IN RE: PETITIONS FOR SPECIAL EXCEPTION \*

& SPECIAL HEARING

W/S of Harford Road, 25 feet north

of centerline Richmond Avenue

9<sup>th</sup> Election District

5<sup>th</sup> Councilmanic District (9200 Harford Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

First United Energy Ltd, LLC Kolawole Falobi, Managing Member Petitioner

CASE NO. 06-653-SPHX

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

\*

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception and Special Hearing filed by the legal owner of the subject property, First United Energy Ltd., LLC, Kolawole Falobi, Managing Member, Petitioner. The Petitioner is requesting Special Exception and Special Hearing relief for property located at 9200 Harford Road. The Special Hearing is to approve a non-conforming use to permit an existing fuel pump setback of 21 feet in lieu of the 25 feet minimum required by B.C.Z.R. Section 405.4 A.2a; an existing canopy setback of 9 feet in lieu of the 15 feet minimum required by B.C.Z.R. Section 405.4 A.2a; an existing landscape transition area of 0 feet abutting a public right-of-way in lieu of the 10 feet required by B.C.Z.R. Section 405.4 A.2b.

In addition, the Special Exception is to permit the continuation of automotive fuel service station pursuant to B.C.Z.R. Section 230.13 in combination with a convenience store with a sales area of 1,700 square feet pursuant to B.C.Z.R. Section 405.4 E.1 and carry-out restaurant with area of 300 square feet pursuant to B.C.Z.R. Section 405.4 E 10.

The property was posted with Notice of Hearing on July 28, 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 August 1, 2006, to notify any interested persons of the scheduled hearing date. At the August 16, 2007 hearing the Petitioner

indicated that he wanted to review the request in light of ZAC comments received at the hearing. The matter was continued until February 20, 2007.

The property was posted with a Notice of Continued Hearing on February 3, 2007, 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 for the continued case was published in the "The Jeffersonian" newspaper on February 6, 2007, to notify any interested persons of the scheduled hearing date.

# Applicable Law

# Section 502.1 of the B.C.Z.R. Special Exceptions

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

# 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 letter was received from the Office of

Planning dated July 12, 2006, which contains restrictions. A ZAC comment letter was received from the Bureau of Development Plans Review dated August 2, 2006 which contains restrictions. A ZAC comment letter was received from the State Highway Administration dated July 24, 2006 which contains restrictions. These comments concerned closing the southern entrance to the existing service station and landscaping issues. On March 9, 2007 the Petitioner forwarded revised comments from the State Highway Administration which determined that the existing entrances on MD 147 are acceptable resolving this matter. Copies of these comments are incorporated herein and made a part of the file.

# Interested Persons

Appearing on behalf of the special exception and special hearing requests were Douglas Kennedy, from KCW Engineering Technologies who prepared the site plan, Joseph Henriques, and Kolawole Falobi, Managing Member, First United Energy Ltd, LLC, Petitioner. Edward C. Covahey, Jr., Esquire, represented the Petitioner. No protestants or interested citizens attended the hearings. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

## Testimony and Evidence

## August 16, 2006 Hearing

Mr. Covahey indicated that the subject property is zoned BL-AS and improved by a fuel service station which is located on Harford Road at the intersection of Richmond Avenue just north of the Beltway. A special exception for a fuel service station was granted in Case 65-76 X as shown on Petitioner's exhibit 2. The Petitioner would like to raze the existing office/service bay building and erect a new structure which would provide office for the continued fuel service business and include a small carryout restaurant and modest convenience store as shown on the Plat to Accompany, exhibit 1. The new building would be designed as shown in the elevation/rendering

of exhibit 3. He noted there was not much need today for the repair work which now occupies the three repair bays.

Mr. Covahey explained that the site, pumps and canopy were constructed according to the law existing in 1965. However the law changed in 1992 and now requires landscape transitions for such facilities, etc. He proffered that the proposed uses would serve the neighborhood, and would meet the criteria of Section 501.2 of the BCZR. He noted that the fuel service station now sells snacks, and so it would be a small extension of the existing uses for the carryout restaurant to serve snacks, hot dogs, coffee, and ready made sandwiches

He noted that there was little if any pedestrian traffic along Harford Road as the site is very close to the Beltway, that the existing entrances have been in place since 1964, and that no change is proposed to the fuel service portion of the site including the islands, pumps and canopy.

Mr. Kennedy confirmed that there was little pedestrian traffic given the station's location, that no site plan could be found in the County files for Case No. 65-76-X which would normally accompany a request for special exception, and that the fuel portion of the operation was essentially the same as it was in 1964 although the brand of gasoline had changed. He argued against landscaping the frontage along Harford Road as requested by the Planning Office as this would shrink area available for vehicles at the pumps and create congestion. He also argued against closing the southern entrance to the site.

# February 20, 2007 Hearing

Mr. Covahey indicated that his clients were continuing to negotiate the issues raised by or for the State Highway Administration. (Note that these issues were resolved as indicated by the revised comment from the SHA dated March 9, 2007) In regard to upgrading the site with landscaping, he indicated that the SHA has an ongoing program to beautify the western side of Harford Road and that his clients have agreed to participate in that program. This likely will kinvolve giving up several feet of frontage along Harford Road and allowing the State to install

plantings and other beautification improvements. While this will squeeze the area available for customers at the pumps, it will produce a consistent beautification result.

Consequently he proposed to continue with his request for zero setback for landscape transition area along Harford Road from a County zoning perspective as he is not sure exactly what the State will ultimately require. However approval would be conditioned on participation in the SHA Harford Road beautification program.

However he argued against either conditioning approval on closing the south entrance on Harford Road as requested by the Planning Office, BDPR and SHA. He noted that SHA must sign off on any building permit and presumably will not sign off unless they are satisfied with the entrance. Mr. Kennedy indicated that he will meet with SHA shortly to review the situation, to present turning movement studies and emphasize to SHA that the Petitioner now is proposing renovation rather than new construction.

Mr. Covahey also presented the Order and site plan from Case 07-223-SPHXA which involved approval of a car wash across Harford Road with precisely the same access entrances but no requirement to close an entrance. See exhibit 5. Mr. Kennedy presented photographs of the existing fuel service station and the surrounding community as exhibit 6.

# Findings of Fact and Conclusions of Law

# Special Hearing for Non Conforming Use

The Petitioner presented extensive evidence that the fuel service station was allowed by special exception by Case 65-76-X. From all evidence the station was constructed according to the regulations in force at the time. These regulations were changed significantly by Bill 172-1993 to include setback requirements, landscape transitions and accessory uses such as convenience stores and carryout restaurant. I find that the use of the property was a legal use for a fuel service station prior to Bill 172-1993. Again from the evidence it clearly appears that the use as a fuel service station has been continuous and without interruption from 1992 to the present time.

I therefore find that the property enjoys a non conforming status as a fuel service station with an existing fuel pump setback of 21 feet in lieu of the 25 feet minimum required by B.C.Z.R. Section 405.4 A.2a; an existing canopy setback of 9 feet in lieu of the 15 feet minimum required by B.C.Z.R. Section 405.4 A.2a; and existing landscape transition area of 0 feet abutting a public right-of-way in lieu of the 10 feet required by B.C.Z.R. Section 405.4 A.2b. This non conforming use covers the operation of the fuel service station including the office, sale of snacks and repair bays. Special Exception for Fuel Service Station with Convenience Store and Carryout Restaurant

The Petitioner proposes to replace the service bays with a convenience store and small carryout restaurant. Given the location of the subject property, its AS zoning district overlay and the fact that it is surrounded by commercial uses, I find that the use of the non conforming fuel service station with uses of convenience store and carryout restaurant will not adversely affect the community, are within the spirit and intent of the BL-AS regulations and meet the criteria of Section 502.1 of the BCZR. Therefore I will approve the request for special exception.

# Special Hearing for Conversion of the Service Bays to Convenience Store/Carry Out Restaurant

By far the most interesting question in this case could have been whether the conversion of the service bays to convenience store/carryout restaurant would be an illegal extension of the non conforming use of the existing non conforming fuel service station or would same be merely an intensification of the non conforming use? See *McKemy v Baltimore County* 39 Md App 257 (1978). If an intensification, there may not have had to be a hearing. However I need not face this question directly because the Petitioner requested approval of the conversion by special hearing.

Again considering the evidence presented, I will approve the request for special hearing to allow the conversion of the service bays to convenience store/carryout restaurant as I find that the request would not adversely affect the community and are within the spirit and intent of the BL-AS regulations.

In regard to the ZAC comments from the Planning Office regarding landscaping, the Petitioner tells me that he will join the State's Harford Road Beautification Program which will involve giving up perhaps 4 feet of frontage along Harford Road. He strongly recommends this be a condition of approval rather than having the County Landscape Architect approve a landscape plan which would result in a look significantly different from the States beautification program. Although I am confident of the County's Landscape Architect would do and excellent job, this small frontage on Harford Road could interrupt the landscape theme the State has in mind. In addition assuming the County's plan would be implemented first, perhaps much of the work done to implement the County plan would have to be undone when the State plan is implemented. I certainly agree the Petitioner should enter the State's program given the scenario presented by the Petitioner.

In regard to the closing of the south entrance on Harford Road, I recognize the State's separate and more than equal status in this regard. Harford Road is a State road and SHA has the authority to approve or disapprove any permit accessing the highway. Yet Mr. Covahey argues against incorporating SHA approval regarding closing the south entrance while admitting that SHA must be satisfied. I simply did not grasp what harm would ensue or benefit arise by not requiring SHA approval. In any case this issue is resolved as indicated in SHA revised comment of March 9, 2007.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' requests for special exception, and special hearing should be granted.

THEREFORE, IT IS ORDERED, this <u>15</u> day of March 2007, by the Deputy Zoning Commissioner, that the Special Hearing request is to approve a non-conforming use of a fuel service station with an existing fuel pump setback of 21 feet (25 feet minimum required by B.C.Z.R. Section 405.4 A.2a); an existing canopy setback of 9 feet (15 feet minimum required by

B.C.Z.R. Section 405.4 A.2a); an existing landscape transition area of 0 feet abutting a public right-of-way (10 feet required by B.C.Z.R. Section 405.4 A.2b) be and hereby are GRANTED; and

IT IS FURTHER ORDERED THAT the Special Exception to permit the continuation of automotive fuel service station pursuant to B.C.Z.R. Section 230.13 in combination with a convenience store with a sales area of 1,700 square feet pursuant to B.C.Z.R. Section 405.4 E.1 and carry-out restaurant with area of 300 square feet pursuant to B.C.Z.R. Section 405.4 E 10 be and is GRANTED; and

IT IS FURTHER ORDERED that the Special Hearing for conversion of the non conforming service bays to convenience store/carry out restaurant is hereby GRANTED subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Petitioner shall participate in the State Highway Administration's Harford Road Beautification Program in lieu of providing landscaping according to the County

regulations.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz

8



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III Zoning Commissioner

March 15, 2007

EDWARD C. COVAHEY, JR. COVAHEY, BOOZER, DEVAN & DORE, PA 606 BALTIMORE AVE #302 TOWSON MD 21204

> Re: Petition for Special Exception and Special Hearing Case No. 06-653-SPHX Property: 9200 Harford Road

Dear Mr. Covahey:

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,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:pz Enclosure

c: First United Energy, Ltd., LLC, Kolawole Falohi, Managing Member, 9200 Harford Road, Baltimore MD 21234 Douglas Kennedy, KCW Engineering Technologies, Inc., 3106 Lord Baltimore Drive, #110, Baltimore MD 21244



Martin O'Malley, Governor Anthony Brown, Lt. Governor John D. Porcari, Secretary Neil J. Pedersen, Administrator

### Maryland Department of Transportation March 2, 2007

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

RE: **Baltimore County** 

Item No. 06-653-SPHX MD 147 (Harford Road) 9200 Harford Road

Shell Gas Station

Case No. 6-653-SPHX

Dear Ms. Matthews:

This is in reference to our ongoing review of the plat to accompany building permit on the subject of the above captioned. We understand that this plan illustrates a proposal for conversion of service bays and new building addition for convenience store and carry-out restaurant.

Based on a field inspection the District Four Traffic Engineering Office and this office have determined that the existing entrances on to MD 147 are acceptable at this time. However, the SHA will require that the owner/developer provide side walk and handicap ramps consistent with Americans with Disabilities guidelines. A permit must be obtained for the improvement within the public right-of-way. Prior to issuance of a building permit for the subject property coordination with the Mr. Phil Humbertson State Highway Administration- Special Programs 401-321-2852 is necessary.

If you have any questions or need clarifications regarding this matter, please feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

A Steven D. Foster, Chief

For Engineering Access Permits

Division

#### SDF/MB

Mr. Kola Falabi, Owner, United Energy Limited, LLC Cc:

Mr. Phillip Humbertson, D-4 Special Programs, SHA

Mr. Douglas L. Kennedy, P.E, Consultant Engineer, KCW Technologies

Mr. David Malkowski, District Engineer, SHA

Mr. Randal Scott, ADE-Traffic, SHA



Martin O'Malley, Governor Anthony Brown, Lt. Governor John D. Porcari, Secretary Neil J. Pedersen, Administrator

### Maryland Department of Transportation March 6, 2007

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

RE: Baltimore County
Item No. B655874C
MD 147 (Harford Road)
9205 Harford Road
Shell Gas Station
Case No.B655874C

Dear Ms. Matthews:

This is in reference to our ongoing review of the plat to accompany building permit on the subject of the above captioned. We understand that this plan illustrates a proposal for roll over car wash and additional four (4) parking spaces.

Based on a field inspection the District Four Traffic Engineering Office and this office have determined that the existing entrances on to MD 147 are acceptable at this time. However, the SHA will require that the owner/developer provide side walk and handicap ramps consistent with Americans with Disabilities (ADA) guidelines. A permit must be obtained for the improvement within the public right-of-way is necessary. Prior to issuance of a building permit for the subject property coordination with the Mr. Phil Humbertson State Highway Administration- Special Programs 401.321.2852 is necessary.

If you have any questions or need clarifications regarding this matter, please feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

Steven D. Foster, Chief Engineering Access Permits

Division

#### SDF/MB

Cc: R. Benson Phillips, LLP, Builder

Mr. Phillip Humbertson, D-4 Special Programs, SHA

Mr. Robert M. Imfussi, Applicant

Mr. David Malkowski, District Engineer, SHA

Mr. Randal Scott, ADE-Traffic, SHA



# Petation for Special Hearing

to the Zoning Commissioner of Baltimore County

Reviewed By D.T. Date 6 16 16 06

for the property located at	9200 Harford	Road	ļ 
	presently zoned	BL-AS	

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

SEE EXHIBIT A ATTACHED

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

CARL MERCENTED FOR PRESENT

REV 9/15/98

zoning regulations and restrict	es of above Spec tions of Baltimore	cal Hearing, advertise County adopted pu	rsuant to the zoning law for Baltimore	County.	s bounded by the
			I/We do solemnly declare and at perjury, that I/we are the legal or is the subject of this Petition.		
Contract Purchaser/Les	ssee:		Legal Owner(s):		:
Name - Type or Print	<u></u>	<u>.                                    </u>	First United Energy Name - Type or Print	7 0	<u> </u>
Signature	<del>''</del>	<u></u>	Signature		
			Kolawole Falohi, Manag	ging Membe	er
Address		Telephone No.	Name - Type or Print	"	! !
City	State	Zip Code	Signature		
Attorney For Petitioner	**		9200 Harford Road	580	6-943-9875
Edward C. Covahey, J			Address Baltimore, MD 21234		Telephone No.
Name Type or Print	·		City	State	Zip Code
6000			Representative to be Co	ntacted:	
Signature	van & Dores	P.A.	Kolawole Falobi		; 1
Company 614 Bosley Avenue	410-	-828-9441	Name 9200 Harford Road	586-	-943–9875
Address Towson, MD 21204	<del></del>	Telephone No.	Address Baltimore, MD 21234		Telephone No.
City	State	Zip Code	City	State	Zip Code
			OFFICE US	EONLY	; ; 
			ESTIMATED LENGTH OF	HEARING	<u>                                     </u>
Case No. Ob-les	3-SPHX		UNAVAILABLE FOR HEAF	RING	

# **EXHIBIT A**

A non conforming use to permit:

- 1. An existing fuel pump setback of 21 feet in lieu of the 25 feet minimum required by BCZR §405.4 A.2a.
- 2. An existing canopy setback of 9 feet in lieu of the 15 feet minimum required by BCZR §405.4 A.2a.
- 3. An existing landscape transition area of 0 feet abutting a public right of way in lieu of the 10 feet required by BCZR §405.4 A.2b.

gab060616



# Petiton for Special Exception

to the Zoning Commissioner of Baltimore County

for the property	located	at	9200	Harford	Road	1		<u> </u>
<i>,</i>				ently zon			-A.	5

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

SEE EXHIBIT A ATTACHED.

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

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

, ,	<del>}</del>
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
	First United Energy, Ltd, LLC
Name - Type or Print	Name - Type or Print
Signature	Signature
	Kolawole Falobi, Managing Member
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	9200 Harford Road 586-943-9875
	Address Baltimore, MD 21234 Telephone No.
dward C. Covahey, Jr.	
Name - Type or Print	City State Zip Code
	Representative to be Contacted:
Signature	Valorata Pataki
ovahey, Boozer, Devan & Dore, P.A.	Kolawole Falohi Name
Company	9200 Harford Road 586-943-9875
14 Bosley Avenue 410-828-9441 Address Telephone No.	Address Telephone No.
owson, MD 21204	Baltimore, MD 21234
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
a a a a a a a a a a a a a a a a a a a	ESTIMATED LENGTH OF HEARING
Case No. 06-653-SPHX	UNAVAILABLE FOR HEARING
	Reviewed By D.T. Date 6/16/06
REV 09/15/98	<b>1</b>
2-16-69	j

# **EXHIBIT A**

Continuation of automotive fuel service station pursuant to BCZR §230.13 in combination with:

- 1. Convenience store with a sales area of 1,700 s.f. pursuant to BCZR §405.4 E.1.
- 2. Carry-out restaurant with area of 300 s.f. pursuant to BCZR §405.4 E.10.

gab060615



# **ZONING DESCRIPTION**

PROPERTY OF FIRST UNITED ENERGY LIMITED, LLC 9200 HARFORD ROAD 9<sup>th</sup> Election District Baltimore County, Maryland

Beginning for the same at a point on the West side of Harford Road, 60 ft. wide, said Point of Beginning being distant 25 ft. Easterly from the centerline of Harford Road and Richmond Avenue, thence:

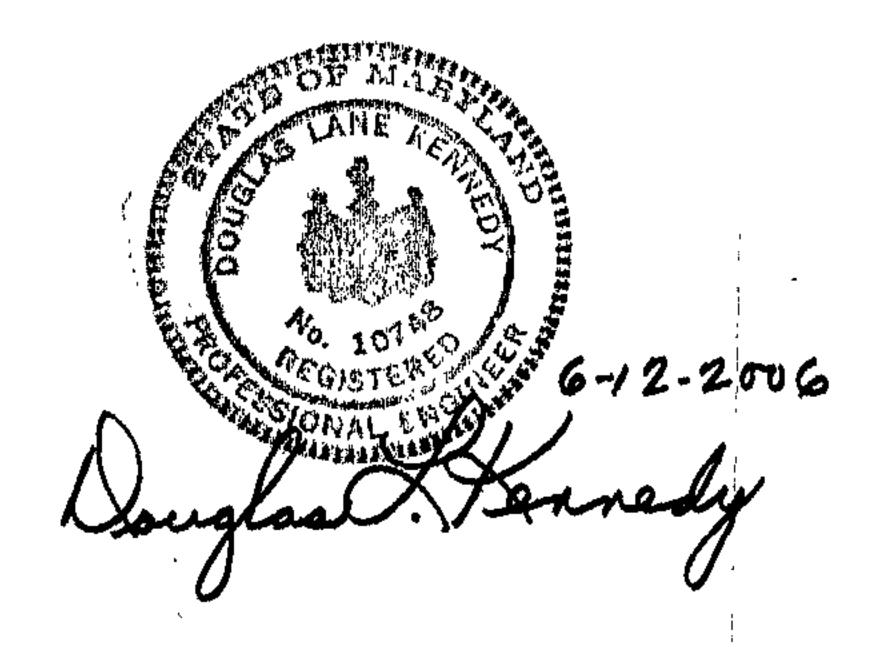
1. North 56 degrees 45 minutes 21 seconds West	110.00 ft.
2. North 33 degrees 14 minutes 39 seconds East	206.69 ft.
3. South 52 degrees 22 minutes 21 seconds East	110.32 ft.
4. South 33 degrees 14 minutes 39 seconds West	198.26 ft.

to the Point of Beginning.

Containing 22,272 sq. ft., or 0.511 acres, of land, more or less.

Being known as 9200 Harford Road and located in the 9<sup>th</sup> Election District of Baltimore County, MD.

Being the same parcel of land, which by Deed dated May 5, 2006 and recorded in the Land Records of Baltimore County in Liber No. 23788, folio 122, was granted and conveyed to FIRST UNITED ENERGY LIMITED, LLC by SMO, Incorporated.



## 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: # 06-653-SPHX

9200 Harford Road

West side Harford Road, 25 feet north of centerline of Richmond Avenue

9th Election District—5th Councilmanic District

Legal Owner(s); First United Energy, Ltd., LLC

Special Hearing: to approve the conversion of the existing fuel service station including the existing service bays in combination with a fuel service station, convenience store and carryout restaurant. Special Exception, to permit a convenience store with a sales area of 1,700 square feet and carryout restaurant with area of 300 square feet. Hearing: Tuesday, February 20, 2007 at 11:00 a.m. In Room 407, County Courts Building, 401 Bosiey Avenue, Towson 21204.

WILLIAM'J. WISEMAN, JII

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) 887-3891.

JT 2/611 Feb. 6

# CERTIFICATE OF PUBLICATION

2/8,2007	
THIS IS TO CERTIFY, that the annexed advertisement was publish	ıe
n the following weekly newspaper published in Baltimore County, Md	1.,
nce in each ofsuccessive weeks, the first publication appearin	J£
$n_{26}$ ,2007.	
The Jeffersonian	
☐ Arbutus Times	
☐ Catonsville Times	
☐ Towson Times	
☐ Owings Mills Times	
□ NE Booster/Reporter	
☐ North County News	
J. WUKINST	
LEGAL ADVERTISING	

Light below to the control of the beautiful to the control of the	and the Rock of the fact of the sound of the State of the			and the conditions of the	2000 TO 100 CO.
					14.8
					7
-3 . We shall also be $-3$ . We have $-3$ . We h	ERE				
					VALEDATION
			<b>V</b> For		3
					yo .
					11
					<b>D</b>
	19				
			l		
				3	
			*	in	
				4	
The Part of the Pa	The state of the s				1
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1					
$= \frac{1}{2} \left\{ \frac{1}{2} \left( \frac{1}{2} \right) \left( \frac{1}$					7, 1 <u>1, 11</u>
				3077s	<b>E</b>
And the second s				Washer of the same	2
		40			
				Marie Park Berg	•
		3		$-\Delta$	
	<b>.</b>		100		
	**********************	444 949900 SPACE			
			i W	W	,
			4.3		
				Ø	
3 - 4	A				
		<b></b>			
				<b>S</b>	4
		<b>a</b>			
	of the second second				
SIE	T T		3		

· ·

1

**r** 

•

•

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

Case: # 96-653-SPHX

9200 Harford Road

West side Harford Road, 25 feet north of centerline of

store and carryout restaurant. Special Exception: to permit a convenience store with a sales area of 1,700 square feet and carryout restaurant with area of 300 square feet.

\*Hearing: Wednesday, August 16, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204. Richmond Avenue
9th Election District — 5th Councilmanic District
Legal Owner(s): First United Energy, Ltd., LLC
Special Hearing: to approve the conversion of the existing fuel service station including the existing service bays in combination with a fuel service station, convenience 88 700 ਝ

Ave-

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.

JT 8/606 August 1

$\bigotimes$
3
 , 205
8

once in each of in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY, that the annexed advertisement was publishe successive weeks, the first publication appearing

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

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE:

2/3/07

Case Number: 06-653-SPHX

Petitioner/Developer: Edward Covahey Esq. ---- First United Energy Ltd., Ilc, Kolawole Falobi

Date of Hearing (Closing): 02/20/07

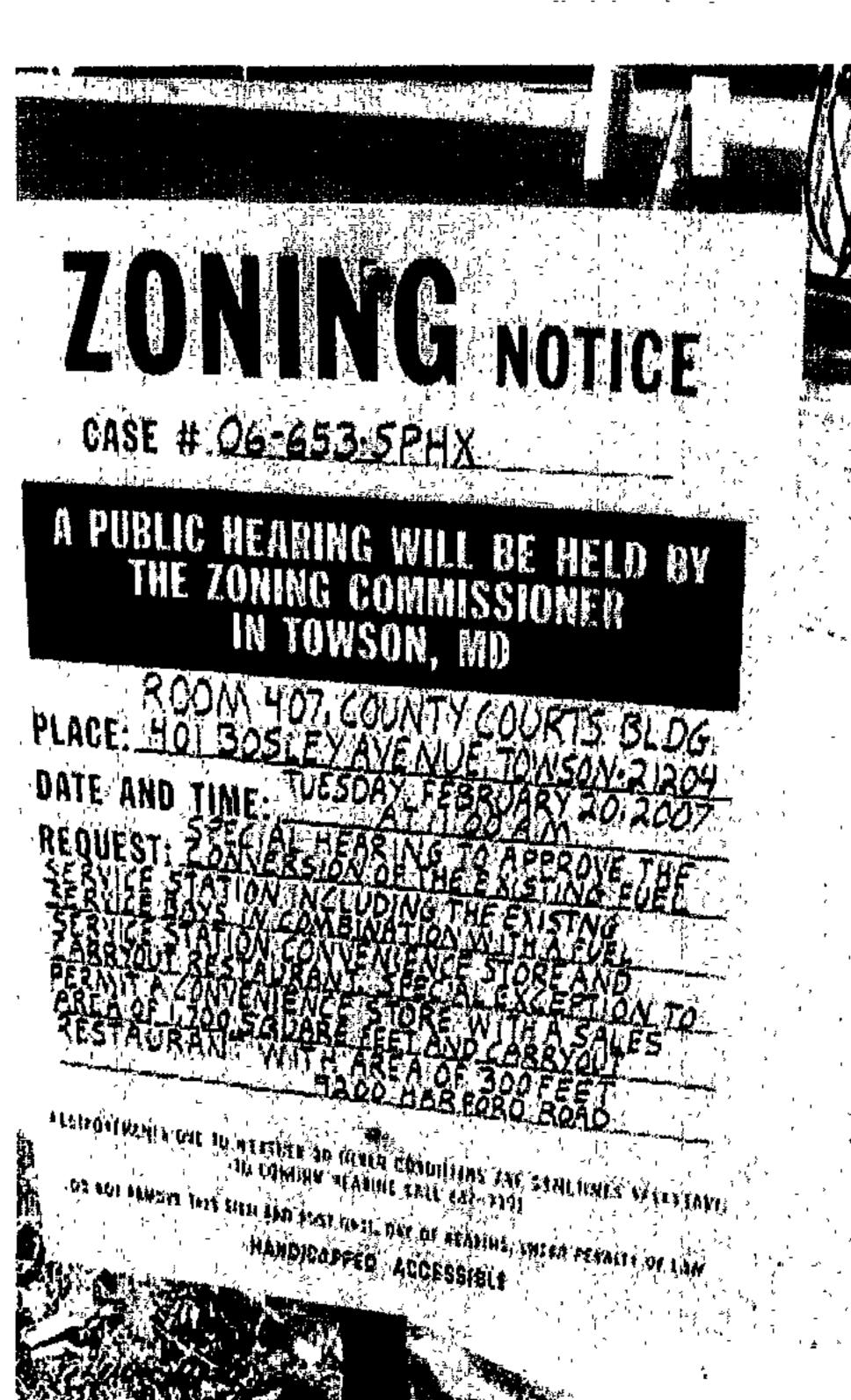
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted

conspicuously on the property located at:

9200 HARFORD ROAD

The sign(s) were posted on:

02/03/07



Linda O Keefe (Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

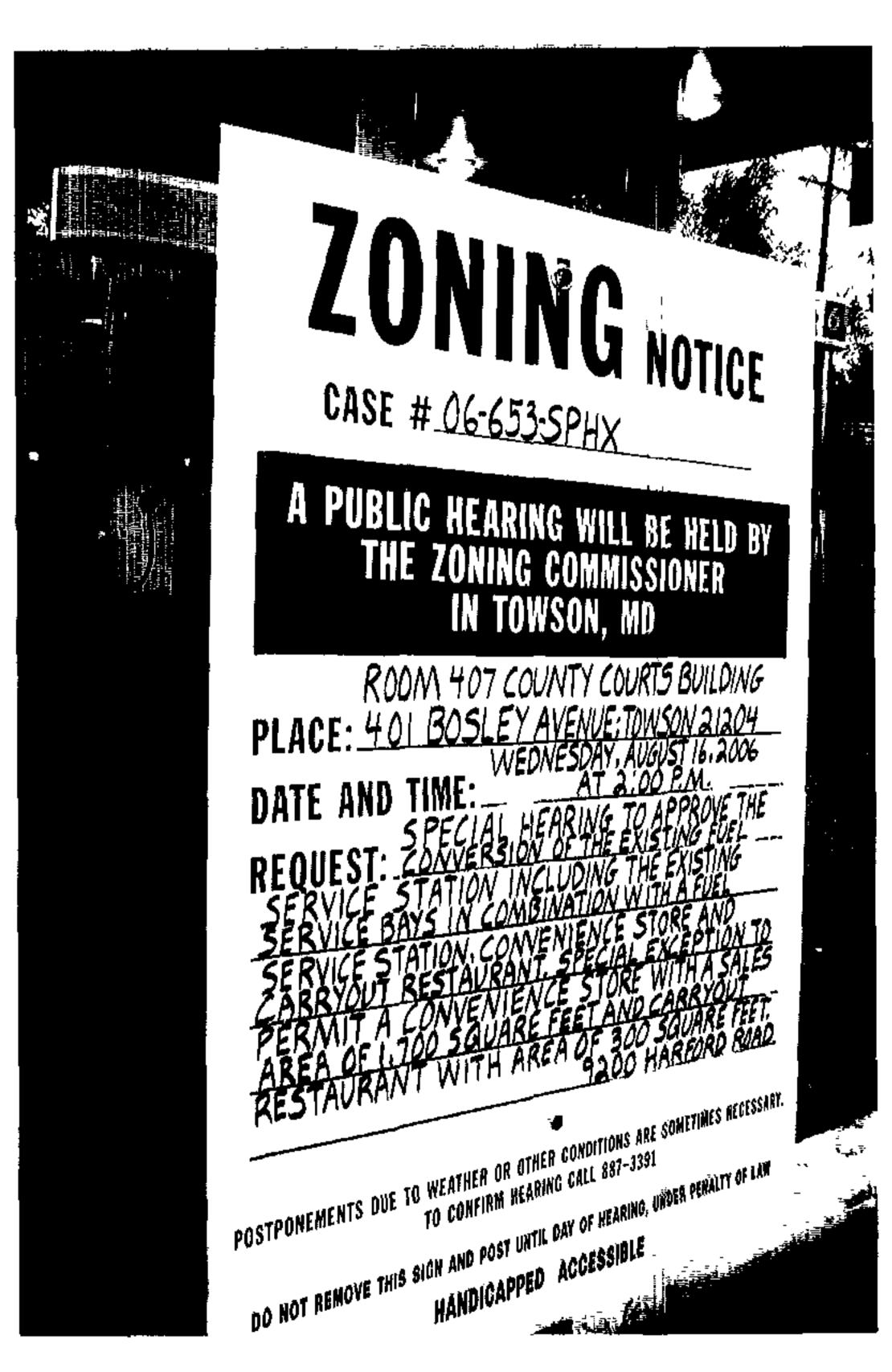
Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366 (Telephone Number of Sign Poster)

# CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS DATE: 7/31/06 Case Number: 06-653-SPHX Petitioner/Developer: Edward Covahey~~First United Energy Ltd., LLC, Kolawole Falobi Date of Hearing (Closing): 08/16/06 This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 9200 HARFORD ROAD

The sign(s) were posted on: 7/28/06



(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366 (Telephone Number of Sign Poster)



JAMES T. SMITH, JR. County Executive

January 22, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and

Development Management

# **NEW 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: 06-653-SPHX

9200 Harford Road

West side Harford Road, 25 feet north of centerline of Richmond Avenue

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: First United Energy, Ltd., LLC

<u>Special Hearing</u> to approve the conversion of the existing fuel service station including the existing service bays in combination with a fuel service station, convenience store and carryout restaurant. <u>Special Exception</u> to permit a convenience store with a sales area of 1,700 square feet and carryout restaurant with area of 300 square feet.

Hearing: Tuesday, February 20, 2007 at 11:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Edward Covahey, 614 Bosley Avenue, Towson 21204
First United Energy Ltd., LLC, Kolawole Falobi, 9200 Harford Road, Baltimore 21234

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, FEBRUARY 5, 2007.

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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, February 6, 2006 Issue - Jeffersonian

Please forward billing to:

Kola Falobi First United Energy Limited 9200 Harford Road

9200 Hartord Road Baltimore, MD 21234 410-661-3910

# 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: 06-653-SPHX

9200 Harford Road

West side Harford Road, 25 feet north of centerline of Richmond Avenue

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: First United Energy, Ltd., LLC

<u>Special Hearing</u> to approve the conversion of the existing fuel service station including the existing service bays in combination with a fuel service station, convenience store and carryout restaurant. <u>Special Exception</u> to permit a convenience store with a sales area of 1,700 square feet and carryout restaurant with area of 300 square feet.

Hearing: Tuesday, February 20, 2007 at 11:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

MALLYAM 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 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# Department of Permits and Development Management

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



# Baltimore County

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

July 10, 2006

# **NEW 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: 06-653-SPHX

9200 Harford Road

West side Harford Road, 25 feet north of centerline of Richmond Avenue

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: First United Energy, Ltd., LLC

<u>Special Hearing</u> to approve the conversion of the existing fuel service station including the existing service bays in combination with a fuel service station, convenience store and carryout restaurant. <u>Special Exception</u> to permit a convenience store with a sales area of 1,700 square feet and carryout restaurant with area of 300 square feet.

Hearing: Wednesday, August 16, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Edward Covahey, 614 Bosley Avenue, Towson 21204
First United Energy Ltd., LLC, Kolawole Falobi, 9200 Harford Road, Baltimore 21234

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 1, 2006.

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



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 1, 2006 Issue - Jeffersonian

Please forward billing to:

Kola Falobi First United Energy Limited 9200 Harford Road Baltimore, MD 21234 410-661-3910

# CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 06-653-SPHX

9200 Harford Road

West side Harford Road, 25 feet north of centerline of Richmond Avenue

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: First United Energy, Ltd., LLC

<u>Special Hearing</u> to approve the conversion of the existing fuel service station including the existing service bays in combination with a fuel service station, convenience store and carryout restaurant. <u>Special Exception</u> to permit a convenience store with a sales area of 1,700 square feet and carryout restaurant with area of 300 square feet.

Hearing: Wednesday, August 16, 2006 at 2:00 p.m. in 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# Department of Permits Development Management

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



# **Baltimore County**

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

June 30, 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: 06-653-SPHX

9200 Harford Road

West side Harford Road, 25 feet north of centerline of Richmond Avenue

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: First United Energy, Ltd., LLC

<u>Special Hearing</u> to approve the conversion of the existing fuel service station including the existing service bays in combination with a fuel service station, convenience store and carryout restaurant. <u>Special Exception</u> to permit a convenience store with a sales area of 1,700 square feet and carryout restaurant with area of 300 square feet.

Hearing: Wednesday, August 16, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

huth Kotroco

Timothy Kotroco Director

TK:klm

C: Edward Covahey, 614 Bosley Avenue, Towson 21204
First United Energy Ltd., LLC, Kolawole Falobi, 9200 Harford Road, Baltimore 21234

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 1, 2006.

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



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 1, 2006 Issue - Jeffersonian

Please forward billing to:

Kola Falobi

410-661-3910

First United Energy Limited 9200 Harford Road Baltimore, MD 21234

# **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: 06-653-SPHX

9200 Harford Road

West side Harford Road, 25 feet north of centerline of Richmond Avenue

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: First United Energy, Ltd., LLC

<u>Special Hearing</u> to approve the conversion of the existing fuel service station including the existing service bays in combination with a fuel service station, convenience store and carryout restaurant. <u>Special Exception</u> to permit a convenience store with a sales area of 1,700 square feet and carryout restaurant with area of 300 square feet.

Hearing: Wednesday, August 16, 2006 at 9:00 a.m. in Room 407, County Courts Building,

40/1 Bosley Avenue, Towson 21204

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 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

Item Number or Case Numbe	r: 06-653-SPHX
Petitioner: FIRST UNITE	D ENERGY LID, LLC.
Address or Location:	200 HARFORD ROAD
PLEASE FORWARD ADVER	TISING BILL TO.
	NERCY CIMITED ATTIV: KOLA FALOBI
Name: FIRST UNITED E	NERCY LIMITED ATTN: KOLA FALOBI
Name: FIRST UNITEDE Address: 9200 HARF	NERCY LIMITED ATTN: KOLA FALOBI FORD ROAD
Name: FIRST UNITEDE Address: 9200 HARF	NERCY LIMITED ATTN: KOLA FALOBI



JAMES T. SMITH, JR, County Executive TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

August 10, 2006

Edward C. Covahey, Jr. Covahey, Boozer, Devan & Dores, P.A. 614 Bosley Avenue Towson, MD 21204

Dear Mr. Covahey:

RE: Case Number: 06-653-SPHX, 9200 Harford Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 16, 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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel First United Energy, Ltd. LLC Kolawole Falohi, Managing Member 9200 Harford Road 21234



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 June 29,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 26, 2006

653

Item Number(s): 644 through 656

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.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



**DATE:** July 12, 2006

RECEIVED

AUG 0 2 2006

ZONING COMMISSIONER

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

9200 Harford Road

**INFORMATION:** 

Item Number:

6-653

**Petitioner:** 

First United Energy Ltd, LLC

Zoning:

BL-AS

Requested Action: Special Hearing

## SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request for special hearing to permit the conversion of the existing fuel service station and service garage to a fuel service station with convenience store and carry out restaurant.

However, the Office of Planning does not support the petitioner's request for a zero-foot landscape transition area in lieu of the required ten-foot minimum required under section 405.4a.2b of the Baltimore County Zoning Regulations. Petitioner must be in full compliance with those guidelines and standards outlined under 'Condition B' of the Baltimore County Landscape Manual. (Specifically, 'Condition B Parking Lots - Standard 1,c (p.19)' which states..." Perimeter Screening - Adjacent to public right-of-way, screening shall comply with "Class B" requirements.")

The petitioner shall submit to the County Landscape Architect a detailed landscaping plan showing what types of landscape plantings will be used along Harford Road frontage.

Upon field inspection, this Office has identified a legal, no left turn restriction from Richmond Avenue northbound on Harford Road. Given that this location is prone to cross traffic exiting the outer loop of I-695, this Office recommends that the petitioner close off the southern most curb cut along the properties Harford Road frontage. This measure will dramatically improve safety for pedestrians and vehicular maneuvers near the subject property. The State Highway Administration (Larry Gredlien) at 410-545-5606 and/or Kevin Gambrill in the Office of Planning for more information concerning the above recommendations.

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

Prepared by:

**Division Chief:** AFK/LL: CM

# BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** August 2, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For Item No. #6-653 SPHX

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Please disregard our previous correspondence, dated July 3, 2006, wherein we said we had no comment regarding this item. Our comment is below.

It is our opinion that the southernmost entrance to the site along Harford Road should be closed off as doing so would improve safety for pedestrians and for drivers and would enhance the onsite circulation. However the final decision would be up to the SHA since this is a State Road.

If it is decided to close the southernmost entrance, we suggest that the other entrance along Harford Road be widened to facilitate higher-speed ingress and egress from the site.

DAK:CEN:clw cc: File, Kevin Gambrill ZAC-ITEM NO 653-08022006.doc



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: July 24, 2006

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

RE: Baltimore County

Item No. 653 (DT) 9200 Harford RD

MD 147 Mile Post 1.51

Dear Ms. Matthews:

This office has reviewed the referenced Item and has no objection to approval. However we will require the owner to obtain an access permit through our office and as a minimum the following roadway improvements may be required:

- The closure of the existing entrance closest to Richmond Avenue.
- The replacement of the existing curb, gutter, sidewalk and entrance paving from property corner to property corner.
- A trip generation study to determine the site impact.

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

Should any additional information be required please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster., Chief

**Engineering Access Permits Division** 

# BALTIMORE COUNTY, MARYLAND

## INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 28, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 3, 2006

Item Nos. 647, 648, 649, 650, 651, 652,

653, 654, 655, and 656

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-06282006.doc

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE
AND SPECIAL EXCEPTION
9200 Harford Road; W/S Harford Road, \* ZONING COMMISSIONER
25' N c/line Richmond Avenue
9th Election & 5th Councilmanic Districts \* FOR
Legal Owner(s): First United Energy Ltd, LLC
Petitioner(s) \* BALTIMORE COUNTY

\* \* \* \* \* \* \* \*

\*

# 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

06-653-SPHX

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2005, a copy of the foregoing Entry of Appearance was mailed to Kolawole Falobi, 9200 Harford Road, Baltimore, MD 21234 and Edward C. Covahey, Jr, Esquire, Covahey, Boozer, Devan & Dore, P.A., 606 Baltimore Avenue, Suite 302, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JUN 2 7 2006

ETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

ATTORNEYS AT LAW 614 BOSLEY AVENUE TOWSON, MARYLAND 21204

EDWARD C. GOVAHEY, JR.

F. VERNON SCOZER\*

MARK S. DEVAN

THOMAS P. DORE

BRUCE EDWARD GOVAHEY

JENNIFER MATTHEWS HERRING

FRANK V. BOOZER, JR.

410-828-9441

FAX 410-823-7530

Annex Office Suite 302 Sos Haltimore ave. Towson, MD 21204 410-828-5525 FAX 410-298-2131

\*ALSO ADMITTED TO D.C. BAR

July 6, 2006

#### VIA FAX - 410-887-5708

Baltimore County DPDM 111 W. Chesapeake Avenue Towson, Maryland 21204

Attn: Kristen Matthews

Re: Case No. 06-653-SPHX

9200 Harford Road

Date of Hearing: August 16, 2006, 9:00 a.m.

#### Dear Kristen:

Please treat this as a request that the above-captioned be rescheduled in that the undersigned counsel has the case of Jewell v. Long set for a Settlement Conference in the Circuit Court for Baltimore County, all in accordance with notice, a copy of which is enclosed. I would be available later that afternoon. I would appreciate a call so I can coordinate my calendar.

Thank you.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./ldr Enclosure 0706ldr06

#### NOTICE OF CIVIL TRACK ASSIGNMENT AND SCHEDULING ORDER

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MARYLAND 21285-6754

Bruce Edward Covahey Esq Covahey & Boozer, P. A. 614 Bosley Avenue Baltimore MD 21204

1

Assignment Date: 09/06/05

Case Title: Jewell vs Long, et al

Case No: 03-C-05-008631 CN

The above case has been assigned to the CIVIL STANDARD W/ MEDIATION. Should you have any questions concerning your track assignment, please contact: Joy M Keller at (410) 887-3233.

You must notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:

#### SCHEDULING ORDER

1.	Motions to Dismiss under MD. Rule 2-322(b) are due by	09/21/05
2.	Figuriaries Expert Reports or Md.Rule2-402(e)(1) Disclosures	01/10/06
Э.	Defendant's Expert Reports or Md.Rule2-402(e)(1)Disclosures.	04/10/00
4.	Joinder of Additional Parties Deadline is.	05/16/06
5.	Dismissal Notice for unserved defendants (Md.Rule2-507(B))	05/18/06
6.	Disconstant mist separate for determents (Mo'Knter-20. (R))	01/04/06
7.	Discovery must by completed by	07/02/06
	All Motions (excluding Motions in Limine) are due by	07/17/06
8.	Mediation (WDK) Deadline Date 18	「ガウノマフノハム」
9.	Settlement Conference is.	08/16/06
	serriement Conterence: Start Time: 09:00AM: Hon. Barbara K Howe:	
10.	Deadline/Exchange list of all exhib. and copies of paper exhib.	00/02/05
11.	Deadline for Motions in Limine incl. objections to exhibits is.	09/03/06
	(Note: Documents will be deemed authentic if objection is not filed)	09/13/06
ュウ	THE TAT. TO A THE SECRET BUTHERS OF THE ODJECTION IS NOT THEOD	
14.	TRIAL DATE is.	09/18/06
	Civil Jury Trial: Start Time: 09:30AM: To Be Assigned: 2 DAYS MERITS AGREED DATE	•
		1

## Honorable John Grason Turnbull II Judge

<u>Postponement Policy:</u> No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponement must be submitted in writing with a copy to all counsel/parties involved. All requests for postponement must be approved by the Judge.

Settlement Conference (Room 507): All counsel and their clients MUST attend the settlement conference in person. All insurance, representatives MUST attend this conference in person as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected. (Call [410] 887-2920 for more information.)

Special Assistance Needs: If you, a party represented by you, or a witness to be called on behalf of that party need an

accommodation where the Americans with Disabilities Act. please contact the Court Administrator's Office at (410) 887-2687 or use the Court's TOD line. (410) 887-3018. or the Voice/TOD M.D. Relay Service. (800) 735-2258.

Voluntary Dismissal: Per Md. Rule 2-506, after an answer or motion for summary judgment is filed, a plaintiff may dismiss an action without leave of court by filing a stipulation of dismissal signed by all parties who have appeared in the action. The stipulation shall be filed with the Clerk's Office. Also, unless otherwise provided by stipulation or order of court, the dismissing party is responsible for all costs of the action.

Court Costs: All court costs MUST be paid on the date of the settlement conference or trial.

cc: Keith C Pete Jewell

cc: John E Long Jr

cc: Vicki L Wolff Long

CC: RONNA K. JABLOW ESQ

cc: Michael P May Esq

cc: Edward C Covahey Jr

Reissue Date 10/05/05

#### COVAHEY, BOOZER, DEVAN & DORE, P. A.

# ATTORNEYS AT LAW 614 BOSLEY AVENUE TOWSON, MARYLAND 21204

EDWARD C. COVAHEY, JR,
F. VERNON BOOZER \*
MARK S. DEVAN
THOMAS P. DORE
BRUCE EDWARD COVAHEY
JENNIFER MATTHEWS HERRING
FRANK V. BOOZER, JR.

410-828-9441

FAX 410-823-7530

ANNEX OFFICE SUITE 302 606 BALTIMORE AVE. TOWSON, MD 21204 410-828-5525 FAX 410-296-2131

\*ALSO ADMITTED TO D.C. BAR

January 5, 2007

Ms. Christie Matthews Zoning Office for Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Zoning Case No. 06-653-SPHX

Petitioner: First United Energy, Ltd.

Dear Ms. Matthews:

With respect to setting the above-captioned in, enclosed please find copies of two letters I sent to Deputy Murphy.

Perhaps you could coordinate rescheduling the continued hearing.

Thank you for your cooperation.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./ldr Enclosures 1129ldr08

cc: John V. Murphy, Deputy Zoning Commissioner First United Energy, LLC

#### COVAHEY, BOOZER, DEVAN & DORE, P. A.

# ATTORNEYS AT LAW 614 BOSLEY AVENUE TOWSON, MARYLAND 21204

EDWARD C. COVAHEY, JR.

F. VERNON BOOZER \*

MARK S. DEVAN

THOMAS P. DORE

BRUCE EDWARD COVAHEY

JENNIFER MATTHEWS HERRING

FRANK V. BOOZER, JR.

410-828-9441

FAX 410-823-7530

ANNEX OFFICE SUITE 302 606 BALTIMORE AVE. TOWSON, MD 21204 410-828-5525 FAX 410-296-2131

\*ALSO ADMITTED TO D.C. BAR

October 26, 2006

John V. Murphy, Deputy Zoning Commissioner for Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Zoning Case No. 06-653-SPHX

Petitioner: First United Energy, Ltd.

OCT S 0 2006

Dear Commissioner Murphy:

Please treat this as a supplement to my letter of September 25, 2006. It is respectfully requested that a meeting be scheduled with all parties for purposes of submitting a new plan that the engineer is in the process of preparing.

The Commissioner's indulgence is appreciated.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./ldr 1026ldr03

cc: First United Energy, LLC

#### COVAHEY, BOOZER, DEVAN & DORE, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

EDWARD C. COVAHEY, JR.

F. VERNON BOOZER \*

MARK S. DEVAN

THOMAS P. DORE

BRUCE EDWARD COVAHEY

JENNIFER MATTHEWS HERRING

FRANK V. BOOZER, JR.

410-828-9441

FAX 410-823-7530

ANNEX OFFICE SUITE 302 606 BALTIMORE AVE. TOWSON, MD 21204 410-828-5525 FAX 410-296-2131

\*ALSO ADMITTED TO D.C. BAR

September 25, 2006

John V. Murphy, Deputy Zoning Commissioner for Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Zoning Case No. 06-653-SPHX Petitioner: First United Energy, Ltd.

SEP 2 7 2003

ZONING COMMISSION

Dear Commissioner Murphy:

You will recall, the above-captioned was heard by the Commissioner on August 16, 2006 and same was held in abeyance because of concerns involving certain recommendations with respect to the southernmost curb cut for ingress and egress to Harford Road. In order to remove this issue, the Petitioner would propose to renovate the existing structure instead of razing same and building a new structure. In this connection, the Petitioner would propose to revise the plans to show the renovated building. Accordingly, it would be appreciated if I could be contacted with respect to continuing this matter for the submission of a new plan that would reflect the renovation.

The Commissioner's indulgence is appreciated.

Edward C. Covahev, Jr.

ery truly yours,

ECC,Jr./ldr 0925ldr06

cc: First United Energy, LLC

9/29/06 - NHMOM



February 9, 2007

Zoning Commissioner
Attention: John Murphy
Baltimore County
Towson, MD 21286

06-653-5PHX

Dear Mr. Murphy,

My name is Mark Samuels, the General Manager for SMO Motor Fuels. The owner of Harford Road Shell, Mr. Falobi (First United Energy Ltd.) has kept me informed of his plans to upgrade his gas station facility for the residents and commuters along Harford Road. I first would like to say that I applaud Mr. Falobi for his initiative and think the upgrades to his facility will greatly improve the image of the trade area.

Mr. Falobi's plan to upgrade the station to a convenience store offering will certainly retain the traffic to his facility. I would like to stress the need to retain both entrances to the location, North and South along Harford Road, for the safe and proper flow of traffic for his customers and our transportation vehicles that deliver petroleum products to the location.

The route that our transportation vehicles take when delivering fuel to the location is to make a left hand turn into the site using the North entrance, then after dropping the fuel, they turn left onto Harford Road using the South exit and continue to head North. If the Southbound exit was closed, the transport vehicle would be forced to make an "unsafe" turn around within the station and an "unsafe" turn onto Harford Road using the North exit. Since making a left turn onto Harford Road from Richmond Road is prohibited, the South entrance is necessary to keep traffic moving safely.

Many of Mr. Falobi's customers would experience the same difficulty heading North on Harford Road if the Southern entrance was closed. This would undoubtedly cause Mr. Falobi to lose customers because they would not be able to enter and exit the station conveniently.

Suffice also to say that we (SMO) owned this facility prior, and are very familiar with the location having safely delivered gasoline to this location for the past 7 years.

Thank you for the opportunity to voice my concerns. In summary, I strongly request that you allow Mr. Falobi to keep both the North and South entrances to his station for both safety and convenience for our transportation vehicles and customers.

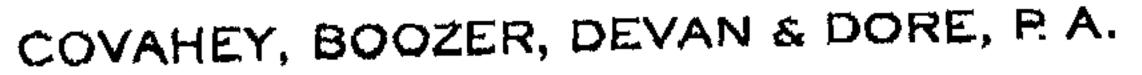
Sincerely,

Mark Samuels

SMO Motor Fuels, Inc.

Cc: Kola Falobi

6355 CRAIN HIGHWAY, LA PLATA, MARYLAND 20646 • 301/932-3600 • FAX 301/932-3668



ATTORNEYS AT LAW 614 BOSLEY AVENUE TOWSON, MARYLAND 21204

410-626-9441

FAX 410-823-7530

Annex office Buite 302 606 Baltimore Ave. Towson, MD 21204 410-828-5525 PAX 410-296-2131

EDWARD C. COVAHEY, JR.

F. VERNON BOOZER\*

MARK S. DEVAN

THOMAS P. DORE

BRUCE EDWARD COVAHEY

JENNIFER MATTHEWS HERRING

FRANK V. BOOZER, JR.

\*ALSO ADMITTED TO D.C. BAR

March 9, 2007

#### VIA FAX - 410-887-3468

John V. Murphy, Deputy Zoning Commissioner for Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Zoning Case No. 06-653-SPHX
Petitioner: First United Energy, Ltd.

Dear Commissioner Murphy:

Enclosed please find good news for the Petition from the State Highway Administration.

Very truly yours.

Edward C. Covahey, Jr.

ECC,Jr./ldr Enclosure 0309ldr06 ų,



Martin O'Malley, Governor Anthony Brown, Lt. Governor John D. Poresri, Secretary Neil J. Padersen, Administrator

Maryland Department of Transportation March 2, 2007

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

Baltimore County RE:

Item No. 06-653-SPHX4 MD 147 (Harford Road) 9200 Harford Road

Shell Gas Station

Case No. 6-653-SPHX

Dear Ms. Matthews:

This is in reference to our ongoing review of the plat to accompany building permit on the subject of the above captioned. We understand that this plan illustrates a proposal for conversion of service bays and new building addition for convenience store and carry-out restaurant.

Based on a field inspection the District Four Traffic Engineering Office and this office have determined that the existing entrances on to MD 147 are acceptable at this time. However, the SHA will require that the owner/developer provide side walk and handicap ramps consistent with Americans with Disabilities guidelines. A permit must be obtained for the improvement within the public right-of-way. Prior to issuance of a building permit for the subject property coordination with the Mr. Phil Humbertson State Highway Administration-Special Programs 401-321-2852 is necessary.

If you have any questions or need clarifications regarding this matter, please feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha\_state.md.us). Thank you for your attention.

Very truly yours,

Many Executive Access Permits

Division

SDF/MB

Mr. Kola Falabi, Owner, United Energy Limited, LLC Cc:

Mr. Phillip Humbertson, D-4 Special Programs, SHA

Mr. Burglas L. Kennedy, P.E. Consultant Engineer, KCW Technologies

Mr. David Malkowski, District Engineer, SHA

Mr. Randal Scott, ADE-Traffic, SHA

+65-76-x 8/10/64

Adam W. Weber

SIN Corner of Harfard Rd. & Duncan Lane

Altilism for Special Exception for Gas Station

Deliver

IN RE: PETITIONS FOR SPECIAL EXCEPTION, \*

SPECIAL HEARING & VARIANCE

NW corner East Avenue and

Harford Road

11<sup>th</sup> Election District

6<sup>th</sup> Councilmanic District

(9205 Harford Road)

R. Benson Phelps, LLC

Legal Owner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-223-SPHXA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception, Special Hearing and Variance filed by the legal owner of the subject property, R. Benson Phelps, LLC. for property located at 9205 Harford Road.

The Special Hearing is to approve, pursuant to BCZR Sections 409.1.B and 409.8.B.1 of a modified parking plan and modified parking requirements for the proposed uses in accordance with the specific detail shown on the Plat to Accompany this Petition, and modification of the relief and site plan approved in Case No. 98-328-SPHXA.

The Special Exception is to allow roll-over car wash pursuant to BCZR Section 405.4.E.2 and 419.1 (this is the same special exception relief requested and granted in Case No. 98-328-SPHXA; the relief granted lapsed before it was implemented).

The Variance request is to permit a total of 16 parking spaces for the non carwash uses in lieu of the 20 spaces otherwise required (if the modified parking plan is not approved as part of the Special Hearing, Petitioner filed herewith, from BCZR Section 409.6.A.2).

The property was posted with Notice of Hearing on December 26, 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 December 26, to notify any interested persons of the scheduled hearing date.

Q 500 445

#### Applicable Law

#### Section 502.1 of the B.C.Z.R. Special Exceptions

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

#### 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.

#### Section 307 of the B.C.Z.R. Variances

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

#### Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

#### Interested Persons

Appearing at the hearing on behalf of the variance and special exception requests were David Billingsley, with Central Drafting & Design, Inc., who prepared the site plan, Bob Infussi, Development Consultant, and Howard Phelps, Jr., with R. Benson Phelps, LLC, Petitioner. Howard Alderman, Jr., Esquire, represented the Petitioner. There were no citizens or protestants' at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### Testimony and Evidence

Testimony and evidence indicated that the property contains 28,937 square feet zoned BM-AS and improved by the Petitioner's fuel service station. Mr. Alderman indicated that he presented Case No. 98-328-SPHXA in 1998 in which the Deputy Zoning Commissioner approved special exceptions for a roll over car wash, convenience store and carryout restaurant in conjunction with a fuel service station. He indicated that prior to this 1998 request, the site contained a fuel service station with a three bay repair shop. The intention of the owner was to convert the service bays into a convenience store, and carryout restaurant. The roll over car wash was to be built as well. However in fact the service bays were not converted and the car wash never constructed. Consequently the special exception lapsed causing the need for the subject hearing.

The subject property is located close to the northeastern intersection of I 695 and Harford Road as shown in the vicinity map of the Plat to Accompany exhibit 1. The Plat indicates the proposed uses are as a fuel service station with a convenience store of 600 square feet and roll

over car wash. The service bays will remain. Mr. Alderman presented the Order in Case No. 98-238-SPHXA as exhibit 2 and a comparison to what is requested in the subject case and the former Order as exhibit 3. This exhibit shows the service bays will remain, request for modified parking plan similar to that approved in 1998, a convenience store of 600 square feet as compared to 1500 square feet previously approved, no carry out restaurant, no change to the signage, a stacking space now provided for each fuel pump in addition to the space at the pump, the parking variance to allow 16 spaces in lieu of 20 required.

Mr. Alderman noted that all required stacking spaces will be provided for the car wash in addition to providing the required stacking parking space for each pump. A variance was previously approved for pump stacking spaces. Sixteen of 20 parking spaces will be provided in the modified parking plan or in the alternative a variance is requested. He opined that the present request met all criteria of Section 502.1 of the BCZR, was within the spirit and intent of the BM-AS zoning regulation and would not adversely affect the community. He noted that the AS overlay was specifically designed for these kinds of uses. In addition he indicated that the proposed car wash was a true roll over design with flow rate of vehicles of 15 vehicles per hour. The nearest residentially zoned property is approximately 300 feet away.

In regard to operation, the car wash will be attended during the daylight hours, but will operate 24 hours a day, 7 days per week. He opined that this would not be detrimental to the community since the property is surrounded by commercial uses including the large Doug Griffith Honda dealership which all but surrounds the property. Finally he opined that the property is unique given the existing buildings on the property, and the lot location close to the Beltway. The current owners had no role in defining either the location of the buildings or the dimensions of the lot. All relief is internal to the site. Mr. Billingsley indicated that the modified parking plan has been designed to present standards regarding size of parking spaces,

drive aisles etc and was a safe design without safety hazards sometimes present in parking fields in older communities.

#### Findings of Fact and Conclusions of Law

#### Special Hearing

In regard to the request for a modified parking plan under Section 409.12, I understand that the design is up to date and safe. I much prefer modified parking plans in older communities as compared to variances which simply document parking fields which sometimes have inherent safety flaws. A modified parking plan had previously been approved for this site in the 1998 case. I find that the Petitioner would suffer undue hardship if the plan were not approved given the existing lot size and buildings on site. All stacking spaces are provided for the car wash which will prove to be important on the sunny day after the salt trucks treat the snow. The Petitioner could have relied on the previous variance and not provide the stacking space for each fuel pump but did not. This may have helped with the overall parking requirements. Therefore I will approve the modified parking plan.

#### Special Exception

In regard to the special exception of the roll over car wash, I find the proposed use meets the criteria of Section 502.1 of the BCZR, is within the spirit and intent of the BM-AS regulations and will not adversely affect the community. The nearest residence is 300 feet away, the property is surrounded by commercial uses coming off the Beltway on Harford Road. The AS overlay specifically allows these kinds of uses. Therefore I will grant the special exception.

#### **Special Hearing**

In regard to the request to modify the site plan approved in Case No. 98-328-SPHXA, I will grant the request for the reasons given.

#### Variances

Having granted the modified parking plan the variance request becomes moot and therefore I will deny this request.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' requests for special exception and special hearing should be granted, and the requests for variance should be denied as moot.

THEREFORE, IT IS ORDERED, this 23<sup>rd</sup> day of January, 2007, by the Deputy Zoning Commissioner, that the Special Hearing to approve, pursuant to BCZR Sections 409.1.B and 409.8.B.1 of a modified parking plan and modified parking requirements for the proposed uses in accordance with the specific detail shown on Petitioner's exhibit 1 be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Special Exception to allow roll-over car wash pursuant to BCZR Section 405.4.E.2 and 419.1 be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Special Hearing to modify the site plan approved in Case No. 98-328-SPHXA in accordance with the specific detail shown on Petitioner's exhibit 1 be and is hereby GRANTED subject to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition; and

IT IS FURTHER ORDERED, that the Variance request is to permit a total of 16 parking spaces for the non carwash uses in lieu of the 20 spaces otherwise required be and is hereby DENIED, as moot.

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

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

# PETITION FOR ZONING RE-CLASSIFICATION AND OR SPECIAL EXCEPTION

	小線。	· 1		*
TO THE ZONING COMMISSIONER OF B	ALTIMORE CO	UNTY:		
TO THE CONING COMMISSIONER OF IT ADAM H. WEBER, EX- KER WO, MEBER AND RAYMOND	ecutor Af	the Estate (	of Henry John Web	IER ADAM H
WEBER and RAYMOND	H. legal	wner A of the pr	operty situate in Baltime	To D
	n <b>eetitiink alli</b> k l	[]]{	to and investigation	- 10 A
hereby petition (1) that the zoning status	of the herein	described propert	y be re-classified, pursua	int $\rho(f)$
	31.5.3HC		zone to	an 11 G
to the Zoning Law of Baltimore County,	from an His-			# #
zone; fo	- AE 42-	g reasons:	j	"X"
				8127/64
			1 +	0127/64
				יין פי
Onn Attache	ed Description	n T		1
Sed woods			•	***** *******
		· ,		
		· · · · · · · · · · · · · · · · · · ·		
		'		
		!		! }
		1		i i
and (2) for a Special Exception, under if	in sold Zoning	Law and Zoning	Regulations of Baltim	ore
and (2) for a Special Exception, under the		an annual tion	of a dasoline	
County, to use the herein described pro	nerty, for	ie obergrandi	FTT TO TAKE THE TAKE THE TAKE	
filling station			##### = ## # - # ### ## ## # # # # # # #	<del></del>
The second of the second and arriver	tiscd as proser	thed by Zoning R	egulations.	
the same as a second of the	skava razládkili	ention and/ <b>ores</b> p	6618f texcebiton acrearing	ing,
need and a second secon	n and further	ngree to and are	to be bound by the soi	<b>9</b>
regulations and restrictions of Baltimore	County adopte	od pursuant to th	e Zoning Law for Baltin	10re
		77/	<b>\ \ \ 111.</b> ~	
County.	T T	edew . H mico	executor of the	ie Estate of
	H	enry John W	her Dele-	
· · · · · · · · · · · · · · · · · · ·	Ā	dam H. Welle		
u l				<b>_</b> _ 41 -
Contract purch	aser R	axmond H. P	lack Legal Owner	3
Continues Imm		5714	Harford Road	
Address		Address5714 Balt	imore, Maryland	21214
				,, un qu'al
(7) 75557	7	4: <b>= a</b> a = - · · ·	· <b></b>	
Smalkin & Hessian				
Pelitioner's Kt	torney	<b>\</b>	Protestant's Attorn	еу
		i <sup>r</sup> r		
Address 117 Alleghany Avenue		 		
Towson, Maryland 21.	204	lucana County t	hie 10th	_day
Address 117 Alleghany Avenue Towson, Maryland 212 VA 3-8440 ORDERED By The Zoning Commi	issioner of Ball	imore County, t	.1110	
A	At a Alam michiga	ot matter of Athl	s petition be advertised	u, us
	/7#41#4#49"7%197	TWO THIWMHILLIUGENC	I Ecuciai Civalia	•
	. MARKAM ANDITI	101	THE DC HUCK WILLIAM	_
out Baltimore County, that property be Commissioner of Baltimore County in	Room 108 Co	unty Office Bui	lding in Towson, Balti	more
Commissioner of Baltimore County in County, on the AUG 10'64		ntombon 23	. och at 10:00a	'elock
County, on the arrange Ave A	day of	Desumer.	100m dt marrario	~ · · · · · · · ·
μυς τυ σ4		$\langle \cdot \cdot \rangle$		
· • il i	, , ,	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
		*		

Durguant to the advertisement	posting	of pro	perty, and pub	lic hearing on the above petition and
I MISHRITE ES EILS BEFORESSONIANT			the patition	having met the requirements
it appearing that by reason of	OCETILOU SELECTION		W. P. V.	
of Section 502.1.of the Pali		Count	Zoning-Ken	nlations
· · · · · · · · · · · · · · · · · · ·				
			(4 <sub>1</sub> , , , , , , , , , , , , , , , , , , ,	
•	*t , , , , , , , , , , , , , , , , , , ,			
				Ind-Abab ho-mason-of
therabovexReclassificationcahaulde	XXDBOX 90	ADDCAY.	ANY MICE AND ANY	
	, <u></u>			
	and the last term the second			***************************************
a Special Exception for a	Can S	tation		should be granted.
a phecial pycchrion for a	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		of Baltlman	county this
IT IS ORDERED by the Zoni	ng <b>Comn</b>	1153[0]] (報)	T OF DRIGHHALL	
day of Soptember, 19	6.4., th	atchia:	diracoloculared	estopropoctycoroccers: should stop soud
xthexamic is hereby peclassified; fri	)   DOG	راقتنه فدهدمه	فلأخرى	DURANTO:3
2000 2001 Exception	or <b>a</b> .	Q.z	Station	abould be and the same in
	ad 'abla	-	and lect to	approval of the site plan by the
State Roads Commission, Bu	read of	PuliL	TO MIXANDE	
, ,			ZKU	RUN N. HESTALL
	r	D	skuty Zoning	Commissioner of Baltimore County
	<b>\( '</b>			
Pursuant to the advertiseme	ent, post	ing of	property and	subtle hearing on the above petition
and it appearing that by reason	·			**************************************
ation to obligation to the party.	( ) ( )			
·····································	·			
*************				***
	· + ***			****** * * * * * * * * * * * * * * * *
the above medication should	d <b>NOT I</b>	E ILA	D and or the	Special Exception should NOT BE
GRANTED.				
			net of Rale	re County, this
IT IS ORDERED by the Kot	un <b>g von</b>			
of 190	the	t the	Dave re-Class	tation he and the same is neteby
DENIED and that the above de	scribed p	or open t	y or area be	the same to bereby continued as and
			rome and.	the Special Exception for
to remain a -		<del></del>	1	

TOPOGRAPHICAL BURVEYS SURVEYS FOR EXCAVATING

PHONE: - HAMILTON 5-2813

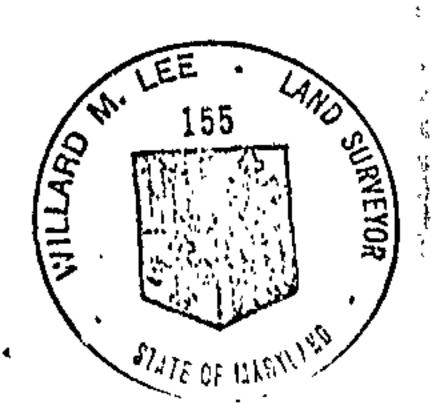
WILLARD M. LEE
REGISTERED CIVIL ENGINEER
4604 MAINFIELD AVENUE
BALTIMORE 14, MARYLAND

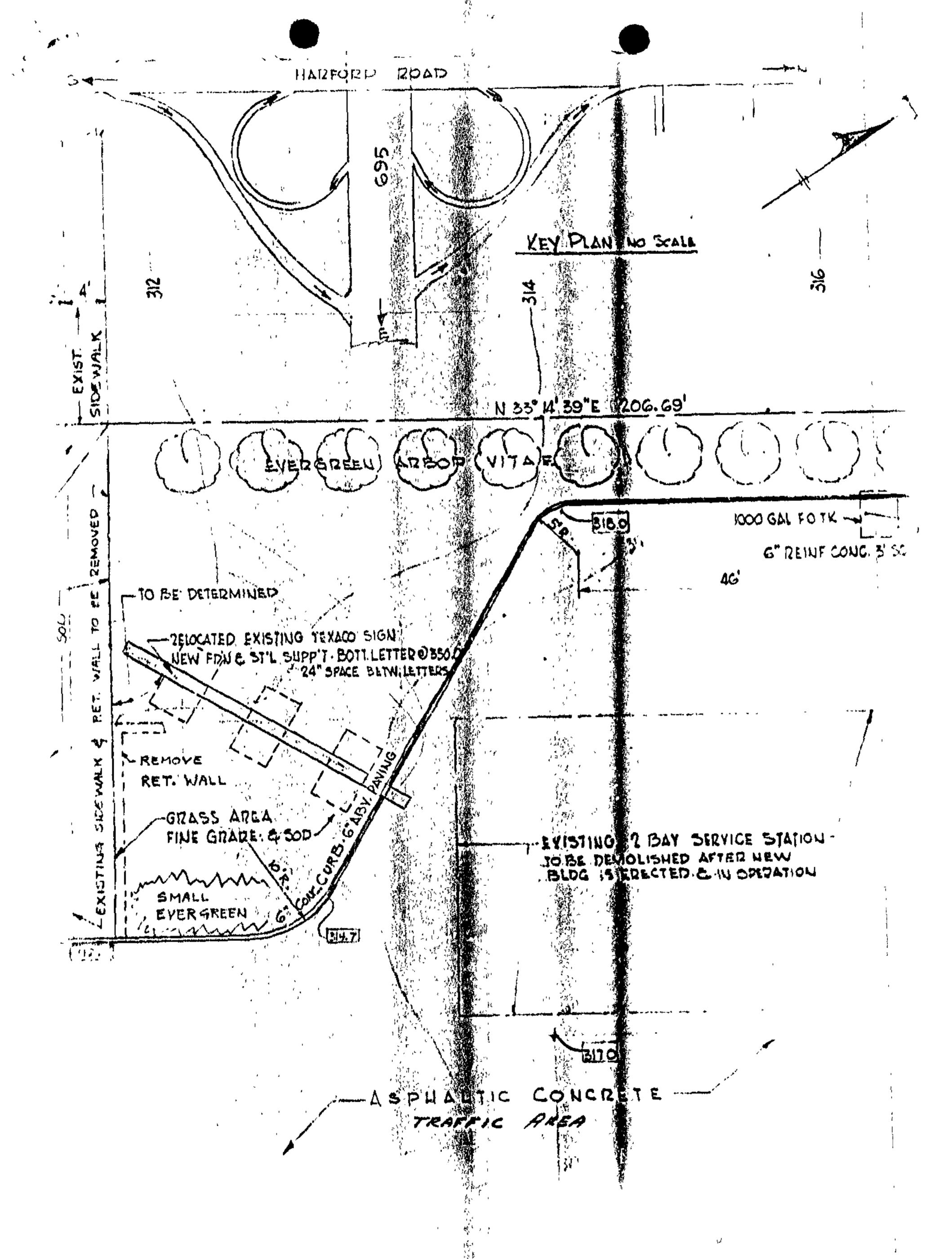
S.W.C. Harford Hoad and Duncan Lane 11th District Baltimore County, Maryland June 26,1964 OLD MAP #9 "X" 8/27/64

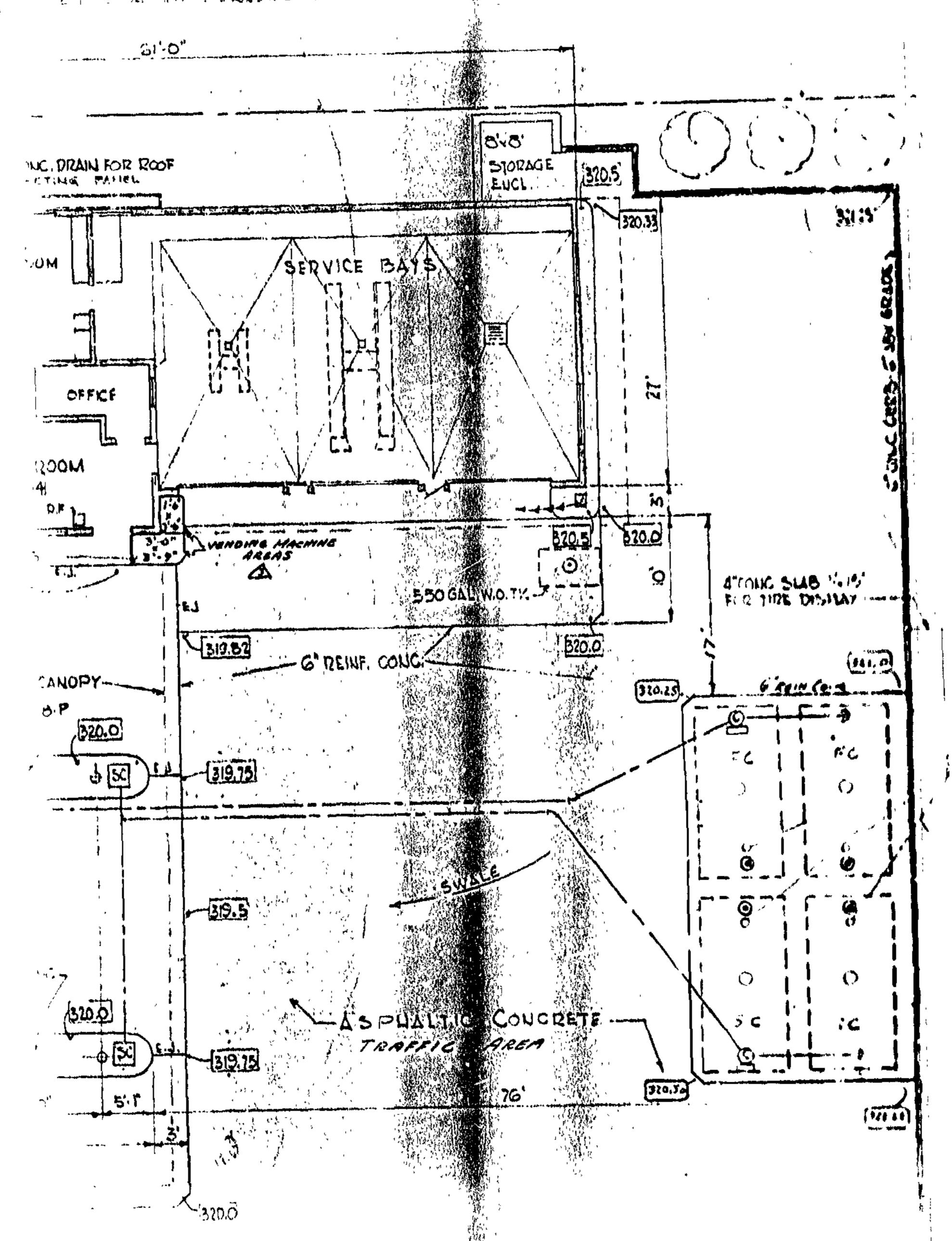
Beginning for the same on the northwest side of Harford Road at the distance of 120.26 feet measured northeasterly along the northwest side of Harford Road from the north side of Richmond Avenue and thence running and finding on the northwest side of Harford Road North 33 degrees 14 minutes 39 seconds East 78 feet to the south side of Dunban Lane thence running and binding on the south side of Duncan Lane North 52 degrees 22 minutes 21 seconds West 110.32 feet thence running South 33 degrees 14 minutes 39 seconds West 206.69 feet to the north side of Richmond Avenue thence running and binding on the north side of Richmond Avenue South 56 degrees 45 minutes 21 seconds East 30 feet thence running for two lines of division as follows:

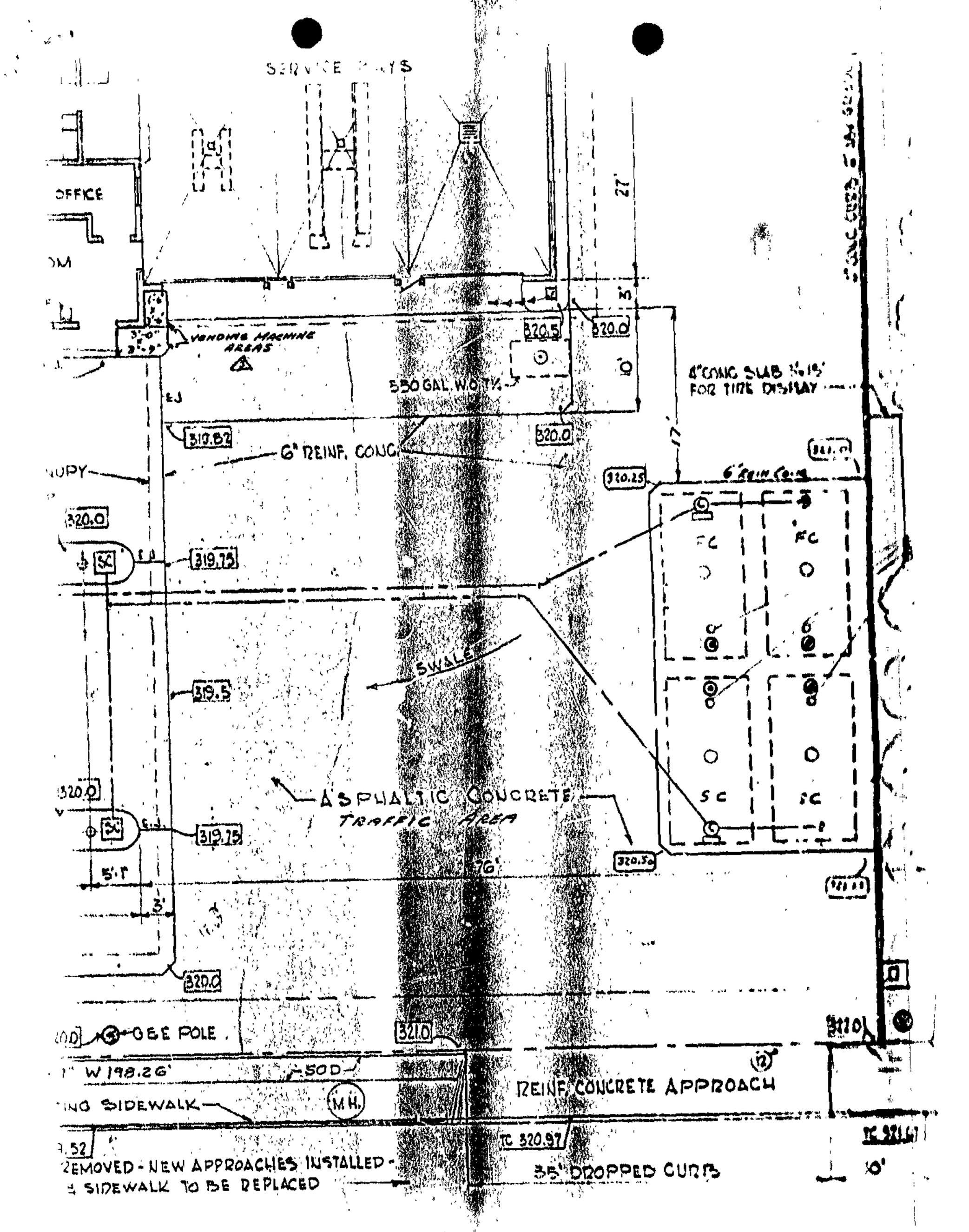
North 33 degrees 15 minutes 39 seconds East 120 feet and South 56 degrees 45 minutes 21 seconds East 80 feet to the place of leginning.

Containing 12,620 square feet of land more or less.

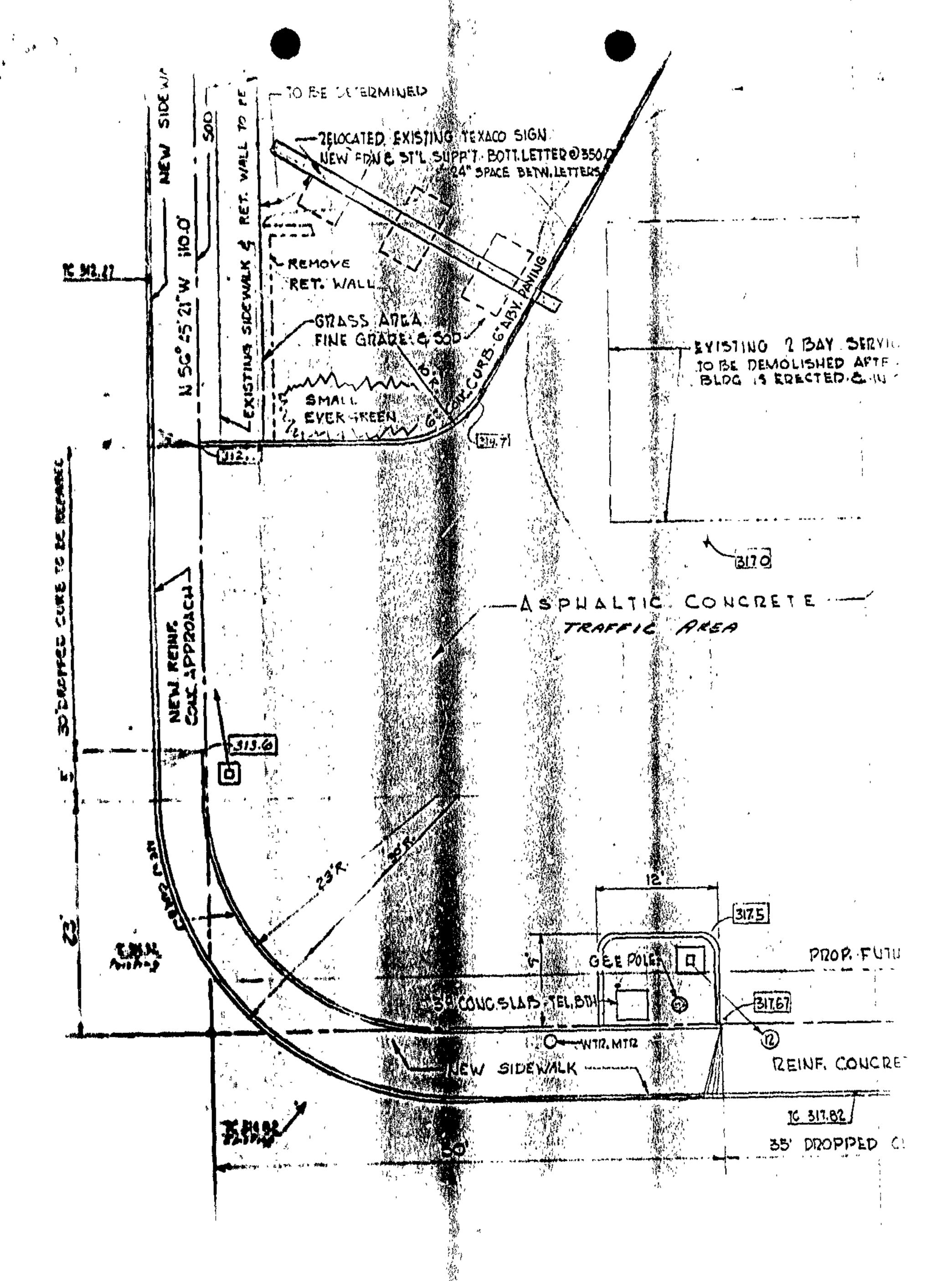








Nors



"for it FOR CANOPY APPROVALERECORD

NEW YORK OFFICE

REVISION RECORD PRODUCT THULE RO'ERON BLOG CHATED VENDING MACHINE AREA RELOCATE CURB PER STATE RD. COMM.



EXACOINC



ORE COUNTY, MD ROAD & RICHMOND ST BCALE TO BY DRAWN BY CHECKED BY APPROVED

HOER CURBY

121

3C5. DWG 7-536. 3G - NTD. BYTEXACO .30

WE SALES RM.

2 TO INSTALL, HB. FAUCETS IE IN WASH BAY.

CONTRACTOR. LED BY GEN'L CONTRA WH OH DWG 175 2192 MOLITION SPECS.

11) - DT-1(5-2-62) - DEMOL.

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Commissioner August 28, 1964

FROM Mr. George E. Gayrelis Director

SUBJECT 165-76-XI. Special Exception for a Gas Station. Southwest corner of Harford Road and Duncan Lane Being property of Aslam H. Weber.

11th District

HEARING:

Thursday September 10, 1964 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for a Special Exception for a gasoline service station and has the following advisory comments to make with respect to pertinent planning factors:

- It is the understanding of the staff that portions of the subject property had received a special Exception for a service station and that this retition in essence seeks authority to rebuild the existing station on an expanded site. The Planning staff offers no objection to this concept.
  - 2. The Planning staff does question details of the specific proposal presented by the petitioner. For example, widening may be required along Duncan Lane. This would have an impact on the location of Harford Road entrances and, posssibly, the station itself. The sign identifying the station is of undetermined size and is in an unusual location. Does this sign conflict with State requirements regarding advertising signs along the Beltway? Should the sign's location be changed to sliminate its impact on Richmond Street, a road which serves as the principal access way to the abutting residential areas? These questions must be resolved as a rior condition of site plan approval by the Planning st.f.

GEG:bms

المستستنين يرز

# CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Maryland

1/ Th		±	<u> </u>
Posted for:		Date of	Posting.
Posted for: Petitioner:			
Location of property:		Idea Santa Colo	A Language of the Control of the Con
Location of property:			
Location of Signs:	no Ducas	Land San Orange	
The second	Contract		La de la
Remarks:	Carry State	5 74 0	many to the state of the state
Posted by		Date of return	D . 2 / - 2.
Signature			•

PRTITION FOR A SPECIAL EX-

Contion for a Gas Station Contion for a Gas Station LOCATION: Southwest corner of Mistford Road and Duncan Lane DATE & TIME: Thursday, September 10, 1964 at 10:00 A. M. PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

The Zoning Commissioner of Daltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing concerning all that parcel of land in the Eleventh District of

Boltimore County: The same on the northwest side of Harford Road at the distance of 120128 feet measured northeasterly along the northwest side of Harfard Road from the north side of Richmond Avenue the northwest side of Harford Road North 38 degrees #14 minutes 39 seconds East .75 feet 1 to the south aide of Duncan@Lane, thence running and binding on the south side of Duncan Lane North \$3 degrees 22 minutes \$1 seconds West 110,11 feet, thence running South 11 de-200,69 feet to the forth side of Richmond Avenue thence running and binding on the north side of Richmond Avenue South 4 45 deines of division as follows: North \$3, degrees, 14 minutes, 35 seconds Eact 120 feet and Houth 56 degrees

46 minutes 21 seconds Zact 50 feet
to the place of beginning
Containing 13,820 square feet of
land more of less,
Being the property of Adam H.
Weber, Executor of the Estate of
Henry John Waber, et al. 14 shown
on plat plan filed with the Zoning
Department.

JOHN G. ROSE
Zuning Commissioner of Ballimore County.

Department. By Order of

# CERTIFICATE OF PUBLICATION

	TOWSON, MD.,	August 21. , 19.	
THIS IS	TO CERTIFY, that t	he annexed advertisement	was
nublished in	THE JEFFERSONIAN	4, a weekly newspaper pr	inted
and published	l in Towson, Baltim	ore County, Md., oncocinc	xeachc
and litting	THE THEOLEGIST WAY	coocks before the10	th
	Sept ember	, 19_6h, the 1966 public	cation
	the 1218tda	y ofAugust	<b>-</b>
		- '	

THE JEFFERSONIAN,
Manager.

65-76

Cost of Advertisement, \$-----

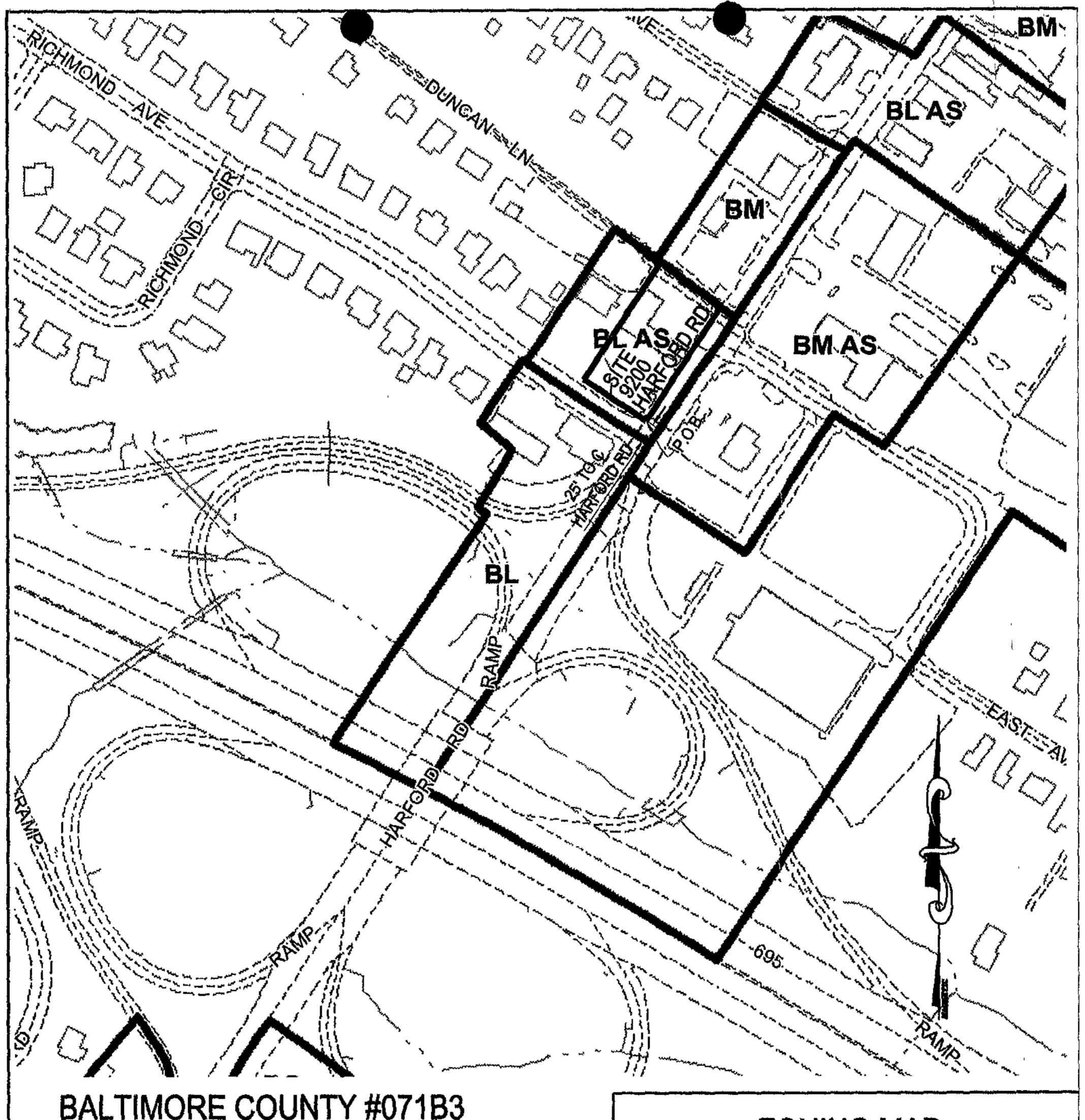
Experience of the first of the property of the

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

# PETITIONER'S SIGN-IN SHEET

E- MAIL			) Kennody @ KCW-E7.com									
CITY, STATE, ZIP	Jea mull	HATCH MO.	BALTIMORE, MD. 21244 1									
·ADDRESS	277	00 02 VG	BALTIMORE DR. 110									
NAME	JEN COUMERT	<b>3</b> — I	DOUGIAS L. KENNEDY									



## BALTIMORE COUNTY #071B3 SCALE: 1"=200'



KCW Engineering Technologies, Inc. 3106 Lord Baltimore Drive, Suite 110 Baltimore, Maryland 21244 Tele (410) 281-0033 Fax (410) 281-1065 www.KCW-ET.com

KCW J.O.:	2060227
SCALE 1" :	<b>=</b> 20'
DESIGNED:	DLK
DRAWN:	MRM
CHECKED:	DLK
DATE: MA	R. 31, 2006

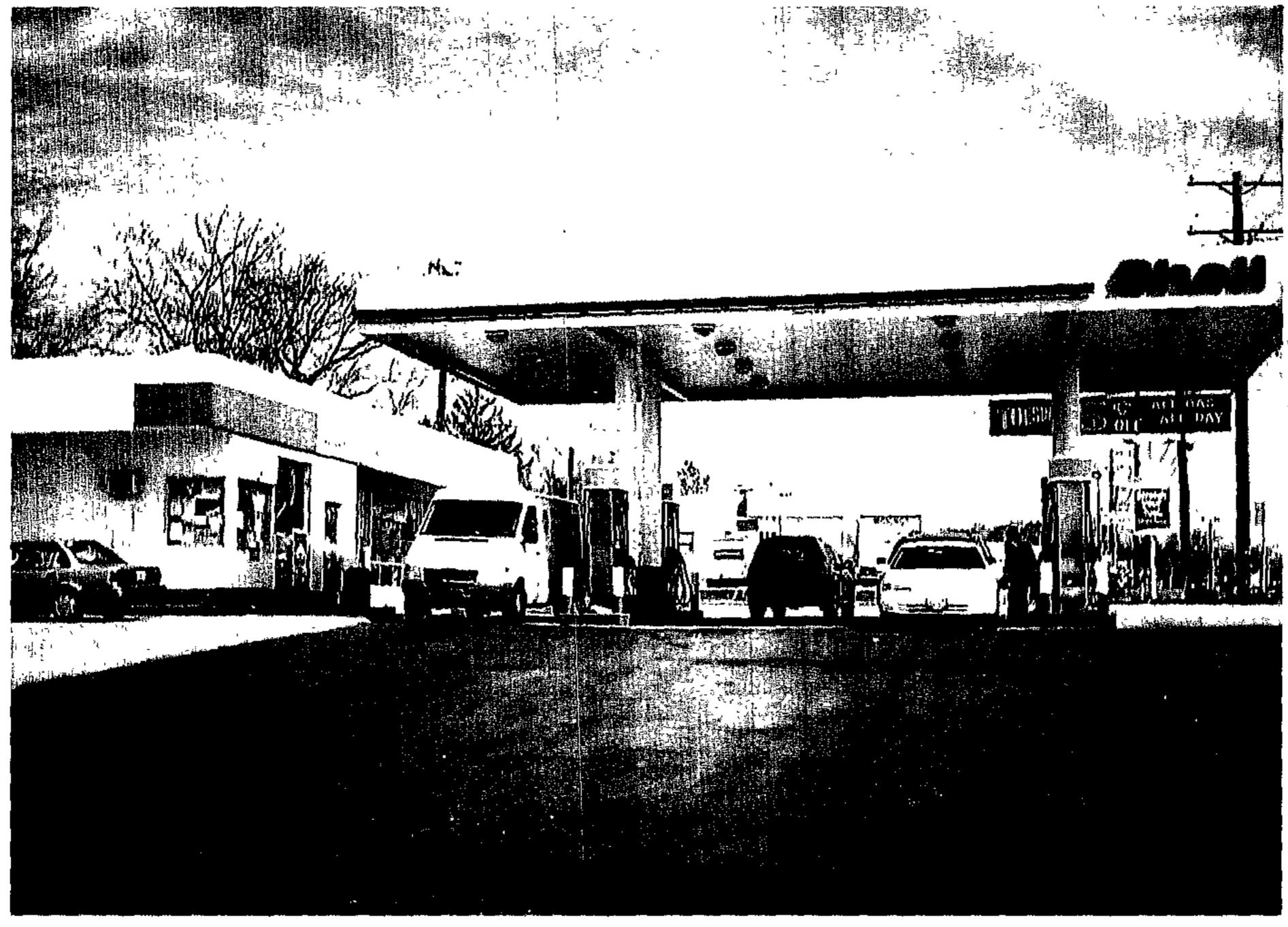
### **ZONING MAP**

SPECIAL EXCEPTION FOR
FUEL SERVICE STATION AND
CONVENIENCE STORE
9200 HARFORD ROAD

BALTIMORE COUNTY, MARYLAND SCALE: 1"= 20' MARCH 31, 2006

ELECTION DISTRICT - 09 COUNCILMATIC DISTRICT - C6

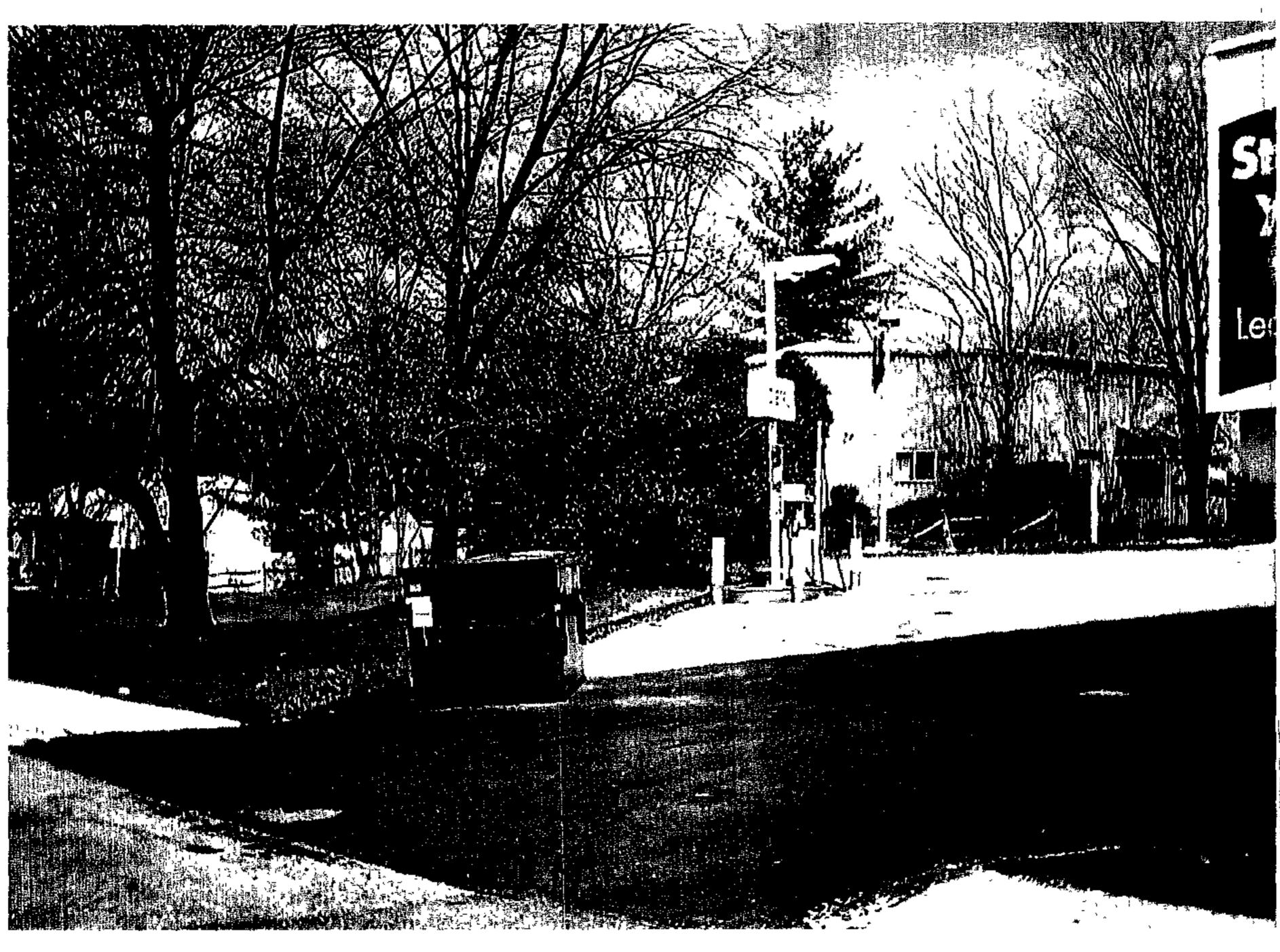




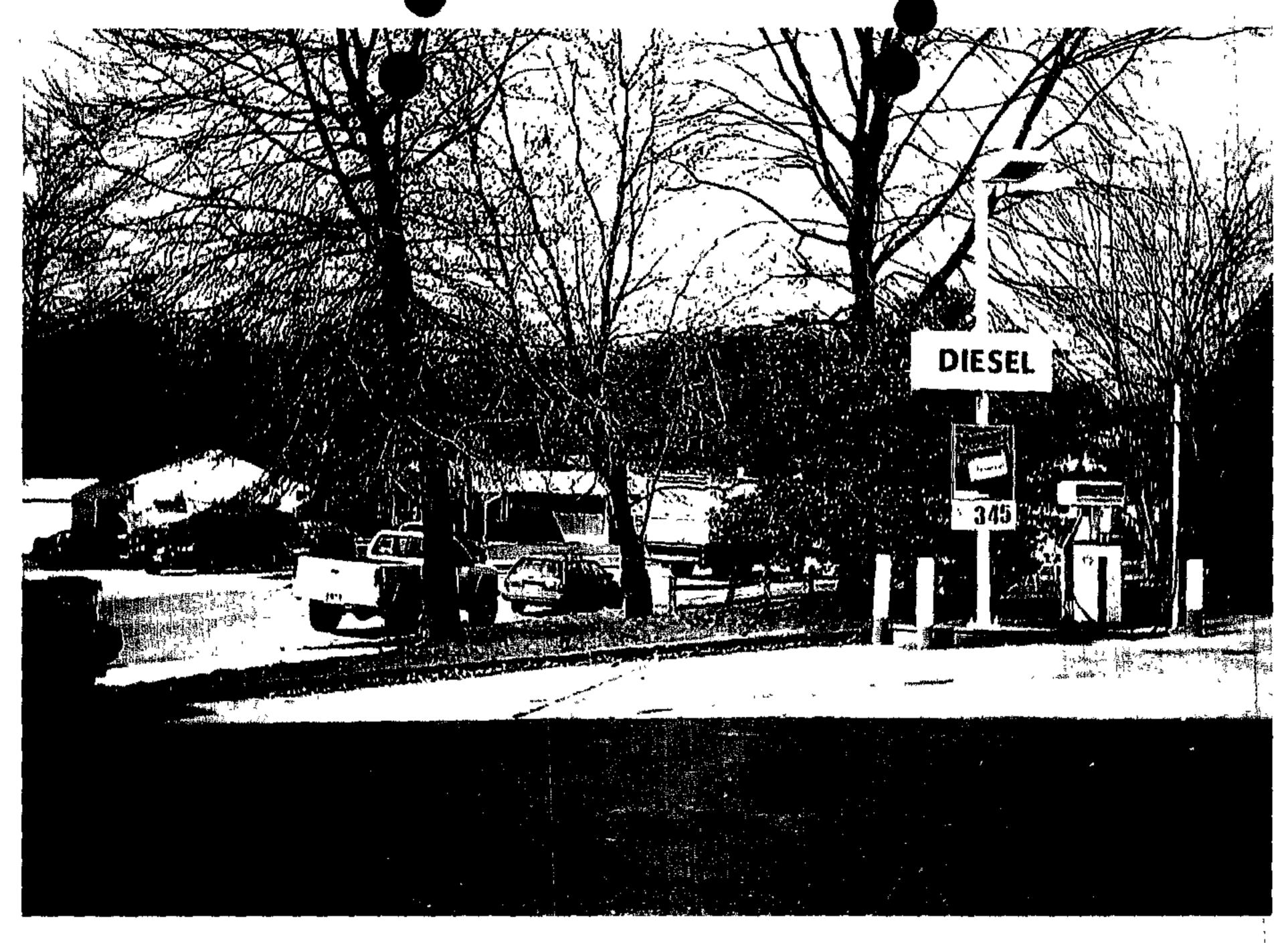
















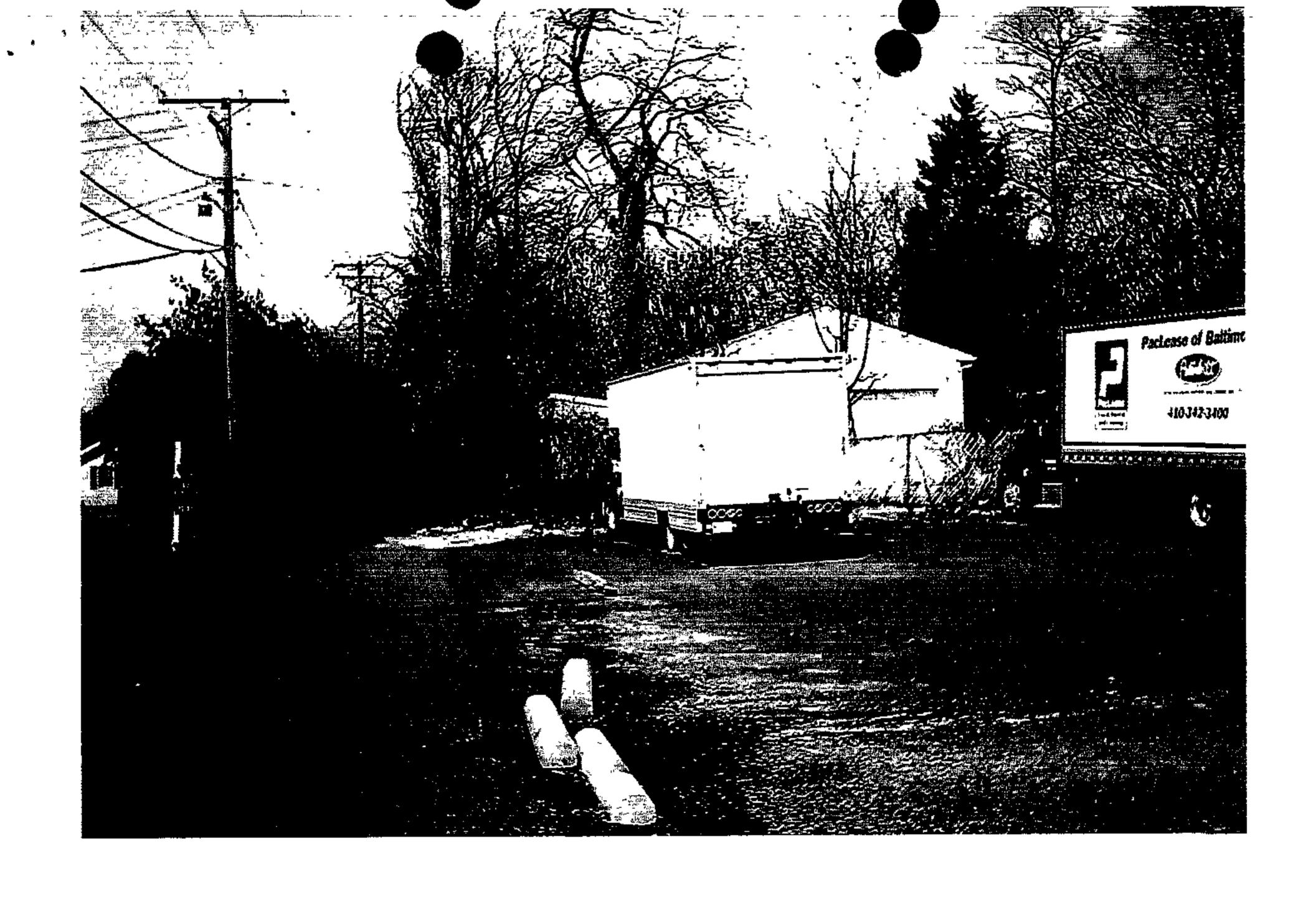











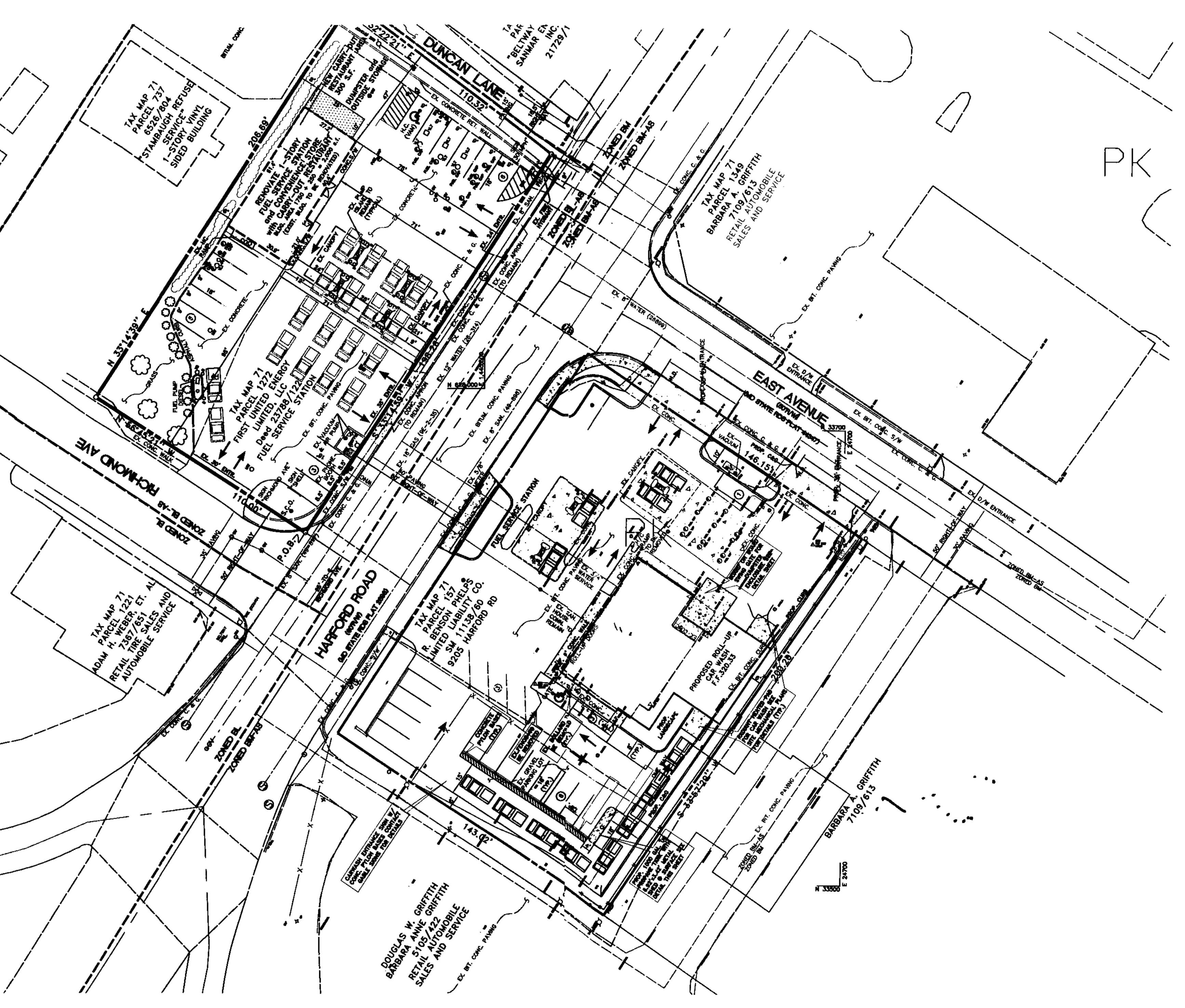




BALTIMORE COUNTY, MARYLAND SCALE: 1"= 20'

**Z-100** 

ELECTION DISTRICT - 09





FIRST Unsted Energy

DESIGNBULD By: King Constevetion Inc.

@ 2006 BURTON ASSOC. ARCHITE