	5	451	56	513	24	4	25	0	53	0	49	2	13	64	1189
08-09	19	451	72	10	552	2	1	429	56	488	37	5	32	0	74	0	48	4	14	66	1180
PEAK HOUR																					
715-815	12	452	64	15	543	0	5	513	48	566	24	1	28	0	53	0	44	5	15	64	1226
PM																					
04:0-15	15	184	14	4	217	1	4	144	12	161	6	2	8	0	16	0	8	3	3	14	408
15-30	14	191	13	5	223	2	1	148	8	159	6	0	3	0	9	0	11	1	4	16	407
30-45	14	194	18	6	232	2	1	167	8	178	8	0	8	0	16	0	10	5	4	19	445
45-00	15	208	10	5	238	6	2	153	11	172	4	2	10	0	16	0	17	1	5	23	449
05:0-15	18	213	16	7	254	7	4	149	11	171	12	2	9	0	23	0	6	0	5	11	459
15-30	17	219	10	3	249	2	6	154	10	172	7	2	9	0	18	0	7	0	4	11	450
30-45	21	228	12	4	265	2	0	136	7	145	10	1	9	0	20	0	4	1	3	8	438
45-00	19	178	13	4	214	1	4	145	15	165	6	0	7	0	13	0	19	1	3	23	415
2 Hr Totals	133	1615	106	38	1892	23	22	1196	82	1323	59	9	63	0	131	0	82	12	31	125	3471
1 Hr Totals																					
04-05	58	777	55	20	910	11	8	612	39	670	24	4	29	0	57	0	46	10	16	72	1709
415-515	61	806	57	23	947	17	8	617	38	680	30	4	30	0	64	0	44	7	18	69	1760
430-530	64	834	54	21	973	17	13	623	40	693	31	6	36	0	73	0	40	6	18	64	1803
445-545	71	868	48	19	1006	17	12	592	39	660	33	7	37	0	77	0	34	2	17	53	1796
05-06	75	838	51	18	982	12	14	584	43	653	35	5	34	0	74	0	36	2	15	53	1762
PEAK HOUR																					
430-530	64	834	54	21	973	17	13	623	40	693	31	6	36	0	73	0	40	6	18	64	1803



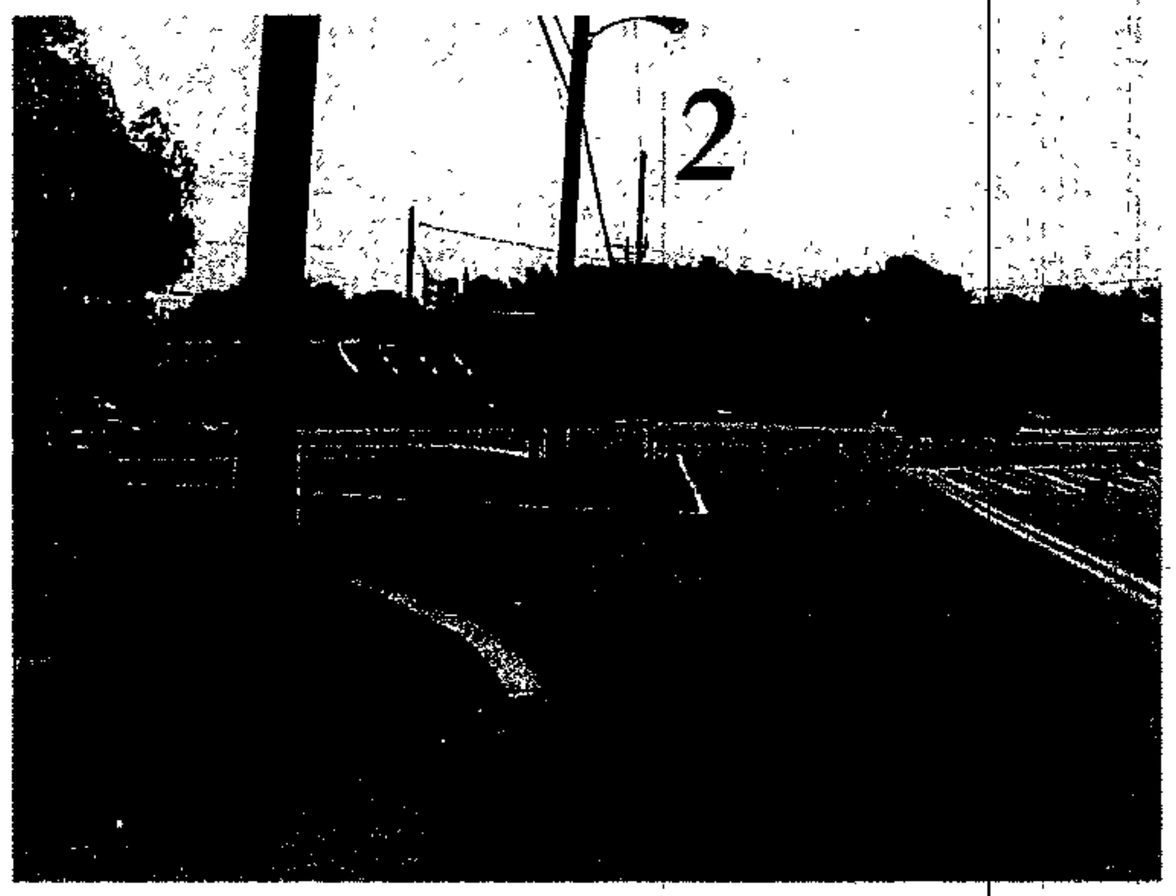
The Traffic Group

MD 151 at
Old Battle Grove Road
North Point Village

FIELD WORK BY: S. Scalzo
DRAWN BY: J.E.S.
DATE: June, 2001
SCALE: N/A

JOB NO.: 2001-0511
DWG NAME: CD1.DGN
LOCATION: Baltimore Co., MD
SHEET NO.: 1 OF 5

1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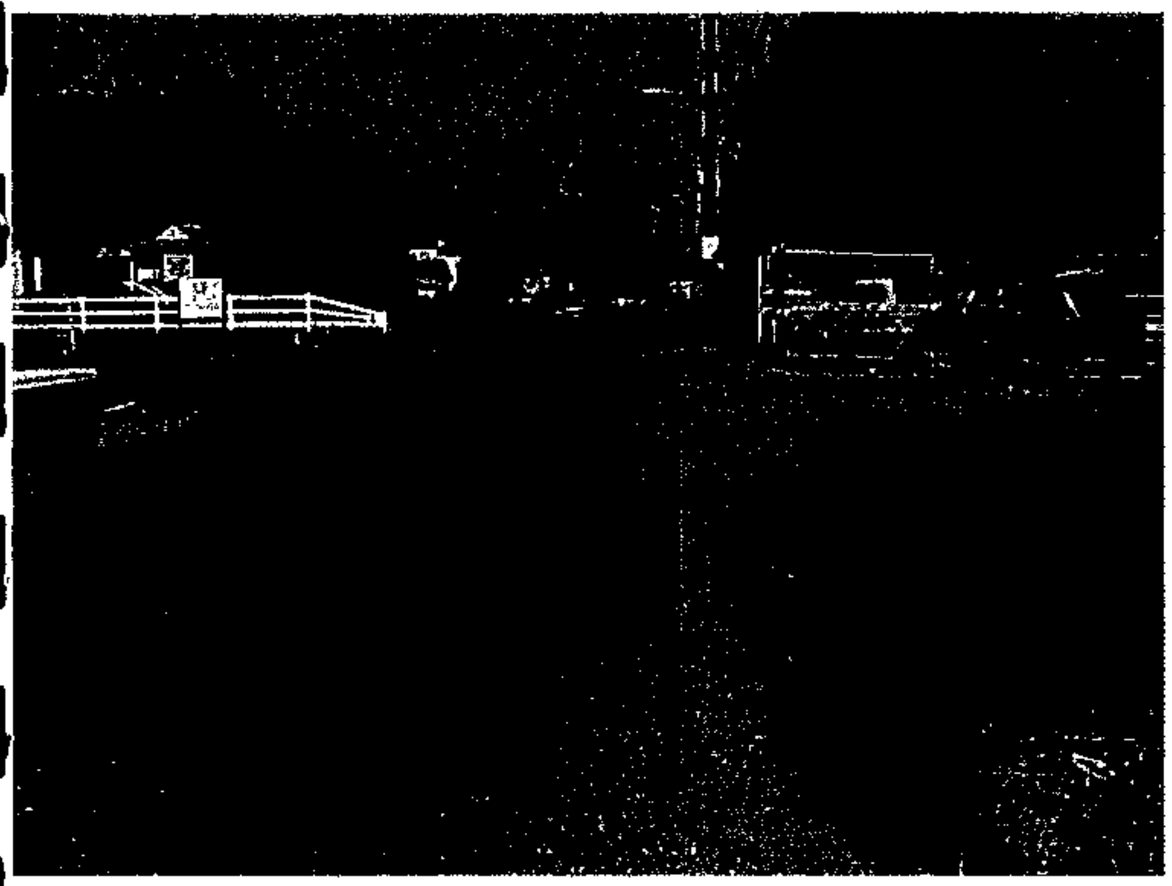

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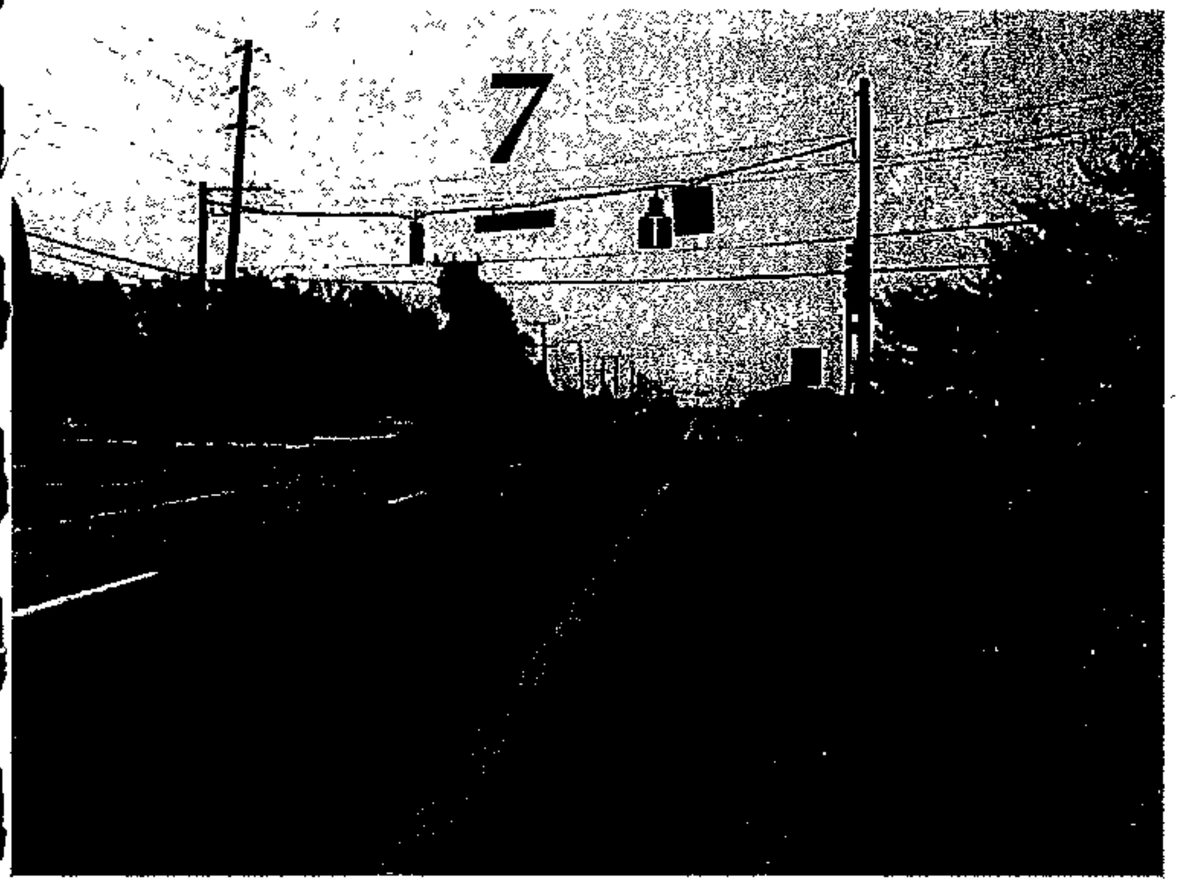
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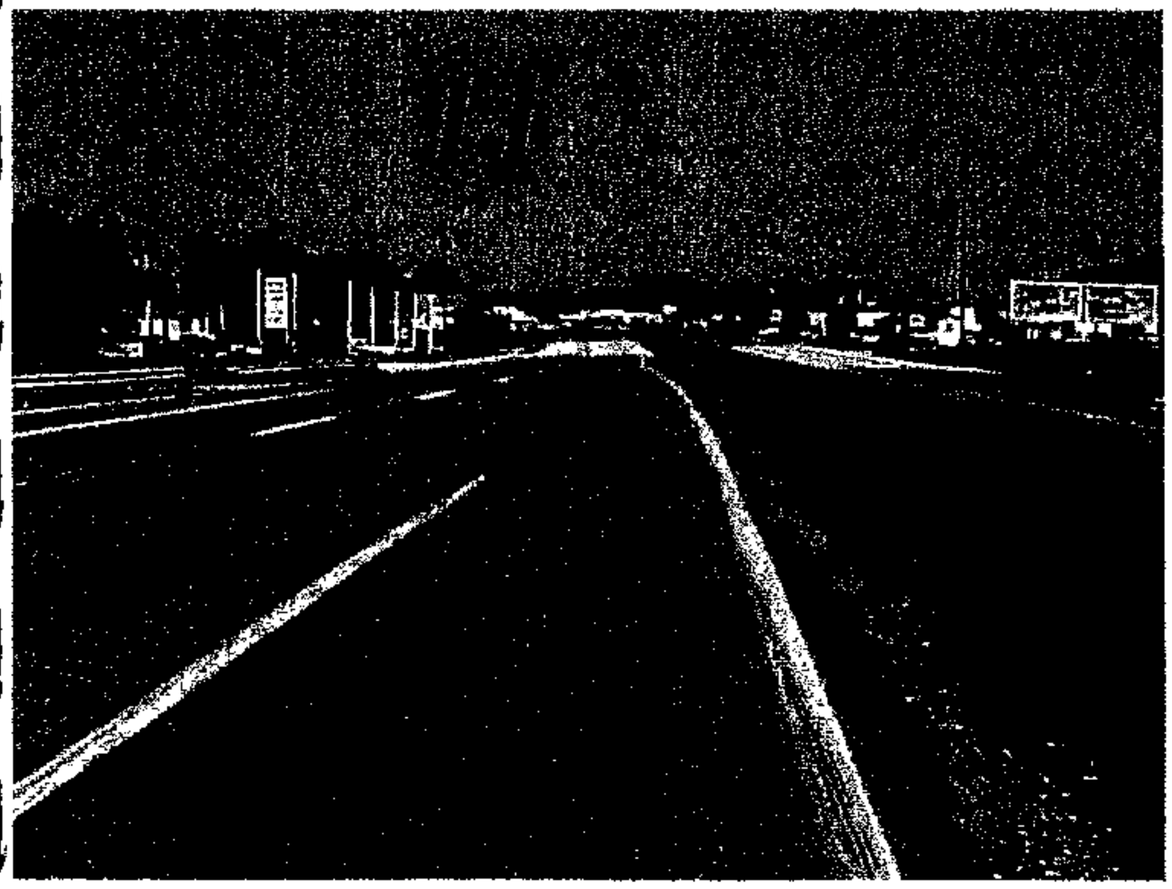

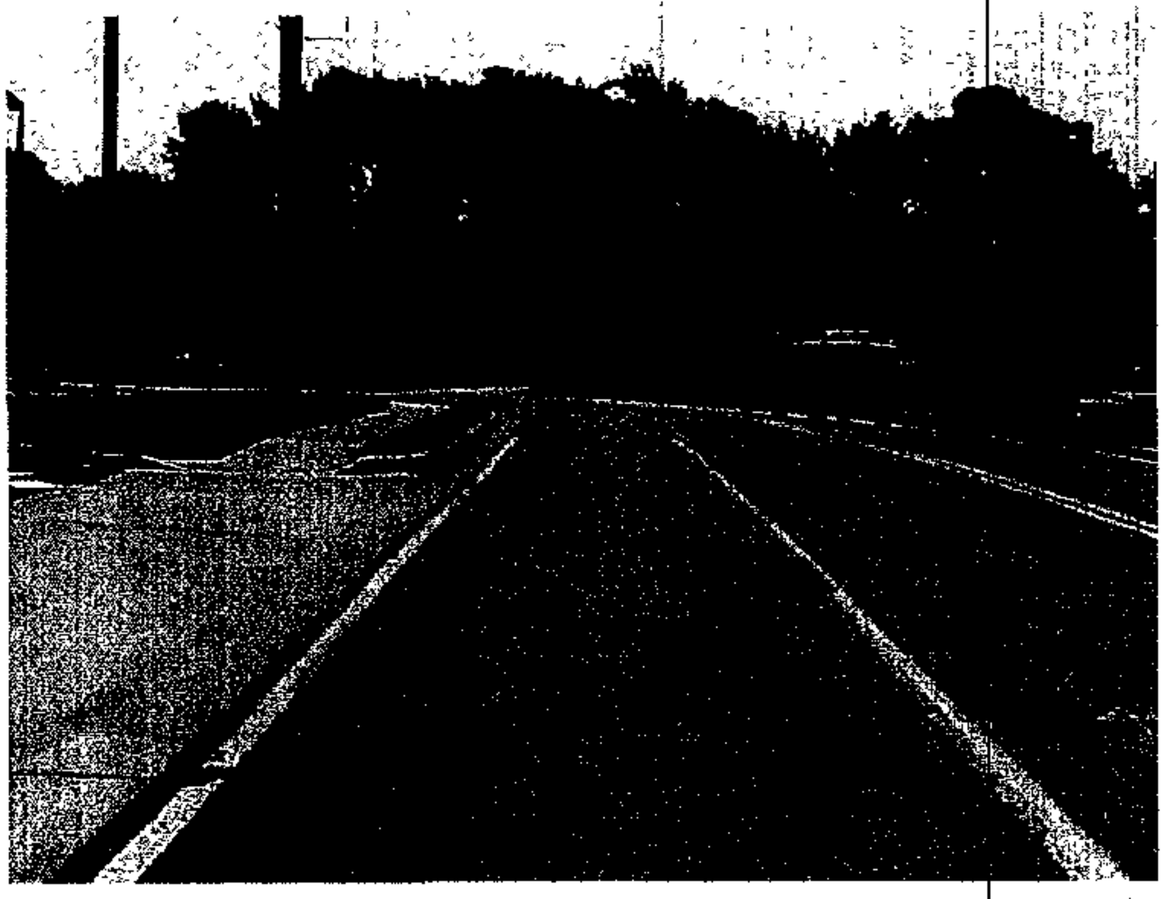

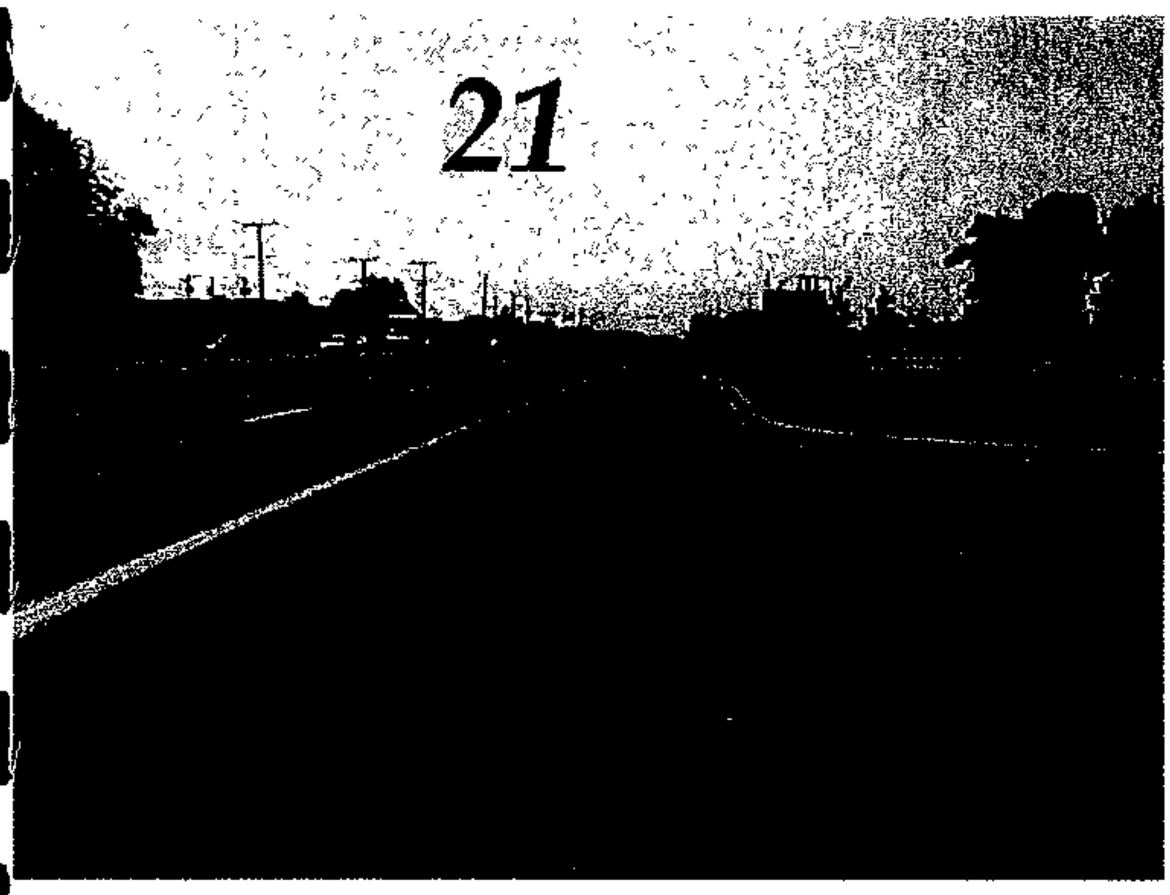
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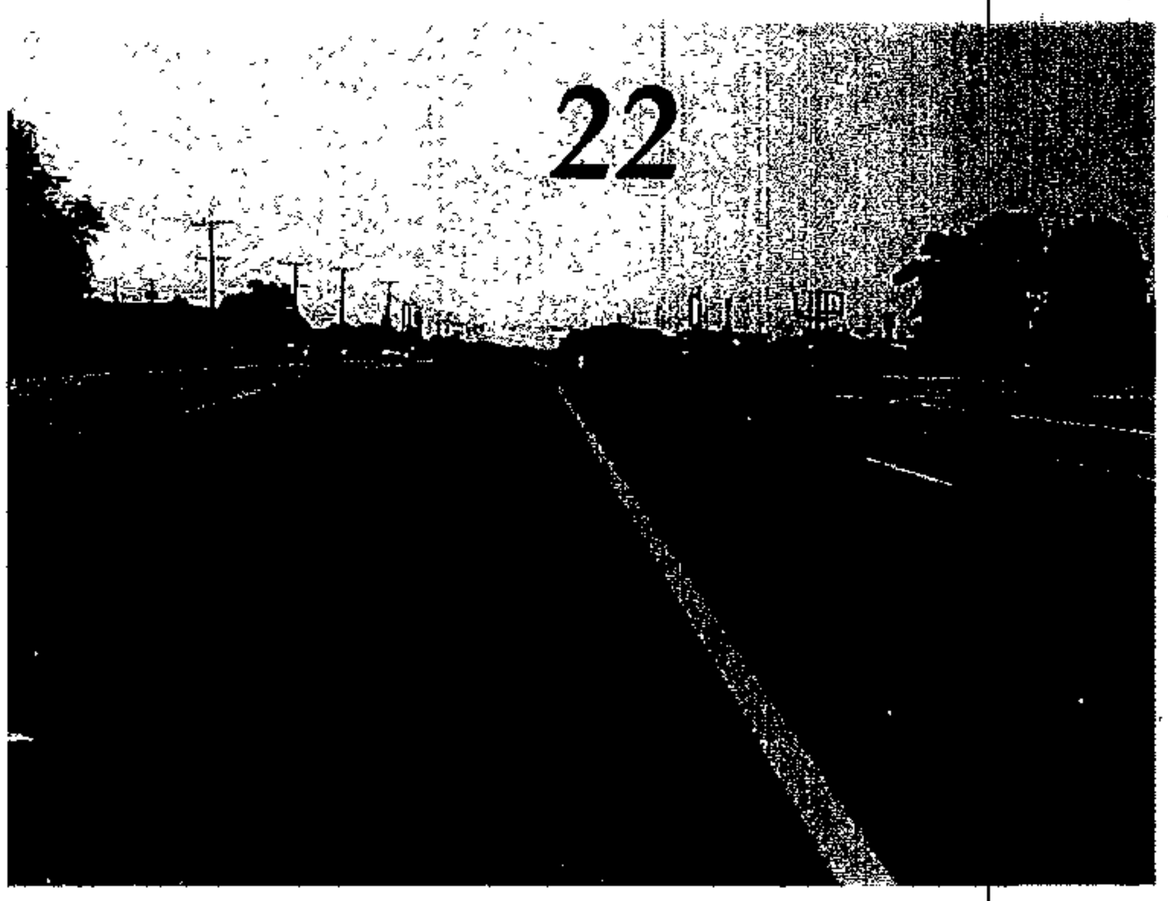
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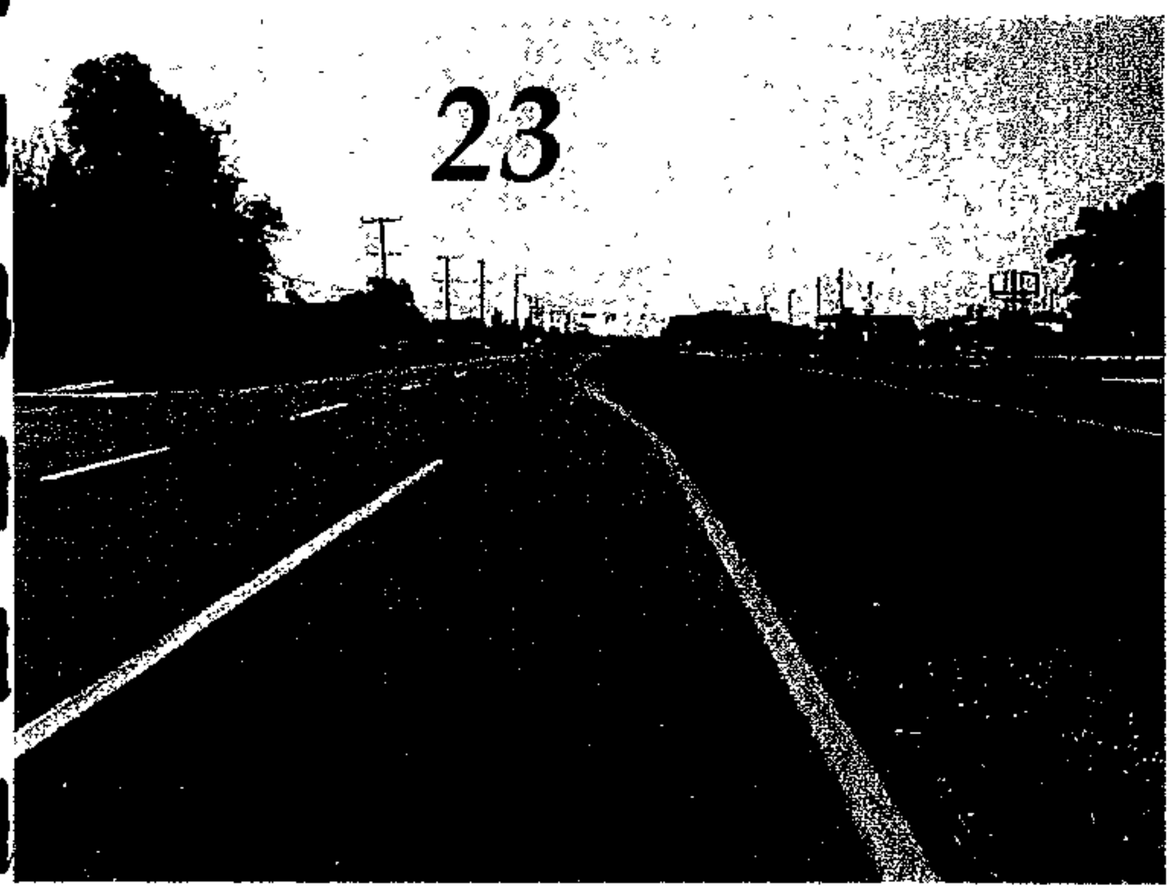
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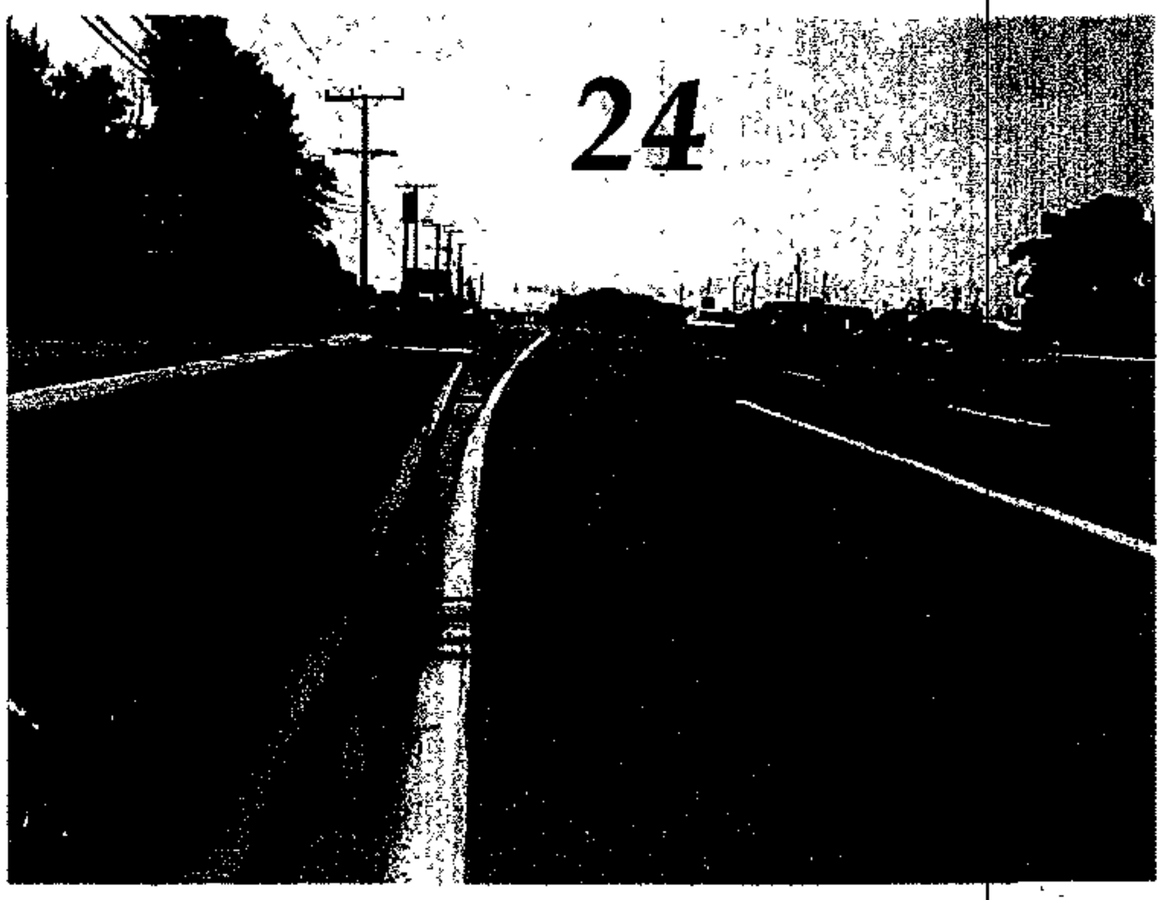

24

VEHICLE TURNING MOVEMENT COUNT - SUMMARY

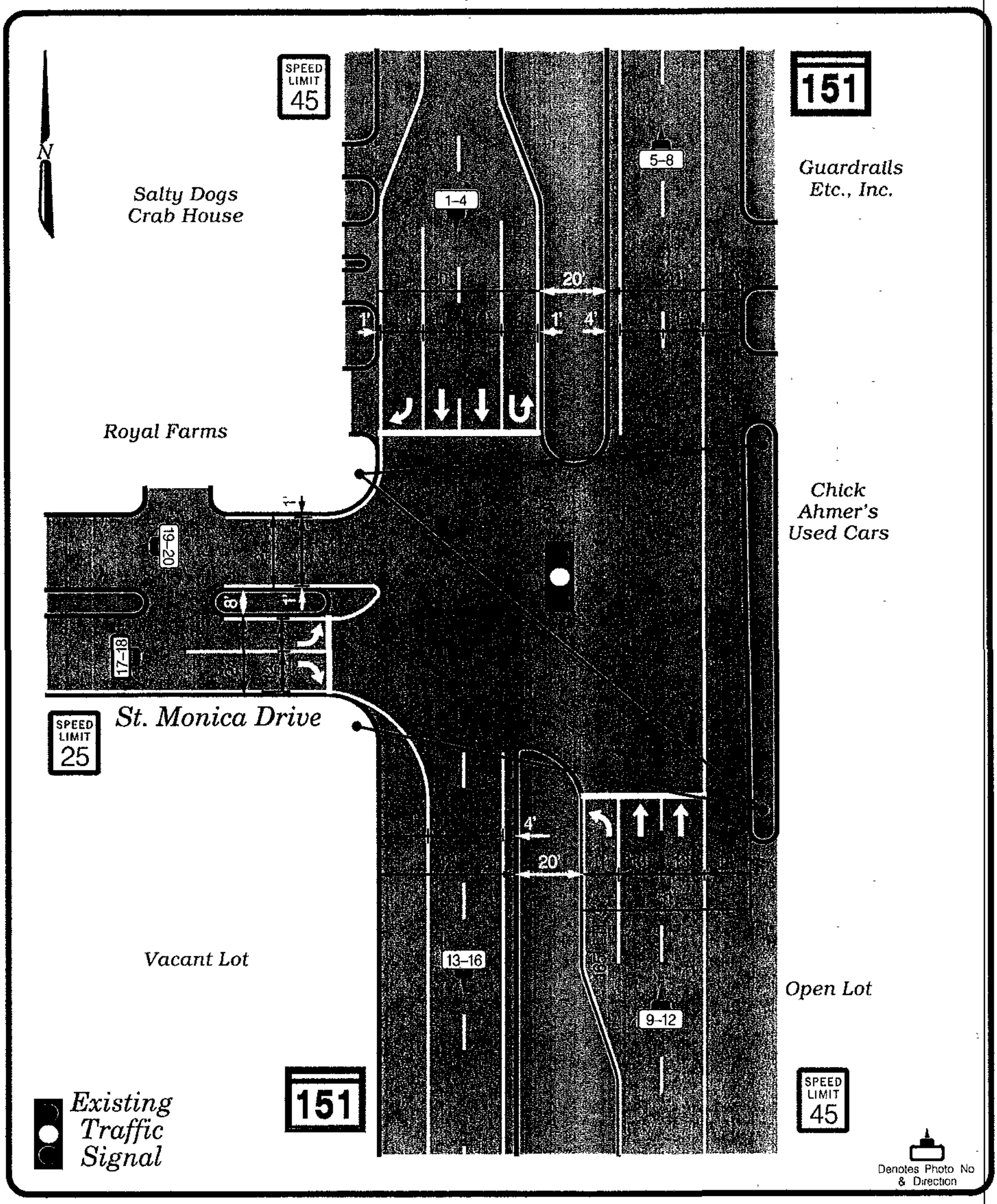
Intersection of: Md. 151
and: St. Monica Dr.
Location: Baltimore Co., Md.

Counted by: TP, LL
Date: May 31, 2001
Weather: Fair, Warm
Entered by: MN

Day: Thursday

The Traffic Group

TIME	TRAFFIC FROM NORTH on: Md. 151					TRAFFIC FROM SOUTH on: Md. 151					TRAFFIC FROM EAST on:					TRAFFIC FROM WEST on: St. Monica Dr.					TOTAL N + S + E + W
	RIGHT	THRU	LEFT	U-TN	TOTAL	U-TN	LEFT	THRU	RIGHT	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	U-TN	LEFT	THRU	RIGHT	TOTAL	
AM																					
07:0-15	11	87		8	106	1	16	88		105					0	0	41		20	61	272
15-30	22	88		7	117	0	13	84		97					0	0	47		18	65	279
30-45	18	109		10	137	2	9	110		121					0	0	55		23	78	336
45-00	22	87		6	115	1	6	90		97					0	0	42		8	50	262
08:0-15	27	104		7	138	1	11	87		99					0	0	52		9	61	298
15-30	29	83		6	118	0	6	69		75					0	0	35		6	41	234
30-45	18	67		5	90	2	10	82		94					0	0	48		10	58	242
45-00	16	107		6	129	1	6	81		88					0	0	34		10	44	261
2 Hr Totals	163	732	0	55	950	8	77	691	0	776	0	0	0	0	0	0	354	0	104	458	2184
1 Hr Totals																					
07-08	73	371	0	31	475	4	44	372	0	420	0	0	0	0	0	0	185	0	69	254	1149
715-815	89	388	0	30	507	4	39	371	0	414	0	0	0	0	0	0	196	0	58	254	1175
730-830	96	383	0	29	508	4	32	356	0	392	0	0	0	0	0	0	184	0	46	230	1130
745-845	96	341	0	24	461	4	33	328	0	365	0	0	0	0	0	0	177	0	33	210	1036
08-09	90	361	0	24	475	4	33	319	0	356	0	0	0	0	0	0	169	0	35	204	1035
PEAK HOUR																					
715-815	89	388	0	30	507	4	39	371	0	414	0	0	0	0	0	0	196	0	58	254	1175
PM																					
04:0-15	31	174			205	1	9	122		132					0	0	24		16	40	377
15-30	36	168			204	3	16	132		151					0	0	35		18	53	408
30-45	45	173			218	2	23	122		147					0	0	39		9	48	413
45-00	52	153			205	1	15	124		140					0	0	34		13	47	392
05:0-15	63	159			222	2	14	133		149					0	0	44		5	49	420
15-30	59	177			236	1	14	123		138					0	0	43		11	54	428
30-45	56	179			235	3	12	109		124					0	0	40		6	46	405
45-00	48	147			195	2	15	122		139					0	0	41		6	47	381
2 Hr Totals	390	1330	0	0	1720	15	118	987	0	1120	0	0	0	0	0	0	300	0	84	384	3224
1 Hr Totals																					
04-05	164	668	0	0	832	7	63	500	0	570	0	0	0	0	0	0	132	0	56	188	1590
415-515	196	653	0	0	849	8	68	511	0	587	0	0	0	0	0	0	152	0	45	197	1633
430-530	219	662	0	0	881	6	66	502	0	574	0	0	0	0	0	0	160	0	38	198	1653
445-545	230	668	0	0	898	7	55	489	0	551	0	0	0	0	0	0	161	0	35	196	1645
05-06	226	662	0	0	888	8	55	487	0	550	0	0	0	0	0	0	168	0	28	196	1634
PEAK HOUR																					
430-530	219	662	0	0	881	6	66	502	0	574	0	0	0	0	0	0	160	0	38	198	1653

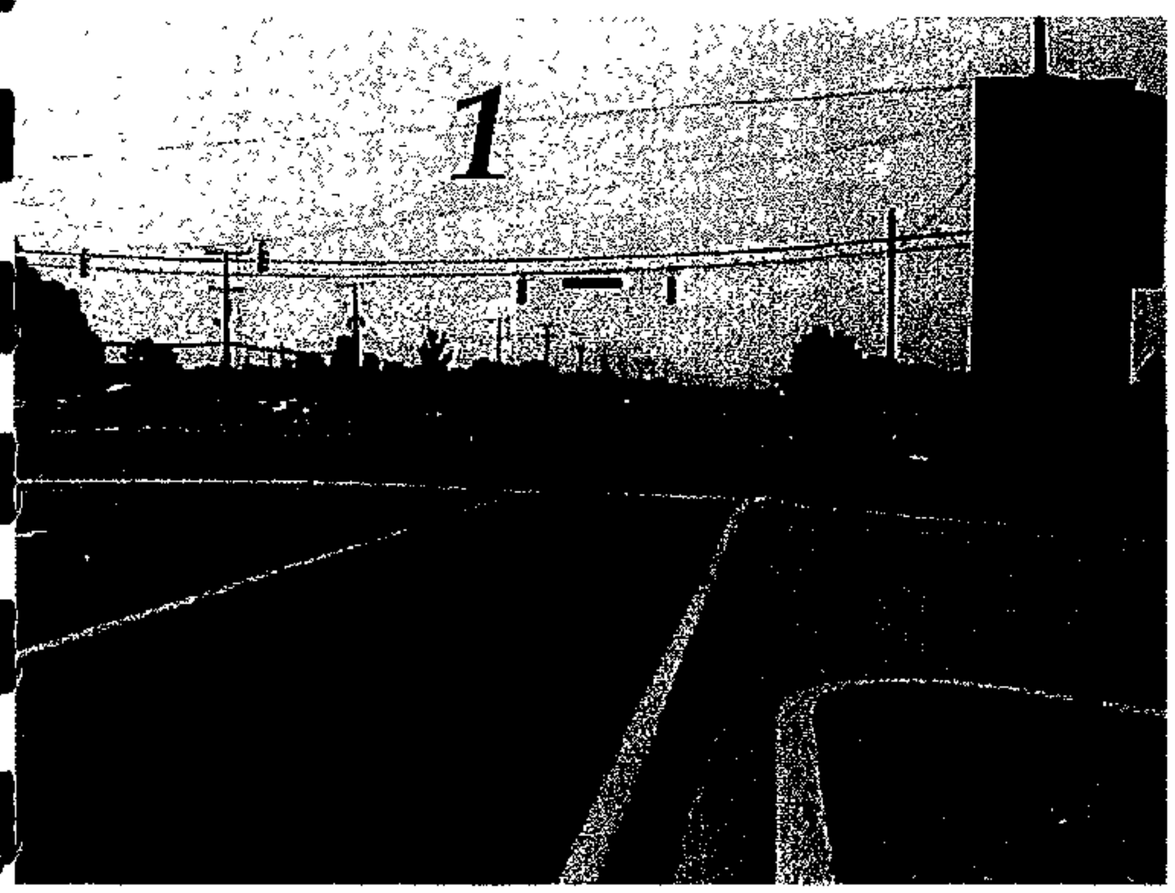


The Traffic Group

MD 151 at St. Monica Dr.
North Point Village

FIELD WORK BY: S. Scalzo
DRAWN BY: J.E.S.
DATE: June, 2001
SCALE: N/A

JOB NO.: 2001-0511
DWG NAME: CD2.DGN
LOCATION: Baltimore Co., MD
SHEET NO.: 2 OF 5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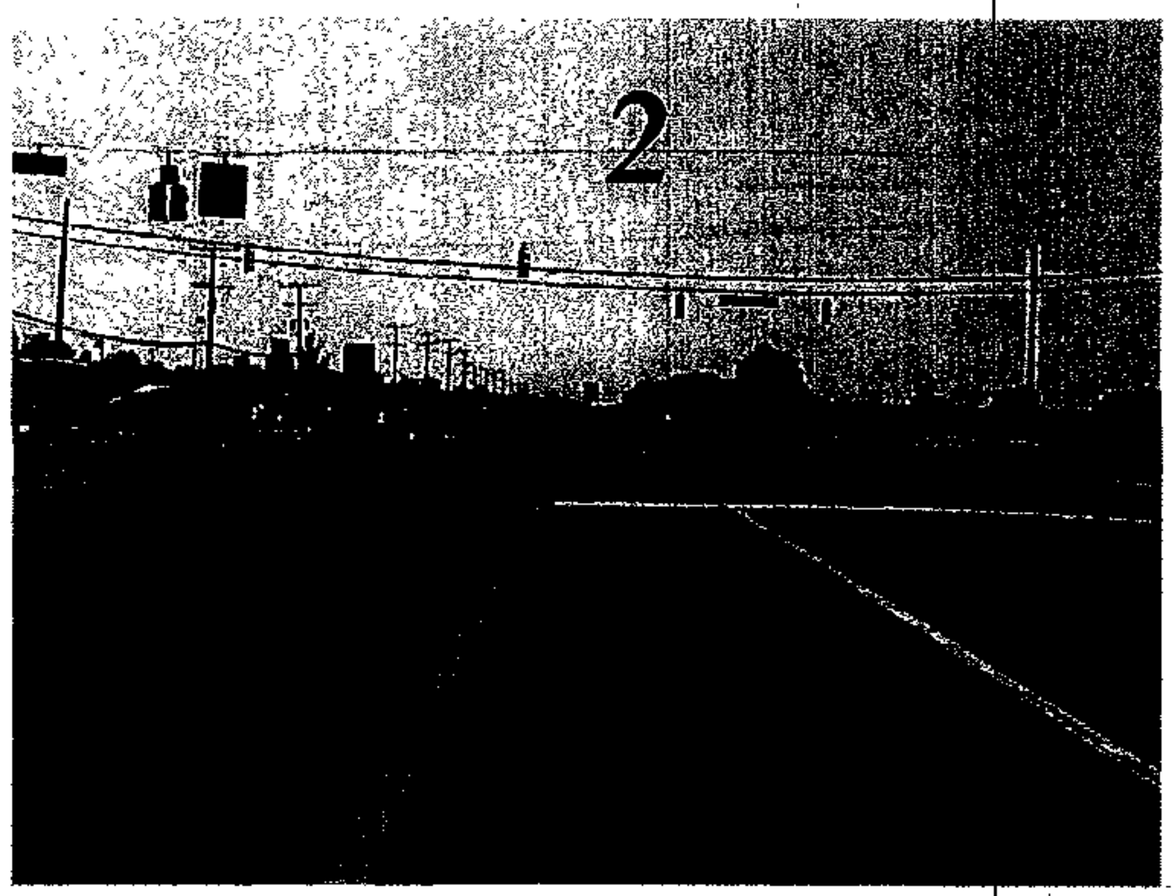
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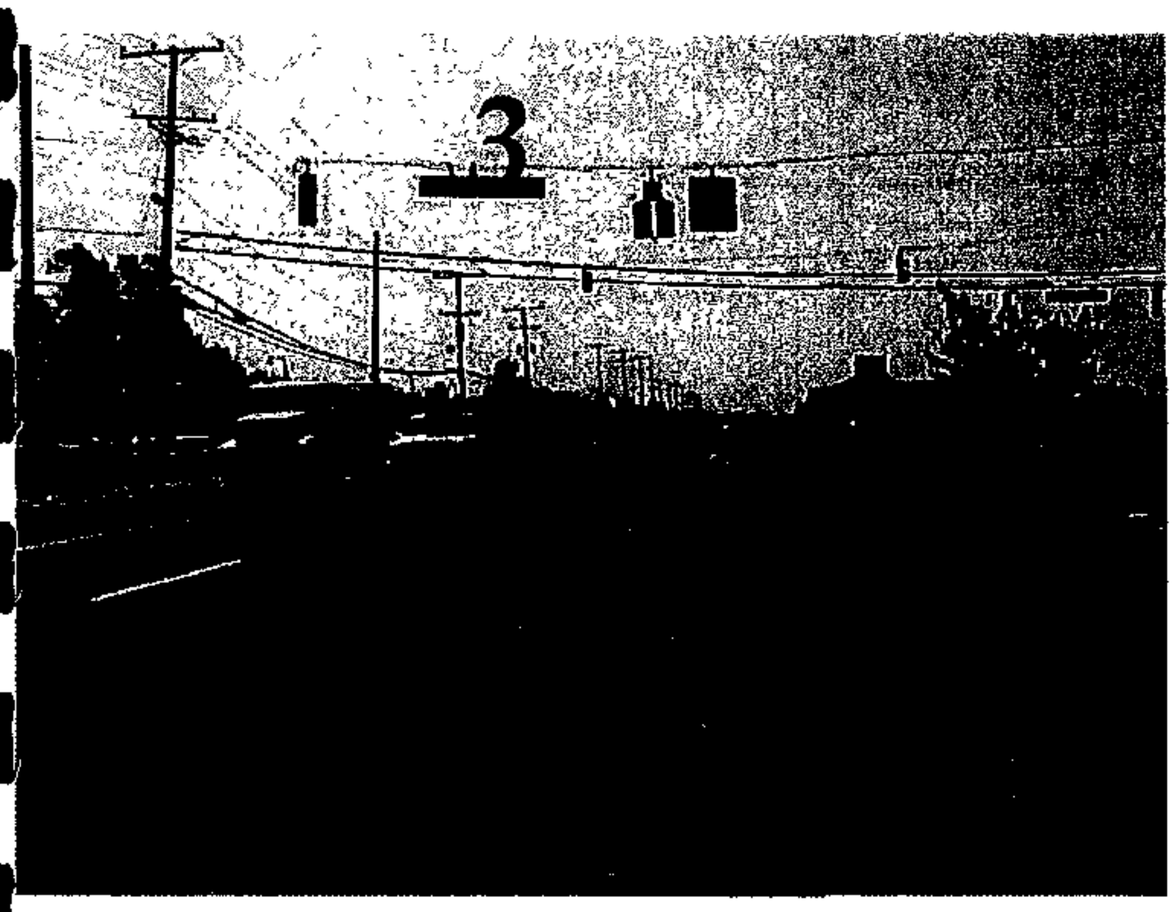
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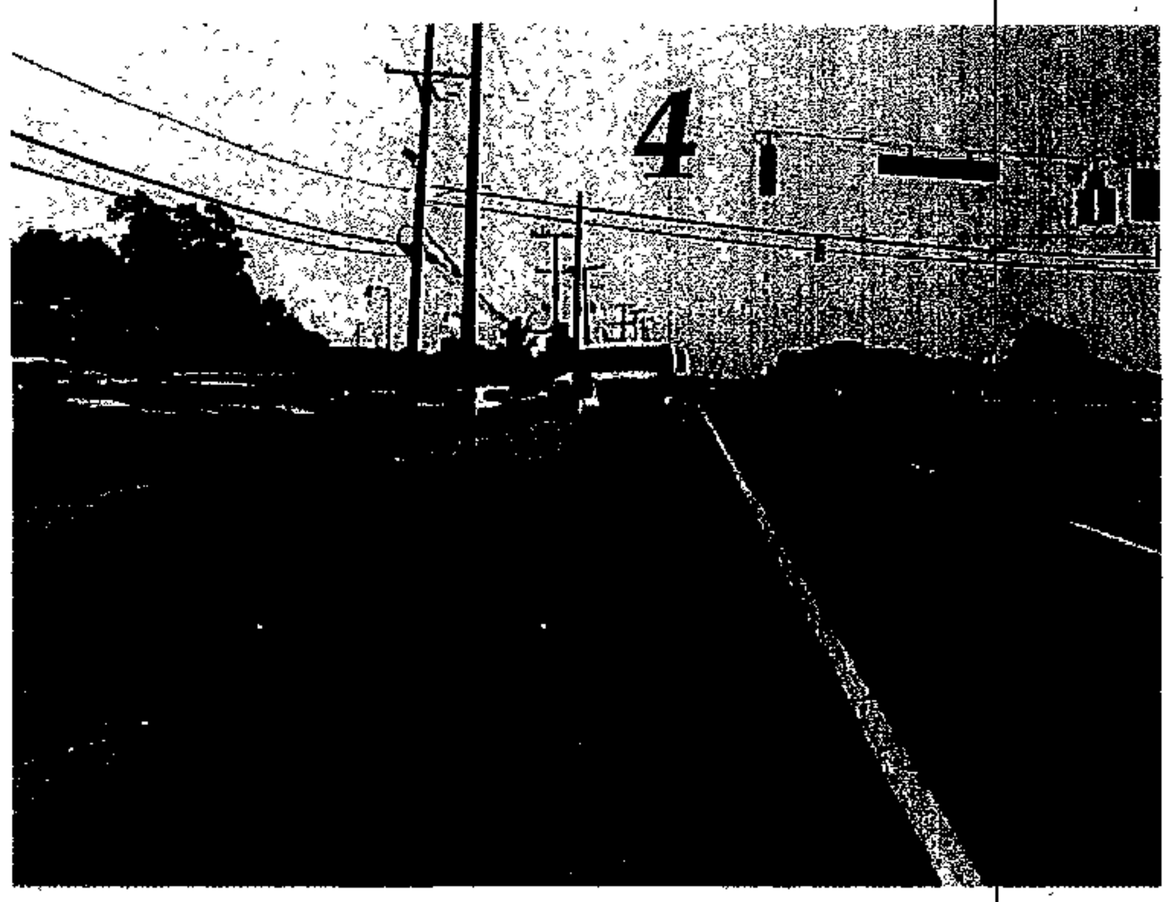
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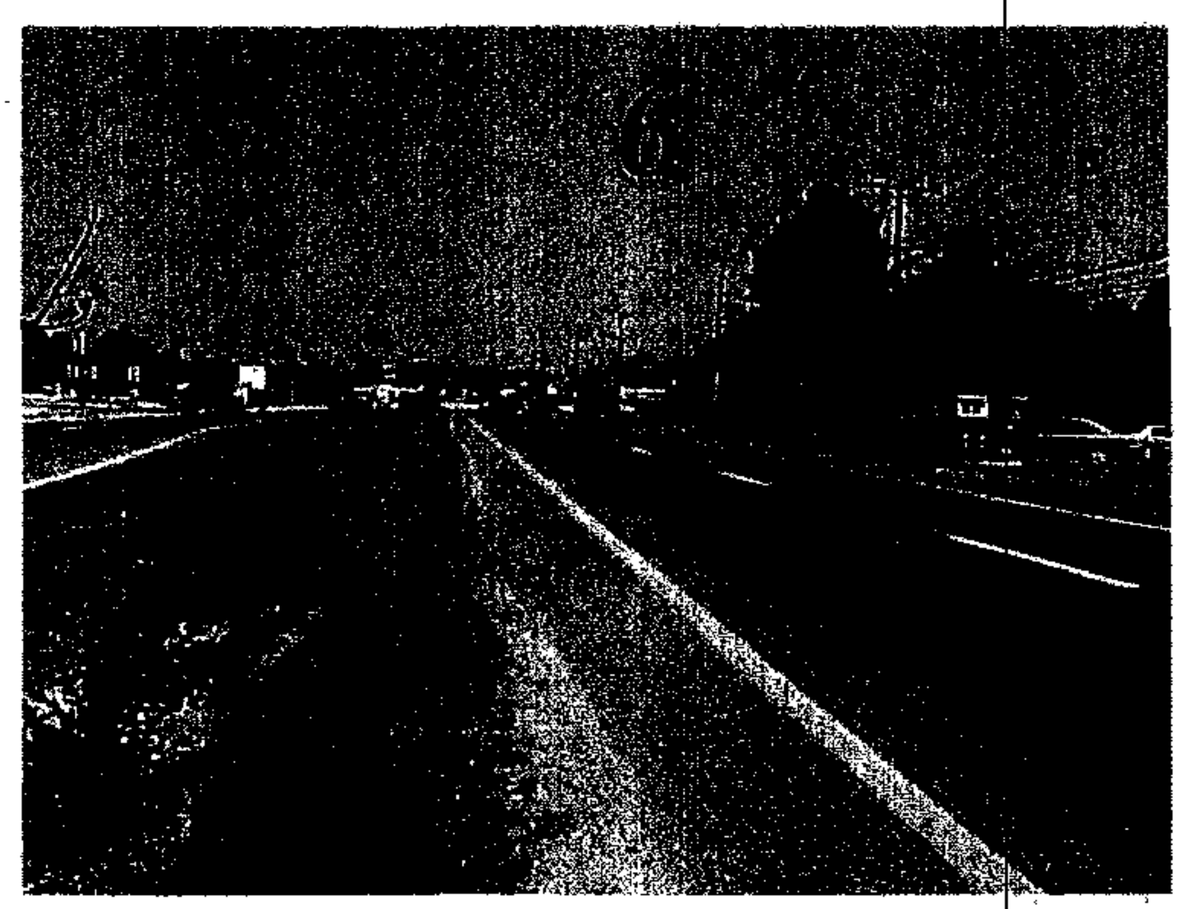

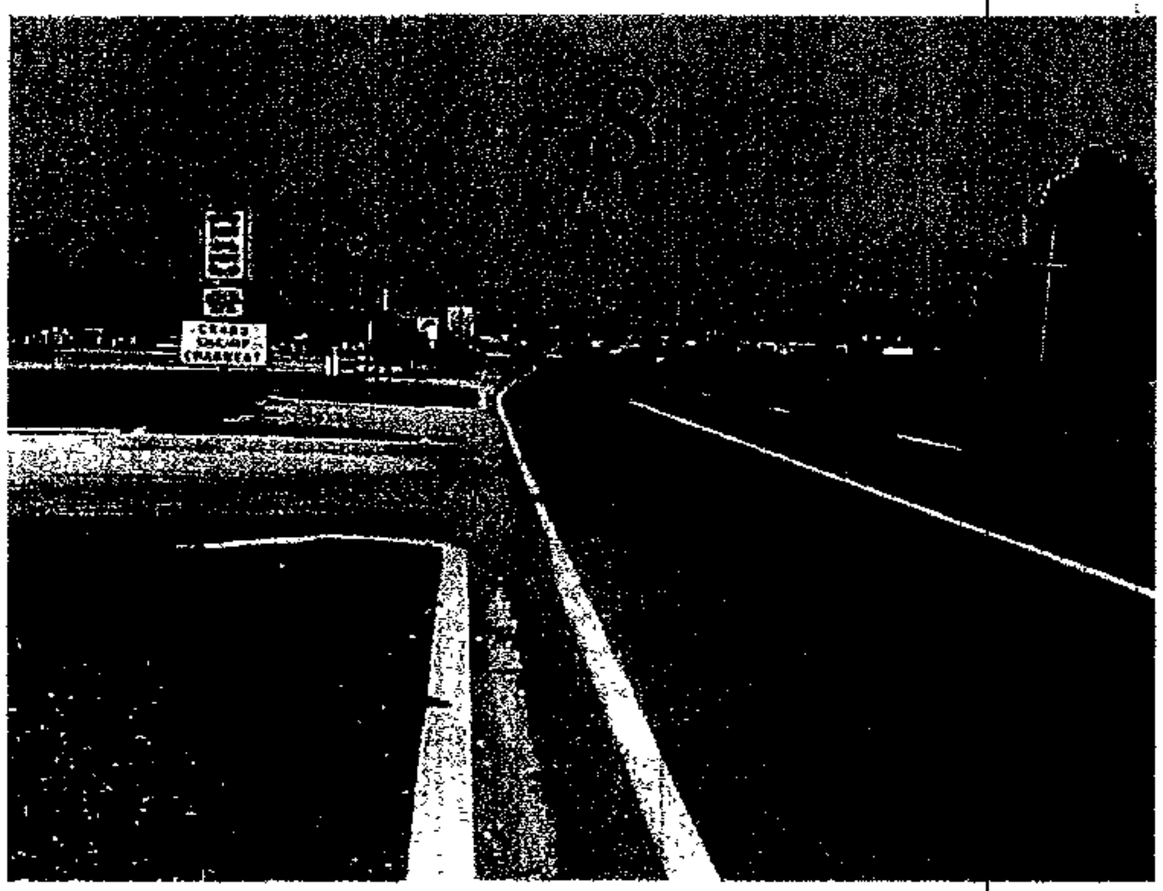

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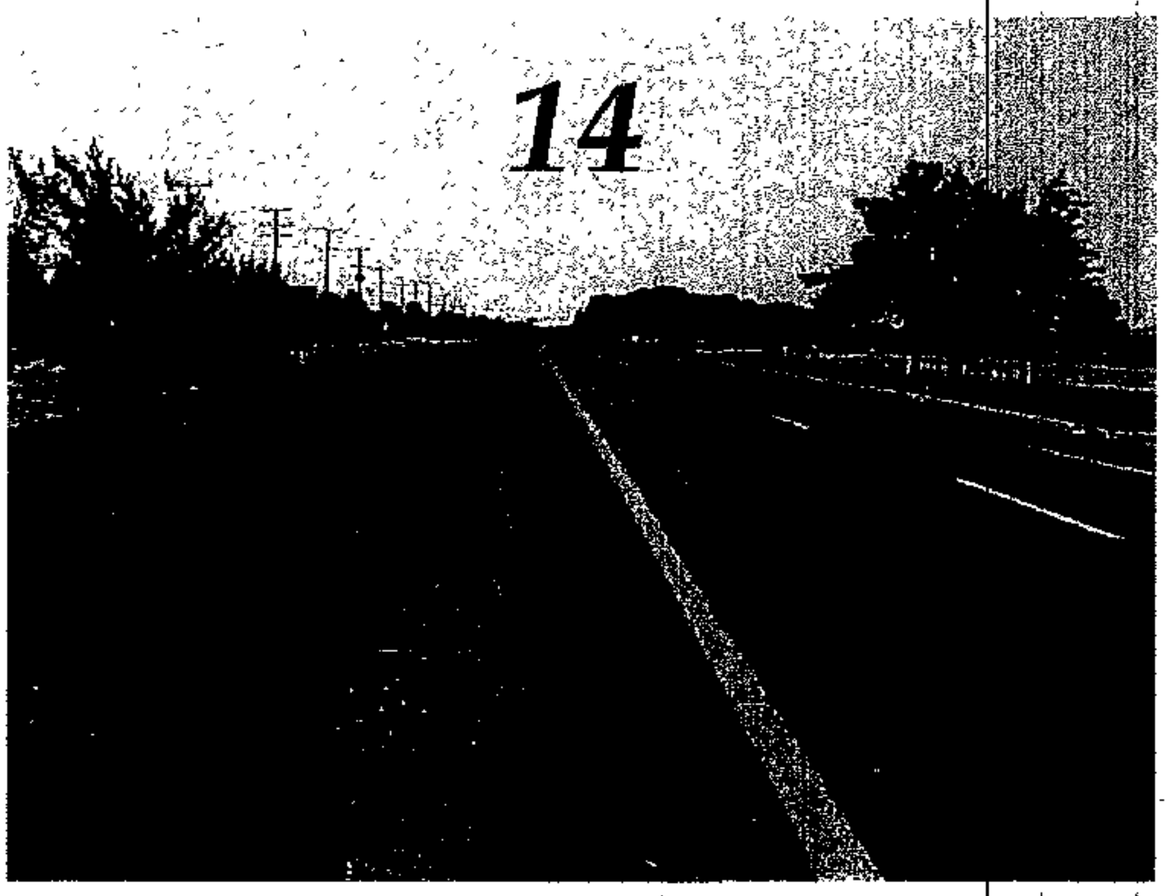
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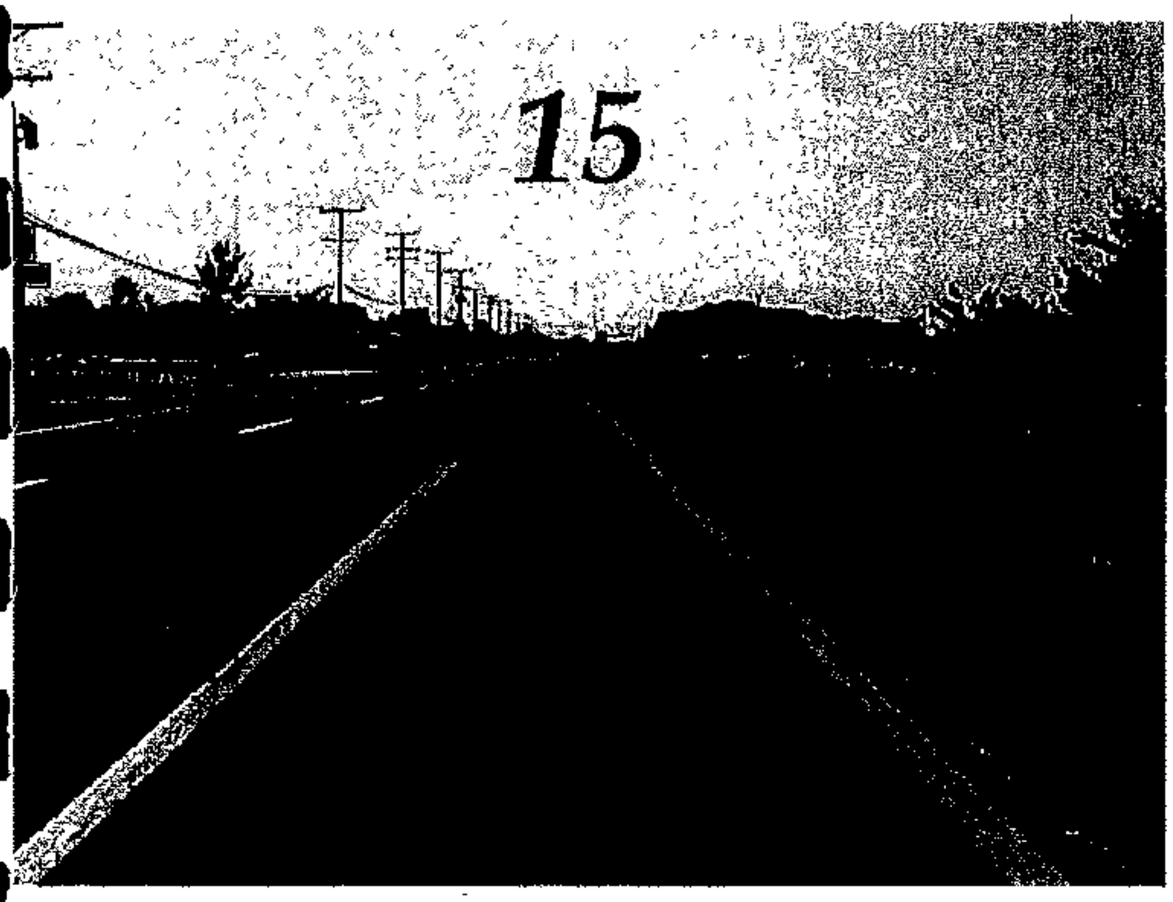
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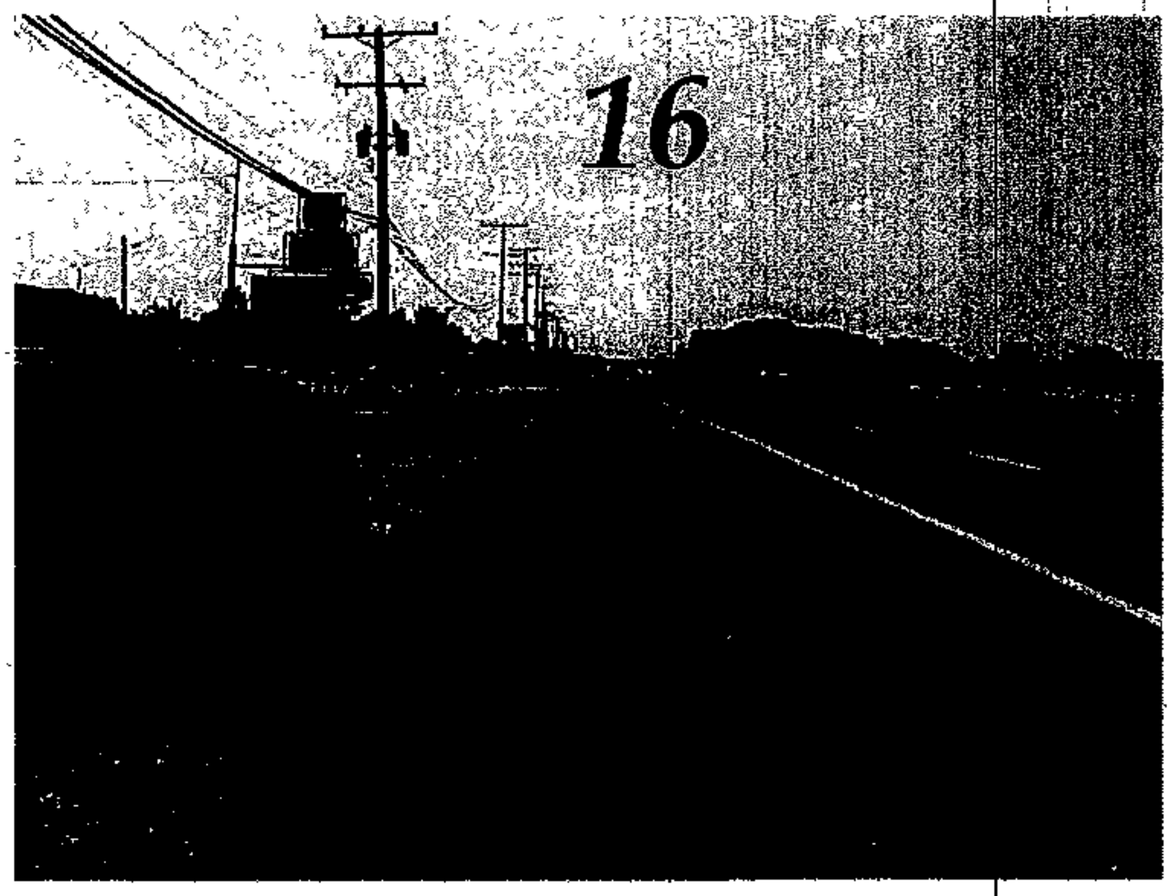
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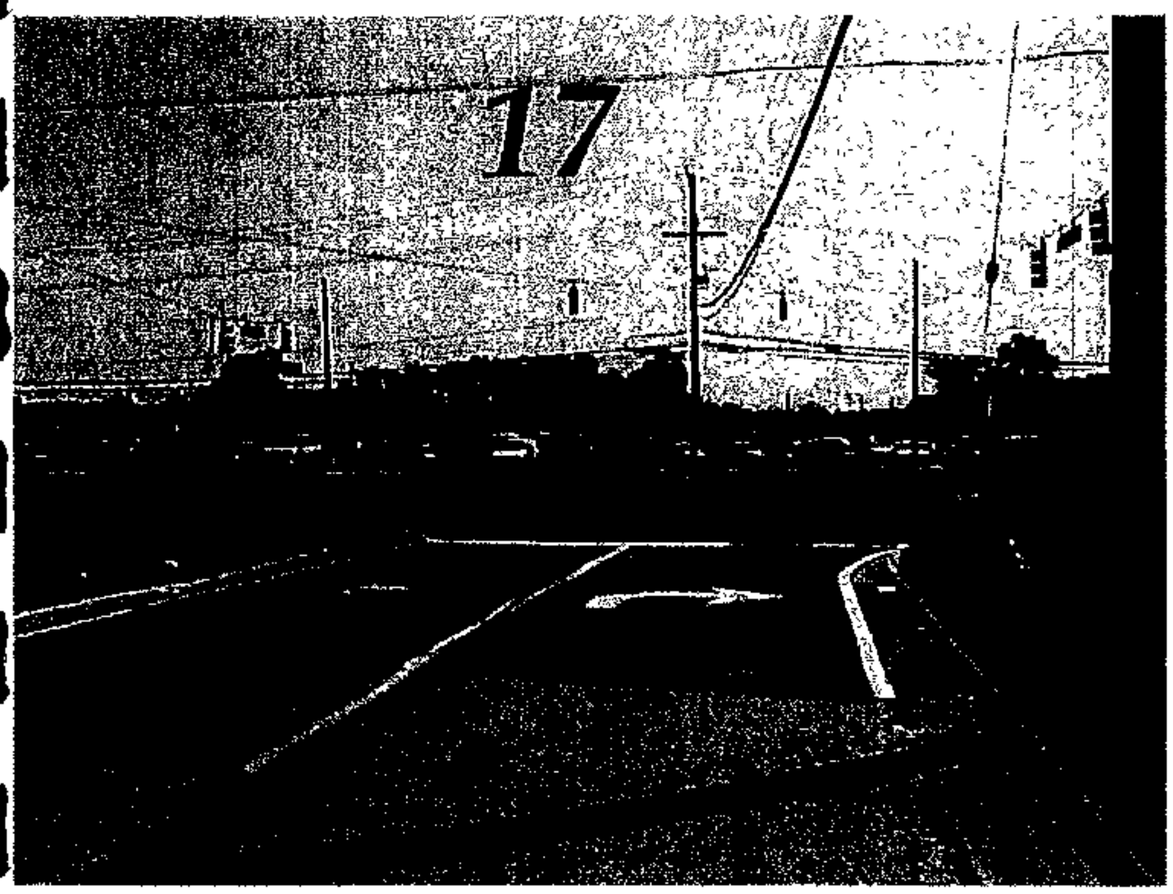
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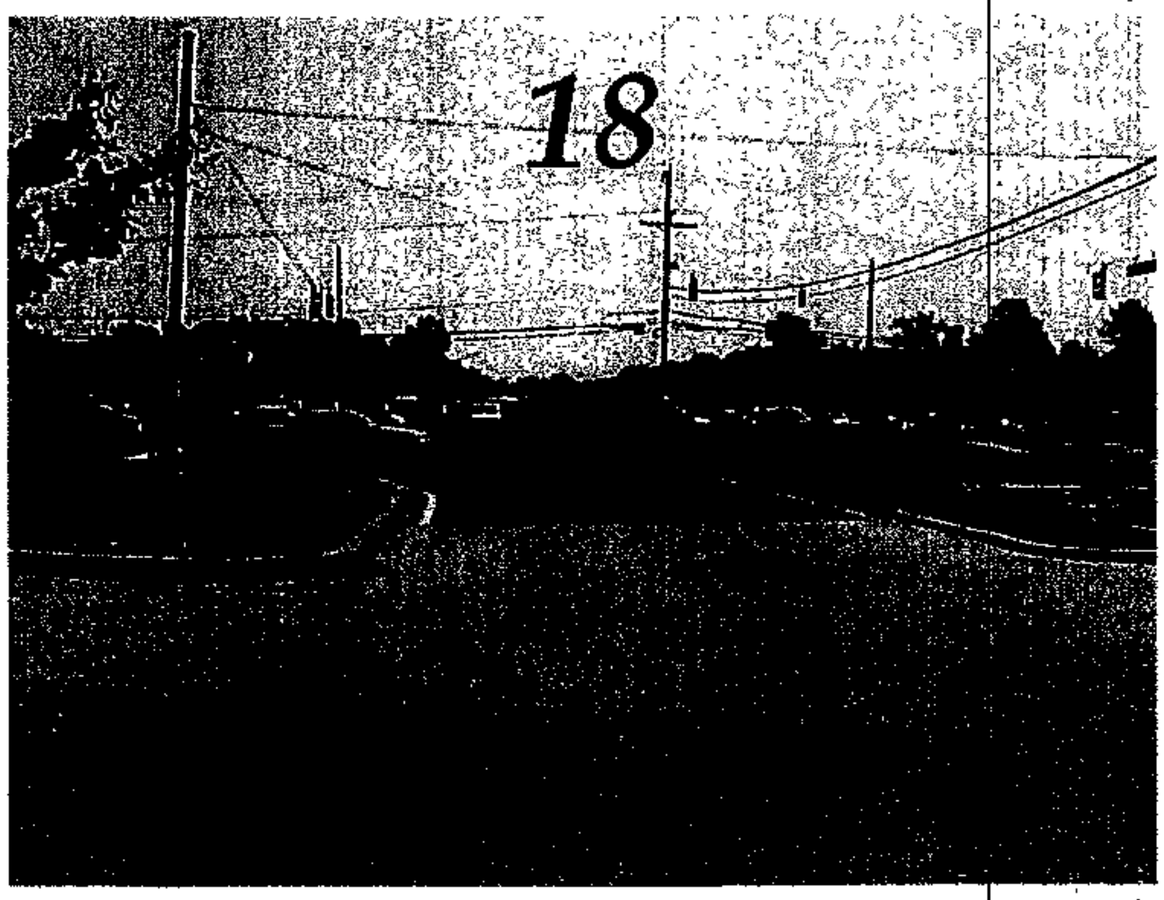
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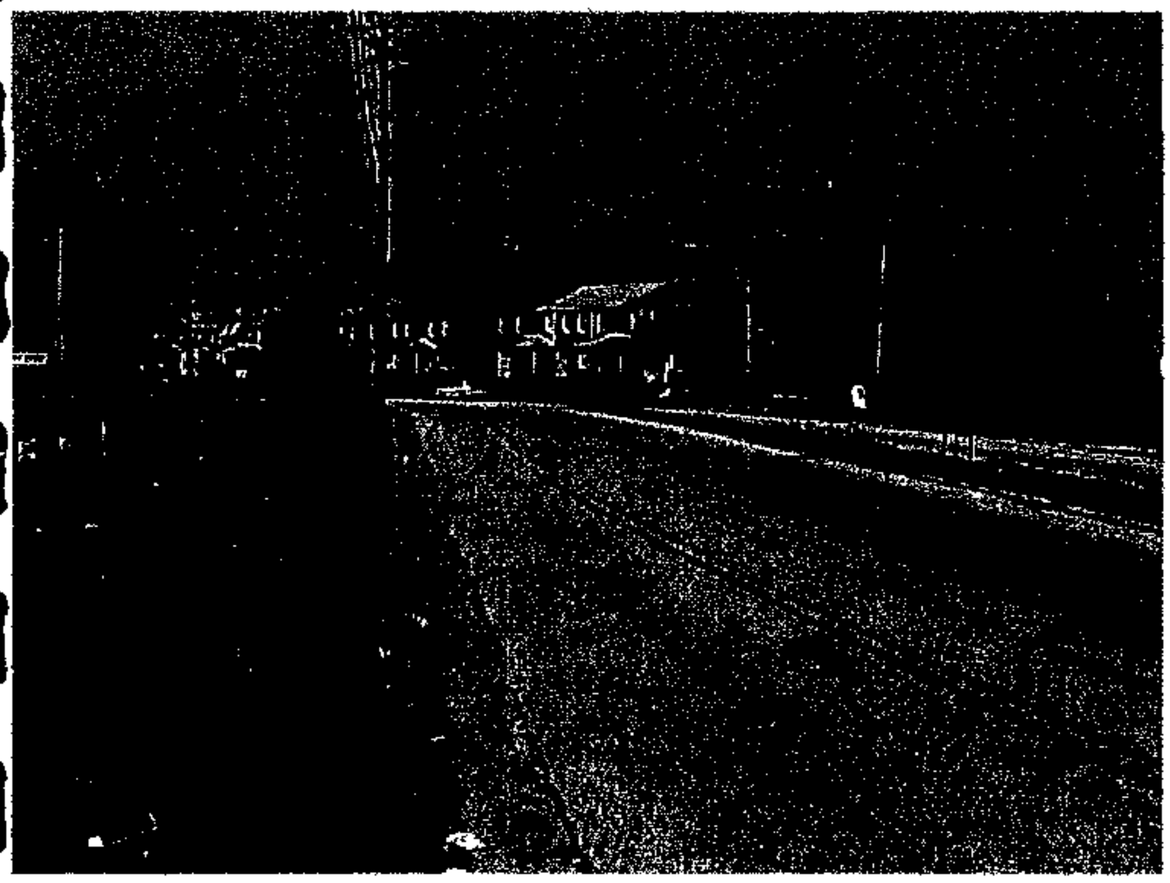


VEHICLE TURNING MOVEMENT COUNT - SUMMARY

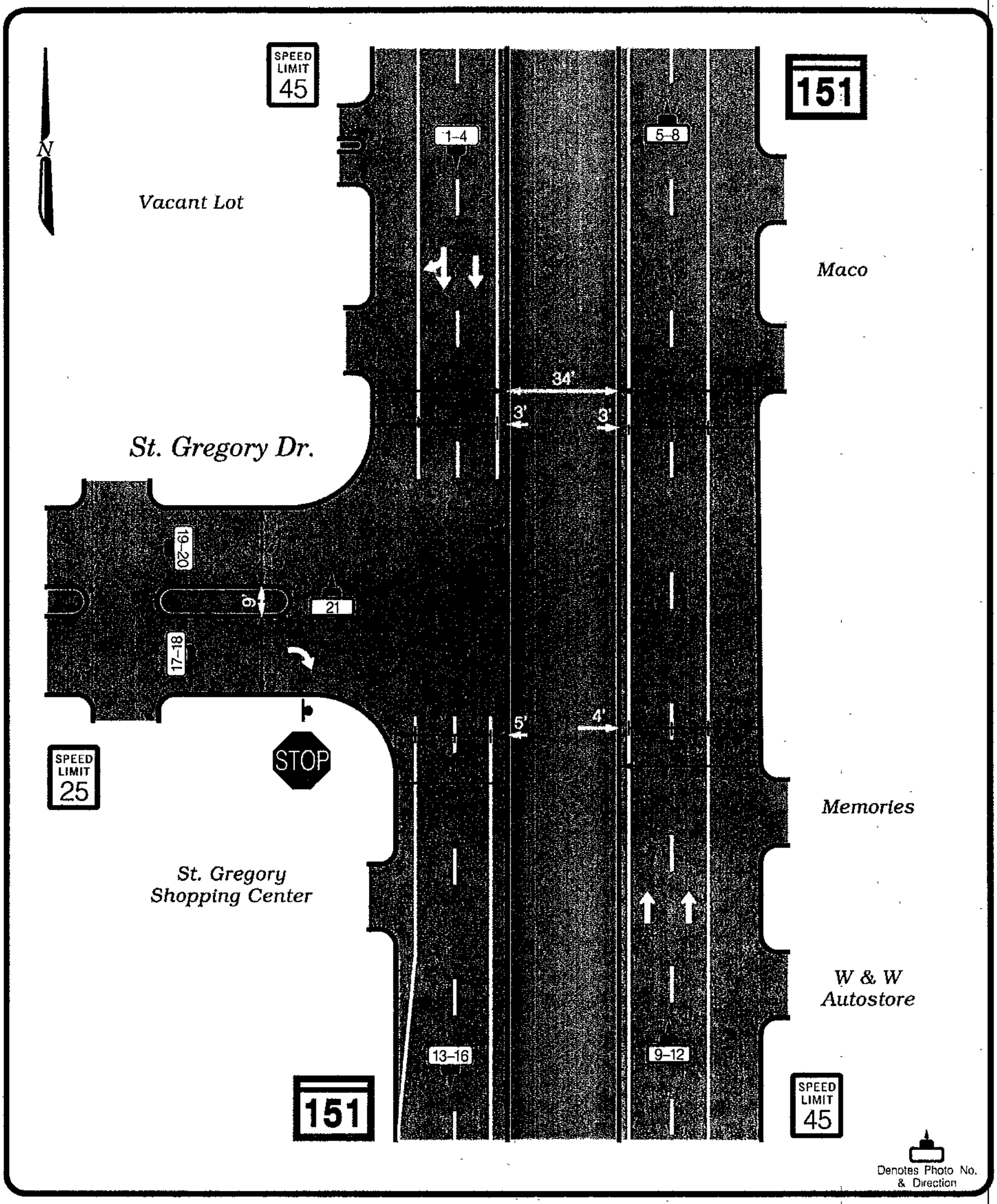
Intersection of: Md. 151
and: St. Gregory Dr.
Location: Baltimore Co., Md.

Counted by: FC
Date: May 30, 2001
Weather: Fair, Warm
Entered by: MN

Day: Wednesday

The Traffic Group

TIME	TRAFFIC FROM NORTH on: Md. 151					TRAFFIC FROM SOUTH on: Md. 151					TRAFFIC FROM EAST on: Memories Pkg. Lot					TRAFFIC FROM WEST on: St. Gregory Dr.					TOTAL N + S + E + W
	RIGHT	THRU	LEFT	U-TN	TOTAL	U-TN	LEFT	THRU	RIGHT	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	U-TN	LEFT	THRU	RIGHT	TOTAL	
AM																					
07:0-15	6	90			96			97		97					0	0			1	1	194
15-30	3	96			99			96		96					0	0			4	4	199
30-45	6	106			112			108		108					0	0			11	11	231
45-00	2	98			100			94		94					0	0			7	7	201
08:0-15	2	87			89			89		89					0	0			0	0	178
15-30	1	63			64			84		84					0	0			1	1	149
30-45	5	87			92			88		88					0	0			3	3	183
45-00	3	121			124			81		81					0	0			3	3	208
2 Hr Totals	28	748	0	0	776	0	0	737	0	737	0	0	0	0	0	0	0	0	30	30	1543
1 Hr Totals																					
07-08	17	390	0	0	407	0	0	395	0	395	0	0	0	0	0	0	0	0	23	23	825
715-815	13	387	0	0	400	0	0	387	0	387	0	0	0	0	0	0	0	0	22	22	809
730-830	11	354	0	0	365	0	0	375	0	375	0	0	0	0	0	0	0	0	19	19	759
745-845	10	335	0	0	345	0	0	355	0	355	0	0	0	0	0	0	0	0	11	11	711
08-09	11	358	0	0	369	0	0	342	0	342	0	0	0	0	0	0	0	0	7	7	718
PEAK HOUR																					
07-08	17	390	0	0	407	0	0	395	0	395	0	0	0	0	0	0	0	0	23	23	825
PM																					
04:0-15	12	178			190			176		176					0	0			2	2	368
15-30	12	187			199			140		140					0	0			12	12	351
30-45	9	181			190			147		147					0	0			2	2	339
45-00	13	156			169			131		131					0	0			4	4	304
05:0-15	6	155			161			137		137					0	0			2	2	300
15-30	15	165			180			157		157					0	0			8	8	345
30-45	6	181			187			125		125					0	0			6	6	318
45-00	9	175			184			150		150					0	0			1	1	335
2 Hr Totals	82	1378	0	0	1460	0	0	1163	0	1163	0	0	0	0	0	0	0	0	37	37	2660
1 Hr Totals																					
04-05	46	702	0	0	748	0	0	594	0	594	0	0	0	0	0	0	0	0	20	20	1362
415-515	40	679	0	0	719	0	0	555	0	555	0	0	0	0	0	0	0	0	20	20	1294
430-530	43	657	0	0	700	0	0	572	0	572	0	0	0	0	0	0	0	0	16	16	1288
445-545	40	657	0	0	697	0	0	550	0	550	0	0	0	0	0	0	0	0	20	20	1267
05-06	36	676	0	0	712	0	0	569	0	569	0	0	0	0	0	0	0	0	17	17	1298
PEAK HOUR																					
04-05	46	702	0	0	748	0	0	594	0	594	0	0	0	0	0	0	0	0	20	20	1362

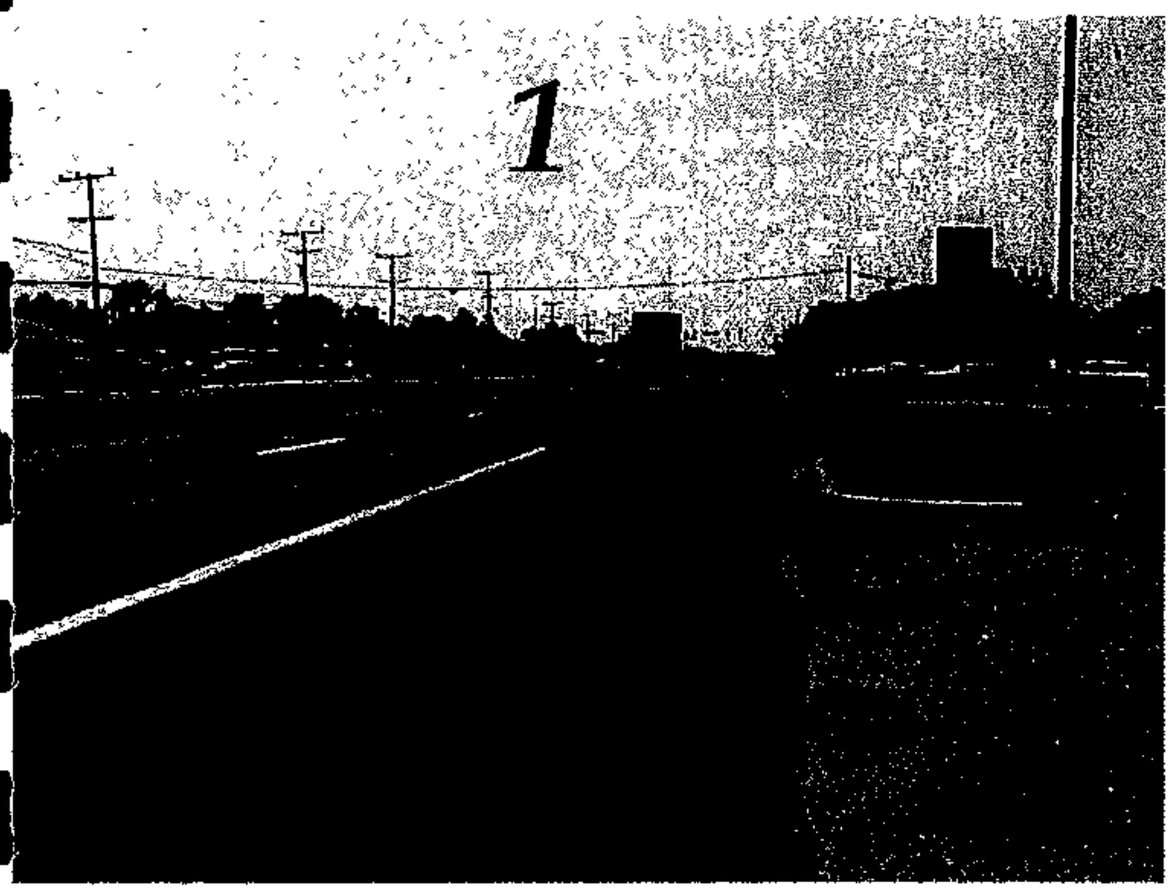


The Traffic Group

MD 151 at St. Gregory Dr.
North Point Village

FIELD WORK BY: *S. Scalzo*
DRAWN BY: *J.E.S.*
DATE: *June, 2001*
SCALE: *N/A*

JOB NO.: *2001-0511*
DWG NAME: *CD3.DGN*
LOCATION: *Baltimore Co., MD*
SHEET NO.: *3* OF *5*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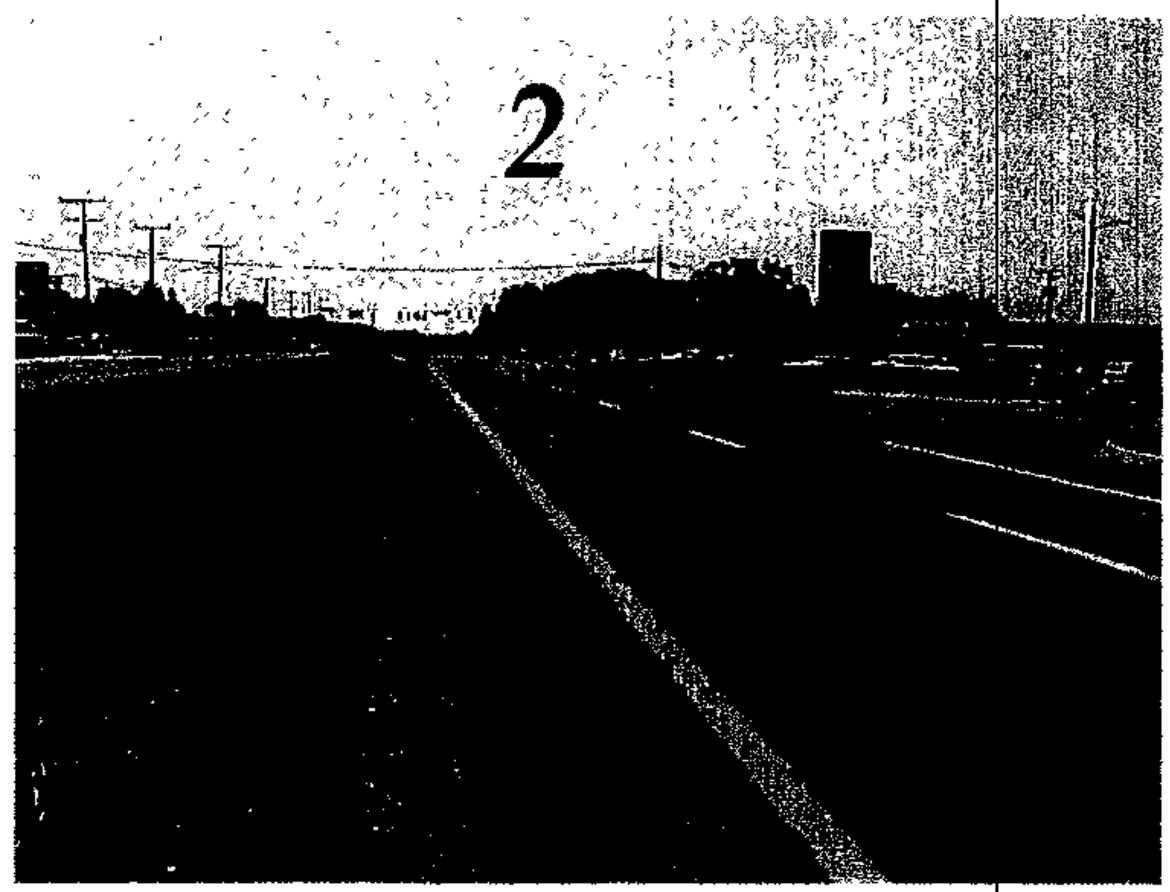
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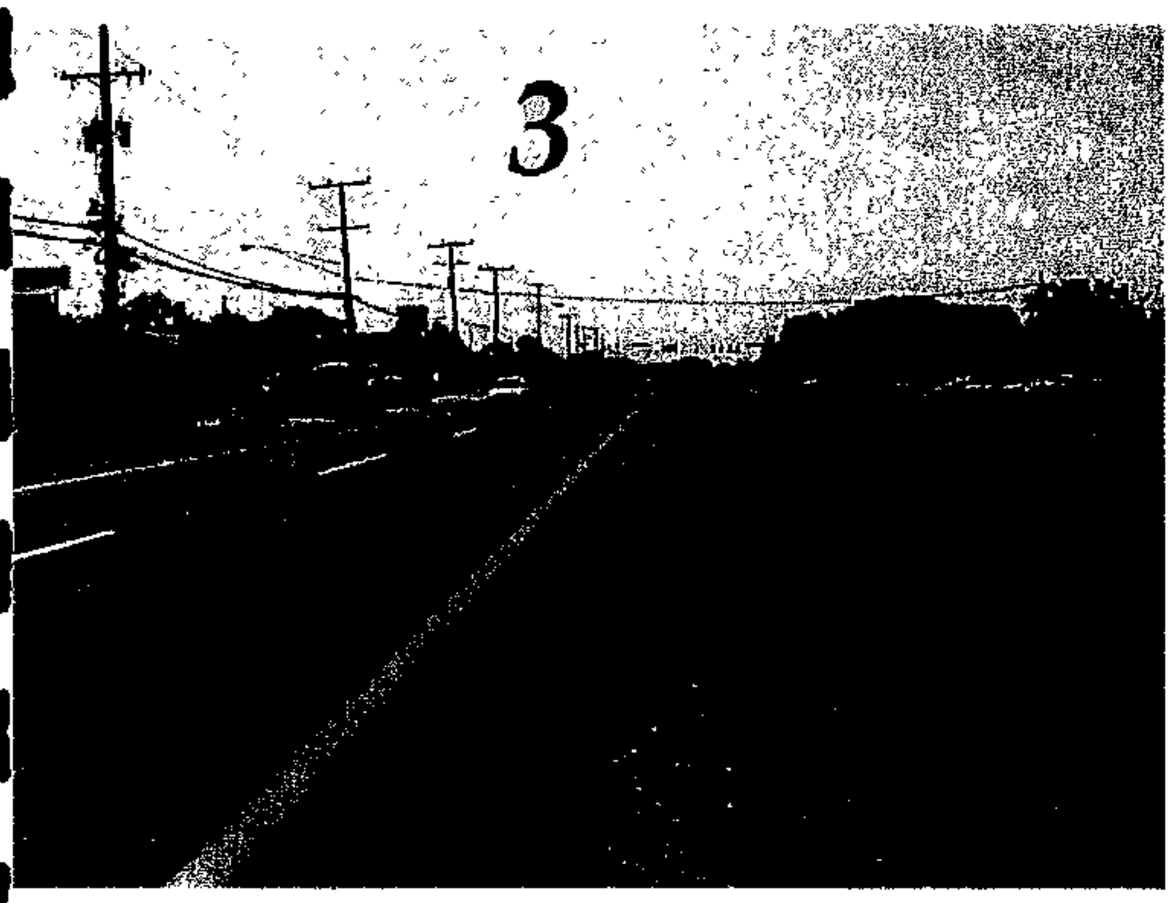
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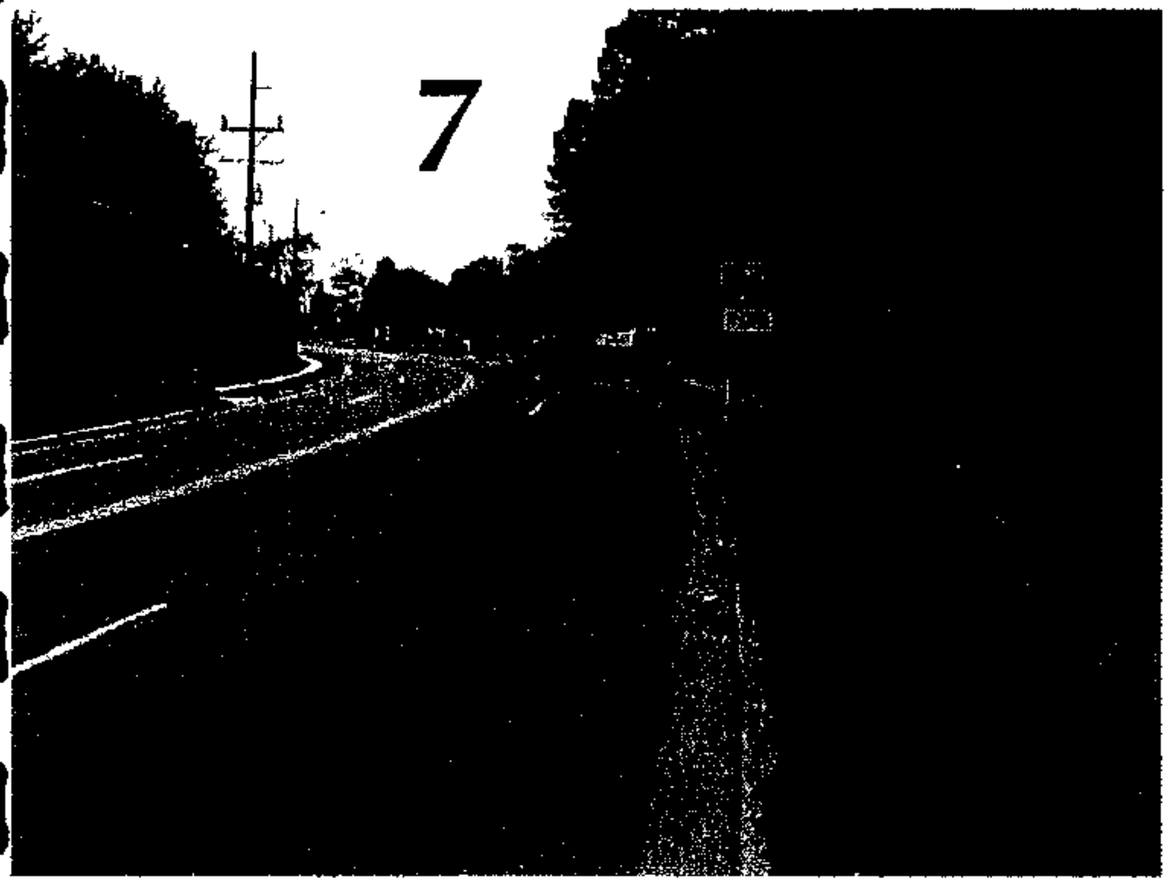
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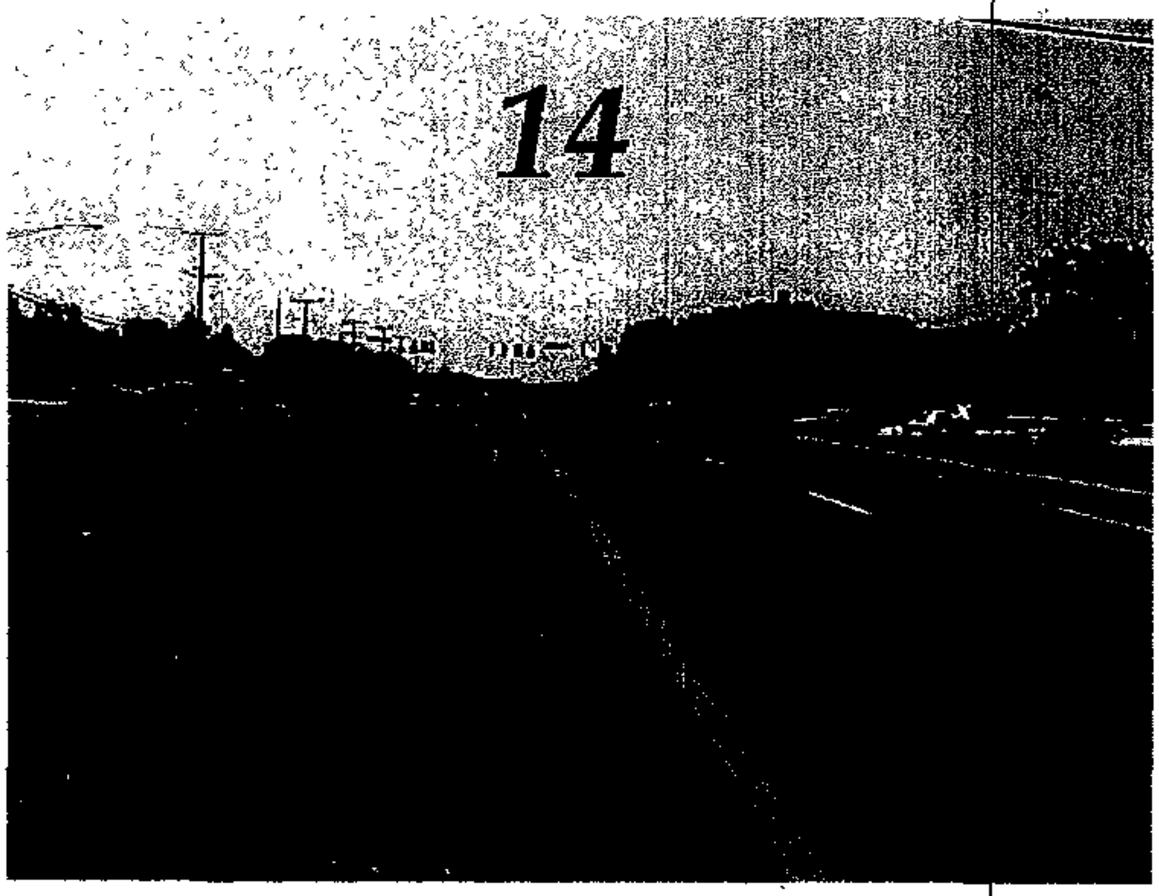
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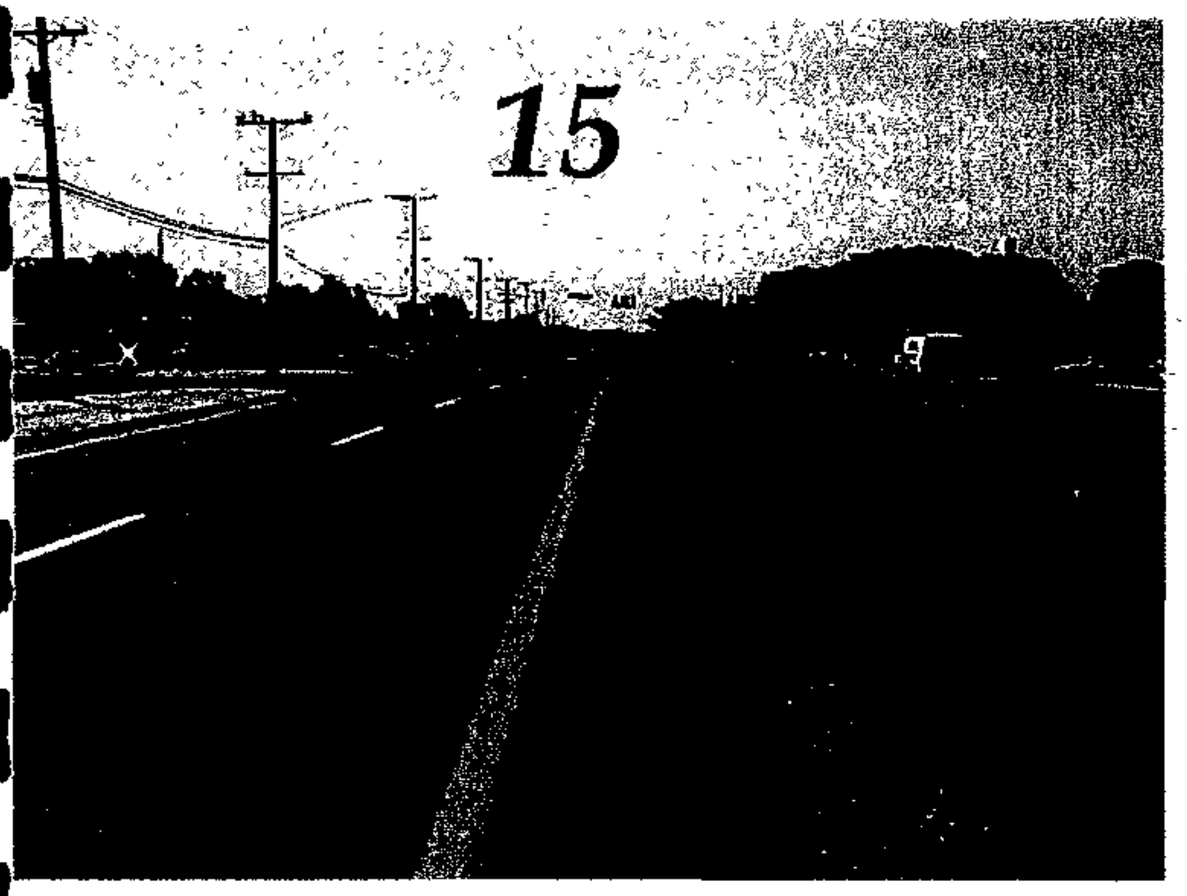
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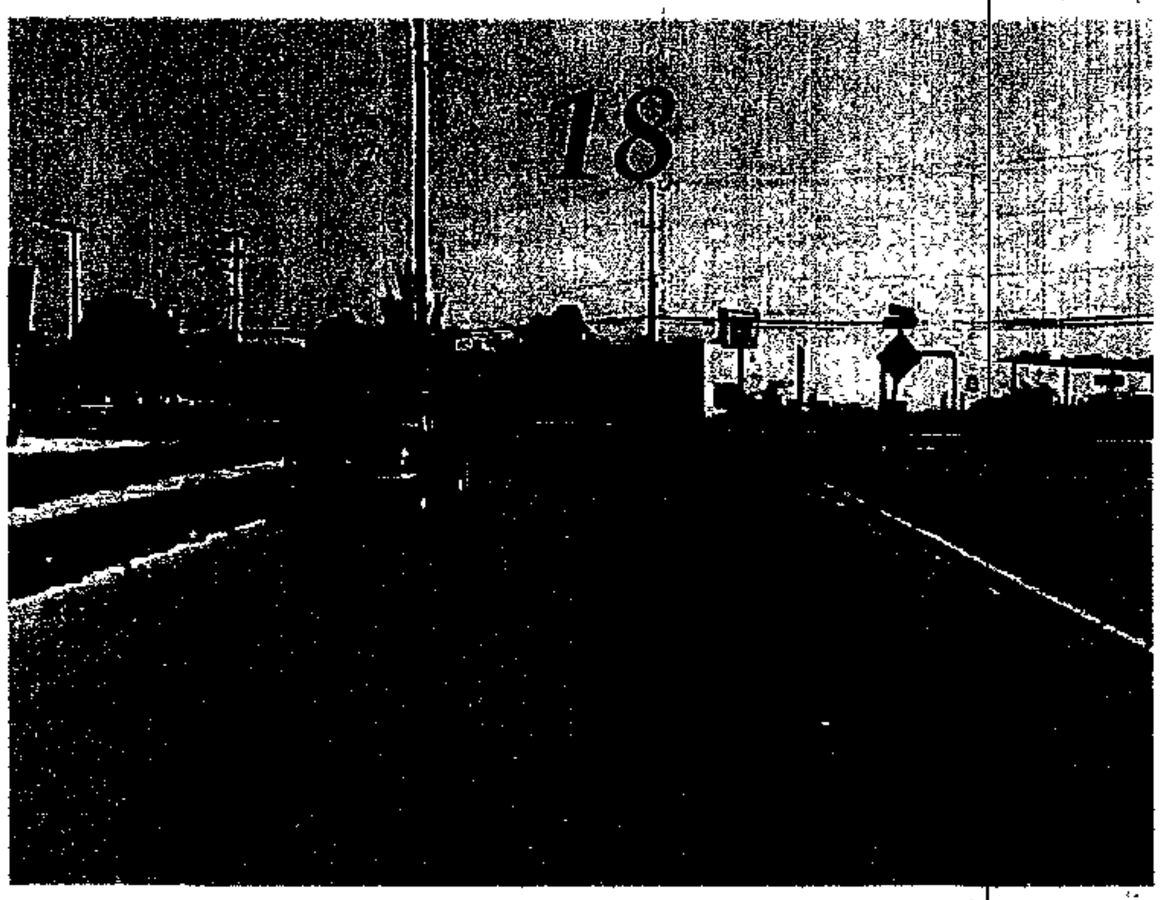
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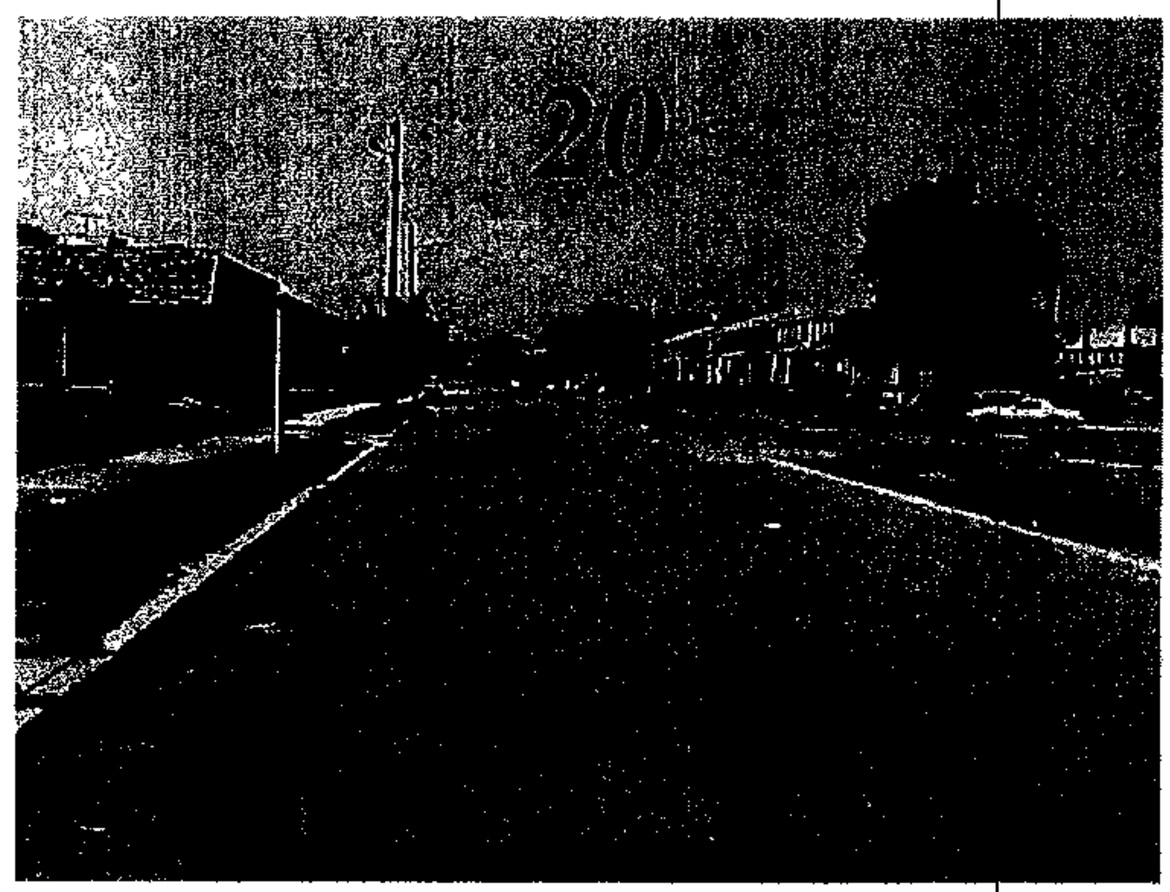
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VEHICLE TURNING MOVEMENT COUNT - SUMMARY

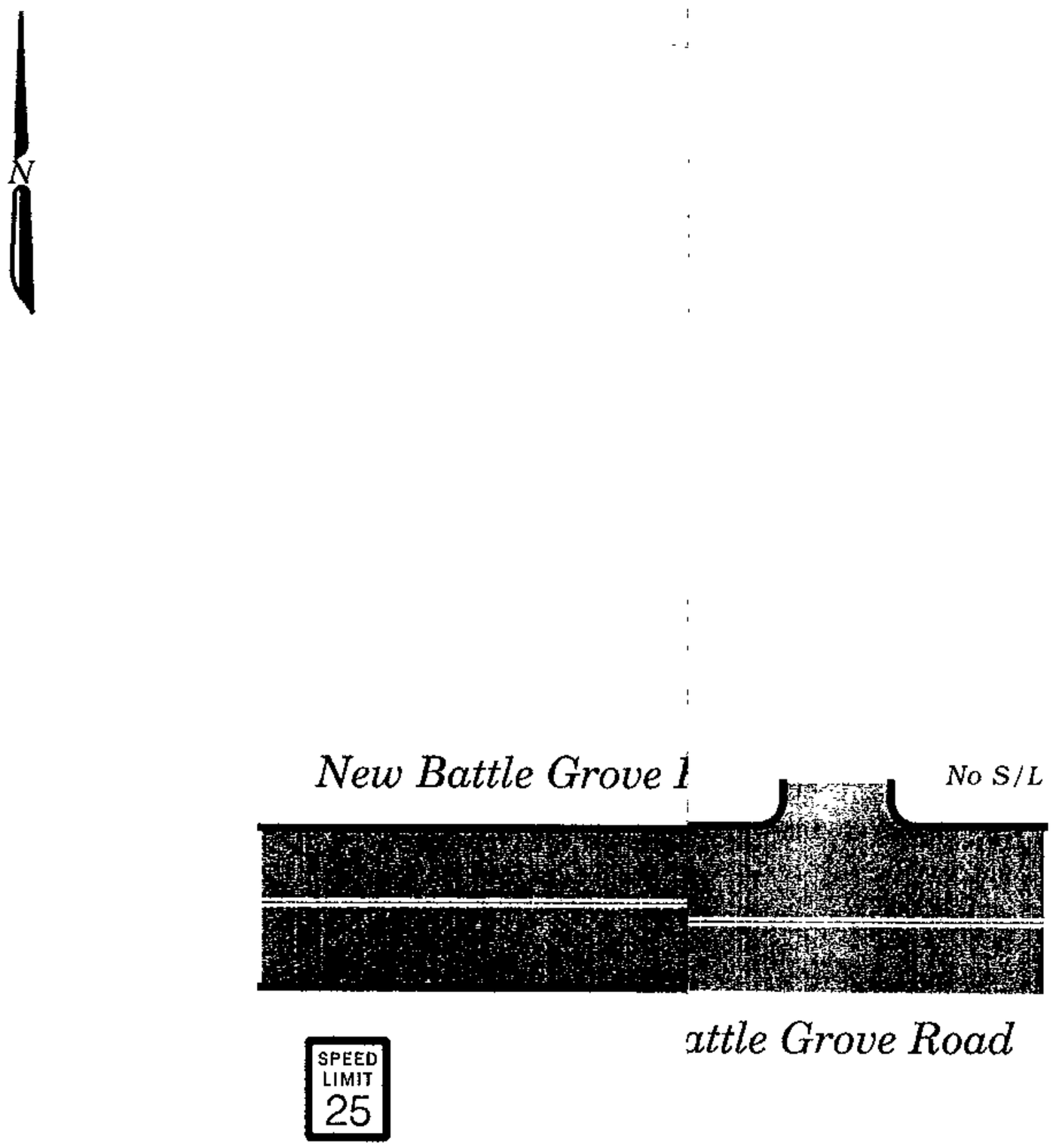
Intersection of: Md. 151
and: New Battle Grove Rd.
Location: Baltimore Co., Md.

Counted by: TP, LL
Date: May 31, 2001
Weather: Fair, Warm
Entered by: MN

Day: Thursday

The Traffic Group

TIME	TRAFFIC FROM NORTH on: Md. 151					TRAFFIC FROM SOUTH on: Md. 151					TRAFFIC FROM EAST on: New Battle Grove Rd.					TRAFFIC FROM WEST on: New Battle Grove Rd.					TOTAL N + S + E + W
	RIGHT	THRU	LEFT	U-TN	TOTAL	U-TN	LEFT	THRU	RIGHT	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	U-TN	LEFT	THRU	RIGHT	TOTAL	
AM																					
07:0-15	2	81	9	6	98	0	8	94	2	104	7	4	3	0	14	0	15	0	8	23	239
15-30	1	95	6	5	107	0	8	90	0	98	4	0	2	0	6	0	6	1	19	26	237
30-45	3	109	3	2	117	0	6	96	3	105	2	0	5	0	7	0	9	0	19	28	257
45-00	5	110	3	7	125	1	8	80	1	90	1	1	3	0	5	0	2	0	12	14	234
08:0-15	6	100	5	2	113	1	8	89	2	100	8	1	4	0	13	0	3	1	10	14	240
15-30	8	89	5	3	105	0	11	77	2	90	7	0	2	0	9	0	12	0	9	21	225
30-45	4	88	3	8	103	0	8	76	0	84	9	0	0	0	9	0	5	2	6	13	209
45-00	6	76	5	4	91	0	5	75	2	82	4	1	3	0	8	0	12	3	12	27	208
2 Hr Totals	35	748	39	37	859	2	62	677	12	753	42	7	22	0	71	0	64	7	95	166	1849
1 Hr Totals																					
07-08	11	395	21	20	447	1	30	360	6	397	14	5	13	0	32	0	32	1	58	91	967
715-815	15	414	17	16	462	2	30	355	6	393	15	2	14	0	31	0	20	2	60	82	968
730-830	22	408	16	14	460	2	33	342	8	385	18	2	14	0	34	0	26	1	50	77	956
745-845	23	387	16	20	446	2	35	322	5	364	25	2	9	0	36	0	22	3	37	62	908
08-09	24	353	18	17	412	1	32	317	6	356	28	2	9	0	39	0	32	6	37	75	882
PEAK HOUR																					
715-815	15	414	17	16	462	2	30	355	6	393	15	2	14	0	31	0	20	2	60	82	968
PM																					
04:0-15	10	145	7	8	170	1	13	126	3	143	7	2	1	0	10	0	6	1	16	23	346
15-30	9	130	9	5	153	0	25	127	5	157	5	1	2	0	8	0	6	3	12	21	339
30-45	8	149	7	7	171	2	16	120	1	139	11	2	4	0	17	0	5	2	14	21	348
45-00	19	149	3	8	179	1	26	134	3	164	6	3	4	0	13	0	5	0	16	21	377
05:0-15	8	152	7	5	172	2	11	127	3	143	8	2	2	0	12	0	14	2	12	28	355
15-30	9	142	10	8	169	0	16	100	3	119	8	1	3	0	12	0	11	0	20	31	331
30-45	10	170	10	10	200	1	11	114	3	129	12	3	1	0	16	0	9	0	27	36	381
45-00	14	149	13	8	184	1	17	119	2	139	10	2	5	0	17	0	8	2	15	25	365
2 Hr Totals	87	1186	66	59	1398	8	135	967	23	1133	67	16	22	0	105	0	64	10	132	206	2842
1 Hr Totals																					
04-05	46	573	26	28	673	4	80	507	12	603	29	8	11	0	48	0	22	6	58	86	1410
415-515	44	580	26	25	675	5	78	508	12	603	30	8	12	0	50	0	30	7	54	91	1419
430-530	44	592	27	28	691	5	69	481	10	565	33	8	13	0	54	0	35	4	62	101	1411
445-545	46	613	30	31	720	4	64	475	12	555	34	9	10	0	53	0	39	2	75	116	1444
05-06	41	613	40	31	725	4	55	460	11	530	38	8	11	0	57	0	42	4	74	120	1432
PEAK HOUR																					
445-545	46	613	30	31	720	4	64	475	12	555	34	9	10	0	53	0	39	2	75	116	1444



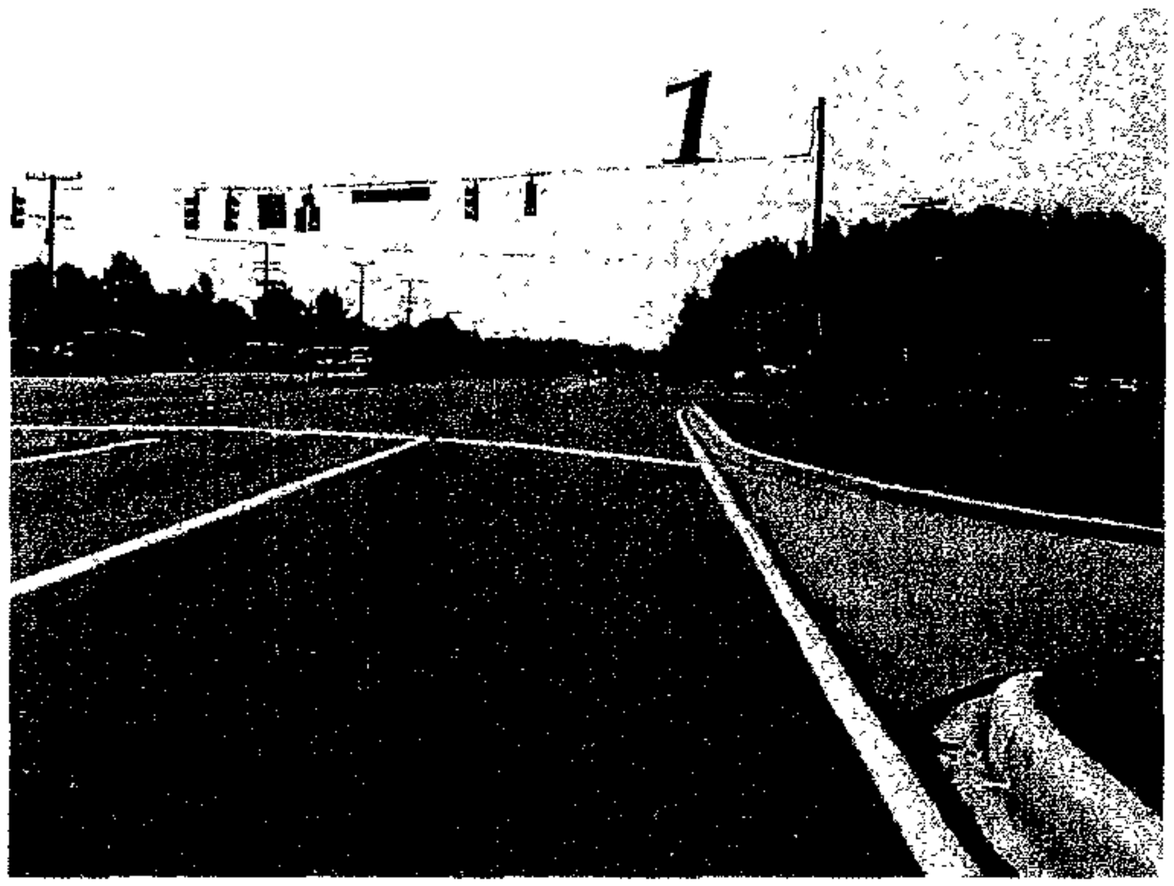
Denotes Photo No
& Direction

The Traffic Group

MD 151 at
New Battle Grove Road
North Point Village

) WORK BY: S. Scalzo
IN BY: J.E.S.
: June, 2001
E: N/A

JOB NO.: 2001-0511
DWG NAME: CD4.DGN
LOCATION: Baltimore Co., MD
SHEET NO.: 4 OF 5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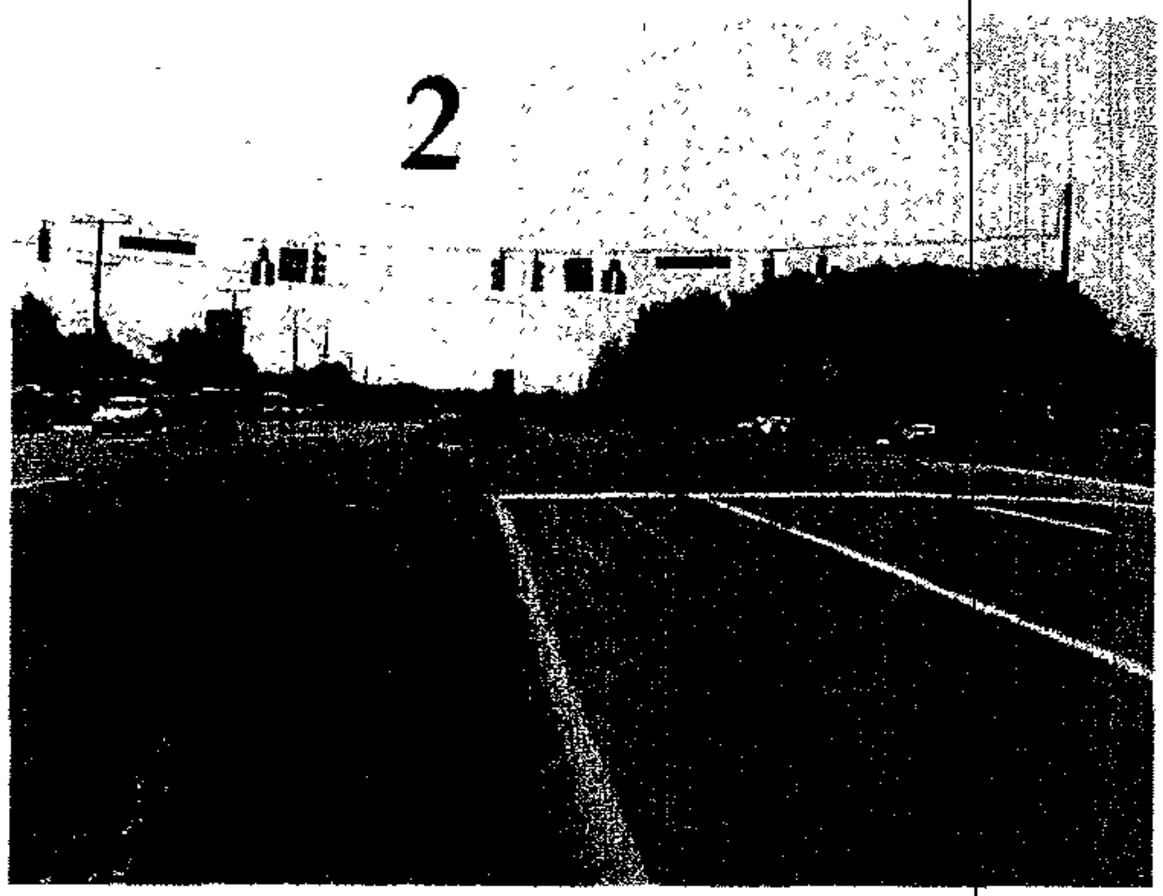
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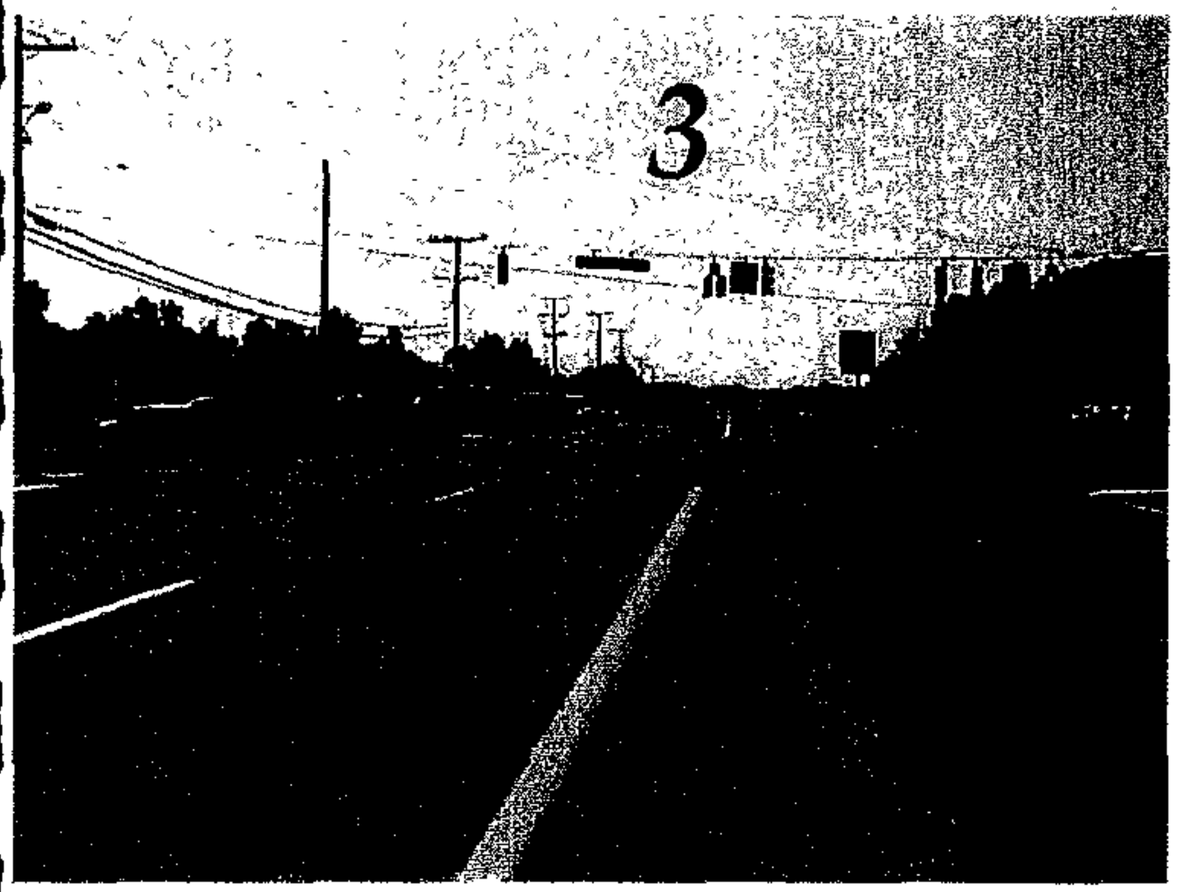
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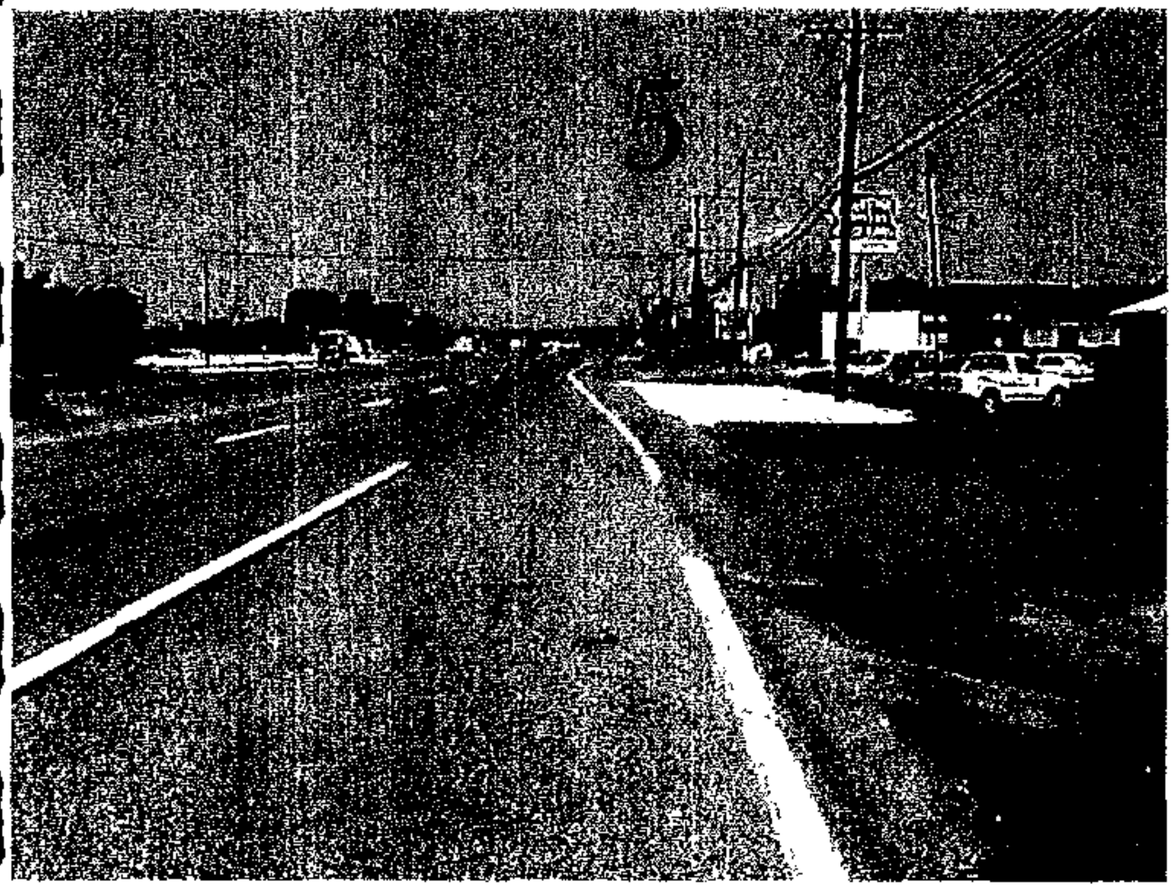
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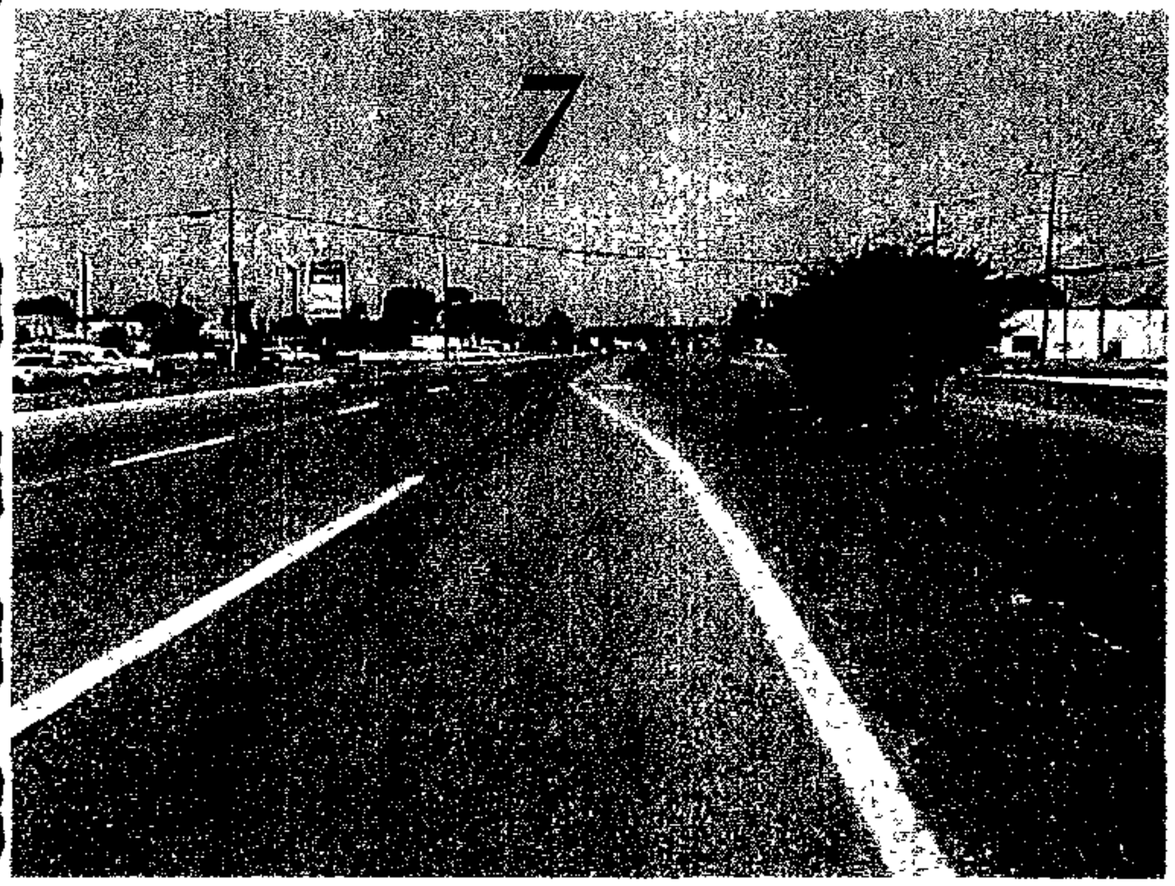
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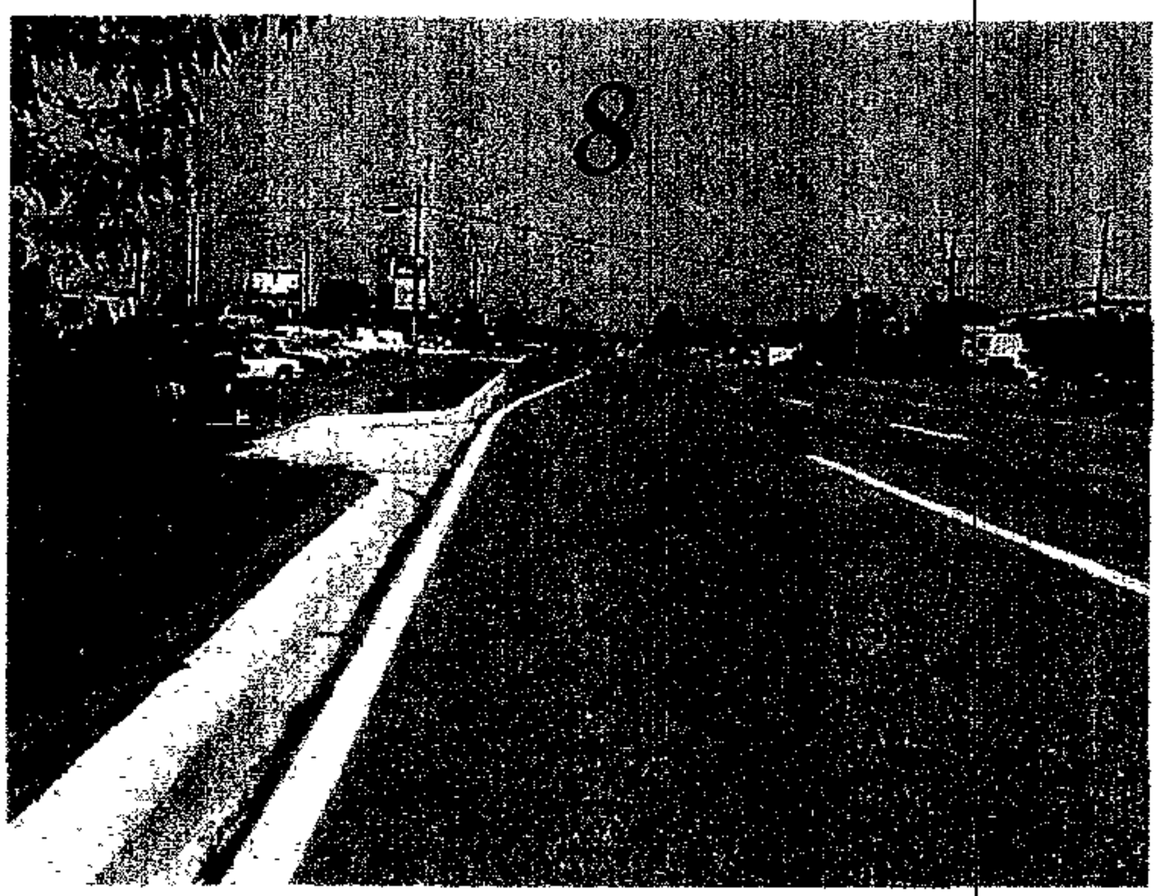
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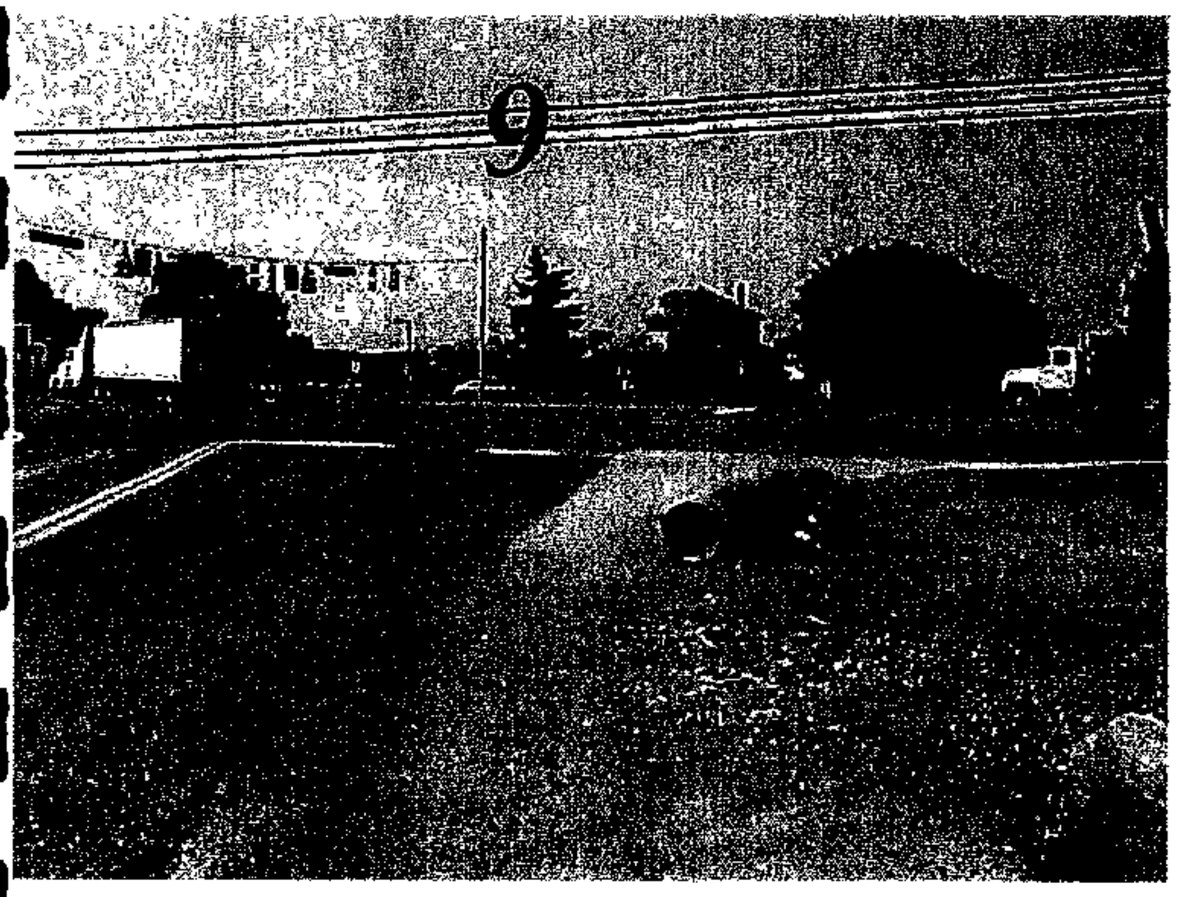
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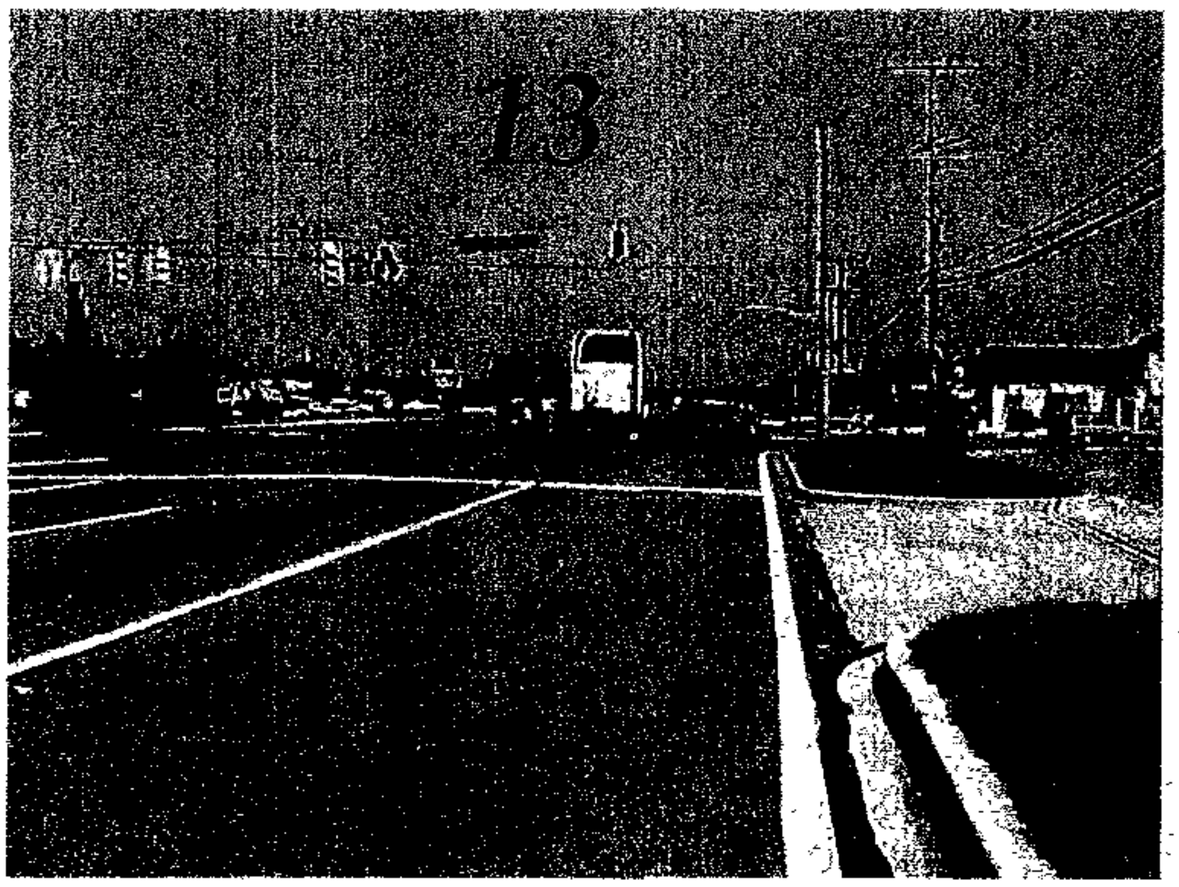
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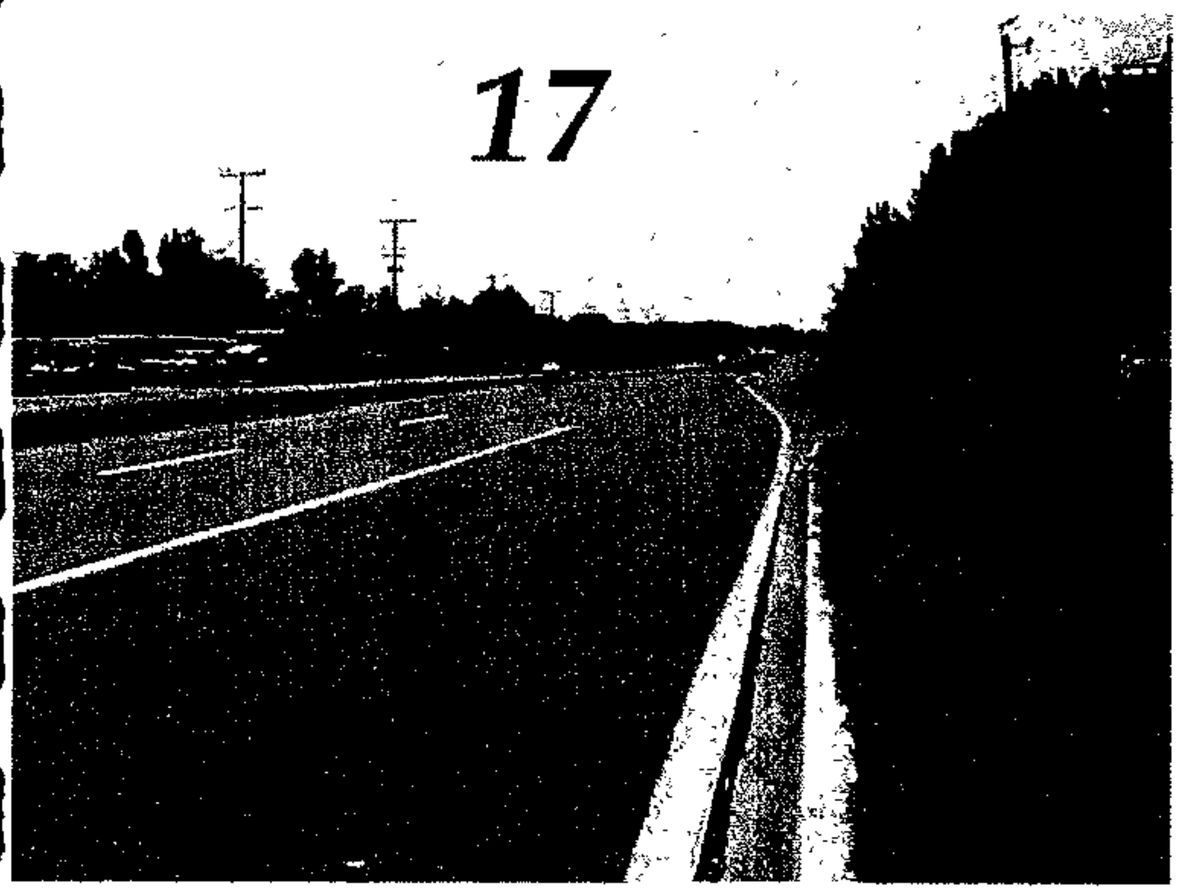
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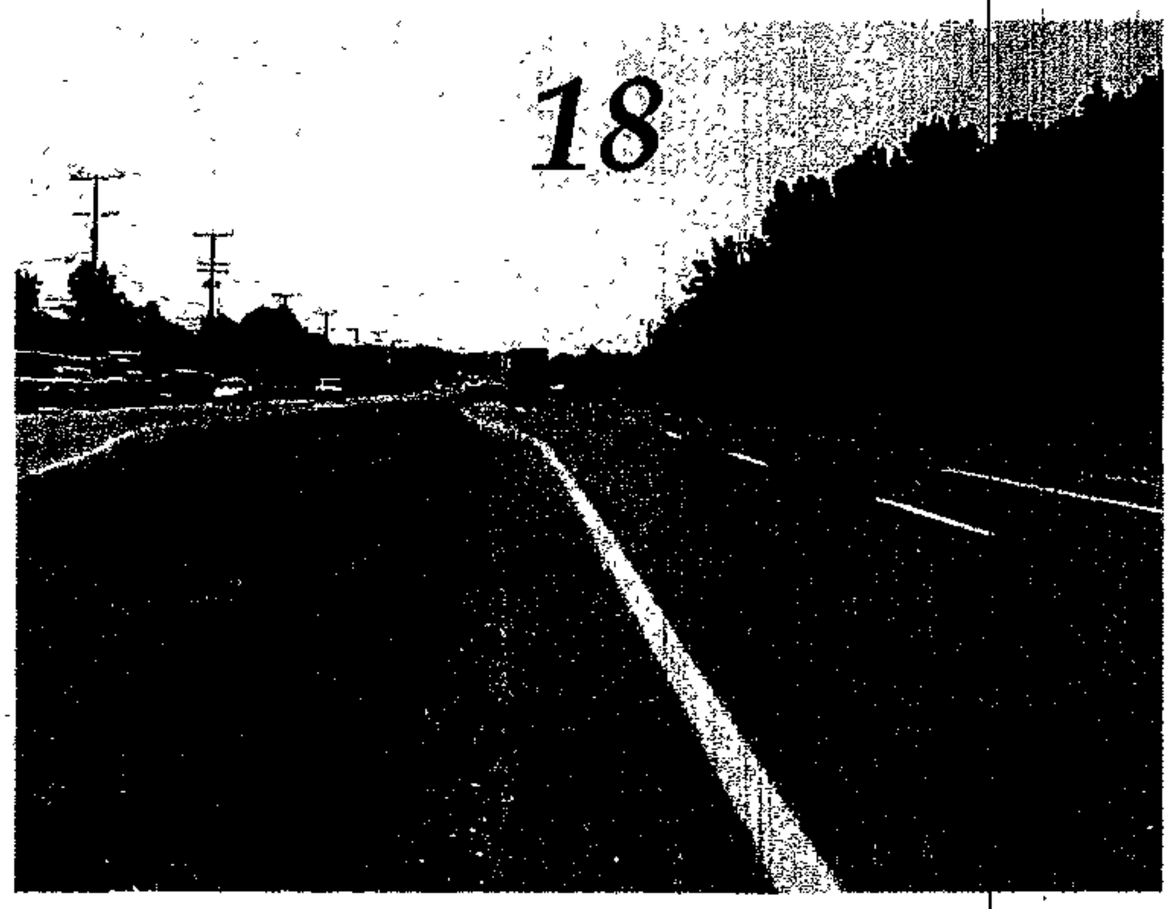
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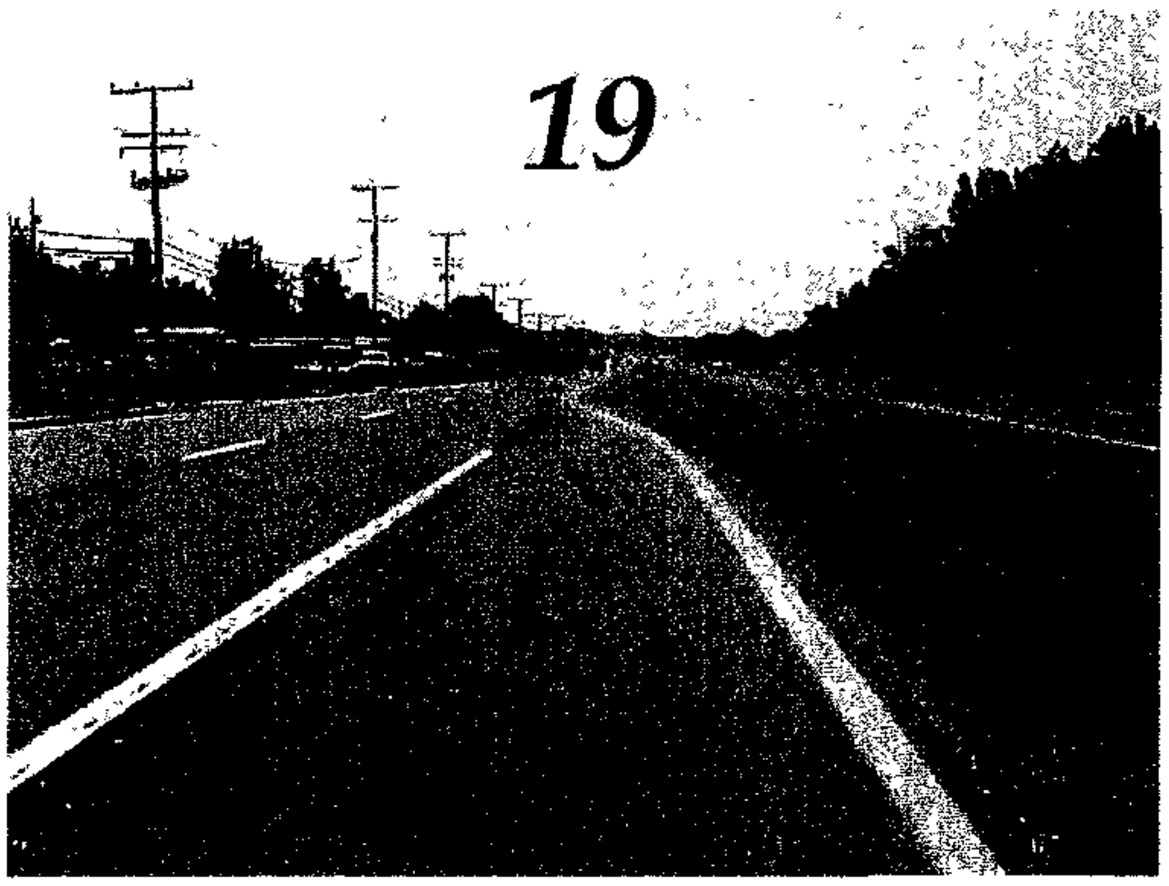
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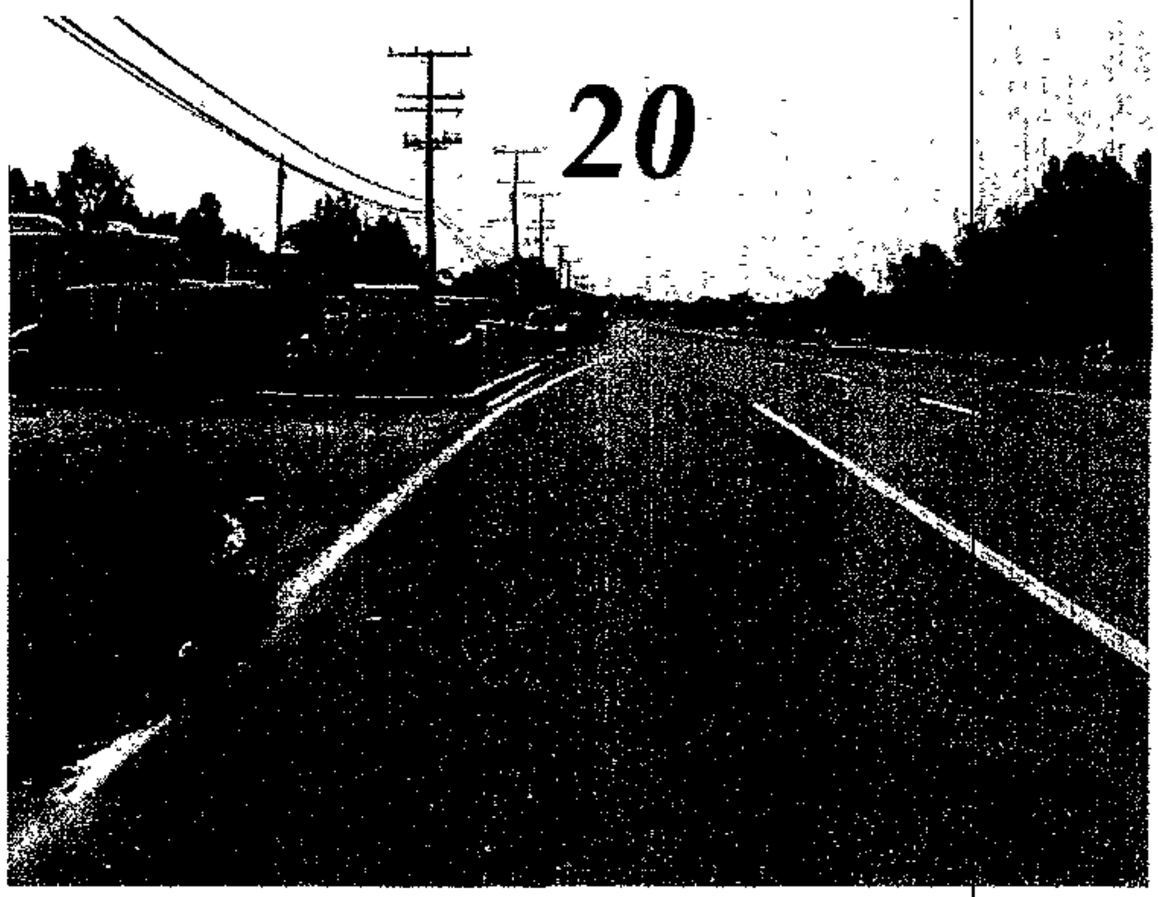
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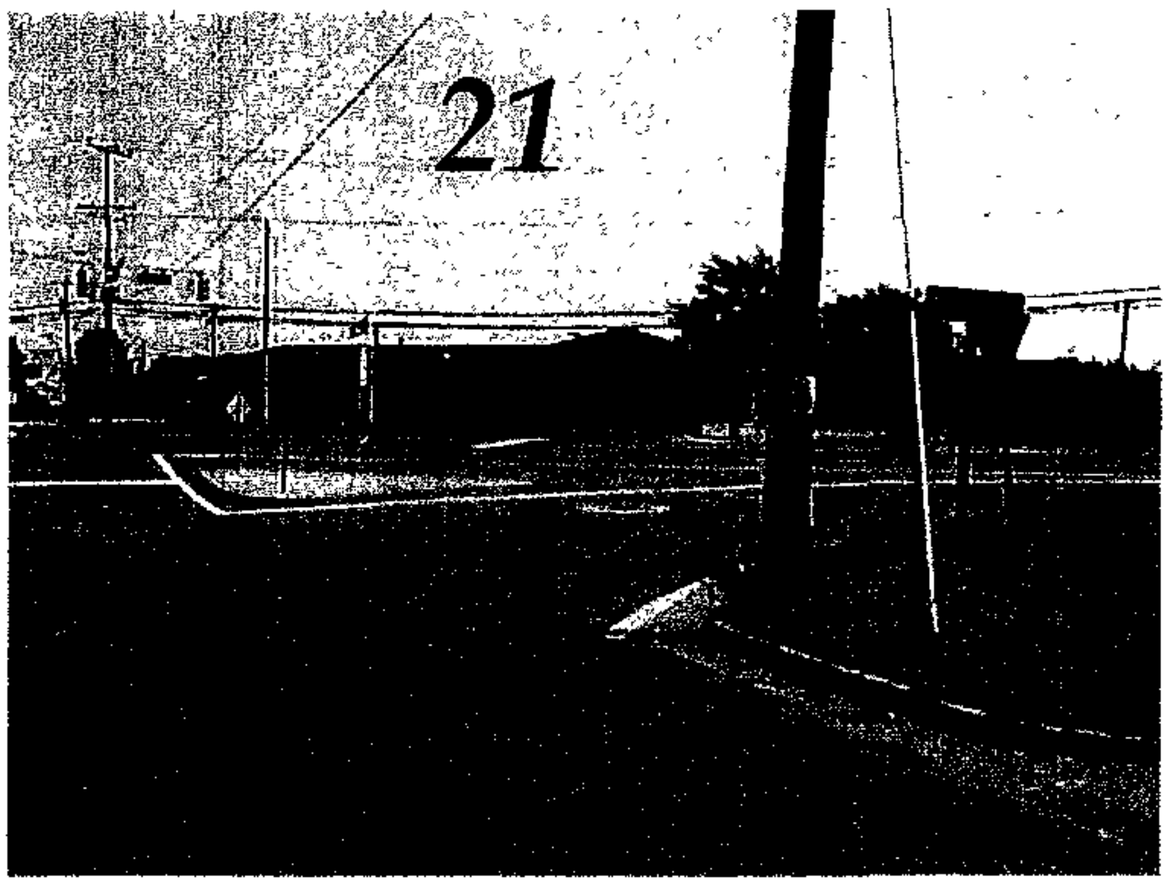
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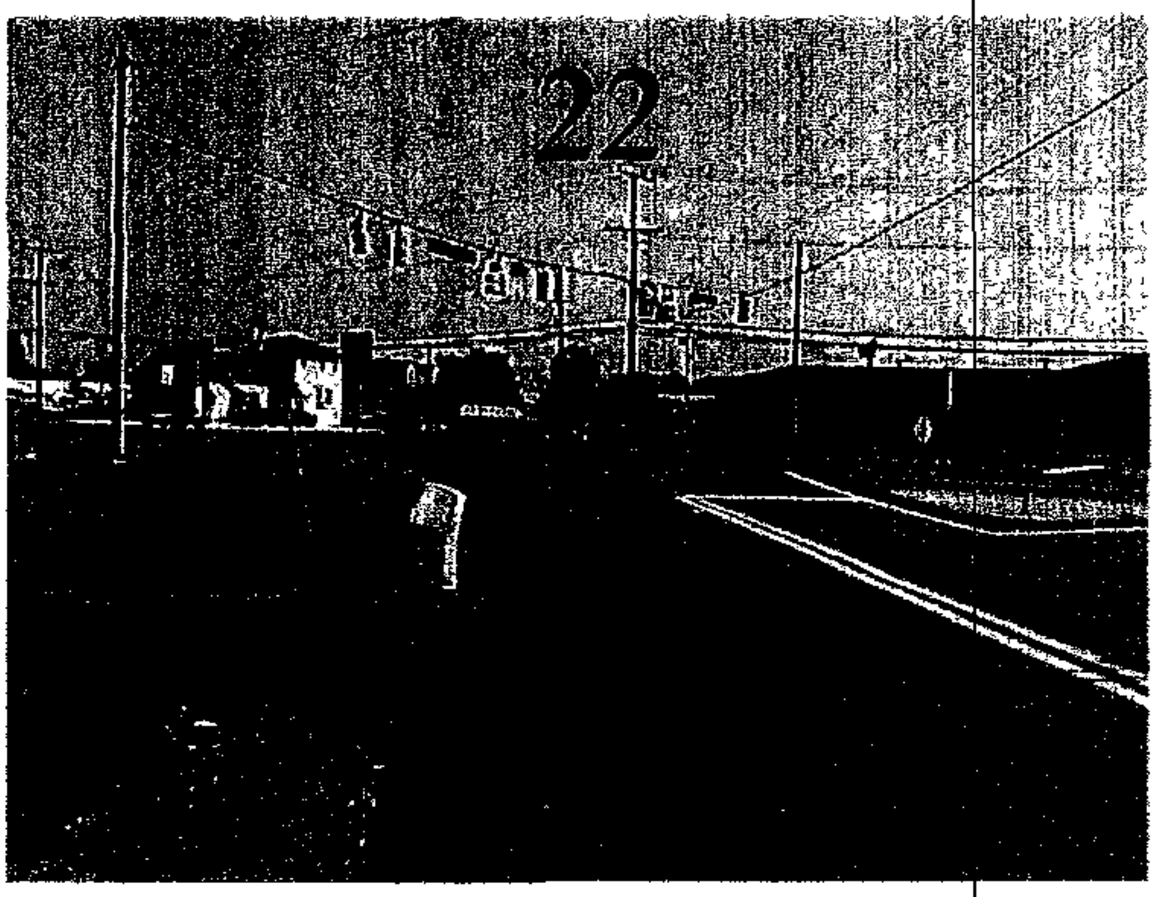
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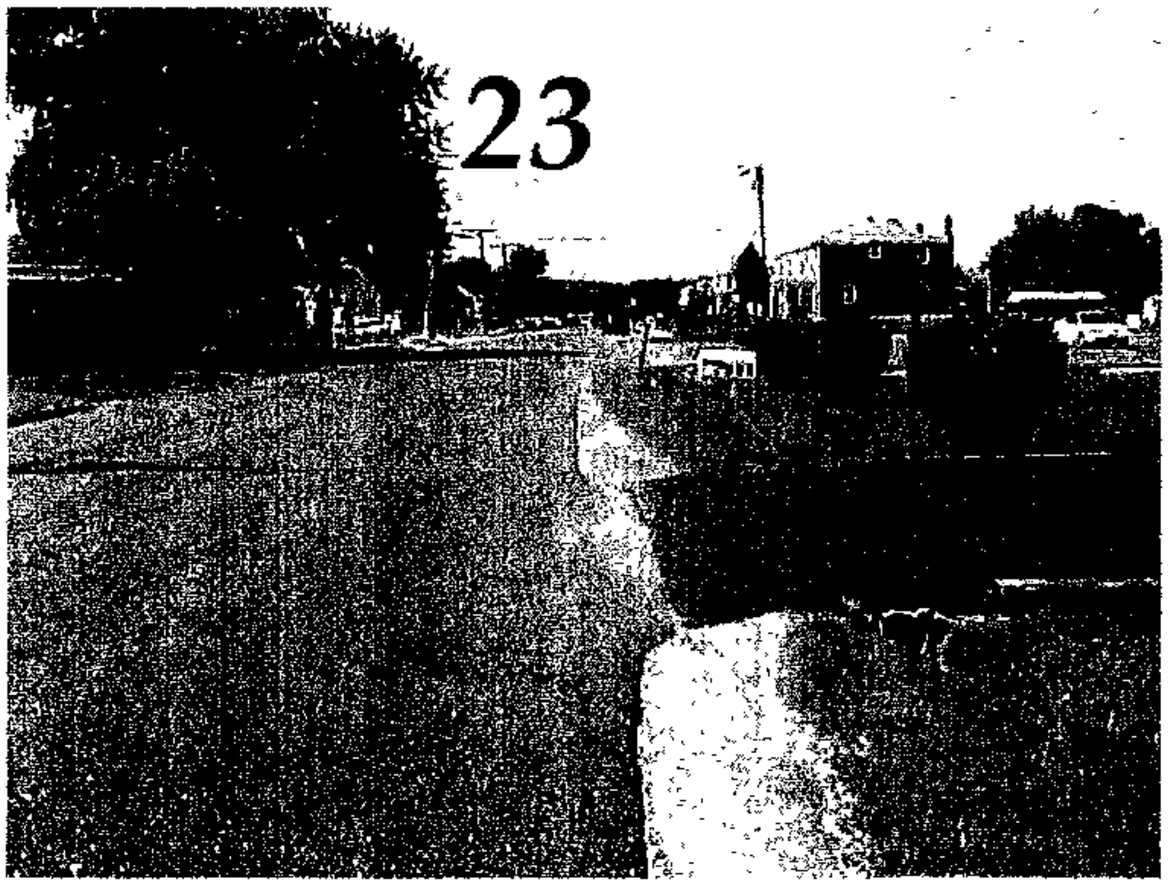
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24

VEHICLE TURNING MOVEMENT COUNT - SUMMARY

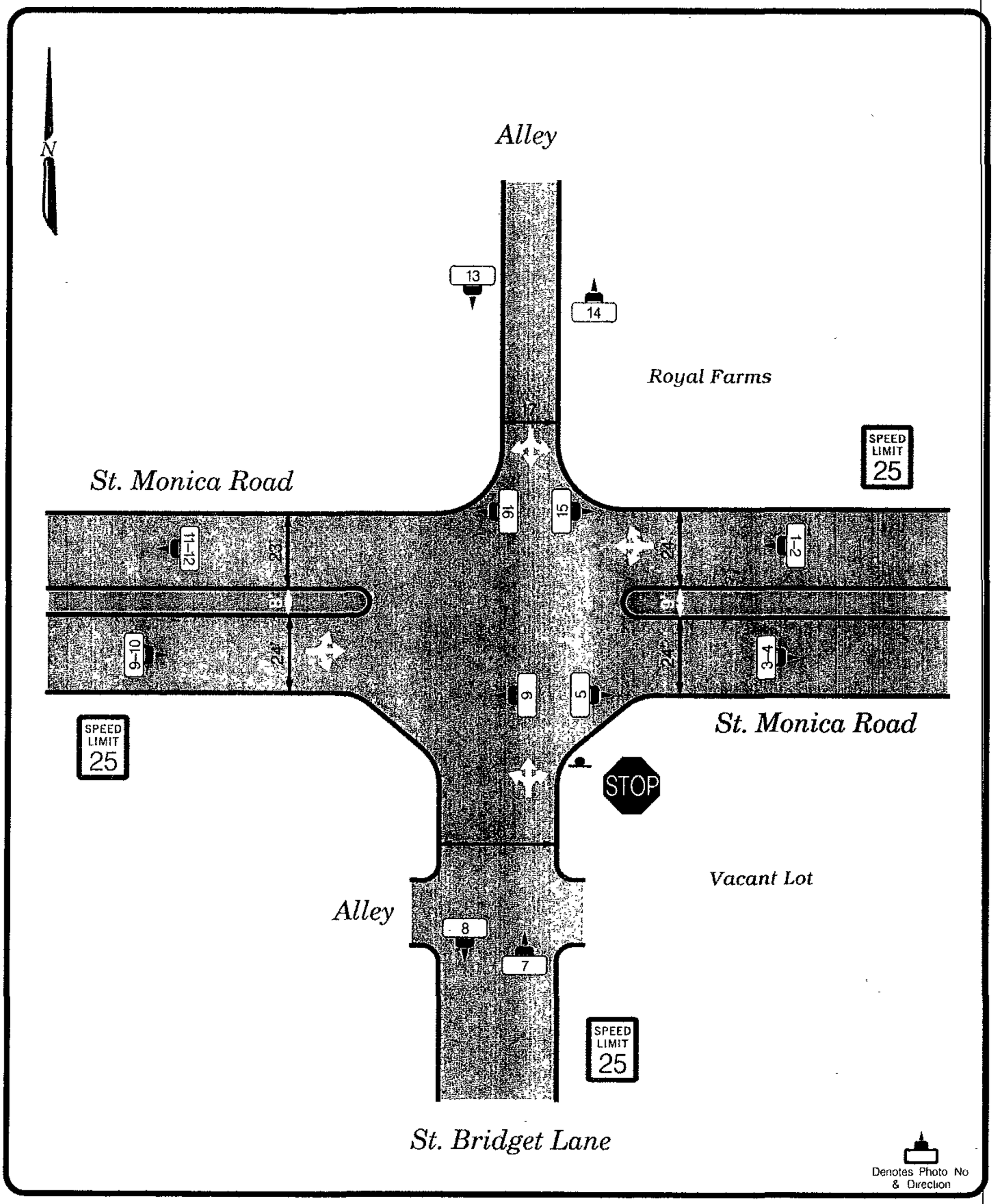
Intersection of: St. Monica Dr.
and: St. Bridget La. / Alley
Location: Baltimore Co., Md.

Counted by: FC
Date: May 29, 2001
Weather: Fair, Warm
Entered by: MN

Day: Tuesday

The Traffic Group

TIME	TRAFFIC FROM NORTH on: Alley					TRAFFIC FROM SOUTH on: St. Bridget La.					TRAFFIC FROM EAST on: St. Monica Dr.					TRAFFIC FROM WEST on: St. Monica Dr.					TOTAL N + S + E + W
	RIGHT	THRU	LEFT	U-TN	TOTAL	U-TN	LEFT	THRU	RIGHT	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	U-TN	LEFT	THRU	RIGHT	TOTAL	
AM																					
07.0-15	0	0	1		1		0	0	11	11	0	16	2	0	18	0	1	43	0	44	74
15-30	0	0	2		2		0	0	16	16	1	19	7	7	34	0	0	39	0	39	91
30-45	0	0	1		1		0	0	19	19	0	16	9	3	28	0	0	60	0	60	108
45-00	0	0	0		0		0	0	14	14	0	14	3	0	17	0	0	30	0	30	61
08:0-15	1	0	0		1		2	0	5	7	1	22	4	0	27	0	0	32	0	32	67
15-30	0	0	0		0		3	1	5	9	0	25	5	1	31	0	1	21	0	22	62
30-45	0	0	0		0		1	0	9	10	0	27	4	0	31	0	0	49	1	50	91
45-00	0	0	1		1		1	0	4	5	1	14	4	0	19	0	0	36	1	37	62
2 Hr Totals	1	0	5	0	6	0	7	1	83	91	3	153	38	11	205	0	2	310	2	314	616
1 Hr Totals																					
07-08	0	0	4	0	4	0	0	0	60	60	1	65	21	10	97	0	1	172	0	173	334
715-815	1	0	3	0	4	0	2	0	54	56	2	71	23	10	106	0	0	161	0	161	327
730-830	1	0	1	0	2	0	5	1	43	49	1	77	21	4	103	0	1	143	0	144	298
745-845	1	0	0	0	1	0	6	1	33	40	1	88	16	1	106	0	1	132	1	134	281
08-09	1	0	1	0	2	0	7	1	23	31	2	88	17	1	108	0	1	138	2	141	282
PEAK HOUR																					
07-08	0	0	4	0	4	0	0	0	60	60	1	65	21	10	97	0	1	172	0	173	334
PM																					
04:0-15	0	0	1		1		0	0	7	7	0	36	8	1	45	0	0	35	1	36	89
15-30	0	0	0		0		0	0	10	10	0	34	9	0	43	0	0	37	0	37	90
30-45	0	0	3		3		0	0	12	12	2	34	8	0	44	1	0	36	0	37	96
45-00	0	0	0		0		1	0	6	7	2	55	16	0	73	1	0	27	2	30	110
05:0-15	0	0	0		0		1	0	10	11	2	35	15	0	52	1	0	34	0	35	98
15-30	0	0	0		0		0	0	6	6	2	45	18	1	66	0	0	18	3	21	93
30-45	0	1	0		1		1	0	6	7	0	57	12	2	71	0	0	34	0	34	113
45-00	0	0	3		3		0	1	7	8	0	42	6	0	48	1	1	33	3	38	97
2 Hr Totals	0	1	7	0	8	0	3	1	64	68	8	338	92	4	442	4	1	254	9	268	786
1 Hr Totals																					
04-05	0	0	4	0	4	0	1	0	35	36	4	159	41	1	205	2	0	135	3	140	385
415-515	0	0	3	0	3	0	2	0	38	40	6	158	48	0	212	3	0	134	2	139	394
430-530	0	0	3	0	3	0	2	0	34	36	8	169	57	1	235	3	0	115	5	123	397
445-545	0	1	0	0	1	0	3	0	28	31	6	192	61	3	262	2	0	113	5	120	414
05-06	0	1	3	0	4	0	2	1	29	32	4	179	51	3	237	2	1	119	6	128	401
PEAK HOUR																					
445-545	0	1	0	0	1	0	3	0	28	31	6	192	61	3	262	2	0	113	5	120	414

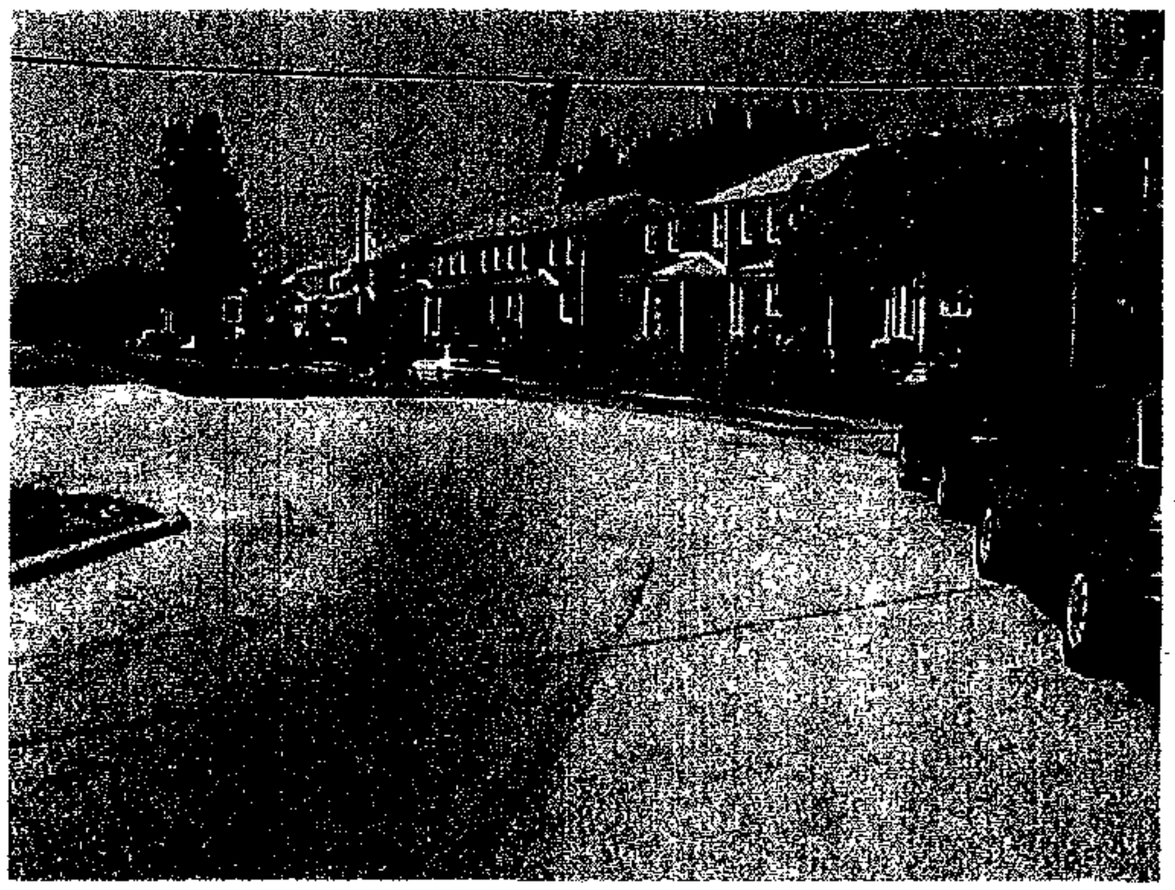


The Traffic Group

St. Monica Drive at
St. Bridget Lane
North Point Village

FIELD WORK BY: *S. Scalzo*
DRAWN BY: *J.E.S.*
DATE: *June, 2001*
SCALE: *N/A*

JOB NO.: *2001-0511*
DWG NAME: *CD5.DGN*
LOCATION: *Baltimore Co., MD*
SHEET NO.: *5* OF *5*



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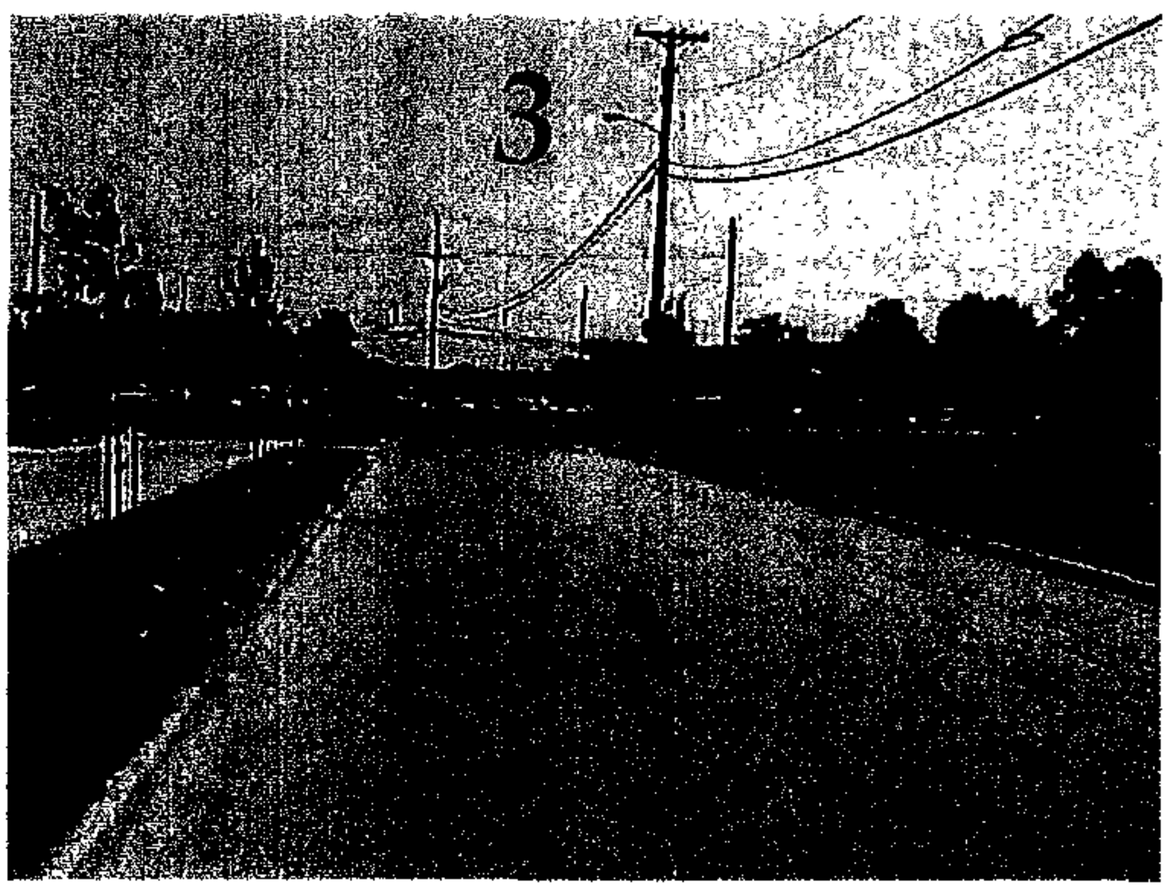
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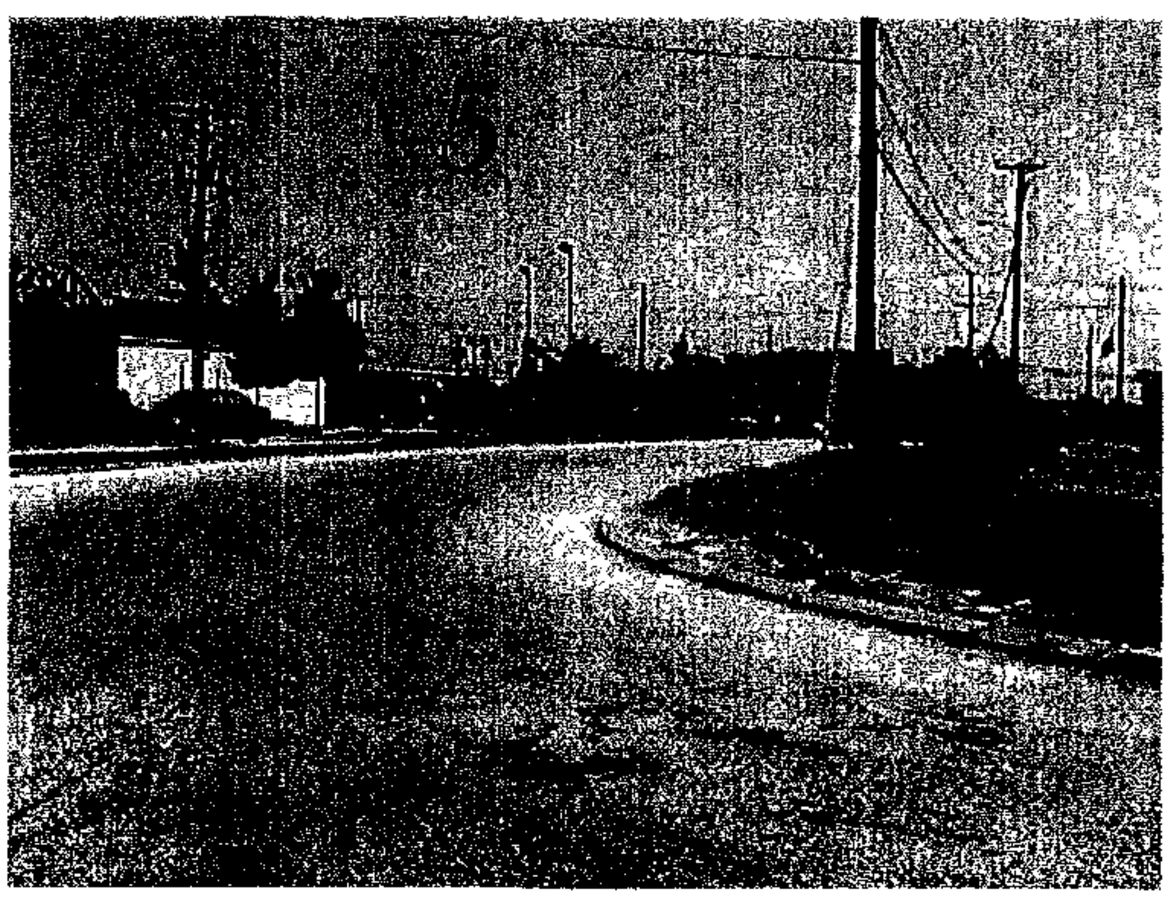

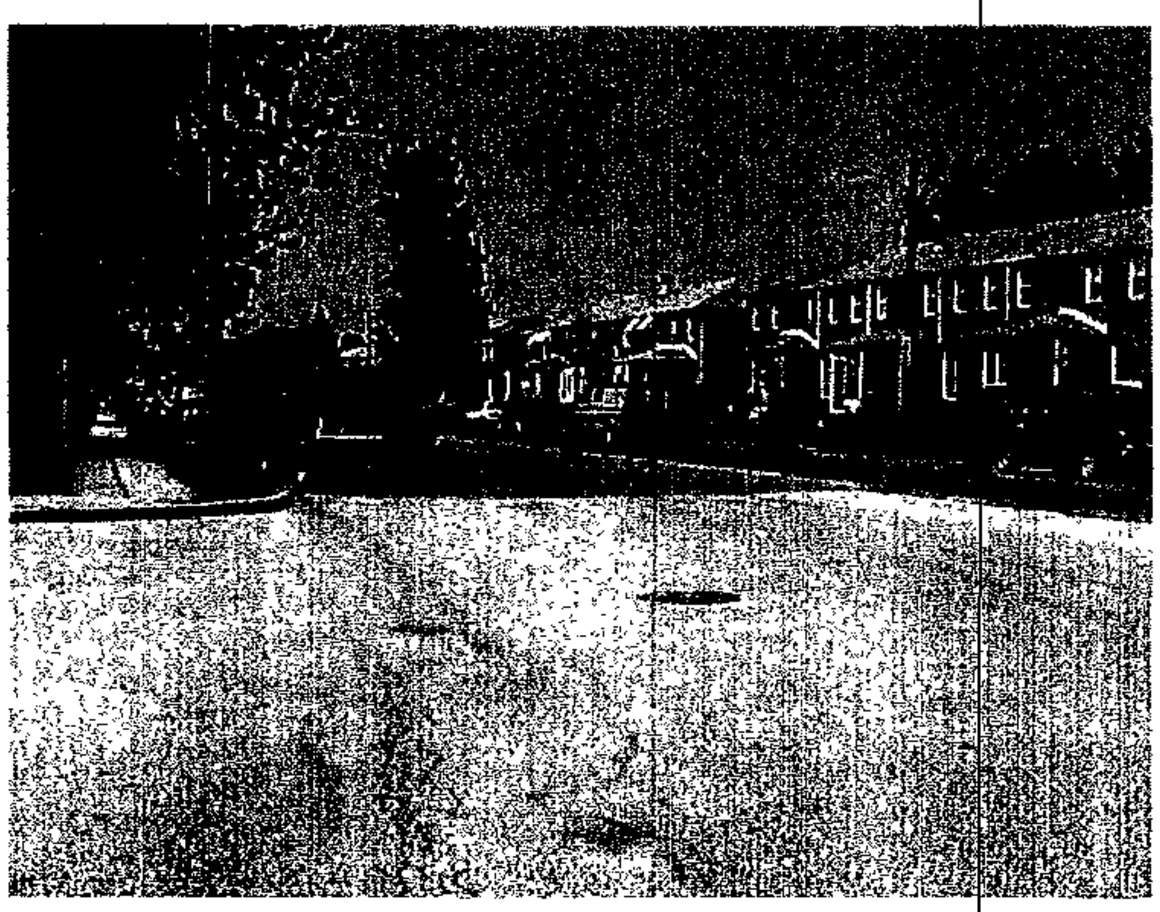

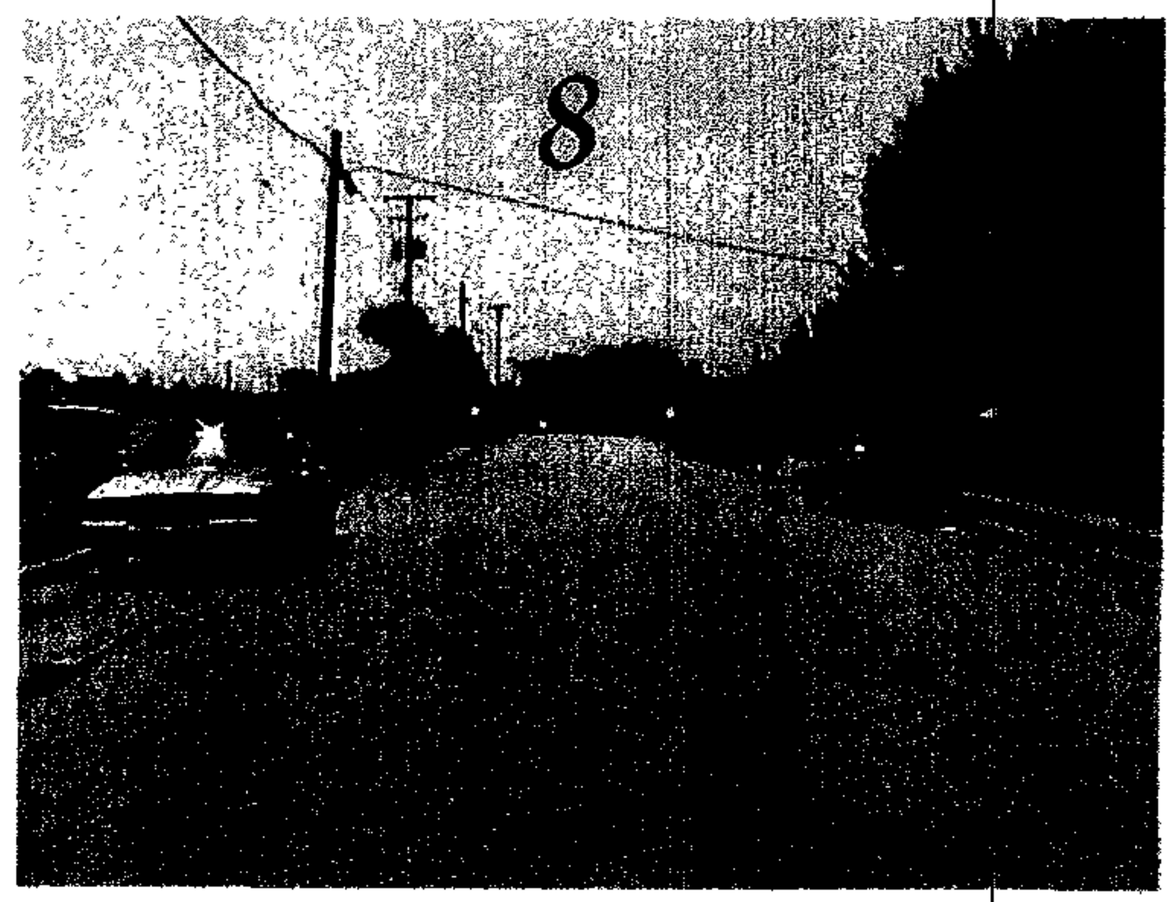
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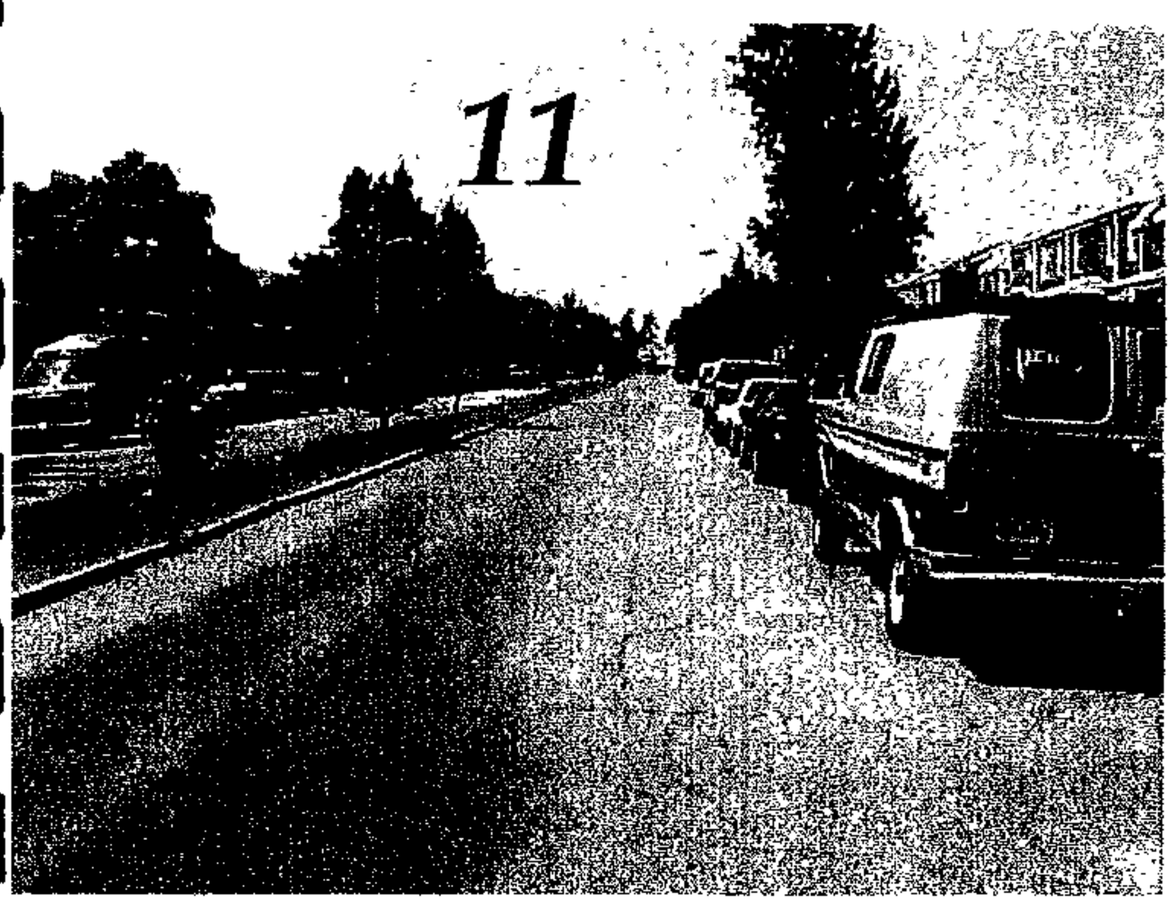
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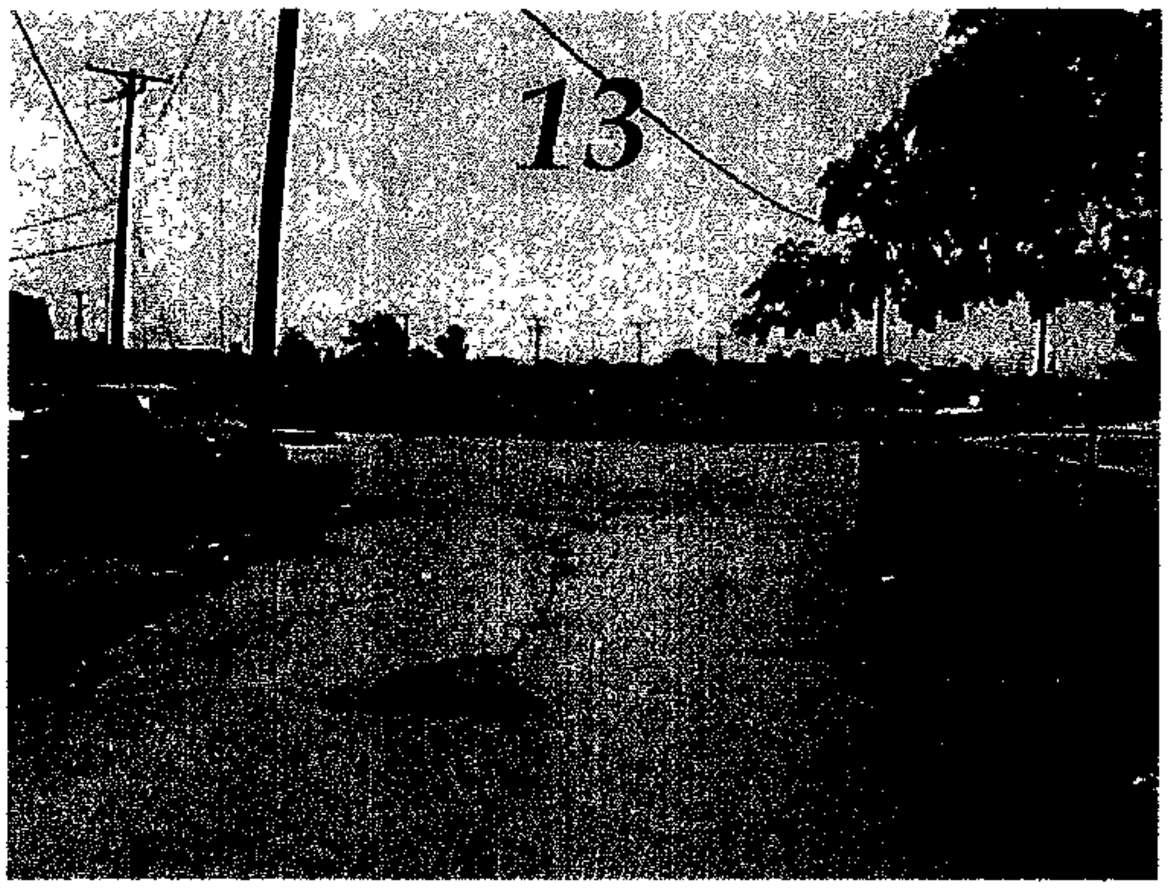
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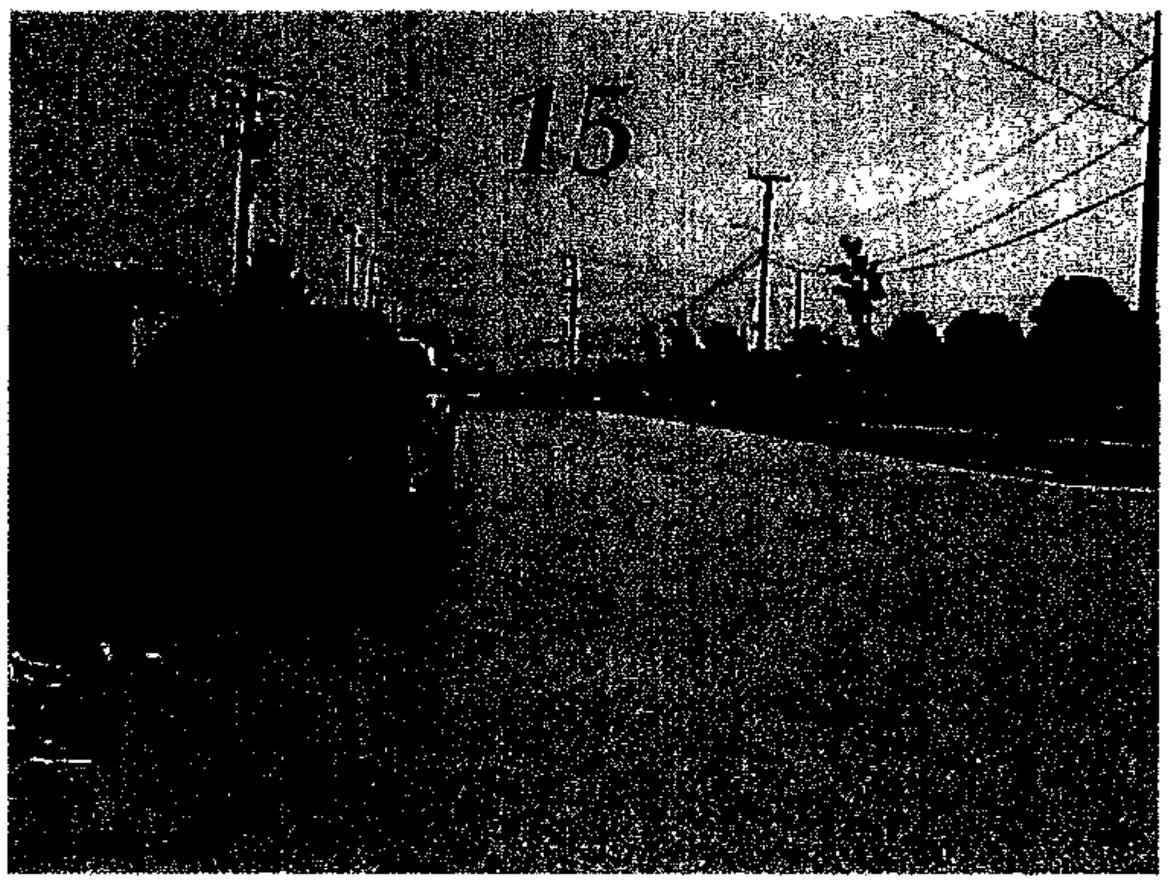
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APPENDIX B

Intersection Capacity Analysis Worksheets

The Traffic Group

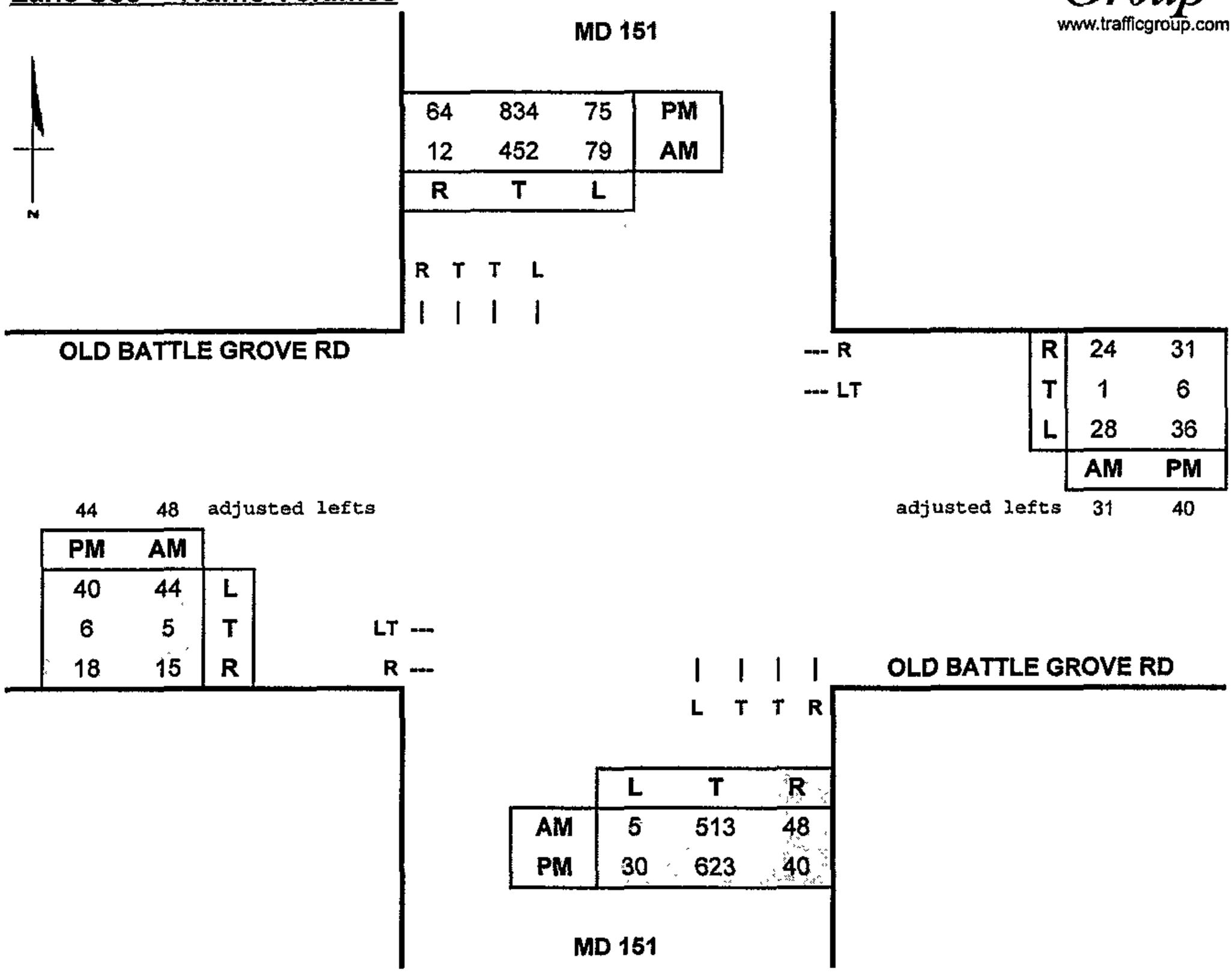
EXIST1

CRITICAL LANE VOLUME (CLV) METHODOLOGY
for MSHA

Intersection of: MD 151 **Date of Count:** 5/30/01
and: Old Battle Grove Rd **Day of Week:** Wednesday
Conditions: Existing Traffic **Analyst:** Shulin Li

The Traffic Group
www.trafficgroup.com

Lane Use + Traffic Volumes



Capacity Analysis

Morning Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	AM CLV
NB	513	0.55	282	79	1.00	79	361
SB	452	0.55	249	5	1.00	5	
EB	53	1.00	53	28	1.00	28	81
WB	32	1.00	32	44	1.00	44	
						CLV TOTAL=	442
						Level of Service (LOS)=	A

Evening Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	PM CLV
NB	623	0.55	343	75	1.00	75	489
SB	834	0.55	459	30	1.00	30	
EB	50	1.00	50	36	1.00	36	86
WB	46	1.00	46	40	1.00	40	
						CLV TOTAL=	575
						Level of Service (LOS)=	A

SL, 010511\1.XLS-CLV, 06/29/01

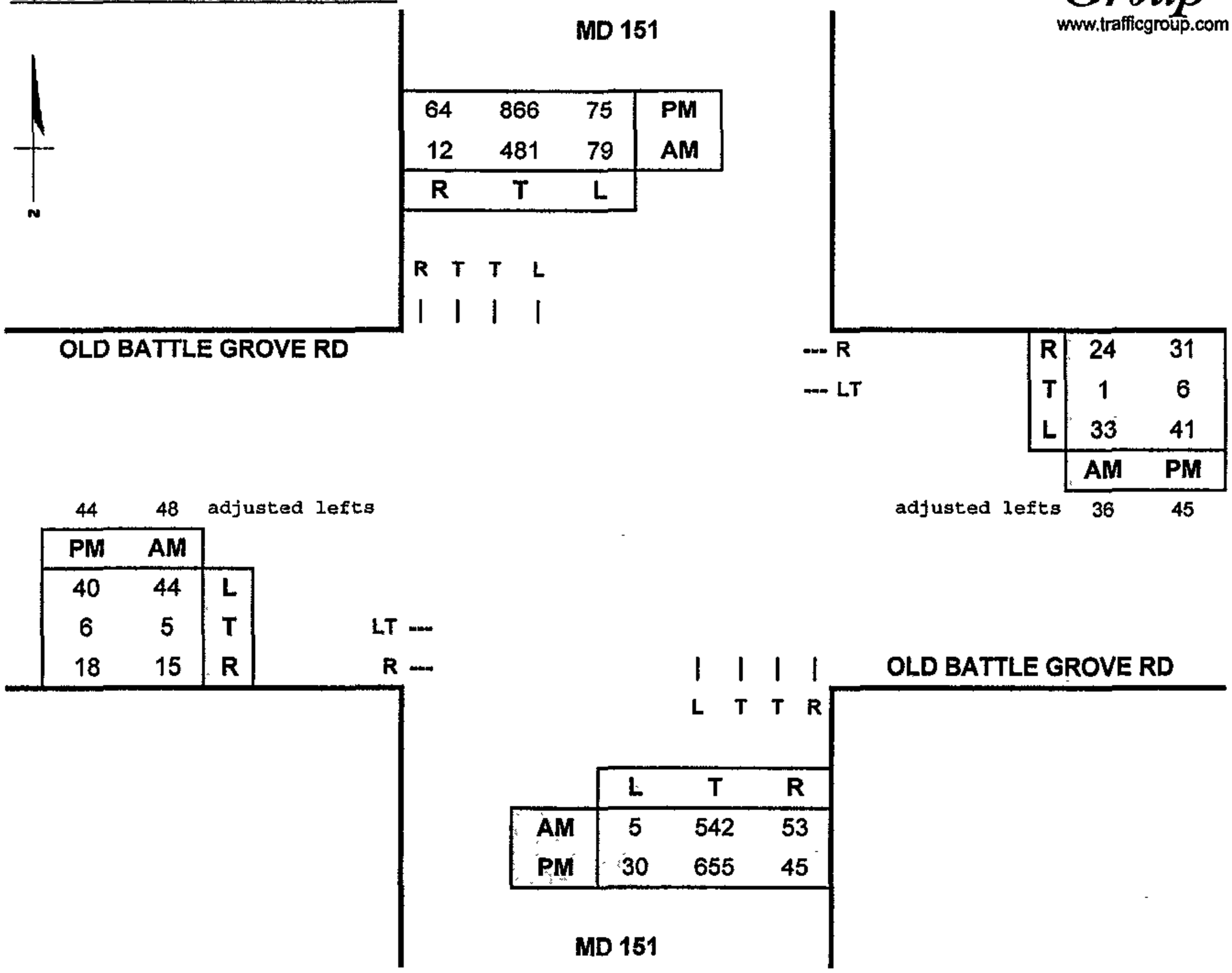
TOT1

CRITICAL LANE VOLUME (CLV) METHODOLOGY
for MSHA

Intersection of: MD 151 **Date of Count:** 5/30/01
and: Old Battle Grove Rd **Day of Week:** Wednesday
Conditions: Total Traffic **Analyst:** Shulin Li

The Traffic Group
www.trafficgroup.com

Lane Use + Traffic Volumes



Capacity Analysis

Morning Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	AM CLV
NB	542	0.55	298	79	1.00	79	377
SB	481	0.55	265	5	1.00	5	
EB	53	1.00	53	33	1.00	33	86
WB	37	1.00	37	44	1.00	44	

CLV TOTAL= 463
Level of Service (LOS)= A

Evening Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	PM CLV
NB	655	0.55	360	75	1.00	75	506
SB	866	0.55	476	30	1.00	30	
EB	50	1.00	50	41	1.00	41	91
WB	51	1.00	51	40	1.00	40	

CLV TOTAL= 597
Level of Service (LOS)= A

SL, 010511\1.XLS-CLV, 06/29/01

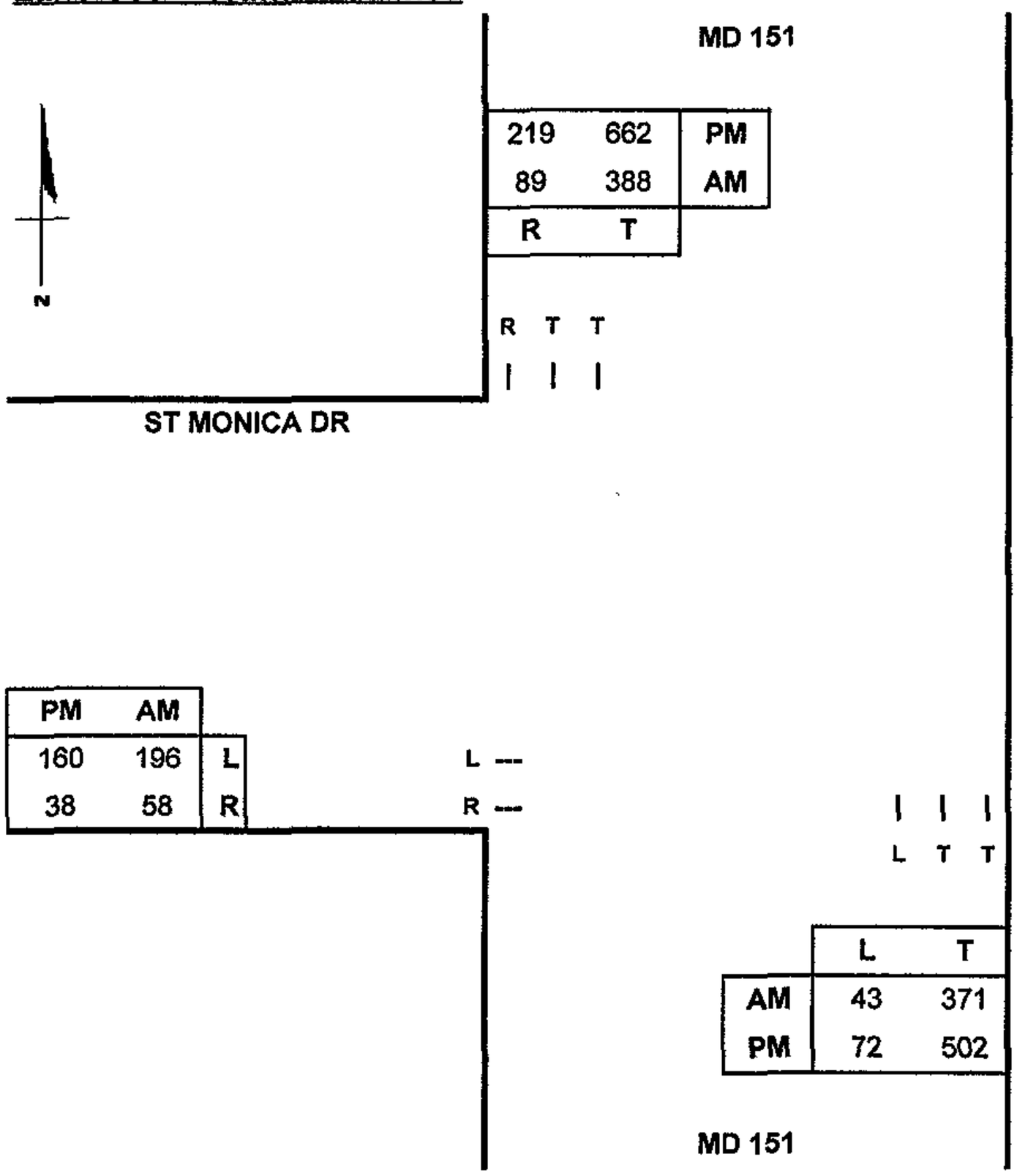
EXIST2

CRITICAL LANE VOLUME (CLV) METHODOLOGY
for MSHA

Intersection of: MD 151 **Date of Count:** 5/31/01
and: St Monica Dr **Day of Week:** Thursday
Conditions: Existing Traffic **Analyst:** Shulin Li

The Traffic Group
www.trafficgroup.com

Lane Use + Traffic Volumes



Capacity Analysis

Morning Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	AM CLV
EB	196	1.00	196				196
NB	371	0.55	204				256
SB	388	0.55	213	43	1.00	43	

CLV TOTAL= 452
Level of Service (LOS)= A

Evening Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	PM CLV
EB	160	1.00	160				160
NB	502	0.55	276				436
SB	662	0.55	364	72	1.00	72	

CLV TOTAL= 596
Level of Service (LOS)= A

SL, 010511\2.XLS-CLV, 06/29/01

TOT2

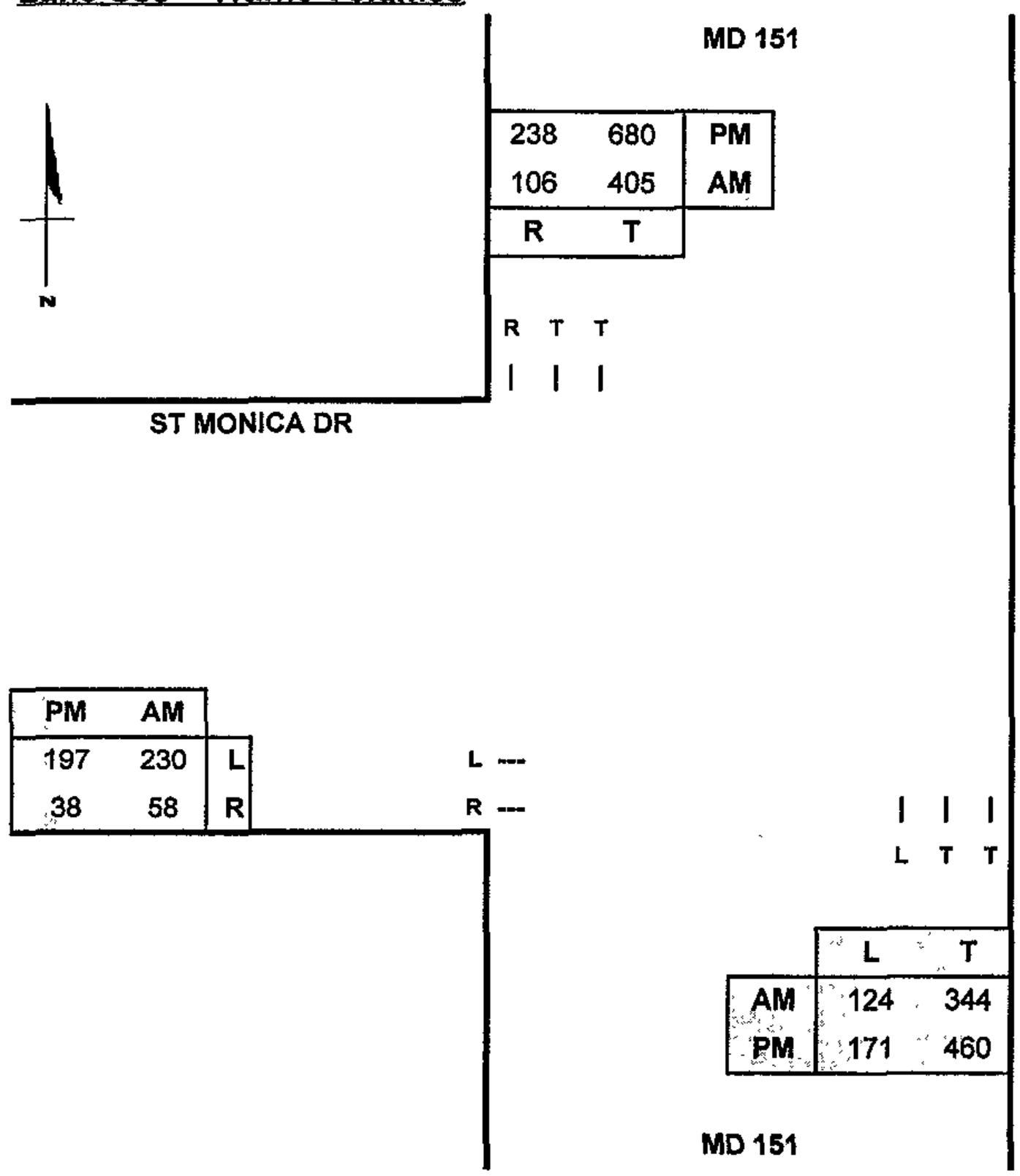
CRITICAL LANE VOLUME (CLV) METHODOLOGY
for MSHA

Intersection of: MD 151
and: St Monica Dr
Conditions: Total Traffic

Date of Count: 5/31/01
Day of Week: Thursday
Analyst: Shulin Li

The Traffic Group
www.trafficgroup.com

Lane Use + Traffic Volumes



Capacity Analysis

Morning Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	AM CLV
EB	230	1.00	230				230
NB	344	0.55	189				347
SB	405	0.55	223	124	1.00	124	
						CLV TOTAL=	577
						Level of Service (LOS)=	A

Evening Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	PM CLV
EB	197	1.00	197				197
NB	460	0.55	253				545
SB	680	0.55	374	171	1.00	171	
						CLV TOTAL=	742
						Level of Service (LOS)=	A

SL, 010511\2.XLS-CLV, 06/29/01

EXIST3

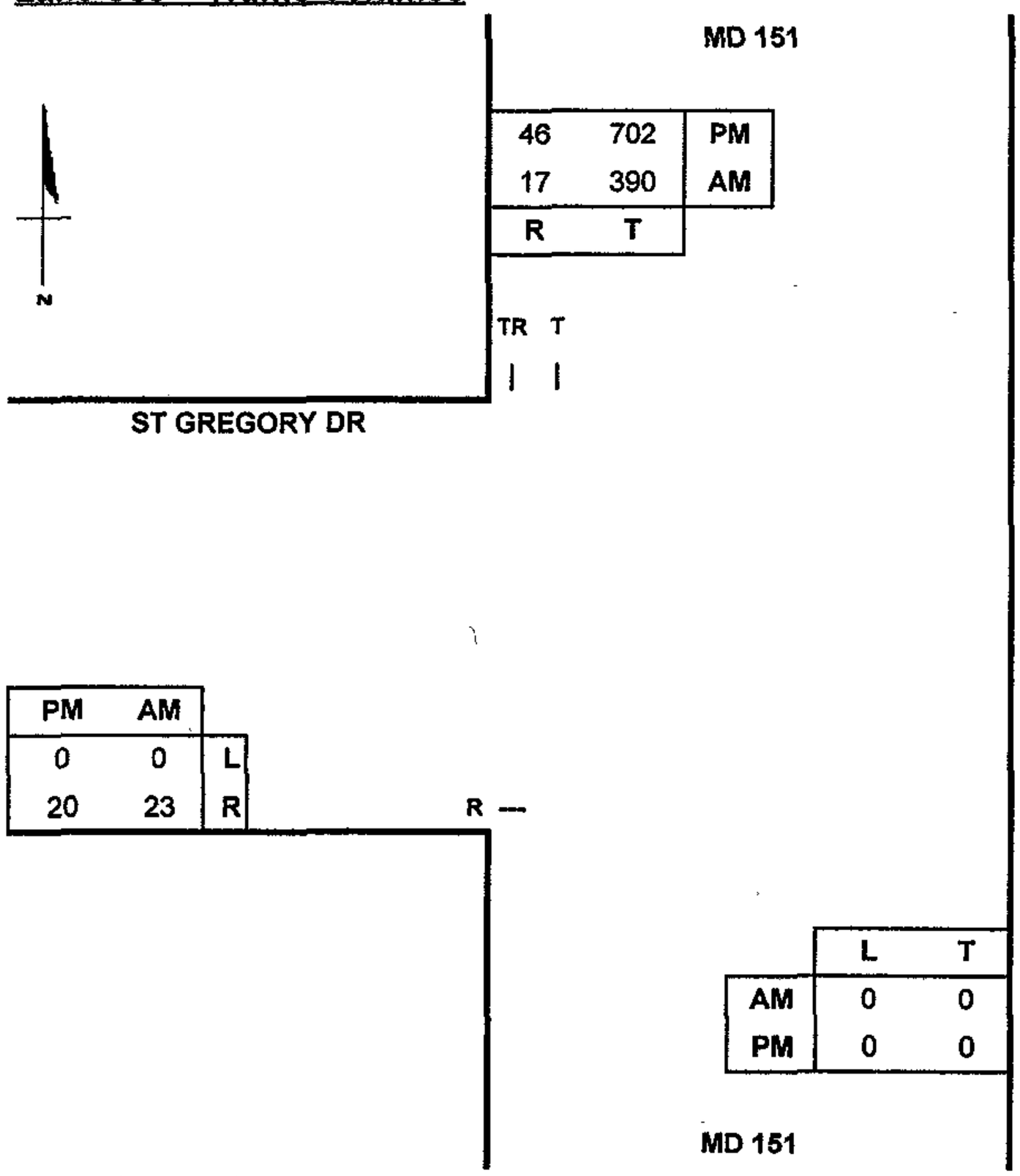
CRITICAL LANE VOLUME (CLV) METHODOLOGY
for MSHA

The Traffic Group
www.trafficgroup.com

Intersection of: MD 151
and: St Gregory Dr
Conditions: Existing Traffic

Date of Count: 5/30/01
Day of Week: Wednesday
Analyst: Shulin Li

Lane Use + Traffic Volumes



Capacity Analysis

Morning Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	AM CLV
EB	23	1.00	23				23
NB	0	0.00	0				224
SB	407	0.55	224	0	0.00	0	

CLV TOTAL= 247
Level of Service (LOS)= A

Evening Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	PM CLV
EB	20	1.00	20				20
NB	0	0.00	0				411
SB	748	0.55	411	0	0.00	0	

CLV TOTAL= 431
Level of Service (LOS)= A

SL, 010511\3.XLS-CLV, 06/29/01

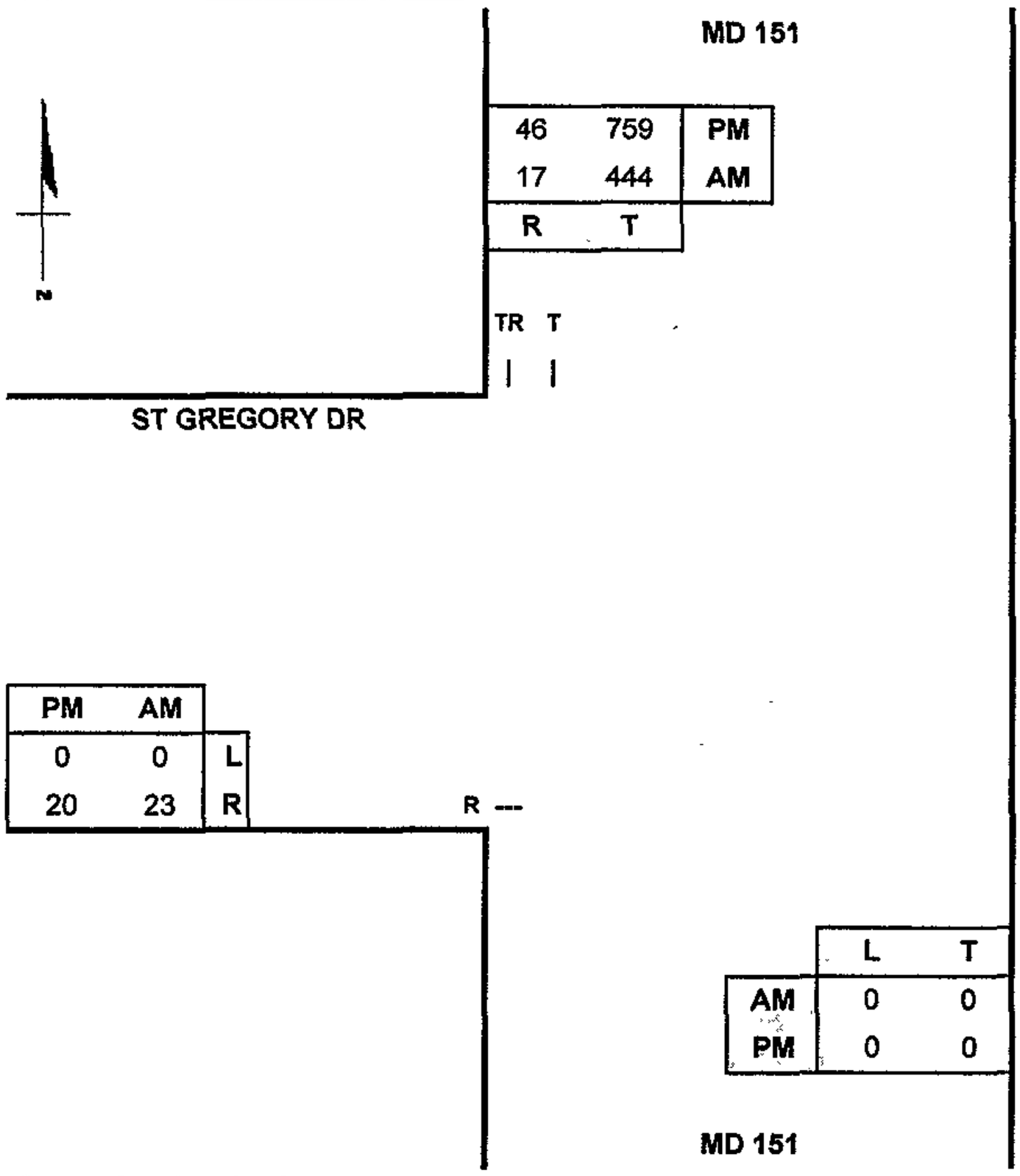
TOT3

CRITICAL LANE VOLUME (CLV) METHODOLOGY
for MSHA

Intersection of: MD 151 **Date of Count:** 5/30/01
and: St Gregory Dr **Day of Week:** Wednesday
Conditions: Total Traffic **Analyst:** Shulin Li

The Traffic Group
www.trafficgroup.com

Lane Use + Traffic Volumes



Capacity Analysis

Morning Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	AM CLV
EB	23	1.00	23				23
NB	0	0.00	0				254
SB	461	0.55	254	0	0.00	0	

CLV TOTAL= **277**
Level of Service (LOS)= **A**

Evening Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	PM CLV
EB	20	1.00	20				20
NB	0	0.00	0				443
SB	805	0.55	443	0	0.00	0	

CLV TOTAL= **463**
Level of Service (LOS)= **A**

SL, 010511\3.XLS-CLV, 06/29/01

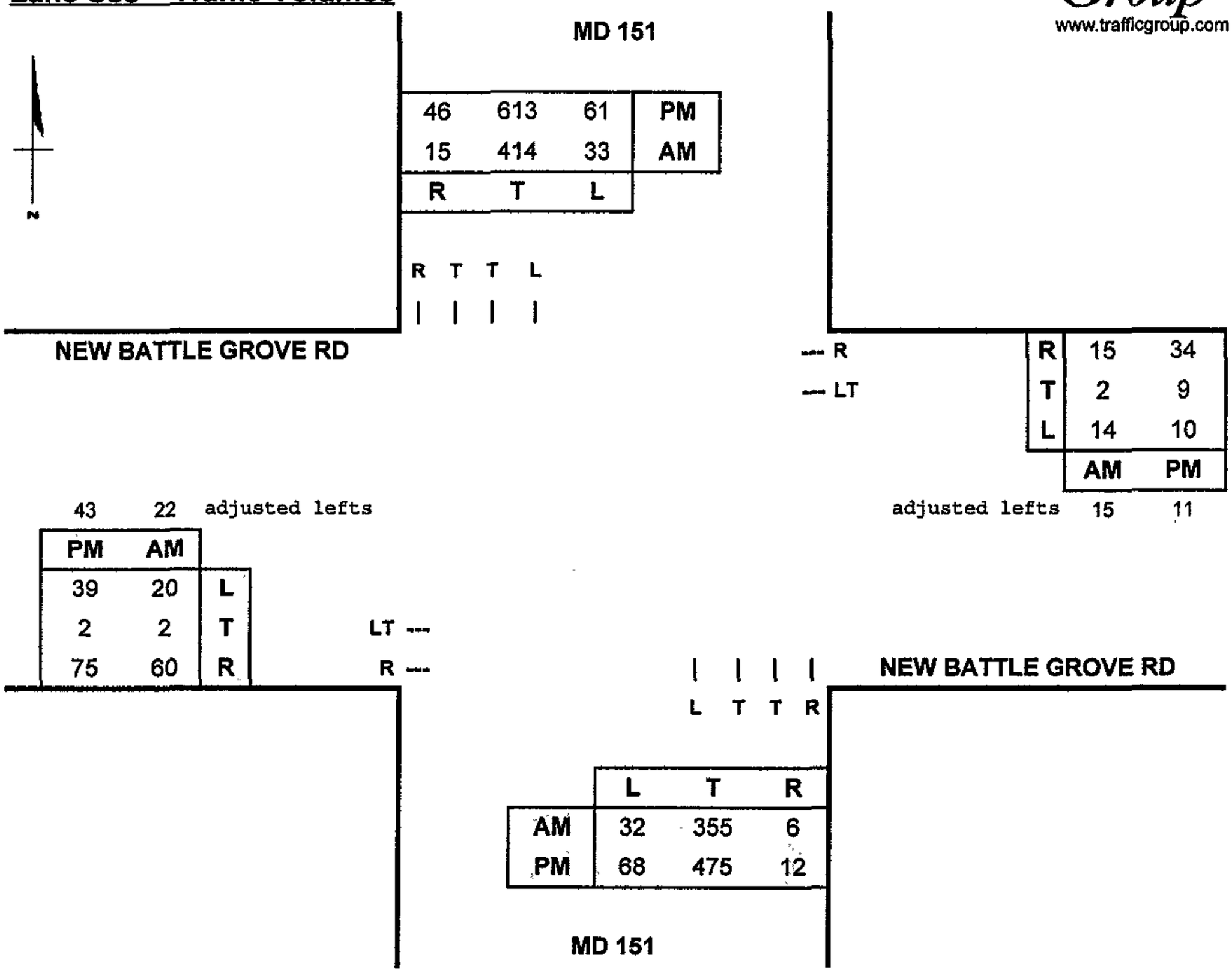
EXIST4

CRITICAL LANE VOLUME (CLV) METHODOLOGY
for MSHA

Intersection of: MD 151 **Date of Count:** 5/31/01
and: New Battle Grove Rd **Day of Week:** Thursday
Conditions: Existing Traffic **Analyst:** Shulin Li

The Traffic Group
www.trafficgroup.com

Lane Use + Traffic Volumes



Capacity Analysis

Morning Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	AM CLV
NB	355	0.55	195	33	1.00	33	260
SB	414	0.55	228	32	1.00	32	
EB	28	1.00	28	14	1.00	14	42
WB	17	1.00	17	20	1.00	20	

CLV TOTAL= **302**
Level of Service (LOS)= **A**

Evening Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	PM CLV
NB	475	0.55	261	61	1.00	61	405
SB	613	0.55	337	68	1.00	68	
EB	45	1.00	45	10	1.00	10	59
WB	20	1.00	20	39	1.00	39	

CLV TOTAL= **464**
Level of Service (LOS)= **A**

SL, 010511\4.XLS-CLV, 06/29/01

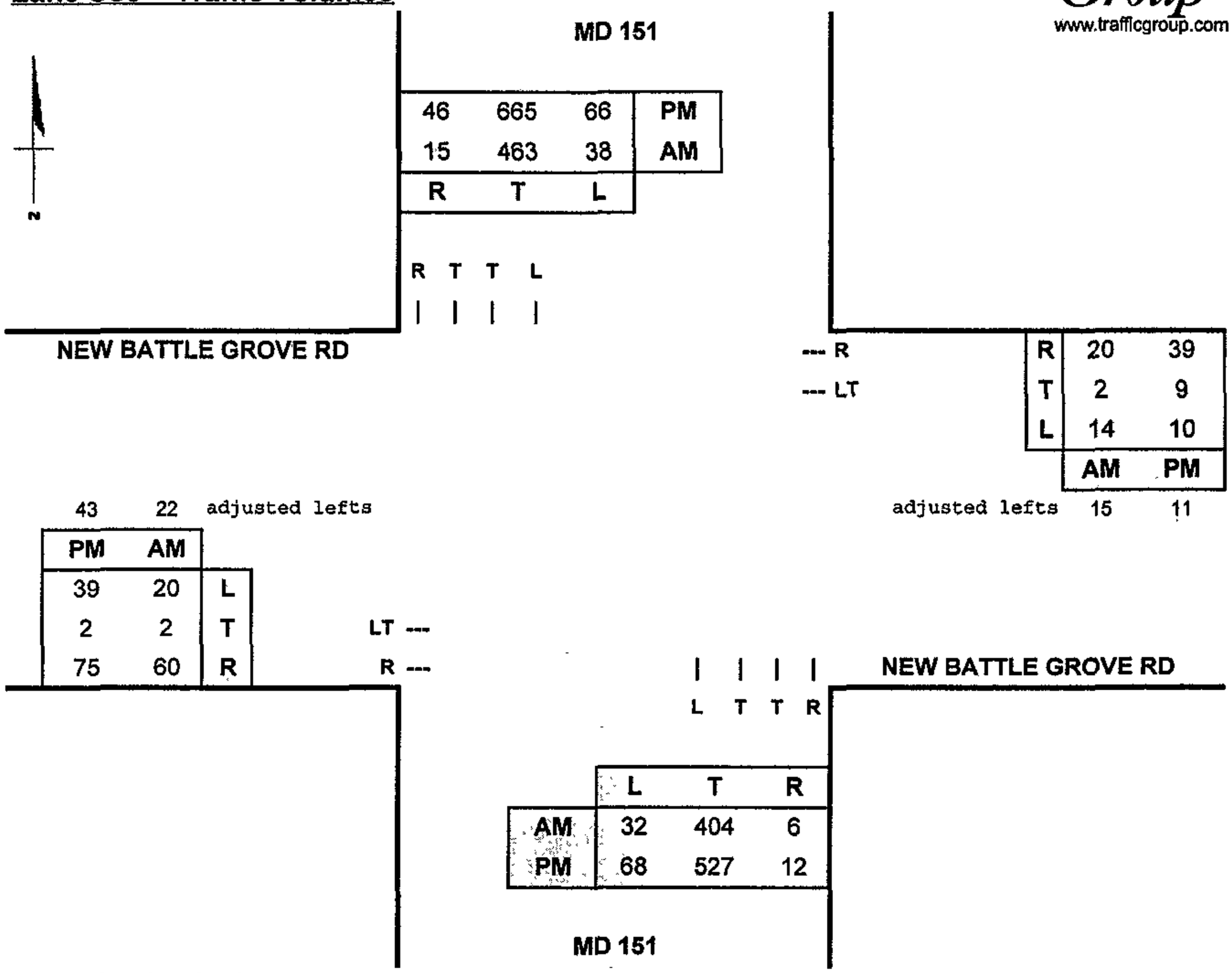
TOT4

CRITICAL LANE VOLUME (CLV) METHODOLOGY
for MSHA

Intersection of: MD 151 **Date of Count:** 5/31/01
and: New Battle Grove Rd **Day of Week:** Thursday
Conditions: Total Traffic **Analyst:** Shulin Li

The Traffic Group
www.trafficgroup.com

Lane Use + Traffic Volumes



Capacity Analysis

Morning Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	AM CLV
NB	404	0.55	222	38	1.00	38	287
SB	463	0.55	255	32	1.00	32	
EB	28	1.00	28	14	1.00	14	42
WB	17	1.00	17	20	1.00	20	

CLV TOTAL= 329
Level of Service (LOS)= A

Evening Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	PM CLV
NB	527	0.55	290	66	1.00	66	434
SB	665	0.55	366	68	1.00	68	
EB	45	1.00	45	10	1.00	10	59
WB	20	1.00	20	39	1.00	39	

CLV TOTAL= 493
Level of Service (LOS)= A

SL, 010511\4.XLS-CLV, 06/29/01

EXIST5

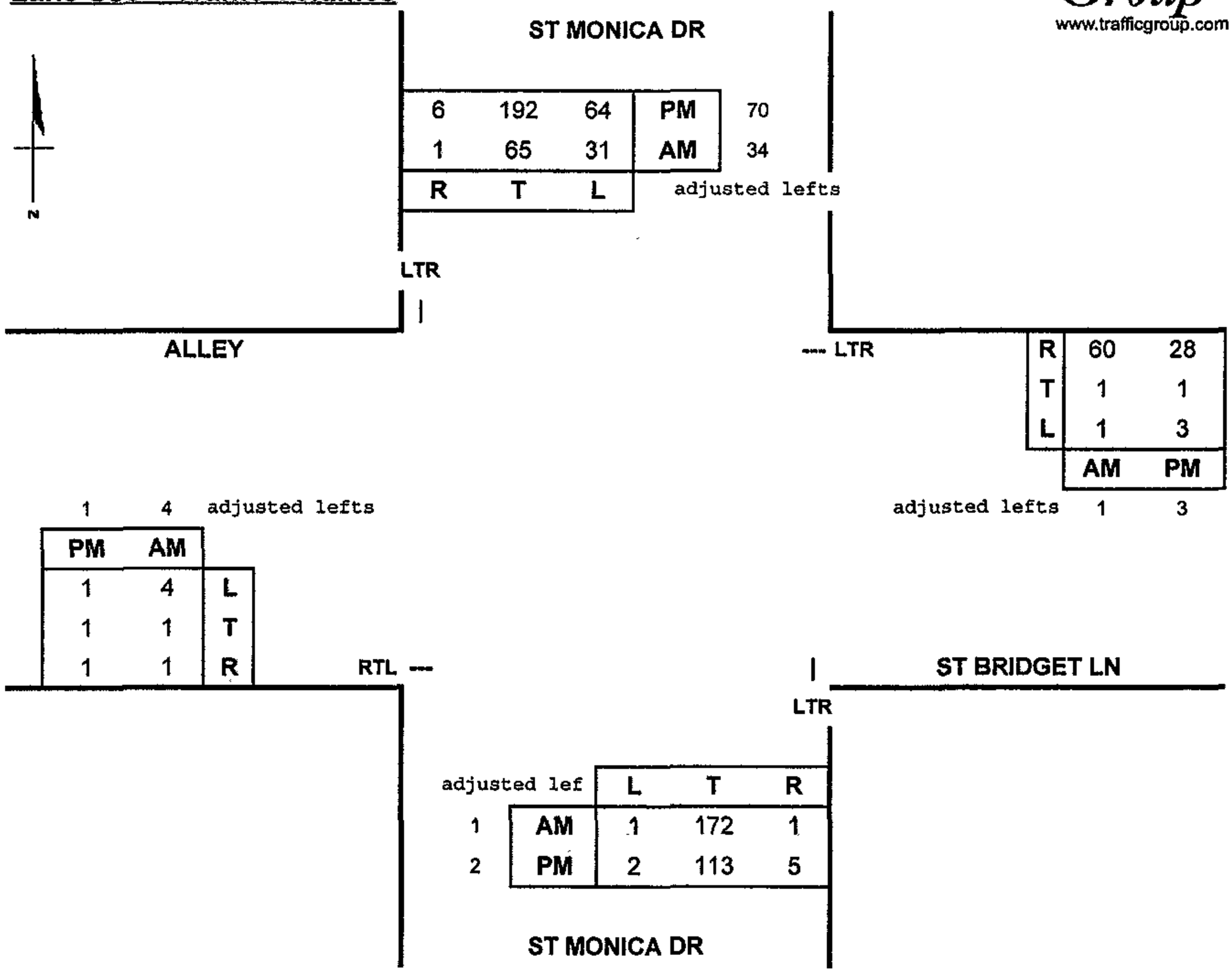
CRITICAL LANE VOLUME (CLV) METHODOLOGY
for MSHA

Intersection of: St Monica Dr
and: St Bridget Ln
Conditions: Existing Traffic

Date of Count: 5/29/01
Day of Week: Tuesday
Analyst: Shulin Li

The Traffic Group
www.trafficgroup.com

Lane Use + Traffic Volumes



Capacity Analysis

Morning Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	AM CLV
NB	174	1.00	174	31	1.00	31	205
SB	100	1.00	100	1	1.00	1	
EB	6	1.00	6	1	1.00	1	66
WB	62	1.00	62	4	1.00	4	

CLV TOTAL= **271**
Level of Service (LOS)= **A**

Evening Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	PM CLV
NB	120	1.00	120	64	1.00	64	270
SB	268	1.00	268	2	1.00	2	
EB	3	1.00	3	3	1.00	3	33
WB	32	1.00	32	1	1.00	1	

CLV TOTAL= **303**
Level of Service (LOS)= **A**

SL, 010511\5.XLS-CLV, 06/29/01

TOT5

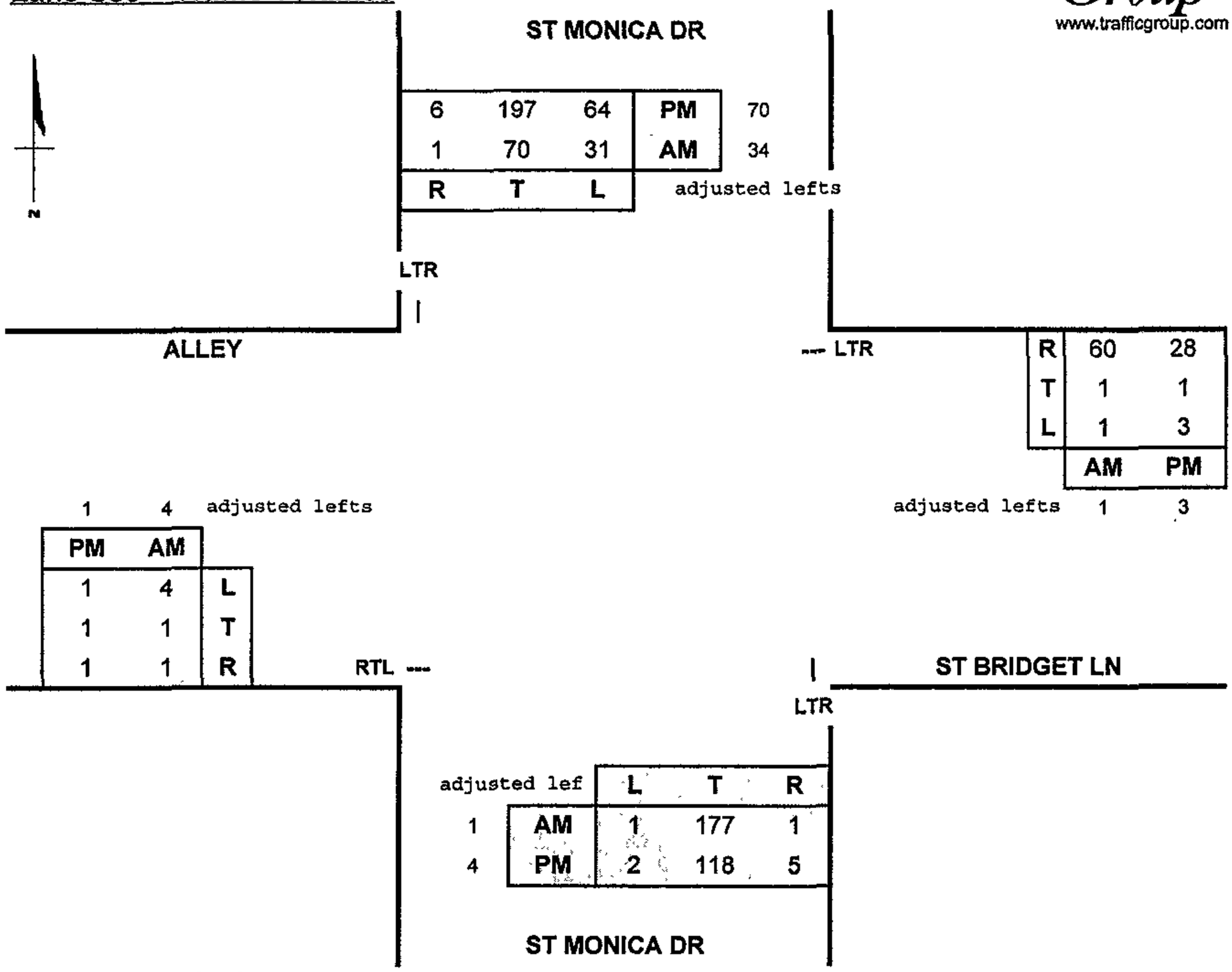
CRITICAL LANE VOLUME (CLV) METHODOLOGY
for MSHA

Intersection of: St Monica Dr
and: St Bridget Ln
Conditions: Total Traffic

Date of Count: 5/29/01
Day of Week: Tuesday
Analyst: Shulin Li

The Traffic Group
www.trafficgroup.com

Lane Use + Traffic Volumes



Capacity Analysis

Morning Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	AM CLV
NB	179	1.00	179	31	1.00	31	210
SB	105	1.00	105	1	1.00	1	
EB	6	1.00	6	1	1.00	1	66
WB	62	1.00	62	4	1.00	4	

CLV TOTAL= **276**
Level of Service (LOS)= **A**

Evening Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	PM CLV
NB	127	1.00	127	64	1.00	64	275
SB	273	1.00	273	2	1.00	2	
EB	3	1.00	3	3	1.00	3	33
WB	32	1.00	32	1	1.00	1	

CLV TOTAL= **308**
Level of Service (LOS)= **A**

SL, 010511\5.XLS-CLV, 06/29/01

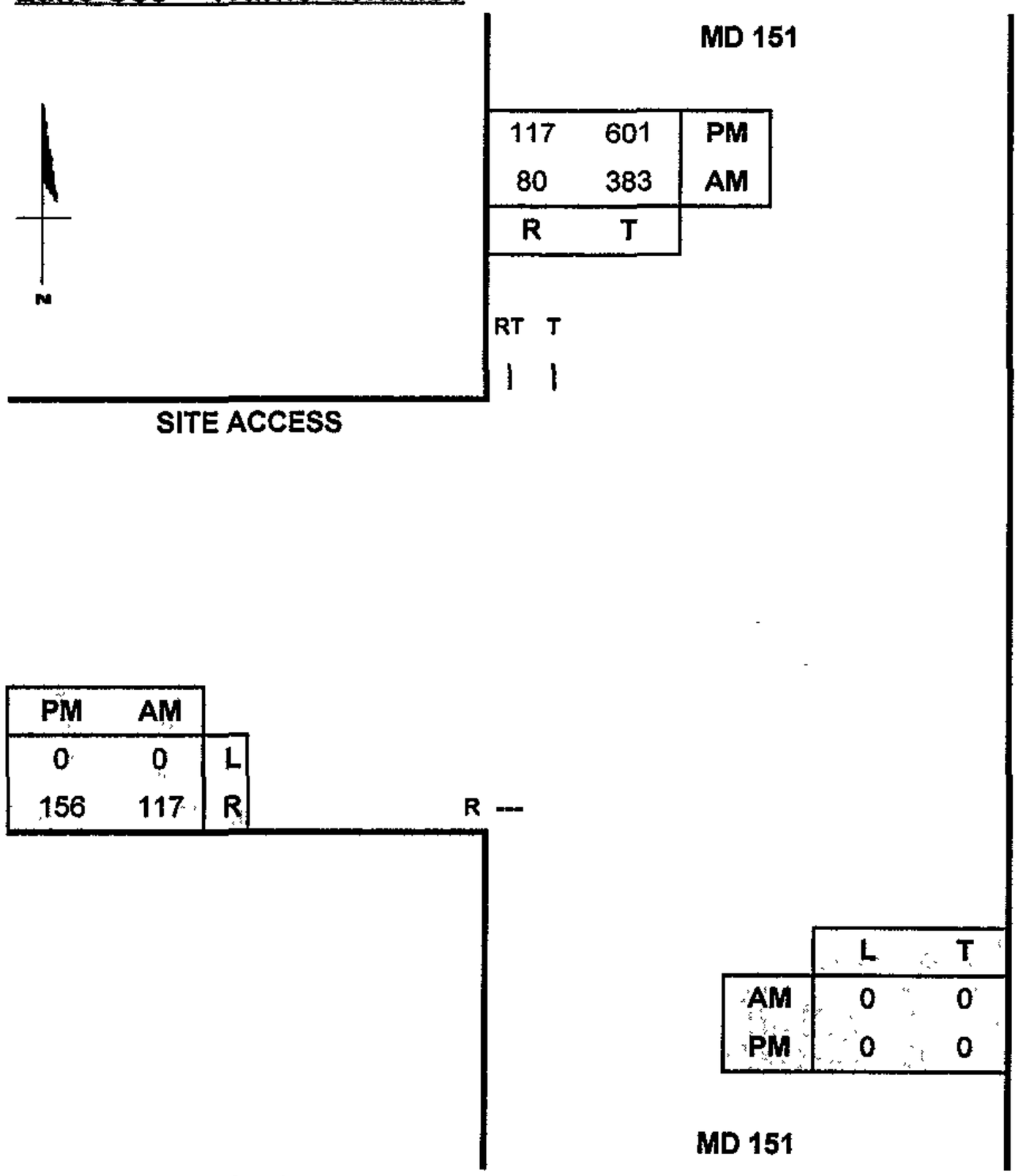
TOT6

CRITICAL LANE VOLUME (CLV) METHODOLOGY
for MSHA

Intersection of: MD 151 **Date of Count:**
and: Site Access **Day of Week:**
Conditions: Total Traffic **Analyst:** Shulin Li

The Traffic Group
www.trafficgroup.com

Lane Use + Traffic Volumes



Capacity Analysis

Morning Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	AM CLV
EB	117	1.00	117				117
NB	0	0.00	0				255
SB	463	0.55	255	0	0.00	0	

CLV TOTAL= 372
Level of Service (LOS)= A

Evening Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	PM CLV
EB	156	1.00	156				156
NB	0	0.00	0				395
SB	718	0.55	395	0	0.00	0	

CLV TOTAL= 551
Level of Service (LOS)= A

SL, 010511\6.XLS-CLV, 06/29/01

TOT7

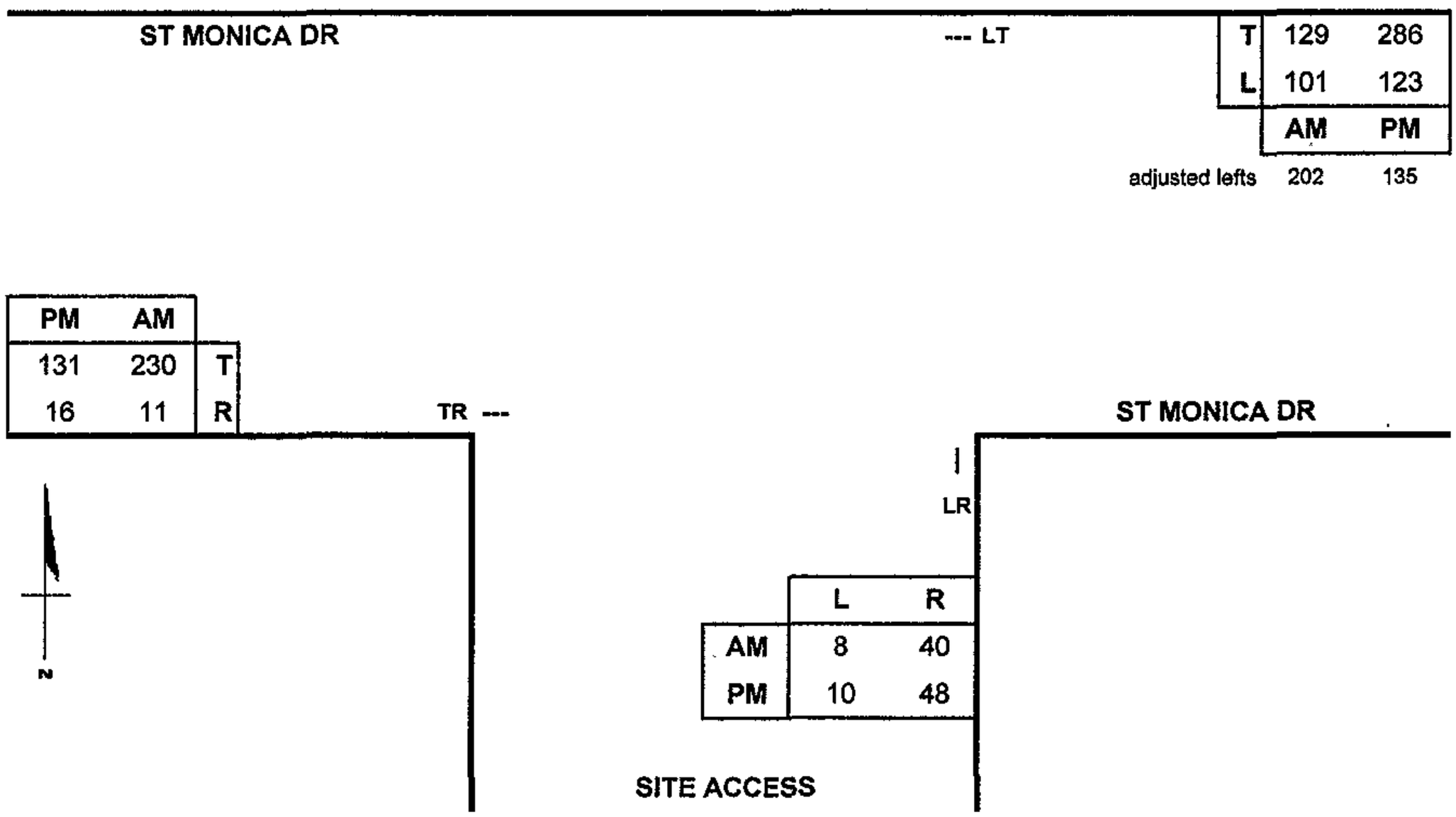
CRITICAL LANE VOLUME (CLV) METHODOLOGY
for MSHA

Intersection of: Site Access
and: St Monica Dr
Conditions: Total Traffic

Date of Count:
Day of Week:
Analyst: Shulin Li

The Traffic Group
www.trafficgroup.com

Lane Use + Traffic Volumes



Capacity Analysis

Morning Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	AM CLV
NB	48	1.00	48				48
EB	241	1.00	241	101	1.00	101	342
WB	331	1.00	331				

CLV TOTAL= 390
Level of Service (LOS)= A

Evening Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	PM CLV
NB	58	1.00	58				58
EB	147	1.00	147	123	1.00	123	421
WB	421	1.00	421				

CLV TOTAL= 479
Level of Service (LOS)= A

SL, 010511\7.XLS-CAP, 06/29/01

TOT8

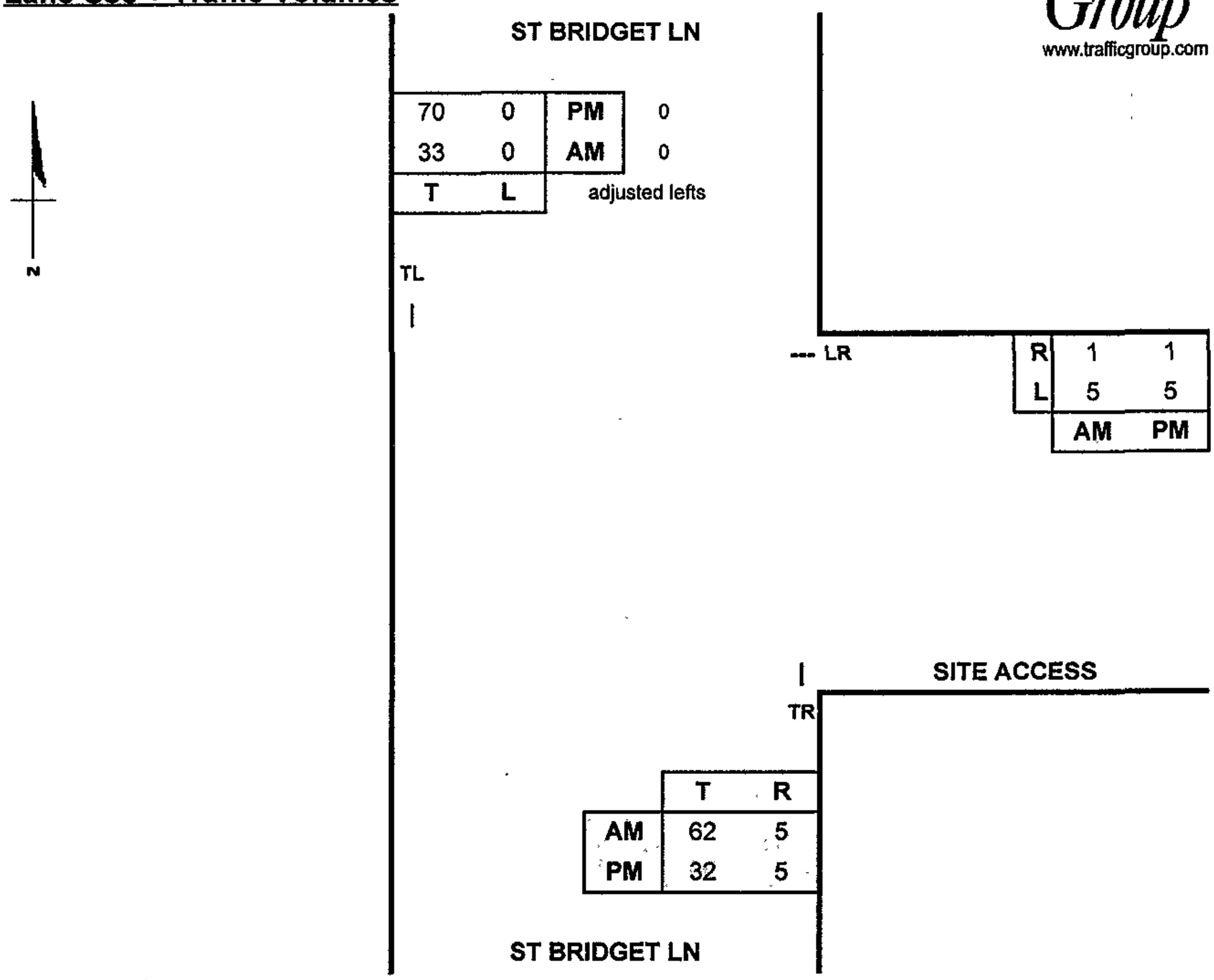
CRITICAL LANE VOLUME (CLV) METHODOLOGY
for MSHA

Intersection of: St Bridget Ln
and: Site Access
Conditions: Total Traffic

Date of Count:
Day of Week:
Analyst: Shulin Li

The Traffic Group
www.trafficgroup.com

Lane Use + Traffic Volumes



Capacity Analysis

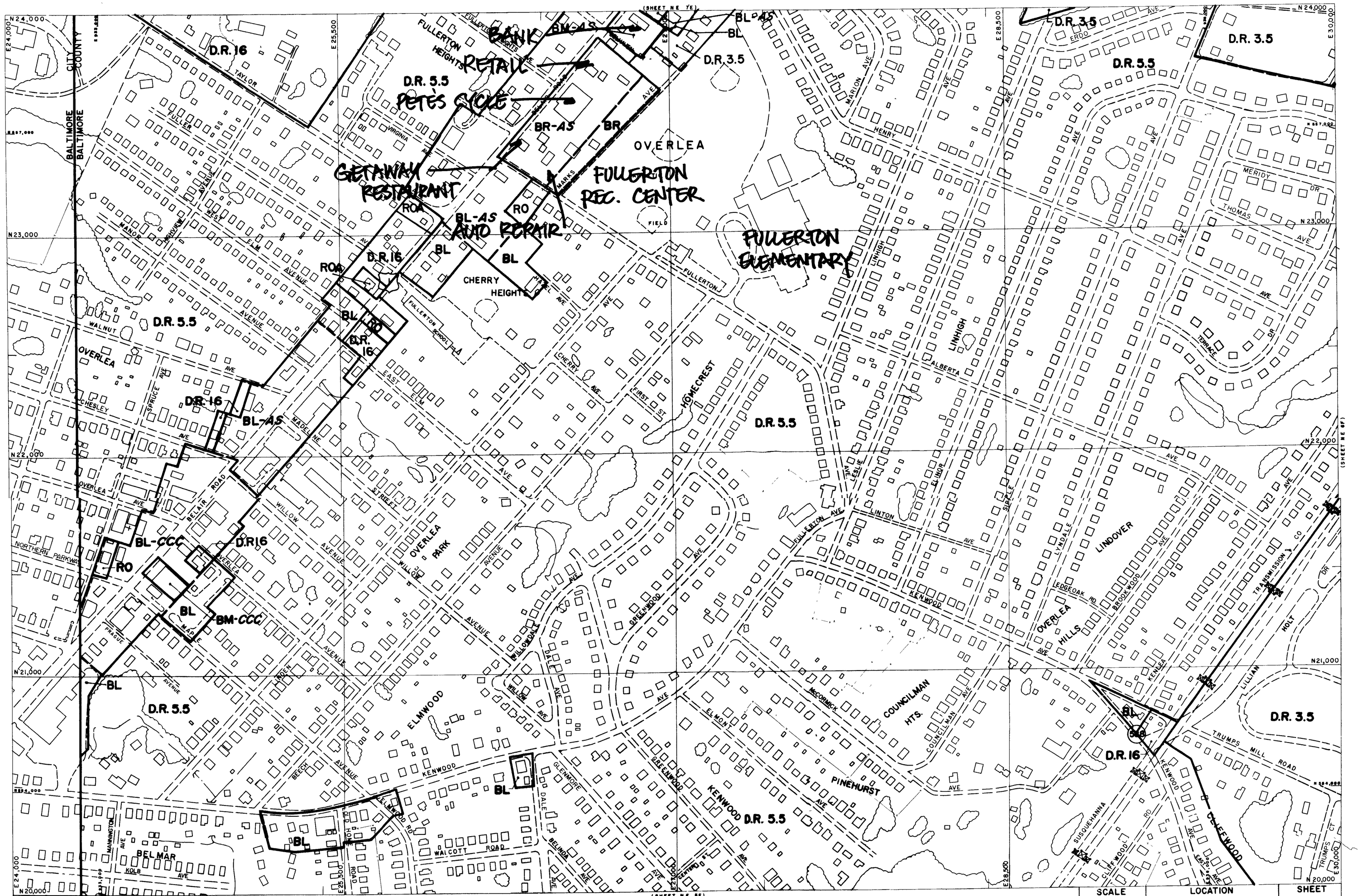
Morning Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	AM CLV
WB	6	1.00	6				6
NB	67	1.00	67	0	1.00	0	67
SB	33	1.00	33				
						CLV TOTAL=	73
						Level of Service (LOS)=	A

Evening Peak Hour

Dir	Thru Volumes VOL	x LUF	= Total	+ Opposing Lefts VOL	x LUF	= Total	PM CLV
WB	6	1.00	6				6
NB	37	1.00	37	0	1.00	0	70
SB	70	1.00	70				
						CLV TOTAL=	76
						Level of Service (LOS)=	A

SL, 010511\8.XLS-CLV, 06/29/01



N-SE M-SW
J-NE I-NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC BALTIMORE, MD 21210

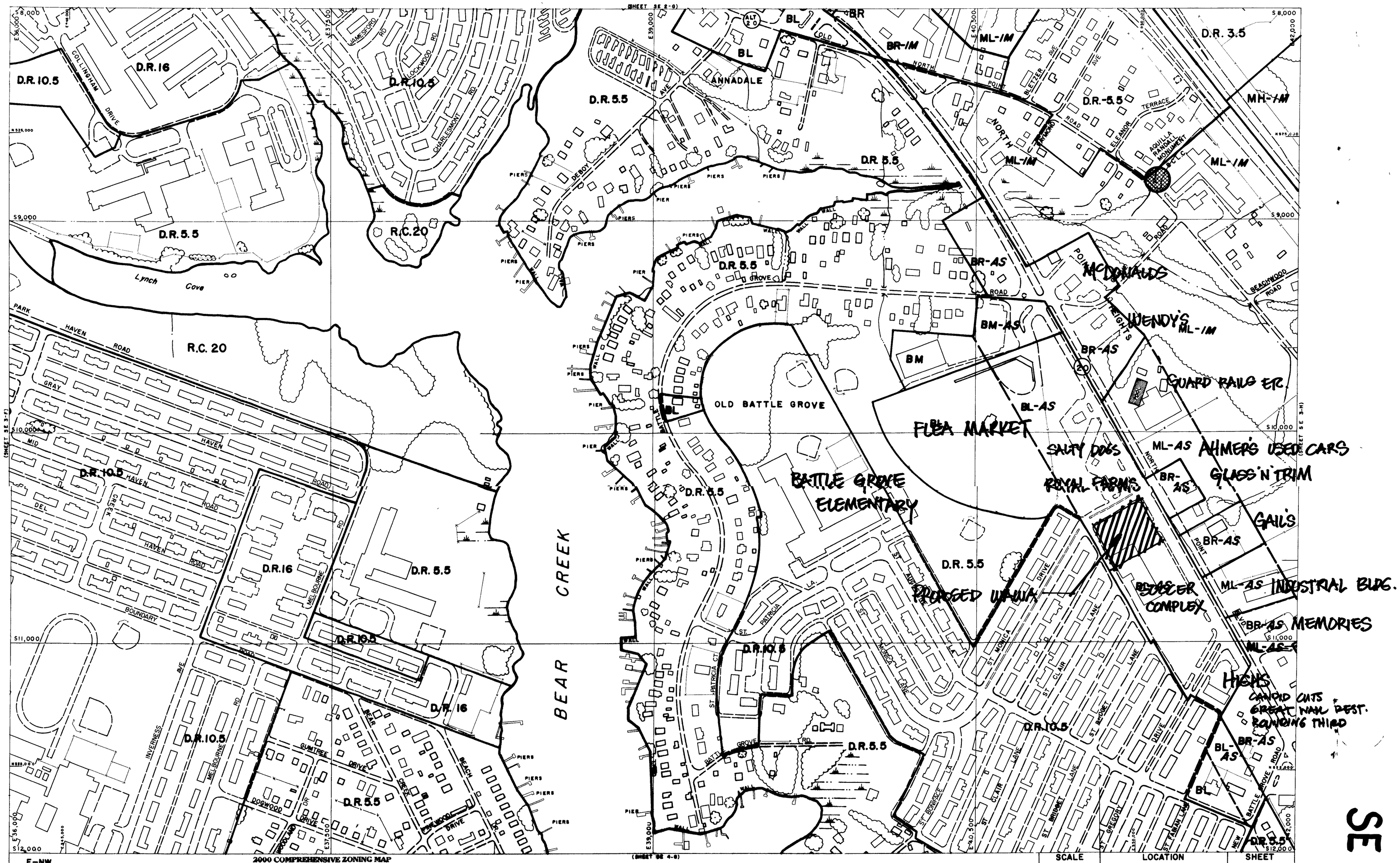
2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 6, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00.

Joseph Bartenfelder
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	OVERLEA	N.E. 6-E
DATE OF PHOTOGRAPHY JANUARY 1986		

NE 6 E



E-NW
E-SW

2000 COMPREHENSIVE ZONING MAP
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OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Joseph Bartenfelder
Chairman, County Council

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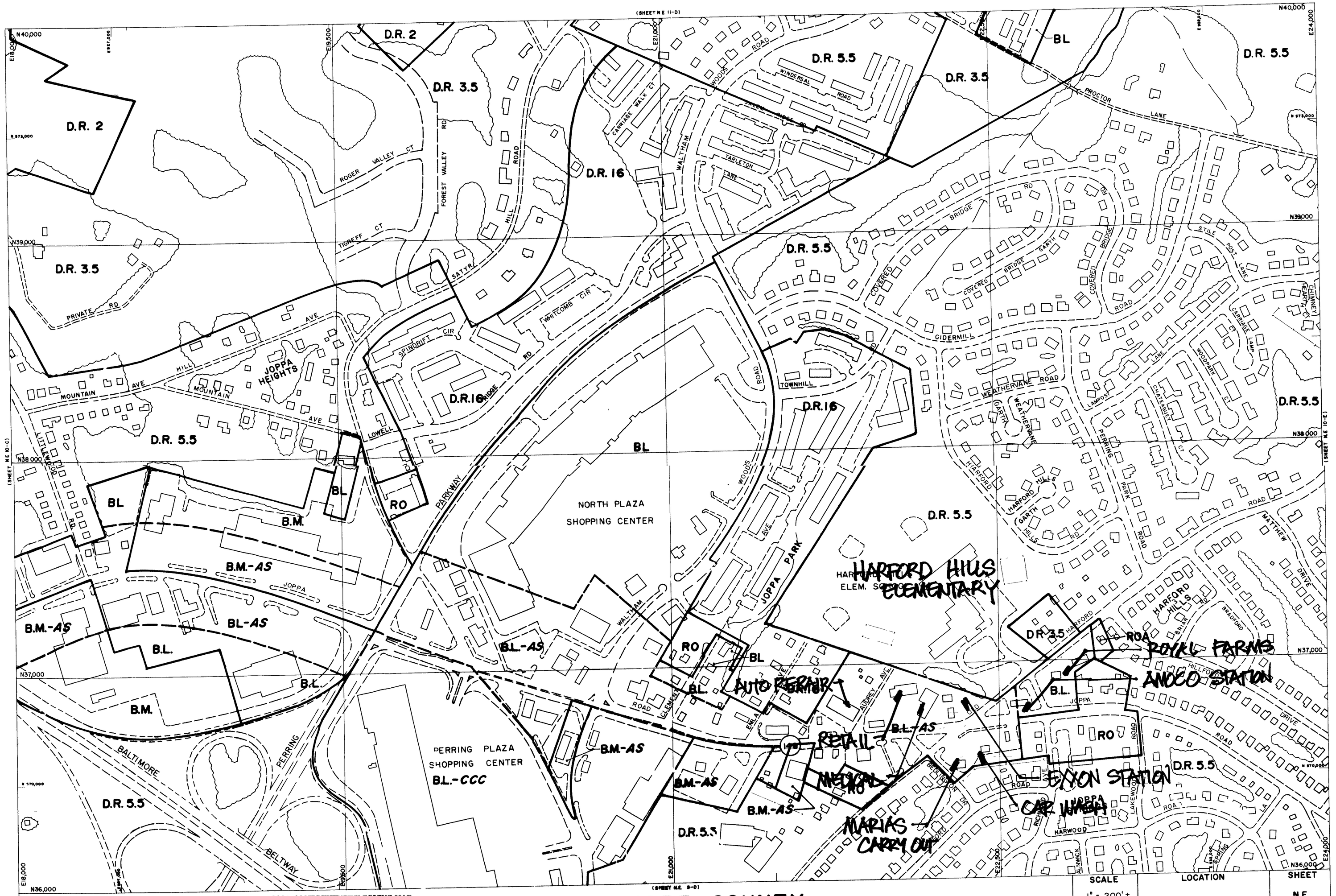
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	NORTH POINT	SE 3-G
DATE OF PHOTOGRAPHY JANUARY 1986		

SE 3G



N - NE
R - SE

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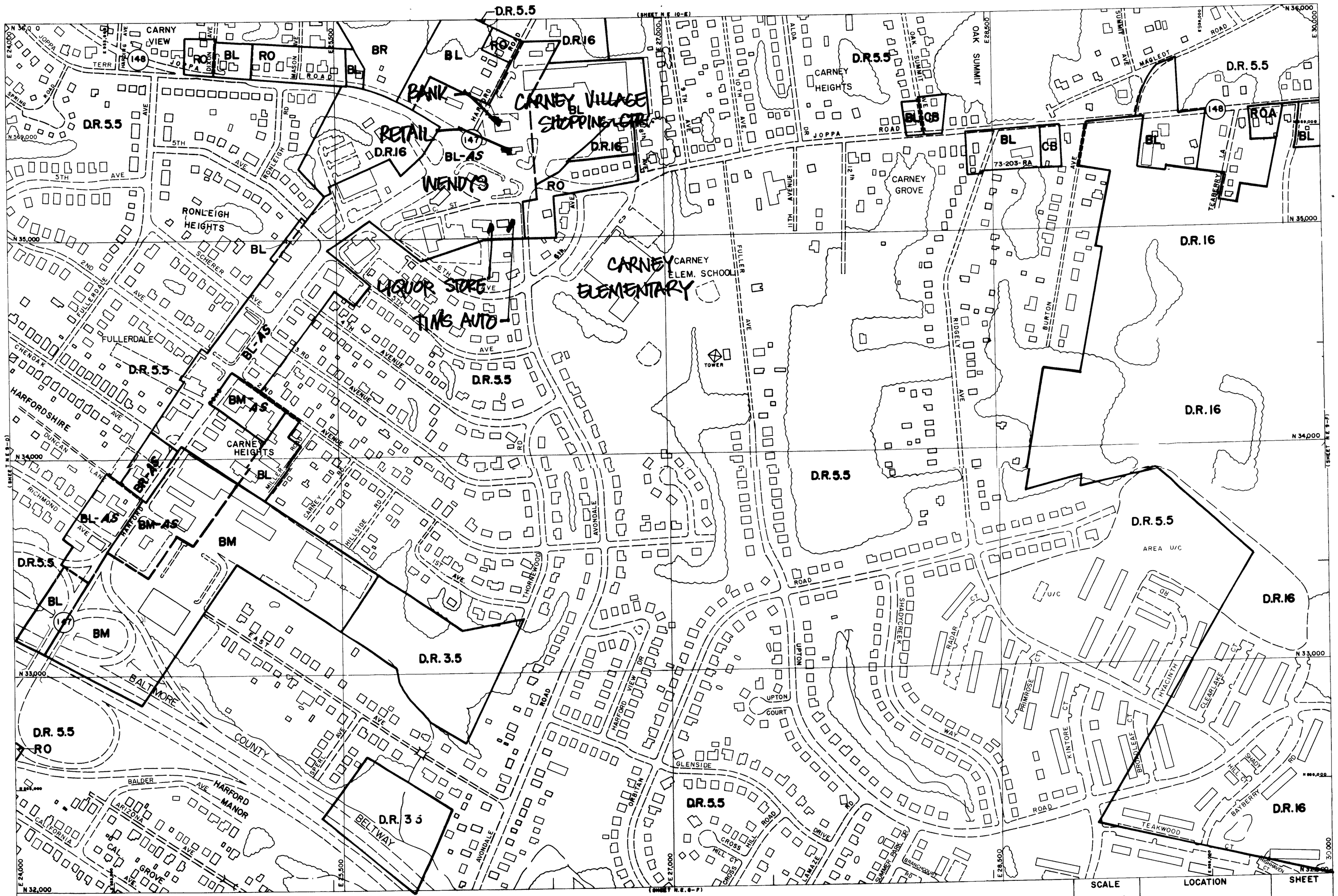
Joseph Bartenfelder
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	CARNEY	N.E. 10-D
DATE OF PHOTOGRAPHY JANUARY 1986		

NE 10 D



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Chairman, County Council

N-NE M-NW

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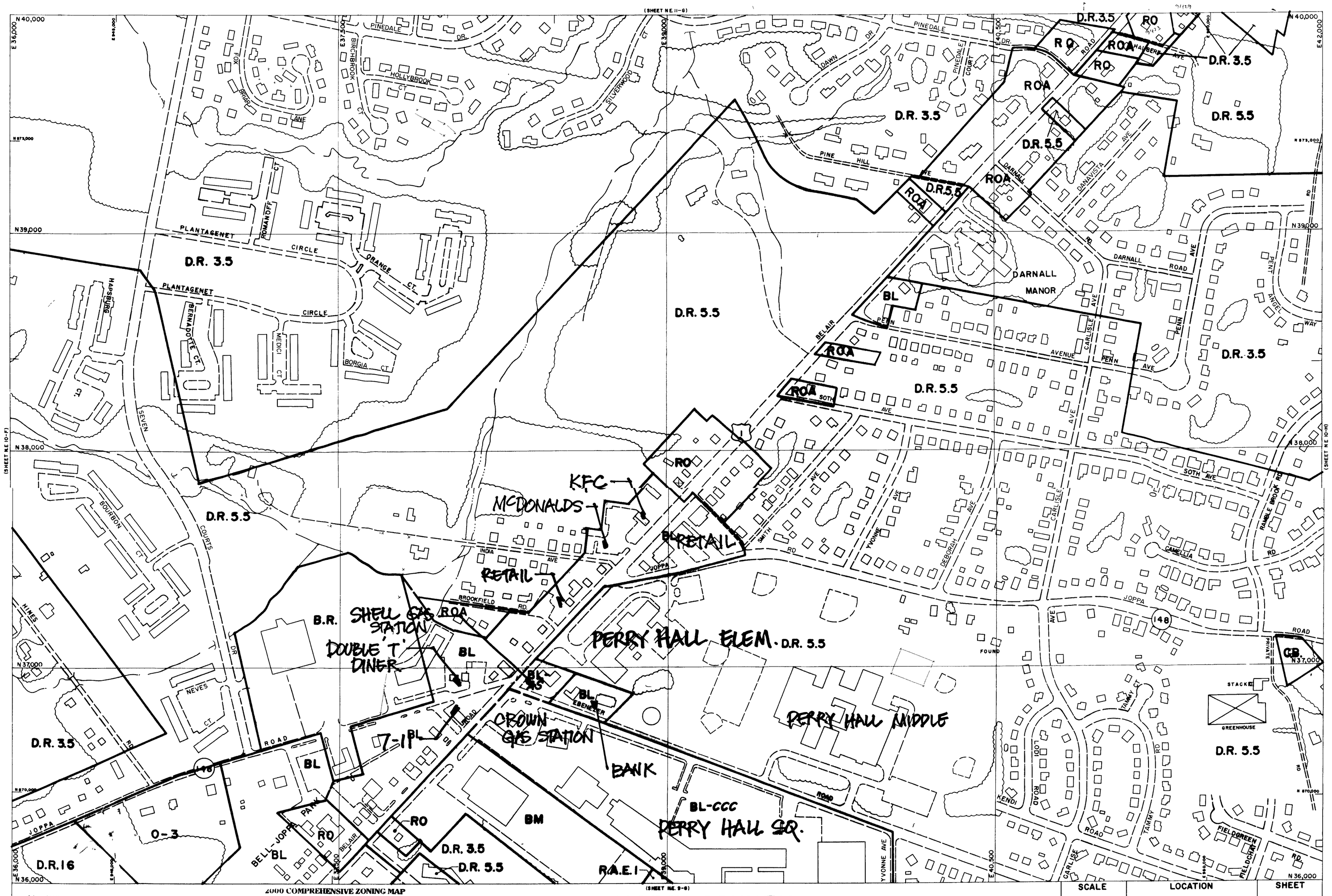
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	PARKVILLE	N. E. 9-E
DATE OF PHOTOGRAPHY JANUARY 1986		

NE 9 E


(SHEET NE 11-G)
(SHEET NE 10-F)
(SHEET NE 10-H)
(SHEET NE 9-G)
N 40,000
N 39,000
N 38,000
N 37,000
N 36,000
E 36,000
E 37,500
E 39,000
E 40,500
E 42,000
PINEDALE DR.
FOX BRIER LANE
BRIERBROOK
HOLLYBROOK CT.
SILVERWOOD CT.
DAWN DR.
PINEDALE COURT
PINE HILL AVE
PLANTAGENET CIRCLE
ROMANOFF CT.
ORANGE CT.
HAPSBURG DR.
BERNADOTTE CT.
MEDICI CT.
BORGIA CT.
SEVEN COURTS DR.
BOURBON CT.
HINES DR.
NEVES CT.
DARNALL MANOR
DARNALL ROAD
DANAVISTA AVE
PENN ANGEL WAY
CARLISLE AVE
PENN AVE
BELAIR ROAD
SOTH AVE
SMITH AVE
YVONNE AVE
DEBORAH AVE
INDIA AVE
JOPPA ROAD
BROOKFIELD RD.
CAMELLIA RD.
RAMBLE BROOK RD.
FOUND
STACKE
GREENHOUSE
LODI ROAD
KENDI
TANNY RD.
FIELDGREEN RD.
D.R. 3.5
D.R. 5.5
D.R. 16
RO
ROA
BL
BL-CCC
BM
B.R.
O-3
R.A.E.1
C.B.
KFC
McDONALDS
RETAIL
SHELL GAS STATION
DOUBLE 'T' DINER
PERRY HALL ELEM. D.R. 5.5
PERRY HALL MIDDLE
CROWN GAS STATION
BANK
7-11
PERRY HALL SQ.
BELL-JOPPA PARK
148
M - NW
Q - SW
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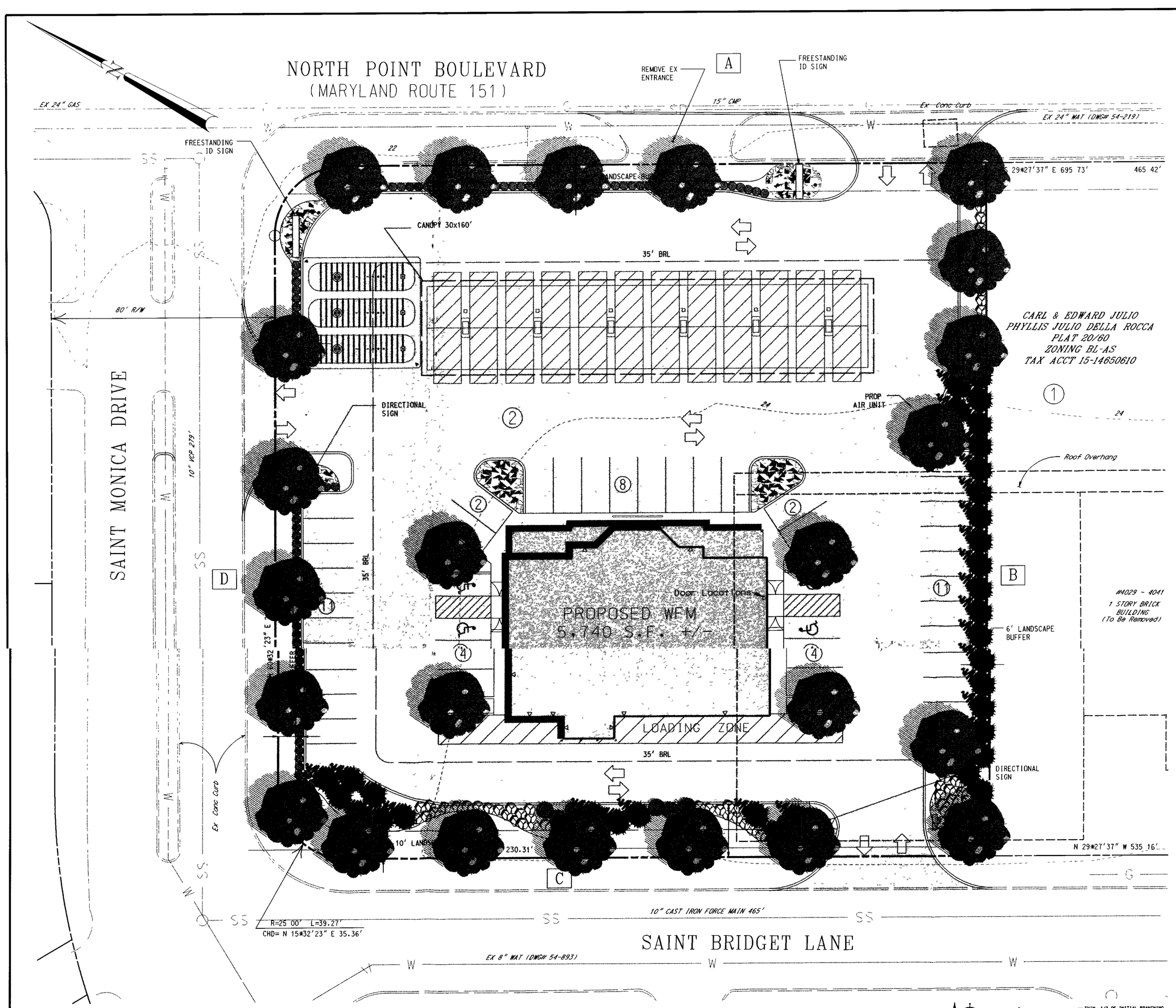
OFFICIAL ZONING MAP
SCALE
1" = 200'±
DATE OF PHOTOGRAPHY
JANUARY 1986
LOCATION
PERRY HALL
SHEET
NE
10-G

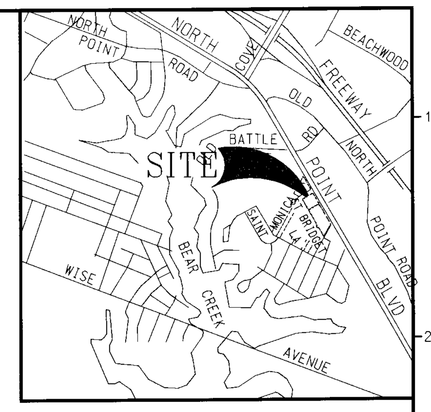
NE 10 G



PLAN

20' 0 20' 40' 60'

SCALE: 1"= 20'



VICINITY MAP

1"=2000'

LANDSCAPE SUMMARY

A PUBLIC RIGHT-OF-WAY (CLASS B)
10' BUFFER REQUIRED
195 LF @ 1 PU/15 LF = 13 PLANTING UNITS REQUIRED
4 SHADE TREES = 4 PU'S
45 SHRUBS = 9 PU'S
13 TOTAL PLANTING UNITS PROVIDED

B ADJACENT TO COMMERCIAL
6' BUFFER REQUIRED
250 LF @ 1 PU/10 LF = 25 PLANTING UNITS REQUIRED
6 SHADE TREES = 6 PU'S
21 EVERGREEN TREES = 10.5 PU'S
40 SHRUBS = 8 PU'S
250 SF GROUNDCOVER = 0.5 PU'S
25 TOTAL PLANTING UNITS PROVIDED

C PUBLIC RIGHT-OF-WAY (CLASS B)
10' BUFFER REQUIRED- 20' PROVIDED
200 LF @ 1 PU/15 LF = 13.5 PLANTING UNITS REQUIRED
5 SHADE TREES = 5 PU'S
13 EVERGREEN TREES = 6 5 PU'S
40 SHRUBS = 8 PU'S
19 5 TOTAL PLANTING UNITS PROVIDED

D PUBLIC RIGHT-OF-WAY (CLASS B)
10' BUFFER REQUIRED
245 LF @ 1 PU/15 LF = 16.5 PLANTING UNITS REQUIRED
5 SHADE TREES = 5 PU'S
60 SHRUBS = 12 PU'S
17 TOTAL PLANTING UNITS PROVIDED

PARKING LOT INTERIOR LANDSCAPE
36,180 SF OF PARKING LOT AREA @ 7% = 2,533 SF REQUIRED
42 PARKING SPACES @ 1 PU/12 SPACES = 3 5 PU'S REQUIRED
3,455 SF LANDSCAPED AREA PROVIDED (INCLUDES ADDITIONAL 10' BUFFER TO RESIDENTIAL ALONG ST. BRIDGET LANE)
4 SHADE TREES = 4 PU'S
4 TOTAL PLANTING UNITS PROVIDED

GENERAL PLANTING NOTES

1 ALL PLANT MATERIAL SHALL CONFORM TO THE SIZES GIVEN IN THE PLANT LIST AND SHALL BE NURSERY GROWN IN ACCORDANCE WITH THE "USA STANDARD FOR NURSERY STOCK." LATEST EDITION

2 ALL PLANTING SHALL BE IN ACCORDANCE WITH STANDARD AMERICAN ASSOCIATION OF NURSERYMEN PROCEDURES AND SPECIFICATIONS

3 CONTRACTOR AND OWNER'S REPRESENTATIVE SHALL VERIFY THE CORRECT LOCATION OF ALL UNDERGROUND UTILITIES IN THE FIELD PRIOR TO INSTALLATION OF ANY PLANT MATERIALS

4 PLANT MATERIAL LOCATION TO BE STAKED IN THE FIELD AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING

5 ALL PLANT BEDS AND PLANTING AREAS TO BE MULCHED TO A DEPTH OF 3" SHREDDED HARDWOOD BARK UNLESS OTHERWISE NOTED ON DRAWINGS OR SPECIFICATIONS

6 ALL AREAS DISTURBED BY PLANTING OPERATIONS SHALL BE FINE GRADED AND SEEDED

7 OBTAIN APPROVAL FROM OWNER'S REPRESENTATIVE BEFORE MAKING ANY SUBSTITUTIONS OR CHANGES

8 ALL PLANT BEDS SHALL BE CONTAINED WITH A SPADED EDGE UNLESS OTHERWISE NOTED ON DRAWINGS

9 QUANTITIES SHOWN ON PLANT LIST ARE FOR THE CONTRACTORS CONVENIENCE ONLY AND ARE NOT GUARANTEED TO BE ACCURATE IN THE EVENT OF A DISCREPANCY BETWEEN QUANTITIES SHOWN ON THE PLAN AND QUANTITIES SHOWN ON THE PLANT LIST. THE QUANTITIES ON THE PLAN SHALL APPLY

10 THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY CODE AND THE LANDSCAPE MANUAL

11 GENERAL CONTRACTOR IS TO PROVIDE ALL MATERIALS AND LABOR, INCLUDING PLANTS, PLANTER FILL MATERIALS, MULCHES, SOIL PREPARATION, DECORATIVE ITEMS, INSPECTION, TRANSPORTATION, WARRANTY, ETC

12 TOPSOIL TO A DEPTH OF 4" IN ALL AREAS TO BE SEEDED OR SODDED

13 EACH PLANTING BED AREA IS TO RECEIVE A MINIMUM OF 6" OF PREPARED SOIL CULTIVATED TO A 12" DEPTH PREPARED SOIL SHALL BE MIXED AS FOLLOWS 2/3 SANDY LOAM TOPSOIL FREE OF ROOTS, ROCKS, WEEDS, AND OTHER DEBRIS AND 1/3 PEAT MOSS OR APPROVED ORGANIC MULCH.

14 SOIL ADDITIVES TO BE GRANULAR FERTILIZER OF 1 2 1 RATIO SOIL OUTSIDE RANGE OF 5 0 - 7 0 pH SHALL BE TREATED APPROPRIATELY TO CORRECT FOR HIGH ALKALINITY OR ACIDITY

15 THE USE OF ON-SITE TOPSOIL MUST BE APPROVED IN ADVANCE BY LANDSCAPE ARCHITECT

16 ALL BEDS TO BE TREATED WITH GRANULAR PREEMERGENT WEED CONTROL PER MANUFACTURER'S SPECIFICATIONS LANDSCAPE FABRIC TO BE INSTALLED BENEATH MULCH IN ALL PLANTING BEDS EXCLUDING GROUND-COVER AND PERENNIAL AREAS USE TREFLAN OR EQUAL AS APPROVED BY LANDSCAPE ARCHITECT

17 SODDED AND SEEDED AREAS SHALL BE PROPERLY PREPARED. FINISH GRADED AND HAND ROLLED PRIOR TO SOD PLACEMENT OR SEEDING SEEDED AREAS SHALL BE RE-SEEDED AS NECESSARY TO PROVIDE AN EVEN STAND OF GRASS.

18. PROVIDE A WARRANTY ON ALL WORK FOR A MINIMUM OF ONE YEAR INCLUDING ONE CONTINUOUS GROWING SEASON COMMENCE WARRANTY ON THE DATE IDENTIFIED IN THE CERTIFICATE OF SUBSTANTIAL COMPLETION. WARRANTY TO INCLUDE COVERAGE OF PLANTS FROM DEATH OR UNHEALTHY CONDITIONS REPLACEMENT PLANTS SHALL BE THE SAME SIZE AND SPECIES AS SPECIFIED. PLANTED IN THE NEXT GROWING SEASON WITH A NEW WARRANTY COMMENCING WITH THE DATE OF THE REPLACEMENT

19 MAINTAIN PLANT LIFE IMMEDIATELY AFTER PLACEMENT AND CONTINUE MAINTENANCE UNTIL TERMINATION OF WARRANTY. MAINTENANCE TO INCLUDE WEEDING, APPLICATIONS OF PESTICIDES, WATERING, TRIMMING AND PRUNING, DISEASE CONTROL, AND MAINTENANCE OF PLANT BRACING EQUIPMENT

AREAS TO BE TOP DRESSED

A PRIOR TO ALL SOIL PREPARATION WORK, ALL CONSTRUCTION AND PLANTING IN THE AREA SHALL HAVE BEEN COMPLETED

B CLEARING PRIOR TO APPLICATION OF TOP DRESS MATERIAL, THE GROUND SURFACE SHALL BE WELL DRAINED AND CLEAR OF ALL DEBRIS OR ANY OTHER MATERIAL WHICH MAY HINDER THE PROPER APPLICATION OF SUBSEQUENT MAINTENANCE OPERATIONS.

C PRECAUTIONS DO NOT WORK SOIL WHILE FROZEN OR WET DO NOT WORK SOIL IN A DUSTY CONDITION, BUT MOISTEN TO PREVENT A DUST NUISANCE

D AERATE ALL THE TOP DRESSED AREAS, USING A CORE REMOVING AERATOR

E ANY BARE AREAS LARGER THAN 1 SQ FT SHOULD BE RESTORED TO FINISHED GRADE WITH SCREENED COMPOSTED SEWAGE SLUDGE OR FINE GRADE TOPSOIL (SUBMIT SAMPLE FOR APPROVAL) USE EQUIPMENT AND METHODS COMMON TO SUCH WORK AND TILL SOIL TO THOROUGHLY INCORPORATE THE SCREENED COMPOSTED SLUDGE INTO EXISTING SOIL

F SCREENED COMPOSTED SLUDGE UNIFORMLY APPLY SCREENED COMPOSTED SLUDGE OVER AREAS TO BE TOP DRESSED AT THE RATE OF 1½ CUBIC YARDS PER 1000 SQ FT NO COMPOSTED SLUDGE WHICH IS SO WET THAT IT WILL CLOD OR CAKE SHALL BE SPREAD

G FERTILIZER, FOLLOWING THE AERATION PROCESS, APPLY A STARTER FERTILIZER EVENLY AT THE RATE OF 1 CY/1000 SQ FT INTO THE TOP 2 INCHES OF SOIL BY CROSS DISKING OR OTHER APPROPRIATE METHOD

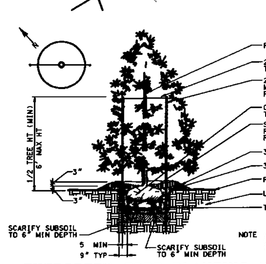
H SOW SEED ONLY AFTER THE SCREENED SOIL AMENDMENT AND FERTILIZER HAVE BEEN APPLIED AND THOROUGHLY SETTLED BY RAINFALL OR WATERING OVERSEED LAWN AREAS EVENLY AT A RATE OF 2 LBS/1000 SQ FT SEED WITH EQUIPMENT THAT PROVIDES A MULTI-DIRECTIONAL SEEDING PATTERN TO ENSURE PROPER SEEDING RATE AND UNIFORMITY OF SEEDING

I MULCHING AFTER SEEDING, COVER BARE AREAS THAT HAVE BEEN REPAIRED WITH CLEAN WHEAT STRAW A MINIMUM OF 50% OF THE SOIL SURFACE SHALL BE COVERED UNTIL GERMINATION HAS OCCURRED

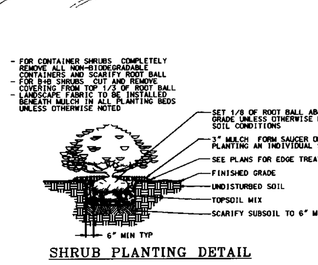
LANDSCAPE PLANTING SCHEDULE (SITE)

SYMBOL	QTY	BOTANICAL/COMMON NAME	SIZE	REMARKS
	18	Acer rubrum 'Red Sunset' Red Sunset Maple	12-14' HT 2-2½" CAL	B & B FULL 40' O C
	34	Tsuga Canadensis Canadian Hemlock	7-8' HT.	B & B FULL 9' O.C.
	6	Viburnum dilatatum Linden Viburnum	2-3' HT 2-3' SPD	B & B FULL 6' O.C.
	80	Euonymus Kiautschovicus 'Manhattan' Spreading Euonymus	2-2½' HT 2-2½' SPD.	B & B FULL 4' O C
	105	Ilex glabra Inkberry	2½-3' HT 2½-3' SPD	B & B FULL 3' O C
	200	Liriope muscari 'Big Blue' Big Blue Lilyturf	2 QT	CONT FULL 12" O C
	200	Narcissus 'King Alfred' King Alfred Yellow Trumpet Daffodil	Top Size Qual Bulbs	12" O C
	80	Juniperus conferta Shore Juniper	6-9" HT 12-15" SPD	CONT FULL 2' O C

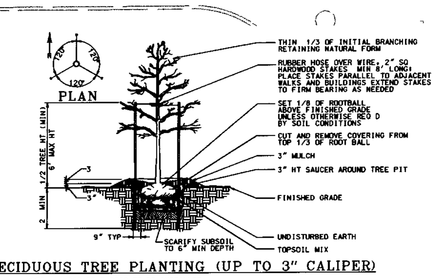
NOTE. ALL SUBSTITUTIONS MUST BE APPROVED BY LANDSCAPE ARCHITECT



EVERGREEN TREE PLANTING DETAIL



SHRUB PLANTING DETAIL



DECIDUOUS TREE PLANTING (UP TO 3" CALIPER)

NOTE LANDSCAPE FABRIC TO BE INSTALLED BENEATH MULCH IN ALL PLANTING BEDS UNLESS OTHERWISE NOTED

REVISIONS		
REV#	DATE	DESCRIPTION

OWNER
CARL T JULIO
EDWARD V JULIO
PHYLLIS JULIO DELLA ROCCA
10 PARKS AVENUE
COCKEYSVILLE, MD 21030-4922

DEVELOPER
WAWA, INC.
REAL ESTATE DEPT.
260 W. BALTIMORE PIKE
WAWA, PA 19063

FREDERICK WARD ASSOCIATES, INC.
ENGINEERS ARCHITECTS SURVEYORS
P O Box 727, 5 South Main Street Bel Air, Maryland 21014-0727
Phone 410-879-2090 or 410-838-7900 Fax 410-893-1243
Columbia, Maryland Warrenton, Virginia

LANDSCAPE PLAN
WAWA, INC.
NORTH POINT VILLAGE
NORTH POINT BOULEVARD
15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

ENGINEER'S SEAL

DATE 07/26/01
SCALE 1"= 20'
DESIGNED BY KLS
DRAWN BY CM
DRAWING NO L1
SHEET 1 OF 1
FWA JOB NUMBER 20111111.00

M PROJECTS\ 20111111\ENGR\L1DGN CM0701

\20111111\ENGR\REND01 dgn 08/02/01 12 48 43 PM

Pat ex #4

1711

PETITION FOR SPECIAL EXCEPTION

IN THE MATTER OF

APPLICATION
JOHN W. CONSTABLE
ET AL & E. SCHMIDT

For a special permit

To The Zoning Commissioner of Baltimore

The Lessee, Title State of Florida Market _____ Legal Owner

Yellow, Incorporated _____ Contract Purchaser

hereby petition for a special permit, under the zoning regulations and restrictions passed by the County Commissioners of Baltimore County, pursuant to Chapter 477 of the Acts of the General Assembly of Maryland of 1943, for a certain permit and use, as provided under said regulations and Act, as follows:

A Special permit to use the land and improvements now or to be erected thereon) hereinafter described for gasoline service station

BEGINNING for the same at the intersection of the southeast side of Eastern Avenue Dual Highway (110 feet wide with the northeast side of Jeffersonville Court (50 feet wide, and running thence southwesterly binding on the northeast side of Eastern Avenue Dual Highway 125 feet, thence binding southeasterly parallel with Jeffersonville Court 82 feet more or less to the center line of an alley 15 feet wide there at wide, thence running northeasterly binding on the center line of said alley 125 feet to the southeast side of Jeffersonville Court, thence northwesterly binding on the southeast side of Jeffersonville Court 67 feet more or less to the place of beginning

Witness the signature _____ (Lessee or Purchaser)

By _____ President

111 Yellow Road _____ Address

Witness the signature _____

GERALDINE MAGNET _____ (Legal Owner)

By: _____ Martin Magnet, Contributing

111 E. Fayette Street _____ Address

Hearing

Hearing

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Date 19 _____ 1791

Posted for: Zone Petition
Petitioner: Title of Ephraim Market
Location: Corner of Eastern Boulevard and Jeffersonville Rd.
Posted by: _____

THE BALTIMORE COUNTIAN

THE BALTIMORE COUNTIAN

By: P.J. Bryan
Editor and Manager

REPORTED of William S. Hamson, the sum of Twenty (20.00) Dollars, being cost of $91.81 for posting signs advertising and posting of property, northeast side of Eastern Boulevard 494 feet southeast of Jeffersonville Road, in the 15th District of Baltimore County.

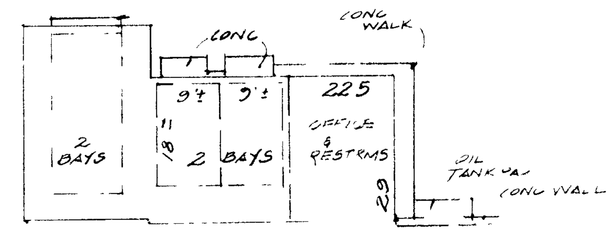
DET 2

NOTES

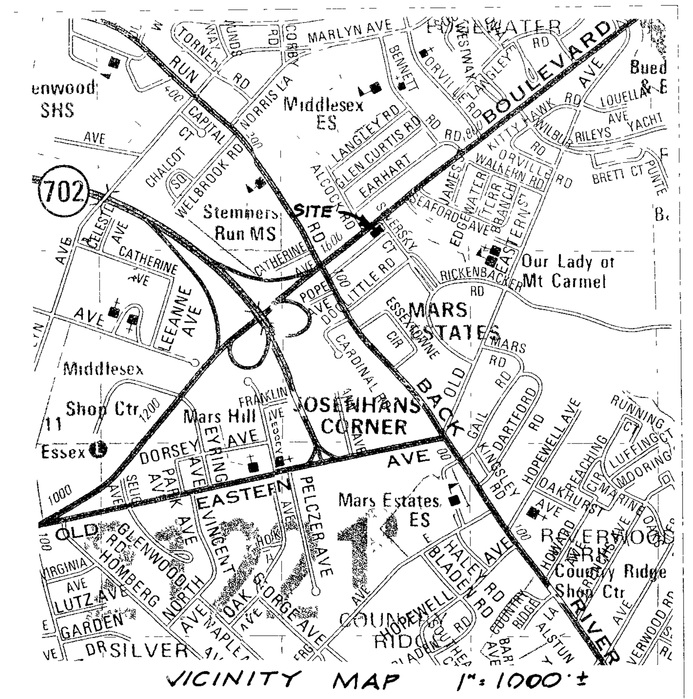
1 PRIOR ZONING CASE. SPECIAL PERMIT FOR GASOLINE SERVICE STATION (#1791) 8 17 50. (NOW ABANDONED)
2 OWNERSHIP
MARK MCALLISTER
DEED REFERENCE 14170/481
1712 EASTERN BLVD
BALTIMORE, MD 21221-2105
PHONE: 1-561-784-3358
3 PROPERTY INFORMATION
TAX MAP 90 GRID 22 PARCEL 83
ACCT NO 1502370340
4 AREA OF SUBJECT LOT. 9,287 SF+- OR 0 213 AC +- NET (0 349 AC ± GROSS)
5 PUBLIC WATER AND SEWER AS REFERENCED HEREON
6 ZONING OF SITE BL-AS
ZONING OF SURROUNDING PROPERTIES. BL-AS, BR,D R 16, BM, BL
7 SITE LIES OUTSIDE CBCA PER MAP NO 90
8 SITE LIES WITHIN FLOOD ZONE C PER F I R M. NO 240010 430 B
9 FLOOR AREA RATIO = 2475/15248 = 0.16
10 PARKING REQUIREMENTS:

2475 SF X 3 3/1000 SF = 9 SPACES

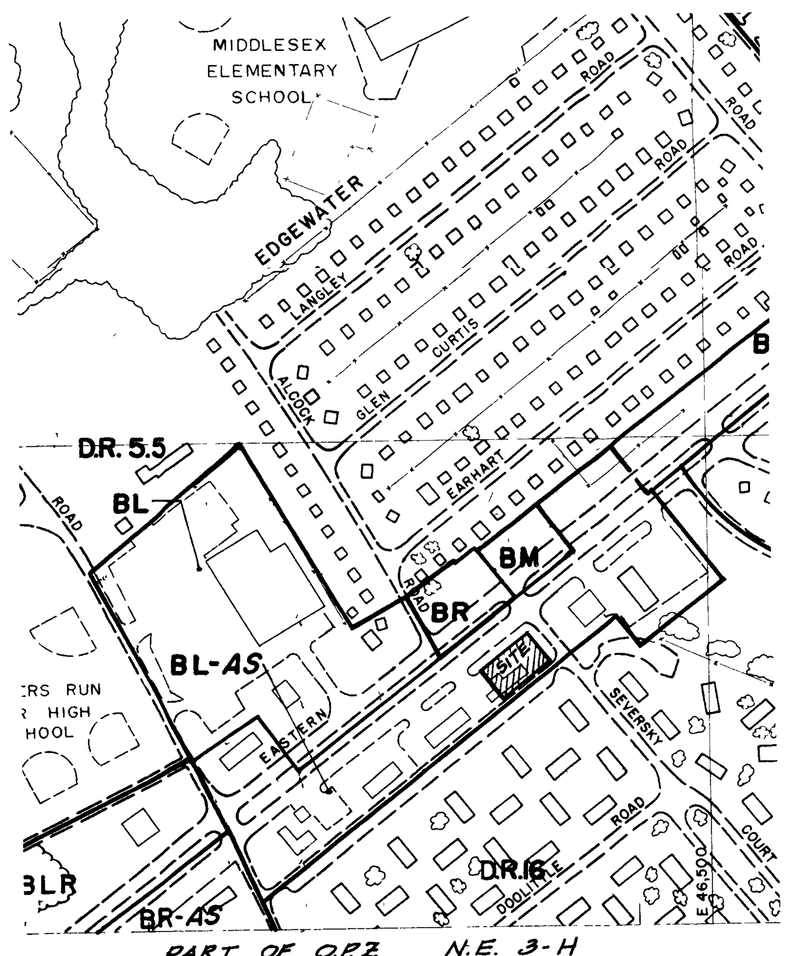
TOTAL SPACES REQUIRED	9 SPACES
TOTAL SPACES PROVIDED	10 SPACES



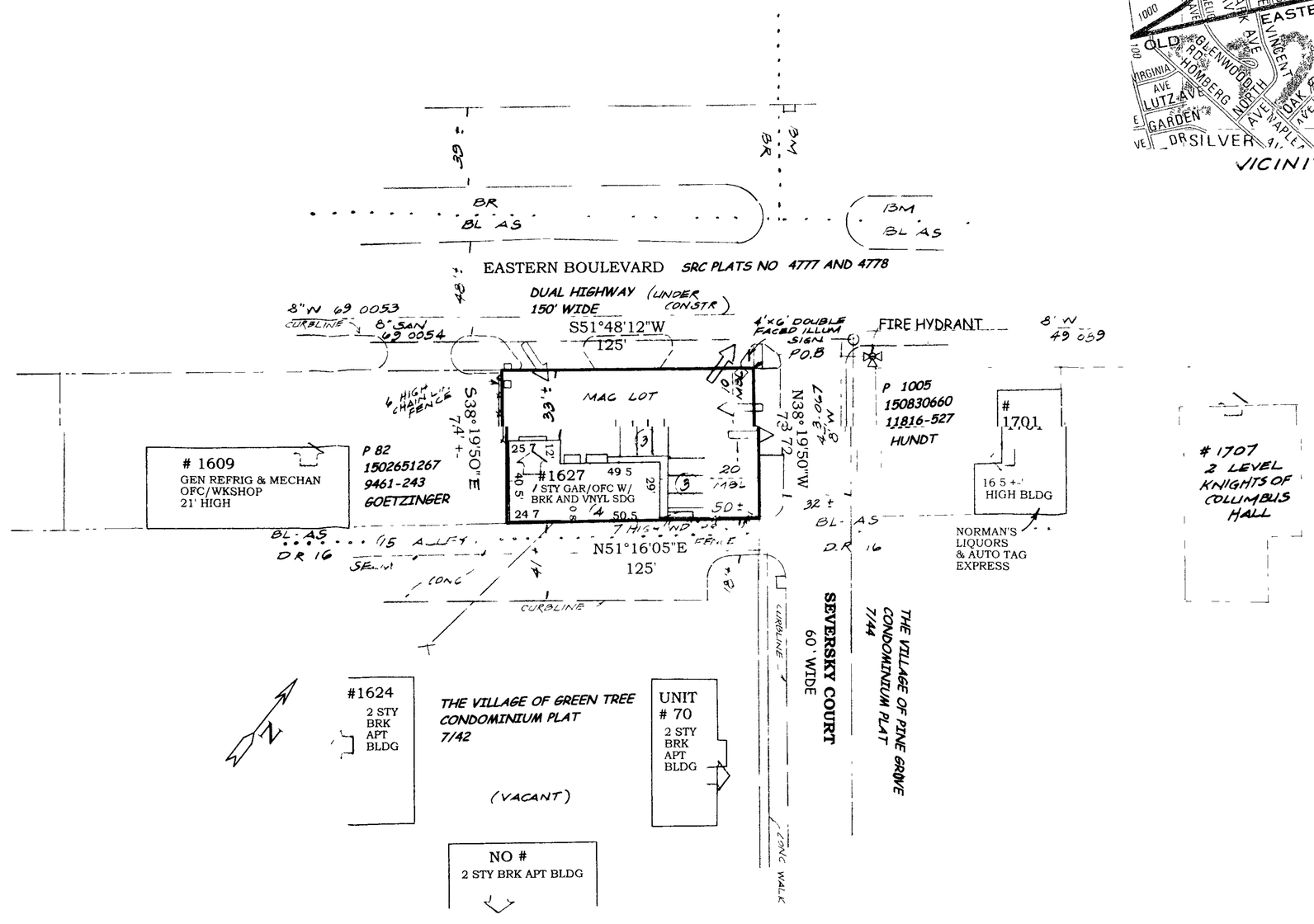
DETAIL BLDG 1"=20



VICINITY MAP 1"=1000'±



PART OF O.P.Z. N.E. 3-H
1"=200'±



J.S. DALLAS, INC.
Surveying & Engineering
13523 Long Green Pike
Baldwin, MD. 21013
(410) 817-4600

* AND VARIANCE

SITE PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION* FOR A SERVICE GARAGE IN A BL-AS ZONE

1627 EASTERN BOULEVARD

15TH ELEC DIST 5TH COUNC DIST BALTIMORE COUNTY, MD.
SCALE: 1"= 40' APRIL, 2001

01-506-XA

J.O.# 01-888

PET 1

NOTES

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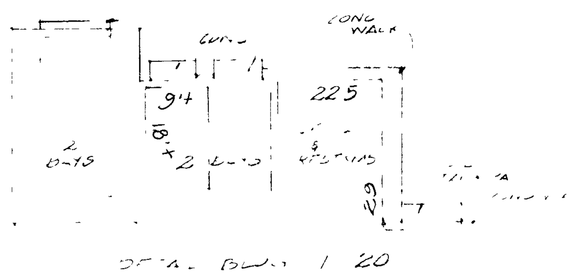
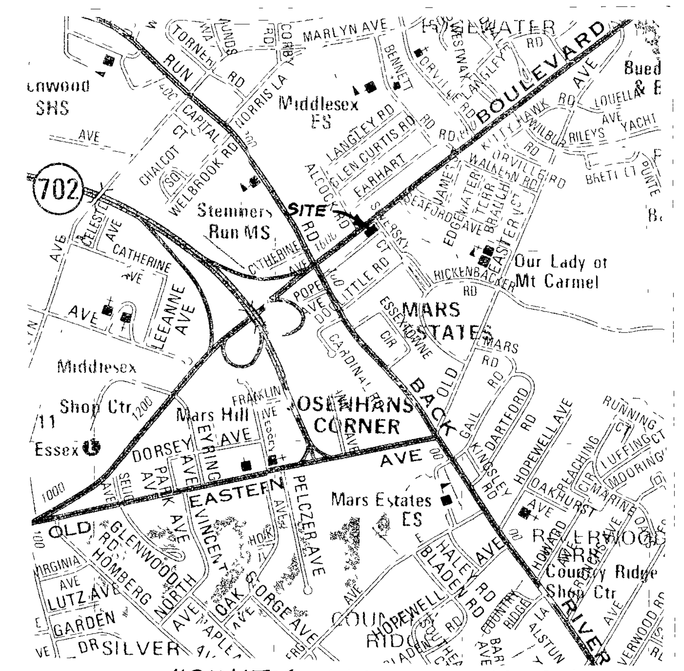
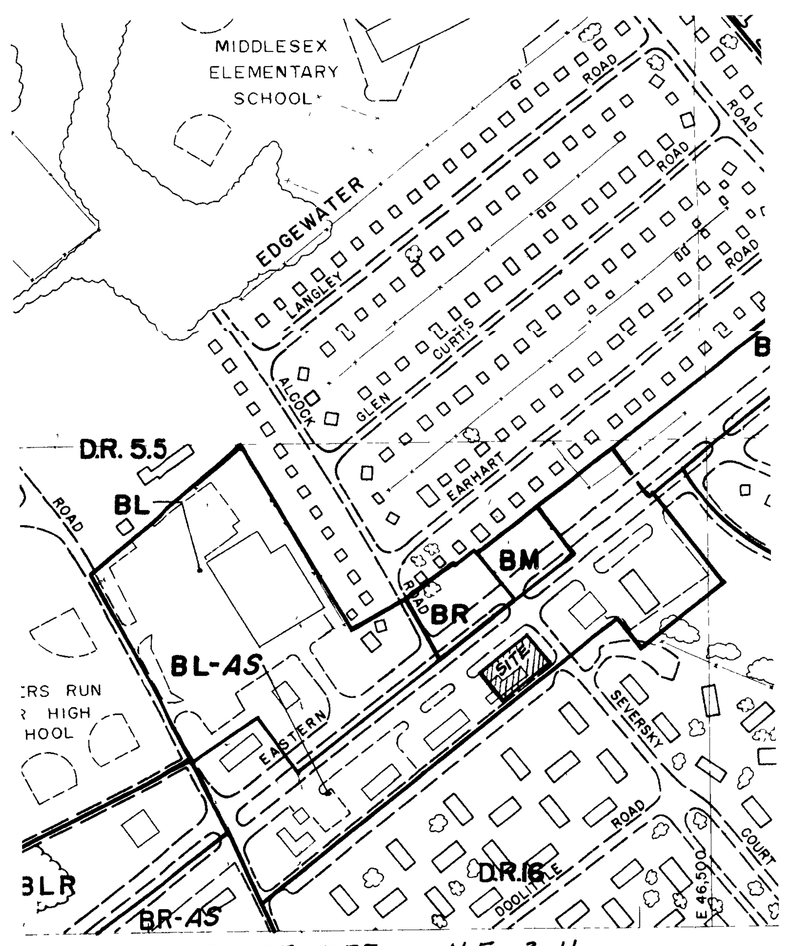
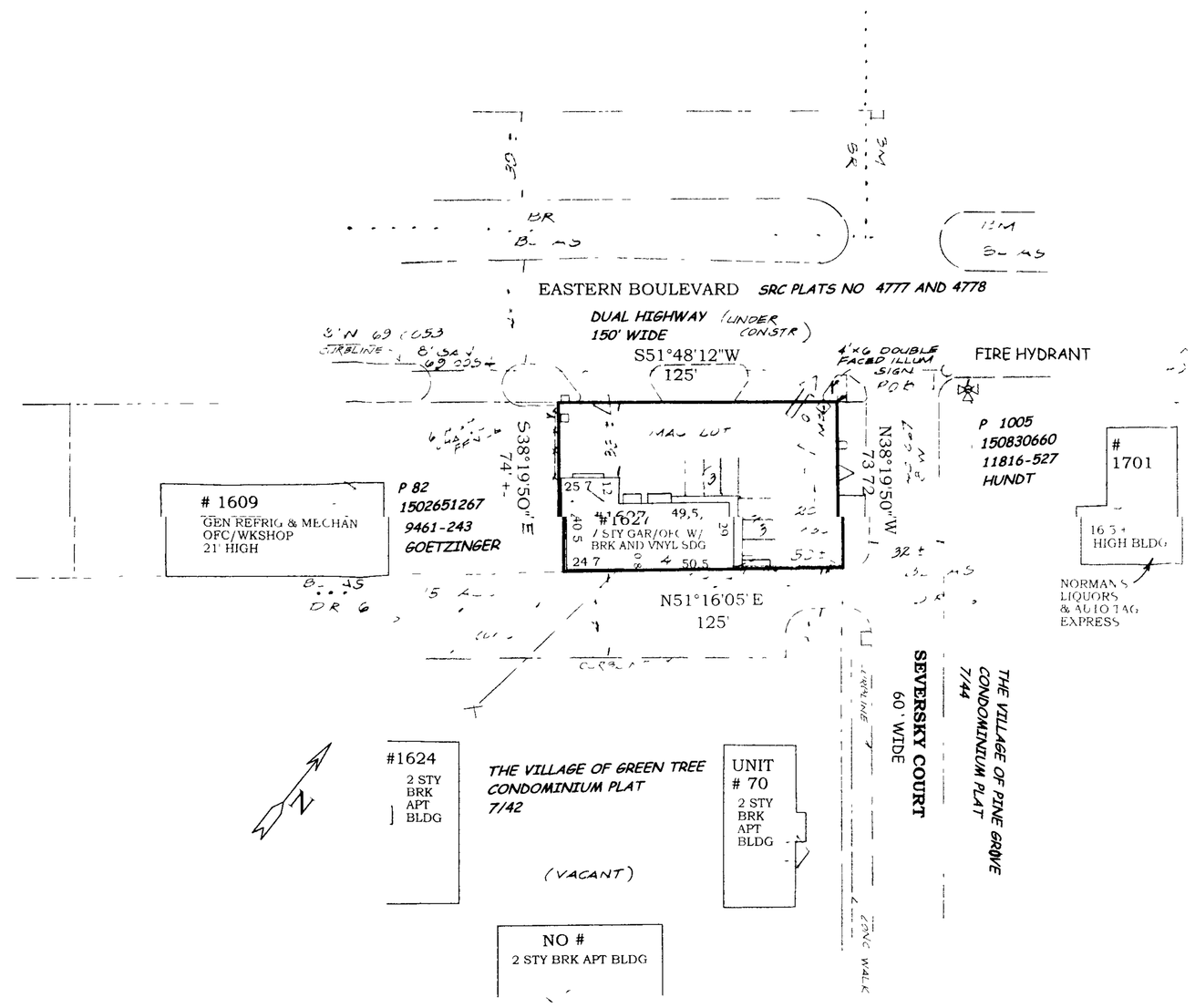




VICINITY MAP 1" = 1000' ±



PART OF O.P.Z. N.E. 3-H
1" = 200 ±



1707
2 LEVEL
KNIGHTS OF COLUMBUS HALL

Pet Ex #1

J.S. DALLAS, INC.
Surveying & Engineering
13523 Long Green Pike
Baldwin, MD. 21013
(410) 817-4600

SITE PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION* FOR A SERVICE GARAGE IN A BL-AS ZONE

1627 EASTERN BOULEVARD

* AND VARIANCE

15TH ELEC DIST 5TH COUNC DIST BALTIMORE COUNTY, MD
SCALE 1" = 40' APRIL , 2001

#506 CTM JO # 01 888

DEVELOPMENT SUMMARY

ADDRESS 4043 NORTH POINT BLVD
BALTIMORE, MARYLAND

1 ELECTION DISTRICT 15TH
COUNCILMANIC DISTRICT 7TH

2 CENSUS TRACT 4525
WATERSHED . . . 35
SUBWATERSHED.. 42

3 PROPERTY ZONED BL-AS (BUSINESS LOCAL AUTOMOTIVE SERVICES)
PARCEL . . . 39 GRID . . . 8
TAX MAP . . . 104 PLAT. . .. 20/60
TAX ACCOUNT No 15-14650611
DEED REFERENCE E.H.K. JR 5397/561
PARCEL AREA . . . LOT 2- 1.453 AC
AREA OF SPECIAL EXCEPTION 1.459 AC

5 EXISTING USE RETAIL

6 PROPOSED USE FUEL SERVICE STATION
CONVENIENCE RETAIL
CARRY OUT RESTAURANT
FRONT YARD 35 FEET
SIDE YARD. NONE (ADJACENT TO BL)
CANOPY SETBACK 15 FEET
FUEL PUMP SETBACK 25 FEET

7 AREA REQUIREMENTS
12 (TWELVE) FUELING SPACES X 1500 SPACE= 18000 SF
1 (ONE) ATM= 1,000 SF
CONVENIENCE STORE 4,000 SF X 4 = 16,000 SF
CARRY-OUT RESTAURANT 1740 SF X 6= 10,440 SF
TOTAL SQUARE FEET (BUILDING) 5,740 SF
TOTAL MIN LOT AREA 45,440 SF

8 PARKING REQUIRED
1 SPACE/EMPLOYEE - 3 SPACES
1 SPACE/AIR WATER UNIT = 1 SPACE
1 SPACE/ATM = 1 SPACE
5 SPACES/1000 SF CONVENIENCE AREA = 20 SPACES
5 SPACES/1000 SF (CARRY-OUT ONLY) RESTAURANT= 9 SPACES

TOTAL SPACES REQUIRED = 34 SPACES
TOTAL SPACES PROVIDED = 42 SPACES
TYPICAL PARKING SPACE (9 FEET x 18 FEET)

9 LANDSCAPE BUFFERS
RIGHT-OF-WAY- 10 FEET
RIGHT-OF-WAY (ACROSS FROM RESIDENTIAL)- REQ 10 FEET
(PROVIDED 20 FEET)

10 ACCESS POINTS
ONE 35' WIDE ENTRANCE FROM NORTH POINT BOULEVARD
ONE 30' WIDE ENTRANCE FROM SAINT MONICA DRIVE
ONE 30' WIDE ENTRANCE FROM SAINT BRIDGET LANE

11 EXISTING IMPERVIOUS AREA- 63,554.00 SF
PROPOSED IMPERVIOUS AREA- 50,480.00 SF

12 THE SITE IS NOT WITHIN THE 100 YR FLOOD PLAIN BASED ON THE FEMA FLOOD INSURANCE MAP PANEL 240010 0440C NOVEMBER 1, 1993

13 THERE ARE NO EXISTING WETLANDS WITHIN SITE BOUNDARY

14 THE SITE IS NOT DESIGNATED AN AREA OF CRITICAL STATE AND NOT WITHIN CHESAPEAKE BAY CRITICAL AREA

15 THE SITE IS EXEMPT FROM OPEN SPACE REQUIREMENTS

16 RESTROOMS, WATER AND COMPRESSED AIR WILL BE PROVIDED FOR CUSTOMERS PER SECTION 405.4.B OF THE BALTIMORE COUNTY ZONING REGULATIONS

17 THE PROPERTY IS NOT LOCATED WITHIN A NATIONAL REGISTER OR A BALTIMORE HISTORICAL DISTRICT NOR ARE ANY OF THE EXISTING STRUCTURES LISTED AS FEDERAL, STATE OR BALTIMORE COUNTY HISTORICAL LANDMARKS. NO STRUCTURES ARE LISTED ON THE MARYLAND INVENTORY OF HISTORICAL PROPERTIES

18 HOURS OF OPERATION WILL BE 24 HOURS A DAY, 7 DAYS A WEEK

19 SIGNAGE WILL BE IN COMPLIANCE WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING ORDINANCE

20 ZONING HISTORY
PERMITS- ORIGINAL PROPERTY DEVELOPMENT OCCURED IN 1956. AFTER CONDUCTING A CHECK OF BALTIMORE COUNTY BUILDING AND OTHER RECORDS, THERE WAS NO PERMIT INFORMATION FOUND THAT PRE DATES THIS DEVELOPMENT

21 PROPERTY IS WITHIN THE URBAN- RURAL DEMARCATION LINE (URDL)

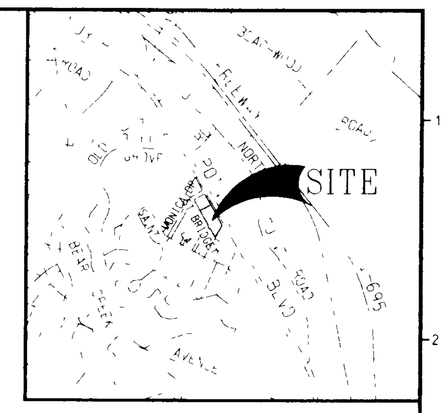
HEARING: IN 1961 PETITION FOR SPECIAL EXCEPTION GRANTED FOR GASOLINE SERVICE STATION (CASE NO. 5508-XA) ABANDONED

RELIEF REQUESTED

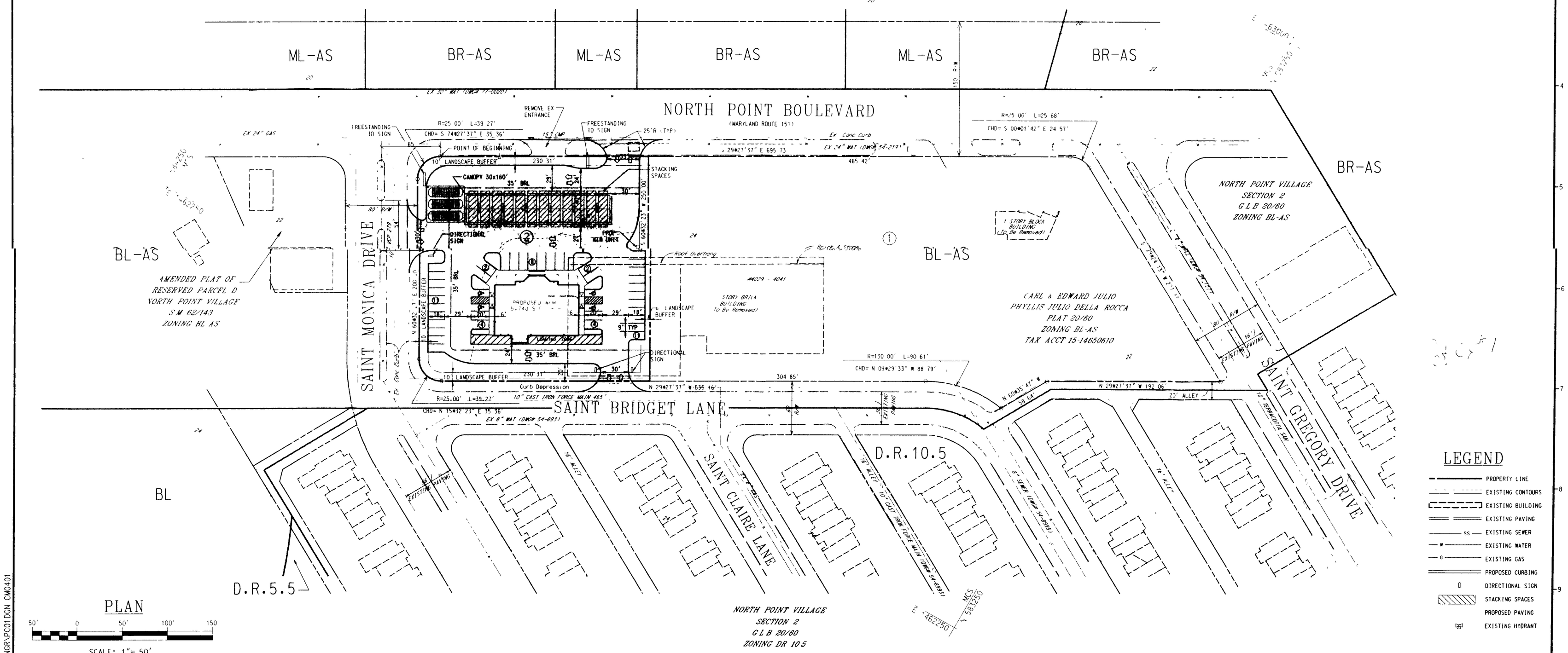
PETITION FOR SPECIAL EXCEPTION.

TO PERMIT A FUEL SERVICE STATION USE IN COMBINATION WITH A CONVENIENCE STORE AND CARRY-OUT RESTAURANT

BR-AS — ZONING BOUNDARY



VICINITY MAP



PLAN

SCALE: 1"= 50'

LEGEND

- PROPERTY LINE
- EXISTING CONTOURS
- EXISTING BUILDING
- EXISTING PAVING
- SS — EXISTING SEWER
- W — EXISTING WATER
- G — EXISTING GAS
- PROPOSED CURBING
- DIRECTIONAL SIGN
- STACKING SPACES
- PROPOSED PAVING
- EXISTING HYDRANT

REVISIONS		
REV#	DATE	DESCRIPTION

OWNER
CARL T JULIO
EDWARD V JULIO
PHYLLIS JULIO DELLA ROCCA
10 PARKS AVENUE
COCKEYSVILLE, MD 21030-4922

DEVELOPER
WAWA, INC
REAL ESTATE DEPT.
260 W. BALTIMORE PIKE
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Phone. 410-879-2090 or 410-838-7900 Fax 410-893-1243
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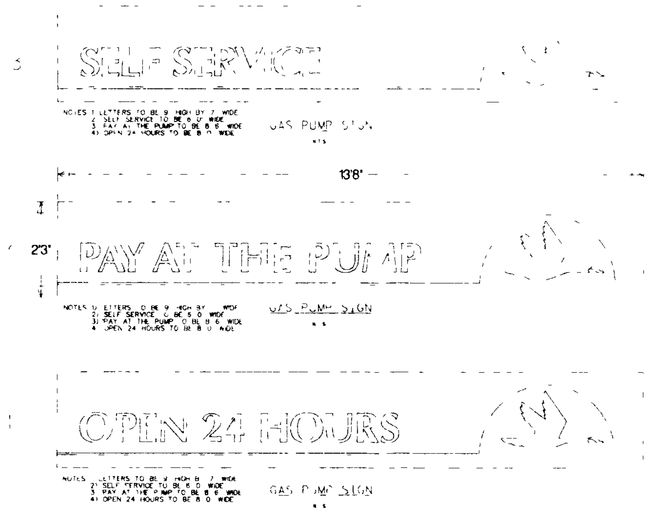
SITE PLAN TO ACCOMPANY SPECIAL EXCEPTION
WAWA, INC.
NORTH POINT VILLAGE
NORTH POINT BOULEVARD
15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

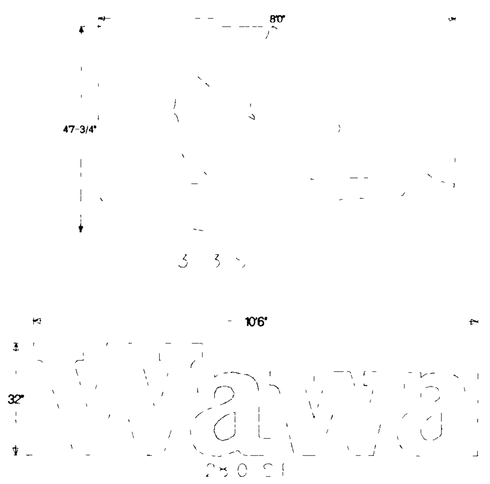
ENGINEER'S SEAL

DATE	06/07/01
SCALE	1"= 50'
DESIGNED BY	KLS
DRAWN BY	CM
DRAWING NO	SE1
SHEET	1 OF 2
FWA JOB NUMBER	2011111.00

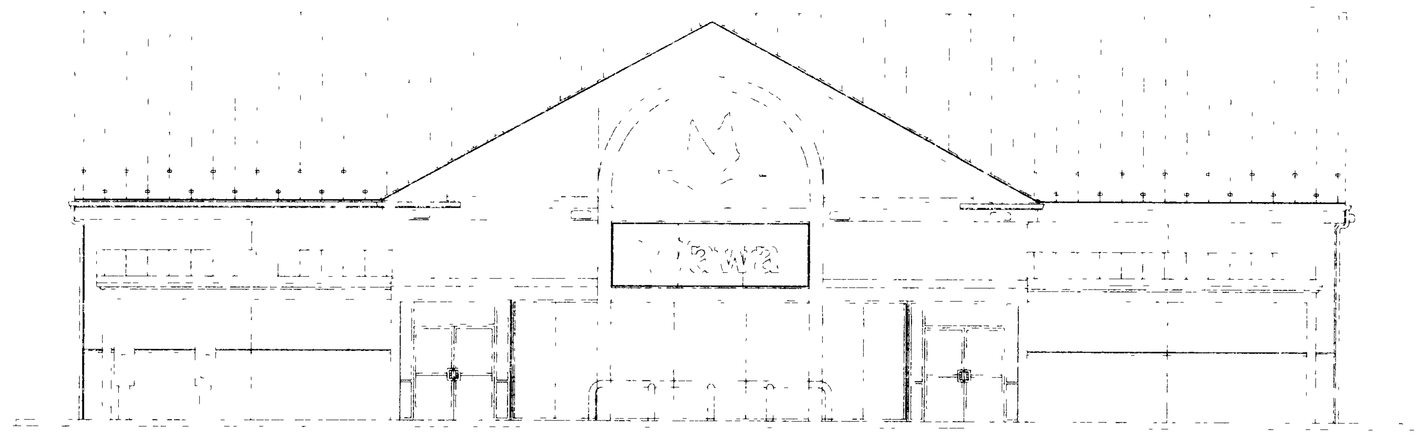
M:\PROJECTS\ 2011111\ENGR\PC01DGN CM0401

JNP 01-520-X

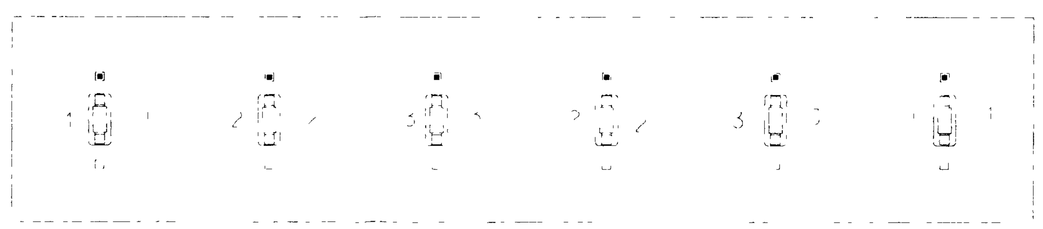




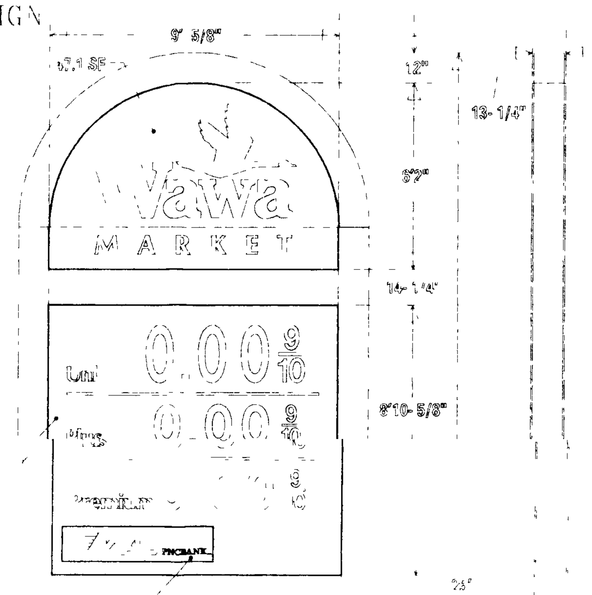
ILLUMINATED WALL SIGN

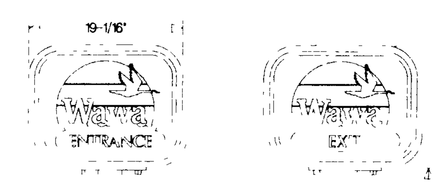


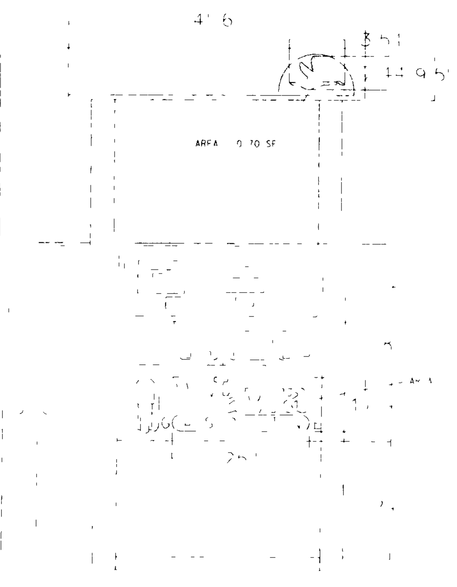
FRONT CONVENIENCE STORE ELEVATION (EAST)



CANOPY PLAN

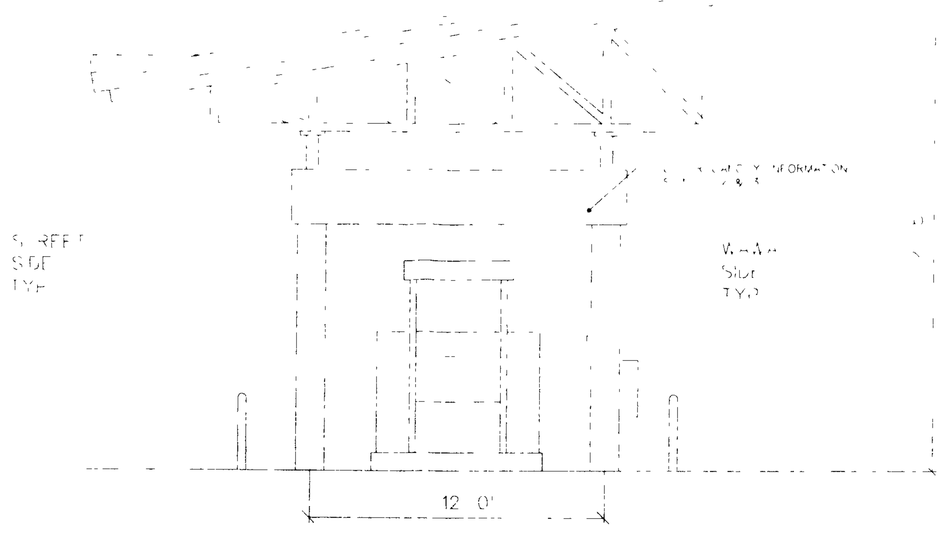






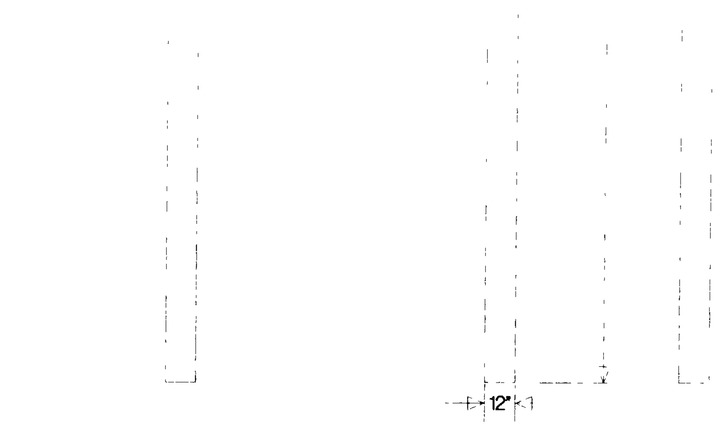
DIRECTIONAL SIGNS

PUMP INFORMATION SIGNS



CANOPY ELEVATION

NOT TO SCALE



FREESTANDING POLE SIGN

NOT TO SCALE

SIGNAGE CALCULATIONS

I FREESTANDING ENTERPRISE SIGNAGE
A PERMITTED 100 SQ FT (PURSUIT TO BCZR 450 ET SEQ)

B PROPOSED

FREESTANDING SIGNS	TWO
WAWA I D	47 1 SF
ATM	5 8 SF
TOTAL	52 9 SF

* PRICE BOARD. (EXEMPT) 80 4 SF - ATM OR 74 6 SF

II SERVICE STATION/CANOPY ENTERPRISE SIGNAGE

A PERMITTED 25 SQ FT EA PER CANOPY SIGN (MAXIMUM OF 6)
(PURSUANT TO BCZR 450 ET SEQ)

B PROPOSED NONE

III WALL MOUNTED ENTERPRISE SIGNAGE
TWICE THE LENGTH OF THE SIGN WALL TO WHICH SIGN IS AFFIXED

A EAST WALL PERMITTED 2 x 92' - 9" = 185 5 SQ FT
PROPOSED 65 3 SF

B NORTH WALL. PERMITTED 2 x 56 -9"= 113 5 SQ FT
PROPOSED NONE

M:\PROJECTS\ 2011\ENGR\PC03 DGN CMD401

REVISIONS		
REV#	DATE	DESCRIPTION

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NORTH POINT VILLAGE
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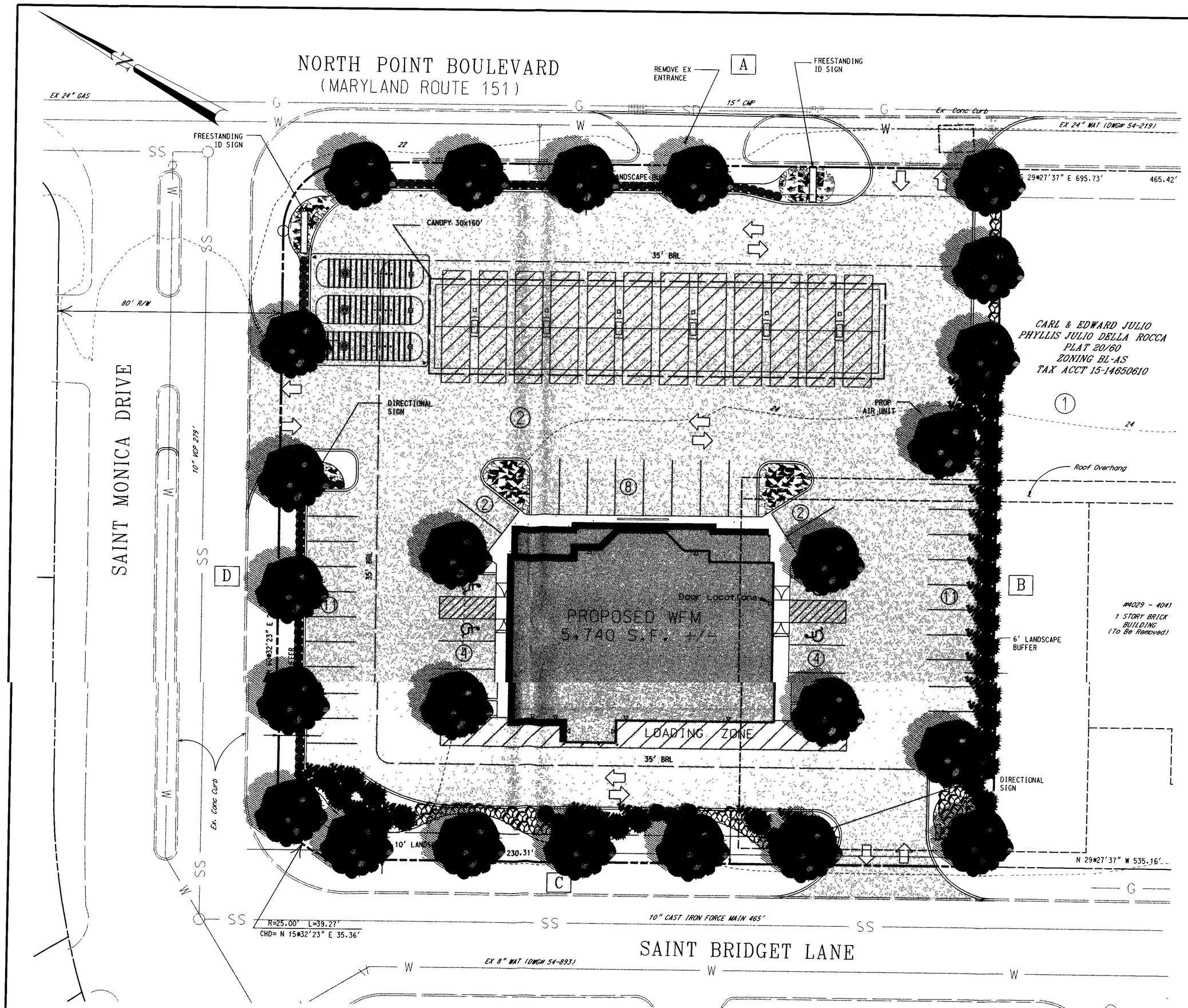
06/07/01
SCALE NTS
DESIGNED BY KLS
DRAWN BY CM

SE2
SHEET 2 OF 2
FWA JOB NUMBER 2011111.00



LANDSCAPE SUMMARY

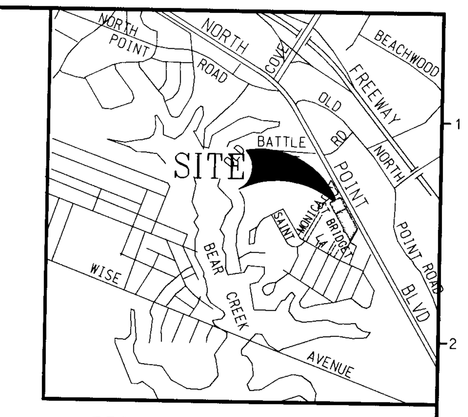
A PUBLIC RIGHT-OF-WAY (CLASS B)
10' BUFFER REQUIRED
195 LF @ 1 PU/15 LF = 13 PLANTING UNITS REQUIRED
4 SHADE TREES = 4 PU'S
45 SHRUBS = 9 PU'S
13 TOTAL PLANTING UNITS PROVIDED

B ADJACENT TO COMMERCIAL
6' BUFFER REQUIRED
250 LF @ 1 PU/10 LF = 25 PLANTING UNITS REQUIRED
6 SHADE TREES = 6 PU'S
21 EVERGREEN TREES = 10 5 PU'S
40 SHRUBS = 8 PU'S
250 SF GROUNDCOVER = 0.5 PU'S
25 TOTAL PLANTING UNITS PROVIDED

C PUBLIC RIGHT-OF-WAY (CLASS B)
10' BUFFER REQUIRED- 20' PROVIDED
200 LF @ 1 PU/15 LF = 13.5 PLANTING UNITS REQUIRED
5 SHADE TREES = 5 PU'S
13 EVERGREEN TREES = 6 5 PU'S
40 SHRUBS = 8 PU'S
19.5 TOTAL PLANTING UNITS PROVIDED

D PUBLIC RIGHT-OF-WAY (CLASS B)
10' BUFFER REQUIRED
245 LF @ 1 PU/15 LF = 16.5 PLANTING UNITS REQUIRED
5 SHADE TREES = 5 PU'S
60 SHRUBS = 12 PU'S
17 TOTAL PLANTING UNITS PROVIDED

PARKING LOT INTERIOR LANDSCAPE
36,180 SF OF PARKING LOT AREA @ 7% = 2,533 SF REQUIRED
42 PARKING SPACES @ 1 PU/12 SPACES = 3.5 PU'S REQUIRED
3,455 SF LANDSCAPED AREA PROVIDED (INCLUDES ADDITIONAL
10' BUFFER TO RESIDENTIAL ALONG ST. BRIDGET LANE)
4 SHADE TREES = 4 PU'S
4 TOTAL PLANTING UNITS PROVIDED



VICINITY MAP

1"=2000'

GENERAL PLANTING NOTES

1 ALL PLANT MATERIAL SHALL CONFORM TO THE SIZES GIVEN IN THE PLANT LIST AND SHALL BE NURSERY GROWN IN ACCORDANCE WITH THE "USA STANDARD FOR NURSERY STOCK," LATEST EDITION

2 ALL PLANTING SHALL BE IN ACCORDANCE WITH STANDARD AMERICAN ASSOCIATION OF NURSERYMEN PROCEDURES AND SPECIFICATIONS.

3 CONTRACTOR AND OWNER'S REPRESENTATIVE SHALL VERIFY THE CORRECT LOCATION OF ALL UNDERGROUND UTILITIES IN THE FIELD PRIOR TO INSTALLATION OF ANY PLANT MATERIALS

4 PLANT MATERIAL LOCATION TO BE STAKED IN THE FIELD AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING

5 ALL PLANT BEDS AND PLANTING AREAS TO BE MULCHED TO A DEPTH OF 3" SHREDDED HARDWOOD BARK UNLESS OTHERWISE NOTED ON DRAWINGS OR SPECIFICATIONS

6. ALL AREAS DISTURBED BY PLANTING OPERATIONS SHALL BE FINE GRADED AND SEEDED.

7 OBTAIN APPROVAL FROM OWNER'S REPRESENTATIVE BEFORE MAKING ANY SUBSTITUTIONS OR CHANGES

8 ALL PLANT BEDS SHALL BE CONTAINED WITH A SPADED EDGE UNLESS OTHERWISE NOTED ON DRAWINGS

9 QUANTITIES SHOWN ON PLANT LIST ARE FOR THE CONTRACTORS CONVENIENCE ONLY AND ARE NOT GUARANTEED TO BE ACCURATE IN THE EVENT OF A DISCREPANCY BETWEEN QUANTITIES SHOWN ON THE PLAN AND QUANTITIES SHOWN ON THE PLANT LIST. THE QUANTITIES ON THE PLAN SHALL APPLY

10 THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY CODE AND THE LANDSCAPE MANUAL.

11. GENERAL CONTRACTOR IS TO PROVIDE ALL MATERIALS AND LABOR, INCLUDING PLANTS, PLANTER FILL MATERIALS, MULCHES, SOIL PREPARATION, DECORATIVE ITEMS, INSPECTION, TRANSPORTATION, WARRANTY, ETC

12. TOPSOIL TO A DEPTH OF 4" IN ALL AREAS TO BE SEEDED OR SODDED.

13 EACH PLANTING BED AREA IS TO RECEIVE A MINIMUM OF 6" OF PREPARED SOIL CULTIVATED TO A 12" DEPTH PREPARED SOIL SHALL BE MIXED AS FOLLOWS 2/3 SANDY LOAM TOPSOIL FREE OF ROOTS, ROCKS, WEEDS, AND OTHER DEBRIS AND 1/3 PEAT MOSS OR APPROVED ORGANIC MULCH.

14 SOIL ADDITIVES TO BE GRANULAR FERTILIZER OF 1.2 1 RATIO. SOIL OUTSIDE RANGE OF 5 0 - 7 0 pH SHALL BE TREATED APPROPRIATELY TO CORRECT FOR HIGH ALKALINITY OR ACIDITY

15 THE USE OF ON-SITE TOPSOIL MUST BE APPROVED IN ADVANCE BY LANDSCAPE ARCHITECT.

16 ALL BEDS TO BE TREATED WITH GRANULAR PREEMERGENT WEED CONTROL PER MANUFACTURER'S SPECIFICATIONS. LANDSCAPE FABRIC TO BE INSTALLED BENEATH MULCH IN ALL PLANTING BEDS EXCLUDING GROUND-COVER AND PERENNIAL AREAS USE TREFLAN OR EQUAL AS APPROVED BY LANDSCAPE ARCHITECT

17. SODDED AND SEEDED AREAS SHALL BE PROPERLY PREPARED. FINISH GRADED AND HAND ROLLED PRIOR TO SOD PLACEMENT OR SEEDING SEEDED AREAS SHALL BE RE-SEEDED AS NECESSARY TO PROVIDE AN EVEN STAND OF GRASS.

18. PROVIDE A WARRANTY ON ALL WORK FOR A MINIMUM OF ONE YEAR INCLUDING ONE CONTINUOUS GROWING SEASON COMMENCE WARRANTY ON THE DATE IDENTIFIED IN THE CERTIFICATE OF SUBSTANTIAL COMPLETION. WARRANTY TO INCLUDE COVERAGE OF PLANTS FROM DEATH OR UNHEALTHY CONDITIONS. REPLACEMENT PLANTS SHALL BE THE SAME SIZE AND SPECIES AS SPECIFIED. PLANTED IN THE NEXT GROWING SEASON WITH A NEW WARRANTY COMMENCING WITH THE DATE OF THE REPLACEMENT.

19 MAINTAIN PLANT LIFE IMMEDIATELY AFTER PLACEMENT AND CONTINUE MAINTENANCE UNTIL TERMINATION OF WARRANTY. MAINTENANCE TO INCLUDE WEEDING, APPLICATIONS OF PESTICIDES, WATERING, TRIMMING AND PRUNING, DISEASE CONTROL, AND MAINTENANCE OF PLANT BRACING EQUIPMENT.

AREAS TO BE TOP DRESSED

A PRIOR TO ALL SOIL PREPARATION WORK, ALL CONSTRUCTION AND PLANTING IN THE AREA SHALL HAVE BEEN COMPLETED

B CLEARING PRIOR TO APPLICATION OF TOP DRESS MATERIAL, THE GROUND SURFACE SHALL BE WELL DRAINED AND CLEAR OF ALL DEBRIS OR ANY OTHER MATERIAL WHICH MAY HINDER THE PROPER APPLICATION OF SUBSEQUENT MAINTENANCE OPERATIONS

C PRECAUTIONS. DO NOT WORK SOIL WHILE FROZEN OR WET. DO NOT WORK SOIL IN A DUSTY CONDITION, BUT MOISTEN TO PREVENT A DUST NUISANCE

D AERATE ALL THE TOP DRESSED AREAS, USING A CORE REMOVING AERATOR.

E ANY BARE AREAS LARGER THAN 1 SQ FT. SHOULD BE RESTORED TO FINISHED GRADE WITH SCREENED COMPOSTED SEWAGE SLUDGE OR FINE GRADE TOPSOIL (SUBMIT SAMPLE FOR APPROVAL) USE EQUIPMENT AND METHODS COMMON TO SUCH WORK AND TILL SOIL TO THOROUGHLY INCORPORATE THE SCREENED COMPOSTED SLUDGE INTO EXISTING SOIL

F SCREENED COMPOSTED SLUDGE- UNIFORMLY APPLY SCREENED "COMPOSTED" SLUDGE OVER AREAS TO BE TOP DRESSED AT THE RATE OF 1½CUBIC YARDS PER 1000 SQ FT NO COMPOSTED SLUDGE WHICH IS SO WET THAT IT WILL CLOD OR CAKE SHALL BE SPREAD.

G FERTILIZER FOLLOWING THE AERATION PROCESS, APPLY A STARTER FERTILIZER EVENLY AT THE RATE OF 1 CY/1000 SQ FT INTO THE TOP 2 INCHES OF SOIL BY CROSS DISKING OR OTHER APPROPRIATE METHOD

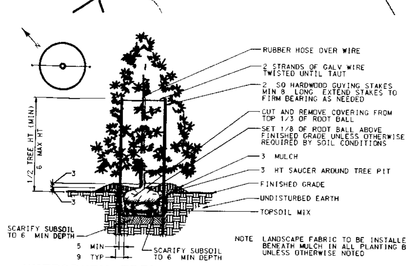
H SOW SEED ONLY AFTER THE SCREENED SOIL AMENDMENT AND FERTILIZER HAVE BEEN APPLIED AND THOROUGHLY SETTLED BY RAINFALL OR WATERING OVERSEED LAWN AREAS EVENLY AT A RATE OF 2 LBS/1000 SQ FT SEED WITH EQUIPMENT THAT PROVIDES A MULTI-DIRECTIONAL SEEDING PATTERN TO ENSURE PROPER SEEDING RATE AND UNIFORMITY OF SEEDING.

I MULCHING- AFTER SEEDING, COVER BARE AREAS THAT HAVE BEEN REPAIRED WITH CLEAN WHEAT STRAW A MINIMUM OF 50% OF THE SOIL SURFACE SHALL BE COVERED UNTIL GERMINATION HAS OCCURRED

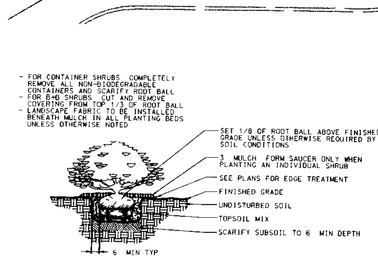
LANDSCAPE PLANTING SCHEDULE (SITE)

SYMBOL	QTY	BOTANICAL/COMMON NAME	SIZE	REMARKS
	18	Acer rubrum 'Red Sunset' Red Sunset Maple	12-14' HT. 2-2½" CAL	B & B FULL 40' O C.
	34	Tsuga Canadensis Canadian Hemlock	7-8' HT.	B & B FULL 9' O.C.
	6	Viburnum dilatatum Linden Viburnum	2-3' HT 2-3' SPD.	B & B FULL 6' O.C.
	80	Euonymus Kiautschovicus 'Manhattan' Spreading Euonymus	2-2½' HT 2-2½' SPD.	B & B FULL 4' O.C
	105	Ilex glabra Inkberry	2½-3' HT 2½-3' SPD.	B & B FULL 3' O.C
	200	Liriope muscari 'Big Blue' Big Blue Lilyturf	2 GT.	CONT FULL 12" O.C
	200	Narcissus 'King Alfred' King Alfred Yellow Trumpet Daffodil	Top Size Quality Bulbs	12" O C
	80	Juniperus conferta Shore Juniper	6-9" HT. 12-15" SPD.	CONT FULL 2' O C

NOTE: ALL SUBSTITUTIONS MUST BE APPROVED BY LANDSCAPE ARCHITECT



EVERGREEN TREE PLANTING DETAIL

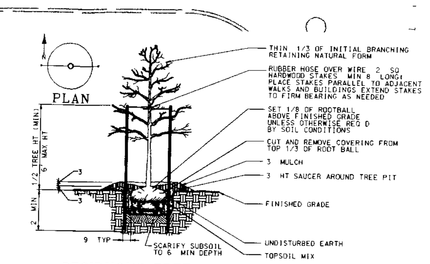


SHRUB PLANTING DETAIL

PLAN

20' 0 20' 40' 60'

SCALE: 1"= 20'



DECIDUOUS TREE PLANTING

NOTE: LANDSCAPE FABRIC TO BE INSTALLED BENEATH MULCH IN ALL PLANTING BEDS UNLESS OTHERWISE NOTED

REVISIONS		
REV#	DATE	DESCRIPTION

OWNER
CARL T JULIO
EDWARD V JULIO
PHYLLIS JULIO DELLA ROCCA
10 PARKS AVENUE
COCKEYSVILLE, MD 21030-4922

DEVELOPER
WAWA, INC.
REAL ESTATE DEPT.
260 W. BALTIMORE PIKE
WAWA, PA 19063

ENGINEERS ARCHITECTS SURVEYORS
FREDERICK WARD ASSOCIATES, INC.
P O Box 727, 5 South Main Street Bel Air, Maryland 21014-0727
Phone 410-879-2090 or 410-838-7900 Fax 410-893-1243
Columbia, Maryland Warrenton, Virginia

LANDSCAPE PLAN
WAWA, INC.
NORTH POINT VILLAGE
NORTH POINT BOULEVARD
15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

ENGINEER'S SEAL

DATE 07/26/01	DRAWING NO L1
SCALE 1"= 20'	
DESIGNED BY KLS	SHEET 1 OF 1
DRAWN BY CM	FWA JOB NUMBER 2011111.00

M:\PROJECTS\ 2011111\ENGRL\LIDGN CM0701

\2011111\ENGRUEN001 dgn 05/17/2002 02 53 25 PM

Copies to:

Kevin Small
Frederick Ward Associates, Inc.
P. O. Box 727
5 South Main Street
Bel Air, MD 21014-0727

Wes Guckert
The Traffic Group
9900 Franklin Square Drive, Suite H
Baltimore, MD 21236

Alex Krowzow
P. O. Box 1123
Bel Air, MD 21014

Greg Harvey
260 W. Baltimore Pike
WaWa, PA 19063

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1730

DATE 6/8/01

ACCOUNT R-001-006-6150

AMOUNT $ 300.00

RECEIVED FROM: Venable, Baetjer and Howard, LLP

FOR: 4043 North Point Boulevard
01-520-X (Julio/Pello-Rocca)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT	ACTUAL	TIME
6/08/2001	6/08/2001	10:21:58

REG W502 CASHIER SWAT SWAT DRAWER
>>RECEIPT # 176588 OF
Dept 5 528 ZONING VERIFICATION
CR NO. 001730

Rcpt Tot 300.00
300.00 CK .00 CH

Baltimore County, Maryland

CASHIER'S VALIDATION

Page 6

A. Yes, I am.
MR. BRENNA: I'd offer Scott Dallas as an expert.
THE CHAIRMAN: In property line surveying?
MR. BRENNAN: Correct.
THE CHAIRMAN: So accepted.
Q. Mr. Dallas, did you have an opportunity to survey the property known as 1627 Eastern Boulevard?
A. Yes, I did. We did a research and I had a field crew on site for the original zoning hearing, and also walked the site just prior to that hearing, and I walked the site again today prior to this hearing.
Q. I am directing your attention to the board. Is that the site plan that you prepared?
A. Yes, it is.
MR. BRENNAN: I'd like to mark that as Exhibit A.
THE CHAIRMAN: Accepted.
MS. BARRANGER: Petitioner's No. 1.
Q. Could you step down to the board, please?
A. Yes, sir.
Q. Can you show the respective roads in question here?

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A. Yes, the north arrow is generally heading up into the right on this drawing. We are along Eastern Boulevard, which is our main frontage. The side road is Seversky Court. We are on the southwest corner.
Q. Could you show the building there?
A. Yes. The building is L-shaped, and it's also in the southwestern corner of the property.
THE CHAIRMAN: Do you want to color-code that in yellow?
Q. Just for the Board's edification, is there a blow-up of the building on top?
A. The drawing is at forty scale and there's a detail at twenty scale of the building dimensions, and it also shows how the building is cut up into the office area with restrooms and four bays that we are showing as potential parking space.
Q. What's the size of the lot?
A. The total property net acreage is 0.21 acres. The gross is 0.35 acres.
Q. How does one access the property from the public road?

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A. It can be accessed from Eastern Boulevard or from Seversky Court.
Q. What's the current zoning for the property?
A. The property is zoned B.A.-A.S, as are all the immediately adjacent properties.
Q. You have a copy of the zoning plat attached to your site plan?
A. Yes, I do. The B.L.-A.S line encompasses the whole frontage of Eastern Avenue on the site and adjacent properties. And to the rear of this property is the old Tall Trees, which is a proposed park area, which is D.R. 16, and across the street is B.R. and B.M. and another section of B.L.
Q. Is there a requirement for parking spots for this particular building site?
A. Yes. It's based on the square footage of the building area which is 2475 square feet at 3.3 spaces per thousand feet, which yields just over eight, so we're required nine spaces.
Q. How many have you provided on that site plan?
A. We show six outside and four in the bays for a

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total of ten spaces, which is in excess of the requirement.
Q. One of the reliefs we are asking in particular is for a variance to allow a rear yard setback abutting a residence zone of zero feet in lieu of the required twenty feet. Can you show on there where is the rear of the property?
A. Eastern Avenue is here, generally the front. The rear is in this area. It's all concrete back here. By deed, our property and adjacent properties all abut a fifteen-foot alley, although in reality the concrete back there is about forty-one feet.
There's been another twenty-six feet of alley improvement along the condominium that's been demolished. All the buildings along this section of Eastern Boulevard are set right on the alley, including this building, so they are all abutting the alley directly. They all have effectively a zero setback. All the way down at the intersection further to our south, the last building in the group, has a setoff about one foot. All the others are set right on the alley.

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A. Auto repairs, general repairs.
Q. Have you ever worked for anyone else prior to your current employment?
A. Yes. I worked at that shop in 1997 as well.
Q. How old were you then?
A. About thirteen.
Q. Who did you work for back then?
A. That was Bill Eyler.
Q. What kind of work did you do then?
A. Auto repair then as well.
Q. Did they also pump gas at that time?
A. Yes. It was Eyler's Gulf Station. He had two general repair bays.
Q. Then did there come a time when there was a fire on the premises?
A. Yes. Then the tanks were removed.
Q. What year was that?
A. I'd say probably in '82 or '83, the tanks were taken out.
Q. Were you working there at that time?
A. Yes.

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Q. And did the nature of the business change at that point?
A. It was all repair work then.
Q. How long did you work there after that?
A. Probably another five years.
Q. How was the property used?
A. It was used for automobile repair and some Maryland State inspection for vehicles and tractor trailers.
Q. There came a time when you left?
A. Yes. I had left and came back.
Q. Do you know the names of the owners under which this property has, or the names of the business under which this property has been run?
A. Yes. Before it was M&G Auto Service, it was Andy's Service Center. And before that, it was Eyler's Texaco. And before that, it was Eyler's Gulf.
Q. When you worked there, what was it called?
A. Eyler's. It was Eyler's Gulf and then Eyler's Texaco, both.
Q. Did you live in the area back there?

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A. Yes. I lived within two miles from the station.
Q. How long did you live in Essex when that property was run, the service center?
A. All my life, except the last two years. Thirty-five years.
Q. Do you do any auto body work?
A. No, no collision work at all.
Q. Describe the nature of the business.
A. Right now, it's general repair. Cars are in and out probably within the same day, or two days. Like tune-ups in general, performance work, exhaust, tires, alignment.
Q. Do you repair any damaged vehicles?
A. We may do some suspension work, but we don't do very much collision work at all.
Q. How long are the cars typically on your lot?
A. Most cars are in and out the same day, but if you have to order a part, I would say two to three days, tops.
Q. The people that you service, where do they come from?

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A. Most of all of our customers are local residents. We deal with some senior homes, a lot of people right within a five-mile radius.
Q. Are there any other service centers around you or currently operating?
A. There's a few shops local, probably within a half mile, mile.
Q. How many?
A. I would say there's probably three, but some of them do basic work, tire repairs, stuff like that. Some do only tires.
Q. How many businesses do the actual fixing of a car or engine like you do?
A. I would say there is probably two in probably a one-mile radius.
Q. Let me show you this at this time. Do you recognize that?
A. Yes. That's the front of M&G Auto Service.
Q. This is looking from across the street?
A. Yes. That's a view from across the street.
Q. Does this picture fairly and accurately represent

Page 22

A. They didn't say what kind. They said they would plant some trees and there would be some grass in there.
Q. The state is going to do that?
A. Correct.
MR. STAHL: If you know, why is the state doing that?
THE WITNESS: It's a beautification act.
MR. BRENNAN: I don't have any further questions.
THE CHAIRMAN: Thank you, sir.
MR. BRENNAN: Call Mr. McAllister.
THE CHAIRMAN: The photos will be admitted.

M A R K M c A L L I S T E R,
having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION
BY MR. BRENNAN:
Q. State your name and address, please.
A. Mark McAllister, 4081 Bahia Isle Circle, Wellington, Florida.
Q. Mr. McAllister, you're the owner of the building

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known as 1627 Eastern Boulevard?
A. Yes, I am.
Q. Are you currently leasing it to Mr. Heim?
A. Yes, I am.
Q. How long have you owned the building?
A. Since 1997.
Q. Have you ever operated a business at that location?
A. Yes.
Q. When did you first start operating a business?
A. The latter part of 1993.
Q. What kind of business?
A. Repair facility, automotive repair facility.
Q. At any point in time when you were operating it, did you ever have a vehicle inspection certificate?
A. No, I did not.
Q. Did there come a time -- you indicated you leased it and then you bought it?
A. Yes.
Q. What year did you buy it?
A. October '97.

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Q. Did there come a time you had a fire on the premises?
A. Had a fire August of '99.
Q. And how much damage was done in the premises?
A. I think approximately $200,000.
Q. Did you have to obtain permission from the county to rebuild the premises?
A. Yes. I had to get a building permit and also an electrical permit had to be gotten.
Q. Were both those permits obtained from the county?
A. Yes, they were. They were obtained from the county through two private contractors. One is Ashburton Construction; the other is MM Electric.
Q. Did they have to reconstruct any of the building?
A. Reconstruct, yes, from the fire. It was put back in its original condition it is now.
Q. Do you remember the permit numbers?
A. Unfortunately, I do not.
Q. If I show you this, would this refresh your memory as to what your permit number was?
A. These are permits I gave to you about a year or

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so ago.
Q. What were the permit numbers?
A. E354898. Also B352254.
Q. What, respectively, are those permits for?
A. The one with the E -- for Edward -- is the electric permit, and B -- for Baker -- was the building permit. They had to get the building permit for the structure because the entire roof had to be replaced, the trusses and the bays one through three.
And as far as the electrical, the same areas. The block wall is cinder block wall. They had to do reconcreting as well as installing a 200 ground --
Q. Did the county give you permission to do that?
A. Yes, they did. And it was obviously, I guess, inspected okay, and taken care of at that time.
Q. You heard me in my initial opening statement state that we are asking for a special exception so that you can continue to use the premises as a service garage?
A. Yes.
Q. Also the two variances that we asked for.
A. I understand the variance, the zero lot line,

days?

MR. BRENNAN: Thirty days is fine.

THE CHAIRMAN: The points about 502.1 and the special exception request in the Code, and also any uniqueness or unusual characteristics of the property.

MR. STAHL: And then you can arrange a deliberation date with Cathy.

THE CHAIRMAN: Whenever it is. Thank you for your attention.

MR. BRENNAN: Thank you.

(Hearing concluded.)

* * * * *

INDEX

Witness	Direct	Cross
J. Scott Dallas	4	
Ronald Heim	13	
Mark McAllister	22	

EXHIBITS

Exhibit No.	Page
No. 1	6
No. 2	12
No. 3A, 3B	12
No. 4A, 4B, 4C	18
No. 4D, 4E	19
No. 4F, 4G	20

STATE OF MARYLAND)
)ss
COUNTY OF BALTIMORE)

I, Carolyn E. Peatt, a Notary Public of the State of Maryland, County of Baltimore, do hereby certify that the aforegoing proceeding was recorded stenographically and this transcript is a true record of the proceedings.

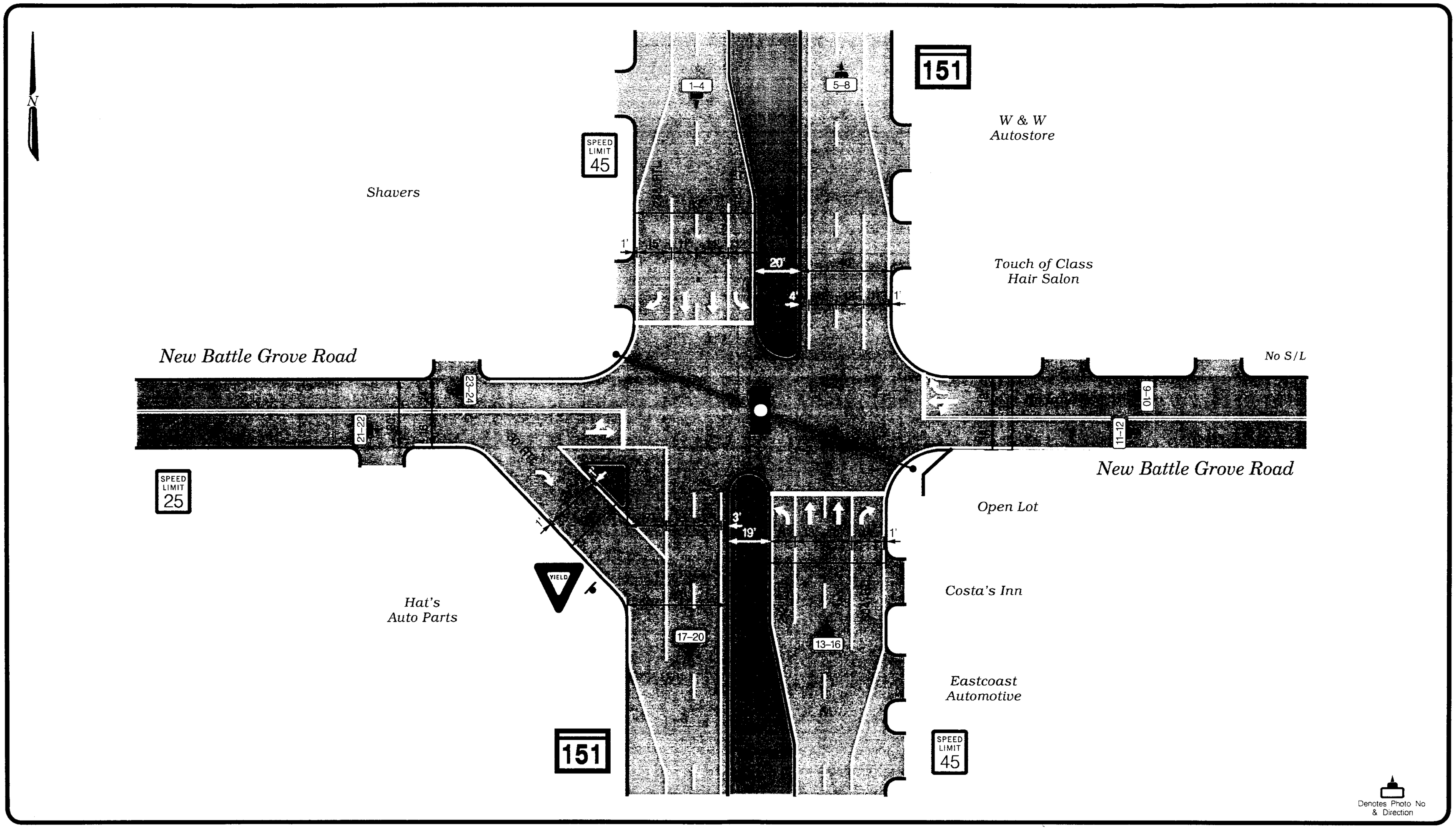
I further certify that I am not of counsel to any of the parties, nor in any way interested in the outcome of this action.

As witness my hand and notarial seal this 14th day of June, 2002.

_____

Carolyn E. Peatt
Notary Public

My Commission expires June 4, 2003.



The Traffic Group

MD 151 at
New Battle Grove Road
North Point Village

FIELD WORK BY: S. Scalzo
DRAWN BY: J.E.S.
DATE: June, 2001
SCALE: N/A

JOB NO.: 2001-0511
DWG NAME: CD4.DGN
LOCATION: Baltimore Co., MD
SHEET NO.: 4 OF 5