

IN RE: PETITIONS FOR SPECIAL HEARING,	*	BEFORE THE
SPECIAL EXCEPTION & VARIANCE		
NWC E. Joppa Road and	*	DEPUTY ZONING COMMISSIONER
Satyr Hill Road		
9th Election District	*	OF BALTIMORE COUNTY
6th Councilmanic District		
(1952 E. Joppa Road)	*	CASE NO. 02-059-SPHXA
Steve & Nickoletta Antoniou and	*	
Nicholas Antonis, <i>Legal Owners</i> and		
Amoco Oil Company, <i>Contract Purchaser</i>	*	
Petitioners		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception, Special Hearing and Variance filed by the contract purchaser of the property, the Amoco Oil Company and the legal owners of the site, Steve and Nickoletta Antoniou and Nicholas Antonis. The Petitioners are requesting zoning relief for property at 1952 E. Joppa Road, zoned BL-AS, as follows:

- (1) For a variance to allow a proposed convenience store to be located 10 ft. from a street right-of-way in lieu of the required 35 ft. and to allow a minimum landscape transition area of 7 ft. in lieu of the required 10 ft. pursuant Section 405.4.A.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.);
- (2) For 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 B.C.Z.R.; and
- (3) For a special hearing to establish the location of non-conforming parking spaces pursuant to Section 500.7 of the B.C.Z.R.

Appearing at the hearing on behalf of the zoning requests were Joe Lombardo, appearing on behalf of Amoco Oil, Joe Caldggero, appearing on behalf of the Traffic Group, Nicholas Antonis and Steve Antoniou, the legal owners of the property. The Petitioners were represented by David Karceski and Rob Hoffman, attorneys at law. Appearing as interested citizens were

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 Date 9/28/01
 By R. J. [Signature]

Jim Miller, nearby resident and Ruth Baisden, appearing on behalf of the Greater Parkville Community Council.

Testimony and evidence indicated that the property which is the subject of this request consists of 1.270 acres, more or less, zoned BL-AS. The subject property is located at the northeast corner of the intersection of E. Joppa Road and Perring Parkway. The subject property is currently improved with a Friendly's Restaurant. The Petitioner, Amoco Oil, is desirous of converting the subject property from the existing Friendly's Restaurant into a Amoco Gasoline Service Station in combination with a convenience store and carry-out restaurant. The specifics of the development of the property are more particularly shown on Petitioners' Exhibit No. 1, the site plan submitted into evidence at the hearing.

As stated previously, the subject property was recently renovated with a brand new Friendly's Restaurant. Unfortunately, Friendly's Restaurant, which is very attractive in its appearance, was unsuccessful in its operation and is in the process of going out of business at his location. Friendly's is vacating the property which has afforded an opportunity for Amoco Oil to purchase the subject site. The site shall be redeveloped by Amoco with a new 2,900 sq. ft. convenience store and gasoline pump island. The Petitioner proposes to provide additional landscape area, as is depicted on the site plan submitted into evidence. In order to proceed with the redevelopment of the subject property, the special hearing, special exception and variance requests are necessary.

As stated previously, Mr. Jim Miller, nearby resident who appeared individually and on behalf of his community association, appeared as an interested citizen. Mr. Miller, a traffic designer by trade, raised concerns regarding the ingress and egress to the subject property. Mr. Miller fully supports Amoco in their redevelopment of the site. However, he has simply

requested that the access point from E. Joppa Road into and out of the property be designated as a right in/right out access point. Mr. Miller is very much concerned that customers leaving the site will exit onto Joppa Road and attempt to turn left onto Perring Parkway. The distance within which a motorist must attempt this maneuver is very limited. The customer would have to cross several lanes of travel in order to turn left on Perring Parkway. The turn lanes at this location are, for the most part, fully occupied at this point. Therefore, any customer desiring to make that left turn would in essence block the other travel lanes of Joppa Road, thereby causing traffic congestion. Mr. Miller simply requests that the access be restricted so as to prevent customers from attempting this maneuver.

After a lengthy discussion at the hearing between the representatives of Amoco and Mr. Miller, it was agreed that the Petitioner would redesign this access point as a right in/right out access point. Accordingly, they shall be required to resubmit their site plan to the Bureau of Traffic Engineering for Baltimore County for their review and approval of this change.

In addition, Mr. Miller expressed concern over the delivery of gasoline to the proposed gas station. It was his suggestion and agreed to by representatives of Amoco, that the delivery of gasoline to the subject property would be restricted so as not to conflict with rush hour morning traffic. It is well known that E. Joppa Road, at this location, is very congested during the morning travel commute. Therefore, any deliveries of gasoline to the subject station shall be made at times of the day and week that do not interfere with the morning rush hour on any given day. Therefore, an appropriate restriction shall be placed at the end of this Order regulating this activity.

After considering the testimony and evidence offered at the hearing, I find that the variance requests, to allow the proposed convenience store to be located 10 ft. from the street right-of-way

in lieu of 35 ft., should be granted. This variance request involves only the corner of the proposed convenience store and its distance to the street right-of-way and Satyr Hill Road. This property is very unique in that it fronts on 3 separate county roads. This variance only involves a very small section of the convenience store and should be approved. In addition, the variance to allow a minimum landscape transition area of 7 ft. in lieu of the required 10 ft. or a parking space located at the corner of the property should also be granted. This too involves only a small area of landscaping on the property. It should also be noted that the Petitioner is proposing to improve the property with a great deal of landscaping over and above which currently exists on the site. Therefore, the variance requested should be granted.

The Petitioner filed a special hearing to allow the location of the parking spaces that currently exist for the Friendly's restaurant to remain. This particular request involves 10 parking spaces located along Perring Parkway. The first of those parking spaces which already exist involves the 7 ft. variance previously mentioned for the landscape transition area. The Petitioner does not propose to change those parking spaces in any fashion and, therefore, requests that they remain as they have been with the Friendly's restaurant. Accordingly, their special hearing request to allow the parking spaces to remain as existing should be granted.

Finally, the Petitioner is requesting special exception relief to permit this fuel service station on an individual site along with a convenience store and carry-out restaurant as uses in combination with that fuel service station.

It is clear that the B.C.Z.R. permits the use proposed in a BL-AS zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

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9/28/01
R. J. Gannon

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

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

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

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the requested relief should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of September, 2001, that the Petitioner's Request for 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 B.C.Z.R., be and is hereby GRANTED;

IT IS FURTHER ORDERED, that a special hearing to establish the location of non-conforming parking spaces, pursuant to Section 500.7 of the B.C.Z.R., be and is hereby GRANTED; and

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9/28/01
J.R. Johnson

IT IS FURTHER ORDERED, that the petition for variance filed, to allow a proposed convenience store to be located 10 ft. from a street right-of-way in lieu of the required 35 ft. and to allow a minimum landscape transition area of 7 ft. in lieu of the required 10 ft., pursuant to Section 405.4.A.2.a of the B.C.Z.R., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall be required to modify their site plan and, specifically, the access point from E. Joppa Road into the site to change that access point from a full service point of access to a right turn in/right-turn out only point of access. In addition, the Petitioner shall be required to post a sign at that location advising motorists that when leaving the site only a right turn onto Joppa Road is permitted.
3. Any and all deliveries of gasoline to the subject site shall be made outside of the morning rush hour. Accordingly, no tractor trailer gasoline deliveries shall occur between the hours of 6:30 a.m. to 9:30 a.m., Monday through Friday.
4. When applying for a building permit, the site plan/landscape plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

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9/28/01
BY R. Johnson



Baltimore County
Zoning Commissioner

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

September 28, 2001

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

Re: Petitions for Special Hearing, Special Exception & Variance
Case No.: 02-059-SPHXA
Property: 1952 E. Joppa Road

Dear Messrs. Hoffman & Karceski:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing, special exception and variance have been granted in accordance with the enclosed Order.

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

Very truly yours,

A handwritten signature in black ink, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper

Copies to:

Nicholas Antonis
874 Driven Road
Marriottsville, MD 21104

Steve Antoniou
10537 Dorchester Way
Woodstock, MD 21163

Joe Lombardo
Amoco Oil Company
1 W. Pennsylvania Avenue
Towson, MD 21204

Joe Caldgero
The Traffic Group
9900 Franklin Square Drive, Suite H
Baltimore, MD 21236

Ruth Baisden
c/o Greater Parkville Community Council
7706 Oak Avenue
Baltimore, MD 21234

Jim Miller
1831 Cromwood Road
Baltimore, MD 21234

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Ruth Baisden
c/o Greater Parkville Community Council
7706 Oak Avenue
Baltimore, MD 21234

Jim Miller
1831 Cromwood Road
Baltimore, MD 21234



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1952 E. Joppa Road

which is presently zoned BL-AS

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

Special Hearing to establish the non-conforming parking.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

AMOCO OIL COMPANY

Name - Type or Print

By:

Signature John R. Lombardo

John R. Lombardo, Zoning and Development
Manager

1 W. Pennsylvania Ave. (410) 494-3772

Address

Telephone No.

Towson, MD

21204

City

State

Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue (410) 494-6200

Address

Telephone No.

Towson, MD

21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue (410) 494-6200

Address

Telephone No.

Towson, MD

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 3.00 hr

UNAVAILABLE FOR HEARING Sept 14 + 15

Reviewed By [Signature]

Date 8-03-01

Case No. 02-059-SPHXA

Signature Page
1952 East Joppa Road

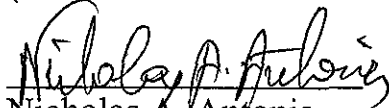
Legal Owners:


Steve A. Antoniou

10537 Dorchester Way
Woodstock, Maryland 21163
(410) 230-2874



Nickoletta C. Antoniou
13508 Clayton Road
St. Louis, Missouri 63141
(314) 878-8977


Nicholas A. Antonis

874 Driven Road
Marriottsville, Maryland 21104
(410) 442-2745

059



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1952 E. Joppa Road

which is presently zoned BL-AS

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

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.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

AMOCO OIL COMPANY

Name - Type or Print

By: John R. Lombardo

Signature John R. Lombardo, Zoning and Development
Manager 1 W. Pennsylvania Ave. (410) 494-3772

Address Telephone No.

Towson, MD 21204

City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature Robert A. Hoffman

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue (410) 494-6200

Address Telephone No.

Towson, MD 21204

City State Zip Code

Legal Owner(s):

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

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 See SPH
UNAVAILABLE FOR HEARING Sept 14 + 15

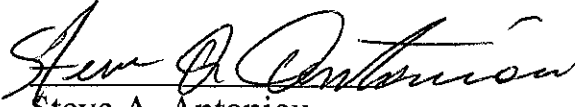
Reviewed By [Signature] Date 8-10-01

Case No. 02-059-SPHXA

REV 09/15/98

Signature Page
1952 East Joppa Road

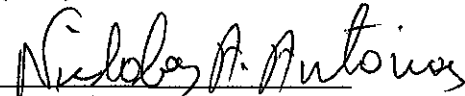
Legal Owners:



Steve A. Antoniou
10537 Dorchester Way
Woodstock, Maryland 21163
(410) 230-2874



Nickoletta C. Antoniou
13508 Clayton Road
St. Louis, Missouri 63141
(314) 878-8977



Nicholas A. Antonis
874 Driven Road
Marriottsville, Maryland 21104
(410) 442-2745

259



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1952 E. Joppa Road

which is presently zoned BL-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED.

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

TO BE DETERMINED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

AMOCO OIL COMPANY

Name - Type or Print

By:

Signature John R. Lombardo
John R. Lombardo, Zoning and Development
1 W. Pennsylvania Ave. Manager (410) 494-3772

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP

Company

210 Allegheny Avenue

(410) 494-6200

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

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 See SPH

UNAVAILABLE FOR HEARING Sept 14 + 15

Reviewed By [Signature] Date 8-23-01

Case No. 02-059-SPHXA

Date REV 9/15/98

ORDER RECORDED FOR FILING

9/28/01

Petition for Variance
1952 East Joppa Road
Amoco Oil Company

1. A variance pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R.") Section 405.4.A.2.a. to allow the proposed convenience store to be located 10 feet from a street right-of-way in lieu of the required 35 feet.
2. A variance pursuant to the B.C.Z.R. Section 405.4.A.2.b. to allow a minimum landscape transitioning area of ~~0 feet~~ in lieu of the required 10 feet.

07 feet
ALD

059

Signature Page
1952 East Joppa Road

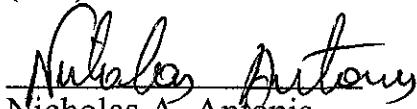
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13508 Clayton Road
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(314) 878-8977



Nicholas A. Antonis
874 Driven Road
Marriottsville, Maryland 21104
(410) 442-2745

059

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



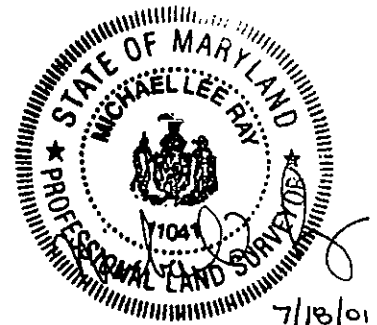
ZONING DESCRIPTION

Commencing at a point located at the intersection of the northerly right-of-way line of Joppa Road (100' wide) with the southwesterly right-of-way line of Satyr Hill Road (45' wide). Thence the following courses and distances, viz:

North 70° 26'13" West, 177.78 feet; Northwesterly by a tangential curve to the right having a radius of 2824.79 feet, an arc length of 63.34 feet, the chord of said arc bearing North 69° 47'41" West, 63.34 feet; North 66° 43'19" West, 31.60 feet; Northwesterly by a non-tangential curve to the right having a radius of 85.00 feet, an arc length of 102.64 feet, the chord of said arc bearing North 02° 58'01" West, 96.52 feet; North 30° 37'13" East, 40.19 feet; North 53° 36'00" East, 35.16 feet; North 25° 08'16" East, 105.40 feet; North 86° 46' 33" East, 11.00 feet; South 31° 35'02" East, 63.31 feet; North 58° 24'58" East, 10.00 feet; South 31° 35'02" East, 127.74 feet; Southeasterly by a tangential curve to the right having a radius of 180.00 feet, an arc length of 37.29 feet, the chord of said arc bearing South 25° 38'54" East, 37.23 feet; Southeasterly by a reverse curve to the left having a radius of 207.40 feet, an arc length of 18.45 feet, the chord of said arc bearing South 22° 15'43" East, 18.45 feet; South 24° 48'40" East, 117.56 feet; South 42° 22'33" West, 36.44 feet to the point and place of beginning.

Containing 1.207 acres of land, more or less.

Being located in the Ninth Election District of Baltimore County, Maryland and also being a portion of Lot 1 and Parcel A as laid out on a plat entitled "Gino's Inc. - Joppa Road at Satyr Hill Road" dated October 30, 1969 and recorded among the aforementioned Land Records in Plat Book O.T.G. 34, Page 5.



MLR:sdm\s\11957\zoningdescrip1.207acres.doc\071801

- ☐ 3445-A BOX HILL CORPORATE CENTER DRIVE, ABINGDON, MD 21009
- ☒ 110 WEST ROAD, SUITE 245, TOWSON, MD 21204
- ☐ 9090 JUNCTION DRIVE, SUITE 9, ANNAPOLIS JUNCTION, MD 20701

- 410-515-9000 ■ FAX 410-515-9002
- 410-821-1690 ■ FAX 410-821-1748
- 410-792-9792 ■ FAX 410-792-7395

059

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case No.

4024

02 054-SPHXA

DATE 8-03-01

ACCOUNT R-001-206-6150

AMOUNT \$ 650.00

RECEIVED
FROM:

Venable, Baetjer & Howard

FOR:

Commercial Spec. Ex. Spec. Hearing & View
1952 E. Joppa Rd. filing fee

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
8/03/2001 8/03/2001 11:22:22

FE. 0504 CASHIER ADDL DND DRAWER 2

RECEIPT # 150087

UFLH

DATE 5 520 ZONING VERIFICATION

CRID. 004024

Expt To 650.00

750.00 OK .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: #02-059-SPHXA

1952 E. Joppa Road

NW/Cor. Joppa Road & Satyr Hill Road

9th Election District - 6th Councilmanic District

Legal Owner(s):

Nicholas A. Antonis & Nikolette & Steve Antoniou

Contract Purchaser:

Amoco Oil Company, John R. Lombardo

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; **Special Hearing:** to establish the non-conforming parking; **Variance:** to allow the proposed convenience store to be located 10 feet from a street right-of-way in lieu of the required 35 feet, to allow a minimum landscape transition area of 7 feet in lieu of the required 10 feet.

Hearing: Monday, September 24, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

9/052 Sept. 6

C492378

CERTIFICATE OF PUBLICATION

9/6/, 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 9/6/, 2001.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 02-059 SPHXA

Petitioner/Developer: ANTONIS/AMOCO, ETAL
V.B.H.

Date of Hearing/Closing: 9/24/01

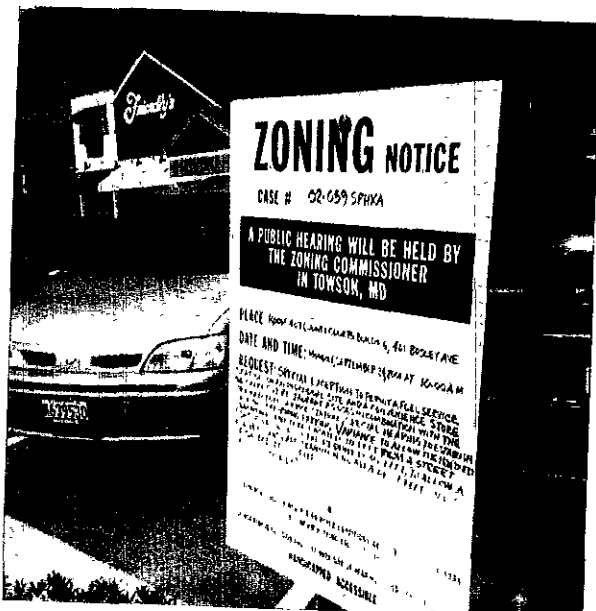
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens/MR. GEORGE ZAHNER

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 N/W JOPPA RD. @ SATYR
HILL ROAD (2)

The sign(s) were posted on 9/6/01
(Month, Day, Year)



Sincerely,

Patrick M O'Keefe 9/7/01
(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

(Telephone Number)

905-85
Pager (410) ~~646-8~~

02-059 SPHXA

AMOCO

9/24/01

**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: 02-059-SPHXA
Petitioner: Amoco Oil Corporation
Address or Location: 1952 East Joppa Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dantell
Address: 210 Allegheny Avenue
Towson, Maryland
Telephone Number: 410-484-6244

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 6, 2001 Issue – Jeffersonian

Please forward billing to:

Amy Dontell
Venable Baetjer & Howard LLP
210 Allegheny Avenue
Towson MD 21204

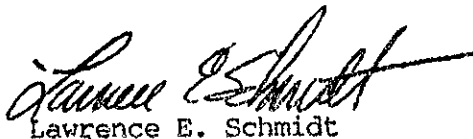
410 494-6244

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: 02-059-SPHXA
1952 E Joppa Road
NW/Cor. Joppa Road & Satyr Hill Road
9th Election District – 6th Councilmanic District
Legal Owners: Nicholas A Antonis & Nickolette & Steve Antoniou
Contract Purchaser: Amoco Oil Company, John R Lombardo

HEARING: Monday, September 24, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

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

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



Baltimore County
Department of Permits and
Development Management

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

August 29, 2001

NOTICE OF ZONING HEARING

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Contract Purchaser: Amoco Oil Company, John R Lombardo

HEARING: Monday, September 24, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon 072
Director

C: Robert A Hoffman, Venable Baetjer & Howard LLP, 210 Allegheny Avenue
Towson 21204
Nickolette C & Steve A Antoniou, Nicholas A Antonis, 10537 Dorchester Way,
Marriottsville 21104
Amoco Oil Co, John R Lombardo, 1 W Pennsylvania Ave, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 8, 2001.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
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TO: PATUXENT PUBLISHING COMPANY
Thursday, September 6, 2001 Issue – Jeffersonian

Please forward billing to:

Amy Dontell
Venable Baetjer & Howard LLP
210 Allegheny Avenue
Towson MD 21204

410 494-6244

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9th Election District – 6th Councilmanic District

Legal Owners: Nicholas A Antonis & Nickolette & Steve Antoniou

Contract Purchaser: Amoco Oil Company, John R Lombardo

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: Special Hearing to establish the non-conforming parking. Variance to allow the proposed convenience store to be located 10 feet from a street right-of-way in lieu of the required 35 feet, to allow a minimum landscape transitioning area of 7 feet in lieu of the required 10 feet.

HEARING: Monday, September 24, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT *BDZ*
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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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 29, 2001

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HEARING: Monday, September 24, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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Arnold Jablon GDZ
Director

C: Robert A Hoffman, Venable Baetjer & Howard LLP, 210 Allegheny Avenue
Towson 21204

Nickolette C & Steve A Antoniou, Nicholas A Antonis, 10537 Dorchester Way,
Marriottsville 21104

Amoco Oil Co, John R Lombardo, 1 W Pennsylvania Ave, Towson 21204

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Baltimore County
Department of Permits and
Development Management

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

September 21, 2001

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

Dear Mr. Hoffman:

RE: Case Number: 02-059-SPHXA, 1952 E Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 3, 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. G02
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Nickolette C & Steve A Antoniou, Nicholas A Antonis, 10537 Dorchester Way,
Woodstock 21163
John R Lombardo, Amoco Oil Co., 1 W Pennsylvania Ave, Towson 21204
People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 15, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For September 4, 2001
Item No. 059

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

Locate the ultimate 50-foot right-of-way, and verify the building setback. Refer to road drawing number 94-1033.

RWB:HJO:jrb

cc: File



**Baltimore County
Fire Department**

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

September 4, 2001

RECEIVED SEP 5 2001

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

ATTENTION: Gwen Stephens

RE: Property Owner: See Below

Location: DISTRIBUTION MEETING OF August 27, 2001

Item No.: (059, 063, 064, 066, 067,

Dear Ms. Stephens:

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

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

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

cc: File

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



See
9/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 7, 2001

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

SUBJECT: 1925 E. Joppa Road

SEP - 7

INFORMATION:

Item Number: 02-059

Petitioner: Steve A. Antoniou, Nickoletta C. Antoniou and Nicholas A. Antoniou

Zoning: BL-AS

Requested Action: Variance/Special Hearing/Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has no objection to the petitioner's requests provided the following comments are met:

1. The building façade should be similar in design and material on the front and side elevations.
2. A landscape plan showing appropriate planting in the landscape transition areas should be submitted to Avery Harden, County Landscape Architect, for review and approval prior to the issuance of any building permits.
3. The prototypical canopy lighting should be designed and installed so as not to adversely affect roadway traffic and all lighting fixtures should be of a flat glass, full cutoff type. A lighting plan should be submitted for review and approval in conjunction with the final development plan.

Prepared by: Mark A. Cunningham

Section Chief: Jeffrey W. L. Z
AFK:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5.5.01

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

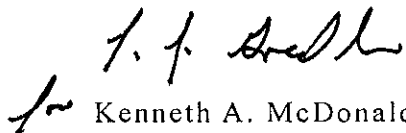
RE: Baltimore County
Item No. 059 JJS

Dear Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,


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

My telephone number is _____

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

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

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
1952 E. Joppa Road, NW Cor. Joppa and Satyr Hill Rds
9th Election District, 6th Councilmanic

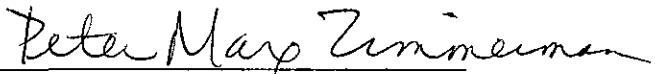
Legal Owner: Steve A. & Nickoletta C. Antoniou /
Nicholas A. Antonis
Contract Purchaser: Amoco Oil Co.
Petitioner(s)

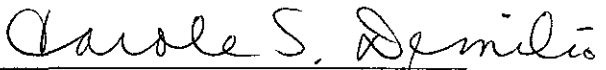
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
*
* Case No. 02-59-SPHXA

* * * * *

ENTRY OF APPEARANCE

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


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of September, 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

Case Number #02-059-SPHXA

PLEASE PRINT LEGIBLY

PETITIONER'S SIGN-IN SHEET

[illegible]

Case Number

#02-059-SPHXA

Citizen's

PROTESTANT'S SIGN-IN SHEET

[illegible]

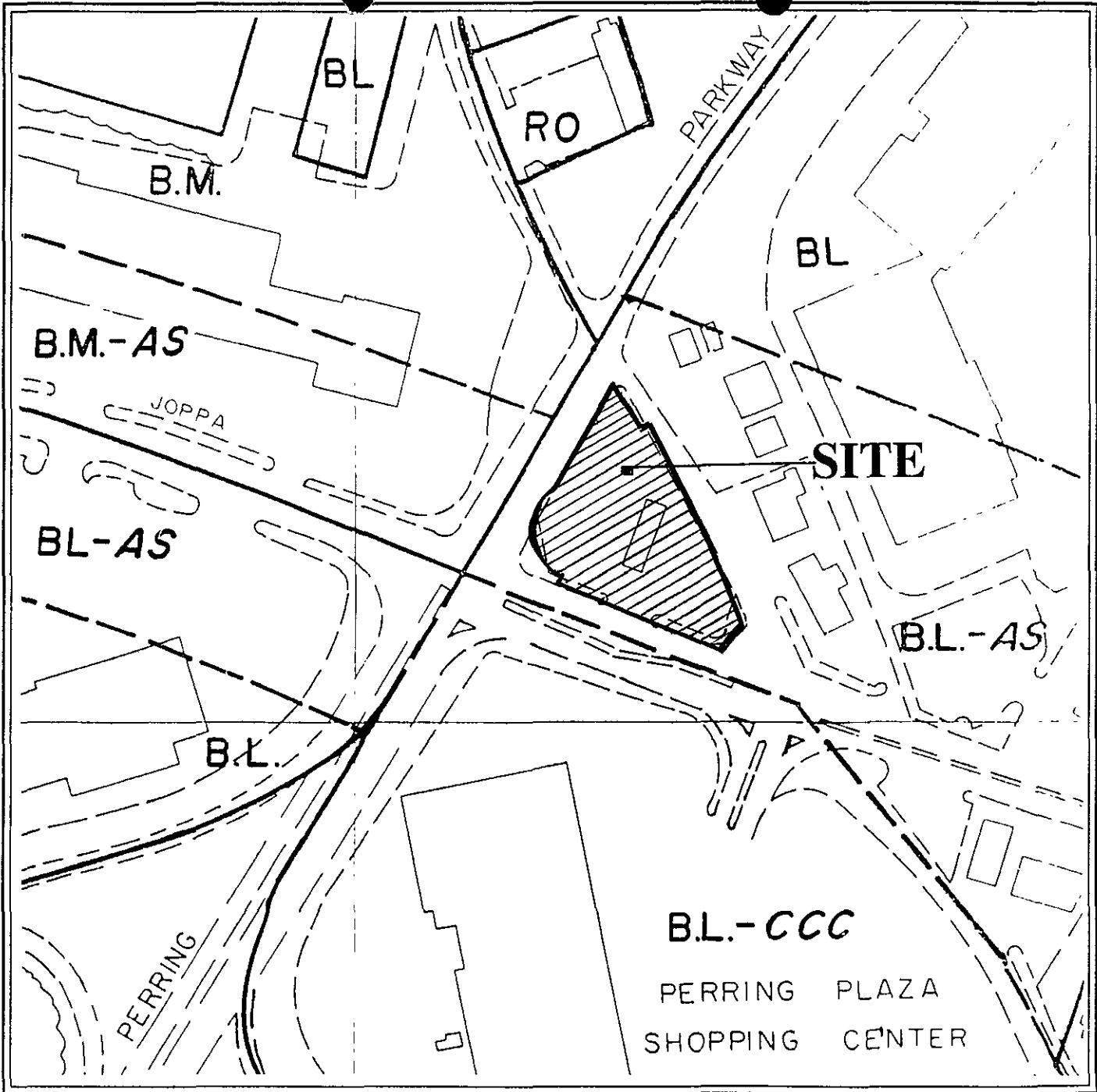


EXHIBIT II

059



MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS

110 WEST ROAD, SUITE 245
TOWSON, MARYLAND 21204
(410) 821-1690
FAX: (410) 821-1748

ZONING MAP

BP-AMOCO
1952 E. JOPPA ROAD

BALTIMORE COUNTY, MARYLAND

SCALE: 1"=200'

DATE: 01/10/01

ZONING MAP: N.W. 7-3

DESIGN BY:

REVIEW BY: WM

JOB NO.: 11957

43

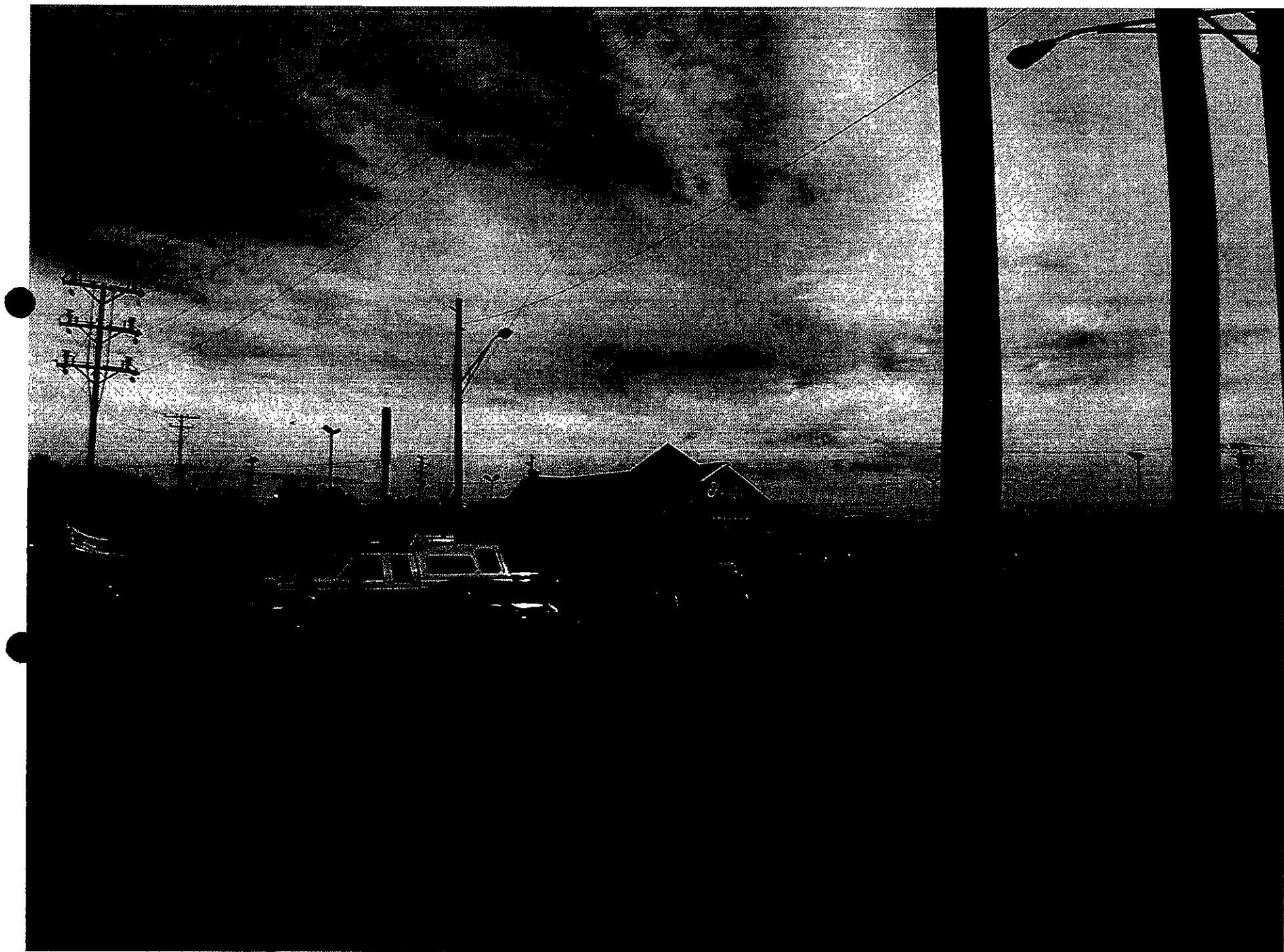




4D

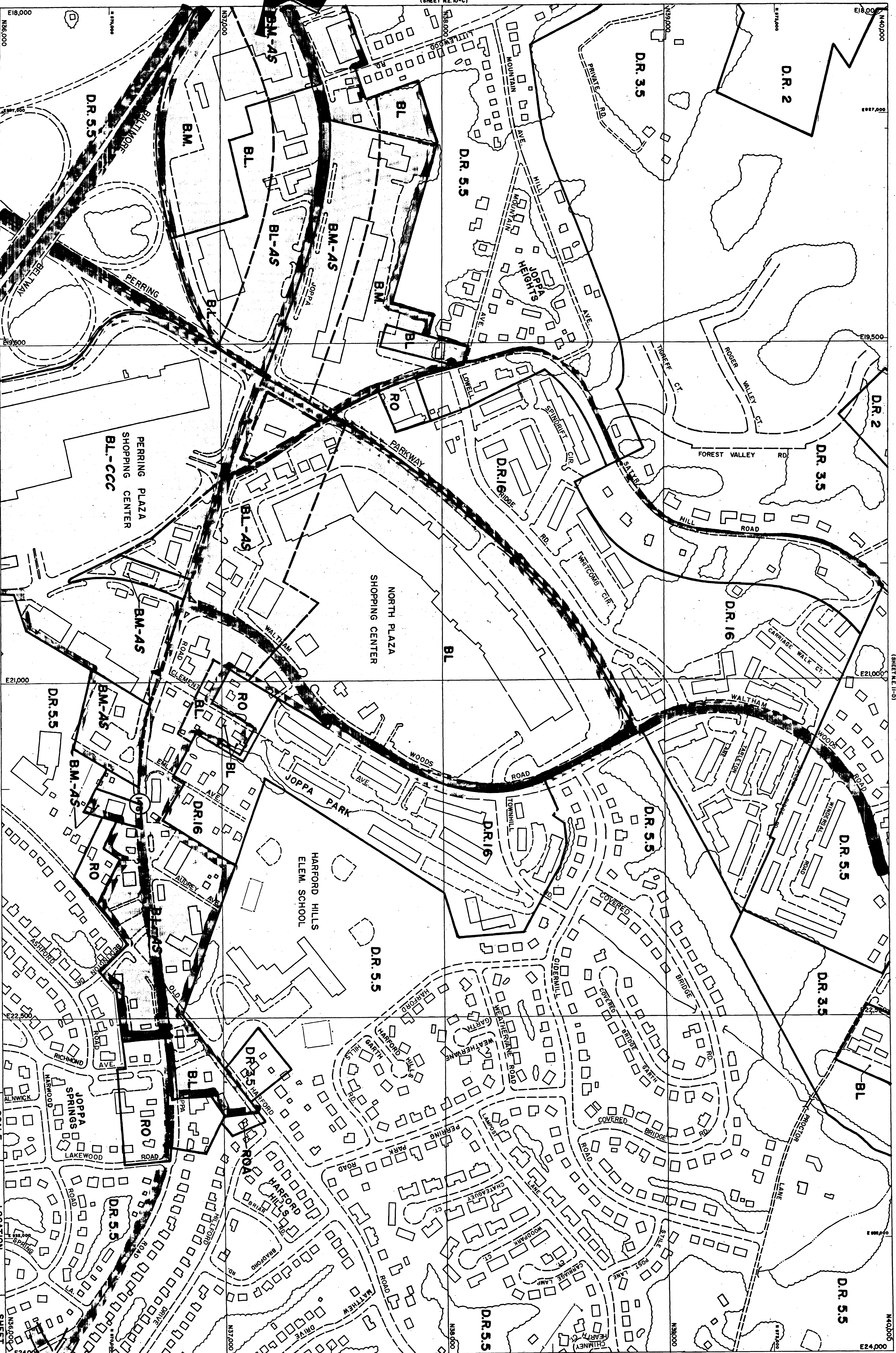


4E



Pet Ex 4A





N - NE
R - SE

2000 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00.

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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE 1" = 200'	LOCATION CARNEY	SHEET NE
DATE OF PHOTOGRAPHY JANUARY 1986		10-D

NE 10 D
PETITIONER'S
EXHIBIT 3

ZONING NOTES

- A. SPECIAL EXCEPTION TO PERMIT A FUEL SERVICE STATION ON AN INDIVIDUAL SITE AND A CONVENIENCE STORE AND CARRYOUT RESTAURANT AS USES IN COMBINATION WITH THE FUEL SERVICE STATION PER SECTION 405.2.B1 AND 405.4.E.1, AND 405.4.E.10 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
- B. THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN 1 MILE OF THE SITE (SECTION 405.3)
- C. SECTION 405.4.A.2.c THE LANDSCAPE TRANSITION AREA SHALL BE VEGETATED AND SCREENED IN ACCORDANCE WITH THE LANDSCAPE MANUAL REQUIREMENTS FOR AUTOMOTIVE USES.

REQUIRED SITE AREA: (405.4.D.2)	
FUEL SERVICE STATION (12 PUMPS x 1,500 SF)	= 18,000 SF
FOOD STORE (4 x 2,200)	= 8,800 SF
CARRYOUT RESTAURANT (6 x 680)	= 4,080 SF
ATM MACHINE	= 1,000 SF
TOTAL AREA REQUIRED	= 31,880 SF
TOTAL AREA PROVIDED	= 74,488 SF +/-
- D.

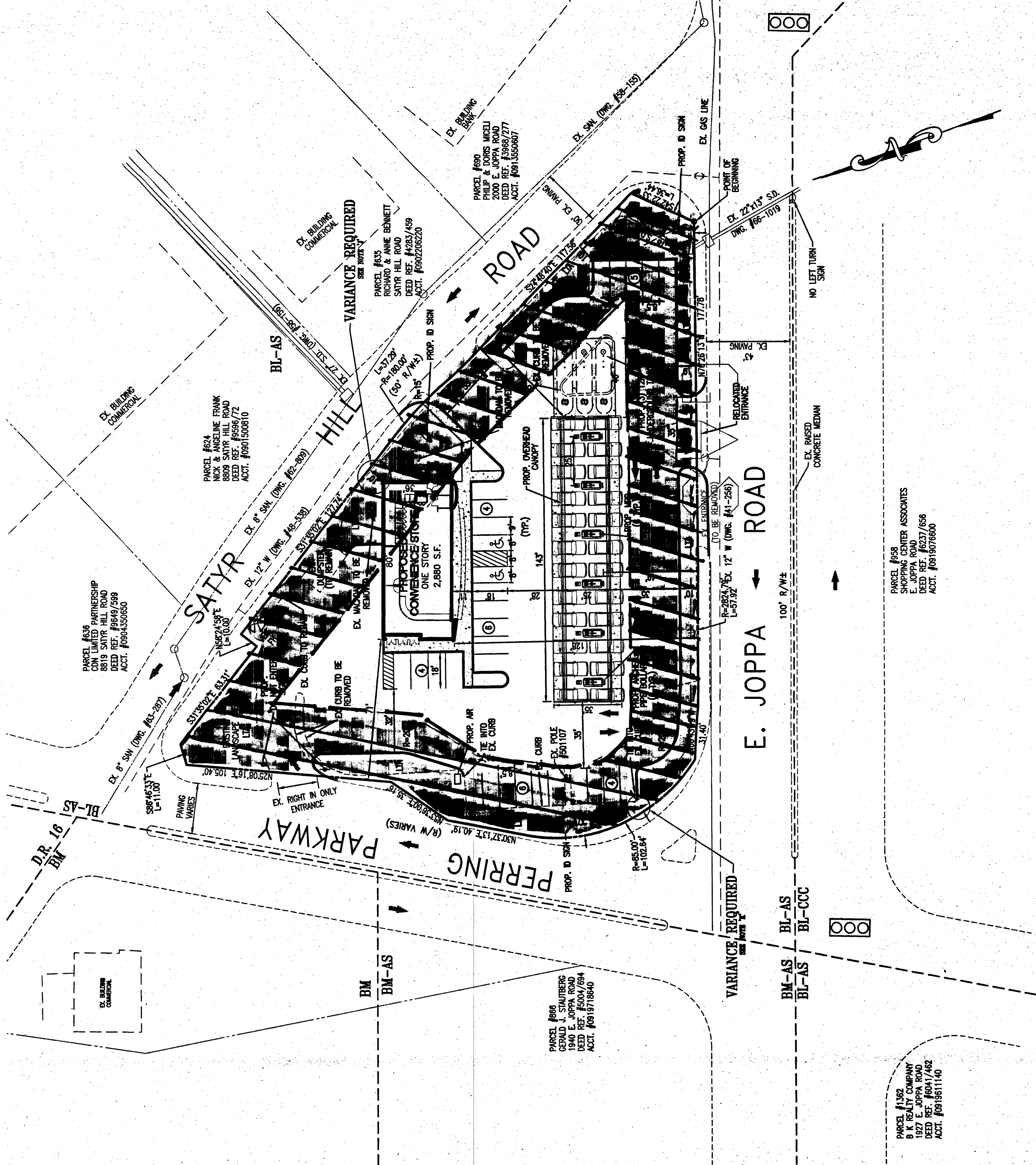
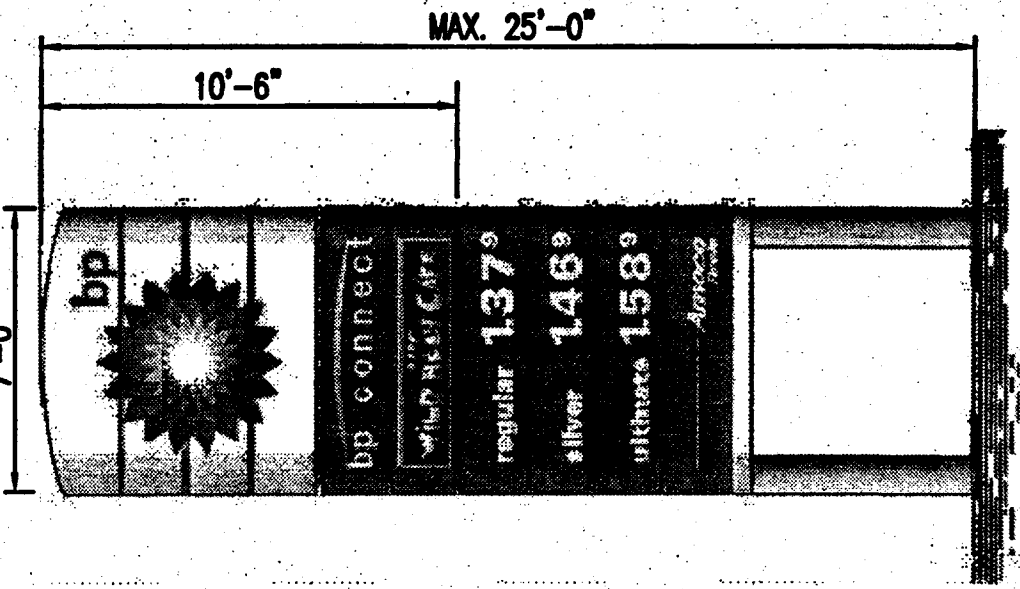
- SETBACKS (TO PROPERTY LIMITS):
- | BUILDING | | CANOPY | | FUEL PUMPS | |
|-----------|----------|----------|----------|------------|----------|
| REQUIRED | PROVIDED | REQUIRED | PROVIDED | REQUIRED | PROVIDED |
| MIN 35' ± | 128' ± | 15' | 40' ± | 25' | 40' ± |
- FRONT
- STREET CORNER
405.4A.3C
- 10' ±
(SEE NOTE "J" BELOW)
- STACKING FOR FUEL PUMPS SHALL COMPLY WITH SECTION 405.4A.3C, BCZR.

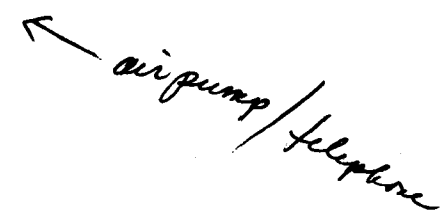
- | | | |
|----|---|------|
| G. | PARKING CALCULATIONS: | |
| A. | PARKING REQUIRED: | |
| | CONVENIENCE FOOD STORE | = 11 |
| | 2,200 Sq. Ft. @ 5/1,000 | |
| | CARRYOUT RESTAURANT | = 4 |
| | 680 Sq. Ft. @ 5/1,000 | = 5 |
| | 1 EMPLOYEE ON LARGEST SHIFT | = 1 |
| | 1 COMPRESSED AIR | = 1 |
| | 1 SPACE FOR FUEL MACHINE | = 1 |
| | TOTAL PARKING REQUIRED | = 22 |
| B. | PARKING PROVIDED: | |
| | INCLUDING 2 HANDICAP SPACES | = 29 |
| H. | A BEST ROAD FACILITY, WATER AND COMPRESSED AIR SHALL BE PROVIDED FOR CUSTOMERS | |
| I. | SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 430. (SEE SIGN DETAIL) | |
| J. | A VARIANCE IS REQUIRED TO PERMIT THE C-STORE BUILDING TO BE LOCATED 10' FROM SATVR HILL ROAD RIGHT-OF-WAY IN LIEU OF THE REQUIRED 35'.
SECTION 403.4.2(a)(6) | |
| K. | A VARIANCE IS REQUIRED TO ALLOW A MINIMUM LANDSCAPE TRANSITION AREA OF 7' IN LIEU OF THE REQUIRED 10' PER SECTION 405.4.2(b) | |

1. ZONING: BUSINESS LOCAL, AUTOMOTIVE SERVICE (BL-AS)
2. SITE AREA = 1,207 AC. (NET)
3. EXISTING USE: FULL SERVICE RESTAURANT
4. PROPOSED USE: AUTOMOBILE TIRE SERVICE STATION WITH CONVENIENCE STORE, AND CARWASH/DETAILING
5. PROPOSED BUILDING AREA: 2,880 SF. (36,600')
6. THIS SITE SHALL BE SERVICED BY PUBLIC WATER AND SEWER.
7. F.A.R.:
MAXIMUM PERMITTED: 3.0
PROPOSED: 0.4

8. THE PROPERTY IS NOT LOCATED IN THE CHEAPEAKE BAY CRITICAL AREA (CBCA).
9. THE SITE IS NOT WITHIN A MORTUORUM AREA OR IN AN AREA WHERE FAILURE OF BASIC SERVICES WOULD CURRENTLY EXIST PER SECTION 402 (B)(2).
10. THERE ARE NO NON-TIDAL WETLANDS ON THIS SITE.
11. THERE ARE NO FOREST BUFFERS ON THIS SITE.
12. THERE ARE NO KNOWN REGULATED PLANT OR WILDLIFE COMMUNITIES ASSOCIATED WITH THIS SITE.
13. THERE ARE NO KNOWN HISTORICAL STRUCTURE OR ARCHEOLOGICAL AREAS ASSOCIATED WITH THIS SITE.
14. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS WITHIN 100' OF THIS PROPERTY
15. BUILDING CONSTRUCTION SHALL COMPLY WITH BUILDING AND FIRE CODE REQUIREMENTS.
16. ALL LIGHTING SHALL CONFORM TO IES STANDARDS (ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA)
17. ALL EXISTING STRUCTURES ON SITE SHALL BE RAZED. THE SITE IS NOT IN A 100 YEAR FLOODPLAIN.
18. ALL PAVING SHALL BE BITUMINOUS DUST-FREE SURFACE. A WAVER OF STORM WATER MANAGEMENT QUALITY REQUIREMENTS WILL BE REQUESTED.
- 19.
- 20.
21. ZONING CASE HISTORY: NO PREVIOUS SPECIAL EXCEPTION, VARIANCES OR SPECIAL HEARINGS FOR THIS SITE.
22. PREVIOUS BUILDING PERMIT # B 32553-C

NOT TO SCALE
ALL FREESTANDING PYLON SIGNS (3)





Prof Ex #1