ORDER RECEIVED FOR TING Date

By IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE -

SE/Corner Hanover Road & Emory Road

(15303 Hanover Road)

4th Election District

3rd Council District

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 04-125-SPHXA

Joseph N. Elmo and

Margaret M. Barnes, Owners;

High's of Baltimore, Inc., Contract Purchasers

* * * * * * * *

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, Joseph N. Elmo and Margaret M. Barnes, and the Contract Purchasers, High's of Baltimore, Inc., by Brian Darnell, Vice President, through their attorneys, G. Scott Barhight, Esquire, and Dino C. LaFiandra, Esquire. The Petitioners request a special exception to permit a fuel service station in a B.L.-C.R. zone, pursuant to Section 405.2.B.2, in that portion of the property designated as Zoning Area A, and to allow a convenience store greater than 1,500 sq.ft. as a use in combination with said fuel service station, pursuant to Section 405.4.E.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioners request special hearing relief as follows: 1) to approve an amendment to the previously approved site plan in Case No. 82-168-SPHXA to reflect the proposed improvements for the overall site, designated as Zoning Area C; 2) to allow business parking in an R.C.2 zone (Zoning Area B), pursuant to Section 409.8.B of the B.C.Z.R.; and, 3) to permit illumination of signage on the site which is not otherwise allowed, pursuant to Section 259.3.C.7(c) of the B.C.Z.R. (Zoning Area A). Lastly, the Petitioners request a series of variances from the B.C.Z.R. as follows: 1) From Section 259.3.C.2(b) to permit a rear yard setback of 0 feet in lieu of the required 15 feet in Zoning Area A; 2) from Section 259.3.C.4 to permit 11 parking spaces within the C.R. district in lieu of the required 19, in addition to 11 other parking spaces located elsewhere on the site (not within the C.R. district) in Zoning Area A; 3) from Section

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259.3.C.7(a) to permit a wall-mounted enterprise sign of 74 sq.ft. in lieu of the maximum allowed 8 sq.ft. and to allow said sign to project 8" from the building line in lieu of the maximum allowed 6" (Zoning Area A); 4) from Section 259.3.C.7(b) to permit a double-sided, freestanding enterprise sign with a surface area of 77 sq.ft. per side, in lieu of the maximum allowed 25 sq.ft. per side (Zoning Area A); 5) from Section 405.4.2(b) to permit a landscape transition area of 0' along the north side and along the rear/east side of Zoning Area A in lieu of the required 15' to coincide with rear yard setback variance; and, 6) from Section 450.4 to permit one service station canopy sign of 125.52 sq.ft., and two service station canopy signs of 137.01 sq.ft. each, all in lieu of the maximum allowed 25 sq.ft. (Zoning Area A). The subject property and requested relief are more particularly described on the original plat submitted and marked as Petitioner's Exhibit 1A, and the revised plat marked as Petitioner's Exhibit 1B.

Appearing at the requisite public hearing in support of the request were Brian Darnell, Vice President of High's of Baltimore, Inc., Contract Purchasers of the subject property; Wayne A. Newton, Civil Engineer with Messick & Associates, the consultants who prepared the site plan; and Dino LaFiandra, Esquire, attorney for the Petitioners. Also appearing were Kenneth Schmid, Traffic Engineer, and John Sherwood, an Economist. Robert Walker with the Hanover Road Improvement Association, and Becky Gautreau, a nearby resident, appeared as interested citizens.

The subject property is located at the northeast corner of the intersection of Hanover Road and Emory Road in northwestern Baltimore County, near the Carroll County Line. The property contains a gross area of 1.15 acres, more or less, and is split zoned B.L.-C.R. (Zoning Area A) and R.C.2 (Zoning Area B). Presently, the property is improved with a High's convenience store, and a TV repair/sales shop. The Petitioners propose a redevelopment of the subject property.

At the onset of the hearing, the Petitioner offered a revised site plan marked as Petitioner's Exhibit 1B and amended the zoning relief requested. The revisions to the plan significantly reduced the extent of zoning relief sought. Specifically, there is no change in the relief sought within the Petition for Special Exception. The Petitioners still seek relief for a fuel

service station use in combination with a convenience store greater than 1,500 sq.ft. in that portion of the site zoned B.L.-C.R. The Petition for Special Hearing was amended by the deletion of request No. 2, which sought approval of business parking in the R.C.2 zoned portion of the site. Under the revised plan, the business parking has been relocated so that it is entirely within the B.L.-C.R. zoned portion of the site. However, the Petitioners still seek approval of the amended site plan and to allow illuminated signage on the property.

Turning to the Petition for Variance, several of the requests have been deleted. As shown on the revised plan, the proposed building has been relocated so that a 15-foot rear yard setback is now provided. Thus, Variance Request No. 1 is no longer necessary. In addition, due to the reconfiguration of business parking, Variance Request No. 2 to allow 11 spaces in the C.R. district in lieu of the 19 required has been deleted. Next, the sign package has been modified so that Variance Request No. 3 to permit a wall-mounted sign of 74 sq.ft. in lieu of the maximum allowed 8 sq.ft. is no longer necessary. In addition, Variance Request No. 4 is no longer necessary in that the double-sided, freestanding enterprise sign will now be 25 sq.ft. per side. The message board will be a maximum of 25 sq.ft. per side and in accordance with Maryland Law, that section of the sign that indicates fuel prices is exempt from this local zoning ordinance. (See, Md. Code Ann., Business Regulations, Section 10-315.) Lastly, Variance Request No. 6 to allow canopy signs greater than the 25 sq.ft. allowed is no longer necessary, due to the reconfiguration of the sign package. In view of the amendments made to the site plan, the sole remaining variance needed is Request No. 5, which relates to landscape transition area requirements.

Testimony was received from Brian Darnell, a principal of High's of Baltimore, Inc., who has been so employed since 1974. Mr. Darnell testified that the subject property has been occupied by a High's store for over 22 years and that during that time, High's leased the property. The Petitioner's have contracted to buy the property from Mr. Elmo and Ms. Barnes and propose redeveloping the site with a new High's store, which will feature a fuel service station component. The existing building, which is 1800 sq.ft. in area, will be razed, and a new store, 2850 sq.ft. in area, constructed in its place. It was indicated that the proposed structure would be substantially

similar to the High's store at another location, a photograph of which was submitted into evidence as Petitioner's Exhibit 3. In addition to the new convenience store, a fuel service station will operate seven days a week, from 5:30 AM to 11:00 PM. It was indicated that the lighting on-site would be turned off after hours, and that security lighting as is necessary would remain on.

Testimony was also received from Wayne A. Newton, the civil engineer who prepared the site plan. He described the subject property and existing and proposed uses thereon. As noted above, both the existing High's building and the TV repair/sales shop will be razed and the new store constructed as discussed above and shown in Petitioner's Exhibit 2. Mr. Newton also described the proposed fuel service station operation, which will feature four multi-product dispensers under a canopy. Additionally, landscaping will be provided on the site as shown on the plan. Mr. Newton also described traffic in the area and access to the property. As shown on the plan, there will be two access points; a one-way in and one-way out on Hanover Road, and a second entrance off of Emory Road.

Mr. Newton testified about the special exception requirements set forth in Section 502.1 of the B.C.Z.R. as construed by the appellate courts of this State (see Schultz v. Pritts, 432 A.2d 1319 (1981). He also addressed the compatibility requirements of Section 26-282 of the Code, and the requirements for development in the C.R. zone, pursuant to Section 259. He opined that the Petitioners' proposal satisfies all the standards and criteria applicable to the zones.

Testimony was also received from Ken Schmid, a traffic engineer, who indicated that the intersection of Emory Road and Hanover Road operates at a Service Level "B" and did not anticipate that the proposal would generate additional traffic on either of those roads. He noted that the subject site is not a "destination stop;" rather, it intercepts traffic that is already on the road. That is, most people will stop to and from another destination to purchase fuel and convenience items. He also testified about the realignment and configuration of the access points to the site. He indicated that the proposal would comply with the criteria set forth in the Zoning Advisory Committee (ZAC) comments submitted by the State Highway Administration.

Finally, testimony was received from John Sherwood, an Economist retained by High's of Baltimore, Inc. Mr. Sherwood concluded that there is a need for the use proposed here, and that given the commuter traffic in the area and based on his market studies, the requirements of Section 405 have been met.

Turning first to the Petition for Special Exception, I am easily satisfied that the relief requested meets the requirements of Sections 502.1, 259 and 405 of the B.C.Z.R. The proposed improvements appear to be an appropriate redevelopment of the subject site. The fact that a High's store has operated at this location for many years is a compelling factor and the addition of a fuel service station component is consistent with other uses in the area. In sum, I find that the proposed use will not result in any detrimental impacts to the health, safety and general welfare of the surrounding locale.

Similarly, I am persuaded to grant the special hearing relief to amend the previously approved plan to reflect the proposed improvements and incorporate the entire parcel, designated as Zoning Area C. Moreover, I find that the proposed illumination of the signs on the property should be approved, consistent with the restrictions set forth hereinafter.

Finally, the requested variance from landscape transition area requirements shall be granted. The unusual configuration of the property, its split zoning, and the fact that it is located in a rural/commercial area of Baltimore County justifies the requested modification and meets the requirements of Section 307 of the B.C.Z.R. for relief to be granted.

Although relief will be granted, a comment is also in order regarding the ZAC comments submitted by the Office of Planning. In this regard, there were three recommendations made, the first of which seeks a limit to the lighting on the property. That comment recognizes the rural location of the subject property and suggests limitations on the lighting so that improper levels of lighting do not spill over onto adjacent public roads or private properties. In this regard, the Petitioners suggested that the lighting conform to the lighting design guidelines set out in the Hanover Road Corridor Study. This seems to be an appropriate limitation and a copy of those guidelines shall be attached hereto and made a part hereof.

The second comment requests that the Petitioner submit architectural elevation drawings of the proposed building and fuel service station canopy to the Office of Planning for review and approval prior to the issuance of any permits. The drawings submitted at the hearing indicate the proposed design is appropriate for this area. Thus, the elevation drawings submitted to the Office of Planning shall be consistent with that submitted at the hearing.

The third comment relates to the R.C.2 zoned portion of the property. That comment opines that the storm water management and septic reserve areas shown on the plan should not be located in the R.C.2 zone. Counsel for the Petitioners submitted a brief/Memorandum addressing this issue. It was indicated that the storm water management facility could be located in the B.L.-C.R. zoned portion of the property. The relocation of this facility seems to be appropriate, and thus, makes moot that issue. However, the Office of Planning opines that the septic reserve area for this property cannot be located in the R.C.2 zoned portion of the site and relies on the decision made in the matter of Orville Jones, zoning Case No. 93-93-SPH, Circuit Court Case No. 94-CV-10257. The undersigned Zoning Commissioner/Hearing Officer is familiar with that matter in that I presided over the initial hearing in that case. That matter related to a commercially zoned property (B.L.-C.R.), approximately 1.056 acres in area, in the Kingsville area of Baltimore County. The property had been used for many years as a commercial operation known as the Long Green Hotel; however, when Mr. Jones acquired the site, he razed the old building and was determined to replace that structure with another commercial use. He proposed a new building to be occupied by a High's Dairy Store, a dentist's office, and a Laundromat. The essence of Jones related to the septic reserve system, which was required to support the commercial uses on that property. Obviously, given the rural location of the site, public water and sewer facilities were not available. Additionally, as a result of construction activities on the site, a septic reserve system could not be installed within the 1.056-acre lot. Due to this situation, Mr. Jones entered into an arrangement with the owner of an adjacent property zoned R.C.2. He purchased an easement and proposed to install the required septic reserve system on the adjacent property.

Wastewater from the uses on Mr. Jones' property would be piped offsite and disposed of on the adjacent property.

In a written decision which followed the public hearing, I held that the matter was properly before the Zoning Commissioner and that the septic reserve system was a use of land as contemplated by the B.C.Z.R. I further found that the use was not permitted as a principle use on the R.C.2 property, either by right or as an accessory. However, I determined that the septic system (which had been implemented by the time of the hearing) could remain under the doctrine of estoppel.

An appeal of my decision was filed with the County's Board of Appeals. Although conducting a de novo hearing, the Board reached similar conclusions and entered a nearly identical decision. The matter was then appealed to the Circuit Court of Maryland for Baltimore County. That appeal was considered by then Judge James T. Smith, Jr., who has gone on to greener pastures since his term as a Circuit Court Judge. A reading of then Judge Smith's decision indicates that he generally concurred with the prior determinations of the Zoning Commissioner and Board of Appeals relating to the use aspects of the septic reserve system. That is, he confirmed that a septic system is a use and that it was not permitted in the R.C.2 zone as a specifically identifiable principle use, either by right or as an accessory use. However, Judge Smith's decision primarily focused upon the estoppel/laches issue. In this respect, he affirmed in part and reversed in part the Board's decision, determining that Baltimore County was estopped from bringing about any zoning enforcement proceedings against Mr. Jones; however, that the neighbors and private citizens could pursue an action for injunction or other relief.

It is quite coincidental in this case that the issue of laches/estoppel is also raised as was the circumstance in <u>Jones</u>. The Department of Environmental Protection and Resource Management (DEPRM) requires an area for the septic field, and a separate "reserve area" in the event the primary area fails. The septic reserve area in this case is the reserve area, and not the primary area. It is also to be noted that there was undisputed testimony and evidence offered that High's, as Lessee of the property when they originally built the store, entered into an agreement

with DEPRM for establishing that reserve area 21 years ago. Thus, it has been designated as the reserve area for the past 21 years. This is a strikingly similar situation to <u>Jones</u>, where the Petitioner in that case likewise dealt with Baltimore County fairly and above-board and the County approved an area which was later challenged as improper under the zoning regulations. I find that the same result that Judge Smith reached in the appeal of that case should be entered here. That is, I find that the septic reserve area may remain in the R.C.2 zoned portion of the property because Baltimore County is now estopped from prohibiting same, given its longstanding designation as such and prior approval by Baltimore County.

Based upon all of the testimony and evidence presented, I am persuaded to grant the relief requested, as modified. The proposed improvements appear to be an appropriate redevelopment of the subject site. The fact that a High's store has operated at this location for many years is a compelling factor and the addition of a fuel service station component is consistent with other uses in the area. Moreover, I find that the use proposed meets the special exception requirements set forth in Sections 502.1, 259 and 405 of the B.C.Z.R. and that there will be no detriment to the health, safety and general welfare of the surrounding locale. Thus, the amended plan shall be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of January 2004 that the Petition for Special Exception to permit a fuel service station in a B.L.-C.R. zone, pursuant to Section 405.2.B.2, in that portion of the property designated as Zoning Area A, and to allow a convenience store greater than 1,500 sq.ft. as a use in combination with said fuel service station, pursuant to Section 405.4.E.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1B, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 82-168-SPHXA to reflect the

proposed improvements for the overall site (designated as Zoning Area C) and to permit illumination of signage on the site which is not otherwise allowed, pursuant to Section 259.3.C.7(c) of the B.C.Z.R. (Zoning Area A), in accordance with Petitioner's Exhibit 1B, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that Variance Request No. 5 of the Petition for Variance seeking relief from Section 405.4.2(b) to permit a landscape transition area of 0' along the north side and along the rear/east side of Zoning Area A in lieu of the required 15', in accordance with Petitioner's Exhibit 1B, 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) Compliance with the State Highway Administration ZAC comments regarding the access points to this site from Hanover and Emory Roads.
- 3) All lighting on the subject property shall be in compliance with the Hanover Road Corridor Study, Design Guidelines for Lighting and Signs, a copy of which is attached hereto and made a part hereof.
- 4) Prior to the issuance of any permits, the Petitioners shall submit elevation drawings of the proposed building and fuel service station canopy consistent with that offered at the hearing to the Office of Planning for review and approval.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval to allow business parking in an R.C.2 zone (Zoning Area B), pursuant to Section 409.8.B of the B.C.Z.R., be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: 1) From Section 259.3.C.2(b) to permit a rear yard setback of 0 feet in lieu of

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the required 15 feet in Zoning Area A; 2) from Section 259.3.C.4 to permit 11 parking spaces within the C.R. district in lieu of the required 19, in addition to 11 other parking spaces located elsewhere on the site (not within the C.R. district) in Zoning Area A; 3) from Section 259.3.C.7(a) to permit a wall-mounted enterprise sign of 74 sq.ft. in lieu of the maximum allowed 8 sq.ft. and to allow said sign to project 8" from the building line in lieu of the maximum allowed 6" (Zoning Area A); 4) from Section 259.3.C.7(b) to permit a double-sided, freestanding enterprise sign with a surface area of 77 sq.ft. per side, in lieu of the maximum allowed 25 sq.ft. per side (Zoning Area A); (6) from Section 450.4 to permit one service station canopy sign of 125.52 sq.ft., and two service station canopy signs of 137.01 sq.ft. each, all in lieu of the maximum allowed 25 sq.ft. (Zoning Area A), be and is hereby DISMISSED AS MOOT.

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

January 9, 2004

G. Scott Barhight, Esquire Dino C. LaFiandra, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE SE/Corner Hanover Road and Emory Road

(15303 Hanover Road)

4th Election District – 3rd Council District
Joseph N. Elmo & Margaret M. Barnes, Owners;
High's of Baltimore, Inc., Contract Purchasers - Petitioners

Dear Messrs. Barhight & LaFiandra:

Case No. 04-125-SPHXA

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception & Variance, as modified, 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. Joseph N. Elmo, 5410 Emory Road, Upperco, Md. 21155

Ms. Margaret M. Barnes, 5310 Emory Road, Upperco, Md. 21155

Mr. Brian Darnell, V.P., High's of Baltimore, Inc. 1340-L Charwood Road, Hanover, Md. 20794

Mr. Wayne Newton, 31 Old Solomons Island Rd., Annapolis, Md. 21401

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

Mr. John Sherwood, 2128 Renard Court, Annapolis, Md. 21401

Mr. Bob Walker, Hanover Road Assoc., P.O. Box 51, Boring, Md. 21020

Ms. Becky Gautreau, 15304 Old Hanover Road, Upperco, Md. 21155

Office of Planning; People's Counsel; Case File



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



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 15303 Hanover Road which is presently zoned <u>BL-CR/RCZ</u>

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

PLEASE 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 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:

ORDER RECEIVED/FOR FILING

Date_

Legal Owner(s):

High's of Balt;	imore, Inc.		Pleas	e see attached		
Name - Type or Print			Name - Type or Print			
Signature Brian Day 1340-L Charwood	rnell, V.P.		Signature			
Address Hanover	MD	Telephone No. 20794	Name - Typ	e or Print		
City	State	Zip Code	Signature			
Attorney For Petition G. Scott Barhi Dino C. La Fia	<u>n</u> t		Address	· <u>····································</u>	Tele	phone No.
Name - Type or Print			City	State	Zlp Code	
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Signature		·····				
Whiteford, Tay	lor & Prest	on, LLP	Dino	C. La Fiandra		· · · · · · · · · · · · · · · · · · ·
Company	· · · · · · · · · · · · · · · · · · ·	410-	Name			410-
210 W. Pennsyl	vania Ave.	832-20	_ ·	W. Pennsylvani		<u>832</u> -2000
Address		Telephone No.	Address		·	hone No.
Towson	MD	21204				21204
City	State	Zip Code	City	ξ.	State	Zip Code
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			Reviewed By	Date	9/11/03	
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Petition for Special Hearing

15303 Hanover Road Continuation Sheet

Legal Owners:

Joseph N. Elmo 5410 Emory Road Upperco, MD 21155

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Margaret M. Barnes 5310 Emory Road Upperco, MD 21155

Margaret M. Barnes

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Petition for Special Hearing

15303 Hanover Road Continuation Sheet

Relief Requested:

- 1. Special Hearing to amend the approved site plan in Case 82-168-SPHZA. (Zoning Area C).
- 2. Special Hearing to allow business parking in an RC-2 zone pursuant to BCZR §409.8.B. (Zoning Area B).
- 3. Special Hearing under §259.3.C.7.c to permit illumination of the signage of the site. (Zoning Area A). which is not otherwise allowed.

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ORDER RECEIVED FOR FILING

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Petition for Special Exception

to the Zoning Commissioner of Baltimore County

Legal Owner(s):

for the preparty legated at	15303	Hanover	Road
for the property located at _			

which is presently zoned BL-CR/RCZ

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 properly for

PLEASE 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.

High's of Baltimore, Inc. Please see attached Name - Type or Print Name - Type or Print Signature Signature Brian Darnell, V.P. - L Charwood Road Name - Type or Print Telephone No. Address 20794 MD Hanover Signature Zip Code City State Attorney For Petitioner: Telephone No. Address G. Scott Barhight Dino C. La Fiandra, Zip Code State City Name - Type or Print, Representative to be Contacted: Signature Dino C. La Fiandra Whiteford, Taylor & Preston, LLP Name 832-2000 410-Company

Address

City

Towson

832-2000

Zip Code

Telephone No.

21204

Rese No. 04-125-58HXA

210 W. Pennsylvania Ave.

MD

State

Contract Purchaser/Lessee:

) FB V 09/15/98

Address

City

Tdwson

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OFFICE USE ONLY

MD

State

210 W. Pennsylvania Ave.

Telephone No.

Zip Code

21204

ESTIMATED LENGTH OF HEARING __ UNAVAILABLE FOR HEARING Date 9/11/03 Reviewed By

Petition for Special Exception

15303 Hanover Road Continuation Sheet

Legal Owners:

Joseph N. Elmo 5410 Emory Road Upperco, MD 21155

Joseph N/IIImo

Margaret M. Barnes 5310 Emory Road Upperco, MD 21155

Margaret M. Barnes

ORDER RECEIVED FOR FILING

By

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Petition for Special Exception

15303 Hanover Road Continuation Sheet

Relief Requested:

- 1. Special Exception for a fuel service station in a BL-CR zone (BCZR §405.2.B.2) (Zoning Area A).
- 2. Special Exception for a convenience store larger than 1,500 square feet as a use in combination with a fuel service station in the BL-CR zone (BCZR §405.4.E.1) (Zoning Area A).



Date



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 15303 Hanover Road

which is presently zoned BL-CR/RC2

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)

PLEASE 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)

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

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

Contract Purchaser/Lessee:

High's of Baltimore, Inc.

<u>Legai Owner(s):</u>

Please see attached

Name Type or Print	_	Name	e - Type or Print		
Much 100			Olawaria	·	
Signature Brian Darn		•	Signature		
1340-L Charwood	Road				
Address Hanover	MD	Telephone No. 20794	Name - Type or Print		
City	State	Zip Code	Signature		
Attorney For Petitions G. Scott Barhig Dino C. La Ejan	h t		Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.
Name Type or Print		City		State Z	ip Code
Signature	h		Representative to	be Contacted:	
Whiteford, Tayl.	or & Pres	ton, LLP	Dino C. La F	liandra	
Company		410-	Name	·	410-
210 W. Pennsylv	ania Ave.		210 W. Penns	ylvania Ave	
Address		Telephone No.	Address		Telephone No.
Towson	MD	21204	Towson	MD	21204
City	State	Zip Code	City	State	Zip Code
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Petition for Variance

15303 Hanover Road Continuation Sheet

Legal Owners:

Joseph N. Elmo 5410 Emory Road Upperco, MD 21155

Joseph N Elmo

Margaret M. Barnes 5310 Emory Road Upperco, MD 21155

Margaret M. Barnes

DATE RECEIVED FOR FILING By STOR FILING

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Date

Petition for Variance

15303 Hanover Road Continuation Sheet

Relief Requested:

- Variance from BCZR §259.3.C.2.b to permit rear yard of zero (0) feet, in lieu of the 15' required. (Zoning Area A).
- Variance from BCZR §259.3.C.4 to permit 11 parking spaces within the CR district in lieu of the 19 required within the CR district, in addition to 11 other parking spaces located elsewhere on-site (not within CR district). (Zoning Area A).
- 3. Variance from BCZR §259.3.C.7.a to permit a wall mounted enterprise sign on 74 square feet in lieu of the 8 square feet permitted and to allow the sign to project 8" from the building in lieu of the 6" maximum projection allowed. (Zoning Area A).
- Variance from BCZR §259.3.C.7.b to permit a double sided freestanding 4. enterprise sign with a surface area of 77 square feet per side, in lieu of the 25 square feet per side permitted. (Zoning Area A).
- Variance from BCZR §405.4.2.b to permit a 0' landscape transition area 5. along the north side of Zoning Area A, in lieu of 15' required and to permit 0' landscape transition area along rear/east side of Zoning Area A, to coincide with rear yard set back variance, in lieu of 15' required. (Zoning Area A).
- Variances from BCZR §450.4 to permit service station canopy signs of the 6. following sizes: a) 125.52 square feet in lieu of 25 square feet permitted; b) 137.01 square feet in lieu of 25 square feet permitted and 137.01 square feet in lieu of 25 square feet permitted. (Zoning Area A).

DESCRIPTION OF ZONING AREA A BARNES/ELMO PROPERTY HIGHS @ FOWBLESBURG 15301 HANOVER ROAD TAX MAP 31, PARCEL 12 & 13, BALTIMORE COUNTY, MD

Tax Account No. 04-0402001450 Tax Account No. 04-0402085125

Beginning at the southeast corner of the intersection of Hanover Road and Emory Road. Said property now being described based on a survey by Design Tech Associates, Inc. dated January, 2003, leaving said point and traversing the following courses and distances:

- (1) Running with & binding on the eastern right of way line of Hanover Road, North 05 degrees, 23 minutes, 44 seconds East 225.49', thence
 - (2) Leaving said right of way line, South 84 degrees 29 minutes 07 seconds East 142.66 feet, thence
 - (3) South 03 degrees, 13 minutes, 00 seconds West 224.71 feet, to a point on the Northern right of way line of Emory Road, thence
 - (4) Running with & Binding on said Emory Road right of way, North 84 degrees, 51 minutes, 00 seconds West 151.20 feet, to the place of beginning.

CONTAINING 33,062 square feet or 0.76 acres of land more or less.



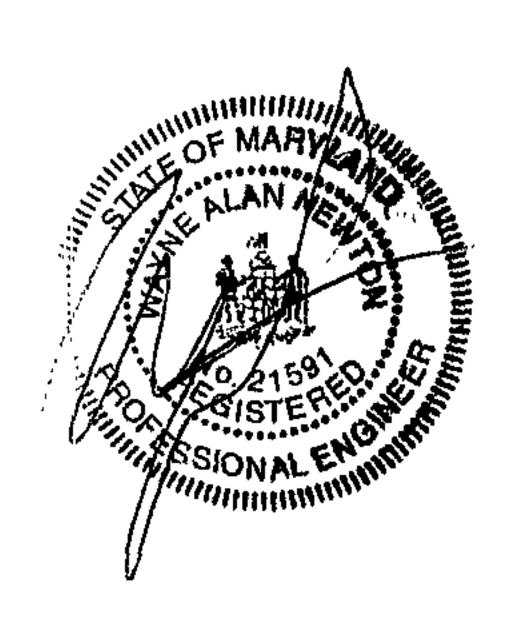
DESCRIPTION OF ZONING AREA B BARNES/ELMO PROPERTY HIGHS @ FOWBLESBURG 15301 HANOVER ROAD TAX MAP 31, PARCEL 12 & 13, BALTIMORE COUNTY, MD

Tax Account No. 04-0402001450 Tax Account No. 04-0402085125

Beginning at a point along the eastern right of way line of Hanover Road, said point being distant 225.49 feet from the southeast corner of the intersection of Hanover Road and Emory Road. Said property now being described based on a survey by Design Tech Associates, Inc. dated January, 2003, leaving said point and traversing the following courses and distances:

- (1) Running with & binding on the eastern right of way line of Hanover Road, North 05 degrees, 23 minutes, 44 seconds East 93.91', thence
 - (2) Leaving said right of way line, North 71 degrees 38 minutes 11 seconds East 141.70 feet, thence
 - (3) South 0 degrees, 40 minutes, 33 seconds East 50.58 feet, thence
 - (4) South 01 degrees, 01 minutes, 52 seconds West 98.83 feet, thence
 - (5) South 03 degrees, 13 minutes, 00 seconds West 2.46 feet, thence
 - (6) North 84 degrees, 29 minutes, 07 seconds West 142.66 feet, to the place of beginning.

CONTAINING 16,888 square feet or 0.39 acres of land more or less.



ZONING AREA C

DESCRIPTION OF BARNES/ELMO PROPERTY HIGHS @ FOWBLESBURG 15301 HANOVER ROAD

TAX MAP 31, PARCEL 12 & 13, BALTIMORE COUNTY, MD

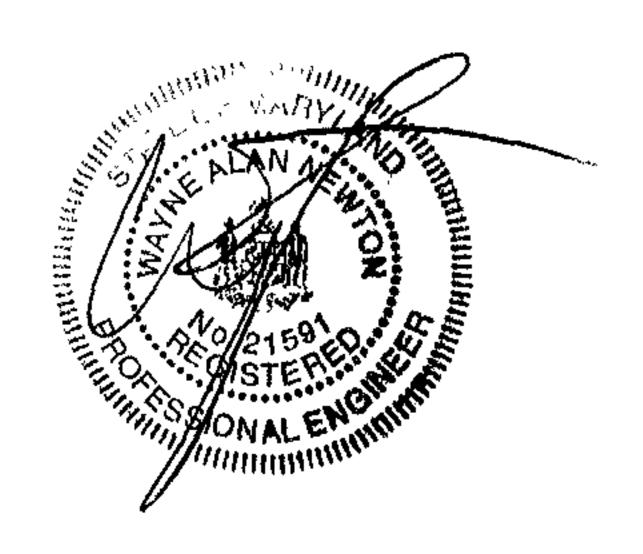
ZONING AREA C – OVERALL SITE

Tax Account No. 04-0402001450 Tax Account No. 04-0402085125

Beginning at the southeast corner of the intersection of Hanover Road and Emory Road. Said property now being described based on a survey by Design Tech Associates, Inc. dated January, 2003, leaving said point and traversing the following courses and distances:

- (1) Running with & binding on the eastern right of way line of Hanover Road, North 05 degrees, 23 minutes, 44 seconds East 319.40', thence
 - (2) Leaving said right of way line, North 71 degrees 38 minutes 11 seconds East 141.70 feet, thence
 - (3) South 0 degrees, 40 minutes, 33 seconds East 50.58 feet, thence
 - (4) South 01 degrees, 01 minutes, 52 seconds West 98.83 feet, thence
 - (5) South 03 degrees, 13 minutes, 00 seconds West 2.46 feet, thence
 - (6) South 03 degrees, 13 minutes, 00 seconds West 224.71 feet, to a point on the Northern right of way line of Emory Road, thence
 - (7) Running with & Binding on said Emory Road right of way, North 84 degrees, 51 minutes, 00 seconds West 151.20 feet, to the place of beginning.

CONTAINING 49,950 square feet or 1.15 acres of land more or less.



No. 28148 OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT _ACCOUNT_[COO/-006-6/50 Veriunce ;

YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND

ACTUAL 9/11/2005 10:01:33 WILLIAM THE JAN PEEPI # 154001 9/11/2003 100.00 Biltimore County, Haryland

NOTICE OF ZONING HEARING

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

Case: # 04-125-SPHXA

าธรชร หลาดของ หิดสต์

N/east corner of Hanover and Emory Roads 4th Election District-3rd Councilmanic District

Legal Owner(s): Joseph N. Elmo and Margaret M.

Contract Purchaser(s): High's of Baltimore, Inc.

Special Hearing: to amend the approved site plan in Case 82-168-SPHXA. To allow business parking in a RC-2 zone. To permit a fuel service station in a BL-CR zone. To permit illumination of the signage of site which is not otherwise allowed. Special Exception: to permit a fuel service station in a BL-CR zone. To permit a convenience store larger than 1,500 square feet as a use in combination with a fuel station in the BL-CR zone. Variance: to permit rear yard of zero feet, in lieu of the 15 feet required. To permit 11 parking spaces with the CR district in lieu of the 19 required. To permit a wall mounted enterprise sign of 74 square feet in lieu of the 8 square feet permitted and to allow the sign to project 8" from the building in lieu the 6" maximum. To permit a double-sided freestanding enterprise sign with a surface area of 77 square feet per side, in lieu of the 25 square feet per side permitted. To permit 0' landscape transition area along the rear/east side of Zoning Area a, to coincide with rear yard setback variance, in lieu of 15' required. To permit service station canopy signs of following sizes: a) 125.52 square feet in lieu of 25 square feet permitted; b) 137.01 square feet in lieu of 25 square feet permitted and 137.01 square feet in lieu of 25 square feet permitted and 137.01 feet in lieu of 25 square feet permitted (Zoning Area).

Hearing: Wednesday, November 5, 2003 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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. <u>C633949</u> JT/10/774 Oct. 28

CERTIFICATE OF PUBLICATION

10/28,2003
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 1028 ,2003.
The Jeffersonian
☐ Arbutus Times
Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkings
LEGAL ADVERTISING



33 m. 4 A

	RE: Case No.: 04-125-SPHXA
	Petitioner/Developer:
	DINO LAFIANDRA.
	ATTORNEY FOR PETITIONER DE
	Date of Hearing/Closing: 11/12/03
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Becky HART	
Ladies and Gentlemen:	· •
were posted conspicuously on the property lo	perjury that the necessary sign(s) required by law ocated at
The sign(s) were posted on	10/28/03 (Month, Day, Year)
04-125-5FPHXA	. O'
CHARGE COMPLETE AND	Sincerely, Sincerely, Signature of Sign Poster and Date) RICHARD E. HOFFMAN (Printed Name) 904 DELLWOOD DR. (Address) FALLS TON, MO 21047 (City, State, Zip Code) (410) 879-3127

15303 HANDYGAROAD
POSTED 10/28/03
POSTED 10/28/03

PETITION FOR SPECIAL HEARING RE: SPECIAL EXCEPTION & VARIANCE 15303 Hanover Road; NE corner of Hanover & Emorys Roads 4th Election & 3rd Councilmanic Districts Legal Owner(s): Joseph N Elmo &

Margaret M Barnes Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR *

BALTIMORE COUNTY

04-125-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

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 September, 2003, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, & Dino C. LaFiandra, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

SEP 2 6 2003

PETER MAX ZIMMERMAN People's Counsel for Baltimore County TO:

PATUXENT PUBLISHING COMPANY

Tuesday, October 28, 2003 Issue - Jeffersonian

Please forward billing to:

Dino LaFiandra
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Ste. 400
Towson, MD 21204

410-832-2084

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: 04-125-SPHXA

15303 Hanover Road

N/east corner of Hanover and Emory Roads 4th Election District – 3rd Councilmanic District

Legal Owners: Joseph N. Elmo and Margaret M. Barnes

Contract Purchaser: High's of Baltimore, Inc.

Special Hearing to amend the approved site plan in Case 82-168-SPHXA. To allow business parking in a RC-2 zone. To permit a fuel service station in a BL-CR zone. To permit illumination of the signage of site which is not otherwise allowed.

Special Exception to permit a fuel service station in a BL-CR zone. To permit a convenience store larger than 1,500 square feet as a use in combination with a fuel station in the BL-CR zone.

Variance to permit rear yard of zero feet, in lieu of the 15 feet required. To permit 11 parking spaces with the CR district in lieu of the 19 required to permit a wall mounted enterprise sign of 74 square feet in lieu of the 8 square feet permitted and to allow the sign to project 8" from the building in lieu the 6" maximum. To permit a double-sided freestanding enterprise sign with a surface area of 77 square feet per side, in lieu of the 25 square feet per side permitted. To permit 0' landscape transition area along the rear/east side of Zoning Area a, to coincide with rear yard setback variance, in lieu of 15' required. To permit service station canopy signs of following sizes: a) 125.52 square feet in lieu of 25 square feet permitted; b) 137.01 square feet in lieu of 25 square feet permitted and 137.01 square feet in lieu of 25 square feet permitted (Zoning Area).

Hearings:

Wednesday, November 5, 2003 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

LAWRENCE E. SCHMIDT

And the second s

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

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

September 29, 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: 04-125-SPHXA

15303 Hanover Road

N/east corner of Hanover and Emory Roads

4th Election District -- 3rd Councilmanic District

Legal Owners: Joseph N. Elmo and Margaret M. Barnes

Contract Purchaser: High's of Baltimore, Inc.

<u>Special Hearing</u> to amend the approved site plan in Case 82-168-SPHXA. To allow business parking in a RC-2 zone. To permit a fuel service station in a BL-CR zone. To permit illumination of the signage of site which is not otherwise allowed.

Special Exception to permit a fuel service station in a BL-CR zone. To permit a convenience store larger than 1,500 square feet as a use in combination with a fuel station in the BL-CR zone.

Variance to permit rear yard of zero feet, in lieu of the 15 feet required. To permit 11 parking spaces with the CR district in lieu of the 19 required to permit a wall mounted enterprise sign of 74 square feet in lieu of the 8 square feet permitted and to allow the sign to project 8" from the building in lieu the 6" maximum. To permit a double-sided freestanding enterprise sign with a surface area of 77 square feet per side, in lieu of the 25 square feet per side permitted. To permit 0' landscape transition area along the rear/east side of Zoning Area a, to coincide with rear yard setback variance, in lieu of 15' required. To permit service station canopy signs of following sizes: a) 125.52 square feet in lieu of 25 square feet permitted; b) 137.01 square feet in lieu of 25 square feet permitted and 137.01 square feet in lieu of 25 square feet permitted (Zoning Area).

Hearings:

Wednesday, November 5, 2003 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

Timothy Kotrodo

Director

TK:rlh

C: Dino La Fiandra, Whiteford, Taylor & Preston, 210 West Pennsylvania Avenue, Towson 21204 Joseph N. Elmo, 5410 Emory Road, Upperco 21155 Margaret M. Barnes, 5310 Emory Road, Upperco 21155 Hiigh's of Baltimore, Inc., Brian Darnell, VP, 1340-L Charwood Road, Hanover 20794

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPRIOVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 15, 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.

Department of Permits and Development Management

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



Baltimore County

James T Smith, Jr., County Executive Timothy M. Kotroco, Director

September 30, 2003

CORRECTED 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: 04-125-SPHXA

15303 Hanover Road

N/east corner of Hanover and Emory Roads

4th Election District – 3rd Councilmanic District

Legal Owners: Joseph N. Elmo and Margaret M. Barnes

Contract Purchaser: High's of Baltimore, Inc.

Special Hearing to amend the approved site plan in Case 82-168-SPHXA. To allow business parking in a RC-2 zone. To permit a fuel service station in a BL-CR zone. To permit illumination of the signage of site which is not otherwise allowed.

Special Exception to permit a fuel service station in a BL-CR zone. To permit a convenience store larger than 1,500 square feet as a use in combination with a fuel station in the BL-CR zone.

Variance to permit rear yard of zero feet, in lieu of the 15 feet required. To permit 11 parking spaces with the CR district in lieu of the 19 required for permit a wall mounted enterprise sign of 74 square feet in lieu of the 8 square feet permitted and to allow the sign to project 8" from the building in lieu the 6" maximum. To permit a double-sided freestanding enterprise sign with a surface area of 77 square feet per side, in lieu of the 25 square feet per side permitted. To permit 0' landscape transition area along the rear/east side of Zoning Area a, to coincide with rear yard setback variance, in lieu of 15' required. To permit service station canopy signs of following sizes: a) 125.52 square feet in lieu of 25 square feet permitted; b) 137.01 square feet in lieu of 25 square feet permitted and 137.01 square feet in lieu of 25 square feet permitted (Zoning Area).

Hearings:

Wednesday, November 12, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401

Bosley Avenue

Multy Kotroco

Timothy Kotroco

Director

TK:rlh

C: Dino La Fiandra, Whiteford, Taylor & Preston, 210 West Pennsylvania Avenue, Towson 21204 Joseph N. Elmo, 5410 Emory Road, Upperco 21155 Margaret M. Barnes, 5310 Emory Road, Upperco 21155 Hiigh's of Baltimore, Inc., Brian Darnell, VP, 1340-L Charwood Road, Hanover 20794

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 28, 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.



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 04-125-SPHXA
Petitioner: Highs of Baltimore, Inc. Address or Location: 15303 Hanover Road
Address or Location: 15303 Hamover Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: <u>Dino C. La Fiandra</u>
Address: 210 w. Pennsylvania Ave, #400
Towson, MD 21204
Telephone Number: 410832-2084

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

November 7, 2003

G. Scott Barhight Whiteford, Taylor & Preston, LLP 210 W. Pennsylvania Avenue Towson, MD 21204

Dear Mr. Barhight:

RE: Case Number: 04-125-SPHXA, 15303 Hanover Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 11, 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

u. Callibal)

WCR:klm

Enclosures

c: People's Counsel
Highs of Baltimore, Inc., 1340-L Charwood Road, Hanover 20794
Dino LaFiandra, 210 W. Pennsylvania Avenue, Towson 21204
Joseph Elmo, 5410 Emory Rd., Upperco 21155
Margaret Barnes, 5310 Emory Rd., Upperco 21155



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



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

September 24, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: September 22, 2003

Item No.: 113, 123, 125, 127

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 30, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 29, 2003

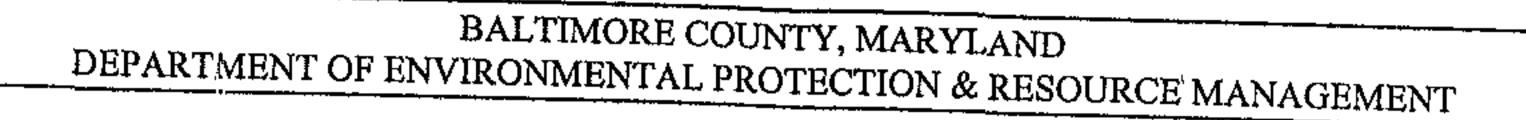
Item Nos. 113, 114, 115, 116, 117, 118, 122, 125, 126, 128, 130, and

136

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

RWB:CEN:jrb

cc: File



TO:

Tim Kotroco

FROM:

R. Bruce Seeley Rb5/767

DATE:

October 21, 2003

SUBJECT:

Zoning Item 04-125

Address

15303 Hanover Road

Zoning Advisory Committee Meeting of September 22, 2003

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Additional Comments:

A volatile organic compound analysis for the well water supply will be required due to the low levels of contamination in the area.

Reviewer:

Sue Farinetti

Date: So

September 29, 2003

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

January 13, 2005

TO:

Development Manager

PI)M

FROM:

Theresa R. Shelton

Board of Appeals

SUBJECT:

CLOSED FILE:

CBA-04-125

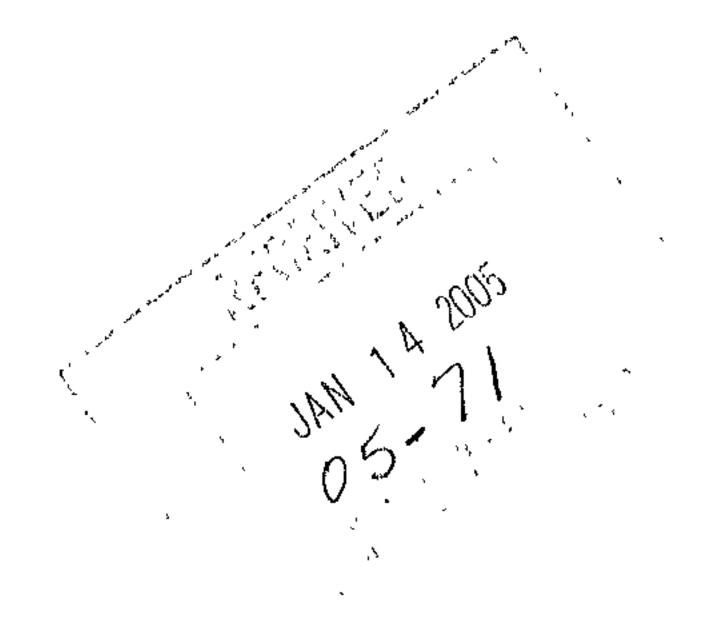
CHRISTOPHER AND SUSAN WALTERS

1130 WISEBURG ROAD

DRC NO.: 040504G PDM No.:

An Order of Dismissal was issued on November 18, 2004 on the above referenced case number. Since no further appeal has been taken in the abovecaptioned case, the Board of Appeals has closed the case file and returning the file(s) and exhibits (if applicable) attached herewith.

Timothy Kotroco, Director / PDM c:



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 13, 2003

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 15303 Hanover Road

INFORMATION:

Item Number: 04-125

Petitioner: Joseph Elmo and Margaret M. Barnes

Zoning: BL-CR/RC 2

Requested Action: Variance/Special Hearing/Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

- 1. All site lighting shall comply with IESAN standards for rural areas and shall be fully shielded.
- 2. All submitted architectural elevations, including the design of the roof (without typical canopy) over the pump island should be referenced in the Zoning commissioner's Order and be made a part of the official file.
- 3. The stormwater management area and the septic reserve area shall not be located in the RC 2 zone.

Prepared by:

Section Chief:



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: September 24, 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. 125 (BPR)
15303 Hanover Road
Highs Convenience Store

Mile Post 7.49

Dear Ms. Hart:

This office has reviewed the referenced Item and has no objection to approval of the Reclassification and Redistricting Petition.

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:

- Standard 8" curb and gutter across the commercial portion of the property along MD 30, offset 4' from the edge of the existing travel lane and paved with full depth paving.
- The proposed entrance shall be 25'-35' wide with 25' curbed radii and be relocated as far north as possible.
- The intersection of MD 30 and Emory Road shall be constructed with a 30' curbed radius.
- Provide a typical section showing the proposed improvements.
- Sidewalk may be required.

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,

1. Soulle

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

CC: Robert W. Bowling, P.E.

WHITEFORD, TAYLOR & PRESTON L.L.P.

> 210 WEST PENNSYLVANIA AVENUE Towson, Maryland 21204-4515

> > 410 832-2000

FAX 410 832-2015

www.wtplaw.com

1025 CONNECTICUT AVENUE, NW WASHINGTON, D.C. 20036-5405 TELEPHONE 202 659-6800 FAX 202 331-0573

1317 KING STREET ALEXANDRIA, VIRGINIA 22314-2928 TELEPHONE 703 836-5742 FAX 703 836-0265

May 7, 2004

RECEIVED ZONING COMMISSIONER

Hon. Lawrence E. Schmidt, Zoning Commissioner 401 Bosley Avenue, 4th Floor Towson, MD 21:204

> Spirit & Intent Letter Re:

Highs Store at 15301 Hanover Road

Dear Schmidt:

SEVEN SAINT PAUL STREET

BALTIMORE, MARYLAND 21202-1626

TELEPHONE 410 347-8700

FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER

10420 LITTLE PATUXENT PARKWAY

COLUMBIA, MARYLAND 21044-3528

TELEPHONE 410 884-0700

FAX 410 884-0719

DINO C. LA FIANDRA

DIRECT NUMBER 410 832-2084 DLaflandra@wtplaw.com

As you know, this office represents Highs of Baltimore, Inc. On January 9, 2004, you granted our client's requests for special exception and a variance in Zoning Case No. 04-125-SPHXA for a fuel service station in combination with a convenience store greater than 1500 square feet at the property located at 15301 Hanover Road, Fowblesburg, MD. A copy of your order is enclosed for your convenience.

Subsequently, our client presented a request to the Development Review Committee for a limited exemption under Baltimore County Code, § 26-171(a)(2). The subject property is located at the north east corner of Emory Road and Hanover Road. This portion of Emory Road is a county road. At the DRC meeting, which was held on Monday April 19, 2004, the Department of Public Works for the first time indicated that it would require High's to dedicate five feet of road frontage for highway widening along Emory Road. Had DPW made this comment as part of its ZAC comments for the zoning case, our client would have made this change at the zoning hearing before you. Nonetheless, as a result of DPW's comment, the Bureau of Zoning Review asked that Highs submit a request to confirm that the revised plan resulting from the dedication of this 5 foot strip is within the spirit and intent of your original order.

A revised plan, showing the 5 foot strip for highway widening along Emory Road, is enclosed for your review. We have been able to retain all required setbacks on this revised plan and to the best of our knowledge, information and belief the revised

Hon. Lawrence E. Schmidt, Zoning Commissioner May 7, 2004 Page 2

plan conforms to Baltimore County Code, except to the extent that you granted a variance for a landscape transition area along the zone line which bisects the property.

Therefore, I respectfully request your concurrence that this revised plan is within the spirit and intent for your order granting the special exception and variance. You can indicate your concurrence by countersigning this letter below where indicated, and returning the same to me. I will forward it to the DRC.

Thank you in advance for your consideration of this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Dino C. La Fiandra

Countersigned:

Lawrence E. Schmidt, Zoning Commissioner

Date

Enclosures 306238

OK Subject to Never and coppositional Sup DRC. Hon. Lawrence E. Schmidt, Zoning Commissioner May 7, 2004 Page 2

plan conforms to Baltimore County Code, except to the extent that you granted a variance for a landscape transition area along the zone line which bisects the property.

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Thank you in advance for your consideration of this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Dino C. La Fiandra

Countersigned:

Lawrence E. Schmidt, Zoning Commissioner

Date

Enclosures 306238

OK Subject to Newword ceptoron See DRC.

(d) Design Guidelines For Lighting and Signs

Signs and lighting should be compatible with the rural area. The business zones (B.L., B.R., and B.M.) are permissive regarding the provision and design of signs.

The C.R. district regulations provide for strict controls on signs and lighting (B.C.Z.R. 259.3.C.7). These include a limit of one stationary attached sign that projects no more than six inches from the building with a surface area not more than eight square feet. There can be one free-standing sign with a surface area of no more than 25 square feet per side. In addition, the sign must be landscaped and the location approved by the director of the Office of Planning and Zoning. No sign can be illuminated unless approved by the zoning commissioner after a special hearing.

Lighting should provide appropriate illumination, ensure property protection and security, and promote and maintain public safety.

Lighting;

- ☐ Signs may be lit only during business hours.
- All ground-level flood and spot lights should reflect only on signs or points of interest. Light beams may not cross or interfere with any line of vision or sight view of pedestrians and vehicular traffic.
- □ Light sources must be covered with reflecting shield and meet safety guidelines as stated under Illumination of Signs.
- ☐ Wattage is addressed under Illumination of Signs.
- □ Projecting signs may be illuminated by concealing lighting at top of sign, reflecting down on sign, with a shield covering sources of light.

Free-standing and wall mounted signs may be illuminated by:

- a.Shielded, safety protected light at ground level nust be stationary, grilled covered and tamper proof. Source must be concealed. Not to exceed 300 watts on any one side;
- □ b.Enclosed soft glow internal illumination. Not to exceed 50 candle foot power illumination level Maximum of 5 amps per unit.
- ☐ No flashing, rotating or moving parts.

Parking Lots Lighting Specifications:

- □ Pole lights may not exceed 25 feet.
- Dillumination may not exceed one to two candle feet at most distance point on lot.
- Dillumination must be reduced after business hours or 11 p.m. except to maintain adequate security.

General Lighting:

Particular care and planning must be given to the entire property area to eliminate crime spots and maintain public safety.

Important areas for proper illumination are streets, sidewalks, stairwell, walkways, paths, and parking areas.

Security lighting must be maintained after business hours.

WHITEFORD, TAYLOR & PRESTON L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER 10420 LETTLE PATUXENT PARKWAY COLUMBIA, MARYLAND 21044-3528 TELEPHONE 410 884-0700 FAX 410 884-0719

DINO C. LA FIANDRA

DIRECT NUMBER

410 832-2084

DLaflandra@wtplaw.com

210 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-4515 410 832-2000 FAX 410 832-2015 www.wtplaw.com 1025 CONNECTICUT AVENUE, NW WASHINGTON, D.G. 20036-5405 TELEPHONE 202 659-6800 FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

November 21, 2003

RECEIVED

NOV 2 1 2003

ZONING COMMISSIONER

Via Hand Delivery
Hon. Lawrence E. Schmidt
Baltimore County Zoning Commissioner
401 Bosley Avenue, Fourth Floor
Towson, Maryland 21204

Re: 15303 Hanover Pike; Case No. 04-125-SPHXA

Dear Mr. Schmidt:

As you know, I represent High's of Baltimore, Inc., in the above-referenced matter. I am in receipt of the comments of the Office of Planning, and I appreciate the opportunity to respond. As a preliminary matter, as discussed at the hearing on November 12, 2003, I have enclosed a copy of the Opinion and Order of the Baltimore County Circuit Court in the *Orville Jones* case. For the sake of completeness, I have also enclosed a copy of the Board of Appeals Order in that case, as well as your order.

Lighting:

With regard to item number 1 of the comments, regarding IESAN standards for lighting, it is High's position that reasonable lighting standards are appropriate for inclusion in the Order. However, aside from asserting that the IESAN standards should apply, the Office of Planning has not made any proffer suggesting that these standards in particular are reasonable or that they are a reasonable or necessary response to an issue uniquely generated by the proposed use. The IESAN standards have not been offered into the record of the case, and neither I nor any of High's design professionals have seen them. As an alternative, may I suggest that the Order include a condition that lighting conform to the Design Guidelines for Lighting contained in the Hanover Road Corridor Study. Whether the Study guidelines are more or less restrictive than the IESAN guidelines is unknown. I have enclosed page 42 from the Study which contains the Study guidelines.

Hon. Lawrence E. Schmidt November 21, 2003 Page 2

Architecture:

With regard to item number 2 of the comments, regarding reference to the submitted architectural elevations within the Order, High's readily agrees to this proposed condition. I believe the comment is particularly directed to the design of the "canopy" over the proposed pump island. High's will agree to a condition requiring the finishing of the canopy with a hip roof similar to the roof of the main building. The Office of Planning is likely referring to a photograph of a similarly finished canopy at another location which we provided the Office of Planning in explaining the proposed finish of the canopy at this location in Fowblesburg. However we did not introduce this photograph at the hearing for the simple reason that we did not have sufficient copies to do so. If the Office of Planning would like to place that photograph into the record of the case, High's would certainly not object. If so, however, I would appreciate a copy of the photograph as tendered to the Zoning Commissioner (black and white copy of the color photograph would be fine).

Stormwater Management and Septic Reserve Areas:

Lastly, comment number 3 of the Office of Planning opposes stormwater management and septic reserve areas within the R.C. 2 zone. This is a very significant comment which attempts to invoke the "expertise" of the Office of Planning in defeating an aspect of High's site plan. As noted during the hearing, the Bureau of Zoning Review was not concerned with the location of the proposed stormwater management facility or the septic reserve area.

As for the comment of the Office of Planning, aside from the simple statement of opposition, there is neither a proffer of basis for the opinion nor any discussion of why such facilities are improper in such locations. Maryland case law is well established that "an expert's opinion is of no greater probative value then the soundness of his reasons given therefor will warrant." <u>Days Cove v. Queen Anne's Co.</u>, 146 Md. App. 469, 488 (2002). The opinions of experts derive their probative force from the facts on which they are predicated. These facts must be legally sufficient to sustain the opinion of the expert. <u>Id.</u> at 489. As there is no basis asserted for the Office of Planning's opinion that such facilities should not be located within the R.C. 2 zone, the comment has no probative force and from a strictly legal perspective must be disregarded.

Regarding the proposed stormwater management facility, testimony from Wayne A. Newton indicated this is proposed to be an infiltration type facility. Petitioner notes that the R.C. 2 zoning regulations permit uncontrolled excavations as accessory uses by right within the zone. "Uncontrolled excavation" is defined as

The digging of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface for any of the following purposes: When incident to the operation of a permitted business or manufacturing use located on the same property, but excluding any digging of material for sale, exchange, processing or manufacture; for grading or other purpose incidental to improvement of the land; and when incidental to the development of land or to grading for public purposes. BCZR § 101.

Hon. Lawrence E. Schmidt November 21, 2003 Page 3

At a fundamental level, the management of stormwater is incidental to the improvement and development of land. In the case of *Norris B. Lankford*, Case No. 85-321 SPH, which involved the Greenspring Station Annex at Falls Road and Joppa Road, the Zoning Commissioner determined that a stormwater management facility met the definition of "uncontrolled excavation" and was permitted in the residential zones as an uncontrolled excavation, although the use served by the stormwater management facility was a commercial use within the office zones. Accord, the case of *Walter Windsor*, Case No. 85-326-SPH, which reached a similar conclusion.^{1,2}

The sewerage easement on the adjoining property of the Petitioner's seller, Mrs. Barnes, presents slightly different issues for consideration. In 1982, apparently because of site constraints, DEPRM required High's to obtain an easement for a septic reserve area on an adjacent property. Permits were issued some 21 years ago based on the fulfillment of this requirement. pursuant to then established county policies High's has operated at this location accordingly since that time. It should be noted that the reserve area is merely a designation of a future potential use area and that septic functions do not actually occur within the easement today. The site plan shows the continuation of this existing and vital septic reserve area within the adjacent property by easement. This has drawn the negative comment by the Office of Planning.

As discussed at the hearing on this matter, the septic reserve issue warrants a discussion of the case of *Orville Jones*, Baltimore County Circuit Court Case No. 94-CV-10257. In that case, the Zoning Commissioner, the Board of Appeals, and the Circuit Court each considered whether a fully functional private septic system may be located within the R.C. 2 zone to serve a commercial use within the commercial zones. The facts of that case are very similar to the facts of the instant case. In that case as in this case, an off-site septic area within the R.C. 2 zone is reserved for the use of the on-site commercial use. However, in Orville Jones, the subject area was the site of a functional septic system. As noted, in the case of High's, the area is merely designated as a potential back-up reserve area.

It is important to note that the only holding of the Circuit Court in the *Orville Jones* case is that the County, which originally not only permitted but required the off-site septic area, is estopped from asserting that such area is not permitted under the zoning regulations. The balance of the opinion, as it relates to the legality of the use in the R.C. 2 zone is pure *dicta*, and does not form the basis of any part of the opinion of the Court. On page 18 of its decision in *Orville Jones*, the Circuit Court quotes *Permanent Financial Corporation v. Montgomery County*, 308

High's will make copies of Lankford and Walter Windsor available upon request. Copies were not available at the time transmittal of this letter.

The "accessory use" argument was asserted in the *Orville Jones* case. In that case, the septic reserve area was located on an adjoining lot and the Circuit Court found that the *location* of the septic reserve area off-site precluded a finding that it was an accessory use, specifically because of the requirement that accessory uses occur on the same "lot" as the principal use. In this case, the *opposite* result follows, because the stormwater management pond is located on the same lot as the High's store. Therefore the stormwater management area is an "uncontrolled excavation" on the same lot and qualifies as a legitimate accessory use under all applicable definitions.

Hon. Lawrence E. Schmidt November 21, 2003 Page 4

Md. 239, 252, wherein the Court of Appeals states that estoppel may prevent a municipal corporation from asserting the impropriety of a previously issued permit, where "it is at least clear that the [original] decision to issue the permit was not the result of oversight by the County, but rather was consistent with its practice". In Orville Jones, the Circuit Court found that it has been the policy of Baltimore County to approve such off-site septic reserve areas as not regulated by zoning, a policy which obviously also resulted in the issuance of the permits for High's in Fowblesburg. In the words of Judge Smith in Orville Jones, particularly where, as here, High's has acted fairly and openly with Baltimore County, the County, through its actions, is estopped to take action against High's for doing precisely what Baltimore County required High's to do, obtaining the easement for off-site septic reserve area.

As the Circuit Court notes in Orville Jones, "estoppel operates to prevent a party from asserting his rights under a technical rule of law, when that party has so conducted himself that it would be contrary to equity and good conscience to allow him to do so", page 14. The Circuit Court acknowledges the authority of an administrative body to consider matters of estoppel, p. 11. Significantly, the Circuit Court goes on to state in Orville Jones that Baltimore County adopted the position of Mr. Jones as it regards estoppel. This discussion of Orville Jones is relevant because, pursuant to that case, the Office of Planning, a department of Baltimore County, is estopped from asserting the off-site sewerage easement should not be permitted. The same equities which estopped Baltimore County in Orville Jones, estop Baltimore County here, namely: Baltimore County's assertion of a policy which was relied upon by High's in locating a necessary element of its existing and proposed development, the issuance of a permit for the development, and the use of the property under the permit.

Thank you for your consideration of this case and this very important matter. While High's clear preference is to located both the stormwater management and the septic reserve area where indicated on Petitioner's IB, as indicated during the hearing High's has some flexibility in locating the stormwater management facility within the BL-CR zoned portion of the property. As a practical matter of engineering, it is extremely unlikely, if not impossible, that both the stormwater management area and the septic reserve area could be located on within the BL-CR zone, and for this reason your thoughtful analysis of these critical issues is greatly appreciated. Should you have any questions, please contact me.

Sincerely,

Dino C. La Fiandra

C: Office of Planning (Mr. Bill Hughey)

Mr. Bob Walker, Hanover Pike Community Association

294396



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

January 13, 2005

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 04-433-A

IN THE MATTER OF: MELVYN & LESLIE LEEB

- Legal Owners / Petitioners 2316 Velvet Ridge Drive

3rd Election District; 2nd Councilmanic District

6/25/04 - D.Z.C.'s Order in which requested variance relief was granted in part and denied in part.

which was assigned to be heard on 4/07/05 has been **POSTPONED** at the request of Counsel for Protestant due to schedule conflict; and has been

REASSIGNED FOR:

THURSDAY, APRIL 7, 2005 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Appellant /Petitioner

William Keeney, Architect Michael McCann, Esquire

Counsel for Protestant

Protestant

: Mr. & Mrs. Melvyn Leeb

: J. Carroll Holzer, Esquire

: Mary Allinson

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

Hearing Room - Room 48 Old Courthouse, 400 Washington Avenue

January 13, 2005

NOTICE OF CONTINUANCE

CASE #: CBA-03-139

IN THE MATTER OF: Greenspring Station, Valley Concourse Building;
Foxleigh Enterprises, Inc. - Applicant
10761 Falls Road 8th Election District; 2nd Councilmanic

7/30/03 - Letter of Revocation of Permit # B 524724 and Permit # B 524725

which had been reassigned to be heard on 1/20/05 has been CONTINUED by request of Counsel for Baltimore County, with agreement by Counsel for Applicant; TO BE RESCHEDULED FOR HEARING ONLY UPON REQUEST.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

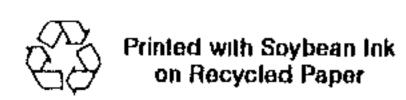
c:

Counsel for Appellant / Applicant Appellant / Applicant

: Stuart D. Kaplow, Esquire : Foxleigh Enterprises, Inc.

K. Donald Proctor, Esquire, Counsel for Meadows of Greenspring HOA
Richard C. Burch, Esquire, Counsel for Mullan Pavilions Ltd. Partnership and Mullan Greenspring Ltd. Partnership
Deborah C. Dopkin, Esquire

Office of People's Counsel
John R. Reisinger, P.E. /Buildings Engineer
Timothy Kotroco, Director /PDM
John E. Beverungen, Deputy County Attorney
Jay L. Liner, County Attorney





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

*** HEARING ROOM -- Room 48 ***
Basement -Old Courthouse
400 Washington Avenue

APPEAL HEARINGS SCHEDULED FOR THE WEEK OF JANUARY 24, 2005

TUESDAY

1/25 10:00 AM

Case No.: 03-360-SPHA

HEARING

In the Matter of:

Auto Properties, LLC – Legal Owner 3001 East Avenue 11th Election District; 6th Councilmanic District

RE: SPH – To approve business parking in residential zone; to include storage of unlicensed passenger vehicles VAR – To allow 25' buffer and 25' setback ilo req'd 50' buffer and 75' setback

WEDNESDAY

1/26 9:00 AM

Case No.: CBA-04-135

DELIBERATION

In the Matter of:

Miller/Tipper Property; Elm Street Development, Inc. E/s York Road, S of Wiseburg Road

7th Election District; 3rd Councilmanic District

RE:

People's Counsel Motion to Dismiss Application for PDM Approval to Amend Development Plan filed 1/4/05

9:30 AM

Case No.: 04-315-SPHA

DELIBERATION

In the Matter of:

Gary Raffel, Partner/ Milford Manor Partnership, Petitioner 4212 Old Milford Mil lRoad 3rd Election District; 2nd Councilmanic District

RE:

SPH – To approve amendment to SE granted in 91-237-SPHXA; and 93-318-SPH / office use of existing house in DR zone; To remove Use Div Lines and ALF addition from previously approved nursing home; RTA buffers VAR - setbacks

10:00 AM

Case No.: CBA-03-153

HEARING

In the Matter of:

Sylvia Reddy – Applicant 4102 Turf Run Circle, Randallstown, MD 21133

RE: ERS Decision / Approved Accidental Disability

SCHEDULE FOR THURSDAY, JANUARY 27TH ON FOLLOWING PAGE



Printed with Soybean Ink

Schedule continued

THURSDAY

1/27 10:00 AM

Case No.: 04-077-M

HEARING

In the Matter of:

James R. Jackson Property / PDM VIII-814.
Phoenix Road @ Starlight Farm Drive
James R. Jackson - Developer
8th Election District; 3rd Councilmanic District

RE: Approval of Minor Subdivision

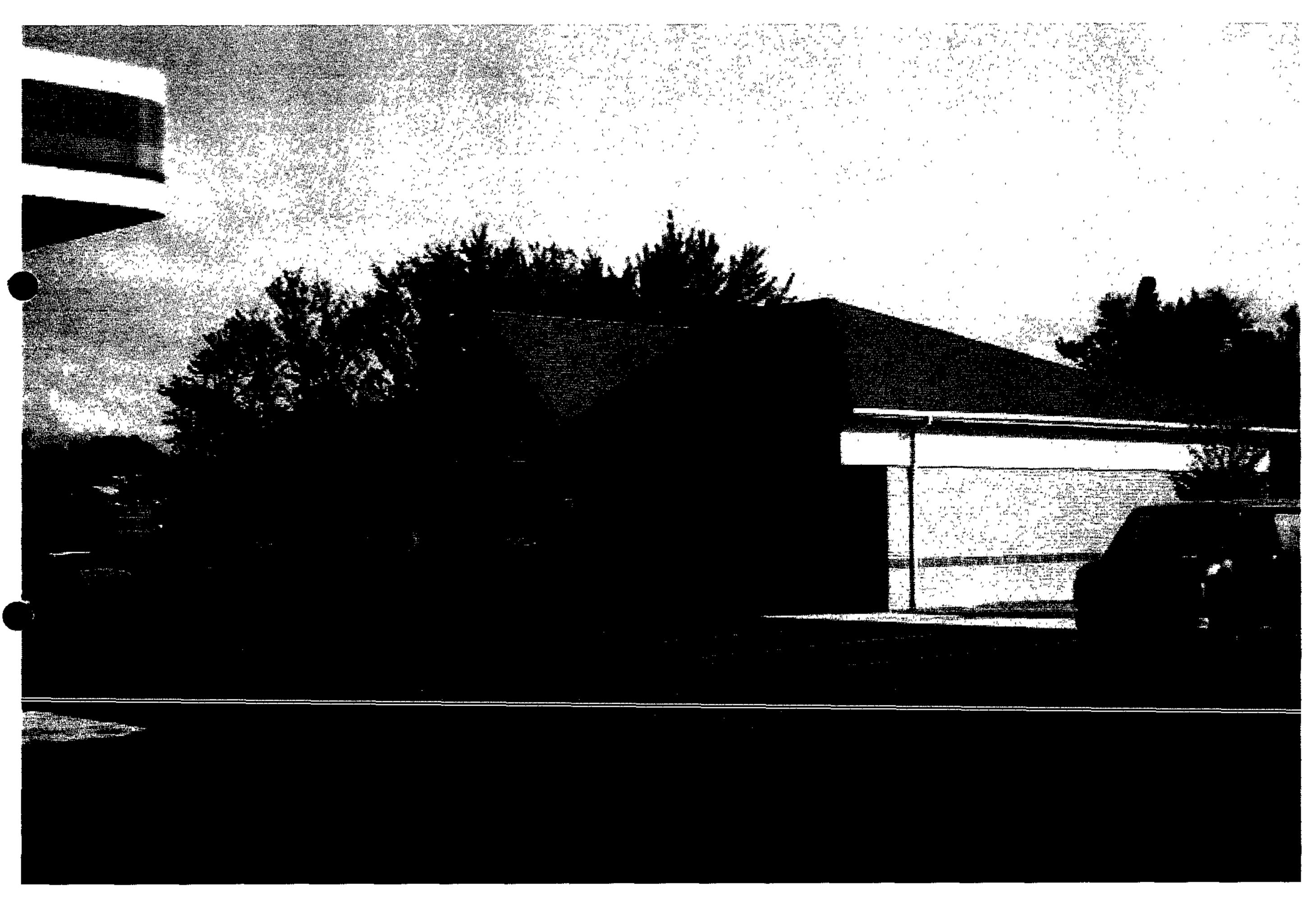
c: Executive Office
Law Office
Director /PDM

Director /PDM
Zoning Officer

People's Counsel Planning Office Court Info. Desk County Council Board Members Court Reporter

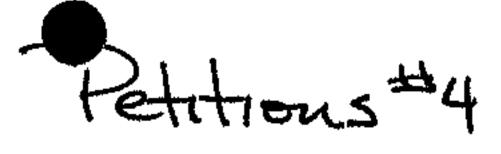


Petitions #2



Petitions #3





RESUME OF WAYNE A. NEWTON, P.E.

EDUCATION

BS Civil Engineering - West Virginia University, 1990

REGISTRATIONS

Professional Engineer (Civil), West Virginia, 1995 Professional Engineer (Civil), Maryland, 1995 Professional Engineer (Civil), Pennsylvania, 1997 Professional Engineer (Civil), Delaware, 2001

CERTIFICATIONS

Certified Inspector: Erosion & Sediment Control; Maryland & Delaware

Certified Construction Reviewer: Erosion, Sediment Control and Storm Water Management

Construction; Delaware

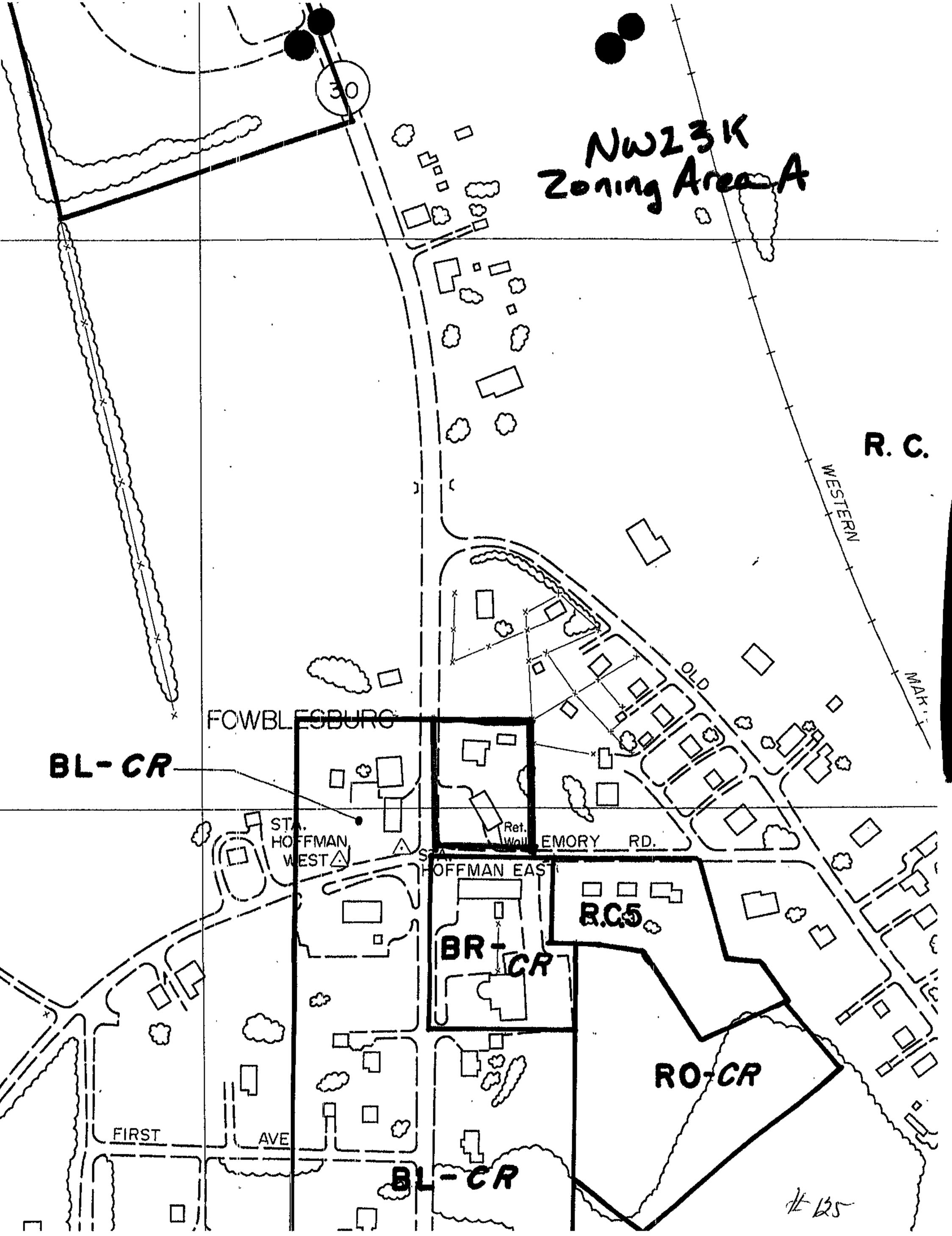
CAPABILITIES

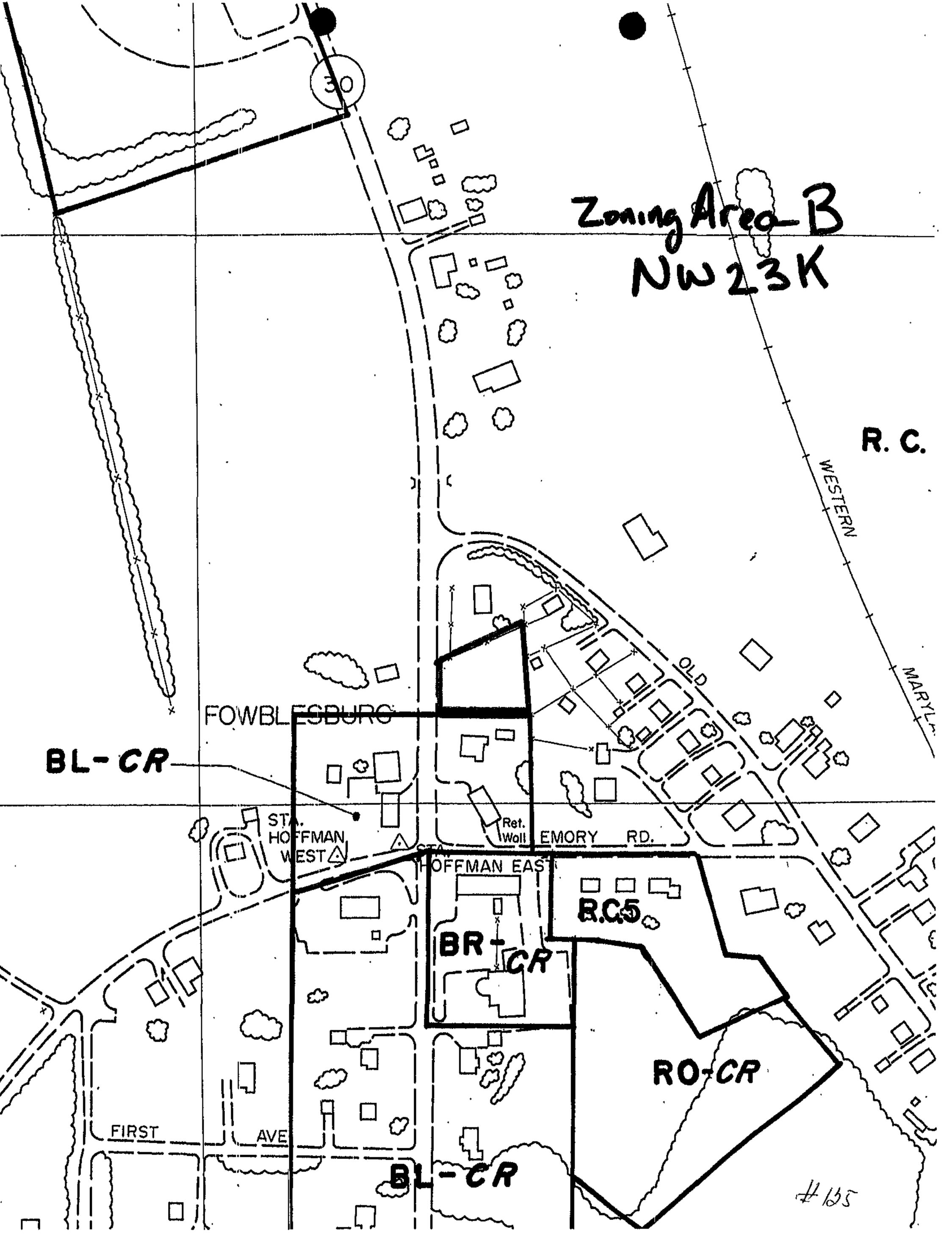
Mr. Newton has extensive experience in site design, project management and construction management of Municipal Capital projects, shore erosion control projects, residential, commercial and industrial facilities. Mr. Newton has performed these services for many private and public entities including the State of Maryland, Department of Natural Resources, Anne Arundel County and numerous other public and private entities. Mr. Newton has participated in numerous projects involving variances, special exceptions, etc. and has appeared as an expert witness in many such cases.

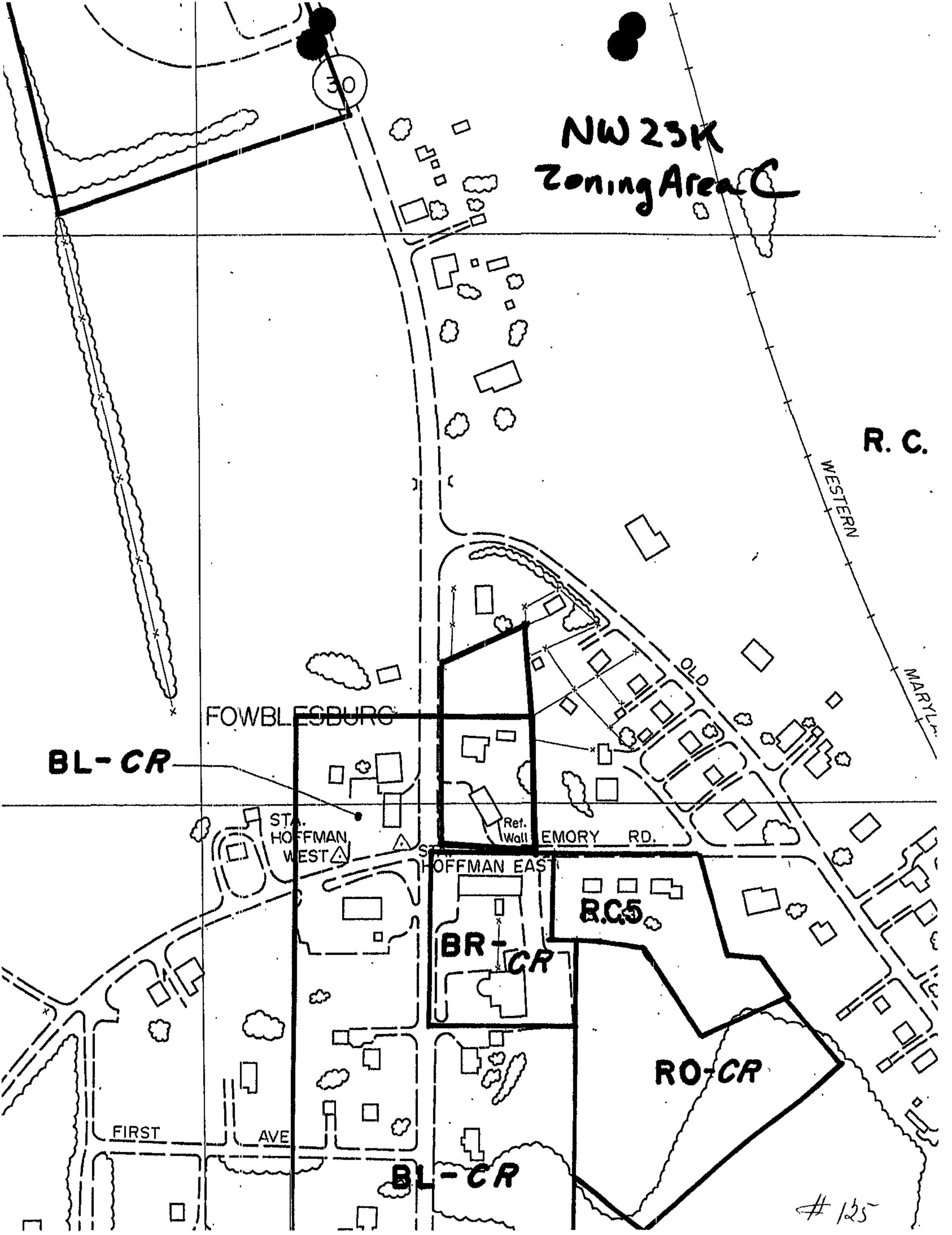
WORK EXPERIENCE

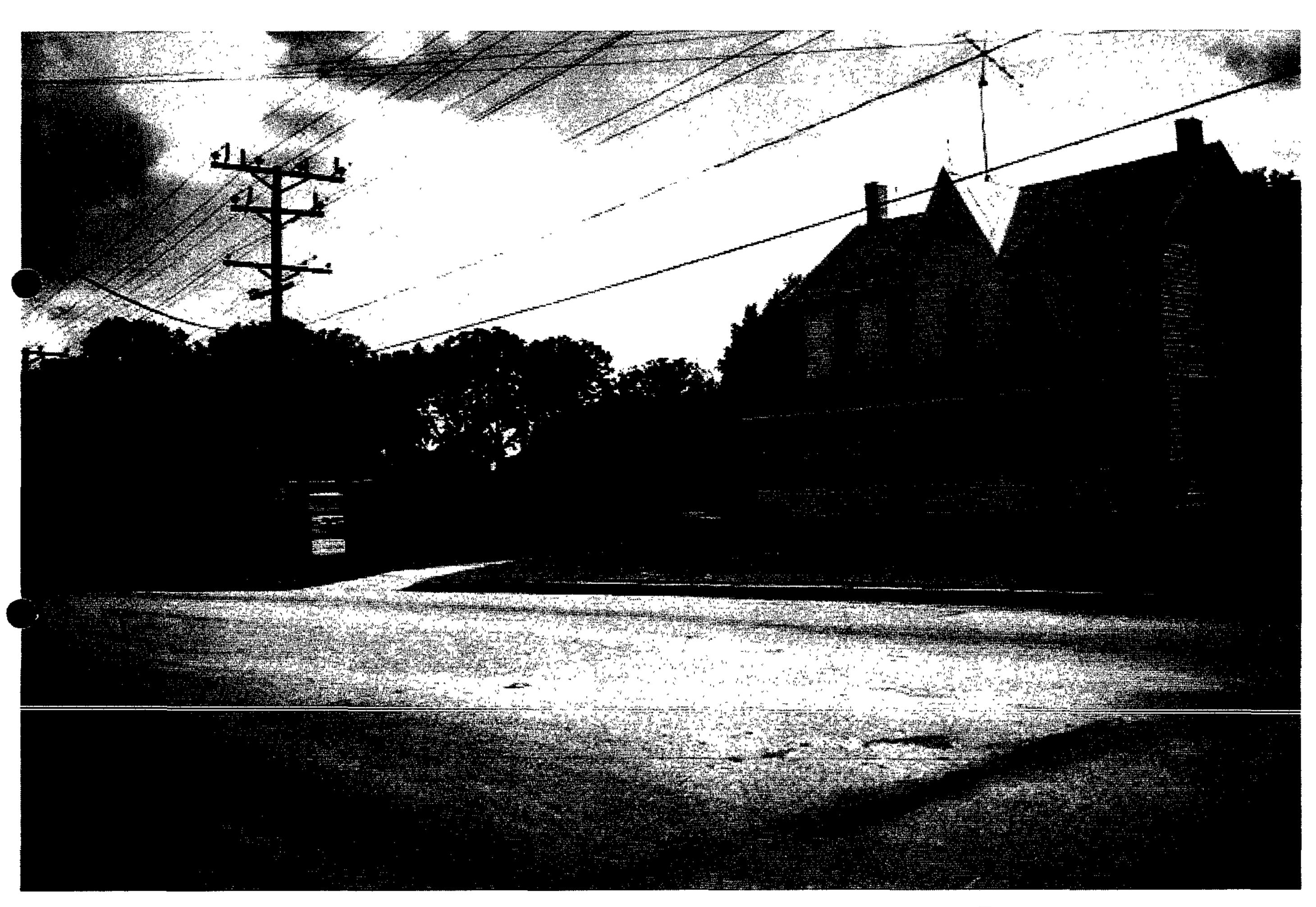
Messick & Associates, Annapolis, MD

President - August 1994 to present Project Manager - January 1992 - August 1994









Petitions#5



And the second of the second o

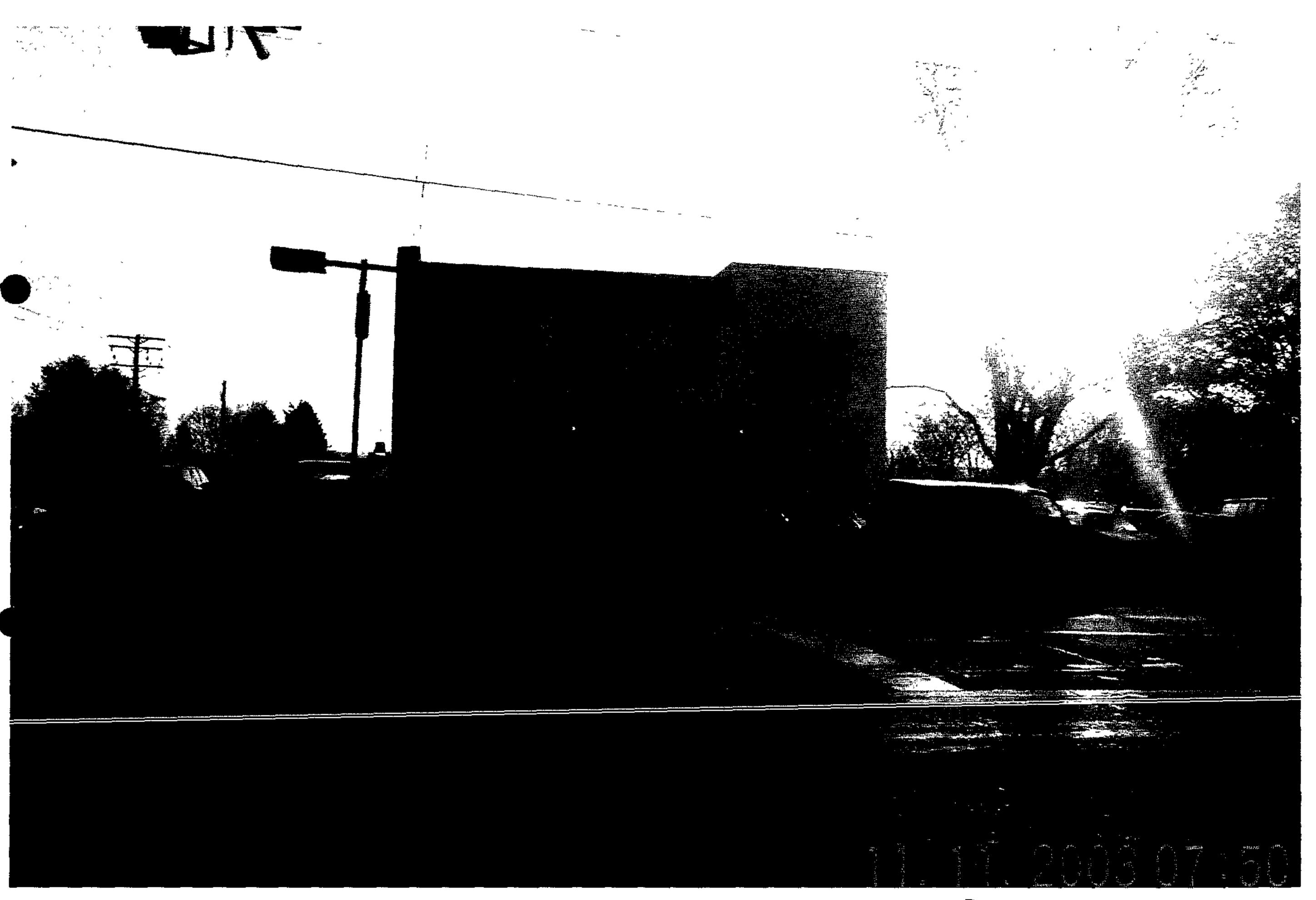
Pet 5A



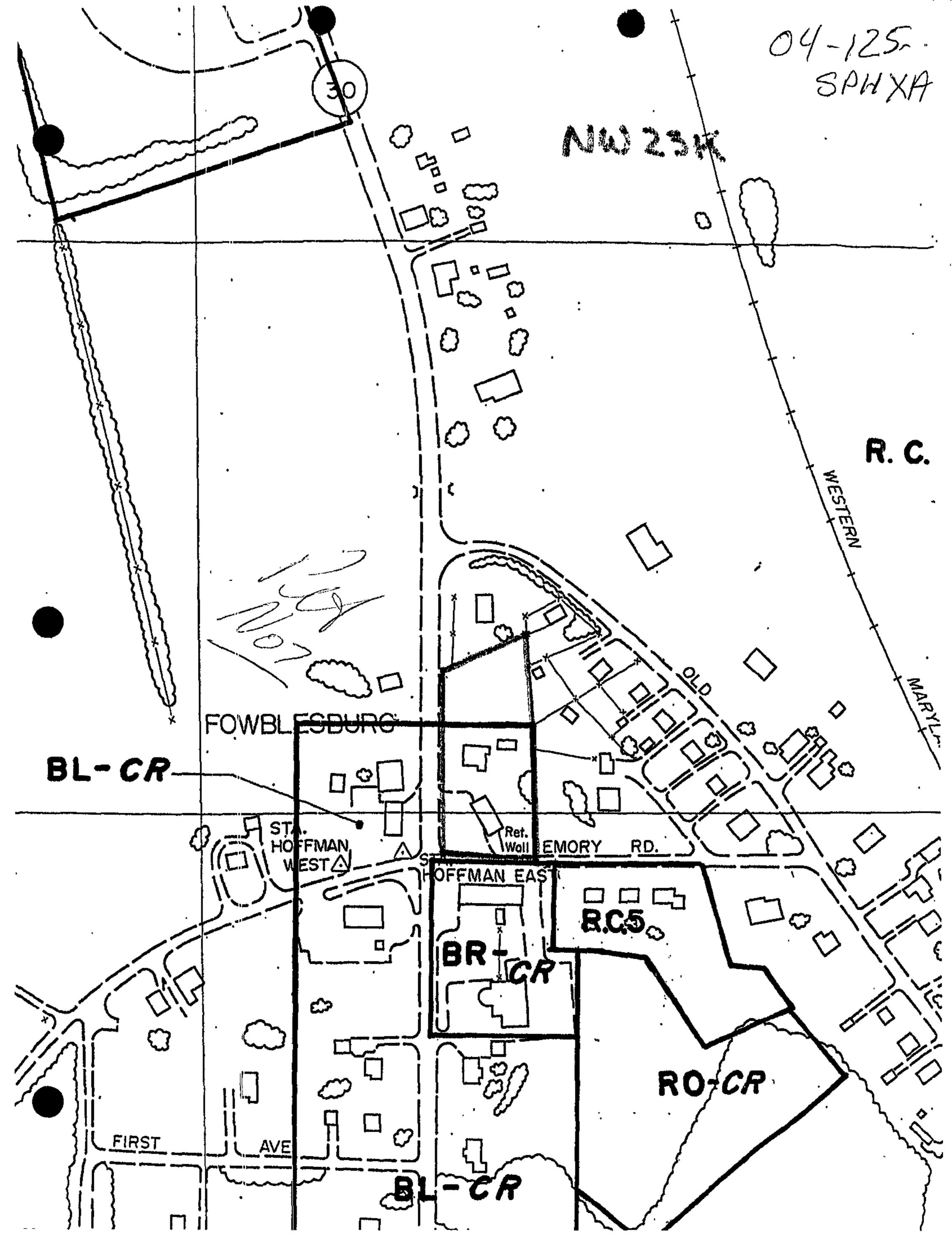
Pef 5B



Pet 6C



Pet6 D

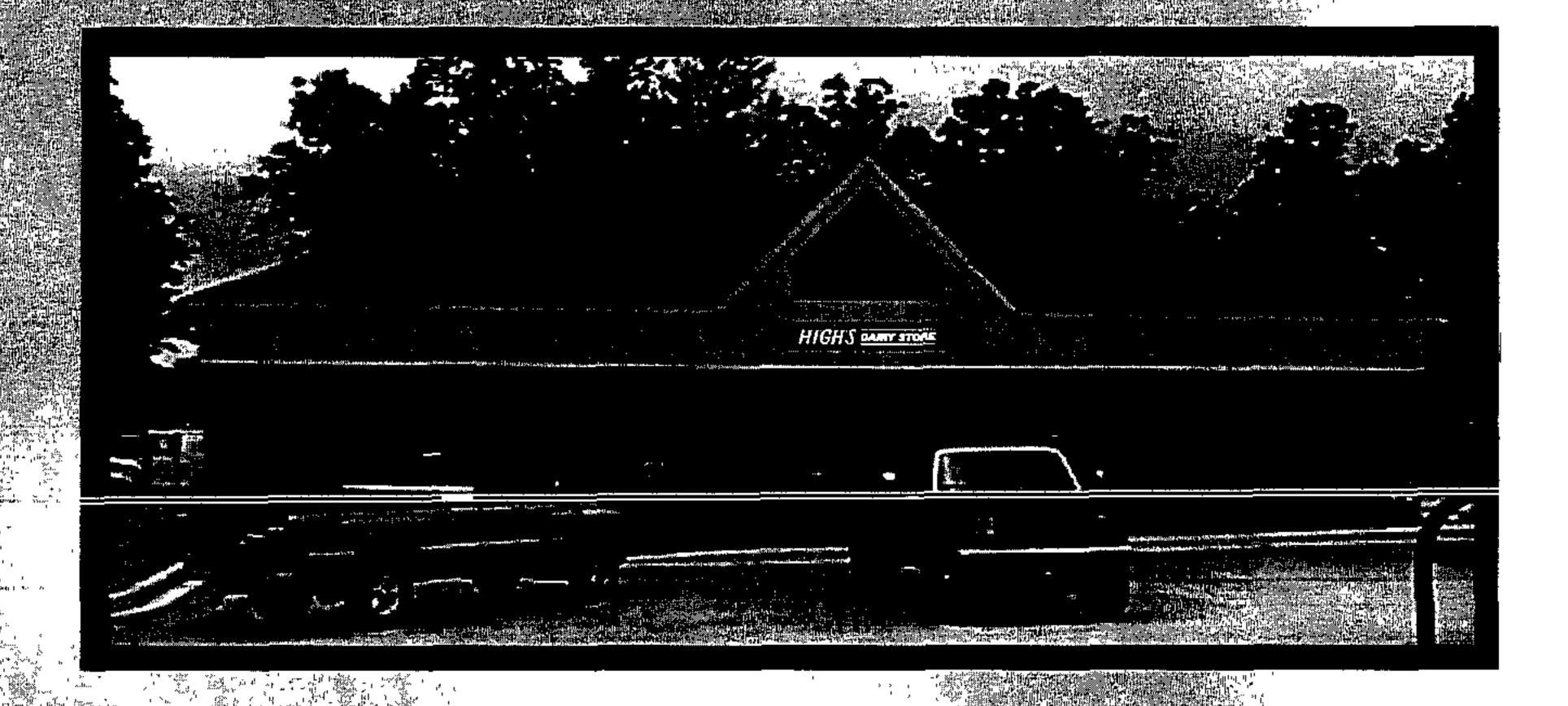


HGH'S DAIRY STORE

Total Square Footage=8

HIGH S DARY STORE

ILLUMINATED BUILDING SIGNEABINET...



Prepared and Provided by:



2315 18th Place, NE Washington, DC 20018 202.529.8884 (Phone) 202.269 3111 (Fax) www.ArtDisplayCo.com DESIGNS AND SKETCHES
ARE SOLE PROPERTY
OF ART DISPLAY
COMPANY
AND MAY NOT BE
USED OR REPRODUCED
WITHOUT PERMISSION

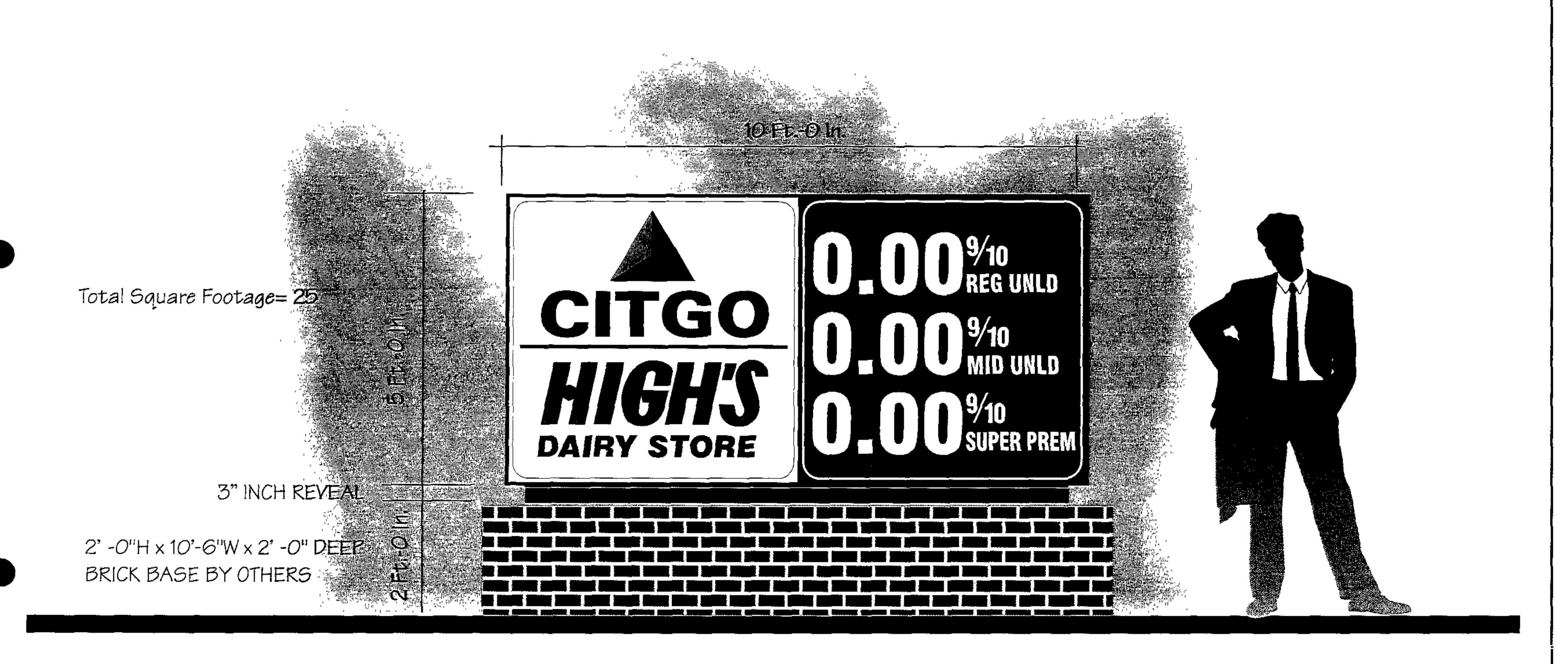
SAVED AS: DK-HIGHS 5X10

NOTES: SCALE 1/2"=1'0"

REPRESENTATIVE: DK ARTIST: DK DISK: HD REVISION: 1

9-28-03

•



HIGH'S DAIRY STORE - DOUBLE FACE ILLUMINATED SIGN CABINET...

Prepared
and
Provided by:



2315 18th Place, NE Washington, DC 20018 202 529 8884 (Phone) 202 269.3111 (Fax) www.ArtDisplayCo.com DESIGNS AND SKETCHES
ARE SOLE PROPERTY
OF ART DISPLAY
COMPANY
AND MAY NOT BE
USED OF REPRODUCED

WITHOUT PERMISSION

SAVED AS: DK-HIGHS 5X10

NOTES: SCALE 1/2"=1'0"

REPRESENTATIVE: DK ARTIST: DK DISK: HD REVISION: 1

9-28-03

Petitronera 9

Professional Resume of Kenneth W. Schmid 11022 Pfeffers Road Kingville, MD 21087

EXPERIENCE

January 1993 - Present

Traffic Concepts, Inc. 325 Gambrills Road, Suite E Gambrills, MD 21054

Owner, Vice-President

Provides traffic engineering consultant services to the public and private sectors including:

Expert testimony before the County Zoning Officer and Board of Appeals for Special Exception and Rezoning cases. Development of Feasibility Analysis including access alternatives and the assessment of the impact of pertinent Adequate Public Facilities legislation of local governments on potential development sites. Development of Traffic Impact Studies including critical lane, highway capacity, and signal warrant analysis; recommendations of road improvements necessary to meet various Adequate Public Facility criteria and leading negotiations with government agencies to secure waivers for Adequate Public Facilities legislation. Design and preparation of traffic signal, maintenance of traffic, pavement marking, and road improvement concept plans. Preparation of technical and price proposals.

<u>December 1989 – January 1993</u>

Ronald W. Johnson Associates, Inc. 2661 Riva Road, Suite 420 Annapolis, MD 21401

Chief - Traffic Engineering Division

Started and developed the traffic engineering division at this consulting firm. Duties included: Directing the activities of the Traffic Engineering Division. Providing expert testimony at over 30 Special Exception, Rezoning, and Appeal cases. Development of more than 130 feasibility and Traffic Impact Studies. Design and preparation of traffic signal designs, maintenance of traffic, and road improvement concept plans.

December 1986 - November 1989

Anne Arundel County Department of Public Works Traffic Engineering Division Annapolis, MD 21401

Traffic Engineer III and IV

Supervised the daily operations of the Development and Operation Section of the Traffic Engineering Division. This included full responsibility for reviewing and recommending approval or denial of Rezoning and Special Exception cases, subdivisions, and building permit applications. Supervised the activity of three engineers, seven traffic analysts. Duties included traffic control design and implementation throughout the County, for example traffic control design for the Baltimore & Annapolis Hiker/Biker trail.

July 1984 – December 1986

Maryland State Highway Administration District #5 Office Annapolis, MD 21401

Traffic Engineer III

Duties included traffic signal design, construction inspection, and conducting various traffic engineering studies in order to make recommendations to the District Traffic Engineers.

May 1981 – July 1984

Maryland State Highway Administration Office of Traffic and Safety Hanover, MD 21076

Traffic Engineer I and II

Duties included developing signal design and signalization plans, reviewing signal design plans submitted by consultants, and developing equipment and construction design specifications. The development of traffic signal and traffic signal system timing often required the consideration of pedestrians and bicycle routes throughout the major highway system.

EDUCATION

Baltimore Polytechnic Institute, 1976 graduate

Essex Community College, 1976 – 1978

University of Maryland, 1981 graduate
Bachelor of Science – Civil Engineering

Various Continuing Education courses in the traffic engineering and highway design field.

PUBLICATIONS

Developed the Signal Design Manual currently in use by the Maryland State Highway Administration Office of Traffic and Safety

AFFILIATIONS

Institute of Transportation Engineers, 1985 - Present

National Federation of Independent Businesses, 1993 - Present

Accepted as an expert in the traffic engineering field in the following jurisdictions:

Baltimore City
City of Annapolis
City of Elkton
City of Frederick
City of Salisbury
Town of Bel Air
Town of Bowie
Town of Easton
Anne Arundel County
Baltimore County
Caroline County

Carroll County
Cecil County
Charles County
Frederick County
Harford County
Howard County
Kent County
Prince George's County
Queen Anne's County
St. Mary's
Talbot County

REFERENCES:

Mr. Harry Blumenthal Blumenthal & Delavan, P.A. 170 Jennifer Road, Suite 240 P.O. Box 868 Annapolis, MD 21401-6484 (410) 573-2900 Alan Hyatt Hyatt, Peters & Weber 1919 West Street Annapolis, MD 21401 (410) 266-0626

Mr. Gary Westholm Powell and Westholm, Inc. 2661 Riva Road, Suite 300 Annapolis, MD 21401 (410) 974-6850 Lawrence Elliott
MSHA – District 5
138 Defense Highway
Annapolis, MD 21401
(410) 841-5450



John R. Sherwood, III

Development Consultant

Experience (Continued)

John Sherwood has 35 years of experience in real estate analysis and development planning. Having served at senior executive levels in both the private and public sectors, he provides clients with pragmatic technical advice for the implementation of their projects and the formulation of strategies to enhance development. Mr. Sherwood's technical and management capabilities span the full range of development expertise: market research and analysis; financial analysis and deal structuring; public investment; policy formulation; and development planning. He has managed and participated in numerous public and private assignments focusing on the policy/investment decision-making process within dynamic economic, social and political climates at local, state and national levels.

Experience

The Sherwood Consultancy Annapolis, MD 1996-Present

Severn River Land Trust Annapolis, MD Executive Director 1994-Present

Legg Mason Realty Group, Inc. Baltimore, M.D. Vice President 1989-1996

ZHA, Inc.
Annapolis, MD
Vice President/Director of Technical Services
1985-1989

Praful Shah & Associates Columbia, Maryland Executive Vice President 1983-1985

Maryland Department of State Planning Deputy Secretary 1979-1983

Baltimore Economic Development Corporation Vice President/Director of Market Development 1977-1979

Hammer, Siler, George Associates Vice President 1964-1977

Education

Master of Regional Planning Program
University of North Carolina, 1962-1964

Bachelor of Arts in Economics Dartmouth College, 1958

Affiliations

Annapolis Maritime Advisory Board
National Council for Urban Economic Development
American Planning Association
Chesapeake Bay Foundation
The Waterfront Center
Citizens Planning and Housing Association

Visiting Lecturer

University of Pennsylvania School of Urban Design University of Maryland School of Architecture The Waterfront Center

Representative Assignments

Conference/Exhibition Center Feasibility, Clarksville, TN
Commercial Revitaliz. Action Plan, Bladensburg, MD
Transportation Planning Study, Metroforn, DE
Oceanfront Devel. Strategy, Jacksonville Beach, FL
Wilmington Convention Center, Wilmington, DE
International Medical Mart, Baltimore, MD
Downtown Development Strategy, Baltimore, MD
Downtown Retail Strategy, Wilmington, DE
Great Island Valuation, Atlantic City, NJ
Maryland Growth Management Program
Smithville Market Update, Galloway Township, NJ
Revitalization Study, Catonsville, MD
Research Park Development Plan, Hershey PA

THE SHERWOOD CONSULTANCY
2128 Renard Court
Annapolis, Maryland 21401-6755
(410) 841-0090 Fax: (410) 841-0090*51
E-mail: JRSherw@ATTgiobal.net

THE SHERWOOD CONSULTANCY

Economics for Real Estate and Community Development

GENERAL QUALIFICATIONS

The Sherwood Consultancy provides high content real estate economic consulting services to communities and developers of community-enhancing projects. The firm limits its work load in order to apply intensive effort to the jobs it undertakes. This results in personalized, senior level professional services at reasonable cost. TSC's economic and community development strategy assignments involving elements such as Main Street and commercial revitalization, comprehensive planning, tourism, audience support, and site development. John R. Sherwood, III, Senior Consultant, has over 35 years of experience as a real estate consultant and community development official. His career includes senior level service with large consulting operations and government administrations. In 1996 he retired from that business to concentrate on providing the focused development consulting assistance that is the hallmark of The Sherwood Consultancy.

Mr. Sherwood has been an active, long term, participating member of the National Council for Urban Economic Development, the American Planning Association and the Waterfront Center. He has been a speaker at conferences on community revitalization and economic development analysis. In his home community of Annapolis and home state of Maryland he has served in recent years as a citizen volunteer in a number of responsible positions, including:

- Annapolis Comprehensive Plan Update Steering Committee
- Annapolis Conference Center Committee
- Mencke Site Study Committee, Annapolis
- Annapolis Maritime Advisory Board (two four year terms)
- Maryland Historical Society, Buildings and Grounds Committee
- Maryland Historical Society, Maritime Committee
- Severn River Land Trust, Executive Director
- Chesapeake Boats and Yachting Heritage Project

In the course of his career, Mr. Sherwood has been professionally involved in, literally, hundreds of significant assignments. In most cases he has had a "hands on" role as the principal analyst, as well as being the project manager. Consequently, his experience covers an extremely wide range of real estate economics and development. Areas of special focus for Mr. Sherwood include the following:

Public Sector

Commercial Revitalization
Economic Development Policy
Tourist Development
Audience Support
Waterfront Development
Public Facilities Development
Military Base Reuse

Private Sector

Hotels
Conference Centers
Shopping Centers
Retail Shops and Stores
Industrial Parks

John Sherwood's work experience includes a number of economic development strategy assignments. These assignments involved work having characteristics required by most communities as they sought to improve their economic condition.

- Community participation;
- Understanding local economic fundamentals;
- Analysis of strengths and weaknesses of the current economic situation;
- Identification of opportunities and constraints relevant to future development;
- Preparation of a development strategy to address weaknesses and constraints by building on strengths and taking advantage of opportunities;
- Structuring implementation plans, including identification of participants and costs.

THE SHERWOOD CONSULTANCY

SELECTED EXPERIENCE: RETAIL MARKET STUDIES AND NEEDS ANALYSES

John Sherwood and The Sherwood Consultancy have extensive experience performing market studies for retail establishments and shopping complexes. The latter include studies of commercial retail districts and shopping centers. A strategy for revitalizing the former Montgomery Village Mall, which was ultimately implemented, is included among the shopping centers. Of the many retail establishment market studies completed, a high percentage have been needs analyses for gas stations located in the central part of Maryland. Most of these gas stations were approved and are operating. The gas station needs analyses are listed below by county.

Anne Arundel County

Amoco: Balto-Annap Blvd., Pasadena

Highs: Central Ave., Edgewater

Enroy: Ft. Smallwood Rd., Riviera Beach

BJ's Wholesale Club, MD 2, Pasadena

Prince George's County

Mobil: Kettering Drive, Mitchellville

Mobil: Largo Center Dr., Largo

Baltimore County

Highs: Wise Avenue, Dundalk

439 Service Center, MD 439, Trump

Highs: US 1, Kingsville

Montgomery County

7-Eleven: Lindberg Dr.@ Woodfield 7-Eleven: Goshen Oaks Shop'g Ctr.

Howard County

Amoco: US 1, Elkridge

Highs: Ten Oaks Rd., Glen Elg

Freestate: MD 108, Clarksville

Highs: Scaggsville Rd., Fulton

Enroy: Ten Oaks Rd., Glen Elg

7-Eleven: US 1 @ Maier Rd.

Unbranded: US 1 @ MD 100

Carroll Independent Fuel: US 40, Normandy

Highs: MD 84 @ I-70, Lisbon

Shell: MD 108 @ MD 32, Clarksville

Carroll Independent Fuel: US 40, Glen Brook

Freestate: MD 97, Glenwood

Truckstops America: MD 175, Jessup Xpress Fuel: Waterloo Road

7-Eleven: Guilford Rd. @ Dorsey Run Enroy: US 1 @ Columbia Junction

In addition, Mr. Sherwood and TSC have done market study/needs analyses for eight stores requiring liquor bord approval. Four of these were in Harford County, three in Howard County, and one in Anne Arundel County.

PLEASE PRINT	CLEARLY
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CASE NAME	
CASE NUMBER	
DATE	

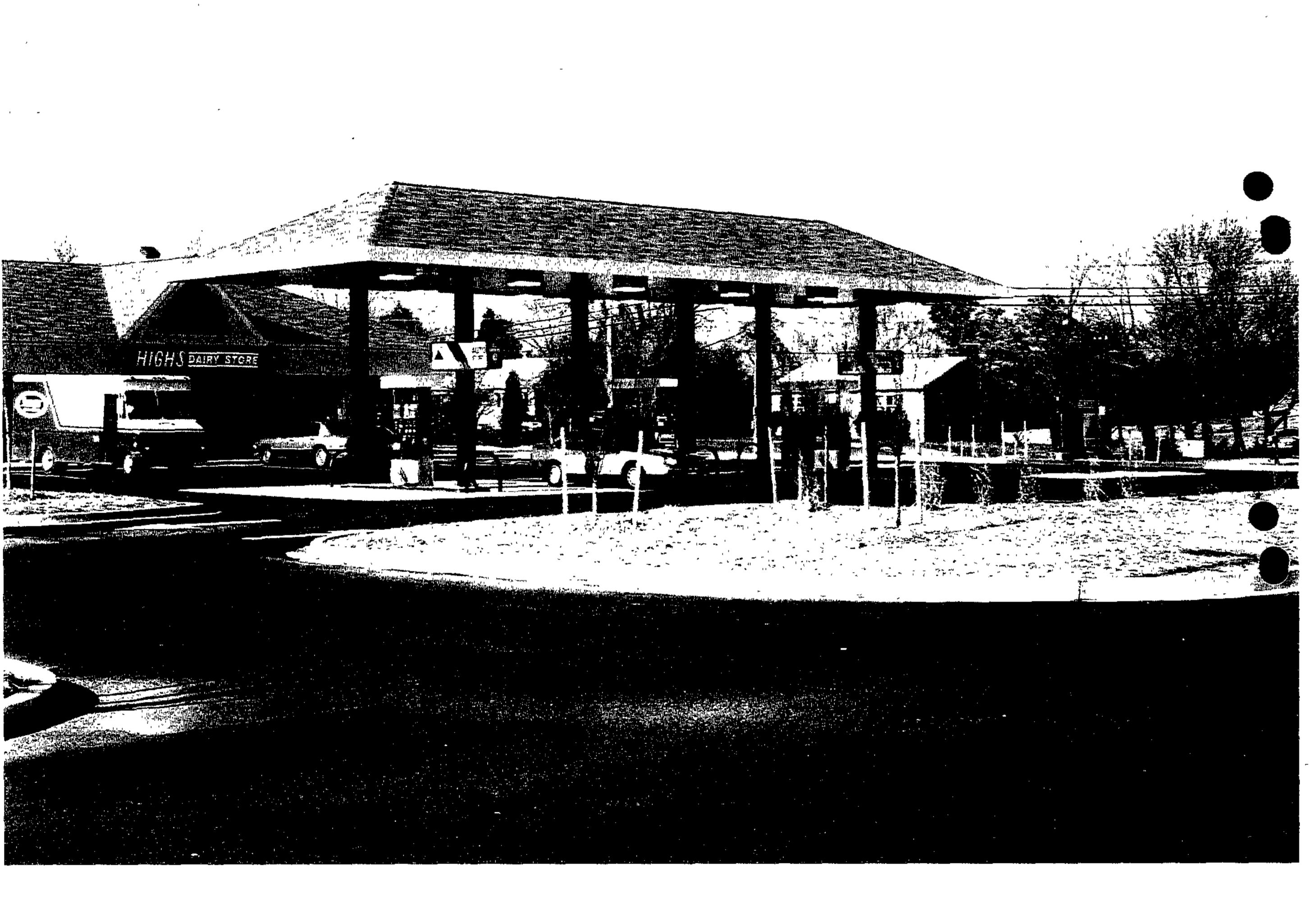
CITIZEN'S SIGN-IN SHEET

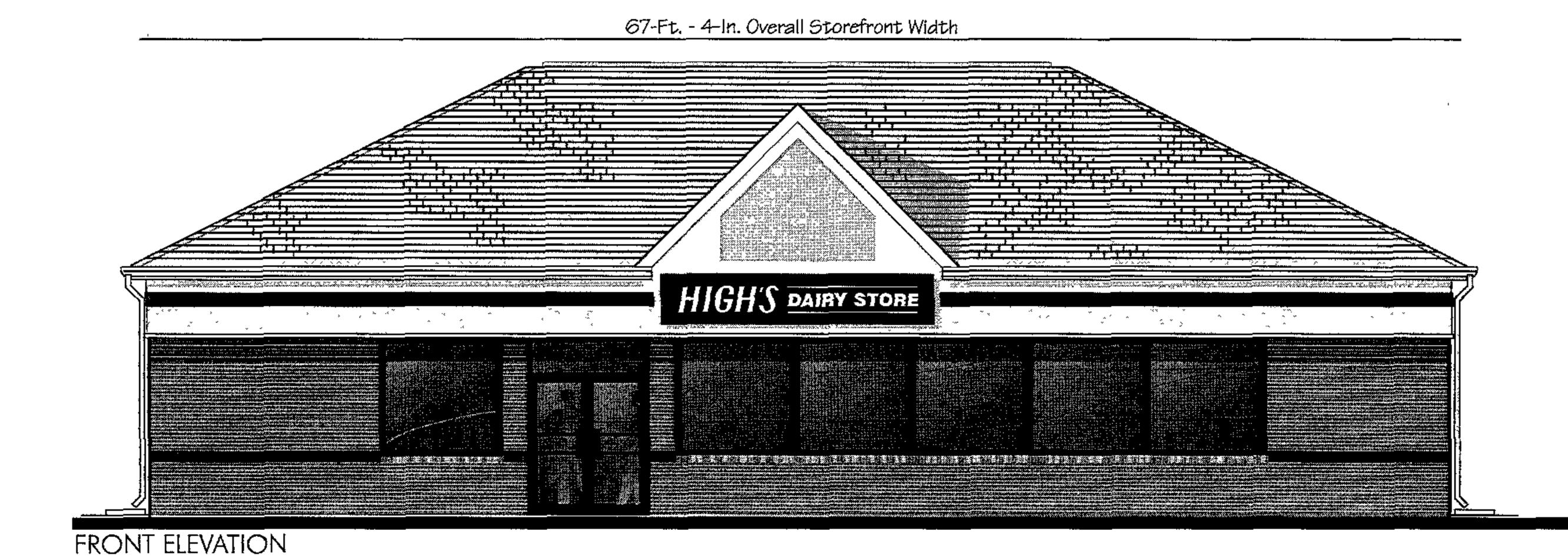
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Bor Walker Havore Road Assoc.	Box 51 Boning MD	2:020	16w14625@ aol. Com
Havore Road ASSOC.		<u> </u>	
Becky Gautreau	15304 Old Hanover Rd	UPPERCO 21155	
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CASE NAME High's Foublesburg
CASE NUMBER 04-125-SPHXAD
DATE 112/03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Dino LaFiander	210 ws. Penn# 400	7605en	
Ken Schmil	325 Gambrille 124 Site E	Gamboills, #4 21054	
	1340-L Charwood Rd	Hansver MD 21076	
	2128 RENARD COURT	ANHADOUS, MD 21401	
GAYNE Newton	310/d/ Salamons Ist. Rol	Annapolis MD 21401	
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HIGH'S of Baltimore / 1340-L Charwood Road, Hanover, Maryland

FRONT ELEVATION

DISPLAY CO. DESIGNERS AND MANUFACTURERS OF ENVIRONMENTAL GRAPHICS SINCE 1947

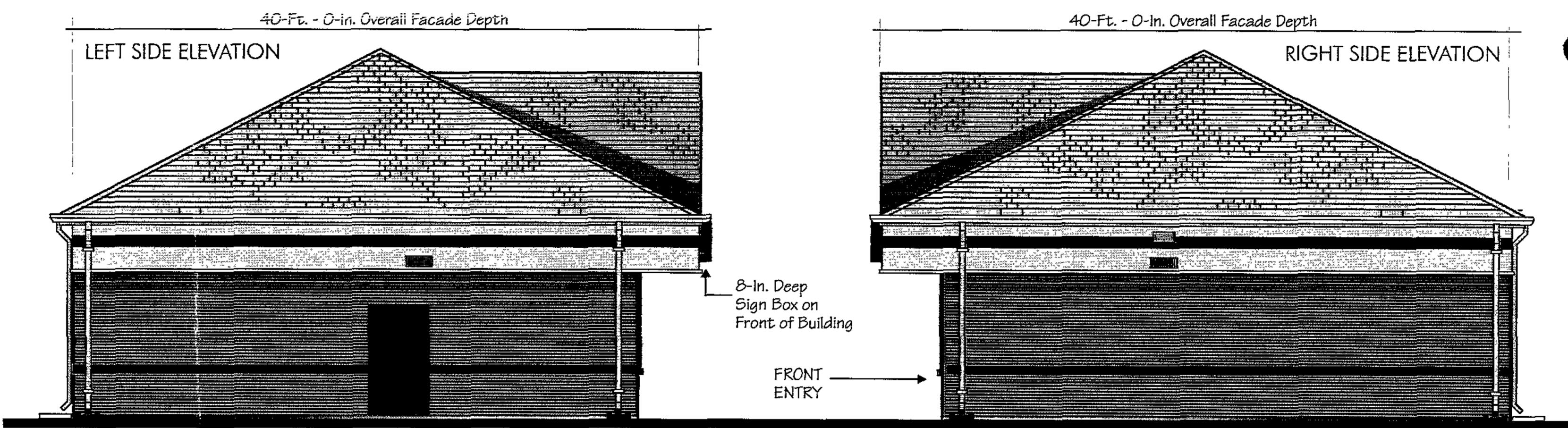
2315 18th PLACE, N.E. WASHINGTON, D.C. 20018 202,529 8884 (Fox) 202 269-3111

DESIGN & SKETCH ARE SOLE PROPERTY OF ART DISPLAY CO & MAY NOT BE USED OR REPRODUCED WITHOUT PERMISSION NOTE: CLIENT SIGNATURE OF APPROVAL REQUIRED PRIOR TO PRODUCTION

Signature 1: Signature 2: HIGHS - Hanover - Front Elevation

NOTES: From Architect's Drawing: A-3, 1-17-97

199 REPRESENTATIVE: DK ARTIST: GO DISK: HD DATE: 7-1-99



FRONT ELEVATION

HIGH'S of Baltimore / 1340-L Charwood Road, Hanover, Maryland


SIDE ELEVATIONS

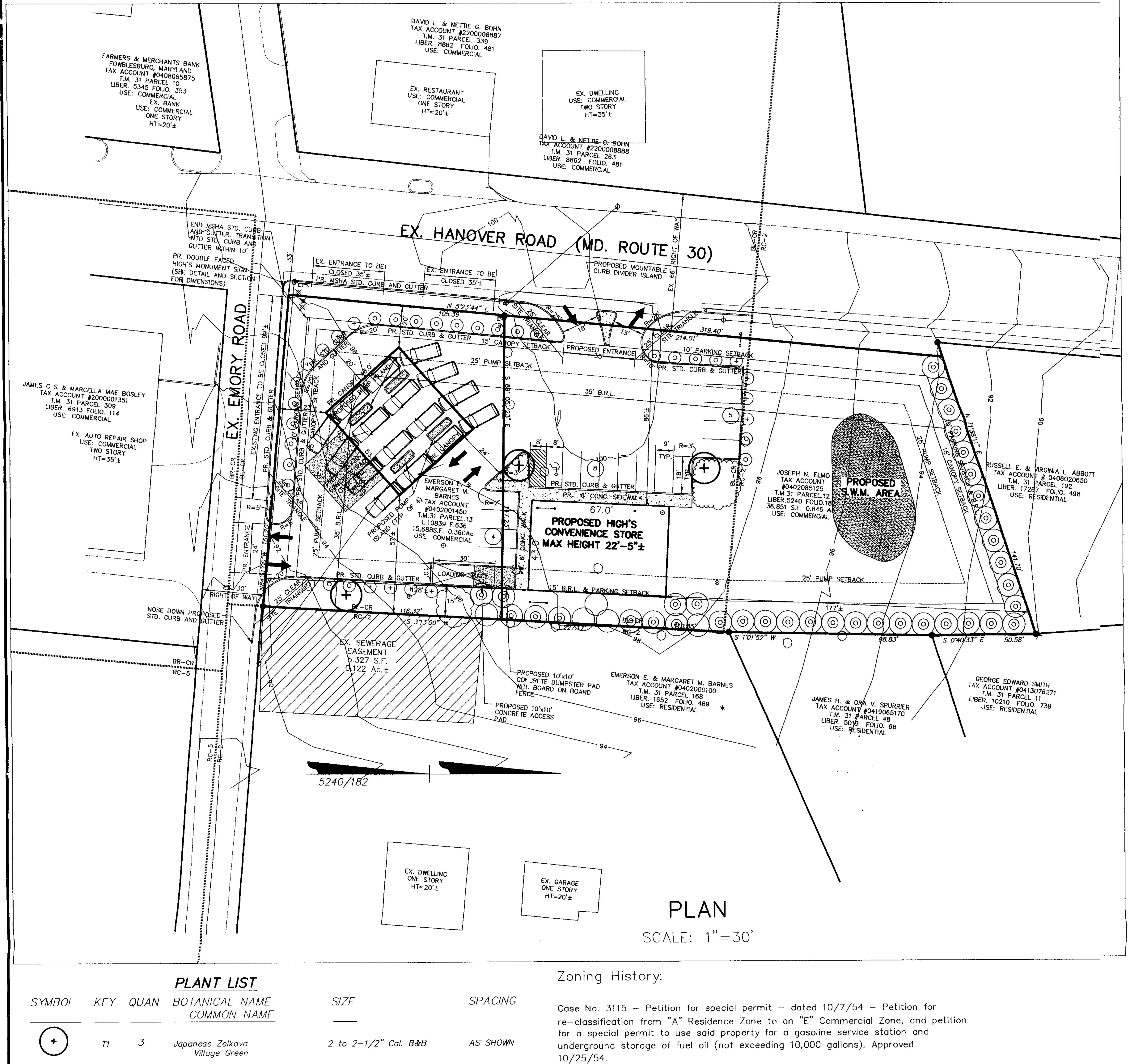
ART DISPLAY CO. DESIGNERS AND MANUFACTURERS OF ENVIRONMENTAL GRAPHICS SINCE 1947

2315 18th PLACE, N.E. WASHINGTON, D.C. 20018 202 529.8884 (Fox) 202-269-3111

DESIGN & SKETCH ARE SOLE PROPERTY OF ART DISPLAY CO. & MAY NOT BE USED OR REPRODUCED WITHOUT PERMISSION NOTE: CLIENT SIGNATURE OF APPROVAL REQUIRED PRIOR TO PRODUCTION

DUCTION Signature 2:





- MULCH - 3" MIN. - FINISH GRADE " min. PLANTING SOIL EXISTING SUBGRADE SHRUB PLANTING DETAIL 2" DRGANIC MULCH GROUND COVER TO BE OR PEA GRAVEL PER PLANTED IN BEDS LOOSENED OWNERS REQUEST-TO A 3" DEPTH-7 BROKEN W/PICK-AXE GROUNDCOVER PLANTING DETAIL

INTERIOR LANDSCAPING CALCULATION

NOT TO SCALE

PARKING AREA ON-SITE = 5,343 SQ. FT. 7% OF PARKING AREA = 374 SQ. FT. INTERIOR LANDSCAPING REQUIRED INTERIOR LANDSCAPING AREA PROVIDED = 450 SQ. FT. TREE REQUIRED = 1/8 PARKING SPACES = 3 TREE'S REQUIRED (17 PARKING SPACES) TREE'S PROVIDED = 3

PLANTING NOTES: All plants shall be nursery grown.

- #12 GAGE WIRE

TREE WRAP

---- 3" SAUCER 4'-0" MAX. DIA.

— PLANTING SOIL

- EXISTING SUBGRADE

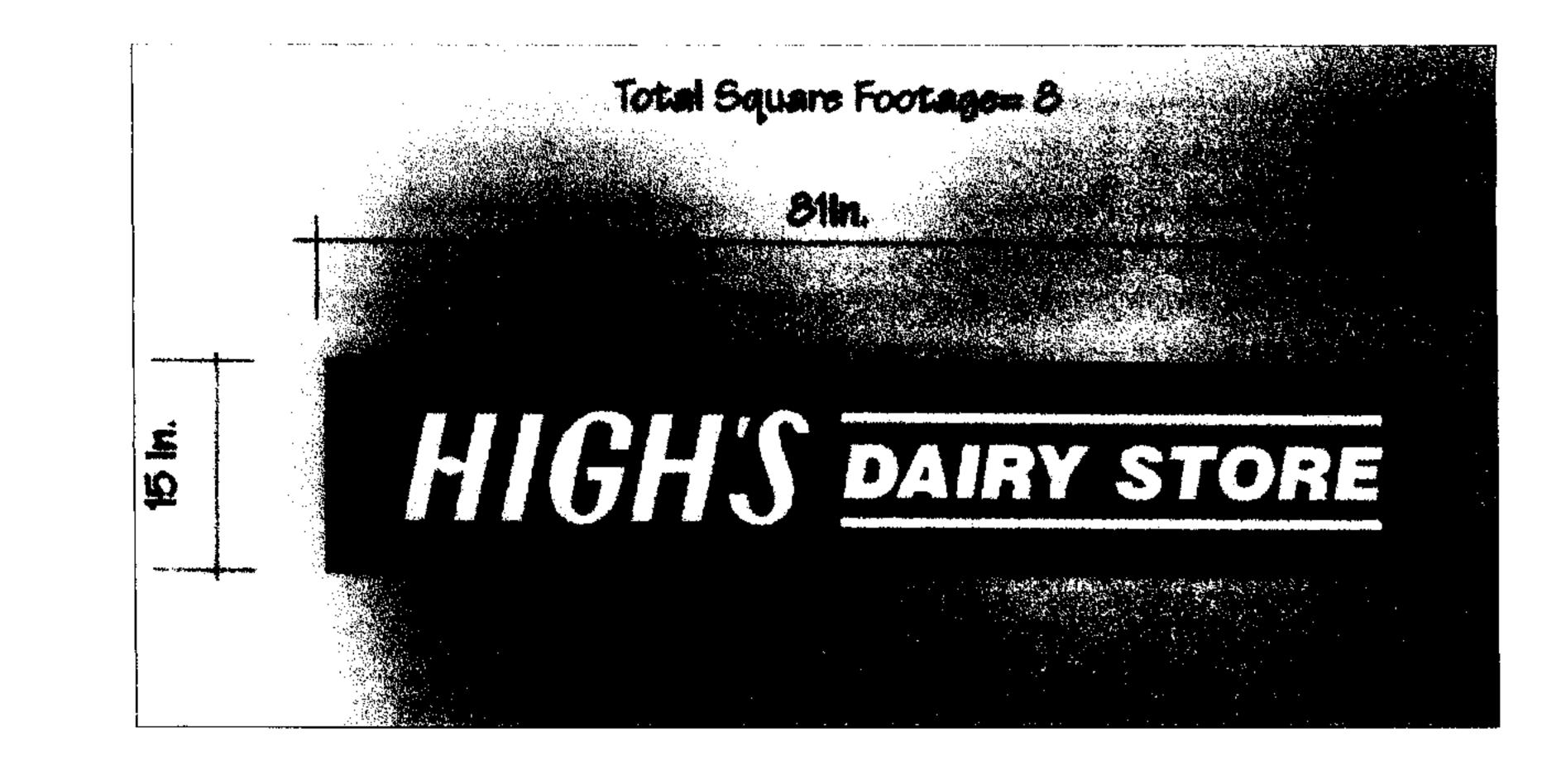
FINISH GRADE

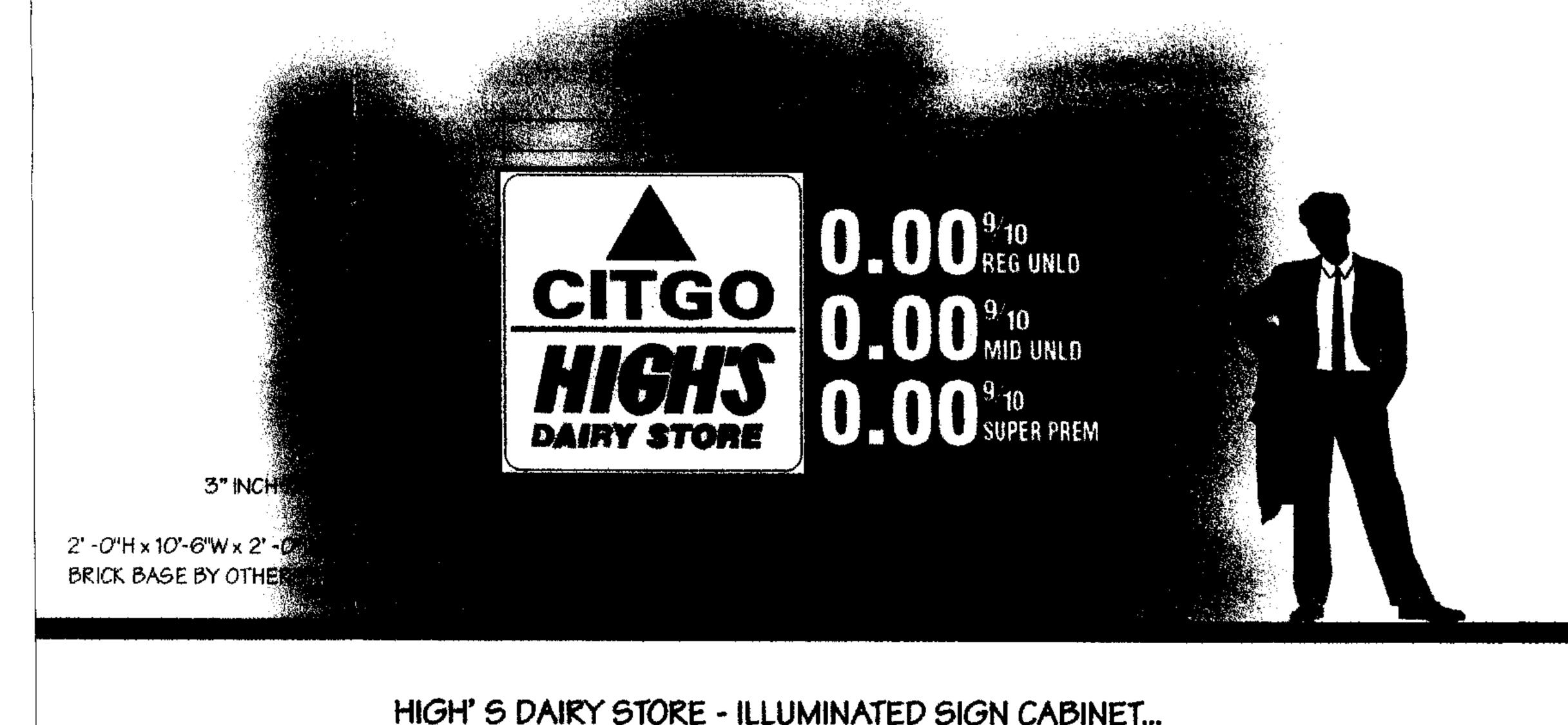
TREE PLANTING DETAIL - LESS THAN 4" CAL.

- MULCH - 3" MIN.

1/2" I.D. REINFORCED RUBBER HOSE

- All plants shall conform to the standards of AAN. They shall be typical of their species or variety and shall have a normal habit of growth. They shall be sound, healthy and vigorous, well-branched and densely foliated when in leaf. They shall be free of disease and insect pests, eggs, or larvae. They shall have healthy, well-developed root systems.
- No substitutions shall be made without the approval of the landscape architect. Balled and burlapped plants shall be dug with firm natural balls of earth, of diameter and depth to include most of the fibrous roots. Container grown stock shall have been grown in a container long enough for the root system to be have
 - developed sufficiently to hold its soil together firm and whole. No plants shall be loose in the container. Root balls of all plants shall be adequately protected at all times from sun and drying winds or frost.
 - Owner or his representative shall be notified prior to beginning planting operations.
 - All trees shall be wrapped immediately after they are planted.
 - Approved tree wrap shall be installed according to accepted
 - industry practice. Each tree and shrub shall be pruned in accordance with the American Association of Nurserymen Standards to preserve the all broken or badly bruised branches shall be removed. Cuts over 1" in diameter shall be painted with an approved tree
- immediately after planting operations are completed all trees and shrub planting pits shall be covered with a 2 layer of Shredded Hardwood Bark Mulch or other material this mulch for trees shall be the area of the pit and for
- shrubs in beds, the entire area of the shrub bed. Trees in leaf when planted shall be treated with anti-
- Conditions detrimental to plants: the contractor shall notify the project representative in writing of all soil or drainage for correcting the conditions, including any change in cost for review and acceptance by the project
- 12. Minor adjustments to tree location may be necessary due to field conditions and final grading. The contractor shall notify the owner if major adjustments are required.





HIGH'S DAIRY STORE - ILLUMINATED SIGN CABINET...

PROPOSED SIGN AREA = $25 \text{ S.F.} \times 2 \text{ SIDES} = 50 \text{ S.F.}$

BY

operation of Law for non-use, 2/22/84.

AS SHOWN

10' o/c

10' o/c

3' o/c

REVISION DESCRIPTION

5' to 6' HGT. B&B

2'-3' Hgt. B&B

1 Gal. Cont.

Euonymus Kiautschovica X Manhattan 2 Gal. Cont.

Euonymus Alatus Compactum

Blue Rug Juniper

Compact Burning Bush

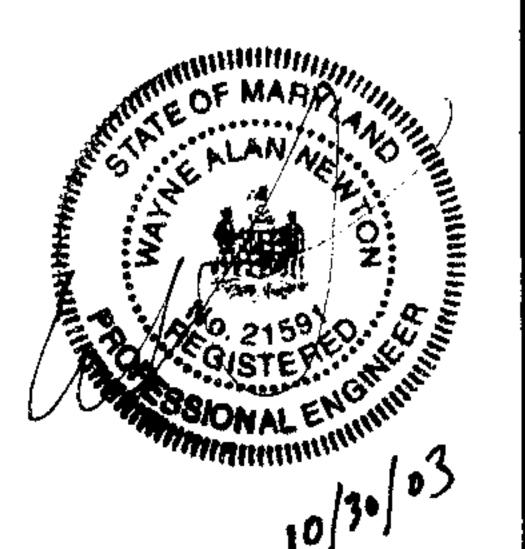
Case No. 82—168—SPHXA — Petition for Special Exception for a food store as a

use in combination with a service station. Granted 2/22/82. Terminated by

MESSICK & ASSOCIATES

CONSULTING ENGINEERS 31 OLD SOLOMONS ISLAND RD., SUITE 201

ANNAPOLIS, MARYLAND 2'1401 (410) 266−3212 www.messickandassociate³s.com DATE * MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES



OWNERS:

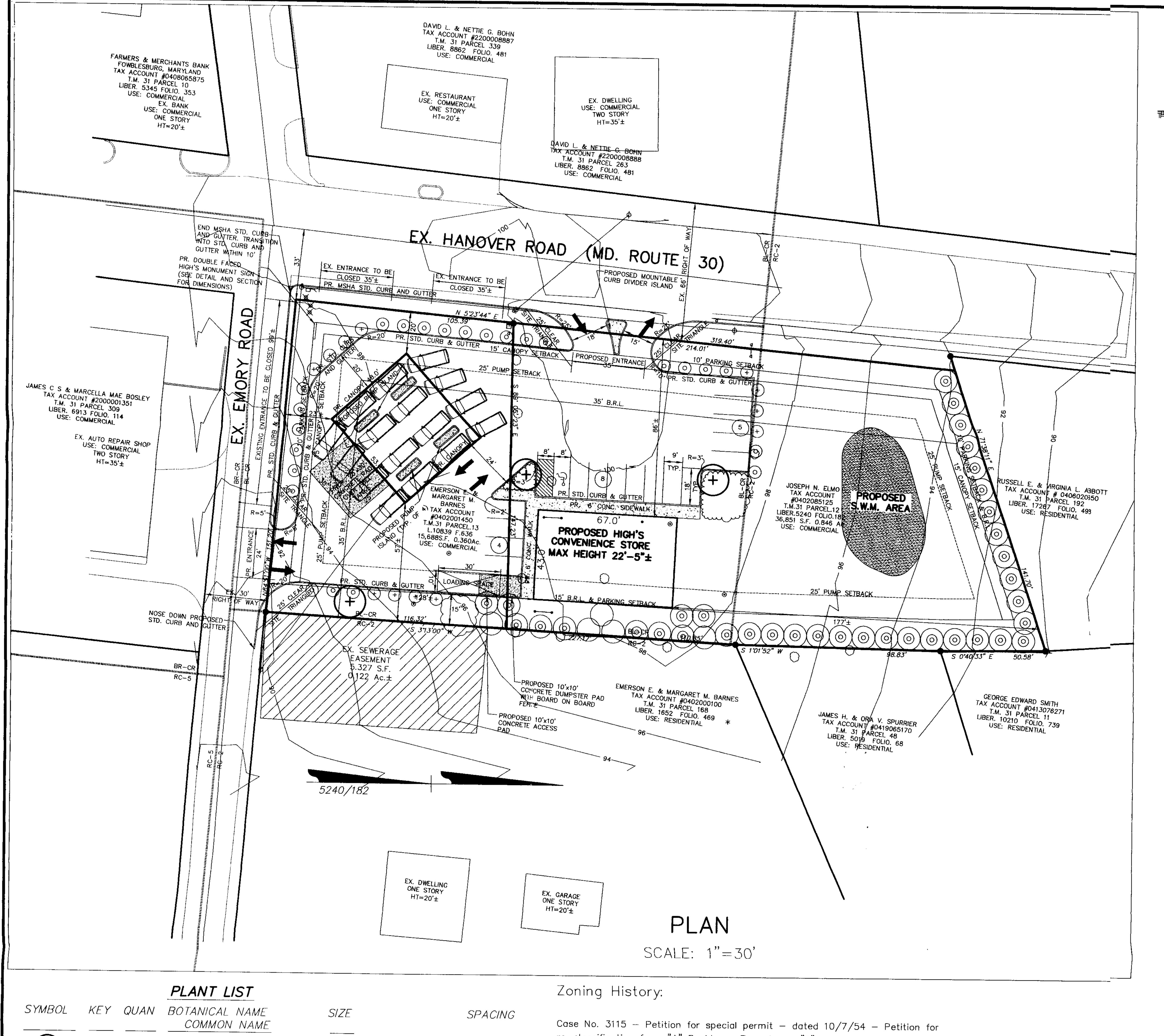
EMERSON & MARGARET BARNES 5410 EMORY ROAD 5310 EMORY ROAD UPPERCO, MD 21155 UPPERCO MD. 21155

DEVELOPER: HIGHS OF BALTIMORE, INC BRIAN DARNELL, V.P. 1340-L CHARWOOD RD. HANOVER, MD. 20794

HIGHS OF BALTIMORE

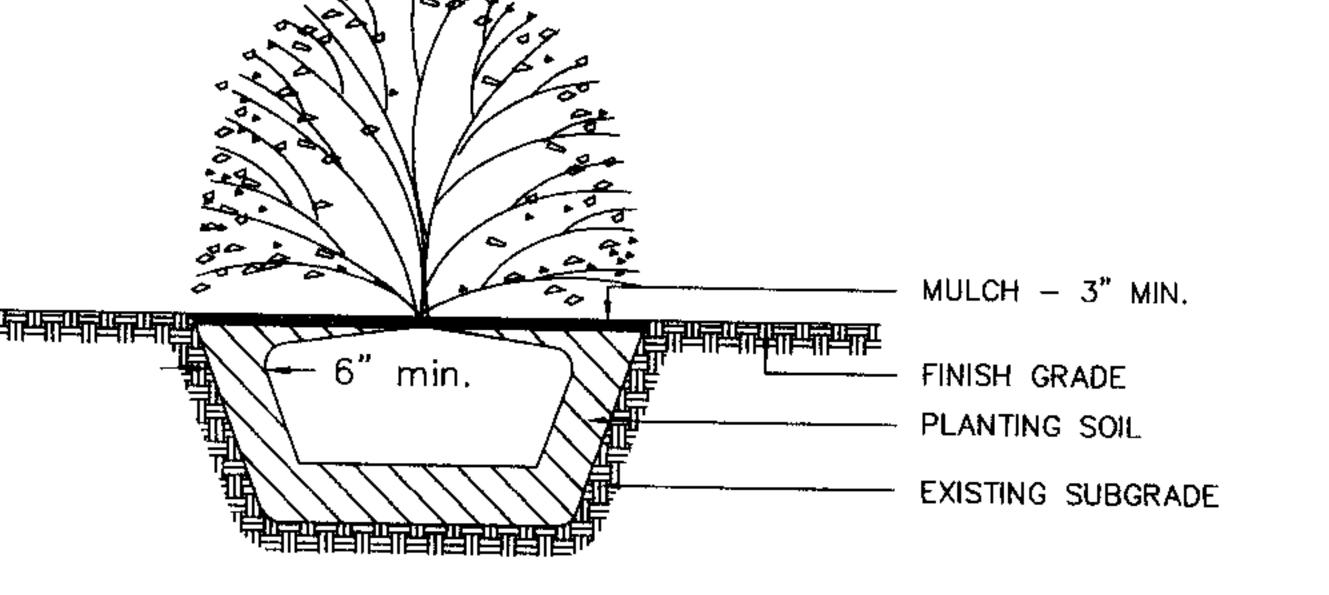
PROPOSED STORE @ FOWBLESBURG LANDSCAPE PLAN TO ACCOMPANY SPECIAL HEARING, SPECIAL EXCEPTION

& VARIANCE PETITIONS PARCEL 12 & 13 4TH TAX ASSESSMENT DISTRICT BALTIMORE COUNTY, MARYLAND SCALE: AS SHOWN



re—classification from "A" Residence Zone to an "E" Commercial Zone, and petition for a special permit to use said property for a gasoline service station and underground storage of fuel oil (not exceeding 10,000 gallons). Approved 10/25/54.

Case No. 82—168—SPHXA — Petition for Special Exception for a food store as a use in combination with a service station. Granted 2/22/82. Terminated by operation of Law for non-use, 2/22/84.



SHRUB PLANTING DETAIL

2" DRGANIC MULCH OR PEA GRAVEL PER OWNERS REQUEST-____

GROUND COVER TO BE PLANTED IN BEDS LOOSENED TO A 3" DEPTH-

SUBSOIL TO BE-BROKEN W/PICK-AXE

> GROUNDCOVER PLANTING DETAIL NOT TO SCALE

INTERIOR LANDSCAPING CALCULATION

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PLANTING NOTES:

#12 GAGE WIRE

RUBBER HOSE

- MULCH - 3" MIN.

EXISTING SUBGRADE

3" SAUCER 4'-0" MAX. DIA.

- PLANTING SOIL

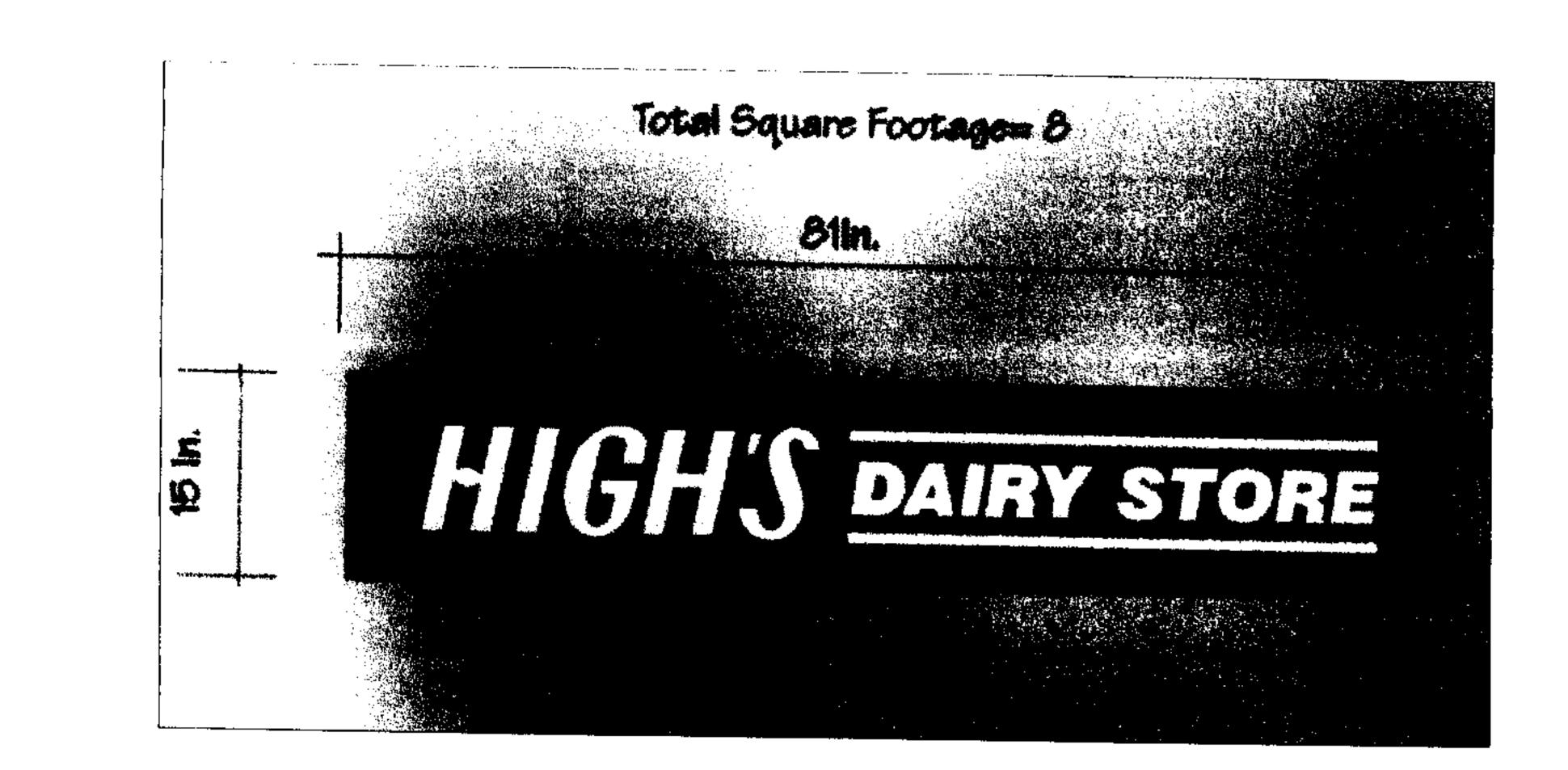
FINISH GRADE

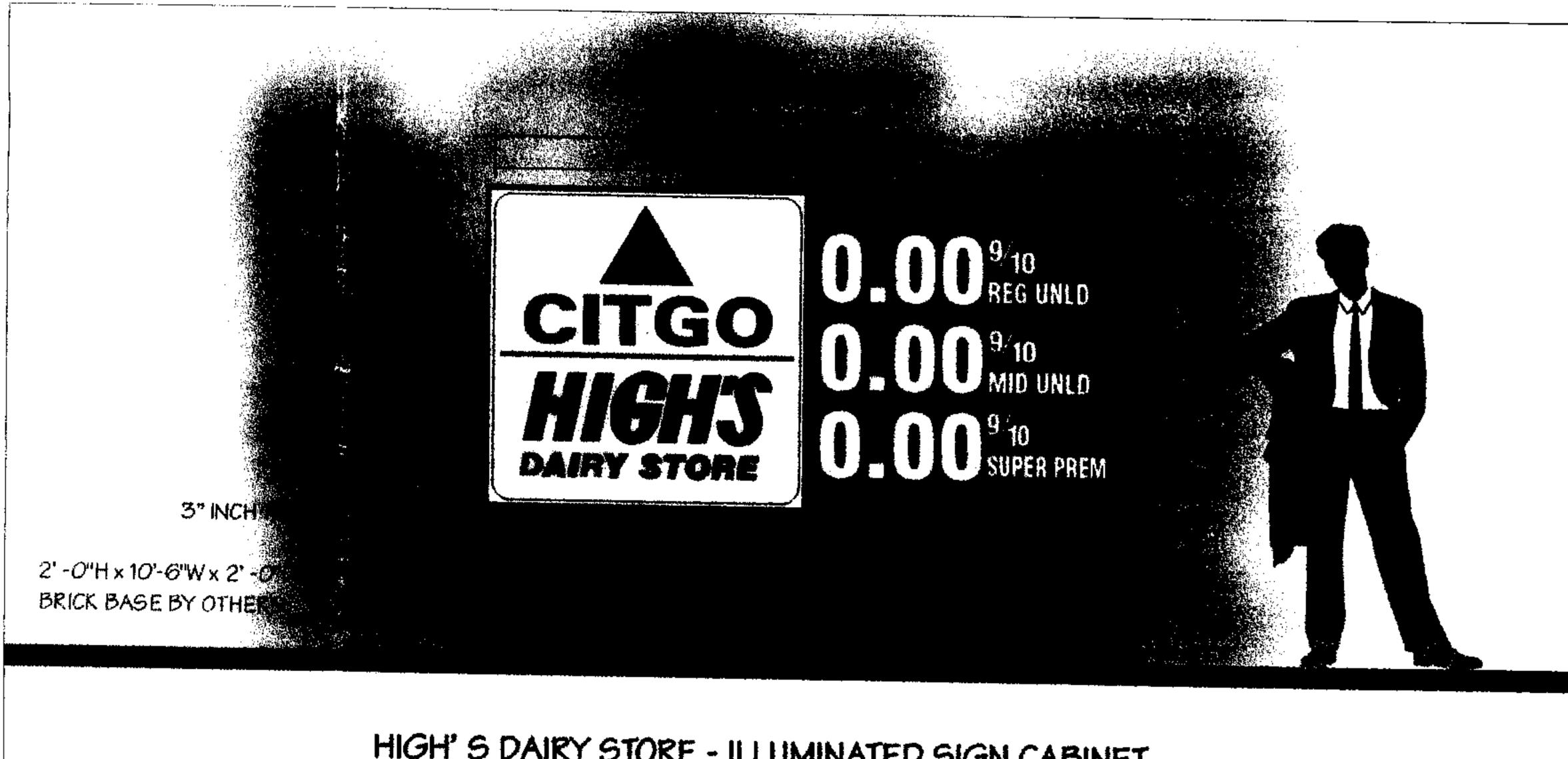
TREE PLANTING DETAIL - LESS THAN 4" CAL,

TAKES

1/2" I.D. REINFORCED

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- Approved tree wrap shall be installed according to accepted Each tree and shrub shall be pruned in accordance with the American Association of Nurserymen Standards to preserve the natural character of the plant. All dead wood or suckers and all broken or badly bruised branches shall be removed. Cuts over 1" in diameter shall be painted with an approved tree
- Mulch: immediately after planting operations are completed all trees and shrub planting pits shall be covered with a 2" layer of Shredded Hardwood Bark Mulch or other material approved by the owner or his representative. The limit of
- this mulch for trees shall be the area of the pit and for shrubs in beds, the entire area of the shrub bed. Trees in leaf when planted shall be treated with antidesiccant such as Wilt-proof.
- Conditions detrimental to plants: the contractor shall notify the project representative in writing of all soil or drainage He shall state the conditions and submit a proposal for correcting the conditions, including any change in cost for review and acceptance by the project
- 12. Minor adjustments to tree location may be necessary due to field conditions and final grading. The contractor shall notify the owner if major adjustments are required.





HIGH'S DAIRY STORE - ILLUMINATED SIGN CABINET...

PROPOSED SIGN AREA = 25 S.F. \times 2 SIDES = 50 S.F.

REVISION DESCRIPTION

2 to 2-1/2" Cal. B&B

5' to 6' HGT. B&B

5' to 6' HGT. B&B

2'-3' Hgt. B&B

1 Gal. Cont.

Euonymus Kiautschovica X Manhattan 2 Gal. Cont.

Manhattan Euonymus

Euonymus Alatus Compactum

Juniperus Horizontalis

Blue Rug Juniper

Compact Burning Bush

AS SHOWN

AS SHOWN

AS SHOWN

10' o/c

10' o/c

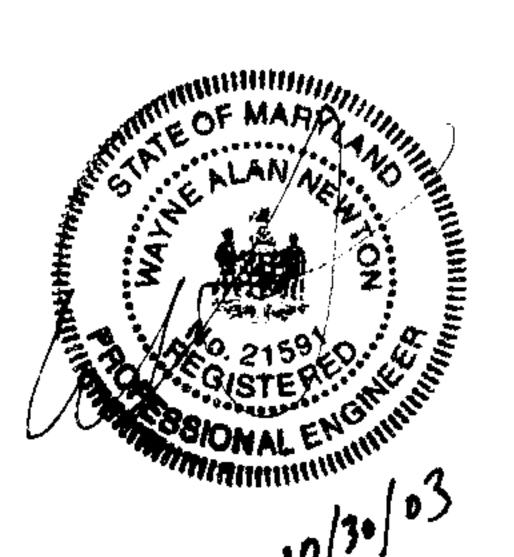
3' o/c

Japanese Zelkova

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CONSULTING ENGINEERS 31 OLD SOLOMONS ISLAND RD., SUITE 201

ANNAPOLIS, MARYLAND 214101 (410) 266 - 3212www.messickandassociates.com * MESSICK GROUP, INC. T/A MESSICK AND ASSOCIATES



OWNERS:

5410 EMORY ROAD

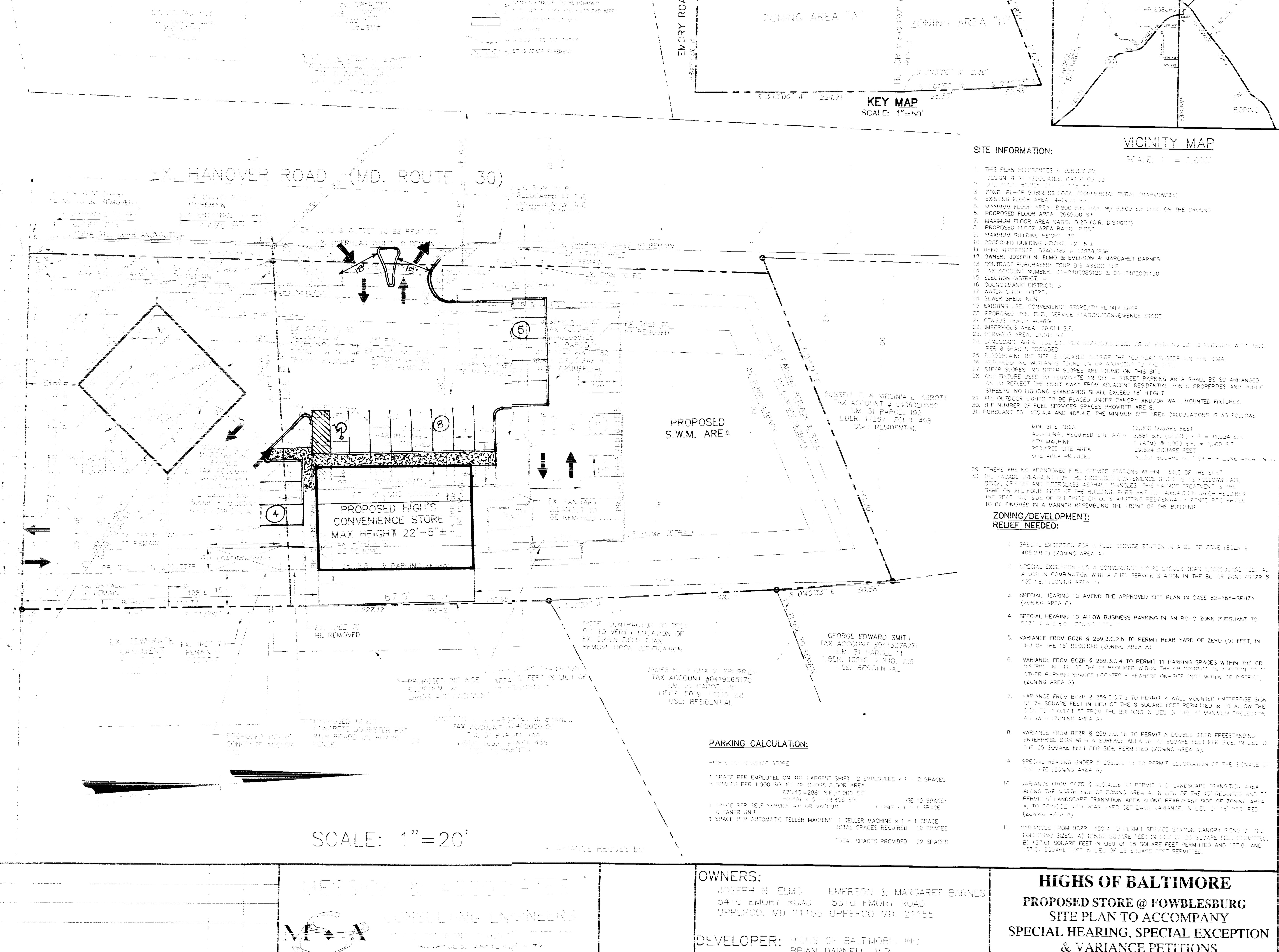
EMERSON & MARGARET BARNES 5310 EMORY ROAD UPPERCO, MD 21155 UPPERCO MD. 21155

DEVELOPER: HIGHS OF BALTIMORE, INC BRIAN DARNELL, V.P. 1340-L CHARWOOD RD. HANOVER, MD. 20794

HIGHS OF BALTIMORE

PROPOSED STORE @ FOWBLESBURG LANDSCAPE PLAN TO ACCOMPANY SPECIAL HEARING, SPECIAL EXCEPTION

& VARIANCE PETITIONS TAX MAP No. 31 GRID 4 PARCEL 12 & 13 4TH TAX ASSESSMENT DISTRICT BALTIMORE COUNTY, MARYLAND ' SCALE: AS SHOWN DATE: APRIL,2003 SHEET 1 OF 2



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