



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

April 28, 2006

Nancy C. West, Esquire
Assistant County Attorney
Courthouse, 2nd Floor
400 Washington Avenue
Towson, Maryland 21204

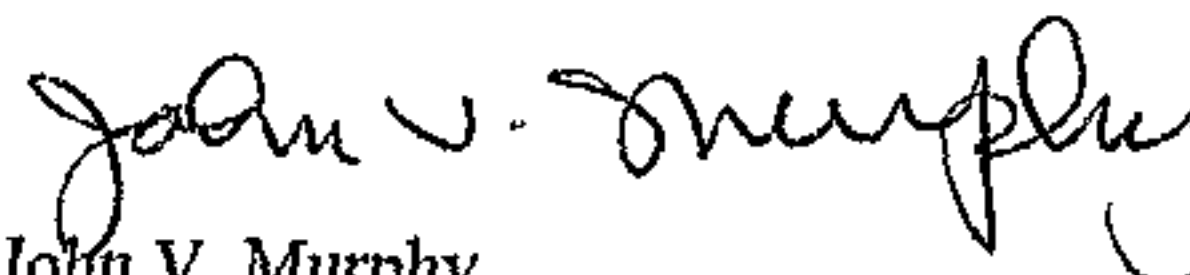
Re: Petition for Special Hearing
Case No. 06-425-SPH
Property: 601 York Road and 10 Joppa Road

Dear Ms. West:

Enclosed please find the Revised Order rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,


John V. Murphy
Deputy Zoning Commissioner

JVM:dlw
Enclosure

c: Timothy M. Kotroco, Director, PDM
Leonard Wasilewski, Code Enforcement Officer, PDM
Shell Oil Company, a/k/a Motiva Enterprises, LLC, P.O. Box 2463, Houston, TX 77252
Shell Oil Company, Marketing Property Tax, P.O. Box 2099, Houston, TX 77252-2099
CSC Lawyers Incorporating Service Company, 11 E. Chase Street, Baltimore, MD 21202
Loni Ingraham, Towson Times, 409 Washington Avenue, LL, Towson, MD 21204
Dick Parsons, 412 Woodbine Avenue, Towson, MD 21204
Don Gerding, 335 Old Trail Road, Baltimore, MD 21212
People's Counsel; ~~Case File~~

IN RE:	*	BEFORE THE
PETITION FOR SPECIAL HEARING	*	DEPUTY ZONING COMMISSIONER
Corner Southwest Side of York Road at	*	OF BALTIMORE COUNTY
Northeast Side of Joppa Road	*	
9 th Election District	*	CASE NO.: 06-425-SPH
5 th Councilmanic District	*	
(601 York Road and 10 Joppa Road)	*	
Shell Oil Company, a/k/a/ Motiva	*	
Enterprises, LLC; Shell Oil Co. Marketing	*	
Property Tax,	*	
Resident Agent: CSC Lawyers	*	
Incorporating Service Company	*	
<i>Legal Owners</i>	*	
Baltimore County, Maryland, by	*	
Timothy M. Kotroco, Director, PDM	*	
<i>Petitioners</i>	*	

* * * * *

REVISED ORDER

Having read and considered the Motion for Reconsideration filed herein by Timothy M. Kotroco, Director of the Department of Permits and Development Management, and Baltimore County, Maryland, and no response having been filed thereto, it is this 28th day of April 2006, hereby

ORDERED that Shell Oil Company, a/k/a/ Motiva Enterprises LLC, et al shall remove the abandoned service station, including all aboveground structures, including signs, buildings and paving, at the above referenced location on or before May 1, 2006; and it is further

ORDERED that if Shell Oil Company fails and refuses to comply with the aforesaid Order that Baltimore County, Maryland may take any and all necessary steps to effectuate such removal in accordance with said Order, and that all costs incurred by the County in connection

ORDER RECEIVED FOR FILING

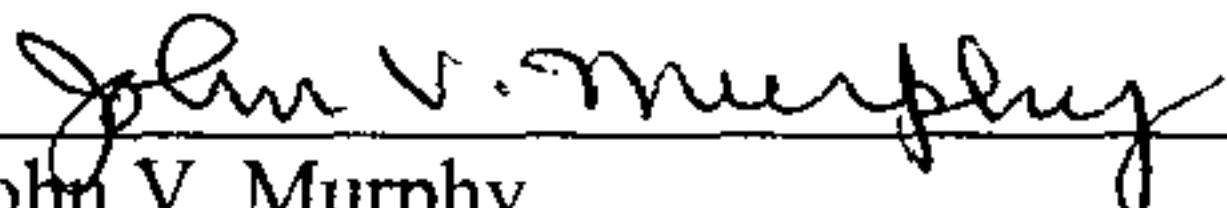
Date

4-28-06

By

[Signature]

with the same shall be considered a lien on the subject property, and subject to enforcement, in accordance with the provisions of Section 35-2-203 of the Baltimore County Code.


John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 4-28-06

By [Signature]

IN RE:

PETITION FOR SPECIAL HEARING

Corner Southwest Side of York Road at
Northeast Side of Joppa Road
9th Election District
5th Councilmanic District
(601 York Road and 10 Joppa Road)

Shell Oil Company, a/k/a/ Motiva
Enterprises, LLC; Shell Oil Co. Marketing
Property Tax,
Resident Agent: CSC Lawyers
Incorporating Service Company

Legal Owners

Baltimore County, Maryland, by
Timothy M. Kotroco, Director, PDM

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO.: 06-425-SPH

RECEIVED

APR 10 2006

ZONING COMMISSIONER

* * * * *

MOTION FOR RECONSIDERATION

Timothy M. Kotroco, Director of Permits and Development Management, and Baltimore County, Maryland, by their undersigned attorneys, file this Motion for Reconsideration pursuant to Rule 4K of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County, and in support thereof state as follows:

1. On April 5, 2000 the Deputy Zoning Commissioner entered an Order relative to the request for special hearing relief in the above captioned matter in favor of Timothy M. Kotroco, Director of the Department of Permits and Development Management, and Baltimore County, Maryland, and ordered that the owner of the above subject property "*shall remove the station and all aboveground structures, including signs, buildings and paving within 90 days of the date*" of his Order.

2. Deputy Commissioner Murphy found that the former Shell Station has been abandoned for more than 12 months based on the evidence presented and pursuant to 405.7 of the Baltimore County Zoning Regulations. ("BCZR"). Further, he found as a fact that the station has been abandoned for the past five years based upon the removal of the underground fuel tanks.

3. Despite repeated requests over a number of years, Shell Oil has failed and refused to repair, correct and otherwise take all necessary actions to remedy the deteriorating condition of the abandoned service station in accordance with the BCZR.

4. The continued deterioration of the property adversely affects the use, value, and enjoyment of the surrounding properties and continues to be a blighting influence that must be abated.

5. That Shell Oil has demonstrated its continued recalcitrance by its failure to appear for the scheduled hearing in the above-referenced matter, just as it has failed to respond to the County's repeated efforts seeking compliance, most recently when it completely ignored the November 10, 2005 letter from Timothy M. Kotroco, Director of Permits and Development Management. (See Exhibit 9).

6. That Shell Oil's continued, flagrant disregard of the zoning laws of Baltimore County should not be countenanced.

WHEREFORE, Timothy M. Kotroco, Director of the Department of Permits and Development Management, and Baltimore County, Maryland hereby respectfully pray that the Deputy Zoning Commissioner:

a. Issue a Revised Order requiring Shell Oil Company, a/k/a Motiva Enterprises, LLC, et al to remove the abandoned service station and all aboveground structures, including signs, buildings and paving, on or before May 1, 2006;

b. That if Shell Oil Company fails to comply with any Revised Order of the Deputy Zoning Commissioner, the County may take all necessary steps to remove the abandoned service station and otherwise comply with said Order, and impose a lien against the subject property for all associated costs in accordance with the provisions of Section 35-2-203 of the Baltimore County Code; and

c. For such other and further relief as may be deemed just and appropriate.

John E. Beverungen
County Attorney


Nancy C. West
Assistant County Attorney
Baltimore County Office of Law
Courthouse, 2nd Floor
400 Washington Avenue
Towson, Maryland 21204
410-887-4420
Attorneys for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of April 2006, a copy of the foregoing Motion for Reconsideration and proposed Order were mailed, first class mail, postage prepaid, to:

Shell Oil Company
a/k/a/ Motiva Enterprises LLC
P.O. Box 2463
Houston, TX 77252

Shell Oil Company
Marketing Property Tax
P.O. Box 2099
Houston, TX 77252-2099

Resident Agent:
CSC Lawyers Incorporating Service Company
11 E. Chase Street
Baltimore, Maryland 21202


Nancy C. West
Assistant County Attorney

qIN RE: PETITION FOR SPECIAL HEARING

Corner Southwest Side of York Road at
Northeast Side of Joppa Road
9th Election District
5th Councilmanic District
(601 York Road and 10 Joppa Road)

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 06-425-SPH

Shell Oil Company, a/k/a Motiva
Enterprises, LLC; Shell Oil Co. Marketing
Property Tax,
Resident Agent CSC Laywers
Incorporating Service Company
Legal Owners

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*

*

Baltimore County, Maryland, by
Timothy M. Kotroco, Director, PDM
Petitioners

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 601 York Road and 10 Joppa Road in the Towson area of Baltimore County. The Petition was filed by Baltimore County, Maryland, by Timothy M. Kotroco, Director, Department of Permits and Development Management. Special Hearing relief is requested pursuant under Sections 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine whether or not the Zoning Commissioner/Deputy Zoning Commissioner should find that the fuel service station located on the property has been abandoned pursuant to Section 405.7 and further order the removal of the station and all aboveground structures, including paving.

The property was posted with Notice of Hearing on March 17, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on March 16, 2006, to

Date 4-5-06
By [Signature]

notify any interested persons of the scheduled hearing date. Finally notice of the public hearing on the Petition was sent by first class mail to the owner(s) on March 7, 2006.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated March 16, 2006 in support of the requested relief, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing was Leonard Wasilewski, Code Enforcement Officer. Nancy C. West, Esq. Assistant County Attorney, appeared on behalf of the Petitioner. Richard Parsons attended the hearing as an interested citizen. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Wasilewski, who is a County Code Enforcement Officer, testified that the subject property is located at the intersection of York Road and the Towson roundabout circle with the address of 601 York Road. This is parcel 410 on State tax map 70 A. See Petitioner's Exhibit 3

MAILED 4-5-06
Date
By *Debra J. [Signature]*

and tax map, Exhibit 4. In addition, there is a second parcel whose address is 10 Joppa Road which is parcel 151 of this same tax map. See Exhibit 2. He explained that these parcels are separated by a common driveway which serves both parcels from Joppa Road and parcel 319 behind the subject parcels which is not the subject of this Petition. A special exception was granted on the subject parcels for a fuel service station in Case 5504-X and later modified in Case No. 83-100-SPHXA. See site plan, Exhibit 1. In fact, a fuel service station was operated by the Shell Oil Company at these locations for many years thereafter. The office, repair bays, canopy and fuel pumps are all located on parcel 410. The operator used parcel 151 to store vehicles being repaired and for parking for employees.

Mr. Wasilewski indicated that Shell filed an application with the County to remove three underground fuel tanks in June 2000 as shown in Exhibits 7A and 7B. Presumably, these were the storage tanks from which the operator would have dispensed fuel. To his personal knowledge, the tanks were actually removed shortly thereafter, which started the period of abandonment. In addition, there is also a sign associated with the fuel service station on the premises.

He noted that the County sent notice to the owner that it must remedy the abandonment of the station within 90 days as shown by Exhibit 9, dated November 10, 2005 to which there has been no reply by Shell. Finally, he presented photographs of trash, and debris on the property, graffiti on the buildings and dangerous excavations in the paving and further testified that the owner has not remedied any of these conditions. See Exhibit 10. He indicated that this abandonment and lack of maintenance adversely affects the neighborhood. He noted that the property now has a "For Sale" sign.

ORDER RECEIVED FOR FILING

Date 4-5-06

By Delia W. Ben

Findings of Fact and Conclusions of Law

Based on the evidence presented and pursuant to Section 405.7 of the BCZR, I find that the fuel service station on the subject properties has been abandoned for more than twelve months. In fact, it appears to have been abandoned for the past five years based upon the removal of the underground fuel tanks. I further find that the owner was notified of the abandonment and continued deterioration of the property as shown in the County's letter of November 10, 2005 and that the owner has not corrected the deficiencies and/or abandonment. I further find that the owner failed to properly maintain the abandoned station and by reason of its continued vacancy the structure and grounds lack reasonable or adequate maintenance thereby causing deterioration and blighting influence on nearby properties. Finally, I find that this abandonment and lack of maintenance is harmful to the health, safety and welfare of the neighborhood.

Consequently, I will order the removal by the owner of all structures including the sign, buildings and paving.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' request for special hearing and variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 5 day of April 2006, that the Petitioner's request for Special Hearing relief requested pursuant under Sections 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), the owner shall remove the station and all aboveground structures, including signs, buildings and paving within 90 days of the date of this Order.

ORDER RECEIVED FOR FILING

Date

4-5-06

By

Deputy Zoning Commissioner

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING

Date 4-5-06

By Diana W. [Signature]

**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



6-425 SPH West F
Baltimore County

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

BALTO CO. EXHIBIT

November 10, 2005

**VIA REGULAR MAIL
and
CERTIFIED MAIL**

Shell Oil Company
Marketing Property Tax
P.O. Box 2099
Houston, TX 77252-2099

Shell Oil Company
P.O. Box 2463
Houston, TX 77252

CSC Lawyers Incorporating Service Company
11 E. Chase Street
Baltimore, MD 21202

**Re: 90-Day Notice to Remedy Zoning Violations-
Abandoned Shell Service Station located
at 601 York Road in Towson, MD 21204**

Dear Sir or Madam:

It has come to our attention that the Shell Service Station at the above referenced location has not been in actual and continuous operation as a station for a period of 12 consecutive months as required by Section 405.7 B of the Baltimore County Zoning Regulations (BCZR). Therefore, such use is presumed to be abandoned and the right to resume the use is thereby terminated. Notwithstanding your abandonment, the premises (including landscaping) of the station, shall be continuously maintained in the same manner as is required by Section 405.7 D of the BCZR for operating fuel service stations. You have failed to comply with that section.

Since your company has abandoned fuel service operations at this site, the property has continued to deteriorate. It is obvious to any reasonable person that the fuel service station no longer has the appearance of a properly maintained station. The structures are painted, albeit battleship gray. The windows and doors of the existing structure have been boarded up; the paving is inadequate; and the earth is exposed and denuded as a result of the underground storage tanks being removed.

Nov 14 2005

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

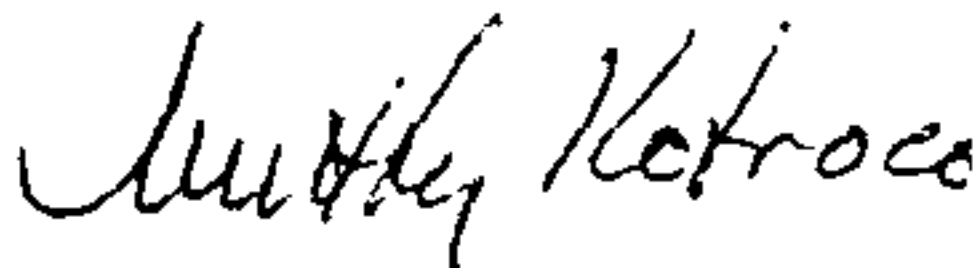
Shell Oil Company
November 10, 2005
Page 2

The area has not been vegetated and screened in accordance with the landscaping requirements of the BCZR. The continued deterioration of this property adversely affects the use, value, and enjoyment of the surrounding properties. It is a blighting influence that must be abated.

This letter will serve as the requisite notice to you to repair, correct and otherwise take all necessary actions to remedy the situation. Section 405.7 D of the BCZR requires that the premises, including landscaping, of any fuel service station which is abandoned must be continuously maintained in the same manner as is required for operating fuel service stations under Section 405 of the BCZR. If these deficiencies have not been corrected within a period of ninety (90) days following the date of this notice, I will refer this matter to the Zoning Commissioner for a hearing, pursuant to Section 500.7 of the BCZR, to require removal of all structures, including paving. I have attached a copy of the relevant zoning regulations for your review.

I trust that as a good corporate citizen you will take the responsible and necessary steps to address this continuing blight and obviate the need for any future enforcement action by the County. I am available to discuss this matter and can be contacted at the number listed above.

Sincerely,



Timothy M. Kotroco
Director

TMK/kp

Encl.

C: James T. Smith, County Executive
Anthony G. Marchione, Administrative Officer
Hon. Vincent J. Gardina
John E. Beverungen, Acting County Attorney
Nancy C. West, Assistant County Attorney
David A.C. Carroll, DEPRM

Section 405, Fuel Service Stations [Bill No. 172-1993 EN(1)]

405.1 Statement of legislative findings and policy.

- A. Bill No. 40-1967 enacted six commercial districts (C.N.S., C.C.C., C.T., C.S.A., C.S.-1 and C.S.-2) and one industrial district (I.M.). One of the main purposes of the new commercial districts was to control the location of service stations and the uses associated with them. In 1975, the C.R. District was added to govern service stations and other commercial uses in rural areas.
- B. While the C.T., C.C.C., C.R. and I.M. Districts have special use and bulk regulations which make each one unique, the remaining districts (C.N.S., C.S.A., C.S.-1 and C.S.-2) do not include provisions which make them distinct. As a consequence, the C.S.A., C.N.S., C.S.-1 and C.S.-2 Districts are consolidated into the automotive services (A.S.) District.
- C. The design and operation of service stations has changed significantly and the provisions set forth in Bill No. 40-1967 no longer reflect contemporary business practices. Due to the rise of self-service stations, the number of businesses that "service" motor-vehicles by providing repair facilities has been steadily declining, while the number of stations with convenience stores or car wash operations has been increasing. To better reflect the evolving role of this use, the name of "automotive service station" is being changed to "fuel service station," and regulations which govern the permitted ancillary uses are being amended to reflect contemporary business practices and to facilitate the upgrading of existing stations.
- D. It is the intent of this section to permit fuel service stations in accordance with the goals of the Master Plan and duly adopted community plans by requiring performance standards that will regulate their location and appearance as well as the additional uses which may be developed at such sites.

405.2 Locations in which fuel service stations are permitted.

- A. A fuel service station is permitted by right subject to Section 405.4, provided that no part of the lot is within 100 feet of a residentially zoned property and is integrated with and located:
 - 1. In a planned shopping center of which at least 20% has been constructed at the time the building permit for the fuel service station is issued, but not to exceed one station for each 60,000 square feet of gross floor area of the planned shopping center;
 - 2. In an approved planned industrial park of a minimum net area of 50 acres, but not to exceed one for each 50 acres of net area; or

3. In a planned drive-in cluster.

B. Fuel service stations on individual sites which do not comply with the requirements of Section 405.2.A are permitted by special exception, as provided below and subject to Sections 405.3 and 405.4.

1. Within the urban-rural demarcation line (URDL), in C.C.C., A.S. or I.M. Districts, provided no part of the lot is in an M.R. Zone.
2. Outside the URDL with C.R. District designation only in B.L., B.M. or B.R. Zones, subject to Section 259.3.B.2.

405.3 In addition to the findings required under Section 502.1, the Zoning Commissioner, prior to granting any special exception for a fuel service station, shall consider the presence of abandoned fuel service stations in the vicinity of the proposed site. A finding by the Zoning Commissioner of the presence of one abandoned fuel service station, as defined in Section 405.7, within a one-half-mile radius, or two such stations within a one-mile radius of the proposed fuel service station establishes that there is no need for the proposed use, unless rebutted to the Zoning Commissioner's satisfaction by market data.

405.4 Standards.

A. Site development.

1. Site dimensions. The area of any fuel service station site shall be no less than 15,000 square feet or 1,500 times the number of fuel service spaces (as defined in Section 101), whichever is greater. If any use permitted under Section 405.4.D or 405.4.E is added to the fuel service station, the area of the site shall be increased in accordance with the provisions of those sections.
2. Setbacks.
 - a. No main structure of a service station shall be set back less than 35 feet from any street right-of-way; no fuel pump shall be set back less than 25 feet from any street right-of-way; no canopy shall be set back less than 15 feet from any street right-of-way.
 - b. Except at the required access driveways, a landscape transition area shall be provided along the entire perimeter of fuel service stations. Such area shall have a minimum width of 10 feet if the fuel service station abuts a public right-of-way, and six feet in all side and rear yards abutting nonresidentially zoned land, except that service stations located within 50 feet of any residentially zoned property (other than a residential zone line in a public right-of-way) shall provide a buffer measuring no

less than 15 feet from that property line.

- c. The landscape transition area shall be vegetated and screened in accordance with the Landscape Manual requirements for automotive uses.
- d. Other setbacks shall be as required by these regulations.

3. Access, internal circulation and vehicle reservoir capacity.

- a. The number and location of access driveways shall be determined by the hearing officer or Zoning Commissioner based upon the recommendations of the Director of Public Works and the Office of Planning.
- b. All internal paved areas of a fuel service station site used for parking, driveway, aisles and stacking purposes shall comply with Section 409 and shall be laid out to preclude vehicles waiting on the street or blocking the right-of-way before gaining entrance.
- c. In addition to the fuel service space, at least one stacking space shall be provided:
 - (1) For each pump island side, at pump islands that contain multiproduct dispensers (MPD) and where a bypass lane serves each (MPD);
 - (2) For each MDP in cases where there is no bypass lane or where a convenience store is located on the same lot; or
 - (3) For each pump, if the pump dispenses a single fuel type.
- d. Parking spaces on the site of any fuel service station shall be provided as follows:
 - (1) One space per employee on the largest shift.
 - (2) Three spaces per 1,000 square feet of gross floor area for a convenience store up to 1,500 square feet. (Convenience stores larger than 1,500 square feet shall be subject to the parking requirements for retail uses in accordance with Section 409, including the first 1,500 square feet).
 - (3) Three spaces per service bay, not counting service spaces in the bays.
 - (4) One space per self-service air or vacuum cleaner unit.
 - (5) One space per automatic teller machine.

B. All fuel service stations shall provide a rest room facility, water and compressed air for customers.

C. Appearance.

1. General design.

- a. Any structure on the site that is converted to an ancillary use or to a use in combination with a fuel service station must be upgraded to create a unifying architectural theme with other structures on the site.
- b. The rear and sides of buildings on lots abutting residentially zoned properties shall be finished with materials that in texture and color resemble the front of the building. The type of facade treatment shall be indicated on the site plan or an accompanying elevation drawing and is subject to review by the Director of Planning.
- c. Except for the temporary outdoor sale of items permitted under Section 230.9, the outside display of merchandise is permitted only under the canopy, or if there is no canopy, on or between the pump island or in an area immediately adjacent to the cashier's kiosk. Such goods may not block access drives, stacking spaces or interfere with the site's circulation pattern.
- d. If the fuel service station is located within 50 feet of a residentially zoned property, lighting standards on site may not exceed a height of 18 feet and shall be directed away from any residentially zoned properties.
- e. To increase compatibility with surrounding buildings or to enhance the attractiveness of the site of fuel service stations for which a special exception is required, the Zoning Commissioner may specify additional requirements, including:
 - (1) Changes in building or site plan design;
 - (2) Restrictions on hours of operations; or
 - (3) Other requirements deemed necessary for compliance with this section.

2. Signs. Signs are permitted, subject to Section 450. [Bill No. 89-1997]

3. Maintenance. At all times, the premises shall be maintained in a clean and orderly condition. All landscaped areas shall be irrigated as needed and dead plants replaced. The responsibility for compliance with these provisions lies with all parties that individually or collectively have a lease or ownership interest in the fuel service station.

D. Ancillary uses. The uses listed below, only, are permitted by right in conjunction with any fuel service station. The minimum area of the site as determined under Section 405.4.A.1 shall be increased each ancillary use by at least the number of square feet indicated below, which includes land for required parking and stacking spaces:

*Baltimore County Zoning Regulations
PC/Codebook for Windows*

1. Minor vehicle repair or diagnostic services to vehicles, except those which are unlicensed or which have a State Motor Vehicle Administration transporter or a dealer license. Additional site area of 1,300 feet per service bay shall be provided.
 - a. Type of service and repairs include but are not limited to the sale and installation of mufflers, small auto parts and accessories and shall remain accessory to the fuel service station operation.
 - b. All service and repairs shall take place within completely enclosed buildings.
 - c. The combined area for sales, display and customer waiting room may not exceed 500 square feet.
 - d. Storage of tow trucks, damaged or disabled vehicles or parts is subject to Section 405A.
 2. Convenience store with a sales area of up to 1,500 square feet inclusive of accessory storage. An additional site area of four times the square footage of the convenience store's sales area shall be provided.
 3. Automatic teller machine, but no drive-through facilities. Additional site area of 1,000 square feet for each device shall be provided.
 4. Self-service vacuum stations. All such stations shall be located at least 30 feet from a residentially zoned property. No additional site area is required.
 5. Temporary outdoor sale of Christmas trees, firewood, cut flowers or live plants as limited by Section 230.9.
 6. The sale of cigarettes, candy, drinks, snacks and similar items from vending machines or the cashier's kiosk. No additional site area is required if vending machines do not exceed a total of five machines, otherwise the area shall be considered a convenience store.
 7. The retail sale of automotive service items such as motor oil, antifreeze or allied products. No additional site area is required.
- E. Uses in combination with fuel service stations. The minimum area of the site as determined by Section 405.4.A.1 shall be increased for each use in combination with a fuel service station by at least the number of square feet indicated below:

Type of Use	Integral Planned Development	Individual Site
-------------	------------------------------------	--------------------

(SE = Special Exception and P = Permitted by Right)

*Baltimore County Zoning Regulations
PC/Codebook for Windows*

1.	Convenience store with a sales area larger than 1,500 square feet inclusive of accessory storage. Additional site area of four times the square footage of the convenience store's sales area must be provided.	SE	SE
2.	Roll-over car wash. No specific additional site area required, provided that the stacking, parking and buffer requirements of Section 419 are met.	P	SE
3.	Full service car wash. No specific additional site area required, provided that the stacking, parking and buffer requirements of Section 419 are met.	SE	SE
4.	Service garages providing services other than those listed in Section 405.4.D, subject to the provisions of Section 405.4.C.1.a through 1.e.	SE	SE
5.	Automobile rental, with a maximum stock of 12 cars. Additional site area of 4,000 square feet must be provided.	SE	SE
6.	Trailer rental, for trailers not exceeding 3/4 ton chassis weight, with a maximum stock of 20 trailers. Additional site area of 5,000 square feet must be provided.	SE	SE
7.	Light-truck rental, including rental of trucks equipped with campers, for trucks not exceeding 1 1/2 tons' capacity, with a maximum stock of eight trucks. Additional site area of 4,000 square feet must be provided.	SE	SE
8.	Parking of not more than six school buses. Additional site area of 2,600 square feet must be provided.	SE	SE

*Baltimore County Zoning Regulations
PC/Codebook for Windows*

- | | | |
|--|----|------------------|
| 9. Self-service car washes. No additional site area required, provided that the stacking, parking and buffer requirements of Section 419 are met. | SE | Not
Permitted |
| 10. Restaurant, including fast food, fast food drive-through only, and carry-out restaurants. Additional site area of six times the gross square footage of the restaurant must be provided. | SE | SE |

405.5 Plan approvals.

- A. Conversion of any conforming fuel service station building to another use, permitted in the basic zone or district in which the site is located, shall require approval of the overall plan of the entire site by the Directors of Planning, Public Works and Permits and Development Management or, in the case of a special exception, the Zoning Commissioner.
- B. For all service station sites requiring a special exception, any amended plan shall constitute a new plan and be subject to the same requirements of these regulations.

405.6 Fuel service stations existing prior to the effective date of Bill No. 172-1993.

A. Expansion, reconstruction or addition of uses.

- 1. Any fuel service station which legally existed by right or by special exception on the effective date of Bill No. 172-1993 may be expanded or reconstructed, and any ancillary use listed in Section 405.4.D may be added, provided that the project is confined to the limits of the site as it existed on the effective date of Bill No. 172-1993; and
 - a. Conforms with a plan for the entire site as reviewed by the Directors of Planning, Public Works, and Permits and Development Management; and
 - b. Is located in a B.L., B.R., B.M., M.L. or M.H. Zone or a PUD; and
 - c. Meets the requirements set forth in Section 405.4 or, in the judgment of the Director of Permits and Development Management, would be done in such a manner that the station would be improved to be more in keeping with the purposes of Section 405.4; and
 - d. In cases where a provision of Bill No. 172-1993 conflicts with the terms or conditions of a prior special exception, the project may be subject to special hearing at the discretion of the Director of Permits and Development Management.

2. After a public hearing, the Zoning Commissioner may authorize expansion of the station beyond the confines of the site, subject to the provisions of 405.6.A.1 above.
3. Any of the "uses in combination with" fuel service stations listed in Section 405.4.E may be added to any such station, provided that a special exception is granted and the provisions of Section 405.4 are met.
4. Any structure or expansion of the use that is shown on a plan approved prior to the effective date of Bill No. 172-1993 shall be considered as being in compliance with Section 405.4.A.2.a.

B. Portable "A" or "sandwich board" signs shall be removed within three months of the adoption of this provision.

405.7 Abandoned fuel service stations.

- A. Finding. The County Council recognizes that at times the public need for fuel service stations at particular locations ceases, and those stations become abandoned. An abandoned fuel service station is one which, intentionally, is not in actual and continuous operation as defined in Section 405.7.B. The County Council further recognizes that an abandoned fuel service station which is left to deteriorate can become a threat to the health, safety and welfare of the community, can have a blighting influence on surrounding properties and can cause a deterioration of the use, value and enjoyment of property in the immediate neighborhood.
- B. Notice of presumption of abandonment. Whenever the owner or agent of any fuel service station has ceased or terminated the use of the premises as a fuel service station, the owner or agent shall notify the Director of Permits and Development Management within 30 days after the termination. Notwithstanding the failure of the owner to notify the Director, any fuel service station which has not been in actual and continuous operation as a station for a period of 12 consecutive months shall be presumed to be abandoned and right to resume the use is thereby terminated. For purposes of this section, "continuous operation" shall mean operation as a fuel service station at least eight hours per day, five days per week.
- C. Termination of special exception. Any special exception for the operation of a fuel service station shall become void upon notice of abandonment by the owner or upon proof of abandonment after notice and hearing pursuant to Section 500.7 of the zoning regulations. Any special exception for a fuel service station shall terminate at the time of the conversion to another use.
- D. The premises (including landscaping) of any fuel service station which is not in continuous operation or which is abandoned shall be continuously maintained in the same manner as is

required under these regulations for operating fuel service stations.

E. Proceedings to require removal.

1. Whenever it shall be determined by the Director of Permits and Development Management that a fuel service station has not been in continuous operation and that the premises have not been continuously maintained, the Director shall issue a notice to the owner or agent to repair, correct or take other appropriate action to remedy the specific deficiencies enumerated in the notice.
2. If the deficiencies have not been corrected within a period of 90 days following the date of the notice, the Director of Permits and Development Management shall refer the matter to the Zoning Commissioner for a hearing, pursuant to Section 500.7, to require removal.
3. If, after notice and hearing pursuant to Section 500.7 of the zoning regulations, it is determined that a fuel service station has not been in continuous operation and not continuously maintained and corrected according to prior notice, and if it is further found that by reason of the continued vacancy, the structure and grounds lack reasonable or adequate maintenance, thereby causing deterioration and blighting influence on nearby properties and thereby depreciating the enjoyment, use or value of the property in the immediate vicinity to such an extent that it is harmful to the public health, welfare, safety, comfort or convenience of the neighborhood in which the station is situated, the Zoning Commissioner shall order the station's removal. For purposes of the subsection, "removal" shall mean the removal by the owner of all aboveground structures, including paving, and removal or abandonment in place of underground tanks in compliance with the provisions of COMAR 26.10.10.02 and Section 14-300(b) of the Baltimore County Code, 1988 Edition, as revised.

405.8 Conversions of abandoned stations. One of the purposes of this subsection is to promote the conversion of vacated fuel service stations to other uses; therefore, if a fuel service station has been abandoned as such, but is converted to another use, no fuel service station structure, equipment or appurtenances necessary or appropriate to the new use need be removed.

Endnotes

1 (Popup)

Editor's Note: This bill also repealed former Section 405, which was part of BCZR 1955, as amended by Resolution, November 21, 1956, and Bill Nos. 40-1967; 69-1968.

- a. Conforms with a plan for the entire site as reviewed by the Directors of Planning, Public Works, and Permits and Development Management; and
 - b. Is located in a B.L., B.R., B.M., M.L. or M.H. Zone or a PUD; and
 - c. Meets the requirements set forth in Section 405.4 or, in the judgment of the Director of Permits and Development Management, would be done in such a manner that the station would be improved to be more in keeping with the purposes of Section 405.4; and
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 - 3. If, after notice and hearing pursuant to Section 500.7 of the zoning regulations, it is determined that a fuel service station has not been in continuous operation and not continuously maintained and corrected according to prior notice, and if it is further found that by reason of the continued vacancy, the structure and grounds lack reasonable or adequate maintenance, thereby causing deterioration and blighting influence on nearby properties and thereby depreciating the enjoyment, use or value of the property in the immediate vicinity to such an extent that it is harmful to the public health, welfare, safety, comfort or convenience of the neighborhood in which the station is situated, the Zoning Commissioner shall order the station's removal. For purposes of the subsection, "removal" shall mean the removal by the owner of all aboveground structures, including paving, and removal or abandonment in place of underground tanks in compliance with the provisions of COMAR 26.10.10.02 and § 33-7-103 of the Baltimore County Code. [Bill No. 137-2004]

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fuel service station structure, equipment or appurtenances necessary or appropriate to the new use need be removed.

Section 405A
Storage of Damaged or Disabled Motor
Vehicles on Service Garage Premises
[Bill No. 43-1969]

Damaged or disabled motor vehicles may be stored on the premises of any conforming service garage or nonconforming use service garage, provided that any outdoor storage of such motor vehicles shall be subject to the following requirements:

- 405A.1 Screening. All such vehicles shall be screened from off-site view by walls (including building walls) or fences at least eight feet in height. However, a screening wall or fence less than eight feet high, but not less than six feet high, existing on the date of enactment of this provision¹ may serve in lieu of such eight-foot wall or fence. All surfaces of such walls or fences facing residential zones or premises shall be finished or, in the discretion of the Zoning Commissioner, vine-covered or otherwise improved by the use of planting.
- 405A.2 Paving. The storage area shall be paved with permanent all-weather materials over suitably compounded and compacted base materials, and shall be properly drained.

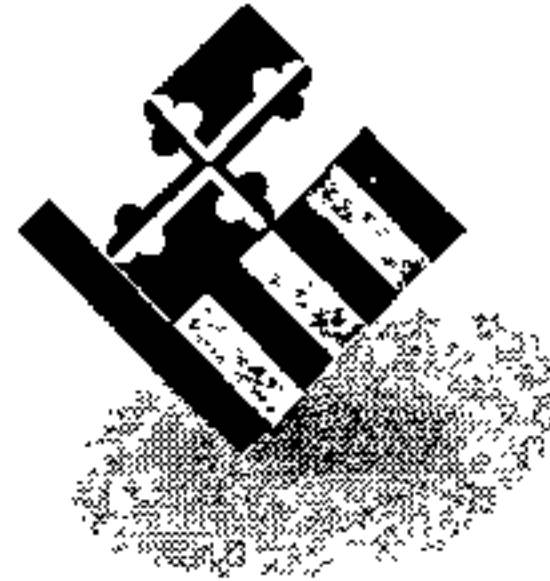
Section 406
Golf Driving Range, Miniature Golf
and Baseball Batting Range
[BCZR 1955; Bill No. 26-1988]

- 406.1 All lighting installations shall be such and be so arranged as not to increase traffic hazards or to cause direct or glaring reflection into adjoining premises.

Section 406A
Tennis Facilities
[Bill Nos. 62-1978; 31-1984; 26-1988]

- 406A.1 A tennis facility may be established as a principal use in an R.C. or D.R. Zone only if it is owned by a homes or residents' association, as defined in the Comprehensive Manual of Development Policies adopted pursuant to Section 504 of these regulations, by a neighborhood improvement association, or by a neighborhood tennis club. For the purposes of this subsection, a "neighborhood improvement association" is an incorporated association, the purpose of which is to promote the common good and general welfare of its members, who reside within the association's boundaries as defined in its charter or bylaws; a "neighborhood tennis club" is a nonprofit incorporated association, the purpose of which is to own or maintain a tennis facility

¹ Editor's Note: This provision was enacted on April 15, 1969 (Bill No. 43-1969).



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

April 5, 2006

Nancy C. West, Esquire
Assistant County Attorney
Courthouse, 2nd Floor
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 06-425-SPH
Property: 601 York Road and 10 Joppa Road

Dear Ms. West:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:dlw
Enclosure

c: Timothy M. Kotroco, Director, PDM
Leonard Wasilewski, Code Enforcement Officer, PDM
Shell Oil Company, a/k/a Motiva Enterprises, LLC, P.O. Box 2463, Houston, TX 77252
Shell Oil Company, Marketing Property Tax, P.O. Box 2099, Houston, TX 77252-2099
CSC Lawyers Incorporating Service Company, 11 E. Chase Street, Baltimore, MD 21202
Loni Ingraham, Towson Times, 409 Washington Avenue, LL, Towson, MD 21204
Dick Parsons, 412 Woodbine Avenue, Towson, MD 21204
Don Gerding, 335 Old Trail Road, Baltimore, MD 21212
People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 601 York Road and 10 Joppa Road
which is presently zoned BM-CT

This Petition shall be filed with the Department of Permits and Development Management.

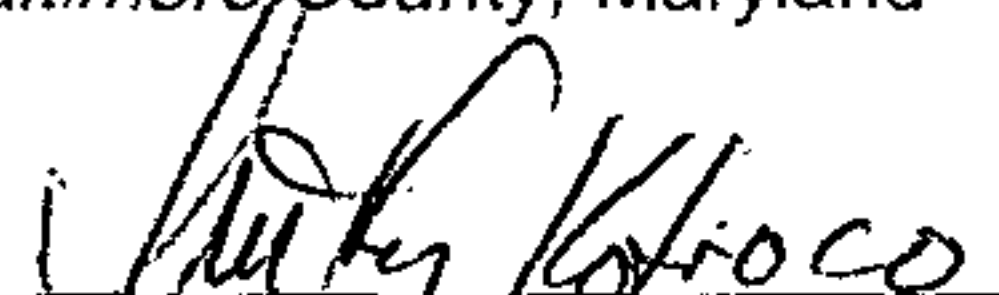
Timothy M. Kotroco, Director of Permits and Development Management, and Baltimore County, Maryland hereby petition for a Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations for a determination by the Zoning Commissioner that the fuel service station located on the property, which is more particularly described in the zoning description and plat attached hereto and made a part hereof, has been abandoned pursuant to Section 405.7, and further prays that an Order be entered requiring the removal of the station and all aboveground structures, including paving.

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.

Petitioners

Baltimore County, Maryland


Timothy M. Kotroco, Director of Permits
and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204
410.887.3353

Legal Owner(s):

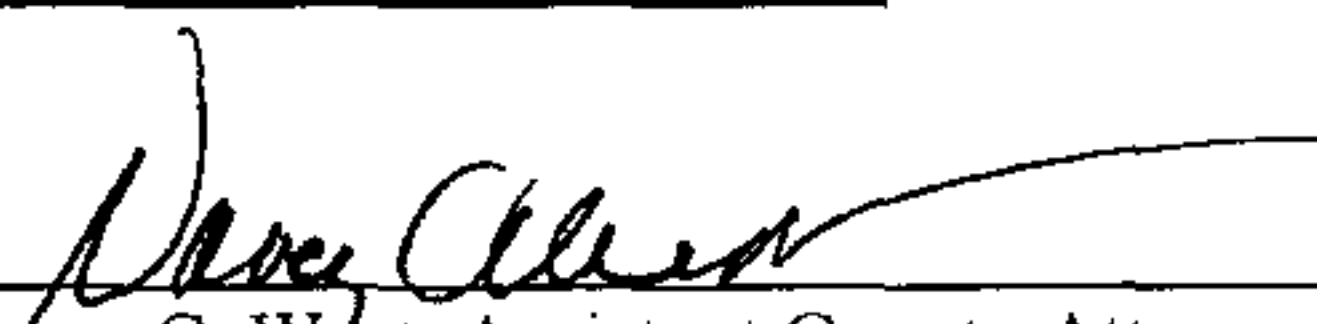
Shell Oil Company
a/k/a Motiva Enterprises LLC
P.O. Box 2463
Houston, TX 77252

Shell Oil Company
Marketing Property Tax
P.O. Box 2099
Houston, TX 77252-2099

Resident Agent:

CSC Lawyers Incorporating Service Company
11 E. Chase Street
Baltimore, MD 21202

Attorney For Petitioners:


Nancy C. West, Assistant County Attorney
Baltimore County Office of Law
Courthouse, 2nd Floor
400 Washington Avenue
Towson, MD 21204
410. 887.4420

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING -
Reviewed By JL/WCK Date 3/02/06

ORDER RECEIVED FOR FILING

Case No. 06 425 SPH

REV 9/15/98

Date 3/2/06
By [Signature]

06-425-SPH

ZONING DESCRIPTION

Existing Service Station at York Road and Joppa Road
Baltimore County, Maryland

BEGINNING FOR THE SAME at a point on the North side of Joppa Road at the intersection of Allegheny Avenue and York Road to the North of this three way intersection; thence running and binding with the Northernmost side of Joppa Road North $57^{\circ}04'00''$ West 88.42 feet; thence by a curve to the left having a chord bearing of North $59^{\circ}10'38''$ West 180.15 feet and a radius of 2446.00 feet with an arc length of 180.19 feet; thence leaving said curve and running North $37^{\circ}41'45''$ East 57.96 feet; thence North $49^{\circ}55'49''$ East 6.15 feet; thence South $52^{\circ}08'11''$ East 58.05 feet; thence running along the same bearing South $52^{\circ}08'11''$ East 18.10 feet; thence North $33^{\circ}42'49''$ East 27.72 feet; thence North $30^{\circ}00'11''$ West 24.75 feet; thence North $59^{\circ}01'49''$ East 28.05 feet; thence running along the Southernmost Right-of-way line of York Road South $31^{\circ}29'11''$ East 216.50 feet; thence leaving said Right-of-Way line South $32^{\circ}56'00''$ West 21.13 feet to the place of beginning.

And containing in all 17,364.45 sq. ft. or 0.399 Ac. $\pm$.

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: #06-425-SPH

601 York Road and 10 Joppa Road

Corner southwest side of York Road at northeast side of Joppa Road

9th Election District - 5th Councilmanic District

Legal Owner(s): Shell Oil Company, a/k/a Motiva Enterprises, LLC, Shell Oil Company Marketing Property Tax, Resident Agent CSC Lawyers Incorporating Service Company

Petitioner: Baltimore County, MD, by Timothy M. Kotroco, Director, Dept. Permits & Dev. Mgmt.

Special Hearing: to permit a determination by the Zoning Commissioner that a fuel service station has been abandoned pursuant to Section 405.7 of the B.C.Z.R.

Hearing: Monday, April 3, 2006 at 2:00 p.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

3/24/06 Mar. 16

87793

CERTIFICATE OF PUBLICATION

3/16/, 2006

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 3/16/, 2006.

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

J. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 16, 2006 Issue - Jeffersonian

Please forward billing to:
Deborah Kendall-Sipple (410-887-3353)
111 W. Chesapeake Avenue, Room 111
Baltimore County Office Building
Towson, MD 21204

NOTICE OF ZONING HEARING

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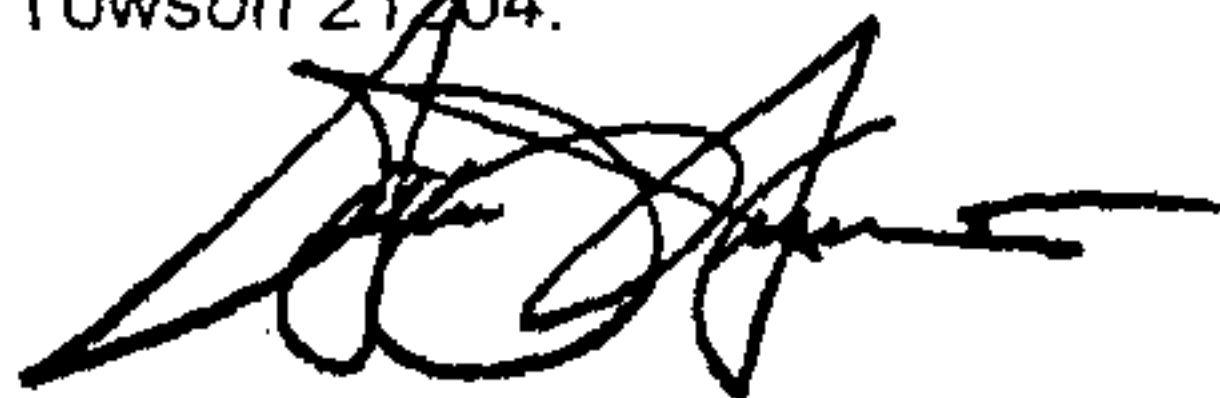
9th Election District—5th Councilmanic District

Legal Owner: Shell Oil Company, a/k/a/ Motiva Enterprises, LLC, Shell Oil Company Marketing Property Tax, Resident Agent CSC Lawyers Incorporating Service Company

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WILLIAM J. WISEMAN, III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**Department of Permits and
Development Management**



Baltimore County

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

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

March 7, 2006

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: 06-425-SPH

601 York Road and 10 Joppa Road

Corner southwest side of York Road at northeast side of Joppa Road

9th Election District—5th Councilmanic District

Legal Owner: Shell Oil Company, a/k/a/ Motiva Enterprises, LLC, Shell Oil Company Marketing Property Tax, Resident Agent CSC Lawyers Incorporating Service Company

Petitioner: Baltimore County, MD, by Timothy M. Kotroco, Director, Dept. Permits & Dev. Mgmt.

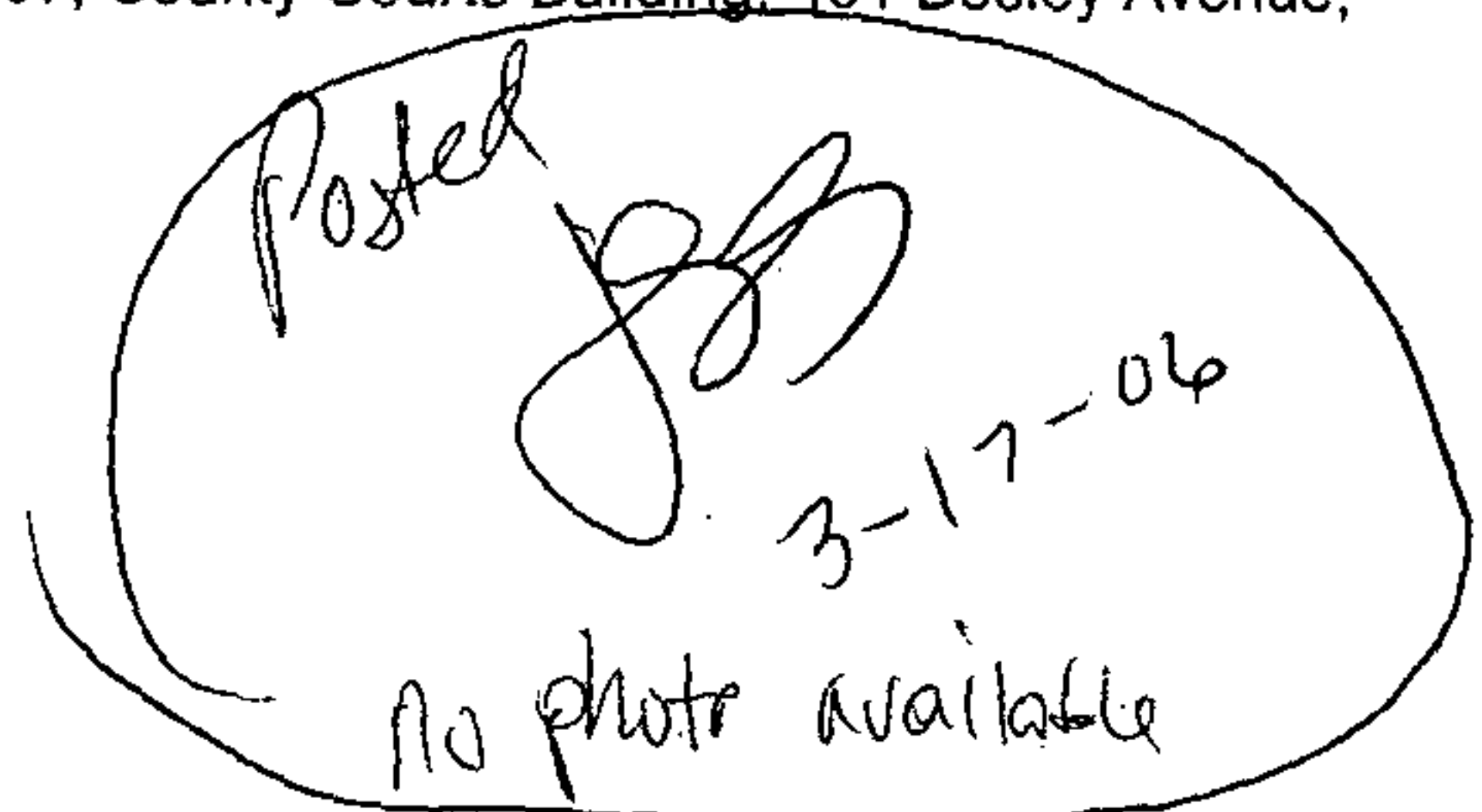
SPECIAL HEARING to permit a determination by the Zoning Commissioner that a fuel service station has been abandoned pursuant to Section 405.7 of the B.C.Z.R.

Hearing: Monday, April 3, 2006 @ 2:00 p.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

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

Timothy Kotroco
Director

TK: raj



C: Shell Oil Company, a/k/a/ Motiva Enterprises, LLC, P. O. Box 2463, Houston, TX 77252
Shell Oil Company, Marketing Property Tax P. O. Box 2099, Houston, TX 77252-2099
CSC Lawyers Incorporating Service Company, 11 E. Chase Street, Baltimore, MD 21202
Nancy C. West, Esq., Baltimore County Law Office, Courthouse – 2nd Fl, 400 Washington Ave., Towson, MD 21204

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 18, 2006.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(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

**Department of Permits and
Development Management**



Baltimore County

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

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

March 7, 2006

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601 York Road and 10 Joppa Road

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Timothy Kotroco
Director

TK: raj

C: Shell Oil Company, a/k/a/ Motiva Enterprises, LLC, P. O. Box 2463, Houston, TX 77252
Shell Oil Company, Marketing Property Tax P. O. Box 2099, Houston, TX 77252-2099
CSC Lawyers Incorporating Service Company, 11 E. Chase Street, Baltimore, MD 21202
Nancy C. West, Esq., Baltimore County Law Office, Courthouse – 2nd Fl, 400 Washington Ave., Towson, MD 21204

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

Dave Duval
will prepare
Sign Notice.
Rose will contact
G. Freund for
posting.

Re: 06-425 SPH 3/7/08

Per Dave Duval
He will prepare
Sign & have
06-425 posted
prior to 4/18/06

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: 06 425-SPH
Petitioner: BALTIMORE COUNTY GOVERNMENT
Address or Location: CORNER S/W SIDE YORK @ N/E SIDE JOPPA RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: BALTIMORE COUNTY GOVT.
Address: _____

Telephone Number: _____

**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*

March 30, 2006

CSC Lawyers Incorporating Service Company
11 E. Chase Street
Baltimore, MD 21202

Dear Sirs:

RE: Case Number: 06-425-SPH, 601 York Road and 10 Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 2, 2006.

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.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Shell Oil Company a/k/a Motiva Enterprises LLC P.O. Box 2463 Houston, TX 77252
Shell Oil Company Marketing Property Tax P.O. Box 2099 Houston, TX 77252-2099

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





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

March 7, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: March 6, 2006

Item No.: Item Numbers 409 through 417 and 425

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.

LT. Roland P. Bosley Jr.
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 10, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for March 13, 2006
Item Nos. 401, 408, 409, 410, 413,
416, 417, 418 and 425

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

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS-03132006.doc

gm
4/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 16, 2006

RECEIVED

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

MAR 22 2006

SUBJECT: 601 York Road & 10 W. Joppa Road

ZONING COMMISSIONER

INFORMATION:

Item Number: 6-425

Petitioner: Baltimore County, Maryland

Zoning: BM-CT

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject petition and strongly supports the Director of Permits and Development Managements' request for the Zoning Commissioner to order the removal of all aboveground structures, including paving, by the property owner on the subject property.

For further information concerning the matters stated here in, please contact Kevin Gambrell at 410-887-3480.

Prepared by:

Kevin Gambrell

Division Chief:

Kevin Gambrell

AFK/LL: CM



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 3.7.06

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

RE: Baltimore County
Item No. 425 JLL

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
601 York Road & 10 Joppa Road; Corner SW/S		
York Road @ NE/S Joppa Road	*	ZONING COMMISSIONER
9 th Election & 5 th Councilmanic Districts		
Legal Owner(s): Shell Oil Co. a/k/a Movita	*	FOR
Enterprises, LLC		
Baltimore County, MD - Petitioners	*	BALTIMORE COUNTY
	*	06-425-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman
 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 9th day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to Nancy West, Assistant County Attorney, 400 Washington Avenue, Room 219, Towson, Maryland 21204, Attorney for Petitioner(s).

RECEIVED

MAR 09 2006

Per. *anf*.....

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

IMPORTANT MESSAGE

FOR Jack

DATE 4-4 TIME 2:05 P.M.

M. Don Densing

OF _____

PHONE 410.825.0894
AREA CODE NUMBER EXTENSION

☐ FAX

☐ MOBILE AREA CODE NUMBER TIME TO CALL

TELEPHONED	☒	PLEASE CALL	☒
CAME TO SEE YOU	☐	WILL CALL AGAIN	☐
WANTS TO SEE YOU	☐	RUSH	☐
RETURNED YOUR CALL	☐	SPECIAL ATTENTION	☐

MESSAGE Re: Silver Oil Co.

Case No - 425-SPH - 413

Wanted to see how it went

he could not make it - had to

take pick up granddaughter -

Also, can you please add

SIGNED Jebbie him to list to



FORM 3002P
MADE IN U.S.A.

Send out a
copy of order ->

335 Old Trail Rd.

21212

IMPORTANT MESSAGE

FOR File

DATE 4-5 TIME _____ A.M.
P.M.

M Kitty

OF _____

PHONE _____

AREA CODE

NUMBER

EXTENSION

☐ FAX

☐ MOBILE

AREA CODE

NUMBER

TIME TO CALL

TELEPHONED	☒	PLEASE CALL	
CAME TO SEE YOU	☐	WILL CALL AGAIN	
WANTS TO SEE YOU	☐	RUSH	
RETURNED YOUR CALL	☐	SPECIAL ATTENTION	

MESSAGE Tim would like to
receive faxed copy ASAP.

* Bill Wiseman hand-deliv.
Tim's copy. Del also put
copy in inter-office mail.

SIGNED



FORM 3002P
MADE IN U.S.A.

* Nancy West need
for de copy - hand
copy made via →
interoffice mail

DATE _____

E-MAIL

lingraham@patxent.com

Planus d BCP. b. b.

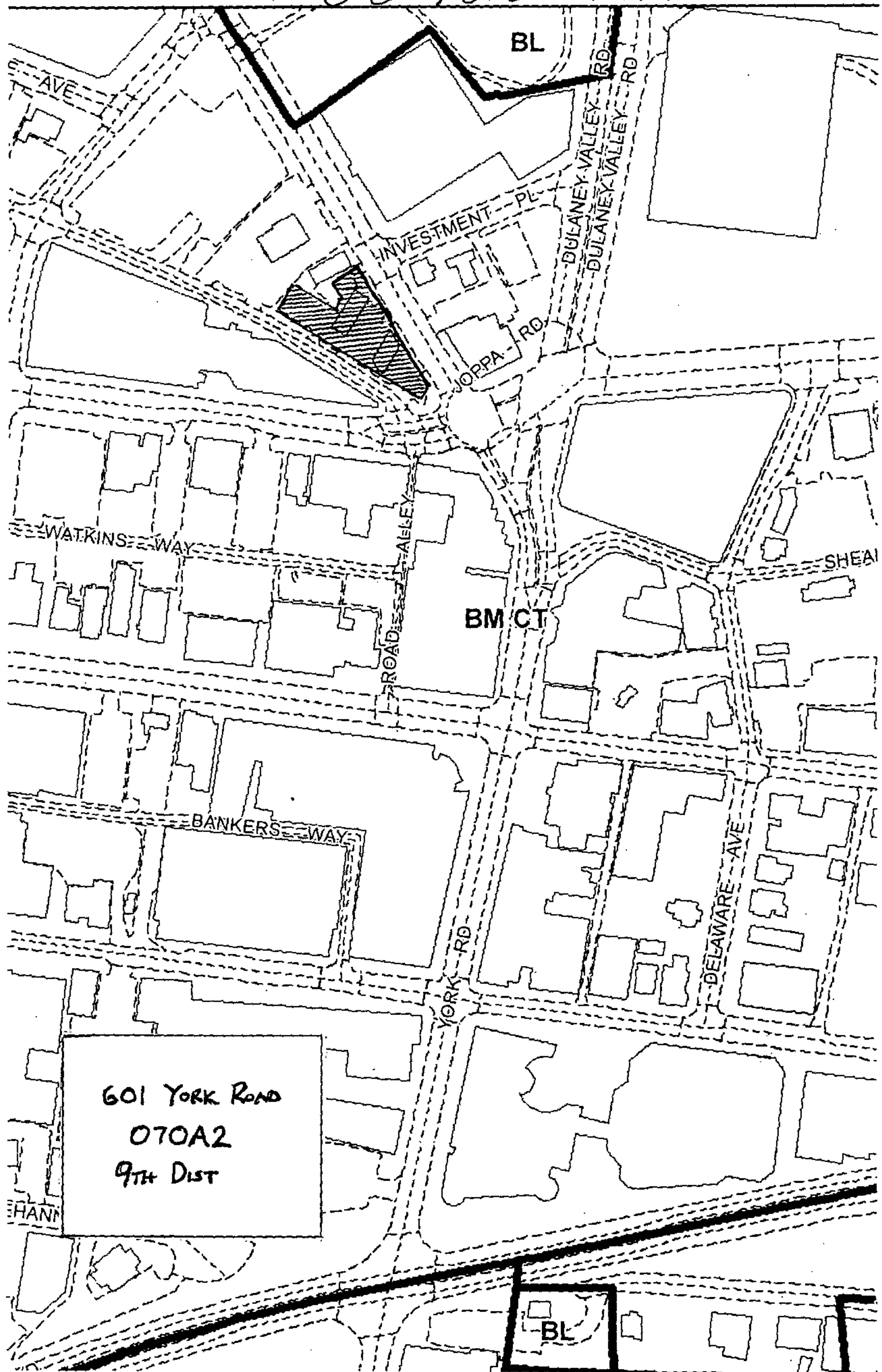
DATE April 3, 2006

E-MAIL

E-MAIL

NANCY C. WEST, ACA	COURTHOUSE-400 WASHINGTON, AVE	21204
LEONARD WASILEWSKI	111 W. Chesapeake Ave	TODSON MD 21204

06-425-SP



105appa Rd. +
601 York Road
Special Hearing

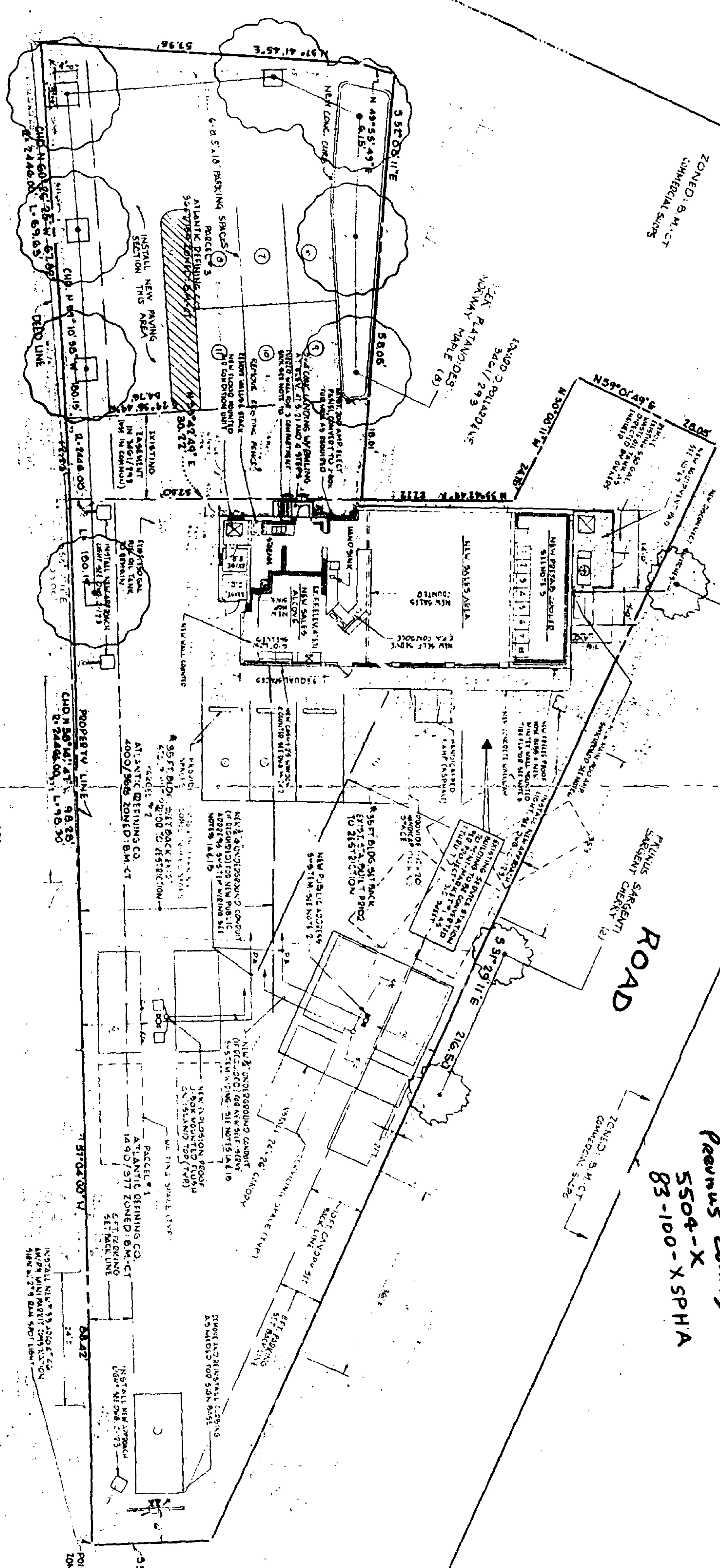
ROAD

PRINUS SARGENT
SARGENT CHERRY

YORK

PRUNUS SARGENTI
SARGENT CHERRY

ZONED: B.M.-CT
COMMERCIAL SUPPS



ROAD

1. #2

NOTE:
EXISTING UTILITIES SERVICES
TO REMAIN

[Click here for a plain text ADA compliant screen.](#)



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 09 Account Number - 0901890052

Owner Information

Owner Name:	SHELL OIL COMPANY	Use:	COMMERCIAL
Mailing Address:	MARKETING PROPERTY TAX P O BOX 2099 HOUSTON TX 77252-2099	Principal Residence:	NO
		Deed Reference:	1) / 7054/ 284 2)

Location & Structure Information

Premises Address 10 JOPPA RD								Legal Description NES JOPPA RD 353 E WASHINGTON AV	
Map 70A	Grid 7	Parcel 151	Sub District	Subdivision	Section	Block	Lot	Assessment Area 2	Plat No: Plat Ref:
Special Tax Areas			Town Ad Valorem Tax Class						
Primary Structure Built 0000				Enclosed Area		Property Land Area 3,694.00 SF		County Use 06	
Stories		Basement		Type		Exterior			

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	110,800	110,800		
Improvements:	0	0		
Total:	110,800	110,800	110,800	110,800
Preferential Land:	0	0	0	0

Transfer Information

Seller:	ATLANTIC REFINING CO	Date:	12/04/1985	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/ 7054/ 284	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Pet #2

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 09 Account Number - 0901890055

Owner Information

Owner Name: SHELL OIL COMPANY Use: COMMERCIAL
Principal Residence: NO
Mailing Address: MARKETING PROPERTY TAX Deed Reference: 1) / 7054/ 284
P O BOX 2099 2)
HOUSTON TX 77252-2099

Location & Structure Information

Premises Address
601 YORK RD

Legal Description
SWS YORK RD
65 NW JOPPA RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
70A	7	410						2	

Special Tax Areas	Town Ad Valorem Tax Class
Primary Structure Built 1984	

Enclosed Area	Property Land Area	County Use
1,728 SF	11,914.00 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	457,400	476,500		
Improvements:	107,300	115,300		
Total:	564,700	591,800	573,733	582,766
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
ATLANTIC REFININ G CO	12/04/1985	\$0
Type: NOT ARMS-LENGTH	Deed1: / 7054/ 284	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Pet #3

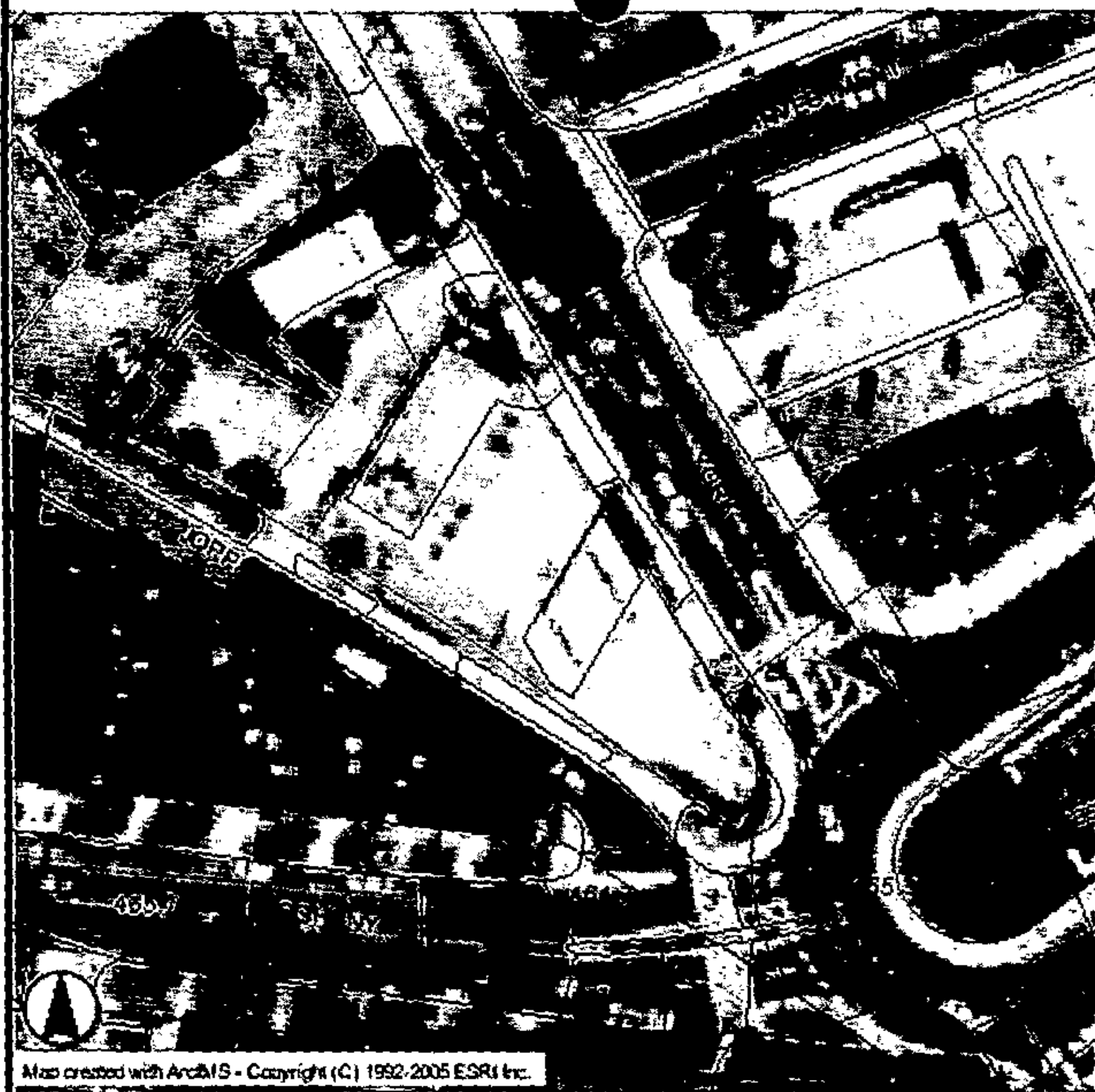
Go Back
View Map
New Search

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

Order the **TAX
MAP** [click here...](#)

Part #4

ArcIMS HTML Viewer Map



Legend

Road Names



Roads



County Outline



Parcels

Spot Elevation



Spot Elevation



Water Elevation



Bridge Elevation



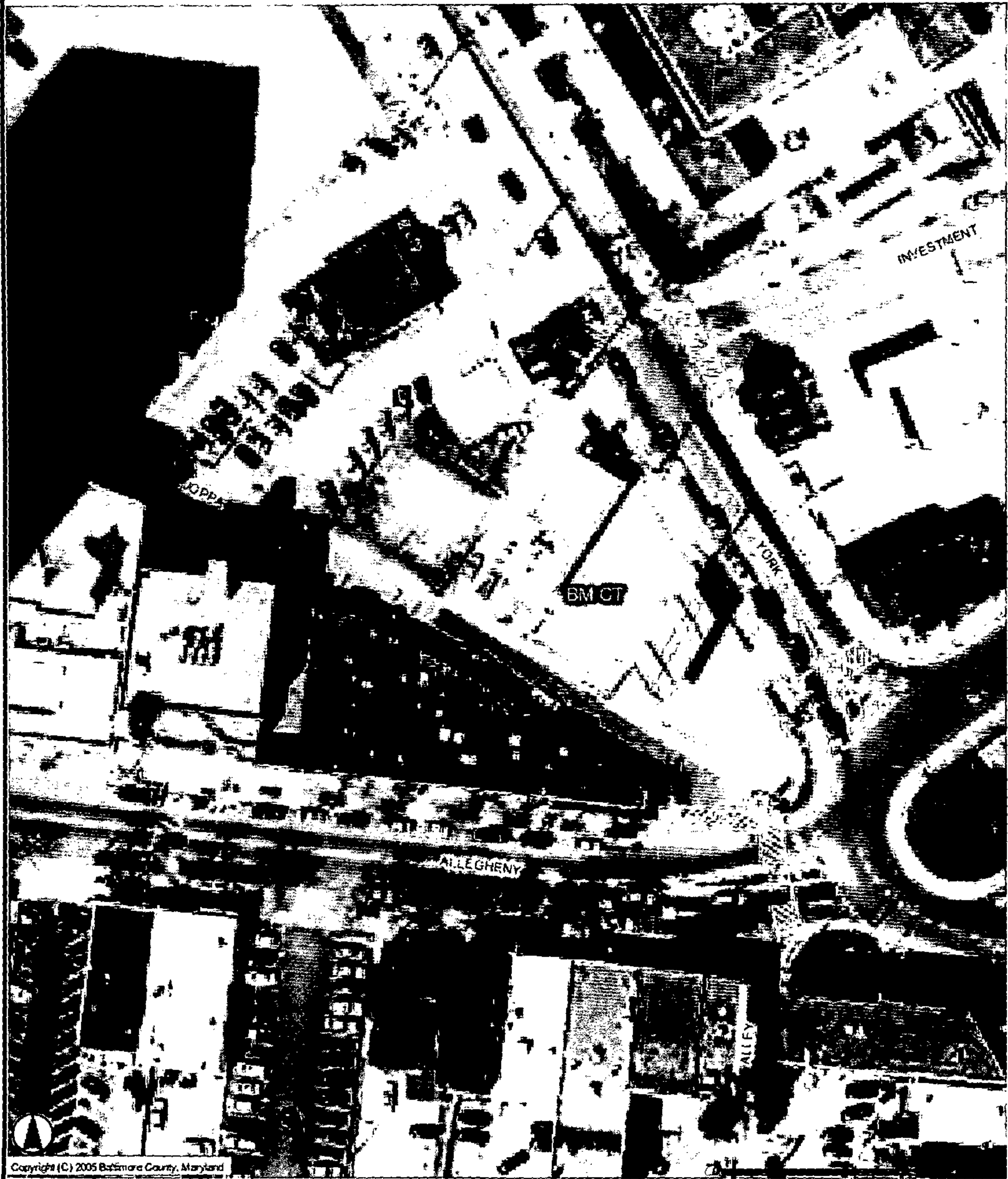
Roadtop Elevation



Lakes and Ponds

Image

Pet #5



Baltimore County Department of
Environmental Protection & Resource Management
Waste Management Division
401 Bosley Avenue
Towson, Maryland 21204

GROUND WATER MANAGEMENT - (410) 887-2762

Date 6-15-88

Permit # B 418897

This is to inform you that EEHANN & McLANN Inc.
(name of company)

will be removing 3 (number of tanks) 18,000 GALLON (tank size(s))

located at 601 York Road (address) Towson
Mike McLann (name of representative)
will notify Tom Bodrogl, Ground Water

Management, a minimum of three (3) working days prior to removal.

NOTE: The applicant is requested to submit a copy of the State of Maryland
inspection report on the status of the tank removal project to this office within 7 days of
the project completion date.

EEHANN & McLANN Inc.
(Name of company)

Charles McNeil
(Signature of representative)

410-780-6900 - 410-586-7727
(Phone number)

Shell Service Station
601 York Road
Towson, MD

Existing 1 story Building

601 York Rd
3-11-88
Gasoline

End Island

End Island

End Island

Topography

York Road

208
13

**Maryland Department of Assessments and Taxation 2****Taxpayer Services Division**

301 West Preston Street W Baltimore, Maryland 21201

[Main Menu](#) | [Security Interest Filings \(UCC\)](#) | [Business Entity Information](#)
([Charter/Personal Property](#)) [New Search](#) | [Get Forms](#) | [Certificate of Status](#) | [SDAT](#)
[Home](#)

Taxpayer Services Division**Entity Name: SHELL OIL COMPANY****Dept. ID #: F00033399**

General Information	Amendments	Personal Property	Certificate of Status
----------------------------	-------------------	--------------------------	------------------------------

Principal Office (Current):P.O. BOX 2463
HOUSTON, TX 77252**Resident Agent (Current):**CSC LAWYERS INCORPORATING SERVICE COMPA
11 E. CHASE STREET
BALTIMORE, MD 21202**Status:**

REVIVED

Good Standing:

Yes

Business Code:

Ordinary Business - Stock

**Date of Formation or
Registration:**

09/30/1949

State of Formation:

DE

Stock/Nonstock:

Stock

Close/Not Close:

Unknown

Link Definition**General Information**

General information about this entity

Amendments

Original and subsequent documents filed

Personal PropertyPersonal Property Return Filing Information and Personal
Property Assessments**Certificate of Status**

Get a Certificate of Good Standing for this entity.

Ret #8

**Department of Permits and
Development Management**



Baltimore County

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

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

November 10, 2005

**VIA REGULAR MAIL
and
CERTIFIED MAIL**

Shell Oil Company
Marketing Property Tax
P.O. Box 2099
Houston, TX 77252-2099

Shell Oil Company
P.O. Box 2463
Houston, TX 77252

CSC Lawyers Incorporating Service Company
11 E. Chase Street
Baltimore, MD 21202

Re: **90-Day Notice to Remedy Zoning Violations-
Abandoned Shell Service Station located
at 601 York Road in Towson, MD 21204**

Dear Sir or Madam:

It has come to our attention that the Shell Service Station at the above referenced location has not been in actual and continuous operation as a station for a period of 12 consecutive months as required by Section 405.7 B of the Baltimore County Zoning Regulations (BCZR). Therefore, such use is presumed to be abandoned and the right to resume the use is thereby terminated. Notwithstanding your abandonment, the premises (including landscaping) of the station, shall be continuously maintained in the same manner as is required by Section 405.7 D of the BCZR for operating fuel service stations. You have failed to comply with that section.

Since your company has abandoned fuel service operations at this site, the property has continued to deteriorate. It is obvious to any reasonable person that the fuel service station no longer has the appearance of a properly maintained station. The structures are painted, albeit battleship gray. The windows and doors of the existing structure have been boarded up; the paving is inadequate; and the earth is exposed and denuded as a result of the underground storage tanks being removed.

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

Det 49

Shell Oil Company
November 10, 2005
Page 2

The area has not been vegetated and screened in accordance with the landscaping requirements of the BCZR. The continued deterioration of this property adversely affects the use, value, and enjoyment of the surrounding properties. It is a blighting influence that must be abated.

This letter will serve as the requisite notice to you to repair, correct and otherwise take all necessary actions to remedy the situation. Section 405.7 D of the BCZR requires that the premises, including landscaping, of any fuel service station which is abandoned must be continuously maintained in the same manner as is required for operating fuel service stations under Section 405 of the BCZR. If these deficiencies have not been corrected within a period of ninety (90) days following the date of this notice, I will refer this matter to the Zoning Commissioner for a hearing, pursuant to Section 500.7 of the BCZR, to require removal of all structures, including paving. I have attached a copy of the relevant zoning regulations for your review.

I trust that as a good corporate citizen you will take the responsible and necessary steps to address this continuing blight and obviate the need for any future enforcement action by the County. I am available to discuss this matter and can be contacted at the number listed above.

Sincerely,



Timothy M. Kotroco
Director

TMK/kp

Encl.

C: James T. Smith, County Executive
Anthony G. Marchione, Administrative Officer
Hon. Vincent J. Gardina
John E. Beverungen, Acting County Attorney
Nancy C. West, Assistant County Attorney
David A.C. Carroll, DEPRM

Section 405, Fuel Service Stations [Bill No. 172-1993 EN(1)]

405.1 Statement of legislative findings and policy.

- A. Bill No. 40-1967 enacted six commercial districts (C.N.S., C.C.C., C.T., C.S.A., C.S.-1 and C.S.-2) and one industrial district (I.M.). One of the main purposes of the new commercial districts was to control the location of service stations and the uses associated with them. In 1975, the C.R. District was added to govern service stations and other commercial uses in rural areas.
- B. While the C.T., C.C.C., C.R. and I.M. Districts have special use and bulk regulations which make each one unique, the remaining districts (C.N.S., C.S.A., C.S.-1 and C.S.-2) do not include provisions which make them distinct. As a consequence, the C.S.A., C.N.S., C.S.-1 and C.S.-2 Districts are consolidated into the automotive services (A.S.) District.
- C. The design and operation of service stations has changed significantly and the provisions set forth in Bill No. 40-1967 no longer reflect contemporary business practices. Due to the rise of self-service stations, the number of businesses that "service" motor-vehicles by providing repair facilities has been steadily declining, while the number of stations with convenience stores or car wash operations has been increasing. To better reflect the evolving role of this use, the name of "automotive service station" is being changed to "fuel service station," and regulations which govern the permitted ancillary uses are being amended to reflect contemporary business practices and to facilitate the upgrading of existing stations.
- D. It is the intent of this section to permit fuel service stations in accordance with the goals of the Master Plan and duly adopted community plans by requiring performance standards that will regulate their location and appearance as well as the additional uses which may be developed at such sites.

405.2 Locations in which fuel service stations are permitted.

- A. A fuel service station is permitted by right subject to Section 405.4, provided that no part of the lot is within 100 feet of a residentially zoned property and is integrated with and located:
 - 1. In a planned shopping center of which at least 20% has been constructed at the time the building permit for the fuel service station is issued, but not to exceed one station for each 60,000 square feet of gross floor area of the planned shopping center;
 - 2. In an approved planned industrial park of a minimum net area of 50 acres, but not to exceed one for each 50 acres of net area; or

3. In a planned drive-in cluster.

B. Fuel service stations on individual sites which do not comply with the requirements of Section 405.2.A are permitted by special exception, as provided below and subject to Sections 405.3 and 405.4.

1. Within the urban-rural demarcation line (URDL), in C.C.C., A.S. or I.M. Districts, provided no part of the lot is in an M.R. Zone.
2. Outside the URDL with C.R. District designation only in B.L., B.M. or B.R. Zones, subject to Section 259.3.B.2.

405.3 In addition to the findings required under Section 502.1, the Zoning Commissioner, prior to granting any special exception for a fuel service station, shall consider the presence of abandoned fuel service stations in the vicinity of the proposed site. A finding by the Zoning Commissioner of the presence of one abandoned fuel service station, as defined in Section 405.7, within a one-half-mile radius, or two such stations within a one-mile radius of the proposed fuel service station establishes that there is no need for the proposed use, unless rebutted to the Zoning Commissioner's satisfaction by market data.

405.4 Standards.

A. Site development.

1. Site dimensions. The area of any fuel service station site shall be no less than 15,000 square feet or 1,500 times the number of fuel service spaces (as defined in Section 101), whichever is greater. If any use permitted under Section 405.4.D or 405.4.E is added to the fuel service station, the area of the site shall be increased in accordance with the provisions of those sections.
2. Setbacks.
 - a. No main structure of a service station shall be set back less than 35 feet from any street right-of-way; no fuel pump shall be set back less than 25 feet from any street right-of-way; no canopy shall be set back less than 15 feet from any street right-of-way.
 - b. Except at the required access driveways, a landscape transition area shall be provided along the entire perimeter of fuel service stations. Such area shall have a minimum width of 10 feet if the fuel service station abuts a public right-of-way, and six feet in all side and rear yards abutting nonresidentially zoned land, except that service stations located within 50 feet of any residentially zoned property (other than a residential zone line in a public right-of-way) shall provide a buffer measuring no

less than 15 feet from that property line.

- c. The landscape transition area shall be vegetated and screened in accordance with the Landscape Manual requirements for automotive uses.
 - d. Other setbacks shall be as required by these regulations.
3. Access, internal circulation and vehicle reservoir capacity.
- a. The number and location of access driveways shall be determined by the hearing officer or Zoning Commissioner based upon the recommendations of the Director of Public Works and the Office of Planning.
 - b. All internal paved areas of a fuel service station site used for parking, driveway, aisles and stacking purposes shall comply with Section 409 and shall be laid out to preclude vehicles waiting on the street or blocking the right-of-way before gaining entrance.
 - c. In addition to the fuel service space, at least one stacking space shall be provided:
 - (1) For each pump island side, at pump islands that contain multiproduct dispensers (MPD) and where a bypass lane serves each (MPD);
 - (2) For each MDP in cases where there is no bypass lane or where a convenience store is located on the same lot; or
 - (3) For each pump, if the pump dispenses a single fuel type.
 - d. Parking spaces on the site of any fuel service station shall be provided as follows:
 - (1) One space per employee on the largest shift.
 - (2) Three spaces per 1,000 square feet of gross floor area for a convenience store up to 1,500 square feet. (Convenience stores larger than 1,500 square feet shall be subject to the parking requirements for retail uses in accordance with Section 409, including the first 1,500 square feet).
 - (3) Three spaces per service bay, not counting service spaces in the bays.
 - (4) One space per self-service air or vacuum cleaner unit.
 - (5) One space per automatic teller machine.
- B. All fuel service stations shall provide a rest room facility, water and compressed air for customers.

C. Appearance.

1. General design.

- a. Any structure on the site that is converted to an ancillary use or to a use in combination with a fuel service station must be upgraded to create a unifying architectural theme with other structures on the site.
- b. The rear and sides of buildings on lots abutting residentially zoned properties shall be finished with materials that in texture and color resemble the front of the building. The type of facade treatment shall be indicated on the site plan or an accompanying elevation drawing and is subject to review by the Director of Planning.
- c. Except for the temporary outdoor sale of items permitted under Section 230.9, the outside display of merchandise is permitted only under the canopy, or if there is no canopy, on or between the pump island or in an area immediately adjacent to the cashier's kiosk. Such goods may not block access drives, stacking spaces or interfere with the site's circulation pattern.
- d. If the fuel service station is located within 50 feet of a residentially zoned property, lighting standards on site may not exceed a height of 18 feet and shall be directed away from any residentially zoned properties.
- e. To increase compatibility with surrounding buildings or to enhance the attractiveness of the site of fuel service stations for which a special exception is required, the Zoning Commissioner may specify additional requirements, including:
 - (1) Changes in building or site plan design;
 - (2) Restrictions on hours of operations; or
 - (3) Other requirements deemed necessary for compliance with this section.

2. Signs. Signs are permitted, subject to Section 450. [Bill No. 89-1997]

3. Maintenance. At all times, the premises shall be maintained in a clean and orderly condition. All landscaped areas shall be irrigated as needed and dead plants replaced. The responsibility for compliance with these provisions lies with all parties that individually or collectively have a lease or ownership interest in the fuel service station.

D. Ancillary uses. The uses listed below, only, are permitted by right in conjunction with any fuel service station. The minimum area of the site as determined under Section 405.4.A.1 shall be increased each ancillary use by at least the number of square feet indicated below, which includes land for required parking and stacking spaces:

1. Minor vehicle repair or diagnostic services to vehicles, except those which are unlicensed or which have a State Motor Vehicle Administration transporter or a dealer license. Additional site area of 1,300 feet per service bay shall be provided.
 - a. Type of service and repairs include but are not limited to the sale and installation of mufflers, small auto parts and accessories and shall remain accessory to the fuel service station operation.
 - b. All service and repairs shall take place within completely enclosed buildings.
 - c. The combined area for sales, display and customer waiting room may not exceed 500 square feet.
 - d. Storage of tow trucks, damaged or disabled vehicles or parts is subject to Section 405A.
 2. Convenience store with a sales area of up to 1,500 square feet inclusive of accessory storage. An additional site area of four times the square footage of the convenience store's sales area shall be provided.
 3. Automatic teller machine, but no drive-through facilities. Additional site area of 1,000 square feet for each device shall be provided.
 4. Self-service vacuum stations. All such stations shall be located at least 30 feet from a residentially zoned property. No additional site area is required.
 5. Temporary outdoor sale of Christmas trees, firewood, cut flowers or live plants as limited by Section 230.9.
 6. The sale of cigarettes, candy, drinks, snacks and similar items from vending machines or the cashier's kiosk. No additional site area is required if vending machines do not exceed a total of five machines, otherwise the area shall be considered a convenience store.
 7. The retail sale of automotive service items such as motor oil, antifreeze or allied products. No additional site area is required.
- E. Uses in combination with fuel service stations. The minimum area of the site as determined by Section 405.4.A.1 shall be increased for each use in combination with a fuel service station by at least the number of square feet indicated below:

Type of Use	Integral Planned Development	Individual Site
-------------	------------------------------------	--------------------

(SE = Special Exception and P = Permitted by Right)

*Baltimore County Zoning Regulations
PC/Codebook for Windows*

- | | | | |
|----|--|----|----|
| 1. | Convenience store with a sales area larger than 1,500 square feet inclusive of accessory storage. Additional site area of four times the square footage of the convenience store's sales area must be provided. | SE | SE |
| 2. | Roll-over car wash. No specific additional site area required, provided that the stacking, parking and buffer requirements of Section 419 are met. | P | SE |
| 3. | Full service car wash. No specific additional site area required, provided that the stacking, parking and buffer requirements of Section 419 are met. | SE | SE |
| 4. | Service garages providing services other than those listed in Section 405.4.D, subject to the provisions of Section 405.4.C.1.a through 1.e. | SE | SE |
| 5. | Automobile rental, with a maximum stock of 12 cars. Additional site area of 4,000 square feet must be provided. | SE | SE |
| 6. | Trailer rental, for trailers not exceeding 3/4 ton chassis weight, with a maximum stock of 20 trailers. Additional site area of 5,000 square feet must be provided. | SE | SE |
| 7. | Light-truck rental, including rental of trucks equipped with campers, for trucks not exceeding 1 1/2 tons' capacity, with a maximum stock of eight trucks. Additional site area of 4,000 square feet must be provided. | SE | SE |
| 8. | Parking of not more than six school buses. Additional site area of 2,600 square feet must be provided. | SE | SE |

*Baltimore County Zoning Regulations
PC/Codebook for Windows*

- | | | |
|--|----|------------------|
| 9. Self-service car washes. No additional site area required, provided that the stacking, parking and buffer requirements of Section 419 are met. | SE | Not
Permitted |
| 10. Restaurant, including fast food, fast food drive-through only, and carry-out restaurants. Additional site area of six times the gross square footage of the restaurant must be provided. | SE | SE |

405.5 Plan approvals.

- A. Conversion of any conforming fuel service station building to another use, permitted in the basic zone or district in which the site is located, shall require approval of the overall plan of the entire site by the Directors of Planning, Public Works and Permits and Development Management or, in the case of a special exception, the Zoning Commissioner.
- B. For all service station sites requiring a special exception, any amended plan shall constitute a new plan and be subject to the same requirements of these regulations.

405.6 Fuel service stations existing prior to the effective date of Bill No. 172-1993.

A. Expansion, reconstruction or addition of uses.

- 1. Any fuel service station which legally existed by right or by special exception on the effective date of Bill No. 172-1993 may be expanded or reconstructed, and any ancillary use listed in Section 405.4.D may be added, provided that the project is confined to the limits of the site as it existed on the effective date of Bill No. 172-1993; and
 - a. Conforms with a plan for the entire site as reviewed by the Directors of Planning, Public Works, and Permits and Development Management; and
 - b. Is located in a B.L., B.R., B.M., M.L. or M.H. Zone or a PUD; and
 - c. Meets the requirements set forth in Section 405.4 or, in the judgment of the Director of Permits and Development Management, would be done in such a manner that the station would be improved to be more in keeping with the purposes of Section 405.4; and
 - d. In cases where a provision of Bill No. 172-1993 conflicts with the terms or conditions of a prior special exception, the project may be subject to special hearing at the discretion of the Director of Permits and Development Management.

2. After a public hearing, the Zoning Commissioner may authorize expansion of the station beyond the confines of the site, subject to the provisions of 405.6.A.1 above.
 3. Any of the "uses in combination with" fuel service stations listed in Section 405.4.E may be added to any such station, provided that a special exception is granted and the provisions of Section 405.4 are met.
 4. Any structure or expansion of the use that is shown on a plan approved prior to the effective date of Bill No. 172-1993 shall be considered as being in compliance with Section 405.4.A.2.a.
- B. Portable "A" or "sandwich board" signs shall be removed within three months of the adoption of this provision.

405.7 Abandoned fuel service stations.

- A. Finding. The County Council recognizes that at times the public need for fuel service stations at particular locations ceases, and those stations become abandoned. An abandoned fuel service station is one which, intentionally, is not in actual and continuous operation as defined in Section 405.7.B. The County Council further recognizes that an abandoned fuel service station which is left to deteriorate can become a threat to the health, safety and welfare of the community, can have a blighting influence on surrounding properties and can cause a deterioration of the use, value and enjoyment of property in the immediate neighborhood.
- B. Notice of presumption of abandonment. Whenever the owner or agent of any fuel service station has ceased or terminated the use of the premises as a fuel service station, the owner or agent shall notify the Director of Permits and Development Management within 30 days after the termination. Notwithstanding the failure of the owner to notify the Director, any fuel service station which has not been in actual and continuous operation as a station for a period of 12 consecutive months shall be presumed to be abandoned and right to resume the use is thereby terminated. For purposes of this section, "continuous operation" shall mean operation as a fuel service station at least eight hours per day, five days per week.
- C. Termination of special exception. Any special exception for the operation of a fuel service station shall become void upon notice of abandonment by the owner or upon proof of abandonment after notice and hearing pursuant to Section 500.7 of the zoning regulations. Any special exception for a fuel service station shall terminate at the time of the conversion to another use.
- D. The premises (including landscaping) of any fuel service station which is not in continuous operation or which is abandoned shall be continuously maintained in the same manner as is

required under these regulations for operating fuel service stations.

E. Proceedings to require removal.

1. Whenever it shall be determined by the Director of Permits and Development Management that a fuel service station has not been in continuous operation and that the premises have not been continuously maintained, the Director shall issue a notice to the owner or agent to repair, correct or take other appropriate action to remedy the specific deficiencies enumerated in the notice.
 2. If the deficiencies have not been corrected within a period of 90 days following the date of the notice, the Director of Permits and Development Management shall refer the matter to the Zoning Commissioner for a hearing, pursuant to Section 500.7, to require removal.
 3. If, after notice and hearing pursuant to Section 500.7 of the zoning regulations, it is determined that a fuel service station has not been in continuous operation and not continuously maintained and corrected according to prior notice, and if it is further found that by reason of the continued vacancy, the structure and grounds lack reasonable or adequate maintenance, thereby causing deterioration and blighting influence on nearby properties and thereby depreciating the enjoyment, use or value of the property in the immediate vicinity to such an extent that it is harmful to the public health, welfare, safety, comfort or convenience of the neighborhood in which the station is situated, the Zoning Commissioner shall order the station's removal. For purposes of the subsection, "removal" shall mean the removal by the owner of all aboveground structures, including paving, and removal or abandonment in place of underground tanks in compliance with the provisions of COMAR 26.10.10.02 and Section 14-300(b) of the Baltimore County Code, 1988 Edition, as revised.
- 405.8 Conversions of abandoned stations. One of the purposes of this subsection is to promote the conversion of vacated fuel service stations to other uses; therefore, if a fuel service station has been abandoned as such, but is converted to another use, no fuel service station structure, equipment or appurtenances necessary or appropriate to the new use need be removed.
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Endnotes

1 (Popup)

Editor's Note: This bill also repealed former Section 405, which was part of BCZR 1955, as amended by Resolution, November 21, 1956, and Bill Nos. 40-1967; 69-1968.



ZONING NOTICE

A PUBLIC HEARING WILL BE HELD AT THE TOWN ENGINEERING & DESIGN DEPARTMENT

ON THE 24TH DAY OF MARCH

AT 7:00 PM AT THE TOWN ENGINEERING & DESIGN DEPARTMENT

TO CONSIDER A ZONING CHANGE FROM R-1 TO R-2

FOR THE PROPERTY LOCATED AT 1234 MAIN STREET

3. 24. 2006

10A



Feb 10 B



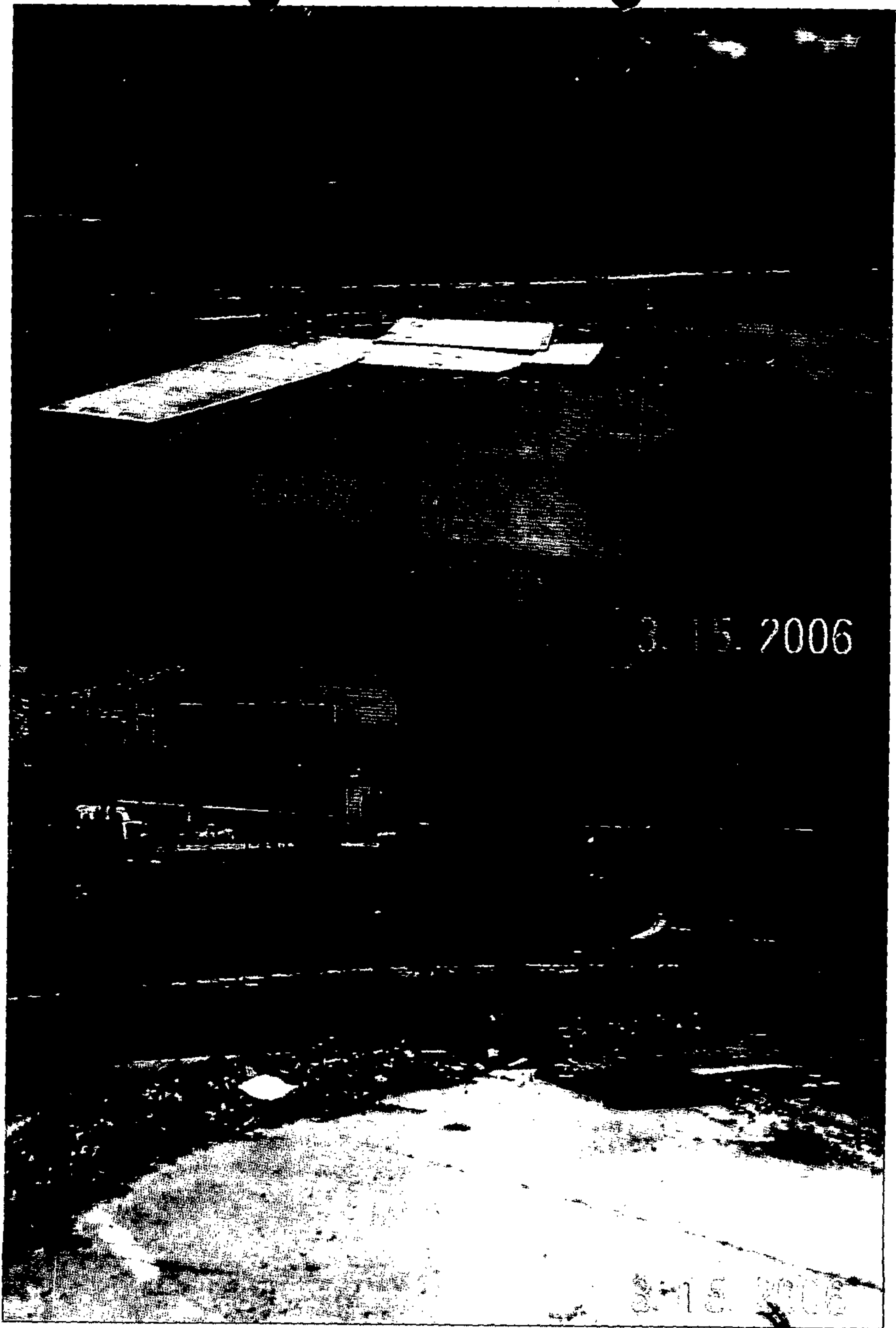
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