Date WED FOR FILING

IN RE: PETITION FOR SPECIAL HEARING

SW/Corner Frederick Road and

Bishops Lane

(607 Frederick Road)

1<sup>st</sup> Election District

1<sup>st</sup> Council District

Amoco Oil Company Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 03-424-SPH

\*

\* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Amoco Oil Company, through Sebastian A. Cross, Esquire. The Petitioners request approval, pursuant to Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), of an extension for the utilization of the special exception relief granted in prior Case No. 02-037-SPHXA until October 3, 2006. 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 was Sebastian A. Cross, 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 on the southwest corner of the intersection of Frederick Road and Bishops Lane in Catonsville. The property contains .818 acres in area, zoned B.L.-C.C.C., and has been in use as a fuel service station/service garage since 1955. Presently, there is a one-story brick building of 2,423 sq.ft. on the site, as well as a canopy covering five multiple fuel dispensers.

As noted above, the property was the subject of prior Case No. 02-037-SPHXA in which the Petitioners were granted special hearing, special exception and variance relief for proposed improvements/renovations to the site. Consistent with upgrades to other Amoco stations throughout Baltimore County, those improvements included the addition of a convenience store

and carryout restaurant with an ancillary use automatic teller machine. The existing service garage use was to be abandoned in order to allow for the proposed improvements. By Order of the undersigned Zoning Commissioner on October 3, 2001, the relief was granted.

Pursuant to Section 502.3 of the B.C.Z.R., any special exception granted must be utilized within two years of the date of any final Order granting same; however, an extension of up to five years may be obtained, if requested prior to the expiration of the initial two year period. The special exception relief granted in the prior case will expire on October 3, 2003. It is to be noted that the special hearing and variance relief granted does not expire. Although still presently in effect, the Petitioner requests an extension for utilization of the special exception to October 3, 2006. Apparently, the Petitioners have been delayed in the implementation of the improvements and renovations proposed for the subject property and thus, request an extension.

Based upon the testimony and evidence offered, I am persuaded to grant the requested relief. Circumstances have not changed on site and the extension of the special exception is appropriate in this instance. However, relief will be granted subject to compliance with the restrictions entered in the prior case, and as amended by the Zoning Advisory Committee (ZAC) comment submitted by the Office of Planning, dated May 16, 2003.

Pursuant to the advertisement, positing 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 \_\_\_\_\_\_ day of June, 2003 that the Petition for Special Hearing to approve, pursuant to Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), an extension for the utilization of the special exception relief granted in prior Case No. 02-037-SPHXA until October 3, 2006, 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) Compliance with the amended Zoning Advisory Committee (ZAC) comment submitted by the Office of Planning, dated May 16, 2003, a copy of which is attached hereto and made a part hereof.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

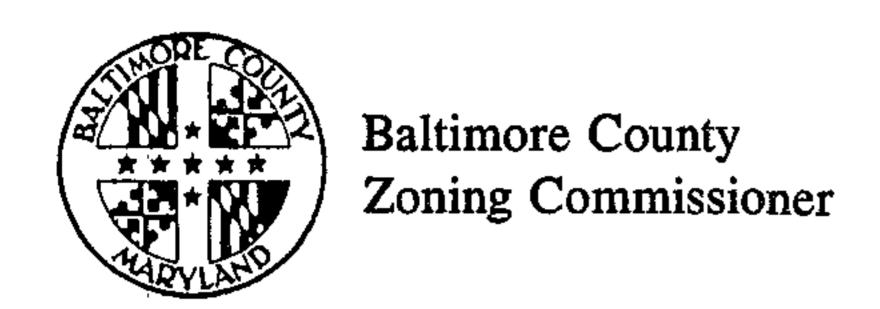
IT IS FURTHER ORDERED that all terms and conditions of the Order issued in prior Case No. 02-037-SPHXA, except as modified herein, shall remain in full force and effect.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



June 4, 2003

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

Fax: 410-887-3468

Sebastian A. Cross, Esquire Gildea, LLC 301 N. Charles Street, Suite 900 Baltimore, Maryland 21201

RE: PETITION FOR SPECIAL HEARING SW/Corner Frederick Road and Bishops Lane (607 Frederick Road) 1<sup>st</sup> Election District – 1<sup>st</sup> Council District Amoco Oil Company - Petitioners Case No. 03-424-SPH

Dear Mr. Cross:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing 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. John R. Lombardo, Amoco Oil Company 1 W. Pennsylvania Avenue, Suite 95, Towson, Md. 21204 Office of Planning; People's Counsel; Case File



ORDER REC

REV 9/15/98

# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	607	Frederick	Road	<b>-</b>
which is	s pres	ently zoned B	L-CCC	

Reviewed By D. THOMPSON Date 3/13/03

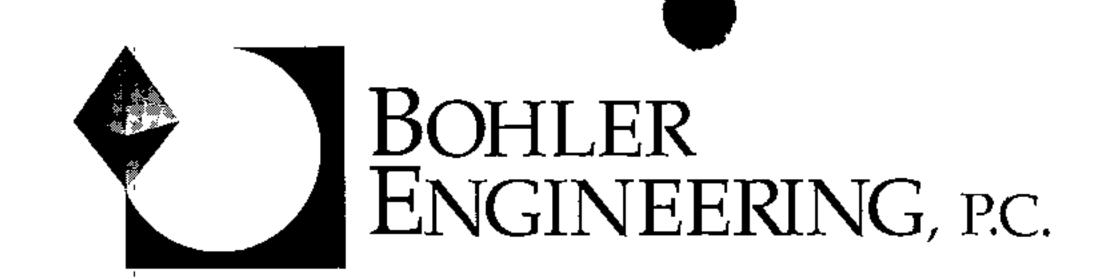
This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section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

As per Section 502.3 of the BCZR, request for an extension of the utilization period for the Special Exception granted in case number 02-037-SPHXA until October 3, 2006.

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:	Legal Owner(s):
Name - Type or Print	Amoco Oil Company Name - Type or Print
Signature	Signature Mr. John R. Lombardo
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	<u>l W. Pennsylvania Avenue, Suite 95</u> Address Telephone No.
Sebastian A. Cross Esquire Name - Type or Print	Towson, MD 21204 (410)494-3772 City State Zip Code
Signature Schultz Con	Representative to be Contacted:
Gildea, LLC	Sebastian A. Cross, Esquire
301 N.Charles St., Suite 900 Address Telephone No.	Name  301 N.Charles St., Suite 900  Address Telephone No.
Baltimore, MD 21201 (410)234-0070 City State Zip Code	
•	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Case No. 03-454-504	UNIAVATI ARI E EOD LIEADTNIC



810 Gleneagles Court, Suite 300 Towson, MD 21286 410.821.7900 410 821.7987 fax md@bohlereng.com

March 13, 200**3** 

DESCRIPTION OF THE LANDS OF AMOCO OIL COMPANY
TAX MAP 101 PARCEL 2149
607 FREDERICK ROAD
CATONSVILLE
FIRST ELECTION DISTRICT,
BALTIMORE COUNTY, MARYLAND

BEGINNING AT THE INTERSECTION OF THE SOUTHERNMOST SIDE OF FREDERICK ROAD, ALSO KNOWN AS MARYLAND ROUTE 144, A 66 FEET WIDE RIGHT-OF-WAY, AT THE INTERSECTION OF THE WESTERNMOST SIDE OF BISHOP LANE, A VARIABLE WIDTH RIGHT-OF-WAY; THENCE, LEAVING FREDERICK ROAD, AND BINDING ON THE WESTERNMOST SIDE OF BISHOP LANE, AND REFERRING THE COURSES AND DISTANCES TO THE MARYLAND STATE GRID MERIDIAN, NAD 83 NORTH, VIZ;

- SOUTH 17 DEGREES 54 MINUTES 44 SECONDS EAST 156.22 FEET TO AN IRON PIPE FOUND;
   THENCE, LEAVING BISHOP LANE,
- 2. SOUTH 73 DEGREES 38 MINUTES 18 SECONDS WEST 230.64 FEET TO A POINT;
- 3. NORTH 15 DEGREES 05 MINUTES 41 SECONDS WEST 158.00 FEET TO A POINT ON THE SOUTHERNMOST SIDE OF THE AFOREMENTIONED FREDERICK ROAD; AND THENCE,
- 4. NORTH 74 DEGREES 05 MINUTES 59 SECONDS EAST 222.93 FEET TO THE PLACE OF BEGINNING; AS RECORDED IN DEED LIBER 12247 AT FOLIO 60;

CONTAINING IN ALL 35,619 SQUARE FEET OR 0.818 ACRES OF LAND MORE OR LESS; ALSO KNOWN AS 607 FREDERICK ROAD, FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.



#### Other Office Locations:

#### 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 #03-424-SPH
607 Frederick Road
S/west corner Frederick
Road and Bishop Lane
1st Election District
1st Councilmanic District
Legal Owner(s) John R.
Lombardo, BP Products
North America, Inc.
Special Hearing: to request
for an extension of the utilization period for the Special
Exception granted in Case
Number 02-037-SPHXA
until October 3, 2006.
Hearing: Thursday, May
22, 2003 at 11:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

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/5/623 May 6 C602267

## CERTIFICATE OF PUBLICATION

I I
<u>5/8</u> ,20 <u>03</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $56$ , $2003$ .
The Jeffersonian
The Jeffersonian  Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkings
LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No.
DATE ACCOUNT	001000000000000000000000000000000000000
AMOUNT \$	
RECEIVED SECTION RECEIVED	
FOR:	
WIT FREDERICK RD.	64 ). IH (17) = 50 V
DISTRIBUTION  WHITE - CASHIER PINK - AGENCY YELLOW - CUS	STOMER

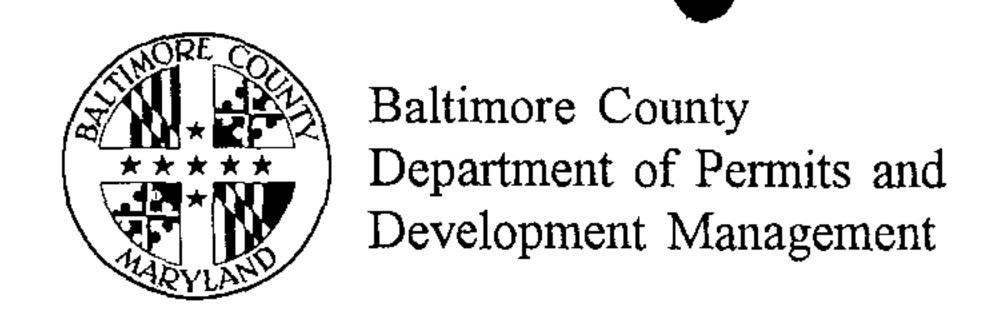
THE RESIDENCE OF THE PARTY OF T

CASHIER'S VALIDATION

## CERTIFICATE OF POSTING

RE: Case No.: 03-424-574

	Petitioner/Developer: JOHN R.		
Lo	MBARDO, BP PRODUCT		
	Date of Hearing/Closing: 5/22/03		
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204			
ATTN: Becky Hart {(410) 887-3394}			
Ladies and Gentlemen:			
This letter is to certify under the penalties of perjury the posted conspicuously on the property located at:			
607 FREDRICK	RD		
The sign(s) were posted on(Month	/O3 i, Day, Year)		
Sincere			
- -	5/3/03		
	(Signature of Sign Poster) (Date)		
	SSG Robert Black		
	(Print Name)		
	1508 Leslie Road		
	(Address)		
	Dundalk, Maryland 21222		
	(City, State, Zip Code)		
	(410) 282-7940		
	(Telephone Number)		



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

Fax: 410-887-5708

March 27, 2003

## **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: 03-424-SPH

607 Frederick Road

S/west corner Frederick Road and Bishop Lane

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: John R. Lombardo, BP Products North America, Inc.

Special Hearing to request for an extension of the utilization period for the Special Exception granted in Case Number 02-037-SPHXA until October 3, 2006.

Hearings:

Thursday, May 22, 2003 at 11:00 a.m. in Room 407, County Courts Bldg.,

401 Bosley Avenue

Arnold Jablon Director

AJ:klm

C: Sebastian A. Cross, Esq., Gildea LLC, 301 N. Charles Street, Ste. 900, Baltimore 21201 Amoco Oil Company, John Lombardo, 1 W. Pennsylvania Ave., Ste. 95, Baltimore 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 7, 2003.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 6, 2003 Issue - Jeffersonian

Please forward billing to:

Gildea LLC

301 N. Charles Street, Suite 900

Baltimore, MD 21201

410-234-0070

## **NOTICE OF ZONING HEARING**

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

CASE NUMBER: 03-424-SPH

607 Frederick Road

S/west corner Frederick Road and Bishop Lane

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: John R. Lombardo, BP Products North America, Inc.

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Thursday, May 22, 2003 at 11:00 a.m. in Room 407, County Courts Bldg.,

401 Bosley Avenue

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.

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

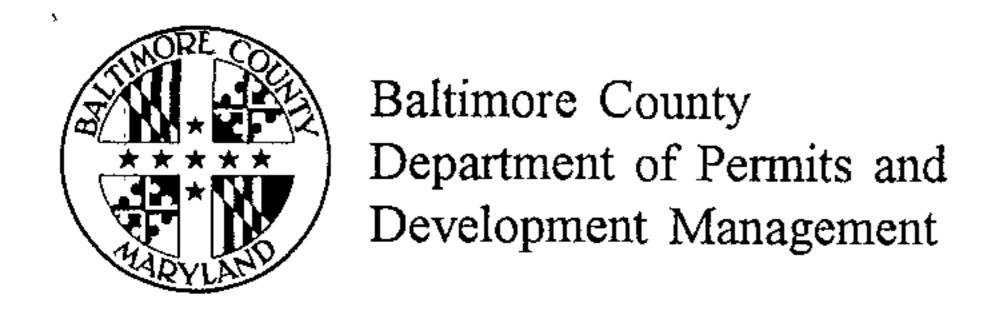
## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: $03-424-50H$
Petitioner: Amoco O: 1 Company
Address or Location: 607 Frederich Road
PLEASE FORWARD ADVERTISING BILL TO:  Name:
Address: 301 N. Charles St, Suite 900
Baltimore Md 2/201
Telephone Number: 410 234-0020



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

May 16, 2003

Sebastian Cross, Esquire Gildea, LLC 301 N. Charles Street, Suit 900 Baltimore, MD 21201

Dear Mr. Cross:

RE: Case Number: 03-424-SPH, 607 Frederick Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 13, 2003.

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.

Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Amoco Oil Company, John Lombardo, 1 W. Pennsylvania Ave., Ste. 95, Towson 21204



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3.27.03

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

RE: Baltimore County

Item No. 424 DT

607 FREDERICK TZd

Dear. Ms. Hart:

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,

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



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

March 26, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: March 24, 2003

Item No.:

407-418, 420-430

424

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File

f192 5/22

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** April 21, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-416 and 03-424

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL:MAC

RECE/VED

APR 2 2 2003

ZONING COMMISSIONER

fog;

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** May 16, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

03-424 – REVISED COMMENTS

INFORMATION:

Item Number:

03-424

Petitioner:

Amoco Oil Company

Zoning:

**BL-CCC** 

Requested Action:

Special Hearing

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request subject to the elevations submitted on May 16, 2003 and as approved by the Design Review Panel.

Prepared by:

Section Chief:

AFK/LL:MAC:

## BALTIMORE COUNTY, MARYLAND

## INTEROFFICE CORRESPONDENCE

**DATE:** April 15, 2003

TO:

Arnold Jablon, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 31, 2003

Item Nos. 407, 408, 410, 411, 412, 414, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, and

430

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING 607 Frederick Road; SW/corner Frederick

Road & Bishop Lane

1<sup>st</sup> Election & 1<sup>st</sup> Councilmanic Districts Legal Owner(s): Amoco Oil Company, John R Lombardo

Petitioner(s)

\* BEFORE THE

\* ZONING COMMISSIONER

\* FOR

) \* BALTIMORE COUNTY

\* 03-424-SPH

## **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 day of March, 2003, a copy of the foregoing Entry of Appearance was mailed to Sebastian A Cross, Esquire, 301 N. Charles Street, Suite 900, Baltimore, MD 21201, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

IN RE: PETITION FOR SPECIAL HEARING SW/Cor. Frederick Road and Bishops Lane 1st Election District 1st Councilmanic District (607 Frederick Road)

> Amoco Oil Company Petitioners

BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 02-037-SPHXA

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Special Exception, Petition for Special Hearing and Petition for Variance, all for the property located at 607 Frederick Road in Catonsville. The petition was filed by Amoco Oil Company, property owner. Special exception relief is requested to approve a fuel service station use in combination with a convenience store and carry-out restaurant and an ancillary use for an automatic teller machine. Special hearing relief is requested to amend the previously approved special exception granted in Case #3510X and abandon the service garage, so as to permit a fuel service station in combination with a convenience store and carry-out restaurant. Variance relief was requested to permit 90 sq. ft. of freestanding signage in lieu of the required 75 ft. pursuant to Section 450 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to provide a 11.5 ft. one-way drive aisle in lieu of the required 12 ft. width pursuant to Section 409.AA. The subject property and requested relief are more particularly shown on the four-paged plat to accompany the petitions for special exception, special hearing and variance, marked as Petitioners' Exhibit No. 1.

Appearing at the requisite public hearing held for this case were Stephen Falitto, on behalf of the Amoco Oil Company, Petitioner. Also present was Adam Volanth, the professional

engineer who prepared the site plan. The Petitioner was represented by David K. Gildea, Esquire. There were no protestants or other interested persons present.

Testimony and evidence presented was that the subject property is on a corner lot, located at the southwest corner of the intersection of Frederick Road and Bishops Lane in Catonsville. The subject property is .818 acres in area, zoned BL-CCC. The property is located within the Catonsville commercial revitalization district. In this regard, a comment in support of this request was received from Baltimore County Department of Economic Development.

In any event, the site has been in use as a fuel service station/service garage since approximately 1955. Presently, the site contains 5 multiple fuel dispensers covered by a canopy. There is an existing one-story brick building of 2,423 sq. ft. Although built in 1955, the station was renovated in 1973. It has been in continuous use as a service station for nearly 50 years. The existing improvements are shown on page 1 of the site plan (Petitioners' Exhibit No. 1).

As part of the industry trend, the site is to be redeveloped as more particularly shown on page 2 of the site plan. All of the existing improvements on the site will be razed and a new convenience store containing 2,400 sq. ft. will be constructed. Additionally, six new fuel dispensers are proposed which will be situated perpendicular to Frederick Road.

In view of the location of the property within a revitalization district, the project has undergone review by the Baltimore County Design Review Panel. That panel endorsed the proposal subject to several recommendations. These included that an 8 ft. fence be built along the rear of the site to buffer the use from adjacent properties. Additionally, a comment was received from the Office of Planning recommending that the project meet certain requirements as they relate to lighting.

In addition to the zoning advisory comment from the Office of Planning, setting out the design review panel's comments, a comment was also received from the Bureau of Development Plans Review. That indicates that the developer will be required to make certain improvements to the road, curb and gutter along its frontage on Bishops Lane. Also, the State Highway Administration will require a traffic impact analysis. The requirements contained within these comments will be incorporated.

As to the petition for special exception, I am easily persuaded that same should be approved. The proposed use is entirely consistent with neighboring uses and is appropriate for this site. The historic use of this property as a fuel service station and garage is a persuasive factor that the petition for special exception should be granted. In this regard, the property will be developed similar to other Amoco stations in Baltimore County, that is, the convenience store will feature a carry-out restaurant to provide limited food service to the site's patrons. In sum, I believe that the proposed use meets the requirements of Section 502.1 of the B.C.Z.R. and should be granted.

As to the petition for special hearing, the service garage use is being abandoned. There will be no automotive repairs on site. Thus, the prior site plans and orders in prior cases shall be amended to reflect the redevelopment of this site. The petition for special hearing should, therefore, be granted.

Lastly, the Petitioners requested two variances. The first was withdrawn at the hearing. It was determined by the Petitioners that the site had sufficient road frontage so as to allow, under Section 450 of the B.C.Z.R., 90 sq. ft. of freestanding signage. The amount of freestanding signage permitted is based upon the property's amount of road frontage. In that sufficient frontage exists to allow a 90 sq. ft. freestanding sign, the requested variance is being withdrawn.

The second variance relates to a small adjustment to a one-way drive aisle. The proposed drive aisle will be 6 inches less than the 12 ft. required under code. Testimony and evidence was presented during the hearing in support of this variance, that same would permit better traffic circulation and an appropriate buffer and attractive appearance along the property's frontage on Frederick Road.

In sum, I believe that relief should be granted for this project, in that it represents appropriate revitalization of an old site and an upgrade of same. It is consistent with efforts to upgrade older communities, including Catonsville. For all these reasons, the petitions shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this and an of October, 2001, that the Petitioners' Request for Special Exception, to approve a fuel service station use in combination with a convenience store and carry-out restaurant and an ancillary use for an automatic teller machine, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. Compliance with Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning dated August 27, 2001, a copy of which is attached hereto and made a part hereof.
- 2. Compliance with the ZAC comments submitted by the Bureau of Development Plans Review dated September 11, 2001, a copy of which is attached hereto and made a part hereof.
- 3. Compliance with the requirements made by the State Highway Administration in their correspondence dated August 27, 2001, a copy of which is attached hereto and made a part hereof.

IT IS FURTHER ORDERED, that the Petitioners' Request for Special Hearing, to amend the previously approved special exception granted in Case #3510X and abandon the service garage, so as to permit a fuel service station in combination with a convenience store and carry-out restaurant, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that variance relief requested pursuant to Section 409.AA of the B.C.Z.R., to provide a 11.5 ft. one-way drive aisle in lieu of the required 12 ft. width, be and is hereby GRANTED. The variance relief requested pursuant to Section 450 of the B.C.Z.R. to permit 90 sq. ft. of freestanding signage in lieu of the required 75 ft. is withdrawn.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER

FOR BALTIMORE COUNTY

LES:raj

HON

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** August 27, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

AUG 2 7

;-

**SUBJECT:** 

607 Frederick Road

**INFORMATION:** 

Item Number:

02-037

Petitioner:

Amoco Oil Company

Zoning:

**BL-CCC** 

Requested Action:

Special Hearing/Special Exception/Variance

#### SUMMARY OF RECOMMENDATIONS:

- 1. The project was subject to Design Panel review (see attached comments) on July 12, 2001. The project was approved subject to the panel's recommendations. Please condition the requested relief upon the review and approval of a lighting plan by Avery Harden in cooperation with the final landscape plan.
  - a) Submit a plan, with the locations and details of the proposed lighting and a computerized lighting design with point-by-point calculations that conforms with the *Illuminating Engineering Society of North America* (IESNA) standards, for review and approval by The Office of Planning and Avery Harden in conjunction with the Final Landscape Plan.
  - b) All site and canopy lighting shall be full cut-off.

Prepared by:

**Section Chief:** 

AFK:MAC:

Robert L. Ehrlich, Jr.

Maryland Department of Planning

Audrey E. Scott Secretary

Florence E. Burlan
Deputy Secretary

Michael S. Steele

March 25, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 03/31/03 re: case numbers 03-407-SPH, 03-408-SPH, 03-409-A, 03-410-A, 03-411-A, 03-412-A, 03-413-A, 03-414-SPH, 03-415-A, 03-416-SPH, 03-417-SPH, 03-418-SPH, 03-419-SPHX, 03-420-A, 03-421-A, 03-422-A, 03-423-A, 03-424-SPH, 03-425-SPH, 03-426-SPH, 03-427-A, 03-428-SPHAHSA, 03-429-A, 03-430-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 03/25/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

