IN RE: PETITIONS FOR SPECIAL HEARING SPECIAL EXCEPTION & VARIANCE - SE/S Loch Raven Boulevard, 740' SW of Taylor Avenue **(6819 Loch Raven Boulevard)** 9th Election District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 04-341-SPHXA
Iman Crown, Inc. Petitioners	*	

* * * * * * * * * * *

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, Iman Crown, Inc., through its attorney, Howard L. Alderman, Jr., Esquire. The Petitioners request a special exception to allow a roll-over car wash in combination with a fuel service station, pursuant to Section 405.4.E.2 of the B.C.Z.R., and to permit the proposed use in combination as shown on the site plan, pursuant to Section 405.6.A.3 thereof, and for such further relief as the nature of case may require. In addition, the Petitioners request special hearing relief as follows: 1) to approve as nonconforming the existing uses and site conditions relative to the location of existing fuel dispensers and canopy from rights-of way and the location and dimensions of landscape transition areas, pursuant to Section 405.2B of the Baltimore County Zoning Regulations (B.C.Z.R.); 2) to approve the addition of the ancillary uses of a convenience store kiosk and self-service vacuum to the existing principal use fuel service station and ancillary ATM; and, 3) to amend the site plans approved in prior Cases Nos. 90-93-XSPH, 86-65-A and 70-229-RX, consistent with the relief requested and site plan submitted in the instant case; and 4) to approve such additional relief as the nature of this case may require. Lastly, the Petitioners request variance relief as follows: 1) to permit landscape transition areas for front, side and rear yards to be less than that required in Section 419.4.B.3 of the B.C.Z.R. (10 feet along the public right-of-way and 6 feet along side and rear yards which abut non-residentially zoned land); and 2) to permit amenity open space widths

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Date 5/27/04
By

less than the minimum required 10 feet, and less than the required 7 feet within a parking lot, as set forth in Section 101 of the B.C.Z.R. If the special hearing relief for existing conditions is denied, additional and alternative variance relief is requested from Section 405.4.A.2(a) of the B.C.Z.R. to permit; 1) the existing fuel pumps to be located 19 feet from the road right-of-way in lieu of the required 25 feet; and 2) the existing canopy to be located 8.6 feet from the road right-of-way in lieu of the required 15 feet. In addition, relief is requested from Section 405.4.A.2(b) of the B.C.Z.R. to permit landscape transition areas as follows: front - 4 feet in lieu of the required 10 feet; side – 5 feet in lieu of the required 6 feet; and rear – 4 feet in lieu of the required 6 feet. If the special exception relief is denied, then additional and alternative variance relief is requested from Section 405.6.A.3 of the B.C.Z.R. to permit the proposed use in combination as shown on the site plan. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Humayun Sheikh, principal of Iman Crown, Inc., property owner; William P. Monk, a representative of Morris & Ritchie Associates, Inc., the consultants who prepared the site plan for this property; and Howard L. Alderman, Esquire, attorney for the Petitioners. Appearing as interested citizens were Donna Spicer, who appeared on behalf of the Loch Raven Community Council and Loch Raven Business Association, and Stewart Dunn, a resident of Timonium. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the east side of Loch Raven Boulevard, just south of its intersection with Goucher Boulevard and Taylor Avenue in west Towson. The property contains a gross area of .69 acres, more or less, zoned B.L.-C.C.C. Indeed, the property is surrounded by the B.L.-C.C.C. zoning classification and commercial uses. Immediately, abutting the property to the south is a commercial building that was at one time a McDonald's restaurant, however is now vacant. To the north and east of the site is a large shopping center. The west side of the property abuts the right-of-way for Loch Raven Boulevard, and across that street are commercial/office/retail uses.

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The zoning history of the site reflects existing uses and conditions on the property. Initially, under Case No. 70-229-RX, a request to redistrict the site was approved and special exception relief granted for a coin-operated car wash; however, the car wash was never built. Thus, the special exception granted for the car wash lapsed, pursuant to Section 502.3 of the B.C.Z.R. Thereafter, in case No. 86-65-A, variance relief was granted to permit a double-faced sign larger than that permitted under the then sign regulations. Lastly, in Case No. 90-93-SPHX, special exception relief was denied to permit a convenience food store of less than 5,000 sq.ft. as a second principal use in combination with the gasoline service station. However, that case did recognize the existing gas and go operation, as well as the attendant kiosk then located on the property that handled the sale of small convenience items as well as fuel. The regulations subsequently changed (Bill No. 172-1993) to allow convenience food stores of less than 1500 sq.ft. in area as ancillary uses and thus, the "express mart" that exists today is permitted by right. The Petitioners now come before me seeking relief as set forth above to allow redevelopment of the subject site.

In this regard, the property is presently improved with six (6) multi-product fuel dispensers that are located in the center of the site. Additionally, there is a small kiosk building, which is manned by an employee who handles the sale of small convenience items and fuel. A canopy covers the fuel dispensers and kiosk to provide protection for customers purchasing fuel. There is also a small storage building located towards the rear of the property and an ATM.

The Petitioner proposes the construction of a 32' x 46' rollover car wash/convenience store building along the north (side) property line. The existing fuel dispensers, canopy and ATM will remain; however, the storage building and small kiosk will be removed. The existing convenience store will be relocated to a 10' x 46' area within the new car wash building and will be slightly larger than the existing store area. As important, the Petitioner plans to install landscaping. Presently, the site is nearly entirely paved and there is no landscaping. As shown on Petitioner's Exhibit 2, a colored version of the site plan, the Petitioner proposes to install landscaping along the front of the property. The existing curb cuts will remain at their present location; however will be narrowed to 30 feet at the entrance and 25 feet at the exit. Landscaping

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is also shown along the rear property line that will connect to areas of existing vegetation, which are currently separated by macadam. There will also be landscaping within the interior of the site.

Testimony indicated that the proposed improvements represent an upgrade to existing conditions. The site will be more attractive and the car wash and slightly enlarged convenience store will provide a further amenity to customers. It is also to be noted that the facility is accessible only to northbound Loch Raven Boulevard traffic in that there is an unbroken median that prohibits southbound traffic from entering the service station.

The relief requested is somewhat unusual given the history of the site. As to the Petition for Special Exception, the Petitioners seek approval of a rollover car wash as a use in combination with a fuel service station, pursuant to Section 405.4.E.2 of the B.C.Z.R. In addition, relief is requested to permit the proposed use in combination as shown on the site plan, pursuant to Section 405.6.A.3. Based on the testimony and evidence presented, I easily find that the Petitioners have met the requirements of Section 502.1 of the B.C.Z.R. and that the combined uses on the property will not be detrimental to the health, safety and general welfare of the locale. As noted above, this property is located in a commercial area with commercial, retail and office uses on all sides. The proposed use is consistent with the community and the redevelopment of the site will improve the overall appearance and aesthetics of the site.

Turning first to the Petition for Special Hearing, the relief requested to approve existing uses and site conditions as nonconforming shall be denied. In this regard, I believe it is more appropriate to grant the alternative variance relief requested to legitimize existing conditions and uses. However, I will approve the special hearing request for the addition of the ancillary uses of a convenience store kiosk and self-service vacuum to the existing uses, and an amendment to the previously approved site plans, accordingly. I find that the relief requested is consistent with Section 502.1 of the B.C.Z.R. and will not be detrimental to the health, safety and general welfare of the locale.

As to the Petition for Variance, I will grant relief to allow landscape transition area widths and amenity open space areas to be less than that required. As noted above, the B.C.Z.R.

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By

requires a minimum 10-foot wide landscape buffer along a public right-of-way and a 6-foot wide buffer along the rear and side property lines. There is no landscaping on the property now and the configuration of the property and existing development thereon precludes compliance with the landscape transition areas required by Code. Although the landscaping proposed is less than that required by law, it nonetheless represents an improvement to the property and recognizes existing site conditions. Likewise, I will approve amenity open space areas less than that required. As noted above, the proposal represents an upgrade to existing conditions and is an improvement nonetheless. The additional/alternative variance relief requested from Sections 405.4.A.2(a)&(b) shall be granted to legitimize the locations of the existing fuel pumps and canopy and permit landscape transition areas and amenity open space as proposed. In view of these approvals, the relief requested under Section 405.6.A.3 will be dismissed as moot.

A favorable Zoning Advisory Committee (ZAC) comment was also received from the Office of Planning. The Office of Planning has requested that all illegal signs be removed from the site and that the exterior façade of the proposed car wash building be done in brick to match the adjacent shopping center. Moreover, the Office of Planning has requested that building elevation drawings of the proposed improvements and a revised plan for landscaping treatments consistent with Petitioner's Exhibit 2 be submitted to that agency for review and approval prior to the issuance of any building permits. It was also requested that landscaping be provided in the island located to the rear of the car wash. In this regard, I find that landscaping in that area could cause visibility problems for vehicles queuing to the car wash. Moreover, during periods of snow removal, landscaping in that area could interfere with snow disposal and plowing of the property. Thus, I decline to incorporate this request as a restriction; however, the imposition of restrictions as to the other conditions requested by the Office of Planning is appropriate.

It is also to be noted that Donna Spicer appeared in support of the proposal on behalf of the local neighborhood association and business community. She testified that the landscaping installed in the community as part of the redevelopment of the Loch Raven Boulevard corridor stopped at the north side property line of this site and indicated that the Petitioner's proposal is a

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By

welcome improvement to the area. Ms. Spicer did suggest one minor change to the plan. She requested that the proposed landscaping at the small triangular area adjacent to the southern property line be expanded where it abuts Parking Space No. 3 to the width of that parking space. This change was agreed to at the hearing and initialed by the undersigned on the plan marked as Petitioner's Exhibit 2. It was believed that this minor change would improve traffic circulation and allow additional landscaping. Ms. Spicer also suggested that planters be located in the amenity open space area where the existing kiosk will be removed. The Petitioner indicated that he was planning to install some amenities in that area to break up the appearance of macadam; however, there was a question as to whether planters were appropriate or some other method of landscaping might be more suitable. I will leave this decision to the Petitioners' judgment.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of May 2004 that the Petition for Special Exception to allow a rollover car wash as a use in combination with a fuel service station, pursuant to Section 405.4.E.2 of the B.C.Z.R., and to permit the proposed use, pursuant to Section 405.6.A.3 thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the addition of the ancillary uses of a convenience store kiosk and self-service vacuum to the existing principal use fuel service station and ancillary ATM, and to amend the site plans approved in prior Cases Nos. 90-93-XSPH, 86-65-A and 70-229-RX, consistent with the relief requested and the site plan submitted into evidence as Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief as follows: 1) to permit landscape transition areas for front, side and rear yards to be less than that required in Section 419.4.B.3 of the B.C.Z.R. (10 feet along the public right-of-way and 6 feet along side and rear yards which abut non-residentially zoned land); 2) to permit amenity open space widths less than the minimum required 10 feet, and less than the required 7 feet within a parking lot, as set

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Date 5/21/04
By

forth in Section 101 of the B.C.Z.R.; 3) from Section 405.4.A.2(a) of the B.C.Z.R. to permit; 1) the existing fuel pumps to be located 19 feet from the road right-of-way in lieu of the required 25 feet; and 2) the existing canopy to be located 8.6 feet from the road right-of-way in lieu of the required 15 feet; and 4) from Section 405.4.A.2(b) of the B.C.Z.R. to permit landscape transition areas as follows: front - 4 feet in lieu of the required 10 feet; side – 5 feet in lieu of the required 6 feet; and rear – 4 feet in lieu of the required 6 feet, in accordance with Petitioner's Exhibits 1 and 2, 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) Prior to the issuance of any permits, the Petitioners shall submit elevation drawings of the proposed car wash/convenience store building and a revised plan for landscaping treatments consistent with Petitioner's Exhibit 2 to the Office of Planning for review and approval. The exterior façade of the proposed building shall be done in brick to match the adjacent shopping center

3) 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 of existing conditions and uses on the property as nonconforming, pursuant to Section 405.2B of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the alternative/additional variance requested from Section 405.6.A.3 of the B.C.Z.R. to permit the proposed use in combination as shown on the site plan, be and is hereby DISMISSED AS MOOT.

ORDER RECEIVED FOR FILING
Date 12/2/14
By

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

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

May 19, 2004

Howard L. Alderman, Jr., Esquire
Levin & Gann
502 Washington Avenue, 8th Floor
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
SE/S Loch Raven Boulevard, 740' SW of Taylor Avenue
(6819 Loch Raven Boulevard)
9th Election District – 5th Council District
Iman Crown, Inc. - Petitioners
Case No. 04-341-SPHXA

Dear Mr. Alderman:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Humayun Sheikh, 21 Manor Knoll Court, Baldwin, Md. 21013
Mr. William P. Monk, Morris & Ritchie Assoc., Inc.
1220-C E. Joppa Road, Suite 505, Towson, Md. 21286
Ms. Donna Spicer, 8719 Eddington Road, Baltimore, Md. 21234
Mr. Stewart Dunn, 313 Presway Road, Timonium, Md. 21093
Office of Planning; People's Counsel; Case File

Printed on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6819 Loch Raven Blvd.

which is presently zoned BL-CCC

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

SEE ATTACHED

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

I/We do 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:

NONE
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire
Name - Type or Print

Signature

Levin & Gann, PA
Company

502 Washington Avenue, Suite 800 410-821-0600
Address Telephone No.

Towson Maryland 21204
City State Zip Code

Legal Owner(s):

IMAN CROWN, INC.
Name - Type or Print

By: Humayun Sheikh
Signature Humayun Sheikh, President

HUMAYUN SHEIKH
Name - Type or Print

Signature

6819 Loch Raven Boulevard 443-562-2273
Address Telephone No.

Baltimore MD 21286
City State Zip Code

Representative to be Contacted:

William P. Monk @ MRA, Inc.
Name

1220-C East Joppa Road, Suite 505 410-821-1690
Address Telephone No.

Towson MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2½ hrs

UNAVAILABLE FOR HEARING

Reviewed By Date 1-29-04

ORDER RECEIVED FOR FILING
Date 1/21/04
By

Case No. 04-341 SPHA

REV 9/15/98

ATTACHMENT

PETITION FOR SPECIAL HEARING

CASE NO: 04-341-SPHXA

Address: 6819 Loch Raven Boulevard

Legal Owners: IMAN CROWN, INC.

Present Zoning: BL-CCC

REQUESTED RELIEF:

"*why the Zoning Commissioner should*" [1] approve the non-conforming existing uses [BCZR 405.2B] and site conditions relative to location of fuel dispensers from right-of-way, location of canopy from right-of-way and location and dimensions of landscape transition areas; **and** [2] approve the addition of the ancillary uses of a convenience store kiosk [BCZR 405.4D.2] and self-service vacuum [404.4D.4] to the existing principal use fuel service station and ancillary ATM [BCZR 405.4D.3]; **and** [3] approve an amendment to the site plans in Case Nos. 90-93-XSPH, 86-65-A and 70-229-RX consistent with the relief requested and site plan to accompany this Petition; **and** [4] such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801
halderman@LevinGann.com

ORDER RECEIVED FOR FILING
Date 3/29/04
By

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 6819 Loch Raven Blvd.

which is presently zoned BL-CCC

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

SEE ATTACHED

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

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

Contract Purchaser/Lessee:

NONE

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

IMAN CROWN, INC.

Name - Type or Print

By: Humayun Sheikh

Signature

Humayun Sheikh, President

HUMAYUN SHEIKH

Name - Type or Print

Signature

6819 Loch Raven Boulevard 443-562-2273

Address Telephone No.

Towson MD 21286

City State Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire

Name - Type or Print

Signature

Levin & Gann, PA Nottingham Centre, 8th Floor

Company

502 Washington Avenue 410-321-0600

Address Telephone No.

Towson, MD 21204

City State Zip Code

Representative to be Contacted:

William P. Monk @ MRA, Inc.

Name

1220-C East Joppa Road, Suite 505 410-821-1690

Address Telephone No

Towson MD 21286

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING See SPH

UNAVAILABLE FOR HEARING

Reviewed By Date 1-29-04

ORDER RECEIVED FOR FILING

Date

By

Case No. 04-341 SPHXA

REV 09/11/98

ATTACHMENT

PETITION FOR SPECIAL EXCEPTION

CASE NO: 04-341-SPHXA

Remand

Address: 6819 Loch Raven Boulevard

Legal Owners: IMAN CROWN, INC.

Present Zoning: BL-CCC

REQUESTED RELIEF:

Special Exception Uses Requested:

- roll-over car wash in combination with a fuel service station per BCZR Section 405.4E2; and pursuant to BCZR 405.6A.3 to permit the proposed use in combination proposed as shown on the Plat to accompany this Petition and

- for such further relief as the nature of this Petition and Property may require.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801
halderman@LevinGann.com

ORDER RECEIVED FOR FILING
Date 3/31/04
By

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6819 Loch Raven Blvd.

which is presently zoned BL-CCC

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

SEE ATTACHED

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

SEE ATTACHED

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire
Name - Type or Print

Signature

Levin & Gann, PA Nottingham Centre, 8th Floor
Company

502 Washington Avenue 410-321-0600
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

IMAN CROWN, INC.
Name - Type or Print

By: Humayun Sheikh
Signature Humayun Sheikh, President

HUMAYUN SHEIKH
Name - Type or Print

Signature

6819 Loch Raven Boulevard 443-562-2273
Address Telephone No.

Baltimore MD 21286
City State Zip Code

Representative to be Contacted:

William P. Monk @ MRA, Inc.
Name

1220-C East Joppa Road, Suite 505 410-821-1690
Address Telephone No.

Towson MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING See SPH

UNAVAILABLE FOR HEARING

Case No. 04-341-SPH & A

Reviewed By Date 1-29-04

ORDER RECEIVED FOR FILING
Date 1/19/04
By

ATTACHMENT
PETITION FOR VARIANCE

CASE NO: 04-341-SPHXA

Address: 6819 Loch Raven Boulevard

Legal Owners: IMAN CROWN, INC.

Present Zoning: BL-CCC

Revised

REQUESTED RELIEF:

A. To permit otherwise required landscape transition areas for front, side and rear yards to be less than the minimum requirements set forth in BCZR §419.4B.3 [10' required along public ROW and 6' per side and rear yards which abut non-residentially zoned land]; and

B. To permit amenity open space widths to be less than the minimums set forth in BCZR § 101 [10' minimum width and less than 7' minimum width within a parking lot], all as shown more particularly on the Plat to accompany this Petition.

IF THE SPECIAL HEARING RELIEF ON EXISTING CONDITIONS IS NOT GRANTED, THE FOLLOWING, ADDITIONAL AND ALTERNATIVE RELIEF:

ALT-A: From BCZR § 405.4A.2.a to permit: i) the existing fuel pumps to be located 19 feet from the road right of way in lieu of the 25 feet required: and ii) the existing canopy to be located 8.6 feet from the road right of way in lieu of the 15 feet required;

ALT-B: From BCZR § 405.4A.2.b to permit the following landscape transition areas: front - 4 feet in lieu of the 10 feet required; side - 5 feet in lieu of the 6 feet required; and rear - 4 feet in lieu of the 6 feet required; and

ALT-C: From BCZR 405.6A.3 to permit the proposed use in combination proposed as shown on the Plat to accompany this Petition.

Special Ex —

JUSTIFICATION:

A. To bring existing site and proposed modifications into compliance to the extent possible;
B. Existing topographic and environmental constraints; and
C. For such further reasons that will be presented at the hearing on this Petition.

For Additional Information Contact:

ORDER RECEIVED FOR FILING
Date 3/31/04
By

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Nottingham Centre
502 Washington Avenue
8th Floor
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801
halderman@LevinGann.com

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

ZONING DESCRIPTION

Beginning at a point located on the southeasterly side of Loch Raven Boulevard which has a width of 90 feet at the distance of 740 feet southwesterly of the centerline of the nearest intersecting street, Taylor Avenue, which has a variable width. **Thence** the following courses and distances:

South 53 degrees 35 minutes 00 seconds East, 159.69 feet; South 36 degrees 25 minutes 00 seconds West, 119.69 feet; North 77 degrees 20 minutes 00 seconds West, 174.47 feet to a point; North 36 degrees 25 minutes 00 seconds East, 189.96 feet to the point and place of beginning and being known and designated as #6819 Loch Raven Boulevard.

Containing 24,724 square feet or 0.5676 acres of land, more or less, and being located in the Ninth Election District of Baltimore County, Maryland.

STATE OF MARYLAND
MICHAEL E. RAY
11041
PROFESSIONAL LAND SURVEYOR

12/31/03

341

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821 1748 www.mragta.com

Abingdon, MD (410) 515-9000 ✦ Annapolis Junction, MD (410) 792 9792 ✦ Towson, MD (410) 821-1690 ✦ Georgetown, DE (302) 855-5734 ✦ Wilmington, DE (302) 326-2200

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case No. 28114
04-341 SPHXA

DATE 1-29-04 ACCOUNT R-001-006-6150

AMOUNT $ 800.00

RECEIVED FROM: IMAN CROWN, INC.

FOR: Commercial Special Exception Hearing & Variance
@ 6819 Loch Raven Blvd. Towson

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
1/30/2004	1/29/2004	15:33:50	2

REF 0502 MAIL JUN JEE
>>RECEIPT # 319671 1/29/2004 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 028114
Recpt Tot $800.00
$800.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 35793

DATE 3/30/04 ACCOUNT 001-006-6150

AMOUNT $ 200.00

RECEIVED FROM: Morris Ritchie / Howard Alderman

FOR: Revised Petitions 04-341-SPHXA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRAW
3/31/2004	3/30/2004	14:39:33	2

REG WS04 WALKIN DOOL DMD
MISCRECEIPT # 260273 3/30/2004 DELM
Desc: 5 SGS ZONING VERIFICATION
MISC NO. 035793
Check Tot $200.00
SCALLOP 2 [illegible]
Baltimore County, Maryland

CASHIER'S VALIDATION

REVISED 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: #04-341-SPHXA
6819 Loch Raven Boulevard
SE/side of Loch Raven Blvd., 740 ft. s/west of centerline of Taylor Avenue
9th Election District - 5th Councilmanic District
Legal Owner(s): Iman Crown, Inc., Humayun Sheikh, President

Special Exception: to permit a roll-over car wash in combination with a fuel service station and to permit the proposed use in combination proposed as shown on the Plat to accompany this Petition and for such further relief as the nature of this Petition and Property may require. **Special Hearing:** to permit the non-conforming and existing uses and site conditions and approve the addition of the ancillary uses of a convenience store kiosk and self-service vacuum. To approve an amendment to the site plans in case nos. 90-93-XSPH, 86-65-A and 70-229-RX. **Variance:** to permit landscape transition areas for front, side and rear yards to be less than the minimum requirements set forth in BCZR 419.4.B.3, 10 feet required along public ROW and 6 feet per side and rear yards. To permit amenity open space widths to be less than the minimums, 10 foot minimum width and less than 7 feet minimum width within a parking lot. To permit the following landscape transition areas 4 feet in lieu of the 10-foot required side, 5 feet in lieu of the 6 feet required and rear 4 feet in lieu of the 6 required and to permit the proposed used in combination proposed as shown on the Plat to accompany this Petition.

Hearing: Wednesday, May 5, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT/4/743 Apr. 20 C660631

CERTIFICATE OF PUBLICATION

4/22/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/20/, 2004.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-341-SPHXA

Petitioner/Developer: IMAN CROWN, LL
HUMANYUN SHEIKH PRESIDENT

Date of Hearing/Closing: MAY 5, 2004

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

ATTN: Kristen Matthews {(410) 887-3394}

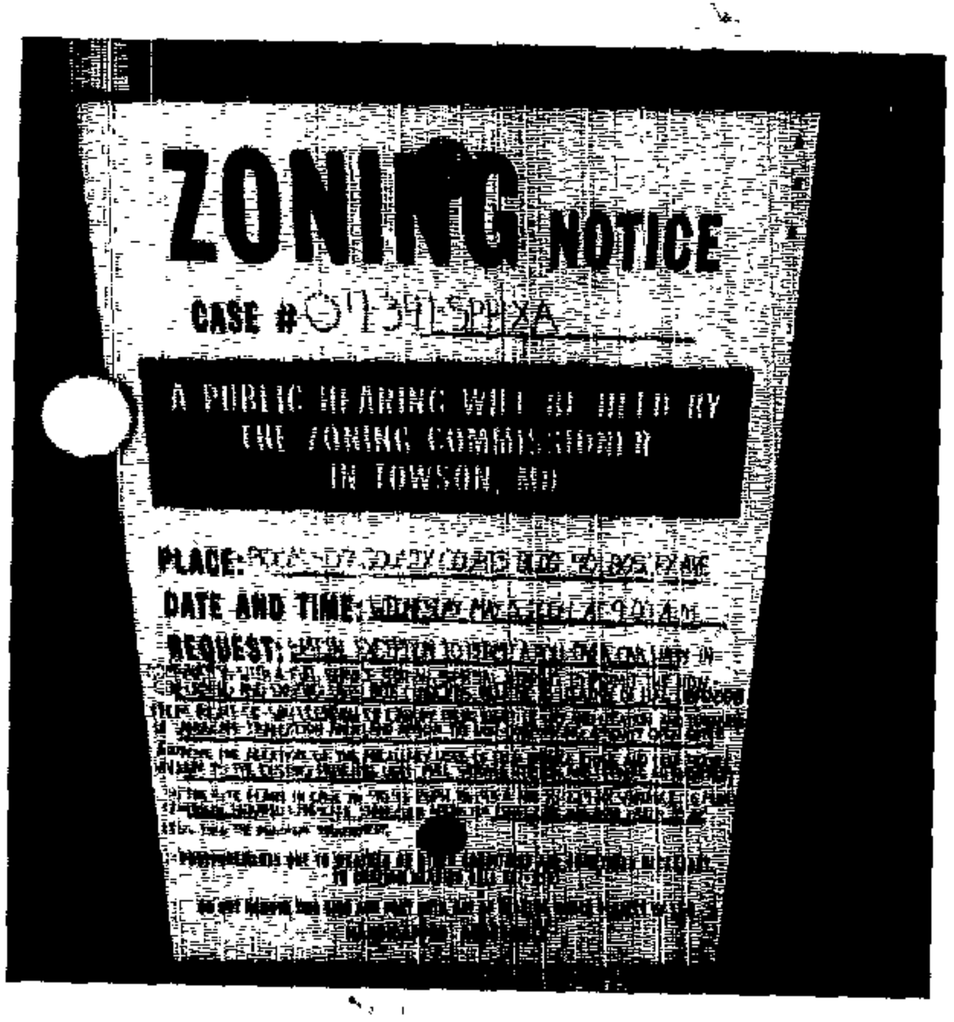
Ladies and Gentlemen:

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

6819 LOCH RAVEN BLVD

The sign(s) were posted on 4/17/04
(Month, Day, Year)

Sincerely,



Robert Black 4/17/04
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

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

(410) 282-7940
(Telephone Number)

RE: PETITION FOR SPECIAL HEARING SPECIAL EXCEPTION & VARIANCE 6819 Loch Raven Blvd; SE/side Loch Raven Blvd, 740' SW c/line of Taylor Avenue 9th Election & 5th Councilmanic Districts Legal Owner(s): Iman Crown, Inc; Humanvun Sheikh, President Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 04-341-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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
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 17th day of March, 2004, a copy of the foregoing Entry of Appearance was mailed to William P Monk, @MRA Inc, 1220C East Joppa Road, Suite 505, Towson, MD 21286, and to Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
MAR 17 2004
Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 20, 2004 Issue - Jeffersonian

Please forward billing to:
Humanyun Sheikh
6901 Loch Raven Blvd.
Towson, MD 21286

443-562-2273

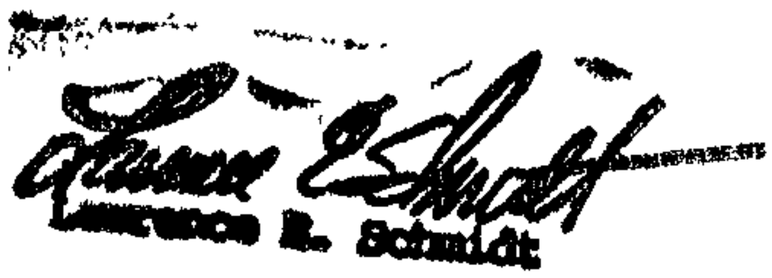
NOTICE OF ZONING HEARING

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: 04-341-SPHXA
6819 Loch Raven Boulevard
SE/side of Loch Raven Blvd., 740 ft. s/west of centerline of Taylor Avenue
9th Election District – 5th Councilmanic District
Legal Owner: Iman Crown, Inc., Humanyun Sheikh, President

Special Exception to permit a roll-over car wash in combination with a fuel service station. Special Hearing to permit the non-conforming and existing uses site conditions relative to location of fuel dispensers from right-of-way, location of canopy from right-of-way and location and dimensions of landscape transition areas, and approve the non-conforming amenity open space, approve the addition of the ancillary uses of food service kiosk and self-service vacuum to the existing principal used fuel service station, and approve an amendment to the site plans in case no. 90-93-XSPH, 86-95-A and 70-229-RX. Variance to permit otherwise required landscape transition areas for front, side and rear yards to be less than the minimum requirement.

Hearing: Wednesday, May 5, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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

March 16, 2004

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:

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6819 Loch Raven Boulevard
SE/side of Loch Raven Blvd., 740 ft. s/west of centerline of Taylor Avenue
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Hearing: Wednesday, May 5, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Nottingham Centre, 502 Washington Ave., 8th Fl., Towson 21204
Humanyun Sheikh, Iman Crown, Inc., 6819 Loch Raven Blvd., Towson 21286
William Monk, MRA, Inc., 1220 C East Joppa Rd., Ste. 505, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 20, 2004.**
(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

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements The newspaper will bill the person listed below for the advertising This advertising is due upon receipt and should be remitted directly to the newspaper

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 04-341 SPHXA

Petitioner: TMAN CROWN, INC.

Address or Location: 6819 LOCH RAVEN BLVD.

PLEASE FORWARD ADVERTISING BILL TO

Name: HUMAYUN SHEIKH

Address: 6901 LOCH RAVEN BLVD

TOWSON, MD 21286

Telephone Number: 443-562-2273

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

April 27, 2004

Howard L. Alderman, Jr. Esquire
Levin & Gann, PA
502 Washington Avenue, Suite 800
Towson, Maryland 21204

Dear Mr. Alderman:

RE: Case Number:04-341-SPHXA, 6819 Loch Raven Boulevard.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 29, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
IMAN Crown, Inc. Humayun Sheikh 6819 Loch Raven Blvd. Baltimore 21286
William Monk, MRA, Inc. 1220-C East Joppa Road, Ste. 505 Towson 21286

Printed on Recycled Paper

Fire Department

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

Baltimore County

James T Smith, Jr, County Executive
John J Hohman, Chief

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

April 9, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: April 12, 2004

Item No.: (341) 450-456

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.

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

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

cc: File

Fire Department

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

Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

March 15, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 15, 2004

Item No.: 341, 399-412

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.

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

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

cc: File

RECEIVED
MAR 16 2004
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: April 5, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For March 22, 2004
Item Nos. 341, 400, 401, 402, 403,
405, 406, 407, 408, 410, 411, and 412

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: May 18, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For April 19, 2004
Item Nos. 341, 450, 451, 452, 453, 454,
455, and 456

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS/JDU

DATE: April 5, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 8, 2004

__X__ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-341
04-399
04-400
04-401
04-402
04-405
04-407
04-412

Reviewers: Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS/JDO

DATE: April 5, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of April 12, 2004

__X__ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-341
04-451
04-452
04-453
04-454
04-456

Reviewers: Sue Farinetti, Dave Lykens Date: May 5, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

RECEIVED

MAR 4 2004

ZONING COMMISSIONER

DATE: March 3, 2004

TO: Lawrence Schmidt, Zoning Commissioner

FROM: John Sullivan

SUBJECT: Case 04-341-SPHXA

These petitions were filed with a number of issues outstanding. Due to apparent conflicts with the Zoning Regulations staff feels that it is appropriate to advise you of these issues. The latest zoning case number 90-93 SPHX approved this site as non-conforming as to the service station use and various other issues as to use. The current setbacks as shown for the existing canopy are also deficient. The addition of a use in a combination car wash constitutes a change in use requiring a Special Exception and as such all current site standards under section 405 become applicable for all uses and structures on the site. This is pursuant to section 104 and perhaps more importantly per section 405.6.A3 that requires that compliance with section 405.4 ie. Fuel Station Standards be met Staffs opinion that any attempt to petition for a use in combination (car wash) requires compliance with these use standards and in no way can non-conformity remain in effect for said standards. As to the actual service station use staff has not been provided with an approved shopping center plan to demonstrate that the existing service station now meets S.405.2.A.1.

We believe that this site can be more properly approved by requesting a special exception for the carwash (any existing or proposed uses and combinations).

These requests would necessarily be accompanied by variances to relieve conflicts with the zoning regulations involving site design standards, setbacks, etc. One question also remains as to the proposed food service constituting part of the convenience store use and not being any form of restaurant, which would require an additional special exception as a use in combination with additional site standards, ie lot area increases. Based on the above at this time staff cannot recommend approval of the petitions requested as they currently stand.

Please be aware that if and when revised plans become available a thorough review by this office is strongly suggested prior to the continuance of any further actions.

c: John Murphy, Deputy Commissioner Case 04-341 SPHXA
File

JJS/rjc

Rg 5/5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: April 2, 2004

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

RECEIVED
APR - 7 2004
ZONING COMMISSIONER

SUBJECT: 6819 Loch Raven Blvd.

INFORMATION:

Item Number: 4-341

Petitioner: Iman Crown, Inc.

Zoning: BL-CCC

Requested Action: Special Hearing/Variance

SUMMARY OF RECOMMENDATIONS:

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

1. Remove all illegal signs from the subject site.
2. Provide landscaping in the island located to the rear of the car wash.
3. The exterior façade of the proposed car wash shall be done in brick. Provide building elevations (all sides), and a revised plan addressing the above landscaping requirements to this office for review and approval prior to the issuance to any building permits.

For more information concerning the matters stated herein, please contact Karin Brown at 410-887-3480.

Prepared by: Mark A Cunningham

Division Chief: Lynn Lanham
AFK/LL:MAC:

5/5

ZAC AGENDA

Item Number: 341 **Case Number:** 4-341-SPHXA **Primary Use:** Commercial **Reviewer:** JJS

Type: Special Exception Special Hearing Variance

Legal Owner: Iman Crown, Inc. Humayun Sheikh, President

Received

Contract Purchaser

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist** 9th **Councilmanic Dist** 5th

Property Address: 6819 Loch Raven Blvd

Location: SE/side Loch Raven Blvd, 740-feet SW of centerline of Taylor Avenue

Area: 24,724 square feet

Existing Zoning: BL-CCC

Proposed Zoning: SPECIAL EXCEPTION to permit a roll-over car wash in combination with a fuel service station and to permit the proposed use in combination proposed as shown on the Plat to accompany this Petition and for such further relief as the nature of this Petition and Property may require.

SPECIAL HEARING to permit the non-conforming and existing uses and site conditions and approve the addition of the ancillary uses of a convenience store kiosk and self-service vacuum. To approve an amendment to the site plans in Case nos. 90-93-XSPH, 86-65-A, and 70-229-RX.

VARIANCE to permit landscape transition areas for front, side and rear yards to be less than the minimum requirements set forth in BCZR 419.4B.3[10 feet required along public ROW and 6 feet per side and rear yards. To permit amenity open space widths to be less than the minimums, 10 foot minimum width and less than 7 feet minimum width within a parking lot. To permit the following landscape transitions areas 4 feet in lieu of the 10 foot required side 5 feet in lieu of the 6 feet required, and rear 4 feet in lieu of the 6 feet required and to permit the proposed use in combination proposed as shown on the Plat to accompany this Petition.

Attorney: Howard L. Alderman, Esq.

Miscellaneous:

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

SHA
State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4·13·04

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

RE: Baltimore County
Item No. 341 JJS

Dear Ms.Matthews:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 542.
are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

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

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

SHA
Driven to Excel
State Highway Administration
MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: March 22, 2004

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

RE: Baltimore County
Item No. 341 (JJS)
6819 Loch Raven Blvd.
MD 542
Mile Post 0.86

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval of the Special Hearing. However, we will require the owner to obtain an access permit. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

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

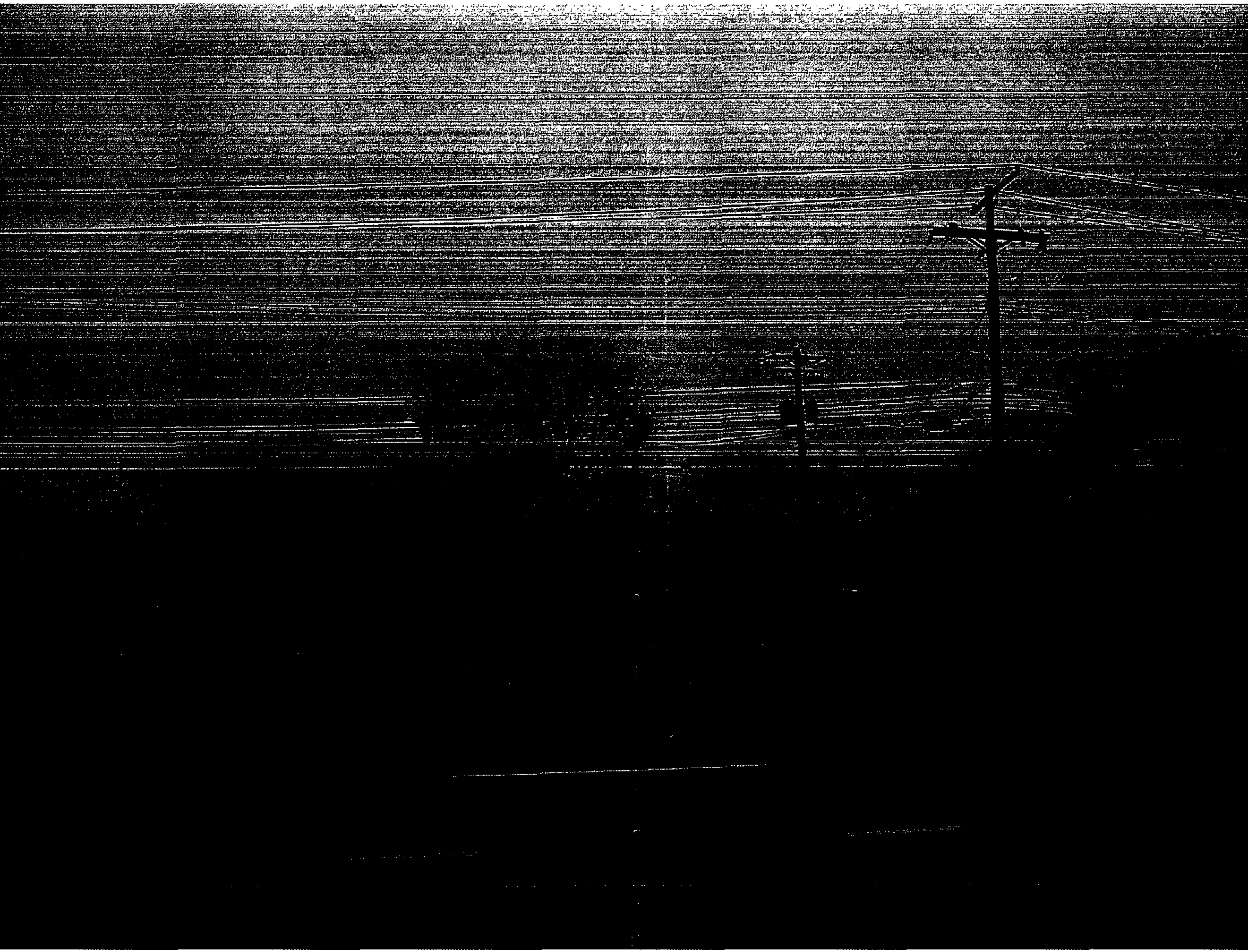
February 4, 2004

To: Zoning Commissioner/Deputy Zoning Commissioner
From: John J. Sullivan, Planner II
Subject: Case Number: 04-341-SPHXA

RESTAURANT ?
SPX > LOT AREA
MIN + > PARK.

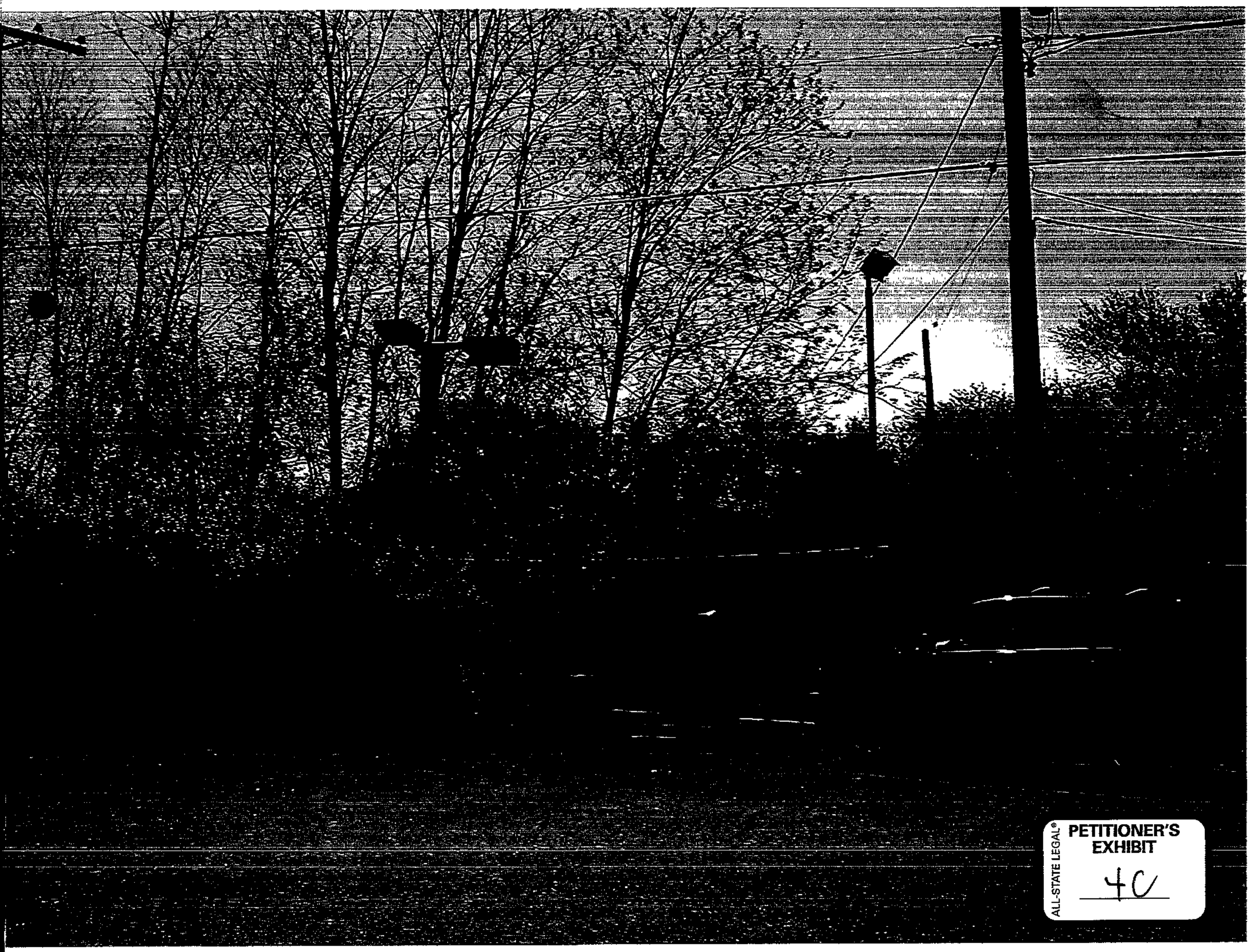
This office does not recommend approval of the petition requests. The requested variances do not give specific variance distances on the application or the site plan. Additionally, since there are proposed changes to the non-conforming use, i.e. a carwash, this office does not believe that the submitted site plan should be approved as is.

C: William Monk, P.E., Morris & Ritchie Associates, Inc. 1220-C East Joppa Road, Suite 505 Towson, 21286
Howard Alderman, Esq., Levin & Gann, P.A. Nottingham Center, 8th floor, Towson 21204



ALL-STATE LEGAL®
PETITIONER'S EXHIBIT
4A

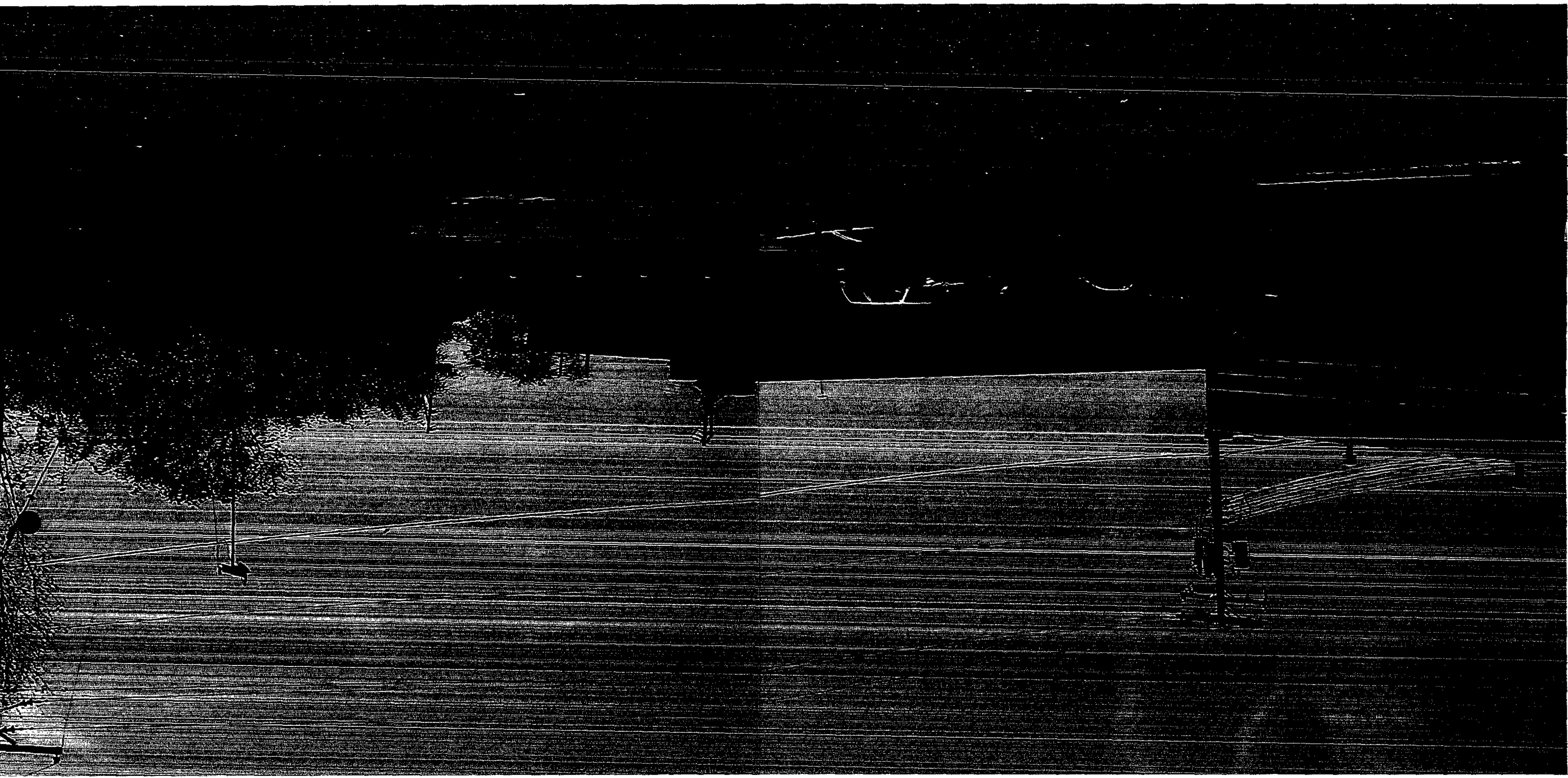
ALL-STATE LEGAL®
PETITIONER'S EXHIBIT
4B

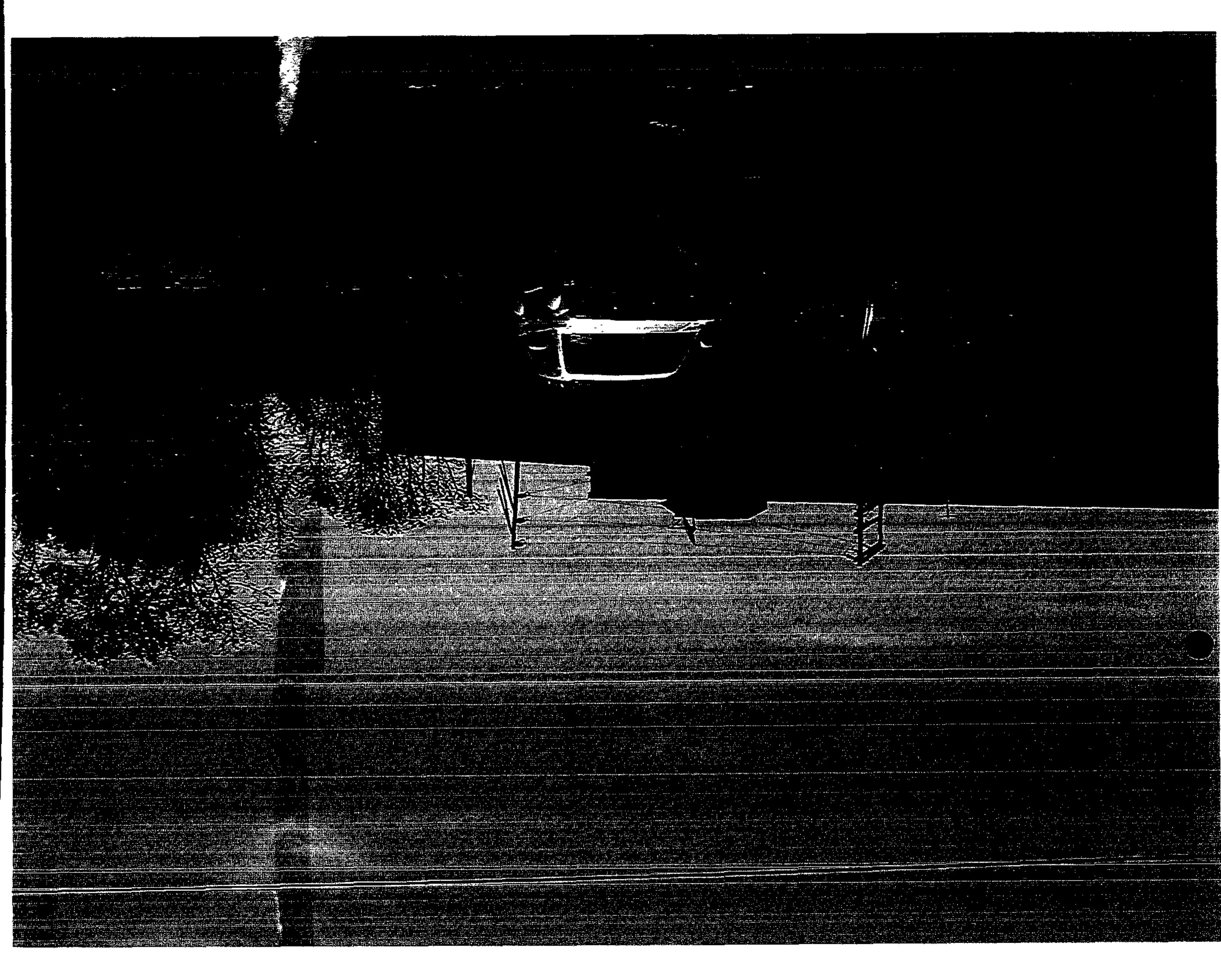


ALL-STATE LEGAL®

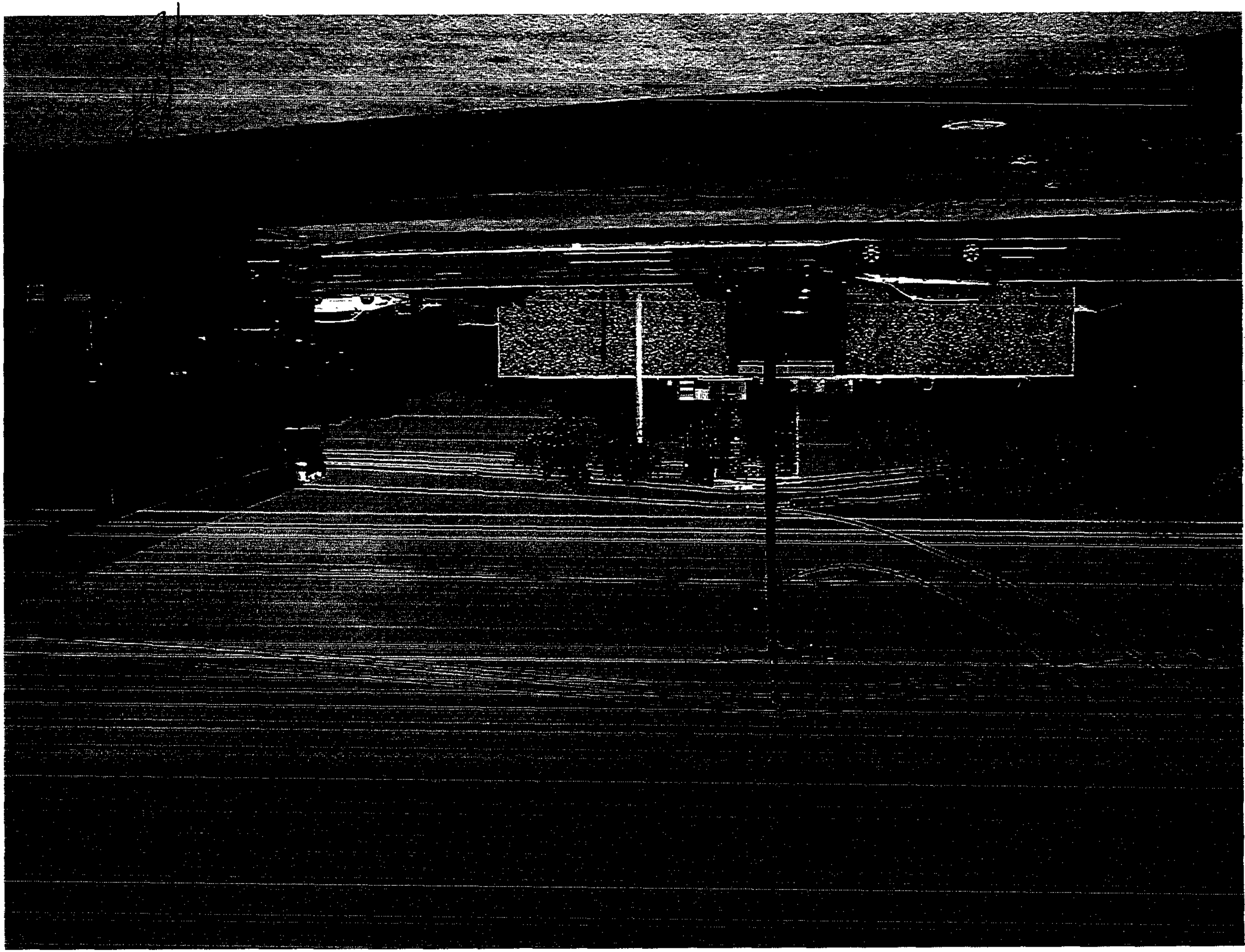
PETITIONER'S EXHIBIT

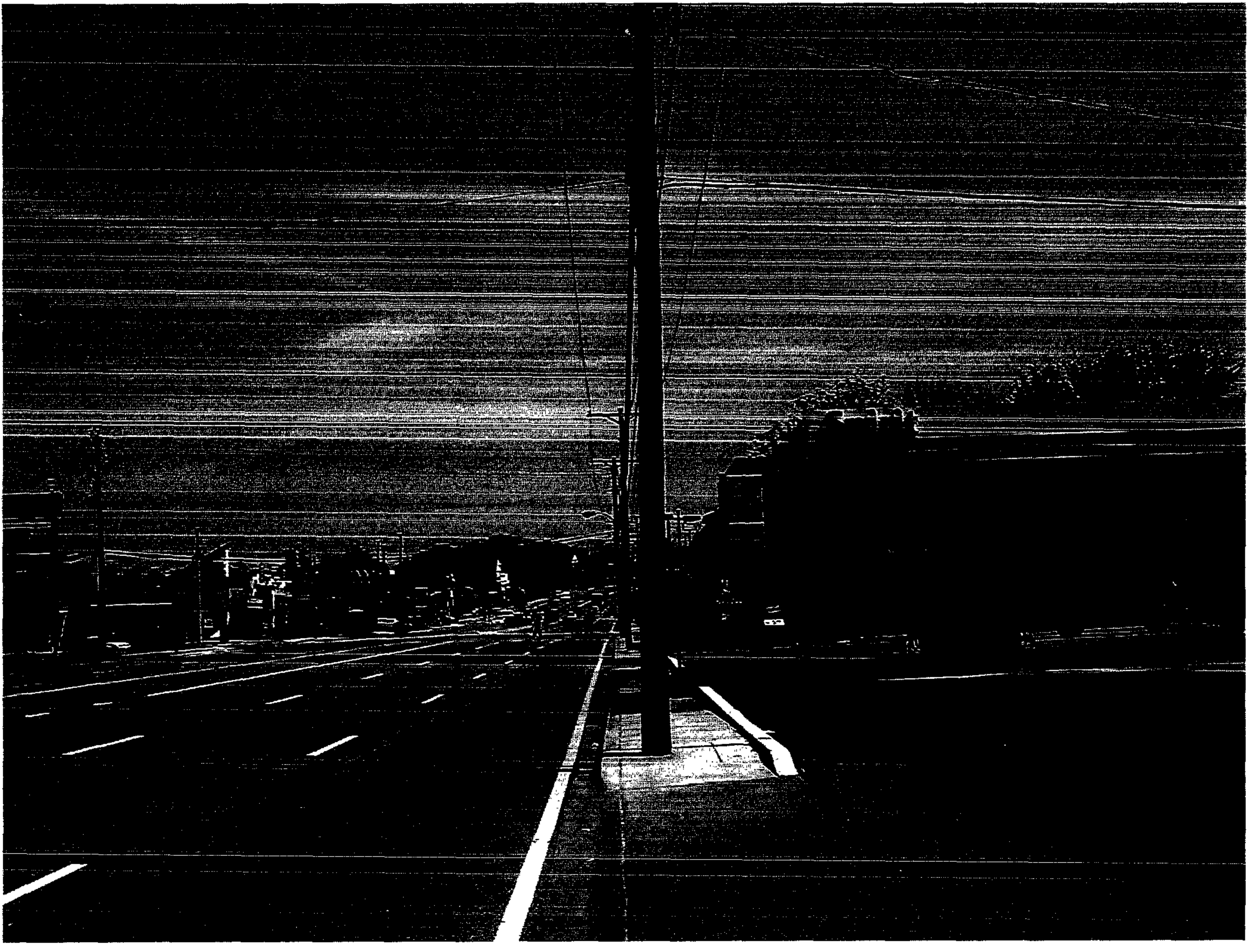
4C

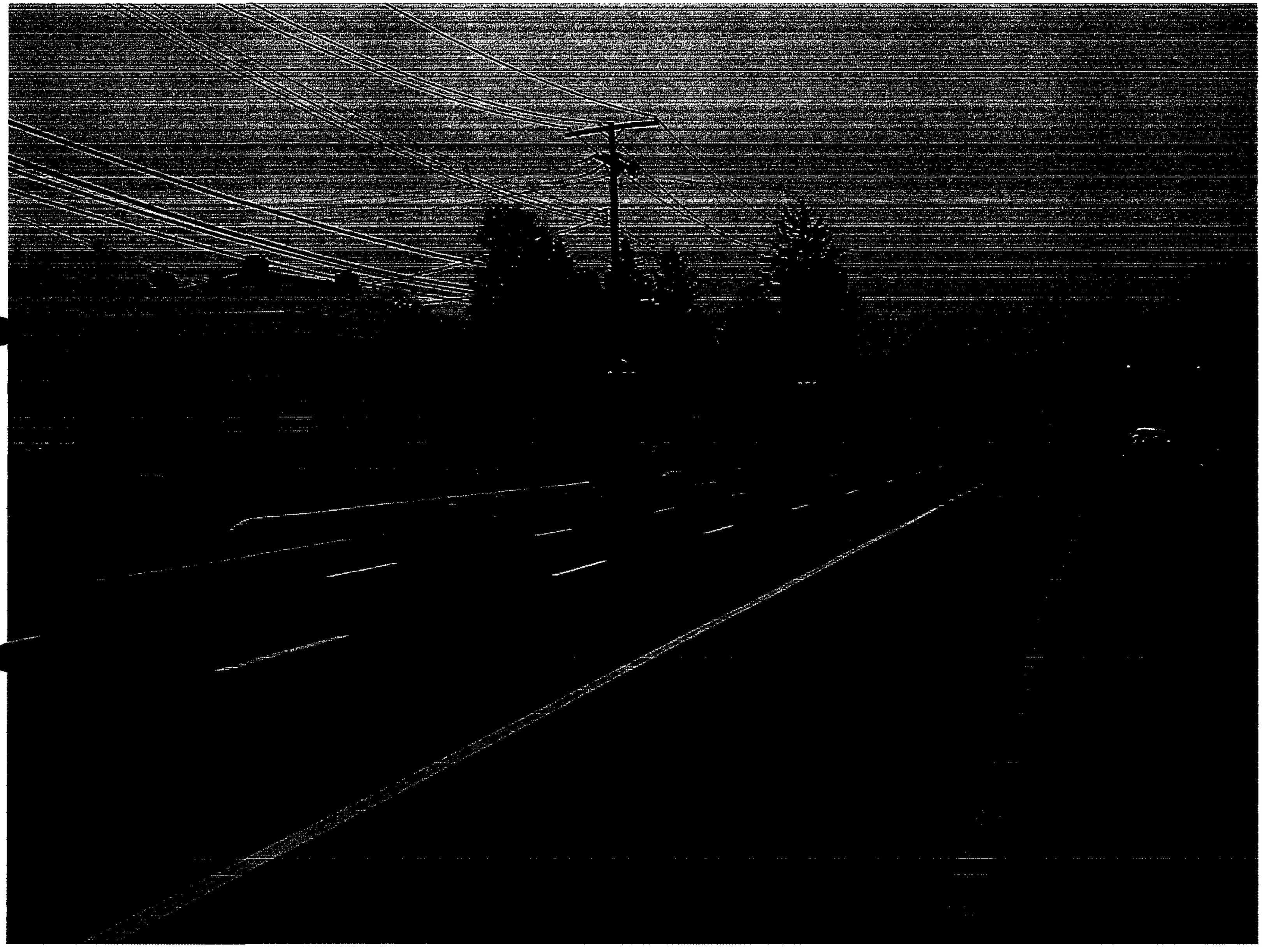




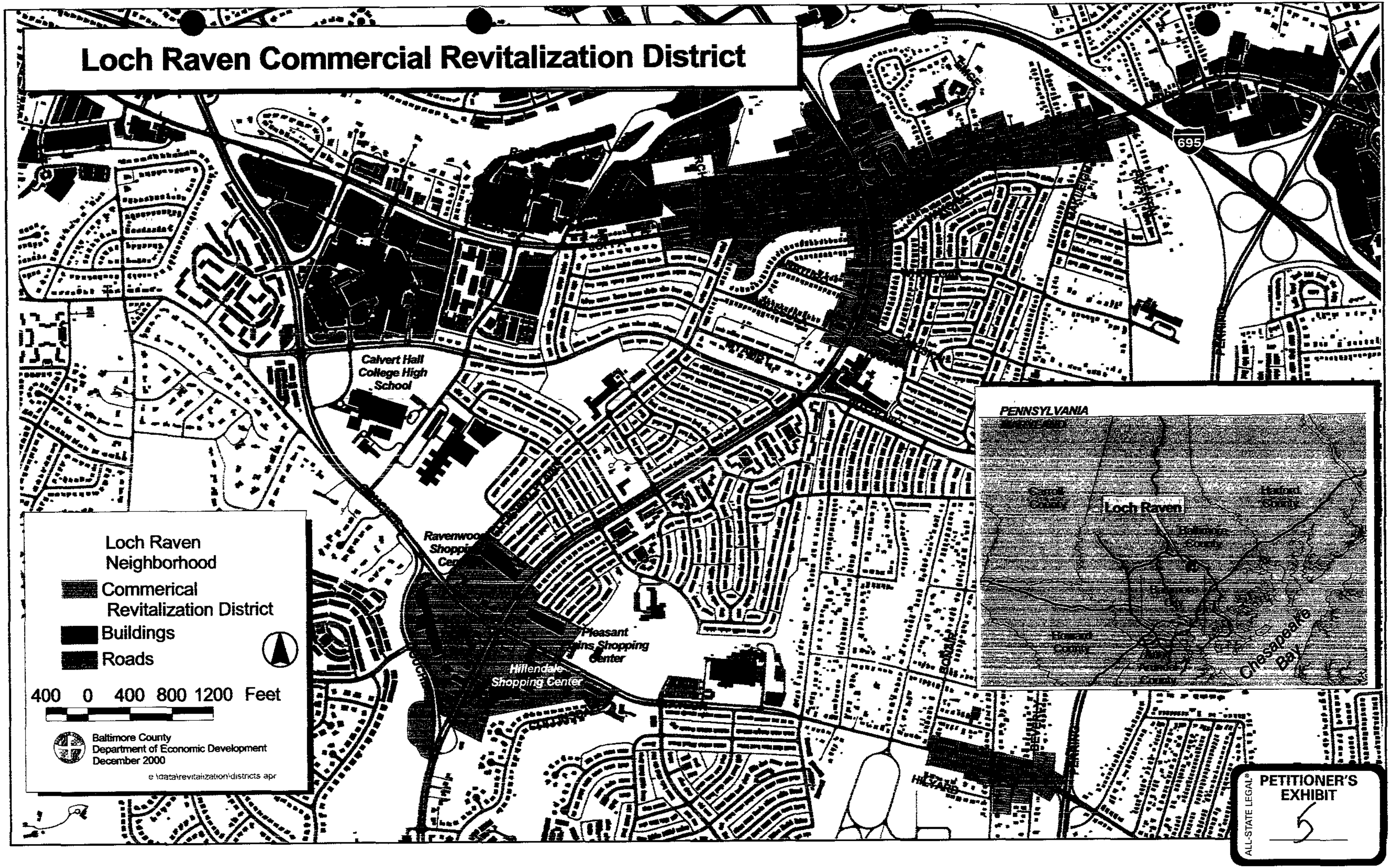
PETITIONER'S
EXHIBIT
5
ALL-STATE LEGAL®







Loch Raven Commercial Revitalization District



EXHIBIT

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION - E/S Loch Raven Boulevard, 700' SE of Taylor Avenue (6819 Loch Raven Boulevard) 9th Election District 6th Councilmanic District Crown Stations, Inc. Petitioners	*	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-93-SPHX

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the previously approved site plan in Case No. 70-229-RX, and a special exception for a food store with less than 5,000 sq.ft. as a use in combination with a gasoline service station, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Bernard F. Mannion, Real Estate Division, and Michael P. Malone, Engineering Division, appeared, testified and were represented by Andrew Lapayowker, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 6819 Loch Raven Boulevard, consists of .57 acres zoned B.L.-C.C.C. and is improved with a gas and go service station. Petitioners propose removing the existing attendant kiosk and replacing same with a new building containing 462 sq.ft. total for an "express mart" convenience food store and an area where customers can pay for gasoline purchases.

Testimony indicated that a Petition for Zoning Redistricting and/or Special Exception regarding the subject property was granted on December 30 1970 in Case No. 70-229-RX The property was redistricted from B.L.-C.C.C. to B.L.-C.S.A., which permitted a service station as of right, and granted a special exception for a coin-operated car wash. The coin-operated car wash was never installed, thus, the special exception

ORDER RECEIVED FOR FILING
Date 2/11/91
By

ORDER RECEIVED FOR FILING

PLEASE PRINT CLEARLY

CASE NAME 4-341SPHXA
CASE NUMBER 6819 LOCHRAVEN BLVD
DATE 5-5-04

CITIZEN'S SIGN-IN SHEET

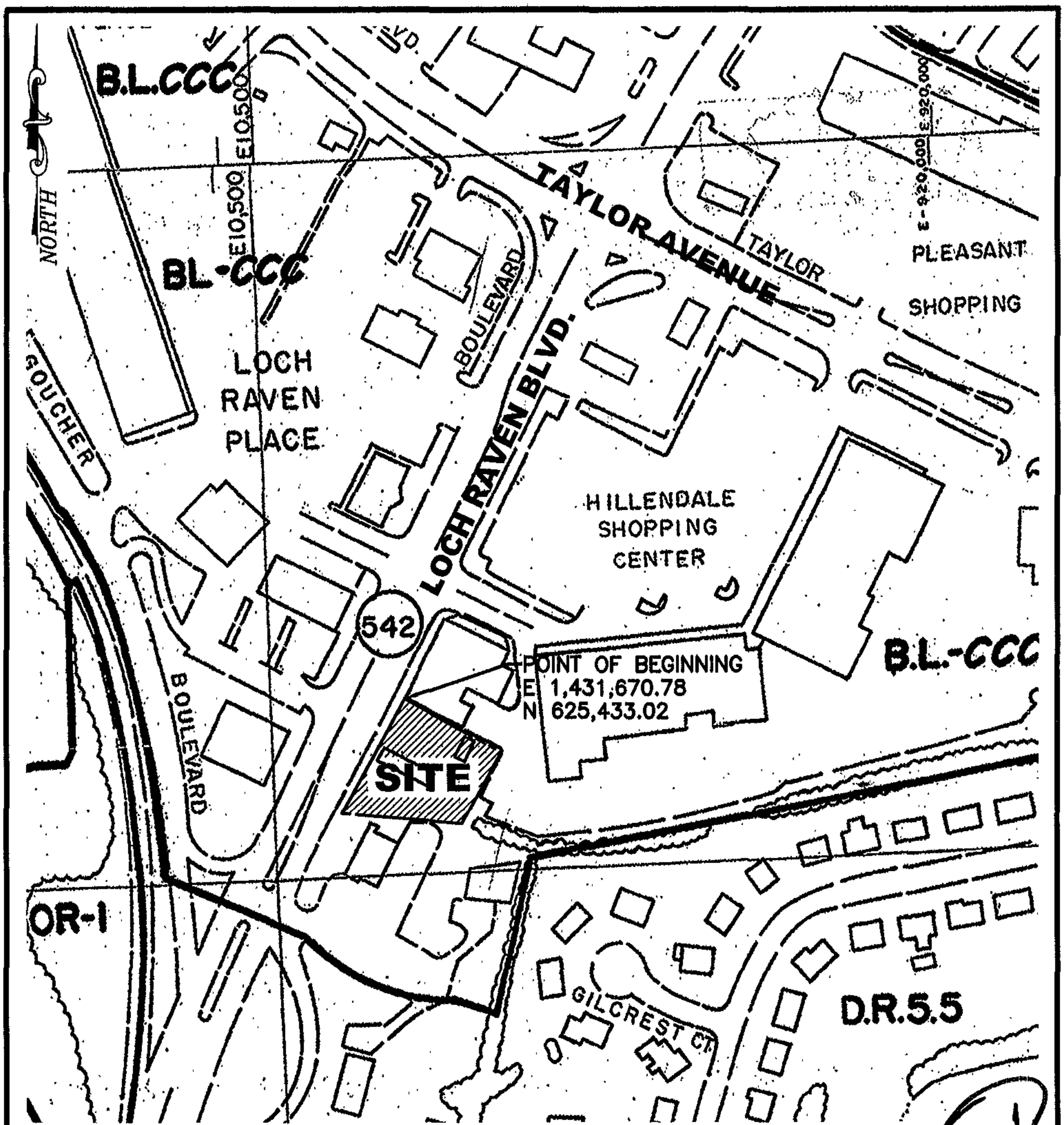
NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
DONNA SPICER	8719 EDDINGTON Rd	Balto. MD. 21234	FAX 410-668-0569
STEWART DUNN	313 PRESWAY Rd	Timonium MD 21093	
JEN SHAYNE	NORTHEAST REPORTER	TOWSON, MD	410·337 2425 x3448

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER
DATE 05 May 04

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
HUMAYUN SHEIKH	21, MANOR KNOLL CT	BALDWIN MD 21013	GUDDIBAZ@AOL.COM
BILL MONK	1220-C E. JOPPA ROAD		
	SUITE 505		
	TOWSON 21286		wmonk@mragta.com
Howard Alderman	502 Washington Ave Ste 700	Towson MD 21204	



MRA

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS

1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748

ZONING EXHIBIT

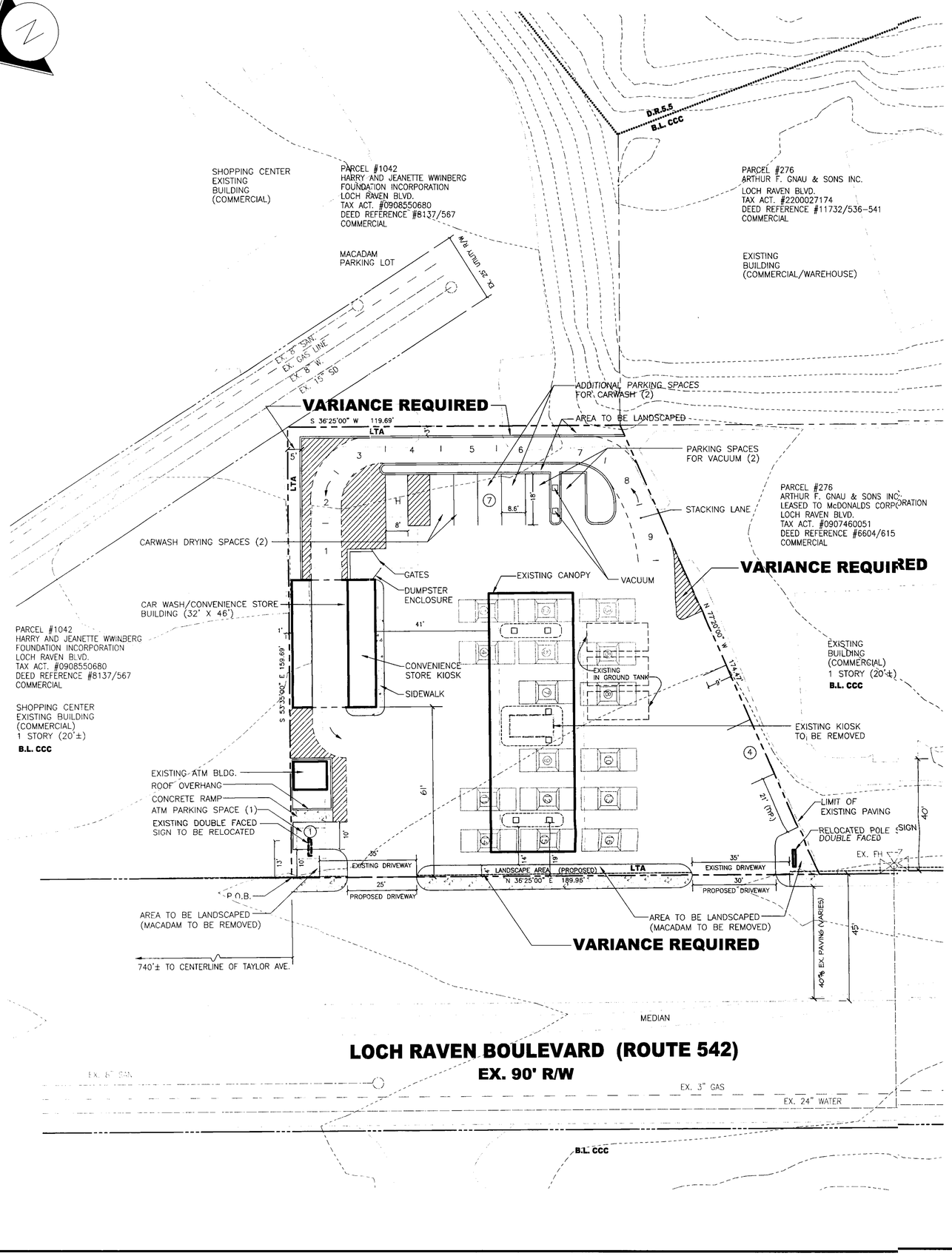
SPIRIT GAS

6819 LOCH RAVEN BOULEVARD

ELECTION DISTRICT – 9TH
COUNCILMANIC DISTRICT – 5TH
BALTIMORE COUNTY, MARYLAND

34

SCALE: 1"= 200'	DATE: 12/31/2003	ZONING MAP SHEET: **NE 8-B & 9-B**	LOCATION: BALTIMORE	JOB NO. : 13371



OWNER / DESIGN CONSULTANT:

OWNERS: IMAN CROWN INC.
C/O HUMAYUN SHEIKH
6801 LOCH RAVEN BLVD.
BALTIMORE, MD. 21286-8302
TAX. ACCOUNT # 1600003456

ENGINEER: MORRIS & RITCHIE ASSOCIATES, INC.
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MD 21286
(410) 821-1690
ATTN: BILL MONK

GENERAL NOTES:

1. SITE DATA:
   - A. SITE ADDRESS: 6819 LOCH RAVEN BOULEVARD BALTIMORE, MD 21286-8302
   - B. GROSS SITE AREA: 30,422 SF = .69 AC.±
   - C. NET SITE AREA: 24,724 SF = .57 AC.±
   - D. LOCATION ADC MAP 27, GRID H-9
   - E. ELECTION DISTRICT 9TH
   - F. COUNCILMANIC DISTRICT 5TH
   - G. BALTIMORE COUNTY SOILS SURVEY MAP 44
   - H. TAX MAP MAP 70, GRID 22, P. 277
   - I. EXISTING ZONING B.L.-CCC
   - J. ZONING MAP NE - 8B & 9B
2. LAND USE:
   - EXISTING USE: COMMERCIAL: GASOLINE SERVICE STATION AND CONVENIENCE FOOD STORE (USE-IN-COMBINATION APPROVED PER CASE #90-93-XSPH, SEE NOTE #20 BELOW), AND ATM.
   - PROPOSED USE: COMMERCIAL: GASOLINE SERVICE STATION AND CONVENIENCE FOOD STORE (USE-IN-COMBINATION APPROVED PER CASE #90-93-XSPH, SEE NOTE #20 BELOW), ATM, AND ROLL OVER CARWASH.
3. LOT AREA REQUIREMENTS (PER SECTION 405.4.D.2):
   - MINIMUM LOT AREA (10 FUELING POSITIONS): 15,000 SF
   - ATM: 1000 SF
   - CONVENIENCE STORE (460 SFx4): 1,840 SF
   - TOTAL: 17,840 SF
   - GROSS SITE AREA PROVIDED: 30,422 SF
4. BUILDING AREA:
   - CAR WASH 1012 SF
   - CONVENIENCE STORE 460 SF
   - ATM BLDG. (EXISTING) 120 SF
   - TOTAL: 1,592 SF
5. FLOOR AREA RATIO (F.A.R.):
   - PERMITTED FLOOR AREA RATIO: 4.0
   - PROPOSED FLOOR AREA RATIO: 0.05
6. PARKING

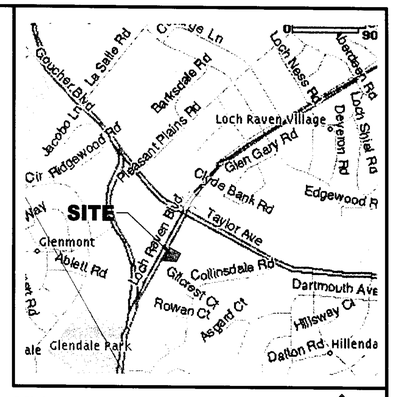
	REQUIRED:	
CAR WASH	6 SPACES	2 ROLL OVER CAR WASH DRYING SPACES 2 VACUUM 2 ADDITIONAL SPACES
CONVENIENCE STORE @ 3/1000 (10' X 46' = 460 SF)	2 SPACES	
EXISTING ATM	1 SPACES	
TWO (2) EMPLOYEES	2 SPACES	
TOTAL PARKING REQUIRED:	11 SPACES	
	PROPOSED:	
TOTAL PARKING PROVIDED:	12 SPACES	

7. BUILDING SETBACKS: (CAR WASH)

	REQUIRED	PROPOSED
FRONT YARD*	= 26.5'	60'
REAR YARD	= 0'	54'
SIDE YARD	= 0'	1'

*BASED ON SECTION 303.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS FRONT YARD AVERAGING: 13' + 40' = 53'/2 = 26.5'

8. THIS SITE SHALL BE SERVED BY PUBLIC WATER AND SEWER.
9. THIS SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN. FLOODPLAIN.
10. THERE ARE NO NON-TIDAL WETLANDS ON THIS SITE.
11. THERE ARE NO FOREST BUFFERS ON SITE.
12. THERE ARE NO KNOWN REGULATED PLANT OR WILDLIFE COMMUNITIES ON THIS SITE.
13. THERE ARE NO KNOWN HISTORICAL STRUCTURE OR ARCHAEOLOGICAL AREAS ASSOCIATED WITH THIS SITE.
14. THERE IS NO PREVIOUS COMMERCIAL PERMIT ON FILE.
15. SIGNAGE:
    EXISTING FREE STANDING SIGN TO BE RELOCATED,
    ALL SIGNS TO BE IN CONFORMANCE WITH SECTION 450 BCZR.
16. PARKING AND DRIVE AISLES SHALL BE PAVED PER SECTION 409.8 (BCZR).
17. LIGHTING FIXTURES SHALL BE POSITIONED TO REFLECT LIGHT AWAY FROM ADJACENT PROPERTIES AND PUBLIC STREETS.
18. CAR WASH STACKING LANE
    - REQUIRED: 9 SPACES
    - PROVIDED: 9 SPACES
19. BUILDING HEIGHT: 20' MAXIMUM
20. PREVIOUS ZONING CASES:
    - CASE #70-229-RX: REQUEST TO REDISTRICT SITE FROM BL-C.C.C. DISTRICT TO BL.C.S.A. DISTRICT AND A SPECIAL EXCEPTION FOR A COIN OPERATED CAR WASH, APPROVED DECEMBER 30, 1970.
    - CASE #86-65A: VARIANCE TO PERMIT A DOUBLE FACED SIGN WITH A TOTAL OF 181.3 SQ. FT. IN LIEU OF THE PERMITTED 100 SQ.FT., APPROVED AUGUST 25, 1985.
    - CASE #90-93-XSPH: SPECIAL EXCEPTION TO PERMIT A CONVENIENCE FOOD STORE (AS A SECOND PRINCIPAL USE) LESS THAN 5000 SQ.FT. AS A USE IN COMBINATION WITH A GASOLINE SERVICE STATION, AND AMENDMENT OF PRIOR PLANS CONSISTENT WITH RELIEF REQUESTED AND CONFIRMED THAT FUEL SERVICE STATION WAS VALID, NON-CONFORMING USE UNDER BCZR AS THEN ADOPTED - [DECISION WAS RENDERED PRIOR TO COUNTY COUNCIL BILL NOS. 172-1993 AND 78-2002], DENIED FEBRUARY 16, 1990.
21. NO PREVIOUS COMMERCIAL PERMITS ARE AVAILABLE.
22. NO DAMAGED OR DISABLED VEHICLES AND/OR PARTS WILL BE STORED ON THE PREMISES.



VICINITY MAP

SCALE: 1" = 1000'

N

LEGEND:

——— - - - ———	TRACT BOUNDARY
••••••••••••••••••••••••••••••	EXISTING ZONE LINE
——— - - - ———	ADJACENT PROPERTY LINE
P.O.B.	POINT OF BEGINNING

23. SPECIAL HEARING REQUEST:

TO APPROVE THE NONCONFORMING SITE CONDITIONS(PER SECTION 405 BCZR), INCLUDING;

- FUEL PUMP FROM R/W (25' REQUIRED, 20' PROVIDED)
- CANOPY FROM R/W (15' REQUIRED, 9' PROVIDED)
- LANDSCAPE TRANSITION AREAS
  - FRONT (10' REQUIRED, 4' PROVIDED)
  - SIDE (6' REQUIRED, 0' PROVIDED)
  - REAR (6' REQUIRED, 4' PROVIDED)
- AMENITY OPEN SPACE (LESS THAN 0.2)

24. SPECIAL EXCEPTION REQUEST:

ROLL-OVER CAR WASH IN COMBINATION WITH A FUEL SERVICE STATION PER BCZR SECTION 405.4.E.2.

25. VARIANCE REQUEST:

TO PERMIT LANDSCAPE TRANSITION AREAS FOR FRONT, SIDE AND REAR YARDS TO BE LESS THAN THE MINIMUM REQUIREMENTS AS SET FORTH IN SECTION 419.4 B.3 BCZR.

PETITIONER'S EXHIBIT
1

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TOWSON, MARYLAND 21286
(410) 821-1690
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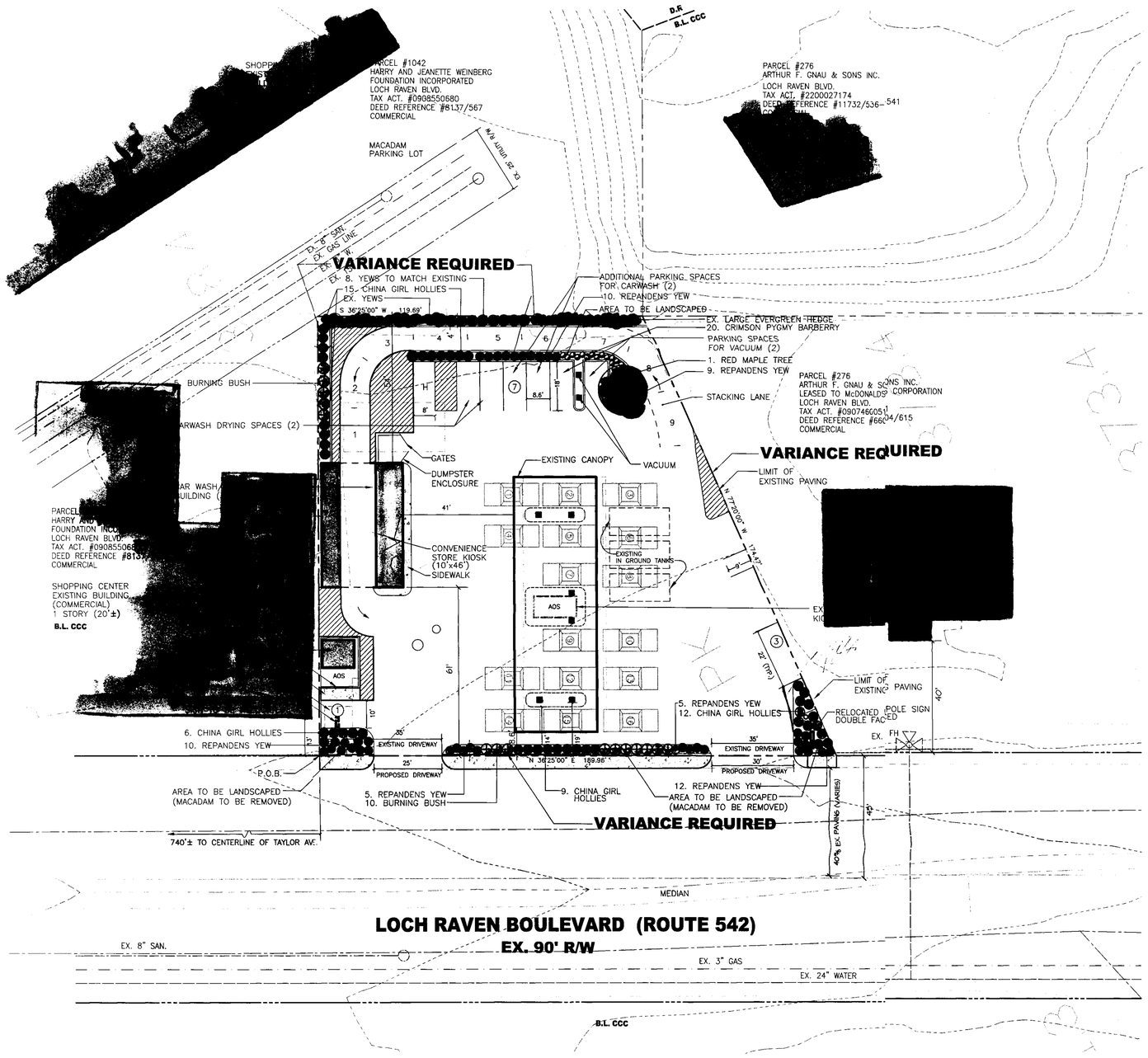
PLAT TO ACCOMPANY
SPECIAL EXCEPTION, VARIANCE AND
SPECIAL HEARING APPLICATION

SPIRIT GAS
6819 LOCH RAVEN BLVD.

BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
01/19/04	CHANGES TO CARWASH AND CONVENIENCE STORE NOTES.	JOB NO.:	13371
		SCALE:	1"= 20'
		DATE:	12/31/03
		DRAWN BY:	EB/SL
		DESIGN BY:	BM
		REVIEW BY:	BM
		SHEET:	1 OF 1



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PLAT TO ACCOMPANY
SPECIAL EXCEPTION, VARIANCE AND
SPECIAL HEARING APPLICATION

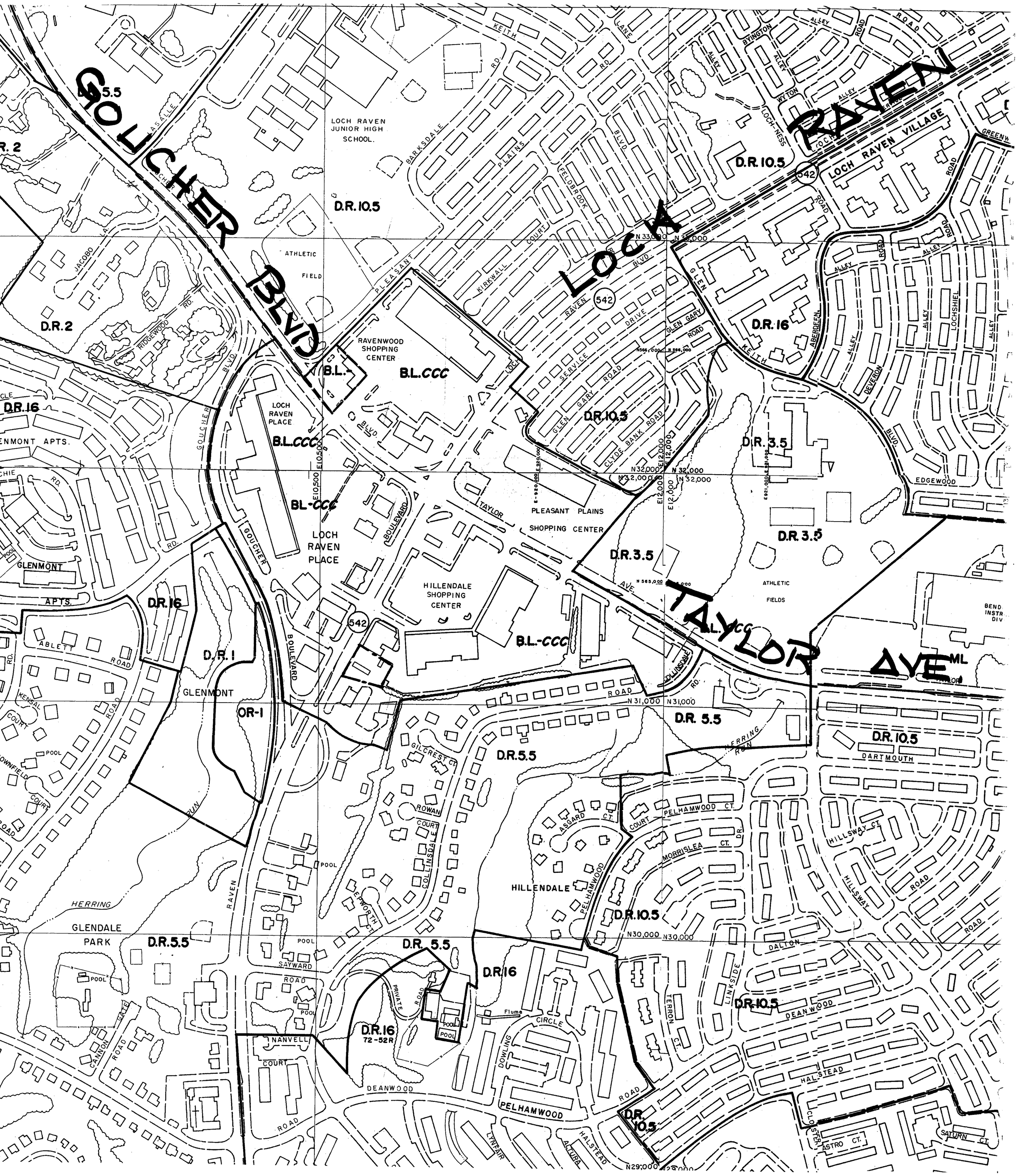
SPIRIT GAS
6819 LOCH RAVEN BLVD.

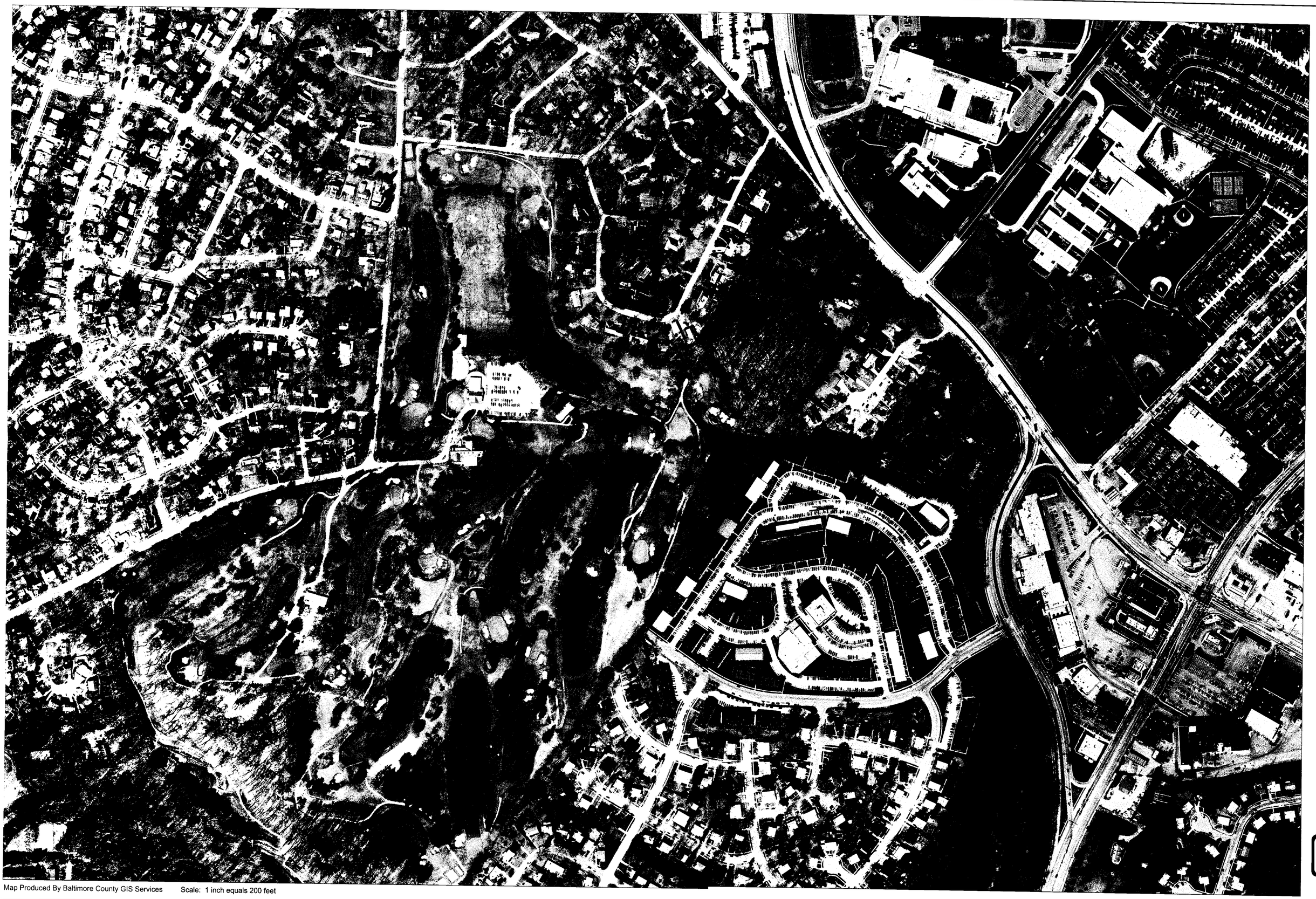
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO.:	13371
			1"= 20'
			4/1/04
		BY:	EB/SL
		BY:	BM/JK
		REVIEW BY:	BM
		SHEET:	1 OF 1

PETITIONER'S EXHIBIT 2
ALL-STATE LEGAL

PETITIONER'S EXHIBIT 3





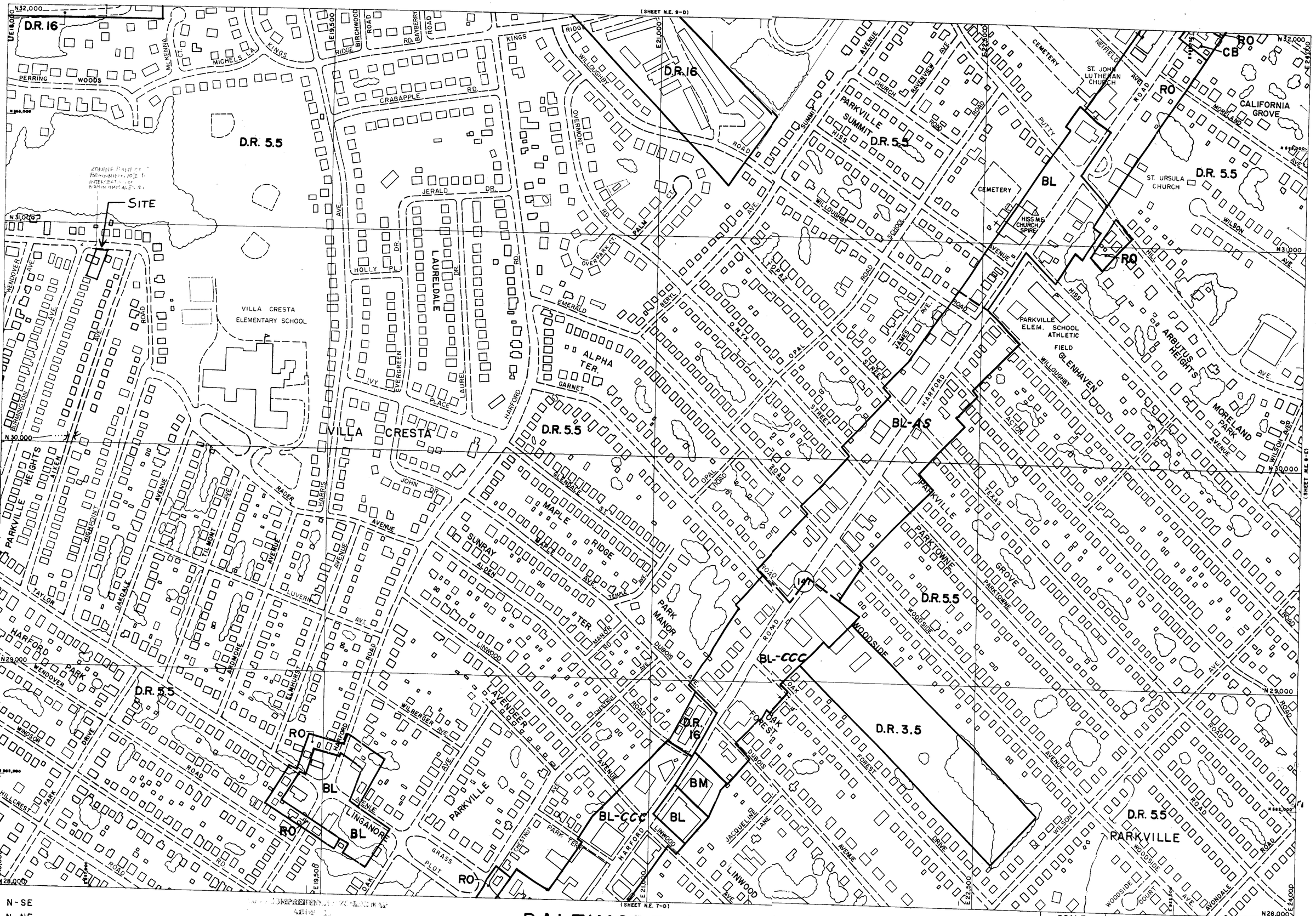
Map Produced By Baltimore County GIS Services Scale: 1 inch equals 200 feet

ALL STATE LEGAL

PETITIONER'S EXHIBIT

6

479-10


(SHEET N.E. 9-D)
(SHEET N.E. 8-E)
(SHEET N.E. 7-D)
D.R. 16
D.R. 5.5
D.R. 3.5
SITE
VILLA CRESTA ELEMENTARY SCHOOL
VILLA CRESTA
LAURELDALE
ALPHA TER.
PARKVILLE SUMMIT
PARKVILLE ELEM. SCHOOL ATHLETIC FIELD
GLENHAVEN
ARBUTUS HEIGHTS
MORELAND PARK
CALIFORNIA GROVE
ST. JOHN LUTHERAN CHURCH
ST. URSULA CHURCH
HISS M.E. CHURCH SPIRE
CEMETERY
PARKVILLE
PARKTOWNE GROVE
PARK MANOR
SUNRAY ALDEN
LAVENDER
HARFORD PARK
RO
BL
BL-AS
BL-CCC
BM
CB
N-SE
N-NE
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP
SCALE
1" = 200' ±
DATE OF PHOTOGRAPHY
JANUARY 1986
LOCATION
PARKVILLE
SHEET
N.E.
8-D

NE 8 D