IN RE: PETITION FOR VARIANCE W/S Perry Hall Boulevard, S of the c/l White Marsh Boulevard (8235 Perry Hall Boulevard) 14th Election District 6th Council District White Marsh Mall Associates, Owners; 7-Eleven, Inc., Contract Lessee	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 03-019-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, White Marsh Mall Associates, by Edward A. Ely, Vice President, and the Contract Lessee, 7-Eleven, Inc., by Eric E. Roemer, Construction Manager, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request variance relief from Section 450.4.5.e of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit service station canopy signs, two at 120 sq.ft. each, two at 195 sq.ft. each, one at 210 sq.ft. and one at 270 sq.ft. in lieu of the maximum allowed 25 sq.ft. 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 Eric Roemer, Construction Manager for 7-Eleven, Inc., Contract Lessee of the subject property, and David Karceski, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is located within the White Marsh Mall complex along the west side of Perry Hall Boulevard, south of White Marsh Boulevard in White Marsh. The property in question is a 2.30-acre parcel, zoned B.M.-A.S., and is identified on the site plan as Lot A. A portion of Lot A has been improved with a Burger King restaurant and accessory parking area adjacent thereto. The Petitioners are desirous of developing

ORDER RECEIVED FOR FILING
Date 9/25/02
By

the remainder of Lot A with a combination 7-Eleven convenience store/Citgo gasoline service station. As shown on the plan, the convenience store will be a one-story structure, 49' x 60' in dimension, and the service station will feature three fuel pump islands containing six multi-product dispenser units. The Petitioners propose to provide a canopy over the fuel pumps to protect patrons from the elements and inclement weather. The canopy will be a rectangular shaped structure, 120' by 270' in dimension, and will be connected to the convenience store building via a 65' covered passageway. This will allow patrons to fuel their cars and walk to and from the building without being exposed to the elements or inclement weather.

Pursuant to the interpretation of Section 450.4.5.e of the B.C.Z.R. (the sign regulations) by the Zoning Review Division of the Department of Permits and Development Management, the entire face of the canopy has been calculated as part of the overall sign area. This is due to the fact that the canopy is painted green and red stripes, consistent with the 7-Eleven logo. As shown on Page 2 of the site plan, there is no lettering or advertising on the canopy, per se, only a small area where the Citgo sign and logo are featured. The requested variance relief will allow the canopy to be painted on all exposed sides as described above and more particularly, as shown on the plan.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. I am appreciative of the reasons behind the Zoning Review Division's interpretation of Section 450.4.5.e of the B.C.Z.R.; however, it is clear that the intention of the County Council in enacting the sign legislation was to prevent inappropriate proliferation of signs on a given site. In this case, the painting of the canopy could not reasonably be construed to be "inappropriate signage" as discouraged by the sign regulations. Variance relief is entirely appropriate in this case and I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. as construed by the Court of Special Appeals in Cromwell v. Ward, 102 Md. App. 691 (1995). It is also to be noted that the signage is entirely consistent with other 7-Eleven sites, as well as the retail/commercial character of the area. The Office of Planning also issued a comment indicating that they are not opposed to the request, for so long as the signs are in accordance with the detail submitted on the site plan.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of September, 2002 that the Petition for Variance seeking relief from Section 450.4.5.e of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit service station canopy signs, two at 120 sq.ft. each, two at 195 sq.ft. each, one at 210 sq.ft. and one at 270 sq.ft. in lieu of the maximum allowed 25 sq.ft., 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/sign permits 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) The proposed signage shall be in accordance with the sign detail set forth on Petitioner's Exhibit 1.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County
Zoning Commissioner

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

September 26, 2002

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

RE: PETITION FOR VARIANCE
W/S Perry Hall Boulevard, S of the c/l White Marsh Boulevard
(8235 Perry Hall Boulevard)
14th Election District – 6th Council District
White Marsh Mall Assoc., Owners; 7-Eleven, Inc., Contract Lessee - Petitioners
Case No. 03-019-A

Dear Messrs. Hoffman & Karceski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, 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,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Edward A. Ely, V.P., White Marsh Mall Assoc., c/o The Rouse Company, 10275 Little Patuxent Pkwy, Columbia, Md. 21044
Mr. Eric E. Roemer, Construction Mgr., 7-Eleven, Inc.
2711 Easton Road, Willow Grove, Pa. 19090
Office of Planning; People's Counsel; Case File

Printed with Soybean Ink on Recycled Paper

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

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8235 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)

Variance from Section 450.4.5.e of the Baltimore County Zoning Regulations to permit service station canopy signs of 120 sq. ft. (2 signs), 195 sq. ft. (2 signs), 210 sq. ft. (1 sign) and 270 sq. ft. (1 sign) in lieu of the permitted 25 sq. ft.

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:

SEE ATTACHED

Name - Type or Print

Signature

Address Telephone No.

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

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, Maryland 21204

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

ORDER RECEIVED FOR FILING
Date 9/28/02
By

Case No. 03-019-A

REV 9/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
Reviewed By D. THOMPSON Date 7/11/02

SIGNATURE PAGE

8235 Perry Hall Boulevard

LEGAL OWNER :

White Marsh Mall Associates
c/o The Rouse Company
10275 Little Patuxent Parkway
Columbia, Maryland 21044

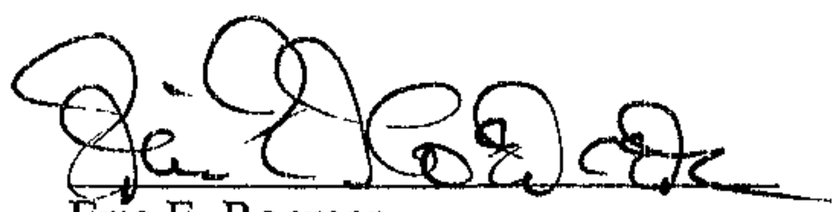
By: _____
Edward A. Ely,
Vice-President
(410) 992-6044

SIGNATURE PAGE

8235 Perry Hall Boulevard

CONTRACT LESSEE:

7-ELEVEN, INC.
2711 Easton Road
Willow Grove, Pennsylvania 19090

By: 
Eric E. Roemer,
Construction Manager
(215) 773-1714

DMW
Daft•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, Engineers, Surveyors & Environmental Professionals

Description

To Accompany Variance 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

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.

July 11, 2002

Project No. 93017.S9 (L93017.S9)

STATE OF MARYLAND
PATRICK C. ARTHUR
No. 10911
REGISTERED
PROFESSIONAL LAND SURVEYOR

ITEM # 019

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 14368

DATE 7/11/02

ACCOUNT 001006 6150

AMOUNT $ 250.00

RECEIVED FROM: VENABLE, BAETZER + HOWARD

FOR: ITEM # 019 03-019-A

8235 PERRY HALL BLVD. BY D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME
7/12/2002 7/11/2002 15:24:38
REG W002 MATL JEWA JEE DRAWER 2
>>RECEIPT# 211148 7/11/2002 OFLN
DESC 5 528 ZONING VERIFICATION
CR NO. 014588
Recpt Tot $250.00
250.00 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: #03-019-A
8235 Perry Hall Blvd.
E/side Perry Hall Blvd. 1,430" north of centerline Honeygo Blvd.
14th Election District
6th Councilmanic District
Legal Owner(s): Eric E. Roemer, Const Mgr. 7-Eleven Inc.

Variance: to permit service station canopy signs of 120 sq. feet (2 signs), 195 sq. ft. (2 signs), 210 sq. feet (1 sign) and 270 sq. ft. (1 sign) in lieu of the permitted 25 sq. ft.

Hearing: Thursday, September 5, 2002 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.

JT/8/677 Aug 20 C557617

CERTIFICATE OF PUBLICATION

8/22/, 2002

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 8/20/, 2002.

- [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

RE: Case No.: 03-019-A

Petitioner/Developer: ERIC E ROEMER

Date of Hearing/Closing: 9/5/02

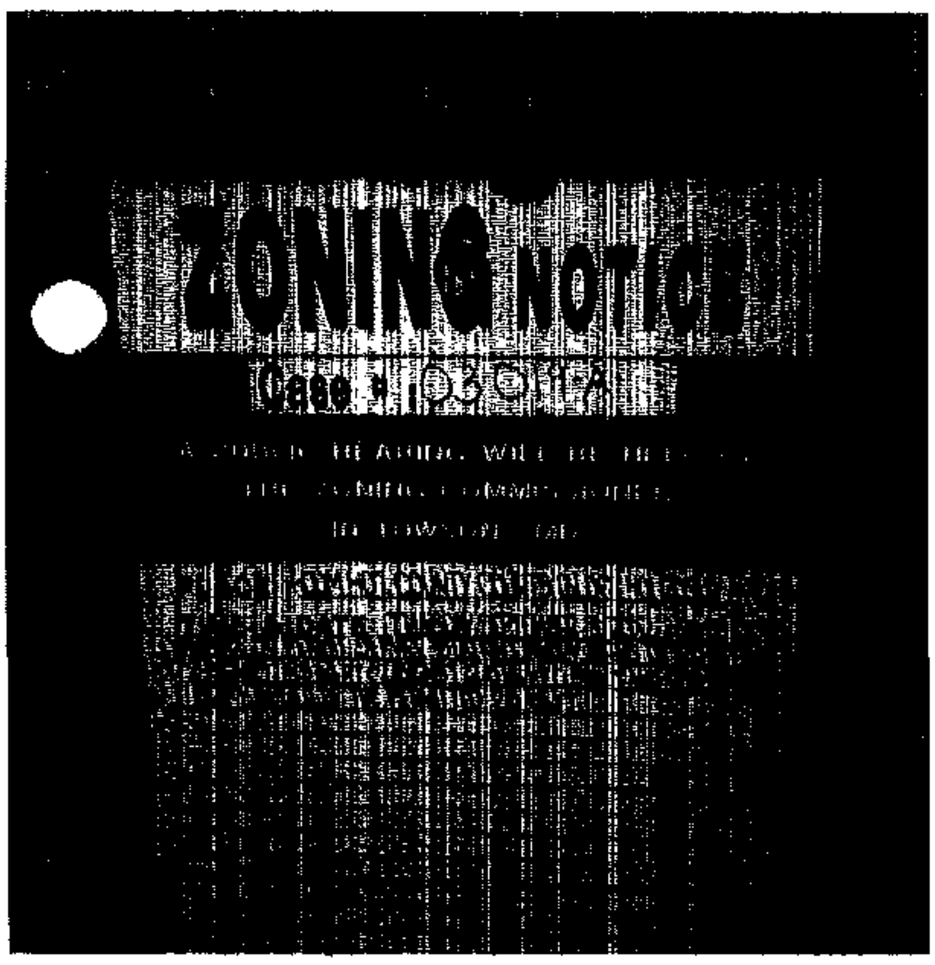
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 8235 PERRY HALL BLVD

The sign(s) were posted on 8/19/02
(Month, Day, Year)



Sincerely,

(Signature of Sign Poster and Date)

SSG ROBERT BLACK
(Printed Name)

1508 Leslie Rd
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

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: 03-019-A

Petitioner: 7 ELEVEN INC.

Address or Location: 8235 PERRY HALL BLVD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: AMY DONTELL @ VENABLE, BAETZER & HOWARD

Address: 210 ALLEGHENY AVE
TOWSON, MD 21204

Telephone Number: 410-494-6244

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 20, 2002 Issue - Jeffersonian

Please forward billing to: Amy Dontell 410-494-6244
Venable, Baetjer, and Howard LLP
210 Allegheny Avenue
Towson, MD 21204

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:03-019-A
8235 Perry Hall Blvd.
E/side Perry Hall Blvd. 1.430" north of centerline Honeygo Blvd.
Election District 14th Councilmanic District 6th
Legal Owner: Eric E. Roemer, Const Mgr. 7-Eleven Inc.

Variance to permit service station canopy signs of 120 sq. feet (2 signs), 195 sq. ft. (2 signs), 210 sq. feet (1 sign) and 270 sq. ft. (1 sign) in lieu of the permitted 25 sq. ft.

HEARING: Thursday, September 5, 2002 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

July 24, 2002

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:03-019-A
8235 Perry Hall Blvd.
E/side Perry Hall Blvd. 1.430" north of centerline Honeygo Blvd.
Election District 14th Councilmanic District 6th
Legal Owner: Eric E. Roemer, Const Mgr. 7-Eleven Inc.

Variance to permit service station canopy signs of 120 sq. feet (2 signs), 195 sq. ft. (2 signs), 210 sq. feet (1 sign) and 270 sq. ft. (1 sign) in lieu of the permitted 25 sq. ft.

HEARING: Thursday, September 5, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

C: Robert A. Hoffman, Esq. Venable, Baetjer and Howard, LLP, 210 Allegheny Avenue, Towson, MD 21204
Edward A. Ely, Vice-President, White Marsh Mall Associates, c/o The Rouse Company, 10275 Little Patuxent Parkway, Columbia MD 21044

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY Wednesday, August 21, 2002**
(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.

Printed with Soybean Ink

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

August 30, 2002

Robert A Hoffman Esquire
Venable Baetjer & Howard
210 Allegheny Avenue

Dear Mr. Hoffman:

RE: Case Number: 03-019-A, 8235 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 July 11, 2002.

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: White Marsh Mall Associates, Edward A Ely VP, 10275 Little Patuxent Pkwy, Columbia 21044
7-Eleven, Inc Eric E Roemer, 2711 Easton Road, Willow Grove PA 19090
People's Counsel

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on Recycled Paper

Baltimore County
Fire Department

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

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

July 23,2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF July 23, 2002

Item No.: See Below

Dear Mr. Zahner:

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.

The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:
019
018-023, 025, 027-030

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

File

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 21, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For July 29, 2002
Item Nos. 017, 018, 019, 020, 022, 023,
024, 025, 027, 028, and 029

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

RWB:CEN:jrb

cc: File

ZAC-7-29-2002-NO COMMENT ITEMS-8192002

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS | TGT

DATE: August 16, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of July 22, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

17,19,20,22-30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 5, 2002

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

SUBJECT: 8235 Perry Hall Blvd.

INFORMATION:

Item Number: 03-019

Petitioner: White Marsh Mall Associates

Zoning: BM-AS

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the proposed sign is constructed in accordance with the sign detail submitted with this request.

Prepared by: Mark A Cunningham

Section Chief: Lyn Lanham

AFK/LL:MAC:

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 7.19.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 019 DT

Dear. Mr. Zahner:

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 VARIANCE. 8235 Perry Hall Blvd., E/side Perry Hall 1,430' north of ctrl Honeygo Blvd.. 14th Election District 6th Councilmanic District Legal Owner:Edward A. Ely, Vice-Pres. White Marsh Mall Associates Petitioner	* * * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 03-019-A

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 26th day of July, 2002, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, VENABLE, BAETJER & HOWARD, LLP, 210 Allegheny Avenue, Towson, Maryland 21204 Attorney for Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway Administration
Driven to Excel

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7.29.03

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

RE: Baltimore County
Item No. 019 BPR

Dear Ms. Hart:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/~~US~~ 45.
are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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

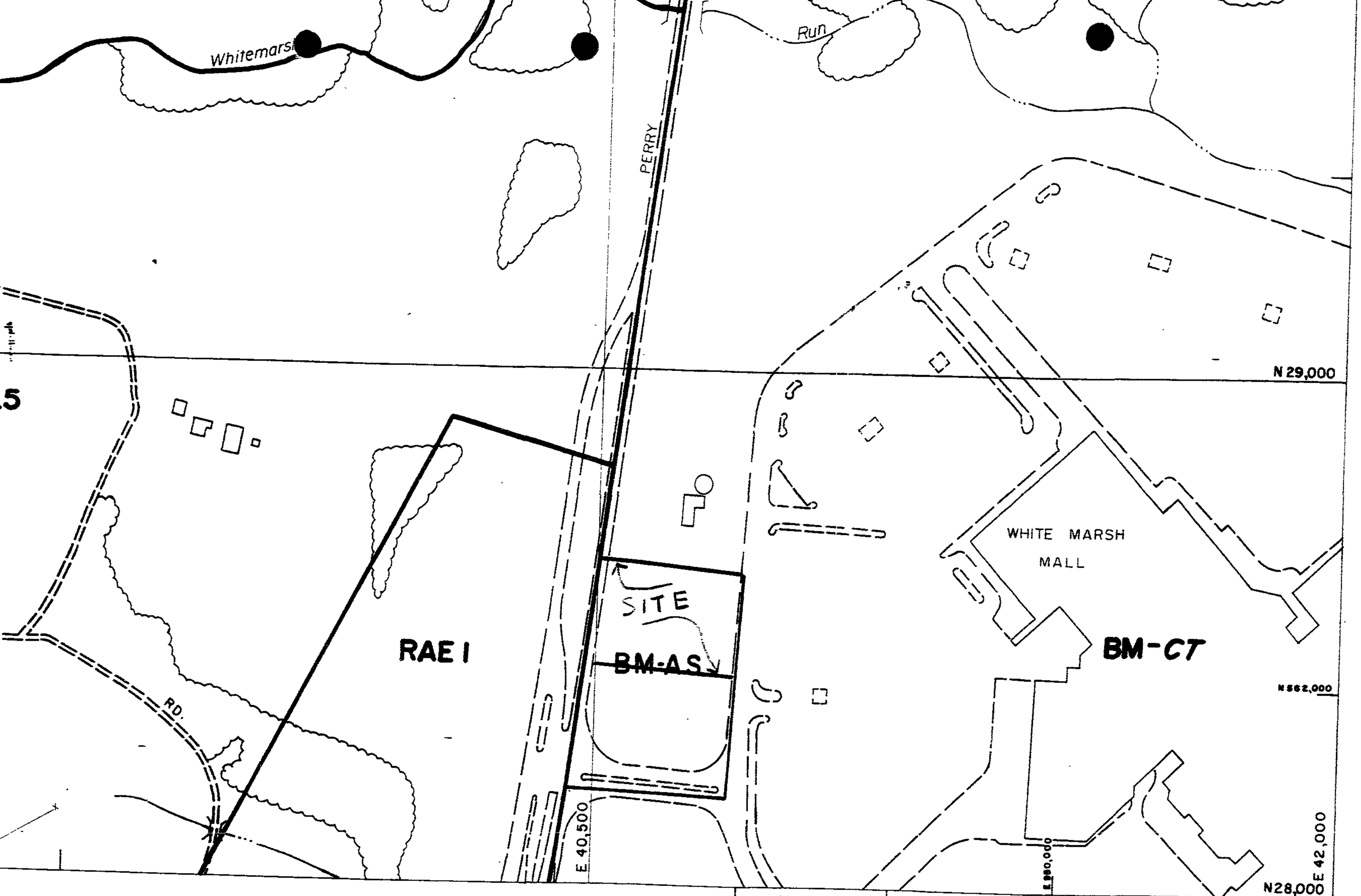
Case Number 03-019-A

PLEASE *PRINT* LEGIBLY

PETITIONER'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
DAVID KARCESKI	210 ALLEGHENY AVE	TOWSON MD	21204
ERIC ROEMER	12 POND VIEW DR.	RICHBORO, PA.	18954

Revised 4/17/00



UNTY
AND ZONING
NG MAP

SCALE	LOCATION	SHEET
1" = 200' ±	FULLERTON VICINITY	N.E. 8-G
DATE OF PHOTOGRAPHY JANUARY 1986		

NE 8 G

ITEM #019

NOTES: (Which include Overall Site)

1. Current owner and street address:
White Marsh Mall Associates White Marsh Phase II Associates
c/o The Rouse Company PO Box 833, Columbia, Maryland 21044
2. Site Area: 2.30 Ac. +(gross)
3. Existing Use: Mall - Fast Food Restaurant
Proposed Use: Mall - Fast Food Restaurant/ Fuel Service Station-Convenience Store
4. Street Address: 8235 Perry Hall Blvd.
5. Site Data: Tax map 82 block 3, parcel 205
Deed reference: 8446 / 438
Tax Account No.: 19-00-001896
Zoning: BM-AS / 200 scale zoning map NE6G
Election District: 14
Councilmanic District: 6
6. Previous permits for this site. B440264, B445055
7. All signs will comply with section 450 of the BCZR.
8. Proposed FAR calculations: 5980/ 119688 = 0.050, vs. allowed 5.5.
9. Amenity Open Space: 31,851 sf / 5980 sf = 5.3 > 0.1
10. This plan for the Burger King use) was approved at the DRC on 8-28-00 as a refinement to the CRG plan under section 26-214, DRC #082800H, plan signed 11-13-00.
11. Paving to be bituminous concrete.
12. Any fixture used to illuminate an off-street parking area shall be so arranged as to reflect light away from adjacent residential sites and public streets.

Fuel Service Station Requirements (Pursuant to Section 405, BCZR) + Special Exception Area Requirements

1. Required minimum lot area: 1500X12 fuel servicing spaces= 18,000 sq. ft. or 15,000 sq. ft. (whichever is greater) + 4x3000 sq. ft. Convenience Store =30,000 sq. ft. + 1000 sq. ft. for ATM = 31000 sq. ft. min. required.
2. Proposed service station and special exception area = 50,429 sq. ft. or 1.158 ac.
3. Setbacks:

	Required	Proposed
A. Main Structure	35' to R/W	100' /58'
B. Fuel Pump	25' to R/W	100' /50'
C. Canopy	15' to R/W	120' /40'

4. The Building will not exceed 40 feet in height.
5. Landscape Transition Areas:

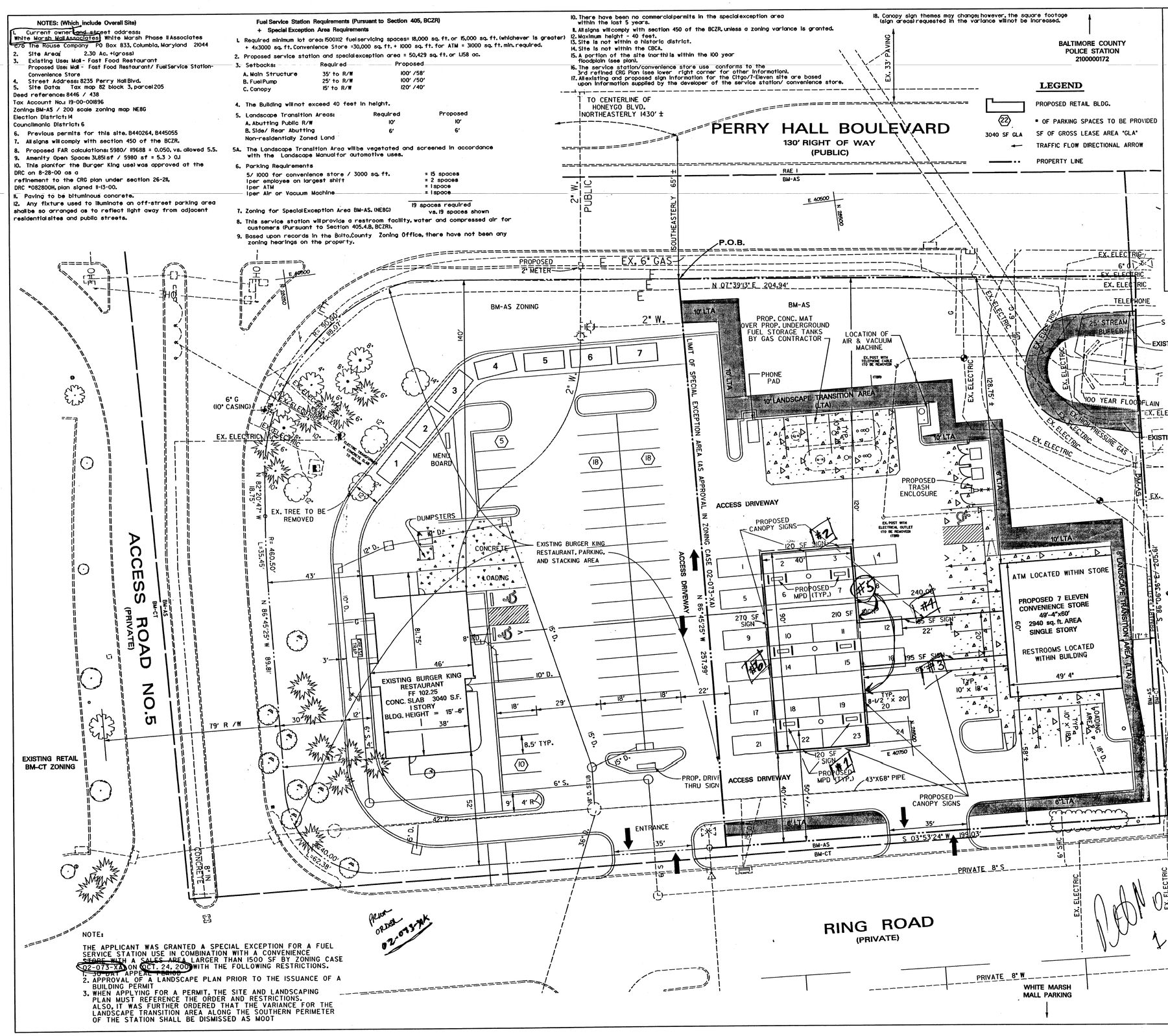
	Required	Proposed
A. Abutting Public R/W	10'	10'
B. Side/ Rear Abutting Non-residentially Zoned Land	6'	6'

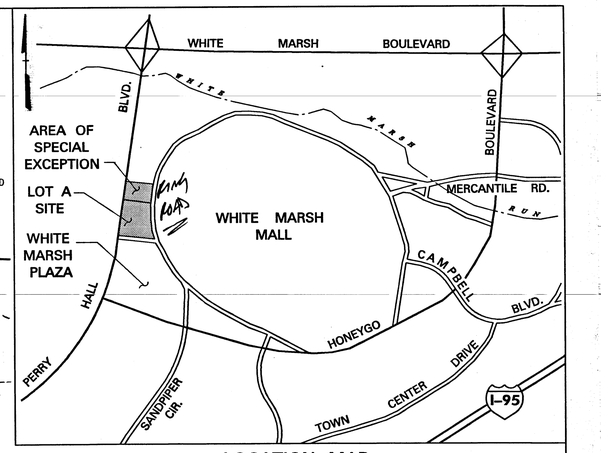
5A. The Landscape Transition Area will be vegetated and screened in accordance with the Landscape Manual for automotive uses.

6. Parking Requirements

5/ 1000 for convenience store / 3000 sq. ft.	= 15 spaces
1 per employee on largest shift	= 2 spaces
1 per ATM	= 1 space
1 per Air or Vacuum Machine	= 1 space
	19 spaces required vs. 19 spaces shown

7. Zoning for Special Exception Area BM-AS. (NE6G)
8. This service station will provide a restroom facility, water and compressed air for customers (Pursuant to Section 405.4.B, BCZR).
9. Based upon records in the Balto. County Zoning Office, there have not been any zoning hearings on the property.
10. There have been no commercial permits in the special exception area within the last 5 years.
11. All signs will comply with section 450 of the BCZR, unless a zoning variance is granted.
12. Maximum height - 40 feet.
13. Site is not within a historic district.
14. Site is not within the CBCA.
15. A portion of the site (north) is within the 100 year floodplain (see plan).
16. The service station/convenience store use conforms to the 3rd refined CRG Plan (see lower right corner for other information).
17. All existing and proposed sign information for the Citgo/7-Eleven site are based upon information supplied by the developer of the service station/ convenience store.
18. Canopy sign themes may change; however, the square footage (sign areas) requested in the variance will not be increased.





LOCATION MAP
SCALE: 1" = 1000'

LEGEND

- PROPOSED RETAIL BLDG.
- 22 — # OF PARKING SPACES TO BE PROVIDED
- 3040 SF GLA — SF OF GROSS LEASE AREA "GLA"
- TRAFFIC FLOW DIRECTIONAL ARROW
- PROPERTY LINE

DATA SOURCES:
All utilities shown hereon are based solely on field location. No comparison to, or enhancement has been made from any utility drawings. The location of any underground utility shown hereon is approximate and must be verified.

HORIZONTAL AND VERTICAL INFORMATION SHOWN HEREON IS REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE METROPOLITAN DISTRICT AND IS BASED ON THE FOLLOWING TRAVERSE STATIONS ESTABLISHED BY "WHITMAN, REQUARDT AND ASSOCIATES":

W72 N 29193.4630 E 41118.5770 ELEV: 95.204
W74 N 28904.9141 E 40826.0787 ELEV: 97.022
W75 N 28260.0440 E 40781.8920 ELEV: 100.54

1. TOPO FIELD RUN BY DMW ON OCTOBER 3, 1997 AND OCTOBER 16, 2000.
2. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON PLATS ENTITLED "WHITEMARSH MALL, SHEET 1 OF 3 (AMENDED)" AND "WHITEMARSH MALL, SHEET 3 OF 3 (AMENDED)" RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MD. IN PLAT BOOK E.H.K. JR. 48 FOLIOS 82 AND 84 RESPECTIVELY.

THE PETITIONER IS REQUESTING A SIGN VARIANCE TO PERMIT 6 CANOPY SIGNS OF 120 SQ. FT. (2 SIGNS), 195 SQ. FT. (2 SIGNS), 210 SQ. FT. (1 SIGN), AND 270 SQ. FT. (1 SIGN) IN LIEU OF 6 SIGNS WITH A 25 SQ. FT. MAXIMUM SIGN AREA.

PLAN TO ACCOMPANY SIGN VARIANCE FOR WHITE MARSH MALL LOT A CITGO /7- ELEVEN

14 th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT — BALTIMORE COUNTY, MARYLAND

BCMD

STATE OF MARYLAND — JOHN W. RAMSBURG — No. 19331 — REGISTERED PROFESSIONAL ENGINEER

DATE	BY	REVISIONS

CRG INFORMATION FOR THE SERVICE STATION/ CONVENIENCE STORE
DRC #070201N
PDM# XIV-110
DATE OF DRC APPROVAL LETTER, 11/23/01
DATE OF CRG APPROVAL (3RD RETIREMENT) 12/6/01

OWNER:
White Marsh Mall Associates
White Marsh Phase II Associates
c/o The Rouse Company
PO Box 833
Columbia, Maryland 21044

CONTRACT LESSEE:
7-Eleven, Inc.
8605 Old Harford Road
Baltimore, MD 21234

ISSUE DATES			
REVIEW:	8/07/01	BASE:	
BID:		DRAWN:	KDE/CMG
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	MSK
SCALE:	1" = 20'	DATE CHECKED:	12/11/01
PROJECT NO.:	93017.K1	DRAWING:	1 of 2

NOTE:

THE APPLICANT WAS GRANTED A SPECIAL EXCEPTION FOR A FUEL SERVICE STATION USE IN COMBINATION WITH A CONVENIENCE STORE WITH A SALES AREA LARGER THAN 1500 SF BY ZONING CASE 02-073-XA ON OCT. 24, 2001 WITH THE FOLLOWING RESTRICTIONS.

1. 30-DAY APPEAL PERIOD
2. APPROVAL OF A LANDSCAPE PLAN PRIOR TO THE ISSUANCE OF A BUILDING PERMIT
3. WHEN APPLYING FOR A PERMIT, THE SITE AND LANDSCAPING PLAN MUST REFERENCE THE ORDER AND RESTRICTIONS. ALSO, IT WAS FURTHER ORDERED THAT THE VARIANCE FOR THE LANDSCAPE TRANSITION AREA ALONG THE SOUTHERN PERIMETER OF THE STATION SHALL BE DISMISSED AS MOOT

PLAN ORDER 02-073-XA

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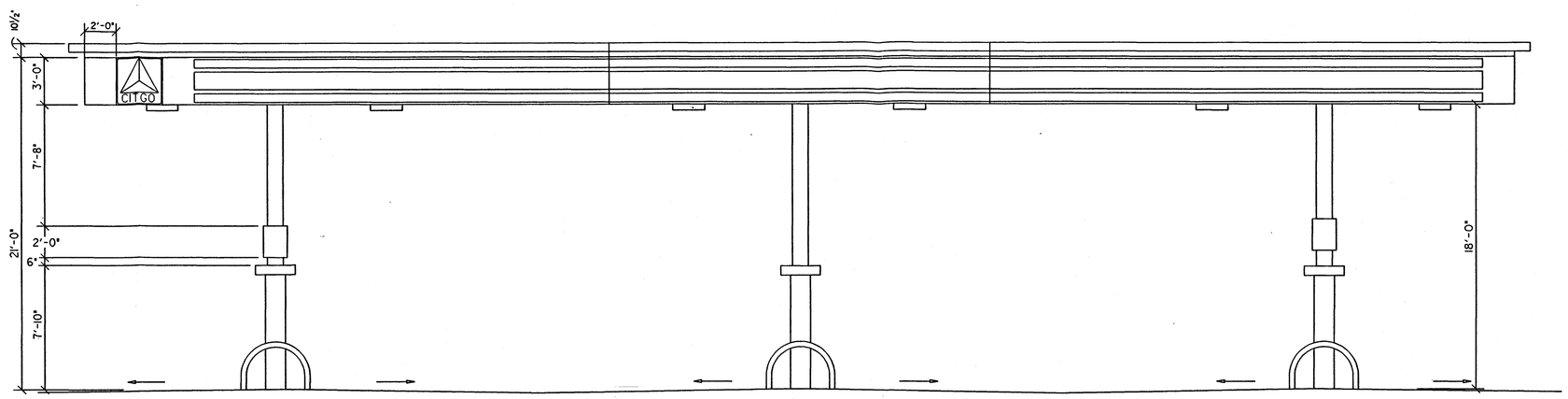
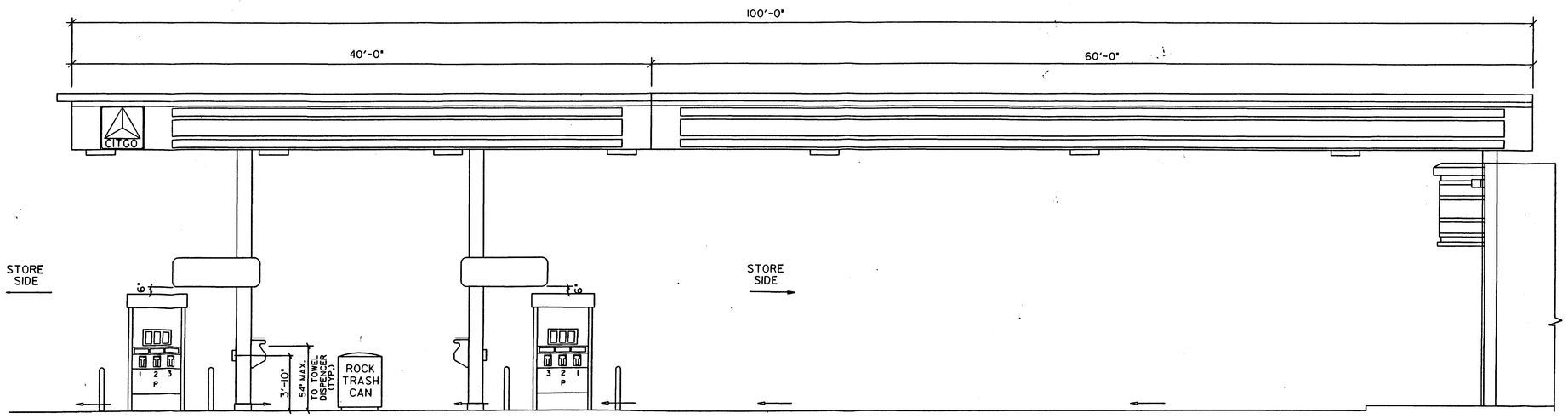


CANOPY - FRONT ELEVATION

NO SCALE



CANOPY - SIDE ELEVATION

NO SCALE

OWNER :
White Marsh Mall Associates
White Marsh Phase II Associates
c/o The Rouse Company
PO Box 833
Columbia, Maryland 21044

CONTRACT LESSEE:
7-Eleven, Inc.
8605 Old Harford Road
Baltimore, MD 21234

CANOPY DETAILS

WHITE MARSH MALL LOT A

CITGO /7- ELEVEN

14 th ELECTION DISTRICT C8 BALTIMORE COUNTY, MARYLAND

DATE	BY	REVISIONS

ISSUE DATES			
REVIEW:	8/07/01	BASE:	
BID:		DRAWN:	KDE/CMG
PERMIT:		DESIGNED:	
CONSTRUCTION:		CHECKED BY:	
SCALE:	AS SHOWN	DATE CHECKED:	12/11/01
PROJECT NO.:	93017.K1	DRAWING:	2 of 2

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