

|                                        |   |                        |
|----------------------------------------|---|------------------------|
| IN RE: PETITION FOR SPECIAL EXCEPTION, | * | BEFORE THE             |
| SPECIAL HEARING AND VARIANCE           |   |                        |
| SE/S Back River Neck Road              | * | ZONING COMMISSIONER    |
| 130' N of the c/l Hopewell Avenue      |   |                        |
| <b>(35 Back River Neck Road)</b>       | * | OF                     |
| 15 <sup>th</sup> Election District     |   |                        |
| 7 <sup>th</sup> Councilmanic District  | * | BALTIMORE COUNTY       |
| Sta-Leigh, Legal Owner                 | * | Case No.: 05-276-SPHXA |
| Petitioner                             |   |                        |

\*\*\*\*\*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception, Special Hearing and Variance for the property located at 35 Back River Neck Road in Middle River. The Petitions are filed by Sta-Leigh, Inc., Property Owner. Special Exception relief is requested to approve a fuel service station use in combination with a convenience store/carry-out restaurant and ancillary use automatic teller machine. Special Hearing relief is requested to approve an amendment to the previously approved Plan in Case No. 88-44-A. A Variance request was made from Section 405.4.A.2.B and Section 419.4.B.3 to provide landscape transition area buffers less than 15 feet along borders with residentially zoned properties and, if necessary, from Section 405.4.3.C.2 to allow 8 stacking spaces in lieu of the required 16. The subject property and requested relief are more particularly shown on the site plan accompanying the Petitions for Special Exception, Special Hearing and Variance, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing was Bob Christ, President of Sta-Leigh, Inc.; Bill Monk, with Morris & Ritchie Associates, the consultants who prepared the site plan, and Sebastian A. Cross, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING

Date

By

2/14/05  
Jop

The subject property is an irregularly shaped parcel with frontage along Back River Neck Road. The property is approximately 1.77 acres, more or less, zoned BR-AS. Presently, the site is improved with a one-story brick kiosk to provide cashier services to the fuel service station attached to a car wash. Additionally, there are 5 fuel dispensers, underground fuel tanks and an additional 4 self-service car wash bays in the northern corner of the property. There also exists an abandoned concrete building to the south of the property currently outside the boundary of the fuel service station use, of which a small portion is being used for a pizza delivery shop. This building has been abandoned for approximately 5 years and was purchased by Sta-Leigh from Baltimore County with the intention of redeveloping the entire site. The proposal is to redevelop not only the gasoline service aspect of the property but also to incorporate a convenience store, small restaurant and ancillary automatic teller machine.

The redeveloped site will feature 8 gasoline dispensers with an improved canopy overlying the entire fueling pad. There will be an approximately 6,400 s.f. building containing a convenience store, carry-out restaurant and office/storage space which will utilize a portion of the existing vacant building. The existing car wash is to remain and there is a proposed additional self-service car wash bay to be added along the existing bays towards the north corner of the property to bring the self service bays to a total of 5.

There were no Protestants or adverse Zoning Advisory Committee ("ZAC") comments offered at the hearing. It was revealed through testimony the Petitioner had contacted the community with the proposal in order to address any of their comments or concerns. The Petitioner had also worked with the Department of Planning and will comply with the ZAC comments submitted from that office. It should be noted this entire site was the subject of a previous rezoning request during the last Comprehensive Zoning Map Process (CZMP) as Issue No. 7-040. As a result of this application, zoning for the entire site was amended to BR-AS,

ORDER RECEIVED FOR FILING

Date

By

specifically to allow the type of redevelopment project that Sta-Leigh is currently proposing.

The redevelopment will mark an improvement upon the site that was last altered approximately 20 years ago. The landscaping upon the site will be greatly improved over what currently exists; however, due to the site constraints and configuration of this parcel, the landscape transition area setbacks cannot be met.

Turning first to the Petition for Special Exception, the record of this case compels finding that same should be granted. The proposed use is not dramatically different from the existing use on the property and will serve as an improvement to the current operation and the neighborhood at-large. There is no evidence the use will cause a detrimental impact to the health, safety and general welfare of the locale. Indeed, there are similar fuel service stations operated nearby and this use is not incompatible with the surrounding locale. I find the standards set out in Section 502.1 are met.

The Petition for Special Hearing likewise shall be granted in that the proposal represents an appropriate upgrade to the use of the property. The sale of a portion of this property to Sta-Leigh, Inc., as well as an approval of the requested rezoning signify a desire by Baltimore County to have redevelopment occur upon this site.

Finally, granting the zoning variance is appropriate. The property is unique by virtue of its configuration and constraints. It is clear a practical difficulty and/or unreasonable hardship will result if the Variance is not granted. It has been established that special circumstances and conditions exist which are peculiar to the property which is the subject of this request and the requirements from which Petitioner seeks relief will unduly restrict the use of the land under the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety and general welfare, and meets the spirit and intent of the

BCZR.

ORDER RECEIVED FOR FILING

Date

By

As to the contingent Variance request of allowing 8 stacking spaces in lieu of the required 16, this request was placed upon the Petition in the event the Department of Permits and Development Management ("PDM") submitted a comment finding the stacking spaces on site were inappropriate. As PDM has submitted no such comment, I find the 8 stacking spaces located on-site are appropriate and the Variance request related to the stacking spaces moot.

Pursuant to the advertising, posting of property and public hearing on these Petitions held, and for the reasons set forth above, I find that the Petitioner's request for Special Exception, Special Hearing and Variance shall be granted.

**THEREFORE, IT IS ORDERED** by the Zoning Commissioner for Baltimore County this 14<sup>th</sup> day of February, 2005, that the Special Exception request to permit a fuel service station use in combination with a convenience store/carry-out restaurant and ancillary use ATM be, and hereby is, GRANTED.

**IT IS FURTHER ORDERED** that the Special Hearing relief to amend the previously approved site plan in Case No. 88-44-A be, and hereby is, GRANTED.

**IT IS FURTHER ORDERED** that the Variance request as relates to stacking spaces is DISMISSED AS MOOT.

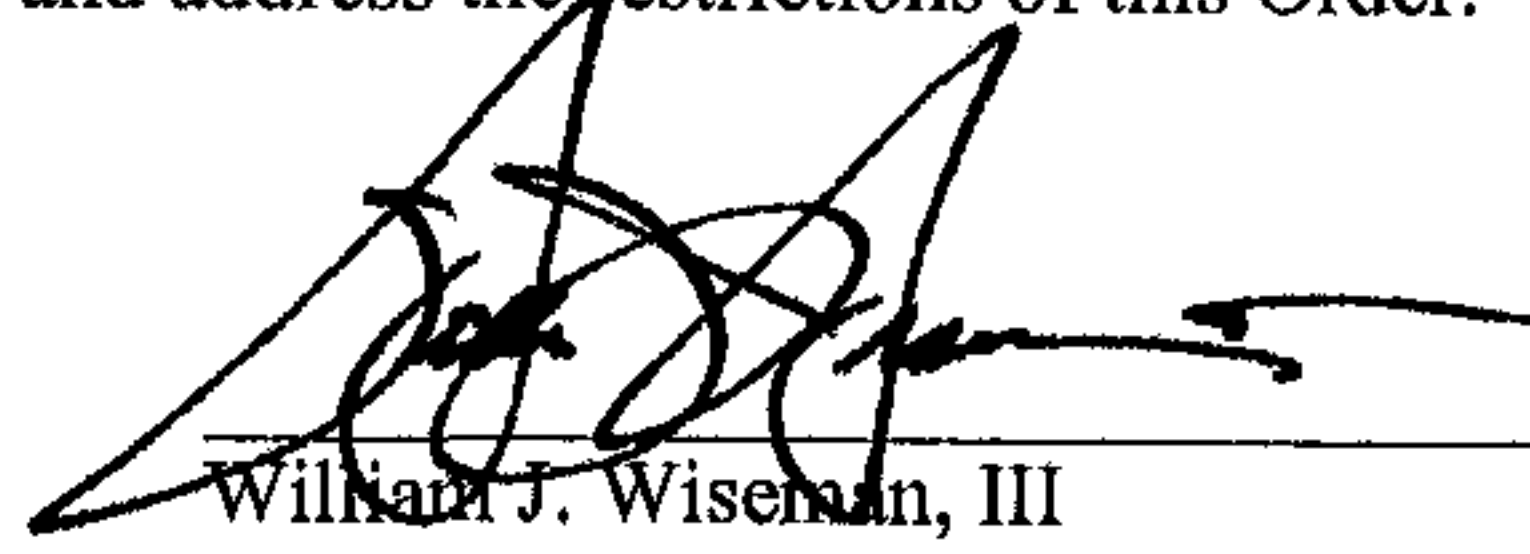
**IT IS FURTHER ORDERED** that the Variance request to permit landscape transition areas less than 15 feet along borders with residentially zoned properties be, and hereby is, GRANTED, subject to the following restrictions:

subject to the following restrictions:

1. Petitioners may apply for building permit and be granted same upon receipt of this Order; however, Petitioner is 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.

ORDER RECEIVED FOR FILING  
Date 2/14/05  
By [Signature]

2. Compliance with the ZAC comments submitted by the Office of Planning.
3. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



---

William J. Wiseman, III  
Zoning Commissioner for Baltimore County

ORDER RECEIVED FOR FILING  
Date 2/14/15  
By [Signature]

## 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*  
*William J. Wiseman III, Zoning Commissioner*

February 14, 2005

Sebastian Cross, Esquire  
Gildea & Schmidt, LLC  
300 E. Lombard Street, Suite 1440  
Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE  
SE/S Back River Neck Road, 130' N of the c/l Hopewell Avenue  
**(35 Back River Neck Road)**  
15<sup>th</sup> Election District – 7<sup>th</sup> Council District  
Sta-Leigh, Inc. - Petitioner  
Case No. 05-276-SPHXA

Dear Mr. Cross:

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,

  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:bjs

cc: Mr. Bob Christ, Sta-Leigh, Inc.  
5921 Moravia Road, Baltimore, Md. 21206  
Mr. William P. Monk, Morris & Ritchie Associates, Inc.  
1220-C E. Joppa Road, Towson, Md. 21286  
Mr. Jeff Bainbridge, 14/4 Forest Glen Court, Baltimore, Md. 21228  
People's Counsel; Case File

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 35 Back River Neck Road

which is presently zoned Br-AS

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

to amend the previous approval for a fuel service station granted in Case No. 88-44-A.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Sebastian A. Cross

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

300 E. Lombard Street, Suite 1440

Address

Telephone No.

Baltimore, MD 21202 (410) 234-0070

City

State

Zip Code

## Legal Owner(s):

Sta-Leigh, Inc,

Name - Type or Print

Signature Bob Christ

Name - Type or Print

Signature

5921 Moravia Road (410) 241-5502

Address

Telephone No.

Baltimore, MD 21206

City

State

Zip Code

## Representative to be Contacted:

Sebastian A. Cross

Name

300 E. Lombard Street, Suite 1440

Address

Telephone No.

Baltimore, MD 21202 (410) 234-0070

City

State

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By LTM Date 11/24/09

Case No. 05-276-SPHXA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

By



# Petition for Special Exception

## to the Zoning Commissioner of Baltimore County

for the property located at 35 Back River Neck Road

which is presently zoned BR-AS

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

Section 405.4.E to permit a fuel service station use in combination with a convenience store/carry out restaurant and ancillary use automatic teller machine.

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:

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Attorney For Petitioner:

Sebastian A. Cross

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

Gildea & Schmidt, LLC

Company \_\_\_\_\_

300 E. Lombard Street, Suite 1440

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

Baltimore, MD 21202 (410)234-0070

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Legal Owner(s):

Sta-Leigh, Inc.

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

Bob Christ

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

5921 Moravia Road (410)241-5502

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

Baltimore, MD 21206

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Representative to be Contacted:

Sebastian A. Cross

Name \_\_\_\_\_

300 E. Lombard Street, Suite 1440

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

Baltimore, MD 21202 (410)234-0070

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By CTM Date 11/24/04

ORDER RECEIVED FOR FILING  
Date 11/15/04  
By

Case No. 05-276-SPHXA

REV 09/15/98



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 35 Back River Neck Road

which is presently zoned Br-AS

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

Section 405.4.A.2.b. and Section 419.4.B.3 to provide ALTA buffers less than 15' along border with residentially zoned properties, and, if necessary,

from Section 405.4.A.3.C.2., to allow 8 stacking spaces in lieu of 16.  
of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:  
(Indicate hardship or practical difficulty)

to be presented at hearing.

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

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

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

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Sebastian A. Cross

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

300 E. Lombard Street, Suite 1440

Address

Baltimore, MD 21202

Telephone No.  
(410) 234-0070

City

State

Zip Code

## Legal Owner(s):

Sta-Leigh, Inc.

Name - Type or Print

Signature Bob Christ

Name - Type or Print

Signature

5921 Moravia Road

(410) 241-5502

Address

Baltimore, MD 21206

Telephone No.

State

Zip Code

## Representative to be Contacted:

Sebastian A. Cross

Name

300 E. Lombard Street, Suite 1440

Address

Baltimore, MD 21202

Telephone No.  
(410) 234-0070

City

State

Zip Code

## OFFICE USE ONLY

Case No. 05-276-SPMxA

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING

Reviewed By LTM

Date 11/24/04

ORDER RECEIVED FOR FILING

Date

By

# MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,  
AND LANDSCAPE ARCHITECTS



## Zoning Description

**Beginning** at a point located on the southeasterly side of Back River Neck Road which has a variable width at the distance of 130 feet northerly of the centerline of the nearest intersecting street, Hopewell Avenue, which has a width of 50 feet. **Thence** the following courses and distances, viz:

Northwesterly by a non-tangential curve to the left having a radius of 3244.04 feet, an arc length of 231.06 feet, the chord of said arc bearing North 30 degrees 15 minutes 13 seconds West, 231.01 feet; North 29 degrees 40 minutes 20 seconds East, 331.77 feet; South 60 degrees 08 minutes 10 seconds East, 101.50 feet; South 29 degrees 51 minutes 50 seconds West, 14.18 feet; South 60 degrees 22 minutes 50 seconds East, 99.91 feet; South 29 degrees 51 minutes 50 seconds West, 433.11 feet to the point and place of beginning, being known and designated as #35 and #101 Back River Neck Road.

**Containing** an area of 76,452 square feet or 1.7551 acres of land, more or less, and being located in the Fifteenth Election District of Baltimore County, Maryland.



# 276

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

No. **42875**

DATE 11/24/04 ACCOUNT 10001 006 C150

AMOUNT \$ 2000.00

RECEIVED FROM CILDTA SCHWIDT

FOR OS-276-SPHXA

DESTINATION  
WHITE - CASHIER  
PINK - AGENCY  
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTIVITY TIME DAY  
11/24/2004 11/24/2004 11:51:02 2

ISSUED BY WALTER BORG 1001

RECEIVED BY 291765 11/24/2004 0714

REQD \$ 532 FUNDING VERIFICATION

OR NO. 002875

Event Tot FUND ID

0000.00 01 1.00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

#### NOTICE OF ZONING HEARING

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

Case: #06-276-SPHXA

35 Back River Neck Road

S/east side Back River Neck Road, 130 north centerline and Hopewell Avenue

15th Election District - 7th Councilmanic District

Legal Owner(s): Sta-Leigh, Bob Christ

Variance: to provide Landscape Transition Area buffers less than 15 feet along border with residentially zoned properties, and if necessary, from Section 405.4.3/C.2 to allow 8 stacking spaces in lieu of 16. Special Hearing: to amend the previous approval for a fuel service station granted in Case No. 88-44-A. Special Exception: to permit a fuel service station use in combination with a convenience store/carry out restaurant and ancillary use automatic teller machine.

Hearing: Friday, January 28, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN

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.

1/12/1 Jan. 13

35373

## CERTIFICATE OF PUBLICATION

1/13/, 2005

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 1/13/, 2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

RE: Case No.: 05-276-SPHXA

Petitioner/Developer: 3TA-LEIGH

BOB CHRIST

Date of Hearing/Closing: 1/28/05

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:

35 BACK RIVER NECK RD

The sign(s) were posted on

1/13/05  
(Month, Day, Year)

Sincerely,

Robert Black  
(Signature of Sign Poster)

1/14/05  
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

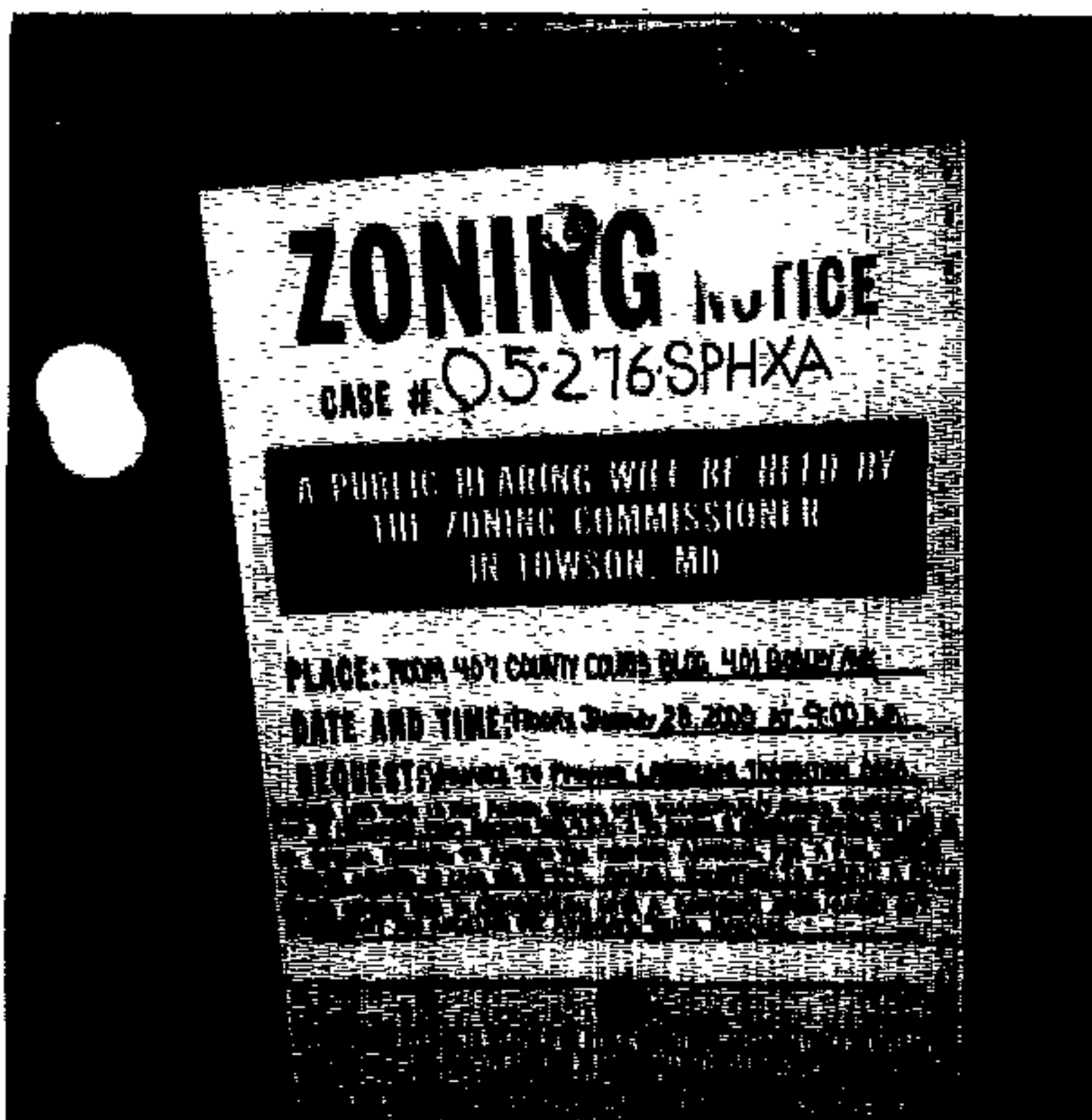
(Address)

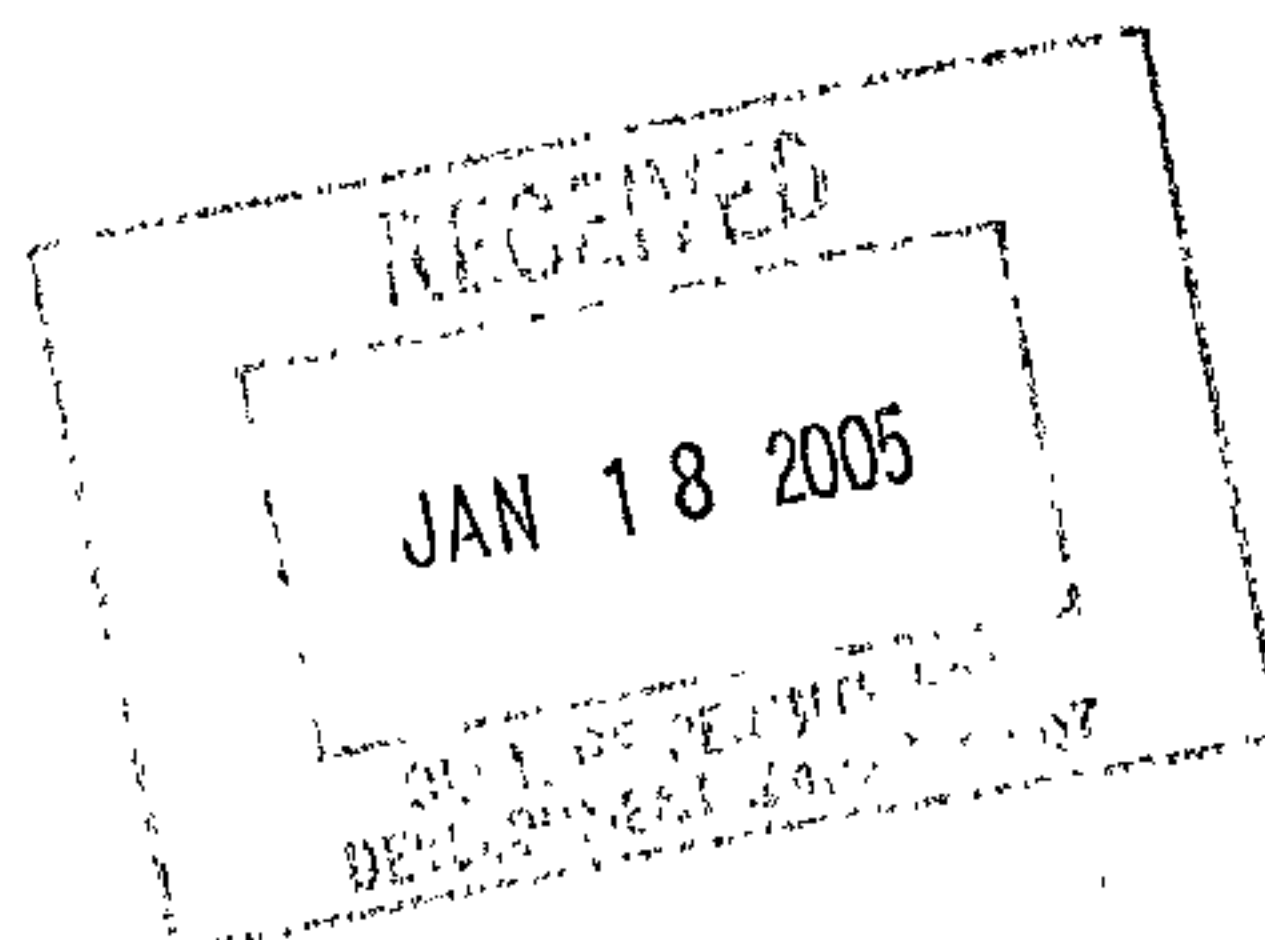
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)







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

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

December 14, 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:

**CASE NUMBER: 05-276-SPHXA**

35 Back River Neck Road

S/east side Back River Neck Road, 130 north centerline and Hopewell Avenue

15<sup>th</sup> Election District—7<sup>th</sup> Councilmanic District

Legal Owners: Sta-Leigh, Bob Christ

Variance to provide Landscape Transition Area buffers less than 15 feet along border with residentially zoned properties, and if necessary, from Section 405.4.3/C.2 to allow 8 stacking spaces in lieu of 16.

Special Hearing to amend the previous approval for a fuel service station granted in Case No. 88-44-A.

Special Exception: to permit a fuel service station use in combination with a convenience store/carry out restaurant and ancillary use automatic teller machine.

Hearing: Friday, January 28, 2005 at 9:00 a.m., in Room 407, County Courts Building  
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco

Director

TK: clb

C: Sebastian A. Cross Gildea & Schmidt, LLC 300 E. Lombard Street, Ste. 1440 Baltimore 21202  
Sta-Leigh, Inc. Bob Christ 5921 Moravia Road Baltimore 21206

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY JANUARY 13, 2005.**
- (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.

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



TO: PATUXENT PUBLISHING COMPANY  
Thursday January 13, 2005 Issue - Jeffersonian

Please forward billing to:

Lawrence E. Schmidt  
300 E. Lombard Street, Ste. 1440  
Baltimore, Maryland 21202

410-234-0070

---

## NOTICE OF ZONING HEARING

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

**CASE NUMBER: 05-276-SPHXA**

35 Back River Neck Road

S/east side Back River Neck Road, 130 north centerline and Hopewell Avenue

15<sup>th</sup> Election District—7<sup>th</sup> Councilmanic District

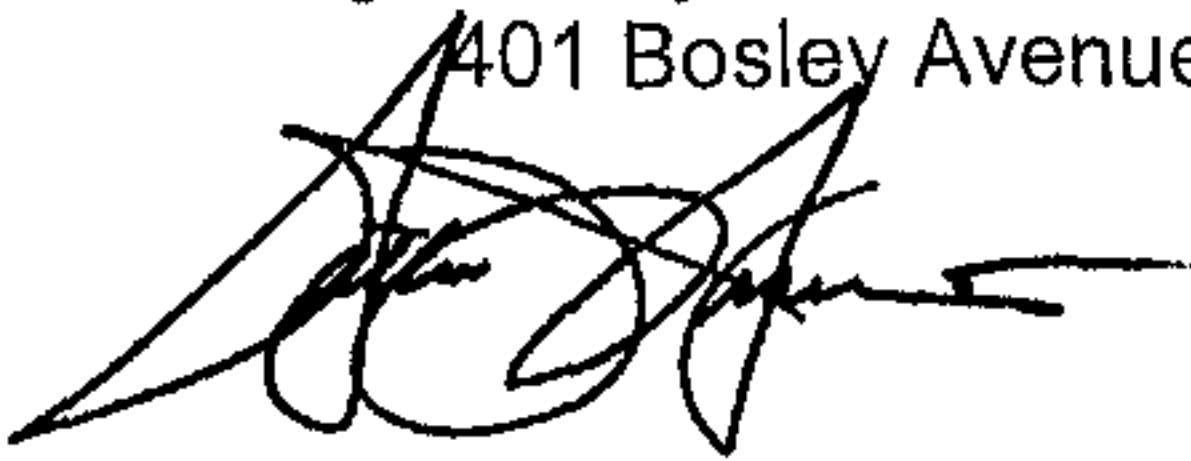
Legal Owners: Sta-Leigh, Bob Christ

Variance to provide Landscape Transition Area buffers less than 15 feet along border with residentially zoned properties, and if necessary, from Section 405.4.3/C.2 to allow 8 stacking spaces in lieu of 16.

Special Hearing to amend the previous approval for a fuel service station granted in Case No. 88-44-A.

Special Exception: to permit a fuel service station use in combination with a convenience store/carry out restaurant and ancillary use automatic teller machine.

Hearing: Friday, January 28, 2005 at 9:00 a.m., in Room 407, County Courts Building  
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

## ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The 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 05-276-SPHXA  
Petitioner STA-LEIGH  
Address or Location: 35 BACK RIVER NECK ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name LAWRENCE E. SCHMIDT c/o GILDEA + SCHMIDT  
Address 300 E. LOMBARD STREET  
SUITE 1440  
BALTIMORE, MD 21202  
Telephone Number: 410-234-0070

**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*

January 18, 2005

Sebastian A. Cross  
Gildea & Schmidt, LLC.  
300 E. Lombard Street, Ste. 1440  
Baltimore, Maryland 21202

Dear Mr. Cross:

RE: Case Number: 05-276-SPHXA, 35 Back River Neck Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 24, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel  
Sta-Leigh, Inc. Bob Christ 5921 Moravia Road Baltimore 21206

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



## 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

December 6, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: December 6, 2004

Item No.: 250,268-276

Pursuant to your request, the referenced plan(s) have been reviewed 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

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



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



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

Maryland Department of Transportation

Date: 12.3.04

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

RE: Baltimore County  
Item No. 276 LTM

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

Steven D. Foster, Chief  
Engineering Access Permits Division

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

RW  
1/28

|                                                                                            |
|--------------------------------------------------------------------------------------------|
| BALTIMORE COUNTY, MARYLAND<br>DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT |
|--------------------------------------------------------------------------------------------|

TO: Tim Kotroco  
PDM

FROM: John D. Oltman, Jr. *JO*  
DEPRM

DATE: January 10, 2005

SUBJECT: Zoning Item # 05-276  
Address 35 Back River Neck Road

RECEIVED

JAN 20 2005

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of December 6, 2004.

\_\_\_\_\_ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

\_\_\_\_\_ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

\_\_\_\_\_ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

\_\_\_\_\_ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

There is an open Groundwater Contamination investigation associated with this property. Contact the Maryland Department of the Environment's Oil Control Program for additional information.

Reviewer: Sue Farrinetti      Date: January 3, 2005

BW  
1/28

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** December 20, 2004

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

**SUBJECT:** 35 Back River Neck Road

**INFORMATION:**

**Item Number:** 5-276

**Petitioner:** Sta-Leigh, Inc.

**Zoning:** BR-AS

**Requested Action:** Special Exception

RECEIVED  
DEC 21 2004  
ZONING COMMISSIONER

### SUMMARY OF RECOMMENDATIONS:

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

1. Submit elevations (all sides) of all proposed structure, signs, and fencing, including colors, materials, and heights.
2. Submit a lighting plan in accordance with IESNA standards to this office for review and approval.
3. Submit a landscape plan to Avery Harden, Baltimore County Landscape Architect, for review and approval.
4. Provide details of the dumpster enclosure.

For further information concerning the matters stated herein, Please contact Amy Mantay at 410-887-3480.

Prepared by: Marta A. Cunniff

Division Chief: Steve Lankham

AFK/LL:MAC:

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** December 14, 2004

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For December 13, 2004  
Item Nos. 250, 254, 268, ~~269~~, 270, 271,  
272, 273, 274, 275, and ~~276~~

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

RWB:CEN:jrb

cc: File

|                                                                    |   |                     |
|--------------------------------------------------------------------|---|---------------------|
| RE: PETITION FOR SPECIAL HEARING                                   | * | BEFORE THE          |
| SPECIAL EXCEPTION & VARIANCE                                       | * |                     |
| 35 Back River Neck Road; SE/side Back                              | * | ZONING COMMISSIONER |
| River Neck Rd, 130' N c/line Hopewell                              | * |                     |
| 15 <sup>th</sup> Election & 7 <sup>th</sup> Councilmanic Districts | * | FOR                 |
| Legal Owner(s): Sta-Leigh, Bob Christ                              | * |                     |
| Petitioner(s)                                                      | * | BALTIMORE COUNTY    |
|                                                                    | * | 05-276-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 10<sup>th</sup> day of December, 2004, a copy of the foregoing Entry of Appearance was mailed to Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

**RECEIVED**

11/10/04

Per.....

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





Case No.: 5-276 SPAXA

Exhibit Sheet

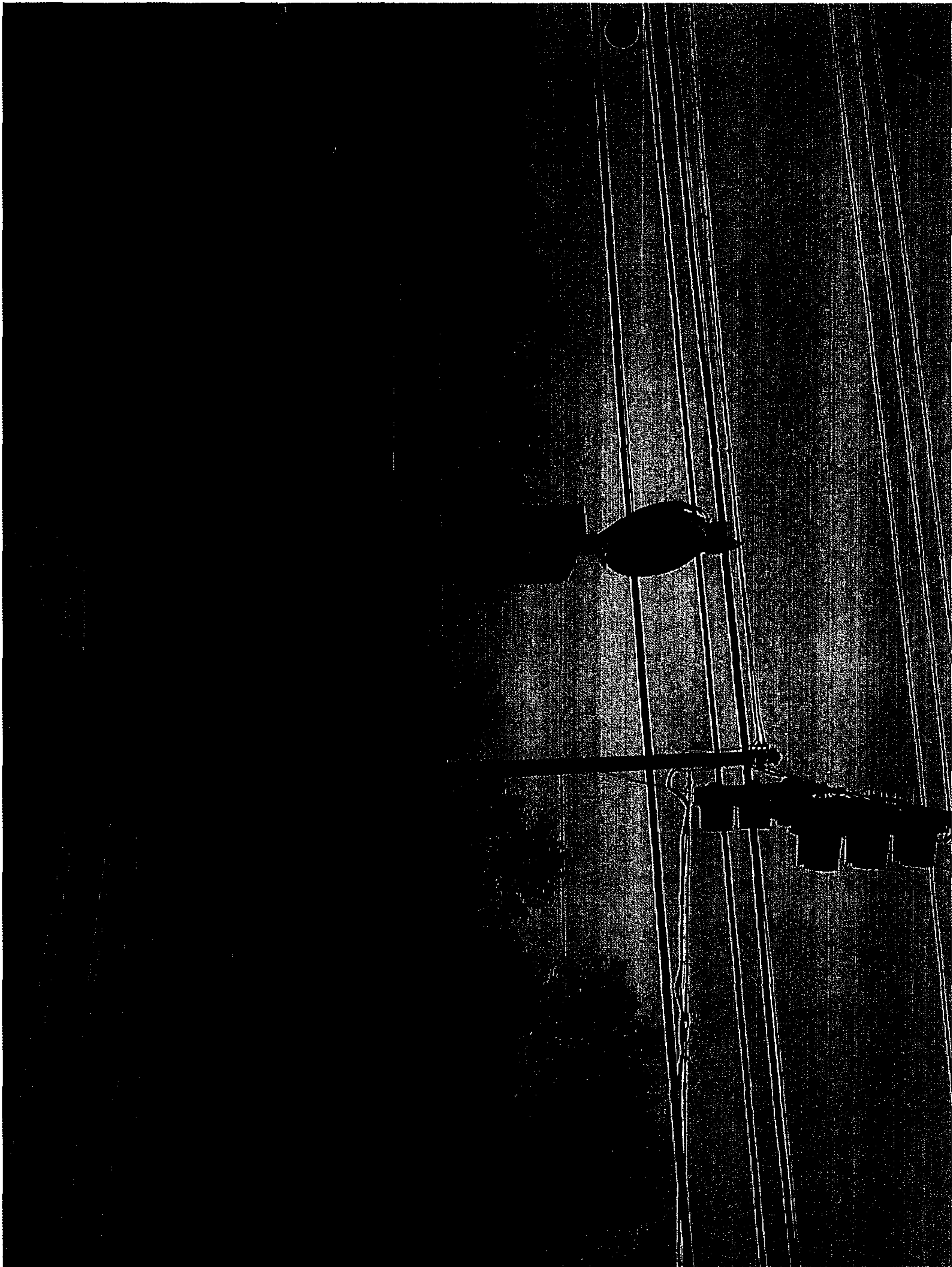
Petitioner/Developer

Protestant

|        |                                                       |  |
|--------|-------------------------------------------------------|--|
| No. 1  | ZONING MAP                                            |  |
| No. 2  | Aerial-Existing                                       |  |
| No. 3  | Proposed -<br>Site Plan with Landscaping Superimposed |  |
| No. 4  | 4 A B C + D<br>Existing operation                     |  |
| No. 5  | Rendering of Bldg<br>Elevations                       |  |
| No. 6  |                                                       |  |
| No. 7  |                                                       |  |
| No. 8  |                                                       |  |
| No. 9  |                                                       |  |
| No. 10 |                                                       |  |
| No. 11 |                                                       |  |
| No. 12 |                                                       |  |



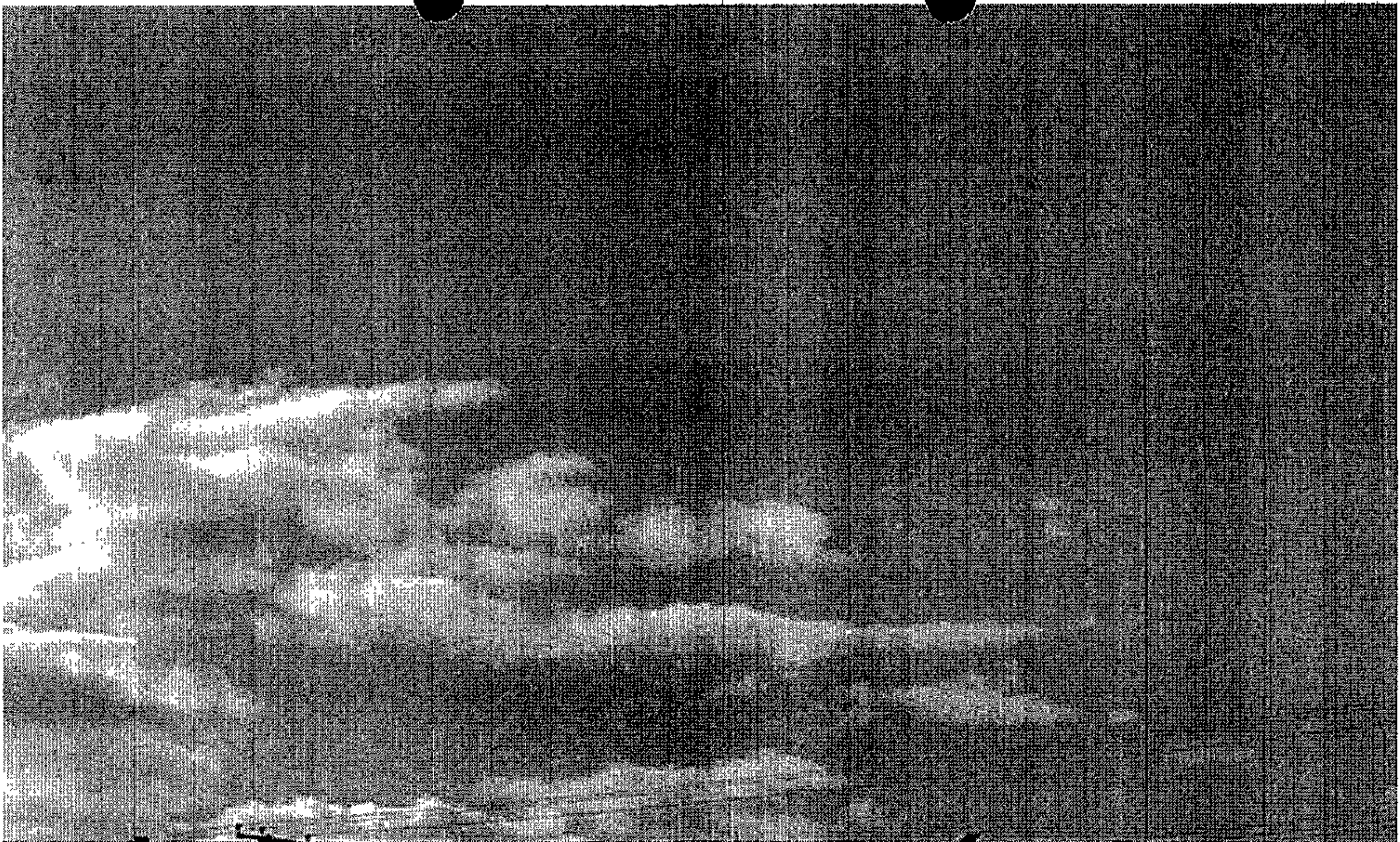
**DEFENDANT'S  
EXHIBIT 4-A**



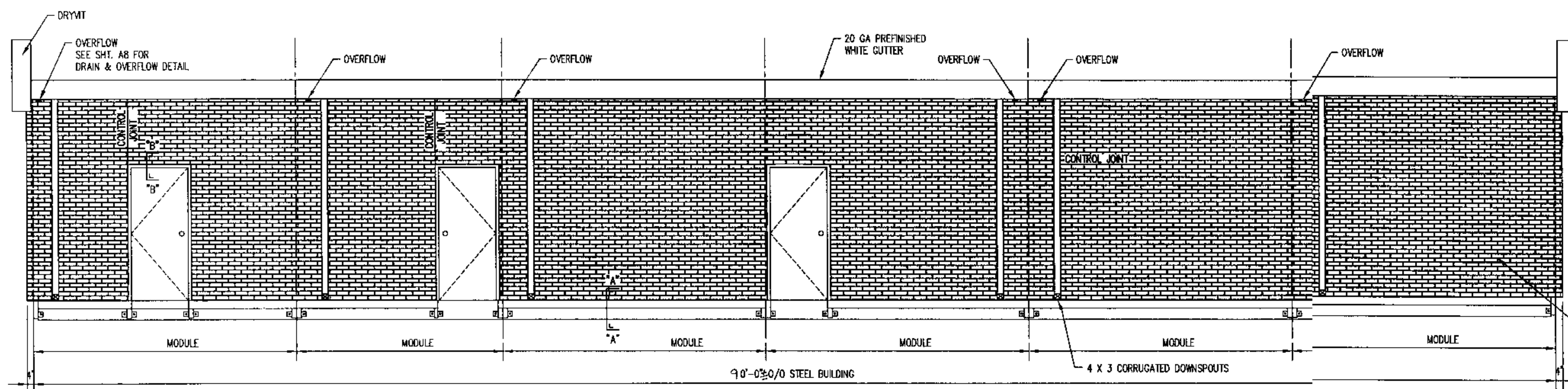
**DEFENDANT'S  
EXHIBIT 4B**



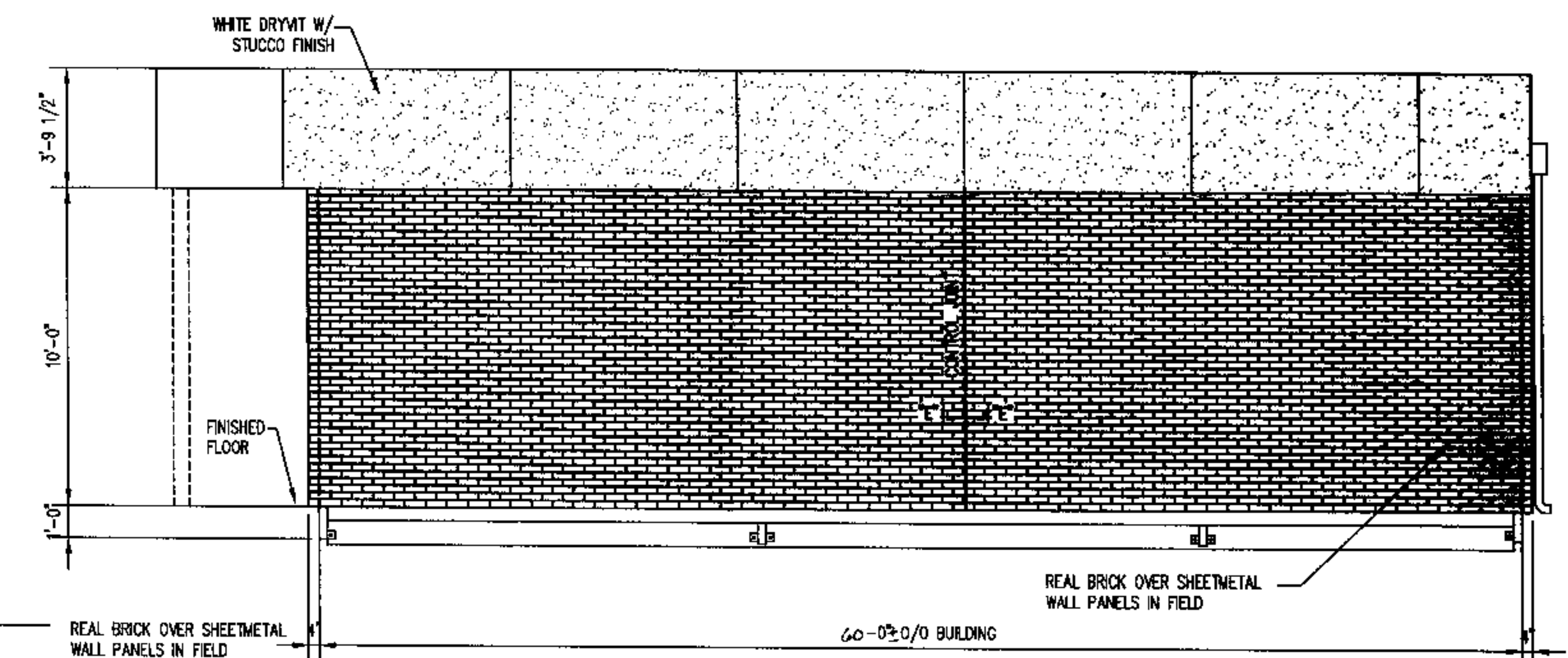
**RETIROOVER'S**  
**EXHIBIT 4C**



**DEFENDANT'S  
EXHIBIT 4D**

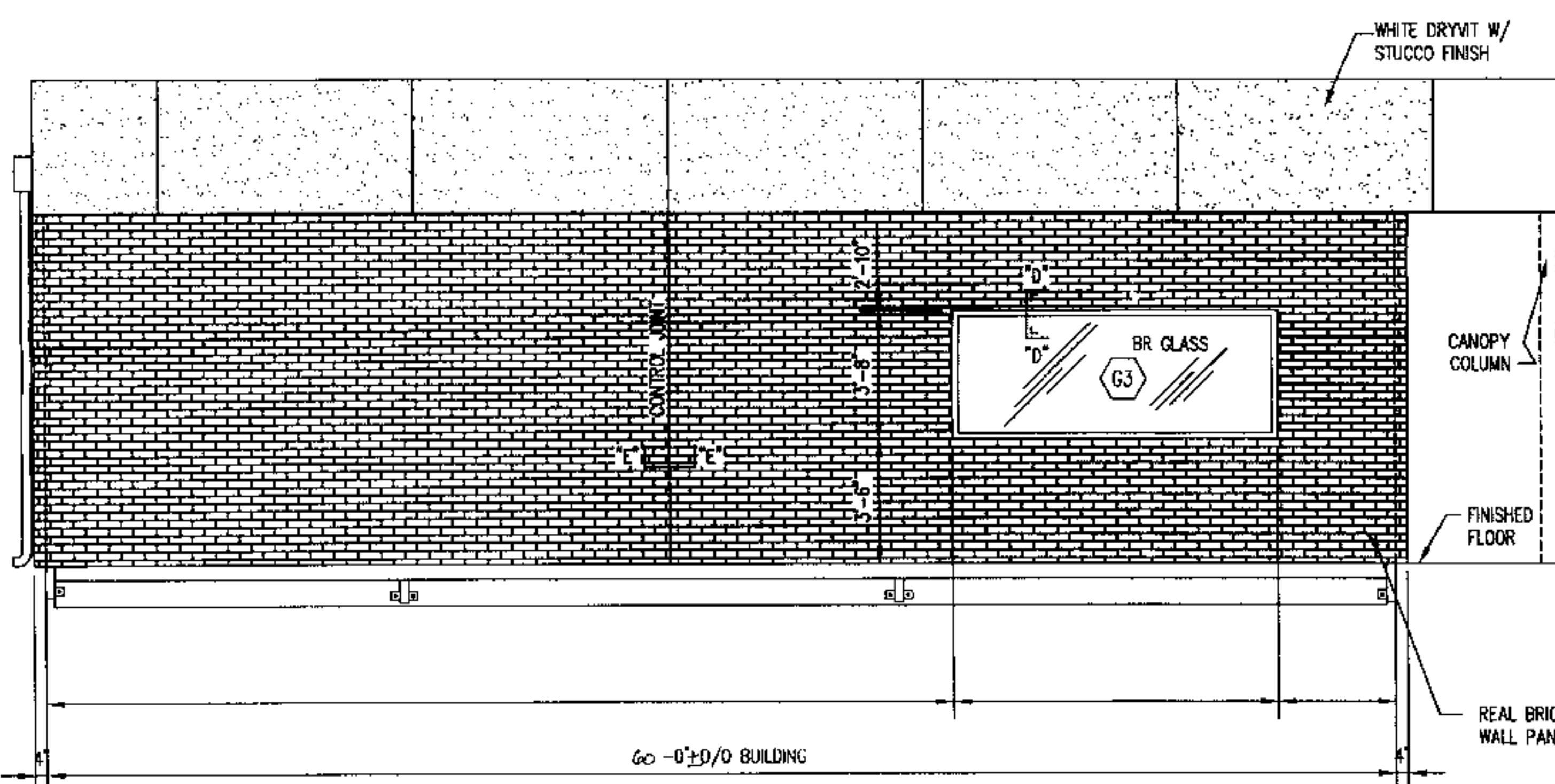


ELEVATION "C"

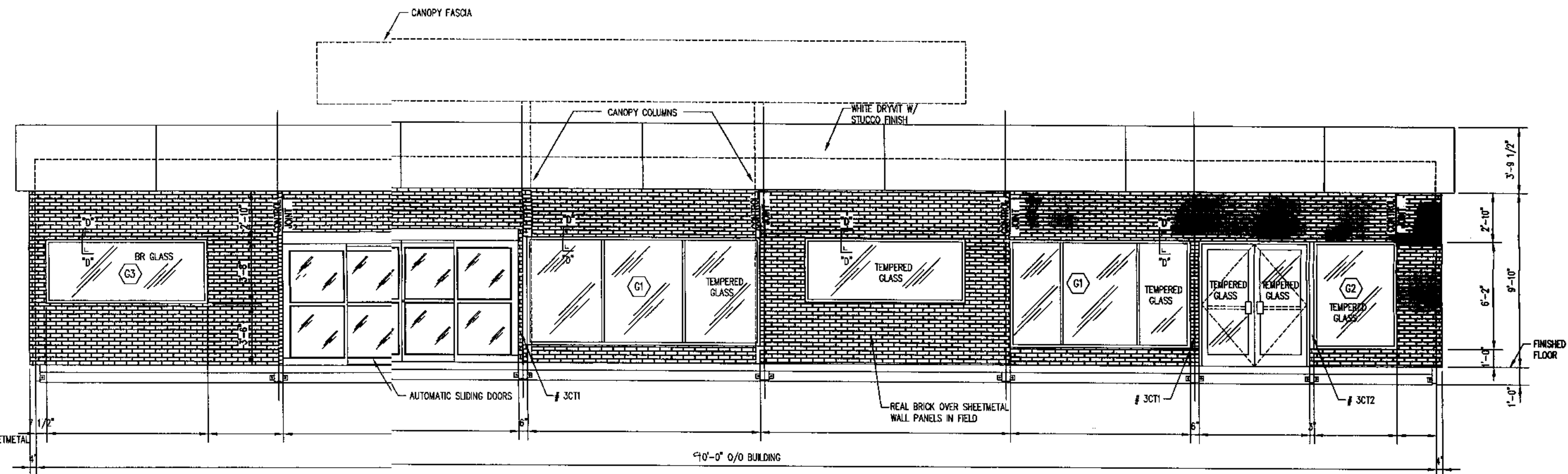


ELEVATION "D"

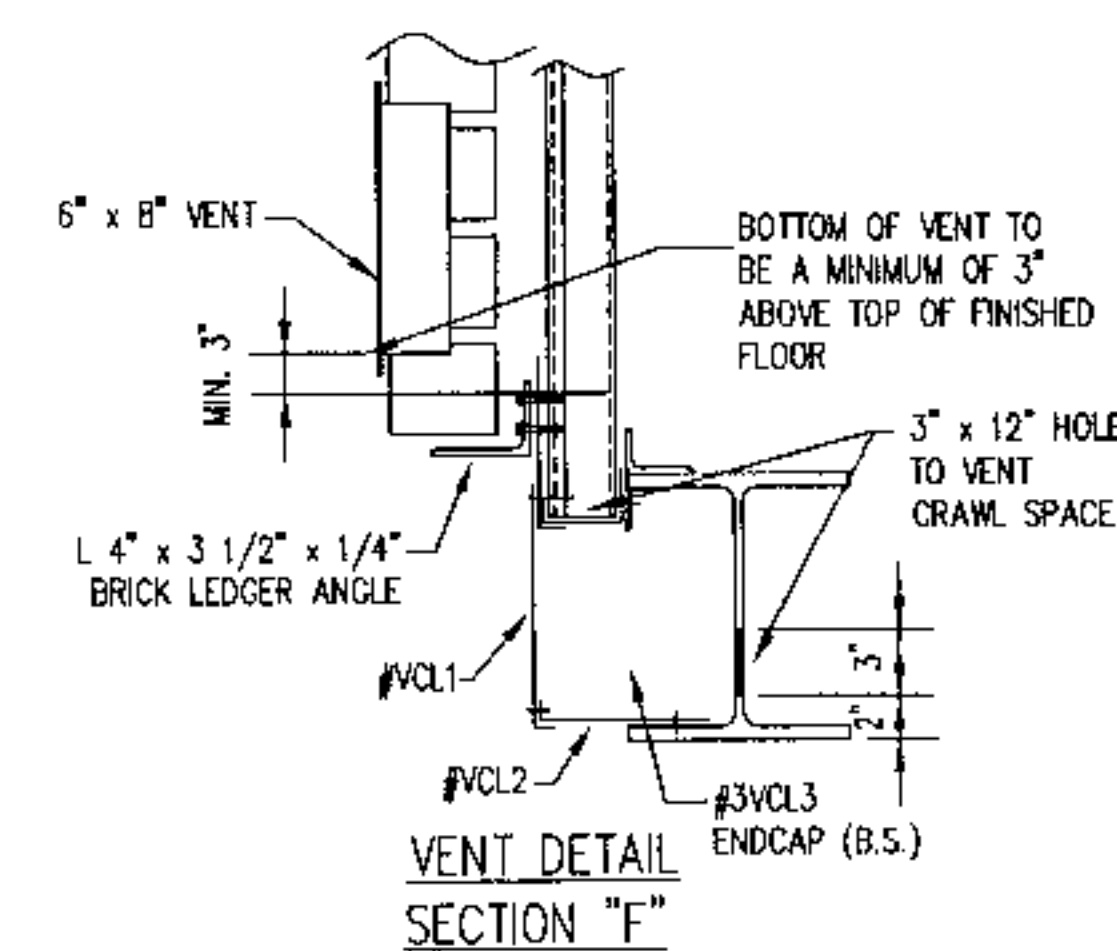
EX 5



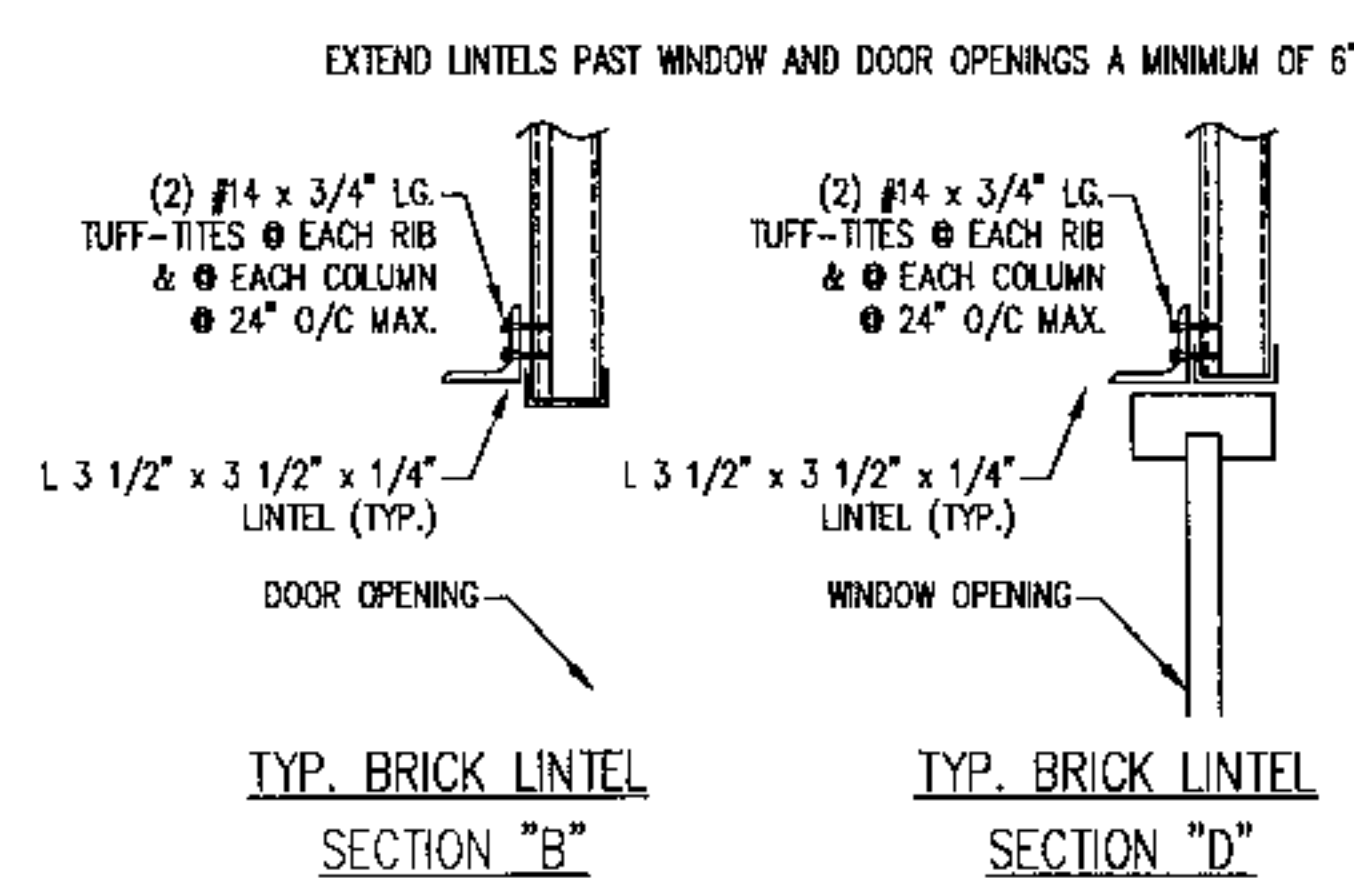
ELEVATION "B"



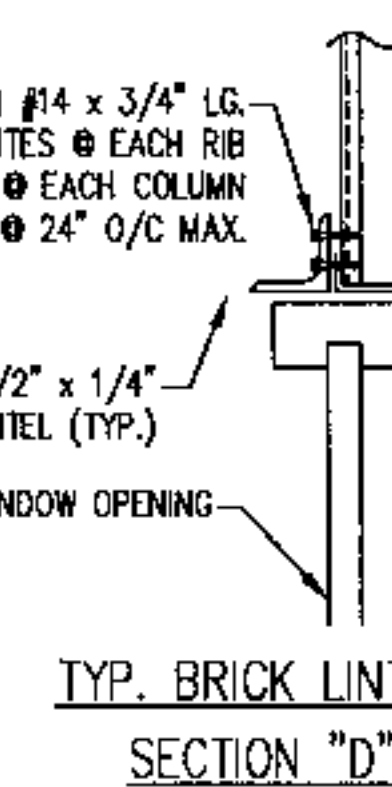
ELEVATION "A"



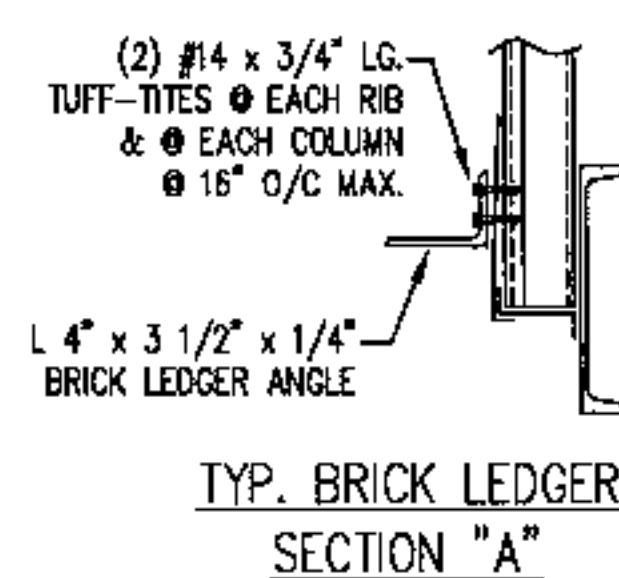
SECTION "F"



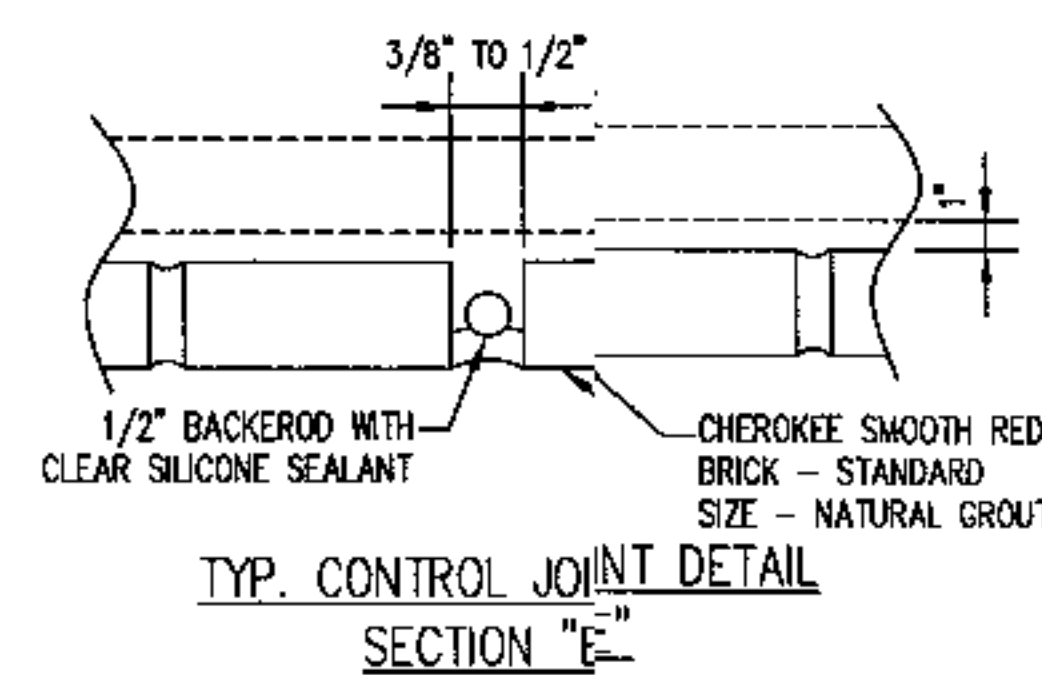
SECTION "B"



SECTION "D"



SECTION "A"



SECTION "E"

EXHIBIT 5

These drawings and all information herein are of a confidential nature and remain the property of Frey-Moss Structures, Inc. (FMS). Any use or reproduction of these drawings for any purpose, except by written permission of Frey-Moss Structures, Inc. is strictly prohibited. © 2003 Frey-Moss Structures, Inc. All rights reserved.

| DATE     | BY  | CHK | REVISIONS                          |
|----------|-----|-----|------------------------------------|
| 11-29-03 | UMC | OO  | 3. REVISED SECTIONS B & D          |
| 12-06-03 | UMC | OO  | 2. REVISED CRAWLSPACE VENT DETAILS |
| 11-17-03 | UMC | OO  | 1. MINOR REVISIONS                 |

1801 Rockdale Industrial Blvd.  
Conyers, Georgia 30012  
Voice: (770) 483-7543  
Fax: (770) 483-6037



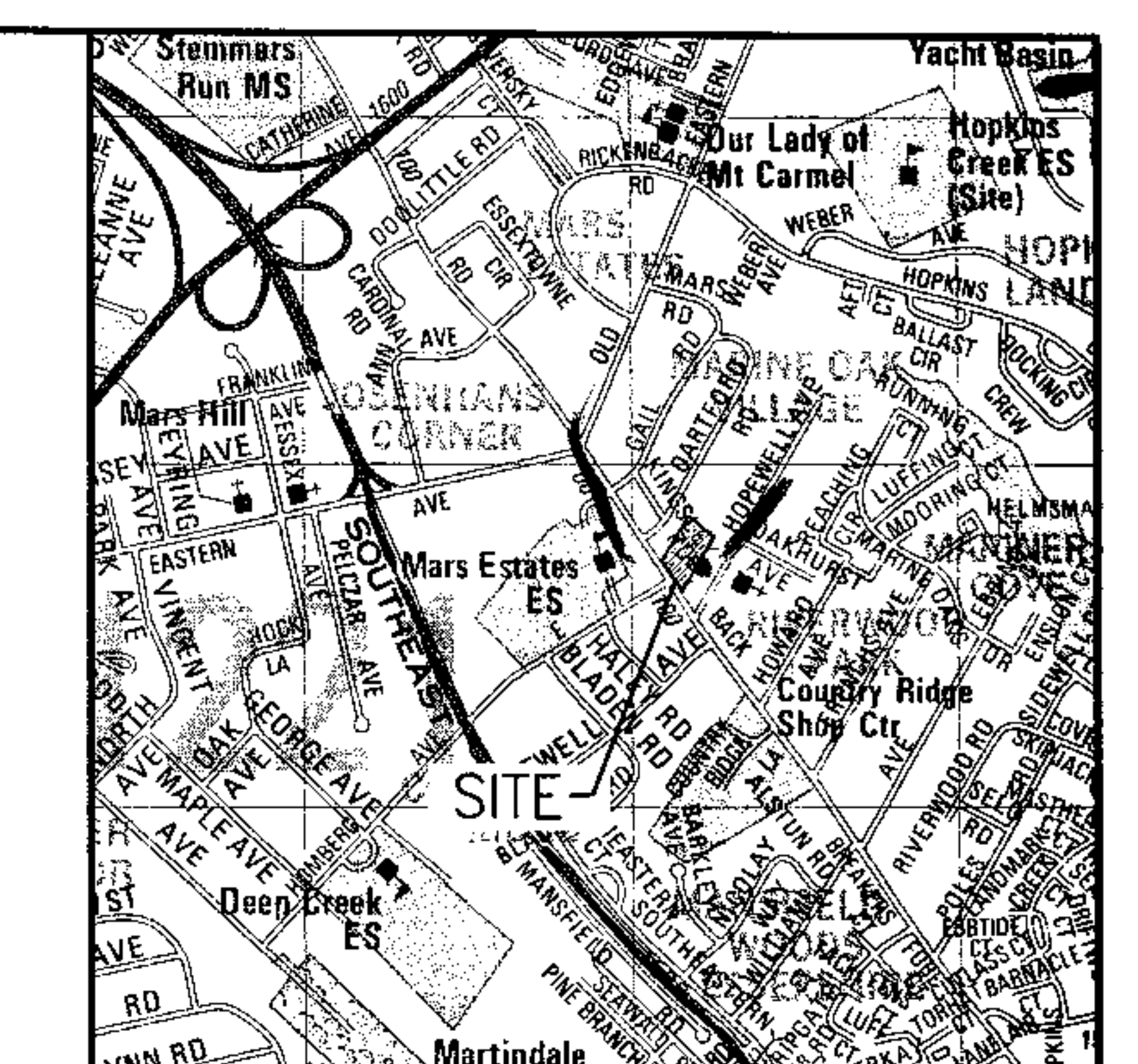
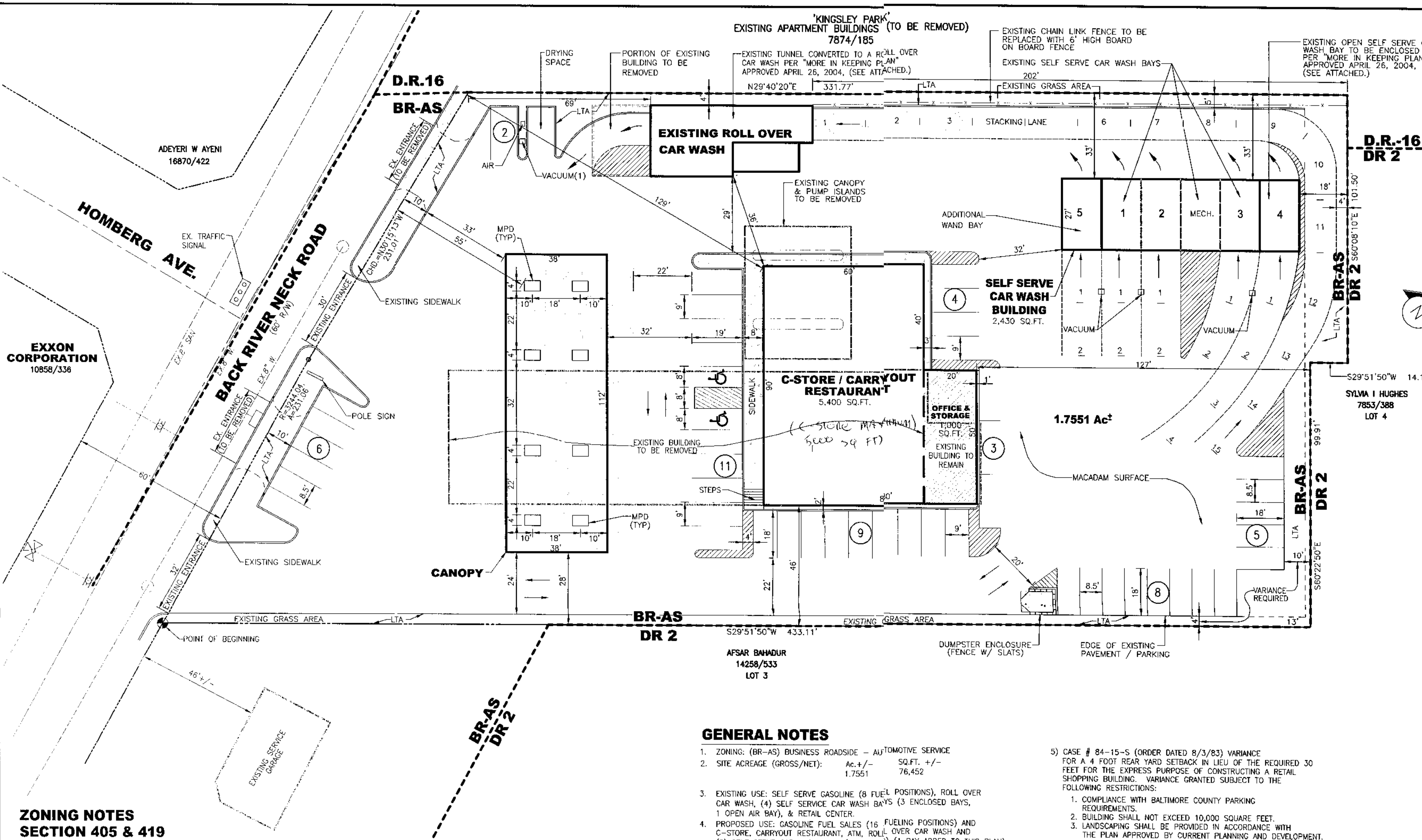
DESIGN DEVELOPMENT  
MODULAR C-STORE & LEASE  
EXTERIOR ELEVATIONS

DRAWN BY: *Shirley Roper*  
DATE: 10/21/2003  
CHECKED BY: *BB*  
DATE: \_\_\_\_\_

P.E.

JOB # G3-B-0003  
3334 Langley Road  
Off Highway 78  
Loganville GA. 30052-8744  
SCALE  
DRAWING DD10650-03

A1  
1 OF 21



**VICINITY MAP**  
SCALE: 1"=1,000'

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

**Baltimore County**  
John T. Smith, Jr., County Executive  
Timothy M. Korman, Director

April 26, 2004

Sebastian Cross  
301 North Charles Street, Ste. 900  
Baltimore, Maryland 21201

RE: 35 Back River Neck Road  
More In-keeping Plan  
Case # 88-44-A  
15<sup>th</sup> Election District

Dear Mr. Cross,

This is a response to your letters of 2/25/04 and 2/26/04 requesting that certain changes to the car wash facilities at the above referenced fuel service station site be approved under the "more in keeping" provisions of section 405.6 Baltimore County Zoning Regulations (BCZR).

Based on the provided information and plans, staff has determined that this plan can be approved under Section 405.6 and a signed copy is being provided to you (with this letter) for your records.

Please document this response on all future plans submitted for zoning review. Please be aware that this is a zoning approval only and that it is not intended to supersede any other agencies requirements.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,  
John T. Smith, Jr.  
County Executive

Visit the County's Website at [www.baltimorecountymd.org](http://www.baltimorecountymd.org)

# **ZONING NOTES SECTION 405 & 419 (FUEL SERVICE STATIONS & CAR WASH)**

A. REQUIRED SITE AREA:

|                                                        |                 |
|--------------------------------------------------------|-----------------|
| FUEL SERVICE STATION (16 FUELING POSITIONS x 1,500 SF) | = 24,000        |
| CONVENIENCE STORE (4 x 5,000 SF)                       | = 20,000        |
| CARRY OUT RESTAURANT (6 x 1,400 SF)                    | = 8,400         |
| OFFICE / STORAGE (2ND FLOOR)                           | = N/A           |
| ATM                                                    | = 1,000         |
| <b>TOTAL AREA REQUIRED</b>                             | <b>= 53,400</b> |
| <b>TOTAL AREA PROVIDED (GROSS)</b>                     | <b>= 64,121</b> |

B. BUILDING AREA:

|                      |                |
|----------------------|----------------|
| CONVENIENCE STORE    | = 4,000        |
| CARRY OUT RESTAURANT | = 1,400        |
| OFFICE / STORAGE     | = 1,000        |
| <b>TOTAL</b>         | <b>= 6,400</b> |

C. SETBACKS (TO PROPERTY LINES):

|       | BUILDING | CANOPY   | FUEL PUMPS | CAR WASH |
|-------|----------|----------|------------|----------|
| FRONT | 35'      | 129' +/- | 15'        | 43' +/-  |
| SIDE  | 30'      | 46' +/-  |            | 30'      |
| REAR  | 30'      | 127' +/- |            | 30'      |

\*EXISTING CAR WASH BUILDING LOCATION IS NON CONFORMING.

D. STACKING FOR FUEL PUMPS SHALL COMPLY WITH SECTION 405.4A.3c, BCZR.

E. A REST ROOM FACILITY, WATER AND COMPRESSED AIR SHALL BE PROVIDED FOR CUSTOMERS.

F. SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450.

G. PARKING CALCULATIONS:

|                                                                                           | SPACES                   |
|-------------------------------------------------------------------------------------------|--------------------------|
| A. PARKING REQUIRED                                                                       |                          |
| • C-STORE, CARRYOUT RESTAURANT                                                            | 5,400 SF. @ 5/1000 = 27  |
| • OFFICE/STORAGE                                                                          | 1,000 SF. @ 3.3/1000 = 4 |
| • 1 SPACE PER ATM                                                                         | = 1                      |
| • 1 SPACE FOR AIR UNIT                                                                    | = 1                      |
| • CAR WASH DRYING SPACES (2 PER BAY)                                                      | = 12                     |
| • ADDITIONAL SPACES (ROLL OVER CAR WASH)                                                  | = 2                      |
| • VACUUM SPACE                                                                            | = 1                      |
| <b>TOTAL REQUIRED</b>                                                                     | <b>= 48</b>              |
| B. PARKING PROVIDED:                                                                      |                          |
| INCLUDING 2 HANDICAP SPACES                                                               | = 48                     |
| A. CAR WASH STACKING:                                                                     |                          |
| • ROLL OVER CARWASH REQUIRED - (9'x20')                                                   | = 9                      |
| PROVIDED                                                                                  | = 15                     |
| • SELF SERVE CAR WASH REQUIRED - FOR FIRST TUNNEL                                         | = 4                      |
| FOR EACH ADDITIONAL TUNNEL                                                                | = 2                      |
| <b>TOTAL</b>                                                                              | <b>= 12</b>              |
| <b>PROVIDED</b>                                                                           | <b>= 12</b>              |
| I. THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN 1 MILE OF THE SITE (SECTION 405.3) |                          |

## **GENERAL NOTES**

- ZONING: (BR-AS) BUSINESS ROADSIDE - AUTOMOTIVE SERVICE
- SITE ACREAGE (GROSS/NET): Ac. +/- 1.7551 SQ.FT. +/- 76,452
- EXISTING USE: SELF SERVE GASOLINE (8 FUEL POSITIONS), ROLL OVER CAR WASH, (4) SELF SERVICE CAR WASH BAYS (3 ENCLOSED BAYS, 1 OPEN AIR BAY), & RETAIL CENTER.
- PROPOSED USE: GASOLINE FUEL SALES (16 FUELING POSITIONS) AND C-STORE, CARRYOUT RESTAURANT, ATM, ROLL OVER CAR WASH AND (5) SELF SERVE CAR WASH BAYS (ENCLOSED) (1 BAY ADDED TO THIS PLAN)
- BUILDING AREA: 6,400 SF.
- THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
- F.A.R.: MAXIMUM PERMITTED: 2.0 PROPOSED: 0.11
- THE PROPERTY IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA (CBCA).
- THE SITE IS NOT WITHIN A MORATORIUM AREA OR IN AN AREA WHERE FAILURE OF BASIC SERVICES MAPS CURRENTLY EXISTS PER SECTION 4A02.3 (BCZR).
- THE SITE IS NOT WITHIN A 100 YEAR FLOODPLAIN.
- THERE ARE NO NON-TIDAL WETLANDS ON THIS SITE.
- THERE ARE NO FOREST BUFFERS ON THIS SITE.
- THERE ARE NO KNOWN REGULATED PLANT OR WILDLIFE COMMUNITIES ASSOCIATED WITH THIS SITE.
- THERE ARE NO KNOWN HISTORICAL STRUCTURE OR ARCHEOLOGICAL AREAS ASSOCIATED WITH THIS SITE.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS WITHIN 100' OF THIS PROPERTY
- BUILDING CONSTRUCTION SHALL COMPLY WITH BUILDING AND FIRE CODE REQUIREMENTS.
- ALL LIGHTING SHALL CONFORM TO IES (ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA) STANDARDS AND SHALL BE REFLECTED AWAY FROM ROADS & ADJACENT PROPERTIES.
- ALL PAVING SHALL BE BITUMINOUS DUST-FREE SURFACE & PERMANENTLY STRIPPED
- ZONING HISTORY:
  - CZMP ISSUE # 7-040 PORTIONS OF THE SITE WERE REZONED TO BR-AS BY COUNTY COUNCIL ACTION 9/3/04
  - MORE IN KEEPING PLAN - APPROVED 4/26/04 (SEE ATTACHED LETTER)
  - CASE # 90-49-A (ORDER DATED 9/30/89) VARIANCE FOR 67 PARKING SPACES IN LIEU OF THE REQUIRED 79 PARKING SPACES GRANTED.
  - CASE # 88-44-A (ORDER DATED 7/28/87) VARIANCE FOR A SIDE YARD SETBACK OF ONE FOOT IN LIEU OF THE REQUIRED 22 1/2 FEET GRANTED FOR FUEL SERVICE STATION CANOPY.

- CASE # 84-15-S (ORDER DATED 8/3/83) VARIANCE FOR A 4 FOOT REAR YARD SETBACK IN LIEU OF THE REQUIRED 30 FEET FOR THE EXPRESS PURPOSE OF CONSTRUCTING A RETAIL SHOPPING BUILDING. VARIANCE GRANTED SUBJECT TO THE FOLLOWING RESTRICTIONS:
  - COMPLIANCE WITH BALTIMORE COUNTY PARKING REQUIREMENTS.
  - BUILDING SHALL NOT EXCEED 10,000 SQUARE FEET.
  - LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE PLAN APPROVED BY CURRENT PLANNING AND DEVELOPMENT.
- CASE # 75-283-SPH (ORDER DATED 8/25/75) SPECIAL HEARING APPROVED FOR AN ADDITION TO EXISTING CARWASH TO ALLOW FOR SELF-SERVICE CARWASH BAYS GRANTED.
- CASE # 3083-S (ORDER DATED 7/27/94) SPECIAL PERMIT FOR A FUEL SERVICE STATION APPROVED.
- ALL SIGNS TO BE IN CONFORMANCE WITH SECTION 450 B.C.Z.R.
- NO PREVIOUS COMMERCIAL PERMITS AVAILABLE.
- HOURS/DAYS PER WEEK: 24/7
- THE SITE SHALL HAVE NORMAL EMISSIONS ASSOCIATED WITH FUEL SERVICE STATIONS AND CONVENIENCE STORES. ALL MARYLAND AND FEDERAL GUIDELINES AND REGULATIONS WILL BE MET.
- ELECTION DISTRICT: 15TH COUNCILMANIC DISTRICT: 7TH CENSUS TRACT: 4508.02 WATERSHED: 02130807, SUB-SEWERSHED: 38 MIDDLE RIVER WATERSHED TAX MAP: 90, GRID 23, PARCEL 589 ZONING MAP: NE 2-1

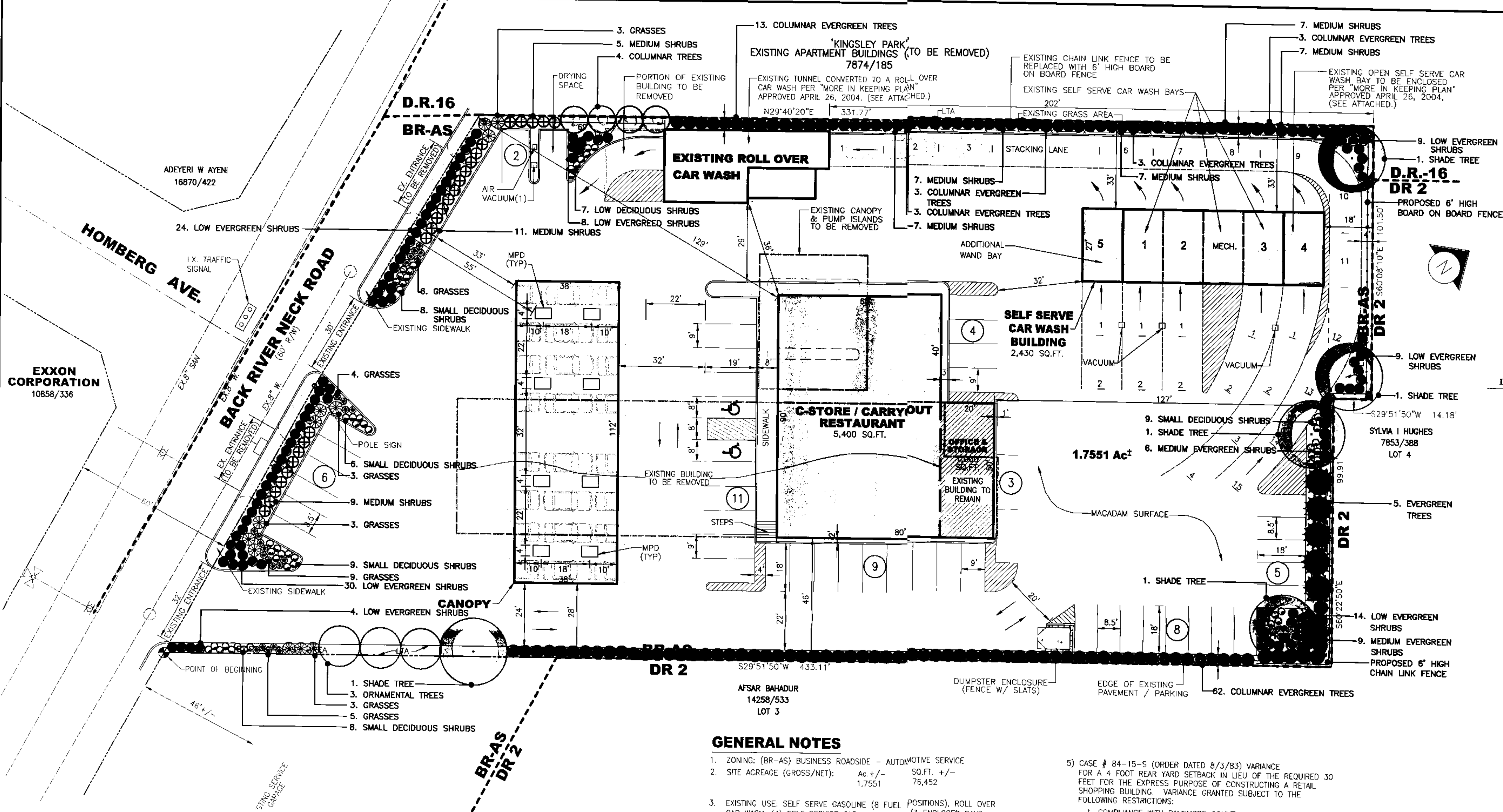
## **ZONING RELIEF REQUESTED**

- SPECIAL EXCEPTION PER SECTION 405.4.E TO PERMIT A FUEL SERVICE STATION USE IN COMBINATION WITH A CONVENIENCE STORE/CARRY OUT RESTAURANT AND ANCILLARY USE AUTOMATIC TELLER MACHINE.**
- SPECIAL HEARING TO AMEND THE PREVIOUS APPROVAL FOR A FUEL SERVICE STATION GRANTED IN CASE # 88-44-A.**
- VARIANCE FROM SECTION 405.4A.2.b. AND SECTION 419.4B.3 TO PROVIDE LTA BUFFERS LESS THAN 15' ALONG BORDER WITH RESIDENTIALLY ZONED PROPERTIES.**

OWNER/APPLICANT  
STA-LEIGH, INC.  
5921 MORAVIA ROAD  
BALTIMORE, MD 21208  
MR. BOB CHRIST  
410-544-8220

|      |           |                                                                                                                                                                                                                |            |
|------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|      |           | <b>MORRIS &amp; RITCHIE ASSOCIATES, INC.</b><br>ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS<br>1220-C EAST JOPPA ROAD, SUITE 505<br>TOWSON, MARYLAND 21286<br>(410) 821-1890<br>FAX (410) 821-1748 |            |
|      |           | <b>PLAN TO ACCOMPANY SPECIAL EXCEPTION<br/>SPECIAL HEARING / VARIANCE APPLICATION<br/>35 BACK RIVER NECK ROAD</b><br><br>15 ELECTION DISTRICT<br>7TH COUNCILMANIC DISTRICT<br>BALTIMORE COUNTY, MARYLAND       |            |
| DATE | REVISIONS | JOB NO.                                                                                                                                                                                                        | 13296      |
|      |           | SCALE:                                                                                                                                                                                                         | 1"= 20'    |
|      |           | DATE:                                                                                                                                                                                                          | 11/22/2004 |
|      |           | DRAWN BY:                                                                                                                                                                                                      | PT         |
|      |           | DESIGN BY:                                                                                                                                                                                                     | BM         |
|      |           | REVIEW BY:                                                                                                                                                                                                     | BM         |
|      |           | SHEET:                                                                                                                                                                                                         | 1 OF 1     |

EXXON CORPORATION  
10858/336



## ZONING NOTES SECTION 405 & 419 (FUEL SERVICE STATIONS & CAR WASH)

|                                                        |          |
|--------------------------------------------------------|----------|
| A. REQUIRED SITE AREA:                                 | SF +/-   |
| FUEL SERVICE STATION (16 FUELING POSITIONS x 1,500 SF) | = 24,000 |
| CONVENIENCE STORE (4 x 5,000 SF)                       | = 20,000 |
| CARRY OUT RESTAURANT (6 x 1,400 SF)                    | = 8,400  |
| OFFICE / STORAGE (2ND FLOOR)                           | = N/A    |
| ATM                                                    | = 1,000  |
| TOTAL AREA REQUIRED                                    | = 53,400 |
| TOTAL AREA PROVIDED (GROSS)                            | = 84,121 |
| B. BUILDING AREA:                                      | SF +/-   |
| CONVENIENCE STORE                                      | = 4,000  |
| CARRY OUT RESTAURANT                                   | = 1,400  |
| OFFICE / STORAGE                                       | = 1,000  |
|                                                        | = 6,400  |

### C. SETBACKS (TO PROPERTY LINES):

| BUILDING  | CANOPY   | FUEL PUMPS | CAR WASH |
|-----------|----------|------------|----------|
| REQUIRED  | PROVIDED | REQUIRED   | PROVIDED |
| FRONT 35' | 29' +/-  | 15'        | 43' +/-  |
| REAR 30'  | 46' +/-  | 25'        | 55' +/-  |
| LEFT 30'  | 12' +/-  | 35'        | 69'      |
| RIGHT 30' |          | 30'        | 4'       |
|           |          | 30'        | 202'     |

\*EXISTING CAR WASH BUILDING LOCATION IS NOW CONFORMING.

D. STACKING FOR FUEL PUMPS SHALL COMPLY WITH SECTION 405.4A.3C, BCZR.

E. A REST ROOM FACILITY, WATER AND COMPRESSED AIR SHALL BE PROVIDED FOR CUSTOMERS.

F. SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450.

### G. PARKING CALCULATIONS:

| A. PARKING REQUIRED                    | SPACES |
|----------------------------------------|--------|
| C-STORE, CARRYOUT RESTAURANT           |        |
| 5,400 SF. @ 5/1000                     | = 27   |
| OFFICE/STORAGE                         |        |
| 1,000 SF. @ 3.5/1000                   | = 4    |
| 1 SPACE PER ATM                        | = 1    |
| 1 SPACE FOR AIR UNIT                   | = 1    |
| CAR WASH DRYING SPACES (2 PER BAY)     | = 12   |
| ADDITIONAL SPACES (ROLL OVER CAR WASH) | = 2    |
| VACUUM SPACE                           | = 1    |
| TOTAL REQUIRED                         | = 48   |

B. PARKING PROVIDED: INCLUDING 2 HANDICAP SPACES = 48

### H. CAR WASH STACKING:

|                                       |                             |      |
|---------------------------------------|-----------------------------|------|
| ROLL OVER CARWASH                     | REQUIRED - (9'x20')         | = 9  |
| PROVIDED                              |                             | = 15 |
| SELF SERVE CAR WASH                   | REQUIRED - FOR FIRST TUNNEL | = 4  |
| REQUIRED - FOR EACH ADDITIONAL TUNNEL |                             | = 2  |
| TOTAL                                 |                             | = 12 |
| PROVIDED                              |                             | = 12 |

I. THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN 1 MILE OF THE SITE (SECTION 405.3)

## GENERAL NOTES

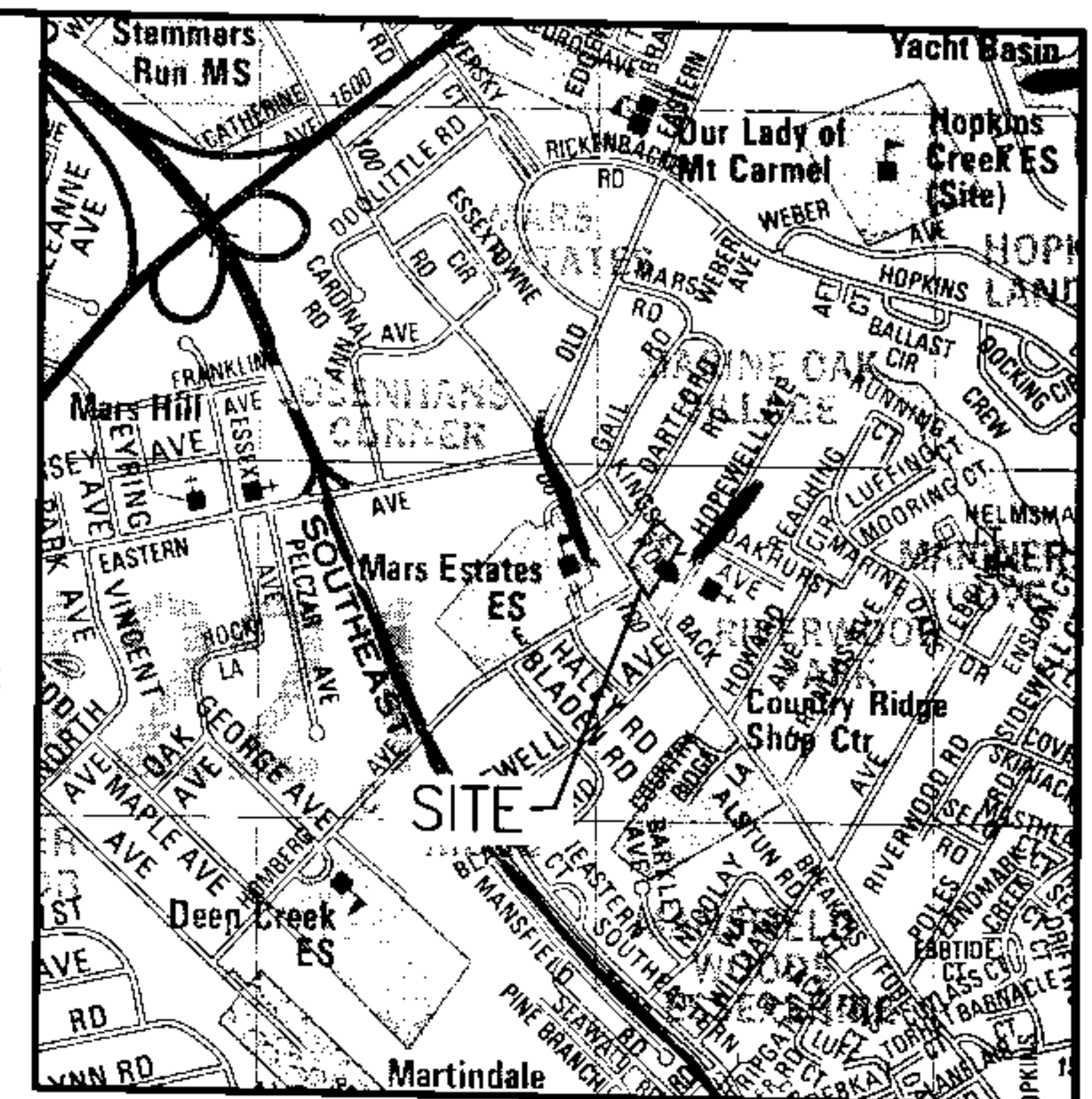
- ZONING: (BR-AS) BUSINESS ROADSIDE - AUTOMOTIVE SERVICE
- SITE ACREAGE (GROSS/NET):  
Ac +/- 1.7551  
SQ.FT. +/- 76,452
- EXISTING USE: SELF SERVE GASOLINE (8 FUEL POSITIONS), ROLL OVER CAR WASH, (4) SELF SERVICE CAR WASH BAYS (3 ENCLOSED BAYS, 1 OPEN AIR BAY), & RETAIL CENTER.
- PROPOSED USE: GASOLINE FUEL SALES (16 FUELING POSITIONS) AND C-STORE, CARRYOUT RESTAURANT, ATM, ROLL OVER CAR WASH AND (5) SELF SERVE CAR WASH BAYS (ENCLOSED) (1 BAY ADDED TO THIS PLAN)
- BUILDING AREA: 6,400 SF.
- THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
- F.A.R.:  
MAXIMUM PERMITTED: 2.0  
PROPOSED: 0.11
- THE PROPERTY IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA (CBCA).
- THE SITE IS NOT WITHIN A MORATORIUM AREA OR IN AN AREA WHERE FAILURE OF BASIC SERVICES MAPS CURRENTLY EXISTS PER SECTION 4A02.3 (BCZR).
- THE SITE IS NOT WITHIN A 100 YEAR FLOODPLAIN.
- THERE ARE NO NON-TIDAL WETLANDS ON THIS SITE.
- THERE ARE NO FOREST BUFFERS ON THIS SITE.
- THERE ARE NO KNOWN REGULATED PLANT OR WILDLIFE COMMUNITIES ASSOCIATED WITH THIS SITE.
- THERE ARE NO KNOWN HISTORICAL STRUCTURE OR ARCHEOLOGICAL AREAS ASSOCIATED WITH THIS SITE.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS WITHIN 100' OF THIS PROPERTY.
- BUILDING CONSTRUCTION SHALL COMPLY WITH BUILDING AND FIRE CODE REQUIREMENTS.
- ALL LIGHTING SHALL CONFORM TO IES (ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA) STANDARDS AND SHALL BE REFLECTED AWAY FROM ROADS & ADJACENT PROPERTIES.
- ALL PAVING SHALL BE BITUMINOUS DUST-FREE SURFACE & PERMANENTLY STRIPPED.
- ZONING HISTORY:  
1) CZMP ISSUE # 7-040 PORTIONS OF THE SITE WERE REZONED TO BR-AS BY COUNTY COUNCIL ACTION 9/3/04  
2) MORE IN KEEPING PLAN - APPROVED 4/26/04 (SEE ATTACHED LETTER)  
3) CASE # 90-49-A (ORDER DATED 9/30/89) VARIANCE FOR 67 PARKING SPACES IN LIEU OF THE REQUIRED 79 PARKING SPACES GRANTED.  
4) CASE # 88-44-A (ORDER DATED 7/28/87) VARIANCE FOR A SIDE YARD SETBACK OF ONE FOOT IN LIEU OF THE REQUIRED 22 1/2 FEET GRANTED FOR FUEL SERVICE STATION CANOPY.

- CASE # 84-15-S (ORDER DATED 8/3/83) VARIANCE FOR A 4 FOOT REAR YARD SETBACK IN LIEU OF THE REQUIRED 30 FEET FOR THE EXPRESS PURPOSE OF CONSTRUCTING A RETAIL SHOPPING BUILDING. VARIANCE GRANTED SUBJECT TO THE FOLLOWING RESTRICTIONS:  
1. COMPLIANCE WITH BALTIMORE COUNTY PARKING REQUIREMENTS.  
2. BUILDING SHALL NOT EXCEED 10,000 SQUARE FEET.  
3. LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE PLAN APPROVED BY CURRENT PLANNING AND DEVELOPMENT.
- CASE # 75-283-SPH (ORDER DATED 8/25/75) SPECIAL HEARING APPROVED FOR AN ADDITION TO EXISTING CARWASH TO ALLOW FOR SELF-SERVICE CARWASH BAYS GRANTED.
- CASE # 3083-S (ORDER DATED 7/27/54) SPECIAL PERMIT FOR A FUEL SERVICE STATION APPROVED.
- ALL SIGNS TO BE IN CONFORMANCE WITH SECTION 450 B.C.Z.R.
- NO PREVIOUS COMMERCIAL PERMITS AVAILABLE.
- HOURS/DAYS PER WEEK: 24/7
- THE SITE SHALL HAVE NORMAL EMISSIONS ASSOCIATED WITH FUEL SERVICE STATIONS AND CONVENIENCE STORES. ALL MARYLAND AND FEDERAL GUIDELINES AND REGULATIONS WILL BE MET.
- ELECTION DISTRICT: 15TH COUNCILMANIC DISTRICT: 7TH CENSUS TRACT: 4508.02 WATERSHED: 02130807, SUB-SEWERSHED: 38 MIDDLE RIVER WATERSHED TAX MAP: 90, GRID 23, PARCEL 589 ZONING MAP: NE 2-1

## ZONING RELIEF REQUESTED

- SPECIAL EXCEPTION PER SECTION 405.4.E TO PERMIT A FUEL SERVICE STATION USE IN COMBINATION WITH A CONVENIENCE STORE/CARRY OUT RESTAURANT AND ANCILLARY USE AUTOMATIC TELLER MACHINE.
- SPECIAL HEARING TO AMEND THE PREVIOUS APPROVAL FOR A FUEL SERVICE STATION GRANTED IN CASE # 88-44-A.
- VARIANCE FROM SECTION 405.4A.2.b. AND SECTION 419.4B.3 TO PROVIDE LTA BUFFERS LESS THAN 15' ALONG BORDER WITH RESIDENTIALLY ZONED PROPERTIES.

OWNER/APPLICANT  
STA-LEIGH, INC.  
5921 MORAVIA ROAD  
BALTIMORE, MD 21206  
MR. BOB CHRIST  
410-544-8220



## VICINITY MAP

SCALE: 1"=1,000'

### Development Management

Development Planning  
County Office Building  
111 W. Calverton Avenue  
Towson, Maryland 21204



### Baltimore County

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

April 26, 2004

Sebastian Cross  
301 North Charles Street, Ste. 900  
Baltimore, Maryland 21201

RE: 35 Back River Neck Road  
More In-keeping Plan  
Case # BR-44-A  
15th Election District

Dear Mr. Cross,

This is a response to your letters of 2/25/04 and 2/26/04 requesting that certain changes to the car wash facilities at the above referenced fuel service station site be approved under the "more in keeping" provisions of section 405.6 Baltimore County Zoning Regulations (BCZR).

Based on the provided information and plans, staff has determined that this plan can be approved under Section 405.6 and a signed copy is being provided to you (with this letter) for your records.

Please document this response on all future plans submitted for zoning review. Please be aware that this is a zoning approval only and that it is not intended to supersede any other agencies requirements.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

John F. Lewis  
Planner II  
Zoning Review

Visit the County's Website at [www.baltimorecountymd.org](http://www.baltimorecountymd.org)

Ex 3



## 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

## PLAN TO ACCOMPANY SPECIAL EXCEPTION SPECIAL HEARING / VARIANCE APPLICATION 35 BACK RIVER NECK ROAD

15 ELECTION DISTRICT  
7TH COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MARYLAND

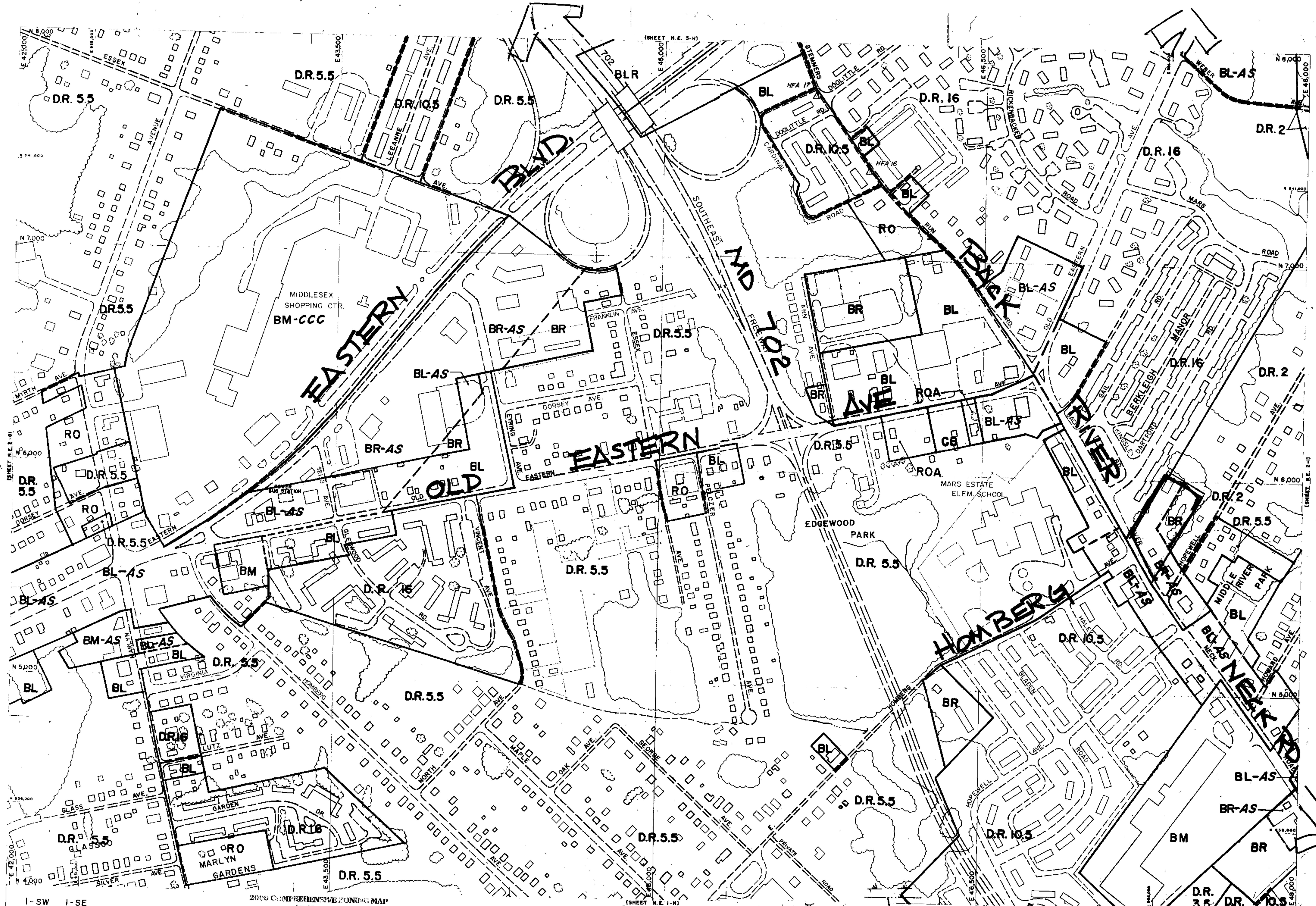
| DATE | REVISIONS | JOB NO.    | 13296      |
|------|-----------|------------|------------|
|      |           | SCALE:     | 1"= 20'    |
|      |           | DATE:      | 11/22/2004 |
|      |           | DRAWN BY:  | PT         |
|      |           | DESIGN BY: | BM         |
|      |           | REVIEW BY: | BM         |
|      |           | SHEET:     | 1 OF 1     |



Ex 2

EXHIBIT 2

|                                                                                       |           |                                                                                                                                                                                                                               |  |
|---------------------------------------------------------------------------------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  |           | <b>MORRIS &amp; RITCHIE ASSOCIATES, INC.</b><br>ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS<br>1220-C EAST JOPPA ROAD, SUITE 505<br>TOWSON, MARYLAND 21286<br>(410) 821-1690<br>FAX: (410) 821-1748<br>MRAGTA.COM |  |
|                                                                                       |           | <b>EXISTING CONDITIONS AERIAL EXHIBIT</b><br><br><b>35 BACK RIVER NECK ROAD</b><br><br>15 ELECTION DISTRICT<br>7TH COUNCILMANIC DISTRICT<br>BALTIMORE COUNTY, MARYLAND                                                        |  |
| DATE                                                                                  | REVISIONS |                                                                                                                                                                                                                               |  |
|                                                                                       |           | JOB NO.: 13296                                                                                                                                                                                                                |  |
|                                                                                       |           | SCALE: 1"= 40'                                                                                                                                                                                                                |  |
|                                                                                       |           | DATE: 01/27/2005                                                                                                                                                                                                              |  |
|                                                                                       |           | DRAWN BY: JK                                                                                                                                                                                                                  |  |
|                                                                                       |           | DESIGN BY: N/A                                                                                                                                                                                                                |  |
|                                                                                       |           | REVIEW BY: DLT                                                                                                                                                                                                                |  |
|                                                                                       |           | SHEET: 1 OF 1                                                                                                                                                                                                                 |  |



2000 COMPREHENSIVE ZONING MAP  
ADOPTED BY  
THE BALTIMORE COUNTY COUNCIL  
OCTOBER 10, 2000  
Hills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00.

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

*James B. Bartlett*  
Chairman, County Council

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

|                                           |                                             |                      |
|-------------------------------------------|---------------------------------------------|----------------------|
| SCALE<br>1" = 200' ±                      | LOCATION<br>STEMMERS RUN<br>BACK RIVER NECK | SHEET<br>N.E.<br>2-H |
| DATE OF<br>PHOTOGRAPHY<br>JANUARY<br>1986 |                                             |                      |

EX 1

NE 2 H

EXHIBIT I