

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE – E/S Perry Hall Blvd., *
1430' N of Honeygo Boulevard * ZONING COMMISSIONER
(8233 Perry Hall Boulevard) *
14th Election District * OF BALTIMORE COUNTY
6th Council District *
* Case No. 02-073-XA
White Marsh Phase II Assoc., et al, Owners;
7-Eleven, Inc., Contract Purchasers *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owners of the subject property, White Marsh Phase II Associates and White Marsh Mall Associates, and by the Contract Purchasers, 7-Eleven, Inc., through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special exception for a fuel service station use in combination with a convenience store with a sales area larger than 1,500 sq.ft., pursuant to Sections 405.2.B.1 and 405.4.E.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioners request variance relief from Section 405.4.A.2.b of the B.C.Z.R., if necessary, to permit a landscape transition area along the southern perimeter of the fuel service station of 0 feet in lieu of the required 6 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Patrick Walsh, a representative of White Marsh Phase II Associates and White Marsh Mall Associates, owners of the subject property, and Nancy Wade and Eric Roemer, representatives of 7-Eleven, Inc., Contract Purchasers. Also appearing on behalf of the Petitioners were Mickey Cornelius, a representative of The Traffic Group; Mitchell Kellman, with Daft-McCune-Walker, the engineering consultants who prepared the site plan for this property; and Robert A. Hoffman, Esquire and Patricia A. Malone, Esquire, attorneys for the Petitioners. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING

Date

By

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located near the southwest corner of the intersection of Perry Hall Boulevard and an access road which leads into the western end of the White Marsh Mall complex. The property has frontage on Ring Road, which serves as an access road for the Mall, and is bordered to the north by the Fire Pumping Station for White Marsh Mall, and to the south, by Burger King. The property contains a gross area of 2.30 acres, more or less, zoned B.M.-A.S., and is presently unimproved. The Petitioners propose developing the site with a 7-Eleven convenience store and fuel service station. The building will contain 2,940 sq.ft. in area and provide an ATM service and restroom facilities. In addition, there will be six multiple fuel service pump islands and an overhead canopy. Vehicular access to the site will be by way of Ring Road. There will not be a curb cut or access from Perry Hall Boulevard, which is consistent with other businesses that front on Ring Road and abut Perry Hall Boulevard. An aerial photograph of the site was submitted which shows the neighborhood and existing property as Petitioner's Exhibit 2. The requested special exception and variance relief is necessary in order to proceed as proposed.

Testimony and evidence presented demonstrated that the proposed convenience store and fuel service station uses are entirely consistent with other uses in the area and will not be detrimental to the surrounding locale. As noted above, this site is located on the perimeter of the White Marsh Mall, a large retail shopping complex, which contains a number of commercial and retails uses, both inside and outside the Mall center itself. Based on the testimony and evidence presented, I am persuaded that the Petition for Special Exception should be granted and that the requirements of Section 502.1 have been met.

It is to be noted that the Office of Planning supports the proposal, subject to certain landscaping requirements. It was indicated that the proposed freestanding sign will be a ground-mounted, monument-type sign which is consistent with the requirements for all stores within the White Marsh Mall complex, and that it will also be landscaped. The Petitioners agreed to submit a landscape plan for review and approval by the County's Landscape Architect, Avery Harden.

ORDER RECEIVED FOR FILING
Date 10/24/11
By [Signature]

Although the Petitioners also filed a Petition for Variance, it was argued at the hearing that variance relief is not necessary. Basically, the variance would be for a landscaped area to buffer the proposed use from the adjacent Burger King. However, the site plan shows that there will be a common driveway with open access between these uses. That is, one will be able to drive from the parking lot serving Burger King directly into the fuel service station/convenience store. Apparently, this open access was encouraged by the Office of Planning and the Bureau of Traffic Engineering to promote easier access and traffic flow between the two uses.

Section 405.4.A.2.b of the B.C.Z.R. states that landscape transition areas must be provided, "except at required access driveways..." In my judgment, this area between the fuel service station and Burger King is an access driveway. It is labeled and shown as such on the site plan. Thus, I find that the landscape transition area (LTA) is not required in this case, in view of the common access driveway, which was requested and is supported by the Bureau of Traffic Engineering. Thus, the Petition for Variance shall be dismissed as moot as an LTA need not be maintained at that location.

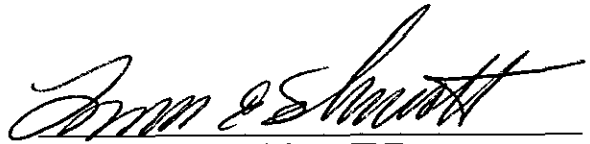
Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the special exception relief shall be granted and the variance relief dismissed as moot.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of October, 2001, that the Petition for Special Exception seeking approval of a fuel service station use in combination with a convenience store with a sales area larger than 1,500 sq.ft., pursuant to Sections 405.2.B.1 and 405.4.E.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

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

- 2) Prior to the issuance of any building permits, the Petitioners shall submit a landscape plan for review and approval by Avery Harden, Landscape Architect for Baltimore County.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 405.4.A.2.b of the B.C.Z.R. to allow a landscape transition area along the southern perimeter of the fuel service station of 0 feet in lieu of the required 6 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS MOOT.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 10/24/11
By [Signature]



Baltimore County
Zoning Commissioner

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

October 24, 2001

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

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
E/S Perry Hall Boulevard, 1430' N of Honeygo Boulevard
(8233 Perry Hall Boulevard)
14th Election District – 6th Council District
White Marsh Phase II Assoc., et al, Owners/7-Eleven, Inc., Contract Purchasers - Petitioners
Case No. 02-073-XA

Dear Mr. Hoffman & Ms. Malone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, and the Petition for Variance dismissed, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Patrick Walsh, White Marsh Mall Assoc.
8200 Perry Hall Boulevard, Baltimore, Md. 21236
Ms. Nancy Wade, 7-Eleven, Inc., 8605 Old Harford Road, Baltimore, Md. 21234
Mr. Avery Harden, Landscape Architect, DPDM; Office of Planning
People's Counsel; Case File

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



Printed with Soybean Ink
on Recycled Paper



Petition for Special Exception

FLOOD PLAIN to the Zoning Commissioner of Baltimore County

for the property located at 8233 Perry Hall Boulevard

which is presently zoned BM-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, 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 herein described property for

Special Exception pursuant to the Baltimore County Zoning Regulations Sections 405.2.B.1 and 405.4.E.1 for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet.

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

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

Contract Purchaser/Lessee:

7-ELEVEN, INC.

Name - Type or Print
By: Edward E. Zimmerman
Signature Edward E. Zimmerman, Senior Real Estate Representative
8605 Old Harford Road (410) 663-6600
Address Telephone No.
Baltimore, MD 21234
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 (410)
10275 Little Patuxent Parkway 992-6000
Address Telephone No.
Columbia Maryland 21044-3456
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 1/2 DAY
UNAVAILABLE FOR HEARING -

Reviewed By JL Date 8/17/01

Case No. 02 073 XA

2009/11/15/98

ORDER RECEIVED FOR FILING

Date

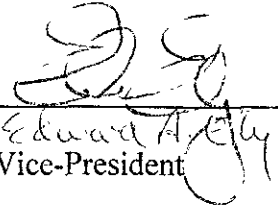
By

SIGNATURE PAGE

LEGAL OWNERS:

WHITE MARSH PHASE II ASSOCIATES,
a Maryland general partnership

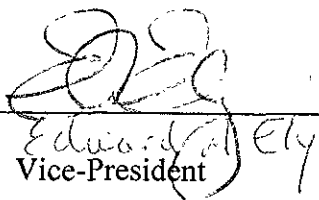
By: WHITE MARSH MALL, INC.,
its General Partner

By: 
Edward A. Ely
Vice-President

WHITE MARSH MALL ASSOCIATES, a
Maryland general partnership

By: WHITE MARSH LIMITED PARTNERSHIP,
its General Partner

By: WHITE MARSH MALL, INC.,
its General Partner

By: 
Edward A. Ely
Vice-President



ORIGINAL; KEEP IN ZONING FILE FLOOD PLAIN

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8233 Perry Hall Boulevard

which is presently zoned BM-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 (no date hardship or practical difficulty)

To be determined at the 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 bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

7-ELEVEN, INC.

Name - Type or Print
By: Edward E. Zimmerman
Signature Edward E. Zimmerman, Senior Real Estate
8605 Old Harford Road Representative
Address (410) 663-6600 Telephone No.
Baltimore Md. 21234
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print
Robert A. Hoffman
Signature
Venable, Baetjer and Howard, LLP
Company
210 Allegheny Avenue (410) 494-6200
Address Telephone No.
Towson Maryland 21204
City State Zip Code

Legal Owner(s):

SEE ATTACHED

Name - Type or Print
Signature
Name - Type or Print
Signature
10275 Little Patuxent Parkway (410) 992-6000
Address Telephone No.
Columbia Maryland 21044-3456
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name
210 Allegheny Avenue (410) 494-6200
Address Telephone No.
Towson Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 DAY

UNAVAILABLE FOR HEARING
Reviewed By SL Date 8/17/01

Case No. 02 073 XA

By R21 9/15/98

ORDER RECEIVED FOR FILING
Date 10/25/01
By 10/25/01

SIGNATURE PAGE

LEGAL OWNERS:

WHITE MARSH PHASE II ASSOCIATES,
a Maryland general partnership

By: WHITE MARSH MALL, INC.,
its General Partner

By: 
Edward A. By
Vice-President

WHITE MARSH MALL ASSOCIATES, a
Maryland general partnership

By: WHITE MARSH LIMITED PARTNERSHIP,
its General Partner

By: WHITE MARSH MALL, INC.,
its General Partner

By: 
Edward A. By
Vice-President

Variance

Variance from Section 405.4.A.2.b of the Baltimore County Zoning Regulations to permit a 0 foot landscape transition area along the southern perimeter of the fuel service station in lieu of the required 6 foot transition area, if necessary.

TO1DOCS1/#120943 v1

073

Description

To Accompany Special Exception Hearing

1.158 Acre Parcel

White Marsh Mall

North of Honeygo Boulevard

West Side of Ring Road

East of Perry Hall Boulevard

Fourteenth Election District, Baltimore County, Maryland



Drafft•McCune•Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Golf Course Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Perry Hall Boulevard (130 foot wide) with the centerline of Honeygo Boulevard, (1) Northeasterly along the centerline of Perry Hall Boulevard 1430 feet, more or less, and thence, (2) Southeasterly 65 feet, more or less to the point of beginning, thence leaving said beginning point and running the following five courses and distances, viz: (1) North 07 degrees 39 minutes 13 seconds East 204.94 feet, thence (2) South 82 degrees 20 minutes 47 seconds East 39.00 feet, thence (3) South 86 degrees 06 minutes 36 seconds East 205.61 feet, thence (4) South 03 degrees 53 minutes 24 seconds West 199.03 feet, and thence (5) North 86 degrees 45 minutes 25 seconds West 257.99 feet, to the point of the beginning; containing 1.158 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

June 14, 2001

Project No. 93017.S9 (L93017.S9)



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

5704

DATE 8/17/01 ⁰⁷³ ACCOUNT 001 006 6150

AMOUNT \$ 550.00

RECEIVED FROM: VENABLE, BAETNER & HOWARD.

FOR: Filing XA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT	ACTUAL	TIME
12/21/2001	8/17/2001	15:27:10
MS05	CASHIER RD05 LCD	DRYMER 3
RECEIPT #	202197	OFLR
5	528 ZONING VERIFICATION	
NO.	005704	

Recpt. Tot 550.00
550.00 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: #02-073-XA

8233 Perry Hall Boulevard

E/S Perry Hall Boulevard, 1430' N of Honeygo Blvd.

14th Election District - 6th Councilmanic District

Legal Owner(s): Edward A. Ely, VP, White Marsh Mall, Inc.

Contract Purchaser: Edward E. Zimmerman, 7-Eleven, Inc.

Variance: to permit a 0 foot landscape transition area along the southern perimeter of the fuel service station in lieu of the required 6 foot transition area, if necessary.

Special Exception: to allow a fuel service station in combination with a convenience store with a sales area larger than 1500 square feet.

Hearing: Friday, October 12, 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.

9/28/01 Sept. 27

C496302

CERTIFICATE OF PUBLICATION

9/27/2001

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 9/27/2001.

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

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

JS
10/12

RE: Case No.: 02-073-XA

Petitioner/Developer 7-11, ETAL
c/o ROBERT HOFFMAN, ESQ

Date of Hearing/Closing 10/12/01

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 #8233 - PERRY HALL BLVD.
ENTR. WHITEMARSH HALL RD.

The sign(s) were posted on 9/24/01
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 9/25/01
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

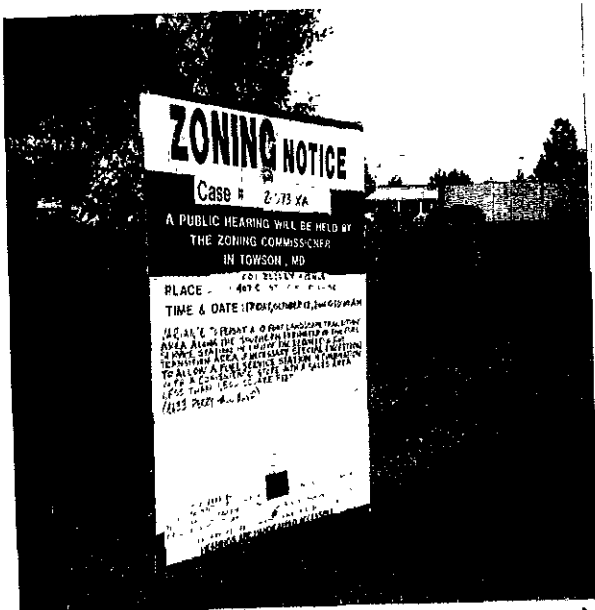
(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

(410) 666-5366



VBH
02-073 XA (7-11)
#8233 PERRY HALL BLVD.
C W.M. MALL (2)
10/12/01

CERTIFICATE OF POSTING

 RE: Case No. 02-073-A

 Petitioner/Developer: 7/11 et al
R. HOFFMAN

 Date of Hearing/Closing: 10/12/01

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 PERRY HALL BLVD. on-site
2 signs.

The sign(s) were posted on 9/25/01 - FIXED.
(Month, Day, Year)

Sincerely,

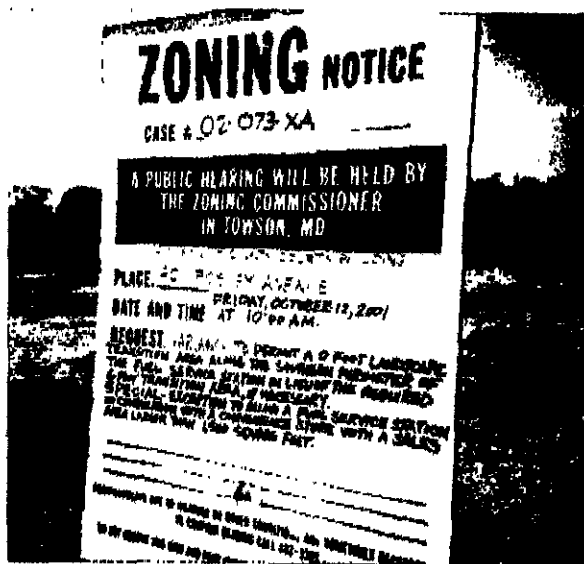
Patrick M O'Keefe 10/10/01
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

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

410-666-5366 ; CELL 410-905-9571
(Telephone Number)



02-073-XA
PERRY HALL BLVD. opp. POL. STA.
7-11 QWIM. HALL
(10/12/01)

**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: 02 073 XA
Petitioner: White Marsh Phase II Associates, et al.
Address or Location: 8233 Perry Hall Boulevard

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Pontell
Address: 210 Allegheny Avenue
Towson MD 21204
Telephone Number: (410) 494-6200

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 27, 2001 Issue – Jeffersonian

Please forward billing to:

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

410 494-6200

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: 02-073-XA

8233 Perry Hall Boulevard

E/S Perry Hall Boulevard, 1430' N of Honeygo Boulevard

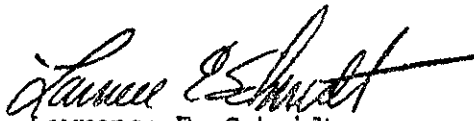
14th Election District – 6th Councilmanic District

Legal Owner: Edward A Ely, VP, White Marsh Mall Inc

Contract Purchaser: Edward E Zimmerman, 7-Eleven Inc

Variance to permit a 0 foot landscape transition area along the southern perimeter of the fuel service station in lieu of the required 6 foot transition area, if necessary. Special Exception to allow a fuel service station in combination with a convenience store with a sales area larger than 1500 square feet.

HEARING: Friday, October 12, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



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 18, 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: 02-073-XA

8233 Perry Hall Boulevard

E/S Perry Hall Boulevard, 1430' N of Honeygo Boulevard

14th Election District – 6th Councilmanic District

Legal Owner: Edward A Ely, VP, White Marsh Mall Inc

Contract Purchaser: Edward E Zimmerman, 7-Eleven Inc

Variance to permit a 0 foot landscape transition area along the southern perimeter of the fuel service station in lieu of the required 6 foot transition area, if necessary. Special Exception to allow a fuel service station in combination with a convenience store with a sales area larger than 1500 square feet.

HEARING: Friday, October 12, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon
Director

C: Robert A Hoffman, Venable Baetjer & Howard LLP, 210 Allegheny Avenue,
Towson 21204
Edward A Ely, VP, White Marsh Mall Inc, 10275 Little Patuxent Parkway,
Columbia 21044-3456
Edward E Zimmerman, 7-Eleven Inc, 8605 Old Harford Road, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPTEMBER 27, 2001**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 4, 2001

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

Dear Mr. Hoffman:

RE: Case Number: August 17, 2001, 8233 Perry Hall Boulevard

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 17, 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: Edward A Ely, VP, White Marsh Mall Inc, 10275 Little Patuxent Parkway,
Columbia 21044-3456
Edward E Zimmerman, 7-Eleven Inc, 8605 Old Harford Road,
Baltimore 21234
People's Counsel



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

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

**BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE**

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

DATE: October 16, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For September 24, 2001
Item Nos. 071, 072, 073, 074, 075, 076,
077, 078, 079, 081, 082, 083, 084, and
085

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

RWB:HJO:jrb

cc: File



**Baltimore County
Fire Department**

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

September 19, 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 September 17, 2001

Item No.: See Below

Dear Ms. Stephens:

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

Comment #5 applies to the following item #'s.

073, 074, 078, and 085

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



LS
10/12

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley
DATE: October 4, 2001
SUBJECT: Zoning Item 73
Address 8233 Perry Hall Blvd

Zoning Advisory Committee Meeting of 9/17/01

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- X If streams or wetlands occur on or within 200 feet of the property, the development of the property may need to comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Glen Shaffer

Date: 10/2/01

Shm
10/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 24, 2001

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

SEP 24

SUBJECT: 8233 Perry Hall Blvd.

INFORMATION:

Item Number: 02-073

Petitioner: White Marsh Mall, Inc.

Zoning: BM - AS

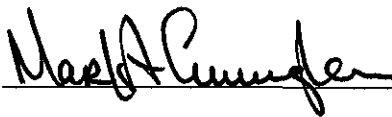
Requested Action: Variance/Special Exception

SUMMARY OF RECOMMENDATIONS:

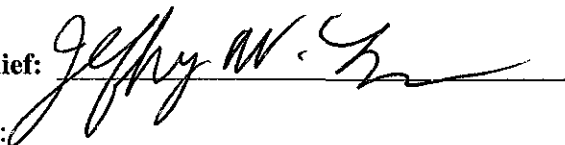
The Office of Planning supports the variance and special exception request contingent upon the following:

1. Any proposed freestanding sign should be ground mounted, and landscaped at the base.
2. A landscape plan should be submitted to Avery Harden, County Landscape Architect for review and approval prior to the issuance of any building permits. The landscape plan should show streetscape treatment along Perry Hall Boulevard.

Prepared by:



Section Chief:



AFK:MAC:



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 9.19.01

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

RE: Baltimore County
Item No. 073 JL

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

gls
10/12

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
8233 Perry Hall Boulevard, E/S Perry Hall Blvd,
1430' N of Honeygo Blvd
14th Election District, 6th Councilmanic

Legal Owner: White Marsh Phase II Assoc., et al.
Contract Purchaser: 7-Eleven, Inc.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-73-XA

* * * * *

ENTRY OF APPEARANCE

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


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of October, 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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Robert Hoffman

210 Allegheny Avenue 21204

Patricia Malone

" " 21204

MICKEY CORNELIUS

9900 FRANKLIN SQ DR STE. H Balto 21236

Patrick Walsh

8200 Perry Hall Blvd Balt. MD 21236

Nancy Wade

8605 Old Hartford Rd. Baltimore Md 21234

Mitch Kellman

200 E. Penn, Towson 21286

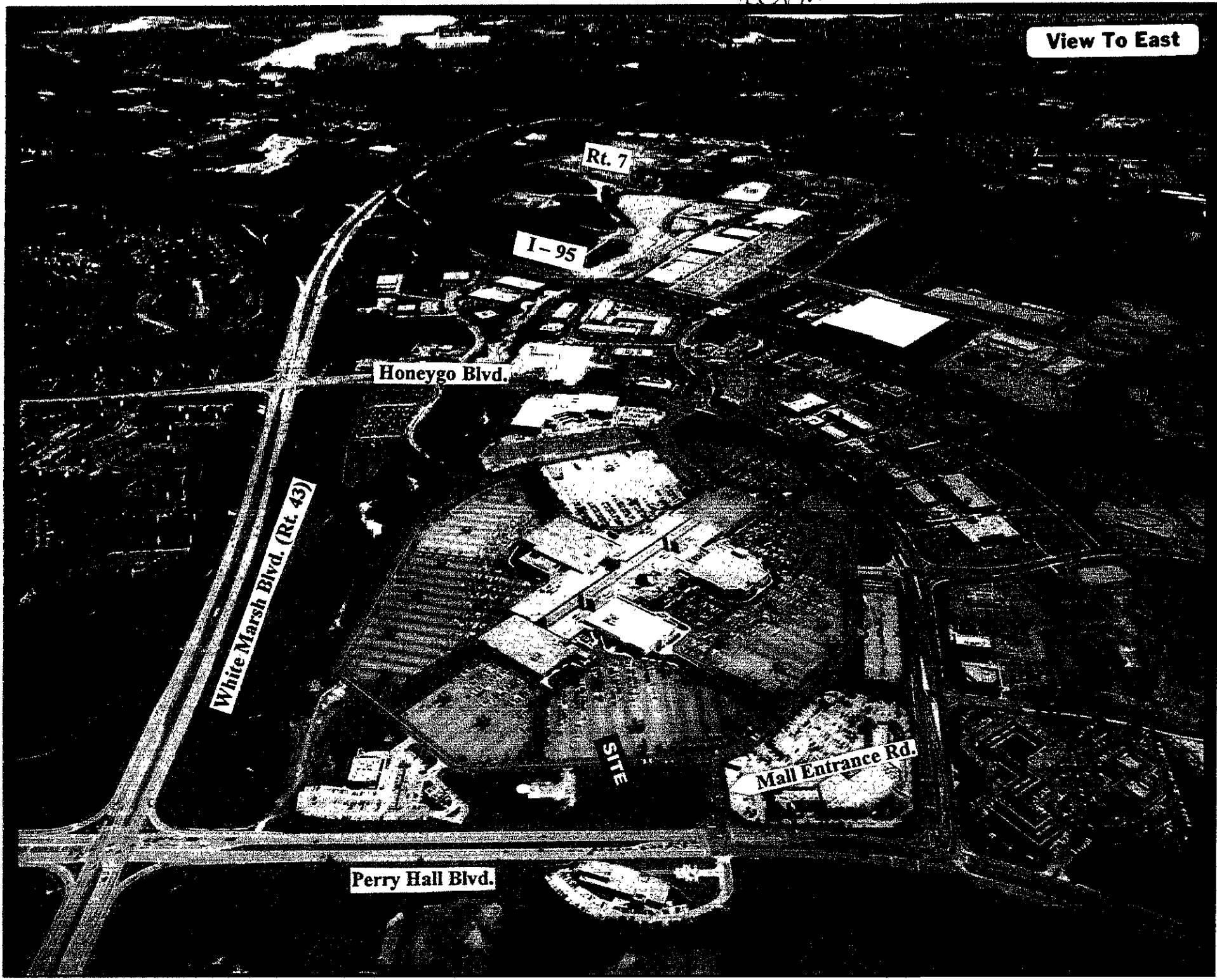
ERIC ROEMER

2711 EASTON, WILLOW GROVE PA.



109 ND 2

View To East



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