IN RE: PETITIONS FOR SPECIAL HEARING, BEFORE THE SPECIAL EXCEPTION & VARIANCE -SW/Corner Baltimore National Pike ZONING COMMISSIONER (Maryland Route 40) and St. Agnes Lane (Parcels 235, 273, 279 & 300, aka OF BALTIMORE COUNTY 5501-5511 Old Frederick Rd., and Parcel 326, aka 5500 Old Frederick Rd.)* Case No. 04-033-SPHXA 1st Election District/1st Council District *Walter R. Mohler, Trustee and Bank of America, N.A., Owners, (Parcels 235, 273, 279 & 300) Damian Birchess, M.D. and Christine L. Commerford, Owners (Parcel 326)

Q-C Enterprises, Inc., Contract Purchasers/

Developers

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property and the Contract Purchasers/Developers identified above, through their attorney Robert A. Hoffman, Esquire. The Petitioners request special hearing relief, pursuant to Section 500.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), that the proposed fuel service station/convenience store is a separate operation from the adjoining retail establishment and is not a "use in combination" pursuant to Section 405.4.E of the B.C.Z.R. In addition the Petitioners request a determination that the proposed joint identification sign for the subject fuel service station/convenience store and the retail establishment is permitted by right. A special exception is requested to permit a proposed fuel service station as a use in combination with a convenience store with a sales area larger than 1500 sq.ft., pursuant to Section 405.2.B.1 and 405.4.E.1 of the B.C.Z.R. Finally, variance relief is requested, if necessary, from Section 405.4.A.2.b of the B.C.Z.R. to permit a landscape transition area abutting non-residentially zoned property of 0 feet in lieu of the required 6 feet and 0 feet in lieu of the required 10 feet along a public right-of-way; and, from Section 405.4.5.e to permit two fuel service station canopy signs of 245 sq.ft. each and two fuel service station canopy signs of 44 sq.ft. each, in lieu of the permitted four fuel service station canopy signs of 25 sq.ft. each. The

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Date

By

subject property and requested relief are more particularly described on the amended site plan marked as Petitioner's Exhibit 2, which reflects the proposed development of this project as agreed upon following negotiations between the Petitioners and the adjacent property owners.

Appearing at the requisite public hearing in support of the request were Walter Mohler, Trustee; H. Eric Chadwick on behalf of Q-C Enterprises, Inc., Contract Purchasers; Eric Roemer, on behalf of 7-Eleven Corporation; Ken Schmid, Traffic Engineer; Andrew Feretti, the Professional Engineer who prepared the site plan for this property; and Patricia A. Malone, Esquire, attorney for the Petitioners. Also appearing in support of the request were James W. Mohler, and Arthur W. Putzel. Appearing as interested citizens were John McCaul, Principal, and Sister Magdalene Buckmeister of St. Agnes School, adjacent property owner, and their attorney, Ryan Potter, Esquire.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the southwest corner of Baltimore National Pike (Maryland Route 40) and St. Agnes Lane in Catonsville. The property is comprised of five separate parcels, four of which (Parcels 235, 273, 279 & 300) are owned by Walter R. Mohler and Bank of America as Trustees, and the fifth parcel (Parcel 326), which is owned by Damian E. Birchess and Christine L. Commerford. The overall tract contains 3.039 acres, more or less, zoned B.M.-C.C.C. and is improved with several block buildings which are currently vacant; however, were previously used over the years for commercial and retail purposes. The Petitioners have contracted to sell the entire tract to Q-C Enterprises, Inc., who proposes a major redevelopment of the site with a 7-Eleven Convenience Store and fuel service station, and an Auto Zone store.

For purposes related to the subject Petitions, the property has been bifurcated into two separate parts. As shown on the site plan, approximately one-half of the overall tract will be excluded from the proposed special exception area and developed with an Auto Zone automotive parts store. The Auto Zone building will be 90' x 60' in dimension (5400 sq.ft. in area) and oriented to face Baltimore National Pike. Additionally, there will be 32 parking spaces to serve that store. The remainder of the site will contain the fuel service operation/convenience store and unrelated retail use. This portion of the site will be improved with a building 4703 sq.ft. in area. A

part of that building (2,980 sq.ft.) will contain a 7-Eleven convenience store. The remaining 1,723 sq.ft. will be occupied by a retail use unrelated to the 7-Eleven store; either a sub shop or other similar use. The balance of this portion of the site will contain 16 multi-product fuel dispensers, parking and drive areas.

A special exception is necessary for the proposed fuel service operation use in combination with the proposed convenience store with a sales area greater than 1500 sq.ft. It appears that this use is appropriate, given the commercial uses in the vicinity and the location of the property immediately adjacent to Baltimore National Pike, which is a highly traveled roadway. I am persuaded that the special exception requirements of Section 502.1 of the B.C.Z.R. have been met and that the proposed fuel service station/convenience store use will not be detrimental to the health, safety or general welfare of the locale. Moreover, the proposal complies with the requirements of Section 405 for a fuel service operation.

Special hearing relief is requested to clarify the application of Section 405.4.e of the B.C.Z.R., which allows certain uses in combination with a fuel service station operation. As noted above, a single building is proposed with a common wall separating the 7-Eleven store from the yet to be identified tenant of the retail space. The Petitioners request a finding that the proposed retail use is not a use in combination with the fuel service operation in that they are not related to one another and will be managed and operated separately. Based upon the testimony and evidence offered, I am persuaded to grant this relief. Even though the retail use will be located within the same building footprint as the convenience store, it is clear that it will be a separate use unrelated to the fuel service operation/convenience store. Thus, the relief requested should be granted.¹

The Petitioners also seek approval that the proposed identification sign for the 7-Eleven store/fuel service station operation and the yet to be identified retail tenant is a joint identification sign and as such, is permitted by right. The proposed sign is more particularly described on Page 2 of the amended plan marked as Petitioner's Exhibit 2. It is clear that the sign, by definition, is a joint identification sign and is permitted as of right.

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¹ See, also, the decision rendered by the Co. Board of Appeals in Case No. 00-309-A wherein under similar circumstances, the Board held that separate/unrelated uses on the same lot were not uses in combination.

Lastly, variance relief is requested from the landscape transition area requirements. In this regard, the Petitioner argued that relief might not be necessary due to the peculiar nature of the property. Specifically, Section 405.4.A.2b of the B.C.Z.R. could be interpreted to require a landscape transition area between the two uses proposed within the one building. Obviously, landscaping cannot be provided between the two uses unless the building is separated. In addition, landscaping cannot be provided between the special exception area and the proposed Auto Zone store in that the uses are located on the same lot and utilize the same vehicular access. Nonetheless, in order to resolve this issue, variance relief will be granted to waive/modify the landscape transition area requirements between the two separate uses within the one building and the special exception use and the Auto Zone store. The unique layout of this property and proposed uses easily justify variance relief.

The final variance request relates to the proposed canopy signage for the fuel service station operation. In this regard, there have been numerous prior cases before the Zoning Commissioner seeking an interpretation of the sign regulations for canopy signs and questions raised regarding whether the painting and striping as part of the logo of those canopy signs should be calculated as part of the actual lettering. In those cases, the Zoning Commissioner's office has consistently held that painting and striping should not be counted as signage. The Office of People's Counsel disagrees. To resolve that issue in this case, I will grant the requested variance. I find that there is sufficient testimony and evidence in the record to satisfy the requirements of Section 307.1 of the B.C.Z.R. I am persuaded that the signs as proposed are appropriate in this instance and should be approved.

It should be noted that the amended plan marked as Petitioner's Exhibit 2 resulted after negotiations and substantial discussions between the adjacent St. Agnes School and the Petitioners over the proposed redevelopment of this site. An agreement was entered into between the parties and a series of restrictions reflecting that agreement have been incorporated herein as requested by the parties. I concur that these restrictions are appropriate, pursuant to Section 502.2 of the B.C.Z.R. Moreover, the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning shall be adopted and incorporated herein as restrictions to the relief granted.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions 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 Alay of October 2003 that the Petition for Special Hearing to approve that the proposed fuel service station/convenience store is a separate operation from the adjoining retail establishment and is not a "use in combination" pursuant to Section 405.4.E of the B.C.Z.R., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the proposed joint identification sign for the subject fuel service station/convenience store and the retail establishment is permitted by right, and as such, the Petition for Special Hearing is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a proposed fuel service station as a use in combination with a convenience store with a sales area larger than 1500 sq.ft., pursuant to Section 405.2.B.1 and 405.4.E.1 of the B.C.Z.R., be and is hereby GRANTED; and,

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 permit a landscape transition area abutting non-residentially zoned property of 0 feet in lieu of the required 6 feet and 0 feet in lieu of the required 10 feet along a public right-of-way; and, from Section 405.4.5.e to permit two fuel service station canopy signs of 245 sq.ft. each and two fuel service station canopy signs of 44 sq.ft. each, in lieu of the permitted four fuel service station canopy signs of 25 sq.ft. each, 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, the 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) There shall be no public address system outside the buildings; however, an intercom system can be provided at the fuel pump island to assist patrons.

- 3) There will be no outside pay phones on the 7-Eleven property and no outside vacuum cleaners.
- 4) A landscape buffer of 19 feet will be provided along St. Agnes Lane across from St. Agnes School and taper to a width of 10 feet near the corner at Baltimore National Pike as shown on Petitioner's Exhibit 2. The intent of this restriction is to have the buffer at the maximum width possible in this area, dependent upon any improvements that may be required by the Maryland State Highway Administration (SHA) to Baltimore National Pike. This restriction may be modified, if required, by SHA.
- 5) The Petitioners shall provide a sidewalk connection and appropriate crosswalks from the public sidewalk to the building entrance.
- 6) Trash removal/pick-up will be at reasonable hours so as not to be disruptive to the neighbors. Moreover, the dumpster enclosure shall be constructed of similar materials as the building.
- 7) All lighting on the site will be designed so as not to shine and/or reflect onto adjacent properties.
- 8) A barrier shall be installed to prevent vehicular access from the adjacent car wash through the subject property to St. Agnes Lane.
- 9) The Petitioners shall consult with Ray Heil, Baltimore County Street Coordinator for Baltimore National Pike (Maryland Route 40) improvements to prepare a landscape plan that addresses the total area between the curb along St. Agnes Lane and Route 40 and the proposed site improvements.
- 10) The Petitioners shall submit architectural elevations of all facades and signs, as well as a landscape plan and lighting plan to the Office of Planning prior to the issuance of any building permits. Said architectural elevations shall be substantially similar to those submitted at the hearing and marked as Petitioner's Exhibits 2 and 5.
- 11) The Petitioners shall contact the Baltimore County Police Department and establish a community police station on-site at the 7-Eleven store, if practical.

12) When applying for a building permit, 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

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Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

October 21, 2003

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

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE

SW/Corner Baltimore National Pike & St. Agnes Lane

(Parcels 235, 273, 279 & 300, aka 5501-5511 Old Frederick Road, and

Parcel 326, aka 5500 Old Frederick Road)

1st Election District – 1st Council District

Walter R. Mohler, Trustee, et al & Damian Birchess & Christine L. Commerford, Owners;

Q-C Enterprises, Inc., Contract Purchasers - Petitioners

Case No. 04-033-SPHXA

Dear Ms. Malone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have 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. Walter Mohler, 2 Spring House Road, Lutherville, Md. 21093

Dr. Damian Birchess & Christine Commerford, 5411 Old Frederick Rd., #18, Baltimore, Md. 21229

Mr. Eric Chadwick, 110 Old Padonia Road, Suite LL, Baltimore, Md. 21030

Mr. Andrew Ferretti, 849 International Drive, Suite 215, Linthicum, Md. 21090

Mr. Ken Schmid, 325 Gambrills Road, Suite E, Gambrills, Md. 21054

Mr. Eric Roemer, 2711 Easton Road, Willow Grove, Pa. 19090

Ryan Potter, Esq., Gallagher Evelius Jones, 21/8 N. Charles St., #400, Baltimore, Md. 21201

Mr. John McCaul & Sister Magdalene Buckmeister, St. Agnes School,

603 St. Agnes Lane, Baltimore, Md. 21239

Office of Planning; People's Counsel; Case File



Visit the County's Website at www.baltimorecountyonline.info





to the Zoning Commissioner of Baltimore County

Southwest Corner of MD Rt. 40 and St. Agnes Lane

for the property located at _

which is presently zoned BM-CCC

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

See attached.

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

I, or we, agree to pay expenses of above Special 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 solemn perjury, that I/w is the subject o	nly declare and affine are the legal own fithis Petition.	rm, unde ner(s) of	er the penalties of the property which
Contract Purchas	ser/Lessee:		<u>Legal Owne</u>	r(s):		
Q-C Enterprise	s, Inc.		See attach	ied.		
Name - Type or Pont	7		Name - Type or F	nnt		
Signature H. Efic (110 Old Padonia	Chadwick, Vice Road (410)		Signature	······································		
Address Suite LC Hunt Valley,	Maryland	Telephone No 21030	Name - Type or F	rint		
City	State	Zip Code	Signature			
Attorney For Peti Robert A. Hoffi			Address			Telephon e No.
Name - Type or Print Robert A.+ Signature	thapu		City Representat	ive to be Cont	State acted:	Zıp Code
Venable, Baetje Company	er and Howard,	LLP	Robert A. Name	Hoffman		
210 Allegheny Address	Avenue (410)	494-6200 Telephone No.	210 Allegh	eny Avenue	(410)	494-6200 Telephone No.
Towson,	Maryland	21204	Towson,	Maryland		21204
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Case No	14-033-SPH	AZ	UNAVAILAB	E FOR HEARIN	NG	
REV 9/15/98			Reviewed By D.THO	mpsou Date	- 7/2	3 03

Petition for Special Hearing pursuant to B.C.Z.R. Section 500.1 for a determination that the proposed fuel service station/convenience store is a separate operation from the adjoining retail establishment and is not a "use in combination" under B.C.Z.R. Section 405.4.E.

Petition for Special Hearing pursuant to B.C.Z.R. Section 500.1 for a determination that the proposed joint identification sign for the fuel service station/convenience store and the retail establishment is permitted by right in its proposed location on the Route 40 frontage.

Signature Page Parcel 326 5500 Old Frederick Road

Legal Owner:

Danilar & Bercher on Damian E. Birchess, M.D. 5411 Old Fredrick Road

Suite 18

Baltimore, Maryland 21229-2126

(410) 788-4800

and

Christine L. Commerford 5411 Old Fredrick Road

Suite 18

Baltimore, Maryland 21229-2126

(410) 788-4800

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Signature Page Parcels 235, 273, 279, and 300 5501-5511 Old Fredrick Road Baltimore, Maryland 21229

Legal Owner:

Deed of Trust from Donald I. Mohler, dated June 4, 1957

waiter R. Monier, Trustee

2 Spring House Road Timonium, Maryland 21093

(410) 321-8285

and

Bank of America, N.A., Trustee

Title: AUP

Trust Real Estate

Mail Code MD4-302-17-07 P.O. Box 995

Baltimore, Maryland 21203-0995

(410) 321-8285 547-4024

#161161 v1



ORDER RECEIVED

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

Southwest Corner of MD Rt. 40

for the property located at and St. Agnes Lane

which is presently zoned BM-CCC

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

See attached.

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

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by 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):
Q-C Enterprises, Inc. Name - Type or Print	See attached. Name - Type or Print
Signature H. Eric Chadwick, Vice-President 110 Old Padonia Road (410)	Signature
Address Suite LC Telephone No.	Name - Type or Print
Hunt Valley, Maryland 21030 City State Zip Code	Signature
Attorney For Petitioner:	
Robert A. Hoffman	Address Telephone No.
Name - Type or Print	City State Zip Code
Signature A. Hoffman /AM	Representative to be Contacted:
<u>Venable, Baetjer and Howard, LLP</u> domplany	Robert A. Hoffman Name
210 Allegheny Avenue (410) 494-6200	210 Allegheny Avenue (410) 494-6200
Address Telephone No.	Address Telephone No.
Towson, Maryland 21204	Towson, Maryland 21204
State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No. 04-633-5PHXA	ESTIMATED LENGTH OF HEARINGUNAVAILABLE FOR HEARING
780 09/15/98	Reviewed By DTHOMPSON Date 7/23/03
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Petition for Special Exception

Petition for Special Exception pursuant to B.C.Z.R. Section 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.

Petition for Special Exception

Signature Page Parcel 326 5500 Old Frederick Road

Legal Owner:

Damian E. Birchess, M.D.
5411 Old Fredrick Road

Suite 18

Baltimore, Maryland 21229-2126

(410) 788-4800

and

Christine L. Commerford 5411 Old Fredrick Road

Suite 18

Baltimore, Maryland 21229-2126

(410) 788-4800

#161161 v1

ORDER RECEIVED

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Petition for Special Exception

Signature Page Parcels 235, 273, 279, and 300 5501-5511 Old Fredrick Road Baltimore, Maryland 21229

Legal Owner:

Deed of Trust from Donald I. Mohler, dated June 4, 1957

Walter R. Monier, Trustee 2 Spring House Road Timonium, Maryland 21093

(410) 321-8285

and

Bank of America, N.A., Trustee

By: From & Crostic

Title: AVP Trust Real Estate

Mail Code MD4-302-17-07 P.O. Box 995

Baltimore, Maryland 21203-0995

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547-4024

#161161 v1

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ORDER RECEIVED

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at	Southwest and St	Corner Agnes I	of MD Lane	Rt.	40
which is	presently zo	_	BM-CCC		

IWe do solemnly declare and affirm, under the penalties of

is the subject of this Petition.

perjury, that I/we are the legal owner(s) of the property which

Telephone No.

494-6200

21204

Telephone No.

Zip Coce

Zip Cose

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

See attached.

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

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

Contract Pu	rchaser/Lessee:		<u>Legal Owner</u>	r/e1•	
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	rises, Inc.		See attach	ed.	
Name - Type or P		4	Name - Type or Pr	int	
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110 Old Da		ice-President	Signature		
Address Suite	donia Road (410)	— 		
Hunt Valle		Telephone No	Name - Type or Pr	int	
City	Sta			·	
•		zip Code	Signature		
Attorney For	<u>Petitioner:</u>		 		
Robert A.	Hoffman		Address		
Name - Type or Pr	int				
	***(*		City		State
Şignature			Representati	ve to be Co	ntacted:
1 -		. 7			
dompany B	aetjer and Howar	ca, LLP	Robert A. Ho	offman	
210 Allegh	one Arronno (/	110) 101 6000	Name		
Address	eny Avenue (4	110) 494-6200 Telephone No.	210 Allegher	ny Avenue	(410) 4
Towson,	Maryland	21204	Address		7
City	Stat		Towson,	Marylar	
4.	O,E,	e zip code	City		State
	•			OFFICE US	E ONLY
dase No.	04-033-SP1	 1√Δ	ESTIMATED L	ENGTH OF	HEARING
			UNAVAILABLE	FOR HEAR	ING
REV 9115198			Reviewed By 1	2-THOMPS	Date Date

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Petition for Variance

Petition for Variance, if necessary, pursuant to B.C.Z.R. Section 405.4.A.2.b to permit a 0 foot landscape transition area in lieu of the required 6 foot landscape transition area abutting nonresidentially zoned property;

Petition for Variance, if necessary, pursuant to B.C.Z.R. Section 405.4.A.2.b to permit a 0 foot landscape transition area in lieu of the required 10 foot landscape transition area along a public right-of-way;

Petition for Variance, if necessary, pursuant to B.C.Z.R. Section 450.4.5.e to permit 2 fuel service station canopy signs with a maximum area of 245 square feet each and 2 fuel service station canopy signs with a maximum area of 44 square feet each in lieu of the permitted 4 fuel service station canopy signs with a maximum area of 25 square feet.

Petition for Variance

Signature Page Parcel 326 5500 Old Frederick Road

Legal Owner:

Damian E. Birchess, M.D.
5411 Old Fredrick Road

Suite 18

Baltimore, Maryland 21229-2126

(410) 788-4800

and

Christine L. Commerford 5411 Old Fredrick Road

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Suite 18

Baltimore, Maryland 21229-2126

(410) 788-4800

#161161 v1

Petition for Variance

Signature Page Parcels 235, 273, 279, and 300 5501-5511 Old Fredrick Road Baltimore, Maryland 21229

Legal Owner:

Deed of Trust from Donald I. Mohler, dated June 4, 1957

Walter R. Mohler, Trustee 2 Spring House Road Timonium, Maryland 21093 (410) 321-8285

and

Bank of America, N.A., Trustee

By: Thomas E. Crostic

Title: AUP

Trust Real Estate

Mail Code MD4-302-17-07

P.O. Box 995

Baltimore, Maryland 21203-0995

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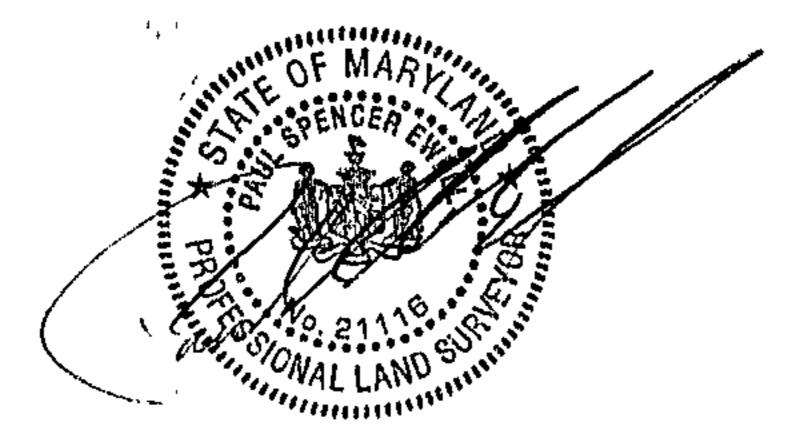
Description

To Accompany Petition for Special Exception Proposed 1.312 Acre Development Baltimore National Pike & St. Agnes Lane Baltimore County, Maryland

Beginning for the same at a point of curvature on the southernmost right of way line of Baltimore National Pike (Maryland Route 40, 150 feet wide), said point being North 75 degrees 16 minutes 55 seconds East, 80.78 feet from the end of the third or North 14 degrees 33 minutes 30 seconds West 200.00 foot line of land which by deed dated May 2, 1990 and recorded among the Land Records of Baltimore County, Maryland in Liber 8478, Folio 042, and was conveyed by General Rental Co., Inc. to Kwon Byung Choi and Jung Im Choi, thence binding on said right of way line (1) Northeasterly by a line curving to the right with a radius of 14,248.95 feet for a distance of 157.75 feet (the arc of said curve being subtended by a chord bearing North 75 degrees 45 minutes 51 seconds East, 157.74 feet) to a point of non-tangency, thence leaving said right of way line (2) South 50 degrees 12 minutes 30 seconds East for a distance of 140.82 feet to the westernmost right of way line of St. Agnes Lane (30 feet wide), thence binding on said right of way line (3) South 08 degrees 04 minutes 00 seconds West for a distance of 193.40 feet, thence leaving said right of way line and running the following two courses and distances, viz: (4) South 82 degrees 37 minutes 00 seconds West for a distance of 166.12 feet, and thence (5) North 14 degrees 41 minutes 01 seconds West for a distance of 273.09 feet to the point of beginning; containing 1.312 acres of land, more

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

or less.



Page 1 of 1

Description

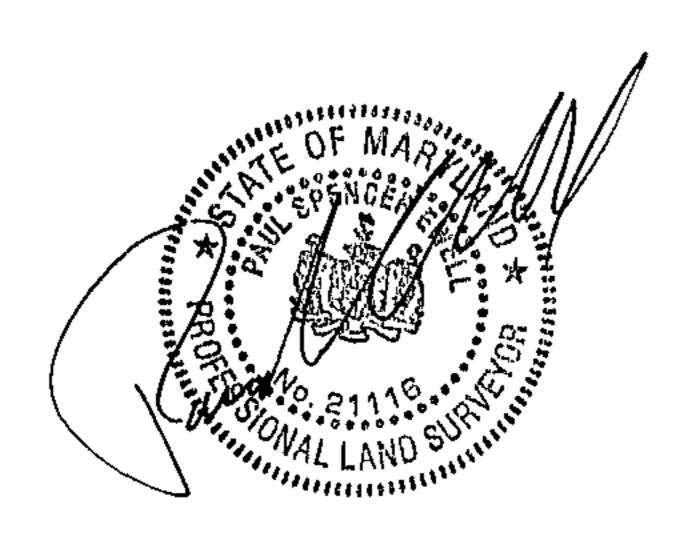
To Accompany Petition for Special Exception Area of Special Exception

Baltimore National Pike & St. Agnes Lane Baltimore County, Maryland

Beginning for the same at a point of curvature on the southernmost right of way line of Baltimore National Pike (Maryland Route 40, 150 feet wide), said point being North 75 degrees 16 minutes 55 seconds East, 80.78 feet from the end of the third or North 14 degrees 33 minutes 30 seconds West 200.00 foot line of land which by deed dated May 2, 1990 and recorded among the Land Records of Baltimore County, Maryland in Liber 8478, Folio 042, and was conveyed by General Rental Co., Inc. to Kwon Byung Choi and Jung Im Choi, thence binding on said right of way line (1) Northeasterly by a line curving to the right with a radius of 14,248.95 feet for a distance of 157.75 feet (the arc of said curve being subtended by a chord bearing North 75 degrees 45 minutes 51 seconds East, 157.74 feet) to a point of non-tangency, thence leaving said right of way line (2) South 50 degrees 12 minutes 30 seconds East for a distance of 140.82 feet to the westernmost right of way line of St. Agnes Lane (30 feet wide), thence binding on said right of way line (3) South 08 degrees 04 minutes 00 seconds West for a distance of 4.20 feet, thence leaving said right of way line and running the following seven courses and distances, viz: (4) South 75 degrees 19 minutes 00 seconds West for a distance of 67.96 feet, thence (5) South 14 degrees 41 minutes 01 seconds East for a distance of 21.30 feet, thence (6) South 75 degrees 19 minutes 00 seconds West for a distance of 56.30 feet, thence (7) South 14 degrees 41 minutes 00 seconds East for a distance of 49.50 feet, thence (8) North 75 degrees 19 minutes 00 seconds East for a distance of 38.30 feet, thence (9) South 14 degrees 41 minutes 00 seconds East for a distance of 1.17 feet, and thence (10) North 75 degrees 19 minutes 00 seconds East for a distance of 55.78 feet to the aforementioned right of way line, thence binding on said right of way line (11) South 08 degrees 04 minutes 00 seconds West for a distance of 111.15 feet, thence leaving said right of way line and running the following two courses and distances, viz: (12) South 82 degrees 37 minutes 00 seconds West for a distance of

166.12 feet, and thence (13) North 14 degrees 41 minutes 01 seconds West for a distance of 273.09 feet to the point of beginning; containing 1.161 acres of land, more or less.

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



BALTIMORE COUNTY, MARYL OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	AND No. 27020
DATE 72303 ACC	OUNT_0010066150
AMO	SOO. 00
RECEIVED VENABLE PAETT	ER + HOWARD"
FOR: PETITION FOR SX, SI	2H + A 04-033-SPHXA
SIWC OF MORTH	O TST. AGNES LANE
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YEL	LOW - CUSTOMER

CASHIER'S VALIDATION

NOTICE OF TOWING HEARING

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

Case: #04-033-SPHXA

Southwest corner of MD Rt. 40 and St. Agnes Lane S/west corner of MD Rt. 40 and St. Agnes Lane

1st Election District - 1st Councilmanic District

Legal Owner(s): Damian Birchess, Christine Commerford, Walter Mohler, Thomas Crostic

Special Exception: to permit a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet. Variance: to permit a 0 foot landscape transition area in lieu of the required 6 foot landscape transition area abutting nonresidential zoned property. To permit a 0 foot landscape transition area in lieu of the required 10 foot landscape transition area along a public right-of-way. To permit 2 fuel service station canopy signs with a maximum area of 245 square feet each and 2 fuel service station canopy signs with a maximum area of 44 square feet each in lieu of the permitted 4 fuel service station canopy signs with a maximum area of 25 square feet. Special Hearing: for a determination that the proposed fuel service station/convenience store is a separate operation from the adjoining retail establishment and is not a "use in combination". For a determination that the proposed joint identification sign for the fuel service station/convenience store and the retail establishment is permitted by right in its proposed location on the Route 40 frontage.

Hearing(s): Tuesday, September 23, 2003 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.

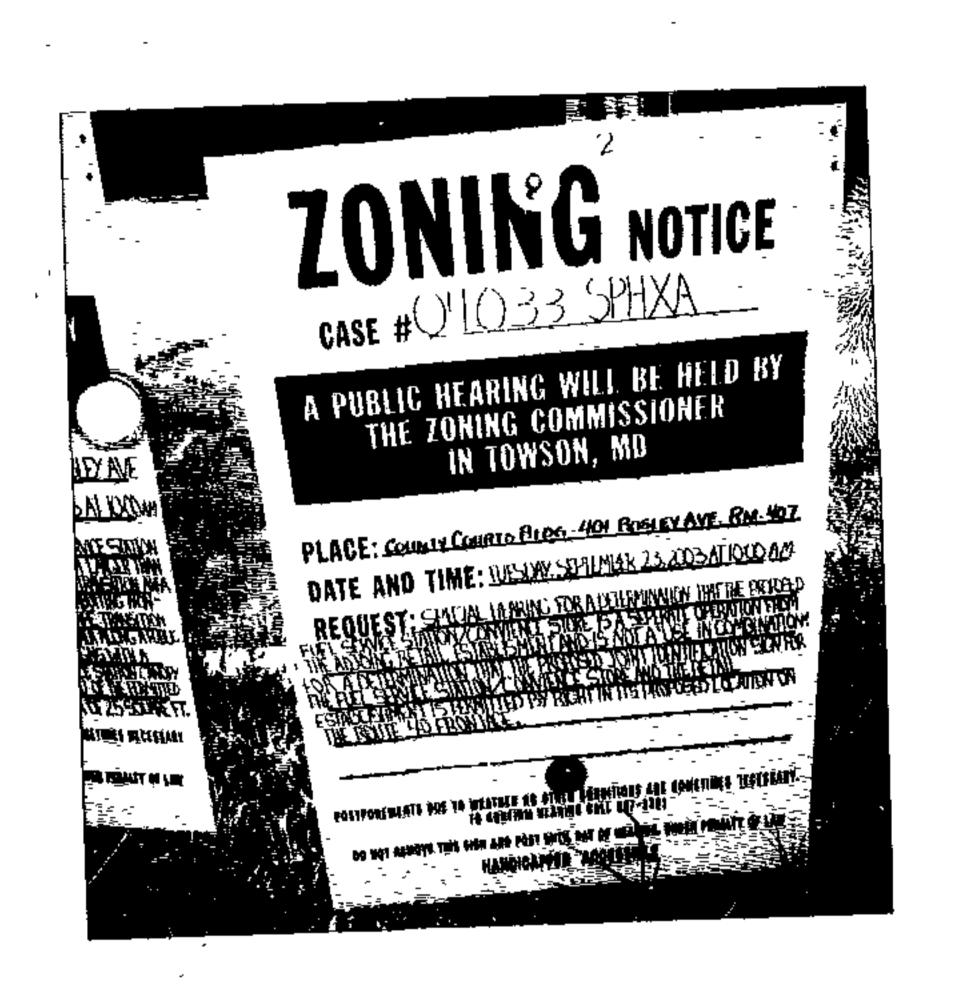
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

9/104 Sep 4 C624167

CERTIFICATE OF PUBLICATION

95,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of $_{_{_{_{_{_{20}}}}}}$ successive weeks, the first publication appearing on $_{_{_{_{_{_{_{_{20}}}}}}}}$
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING



/ \

CERTIFICATE OF POSTING

RE: Case No.: 04-033-5PHXA Petitioner/Developer: DAMIAN BIRCHESS,

CHRISTINE COMMERFORD, WALTER MOHLER L

THOMAS CROSTIC

Date of Hearing/Closing: 9/23/03 **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 that the necessary sign(s) required by law were posted conspicuously on the property located at: U CORNER OF MD RH 40 AND ST. AGNES LANE The sign(s) were posted on _ (Month, Day, Year) Sincerely, ZONING NOTICE (Signature of Sign Poster) SSG Robert Black CASE # 010335/11/2/ (Print Name) A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER 1508 Leslie Road IN TOWSON, MD PLACE: POOM 4677 CE CONTY COURS BUTG 401 BOOR EY AVE (Address) DATE AND TIME: DESIXX SIPTEMBER 23203 AL KOMWI JEST: SITEM EXPERIMENTATION PROFES Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940

(Telephone Number)

RE: PETITION FOR SPECIAL HEARING

SPECIAL EXCEPTION & VARIANCE

SW corner of MD Route 40 & St. Agnes Ln *

1st Election & 1st Councilmanic Districts

Legal Owner(s): Damian E. Birchess, M.D., *

Christine L Commerford & Donald I. Mohler

Contract Purchaser(s): Q-C Enterprises, Inc. *

H. Eric Chadwickm VP

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-033-SPHXA

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

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

I HEREBY CERTIFY that on this 8th day of August, 2003, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

CERTIFICATE OF SERVICE

RECEIVED

AUG 0 8 2003

Per....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



Baltimore County Department of Permits and Development Management

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

Fax: 410-887-5708

August 6, 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: 04-033-SPHXA

Southwest corner of MD Rt. 40 and St. Agnes Lane S/west corner of MD Rt. 40 and St. Agnes Lane 1st Election District – 1st Councilmanic District

Legal Owners: Damian Birchess, Christine Commerford, and Walter Mohler, Thomas Crostic

Special Exception to permit a fuel service station in combination with a convenience store with a sales area larger than 1, 500 square feet. Variance to permit a 0 foot landscape transition area in lieu of the required 6 foot landscape transition area abutting nonresidential zoned property. To permit a 0 foot landscape transition area in lieu of the required 10 foot landscape transition area along a public right-of-way. To permit 2 fuel service station canopy signs with a maximum area of 245 square feet each and 2 fuel service station canopy signs with a maximum area of 44 square feet each in lieu of the permitted 4 fuel service station canopy signs with a maximum area of 25 square feet. Special Hearing for a determination that the proposed fuel service station/convenience store is a separate operation from the adjoining retail establishment and is not a "use in combination". For a determination that the proposed joint identification sign for the fuel service station/convenience store and the retail establishment is permitted by right in its proposed location on the Route 40 frontage.

Hearings:

Tuesday, September 23, 2003, at 10:00 a.m., in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Robert Hoffman, Venable, 210 Allegheny Ave., Towson 21204 Mr. Birchess, Ms. Commerford, 5411 Old Frederick Rd., Ste. 18, Baltimore 21229-2126 Thomas Crostic, P O Box 995, Baltimore 21203-0995; Walter Mohler 2 Spring House Rd., Timonium 21093 Q-C Enterprises, Eric Chadwick, 110 Old Padonia Rd., Hunt Valley 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 8, 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

Thursday, September 4, 2003 Issue - Jeffersonian

Please forward billing to:

Amy Dontell 210 Allegheny Avenue Towson, MD 21204 410-494-6244

σ,

NOTICE OF ZONING HEARING

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CASE NUMBER: 04-033-SPHXA

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<u>Special Exception</u> to permit a fuel service station in combination with a convenience store with a sales area larger than 1, 500 square feet. <u>Variance</u> to permit a 0 foot landscape transition area in lieu of the required 6 foot landscape transition area abutting nonresidential zoned property. To permit a 0 foot landscape transition area in lieu of the required 10 foot landscape transition area along a public right-of-way. To permit 2 fuel service station canopy signs with a maximum area of 245 square feet each and 2 fuel service station canopy signs with a maximum area of 44 square feet each in lieu of the permitted 4 fuel service station canopy signs with a maximum area of 25 square feet. <u>Special Hearing</u> for a determination that the proposed fuel service station/convenience store is a separate operation from the adjoining retail establishment and is not a "use in combination". For a determination that the proposed joint identification sign for the fuel service station/convenience store and the retail establishment is permitted by right in its proposed location on the Route 40 frontage.

Hearings:

Tuesday, September 23, 2003, at 10:00 a.m., in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(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

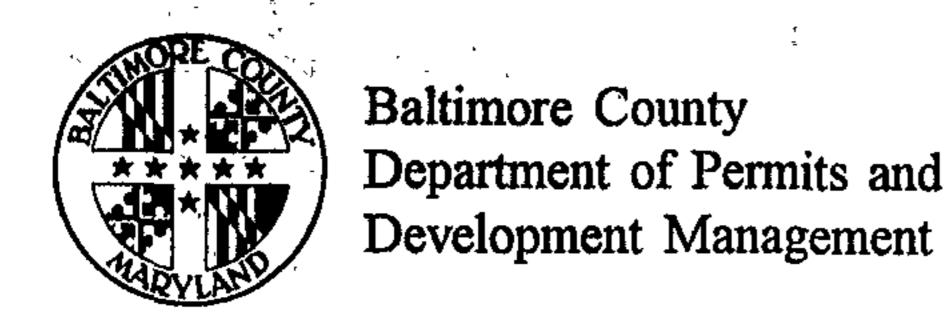
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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: <u>04-033- 5PHXA</u>
Petitioner: Q-C Enterprises, Inc.
Address or Location: <u>St. Agnes (oune</u>
J .
PLEASE FORWARD ADVERTISING BILL TO:
Name: Amy Dontell
Address: 210 Allegheny Ave. Tauson, MD. 21204
Tauson, MD. 212054
Telephone Number: 40-494-6244



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

September 18, 2003

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

Dear Mr. Hoffman:

ì.

RE: Case Number: 04-033-SPHXA, S/west corner of MD Rt. 40 and St. Agnes Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 23, 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
Damian Birchess & Christine Commerford, 5411 Old Frederick Rd., Ste. 18,
Baltimore 21229-2126
QC Enterprises, 110 Old Padonia Rd., Ste. LC, Hunt Valley, 21030



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 August 6, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: August 4, 2003

Item No.:

033

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.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code, (2000 edition of NFPA 1 & 101), prior to occupancy or beginning of operation.

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 25, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 1:1, 2003 Item Nos. 033, 034, 035, 036, 037, 039, 040, 041, 043, 045, and 046

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

RWB:CEN:jrb

cc: File

fr 123

DATE: September 11, 2003

RECEIVED

MING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

AMENDED COMMENTS

MD Rt. 40 & St. Agnes Lane

INFORMATION:

Item Number:

04-033

Petitioner:

Damian E. Birchess

Christine L. Commerford

Zoning:

BM-CCC

Requested Action:

Special Exception/Special Hearing/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the issues germane to the subject special hearing or special exception subject to the following:

- 1. This office supports the plan as drawn. However, the zoning requests are unclear. The petitioner should consult with Ray Heil, Baltimore County Street Coordinator for the Rt. 40 improvements to prepare a landscape plan that addresses the total area between the curb along St. Agnes Lane/MD Rt. 40 and the proposed site improvements.
- 2. Submit architectural elevations of all facades, signs, a landscape and lighting plan prior to the issuance of building permits. The architectural elevations should be similar to the perspective drawing submitted to the Office of Planning on September 10, 2003. Both the 7-Eleven and the Autozone shall use similar building materials and colors as illustrated in the said drawing.
- 3. Provide a vehicular connection to the adjacent property to the west from the 30-foot access drive off of Old Frederick Road, approximately between the second and third light pole.
- 4. The dumpster enclosure shall be constructed of similar materials as the building.
- 5. Provide a sidewalk connection and appropriate crosswalks from the public sidewalk to the building entrance.

Prepared by:

Section Chief:

AFK/LL:MAC:

11/23

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: August 21, 2003

RECEIVED

AUG 2 7 2003 ZONING COMMISSIONER

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

MD Rt. 40 & St. Agnes Lane

INFORMATION:

Item Number:

04-033

Petitioner:

Damian E. Birchess

Christine L. Commerford

Zoning:

BM-CCC

Requested Action:

Special Exception/Special Hearing/Variance

SUMMARY OF RECOMMENDATIONS:

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Prepared by:

Section Chief:

AFK/LL:MAC:



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: August 7, 2003

Ms. Rebecca Hart Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204 RE: Baltimore County
Item No. 033 (DT)

US 40 @ St. Agnes Lane

Mile Post 3.47

Dear Ms. Hart:

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

However we will require the owner to obtain an access permit through our office and as a minimum the following roadway improvements will be required:

- The review and approval of a traffic impact analysis will be required prior to the determination of all necessary roadway improvements.
- Left turns out of the site on to US 40 will be prohibited, the US 40 entrance should be constructed as a "right/in-right/out only."

Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Should any additional information be required 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

CC: Robert W. Bowling, P.E.

Pl	FASE	PRINT	CLEAR	Y
•		1 1 11 1 A 1		_ ,

CASE NAME	
CASE NUMBER	
DATE	

CITIZEN'S SIGN-IN SHEET

NAME	Gallaghan Evelius & Jones ADDRESS	CITY, STATE, ZIP	E- MAIL
Ryan Potter	218 N. Charles Street,	Baltimore MD 2/201	potterage law. com
John McCaul		Baltimore MD 21229	J '
Sister Magdalone Buben	Le-1.H.M. 603 St. agree Zane	Baltimere, Md. 21229	
	,		
	- -		
E			

PLEASE	PRINT	CLEARL	Y
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CASE NAME	
CASE NUMBER	
DATE	

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Patricia A. Malone	210 Alleghenny Arc.	Towson MD 21204	pamalore @ rendble.com
ANDREW FERRETTI	849 INTERNATIONAL DR STEZ15	LINTHICUM MD Z/090	AFERRETTICOBLOMPANIES.COM
ARTHUR W. PUTZEL	ZVILLAGE SQ SUITE 2-19	BALTIMORE MO 21210	apotze @troutserall.com
t. Eric Chadwick	2 VILLAGE SO SUITE 2-19 110 OID PADONIA PALLE	Balt mn 21030	Epic chadwich GQ-c Entupfises.
JAMES W. Mohler	7 SomerseT Rd	13ACT MD 21228	WPB@AOI.Com
ERIC TOSMET	2711 EASTON FED.	WILLOW GROVE PA-19090	EROSME @ 7-11.com
Wolter Mokler	2 Spring / douse Ro-	Julpervello Me 2109	13 WMOHLER@Concor
Ken Schmil	325 6ans this 121 5-te E	Ganbrills, med 21054	traconcept@ ad-com.
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of which it is the basic part (2) I the serrated vibratory device used to strip fiber from the doffer of a carding machine (3) a reed of a loom and esp of a hand loom of a toothed instrument for currying hairy animals or cleansing and smoothing their coats : CURRYCOMB & the collector of an electrostatic machine 8 (1) : a toothed instrument used to form patterns on a painted surface that typically resemble grained wood or marbled paper (2) ; a pattern so formed 1; a tool having teeth similar to those on a saw and used in finishing stone 2 : the fleshy crest or caruncle on the head of the domestic fowl and certain other gallinaceous birds usu, best developed in the male - see PEA COMB, ROSE COMB, SINGLE COMB, STRAWBERRY COMB 3 ; samething resembling or suggesting the comb of a cock as a ! the crest of a helmet; esp the upright blade on a morion b dial the crest or ridge of a mountain or hill 6: the ridge of a roof d; a ridge of crest of hair 6: the upper edge of the buttstock of a shoulder firearm against which the liver's cheek resis during firing f : the curling crest of a wave g : a hook on which bacon slabs are hung for smoking 4 : a structure resembling a comb (sense la), as a : the pecten of a scorpion b ; the pecten of a bird's eye o : one of the ciliated swimming plates of a ctenophore d: STRIGIL 2 6: CTFNIDIUM 2 5 A: HONEY-COMB, also : one of the somewhat similar masses of cells built by social wasps b ; an aggregate of crystals resembling a hone) comb that have grown outward from the walls of a vein or cavity so that their closely set points or ends project scomb (" vb combed \-md\ combed \"\ combing \-min\ combs \-mz\ [ME comben, fr. comb, n. 1 vt 1 : to draw a comb through ; disentangle with or as if with a comb a ; to lay straight : DRESS, ARRANGE (~ one's hair) b : to cleanse, disentangle, and collect together (animal or vegetable fibers) by the use of a comb preparatory to spinning so that only the longer fibers are collected, the short staple being combed away - compare (CARD 1 0 to dress or finish (stone) with a comb 2 : THRASH, BEAT 3 & ! RAKE (~ the Brass) b : to afflict or assault as if by raking: as (1); to pass over with violent force (the city was ~ed by rain and high winds) (2) ! FLATTEN, PRODE | combier \'koma(r)\ n -s 1 : one that combs (as a worker or (huge waves ~ing down the dunes) (3) : to shell systematically creliminate with or as if with a comb (~ out snarts) (~ out head lice) (~ subversives out of the organization) t treat with or as if with a comb in order to remove anything undestrable - usu, used with out (~ out a staff in search of dishonest persons) b ; separate, sort (~ing out | comber leather n ; a heavily greased cattlehide leather used of the tangle the right elements) (~ army recruits from industries) 5 a ; to search or examine systematically and thoroughly omitting or ignoring no part or detail (~ all combflower \1.1 common sunflower 2 : PURPLE the evidence) (~ the whole trial record for reasons for appeal) (~ the woodland for traces of the lost children) (police ~ing the city for the killer) b to seek out and collect from - used esp. of one that gathers flotsam cast up by the sea (added to his income by ~ing the little beach beyond the point) 6: to use in the manner of a comb (~ing his singers through his long red beard) ~ vi 1 of a wave or its crest; to roll over long the little beach beyond the point) 6: to color—comb-grained \int i) adj threak into foam 2 to flow or come over like a combing combier comparative of COMBY wave Byn see seek

Scomb \'klim, 'kom\ var of COMRE comb abbr 1 combination; combined; combining 2 combus-

com.bas.sou also com.ba.sou \kom'ba(,)su\ n -s [native name in southern Africa] : a small southern African seedeating finch (Hypochera Junerea) with white bill and red feet, the male bluish black and the female brownish, that is often

kept as a cage or aviary bird tcom bat \kam'bat, 'kilm bat sometimes 'kambat or kilm'bat or 'kambat; Brit usu & US sometimes 'kilmbat, usu -d.+V\ vb compated or compatted, compated or compatted; combating or combatting; combats [MF combattre, fr. (assumed) VL combattere, fr. L com- + battere (fr. battuere to beat) — more at BAT] vi : STRUGGLE, CONTEND, FIGHT (~ flercely with an enemy) (nations ~ to make one submit — Lord Byron) (flercely ~ed with death —Amy Lowell) ~ vi 1 to fight with : BATTLE 2 : to struggle against or oppose esp by argument (there was nobody to ~ that royal will

-Edith Sitwell): work against t strive to reduce or eliminate (~ malnutrition and disease) (~ inflation) syn see 'convest 'com-hat \'klim,bat sometimes 'kom-; Brit usu & US sometimes - bot; usu -d+V\n -s often attrib [MF, fc. combattre, v] 1 : a fight, encounter, or contest between individuals or groups (furious ~ of antiered stags) : DUEL; specif : an engagement between contending armed forces esp when of lesser extent than a battle 2 : CONFLICT, STRUGGLE, CONTROVERSY (IWO years of almost continuous parliamentary ~ -F.L.Paxson) (such strenuous ~s as the humanist-naturalist or the aesthetics sociological controversies —F.B.Millett) 3 ; actual fighting engagement of military forces as distinguished from other mili-tary duties or periods of active service without fighting

Com bat ant kam bat nt, -ad-ont sometimes 'kam ba-; Brit usu & US also 'kambatant or -bad-ont or -bat nt, Brit sometimes 'kembe-\ n -s [MF combattant, fr. combattant, adj.]

one that engages in combat combatant, fr. pres part. of combatant " adj [MF combattant, fr. pres part. of combattre] t contending or disposed to contend as a taking part in or prepared to take part in active (ighting (a ~ officer) b also com-bat-tant \"\ heralder t rampant and facing each other as if in combat — used of representations of two animals

combat boot n : a heavy laced leather boot esp. with a wide cuff buckled above the ankle

combat command n ; a major tactical unit within an armored division consisting of a headquarters and headquarters com-pany and a variable number of attached units (as of armor, infantry, and artillery)

combat fatigue also combat exhaustion n : a traumatic psychoneurotic reaction (as of the anxiety type) or an acute psychotic reaction occurring during wartime combat or under conditions causing stress similar to that of combat -- called also latigue syndrome

combat intelligence n: military intelligence for use in a combat area gathered by combat units in the field or furnished to them from other sources

com-bat-ive \kam'ba|d-iv, |iiv, -ev also -av, Brit usu & US sometimes 'kamba|, esp Brit sometimes 'kamba| \ adj : disposed to combat : marked by belligerence : PUGNACIOUS SYN

combative accent n t a speech accent that does not coincide with metrical ictus in classical verse

com-bat-ive-ly \-5vie, -li\ adv ; in a combative manner

2 BELLIGFRENTLY com.bat.ive.ness \-ivnbs, .ev-\ n -Es ; the state or quality of being combalive : PUONACITY, BELLIGERENCE (admitting that man's nature will never lose the ~, hostility, and ammosity

which are so large a part of it -Norman Angell)
com-ba-tiv-i-ty \kimbo'tivade, esp Brit sometimes .kam-\

n .FS : COMBATIVENESS
combat lacket n : BATTLE JACKET 1 combat load of t to load (a ship) so that combat supplies

and materiel may be more readily unloaded (as by amphibious assault troops) than noncombat supplies and materiel

combat orders n pi t orders containing instructions for operations in a military campaign (as letters of instruction, operation orders, and administrative orders) combat practice a ; an individual or small-unit tactical prob-

lem that must be solved under simulated combat conditions and that requires firing live ammunition at appropriate targets combat team n : a tactical nonorganic grouping of military forces capable of maintaining independent operation with its own weapons and supplies, usu combining infantry and artillery, air and tank forces or surface craft, aircraft, and submarines; specif: an infantry regiment or battalion reinforced by the attachment of artillery, engineers, or medical or other troops for a particular combat mission combat unit n: a military unit whose organization, equipment,

and training are designed to fit it to engage in combat combat zone n: the forward part of a theater of military operations extending from the front line to the forward boundary of

the communications zone

cleansing fibers (as of wool, flax, or hair); also; the machine | comb-back \'*, \ adj, of a Windsor chair; having above the arm rail an extension of the back that

consists of five or more spindles and a curved top rail and resembles a comb comb binding a ; mechanical binding (as of pamphlets) in which split rings of plastic or metal are passed through slots

designed for cleaning combs 2 obs : a lady's maid comb disease n : WHITECOMP

comb duck n : a black and white duck (Sarkidiornis melanotos) that is restricted to the southern hemisphere and is characterized by marked size differences between the sexes, an erect fleshy growth at the base of the male's bill, and absence of true pair formation

comb-back chair combe \'kum, 'kom\ n -s [of Celt origin; comb-back chair akin to W cwm valley, IrGael cum vessel, Brot komm trough, akin to Gk kymbē hollow of a vessel, vessel, cup - more at HUMP] 1 Brit : a deep narrow valley 2 Brit : a valley or basin on the flank of a hill

combe-ca-pelle \kom(,)kalpel\ adi, usu cap both Cs [fr. Combe-Capelle, a rock shelter near Montferrand-du-Périgord, Dordogne dept., France]; of or relating to Combe-Capelle man or to the associated culture

combe-capelle man n, usu cap both Cs t a branch of the Brunn race known from a skeleton found near Montferrand,

du-Périgord, France combed \ikomd\ adj [in sense 1, ir. \comb + \ed; in other senses, fr. past part. of \comb \ 1 a : having or forming a comb (a tail-combed cock) (~ quartz crystals) b : emblazoned with a comb ; crested 2 i dressed or arranged with a comb 3 : as if dressed with a comb (a ~ ceiling) (a ~ oak dresser) combed yarn n : yarn of any fiber spun from combed stock -- compare CARDED YARN

machine that combs wool or flax) 2: a long curling wave of the sea 3 ; cotton of a staple length and grade suitable for combing

comper hoard n: a perforated wooden frame in a loom through which the lower ends of the harness cords are passed to keep them separate

in combing machines in the textile industry comb forn n : CURLY GRASS

comb-footed \'-!--\ adj, of a spider : having calamistra comb foundation n ; foundation 5g

com-bin-abil-i-ty \kam,bina'bilad-ë, -atë, -i\ n -ES : ability

(as relative ability) to enter into combination com-bin-able \kom'binabel\ ad/ : that can be combined past part, of combinare 1 1: COMBINE 2 to form (the teeth of a self-distributing linotype matrix) so that the matrix will fall into its proper channel 3 t to set up the combination of

(a lock) combinate adj (LL combinatus) obs ! COMBINED, BETROTHED room-bi-na-tion \,kumba'nashan\ n -s [MF, fr. LL combination-, combinatio union, fr. combinatus (past part, of combinare to combine) + L -lon-, -to -lon - more at COMBINE 1 : the result or product of combining : a union or aggregate made by combining one thing with another; as A (i) : a union or alliance of individuals, corporations, or states for some special purpose formerly often to achieve a result contrary to law or public welfare but now usu, to achieve a legitimate social, political, or economic end - see COMBINATION IN RESTRAINT OF TRADE (2) : a binomial taxonomic name formed by combining a specific epithet with a generic name (3); two or more members of a team in competitive sports who perform esp well together (4); a small jazz band esp, when playing without elaborate arrangements; also : any dance band b : a series of events or results occurring in an ordered sequence: as (1) : a sequence of moves in chess so planned as to force the responses of the opponent and gain a decisive advantage often at the expense of an initial sacrifice (2) : a sequence of letters or numbers in a particular order chosen in setting a combination lock; also I the mechanism operating or moved by the sequence (3) I any one of the different sets into which a number of individuals (as letters) may be grouped without regard to the order of arrangement within the group — compare PER-MUTATION 3b (4) 1 a sequence of synchronized blows delivered MUTATION 3b (4) ! a sequence of synchronized blows delivered by a boxer in rapid succession 6 ! a union of mechanical parts so arranged that they interact to produce a practical result—compare AGGREGATION d! any of various one-piece garments covering the upper and lower parts of the body; esp ! UNION SUIT — usu, used in pl. 8 ! an instrument designed to perform two or more tasks (a radio-phonograph ~): specific a haulage tractor and one or more trailers that it draws 2 a ! the act or process of combining ! the quality or state of being combined b ! the act or process of uniting to form a chemical compound; sometimes ! the compound so formed 3 : a group of organ stops used in performance at one or more specific points; also : the tonal effect produced by such a group reombination \(\frac{1}{2} = \frac{1}{2} = \frac{1}

combination by volume ! the action, process, or ratio by which gaseous elements and compounds unite in definite proportions by volume to form distinct compounds

combination by weight; the action, process, or ratio by com.hi.net \kimbainet\ n at which substances unite (in compounds) in proportions by lidded pail usu, of enameter weight, relatively fixed and exact — see LAW OF DEFINITE of chamber pot and slop jar PROPORTIONS combination chuck at a chuck with jaws that may be moved | ing with a combine

simultaneously or independently combination door n : an outer door with interchangeable panels, one screened for warm-weather use, the other glazed for cold-weather use

combination in restraint of trade ; any monopoly or attempt at monopoly or any contract, combination, or conspiracy intended to restrain trade or commerce among the states or with the territories, the District of Columbia, or foreign nations, all such, excepting resale price-maintenance agreements permitted by fair-trade laws, being declared illegal by combing machine n : a machine for combing wool, flax, the antitrust laws of the U.S — compare combination cotton, or other fibers and separating the longer and more combination last n : a shoe last in which there is a variation from the standard measurements, the heel or instep portion

being narrower than normal combination lock n : a lock whose mechanism is controlled by one or more movable dials or rings inscribed with letters or figures and that may only be opened after the dial has been so turned as to combine the characters in a certain order

combination package n t a package of fourth-class mail to the outside of which is affixed a letter or other piece of firsts class mail matter — used in the U.S. postal system combination piston n: a device that acrs on a combination of organ stops and allows the combination to be thrown on or

combination plane at a plane that has interchangeable cutters

off with a single movement

combination rate n: a through rate formed by combining combination room n 1 a common room at Cambridge Uni-

combination rubber n : sheet rubber with a linen web or webs through it used esp. to pack pipe joints combination sale n: a sale coupling two products at a unit price slightly higher than the price of one combination shot n 1: a pool shot in which a ball is pocketed

of various shapes and is usable for rabbeting, grooving,

combination plate n : a photoengraving plate produced by

more than one process, specif : a photomechanical engraving

in which the printing surface contains both line and halftone

combination pliers n pl but sing or pl in constr t slip-joint pliers with a notched inner grip for holding and grasping

round objects and cutting and bending wire combination plow n 1 a moldboard plow with interchangeable

making moldings, and other special processes

bottom parts suitable for different soil conditions

two or more rates

by causing another object ball to strike it 2 t an English billiards shot in which a player scores in two ways (as by

cannoning and pocketing the red ball)
combination square n t a measuring tool consisting of a
steel rule that slides through an adjustable protractor head or level or a center head which can be fixed at any point on the rule by a lock bolt and being usable as an inside or outside try square, a marking or depth gauge, level, miter square, plumb, and straightedge

combination stacker n ; a combined buck rake and hay combination tone also combination note n: a subjective tone heard by many observers when two pure tones of widely different frequency are sounded together and thought to be due to the fact that the human car does not in general give a linear

response to sound waves - compare AURAL HARMONIC, DIFFERENCE TONE, SUMMATION TONE combination wrench a ; a wrench with one open and and

one socket end com-bi-na-tive \'kamba,na|d-lv, kam-'bīna| \ adj [combination + -ive] ; tending or able to combine ; marked by, relating to, or resulting from combination wrench

combination; specif, of sound change the change of an a dependent on phonetic environment (the change of an

orig, short vowel into a long vowel in the ancestors of English field is ~ because of the vowel's being followed by a liquid and a homorganic voiced stop)
com.bi.na.to.ri.al \kambanattoreal, kam.bi. -tor-\ edl
[combinatory + -al]: of or relating to combination or combi-

nations : involving combination combinatorial analysis n: the mathematical study of permutations and combinations of finite sets of objects com.bi-na-to-ry \kom'bina-tote\ adj [combination + -ory]

COMBINATIVE, COMBINATORIAL combinatory logio n: a branch of symbolic logic that deals esp, with the notion of substitution and the eliminability of variables in favor of special function symbols

combine, fr. LL combinare, fr. L com. + bint two by two more at BINARY] of 1: to bring into close relationship:

1 to join in physical or chemical union (as two substances)

Toxin and living tissue to produce antitoxin); specif: to cause to unite into a chemical compound (combining hydrogen with sulfur) b : to cause to unite or associate harmoniously (as in a joint action or into an organic whole) harmoniously (as in a joint action or into an organic whole)

(~ their efforts to a common end) (the growing lown of South Bethlehem was . . to be combined with the mother town—Amer Guide Series: Pa) 2 t to cause (as two or more things or ideas) to mix together: MINGLE, DEND (contoming the language of the gutter with ideas of undoubted worth) (~ the sugar, flour, and butter) 3 t to possess or exhibit (as qualities or attributes) in combination (one who ~series imagination with true scholarliness) ~ M 1 a t to

creative imagination with true scholarliness) ~ vi 1 a : to become one : COALESCE, INTEGRATE (the two papers com-bined as the Chronicle) b ; to unite in definite proportions by weight to form a distinct chemical compound 2 to come together or join forces (as for a common purpose) I act together to accomplish an aim (the foreign powers combined in a note reprimanding the aggressor's action) (~ to raise wages in an industry) syn see join, UNITE

200m.bine \'kam,bin\ n -s 1 i an act or result of combining 2 : a combination (as of persons) to effect some object; sometimes t one having a purpose that is illegal or against the public interest 3 also combine harvester 1 a harvesting machine that heads, threshes, and cleans grain while moving over the field 4 ; a passenger-train car divided into two or more parts for handling different classes of items (as passengers and baggage)

combine \"\ vb -ED/-ING/-s [2combine] vt : to harvest with a combine ~ vi : to combine a crop com-bined \kam'bind\ adj 1 a : formed by combination i joined together into one ; UNITED b ; formed into a chemical compound 2: performed by agents in combination 3: concerned with or consisting of a combination - used of previously or usu, separate items or considerations (a ~ in-telligence service —A.L.Tunk) 4 ; considered as a whole added together (mercenaries outnumbered all other troops ~> (his talents and looks ~ got him the job) — com-hined-ly \-n(4)die\ adv — com-hined-ness \-nodnes, -n(d)nes\ n -Es combined carbon n; the portion of the carbon in iron and steel that is chemically united in the form of carbides - dis-

tinguished from graphitic carbon combined experience table n : a mortality table based on the experience of 17 British companies that was used in the U.S. prior to 1901 combined method n t a method of teaching the deaf in which

features of both the manual method and the oral method are combined operation n 1: a military operation in which several ailles coordinate their armed forces to accomplish a single mission, effect a defense, or gain some other goal 2 Brif

practice of combining varying intellectual elements esp. without sufficient attention to systematic integration combination board n. papermaking: a board made on a cylinder machine in which one or both of the outer plies differ from the middle ply as to color or material

| an often amphibious operation requiring the coordinated efforts of two or more services — often used in placement (kem'binment) n -s archaic: Combine ment (kem'binment) n an often amphibious operation requiring the coordinated that applies adhesive to the plies of paper or board and presses them together to produce laminated board b t one that arranges plastics sheets in desired combinations and finishes

and cements them and presses them in a hydraulic press com.hi.net \kumbainet\ n -s [combination + -et] ta handled lidded pail usu, of enameted metal combining the function

combine type n ; a class or variety of a crop adapted to harvest-

combing n -s often attrib 1 t the action or process of using a comb or combs; as A i the straightening and ordering of wool or other fibers of long staple by a combing machine with elimination of shorter fibers b: a method of decorating pottery in the wet state by scratching with a comb 2 combings pl 1 loose hair removed with a comb 3; combing wool 4; an action of combing or like combing esp. in thoroughness (a skillful ~ of the salvage incidents . . . for the stories that bear retelling -Alfred Stanford)

cotton, or other fibers and separating the longer and more valuable fiber from the shorter - compare CARDING MACHINE combing wool n ! long-stapled strong-fibered wool sultable for combing and used esp. in the manufacture of worsteds

combining pres part of COMBINE combining form n : a linguistic form that occurs only in compounds or derivatives and can be distinguished descriptively from an affix by its ability to occur as one immediate constituent of a form whose only other immediate constituent is an affix (as cephal- in cephalic) or by its being an allomorph of a morpheme that has another allomorph that may occur alone (as electro- representing electric in electromagnet, resinirepresenting resin in resintlerous, forma- representing formaldehyde in formalith, para- representing parachute in para-trooper) or can be distinguished historically from an affix by

snopy grage

IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE - NW/Corner Wise Avenue & Wortman Road

(7730 Wise Avenue) 12th Election District 7th Council District

BP Amoco, Owners Petitioners * BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 03-458-SPHA

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property. BP Amoco, through their attorney, Sebastian A. Cross, Esquire. The Petitioners request zoning relief as it relates to proposed signage. The nature of the proposed signage is two-fold; that signage located on the canopy and a freestanding sign. As to the canopy signage, the Petitioners request a special hearing seeking a determination that canopy background colors and bull nose striping do not contribute to any sign's message and therefore, should not be included in the area of the sign, as per Section 450.3 "Area" A of the Baltimore County Zoning Regulations (B.C.Z.R.). In the alternative, variance relief is requested from Section 450.4 of the B.C.Z.R. to permit 564 sq.ft. of canopy signage in lieu of the maximum allowed 25 sq.ft. per canopy sign. As to the freestanding sign. special hearing relief is requested for a determination that only those portions of a freestanding sign displaying words and symbolic representations should be included in the area calculations. and that the one "freestanding" sign shown on the site plan is in full compliance with the B.C.Z.R. In the alternative, a variance is requested to allow a 110.5 sq.ft. freestanding sign in lieu of the maximum allowed 75 sq.ft.. and, to permit two (2) freestanding signs per frontage in lieu of the allowed one. The subject property and requested relief are more particularly described on the three-page site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

COLLAND

Description

4 A TOTAL

To Accompany Petition for Special Exception Area of Special Exception

Baltimore National Pike & St. Agnes Lane Baltimore County, Maryland

Beginning for the same at a point of curvature on the southernmost right of way line of Baltimore National Pike (Maryland Route 40, 150 feet wide), said point being North 75 degrees 16 minutes 31 seconds East, 78.47 feet from the end of the third or North 14 degrees 33 minutes 30 seconds West 200.00 foot line of land which by deed dated May 2, 1990 and recorded among the Land Records of Baltimore County, Maryland in Liber 8478, Folio 042, and was conveyed by General Rental Co., Inc. to Kwon Byung Choi and Jung Im Choi, thence binding on said right of way line (1) Northeasterly by a line curving to the right with a radius of 14,248.95 feet for a distance of 159.80 feet (the arc of said curve being subtended by a chord bearing North 75 degrees 45 minutes 37 seconds East, 159.80 feet) to a point of non-tangency, thence leaving said right of way line (2) South 50 degrees 12 minutes 30 seconds East for a distance of 140.82 feet to the westernmost right of way line of St. Agnes Lane (30 feet wide), thence binding on said right of way line (3) South 08 degrees 04 minutes 00 seconds West for a distance of 4.20 feet, thence leaving said right of way line and running the following seven courses and distances, viz: (4) South 75 degrees 19 minutes 00 seconds West for a distance of 77.94 feet, thence (5) South 14 degrees 41 minutes 01 seconds East for a distance of 21.30 feet, thence (6) South 75 degrees 19 minutes 00 seconds West for a distance of 56.30 feet, thence (7) South 14 degrees 41 minutes 00 seconds East for a distance of 49.50 feet, thence (8) North 75 degrees 19 minutes 00 seconds East for a distance of 38.30 feet, thence (9) South 14 degrees 41 minutes 00 seconds East for a distance of 1.17 feet, and thence (10) North 75 degrees 19 minutes 00 seconds East for a distance of 66.76 feet to the aforementioned right of way line, thence binding on said right of way line (11) South 08 degrees 04 minutes 00 seconds West for a distance of 111.15 feet, thence leaving said right of way line and running the following two courses and distances, viz: (12) South 82 degrees 37 minutes 00 seconds West for a distance of

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2003, Legislative Day No. 14 Resolution No. 69-03

Mr. <u>Kevin Kamenetz</u>, Chairman By Request of County Executive

By the County Council, July 7, 2003

A RESOLUTION for the purpose of creating a new Commercial Revitalization District along the Baltimore National Pike.

WHEREAS, the County has 12 Commercial Revitalization Districts that have been officially designated, either by resolution of the County Council or by adoption of Master Plan or Master Plan amendment; and

WHEREAS, the Department of Economic Development has surveyed the commercial corridors of the County to evaluate the need for any additional Commercial Revitalization Districts; and

WHEREAS, there exists a need for assistance to a concentration of businesses and shopping centers along the Baltimore National Pike corridor from the Baltimore City line to Rolling Road; and

WHEREAS, the Commercial Revitalization District status should stimulate public and private investment; and

WHEREAS, the planning phase of a streetscape along the Baltimore National Pike has been undertaken; and

WHEREAS, Commercial Revitalization District designation will provide incentives to property owners and businesses in this area to improve the exterior of

rior of

existing buildings and to develop and/or redevelop underused properties; and

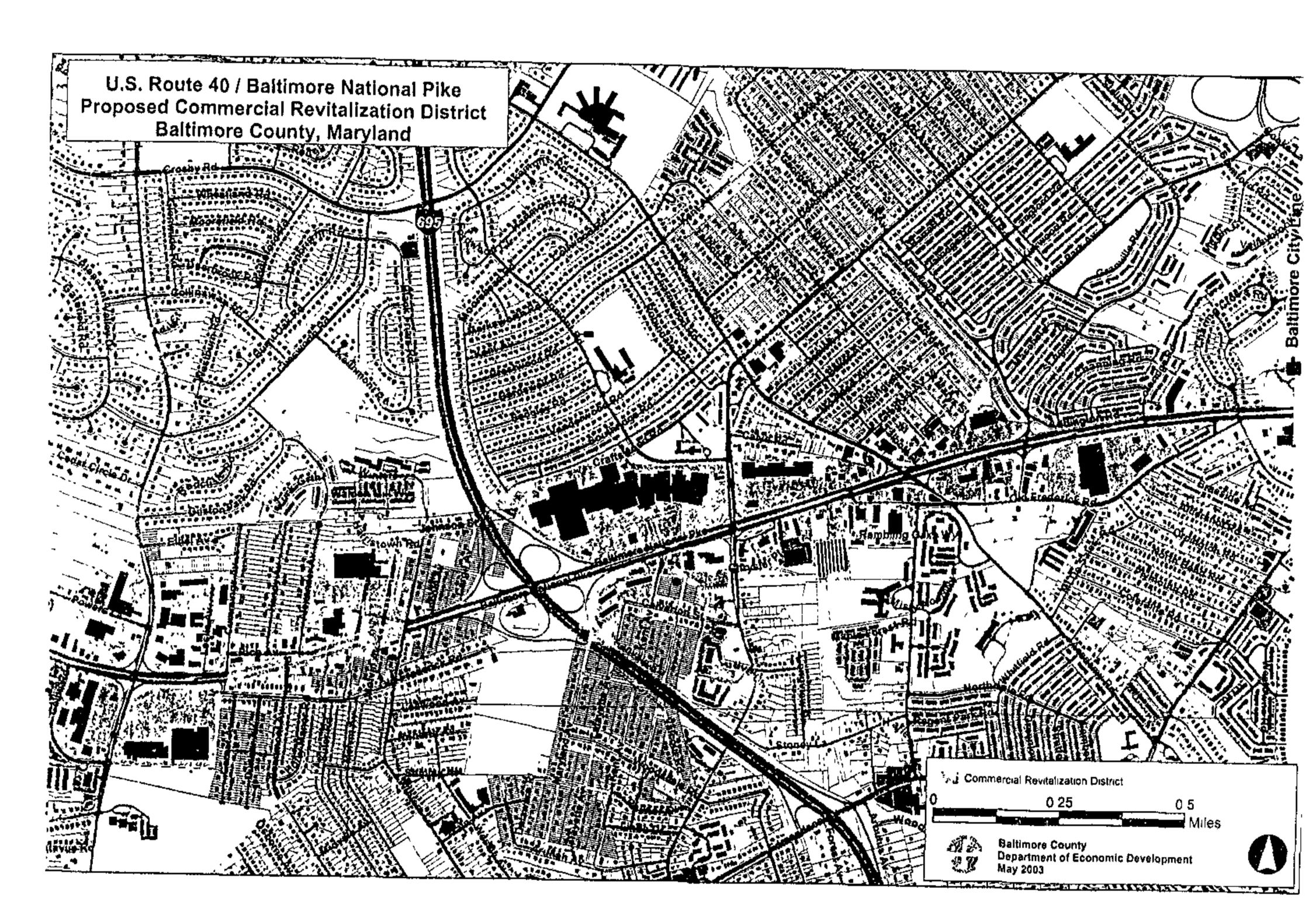
WHEREAS, the creation of this new Commercial Revitalization District has been approved by the Catonsville Chamber of Commerce; now, therefore

BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the following area, as shown on Exhibit A attached hereto, is hereby established as a new Commercial Revitalization District; and


BE IT FURTHER RESOLVED, that copies of this Resolution shall be sent to the Department of Economic Development, the Department of Public Works, the Office of Planning, and the Office of Community Conservation to be used for programming departmental operations; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect from the date of its enactment.

r06903.wpd







THESE I RAWINGS SHALL NOT BE UTILIZED BY AND PUBLIC FIRM OR CORPORATION WITHOUT THE SPECIFIC WRITTEN PERMISSION OF BL COMPANIES



ARCHITECTURE ENGINEERING LANDSCAPE ARCHITECTURE LAND SURVEYING ENVIRONMENTAL SCIENCES

849 International Drive, Suite 215 Linthicum, MD 21090 (410) 859-9100 (410) 859-9958 Fax




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CAR 1"=30" 7/08/03

SPECIAL **EXCEPTION** PLAN

Sheet No.



GENERAL NOTES 132,379 SF/3.039 AC.± 50,506 SF/1.159 AC.± 0101100200, 0104201420, 0113205461 & 0113205462 Total Site Area: Special Exception Area: Tax Account Numbers: 4. Election District: 5. Councilmanic District: 4007.02 Gwynns Falls 71D 6. Census Tract: 7. Watershed: 8. Subsewer Shed: 9. Contract Purchaser/Developer: Q.C. Enterprises, Inc. 110 Old Padonia Road Suite L Hunt Valley, MD 21030 410-560-6696 8478/42, 4699/234, 7589/493, 5905/543 & 6832/198 10. Deed References: 11. To the best of our knowledge, the site is not within the 100 Year Flood Plain. 12. To the best of our knowledge, there are no wetlands within the site boundaries. 13. To the best of our knowledge, the site is not a designated area of critical state and not in the Chesapeake Bay Critical Area. 14. To the best of our knowledge, there are no known historic structures or archeological sites within the site boundaries. 15. This property is not within a historic district. 16. This property is within the Catonsville — Paradise Revitalization Area. 17. There are no known Forest Buffers within the site boundaries. 18. The zoning designation and zoning history for the property was taken from the zoning maps located at the Baltimore County Department of Permits and Development Management. 19. There is no zoning history for this project. 20. Utilities: Water—Available, Baltimore City DPW Sewer—Available, Baltimore County DPW Gas-Available, BGE Telephone-Available, Verizon Electric—Available, BGE 1. Access via U.S. Route 40 and St. Agnes Lane to be provided by the developer for the proposed retail uses. A common access easement will be required to be executed between developer, 7-Eleven and devloper. in accordance with the Landscape Manual requirements for automotive uses per section 405.4.A.2.c of the Baltimore County Zoning Regulations. ZONING NOTES 1. Zoning: BM—CCC (per Baltimore County Zoning Map 2B, dated February, 1995, scale 1"=1000') Amenity Open Space Ratio: 2. Floor Area Ratio: 0.2 minimum Required: Required: 4.0 maximum Proposed: 0.06 Parking Calculations: Reguired Իղկկող հրությ. 1, per Employee on largest shift = 2 Spaces 5 per 1,000 SF of GFA (2,980 SF)= 15 Spaces 1 per Self Service Air Unit = 1 per Self Service Vacuum Unit = per ATM = 20 Spaces Total Required = Provided = 23 Spaces 4. Only passenger vehicles will use the proposed parking spaces. 5. All lighting will be directed away from any residentially zoned properties. shall be provided for each MPD where a convenience store is located on the same lot = 8 Stacking Spaces Provided = 8 Stacking Spaces Required: No less than 15,000 S.F. OR 1,500 times the number of MPD's PLUS 4 times the sugare footage of the 7-ELEVEN (2,980 S.F.) = 15,000 S.F. + 11,980 S.F. = 26,920 S.F. Provided = 49,875 S.F. (S.E. AREA) Main Structure: 35' Required from any street R.O.W. Fuel Pump: 25' Required from any street R.O.W. Canopy: 15' Required from any street R.O.W. 9. Landscape Transition Area: Front & Steet Side Yards—Minimum of 10' Required Side & Rear Yards—Minimum of 6' Required ▶ 10. All signage will comply with section 450 of the BCZR unless a variance is 11. Special Exception pursuant to Sections 405.2.B.1 and 405.4.E.1 of the Baltimore County Zoning Regulations for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet. 12. A Variance, if necessary, is requested from Section 405.4.A.2.b of the Baltimore County Zoning Regulations to permit 0 foot landscape transition areas in lieu of the required 10 foot landscape transition area along a public 13. A Variance, if necessary, is requested from Section 405.4.A.2.b of the Baltimore County Zoning Regulations to permit 0 foot landscape transition area in lieu of the required 6 foot landscape transition area abutting 14. A Variance, if necessary, is requested from Section 450.4.5.e of the

15. A Special Hearing is requested pursuant to Section 500.1 of the Baltimore

■ 16. A Special Hearing is requested pursuant to Section 500.1 of the Baltimore

frontage.

County Zoning Regulations for a determination that the proposed fuel service

station/convenience store is a separate operation from the adjoining retail establishment and is not a "use in combination" under B.C.Z.R. Section 405.4.E

County Zoning Regulations for a determination that the proposed joint identification sign for the fuel service station/convenience store and the retail establishment is permitted by right in its proposed location on the Route 40

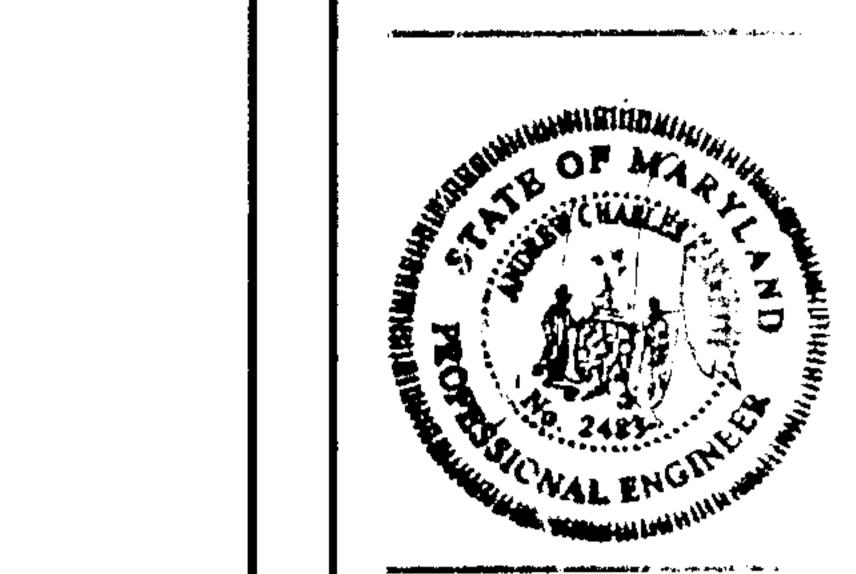
THESE DRAWINGS SHALL NOT BE UTILIZED BY ANY PERSON, FIRM OR CORPORATION WITHOUT THE SPECIFIC WRITTEN PERMISSION OF BL COMPANIES

WALTER R. MOHLER, TRUSTEE 2 SPRING HOUSE ROAD TIMONIUM, MD 21093

BANK OF AMERICA, N.A., TRUSTEE TRUST REAL ESTATE PO BOX 995 BALTIMORE, MD 21203

PARCEL 326: DAMIAN E. BIRCHESS CHRISTINE L. COMMERFORD 5411 OLD FREDERICK ROAD, SUITE 18 BALTIMORE, MD 21229

DEVELOPER



Companies

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LANDSCAPE ARCHITECTURE

LAND SURVEYING

ENVIRONMENTAL SCIENCES

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Linthicum, MD 21090

(410) 859-9100 (410) 859-9958 Fax

Designed Checked Approved ■ Project N=

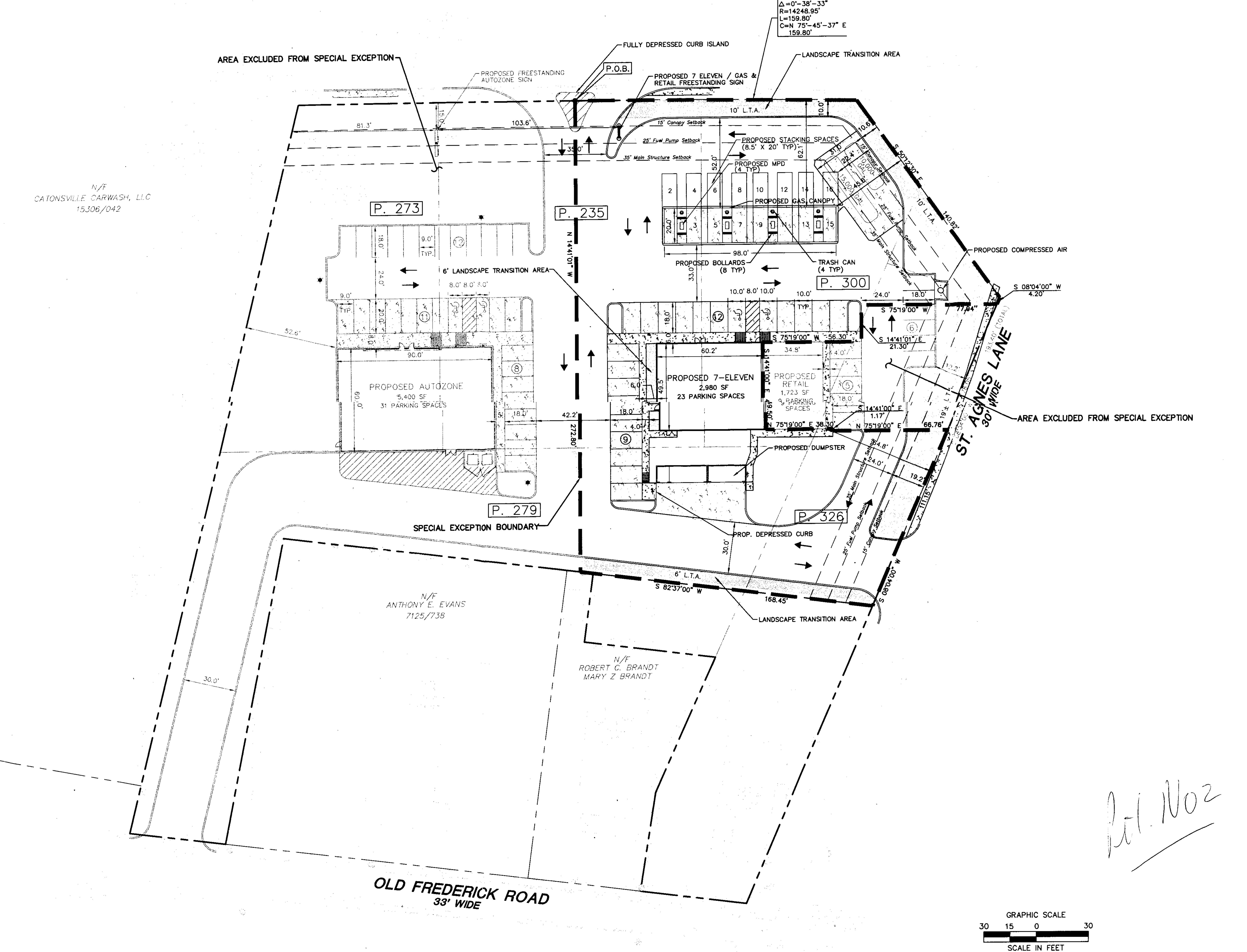
SPECIAL

Sheet No.

Scale

LEGAL OWNERS PARCELS 235, 273, 279 & 300:


Q-C ENTERPRISES, INC. 110 OLD PADONIA ROAD, SUITE LC HUNT VALLEY, MD 21030



(MD ROUTE 40)

BALITMORE NATIONAL PIKE

150' WIDE



31MS