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MANDATE

Court of Special Appeals

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SEP 17 2010
BALTIMORE COUNTY
BOARD OF APPEALS

No. 02442, September Term, 2008

Jay Cohen et al.
vs.
J. K. Ghauri, Inc.

JUDGMENT: March 8, 2010: Judgment affirmed; costs to be paid by appellants.
Unreported opinion by Salmon, J.

April 07, 2010: Mandate issued.

From the Circuit Court: for **BALTIMORE COUNTY**
03C080003144

STATEMENT OF COSTS:

Appellant(s):

Lower Court Costs-	60.00
Steno Costs of Appellant-	116.25
Filing Fee of Appellant-	50.00
Brief of Appellant-	133.20
Record Extract-15 COPIES	975.60

Appellee(s):

Brief of Appellee-	180.00

FILED JUL 20 2010

STATE OF MARYLAND, Sct:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals. In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this **seventh** *day of* **April** **2010**

Leslie D. Gradet
Clerk of the Court of Special Appeals

COSTS SHOWN ON THIS MANDATE ARE TO BE SETTLED BETWEEN COUNSEL AND NOT THROUGH THIS OFFICE.

3/8/10

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 2442

September Term, 2008

RECEIVED
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BALTIMORE COUNTY
BOARD OF APPEALS

JAY COHEN, et al.,

v.

J.K. GHAURI, INC.

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*Salmon,
Eyler, Deborah, S.,
Meredith,

JJ.

Opinion by Salmon, J.

Filed: March 8, 2010

* James P. Salmon, J., participated in the hearing and conference of this case while an active member of this Court; he participated in the adoption of this opinion as a specially assigned member of this Court.

03C080003144

On June 15, 2006, J.K. Ghauri, Inc. ("Ghauri") purchased from BP Products North America, Inc. ("BP") a 1.158 acre parcel of property located on the southwest side of Rolling Road in Baltimore County, Maryland. The property is zoned as BL-AS (Business, Local -- Automotive Services).[1] Ghauri planned to build a twelve-pump fuel service station on the property, including a 3,330 square foot convenience store with a sales floor area larger than 1,500 square feet, a roll-over car wash,[2] and two automobile service bays within the convenience store structure. Baltimore County Zoning Regulations ("BCZR") § 230.1 allows a fuel service station to be built in a BL-AS zone. Automobile service bays are permitted by right in conjunction with any fuel service station. *See* BCZR § 405.4.D.1. A convenience store with a sales floor area larger than 1,500 square feet and a roll-over car wash in conjunction with a fuel service station is only permitted if a special exception is obtained. *See* BCZR §405.4.E.

Ghauri filed a petition with the Zoning Commissioner for Baltimore County requesting a special exception, in order to build the convenience store and roll-over car

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[1]At the time BP originally purchased the property it was zoned MLR (Manufacturing, Light, Restricted). Fuel service stations are not permitted in a MLR zone. *See* Baltimore County Zoning Regulations . . . §§ 248.1-.2. During the 2000 Comprehensive Zoning Map Process, the Baltimore County Council rezoned the property BL-AS.

[2]A "roll-over car wash" is defined as "[a] car wash where exterior-only cleaning, washing or waxing services are provided on a roll-over basis with the vehicle in a stationary position during the servicing." BCZR § 101.1.

wash.[3] After a hearing, the Zoning Commissioner granted the Petition for Special Exception with restrictions.

Protestants,[4] who own property across the street from the proposed fuel station, appealed the Zoning Commissioner's decision to the County Board of Appeals of Baltimore County ("the Board"). The Board held a *de novo* hearing on October 4 and October 31, 2007, at which protestants appeared. On February 14, 2008, the Board filed an Opinion and Order granting the special exception, subject to certain restrictions.[5]

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[3]In 2001, BP was granted a special exception for a fuel service station in combination with a convenience store and a roll-over car wash. Because BP did not utilize the special exception within a two-year period it became void. *See* BCZR § 502.3 ("A special exception which has not been utilized within a period of two years from the date of the final order granting same . . . shall thereafter be void.").

[4]The Protestants, who are also the appellants in this case are: Jay Cohen, Grace Morrisette, James Smith, Hazel Smith, Horace Alexander, Marie Alexander, and Joan Brooks.

[5]The restrictions are:

1. The hours of operation for the roll-over car wash and the two service garage bay areas shall be limited to 7:00 a.m. to 10:00 p.m.
2. The Petitioner shall not be permitted to install any outdoor loudspeakers on the property in connection with the special exception use.
3. No automobiles left on the site for service or repair shall be parked outside but may be stored within the service bays during the hours of 10:00 p.m. to 7:00 a.m.
4. The Petitioner shall submit a landscaping plan to Avery Harden, Landscape Architect for Baltimore County, for his review and approval.

The protestants filed, in the Circuit Court for Baltimore County, a Petition for Judicial Review of the Board's decision. In a Memorandum Opinion dated November 7, 2008, the circuit court affirmed the Board's decision.

Protestants filed a timely appeal. As phrased by the Protestants, the issue presented is:

> Did the Court err in affirming the Board of Appeals's Decision where the Board's Decision in approving the Special Exception was against the weight of the evidence where Special Exception addition included land owned by other than the Petitioner who were not parties thereto; the proposed location of the parking spaces, car washing, staking spaced and fuel tank fills fell within the property subject to the reciprocal easements which forbad use of those areas for those purposes; the Petitioner's site plan did not meet the traffic circulation regulations of the Baltimore County Zoning Regulations; the opinions of the Petitioner's experts were not based on knowledge concerning the immediate neighborhood; and the testimony of community residents regarding long standing serious traffic concerns stemming from traffic conditions in the neighborhood were ignored by the Board.

I.

A. Evidence Presented by J.K. Ghauri, Inc. at the Hearing Before the Board

1. Undisputed Facts

Ghauri owns a 1.158 acre parcel of land [Lot 3A] located on the southwest side of Rolling Road, south of the intersection with Dogwood Road. Lot 3A is part of a three lot subdivision. The property is subject to a reciprocal easement agreement with covenants, conditions, and restrictions dated November 2, 2001 between Rolling Heights Lot A, LLP, and Hampton-Reisterstown, LLC. The entire three-lot subdivision is developed with a

Walgreens drugstore on the southwest corner of the intersection of Dogwood and Rolling Road and an Auto Zone store to the south of Rolling Road.

2. Testimony of Jeffery Bainbridge

Jeffery Bainbridge, was accepted by the Board as an expert in "marketing and location of fuel service stations." He was originally hired by BP in 1998 or 1999 to identify property that would make a good location for a gas station and convenience store. When the property was sold to Ghauri, in 2006, he stayed on as a consultant to Ghauri.

Mr. Bainbridge visited the property approximately fifty times and was otherwise familiar with it, because he lives nearby. He described the property as having direct access from Rolling Road via two separate entrances, which Ghauri by recorded reciprocal easement agreement, shares with the adjacent retailers. Besides the adjacent retailers (i.e., Walgreens Pharmacy and an Auto Zone store), an industrial park is located directly behind the property and residential houses are located across the street on Rolling Road. The property also has access to Dogwood Road through Walgreens' parking lot.

Mr. Bainbridge opined that the Rolling Road property was a good location for the uses Ghauri proposed because:

> [Y]ou look for a store that is surrounded by a good mix of daytime population folks working in the area.
>
> There is that here, the industrial park behind and along Rolling Road. There is a good mix of residential traffic, residents, I guess, in the area as well.
>
> And then the traffic count is good on Rolling Road, both people working in the area and traveling to and from work.

It's a lightened intersection at Dogwood Road. It has good access.

These are all the things you normally look for with a site within Rolling Road, Dogwood, Security Boulevard, or anywhere else in the Baltimore County area.

In recommending a site for the fuel station, Mr. Bainbridge considered the competition in the area, but found "in this case there wasn't that much competition there" and there were no other fuel stations on the "western side of Rolling Road." He believed the proposed fuel station would be in conformity with uses in the area,

> [b]ecause there's a number of commercial businesses along Rolling Road, there is some residential, there's some office, but there's a number of commercial businesses, retail, not necessarily petroleum, but a number of retail stores along Rolling Road, and this would be one of them.

Mr. Bainbridge acknowledged that since he first visited the property in 1998 or 1999, it has slightly changed. There are more businesses near the proposed location, including several new gas stations and an elementary school.

3. Testimony of Mickey Cornelius

Mickey Cornelius, an employee of The Traffic Group, Inc. and a specialist in "traffic engineering," has visited the proposed fuel station site "[a]pproximatley a half dozen times." He opined that "[f]rom a traffic standpoint, the proposed development would not have an adverse impact on the health, safety or welfare" of the local area or "an adverse impact on the traffic conditions, on the nearby road system, or the surrounding neighborhood."

In reaching this opinion, he considered several facts. First, he "look[ed] at the intersections in the surrounding area." He also "look[ed] at the traffic that would be generated by the proposed use of the property" and found:

> A gasoline service station in conjunction with a convenience store and car wash generates most of its traffic from the adjacent road system.
>
> It basically intercepts cars from the adjacent roadways. It does not generate a lot of new traffic.
>
> ***
>
> Just because of the nature of the use, it's going to draw traffic off of the existing roadways. People don't typically leave their house, especially in morning rush hours at 5 o'clock or 8 o'clock in the morning and say, I'm going to go get some gas, I'll be right back.
>
> They basically stop on the way to and from work, or for other trip purposes.
>
> So overall, the new traffic added to the road system will be minimal. So the majority of the trips will be drawn in and out of the existing access points.

(Emphasis added.)

Mr. Cornelius further testified that the proposed site has two access points to Rolling Road, both of which allow "full movement" and "have safe sight distance." He also reviewed the State Highway Administration's accident records and opined that "[b]ased on that data [an average of eleven accidents per year], the intersection of Rolling Road and Dogwood Road would not be classified as a high accident location." In front of the proposed fuel station site there were two accidents reported in 2004, but none reported in 2005 or 2006.

During cross-examination Mr. Cornelius was asked if "cars backed up [because of the car wash] . . . and if they impinged on the area that is dedicated in and out would that cause you concern from a traffic safety standpoint?" He answered, "[t]he stacking[6] shown on the plan shows nine stacking spaces for the car wash. That's in accordance with Baltimore County Standards. And unless . . . it's wintertime after a snowstorm and everyone and his brother is going through the car wash, you're not going to exceed that type of stacking." He further testified that no vehicles are "stacked" within an easement.

4. Testimony of William Monk

The Board qualified William Monk, a professional land planner employed by Morris & Ritchie Associates, as an expert in "land use, the Baltimore County zoning regulations, specifically as to preparation of site plans for fuel service in combination with convenience stores, [and] roll-over car washes." Mr. Monk testified that he had been involved with the proposed fuel station project at the location at issue since 1999 and had visited the site approximately a dozen times. He opined that the proposed site met all of the requirements of BCZR § 502.1[7] for granting a special exception and would not have any adverse effects above those inherently associated with a fuel station.

B. Evidence Presented by Appellants at the Hearing Before the Board

1. Testimony of Martha Grace Morrisette

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[6]Stacking is a term used to refer to the number of cars that wait in line for car wash services.

[7]The requirements of BCZR § 502.1 will be discussed in Part II, *infra*.

Martha Grace Morrisette has lived near the proposed site for forty-three years. She testified that:

> [W]hen the cars are coming up north Rolling Road, and they want now to turn into just the parts place [i.e., Auto Zone], they – there is no turn lane for them. They are just in the lane by the yellow line. And they put their turn signal on. And if they can't get over there fast enough, everybody in back of them, a good many, are tooting their horns. Not only that, but the ones that are too close to the car in front of them, they zing out and go into this other lane. People are not patient. And they are always – they can't stand somebody putting their turn signal on wanting to get in that parts place when they want to get on their way. And I hear the horns, and I see what's happening. And I wouldn't dare try to get out of my driveway seeing a car wanting to get in there, because where I could turn right, I wouldn't do that, because I know how fast they come out of that other line and zoom in this line to get up there to the light.

She also testified that traffic backs up on Rolling Road around 3 p.m. on weekdays and on weekends after 5 p.m. Her son, on occasion, had to wait up to 10 minutes to back out of her driveway onto Rolling Road. She also testified that she is concerned about noise and crime if the fuel station opens for business.

2. Testimony of Marie Alexander

Marie Alexander has lived across the street from the site at issue since 1999. Her concern with the proposed use was that "right now, I have trouble coming from work. My family doesn't come to visit me because there's nowhere to park." She also testified that her niece was involved in a severe rear-end car accident while parked on the street near her [Ms. Alexander's] house. When she comes home from work at 1:00 p.m.: "[t]he traffic, they

won't give you a break. I can't even go in my driveway. Before, about close to a block, I have to put my flashers on. And if I can't get in my driveway, I sit there until I can get in."

3. Testimony of Horace Alexander

Marie Alexander's husband, Horace Alexander, voiced his concern about the fuel station being erected because there is a day care center across the street and "[w]hen you're walking, it seems pedestrians don't have no [sic] right-of-way, and it concerns me about the kids getting hit." He also testified that an individual collided with his wife's parked car in front of their house. One of the Board members asked Mr. Alexander: "could you go from your house to walk on the sidewalk up to the light and cross Rolling Road and then come back?" Mr. Alexander responded "yes, there's a sidewalk."

4. Testimony of James Smith

James Smith lives across the street from the proposed fuel station. He testified that he has seen several accidents occur on Rolling Road, including a three-car accident that occurred several days before the hearing and a school bus accident. He also testified that he has trouble entering Rolling Road from his driveway because "traffic backs up" and vehicles travel "over the speed limit."

5. Testimony of Jay Cohen

Jay Cohen lived across from the land at issue from 1977 to 1994 and from 2001 to the present. According to Mr. Cohen, automobiles and trucks traveling on Rolling Road

"destroy[] my property in front of my home." He also testified that "trash [] accumulates out on the sidewalks." Mr. Cohen has witnessed several accidents that occured in front of his home. Moreover, he observed that "traffic backs up" and "block[s] everyone's driveway." He testified that "a hot dog vendor [] decided to take up shop across from our residence" and people work on their "vehicles, hoods up, at nighttime" in the Auto Zone parking lot. Pictures supporting Mr. Cohen's testimony were entered into evidence. Mr. Cohen summarized his concerns about the proposed fuel station near his home with these words:

> [W]hen you tell me that there's a potential business that's going in there, the expeditiously[sic] is going to turn around and increase all the problems that we are having now and what we are seeing, what has grown since the early nineties to now, that the community is frustrated with, are expedentially [sic] going to grow tremendous more, because there is another attraction, and the health, welfare and safety of the general public walking on those streets, as well as trying to cross it, is in danger.

II.
Analysis of Issues Raised by Appellants

"Zoning provides a tool by which to establish general areas or districts devoted to selected uses." *Schultz v. Pritts*, 291 Md. 1, 20 (1981). Typically, "when a use district is established, the zoning regulations prescribe that certain uses are permitted as of right (permitted use), while other uses are permitted only under certain conditions (conditional or special exception use)." *Id.* at 20-21.

As stated previously, a special exception is needed if Ghauri is to utilize his property for the uses he proposes. If any of the nine factors listed in BCZR § 502.1 exist, a special

exception cannot be granted. In this appeal, only one of the nine factors is at issue: "B. Tend to create congestion in roads, streets or alleys therein."[8]

Appellants contend that the "provisions of BCZR [§] 502.1 [(B)] were not met in light of the traffic concerns and problems caused by the poor internal site circulation and the multitude of activities proposed by [Ghauri] on its lot." In support of this argument appellants assert that the evidence before the Board showed that the proposed use will significantly increase traffic volume and density. As phrased in appellant's brief:

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[8]The remaining factors in BCZR § 502.1 are:

> A. Be detrimental to the health, safety or general welfare of the locality involved;
>
> 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;
>
> G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
>
> H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
>
> I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and flood plains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

"[t]estimony was ample from the residents not only of the existing problems with traffic before the site was developed but also how development of this site with all of its uses would exacerbate those traffic concerns of the community."

As to each individual factor set forth in section 502.1 of the BCZR, the test announced in *Schultz v. Pritts*, 291 Md. 1, 22-23 (1981), must be considered in evaluating the grant or denial of an application for a special exception. *People's Counsel for Balt. County v. Loyola Coll. in Md.*, 406 Md. 54, 68-69 (2008) (citations omitted). In *Schultz*, the Court of Appeals held:

> [T]he appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

291 Md. at 22-23.

Ghauri presented sufficient evidence from which a reasonable mind could conclude that the proposed use met the special exception requirements set forth in BCZR § 502.1(B).[9]

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[9]The standard of judicial review applied to the final actions of local zoning agencies was recently reiterated in *Armstrong v. Mayor of Baltimore*, 410 Md. 426, 443 (2009).

> The scope of judicial review of administrative fact-finding is a narrow and highly deferential one. *[People's Counsel for Balt. County v.] Loyola College [in Md.*, 406 Md. 54, 66-67 (2008)]. Accordingly, we will affirm a decision on the facts if it is supported by "substantial evidence." *See id.* at 67, 956 A.2d at 173; *People's Counsel for Balt. County v. Surina*, 400 Md. 662, 681, 929 A.2d 899, 910 (2007); *see also Pemberton [v. Montgomery County*, 275 Md. 363, 367-68, 340 A.2d 240, 243 (1975)]. A conclusion by a local zoning board satisfies the substantial evidence test if "a reasonable mind might accept as

This last statement is supported by the testimony of Messrs. Cornelius and Monk.

Mr. Cornelius, a traffic specialist, opined that the proposed fuel station would not "generate a lot of new traffic" but, instead would "draw traffic off of the existing roadways." In his expert opinion the proposed use would not have "an adverse impact on the traffic conditions."

Mr. Monk testified that the fuel station would not create congestion in the roadways. Moreover, according to Mr. Cornelius, the intersection near the proposed site would not be "classified as a high accident location," because accident records from 2004-06 demonstrated that only two automobile accidents had occurred in front of the proposed fuel station site during that period. Mr. Cornelius and Mr. Monk, both testified that all sub-sections of BCZR § 502.1 were met.

Appellants presented evidence which, if credited, would contradict that of the expert witnesses called by Ghauri. More specifically, appellants presented evidence, based on their personal experiences, indicating severe traffic problems on Rolling Road, problems entering and exiting their driveways, automobiles driving on Rolling Road colliding with parked vehicles near their residences, and dangers associated with crossing Rolling Road on foot.

If we were to review the factual determination made by the Board *de novo*,

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adequate" the evidence supporting it. *Loyola College*, 406 Md. at 67, 956 A.2d at 174 (quoting *Surina*, 400 Md. at 681, 929 A.2d at 910).

appellants' argument might be persuasive. But *de novo* review of factual determinations is prohibited. *See Grasslands Plantation, Inc. v. Frizz-King Enters., LLC*, 410 Md. 191, 203-04 (2009), where the Court said:

> "In applying the substantial evidence test, we have emphasized that a 'court should [not] substitute its judgment for the expertise of those persons who constitute the administrative agency from which the appeal is taken.'" *Bulluck v. Pelham Wood Apartments*, 283 Md. 505, 513, 390 A.2d 1119, 1124 (1978)(citation and emphasis omitted). Our obligation is "to 'review the agency's decision in the light most favorable to the agency,' since their decisions are *prima facie* correct and carry with them the presumption of validity." *Catonsville Nursing Home, Inc. v. Loveman*, 349 Md. 560, 569, 709 A.2d 749, 753 (1998)(citation omitted).

Appellants argue that appellee's witnesses "had not observed much of what [appellants] testified to, nor had they made a reasonable study to discover the true conditions before expressing their expert opinions." We disagree. Mr. Cornelius visited the site "approximately a half dozen times," and in addition relied on data produced by the State Highway Administration. Mr. Monk has been involved with the project since 1999 and has personally been present at the site about twelve times. In its written opinion, the Board weighed testimony presented by the appellants against the expert witnesses Ghauri called, and concluded:

> The Board has reviewed the testimony and evidence presented by both parties and feels that the special exception should be granted. While the Board recognizes that traffic on Rolling Road is quite heavy and causes a great inconvenience to the residents on the opposite side of the road from the site, the addition of the fuel service station would not appear to generate that much additional traffic in the area. The County Council has rezoned the area B.L.-A.S., which contemplates the use of the site for a fuel service station. The fuel service station and convenience store does not generate

> that much traffic. Most of the traffic in and out of the site is drop-in traffic generated from cars passing by, according to traffic expert Micky Cornelius. This is not the same thing as a large retail store, which would generate trips on its own, specifically for the purpose of going to that store. The Board credits the testimony of Mr. Cornelius and Mr. Monk that the site meets the requirements of BCZR § 502.1 and the *Shultz v. Pritts* test.

(Emphasis added.)

The foregoing conclusions were all supported by substantial evidence.

In a related argument, appellants maintain that the proposed site did not meet the minium requirements for internal traffic circulation set forth in the BCZR, which requires lane width of 22 feet for two-way traffic. *See* BCZR § 409.4(C). Mr. Monk admitted on cross-examination that the site plan "graphically" showed that one of the travel lanes was only 19-feet wide. He explained, however, that, if needed, space could be made to expand the drive aisles because the 30-foot landscape area in front of the proposed fuel station could be reduced to 10-feet, because BCZR § 405.4.A.2.b only requires a 10-foot landscape buffer. In addition, the travel lane under the fuel canopy is 28-feet wide, which, according to Mr. Monk, means "we have six additional feet" that could be used to meet the 22-foot requirement on the other drive lane.

The Board found this testimony credible:

> Protestants contend that the aisles are not 22 feet in width. Specifically they refer to the aisle parallel to Rolling Road between the fueling stations and the transition area. The transition area is a 30-foot setback from Rolling Road. It should be noted that the requirements of the BCZR require only a 10-foot setback. Protestants contend that because of the six parking spots parallel to the transition area, which are 7.5 feet wide, the aisle way between the fuel pumps and the transition area parallel

parking spaces is not 22 feet. Mr. Monk testified that the aisles under the proposed canopy designating cars being fueled could have been moved back 3 feet rather than where they are as shown on the plat. This would give a clear 22-foot aisle since the distance between the space for the cars parked parallel to the transition area and the fuel service pump is 27.5 feet. There is 28 feet between the canopy of the fuel service station and the convenience store building. If the automobiles designated under the canopy were moved back 3 feet, this would leave a 25-foot space between the parking spaces parallel to the transition area and the canopy, certainly within the 22-foot requirement of § 409. It should also be noted that, in the event there is a problem, the transition area could be reduced an additional 2 or 3 feet to allow for the aisle way to meet the 22-foot requirement.

Once again, there was substantial evidence in the record to support the above finding. *See Loyola*, 406 Md. at 66-67.

III.

Appellants next argue:

> In [*AT&T Wireless Servs. v. Mayor of Baltimore*, 123 Md. App. 681 (1998)] the Court cited with approval the testimony before the hearing board that alternative sites had been studied and that less intrusive sites had been identified for consideration. That simply did not occur in this case, nor was there any contention by the Petitioner that they attempted to do so before expressing their opinions.

Appellants' [implied] assertion is that an applicant for a special exception must prove that the proposed site was "less intrusive" than other sites within the zone. An identical argument was recently rejected by the Court of Appeals in *People's Counsel for Baltimore County v. Loyola College in Maryland, supra.* In that case, the Zoning Commissioner considered Loyola College's request for a special exception to develop a "Retreat Center" in a Resource Conservation zone (R.C.Z.). 406 Md. at 58. The special exception was

granted. *Id.* at 58-59. A group of citizens appealed the commissioner's decision to the Board. *Id.* at 59. At the hearing before the Board the "[c]itizens argued that the standard established in *Schultz* for special exception applicants required Loyola to show that there are no other locations within the R.C.2 zone in Baltimore County where the proposed use would have less of an adverse effect than on the local neighborhood of the Property." *Id.* at 62. The citizens presented evidence of other areas that would have less adverse effects; however, that evidence, purportedly, was ignored by the Board. *Id.* at 63-65. The Court of Appeals held:

> The *Schultz* standard requires an analysis of the effects of a proposed use "irrespective of its location within the zone." "Irrespective of" is defined by WEBSTER'S COLLEGIATE DICTIONARY (10th ed. 1993) as "regardless of." The same dictionary defines "regardless of" as "without taking into account." Petitioners' [the protestant's] argument urges the opposite result. Petitioners contend that *Schultz* requires an applicant for a special exception to compare, and concomitantly the zoning body to consider, the adverse effects of the proposed use at the proposed location to, at least, a reasonable selection or representative sampling of other sites within the same zone throughout the district or jurisdiction, *taking into account* the particular characteristics of the areas surrounding those other test sites. The *Schultz* standard requires no such evidentiary burden be shouldered by an applicant nor analysis undertaken by the zoning decision-maker.

406 Md. at 102 (emphasis in original).

The holding in *Loyola*, as applied to this case means that the Board correctly considered only the factors in § 502.1 of the BCZR in order to ascertain what adverse effects, if any, were present on Ghauri's property beyond those inherent in a fueling station. The Board would have erred if it had considered whether there were "less intrusive sites" in the zone.

IV.

At the hearing before the Board, appellants introduced a Declaration of Covenants dated November 2, 2001 ("Declaration") and a Reciprocal Easement Agreement with Covenants, Conditions, and Restrictions dated November 2, 2001 ("easement agreement"). The Declaration and easement agreement bind four parcels of property, which included Ghauri's property, and properties that would later be developed into an identical lot and the two lots now improved by a Walgreens and an Auto Zone store. The easement agreement provides "for reasonable access, ingress and egress over all paved driveways . . . " and the rights of way "shall in no event be blocked, closed, altered, changed or removed . . . ." Other exhibits showed that there are two easements on either side of the proposed fuel site that allow for direct access from Rolling Road to the fuel site, as well as to the adjacent retailers.

Appellants argue that "the current Petition [for Special Exception] includes adjacent lands on the north and south side within the designated or claimed special exception which lie beyond the property line of [Ghauri]." More specifically, appellants contend that:

> [Ghauri] proposed the following which would constitute violations of the reciprocal easements as set forth in the deceleration. The proposed fill tanks for the subject site would be located there with the fill outlets in the area shows where the fuel delivery trucks would deliver. It also showed numerous parking spaces with protected bump outs with marked no parking areas at each end of the reciprocal easement in order for [Ghauri] to provide the minimum number of parking spaces needed under the law.
>
> ***
>
> Traffic seeking to enter into [Ghauri's] site from Rolling Road which desired to utilize the car wash would be forced to cross over the common use

> driveway and line up for the car wash at the rear of [Ghauri]'s property. The cars labeled 6 through 9 would be lined up within the common use driveway which would impede the passage of vehicles from the Walgreens seeking to exit the property to make a right turn out on Rolling Road or from the interior rear lots. Cars exiting the car [sic] would immediately while draining excess water from their windshields enter into the inbound ingress lane and so would have to cross to get into the egress lane with poor sight distance as shown on the plan considering the proximity of the exit to the use in common driveway.
>
> Without providing any legal authority, appellants assert:
>
> It is axiomatic that the owner of a particular parcel which is the subject of the zoning petition can bind the land and make use of the land in accordance with provisions in requirements of the law. It is patent one cannot claim or include or bind land necessary to meet the requirements of the Zoning Regulations in the filing of a special exception request for land which does not belong to [Ghauri].

The BCZR contains no requirement that a petitioner for special exception own the property for which a special exception is requested. As for any rights in the easement agreement and Declaration, generally, one has to be a party to an agreement in order to enforce it. *Lovell Land, Inc. v. State Highway Admin.*, 408 Md. 242, 260 (2009) (citing *Mackubin v. Curtiss-Wright Corp.*, 190 Md. 52 (1948)). The easement agreement specifically provides in section 2.4(a) that:

> The easements herein above granted shall be used and enjoyed by each Owner and its Permittees[10] in such a manner so as not to unreasonably interfere with, obstruct or delay the conduct and operations of the business of any other Owner or its Permittees at any time conducted on its Parcel, including, without

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[10]The easement agreement defines "Permittees" as "tenant(s) or occupants of a Parcel, and the respective employees, agents, contractors, customers, invitees and licensees of (i) the Owner of such Parcel, and/or (ii) such tenant(s) or occupant(s)."

limitation, public access to and from said business, and the receipt or delivery of merchandise in connection therewith.

The easement agreement also provides "[n]othing contained herein shall be construed as creating any rights in the general public or as dedicating for public use any portion of [the Parcels]."

Therefore, because none of the appellants were parties to the easement agreement, they had no right to enforce it. Only Walgreens and Autozone can sue Ghauri if the latter violates the easement agreement by encumbering parts of the ingress and egress routes with its fuel station. And, neither Walgreens nor Auto Zone has opposed the special exception requested by Ghauri despite having notice of it. Furthermore, if, at any time, Ghauri does breach the easement agreement, that agreement itself provides specific remedies available to the parties to the agreement.

In this regard, we are in complete agreement with the Board's findings that:

> A review of the [easement agreement] shows that there are legal and equitable remedies available to Walgreen's and the auto store in accordance with § 7 of that agreement, including damages and injunctive relief. It is not up to the Board of Appeals to enforce the easement agreement and covenants attached thereto. Therefore, the Board will not require any agreement by Walgreen or the auto store in order for this special exception to be approved.

For all the above reasons, we shall affirm the judgment of the Circuit Court for Baltimore County.

JUDGMENT AFFIRMED; COSTS TO BE PAID BY APPELLANTS.

11/17/08

PETITION OF JAY COHEN, GRACE MORISETTE, AND HORACE & MARIE ALEXANDER FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	*	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
IN THE MATTER OF: J.K. GHAURI, INC. L/O SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE W/S ROLLING ROAD, 170' SE OF C/L OF DOGWOOD ROAD (2200 ROLLING ROAD) 1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	*	CASE NO. 03-C-08-03144

RECEIVED
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BALTIMORE COUNTY
BOARD OF APPEALS

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

MEMORANDUM OPINION

This matter came before the Court for argument on the administrative appeal filed by the Jay Cohen et. al. ("Protestants") based on the Opinion and Order of the Board of Appeals of Baltimore County ("the Board") dated February 14, 2008, which granted zoning approvals sought by J.K. Ghauri ("Ghauri") under a Petition for Special Exception. The Court has considered the record of the administrative proceedings, together with the Memoranda and arguments of counsel, in deciding this appeal.

I. Procedural Background

Ghauri owns a 1.15 acre parcel located on the southwest side of Rolling Road, south of the intersection with Dogwood Road known as Lot 3A. Lot 3A is on the Second Amended Plat of Rolling Heights Business Park, Section I, Phase I. The property was purchased by deed dated June 15, 2006 by Ghauri from BP Products North America, Inc. The property is subject to a reciprocal easement agreement with covenants, conditions,

cc: M Tanczyk
A Jablon
Board of Appeals

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and restrictions dated November 2, 2001 between Rolling Heights Lot A, LLP, and Hampton-Reisterstown, LLC. The entire three-lot subdivision is developed with a Walgreen's drugstore on the southwest corner of the intersection of Dogwood and Rolling Roads and an Auto Zone store to the south of Rolling Road. The property is zoned BL-AS (Business, Local Automotive Services). The site has two access drives on both sides of the Rolling Road boundaries.

The property was rezoned from MLR (Manufacturing, Light, Restricted), which did not permit fuel service station uses, to BL-AS during the 2000 Comprehensive Zoning Map Process. The owner at that time, Rolling Heights Lot A, and contract purchaser, BP Products North America, filed a petition for special exception for a fuel service station with a convenience store and roll-over car wash which was granted in July 9, 2001. No appeal was taken in the 2001 case. However BP Products North America did not pursue its special exception within the time required by the zoning regulations. The petitions of 2001, and the current petition, are substantively the same.

Ghauri proposes the construction of a 3,330 +/- sq. ft. convenience store, 12 fueling stations and a 1,128 +/- sq. ft. rollover car wash service station. Two vehicle service bays will be located within the convenience store structure. The zoning classification permits the automotive service bays by right and the other uses by special exception. Section 405 of the Baltimore County Zoning Regulations ("BCZR") is specific to fuel service stations. BCZR § 405.2B.1 permits a fuel service station on an individual site in the BL-AS zone by special exception. BCZR § 405.4.E.1 through E.10 permit other uses, in combination with a fuel service station, by special exception including a

convenience store (§ 405.4 E.1) and a roll-over car wash (§ 405.4E.2). Special exceptions are addressed in BCZR § 502.1.

Ghauri petitioned for special exception and for special hearing in August 2006. The Zoning Commissioner conducted a public hearing and issued his Findings of Fact and Conclusions of Law on January 24, 2007 in which he granted Ghauri's petition for special exception with restrictions but denied the petition for special hearing. On February 16, 2007, Protestants, who reside along Rolling Road near the property at issue, appealed the decision of the Zoning Commissioner to the Board of Appeals. On October 4, 2007 and October 31, 2007 a *de novo* hearing was conducted. At the October 4, 2007 hearing, Ghauri withdrew the petition for special hearing.

At the hearing, Ghauri presented testimony, exhibits, and expert witnesses to support the request for special exception. Protestants presented the testimony of community residents along with exhibits to support their appeal. Following two days of testimony, and the inclusion of twenty-four exhibits, the Board approved the special exception in their order of February 14, 2008. Protestants then filed their petition for judicial review on March 14, 2008.

II. Standard of Review

On appeal from the decision of an administrative agency, the determination below should be affirmed if it is not based upon an error of law, and if the agency's conclusions are reasonably based upon the record. *See, People's Counsel v. Maryland Marine*, 316 Md. 491, 196-197 (1989) and cases cited therein. This standard prohibits a reviewing court from substituting its judgment for the expertise of the administrative agency. That deference is not accorded if the reviewing court determines that the decision below is

based upon an erroneous conclusion of law. *See, Belvoir Farms v. North*, 355 Md. 259, 267-268 (1999) and cases cited therein.

In order for a reviewing court to uphold the decision of an administrative board, the Court must determine whether reasoning minds reasonable could have reached the factual conclusions made by the Board. *See Eberle v. Bell*, 103 Md. App. 160, 166 (1975) and cases cited therein. The reviewing court, however, must not simply substitute its factual determinations for that of the Board or agency. *See, Supervisor of Assessments v. Ely*, 272 Md. 77 (1974).

III Legal Analysis

In reviewing special exception petitions, the Board, need only focus on the property site at issue and whether it conforms to the requirements of BCZR § 502.1, which provides that in granting any special exception, the use shall 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, sewage, transportation or other public requirements, conveniences or improvements;

F. Interfere with adequate light and air;

G. Be inconsistent with the purposes of the property's zoning classification nor in any way inconsistent with the spirit and intent of these Zoning Regulations;

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

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.

For over twenty-five years, the seminal case on special exceptions was *Schultz v. Pritts*, 291 Md. 1 (1981). Most recently, the Court of Appeals clarified the standard, and the analytical framework, originally articulated in *Schultz* in *People's Counsel v. Loyola*, 406 Md. 54 (2007). The Court, citing language in *Schultz*, reaffirmed that "the special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption." *People's Counsel*, 406 Md. 54 citing *Schultz*, 291 Md. at 11. Based on the plain language of *Schultz*, the special exception is deemed presumptively valid. The Court, pointing again to pivotal language in *Schultz*, defined the standard of review for special exceptions to be:

> We now hold that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. *Schultz*, 291 Md. at 22-23.

Thus, if an applicant shows that the *proposed* use at the *proposed* location would be conducted without detriment to the neighborhood, beyond that inherent in the use itself, the special exception should be approved.

In this matter, Protestants seek judicial review on the overarching issue of whether the Board's approval of the special exception to Ghauri was supported by

substantial evidence in the record. In support of their position, Protestants identify five arguments. These arguments can be summarized, as follows:

A. The Special Exception Includes Land Owned by Others.

B. The Proposed Location of the Parking Spaces, Car Wash Stacking Spaces, and Fuel Tank Fills Fall within the Property Subject to the Reciprocal Easements.

C. Site Plan Does Not Meet the Traffic Regulations.

D. Opinions of Experts were Not Based on Knowledge About the Neighborhood.

E. Testimony of Community Residents Regarding Traffic Concerns Stemming from the Special Exception were Ignored by the Board.

Each argument will be addressed; however, the final three issues are aggregated into one section due to the overlap regarding traffic concerns.

A. The Special Exception Includes Land Owned by Others

Protestants argue that the Ghauri is not permitted, under law, to include land owned by others, in his site plan. Ghauri acknowledges that the special exception area designated on the site includes a small portion of Walgreen and Auto Zone's lots and larger portions are included in the Reciprocal Easement Agreement with Covenants, Conditions and Restrictions ("Agreement"). Yet, Ghauri contends, if there was a concern that the special exception would interfere with the rights of the adjacent lot owners, only those owners would have standing to bring an action.

In addressing this issue, the Board indicated:

> A review of the document shows that there are legal and equitable remedies available to Walgreen's and the auto store in accordance with § 7 of that agreement, including damages and injunctive relief. It is not up to the Board of Appeals to enforce the easement agreement and covenants attached thereto. Therefore, the Board will not require any agreement by Walgreen or the auto store in order for this special exception to be approved. (Opinion, February 14, 2008, 10).

Protestants provide no legal authority for the assertion that Ghauri was required to obtain permission from the adjacent property owners as part of the request for the special exception. Additionally, there was no provision of the County Code or Zoning Regulations cited which would require such approval. Neither Walgreen nor Auto Zone has opposed the special exception being requested by Ghauri. Potential rights belonging to those entities cannot be asserted or enforced by third parties. The Board's decision on this issue is affirmed.

B. The Proposed Location of the Parking Spaces, Car Wash Stacking Spaces, and Fuel Tank Fills Fall within the Property Subject to the Reciprocal Easements.

Protestants argue that the Agreement specifically limited all property owners to allow only ingress and egress and prohibits other uses of the cross easement area. In addition, when the Board relied on the testimony of Ghauri's two expert witnesses, related to the site meeting the requirements of BCZR §502.1 and the *Schultz v. Pritts* test, the Board overlooked the limited purpose of the Agreement. Ghauri contends that even if the uses were not those contemplated by the parties, only those interested parties could bring an action to enforce the terms of the Agreement.

The Board addressed the concern of the Protestants in their Opinion:

> Protestants contend that the aisles are not 22 feet in width. Specifically they refer to the aisle parallel to Rolling Road between the fueling stations and the transition area. The transition area is a 30-foot setback from Rolling Road. It should be noted that the requirements of the BCZR require only a 10-foot setback. Protestants contend that because of the six parking spaces parallel to the transition area, which are 7.5 feet wide, the aisle way between the fuel pumps and the transition area parallel parking spaces is not 22 feet. Mr. Monk testified that the aisles under the proposed canopy designating cars being fueled could have been moved back 3 feet rather than where they are as shown on the plat. This would give a clear 22-foot aisle since the distance between the space for the cars parked parallel to the transition area and the fuel service pump is 27.5 feet. There is 28 feet between the canopy of the fuel service station and the convenience store

> building. If the automobiles designated under the canopy were moved back 3 feet, this would leave a 25-foot space between the parking spaces parallel to the transition area and the canopy, certainly within the 22-foot requirement of § 409. It should also be noted that, in the event there is a problem the transition area could be reduced an additional 2 or 3 feet to allow for the aisle way to meet the 22-foot requirement. (Opinion, February 14, 2008, 11)

Additionally, the Board addressed the issue of cars entering and exiting the carwash and found that the access drive aisle was adequate and would not interfere with traffic between Walgreen's and Auto Zone. (Opinion, February 14, 2008, 11). The factual findings of the Board are fully supported by the record. Additionally, as stated above, the Protestants lack standing to assert rights that are derived from the Agreement. Accordingly, the Board's determination on this issue is affirmed.

C. Traffic Related Concerns

Protestants presented three separate arguments related to traffic safety and circulation. Since there is significant overlap in these issues, they will be addressed collectively. The first issue, namely that Ghauri's site plan does not meet the traffic regulations, is, in essence, the same argument addressed above regarding the concern that the drive aisles shown on the site plan are too narrow and unsafe. The Board found the testimony of Ghauri's expert witnesses to be credible that there was sufficient space for the location of the parking spaces and, in the event there was a problem, the site plan allowed for the transition area to be reduced to an additional 2 or 3 feet to meet the 22-foot requirement. (Opinion, February 14, 2008, 11). As indicated in the excerpt from the prior section of this opinion, the Board's finding was supported by the record, Bill Monk, Ghauri's expert in land planning, testified that ". . . we have the additional feet of which

we can easily graphically slide these guys down three feet and meet the criteria. . ." (T., 10/04/07, 179).

Protestants also assert that the testimony of the witnesses was not based on an understanding of the neighborhood and, therefore, should not have been relied upon by the Board. Ghauri presented three expert witnesses, Jeffrey S. Bainbridge, Mickey Cornelius and Bill Monk. Mr. Bainbridge, an experienced fuel service station consultant, testified that he visited the site "fifty" times. (T. , 10/04/07, 16). Mr. Cornelius, a traffic engineer, testified that he had visited the site "half a dozen times." (T. 10/04/07, 65-66). Mr. Monk testified as a land planner and indicated that he, along with Mr. Cornelius, had been involved in this project since 1999, and that he personally had visited the site "literally a dozen times." (T., 10/4/07, 105). The record amply supports the Board's reliance on the testimony of these witnesses, as each expert demonstrated significant familiarity with the site.

The Board considered the testimony of Mr. Cornelius who testified that the fuel station did not generate "a lot of new traffic" and that the ingress and egress points were "safe." (Opinion, February 14, 2008, 5). Mr. Bainbridge indicated that there were "lighted intersections allowing access to the site" and there were "no other fuel service stations in the area on the same side of Rolling Road." (Opinion, February 14, 2008, 6). Mr. Monk testified that the site met all of the requirements of BCZR, including "the stacking requirements for a rollover carwash as well as the parking requirements for service bays and other requirements." (Opinion, February 14, 2008, 6). In addition, Mr. Monk indicated that all the conditions of BCZR § 502.1 were met. (Opinion, February 14, 2008, 7). The Court notes that Protestants were free to introduce expert testimony of

their own but failed to do so. The Board therefore relied on the available testimony from Ghauri's experts.

Lastly, Protestants contend that the Board only paid "lip service" to the testimony of the community residents when reaching their decision. This Court observes that the entire second day of the hearing was entirely devoted to the testimony of Protestants. (T., 10/31/07, 3-98). The Protestants presented testimony from Grace Morisette, Marie Alexander, Horace Alexander, James Smith, and Jay Cohen each of whom lived in the community. Each testified at length regarding their concerns related to the impact of the multiple uses Ghauri proposed for the site. The Board's Opinion considered the testimony of each resident individually. After considering all the testimony on traffic related concerns, the Board recognized that traffic on Rolling Road to be "quite heavy" having the effect of causing "great inconvenience." Yet the Court acknowledged that most of the traffic stems from "drop-in traffic generated by cars passing by. (Opinion, February 14, 2008, 9). Lastly, the Board credited the testimony of Mr. Cornelius and Mr. Monk that the site met the requirements of BCZR § 502.1 and the *Schultz v. Pritts* test.

The Court finds that the Board did rely on the testimony of record, both expert and lay opinion, in reaching their decision. The Board properly considered the test for special exception pursuant to BCZR § 502.1, as recently clarified in *Loyola* Protestants failed to demonstrate that the special exception would have an adverse effect at the location beyond those inherent in a fueling station. The record amply supports the decision to grant the special exception.

III. Conclusion

For the reasons stated, the decision of the Board comports with the applicable law, and is supported by substantial evidence. Therefore, the decision is affirmed.

11/6/08
Date

Kathleen Gallogly Cox
Judge

Clerk: Please send copies to all parties.

11/10/08

PETITION OF JAY COHEN, GRACE MORISETTE, AND HORACE & MARIE ALEXANDER FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	*	IN THE
	*	CIRCUIT COURT
	*	FOR
	*	BALTIMORE COUNTY
IN THE MATTER OF: J.K. GHAURI, INC. L/O SPECIAL HEARING AND SPECIAL EXEPTION ON PROPERTY LOCATED ON THE W/S ROLLING ROAD, 170' SE OF C/L OF DOGWOOD ROAD (2200 ROLLING ROAD) 1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	*	CASE NO. 03-C-08-03144

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

JUDGMENT ORDER

For the reasons stated in this Court's Memorandum Opinion dated November 7, 2008, the decision of the Board of Appeals dated February 14, 2008 is AFFIRMED.

November 10, 2008
Date

Kathleen Gallogly Cox
Judge

Clerk: Please send copies to all parties.

cc: M Tanczyn
A Jablon
Board of Appeals

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NOV 24 2008
BALTIMORE COUNTY
BOARD OF APPEALS

FILED NOV 17 2008

5/14/08

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY

*

PETITION OF:
JAY COHEN, GRACE MORISETTE, and *
HORACE & MARIE ALEXANDER
c/o Michael P. Tanczyn, Esquire *
606 Baltimore Avenue, Suite 106
Towson, MD 21204 *

FOR JUDICIAL REVIEW OF THE OPINION OF * CIVIL ACTION
THE COUNTY BOARD OF APPEALS No. **03-C-08-3144**
OF BALTIMORE COUNTY *
JEFFERSON BUILDING, SUITE 203
105 W. CHESAPEAKE AVENUE *
TOWSON, MARYLAND 21204

*

IN THE MATTER OF THE CASE OF
J. K. GHAURI, INC. /LEGAL OWNER *
FOR SPECIAL HEARING AND SPECIAL
ON PROPERY LOCATED ON THE W/S ROLLING *
ROAD, 170' SE OF C/L OF DOGWOOD ROAD
(2200 ROLLING ROAD) *

1ST ELECTION DISTRICT *
1ST COUNCILMANIC DISTRICT

*

BOARD OF APPEALS CASE NO. 07-082-SPHX

* * * * * * * * *

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2008 MAY 14 PM 3:30
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the County Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits and Development Management and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
OF BALTIMORE COUNTY

No. 07-082-SPHX

August 21, 2006	Petition for Special Hearing filed by Khalid Azam t/a J. K. Ghauri, Inc., through his attorney, Arnold Jablon, Esquire, and David Karceski, Esquire, to confirm or determine that the previously approved special exception relief in Case No. 01-408-X for fuel service station on individual site in combination with convenience store with sales floor area larger than 1,500 sq. ft. and a roll-over car wash has been utilized and to amend site plan approved in 01-408-X to add service bays. IN THE ALTERNATIVE, Petition for Special Exception was filed for a fuel service station on individual site in combination with convenience store with sales floor area larger than 1,500 sq. ft. and a rollover car wash.
September 5	Entry of Appearance filed by People's Counsel for Baltimore Count
October 2	Certificate of Posting.
October 3	Publication in newspaper
October 11	ZAC Comments.
October 17	Hearing held before the Zoning Commissioner
January 24, 2007	Findings of Fact and Conclusions of Law issued by the Zoning Commissioner. Petition for Special Hearing was DENIED; and Petition for Special Exception GRANTED with restrictions.
February 16	Notice of Appeal filed by Michael P. Tanczyn, Esquire, on behalf of Jay Cohen, Grace Morisette, et al, Protestants.
October 4	Hearing before the Board; Day #1. (Petitioner withdrew on the record its appeal of denial of special hearing relief; hearing proceeded on Petition for Special Exception.)
October 31	Hearing before the Board; Day #2.
December 3	Petitioner's Post-Hearing Memorandum filed by Arnold Jablon, Esquire; David Karceski, Esquire; and VENABLE, on behalf of Petitioner J. K. Ghauri, Inc. Protestants' Memorandum filed by Michael P. Tanczyn, Esquire, on behalf of Jay Cohen, Grace Morisette, James Smith & Hazel Smith, and Horace & Marie Alexander; and Joan Brooks.

Exhibits submitted at hearing (two days) before the Board of Appeals:

Petitioner's Exhibit No. 1 – Jeffrey S. Bainbridge resume
2 – Baltimore Co. Comp. Zoning Map
3 – Preliminary Site Plan

4 – Case No. 01-408-X
5 – Mickey A. Cornelius, CV
6 – Current Site Plan
7 – William P. Monk, C.V.
8 – Aerial
9 – Photos of subject property A-D
10 – Photo of Northern entrance from Rolling Road
11 – Landscape Plan

Protestants' Exhibit No.

1 – 2nd Amended Plat at Rolling Heights Bus. Park
2 – Deed
3 – Reciprocal Easement Agreement
4 – Declaration of Covenants
5 – Pictures of subject site
6 – Pictures of Intersection of Walgreens
7 – Pictures of Entrance
8 – Pictures of area
9 – Pictures of Rolling Mill Road
10 – Pictures of N & S Rolling Mill Road
11 – Pictures of Property next to Advance
12A to EE – Pictures taken by Jay Cohen
13A to G – Night pictures taken by Jay Cohen

January 17, 2008	Public deliberation held by Board of Appeals.
February 14	Final Opinion and Order issued by the Board in which Petition for Special Exception for a fuel service station in combination with convenience store with sales floor area larger than 1,500 sq. ft. and two service bay areas and rollover carwash was GRANTED with restrictions.
March 14	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Michael P. Tanczyn, Esquire, on behalf of Jay Cohen; Grace Morisette; and Horace and Marie Alexander, Protestants.
March 18	Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.
March 21	Certificate of Notice sent to interested parties.
May 14	Transcript of testimony filed.
May 14	Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Kathleen C. Bianco

Kathleen C. Bianco, Administrator
County Board of Appeals, Suite 203
The Jefferson Building, 105 W. Chesapeake Ave.
Towson, Maryland 21204 (410-887-3180)

c: Michael P. Tanczyn, Esquire
Jay Cohen
Grace Morisette
Horace and Marie Alexander
Arnold Jablon, Esquire
Khalid Azam t/a J. K. Ghauri, Inc.
Office of People's Counsel for Baltimore County

4/14/08

PETITION OF J.K. GHAURI, INC.	*	IN THE
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY JEFFERSON BUILDING – 2ND FLOOR 105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204	*	CIRCUIT COURT FOR BALTIMORE COUNTY
IN THE MATTER OF: J.K. GHAURI, INC. L/O SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE W/S ROLLING ROAD, 170' SE OF C/L OF DOGWOOD ROAD (2200 ROLLING ROAD)	*	Case No. 03-C-08-03144
1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	*	
CASE NO. 07-082-SPHX	*	

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

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BALTIMORE COUNTY
BOARD OF APPEALS

RESPONSE TO PETITION FOR JUDICIAL REVIEW

Respondents Khalid and Abida Azam, with Venable LLP, their attorney, in accordance with Maryland Rule 7-204, submit this Response to the Petition for Judicial Review filed by J.K. Ghauri, Inc. and state that they intend to participate in this action for judicial review. Respondents were parties to the proceedings before the County Board of Appeals of Baltimore County.

Respectfully submitted,

Arnold Jablon
Venable LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517
(410) 494-6200
Attorney for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of April, 2008, a copy of the foregoing RESPONSE TO PETITION FOR JUDICIAL REVIEW was mailed first class, postage prepaid to:

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, Maryland 21204-4026
Attorney for Petitioner J.K. Ghauri, Inc.

Ms. Kathleen C. Bianco
Administrator
County Board of Appeals for Baltimore County
Jefferson Building, 2nd Floor
105 W. Chesapeake Avenue
Towson, Maryland 21204
Administrative Agency

Arnold Jablon, Esquire

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4/14/08

PETITION OF JAY COHEN, GRACE MORISETTE, AND HORACE & MARIE ALEXANDER	*	IN THE
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY JEFFERSON BUILDING – 2ND FLOOR 105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204	*	CIRCUIT COURT FOR BALTIMORE COUNTY
IN THE MATTER OF: J.K. GHAURI, INC. L/O SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE W/S ROLLING ROAD, 170' SE OF C/L OF DOGWOOD ROAD (2200 ROLLING ROAD)	*	Case No. 03-C-08-03144
1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	*	
CASE NO. 07-082-SPHX		

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

AMENDED RESPONSE TO PETITION FOR JUDICIAL REVIEW

Respondent J.K. Ghauri, Inc., with Venable LLP, its attorney, submits this Amended Response to the Petition for Judicial Review filed by Jay Cohen, Grace Morisette, and Horace & Marie Alexander and states that it intends to participate in this action for judicial review. Respondent was a party to the proceedings before the County

Board of Appeals of Baltimore County.

Respectfully submitted,

Arnold Jablon
Venable LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517
(410) 494-6200
Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of April, 2008, a copy of the foregoing AMENDED RESPONSE TO PETITION FOR JUDICIAL REVIEW was mailed first class, postage prepaid to:

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, Maryland 21204-4026
Attorney for Petitioners

Ms. Kathleen C. Bianco
Administrator
County Board of Appeals for Baltimore County
Jefferson Building, 2nd Floor
105 W. Chesapeake Avenue
Towson, Maryland 21204
Administrative Agency

Arnold Jablon, Esquire

4/14/08

VENABLE LLP

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

(410) 494-6365 cdmudd@venable.com

April 14, 2008

VIA HAND DELIVERY

Clerk (Civil)
Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204-0754

Re: In the Matter of: J.K. Ghauri, Inc..
Case No.: 03-C-08-03144

Dear Clerk:

Enclosed is Respondent's Amended Response to Petition for Judicial Review. This Amended Response is being filed to clarify that the Respondent in the matter is J.K. Ghauri, Inc., *not* Khalid and Abida Azam, and that the Petitioners are Jay Cohen, Grace Morisette, and Horace & Marie Alexander, *not* J.K. Ghauri, Inc. Please accept the original for filing in the above-captioned case and date stamp the second copy and return it to the waiting messenger.

Thank you for your assistance in this matter.

Very truly yours,

Christopher D. Mudd

Enclosure
cc: Ms. Kathleen Bianco, County Board of Appeals
Michael P. Tanczyn, Esquire
Arnold Jablon, Esquire

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BOARD OF APPEALS

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3/21/08

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY

*

PETITION OF:
JAY COHEN, GRACE MORISETTE, *and* *
HORACE & MARIE ALEXANDER

* CIVIL ACTION
NO. : 03-C-08-3144

FOR JUDICIAL REVIEW OF THE OPINION OF *
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY *
JEFFERSON BUILDING – 2ND FLOOR
105 W. CHESAPEAKE AVENUE *
TOWSON, MARYLAND 21204

*

IN THE MATTER OF :
J. K. GHAURI, INC. L/O *
SPECIAL HEARING AND SPECIAL
EXCEPTION ON PROPERTY LOCATED *
ON THE W/S ROLLING ROAD, 170' SE OF
C/L OF DOGWOOD ROAD *
(2200 ROLLING ROAD)

*

1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT *

BOARD OF APPEALS CASE NO.: 07-082-SPHX *

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

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the County Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Michael P. Tanczyn, Esquire
606 Baltimore Avenue –Suite 106
Towson, MD 21204

RECEIVED AND FILED

2008 MAR 21 AM 11:53

CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

Jay Cohen
2119 North Rolling Road
Windsor Mill, MD 21244

Grace Morisette
2117 North Rolling Road
Windsor Mill, MD 21244

Horace and Marie Alexander
2111 North Rolling Road
Windsor Mill, MD 21244

Arnold Jablon Esq. and David Karceksi, Esq.
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

People's Counsel for Baltimore County
Jefferson Bldg. – 2nd Floor – Suite 204
105 W. Chesapeake Avenue
Towson, MD 21204

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

Linda B. Fliegel, Legal Secretary
County Board of Appeals, Room 49
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410-887-3180)

I HEREBY CERTIFY that on this 21st day of March , 2007, a copy of the foregoing Certificate of Notice has been mailed: Michael P. Tanczyn, Esquire, 106 Baltimore Avenue – Suite 606, Towson, MD 21204, Jay Cohen, 2119 North Rolling Road,Windsor Mill, MD 21244, Grace Morisette, 2117 North Rolling Road, Windsor Mill, MD 21244, Horace and Marie Alexander, 2111 North Rolling Road, Windsor Mill, MD 21244, Arnold Jablon Esq. and David Karceksi, Esq., Venable, LLP 210 Allegheny Avenue, Towson, MD 21204, People's Counsel for Baltimore County, Jefferson Bldg. – 2nd Floor – Suite 204, 105 W. Chesapeake Avenue, Towson, MD 21204.

Linda B. Fliegel, Legal Secretary
County Board of Appeals, Room 49
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410-887-3180)

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

March 21, 2008

Arnold Jablon Esq.
David Karceksi, Esq.
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Circuit Court Civil Action No. 03-C-08-3144
Petition for Judicial Review
J.K.GHAURI, INC
Board of Appeals Case No.: 07-082-SPHX

Dear Messrs. Jablon and Karceski:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed on March 14, 2008, and *retrieved by the Board on March 19, 2008*, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to the Maryland Rules.

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, **must be filed under Civil Action No. 03-C-08-3144.**

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda B. Flliegel
Legal Secretary

/lbf
Enclosure

c: Michael P. Tanczyn, Esq.
J.K. Ghauri, Inc./Khalid Azam
& Abida Azam
William & Virginia Mann
Ralpy & Mary Brock/Michael Kerr
Leonard & Ruth Spencer
Doranna Leskins
Horace & Marie Alexander
James & Hazel Smith/George Wise
Tonia A. Gardner/Joan A. Brooks
JohnStilling, Jr./Patricia Coby
Cecil & Diann Cupid/Maria Johnson
Nadirah Bradley/James Schriefer
Jay E. Cohn/Al & Ruth Ruckus
M. Grace Morrisette
John E. Beverungen, County Attorney
BP Products North America, Inc.
c/o BP America, Inc.
Glen Cook & Mickey Cornelius/
The Traffic Group
Bill Monk/Morris & Ritchie
Jeff Bainbridge
Office of People's Counsel
Pat Keller, Dir/Jeffery Long Deputy Planning
William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Dir/PDM
Walt Smith, Development Manager/PDM
Donald E. Brand, P.E., Bldg. Engineer

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 21, 2008

Michael P. Tanczyn, Esq.
606 Baltimore Avenue – Suite 106
Towson, MD 21204

RE: Circuit Court Civil Action No. 03-C-08-3144
Petition for Judicial Review
J. K. GHAURI, INC.
Board of Appeals Case No.: 07-082-SPHX

Dear: Mr. Tanczyn:

In accordance with the Maryland Rules, the County Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days. The cost of the transcript of the record must be paid by you and must be paid in time to transmit same to the Circuit Court within the sixty day timeframe, as stated in the Maryland Rules.

The Court Reporter that you need to contact to obtain the transcript and make arrangement for payment is as follows:

CAROLYN PEATT
TELEPHONE: 410- 486-8209
HEARING DATE: October 4, 2007 & October 31, 2007

This office has also notified Ms. Peatt that a transcript on the above captioned matter is due by May 13, 2008, for filing in the Circuit Court. A copy of your Petition, which includes your telephone number, has been provided to the Court Reporter, to enable her to contact you for payment provisions.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda B. Fliegel
Legal Secretary

/trs
Enclosure
c: Carolyn Peatt, Court Reporter
Arnold Jablon, Esquire/David Karceski, Esquire
People's Counsel for Baltimore County

3/14/08

IN THE MATTER OF SPECIAL EXCEPTION WS Rolling Road, 170" SE of c/line of Dogwood Road	*	IN THE
	*	CIRCUIT COURT
(2202 Rolling Road)	*	FOR
J K Ghauri, Inc., Owner, Petitioner	*	BALTIMORE COUNTY
1st Election District 1st Council District	*	
	*	Case No. C-08-3144
Case No. 07-082-SPHX BALTIMORE COUNTY BOARD OF APPEALS 105 W. Chesapeake Ave, Rm. 203 Towson, Md 21204	*	
	* * *	

PETITION FOR JUDICIAL REVIEW

NOW COMES Jay Cohen, Grace Morisette, Horace Alexander and Marie Alexander, Protestants below and Petitioners herein, by their attorney, Michael P. Tanczyn, and in accordance with Rule 7-202 of the Maryland Rules of Procedure, who state they were a party to the agency proceedings below and seek Judicial review of the decisions contained in the Opinion and Order of the Board of Appeals for Baltimore County issued February 14, 2008.

RECEIVED AND FILED
2008 MAR 14 PM 1:36
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY MD

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, MD 21204
(410) 296-8823
Attorney for Protestants/Petitioners

RECEIVED
MAR 18 2008
BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of March, 2008, a copy of the foregoing Petition for Judicial Review was mailed by first class mail, postage prepaid, to Board of Appeals of Baltimore County, Attn: Ms. Kathy Bianco, Administrative Secretary, Room 203, 105 W. Chesapeake Avenue, Towson, MD 21204; to Arnold Jablon, Esquire, and David Karceski, Esquire,

of Venable, LLP, 210 Allegany Avenue, Towson, MD 21204; and to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 204, 105 W. Chesapeake Avenue, Towson, MD 21204.

Michael P. Tanczyn, Esquire

2/14/08

IN THE MATTER OF THE APPLICATION OF J K GHAURI – LEGAL OWNER /PETITIONER FOR SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE W/S ROLLING ROAD, 170' SE OF C/L OF DOGWOOD RD (2202 ROLLING ROAD)	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	*	Case No. 07-082-SPHX

* * * * * * * * *

OPINION

This matter is before the Board on an appeal of a decision of the Zoning Commissioner (ZC) in which the ZC granted the Petition for Special Exception for a fuel service station on an individual site in combination with a convenience store and rollover carwash. A *de novo* hearing was held before the Board on October 4 and October 31, 2007. The Petitioners, J. K. Ghauri, Inc., were represented by Arnold Jablon, Esquire, and David H. Karceski, Esquire, with VENABLE, LLP. Protestants, Jay Cohen, Grace Morrisette, James Smith and Hazel Smith, Horace Alexander, Marie Alexander, and Joan Brooks were represented by Michael P. Tanczyn, Esquire. Closing memoranda were filed on December 3, 2007, and a public deliberation was held on December 17, 2007.

Background

In a previous decision involving the same site in question as in the instant case, the Deputy Zoning Commissioner (DZC) in Case No. 01-408-X issued a decision dated July 9, 2001. The DZC granted a special exception to allow a fuel service station and a convenience store and rollover carwash. The Petitioners subsequently applied for certain permits to begin construction and the Protestants, who were residents of the neighborhood, considered that the special exception had lapsed. Protestants filed an appeal of the issuance of building permits in

Case No. CBA-06-029. After the filing of that appeal, Petitioners herein filed the Petition in Case No. 07-082-SPHX requesting a special hearing to confirm that the previously approved special exception in Case No. 01-408-X had been utilized in accordance with the *Baltimore County Zoning Regulations* (BCZR) § 502.3 and to amend the site plan approved in that case to add two service bays. In the alternative, the Petitioners requested a new special exception of approval on the site.

On January 24, 2007, the Zoning Commissioner entered a decision denying the special hearing relief regarding the previous approval granted in Case No. 01-408-X to amend the site plan as approved in that earlier case (01-408-X). In that same decision, the Zoning Commissioner granted the Petition for Special Exception for a fuel service station on the site in combination with a convenience store and rollover carwash, including the two service bays, which were added to the convenience store. Petitioners appealed the decision of the Zoning Commissioner in failing to approve the previously approved special exception relief granted in Case No. 01-408-X. The Protestants then appealed the decision in the recent case granting the special exception in Case No. 07-082-SPHX.

At the time of the hearing before the Board, the Petitioner, on the record, withdrew its appeal of the denial of the special hearing relief previously granted in Case No. 01-408-X to amend the petition to add service bays. Following that stipulation on the record by the Petitioners, Protestants dismissed their appeal of the Building Permit in Case No. CBA-06-029. An Order of Dismissal was issued by this Board on October 31, 2007 in Case No. CBA-06-029. The case then proceeded on only the Petitioner's new request for special exception for the subject site.

The Property in Question

The property in question is a 1.15-acre parcel located on the southwest side of Rolling Road, south of the intersection with Dogwood Road. This is more particularly described as Lot 3A on the Second Amended Plat of Rolling Heights Business Park, Section I, Phase 1, dated March 28, 2001. The property was purchased by deed dated June 15, 2006 by J. K. Ghauri, Inc., from BP Products North America, Inc. The property is subject to a reciprocal easement agreement with covenants, conditions, and restrictions entered into on November 2, 2001 between Rolling Heights Lot A, LLP, and Hampton-Reisterstown, LLC. The entire three-lot subdivision at the time of the hearing before the Board had been developed with a Walgreen's drugstore on the southwest corner of the intersection of Dogwood and Rolling Roads and to the south of the subject property on Rolling Road an auto parts store was constructed. The Declaration of Easement Agreement provided a grant of reciprocal easements in § 2.1 to provide for the passage of motor vehicles and pedestrians to the three parcels described in § 2.1(a) of the Declaration. Section 2.3 of the Declaration stated, "The access opening shall in no event be blocked, closed, altered, changed or removed and shall at all times remain in place as shown on the site plan."

Section 2.4 of the Declaration stated:

Reasonable Use of Easements.

(a) The easements hereinabove granted shall be used and enjoyed by each owner and its Permittees in such a manner so as not to unreasonably interfere, obstruct, or delay the conduct and operations of the business of any other owner or its Permittees at any time conducted on its parcel, including, without limitation, public access to and from said business and the receipt or delivery of merchandise in connection therewith.

Section 3.2 of the Declaration required all parcel owners to cause and maintain at its expense all common areas located on its parcel in good order, condition, and repair. In addition, § 3.2 stated:

> ...Each Owner reserves the right to alter, modify, reconfigure, relocate and/or remove the common area or buildings on its Parcel, subject to the following conditions:
>
> (i) As to Parcel B, during the continuance of the Walgreen lease, the express written consent of Walgreen shall be required;
>
> (ii) The reciprocal easements between the parcels pursuant to paragraph 2.1(a) shall not be closed or materially impaired;
>
> (iii) The Driveway and ingress and egress thereto, and to and from the Parcels and adjacent streets and roads, shall not be altered, modified or blocked and/or removed without the express written consent of all owners and Walgreen (during the continuance of the Walgreen lease) which consent shall not be unreasonably withheld or delayed.....

During the 2000 Comprehensive Zoning Map Process (CZMP), the Baltimore County Council rezoned the subject site from M.L.R. (Manufacturing Light, restricted), which is a classification that does not permit fuel service station uses, to B.L.-A.S. for the development of a fuel service station. The site has two access drives, which allow ingress and egress on both sides of the Rolling Road boundaries of the site.

The Petitioner intends to construct a 3,330+/- sq. ft. convenience store building oriented toward Rolling Road and a smaller 1,128 +/- sq. ft. rollover car wash behind the convenience store structure. Two vehicle service bays will be located within the convenience store structure and accessed by way of the rear side of the structure. The proposed rollover carwash will be positioned parallel to Rolling Road so that neither its entrance point or exit point will face Rolling Road or the residential dwellings on the opposite side of Rolling Road. Between the convenience store building and Rolling Road, Petitioner proposes to provide 6 fuel pump islands with 12 fueling stations and further improve the site with surface parking. A 30-foot wide

landscaped island now exists on the property to buffer the proposed fuel service station from the residences on the opposite side of Rolling Road. Section 405.2.B.1 of the BCZR permits a fuel service station on an individual site in the B.L.-A.S. zone by special exception. Therefore, the Petitioner must satisfy the requirements of 502.1A through I of the BCZR. BCZR §§ 405.E.1 through E.10 permit certain other uses in combination with a fuel service station. The uses in combination include a convenience store with a sales floor larger than 1,500 sq. ft. and rollover carwash. These also require special exception approval pursuant to § 502.1.

Petitioner's Testimony and Evidence

Petitioner presented Mickey Cornelius as its expert Traffic Engineer. Mr. Cornelius testified that he had visited the site approximately six times and looked at the intersections in the surrounding areas in accordance with Baltimore County's Basic Services Transportation Map to identify the levels of service of the signalized intersections. Based on this information, he determined there was no failing intersection in the vicinity of the property and that the surrounding intersections operated at levels of service B or C. In addition, it was his testimony that a fuel service station use basically intercepts cars from adjacent roadways and does not generally generate a lot of new traffic. Cornelius stated that it could generate approximately 15 percent of new traffic from that which is currently generated in the area. He considered that this would be 15 trips in and 15 trips out of the site on a daily basis. He also felt that the access points in and out were safe on a sight distance basis and stated that it was also possible to enter and leave the property through the existing Walgreen's site to come out on Dogwood Road and thereafter use the light at the intersection of Dogwood and Rolling Roads to access Rolling Road. It was Mr. Cornelius' feeling that the traffic coming south would primarily use the service

station, since the traffic coming north would have to make a left turn across traffic and that was not generally something that drivers tended to do.

Jeffrey Bainbridge testified on behalf of the Petitioners as an expert in marketing and the location of fuel service stations. He had been involved with the previous case, having worked for BP-Amoco. He was familiar with the site and felt that the property had been identified by BP as a good site for a fuel service station. BP looked for a good mix of daytime users in an industrial park and a mixture of residents in the area. He felt that there would be good interaction by both groups of potential customers. In addition, there were lighted intersections allowing access to the site. There were no other fuel service stations in the area on the same side of Rolling Road as the subject site. He felt that most of the traffic utilizing the fuel service station would be coming south on Rolling Road.

William Monk testified as an expert in land use and Baltimore County's zoning regulations as they applied to service stations and rollover carwashes. He testified that he had prepared the site plan and had visited the site at least 12 times. He had been involved with the matter since 1999 and was present at the previous hearing in 2001. Monk testified that the site met all the requirements of the BCZR, including the stacking requirements for a rollover carwash as well as the parking requirements for service bays and other requirements, such as for ATM use and car vacuum use. He testified that cars coming into the carwash would come in the driveway off of Rolling Road, which was a 30-foot-wide driveway having two-way access. Cars desiring to use the carwash would cross over the exit lane and line up in the lane for carwash users, leaving still at least 22 feet for ingress and egress on the site. He testified that there were no variances needed in order to complete the construction of all facilities on the site.

Mr. Monk stated that, in his opinion, the site met all the requirements of § 405. In addition, he felt that all the conditions of § 502.1 had been met in that nothing on the site would be detrimental to the health and safety of the surrounding neighborhood. The site would not tend to create congestion and it met all the bulk regulations. He did not feel it was an over-intensification use of the property. In addition, there was no danger from fire or any other hazard. It was his opinion that the site would not be overcrowded with all of the uses since each use did provide for adequate parking. There was no interference with schools, etc., and entrances and exits were placed to be accessible to the public. In addition, there was no limitation on light and air since there was only a one-story building being constructed and the highest point would be the canopy over the fuel pumps. There was no interference with vegetation and there was no adverse impact to the residential areas. There was a berm behind the carwash that was intended to screen the carwash from any residential areas. The service bays and the carwash did not face any residential areas, and therefore it did not have any impact on the residential areas. He felt that the development of the site was within the spirit and intent of the BCZR. In Monk's opinion, the site was the best site for the fuel service station. He felt there were no facts or circumstances that showed that the particular use proposed at this location would have any adverse affect above and beyond those inherently associated with a special exception use, irrespective of its location within the zone, in accordance with the requirements set forth in *Schultz v. Pritts*, 291 Md. 1, 432 A.2d 1319 (1981).

Protestants' Testimony and Evidence

Protestants presented Grace Morrisette, who resided at 2117 N. Rolling Road for 43 years. She testified as to the lack of reasonable access to Rolling Road from the residential area opposite the subject site and the speeding of vehicles along Rolling Road. She stated that there

were dangers to residents caused by traffic conditions, including traffic stopped to make turns into and out of the subject site as well as extensive rush-hour traffic backups both morning and evening, which occurred from Dogwood Road down to south of her property.

Maria Alexander testified that she resided at 2111 N. Rolling Road since 1999. She also complained of the traffic and stated that her family would not come to visit her because of the traffic problems and the parking on Rolling Road, which is practically non-existent. She testified that the parking conditions were worse now. She stated that, during the summertime three to four years ago, her niece came to pick her up in her vehicle and that vehicle was hit by a car being driven up the street while the niece was legally parked in front of Mrs. Alexander's home. She also stated that she normally comes home from work at 1:00 p.m. and cannot get into her driveway, even when she put on her flashers. Her husband, Horace Alexander, corroborated her testimony.

James Smith testified that he lived in the neighborhood and retired there from New York. He stated that he and his wife couldn't sleep many nights because of the traffic volumes and the cars running by his house at 50 to 60 mph. He testified to the rush-hour traffic beginning at about 6:00 a.m. and that the backup was from Dogwood Road down to past his property. He observed accidents on Rolling Road, including an ambulance that had turned over just south of the site at approximately 4:00 p.m.

Jay Cohen testified he had lived in the neighborhood at 2119 N. Rolling Road in November 1977 and continuously until 1994 when he moved. He had returned to the neighborhood in 2001 and continues to live there till the present time. He testified that his home could not be sold due to the traffic on Rolling Road and the trash that accumulates on his

property. He submitted photographs that he had taken of the neighborhood showing the traffic problems and trash that had accumulated.

Protestants did not present any expert testimony with respect to traffic conditions, nor did they present any testimony with respect to the requirements of § 502.1 other than traffic. Protestants' counsel questioned Mr. Monk as to whether or not there were other sites in the area that would be better suited to a fuel service station with a rollover carwash and service bays. Protestants questioned whether or not there were adequate aisles 22 feet in width within the site to allow access from one neighboring site to the other in accordance with the easements required. In conclusion, Mr. Tanczyn argued that he felt that both Walgreen and the auto store, which flank the proposed site, should sign off on any utilization of the common areas by the Petitioner for access to and egress from the carwash and utilization of any of the aisles for use by the Petitioner in conducting its business. Finally, Mr. Tanczyn stated that he felt that several of the aisles were not of the appropriate 22-foot width as required by § 409 of the BCZR.

Decision

The Board has reviewed the testimony and evidence presented by both parties and feels that the special exception should be granted. While the Board recognizes that traffic on Rolling Road is quite heavy and causes a great inconvenience to the residents on the opposite side of the road from the site, the addition of the fuel service station would not appear to generate that much additional traffic in the area. The County Council has rezoned the area B.L.-A.S., which contemplates the use of the site for a fuel service station. The fuel service station and convenience store does not generate that much traffic. Most of the traffic in and out of the site is drop-in traffic generated from cars passing by, according to traffic expert Mickey Cornelius. This is not the same thing as a large retail store, which would generate trips on its own,

specifically for the purpose of going to that store. The Board credits the testimony of Mr. Cornelius and Mr. Monk that the site meets the requirements of BCZR § 502.1 and the *Schultz v. Pritts* test.

Protestants contend that, because of the document which is in evidence as Protestants' Exhibit #3 entitled "Reciprocal Easement Agreement with Covenants, Conditions and Restrictions," Walgreen and the auto parts store should sign off on the proposed plan since it involves utilization of common areas of access and egress by the customers of the proposed fuel service station, along with the customers of Walgreen and the customers of the auto parts store. A review of the document shows that there are legal and equitable remedies available to Walgreen's and the auto store in accordance with § 7 of that agreement, including damages and injunctive relief. It is not up to the Board of Appeals to enforce the easement agreement and covenants attached thereto. Therefore, the Board will not require any agreement by Walgreen or the auto store in order for this special exception to be approved.

Finally, Protestants contend that the aisles are not 22 feet in width. Specifically, they refer to the aisle parallel to Rolling Road between the fueling stations and the transition area. The transition area is a 30-foot setback from Rolling Road. It should be noted that the requirements of the BCZR require only a 10-foot setback. Protestants contend that because of the six parking spaces parallel to the transition area, which are 7.5 feet wide, the aisle way between the fuel pumps and the transition area parallel parking spaces is not 22 feet. Mr. Monk testified that the aisles under the proposed canopy designating cars being fueled could have been moved back 3 feet rather than where they are as shown on the plat. This would give a clear 22-foot aisle since the distance between the space for the cars parked parallel to the transition area and the fuel service pump is 27.5 feet. There is 28 feet between the canopy of the fuel service

station and the convenience store building. If the automobiles designated under the canopy were moved back 3 feet, this would leave a 25-foot space between the parking spaces parallel to the transition area and the canopy, certainly within the 22-foot requirement of § 409. It should also be noted that, in the event there is a problem, the transition area could be reduced an additional 2 or 3 feet to allow for the aisle way to meet the 22-foot requirement.

With respect to the automobiles lining up for the carwash and leaving the carwash, the portion of the access drive aisle used in entering and exiting would be adequate and it would not appear that this would interfere with traffic between Walgreen's and the site nor the auto parts store and the site. The property line of the proposed site runs practically down the middle of the common aisle on both sides of the site, and there appears to be adequate room for cars entering and leaving the carwash and the fuel service pump area.

The Petitioner agreed during the hearing that it would have no problem with agreeing to the conditions set forth by the Zoning Commissioner in his decision with respect to the hours of operation and the installation of outdoor loud speakers on the property. Therefore, the Board will attach those conditions as part of its Order.

ORDER

THEREFORE, IT IS THIS 14th day of February, 2008 by the County Board of Appeals of Baltimore County

ORDERED that the Petitioners' request for special exception pursuant to § 405.2.B.1, 405.4E.1, and 405.E.2 of the Baltimore County Zoning Regulations (BCZR) for a fuel service station in combination with a convenience store with a sales floor area larger than 1,500 sq. ft. and two service bay areas and a rollover carwash be and is hereby granted, subject to the following restrictions:

1. The hours of operation for the rollover carwash and the two service garage bay areas shall be limited to 7:00 a.m. to 10:00 p.m.

2. The Petitioner shall not be permitted to install any outdoor loudspeakers on the property in connection with the special exception use.

3. No automobiles left on the site for service or repair shall be parked outside but may be stored within the service bays during the hours of 10:00 p.m. to 7:00 a.m.

4. The Petitioner shall submit a landscaping plan to Avery Harden, Landscape Architect for Baltimore County, for his review and approval.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott, Panel Chair

Robert W. Witt

Edward W. Crizer, Jr.

12/3/07

IN THE MATTER OF J. K. GHAURI, INC. PETITION FOR SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 2200 ROLLING ROAD 1st Councilmanic District 1st Election District J. K. Ghauri, Inc., *Legal Owner*	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 07-082-SPHX

RECEIVED
DEC 03 2007
BALTIMORE COUNTY
BOARD OF APPEALS

* * * * * * * * *

PETITIONER'S POST-HEARING MEMORANDUM

Petitioner J. K. Ghauri, Inc. ("JKG"), legal owner, by Arnold Jablon and David H. Karceski with Venable, LLP, its attorneys, respectfully submits this Post-Hearing Memorandum in support of its Petition for Special Exception, as follows:

INTRODUCTION

The subject site is zoned BL-AS (Business, Local – Automotive Services). Section 405 of the Baltimore County Zoning Regulations ("BCZR" or "Zoning Regulations") is specific to fuel service stations, and Section 405.2.B.1 permits a fuel service station on an individual site in the BL-AS zone by special exception. JKG's proposed fuel service station must, therefore, satisfy the requirements of BCZR Section 502.1(A) through (I). Additionally, BCZR Sections 405.E.1 through E.10 permit certain other uses in combination with a fuel service station. These "uses in combination" include a convenience store with a sales floor area larger than 1,500 square feet and roll-

over car wash. Fuel service station "uses in combination" require special exception approval as well, pursuant to BCZR Section 502.1. *See* **Memorandum Exhibit No. 1** (BCZR Section 405, Regulations for Fuel Service Stations).

This case involves a Petition for Special Exception filed by JKG for a fuel service station in combination with a convenience store with a sales floor area larger than 1,500 square feet and a roll-over car wash, pursuant to Sections 405.2.B.1, 405.4.E.1, and 405.4.E.2 of the Zoning Regulations. The subject property is located on the west side of Rolling Road, south of its intersection with Dogwood Road and north of its intersection with Security Boulevard in the Woodlawn area of Baltimore County. *See* Petitioner's Exhibit No. ("Petitioner's") 6 (Site Plan).

By way of brief history, the County Council for Baltimore County rezoned the subject site from MLR (Manufacturing, Light, Restricted), a zoning classification that does not permit fuel service station uses, to BL-AS for development of a fuel service station during the 2000 Comprehensive Zoning Map Process ("CZMP"). (T. 10/4/07, pp. 13-14, 130); *See also* Petitioner's 2 (2000 CZMP Final Log of Issues). The then owner of the property, Rolling Heights Lot A, Limited Partnership, and contract purchaser, BP Amoco Corporation, filed a Petition for Special Exception for a fuel service station with a convenience store and roll-over car wash in Case No. 01-408-X (or "2001 Case"). *See* Petitioner's 4. In Case No. 01-408-X, the Deputy Zoning Commissioner granted the requested special exception by way of his Findings of Fact and Conclusions of Law, dated July 9, 2001, and stated his rationale for approval as follows:

> As previously stated and as was discussed with the citizens in attendance at the hearing, the rezoning of this entire corner has permitted the commercial development of this property. The Walgreens, the one-story retail bank and the two-story office building will be constructed without the need for a public

> hearing. As a result of the gasoline station having a convenience store component, the special exception request is necessary. These residents and many others who signed the Protestants' petition are opposed to the commercial development of the property and believe that the hearing held before me was for the purpose of allowing the commercial development to move forward. However, that decision has already been made by virtue of the change in the zoning classification. Commercial development will occur on this property as indicated at the hearing.

See Petitioner's 4. No appeal was taken to the 2001 Case order. (T. 10/4/07, p. 118)

The petition relief granted in the 2001 case was identical to the relief requested in the instant case by JKG ("2007 Case"). The 2001 Case special exception expired because BP Amoco Corporation did not pursue its special exception within the time period required by the Zoning Regulations. Subsequently, JKG purchased the site and filed the instant special exception for re-approval of the special exception relief granted in the 2001 Case. Minor revisions were made to site plan filed with 2007 Case special exception.[1] (T. 10/4/07, p. 24) The Zoning Commissioner re-approved the special exception for the property in the 2007 Case. *See* **Memorandum Exhibit No. 2.** In his Findings of Fact and Conclusions of Law, dated January 24, 2007, Zoning Commissioner Wiseman granted the special exception acknowledging the same community concerns raised in the 2001 Case.

> The community concerns of those that attended the prior special exception case for the property are those same concerns raised again during the public hearing in the instant case. Specifically, those in opposition to the requests filed in the instant case raised the following existing conditions in the area of the site as concerns: (1) lack of convenient access to Rolling Road from the residential area opposite the subject site; (2) noise that emanates from the traffic on Rolling Road; (3) vehicle travels speeds on Rolling Road; (4) foot traffic in the neighborhood

[1] William P. Monk, Petitioner's expert land planner, identified for this Board the minor revisions made to the site plan approved in the 2001 Case. (T. 10/4/07, pp. 115-117) The convenience store building increased approximately 100± square feet. This building size increase would allow for 2 (two) service bays within the building and would require a reduction of the building area devoted to the convenience store use. Mr. Monk confirmed that "other than that [adjustment], there are no material changes to the plan." (T. 10/04/07, pp. 115-116)

and increased vandalism as a result of the existing commercial uses in the area; (5) trash and debris that collects on front lawns of residences along Rolling Road; and (6) the general inconvenience that existing commercial uses on Rolling Road cause their neighborhood. While I can appreciate the concerns raised and the challenges they present on a day-to-day basis to the residents of the immediate area, these conditions admittedly existed at the time of the hearing in Case No. 01-480-X and exist today, without a fuel service station on the subject site.

See **Memorandum Exhibit No. 2**, p. 4. After summarizing these community concerns, the Zoning Commissioner opined as follows:

> I do not take lightly the existing problems identified by those individuals living in the nearby residential community and who gave up their time to appear and testify before me. The commercialization of Rolling Road in this area as well as the high volume of automobiles that utilize the surrounding roadways are, as testified to by protestants, responsible for these existing conditions. I also recognize that collection of trash and debris from commercial uses in the area that ends up on the lawns of those residences along the roadway is by no means appealing to anyone. Additionally, incidents of vandalism and the safety of neighborhood children are also concerns which are unfortunate and not welcome in any residential community. I do, however, find that the instant special exception to allow a fuel service station in combination with a convenience store and roll-over car wash should be approved for the property. It should be noted that there were no adverse Zoning Advisory Committee (ZAC) comments received by the County reviewing agencies and Petitioner's proposal is consistent with the adjacent and other existing commercial uses in the immediate area of this site. It cannot be overlooked that the County Council rezoned the subject site to accommodate this particular commercial operation.

See **Memorandum Exhibit No. 2**, pp. 7-8.

On February 16, 2007, counsel for Protestants filed an appeal to the Zoning Commissioner's decision in this case to the County Board of Appeals for Baltimore County ("Board of Appeals" or "Board") on behalf of certain individuals that reside on the east side of Rolling Road in the vicinity of the site. Protestants, Martha Morissette, Marie Alexander, Horace Alexander, James Smith, and Jay Cohen, testified before this Board in opposition to JKG's Petition for Special Exception. (T. 10/31/07, pp. 4-96)

On October 4 and October 31, 2007, the Board of Appeals conducted a *de novo* hearing on the requested special exception relief. At the hearing, Petitioner produced strong and substantial evidence through the testimony of Jeffrey S. Bainbridge, JKG's land acquisition specialist and fuel service station consultant, Mickey A. Cornelius, traffic engineer, and William P. Monk, professional land planner, and through the introduction of various exhibits to demonstrate that the Board of Appeals should grant the Petition for Special Exception for approval of the proposed fuel service station in combination with a convenience store and roll-over car wash.

STATEMENT OF FACTS

Rolling Road in the vicinity of the site is improved with four (4) vehicle travel lanes, the total paved width of which is 50± feet. *See* Petitioner's 6, 8 (Aerial Photograph), 10 (Rolling Road Site Entrance Photograph). An industrial park is located to the immediate west of the site, and the site is bounded on its north and south sides by retail-oriented uses that share joint vehicular access drives with it. *See* Petitioner's 3; (T. 10/4/07, pp. 123-124) These joint access drives were designed to accommodate retail uses as well as a fuel service station on the site. (T. 10/4/07, p. 18); *See also* Petitioner's 3 (Preliminary Site Plan). Additional commercial uses are located along Rolling Road in the vicinity of the site giving Rolling Road a "retail feel." (T. 10/4/07, pp. 26, 54); *See also* Petitioner's 8. Residential uses are located to the east and south of the industrial park and the site. *See* Petitioner's 8.

On this 1.158+ acre site identified on the site plan as Lot 3A, JKG intends to construct a 3,330± square foot convenience store building oriented toward Rolling Road

and a smaller 1,128± square foot roll-over car behind that convenience store structure. *See* Petitioner's 6. Two vehicle servicing bays will be located within the convenience store structure and accessed by way of the rear facade of the structure. (T. 10/4/07, p. 138); *See also* Petitioner's 6. The proposed roll-over car wash will be positioned parallel to Rolling Road so that neither its entrance point or exit point will face Rolling Road or the residential dwellings on the opposite side of Rolling Road. (T. 10/4/07, p. 138); *See also* Petitioner's 6. In between the convenience store building and Rolling Road, JKG also proposes to provide six (6) fuel pump islands with twelve (12) fueling stations and further improve the site with surface parking. (T. 10/4/07, pp. 123, 127); *See also* Petitioner's 6. A thirty (30) foot wide landscape island now exists on the property to buffer the proposed fuel service station from the residential on the opposite of Rolling Road. (T. 10/4/07, pp. 111-112); *See also* Petitioner's 9A (Site Photograph), 11 (Landscape Plan). The proposed layout for JKG's fuel service station meets all applicable parking, area and bulk, and signage regulations that apply to the site and, as such, Petitioner's 6 is a variance-free site plan. (T. 10/4/07, p. 120); *See also* Petitioner's 6.

ARGUMENT

I. Based on the Overwhelming Evidence Presented before the Board of Appeals, Petitioner Is Entitled to the Requested Special Exception.

Special exceptions in Baltimore County are approved in accordance with BCZR Section 502.1. According to the well-developed law of Maryland, a special exception is a "valid zoning mechanism" whereby a particular use is presumed to be valid and is presumed to be consistent with the general welfare, absent facts or circumstances

sufficient to negate that presumption. *Schultz v. Pritts*, 291 Md. 1, 11 (1981). Although *Schultz v. Pritts* is the seminal case on special exceptions, in several recent decisions, the Court of Appeals and Court of Special Appeals have reiterated the standard relating to the grant or denial of a special exception. *Mayor & Council of Rockville v. Rylyns Enterprises, Inc.*, 372 Md. 514, 541-543 (2002); *Lucas v. People's Counsel for Baltimore County*, 147 Md. App. 209, 237-239, (2002); *Hayfields, Inc. v. Valleys Planning Council, Inc.*, 122 Md. App. 616, 640-641 (1998).

As the Court of Appeals explained in *Rylyns Enterprises*:

> ...a special exception use is an additional use which the controlling zoning ordinance states will be allowed in a given zone unless there is showing that the use would have unique adverse affects [sic] on the neighboring properties within the zone.

372 Md. at 542 (emphasis added). Recent appellate decisions have served to emphasize that, once a petitioner demonstrates that the proposed use satisfies the specific requirements of the applicable ordinance, the special exception must be granted unless "there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Id.* at 542 (*quoting Schultz*, 291 Md. at 11) (emphasis added).

To defeat a special exception, therefore, a protestant must do more than show that the use may have adverse effects that are common to the use generally. *Rylyns Enterprises*, 372 Md. at 542; *Schultz*, 291 Md. at 14, 22-23; *Lucas*, 147 Md. App. at 238-239. "The disqualifying adverse effect or effects must be more than mere annoyance. Classifying such uses as special exceptions or conditional uses (as opposed to permitted uses) assumes that those uses will include some adverse impacts." *Rylyns Enterprises*,

372 Md. at 542 (emphasis added). A disqualifying adverse impact, therefore, must be something more than what is ordinarily expected and it must be unique to that particular location. *Id.* at 542. *See also Lucas*, 147 Md. App. at 238-239; *Hayflelds*, 122 Md. App. at 640-641. As outlined below, Petitioner produced strong and substantial evidence at the hearing before the Board demonstrating that the proposed fuel service station and carryout restaurant and convenience store meet the applicable standards pertaining to these uses and that the proposal satisfies the requirements of Section 502.1.

Petitioner Demonstrated Compliance with BCZR Section 502.1.

Petitioner examined the proposed fuel service station in combination with convenience store and roll-over car wash in the context of BZCR, Section 502.1 and established before this Board that it would have little or no impact on the surrounding community. Petitioner is thus entitled to the relief requested by way of its Petition for Special Exception as it relates to BCZR, Section 502.1.

Section 502.1.A: Health, Safety, and General Welfare of the Locality

William Monk, expert land planner, testified on behalf of Petitioner and confirmed that the proposed special exception uses, as shown on Petitioner's 6, would have no detrimental impact on the health, safety, and general welfare of the locality. (T. 10/4/07, pp. 137-139) This Board accepted Mr. Monk as an expert in land use and the Baltimore County Zoning Regulations and preparation of site plans for fuel service in combination with convenience stores and roll-over car washes. (T. 10/4/07, p. 103) Protestants produced no compelling testimony, expert or otherwise, to contradict the clear

and unambiguous testimony presented by Petitioner on this point. As to the traffic concerns raised by Protestants, no evidence was presented to refute Petitioner's conclusion that there would be no adverse impact on the health, safety, or general welfare of the locality involved. Mickey Cornelius, accepted as traffic engineer, testified there would be no adverse impact from a traffic standpoint. (T. 10/4/07, p. 71) Mr. Cornelius' testimony is reviewed in detail below, in the context of BCZR, Section 502.1.B.

Section 502.1.B: Congestion in Roads, Streets, or Alleys

Protestants offered no expert testimony or evidence through a traffic engineer on any impact the proposed use would have on the surrounding roads, streets, and alleys in the vicinity of the site. The testimony Protestants did provide this Board related to the existing traffic on Rolling Road. This testimony and the expert testimony of JKG's witness Mickey Cornelius are outlined below.

Protestants Martha Morissette, Marie Alexander, Horace Alexander, James Smith, Hazel Smith, and Jay Cohen all described the existing traffic on Rolling Road near their residences. (T. 10/31/07, pp. 4-96) The Protestants testified that the existing traffic makes it difficult for them to enter and exit their driveways on Rolling Road (*see, e.g.,* T. 10/31/07, pp. 44-46, 64-65), dangerous for them to walk along and to cross Rolling Road (*see, e.g.,* T. 10/31/07, pp. 51, 81), and dangerous for them to even stand near the edge of their own driveways (*see, e.g.,* T. 10/31/07, pp. 81-82). Mr. Cohen ultimately concluded that Rolling Road is a "commuter street" because "whether [people are] leaving Security Square Mall or leaving their business...the first thing they want to do is get home. They don't want to stop off for milk, juice, gas." (T. 10/31/07, p. 84) Mr. Cohen did not offer

any evidence for this conclusion; rather he used the statement to fuel his opinion – as shared by the other Protestants – that a fuel service station is not an appropriate or necessary use at the proposed location.

Notwithstanding Mr. Cohen's unfounded conclusion regarding the need for fuel service, Mickey Cornelius, Petitioner's traffic engineer, offered his expert opinion as to the traffic issues raised. Based on scientific data utilized by his profession, his familiarity with the subject property and surrounding road system, and having visited the site "[a]proximately a half dozen times," Mr. Cornelius, who has testified numerous times before this Board as an expert traffic engineer, concluded that the proposed uses would present no adverse impact and create no congestion. (T. 10/4/07, pp. 64-66, 71) Congestion may exist but the proposed uses will not add to it. The existing traffic is one reason why this site was identified by the County Council for fuel service and why it is appropriate for the proposed uses.

Following his introductory testimony, Mr. Cornelius identified the facts and information that he analyzed and examined in preparation for his testimony. Specifically, he testified that he first "[took] a look at the intersections in the surrounding areas in accordance with the Baltimore County basic services transportation map to identify the levels of service of the signalized intersections." (T. 10/4/07, pp. 67-68) Based on this information he determined that "[t]here's no failing intersections in the vicinity," as the surrounding intersections operated at levels of service B or C. (T. 10/4/07, p. 68)

The next thing Mr. Cornelius did "was to take a look at the traffic that would be generated by the proposed use of the property." (T. 10/4/07, p. 68) He testified that a fuel service station use "basically intercepts cars from the adjacent roadways. It does not

generate a lot of new traffic." (T. 10/4/07, p. 68) He used the Institute of Transportation Engineers trip generation rates to "project that the site would generate approximately 200 peak our trips....a hundred cars in and a hundred cars out in the peak hour." (T. 10/4/07, pp. 68-69) In breaking down those peak hour trips, Mr. Cornelius further testified that: (a) "at least fifty percent of those trips, would come directly off of Rolling Road, pass-by trips"; (b) "thirty to thirty-five percent would be diverted trips....[from vehicles] that don't necessarily pass directly in front of the service station, but turn into the site and turn back out"; and (c) there are "only approximately fifteen percent new trips to the road system" that would be generated by the proposed fuel service station.[2] (T. 10/4/07, pp. 68-69) Mr. Cornelius summarized his analysis by stating that "overall, the new traffic added to the road system will be minimal.

Mr. Cornelius then addressed the safety of the two access points to the site, both of which are existing. Both of those access points have safe sight distance. You can safely pull in and out from a visual standpoint." (T. 10/4/07, p. 70) He also noted the ability to enter and exit the site through the adjacent existing Walgreens site, onto Dogwood Road and to the signalized intersection of Dogwood Road and Rolling Road, in order to avoid making a left out of the site directly onto Rolling Road. He ultimately concluded that, in his opinion, "the access points to the property are safe. The property will generate very little new traffic to the road system and, therefore, it would have no adverse impact on the surrounding road system." (T. 10/4/07, p. 71)

In answering follow-up questions posed by Mr. Jablon, Mr. Cornelius further indicated that he obtained from the Maryland State Highway Administration ("SHA")

[2] The 15% would equate to "only thirty new trips, fifteen in, fifteen out, during the peak hours." (T. 10/4/07, p. 69)

accident data relating to the Dogwood Road and Rolling Road intersection for the three-year period from 2004-2006. Based on his review of that data, he concluded that "the intersection of Rolling Road and Dogwood Road would not be classified as a high accident location." (T. 10/4/07, p. 71) Mr. Cornelius confirmed "that intersection is not a high accident intersection," because the SHA does not even begin to consider safety improvements "unless the accident rate exceeded 1.0 accidents per million entering vehicles." (T. 10/4/07, p. 72) The accident rate for this intersection is approximately 0.7 accidents per million vehicles. (T. 10/4/07, p. 72)

Perhaps the most important opinion was given by Mr. Cornelius at the end of his direct examination when he replied to Mr. Jablon's question of whether the proposed fuel service station would cause or create more of a problem than already exists:

> Based upon the safety record at the site access points, there's no documented problem. The site would tend to draw most of the traffic directly off of Rolling Road due to the nature of the use as a convenience service use. It would primarily draw southbound vehicles, as opposed to northbound vehicles. People don't like to make left turns if they don't have to, to get gas. So it would generate most of its traffic along southbound Rolling Road. But even the northbound traffic on Rolling Road can turn safety [*sic*] into the site at either the full movement access or they can turn left at the traffic signal.

(T. 10/4/07, p. 73)

On cross-examination of Mr. Cornelius, Mr. Tanczyn was unable to diffuse his conclusion of no adverse impact. Mr. Tanczyn, more or less, attempted to establish through cross examination that Mr. Cornelius' opinions were insufficient because they were not based upon personal observations. However, Mr. Cornelius reiterated that he had visited the site approximately six (6) times (T. 10/4/07, pp. 74-75), that his engineering firm had conducted its own traffic and turning movement counts in the area

of the site (T. 10/4/07-75-77), and that he had relied upon data produced by both the County and the SHA regarding intersection ratings and accident reports. (T. 10/4/07, pp. 97-100)

In sum, the extensive on-site observations and studies conducted by Mr. Cornelius and his engineering firm, combined with the reliable studies produced by the County and State together helped Mr. Cornelius form his expert opinion that the proposed fuel service station would not cause any more congestion in the surrounding roadways than that which already exists. Protestants failed to present any expert testimony to the contrary; instead, Protestants explained to the Board the current traffic conditions, without explaining why or how the proposed fuel service station would affect that traffic. Consequently, the testimony clearly weighs in favor of a determination by this Board that the proposed fuel service station will not *cause* any congestion in the surrounding roadways.

Section 502.1.C: Potential for Fire, Panic, or other Danger

Mr. Monk, who has worked on numerous fuel service stations, confirmed that the proposed special exception uses do not create a potential hazard from fire, panic, or other danger. (T. 10/4/07, p. 135) Petitioner's site will utilize the surrounding roads and existing site access points, as now configured. *See* Petitioner's 6. No change to the configuration of Rolling Road is necessary to accommodate the proposed use and the existing access points on Rolling Road were designed to meet applicable Baltimore County standards. (T. 10/4/07, p. 124); *See also* Petitioner's 6. Additionally, Petitioner's 6 was subject to "an extensive review" by the Department of Public Works and Traffic

Engineering prior to the hearing before this Board. (T. 10/4/07, p. 126) For these reasons, no potential hazard from fire, panic, or other danger should occur for the on-site buildings and fueling stations or the existing road system. The Fire Department did not issue an adverse Zoning Advisory Committee comment in this case, and Protestants presented no evidence to the contrary. *See* **Memorandum Exhibit No. 3**.

Section 502.1.D: Overcrowd the Land or Cause Undue Concentration of Population

Mr. Monk testified that the proposed fuel service station and its uses in combination, as shown on Petitioner's 6, will not overcrowd the land or cause an undue concentration of population. (T. 10/4/07, p. 155) Mr. Monk confirmed for the Board that no variances are required for the proposed layout for fuel service station. (T. 10/4/07, pp. 120,135) The proposed use meets or exceeds all the applicable area and bulk regulations specific to the property's BL-AS zoning as well as the Fuel Service Stations Regulations. (T. 10/4/07, p. 133); *See also* Petitioner's 6. Mr. Monk prepared Petitioner's 6 and testified in specific detail before this Board regarding site plan compliance with the fuel service station parking and stacking space requirements, and landscape transition area requirements. (T. 10/4/07, pp. 126-128)

Therefore, the proposed use will not tend to overcrowd the land or cause an undue concentration of population, and BCZR Section 502.1.D is satisfied. Protestants did not offer any expert or other testimony or evidence to prove otherwise before this Board.

Section 502.1.E: Adequate Provisions for Public Services

Mr. Monk stated his opinion that the proposed special exception uses will have no impact on adequate provisions for schools, parks, water, sewerage, transportation, or other public requirements, conveniences, or improvements. (T. 10/4/07, p. 136) The site is proposed for a fuel service station in combination with a convenience store and roll-over car wash; there will be no impact on the County's schools or parks. (T. 10/4/07, p. 136) The road network is adequate to accommodate the proposed use and the site's existing access point locations were designed and constructed to accommodate these uses; there will be no impact on public transportation. (T. 10/4/07, p. 136) This site will be served by public water and sewer. (T. 10/04/07, p. 136)

Again, Protestants raised no concerns regarding adequacy of any of the public services listed in BCZR, Section 502.1.E.

Section 502.1.F: Interfere with Adequate Light and Air

Mr. Monk likewise testified that the proposed uses would not interfere with adequate light and air. (T. 10/4/07, p. 136) A review of Petitioner's 6 indicates the height of the proposed convenience store structure. Other than the canopy over the fuel pump islands and roll-over car wash, this one-story building is the only structure to be built on site. *See* Petitioner's 6. Petitioner's 6 also addresses the amount of site area required to support the proposed special exception uses. The total site area devoted to the proposed special exception uses is 50,443 square feet. *See* Petitioners' 6. The Zoning Regulations require only 34,080 square feet to support the fuel services station and uses in combination with it. *See* Petitioner's 6. Additionally, the convenience store and car

wash buildings will occupy less than fifteen percent (15%) of the overall special exception area and the proposed floor area ratio is four percent (4%) of the floor area ratio permitted on the site. *See* Petitioner's 6.

Section 502.1.G: Consistent with the Property's Zoning Classification and not Inconsistent with the Spirit and Intent of the Zoning Regulations

The County Council for Baltimore County rezoned the subject property from MLR to BL-AS by way of the 2000 CZMP. *See* Petitioner's 2. Mr. Monk confirmed that the use of the subject property for the proposed fuel service station and uses in combination is consistent with the property's BL-AS zoning classification and with the spirit and intent of the Baltimore County Zoning Regulations generally. (T. 10/4/07, pp. 136-137) The AS overlay district has a very limited purpose, primarily to allow for certain automotive-related uses. *See* **Memorandum Exhibit No. 4**. The proposed fuel service station and uses in combination are permitted by special exception on the subject site because of its AS district. Further, the proposed layout meets or exceeds all applicable setback and area requirements of the Zoning Regulations. *See* Petitioner's 6.

Section 502.1.H: Impermeable Surface/Vegetative Retention Provisions

Section 502.1.H of the Zoning Regulations is not applicable to the subject property. The property's BL-AS zoning does not restrict the amount of impermeable surface permitted on the property nor does it contain a requirement for the retention of vegetation. Petitioner has, however, addressed Baltimore County's landscape requirements for the proposed fuel service station. The County's landscape architect approved a landscape plan for the property, which provides details for landscape island

locations and planting types. *See* Petitioner's 3 (Approved Landscape Plan) Additionally, there are landscape transition area requirements for fuel service stations. *See* **Memorandum Exhibit No. 1** (Section 405.4.A). Petitioner's 6 exceeds the County's landscape transition area requirements along Rolling Road. A ten (10) foot landscape transition area is required along road rights-of-way and Petitioner's 6 provides for a thirty (30) foot landscape transition along the site's Rolling Road frontage. (T. 10/4/07, pp. 111-112); *See also* Petitioner's 6.

Section 502.1.I: Detrimental to Environmental and Natural Resources of the Site and Vicinity in an RC2, RC4, RC5, or RC7 Zone

Section 502.1.I of the Zoning Regulations is not applicable to the subject property. No part of the site is zoned any of the Resource Conservation classifications to which this subsection of 502.1 applies. The site is zoned BL-AS. *See* Petitioner's 6.

II. Special Exception Area and Uses-in-Common

The Protestants contend that Petitioner was required to have the adjacent property owners approve its request for special exceptions. They argue that by showing on its site plan, Petitioner's 6, (l) the proposed special exception area extending over it's parcel boundaries (use-in-common drive aisle), and (2) by locating parallel parking spaces and underground fuel storage tanks on Petitioner's property but within a use-in-common travelway, Petitioner was required to have the adjacent property owner or owners sign off its Petition.

In support of this contention, Protestants introduced into evidence three documents: (a) a Deed dated June 15, 2006, by and between BP Products North America

Inc, Grantor, and J. K. Ghauri, Inc., Grantee (Protestants' 2); (b) a Reciprocal Easement Agreement with Covenants, Conditions and Restrictions, dated November 2, 2001, by and between Rolling Heights Lot A LLLP and Hampton-Reisterstown LLC (Protestants' 3); and (c) a Declaration of Covenants, dated November 2, 2001, by Rolling Heights Lot A LLLP (Protestants' 4).

These documents, rather than supporting the Protestants, complement the Petitioner's proposed site plan and request for special exceptions. These Protestants' exhibits must be read together, in para materia.

The Reciprocal Easement Agreement, Protestants' 3, establishes reciprocal cross easements on Lot A. Lot A for the purposes of this Agreement was referred to therein as Parcel A and Parcel B. Walgreens was to be located on Parcel B, which is in fact Lot 2-A, as shown on Protestants' 1, the "Amended Plat of Rolling Heights Business Park." Walgreens currently exists on Lot 2-A. Exhibit A, attached to Protestants' 3, delineates the legal description of Lot A and its resubdivision into Lots 1-A, 2-A, 3-A and 4-A. Attached also, as Exhibit B, is a site plan that shows the location for the then proposed Walgreens, which is immediately adjacent to lot 3-A.

The Declaration of Covenants, Protestants' 4, and dated the same day as Protestants' 3, also provides the same legal description of Lot A, see Exhibit A, and further sets out the use restrictions for Lot A. See Exhibit B. Exhibit B provides as follows:

> "...in the event that Amoco Oil Company, or any successor thereto ("Amoco") acquires Lot 3A of the Property, for so long as Amoco, or any successor thereto, is actively using the Property for such purposes, Lots 1A, 2A and 4A will be restricted from the use of conducting or carrying on the business of selling, is actively using the Property handling or dealing for use in internal combustion engines, gasoline, diesel fuel, kerosene, benzol, naphtha or other fuels. In

addition, for a period of ten (10) years, from the date of this Agreement, Lots 1A and 4A will not be used as a convenience store."

All the parties to these agreements, their successors and assigns, clearly understood that a fuel services station was intended for Lot 3-A and prohibited on Lots 1-A, 2-A and 4-A. The language of these Agreements is clear and unambiguous. There can be no question that all parties and their successors and assigns understood that the reciprocal easements, as shown on Petitioner's 6, were going to be used by the proposed fuel service station located on Lot 3-A. The use of these easement areas is not a zoning issue, rather these documents set out a scheme by which the individual property owners agreed to certain limitations on the use of their property. The Petitioner was not required to independently seek the other owners permission when applying for its special exceptions because by these documents permission was provided. The documents provide their permission by the recordation of the easements. They are all bound by them.

A fuel service station and uses in combination were always intended for the site. The site was ear-marked for fuel service.

Indeed, Protestants' 3, page 5, paragraph 2.4, "Reasonable Use of Easements," provides

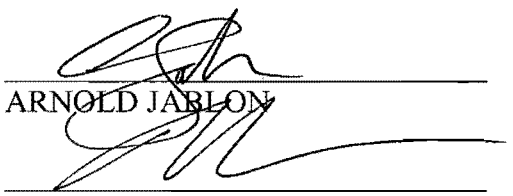
> (a) The easements herein above granted shall be used and enjoyed by each owner and its Permittees in such a manner so as not to ***unreasonably interfere*** with, obstruct or delay the conduct and operations of the business of any other Owner or its Permittees at any time conducted on its Parcel, including, without limitation, public access to and from said business, and the receipt or delivery of merchandise in connection therewith.
> **(emp. added)**

The Protestants ask this Board not to approve the requested relief because Walgreens did not literally sign off on the petition for special exception. They submitted the aforementioned exhibits allegedly in support of this contention. Unfortunately for the Protestants, the documents do no such thing. To the contrary, together they provide acceptance and acknowledgement of the uses permitted on these lots of record.

CONCLUSION

During the two days of testimony before the Board of Appeals, Petitioner demonstrated, through strong and substantial evidence, that it is entitled to the requested special exception relief. The Petitioner, therefore, respectfully requests that the Board of Appeals approve the Petition for Special Exception for the proposed fuel service station and uses in combination.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of December, 2007, a copy of the foregoing PETITIONER'S POST-HEARING MEMORANDUM was mailed, first-class delivery, postage prepaid, to Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, Maryland 21204-4098, Attorney for the Protestants.

ARNOLD JABLON

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for review. The Director of Permits and Development Management shall allow the Board a maximum of 30 days, before taking action, to comment on an alleged violation. **[Bill Nos. 51-1993; 74-1999]**

Section 405
Fuel Service Stations
[Bill No. 172-1993[2]]

405.1 Statement of legislative findings and policy.

A. Bill No. 40-1967 enacted six commercial districts (C.N.S., C.C.C., C.T., C.S.A., C.S.-1 and C.S.-2) and one industrial district (I.M.). One of the main purposes of the new commercial districts was to control the location of service stations and the uses associated with them. In 1975, the C.R. District was added to govern service stations and other commercial uses in rural areas.

B. While the C.T., C.C.C., C.R. and I.M. Districts have special use and bulk regulations which make each one unique, the remaining districts (C.N.S., C.S.A., C.S.-1 and C.S.-2) do not include provisions which make them distinct. As a consequence, the C.S.A., C.N.S., C.S.-1 and C.S.-2 Districts are consolidated into the automotive services (A.S.) District.

C. The design and operation of service stations has changed significantly and the provisions set forth in Bill No. 40-1967 no longer reflect contemporary business practices. Due to the rise of self-service stations, the number of businesses that "service" motor-vehicles by providing repair facilities has been steadily declining, while the number of stations with convenience stores or car wash operations has been increasing. To better reflect the evolving role of this use, the name of "automotive service station" is being changed to "fuel service station," and regulations which govern the permitted ancillary uses are being amended to reflect contemporary business practices and to facilitate the upgrading of existing stations.

D. It is the intent of this section to permit fuel service stations in accordance with the goals of the Master Plan and duly adopted community plans by requiring performance standards that will regulate their location and appearance as well as the additional uses which may be developed at such sites.

405.2 Locations in which fuel service stations are permitted.

A. A fuel service station is permitted by right subject to Section 405.4, provided that no part of the lot is within 100 feet of a residentially zoned property and is integrated with and located:

1. In a planned shopping center of which at least 20% has been constructed at the time the building permit for the fuel service station is issued, but not to

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

IN RE: **PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION**	*	BEFORE THE
WS Rolling Road, 170' SE of c/line of Dogwood Road	*	ZONING COMMISSIONER
(2202 Rolling Road)	*	OF
1st Election District	*	BALTIMORE COUNTY
1st Council District	*	**Case No. 07-082-SPHX**
J K Ghauri, Inc., Owner		
Petitioner	*	

* * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Special Hearing for the property located at 2202 Rolling Road. The Petitions were filed by Mr. Khalid Azam as legal owner.[1] Special Hearing relief is requested to confirm or determine that the previously approved special exception relief in Case No. 01-408-X (for a fuel service station on an individual site in combination with a convenience store with a sales floor area larger than 1,500 square feet and a roll-over car wash) has been utilized in accordance with the Baltimore County Zoning Regulations (B.C.Z.R.) Section 502.3 and to amend the site plan approved in Case No. 01-408-X to add service bays. In the alternative, Petitioner requests Special Exception approval pursuant to B.C.Z.R. Section(s) 405.2.B.1, 405.4.E.1, and 405.4.E.2 for a fuel service station on an individual site in combination with a convenience store with a sales floor area larger than 1,500 square feet and a roll-over car wash. The subject property and requested relief are more particularly shown on the site plan to

[1] As filed, the Petitioner identified Khalid Azam as legal owner on its site plan as well as on the Petitions filed in this case. At the public hearing, counsel for Petitioner explained that Mr. Azam is an officer of J K Ghauri, Inc., the legal entity in ownership of the property as evidenced by the deed. *See* Protestants' Exhibit 2. Petitioner's Exhibit 6 was redlined to reflect the current legal ownership correcting this discrepancy to the satisfaction of this Zoning Commissioner.

MEMORANDUM EXHIBIT NO. 2

Baltimore County
Fire Department

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

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

September 7, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 11, 2006

Item Number(s): 082

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File

MEMORANDUM EXHIBIT NO. 3

Section 259
Districts
[Bill No. 40-1967]

259.1 General. **[Bill Nos. 111-1968; 127-1994]**

In any district, the use, height, area and other regulations applicable in the underlying zone(s) or district(s) upon which the district is superimposed shall govern except as may specifically be enlarged, modified or limited by the district regulations in this section. In the case of conflict between the provisions of an underlying zone and overlaying district(s), the most recently enacted provision shall prevail.

259.2 Statements of legislative intent for districts.

(Compliance with a statement of legislative intent shall not, in itself, be sufficient cause to classify property within the district to which such statement applies.)

A. C.R. (Commercial, Rural) District. **[Bill No. 103-1988]**

1. The C.R. District is established to provide opportunities for convenience shopping and personal services that are customarily and frequently needed by the rural residential and agricultural population and tourists. It is intended that the C.R. District be applied only to areas where such facilities are not available within a reasonable distance, where sewerage treatment and a potable water supply can be provided without an adverse effect on the environment and neighboring uses, and where public roads are capable of handling the anticipated increase in traffic without adverse impacts on surrounding areas. The commercial centers within C.R. Districts are not intended to be regional facilities providing specialty goods to a population outside of the rural area.

2. C.R. Districts may be assigned to areas of commercial development beyond the urban-rural demarcation line for which C.R. District designation is recommended in the Master Plan. The underlying zone may be B.L., B.M., B.R. or R-O. The C.R. District may also be applied to land zoned R.C.5 which is adjacent to a C.R. District, provided that the location, configuration and physical characteristics of the site and the potential for access to an adequate public road make the land suitable for commercial development.

B. A.S. (Automotive Services) District. The A.S. District may be applied within the urban-rural demarcation line (URDL) to certain parcels of land zoned B.L., B.M. or B.R., which are appropriate for uses dominated by the parking and servicing of automobiles or characterized by frequent parking turnover, such as fuel service stations and car wash operations. Any land heretofore classified as C.N.S., C.S.A., C.S.-1 or C.S.-2 on the effective date of Bill No. 172-1993 shall hereby be classified an A.S. District. **[Bill No. 172-1993[8]]**

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[8] **Editor's Note: This bill repealed former Subsections E, F and G of this Section 259.2, which subsections contained the legislative intent for the C.S.A. (Commercial, Supporting Area) District; C.S-1 (Commercial, Strip) District; and the C.S-2 (Commercial, Strip) District.**

12/3/07

IN THE MATTER OF SPECIAL EXCEPTION WS Rolling Road, 170" SE of c/line of Dogwood Road	*	BEFORE THE
(2202 Rolling Road)	*	COUNTY BOARD OF APPEALS
J K Ghauri, Inc., Owner, Petitioner	*	OF
1st Election District 1st Council District	*	BALTIMORE COUNTY Case No. 07-082SPHX Case CBA 06-029

RECEIVED
DEC 03 2007
BALTIMORE COUNTY
BOARD OF APPEALS

* * * * *

PROTESTANTS' MEMORANDUM

NOW COMES Michael P. Tanczyn, attorney for the persons named on the Notice of Appeal as Protestants, of whom Jay Cohen, Grace Morissette, James Smith and Hazel Smith, and Horace Alexander and Marie Alexander, appeared at the hearing on the second day and additionally, Joan Brooks, had appeared on the first day of hearing.

Statement of the Case

Following approval of the Deputy Zoning Commissioner July 9, 2001, in Case No. 01-408-X involving the same property, for a Special Exception to allow a fuel service station and C-store and rollover car wash, the Petitioners subsequently applied for certain permits for which in the opinion of the neighborhood residents who were Protestants in that case the Special Exception had lapsed.

Case No. CBA 06-029 represented the Protestants' appeal of the issuance of building permits B-620946 and B-620948 for the subject property. Following the filing of that appeal, the Petitioners herein then filed Case No. 07-082-SPHX requesting zoning approval or alternative relief for the subject property. The Petition for Special Hearing requested to confirm or determine that the previously approved Special Exception in Case No. 01-408-X had been

utilized in accordance with Baltimore County Zoning Regulation 502.3 and to amend the site plan approved in that case to add service bays. In the alternative, the Petitioners requested a Special Exception approval for the site anew.

Procedural History

The Zoning Commissioner by Findings of Fact, Conclusions of Law and Order entered January 24, 2007, denied the Special Hearing relief regarding the previous approval granted in Case No. 01-408-X or to amend the site plan as approved in that earlier case. Petitioners appealed that decision to the Board of Appeals of Baltimore County. In that same decision the Zoning Commissioner granted the Petition for Special Exception for a fuel service station on an individual site in combination with a C-store and rollover car wash. Protestants herein appealed that part of his decision to the Board of Appeals of Baltimore County.

At the time of hearing the Petitioner on the record withdrew its appeal of the denial of Special Hearing relief mentioned above regarding the approvals previously granted in Case No. 01-408-X, and to amend that approved Petition to add service bays. Following that stipulation on the record by Petitioners, Protestants dismissed their appeal of the building permits in Case No. CBA 06-029. The case then proceeded only on the Petitioners' new request for a Special Exception for the subject site. The property was a 1.158 acre parcel located on the southwest side of Rolling Road south of the intersection with Dogwood Road, more particularly described as Lot 3A on the Second Amended Plat of Rolling Heights Business Park, Section 1, Phase 1, dated March 28, 2001, and recorded in the Land Records of Baltimore County in Plat Book SM 73, folio 137. The property was purchased by Deed June 15, 2006 by J. K. Ghauri, Inc. from BP Products North America, Inc. by Deed recorded in the Land Records of Baltimore County in

Liber 24085, beginning at page 227. The property was found to be subject to reciprocal Easement Agreement with Covenants, Conditions and Restrictions entered into November 2, 2001 between Rolling Heights Lot A, LLP and Hampton-Reisterstown, LLC. The entire three lot subdivision at the time of hearing had been developed with a Walgreen's on the southwest corner of the intersection of Dogwood and Rolling Roads, and to the south of the subject property on Rolling Road, an auto parts store. The aforementioned Declaration of Easement Agreement with Covenants, Conditions and Restrictions provided a grant of reciprocal easements in Section 2.1 to provide for the passage of motor vehicles and pedestrians between common areas of the three parcels as more particuarly described in Section 2.1(a) with access openings more particularly described in the document in Section 2.3. The provision in Section 2.3, stated, "the access opening shall in no event be blocked, closed, altered, changed or removed and shall at all times remain in place as shown on the site plan." The site plan attached to those documents had been prepared by Morris & Ritchie Associates and was marked as Exhibit B setting forth the site plans. The said easements under Section 3 Maintenance in Section 3.2 required each parcel owner to remove all paper, debris and other refuse from and periodically sweep all parking and road areas to maintain the same in a clean, safe and orderly condition. Modification provisions in Section 3.2 regarding common areas specifically prohibited a reference to Section 2.1(a) the closure, material impairment of the driveway, ingress and egress, or blocking same. That agreement was introduced at the Board as Protestants' Exhibit 3. Section 9.6 of that agreement set forth that the covenants ran with and bound the land.

Statement of Facts

Jeffrey S. Bainbridge testified as a consultant for Mr. Azzam. His prior involvement with

the site while working previously for BP Products North America had been for the prior Petitioner. He testified there were 7800 employees within a one mile radius of this site. He testified that the Special Exception granted in Case No. 01-408-X, after it had been granted, had not included any request for extension thereafter. He testified the current request added a T-canopy to the building which was 300 feet larger and added two service bays. He confirmed that no service bays had been requested in 2001 and he testified that he believed the site was flat topographically.

His testimony was followed by that of William P. Monk, Professional Land Planner with Morris & Ritchie Associates who had prepared the site plan and taken some pictures. The testimony revealed that the subject property was a rectangularly shaped parcel with two existing vehicular access points on Rolling Road which had been provided since the development of the Walgreen's and the service auto parts store building including a common area driveway which parallels Rolling Road to the front of the subject property. He confirmed that the Petitioners had requested and he had designed two additional service bays to be connected to the proposed C-store with access from the rear of the building in which the proposal was to perform oil changes, tune-ups and similar services with no major engine repair or auto body work to be performed on site.

The property was found to be zoned BL-AS, Business Local-Automotive Service. After describing the site through the site plan, when cross examined, Mr. Monk acknowledged that the parking spaces proposed within the common area access easement were not in accordance with the access requirements of BCZR Section 409 in that there was not provided on the site plan 22 feet two way traffic aisles as shown on the site plan for the portion of the common access

driveway parallel to Rolling Road between the parking spaces and the stacking spaces for the fuel dispensing pumps. He acknowledged that the stacking spaces represented an obstruction of the two way traffic provided there. He further acknowledged on cross examination that the site plan claimed as part of the Petitioners' site the common area driveway for the special exception adjacent to Walgreen's. He further acknowledged that the two way traffic shown on the site plan towards the rear of the Petitioners' site would cause incoming traffic from Rolling Road to have to cross over outgoing traffic in order to join the stacking line to enter the car wash at the rear of the site. He also acknowledged that the stacking spaces shown for the car wash also obstructed part of the two way traffic guaranteed under the reciprocal access agreement causing a traffic congestion or choke point. He also acknowledged on cross examination that vehicles leaving the car wash tunnel would also be pulling out directly into the guaranteed two way traffic under the common easement area from Rolling Road for the access area between the Petitioners' site and the auto repair site. On both side yards of the Petitioners' site, the Special Exception limits on the site plan included areas on the Petitioners' site plan which were not part of his deeded access under the common area reciprocal agreement.

Despite all of those acknowledgements, he claimed in his opinion that the property met all the requirements of BCZR Section 502.1 for approval of a Special Exception. During the presentation of the Protestants' case, the Petitioners entered into a stipulation that should the Board of Appeals approve the Special Exception, the conditions imposed by the Zoning Commissioner in his prior approval as to conditions 2 and 3 limiting hours of operation, the rollover car wash and two service garage bay would be limited to 7:00 a.m. to 10:00 p.m. and that the Petitioners would not be permitted to install any outdoor loudspeakers on the property in

connection with the Special Exception use proposed. That stipulation was accepted by the Board in the course of Protestants' case.

Protestants' witnesses included Grace Morissette who had resided across the street from the subject site at her home at 2117 N. Rolling Road for 43 years. She testified as to the lack of reasonable access to Rolling Road from the residential area opposite the subject site, the vehicle speeds on Rolling Road, and the danger to residents caused by the traffic conditions including traffic stopped to make turns into and out of the subject site, as well as the extensive rush hour backups, both morning and evening, which occur from the Dogwood Road intersection to south of her property. Her testimony was followed by that of Marie Alexander, who has resided at 2111 N. Rolling Road since 1999. In her testimony concerning the traffic in the area, she testified that her family would not come to visit her because of the traffic problems which remove all permitted parking as a reasonable option. She testified the traffic conditions were worse now than when she had moved there. She testified three to four years previously during the summer time when her niece came to pick her up her vehicle was hit and driven up the street while legally parked in front of Ms. Alexander's home. She testified she comes home from work at 1:00 p.m. She can't get in the driveway, even when she puts her flashers on, to try to get access. Her husband, Horace Alexander, testified and corroborated her testimony.

Next, James Smith testified that he lived in the neighborhood and had retired there from New York. He testified his wife cannot sleep because of the traffic volumes and that the cars running past his home are easily traveling 50 to 60 mph. That situation continues to occur even though the police give tickets out. He testified rush hour begins in that neighborhood at about 6:00 a.m. and can extend traffic at its peak from the light a quarter to a half a mile from

Dogwood Road down past the subject site. He testified about an accident he observed in which an ambulance had turned over just south of the site approximately 4:00 p.m. and that he had seen an accident in that same difficult area south of the Petitioners' site on Rolling Road the previous weekend before the hearing involving three cars in an accident which occurred in the middle of the day at 2:30 p.m.

Jay Cohen next testified that he had lived in the neighborhood first at his home at 2119 N. Rolling Road in November 1977 continuously until 1994 when he moved for a period of approximately six to seven years from the neighborhood. He had returned to the neighborhood in 2001 and continues to live there to the present. He testified his home is unsalable due to traffic and trash. He testified extensively as to pictures he had taken of problems in the neighborhood which were admitted as pictures 12A through 12EE.

Those pictures accompanied his testimony concerning traffic conditions which he considered dangerous and unsafe which endangered anyone who were to attempt to park their car on Rolling Road in the hours permitted which he testified is as bad as it has ever been at the present time. He also showed pictures involving debris from large vehicles hitting limbs and traffic barrels put out by the Department of Highways 12J, K, L. He testified about tractor trailers parking blocking Rolling Road in the vicinity of his home and blocking driveways. He testified as to accidents occurring in the turn lanes which he had pictures of to the Petitioners' site. He testified about accidents which had occurred right before his home in which rear ended a Metro car into his car showing the police and medic response. He identified pictures showing hot dog vendors working on the commercial site across the street and numerous instances of patrons of Advance Auto working on their vehicles in the lot. His additional pictures since the

prior hearing before the Zoning Commissioner were admitted as Exhibits 13A through H and included additional vehicle accidents which had occurred in January 2007 near 2109 N. Rolling Road and a tractor trailer which had parked in front of his house as well as additional trash, pictures taken in April of 2007.

Mr. Cohen testified from a basis of knowledge and eloquently about the problems which continue to besiege the neighborhood residents which he testified would be exacerbated if the Petitioners' site was allowed to be developed as proposed. He pointed out that the Petitioners' site was a tight site based on the acknowledgements made by Mr. Monk and was very busy with the C-store, 24/7 gas pumps, and car wash and repair facility. Both he and Ms. Morissette, as well as the other Protestants' witnesses before the Board of Appeal, testified about the vehicular cut-throughs from Rolling Road through the Petitioners' site made by persons traveling Rolling Road who did not want to wait in traffic in order to go west on Dogwood Road. The Board was told of the elementary school located just west of the commercially zoned land and the industrial park on Dogwood Road, as well as the large HCFA site which had been moved here from the Social Security complex years ago.

Testimony was also presented to the Board by Protestants' witnesses of their personal knowledge that the residential community immediately south of the auto parts store had obtained one way designation for their interior streets to prevent the HCFA facility from using their neighborhood to get to Security Boulevard and to discourage traffic from Rolling Road from attempting to make short cuts through their community to avoid traffic buildups. All of Protestants' witnesses talked about accumulations of trash and debris at present without the Petitioners' site being in place which from the Walgreen's and the auto parts store users which

they feared would only increase if the Petitioners' proposal were approved.

Petitioners also called Mickey Cornelius of the Traffic Group who testified that while Rolling Road carries more than 40,000 cars Monday to Friday per day it does not meet the Baltimore County definition of an arterial street in that the speed limits on Rolling Road are not at least 40 mph and are not uniformly at least four lanes wide.

Arguments

PETITIONERS' PLAN DOES NOT MEET THE REQUIREMENTS OF BALTIMORE COUNTY ZONING REGULATIONS AS TO ACCESS OR TRAFFIC SAFETY AND IS AN EVEN BUSIER SITE THAN THAT PROPOSED IN 2001 IN CASE NO. 01-408-X.

In this case, Petitioners' witness, William Monk, testified that the Petitioners' plan for the site in his opinion met all of the requirements of Section 502.1 of the Baltimore County Zoning Regulations. He testified that that was the case before acknowledging, on cross examination, that his parking spaces proposed on the Petitioners' site plan to the front of Petitioners' site were located in a reciprocal easement area in which the Petitioners, as a successor in interest to the property, had covenanted not to block or impede the two way traffic provided. He had further acknowledged in his testimony that contrary to BCZR 409.4 that the property did not provide adjacent to those parking spaces 22 foot aisles for two way traffic as proposed on the Petitioners' plan. He had further barricaded the parking spaces at either end of the front of Petitioners' site in violation of the reciprocal easement agreement which called for those areas to be kept open and unblocked. He had further not provided on the plan 22' wide clear two way traffic aisles because of the stacking spaces required for the multiple fuel dispenser pumps as shown in front of

Petitioners' C-store.

All of these failings in his plan should be considered by the Board which should deny approval of the Petitioners' plan which patently does not meet the minimum requirements of the Baltimore County Zoning Regulations and directly violates the requirements for the common area free access for not only vehicles being driven to the Petitioners' site but also to the adjacent users of Walgreen's and the auto parts store. The Board will recall that Mr. Cornelius had not been asked to study by the Petitioners the interior traffic circulation for the Petitioners' site as part of his testimony.

Based on Mr. Monk's other testimony, the Board should be concerned for traffic safety based on the Petitioners' site plan which illustrated the following problems:

A. Petitioners claimed for purposes of the Special Exception the adjacent properties which it did not own in which it cannot restrict or put controls on without the permission of the adjoining property owners. In effect, the Petitioners' attempt to embroider on its legal holdings is illustrative and a tacit acknowledgement by Petitioners that its busy, overcrowded site, cannot accommodate two way traffic safely. Further indication that two way traffic cannot be accommodated or in the alternative that all of the activities that Petitioners seek approval for cannot be safely operated at this site is found in the stacking for the rollover car wash spaces. Mr. Monk's unavailing attempts to dodge the question about whether the cars in the stacking spaces were located partially in the reciprocal easement common area for traffic coming in from the T-bone access at Rolling Road should give the Board pause. The Board in its experience in hearing these kinds of cases is well aware that the use of a T-bone access point is an attempt to make a difficult situation safer, not more dangerous by utilizing a pork chop right turn in and out

access as is the case at the common access point adjacent to the Walgreen's and the Petitioners' site.

Because the entrance to the rollover car wash, with its stacking spaces fills from that side, persons wishing to wash their vehicles at the Petitioners' site will be coming in that right turn ingress from Rolling Road and then having to cross outgoing traffic from the Petitioners' site and from the other common area users including Ms. Desserts from the rear in order to get over into the stacking lane space which, according to Petitioners' plan, will be co-located in the common ingress/egress area.

B. Because of the Petitioners' trying to put too many uses on this site results in bulging outward in trying to provide traffic access to the stacking areas. The stacking areas impede and obstruct not only at the car wash stacking entrance but also at the pump dispensers in the front the proposed two way access for travel which requires 22 foot width which is not provided free and clear.

C. Upon exiting the car wash tunnel which has zero side site distance, the freshly washed car with water on the windshields will then have to cut across the dedicated common area ingress in order to exit the car wash and then choose if the driver wishes to do so either a drying space which requires a left turn across traffic, or to enter the service area or C-store, both of which will be cross traffic movements. The site is not well designed to safely accommodate any of those activities.

Surely the Board of Appeals, when it considers the testimony of the neighbors who have lived with horrendous traffic conditions which impact their quality of life on a daily basis, will conclude their fears concerning what is going to happen with traffic trying to come out of or into

the Petitioners' site, given the multitude of activities proposed by Petitioners' for his site, are well founded. The Protestants' fears are not speculative. They have documented over an extensive period of time the danger at this particular site in keeping with the admonition in the case of Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981), to show adverse effects at this site over and above what those adverse effects would be at another location in the zone.

The neighboring property owners and neighbors in the immediate neighborhood have both testified as to the horrendous traffic conditions and the effects that those traffic conditions have on their day to day lives.

The position of the Petitioners before the Board may be fairly summarized as that of a petitioner who doesn't care what happens to the neighbors or their neighborhood as long as he gets his commercial multi-activity venture approved. The Board will recall from Mr. Bainbridge's testimony that the Petitioner herein presently has a gas and go with a C-store up at Windsor Mill Road and Rolling Road namely, the Exxon Tigermart. At some point in time, all of the testimony which the Board hears in this case which is similar to what the Board has heard in other cases, particularly in this immediate area, must resonate. There must be a tipping point. There must be a straw which in the opinion of the Board goes and breaks the camel's back. The Petitioner's plan, Protestant's submit, is that straw.

An expert's opinion is only as good as the underpinnings for the opinion. If an expert does not bother to even study a question, that expert's opinion on the question should only be considered by the Board based on the effort put forth by the expert prior to answering the question. Mr. Monk's opinion that the Petitioners' plan meets all requirements of 502.1 and 405.4(a)(3) Access, Internal Circulation and Vehicle Reservoir Capacity is to be questioned and

should be rejected by the Board where Mr. Monk's own plan doesn't meet the requirements of the BCZR for safe access and placement of stacking and exit traffic due to the failure to provide unencumbered, unobstructed 22 foot two way traffic aisles as required by the BCZR. All of the horrendous traffic conditions testified to the Board at length by the various Protestants' witnesses will be visited on this site.

The Schultz v. Pritts standard was cited with approval fairly recently in the case of AT&T Wireless Services v. Mayor and City Council of Baltimore, 123 Md.App. 681, 720 A.2d 925. In that case the Court cited with approval the testimony before the hearing board that alternative sites had been studied and that less intrusive sites had been identified for consideration. That simply did not occur in this case, nor was there any contention by the Petitioner that they attempted to do so before expressing their opinions. In Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981),

> "The duties given to the Board are to judge whether the neighboring properties and the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan...The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious and illegal. These standards dictate that if a requested special exception use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied." Schultz, supra, 291 Md. at 11-12, quoted with approval in AT&T Wireless, supra, at 691-692.

The Court of Special Appeals continued its analysis saying:

> "In short the test, as developed in *Schultz* is not whether a special exception is compatible with permitted uses in a zone or whether a conditional use will have adverse effects. Adverse effects are implied in all special exceptions. The standard to be considered by the Board is whether the adverse effects of the use at the particular location proposed would be greater than the adverse effects ordinarily associated with that use elsewhere within the R-1 zone." Mossburg v. Montgomery County, 107 Md.App. 1, 8-9, 666 A.2d 1253 (1995), cert. denied, 341 Md. 649, 672 A.2d 623 (1996); AT&T Wireless, supra, at 692, quoting Schultz.

On the issue of adverse effects, the ground level pictures concerning traffic at the intersection presented by Protestants are at odds with those submitted by Mr. Cornelius or Mr. Monk. In the case of Protestants, their pictures were taken showing actual conditions and are undisputed. They, as well as the aerial exhibits introduced in Petitioners' case, give the Board a bird's eye macro view as well as on the ground comparison of the traffic conditions on Rolling, Dogwood and related community streets.

Conversely, Petitioners' witnesses had not observed much of what Protestants testified to, nor had they made a reasonable study to discover the true conditions before expressing their expert opinions under Section 502.1. The matter of considering adverse impacts on a particular site against the adverse effects if the site were to be located elsewhere in the zone was considered under the aforesaid Schultz v. Pritts standard in the case of People's Counsel for Baltimore County v. Country Ridge Shopping Center, Inc., 144 Md. App. 580, 799 A.2nd 425. (2002). That case dealt with a proposed location of a pawn shop in the eastern area of Baltimore County. In that case, the Board of Appeals concluded the pawn shop would have an unduly adverse impact in the intended location. People's Counsel, supra, at 585-586. In this case the necessary work to identify or to rebut any of Protestants' witnesses concerns about adverse effects was not

done by any of Petitioners' witnesses, expert or not.

The Court of Special Appeals in the pawn shop case differentiated between its earlier decision finding the Baltimore County Government had been unduly restrictive in their construction of the exemption for relocation of existing pawn shops from the need of any special exception applicant to otherwise meet the requirements of Schults v. Pritts. People's Counsel, supra, at 587. The Court said in that case as in all zoning cases, "we will accept the agencies conclusions (Board of Appeals) if they are based on substantial evidence and if reasoning minds could reach the same conclusion based on the record." People's Counsel, supra, at 593. As applied to the current case, the Petitioner's paid their lip service to Shultz v. Pritts requirements having determined before submitting its application that it wanted a particular site to be approved next to or very close to an identical operation which had operated for five years to the time of hearing. When the Board of Appeals considers Petitioner's request, it is to draw all reasonable inferences from facts and circumstances presented before it in reaching its conclusion as to whether the Petitioner has met its factual burden. People's Counsel for Baltimore County v. Mangione, 85 Md.App. 738, 584 A.2d 1318 (1991). Further, the assessment of the adverse effects is to be made on a case by case analysis and the zoning body in the application of this expertise is to recognize the effects of the proposed use that it considers common to that use regardless of where it may be located in the applicable zone. Sharp v. Howard County Board of Appeals, 98 Md.App. 57, 632 A.2d 248 (1993).

The facts and circumstances showing the adverse effects on the community were testified to by Mr. Cohen, Ms. Morissette, the Alexanders, and the Smiths. Those problems were studiously ignored by Petitioners' witnesses as well as Petitioners' through its representatives.

The provisions of BCZR Section 502.1 were not met by Petitioners because of the inadequacies pointed out in Petitioners' plans which do not even meet the minimum standards set forth in the BCZR Section 409 for safe vehicle travel lane widths. Petitioners' plan further violates the restrictions and obligations of the easement agreement which require unblocked, two way traffic access in the front of Petitioners' site, even in the areas where they propose to fill fuel storage tanks. If the Protestants' current concerns are not heard in this case, then the guidance from prior zoning cases decided by the Appellate Courts will have to be ignored. The Court of Special Appeals has found and recognized that traffic impact is a sufficient basis to deny a zoning application including an application for a special exception. Templeton v. County Council, 21 Md.App. 636, 321 A.2d 778 (1974), Temmink v. Board of Zoning Appeals, 212 Md. 6, 128 A.2d 256 (1956), Hardesty v. Zoning Board, 211 Md. 172, 126 A.2d 621 (1956), quoted with approval in Schultz v. Pritts, supra, at 18.

Conclusion

For the authorities cited, Protestants respectfully request the Board of Appeals to deny the Special Exception.

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, MD 21204
410-296-8823
Attorney for Protestants

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 3rd day of December, 2007, a copy of the foregoing Memorandum was sent First Class Mail, Postage Prepaid, to Arnold Jablon, Esquire, and David Karceski, Esquire, Venable, LLP, 210 Allegany Avenue, Towson, MD 21204, Attorneys for the Petitioner.

Michael P. Tanczyn

LAW OFFICES
MICHAEL P. TANCZYN, P.A.
Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204
Phone: (410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827
Email: mptlaw@verizon.net

December 3, 2007

HAND DELIVERED

RECEIVED
DEC 0 3 2007
BALTIMORE COUNTY
BOARD OF APPEALS

County Board of Appeals of Baltimore County
Attn: Kathleen C. Bianco, Administrator
Old Court House, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Case 07-082SPHX
Case CBA 06-029

Dear Kathy:

Enclosed please find original and three copies of Protestants' Memorandum as requested by the Board for filing.

Very truly yours,

Michael P. Tanczyn, Esquire

MPT:kds
Encl.
cc: Mr. Jay Cohen
Ms. Martha Morissette
Arnold Jablon, Esquire

LAW OFFICES
MICHAEL P. TANCZYN, P.A.
Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204
Phone: (410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827
Email: mptlaw@verizon.net

February 16, 2007

The Honorable Timothy Kotroco, Esquire
Room 109
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Petitions for Special Hearing and Special Exception
Case No.: 07-082 SPHX

Dear Mr. Kotroco:

Please enter an appeal from the Decision and Order of the Zoning Commissioner, dated January 24, 2007, only as to his granting of the Petitioner's Request for Special Exception in zoning case No.: 07-082, on behalf of the Protestants, whom I represent. Their names and addresses are the same as on the list, which was submitted to the Zoning Commissioner and to Petitioner's counsel at the time of hearing, and are incorporated herein by reference, without repetition

Thank you for your anticipated cooperation with this request.

Very truly yours,

Michael P. Tanczyn, Esquire

MPT/cbl
Encl.
cc: Protestants
Arnold Jablon, Esquire

RECEIVED
FEB 16 2007
Per.

1/24/07

IN RE: **PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION** WS Rolling Road, 170' SE of c/line of Dogwood Road **(2202 Rolling Road)**	*	BEFORE THE ZONING COMMISSIONER OF
1st Election District 1st Council District	*	BALTIMORE COUNTY
	*	**Case No. 07-082-SPHX**
J K Ghauri, Inc., Owner Petitioner	*	

* * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Special Hearing for the property located at 2202 Rolling Road. The Petitions were filed by Mr. Khalid Azam as legal owner.[1] Special Hearing relief is requested to confirm or determine that the previously approved special exception relief in Case No. 01-408-X (for a fuel service station on an individual site in combination with a convenience store with a sales floor area larger than 1,500 square feet and a roll-over car wash) has been utilized in accordance with the Baltimore County Zoning Regulations (B.C.Z.R.) Section 502.3 and to amend the site plan approved in Case No. 01-408-X to add service bays. In the alternative, Petitioner requests Special Exception approval pursuant to B.C.Z.R. Section(s) 405.2.B.1, 405.4.E.1, and 405.4.E.2 for a fuel service station on an individual site in combination with a convenience store with a sales floor area larger than 1,500 square feet and a roll-over car wash. The subject property and requested relief are more particularly shown on the site plan to

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Date 1-24-07
By DSJ

[1] As filed, the Petitioner identified Khalid Azam as legal owner on its site plan as well as on the Petitions filed in this case. At the public hearing, counsel for Petitioner explained that Mr. Azam is an officer of J K Ghauri, Inc., the legal entity in ownership of the property as evidenced by the deed. *See* Protestants' Exhibit 2. Petitioner's Exhibit 6 was redlined to reflect the current legal ownership correcting this discrepancy to the satisfaction of this Zoning Commissioner.

accompany the Petitions for Special Hearing and Special Exception, which was accepted into evidence and marked as Petitioner's Exhibit 6.

Appearing at the requisite public hearing in support of the requests were Khalid Azam and Abida Azam on behalf of J K Ghauri, Inc., legal owner/Petitioner. Testifying on their behalf were Jeffrey S. Bainbridge, a land acquisition specialist and consultant for the previous legal owner Eastern Petroleum Corporation; William P. Monk, professional land planner with Morris & Ritchie Associates, Inc., who prepared the site plan; Glenn Cook, traffic engineer with The Traffic Group, Inc. and Arnold Jablon, Esquire and David H. Karceski, Esquire, attorneys for the Petitioner. Appearing in opposition to the Petitioner's request were many residents of the surrounding community, the majority of them represented by Michael P. Tanczyn, Esquire, namely M. Grace Morissette, Jay E. Cohen, Tonia A. Gardner, Al and Ruth Rackus, Nadirah Bradley, Joan A. Brooks, Doranna Leskins, George Wise, James Schriefer, William and Virginia Mann, Carol A. Castle, Cecil Cupid, Maria Johnson, Michael Kerr, Ralph Brock, John Stilling, Jr., Patricia Coby, James and Hazel Smith, Horace and Marie Alexander.[2]

Testimony and evidence indicated that the subject property is a rectangular shaped parcel located adjacent to and west of Rolling Road within the Rolling Heights Business Park with frontage on Rolling Road, just south of its intersection with Dogwood Road in western Baltimore County. Two existing vehicular access points on Rolling Road have been provided and now serve the property. A new BP Connect gasoline service station with a convenience store and roll-over car wash as uses in combination is proposed. Additionally, Petitioner designed two service garage bays connected to the proposed convenience store with access from the rear of the building. Testimony indicated that these service bays will provide vehicle maintenance services

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Date 1-24-07
By BJS

[2] Subsequent to the second hearing date on December 19, 2006, this Zoning Commissioner received a letter from Mr. Tanczyn, dated January 3, 2007, by which he indicates that Mr. Leonard Spencer and Mrs. Ruth Spencer, who reside at 7028 Glen Spring Road, are participants in this case in addition to those individuals already noted above.

to patrons in the form of oil changes, tune-ups, and other similar services but that no major engine repair or auto body work will be performed on-site. With regard to signage, the site plan provides for a ground-mounted, free-standing sign to be installed centrally along Rolling Road. Through testimony, Petitioner indicated that it would decide whether to erect a ground-mounted or pole-mounted sign, if the requested relief for the use is granted. A review of sign regulations contained in B.C.Z.R. Section 450 indicates that either type of free-standing sign is permitted by right on the property.

As more particularly shown on Petitioner's Exhibit 6, the subject site is approximately 1.158 acres, more or less, zoned B.L.-A.S. (Business, Local – Automotive Service). The B.L. zoning classification permits and promotes business uses of property in this zone and the A.S. overlay district promotes automotive-related uses, including fuel service stations. Area photographs, marked as Petitioner's Exhibit 9(a) through 9(d), an aerial photograph, marked as Petitioner's Exhibit 8, and a panoramic photograph, marked as Petitioner's Exhibit 10, make clear the commercial and industrial nature of the area that surrounds the site on three of its sides.

By way of brief history, the property was formerly zoned M.L.R. (Manufacturing, Light, Restricted). As a result of the 2000 Comprehensive Zoning Map Process, the County Council rezoned the property to B.L.-A.S. *See* Petitioner's Exhibits 2 and 3. Following that rezoning, in Case No. 01-408-X (the "2001 Case"), the then Deputy Zoning Commissioner, Timothy M. Kotroco, granted a special exception for a fuel service station on an individual site and a convenience store and carry-out restaurant as uses in combination with the fuel station use. He noted the character of the surrounding area in his Findings of Fact for that case indicating that "[i]ntense development of this corner has occurred by virtue of the County Council changing the zoning on the property from its prior designation as M.L.-I.M. to its current designation of B.L.-

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Date 1-24-07
By SAH

A.S." He further provided in his opinion that, "[b]y virtue of the change in zoning, the retail development of the property has proceeded." *See* Petitioner's Exhibit 4, p. 2.

In the instant case, residents of the surrounding community attended the public hearing and testified to make clear their opposition to Petitioner's proposal. Likewise, in Case No. 01-408-X, many residents from the surrounding community appeared in opposition to Petitioner's petition for special exception filed in that case. Mr. Kotroco noted in his Order in the 2001 Case the concerns of Protestants, which were as follows:

> "[t]he cumulative testimony of the Protestants demonstrated that the traffic in this particular area has become congested and is difficult to negotiate. These residents particularly object to another gas station coming into their community when there are others in operation just a short distance from the site. Furthermore, they feel that the development of this property in a commercial fashion will cause a devaluation of their property and not be in character with the existing residential homes." *See* Petitioner's Exhibit 4, p. 3.

The community concerns of those that attended the prior special exception case for the property are those same concerns raised again during the public hearing in the instant case. Specifically, those in opposition to the requests filed in the instant case raised the following existing conditions in the area of the site as concerns: (1) lack of convenient access to Rolling Road from the residential area opposite the subject site; (2) noise that emanates from the traffic on Rolling Road; (3) vehicle travel speeds on Rolling Road; (4) foot traffic in the neighborhood and increased vandalism as a result of the existing commercial uses in the area; (5) trash and debris that collects on front lawns of residences along Rolling Road; and (6) the general inconvenience that existing commercial uses on Rolling Road cause their neighborhood. While I can appreciate the concerns raised and the challenges they present on a day-to-day basis to the residents of the immediate area, these conditions

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By

admittedly existed at the time of the hearing in Case No. 01-480-X and exist today, without a fuel service station on the subject site.

Petition for Special Hearing

Through its Petition for Special Hearing, Petitioner seeks confirmation that the special exception relief granted in Case No. 01-408-X was utilized within the required time period, pursuant to Section 502.3 of the Zoning Regulations.[3] According to B.C.Z.R. Section 502.3, the Zoning Commissioner shall set the time period from the date of special exception approval within which it must be utilized. If a time period is not noted in the zoning order, it shall be two (2) years from the date of the final order granting the relief. Of course, the Zoning Commissioner may consider requests for extensions to the utilization time period but the extension or extensions may not exceed five (5) years from the original order date. In the 2001 Case, no time period for utilization was identified and, therefore, the critical date was two (2) years from the date of Deputy Zoning Commissioner Kotroco's Order issued in the case. *See* B.C.Z.R. Section 502.3. At no point within this two (2) year period did the then Petitioner file a request to extend the time period for utilization of the special exception approved.

The regulations further provide an explanation of the term "utilization" contained in the section. Utilization means commencement of construction "thereafter pursued to completion with reasonable diligence." *See* B.C.Z.R. Section 502.3. This Zoning Commissioner reads this to require that construction, pursuant to a special exception order, shall start prior to the identified outside date and continue to completion through the best efforts of Petitioner.

First to testify regarding this issue and the Petition for Special Hearing, Counsel produced Jeffrey S. Bainbridge, Petitioner's independent consultant. *See* Petitioner's Exhibit 1. Prior to

[3] In Case No. 01-408-X, relief was requested by and granted to the petitioner in that case, BP Amoco. Following the hearing and issuance of the 2001 Case order, BP Amoco conveyed the property to J K Ghauri, Inc., Petitioner in the instant case. *See* Protestants' Exhibit Nos. 1 and 2.

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Date 1-24-07
By RJA

his present position, Mr. Bainbridge was employed by BP Amoco Corporation for thirteen (13) years and worked on this project. As such, Mr. Bainbridge testified that he is intimately familiar with the zoning history for this property as well as the site work performed in furtherance of establishment of a fuel service station on the property. I have considered his testimony and the exhibits presented through Mr. Bainbridge evidencing that grading, curbing and landscaping had taken place at the site but find this however does not satisfy the "utilization" requirements for the approval received in the 2001 Case. Specifically, it is my determination that construction of the fuel service station was not pursued with reasonable diligence, as required by Section 502.3 of the Zoning Regulations. On this basis, I will deny the Petition for Special Hearing filed in this case and will next address Petitioner's special exception request filed in this case for a reapplication of the proposed fuel service station use and the uses in combination with it.

Petition for Special Exception

In support of the approval of the instant special exception, Petitioner offered Mr. Bainbridge, William P. Monk, a principal of Morris & Ritchie Associates who supervised the site planning and preparation of the site plan, and Glenn Cook, Vice President and Traffic Engineer with the Traffic Group. Mr. Bainbridge testified that he has visited the site "countless times" since his first involvement with it in 1999. He identified the subject property as located along one of the County's arterial roadways (Rolling Road) and in the immediate vicinity of numerous commercial and industrial uses. Minor revisions to the site plan approved in the 2001 Case were identified, including the addition of the service bay area to the rear of the convenience store building. Additionally, Petitioner made the request for either a ground-mounted or pole-mounted sign along Rolling Road. Mr. Bainbridge explained that, in his experience, patrons of the proposed fuel service station will primarily be those that live and work in the area explaining

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Date 1-24-07
By DRJ

that "people don't go out of their way for gasoline." Next, Petitioner produced Mr. Monk to testify regarding his involvement with this site since 1999, adjacent commercial utilization, and the burden of proof for this special exception use as required by Section 502.1. It was Mr. Monk's expert opinion that the site intersection of Rolling and Dogwood Roads is a "major crossroads" for this area of the County and, as such, the existing traffic volumes are high. Mr. Monk addressed the suitability of a fuel service station at this location and formulated his expert opinion that all the requirements of Section 502.1 have been met by this proposal. It was clear from Mr. Monk's testimony that the proposed special exception uses certainly will not cause any greater adverse effects at this location than elsewhere in the same zone. Following Mr. Monk's testimony, Glenn Cook, traffic engineer, testified on behalf of Petitioner. Mr. Cook testified that the proposed special exception use is not a traffic generator, rather it chiefly captures what he referred to as "passer-by trips." In other words, the vast majority of Petitioner's patrons already use the surrounding roadways now; this use will not create a significant amount of trips on Rolling and Dogwood Roads. In Mr. Cook's opinion, this fuel service station and uses in combination will, therefore, not tend to create congestion in the surrounding roads, streets or alleys or have an adverse impact on the health, safety and welfare of the surrounding community, consistent with the testimony offered by Messrs. Monk and Bainbridge.

I have considered the testimony and evidence offered by Petitioner as well as all the testimony of Mr. Tanczyn's clients who appeared in opposition to this proposal, many having lived in this area for over forty years. I do not take lightly the existing problems identified by those individuals living in the nearby residential community and who gave up their time to appear and testify before me. The commercialization of Rolling Road in this area as well as the high volume of automobiles that utilize the surrounding roadways are, as testified to by

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Date 1-24-07
By DSB

protestants, responsible for these existing conditions. I also recognize that collection of trash and debris from commercial uses in the area that ends up on the lawns of those residences along the roadway is by no means appealing to anyone. Additionally, incidents of vandalism and the safety of neighborhood children are also concerns which are unfortunate and not welcome in any residential community. I do, however, find that the instant special exception to allow a fuel service station in combination with a convenience store and roll-over car wash should be approved for the property. It should be noted that there were no adverse Zoning Advisory Committee (ZAC) comments received by the County reviewing agencies and Petitioner's proposal is consistent with the adjacent and other existing commercial uses in the immediate area of this site. It cannot be overlooked that the County Council rezoned the subject site to accommodate this particular commercial operation.

I will, therefore, (1) deny the special hearing request with regard to the special exception approved in Case No. 01-408-X for the reasons stated above, and (2) grant the relief requested by way of the Petition for Special Exception in the instant case to permit the proposed fuel service station, convenience store and roll-over car wash. Petitioners have met their burden of proof outlined in B.C.Z.R. Section 502.1 and *Schultz v. Pritts* 432 A2d 1319 (1981) for approval of the special exception. As noted above, the use is consistent with the purposes of the property's zoning classification, and it is not in any way inconsistent with the spirit and intent of the B.C.Z.R. In approving the Petition for Special Exception, I am satisfied that Petitioner has shown that this special exception use will be operated without any additional real detriment to the surrounding neighborhood. I will, however, impose certain conditions on the operation of Petitioner's fuel service station, which are outlined below. Although the site plan filed in the instant case identified a ground-mounted sign, a pole-mounted sign is permitted by right on the

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Date 1-24-07
By

property, pursuant to B.C.Z.R. Section 450 and, for that reason, I will not limit the flexibility provided to Petitioner to install a pole-mounted sign.

Pursuant to the advertising, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the special hearing relief requested shall be denied and I find that Petitioner's request for special exception relief should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, on this 24th day of January, 2007, that the Petition for Special Hearing for a determination that the special exception in Case No. 01-408-X has been utilized in accordance with Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to amend the site plan approved in Case No. 01-408-X is hereby DENIED; and

IT IS FURTHER ORDERED that the Petition for Special Exception pursuant to Sections 405.2.B.1, 405.4.E.1, and 405.E.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a fuel service station on an individual site in combination with a convenience store with a sales floor area larger than 1,500 square feet and a roll-over car wash, in accordance with Petitioner's Exhibit 6, be and is hereby GRANTED, subject to the following restrictions:

1. Petitioner may apply for building permits and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2. The hours of operation for the roll-over car wash and the two service garage bay areas shall be limited to 7 a.m. to 10 p.m.

3. Petitioner shall not be permitted to install any outdoor loudspeakers on the property in connection with this special exception use.

4. The Petitioner shall submit a landscaping plan to Avery Harden, Landscape Architect for Baltimore County, for his review and approval.

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Date 1-24-07
By DRS

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 1-24-07
By DRS

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 24, 2007

Arnold Jablon, Esquire
David H. Karceski, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: **PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION**
WS Rolling Road, 170' SE of c/line of Dogwood Road
(2202 Rolling Road)
1st Election District - 1st Council District
J K Ghauri, Inc., Owner - Petitioner
Case No. 07-082-SPHX

Dear Messrs. Jablon and Karceski:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJWdlw

c: Messrs. Khalid Azam and Abida Khalid, 5915 Clear Ridge Road, Elkridge, Md. 21075
Mr. Jeffrey S. Bainbridge, 1414 Forest Glen Court, Baltimore, Md. 21228
Messrs. Mickey Cornelius and William P. Monk, Morris & Ritchie Associates, Inc., 10 West Road, Suite 245, Towson, Md. 21286
Mr. Glenn Cook, The Traffic Group, 9900 Franklin Square Drive, Suite H, Baltimore, Md. 21236

Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, MD 21204
Ms. M. Grace Morissette, 2117 North Rolling Road, Windsor Mill, Md. 21244
Mr. Jay E. Cohen, 2119 North Rolling Road, Windsor Mill, Md. 21244
Ms. Tonia A. Gardner, 7007 Gaymount Road, Windsor Mill, Md. 21244
Olgard "Al" and Ruth Rackus, 7014 Gaymount Road, Windsor Mill, Md. 21244
Ms. Nadirah Bradley, 2108 Gaybrook Road, Windsor Mill, Md. 21244
Ms. Joan A. Brooks, 7007 Dogwood Road, Windsor Mill, Md. 21244
Ms. Doranna Leskins, 2119 Gaybrook Road, Windsor Mill, Md. 21244
Mr. George Wise, 2201 Rolling Road, Windsor Mill, Md. 21244
Mr. James Schriefer, 7025 Glen Spring Road, Baltimore, Md. 21244
William and Virginia Mann, 2109 Gaybrook Road, Baltimore, Md. 21244
Ms. Carol A. Castle, 2104 Kalb Manor Road, Baltimore, Md. 21244
Mr. Cecil Cupid, 7027 Glen Spring Road, Baltimore, Md. 21244
Ms. Maria Johnson, 2121 Gaybrook Road, Baltimore, Md. 21244
Mr. Michael Kerr, 7003 Gaymount Road, Baltimore, Md. 21244
Mr. Ralph Brock, 7023 Glen Spring Road, Baltimore, Md. 21244
Mr. John Stilling, Jr., 2121 N. Rolling Road, Baltimore, Md. 21244
Ms. Patricia Coby, 2107 Kalb Manor Road, Baltimore, Md. 21244
James and Hazel Smith, 2109 Rolling Road, Windsor Mill, Md. 21244
Horace and Marie Alexander, 2111 North Rolling Road, Windsor Mill, Md. 21244
Leonard and Ruth Spencer, 7028 Glen Spring Road, Baltimore, Md. 21244
Avery Harden, Landscape Architect, Department of Permits & Development Management
People's Counsel; Case File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2202 Rolling Road

which is 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 ATTACHED

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Arnold Jablon / David Karceski
Name - Type or Print

Signature

Venable LLP
Company

210 Allegheny Avenue 410 494-6200
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

Khalid Azam
Name - Type or Print

Signature

Name - Type or Print

Signature

5915 Clear Ridge Road 410-379-6402
Address Telephone No.

Elkridge, Maryland 21075
City State Zip Code

Representative to be Contacted:

Arnold Jablon
Name

210 Allegheny Avenue 410-494-6200
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 07-082-SPHX

Reviewed By BH Date 8/21/06

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 1-24-07
By DRW

ATTACHMENT TO PETITION FOR SPECIAL HEARING

Special hearing to confirm that the special exception approved in Case No. 01-408-X for a fuel service station on an individual site in combination with a convenience store with a sales floor area larger than 1,500 square feet and a roll-over car wash has been utilized in accordance with Section 502.3 of the Baltimore County Zoning Regulations and to amend the site plan approval in Case No. 01-408-X to add service bays.

#082

Petition for Special Exception

to the Zoning Commissioner of Baltimore Count

for the property located at 2202 Rolling Road

which is presently zoned BL-AS

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

SEE ATTACHED

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Arnold Jablon / David Karceski
Name - Type or Print

Signature

Venable LLP
Company

210 Allegheny Avenue 410 494 6200
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

Khalid Azam
Name - Type or Print

Signature

Name - Type or Print

5915 Clear Ridge Road 410-379-6402
Signature

Elkridge, Maryland 21075
Address Telephone No.

City State Zip Code

Representative to be Contacted:

Arnold Jablon
Name

210 Allegheny Avenue 410 494-6200
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BM Date 8/21/06

Case No. 07-082-SPHX

REV 09/15/98

UNDER ADVISEMENT FOR FILING

Date 1-24-07

By DSO

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

Special exception pursuant to Sections 405.2.B.1, 405.4.E.1, and 405.4.E.2 of the Baltimore County Zoning Regulations for a fuel service station on an individual site in combination with a convenience store with a sales floor area larger than 1,500 square feet and a roll-over car wash.

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2200 Rolling Road

which is 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 ATTACHED

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Arnold Jablon / David Karceski
Name - Type or Print

Signature

Venable LLP
Company

210 Allegheny Avenue 410 494-6200
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

Khalid Azam
Name - Type or Print

Signature

Name - Type or Print

Signature

5915 Clear Ridge Road 410-379-6402
Address Telephone No.

Elkridge, Maryland 21075
City State Zip Code

Representative to be Contacted:

Arnold Jablon
Name

210 Allegheny Avenue 410-494-6200
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 07-082-SPHX

UNDER RECEIVED FOR FILING

Reviewed By JM Date 8/21/06

REV 9/15/98

Date 1-24-07

By DW

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

Special exception pursuant to Sections 405.2.B.1, 405.4.E.1, and 405.4.E.2 of the Baltimore County Zoning Regulations for a fuel service station on an individual site in combination with a convenience store with a sales floor area larger than 1,500 square feet and a roll-over car wash.

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

August 16, 2006

ZONING DESCRIPTION
2202 Rolling Road

Beginning at a point on the southwesterly right of way line of Rolling Road, seventy feet wide, which has a curbed paving width of fifty feet at the distance of 170 feet southeasterly of the centerline of the nearest street, Dogwood Road, thence the following courses and distances, viz;

South 22°03'17" East 233.73 feet; South 67°56'51" West 261.00 feet; North 22°03'17" West 233.72 feet; North 67°56'43" East 261.00 feet to the point of beginning, having an address of 2202 Rolling Road and being located along the southwesterly side of said Rolling Road.

Containing an area of 61,001 square feet or 1.400 acres of land, more or less, and being located in the First Election District, First Councilmanic District, Baltimore County, Maryland.



James E. Catron
Property Line Surveyor No. 121

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

Abingdon, MD (410) 515-9000 + Laurel, MD (410) 792-9792 + Towson, MD (410) 821-1690 + Georgetown, DE (302) 855-5734 + Wilmington, DE (302) 326-2200 + York, PA (717) 751-6073

#082

D.R.16

D.R. 5.5

BL

RO

MLR

MLR

OGDEN

HILL CT.

HOLLING

JOHN PAUL

REGIONAL SCHOOL

D O G W O O

ROAD

PRIVATE

ROAD

PRIVATE

ROAD

W 40,500

GAYBROOK

ROAD

MUNFORD

KENNICOTT

200 SCALE ZONING MAP

William Monk, Inc.

ENGINEERS - PLANNERS

Courthhouse Commons
222 Bosley Avenue, Suite C-6
Towson, Maryland 21204
Phone: 410-494-6931 Fax: 410-494-9803

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number 07-082-SPHX

Petitioner Khalid Azam

Address or Location 2202 Rolling Road

PLEASE FORWARD ADVERTISING BILL TO

Name: Amy Dontell

Address 210 Allegheny Avenue
Towson, MD 21204

Telephone Number 410-494-6200

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0936

DATE 8/31/06 ACCOUNT 1001-006-6150

AMOUNT $ 705.00

RECEIVED FROM: Venable Baetjer & Howard LLP

FOR: Special Hearing & Special Exception

Item #1082

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
8/22/2006	8/21/2006	14:52:18	1

REG 0501 WALKIN SRIC 3HR
>>RECEIPT # 298532 8/21/2006 OFLU
Dept 5 523 ZONING VERIFICATION
CR NO. 009636
Recpt Tot $705.00
$705.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #07-082-SPHX
2202 Rolling Road
West side of Rolling Road, 170 feet southeast of centerline of Dogwood Road
1st Election District - 1st Councilmanic District
Legal Owner(s): Khalid Azam

Special Hearing: to confirm that the special exception approved in Case no. 01-408-X for a fuel service station on an individual site in combination with a convenience store with a sales floor area larger than 1500 sq. ft. and a rollover car wash has been utilized in accordance with Section 503.3 of the BCZR and to amend the site plan approval in Case 01-408-X to add service bays. **Special Exception:** pursuant to Sections 405.2.B.a, 405.4.E.2 of the BCZR for a fuel service station on an individual site in combination with a convenience store with a sales floor area larger than 1500 square feet and a rollover car wash. **Hearing: Tuesday, October 17, 2006 at 11:00 a.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 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 10/605 Oct. 3 111440

CERTIFICATE OF PUBLICATION

10/5/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/3/, 2006.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-082-SPHX

Petitioner/Developer: KHALID AZAM

Date of Hearing/Closing: Oct 17, 2006

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

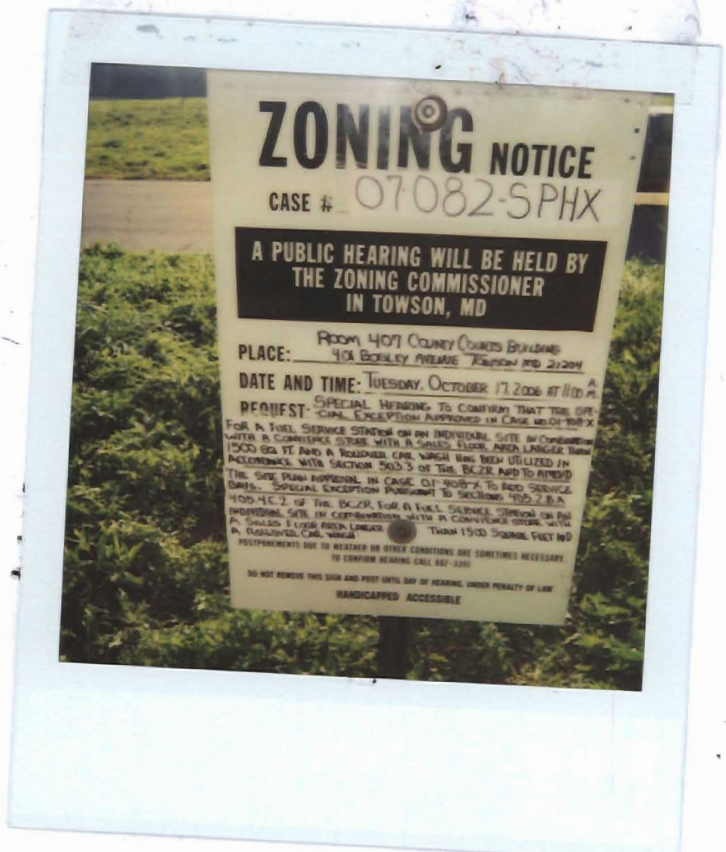
ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 2202 ROLLING RD

The sign(s) were posted on 10-2-06
(Month, Day, Year)

Sincerely,



Robert Black 10-4-06
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

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

(410) 282-7940
(Telephone Number)

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22607

DATE 2/23/07 ACCOUNT 01-006-6150

AMOUNT $ 400.00

RECEIVED FROM: Mike Tanczyn

FOR: Appeal

07-082-SPHX

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
2/26/2007	2/23/2007	14:11:52	4

REG WS06 WALKIN KMCH KXM
>>RECEIPT # 551117 2/23/2007 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 022607
Recpt Tot $400.00
$400.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

Requested: 6/25/07

APPEAL SIGN POSTING REQUEST

CASE NO. 07-082-SPHX

10 B M

2202 ROLLING ROAD

1ST ELECTION DISTRICT APPEALED: 2/16/2007

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 07-082-SPHX

LEGAL OWNER: J. K. GHAURI, INC.

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

2202 ROLLING ROAD

The sign was posted on Aug 23, 2007.

By: B Wasilewski
(Signature of Sign Poster)

Ken Wasilewski
(Print Name)

RECEIVED
AUG 27 2007
BALTIMORE COUNTY
BOARD OF APPEALS

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

September 11, 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: 07-082-SPHX
2202 Rolling Road
West side of Rolling Road, 170 feet southeast of centerline of Dogwood Road
1st Election District – 1st Councilmanic District
Legal Owners: Khalid Azam

Special Hearing to confirm that the special exception approved in Case no. 01-408-X for a fuel service station on an individual site in combination with a convenience store with a sales floor area larger than 1500 sq. ft. and a rollover car wash has been utilized in accordance with Section 503.3 of the BCZR and to amend the site plan approval in Case 01-408-X to add service bays. Special Exception pursuant to Sections 405.2.B.a, 405.4.E.2 of the BCZR for a fuel service station on an individual site in combination with a convenience store with a sales floor area larger than 1500 square feet and a rollover car wash.

Hearing: Tuesday, October 17, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, 210 Allegheny Avenue, Towson 21204
Khalid Azam, 5915 Clear Ridge Road, Elkridge 21075

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 2, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 3, 2006 Issue - Jeffersonian

Please forward billing to:
Amy Dontell 410-494-6200
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

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: 07-082-SPHX
2202 Rolling Road
West side of Rolling Road, 170 feet southeast of centerline of Dogwood Road
1st Election District – 1st Councilmanic District
Legal Owners: Khalid Azam

Special Hearing to confirm that the special exception approved in Case no. 01-408-X for a fuel service station on an individual site in combination with a convenience store with a sales floor area larger than 1500 sq. ft. and a rollover car wash has been utilized in accordance with Section 503.3 of the BCZR and to amend the site plan approval in Case 01-408-X to add service bays. Special Exception pursuant to Sections 405.2.B.a, 405.4.E.2 of the BCZR for a fuel service station on an individual site in combination with a convenience store with a sales floor area larger than 1500 square feet and a rollover car wash.

Hearing: Tuesday, October 17, 2006 at 11:00 a.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.

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48

Old Courthouse, 400 Washington Avenue July 2, 2007

NOTICE OF ASSIGNMENT

CASE #: 07-082-SPHX

IN THE MATTER OF: J K GHAURI, INC. – Legal Owner
W/s Rolling Road, 170' SE of c/l of Dogwood Road 1st E; 1st C
1/24/07 – ZC's Order in which requested SE relief was **GRANTED** with restrictions.

and

CASE #: CBA-06-029

IN THE MATTER OF: BP Products North America, Inc. c/o BP America, Inc.
RE: **Issuance** of Building Permits B 620946 and B 620948 /Car wash and convenience store – 2200 Rolling Road 1st E; 1st C

ASSIGNED FOR:

THURSDAY, OCTOBER 4, 2007 @ 10 a.m. /Day #1 and
WEDNESDAY, OCTOBER 31, 2007 @ 10 a.m. /Day #2

NOTICE: This is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.
NOTE: The Board's Rules of Practice & Procedure are found in *Baltimore County Code, Appendix C.*

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

Kathleen C. Bianco, Administrator

c: Counsel for Appellants /Protestants : Michael P. Tanczyn, Esquire
Appellants /Protestants : M. Grace Morrisette, Jay E. Cohen, Al & Ruth Ruckus, Nadirah Bradley, Janes Schriefer, Carole A. Castle, William & Virginia Mann, Cecil & Diann Cupid, Maria Johnson, Ralph & Mary Brock, Michael Kerr, John Stilling, Jr., Patricia Coby, Leonard & Ruth Spencer
Tonia A. Gardner, Joan A. Brooks, Doranna Leskins
James and Hazel Smith, George Wise, Horace and Marie Alexander

Counsel for Petitioners /Legal Owners : Arnold Jablon, Esquire and David Karceski, Esquire
Petitioner : J K Ghauri, Inc. /Khalid Azam and Abida Azam
BP Products North America, Inc. c/o BP American Inc.
Glenn Cook and Mickey Cornelius /The Traffic Group
Bill Monk /Morris & Ritchie
Jeff Bainbridge
Office of People's Counsel
Jeffrey Long, Deputy Planning Director
Pat Keller, Director /Planning
William J. Wiseman III /Zoning Commissioner
Timothy M. Kotroco, Director /PDM
Walt Smith, Development Manager /PDM
John E. Beverungen, County Attorney
Donald E. Brand, P.E., Buildings Engineer

FYI: 3-4-7

Printed with Soybean Ink on Recycled Paper

County Board of Appeals of Baltimore County

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

November 2, 2007

NOTICE OF DELIBERATION

IN THE MATTER OF:

J. K. GHAURI, INC. – Legal Owner /Petitioner
Case No. 07-082-SPHX

Having heard this matter on 10/04 and 10/31/07, public deliberation has been assigned for the following date and time:

DATE AND TIME : THURSDAY, JANUARY 17, 2008 at 9:00 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

NOTE: CLOSING BRIEFS ARE DUE ON:
Monday, December 3, 2007 (Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

---

c: Michael P. Tanczyn, Esquire
M. Grace Morrisette
Nadirah Bradley
William & Virginia Mann
Ralph & Mary Brock
Patricia Coby
Tonia A. Gardner
James and Hazel Smith
Jay E. Cohen
Janes Schriefer
Cecil & Diann Cupid
Michael Kerr
Leonard & Ruth Spencer
Joan A. Brooks
George Wise
Al & Ruth Ruckus
Carole A. Castle
Maria Johnson
John Stilling, Jr.
Doranna Leskins
Horace and Marie Alexander

Arnold Jablon, Esquire and David Karceski, Esquire
J K Ghauri, Inc. /Khalid Azam and Abida Azam
BP Products North America, Inc. c/o BP American Inc.
Glenn Cook and Mickey Cornelius /The Traffic Group
Bill Monk /Morris & Ritchie
Jeff Bainbridge
Office of People's Counsel
Jeffrey Long, Deputy Planning Director
Pat Keller, Director /Planning
William J. Wiseman III /Zoning Commissioner
Walt Smith, Development Manager /PDM
Donald E. Brand, P.E., Buildings Engineer
Timothy M. Kotroco, Director /PDM
John E. Beverungen, County Attorney

FYI: 3-6-7

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

October 11, 2006

Arnold Jablon
David Karceski
Venable LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Jablon:

RE: Case Number: 07-082-SPHX, 2202 Rolling Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 21, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Khalid Azam 5915 Clear Ridge Road Elkridge 21075

BW
10-17-06

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 14, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-082- Special Exception**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By: Cindis F. Murray

Division Chief: Lynn Lanham

CM/LL

RECEIVED

SEP 18 2006

ZONING COMMISSIONER

W:\DEVREV\ZAC\7-082.doc

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

SHA State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 8.25.01

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

RE: Baltimore County
Item No. 082 BPR

Dear. Ms. Matthews:

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

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

Very truly yours,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

Baltimore County
Fire Department

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

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

September 7, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 11, 2006

Item Number(s): 082

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File

Baltimore County
Fire Department

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

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

August 31, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 28, 2006

Item Number(s): 082

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: Spetember 28, 2006

SUBJECT: Zoning Item # 07-82-SPHX
Address 2202 Rolling Road
(Azam Property)

Zoning Advisory Committee Meeting of August 28, 2006

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

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

__X__ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Brian Lindley Date: 9/14/06

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-82-SPHX.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 1, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For September 4, 2006
Item Nos. 07-067, 068, 069, 079, 080, 081, 082, 083 and 084

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

DAK:CEN:cab
cc: File
ZAC-NO COMMENTS-09042006.doc

RE:	PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE
	2202 Rolling Road; W/S Rolling Road, 170' SE c/line Dogwood Road	*	ZONING COMMISSIONER
	1st Election & 1st Councilmanic Districts	*	FOR
	Legal Owner(s): Khalid Azam		
	Petitioner(s)	*	BALTIMORE COUNTY
		*	07-082-SPHX

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

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of September, 2006, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire,Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
SEP 05 2006
Per

RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE ZONING COMMISSIONER
2202 Rolling Road	*	FOR
Legal Owner:	*	BALTIMORE COUNTY
Khalid Azam	*	
	*	
	*	Case 07-082
	*	

* * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of Michael P. Tanczyn, on behalf of Jay Cohen, 2119 N. Rolling Road, Baltimore, Maryland 21244 and Martha Grace Morissette, 2117 N. Rolling Road, Baltimore, Maryland 21244, 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 of final Order.

MICHAEL P. TANCZYN, Esquire
Suite 106, 606 Baltimore Avenue
Towson, MD 21204
Attorney for the Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of October, 2006, the above Entry of Appearance was mailed to Arnold Jablon, Esquire, David Karceski, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, Maryland 21204.

MICHAEL P. TANCZYN, Esquire
Attorney for the Protestants

PETITIONER'S EXHIBITS

(2)

20070082 "A"
supplemental

15 6893738 - 3 pages

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

April 3, 2007

RECEIVED
APR 05 2007
BALTIMORE COUNTY
BOARD OF APPEALS

Arnold Jablon
David Karceski
Venable LLP
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Jablon and Mr. Karceski:

RE: Case: 07-082-SPHX, 2202 Rolling Road

Please be advised that an appeal of the above-referenced case was filed in this office on February 16, 2007 by Michael P. Tanczyn. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:amf

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Khalid Azam 5915 Clear Ridge Road Elkridge 21075
Michael P. Tanczyn, P.A. 606 Baltimore Avenue, Suite 606 Towson 21204

Jeff Bainbridge 1414 Forest Glen Court Baltimore 21228
Glenn Cook 9900 Franklin Square Drive, Suite H Baltimore 21236
Bill Monk 110 West Road, Suite 245 Towson 21286
M. Grace Morissette 2117 N. Rolling Road Baltimore 21244-1823
Jay E. Cohen 2119 N. Rolling Road Windsor Mill 21244
Tonia A. Gardner 7007 Gaymount Road Windsor Mill 21244
Al and Ruth Rackus 7014 Gaymount Road Windsor Mill 21244
Nadirah Bradley 2108 Gaybrook Road Baltimore 21244
Joan A. Brooks 7007 Dogwood Road Windsor Mill 21244
Doranna Leskins 2119 Gaybrook Road Windsor Mill 21244
George Wise 2201 Rolling Road Windsor Mill 21244
Mickey Cornelius 9900 Franklin Square Drive, Suite H Baltimore 21236
James and Hazel Smith 2109 Rolling Road Windsor Mill 21244
Horace and Marie Alexander 2111 N. Rolling Road Windsor Mill 21244
James Schriefer 7025 Glen Spring Road Baltimore 21244
William and Virginia Mann 2109 Gaybrook Road Baltimore 21244
Carol A. Castle 2104 Kalb Manor Road Baltimore 21244
Cecil and Diann Cupid 7027 Glen Spring Road Baltimore 21244
Maria Johnson 2121 Gaybrook Road Baltimore 21244
Michael Kerr 7003 Gaymount Road Baltimore 21244
Ralph and Mary Brock 7023 Glen Spring Road Baltimore 21244
John Stilling, Jr. 2121 N. Rolling Road Baltimore 21244
Patricia Coby 2107 Kalb Manor Road Baltimore 21244

APPEAL

Petition for Special Hearing and Special Exception
2202 Rolling Road
West side Rolling Road, 170 feet southeast of centerline of Dogwood Road
1st Election District – 1st Councilmanic District
Legal Owner(s): J K Ghauri, Inc.

Case No.: 07-082-SPHX

Petition for Special Hearing and Special Exception (August 21, 2006)

Zoning Description of Property

Notice of Zoning Hearing (September 11, 2006)

Certification of Publication (October 3, 2006)

Certificate of Posting (October 2, 2006) by Robert Black

Entry of Appearance by People's Counsel (September 5, 2006)

Petitioner(s) Sign-In Sheet – 2 Sheets

Protestant(s) Sign-In Sheet – None

Citizen(s) Sign-In Sheet – 2 Sheets

Zoning Advisory Committee Comments

Rec'd in Board Apr. 5, 2007

Petitioners' Exhibit

1. Resume – Jeffrey Bainbridge
2. CZMP – Zoning map issues
3. Letter from Robert Hoffman to Mr. Keller
4. Zoning order Case No. 01-408-X
5. Plan to accompany Special Exception
6. Site plan to accompany Special Hearing and Special Exception
7. Resume – William Monk
8. Aerial map
9. (A-D) – Photographs
10. Existing conditions subject property
11. Rolling Heights Business Park – approved plat
12. Record plat
13. (A-B) – Photographs
14. Photographs - Landscape buffer
15. Landscape plan
16. Grading permit
17. Colorized plan

Protestants' Exhibits:

1. Deed – 8/29/02
2. Deed – to JKGhauri
3. Photographs of property
4. Photographs of existing conditions
5. Photographs denoting topography
6. Photographs before grading
7. Parking signage photographs
8. None
9. Photograph
10. Photographs
11. Photographs (A-EE)

Miscellaneous (Not Marked as Exhibit)

1. Entry of appearance from Michael Tanczyn 10/13/06
2. Letter from Michael Tanczyn – 10/18/06
3. Letter from Michael Tanczyn – 1/3/07
4. Zoning map

Zoning Commissioner's Order (GRANTED in accordance w/order – January 24, 2007)

Notice of Appeal received on February 16, 2007 from Michael P. Tanczyn, P.A.

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Khalid Azam 5915 Clear Ridge Road Elkridge 21075
Michael P. Tanczyn, P.A. 606 Baltimore Avenue, Suite 606 Towson 21204
Jeff Bainbridge 1414 Forest Glen Court Baltimore 21228
Glenn Cook 9900 Franklin Square Drive, Suite H Baltimore 21236 Traffic Group
Bill Monk 110 West Road, Suite 245 Towson 21286 Morris & Ritchie
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Cecil and Diann Cupid 7027 Glen Spring Road Baltimore 21244
Maria Johnson 2121 Gaybrook Road Baltimore 21244
Michael Kerr ~~7003 Gaymount Road Baltimore 21244~~ 9403 Edwag ct Randallstown 21133
Ralph and Mary Brock 7023 Glen Spring Road Baltimore 21244
John Stilling, Jr. 2121 N. Rolling Road Baltimore 21244
Patricia Coby 2107 Kalb Manor Road Baltimore 21244
Arnold Jablon David Karceski Venable LLP 210 Allegheny Avenue Towson 21204
Leonard & Ruth Spencer 7028 Glen Spring Rd 21244

date sent April 3, 2007, amf

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

N O T I C E O F R E C O R D

Case Number: 03-C-08-003144 AA
Administrative Agency : 07-082-SPHX
C I V I L

In the Matter of Jay Cohen, et al

Notice

Pursuant to Maryland Rule 7-206(e), you are advised that the Record of Proceedings was filed on the 14th day of May, 2008.

Suzanne Mensh
Clerk of the Circuit Court, per

Date issued: 05/16/08

TO: BALTIMORE COUNTY BOARD OF APPEALS
105 W. Chesapeake Avenue
Room 203
Towson, MD 21204

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-08-003144

RECEIVED
MAY 19 2008
BALTIMORE COUNTY
BOARD OF APPEALS

TO: BALTIMORE COUNTY BOARD OF APPEALS
105 W. Chesapeake Avenue
Room 203
Towson, MD 21204

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

Baltimore County Board Of Appeals
105 W. Chesapeake Avenue
Room 203
Towson MD 21204

Assignment Date: 06/03/08

Case Title: In the Matter of Jay Cohen, et al
Case No: 03-C-08-003144 AA

The above case has been assigned to the EXPEDITED APPEAL TRACK. 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..... 06/18/08
2. All Motions (excluding Motions in Limine) are due by..... 08/02/08
3. TRIAL DATE is..... 09/11/08
   Civil Non-Jury Trial; Start Time: 09:30AM; To Be Assigned; 1/2 HOUR ADMINISTRATIVE APPEAL

Honorable John Grason Turnbull II
Judge

Postponement Policy: 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 under the Americans with Disabilities Act, please contact the Civil Assignment Office at (410)-887-2660 or use the Court's TDD line, (410) 887-3018, or the Voice/TDD 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.

Camera Phones Prohibited: Pursuant to Md. Rule 16-109 b.3., cameras and recording equipment are strictly prohibited in courtrooms

RECEIVED
JUN - 4 2008
BALTIMORE COUNTY
BOARD OF APPEALS

and adjacent hallways. This means that camera cell phones should not be brought with you on the day of your hearing to the Courthouse.

cc: Michael P Tanczyn Esq
cc: Arnold Jablon Esq
Issue Date 06/03/08

LAW OFFICES
MICHAEL P. TANCZYN, P.A.
Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204
Phone: (410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

January 3, 2007

RECEIVED
JAN 0 8 2007
ZONING COMMISSIONER

The Honorable William J. Wiseman, III
Zoning Commissioner
Suite 405
County Courts Building
Towson, Maryland 21204

Re: 2202 Rolling Road
Case 07-082

Dear Mr. Commissioner:

One other family who wanted to be included in the list of participants are Mr. Leonard Spencer and Mrs. Ruth Spencer, who reside at 7028 Glen Spring Road, Baltimore, Maryland 21244. They have been in residence as owners at that location since 1999.

Thank you for adding them to the list. Please feel free to contact me should you have any questions.

Best wishes to you and your staff for a healthy, safe and happy 2007.

Very truly yours,

Michael P. Tanczyn, Esquire

MPT/cbl

cc: Arnold Jablon, Esquire
Protestants

LAW OFFICES
MICHAEL P. TANCZYN, P.A.
Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204
Phone: (410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

October 18, 2006

VIA HAND-DELIVERY
The Honorable William J. Wiseman, III
Zoning Commissioner
Suite 405
County Courts Building
Towson, Maryland 21204

Re: 2202 Rolling Road
Case 07-082

Dear Mr. Commissioner:

As requested at the time of hearing, I enclose a list of additional neighborhood residents whom I represent as Protestants in the above zoning case, for your files. This list may include names in addition to Mrs. Morissette and Mr. Cohen, for whom I ave previously entered my written appearance, as well as all signatories on the citizen's sign in sheet from the first day of hearing, October 16, 2006, handed in to you. I will notify each of these persons of any future hearing dates, as you requested.

Please feel free to contact me should you have any questions.

Very truly yours,

Michael P. Tanczyn, Esquire

MPT/cbl
Encl.
cc: Arnold Jablon, Esquire
David Karceski, Esquire
Protestants

Nadirah Bradley
2108 Gaybrook Road
Baltimore, MD 21244

James Schriefer
7025 Glen Spring Road
Baltimore, MD 21244

William Mann
Virginia Mann
2109 Gaybrook Road
Baltimore, MD 21244

Ruth Rackus
7014 Gaymount Road
Baltimore, MD 21244

Carol A. Castle
2104 Kalb Manor Road
Baltimore, MD 21244

Cecil Cupid
Diann Cupid
7027 Glen Spring Road
Baltimore, MD 21244

Maria Johnson
2121 Gaybrook Road
Baltimore, MD 21244

Michael Kerr
7003 Gaymount Road
Baltimore, MD 21244

Ralph Brock
Mary Brock
7023 Glen Spring Road
Baltimore, MD 21244

John Stilling, Jr.
2121 N. Rolling Road
Baltimore, MD 21244

Patricia Coby
2107 Kalb Manor Road
Baltimore, MD 21244

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

COPY

IN THE MATTER OF: J. K. GHAURI, INC.
2202 Rolling Road
Case No.: 07-082-SPHX
1ST E; 1ST C

DATE: January 17, 2008

BOARD/PANEL Lawrence S. Wescott, Panel Chair
Robert W. Witt
Edward W. Crizer, Jr.

RECORDED BY: Linda B. Fliegel/Legal Secretary

PURPOSE: To deliberate a special hearing to confirm that the special exception approved in Case No.: 01-408-X for a fuel service station on an individual site in combination with a convenience store with a sales floor area larger than 1,500 sq. ft. and a roll-over car wash has been utilized in accordance with Sec. 502.3 of the BCZR and to amend the site plan approval in Case No.: 01-408-X to add service bays.

The Zoning Commissioner had denied the Special Hearing relief regarding Case No.: 01-408-X to amend the plan. Along with this decision the Zoning Commissioner granted the Petition for Special Exception allowing the service station in combination with a convenience store, and a rollover carwash. The Zoning Commissioner's denial of the previously approved special exception, in Case No.: 01-409-X, was appealed by the Petitioners.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

1) 405.2.B
2) 405.4
3) 409.4
4) 502.1

STANDING

- This matter came before the Board as a *de novo* hearing.
- The Petitioners, at the hearing before the Board, withdrew their appeal of the denial of the special exception.
- The property is a parcel of 1.15 acres and is located on Rolling Road, south of the intersection with Dogwood Road.
- The area was zoned specifically for this type of use. The area is zoned BL A.S and permits a service station by exception.
- There is a Walgreen's and an auto store on either side and they all share common access roads (in and out).
- What the Petitioner is requesting will have little to no detrimental impact on the traffic as Rolling Road is a very busy intersection anyway and that people would be less prone to make a left into the property.
- Mr. Cornelius stated that the access points, both in and out, were safe.
- There will be restrictions applied such as limited hours of operation, landscaping, etc.

DECISION OF THE BOARD: The Board felt that Petitioner met the applicable requirement as found under 405 and 502 of the BCZR and that they were within the spirit and intent of the area.

FINAL DECISION : After a thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to *GRANT* Petitioner's request for special exception with restrictions.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted

Linda B. Fliegel

Linda B. Fliegel
County Board of Appeals

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 07-082-SPHX
DATE 10/17/06

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
MICKEY CORNELIUS	9900 FRANKLIN SQ. DR. STE. H	BALTIMORE, MD 21236	mcornelius@trafficgroup.com
Jeff Baisbridge	1414 Forest Glen Ct	Baltimore, MD 21228	jsbaisbridge@comcast.net
DAVID KARLESKY	210 ALLEGHENY AVENUE	TOWSON, MD 21204	dkaresky@venable.com
ARNOLD JABLON			ajablon@venable.com
Abida Khalid	5915 Clear Ridge Rd Eldridge MD 21075	5915 Clear Ridge Rd 21075	Kazam@aol.com
KHALID AZAM			
BILL MONK	1220 C E. JOPPA ROAD	TOWSON, Md. 21286	wmonk@mragta.com

PLEASE PRINT CLEARLY

CASE NAME 2202 Rolling Rd
CASE NUMBER 07-082V
DATE 10/17/2006

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
✓ Ruth + AL Rackus	7014 Gaymount Rd	Windsor Mill, MD	
✓ JAMES & Hazel Smith	2109 Rolling ROAD	WINDSOR MILL, MD	
✓ Horace J. Alexander	2111 N. Rolling Rd	Windsor mill, Md	
✓ Marie A. Alexander	2111 N. Rolling Rd	Windsor mill, MD	
✓ M. GRACE MORISSETTE	2117 N. Rolling Rd	Windsor Mill Rd.	
✓ Joan A. Brooks	7007 Dogwood Rd	windsor Mill, MD	Joan.Brooks@cms.hhs.gov
✓ JAY E COHEN	2119 N Rolling Rd	WINDSOR MILL, MD 21244	JEC2119@aol.com

PLEASE PRINT CLEARLY

CASE NAME 2200 Rolling Road
CASE NUMBER 07-082-SPHX
DATE 12/19/06

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
✓ DAVID KARCESKI	210 Allegheny Avenue	Towson MD 21204	dkarceski@venable.com
✓ ARNOLD JABLON			ajablon@venable.com
✓ KHALID AZAM	5915 Clear Ridge Road	Elkridge MD 21075	Kazam@aol.com
Jeff Bolubridge	1414 Forest Brook Ct	Baltimore, MD 21228	jsbolubridge@comcast.net
✓ Abida Khalid	5915 Clear Ridge Rd	Elkridge MD 21075	
✓ Glenn Cook	9900 Franklin Sq Dr. Ste H	Balto. MD 21236	gcook@trafficgroup.com
✓ Bill Monk	110 West Rd, Suite 245	Towson, MD 21286	wmonk@mragth.com

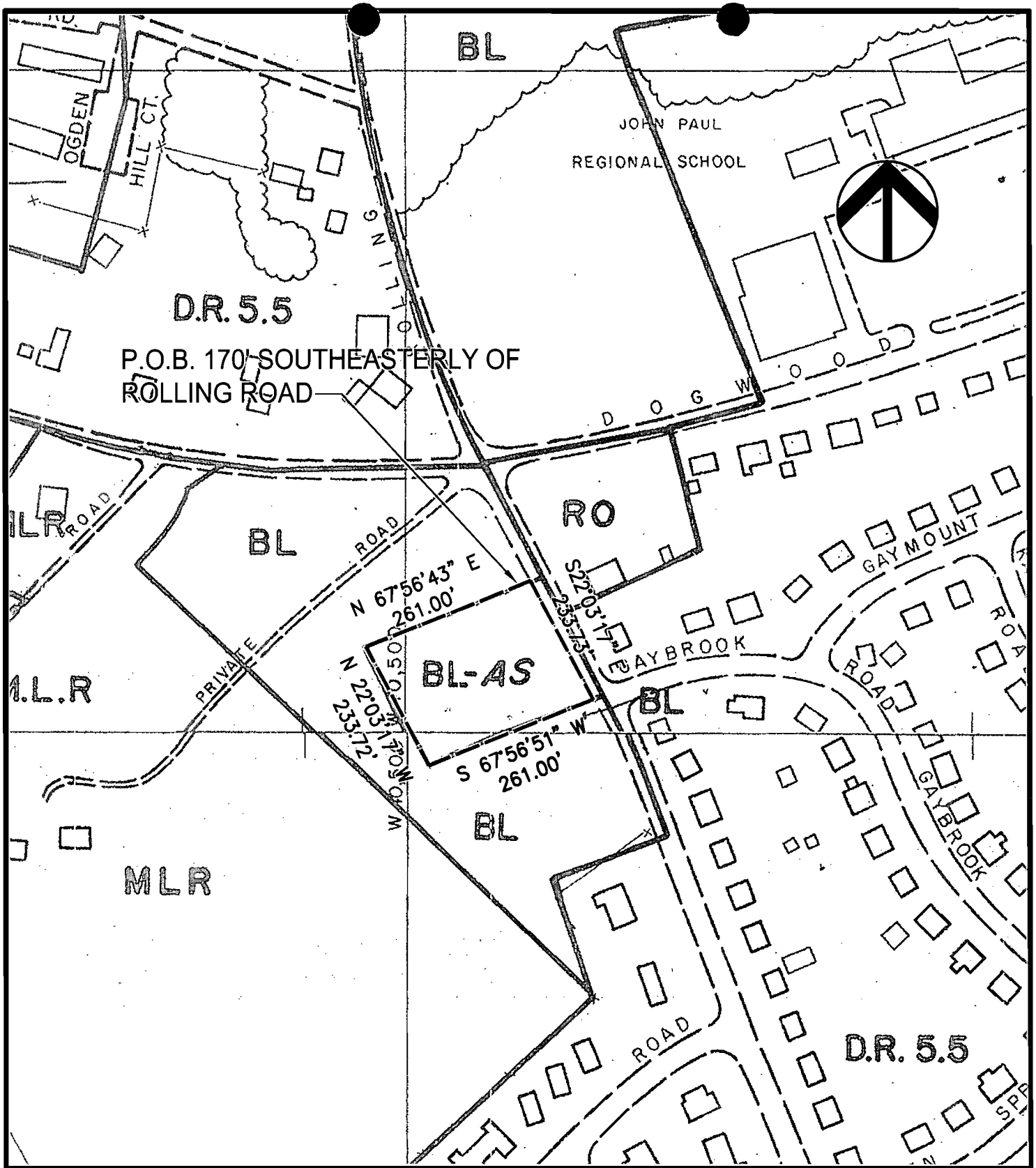
PLEASE PRINT CLEARLY

CASE NAME 2202 Rolling Rd
CASE NUMBER 07-082
DATE 12/19/2006

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
M. Grace Morissette	2117 N. Rolling Rd.	Balto. Md 21244-1823	Grace.Morissette@Comcast.Net
Jay E Cohen	2119 N. Rolling Rd	Windsor Mill 21244	JEC2119@aol.com
Tonia A. Gardner	7007 Gaymount Rd	" "	
Al Rackus	7014 Gaymount Rd	Windsor mill Md 21244	
Nadirah Bradley	2108 Applebrook Rd	Windsor Mill Md 21244	Nadirah5@aol.com
Joan A. Brooks	7007 Dogwood Rd	Windsor Mill, Md 21244	Joan.Brooks@cms.hhs.gov
Doranna Perkins	2119 Gaybrooke Rd	Windsor Mills, Md. 21244	Doranna.Perkins@cms.hhs.gov
George Wise	2201 Rolling Rd	Windsor Md, 21244	Gcowis8@netscape.net

Debbie - use MSHA assistance and get RAKUS's FIRST NAME I think its OLGOLD - ??



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748

MRAGTA.COM

ZONING MAP

2202 ROLLING ROAD

1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

BALTIMORE COUNTY

SCALE: 1"=200'	DATE: 08/18/06	DRAWN BY: JAB	DESIGN BY: WPM	REVIEW BY: JVH	JOB NO. : 14440.02

#082

Case No.: 07-082 SPH X

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	RESUME JEFFREY BAINBRIDGE	DEED – 8/29/02 Rolling Heights Lot A to BP Products North Amer
No. 2	CZMP - 2000 Zoning Map ISSUES BL-AS	DEED - BP PRODUCTS NORTH AMERICA to JK Ghauri INC
No. 3	Letter - Hoffman to Kelly Zoning Reclassification - subject Property	Photographs of Property (Collection of 4 Photographs)
No. 4	ZONING ORDER CASE NO. 01-408-X	Collectively - Photo's of EXISTING CONDITIONS TRAVEL WAYS
No. 5 ID	Morris & Ritchie (Case NO 01-408X 12/21/00 - Plan Submitted as Petitioner Exhibit 1B	Photographs - Collectively denoting topography of Site
No. 6 ID	Site PLAN to Accompany Petition	Collectively - Photographs (2) Topography - Before Grading - ground falls toward Residential Area
No. 7	WILLIAM P. MONK MORRIS & RITCHIE RESUME - QUALIFICATIONS	PARKING SIGNAGE – Collectively - 4 PHOTOGRAPHS
No. 8	AERIAL MAP WITH SUPERIMPOSED ZONING LINES	Photo - N to S Rolly Rd top - from Dogwood
No. 9	Collectively 9A thru 9D	(THERE IS NO #9
No. 10	EXISTING CONDITIONS SUBJECT PROPERTY	Photo's – 1 - from N/S Deserts Pathway 2 - from adjacent to Homes #4 - Walgreens Across 3 - from adjacent to N/S Deserts
No. 11	ROLLING HEIGHTS BUSINESS PARK - approved Plat 2/6/89	11A thru 11EE Collectively
No. 12	RECORD PLAT 1/14/01 SM 73-137	

Case No.: 07-082 SPHX

Exhibit Sheet - Continued

	Petitioner/Developer	Protestant
No. 13	~~Photo's~~ Landscape Edge 3A 3B with 30' Wide Landscape Buffer + Berm	
No. 14	Photo's N + S of site } Landscape Buffer + improvements	
No. 15	Landscape Plan (2 Pages) 11/28/05 Avery Harden Approved	
No. 16	Grading Permit 9/26/05 B 606 844	
No. 17	Colorized Plan - (SAME AS Petitioners #6)	
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

JEFFREY S. BAINBRIDGE

1414 Forest Glen Court Baltimore, MD 21228
H 410-869-4696 M 410-456-1467 E jsbainbridge@comcast.net

EXPERIENCE

11/05 – Present **EASTERN PETROLEUM CORPORATION – Project Manger** **Annapolis, MD**

- Managed the development and construction of over 10 convenience stores.
- Established new vendor alliances and construction specs.
- Created financial model and internal development process to evaluate the viability of potential projects.
- Managed the disposition of multiple non-strategic properties.

1/04 – Present **AJ PETROLEUM CONSULTING, LLC – Member** **Baltimore, MD**
GRAHAM INVESTMENTS, LLC – Member **Baltimore, MD**

- Assisted owners of petroleum properties with their search for prospective gasoline retailers.
- Assisting dealers with the development and construction of gasoline stations.

6/03 – 1/04 **MID-ATLANTIC COMPANIES INC. – Land Acquisition Specialist** **Rockville, MD**

- Established a land acquisition file tracking system to maintain property leads and maintained corresponding tax maps and property owner data by county jurisdiction.
- Met with and maintained relationships with individual property owners, farmers, realtors, developers, engineers, lawyers, brokers, consultants, contacts and leads in the pursuit of land acquisition opportunities.
- Prepared letters of intent for purchasing properties.
- Modernized a land purchase pro-forma model with updated internal company assumptions.

2/99 - 4/03 **BP PRODUCTS NORTH AMERICA INC. - Real Estate Project Manager** **Baltimore, MD**

- Directed negotiations to place over 25 properties under contract.
- Supervised study period analysis and zoning process of over 40 projects.
- Refined a financial model used to evaluate project economics for various operating channels.
- Led an international team to develop a network plan for a portion of the Chinese province of Guangdong.
- Completed the Network Developer Academy in Cape Town, South Africa. The program trained eight BP international Real Estate Managers with retail site selection and network planning.

1/98 - 2/99 **AMOCO OIL COMPANY - Zoning Coordinator** **Philadelphia, PA**

- Represented Amoco at public hearings for the six state marketing area of the Atlantic Business Unit.
- Managed a team of consultants (zoning attorneys, engineers, traffic consultants, land planners, etc.) to move over 60 projects through zoning and permitting.

9/96 - 1/98 **AMOCO OIL COMPANY - Capital Asset Manager** **Chicago, IL**

- Managed a Capital Implementation Team of 14 members with a $35 M budget. The team completed 26 projects in 1997 and finalized another 31 packages for future growth.
- Supervised The DC Study, a revitalization project for Washington DC and Prince George's County that utilized network planning and strengthened both dealer and Amoco economics.
- Performed economic analysis on various business proposals (i.e. new proprietary and jobber sites, dealer buyout, and recapitalizations). Co-developed the recapitalization financial model.
- Assisted in the conversion of a competitive jobber worth 700 MG over 10 years to Amoco.
- Led a team of 10 that further refined existing lease processes to improve communication and efficiencies between Real Estate Administration, Asset Management and Sales Operations departments.

4/94 - 9/96 **AMOCO OIL COMPANY - Strategic Planning Analyst** **Baltimore, MD**

- Developed and coordinated the region's expense budget, capital plan and marketing objectives working with the sales, distribution and operations teams.
- Managed the region's distribution scheduling; improved forecasting accuracy and lowered inventory.

9/90 - 4/94 **AMOCO OIL COMPANY – Territory Manager** **Baltimore, MD**

- Counseled dealers on marketing strategies consistent with Amoco's business direction.

OTHER

KALAMAZOO COLLEGE - Bachelor of Arts, 1990

PETITIONER'S
EXHIBIT NO. 1

er, 06

JEFFREY S. BAINBRIDGE

PETITIONER'S EXHIBIT 1

1414 Forest Glen Court Baltimore, MD 2122
H 410-869-4696 M 410-456-1467 E jsbainbridge@comcast.net

EXPERIENCE

4/07 – Present — **ROYAL FARMS – Director of Real Estate** — **Baltimore, MD**

- Managed the land acquisition for all development projects in four states.
- Created financial model to evaluate the viability of potential projects.
- Managed the disposition of multiple non-strategic properties.

1/04 – Present — **AJ PETROLEUM CONSULTING, LLC – Member** — **Baltimore, MD**
GRAHAM INVESTMENTS, LLC – Member — **Baltimore, MD**

- Assisted owners of petroleum properties with their search for prospective gasoline retailers.
- Assisting dealers with the development and construction of gasoline stations.

11/05 – 3/07 — **EASTERN PETROLEUM CORPORATION – Project Manger** — **Annapolis, MD**

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- Led an international team to develop a network plan for a portion of the Chinese province of Guangdong.
- Completed the Network Developer Academy in Cape Town, South Africa. The program trained eight BP international Real Estate Managers with retail site selection and network planning.

1/98 - 2/99 — **AMOCO OIL COMPANY - Zoning Coordinator** — **Philadelphia, PA**

- Represented Amoco at public hearings for the six state marketing area of the Atlantic Business Unit.
- Managed a team of consultants (zoning attorneys, engineers, traffic consultants, land planners, etc.) to move over 60 projects through zoning and permitting.

9/96 - 1/98 — **AMOCO OIL COMPANY - Capital Asset Manager** — **Chicago, IL**

- Managed a Capital Implementation Team of 14 members with a $35 M budget. The team completed 26 projects in 1997 and finalized another 31 packages for future growth.
- Supervised The DC Study, a revitalization project for Washington DC and Prince George's County that utilized network planning and strengthened both dealer and Amoco economics.
- Performed economic analysis on various business proposals (i.e. new proprietary and jobber sites, dealer buyout, and recapitalizations). Co-developed a recapitalization financial model.
- Assisted in the conversion of a competitive jobber worth 700 MG over 10 years to Amoco.
- Led a team of 10 that further refined existing lease processes to improve communication and efficiencies between Real Estate Administration, Asset Management and Sales Operations departments.

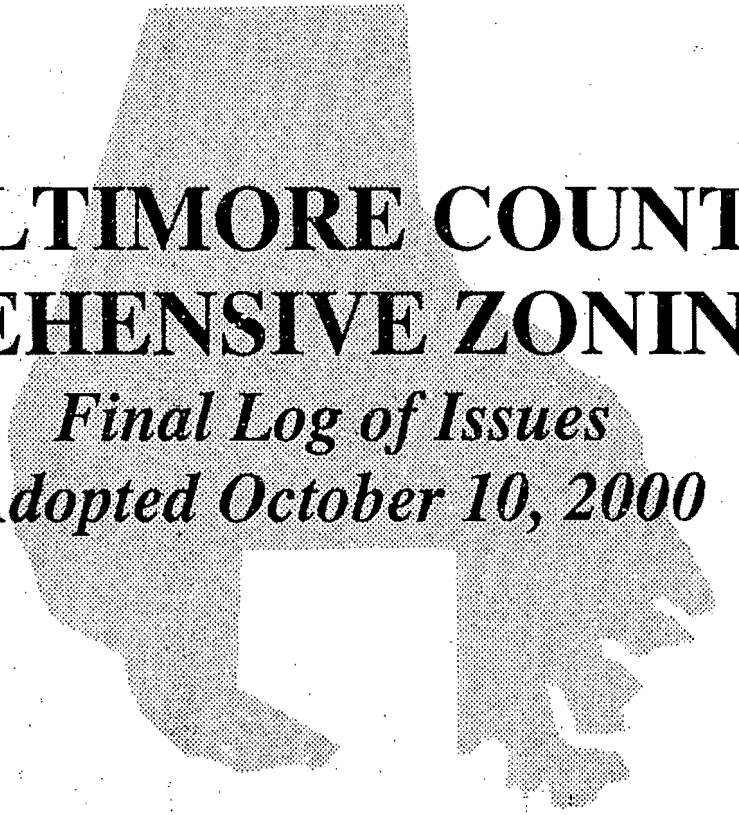
4/94 - 9/96 — **AMOCO OIL COMPANY - Strategic Planning Analyst** — **Baltimore, MD**

- Developed and coordinated the region's expense budget, capital plan and marketing objectives working with the sales, distribution and operations teams.
- Managed the region's distribution scheduling; improved forecasting accuracy and lowered inventory.

BALTIMORE COUNTY
COMPREHENSIVE ZONING MAP

Final Log of Issues

Adopted October 10, 2000



PETITIONER'S

EXHIBIT NO. 2

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Robert A. Hoffman
(410) 494-6262
rahoffman@venable.com

October 20, 1999

HAND-DELIVERED

Arnold F. "Pat" Keller, III, Director
Baltimore County Office of Planning
401 Bosley Avenue, Room 406
Towson, Maryland 21204

Re: Application of Rolling Heights Lot A Limited Partnership for zoning change for approximately 6.263 acres located at 2285 Rolling Run Drive at the southeast corner of Rolling Run Drive and Dogwood Road

Dear Mr. Keller:

I am representing Rolling Heights Lot A Limited Partnership with respect to the above-referenced zoning reclassification request for its property located at 2285 Rolling Run Drive, Baltimore County, Maryland. The subject property is presently zoned MLR. It is requested that the property be rezoned BL-AS to permit commercial development.

The purpose of this letter is to set forth the reasons why the request for reclassification should be granted. The property is one of four lots owned by Rolling Heights Lot A Limited Partnership at the same location and is part of the Rolling Heights Industrial Park. Because Lot A is located at the intersection of two relatively busy roads serving residential and business drivers from the surrounding neighborhoods and the industrial park, it is an ideal location for commercial services such as a bank, drug store, convenience store or fuel service station. Since many commercial uses are already permitted as of right in the MLR zone, a change to BL-AS will not adversely effect surrounding properties and will give the applicant greater flexibility in developing the property.

For these reasons, it is respectfully submitted that the subject property should be reclassified to BL-AS.

Very truly yours,

Robert A. Hoffman

RAH/sm
TO1DOCS1/pam01/#90433 v1

PETITIONER'S
EXHIBIT NO. 3

IN RE: PETITION FOR SPECIAL EXCEPTION *
SWC of Rolling and Dogwood Roads,
W/S Rolling Road, 166+/- S Dogwood Road*
1st Election District
1st Councilmanic District *
(SWC of Rolling & Dogwood Roads)
*
Rolling Heights Lot A Ltd. Partnership,
Legal Owner and
BP Amoco Corporation, *Contract Purchaser*
Petitioners *

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 01-408-X

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, Rolling Heights Lot A Limited Partnership and the contract purchaser/lessee, BP Amoco Corporation. The Petitioners are requesting a special exception for property located at the southwest corner of Rolling Road and Dogwood Road, which property is zoned BL-AS. The special exception is to allow a fuel service station on an individual site and a convenience and rollover car wash as uses in combination with the fuel service station, pursuant to Sections 405.2.B.1, 405.4.E.1 and 405.4.E.2 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Appearing at the hearing on behalf of the special exception request were John Lombardo, appearing on behalf of BP Amoco, Mickey Cornelius, a representative of the Traffic Group, Bill Monk, representing Morris & Ritchie Associates, the engineering firm who prepared the site plan of the property, Carroll McGill, appearing on behalf of the owner of the property and Rob Hoffman, attorney at law, representing the Petitioners. Appearing in opposition to the Petitioners' request were several residents of the surrounding community, namely Charles & Margaret Carnaggio, Olgard & Ruth Rackus, Joan Brooks and Doranna Peskins.

ORDER RECEIVED FOR FILING
Date 7/9/01
By

PETITIONER'S EXHIBIT 4

Testimony and evidence indicated that the property, which is the subject of this special exception request, consists of 1.4 acres, more or less, zoned BL-AS. The subject property is located on the corner of the intersections of Dogwood Road and Rolling Road, located within the Rolling Heights Business Park. The property, which is the subject of this request, is proposed to be developed with a new BP Gasoline Service Station and convenience store with an accessory car wash. The entire corner of Rolling Road and Dogwood Road, which at this time is undeveloped, is slated to be developed with a two-story office building, a Walgreens Drug Store and a one-story retail bank. The BP Gasoline Station is the fourth component of the development of this corner. At the present time, the property is unimproved. Intense development of this corner has occurred by virtue of the County Council changing the zoning on the property from its prior designation as ML-IM to its current designation of BL-AS. By virtue of the change in zoning, the retail development of the property has proceeded.

Testimony and evidence indicated that the proposed special exception request for the BP Gasoline Station with convenience store is a standard prototype of the gasoline station/convenience store that have become more and more common in the Baltimore metropolitan area. The subject proposal meets all parking and setback requirements and no variances are being requested for this use. The particulars of the design of the BP Gasoline Station are more particularly shown on Petitioners' Exhibits 1A and 1B, the site plans submitted into evidence. Access into the gas station and the surrounding development occurs from Rolling Road, opposite its intersection with Gaybrook Road. In addition, a separate right-in, right-out access is located further north along Rolling Road. There is another access into the site off of Dogwood Road. These access points are to accommodate not only the BP Gasoline Station, but also the aforementioned Walgreens Drug Store, the two-story office building and the one-story

Date 7/9/01
By PC Zoning Vol

retail bank. As stated previously, the gasoline station is but one component of the overall development of this corner.

Many residents from the surrounding community appeared in strong opposition to the Petitioners' request. In addition, the citizens who attended submitted petitions signed by many other residents of the surrounding communities, all of whom oppose the development of this corner. The cumulative testimony of the Protestants demonstrated that the traffic in this particular area has become congested and is difficult to negotiate. These residents particularly object to another gas station coming into their community when there are many others in operation just a short distance from this site. Furthermore, they feel that the development of this property in a commercial fashion will cause a devaluation of their property and not be in character with the existing residential homes. They, therefore, ask that the Petitioners' request be denied.

As stated previously and as was discussed with the citizens in attendance at the hearing, the rezoning of this entire corner has permitted the commercial development of this property. The Walgreens, the one-story retail bank and the two-story office building will be constructed without the need for a public hearing. As a result of the gasoline station having a convenience store component, the special exception request is necessary. These residents and many others who signed the Protestants' petition are opposed to the commercial development of the property and believe that the hearing held before me was for the purpose of allowing the commercial development to move forward. However, that decision has already been made by virtue of the change in the zoning classification. Commercial development will occur on this property as indicated at the hearing.

ORDER RECEIVED FOR FILING
Date 7/9/01
By

The request before me is whether to approve a gasoline station on the property that is used in combination with a rollover car wash and convenience store. This particular request has been reviewed by the Office of Planning who supports the special exception request, as indicated by their letter dated April 23, 2001. The Planning Office has asked for certain limitations in conjunction with their support for the special exception request. After considering the testimony and evidence offered by the Petitioners, as well as the citizens in attendance, I find that the special exception to allow the gasoline station to have a convenience store and rollover car wash should be approved.

It is clear the Baltimore County Zoning Regulations permits the Petitioners' use in a BL-AS zone by special exception. It is equally clear that the proposed use is not detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioners had the burden of adducing testimony and evidence which shows that the use meets the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioners have shown that the use is conducted without real detriment to the neighborhood and does not adversely affect the public interest. The facts and circumstances do not show that the use at this particular location described by Petitioners' Exhibit No. 1 has any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The use is not detrimental to the health, safety, or general welfare of the locality, nor tends to create congestion in roads, streets, or alleys therein, nor is it inconsistent with the purposes of

the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the B.C.Z.R.

The addition of this gasoline station at this location, considering the surrounding commercial uses that are about to be built on this corner, is in character with the commercial development of this corner. These commercial entities are permitted to locate on this property now that the property has been rezoned.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief request in the special exception shall be granted.

THEREFORE, IT IS ORDERED this 9th day of July, 2001, by this Deputy Zoning Commissioner, that the Petitioners' request for Special Exception, to permit a fuel service station use in combination with a convenience store and rollover car wash, be and is hereby APPROVED. The following conditions will be imposed:

1. The Petitioners may apply for their building permit upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2. The proposed monument sign should not exceed 50 sq. ft.

3. The Petitioners shall not be permitted to install outdoor speakers on the property.

4. The Petitioners shall be required to submit a landscaping plan to Mr. Avery Harden, Landscape Architect for Baltimore County, for his review and approval.

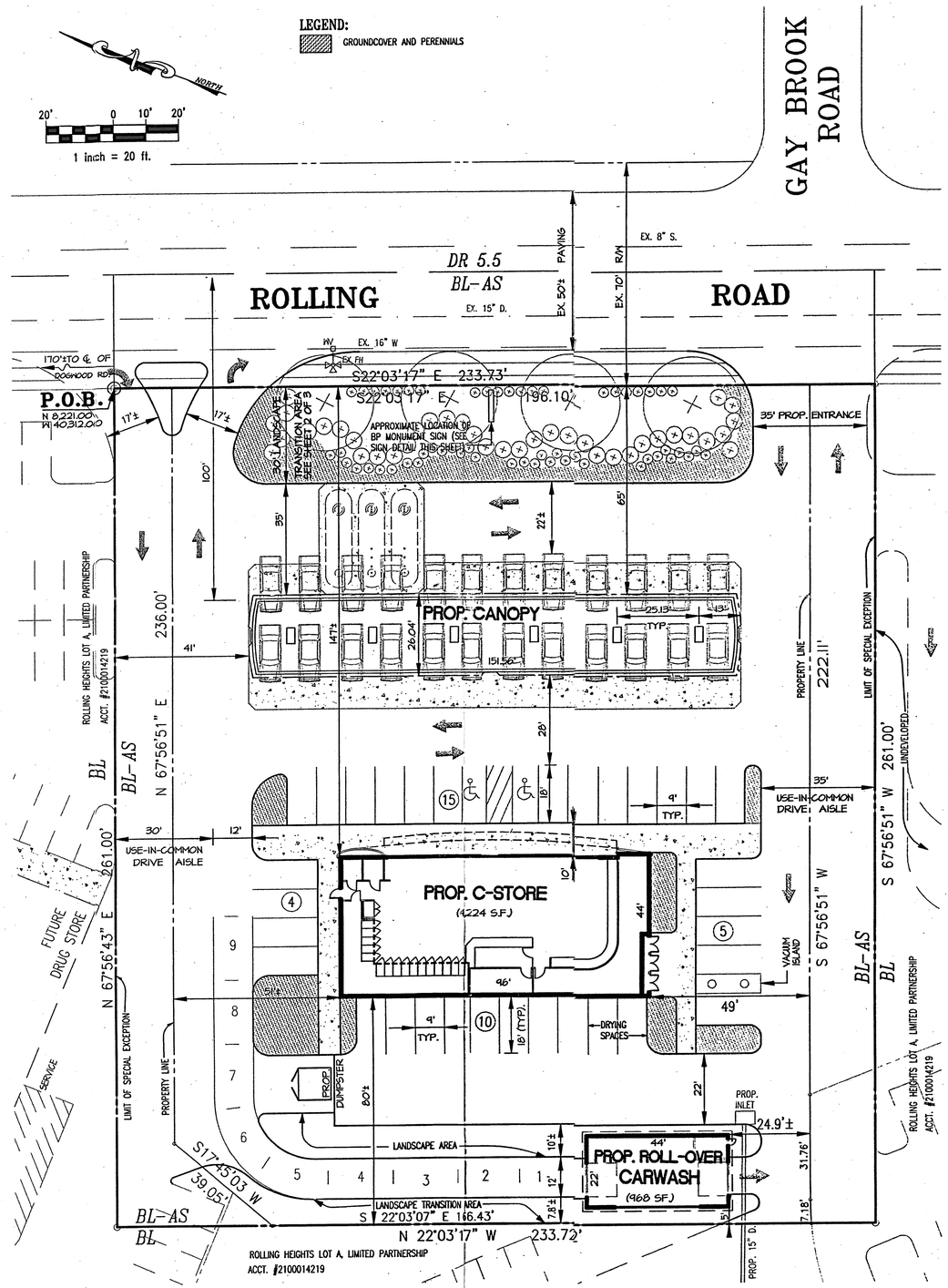
5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

7/9/01



Notes:

1. Owner:
   Rolling Heights Lot A Limited Partnership
   1 Texcis Station Court, Suite 200
   Timonium, MD 21093

2. Applicant/Contract Purchaser:
   BP Oil Company
   1 W. Pennsylvania Ave., Suite 95
   Towson, MD 21204
   410-494-3737

3. Engineer:
   Morris & Ritchie Assoc. Inc.
   110 West Road, Suite 245
   Towson, MD 21204-2314
   Attn.: Dean Hoover
   Phone: 410-821-1690

4. Property Information:

A.	Area of special exception :	61,003 S.F. = 1.40 AC.±
B.	Existing Zoning:	BL-AS
C.	Property Address:	Rolling Road @ Dogwood Road
D.	Election District:	01
E.	Councilmanic District:	01
F.	Baltimore County ADC Map:	Map 32, Grid A-B
G.	Census Tract:	4015.01
H.	Baltimore Reference Tax Map:	Map 87, Grid 23, Parcel #177-A
I.	Tax Account No:	#2100014219
J.	Liber/Folio:	11307/201
K.	Zoning Map Reference:	NW 3-G

5. Existing Land Use:
   Vacant Pad Site, Undeveloped Commercial land.

6. Proposed Use:
   Gasoline Service Station in combination with C-store

7. Proposed Building area = 4,224 S.F.

8. F.A.R.:

	Allowed	Proposed
Floor Area Ratio:	3.0	0.1

9. Required Site Area:
   Fuel Service Station (12 PUMPS x 1,500 SF): = 18,000 SF
   Food Store: (4 X 4,224) = 16,846 S.F.
   Total Area Required = 34,846 S.F.
   Total Area Provided = 61,003 S.F.

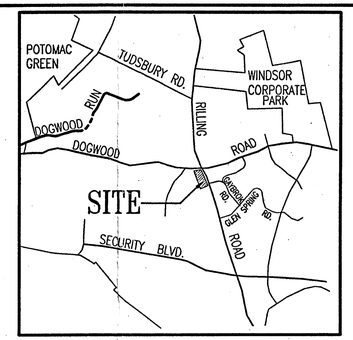
10. Parking Calculations:
    A. Parking Required:
       4,224 S.F. @ 5 P. Spaces/1000 S.F. = 22 P. Spaces
       3 Employees @ 1 P.S./Employee on largest shift = 3 P.S.
       Carwash Drying Spaces = 2 P.S.
       Carwash Additional Spaces required = 2 P.S.
       Vacuum Spaces required = 2 P.S.
       Total Parking Spaces Required = 31 P. Spaces
    B. Parking Provided:
       Including 2 Handicap Accessible Spaces = 34 P. Spaces

11. Roll-over Car wash:
    rated hourly production capacity = 18 Vehicles/Hour*
    * Roll-over shall comply with Baltimore County Zoning Regulations (BCZR) section 101 (...Vehicles shall remain in a stationary position during the servicing).
    Stacking Lane:
    Required Stacking Spaces = 9 AT 20' LONG
    Provided Stacking Spaces = 9 AT 20' LONG

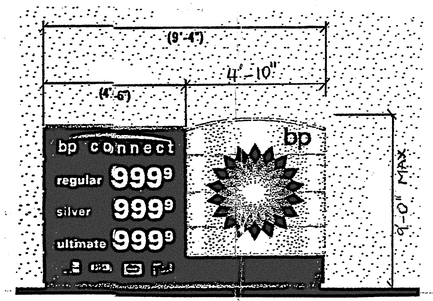
12. SETBACKS (to property limits):

	BUILDING		CANOPY		FUEL PUMPS	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
FRONT	35'	147'±	15'	65'	25'	75'±
SIDE	0	44'±				
REAR	0	80'±				

13. There is no 100-year flood plain on site, per FEMA Panel No. 2400100205B
14. There are no known non-tidal wetlands on this site.
15. There are no known forest buffers on this site.
16. There are no known regulated plant or wildlife communities associated with this site.
17. There are no known historical structures or archeological areas associated with this site.
18. There are no known existing wells or septic fields within 100' of the property.
19. Property line information is from Record Plat 62/18 dated June 21, 1990.
20. All proposed paved surfaces will be dustless macadam.
21. All landscape materials and buffer yards shall comply with the Baltimore County Landscape Manual (section 419.4B.4) and BCZR (Section 204.4.C.9.)
22. All signage shall comply with Baltimore County Zoning Regulations (section 450) unless otherwise noted on this plan.
23. All lighting shall conform to IES standards (Illuminating Engineering Society of North America).
24. This site shall be serviced by public water and sewer.
25. Previous Zoning Case:
    Reclassification of site, Item #1-028 approved by Baltimore County Council, December 2000.
26. The fuel service station will provide a rest room facility, water and compressed air for customers.
27. Stacking note:
    A. Stacking for Fuel pumps shall comply with section 405, BCZR.
    B. Stacking for roll-over Carwash shall comply with section 419, BCZR.
28. Special Exception:
    Special Exception to permit a Fuel Service Station on an individual site and a convenience store with the Fuel Service Station pursuant to sections 405.2.B.1, 405.4.E.1 and 405.4.E.2 of the Baltimore County Zoning Regulations.



VICINITY MAP
SCALE: 1" = 2000'



SIGN DETAIL
MONUMENT MID

NOT TO SCALE

FREESTANDING DOUBLEFACE ILLUMINATED SIGN (44 SF± PER SIDE)

Owner:
Rolling Heights Lot A Limited Partnership
1 Texas Station Court, Suite 200
Timonium, MD 21093

PDM #01-408-X

CLIENT:
bp
1 W. PENNSYLVANIA AVE., SUITE 95
TOWSON, MD 21204

ALLIANCE MANAGER, AGENT FOR BP:
Bovis Lend Lease
1 W. PENNSYLVANIA AVE., SUITE 95
TOWSON, MD 21204

ALLIANCE DESIGN CONSULTANT:
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
110 WEST ROAD SUITE 245
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

NO.	DATE	REVISION DESCRIPTION
1	3/26/01	DIMENSIONS & GRAPHIC
1	4/4/01	PER COMMENTS
1	4/6/01	PER COMMENTS

PREPARED UNDER THE DIRECT SUPERVISION OF:
STATE OF MARYLAND — DONALD ALBERT MITCHELL — No. 16581 — PROFESSIONAL ENGINEER
4/6/01
"DESIGNER NAME" (STAMPIC NO)
FOR AND ON BEHALF OF "FIRM NAME"

CONFIDENTIALITY STATEMENT:
The recipient of these materials understands that copyright in the materials is owned by BP, and also, that the materials contain privileged and confidential business information of BP. Accordingly, the recipient agrees to retain these materials in strict confidence and agrees not to disclose these materials to any other party and further agrees not to make copies of the materials. The recipient agrees to use the materials only for the limited purpose for which BP has made the materials available, and recipient agrees to return all materials to BP either upon completion of the intended purpose or upon the request of BP, whichever comes first.

DEVELOPMENT INFORMATION:
NEW BUILD (STICK-BUILD)
4200 SERIES HARMONY
–
6 MPD
STARTING GATE CANOPY

SITE ADDRESS:
ROLLING RD. @ DOGWOOD RD.
ROLLING HEIGHTS BUSINESS PARK
BALTIMORE COUNTY, MD

SS #16855

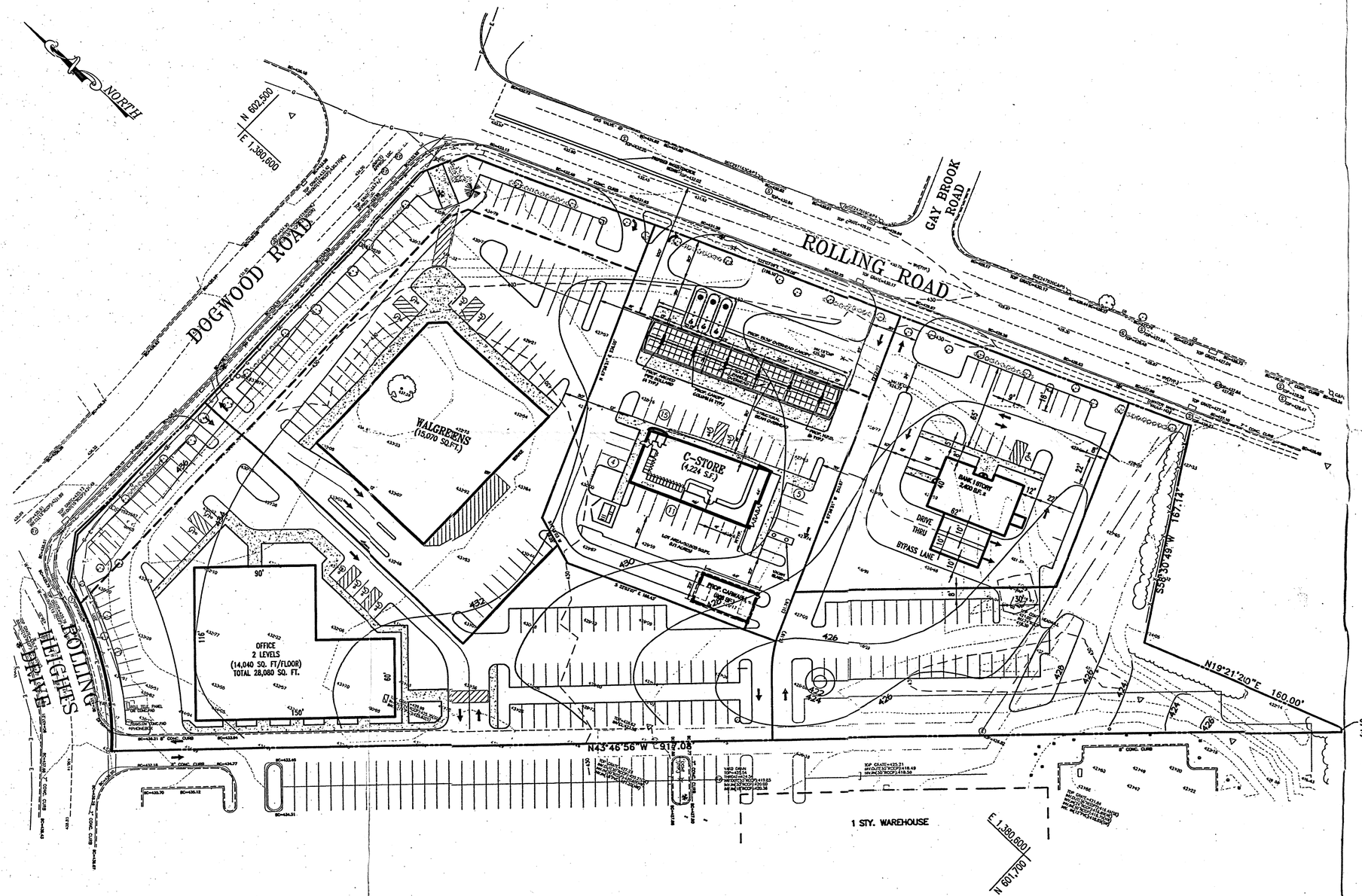
SCALE:	1"=20'	ALLIANCE Z&DM:	JL
DATE:	12/21/00	BP REPM:	JB
DESIGNED BY:	WM/SL	ALLIANCE PM:	MS
DRAWN BY:	SL	FILE NAME:	MRA #11738
CHECKED BY:	WM		

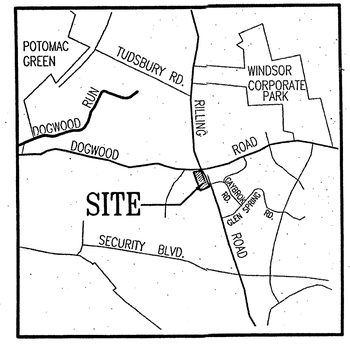
DRAWING TITLE:
PLAN TO ACCOMPANY
SPECIAL EXCEPTION APPLICATION

SHEET NO:
1 OF 3

408

PETITIONER'S EXHIBIT 5





VICINITY MAP

SCALE: 1" = 2000'

DEVELOPMENT AGREEMENTS:

* EXTERIOR BUILDING MATERIALS: ALL BUILDING FACADES SHALL BE CONSTRUCTED OF BRICK, SUBSTANTIALLY SIMILAR IN COLOR AND SIZE TO THE BUILDING KNOWN AS 2275 ROLLING RUN DRIVE LOCATED IN THE ROLLING HEIGHTS BUSINESS PARK.

* PARKING LOT LIGHTING: ALL PARKING LOT LIGHTING TO CONFORM TO IES STANDARDS (ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA).

* FREE STANDING ENTERPRISE ID SIGN: SIGN(S) TO BE GROUND MOUNTED, NOT TO EXCEED 9' IN HEIGHT INCLUDING ANY FOUNDATION BASE ELEMENT. WHERE APPLIED, FOUNDATION BASE ELEMENT TO BE CONSTRUCTED OF BRICK, SIMILAR TO THE EXTERIOR BUILDING FACADE.

* LANDSCAPING: STREET EDGE PLANTING MATERIALS AND BUFFER YARDS TO CONFORM WITH CONCEPTUAL LANDSCAPE PLAN PREPARED BY MORRIS & RITCHIE ASSOCIATES, INC. (MRA), DATED 8/8/2000.

PETITIONER'S EXHIBIT 3

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
110 WEST ROAD SUITE 245
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

PRELIMINARY SITE PLAN

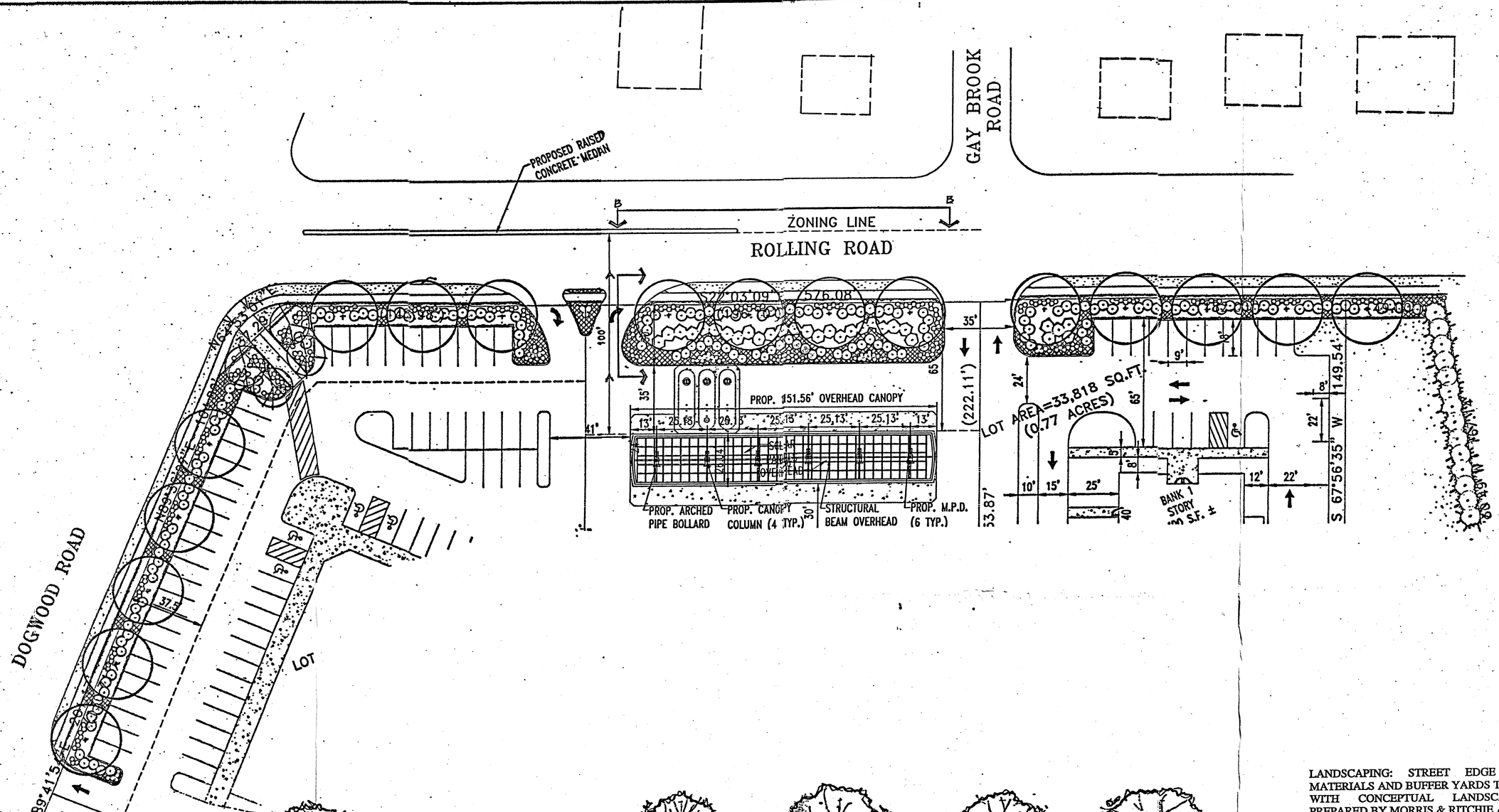
BP AMOCO GAS & C-STORE
ROLLING RD AT DOGWOOD RD
ROLLING HEIGHTS BUS PARK

BALTIMORE COUNTY MARYLAND

DATE	REVISIONS
11/21/00	PER AGREEMENT NOTES
01/03/01	BUILDING SETBACK LINES
02/13-01	ADD GRADING

JOB NO.:	11739
SCALE:	1"=40'
DATE:	9/6/2000
DRAWN BY:	SL
DESIGN BY:	WM
REVIEW BY:	WM
SHEET:	3 OF 3

P:\11739\PLOT\SITE-MASTER.DWG FEB 23, 2001 TIME: 11:49 AM



LANDSCAPING: STREET EDGE PLANTING MATERIALS AND BUFFER YARDS TO CONFORM WITH CONCEPTUAL LANDSCAPE PLAN PREPARED BY MORRIS & RITCHIE ASSOCIATES, INC. (MRA), DATED 8/8/2000.

PETITIONER'S EXHIBIT 2C

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
110 WEST ROAD SUITE 245
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

PRELIMINARY STREETSCAPE SCHEMATIC PLAN

ROLLING HEIGHTS BUSINESS PARK LOT A

BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS

JOB NO.: 11739
SCALE: NOT TO SCALE
DATE: 11/21/00
DRAWN BY: JMH
DESIGN BY: JMH
REVIEW BY: WTH
SHEET: 2 OF 3

MICKEY A. CORNELIUS, P.E., PTOE

Senior Vice President

The Traffic Group.

Merging Innovation and Excellence

Mickey Cornelius, proudly one of the first certified Professional Traffic Operations Engineers (PTOE) in the nation, is Senior Vice President of the firm, responsible for managing various aspects of the firm's traffic engineering and transportation planning studies. He is experienced in many aspects of traffic engineering and transportation planning, including traffic analysis, traffic forecasting and associated modeling, geometric design, traffic signals and signal systems evaluation/design, parking and circulation, traffic calming, and transportation systems management.

As a registered Professional Engineer, Mr. Cornelius has over 23 years experience in the highway transportation and traffic engineering profession. His experience in both the public and private sectors has provided him with a broad range of expertise in his field. Mr. Cornelius has conducted over 2,000 traffic engineering studies and has served as a transportation planner for the development of Master Plans for both private firms and public agencies. His educational and professional background has qualified him as an expert in the field of traffic engineering and transportation planning before numerous County and Municipal Planning and Zoning Boards in Maryland, as well as in Pennsylvania, New Jersey and New York.

Job History

1987 - Present
Traffic Engineering Consultant, The Traffic Group, Inc.

1984 - 1987
Traffic Engineering Consultant

1982 – 1984
Civil Engineer, Highway Construction

Educational Background

- *B.S. in Civil Engineering* with emphasis in Transportation
  Pennsylvania State University
- *Traffic Engineering Courses*
  Northwestern University Traffic Institute
  Polytechnic Institute of New York

Affiliations

- Certified Professional Traffic Operations Engineer (PTOE)
- Registered Professional Engineer (P.E.)–DE, MD, NJ, PA, VA
- Institute of Transportation Engineers (I.T.E.)
- National Society of Professional Engineers (N.S.P.E.)
- Maryland Association of Engineers (M.A.E.)
- County Engineers Association of Maryland (CEAM)

Examples of places where Mr. Cornelius has testified as an expert witness

MARYLAND

City of Annapolis - City Council
Anne Arundel County - Board of Appeals;
Zoning Hearing Examiner
City of Baltimore - City Council; Planning Commission

Baltimore County - County Review Group, Zoning Commissioner,
Board of Appeals; Circuit Court; District Court
Town of Bel Air - Planning Board; Town Commissioners;
Zoning Hearing Examiner
Carroll County – Board of Appeals; County Commissioners;
Planning Board
City of Bowie - Planning Advisory Board; Mayor and City Council
Cecil County - Technical Advisory Committee
Charles County - Board of Appeals
Dorchester County - Board of Appeals
Frederick County - Planning Board; County Commissioners;
Board of Appeals
Harford County – Zoning Hearing Examiner
Howard County - Planning Board; Zoning Board; Board of
Appeals; Hearing Examiner
Town of Indian Head - Planning Commission
Montgomery County - Planning Board; Zoning Hearing Examiner;
Board of Appeals
Town of North East - Planning Commission
Prince George's County - Planning Board; County Council; Hearing
Examiner
Washington County - Board of Appeals
City of Westminster - Mayor and Common Council
Wicomico County - Board of Zoning Appeals

NEW JERSEY

State Court of Administrative Law
Cumberland County - Manchester Township
Zoning Hearing Board
City of Millville - Planning Commission

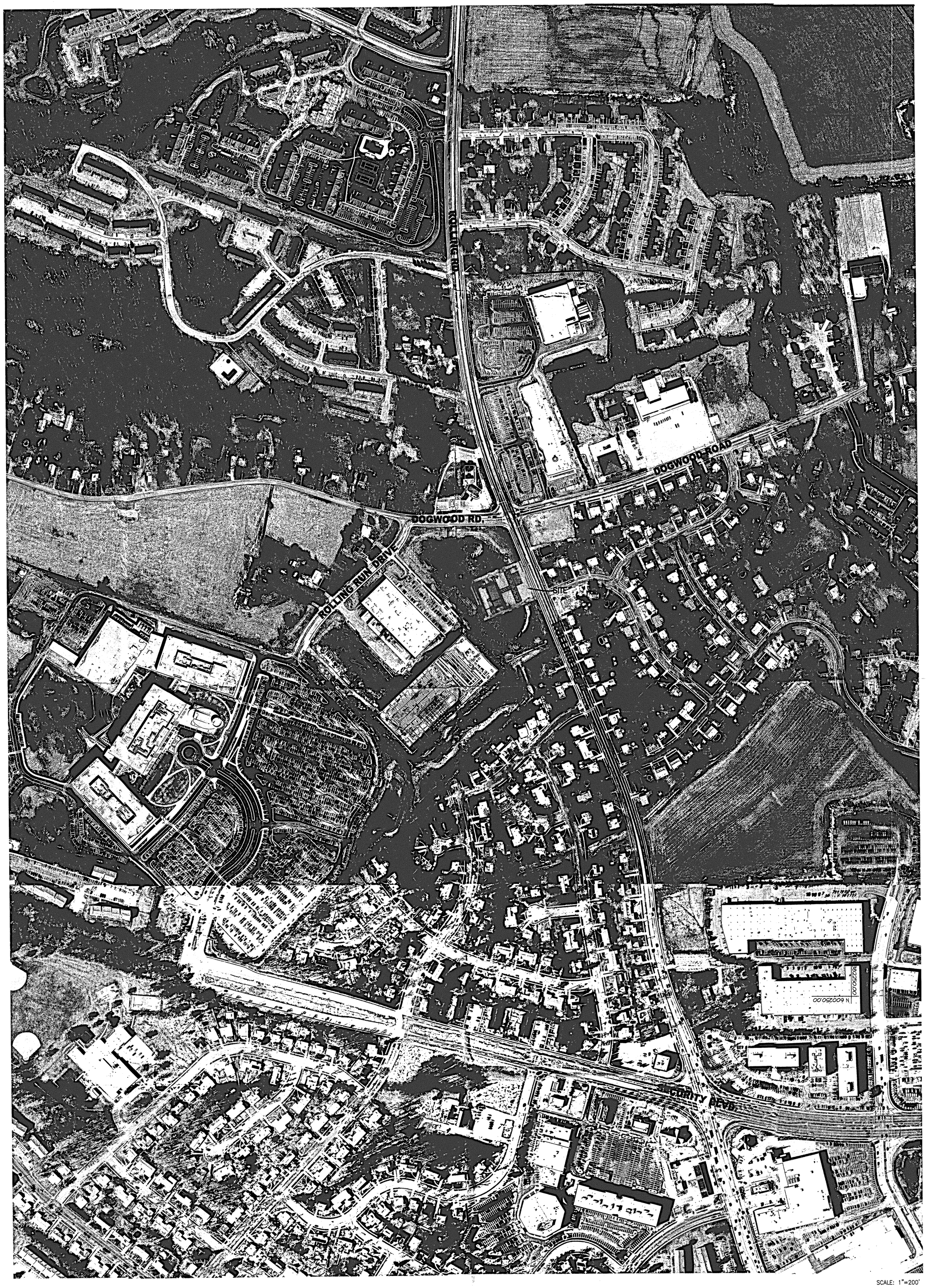
PENNSYLVANIA

York County - Manchester Township Zoning Hearing Board
Shrewsbury Borough – Planning Commission

NEW YORK

Town of East Hampton - Planning Commission

PETITIONER'S EXHIBIT 5



SCALE: 1"=200'

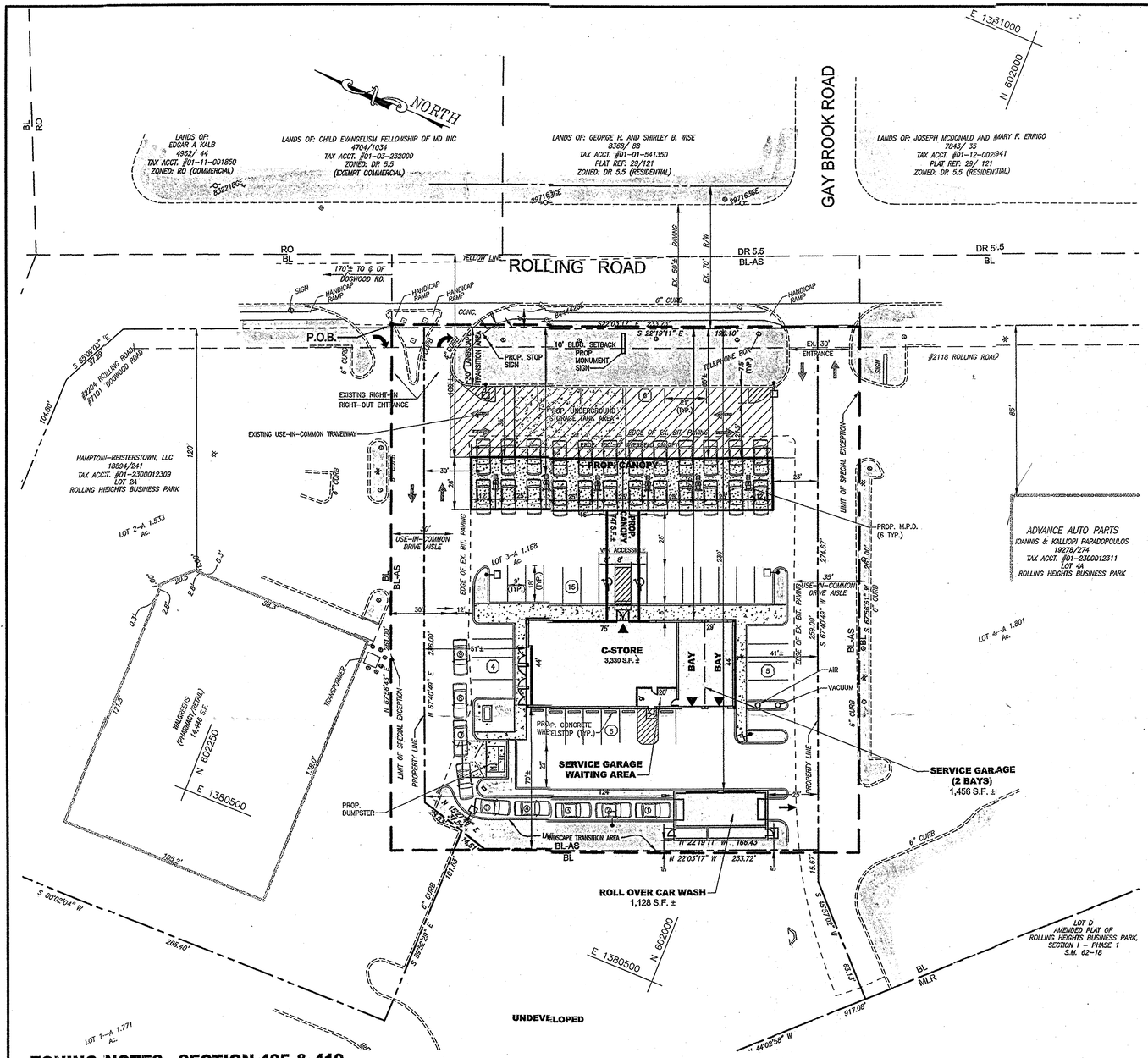
PETITIONER'S EXHIBIT

NO. 8

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748

MRAGTA.COM

P:\14440\PLANNING\PLOT\SPECIAL VARIANCE\14440-hearing exhibit.dwg, Layout1, 10/16/2006 5:33:33 PM, Chamberlain, 1:1, Copyright 2006 Morris Ritchie Associates, Inc.



GENERAL NOTES

1. OWNER / DEVELOPER:
~~MC KHALID ATAH~~ J.K. GHAURI, INC
5915 CLEAR RIDGE ROAD
ELKRIDGE, MARYLAND 21075
PHONE: (410) 379-6402

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

3. PROPERTY INFORMATION:
   A. ZONING: = BL-AS (BUSINESS LOCAL - AUTOMOTIVE SERVICES)
   B. GROSS AREA OF SITE = LOT #3-A ROLLING HEIGHTS BUSINESS PARK 1.158 Ac. ± (50,443 S.F. ±)
   C. PROPERTY ADDRESS: = 2200 ROLLING ROAD BALTIMORE, MD 21244
   D. ELECTION DISTRICT: = 1
   E. COUNCILMANIC DISTRICT: = 1
   F. BALTIMORE COUNTY ADC MAP = MAP 33, GRID A-8
   G. CENSUS TRACT: 4015.01
   H. BALTIMORE REFERENCE TAX MAP = MAP 87, GRID 23, PARCEL 177
   I. DEED REFERENCES: = 16777/615
   J. TAX ACCOUNT NO: = 1-2300012310
   K. ZONING MAP REFERENCE: = NW 3-G

4. EXISTING LAND USE: VACANT - APPROVED FOR GAS STATION IN COMBINATION WITH C-STORE AND ROLL OVER CAR WASH (PER CASE #01-408-X) SEE ITEM #20 BELOW.

5. PROPOSED USE: GAS STATION IN COMBINATION WITH C-STORE, SERVICES BAYS (2), AND ROLLOVER CARWASH.

6. HEIGHT AND AREA REGULATIONS FOR BL-AS ZONE:
   A. RETAIL:
      1. MAXIMUM BUILDING HEIGHT ALLOWED = 40 FEET
         BUILDING HEIGHT PROPOSED (ONE STORY) = 29 FEET
      2. MAXIMUM FLOOR AREA RATIO PERMITTED: 3.0
         PROPOSED FLOOR AREA RATIO: 0.12

7. ALL SIGNAGE SHALL BE IN ACCORDANCE WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS. SIGN(S) TO BE GROUND MOUNTED (FREE STANDING), NOT TO EXCEED 8' IN HEIGHT INCLUDING ANY FOUNDATION BASE ELEMENT. WHERE APPLIED, FOUNDATION BASE ELEMENT TO BE CONSTRUCTED OF BRICK, SIMILAR TO THE EXTERIOR BUILDING FACADE.

8. THE PROPOSED MONUMENT SIGN SHALL NOT EXCEED 50 SQ. FT.

9. PROPERTY LINE INFORMATION IS FROM A RECORD PLAT PERFORMED BY MORRIS & RITCHIE ASSOCIATES, INC., 03/28/01.

10. THERE ARE NO KNOWN EXISTING WELLS NOR SEPTIC FIELDS ONSITE, OR WITHIN 100' OF THE PROPERTY.

11. THERE ARE NO KNOWN SIGNIFICANT REGULATED PLANT OR WILDLIFE COMMUNITIES ON-SITE.

12. THERE ARE NO 100-YEAR FLOODPLAINS ON SITE.

13. THERE ARE NO KNOWN WETLANDS ON-SITE.

14. THIS SITE WILL BE SERVICED BY EXISTING PUBLIC WATER AND SANITARY SERVICE.

15. STORMWATER MANAGEMENT IS PROVIDED IN AN EXISTING REGIONAL FACILITY.

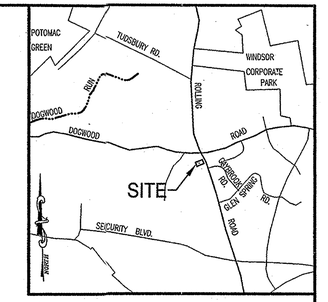
16. ALL SCREENING AND LANDSCAPING SHALL BE IN ACCORDANCE WITH THE CURRENT BALTIMORE COUNTY LANDSCAPE MANUAL, AS SHOWN ON THE APPROVED LANDSCAPE PLAN. STREET EDGE PLANTING MATERIALS AND BUFFER YARDS TO CONFORM WITH CONCEPTUAL LANDSCAPE PLAN PREPARED BY MORRIS & RITCHIE ASSOCIATES, INC. (MRA), DATED 8/8/2000.

17. ALL LIGHTING FIXTURES SHALL BE DESIGNED TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS, SEE LIGHTING PLANS. ALL PARKING LOT LIGHTING TO CONFORM TO IES STANDARDS (ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA).

18. ALL PARKING SHALL BE MACADAM DUSTLESS SURFACE WITH CONCRETE CURBING.

19. THERE ARE NO KNOWN EXISTING UNDERGROUND STORAGE TANKS ON THIS SITE.

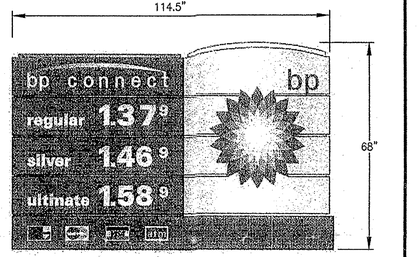
20. PREVIOUS ZONING CASES:
   1. RECLASSIFICATION OF SITE, ITEM #1-028 APPROVED BY BALTIMORE COUNTY COUNCIL, DECEMBER, 2000.
   2. CASE NO. 01-408-X:
      THEREFORE, IT IS ORDERED THIS 9TH DAY OF JULY, 2001, BY THIS DEPUTY ZONING COMMISSIONER, THAT THE PETITIONERS' REQUEST FOR SPECIAL EXCEPTION, TO PERMIT A FUEL SERVICE STATION USE IN COMBINATION WITH A CONVENIENCE STORE AND ROLLOVER CAR WASH, BE AND IS HEREBY APPROVED. THE FOLLOWING CONDITIONS WILL BE IMPOSED:
      A. THE PETITIONERS MAY APPLY FOR THEIR PERMIT UPON RECEIPT OF THE ORDER; HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS IS AT THEIR OWN RISK UNTIL THE 30-OKAY APPEAL PERIOD FROM THE DATE OF THIS ORDER HAS EXPIRED. IF AN APPEAL IS FILED AND THIS ORDER IS REVERSED, THE RELIEF GRANTED HEREIN SHALL BE RESCINDED.
      B. THE PROPOSED MONUMENT SIGN SHOULD NOT EXCEED 50 SQ. FT.
      C. THE PETITIONERS SHALL NOT BE PERMITTED TO INSTALL OUTDOOR SPEAKERS ON THE PROPERTY.
      D. THE PETITIONERS SHALL BE REQUIRED TO SUBMIT A LANDSCAPING PLAN TO MR. AVERY HARDEN, LANDSCAPE ARCHITECT FOR BALTIMORE COUNTY, FOR HIS REVIEW AND APPROVAL.
      E. WHEN APPLYING FOR BUILDING PERMIT, THE SITE PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER.



VICINITY MAP
SCALE: 1" = 2000'

BENCHMARKS
BC0469-THIS BENCHMARK IS A CAPPED PIPE LOCATED ON THE EMMARTS CHURCH CORNER OF ROLLING AND DOGWOOD. IT IS BETWEEN THE STONE MEMORIAL AND A SIGN.
N 602,482.65
E 1,380,631.99
ELEV. 436.91

TR10O-THIS BENCHMARK IS LOCATED ON SITE NEAR THE MIDPOINT OF THE PROPERTY LINE CURVE ON ROLLING RUN DRIVE. IT IS A PIECE OF REBAR WITH A CAP.
N 602,307.53
E 1,380,240.27
ELEV. 437.52



SIGN DETAIL
MONUMENT MID
NOT TO SCALE
FREESTANDING, GROUND-MOUNTED DOUBLEFACE ILLUMINATED SIGN (44 SF± PER SIDE)

ZONING RELIEF REQUESTED

1. **SPECIAL HEARING -**
SPECIAL HEARING TO CONFIRM THAT THE SPECIAL EXCEPTION APPROVED IN CASE NO. 01-408-X FOR A FUEL SERVICE STATION ON AN INDIVIDUAL SITE IN COMBINATION WITH A CONVENIENCE STORE WITH A SALES FLOOR AREA LARGER THAN 1,500 SQUARE FEET AND A ROLL-OVER CAR WASH HAS BEEN UTILIZED IN ACCORDANCE WITH SECTION 502.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS AND TO AMEND THE SITE PLAN APPROVAL IN CASE NO. 01-408-X TO ADD SERVICE BAYS.
2. **SPECIAL EXCEPTION-**
SPECIAL EXCEPTION PURSUANT TO SECTIONS 405.2.B.1, 405.4.E.1, AND 405.E.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR A FUEL SERVICE STATION ON AN INDIVIDUAL SITE IN COMBINATION WITH A CONVENIENCE STORE WITH A SALES FLOOR AREA LARGER THAN 1,500 SQUARE FEET AND A ROLL-OVER CAR WASH.

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

A. REQUIRED SITE AREA: SF±
FUEL SERVICE STATION (12 FUELING POSITIONS x 1,500 SF) = 18,000
CONVENIENCE STORE (4 x 3,120 SF) = 12,480
SERVICE GARAGE (MINOR VEHICLE REPAIR) (2 x 1,300 S.F.) = 2,600
ATM = 1,000
TOTAL AREA REQUIRED = 34,080
TOTAL AREA (GROSS) = 50,443

B. BUILDING AREA:
CONVENIENCE STORE = 3,120
SERVICE BAY AREA = 1,456
TOTAL AREA (GROSS) = 4,576

C. SETBACKS (TO PROPERTY LINES):

	BUILDING		CANOPY		FUEL PUMPS	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
FRONT	10|2.5'±	148'±	15'	65'±	25'	73'±
SIDE	0'	41'±				
REAR	0'	67'±				

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

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

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

G. PARKING CALCULATIONS:
A. PARKING REQUIRED

C-STORE	SPACES
3,120 SF. @ 5/1000	= 16
SERVICE BAYS (2) @ 3 PER BAY	= 6
1 SPACE PER ATM	= 1
1 SPACE FOR AIR UNIT	= 1
CAR WASH DRYING SPACES (2 PER BAY)	= 2
ADDITIONAL SPACES (ROLLOVER CAR WASH)	= 2
VACUUM SPACE	= 1
TOTAL REQUIRED	= 29

B. PARKING PROVIDED:
INCLUDING 2 HANDICAP SPACES = 37

H. CAR WASH STACKING:
ROLL OVER CARWASH
REQUIRED - (9'x20') = 9
PROVIDED = 9

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

SECTION 405.4.D.1 ANCILLARY USES

1. MINOR VEHICLE REPAIR OR DIAGNOSTIC SERVICES TO VEHICLES, EXCEPT THOSE WHICH ARE UNLICENSED OR WHICH HAVE A STATE MOTOR VEHICLE ADMINISTRATION TRANSPORTER OR A DEALER LICENSE. ADDITIONAL SITE AREA OF 1,300 FEET PER SERVICE BAY SHALL BE PROVIDED.
   A. TYPE OF SERVICE AND REPAIRS INCLUDED BUT ARE NOT LIMITED TO THE SALE AND INSTALLATION OF MUFFLERS, SMALL AUTO PARTS AND ACCESSORIES AND SHALL REMAIN ACCESSORY TO THE FUEL SERVICE STATION OPERATION.
   B. ALL SERVICE AND REPAIRS SHALL TAKE PLACE WITHIN COMPLETELY ENCLOSED BUILDINGS.
   C. THE COMBINED AREA FOR SALES, DISPLAY AND CUSTOMER WAITING ROOM MAY NOT EXCEED 500 SQUARE FEET.
   D. STORAGE OF TOW TRUCKS, DAMAGED OR DISABLED VEHICLES OR PARTS IS SUBJECT TO SECTION 405A.

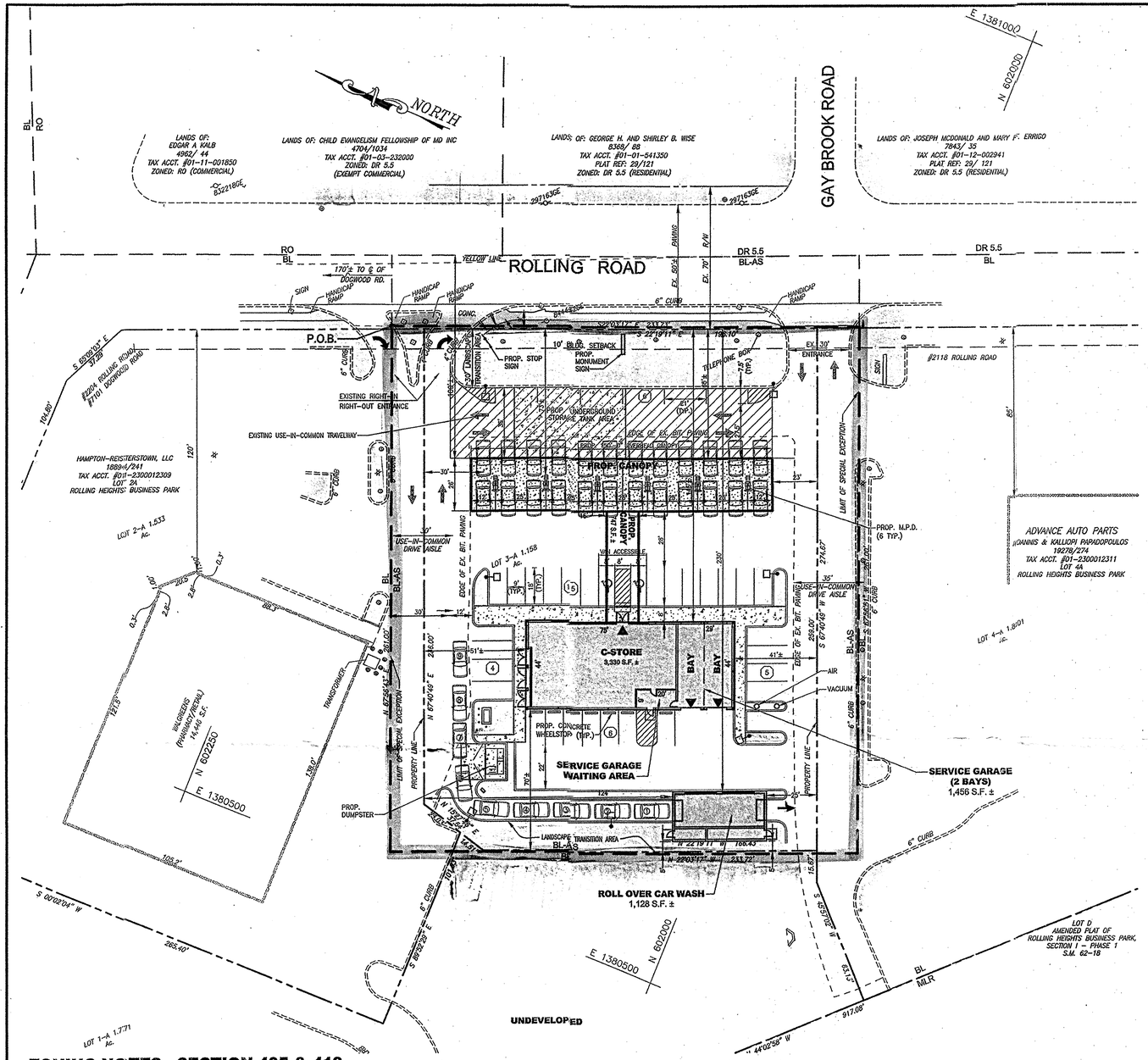
PETITIONER'S EXHIBIT NO. 6

PDM #01-408-X

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
www.mragta.com

SITE PLAN
TO ACCOMPANY SPECIAL HEARING/ SPECIAL EXCEPTION APPLICATION GAS STATION, C-STORE, & ROLLOVER CAR WASH
2202 ROLLING ROAD
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO.:	14440.02
		SCALE:	1" = 30'
		DATE:	08/18/06
	EXHIBIT 6	DRAWN BY:	JAB
		DESIGN BY:	WPM
		REVIEW BY:	WPM
		SHEET:	1 OF 1



GENERAL NOTES

1. OWNER / DEVELOPER:
   J K GHAURI, INC.
   5915 CLEAR RIDGE ROAD
   ELKRIDGE, MARYLAND 21075
   PHONE: (410) 379-6402

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

3. PROPERTY INFORMATION:
   A. ZONING: = BL-AS (BUSINESS LOCAL - AUTOMOTIVE SERVICES)
   B. GROSS AREA OF SITE = LOT #3-A ROLLING HEIGHTS BUSINESS PARK 1.158 Ac. ± (50,443 S.F. ±)
   C. PROPERTY ADDRESS: = 2200 ROLLING ROAD BALTIMORE, MD 21244
   D. ELECTION DISTRICT: = 1
   E. COUNCILMANIC DISTRICT: = 1
   F. BALTIMORE COUNTY ADC MAP = MAP 33, GRID A-8
   G. CENSUS TRACT: 4015.01
   H. BALTIMORE REFERENCE TAX MAP = MAP 87, GRID 23, PARCEL 177
   I. DEED REFERENCES: = 16777/615
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10. THERE ARE NO KNOWN EXISTING WELLS NOR SEPTIC FIELDS ON-SITE, OR WITHIN 100' OF THE PROPERTY.

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12. THERE ARE NO 100-YEAR FLOODPLAINS ON SITE.

13. THERE ARE NO KNOWN WETLANDS ON-SITE.

14. THIS SITE WILL BE SERVICED BY EXISTING PUBLIC WATER AND SANITARY SERVICE.

15. STORMWATER MANAGEMENT IS PROVIDED IN AN EXISTING REGIONAL FACILITY.

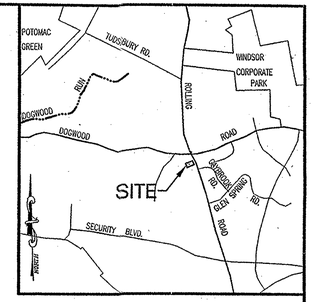
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17. ALL LIGHTING FIXTURES SHALL BE DESIGNED TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS, SEE LIGHTING PLANS. ALL PARKING LOT LIGHTING TO CONFORM TO IES STANDARDS (ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA).

18. ALL PARKING SHALL BE MACADAM DUSTLESS SURFACE WITH CONCRETE CURBING.

19. THERE ARE NO KNOWN EXISTING UNDERGROUND STORAGE TANKS ON THIS SITE.

20. PREVIOUS ZONING CASES:
    1. RECLASSIFICATION OF SITE, ITEM #1-028 APPROVED BY BALTIMORE COUNTY COUNCIL, DECEMBER, 2000.
    2. CASE NO. 01-408-X:
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       B. THE PROPOSED MONUMENT SIGN SHOULD NOT EXCEED 50 SQ. FT.
       C. THE PETITIONERS SHALL NOT BE PERMITTED TO INSTALL OUTDOOR SPEAKERS ON THE PROPERTY.
       D. THE PETITIONERS SHALL BE REQUIRED TO SUBMIT A LANDSCAPING PLAN TO MR. AVERY HARDEN, LANDSCAPE ARCHITECT FOR BALTIMORE COUNTY, FOR HIS REVIEW AND APPROVAL.
       E. WHEN APPLYING FOR BUILDING PERMIT, THE SITE PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER.



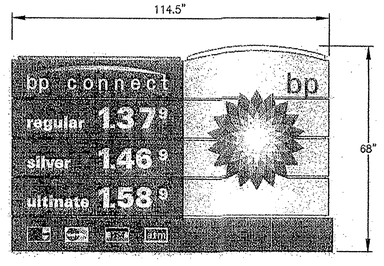
VICINITY MAP

SCALE: 1" = 2000'

BENCHMARKS

BCO469-THIS BENCHMARK IS A CAPPED PIPE LOCATED ON THE EMMARTS CHURCH CORNER OF ROLLING AND DOGWOOD. IT IS BIETWEEN THE STONE MEMORIAL AND A SIGN.
N 602,482.65
E 1,380,631.99
ELEV. 436.91

TR100-THIS BENCHMARK IS LOCATED ON SITE NEAR THE MIDPOINT OF THE PROPERTY LINE CURVE ON ROLLING RUN DRIVE. IT IS A PIECE OF REBAR WITH A CAP.
N 602,307.53
E 1,380,240.27
ELEV. 437.52



SIGN DETAIL

MONUMENT MID

NOT TO SCALE

FREESTANDING, GROUND-MOUNTED DOUBLEFACE ILLUMINATED SIGN (44 SF± PER SIDE)

ZONING RELIEF REQUESTED

SPECIAL EXCEPTION-
SPECIAL EXCEPTION PURSUANT TO SECTIONS 405.2.B.1, 405.4.E.1, AND 405.E.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR A FUEL SERVICE STATION ON AN INDIVIDUAL SITE IN COMBINATION WITH A CONVENIENCE STORE WITH A SALES FLOOR AREA LARGER THAN 1,500 SQUARE FEET AND A ROLL-OVER CAR WASH.

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

A. REQUIRED SITE AREA: SF±
   FUEL SERVICE STATION (12 FUELING POSITIONS x 1,500 SF) = 18,000
   CONVENIENCE STORE (4 x 3,120 SF) = 12,480
   SERVICE GARAGE (MINOR VEHICLE REPAIR) (2 x 1,300 S.F.) = 2,600
   ATM = 1,000
   TOTAL AREA REQUIRED = 34,080
   TOTAL AREA (GROSS) = 50,443

B. BUILDING AREA:
   CONVENIENCE STORE = 3,120
   SERVICE BAY AREA = 1,456
   TOTAL AREA (GROSS) = 4,576

C. SETBACKS (TO PROPERTY LINES):

	BUILDING		CANOPY		FUEL PUMPS	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
FRONT	102.5'±	148'±	15'	65'±	25'	73'±
SIDE	0'	41'±				
REAR	0'	67'±				

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

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

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

G. PARKING CALCULATIONS:
   A. PARKING REQUIRED

C-STORE	SPACES
3,120 SF. @ 5/1000	= 16
SERVICE BAYS (2) @ 3 PER BAY	= 6
1 SPACE PER ATM	= 1
1 SPACE FOR AIR UNIT	= 1
CAR WASH DRYING SPACES (2 PER BAY)	= 2
ADDITIONAL SPACES (ROLLOVER CAR WASH)	= 2
VACUUM SPACE	= 1
TOTAL REQUIRED	= 29

   B. PARKING PROVIDED:
      INCLUDING 2 HANDICAP SPACES = 37

H. CAR WASH STACKING:
   ROLL OVER CARWASH
   REQUIRED - (9'x20') = 9
   PROVIDED = 9

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

SECTION 405.4.D.1 ANCILLARY USES

1. MINOR VEHICLE REPAIR OR DIAGNOSTIC SERVICES TO VEHICLES, EXCEPT THOSE WHICH ARE UNLICENSED OR WHICH HAVE A STATE MOTOR VEHICLE ADMINISTRATION TRANSPORTER OR A DEALER LICENSE. ADDITIONAL SITE AREA OF 1,300 FEET PER SERVICE BAY SHALL BE PROVIDED.
   A. TYPE OF SERVICE AND REPAIRS INCLUDED BUT ARE NOT LIMITED TO THE SALE AND INSTALLATION OF MUFFLERS, SMALL AUTO PARTS AND ACCESSORIES AND SHALL REMAIN ACCESSORY TO THE FUEL SERVICE STATION OPERATION.
   B. ALL SERVICE AND REPAIRS SHALL TAKE PLACE WITHIN COMPLETELY ENCLOSED BUILDINGS.
   C. THE COMBINED AREA FOR SALES, DISPLAY AND CUSTOMER WAITING ROOM MAY NOT EXCEED 500 SQUARE FEET.
   D. STORAGE OF TOW TRUCKS, DAMAGED OR DISABLED VEHICLES OR PARTS IS SUBJECT TO SECTION 405A.

PETITIONER'S EXHIBIT

NO. _____

PDM #01-408-X

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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SITE PLAN
TO ACCOMPANY SPECIAL EXCEPTION APPLICATION GAS STATION, C-STORE, & ROLLOVER CAR WASH
2202 ROLLING ROAD

BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO.:	14440.02
		SCALE:	1" = 30'
		DATE:	08/18/06
		DRAWN BY:	JAB
		DESIGN BY:	WPM
		REVIEW BY:	WPM
		SHEET:	1 OF 1

PETITIONER'S EXHIBIT 6

WILLIAM P. MONK
Principal

MORRIS & RITCHIE ASSOCIATES, INC.

Comment [COMMENT1]: 8/1/00

Project Assignment:

Expert Witness / Project Manager

Years of Experience:

MRA:	6
Other Firms:	25

Education:

Master of Urban Planning,
University of Illinois, 1975
Bachelor of Urban Planning,
University of Illinois, 1973

Professional Affiliations:

Mayor's Transition Committee for Economic Development, Mayor Martin O'Malley, City of Baltimore 1999-2000

Greater Towson Committee
(formerly Towson Development Corporation)
President 1998-2000
Bd. of Directors 1994-2006

National Association of Industrial and Office Properties

Past Member:

American Planning Association, Member

National Golf Association, Member



PETITIONER'S EXHIBIT 7



9
6



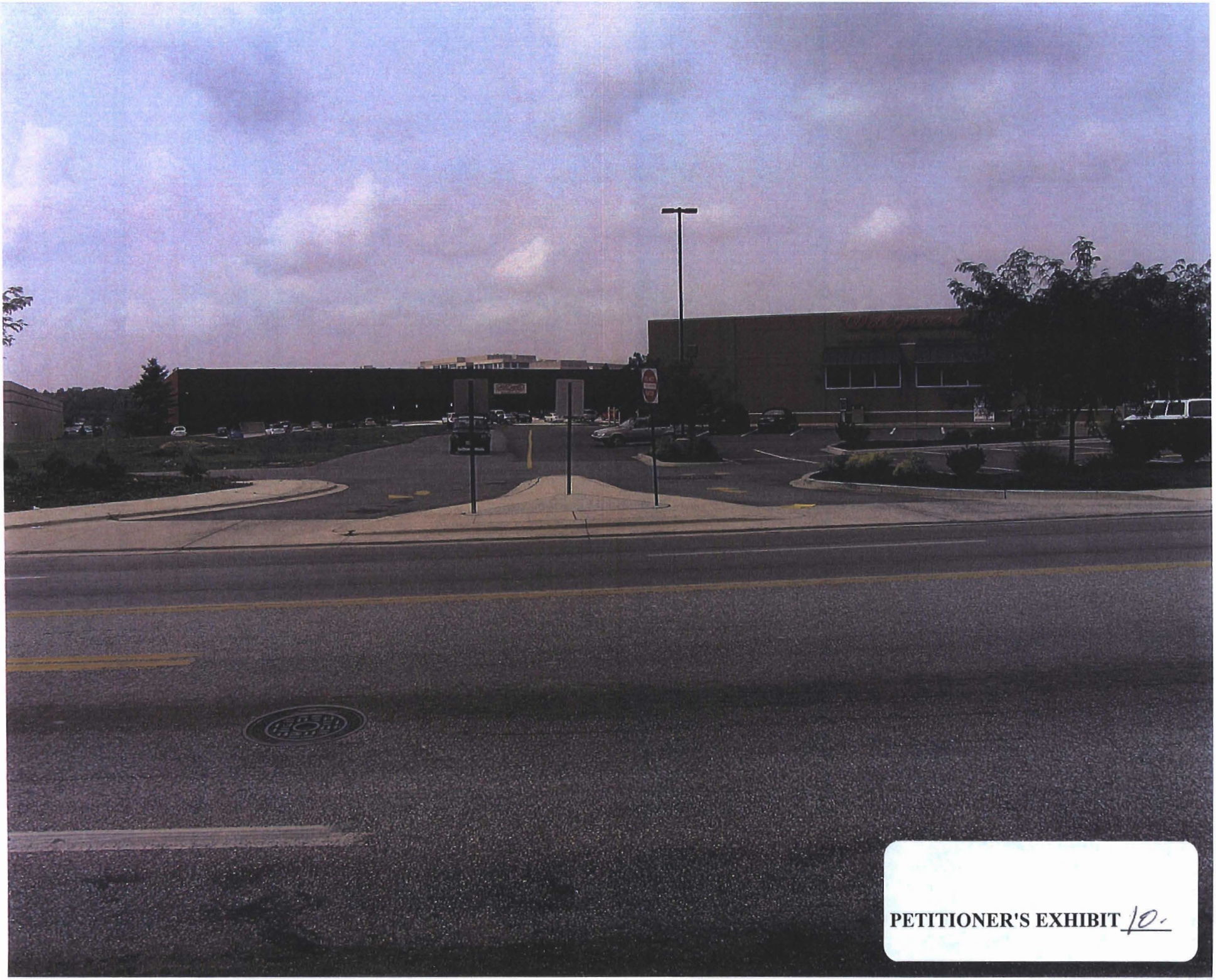
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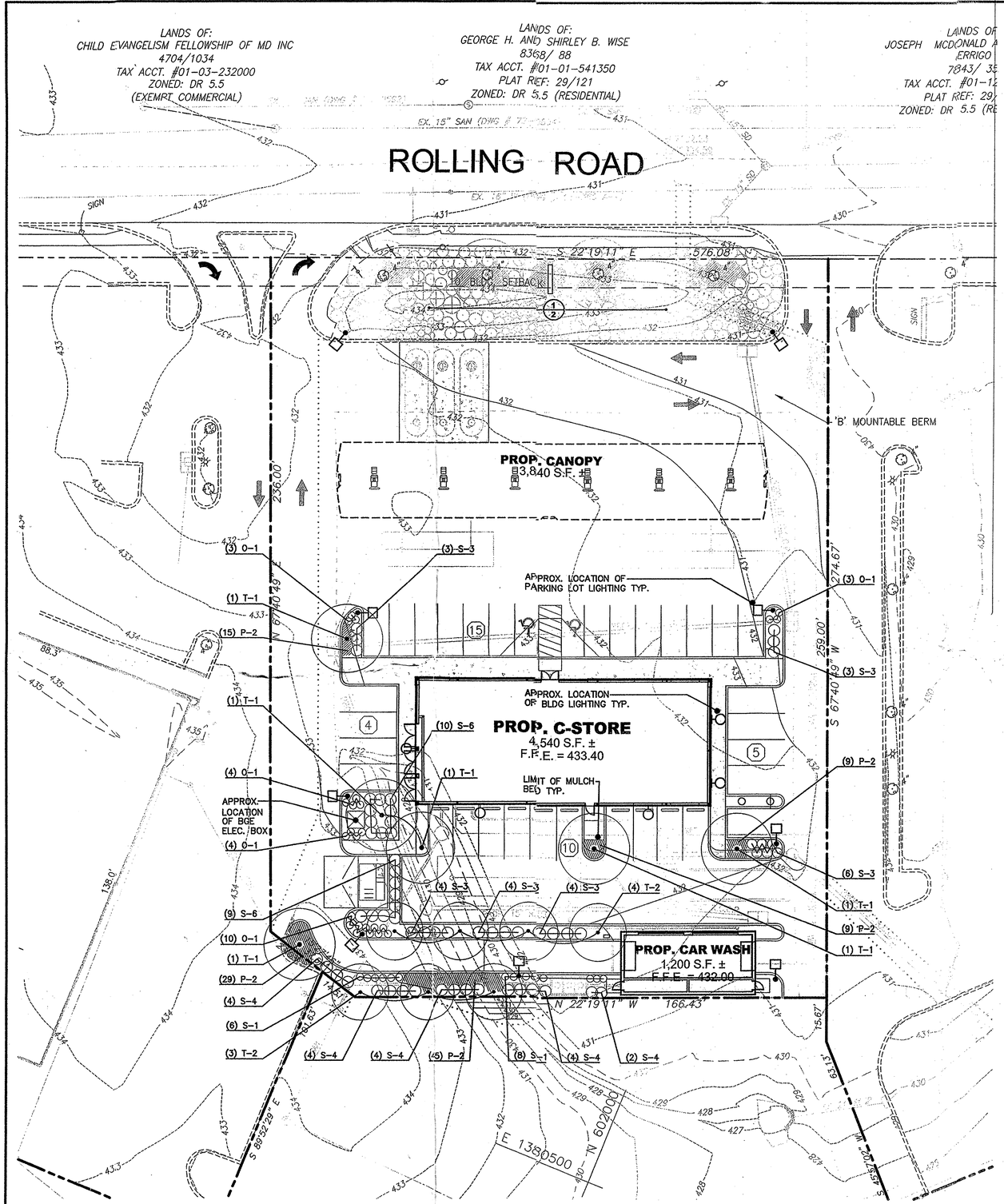
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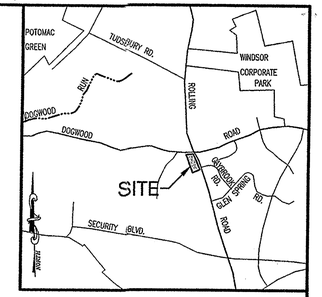


9d



PETITIONER'S EXHIBIT 10.





VICINITY MAP

SCALE: 1" = 2000'

BENCHMARKS

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TR100-THIS BENCHMARK IS LOCATED ON SITE NEAR THE MIDPOINT OF THE PROPERTY LINE CURVE ON ROLLING RUN DRIVE. IT IS A PIECE OF REBAR WITH A CAP.
N 602,307.53
E 1,380,240.27
ELEV. 437.52

LANDSCAPE CALCULATIONS:

REQUIRED LANDSCAPING

NO.	DESCRIPTION	RATE	QUANTITY	PLANTING UNITS (PU)
1.	FRONTAGE TO ADJACENT ROAD	1 PU/40 LF	196 LF	5 PU
2.	FRONTAGE TO INTERIOR ROAD	1 PU/20 LF	493 LF	25 PU
3.	PARKING LOT INTERIOR	1 PU/12 LF	34 PS	3 PU
4.	SERVICE LANE ADJ. TO COMM.	1 PU/20 LF	110 LF	6 PU
5.	DUMPSTER SCREENING	1 PU/15 SP.	40 LF	3 PU
6.	FUEL STATION ADJ. TO PUBLIC ROAD	1 PU/15 LF	196 LF	14 PU
7.	FUEL STATION ADJ. TO COMMERCIAL	1 PU/10 LF	700 LF	70 PU
8.	CREDIT FOR EX. SHADE TREE	1 PU/TREE	4	-4 PU
			TOTAL REQUIRED LANDSCAPING	122 PU

PROPOSED LANDSCAPING

NO.	DESCRIPTION	RATE	QUANTITY	PLANTING UNITS (PU)
1.	SHADE TREES	1 PU/TREE	13	13 PU
2.	SHRUBS	1 PU/5	305	61 PU
3.	GRASSES & GROUNDCOVERS	1 PU/25 Gal.	242 Gal.	9.6 PU
			TOTAL PROPOSED LANDSCAPING	83.6 PU *

* A REQUEST FOR THE MODIFICATION OF STANDARDS TO PERMIT 83.6 PU IN LIEU OF THE REQUIRED 122 PU.

PLANT LIST

SHADE TREES

KEY	QTY.	BOTANICAL NAME/ COMMON NAME	SIZE	ROOT	REMARKS
T-1	6	Acer rubrum 'Red Sunset' Red Sunset Maple	2"-2 1/2"	B & B	
T-2	7	Carpinus betula 'Fastigiata' Columnar European Hornbeam	2"-2 1/2"	B & B	

SHRUBS

S-1	69	Berberis t. 'Atropurpurea' Crimson Pygmy Barberry	15"-18"	Cont.	
S-2	24	Chamaecyparis pisifera filifera aurea 'Gold Mop' Gold Mop Cypress	18"-24"	Cont.	
S-3	110	Juniperus chinensis sargentii Sargents Juniper	18"-24" *	Cont.	* spread
S-4	18	Juniperus chinensis 'Sea Green' Sea Green Juniper	18"-24"	Cont.	
S-5	47	Juniperus squanata 'Blue Star' Blue Star Juniper	18"-24" *	Cont.	* spread
S-6	19	Prunus laurocerasus 'Otto Luyken' Otto Luyken Cherry Laurel	24"-30"	Cont.	
S-7	10	Spirea japonica 'Little Princess' Little Princess Spirea	15"-30"	Cont.	
S-8	8	Virburnum x juddii Judd Virburnim	3' - 4'	B & B	

ORNAMENTAL GRASS

O-1	75	Pennisetum alopecuroides 'Hameln' Hameln Dwarf Fountain Grass	2 Gal.	Cont.	2 1/2' O.C.

PERENNIALS

P-1	31	Hemerocalis 'Happy Returns' Happy Returns daylilies	1 Gal.	Cont.	18" O.C.
P-2	244	Liriope muscari 'Variegata' Variegated Liriope	1 Qt.	Cont.	18" O.C.

LEGEND

- PROP. PROPERTY LINE
- EX. CONTOUR
- PROP. CONTOUR
- EX. CURB & GUTTER
- PROP. CURB & GUTTER
- EX. SANITARY
- PROP. SANITARY
- EX. STORM DRAIN
- PROP. STORM DRAIN
- EX. WATER
- PROP. WATER
- PROPOSED SHADE TREE
- PROPOSED SHRUB AND GRASS
- PROPOSED GROUNDCOVER
- LIMIT OF MULCH BED

Pet. Ex #11

OWNER

BP PRODUCTS NORTH AMERICA, INC.
1 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
CONTACT: MR. JEFFREY BAINBRIDGE
PHONE: (410) 494-3700

DEVELOPER

5915 CLEAR RIDGE ROAD
ELKRIDGE, MARYLAND 21075
CONTACT: MR. KHALID AZAM
PHONE: (410) 379-6402

L-1

PETITIONER'S EXHIBIT

NO. 11

NORTH

FINAL LANDSCAPE PLAN
LANDSCAPE ARCHITECT CERTIFICATION FORM

IT IS CERTIFIED THAT THIS LANDSCAPE PLAN IS IN COMPLIANCE WITH ALL PLANS PREVIOUSLY APPROVED BY BALTIMORE COUNTY AND THE BALTIMORE COUNTY COMMENTS ATTENDANT.

SIGNATURE — JAMES D. MARTIN III PRINT NAME

11.02.05 DATE

STATE OF MARYLAND JAMES D. MARTIN III NO. 3239 LICENSED LANDSCAPE ARCHITECT 11.02.05 SEAL

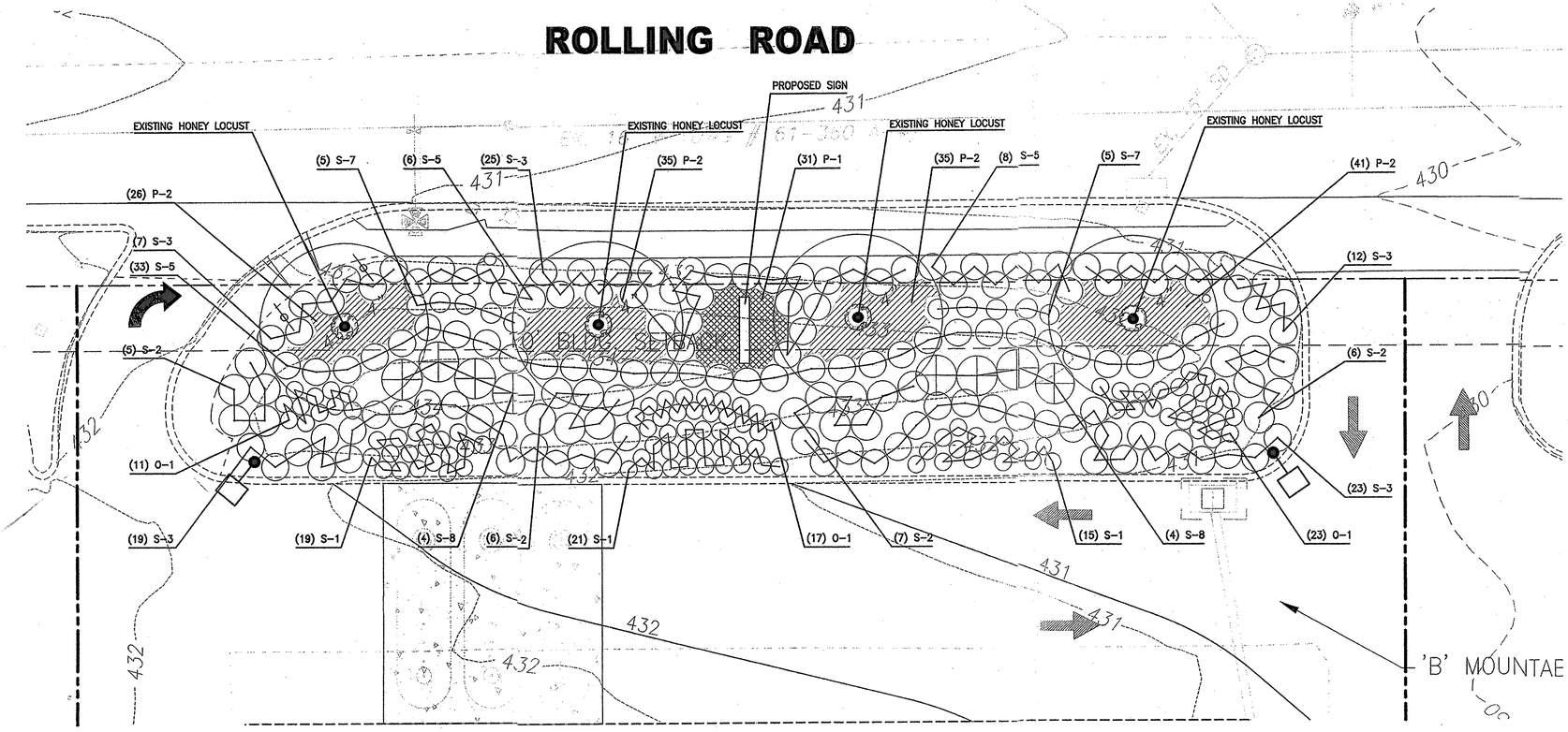
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
www.mragta.com

LANDSCAPE PLAN

BP GAS STATION, C-STORE & CAR WASH AT 2200 ROLLING ROAD

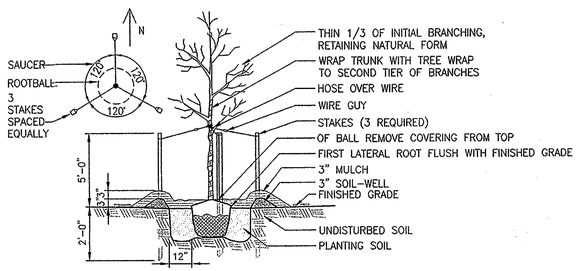
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		BALTIMORE COUNTY DEPT. OF PERMITS & DEV. MGMT. LANDSCAPE PLAN APPROVED	JOB NO.: 14440
			SCALE: 1" = 20'
			DATE: 11/02/05
			DRAWN BY: JAB
			DESIGN BY: JK
		E. Avery Harden Date: 11-2-05	REVIEW BY: JH
		County Landscape Architect	SHEET: 1 OF 2



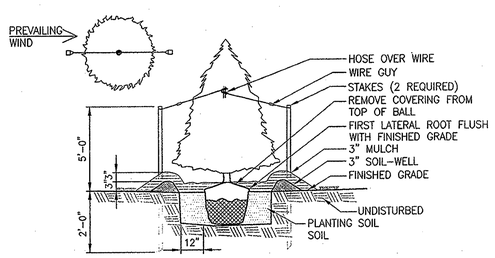
1 2 LANDSCAPE DETAIL

SCALE: 1"=10'



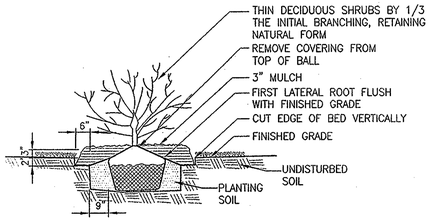
DECIDUOUS TREE DETAIL

NOT TO SCALE



EVERGREEN TREE DETAIL

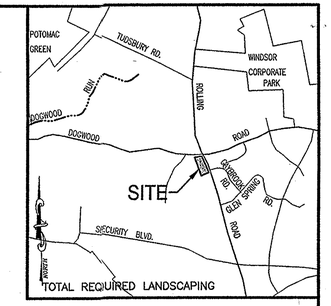
NOT TO SCALE



SHRUB DETAIL

NOT TO SCALE

NORTH



VICINITY MAP

SCALE: 1" = 2000'

BENCHMARKS

BC0469–THIS BENCHMARK IS A CAPPED PIPE LOCATED ON THE EMMARTS CHURCH CORNER OF ROLLING AND DOGWOOD. IT IS BETWEEN THE STONE MEMORIAL AND A SIGN.
N 602,482.65
E 1,380,631.99
ELEV. 436.91

TR100–THIS BENCHMARK IS LOCATED ON SITE NEAR THE MIDPOINT OF THE PROPERTY LINE CURVE ON ROLLING RUN DRIVE. IT IS A PIECE OF REBAR WITH A CAP.
N 602,307.53
E 1,380,240.27
ELEV. 437.52

GENERAL NOTES

1. CONTRACTOR SHALL CONTACT "MISS UTILITY" (800-257-7777) AND SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES WITHIN THE PROJECT AREA PRIOR TO INSTALLATION OF PLANT MATERIAL.
2. PROPOSED LOCATIONS OF PLANT MATERIAL SHALL BE STAKED IN THE FIELD BY THE CONTRACTOR FOR APPROVAL BY OWNER'S REPRESENTATIVE PRIOR TO PLANTING.
3. PLANT MATERIAL AND BEDS SHALL RECEIVE A MINIMUM 3-INCH DEPTH OF MULCH.
4. ALL AREAS DISTURBED BY PLANTING OPERATIONS SHALL BE REPAIRED BY THE CONTRACTOR TO THE SATISFACTION OF THE OWNER'S REPRESENTATIVE.
5. QUANTITIES OF TREES, EVERGREENS, AND SHRUBS NOTED ON THE PLANT LIST ARE BASED UPON THE GRAPHIC SYMBOLS SHOWN ON THE DRAWINGS. IF THERE IS A DISCREPANCY BETWEEN GRAPHIC SYMBOLS AND QUANTITIES SHOWN IN THE PLANT LIST, THE GREATER QUANTITY SHALL APPLY. CONTACT OWNER'S REPRESENTATIVE IF A DISCREPANCY IS FOUND BETWEEN THE QUANTITIES NOTED IN THE PLANT LIST AND THE SYMBOL COUNT OF PLANT MATERIALS SHOWN ON THE DRAWINGS.
6. ALL PLANT MATERIALS SHALL BE NURSERY GROWN AND SHALL COMPLY WITH THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1), LATEST EDITION, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
7. ALL TREES TO CONFORM TO THE AMERICAN ASSOCIATION OF NURSERYMEN'S STANDARDS: SECTION 1.1.2.4. HEIGHT OF BRANCHING. ALL TREES TO BE MATCHED.
8. ALL PLANT MATERIALS TO BE FULL HEAVY SPECIMENS.
9. THIS DRAWING IS FOR LANDSCAPING INFORMATION ONLY. REFER TO SITE GRADING, UTILITY, AND SEDIMENT AND EROSION CONTROL FOR ALL OTHER INFORMATION

FINAL LANDSCAPE PLAN OWNER'S CERTIFICATION FORM

I CERTIFY THAT I HAVE REVIEWED THIS FINAL LANDSCAPE PLAN; THAT I AM AWARE OF THE REGULATIONS PRESENTED IN THE BALTIMORE COUNTY LANDSCAPE MANUAL; AND I AGREE TO COMPLY WITH THESE REGULATIONS AND ALL APPLICABLE POLICY, GUIDELINES AND ORDINANCES. I AGREE TO CERTIFY THE IMPLEMENTATION OF THIS APPROVED FINAL LANDSCAPE PLAN UPON COMPLETION OF THE LANDSCAPE INSTALLATION PRIOR TO PWA CLOSEOUT IF APPLICABLE OR NOT LATER THAN ONE (1) YEAR FROM THE DATE OF APPROVAL OF THIS PLAN TO THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT DEVELOPMENT PLANS REVIEW, COUNTY OFFICE BUILDING, ROOM 207, TOWSON, MD. 21204.

APPLICANT'S SIGNATURE — DATE 11-02-05 — PRINT NAME KHALID ALAM

ADDRESS (PRINT) 5915 CLEAR RIDGE ROAD — STREET

CITY ELKRIDGE — STATE MD — ZIP 21075

PDM # _____ BUILDING PERMIT # _____

L-2

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
www.mragta.com

STATE OF MARYLAND — JAMES D. MARRIN III — NO. 3230 — LICENSED LANDSCAPE ARCHITECT — 11/4/05

LANDSCAPE PLAN

BP GAS STATION, C-STORE & CAR WASH AT 2200 ROLLING ROAD

BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO.:	14440
		SCALE:	AS NOTED
		DATE:	11/02/05
		DRAWN BY:	JAB
		DESIGN BY:	JK
		REVIEW BY:	JH
		SHEET:	2 OF 2

PETITIONER'S EXHIDITS

TRANSCRIPTS

(3)

20070082 "A"
supplemental

BL95503 RA / BL95506 MR

IN THE MATTER OF: * BEFORE THE

J K GHAURI, INC.- Legal Owner * COUNTY BOARD OF APPEALS

W/s Rolling Road, 170' SE of * OF BALTIMORE COUNTY

DOGWOOD ROAD 1st E; 1st C * CASE NO.: 07-082-SPHX

and *

IN THE MATTER OF: *

BP Products of North America, * CASE NO.: CBA-06-029

Inc. c/o BP AMERICA, INC. *

* October 31, 2007

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204, at 10 a.m., October 31, 2007.

* * * * *

ORIGINAL

Reported by:

C.E. Peatt

IN THE MATTER OF: * BEFORE THE

J K GHAURI, INC.- Legal Owner * COUNTY BOARD OF APPEALS

W/s Rolling Road, 170' SE of * OF BALTIMORE COUNTY

DOGWOOD ROAD 1st E; 1st C * CASE NO.: 07-082-SPHX

and *

IN THE MATTER OF: *

BP Products of North America, * CASE NO.: CBA-06-029

Inc.. c/o BP AMERICA, INC. *

* October 4, 2007

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204, at 10 a.m., October 4, 2007.

* * * * *

ORIGINAL

Reported by:

C.E. Peatt

Verified 10-04-07 Petitioners Exhibits

Ghauri

1. Jeffrey S. Bainbridge resume' 07-082-SPHX
2. Balto Co. Comp. Zoning Map
3. Preliminary Site Plan
4. Case No. 01-408-X
5. Mickey A. Cornelius C.V.
6. Current Site Plan
7. William P. Monk C.V.
8. Aerial
9. Photos of subject property A-O
10. Pkto of Northern entrance from Rolling Road
11. Landscape Plan
12. a - OO ~~Pictures taken by Jay Cohen~~
13. a - H

There no protestants Exhibits

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
SWC of Rolling and Dogwood Roads,
W/S Rolling Road, 166+/- S Dogwood Road * DEPUTY ZONING COMMISSIONER
1st Election District
1st Councilmanic District * OF BALTIMORE COUNTY
(SWC of Rolling & Dogwood Roads)
* CASE NO. 01-408-X
Rolling Heights Lot A Ltd. Partnership,
Legal Owner and
BP Amoco Corporation, *Contract Purchaser*
Petitioners *

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, Rolling Heights Lot A Limited Partnership and the contract purchaser/lessee, BP Amoco Corporation. The Petitioners are requesting a special exception for property located at the southwest corner of Rolling Road and Dogwood Road, which property is zoned BL-AS. The special exception is to allow a fuel service station on an individual site and a convenience and rollover car wash as uses in combination with the fuel service station, pursuant to Sections 405.2.B.1, 405.4.E.1 and 405.4.E.2 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Appearing at the hearing on behalf of the special exception request were John Lombardo, appearing on behalf of BP Amoco, Mickey Cornelius, a representative of the Traffic Group, Bill Monk, representing Morris & Ritchie Associates, the engineering firm who prepared the site plan of the property, Carroll McGill, appearing on behalf of the owner of the property and Rob Hoffman, attorney at law, representing the Petitioners. Appearing in opposition to the Petitioners' request were several residents of the surrounding community, namely Charles & Margaret Carnaggio, Olgard & Ruth Rackus, Joan Brooks and Doranna Peskins.

Date 7/9/01
By

PETITIONER'S EXHIBIT 4

PROTESTANT'S EXHIBITS

20070082 "A"
Supplemental

(4)

Wayfield 10-04-07

Protestants Exhibits

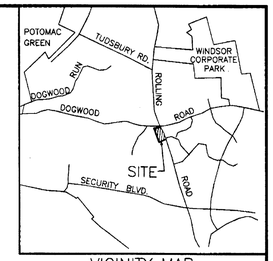
Ghauri 07-082-SPHV

1. 2nd Amended Plat of Rolling Heights Bus. Park
2. Deed
3. Reciprocal Easement Agreement
4. Declaration of Covenants
5. Pictures of subject site
6. Pictures of Intersection of Walgreens
7. Pictures of Entrance
8. Pictures of area
9. Pictures of Rolling Mill Rd
10. Pictures of N. & S. Rolling Mill Rd
11. Pictures of Property next to Advance
12 a - ~~B~~ - Pictures Taken by JAY COHEN
13 A - G. - NIGHT PICTURES TAKEN BY JAY COHEN

MARYLAND COORDINATE SYSTEM(NAD 83/91)

CURVE TABLE Name	Delta	Radius	Length	Bearing	Chord	Tangent
C-1	31°18'46"	230.00	125.70	N 32°20'14" E	124.14	64.46
C-2	03°54'22"	990.00	67.49	S 88°00'45" E	67.48	33.76

COORDINATE LIST Point	Northing	Easting	Description
PT157	602250.3392	1380190.7543	
PT151	602254.1804	1380194.9972	
PT143	602359.0474	1380261.3993	
PT142	602362.1223	1380262.3207	
PT141	602383.4330	1380293.1094	
PT135	602381.0928	1380360.5475	
PT134	602380.9720	1380561.7175	
PT133	602380.7429	1380666.5172	(G.W. STEPHENS PIN/CAP)
PT132	602365.0725	1380700.3548	(G.W. STEPHENS PIN/CAP)
PT128	601832.1531	1380919.1357	(1" PIPE FOUND)
PT94	601744.1927	1380777.0134	(G.W. STEPHENS PIN/CAP)
PT85	601593.4848	1380830.7456	
PT156	601591.1974	1380828.3810	



VICINITY MAP
SCALE: 1" = 2000'

PLAT RECORDATION — TOTAL — Rcpt # 22211 — BILL # 2862 — Jun 14, 2001 — 03:46:16 PM

GENERAL NOTES

1. Highways and highway widenings, slope easements, drainage and utility easements, access easements, forest buffer and/or forest conservation areas in fee or easement, greenway areas in fee or easement, and storm water management areas, no matter how entitled, shown hereon, are reserved unto the owner and, except for those indicated as private, are hereby offered for dedication to Baltimore County, Maryland. The owner, his personal representatives and assigns will convey said areas by deed, to Baltimore County, Maryland, at no cost. Until such time as said conveyance is accepted by Baltimore County, the owner authorizes Baltimore County, its agents and assigns, the right to enter upon the property for the purpose of installing, constructing, maintaining and repairing roads, utility lines and facilities, and storm water management ponds and facilities.
2. Streets and/or roads shown hereon and mention thereof in deeds are for the purposes of description only, and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.
3. This plat may expire in accordance with the provisions of the Baltimore County Code, Section 26-216, B.C. Bill No. 56-82.
4. The recording of this plat does not guarantee the installation of streets or utilities by Baltimore County.
5. The information shown hereon may be superseded by a subsequent or amended plat.
6. Additional information concerning this plat may be obtained from the Baltimore County Department of Permits and Development Management and the Department of Public Works.
7. The recording of this plat does not constitute or imply acceptance by the county of any street, easement, park, open space or other public area shown on this plat.
8. The owner/developer will comply with the best management practices adopted by the Baltimore County Department of Environmental Protection and Resource Management.
9. The original CRG for the property shown on this plat was approved on 3/23/89. The Third CRG Refinement for this property was approved by the CRC on 1/16/01. DRC #110600C
10. Except as otherwise indicated, all building restriction lines shown hereon have been placed as the result of an interpretation only of currently applicable regulations and policies of the Baltimore County Department of Permits and Development Management. Exceptions to these restrictions may apply.
11. The approval of this plat is based upon a reasonable expectation that the water and sewer service which is planned for the development will be available when needed. However, building permits may not be issued until the planned water and sewer facilities are completed and determined to be adequate to serve the proposed development.
12. Deed Reference: 11307/201
13. This site is located in the subsewershed. #70 & 79
14. This site is exempt from forest conservation requirements.

AREA TABULATION:
1. Zoned: BL, BL-AS
2. Number of lots: 4
3. Area of lots: 6.263 Ac.

NOTE:
THERE WILL BE A DEED(S) RECORDED AT A LATER DATE FOR CROSS EASEMENTS FOR DRAINAGE, UTILITES, INGRESS AND EGRESS FOR ALL LOTS SHOWN HEREON.

PURPOSE NOTE:
THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT A OF A PLAT ENTITLED "AMENDED PLAT OF ROLLING HEIGHTS BUSINESS PARK, SECTION I — PHASE 1" RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN PLAT BOOK S.M. 62, FOLIO 18 INTO FOUR LOTS AND TO ESTABLISH THE BOUNDARY ON THE MARYLAND COORDINATE SYSTEM (NAD '83/91) AS SHOWN HEREON.

Filed for record
SM 73 FOLIO 137
Date JUN 14 2001 records
Test: Suzanne Mensh
Clerk

01-458X
ZC Dated 5/9/2001

SM 73-137

PRA Completed N/A
Final Plat C.R.M.
Public Services
Dev. Design
Dev. Engineer
Streets Numbering
Planning
Land Acquisitions
Assessments
Parks & Recreation

APPROVED:
Director, Dept. of Environmental Protection and Resource Management — DATE 5/14/01

Approved by the Director of Permits and Development Management pursuant to Section 26-215(c), Baltimore County Code

Donald T. Rascoe — DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT — DATE 6-13-01

NOTE:
COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE COORDINATES ESTABLISHED IN THE MARYLAND COORDINATE SYSTEM (NAD 83/91) AND ARE BASED ON THE FOLLOWING SURVEY CONTROL STATIONS:

BC0469 N. 602482.65 E. 1380631.99
BC0470 N. 603097.06 E. 1380552.11

OWNER

ROLLING HEIGHTS LOT A
LIMITED PARTNERSHIP
C/O JAMES F. KNOTT DEVELOPMENT CORPORATION

ONE TEXAS STATION COURT
SUITE 200
TIMONIUM, MARYLAND 21093

TAX ACCOUNT No.
01-21-00-014219

OWNER'S CERTIFICATE

THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT, TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENTS OF SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND HAVE BEEN COMPLIED WITH INSOFAR AS THE SAME CONCERN THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS.

ROLLING HEIGHTS LOT A LIMITED PARTNERSHIP
BY: JAMES F. KNOTT DEVELOPMENT CORPORATION (GENERAL PARTNER)

BY: Carroll K. McGill
Carroll K. McGill, VP-JAMES F. KNOTT DEVELOPMENT CORP.

SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED, A REGISTERED PROPERTY LINE SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INSOFAR AS THE SAME CONCERNS THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS.

Edward F. Kelly — 4/2/01
EDWARD F. KELLY, PROP. LINE SURVEYOR #159

SURVEYOR'S

STATE OF MARYLAND — EDWARD FRANCIS KELLY — No. 159 — PROPERTY LINE SURVEYOR

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE APPROVED THIRD CRG REFINEMENT PLAN DATED 1/16/01 AND HAVE PREPARED WITH DUE DILIGENCE THIS RECORD PLAT PURSUANT TO THAT APPROVED THIRD CRG REFINEMENT PLAN.

RECORDING STAMP

MRA

JOB No. 11739
SCALE: 1" = 50'
DATE: 3/28/01
DRAWN BY: G.S.P.
REVIEW BY: EFK

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
110 WEST ROAD - SUITE 245
TOWSON, MARYLAND 21204
(410) 821-1690
Fax:(410) 821-1748

SECOND AMENDED PLAT OF
ROLLING HEIGHTS BUSINESS PARK
SECTION I — PHASE 1
(FORMERLY RECORDED S.M. 62, FOLIO 18)
FIRST ELECTION DISTRICT
SECOND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

/data/11739/rplat1

P55072 MSA SSU 1236-10849

Pro. Ex#1

B2 Page 1

DEED

THIS INDENTURE made the 15 day of June in the year of our Lord, Two Thousand Six (2006)

BETWEEN BP PRODUCTS NORTH AMERICA INC. (hereinafter called the "**Grantor**"), of the one part, and J K GHAURI, Inc., a Maryland corporation (hereinafter called the "**Grantee**"), of the other part,

WITNESSETH that Grantor for and in consideration of the sum of **NINE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS ($950,000.00)** lawful money of the United States of America, unto it well and truly paid by Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant bargain and sell, release and confirm unto Grantee, his heirs and assigns,

ALL THAT CERTAIN lot or piece of ground situate in County of Baltimore, State of Maryland, more particularly described on Exhibit "A" (the "**Property**") attached hereto and made a part hereof.

BEING known and designated as 2200 Rolling Road, Woodlawn, Maryland 21244.

BEING Tax Parcel Number 23-00-012310.

BEING the same premises which Rolling Heights Lot A Limited Partnership by Deed dated August 29, 2002 and recorded in the Office of the Recorder of Deeds of Baltimore County, Maryland in Deed Book 16777, Page 615, granted and conveyed unto Grantor, in fee.

UNDER AND SUBJECT to all currently valid and binding agreements, easements and restrictions of record, if any, and all applicable zoning laws and municipal regulations and environmental laws and regulations.

UNDER AND SUBJECT to the permitted encumbrances as set forth on Exhibit "B," attached hereto and incorporated herein.

TOGETHER with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of Grantor, as well at law as in equity, of, in, and to the same.

TO HAVE AND TO HOLD the said lot or piece of ground above described with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or

RECIPROCAL EASEMENT AGREEMENT WITH COVENANTS, CONDITIONS AND RESTRICTIONS

THIS RECIPROCAL EASEMENT AGREEMENT WITH COVENANTS, CONDITIONS AND RESTRICTIONS (the "Agreement") is made and entered into this 2nd day of November, 2001 by and ROLLING HEIGHTS LOT A LLLP, a Maryland limited liability limited partnership (the "Lot A Owner"), and HAMPTON-REISTERSTOWN LLC, a Maryland limited liability company ("Hampton").

RECITALS

A. The Lot A Owner is the owner of that certain real property situated in the County of Baltimore, State of Maryland, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference ("Lot A").

B. Hampton intends to purchase that certain real property situated in the County of Baltimore, State of Maryland, which is a portion of Lot A more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference ("Parcel B").

C. Hampton intends to develop Parcel B for use by Walgreen (hereinafter defined).

D. The Lot A Owner intends to simultaneously or thereafter develop or allow or cause the development of the balance of Lot A (Lot A after conveyance of Parcel B herein is referred to as "Parcel A") as a retail/commercial site.

E. The parties hereto desire to impose certain easements upon the Parcels, and to establish certain covenants, conditions and restrictions with respect to said Parcels, for the mutual and reciprocal benefit and complement of Parcel A and Parcel B and the present and future owners and occupants thereof, on the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the above premises and of the covenants herein contained, the Lot A Owner and Hampton hereby covenant and agree that the Parcels, as defined below, and all present and future owners and occupants of the Parcels shall be and hereby are subject to the terms, covenants, easements, restrictions and conditions hereinafter set forth in this Agreement, so that said Parcels shall be maintained, kept, sold and used in full compliance with and subject to this Agreement and, in connection therewith, the parties hereto on behalf of themselves and their respective successors and assigns covenant and agree as follows:

Proof 3

AGREEMENTS

1. Definitions. For purposes hereof:

(a) The term "Owner" or "Owners" shall mean the Lot A Owner (as to Parcel A) and Hampton (as to Parcel B) and any and all successors or assigns of such persons as the owner or owners of fee simple title to all or any portion of the real property covered hereby, whether by sale, assignment, inheritance, operation

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-15618] SM 15763, p. 0423. Printed 10/04/2007. Image available as of 03/07/2005. MD_DOCS_A #1150886 v3

(2)

DECLARATION OF COVENANTS

THIS DECLARATION OF COVENANTS ("**Declaration**"), made this 2nd day of November, 2001 by ROLLING HEIGHTS LOT A LLLP, a Maryland limited liability limited partnership having an address at One Texas Station Court, Suite 200, Timonium, Maryland 21093 ("**[RH]**"),

WITNESSETH, THAT WHEREAS RH owns all of that land in Baltimore County, Maryland which is described in **Exhibit A** ("**Property**"), and intends by this Declaration to impose on the title to the Property certain covenants and restrictions, on the terms set forth herein,

NOW, THEREFORE, RH hereby subjects to the legal effect of this Declaration all of RH's right, title and interest in and to the Property and/or each Lot or other subdivision lot or part of the Property, on the terms set forth herein:

Section 1. Definitions. As used herein:

Improvements means all buildings, other structures, fences, utility lines, roadways, parking areas or other improvements.

Lot means (a) each subdivision lot listed in **Exhibit A** as part of the Property, and each (if any) other subdivision lot existing from time to time hereafter within the Property as the result of the combination or resubdivision of any one or more such subdivision lots.

Owner means RH and its successors and assigns as owner of the fee simple title of record to all or any Lot or other part of the Property.

Person means any natural person, trustee, corporation, partnership, limited liability company or other legal entity.

Recorded means recorded among the Land Records of the said County.

Section 2. Covenant against certain uses of Property

2.1. Prohibited Uses. Except as is otherwise provided in subsection 2.2, no Lot or other part of the Property shall be used by any Person in whole or in part for any of the uses set forth on Exhibit B (each of which is referred to herein as a **Prohibited Use**) at any time while this Declaration is in effect.

2.2. With each Owner's consent. Anything in this Declaration to the contrary notwithstanding, a Prohibited Use may be developed, constructed, operated or used anywhere on any one or more Lots with and only with each Owner's prior, express written consent (which may be given or withheld in such Owner's sole and absolute discretion) as indicated by a Recorded Acknowledgment of Consent signed by such Owner. An Owner shall be entitled, acting in its sole and absolute discretion, to grant such consent as to one or more Lots or other parts of the Property without any obligation to grant it as to any other Lot or part of the Property.

Section 3. Benefit and burden; enforcement.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-15618] SM 15763, p. 0413. Printed 10/04/2007. Image available as of 03/07/2005.

Protestants' Ex 3
as of 12/18/2006









BA 5
CBA

PROTESTANT'S
EXHIBIT NO. 3









Protestants Ex 4
rec'd 12/18/2006

CBA
6

PROTESTANT'S
EXHIBIT NO. 4









Protestants Ex 5

as of 12/18/2006

PROTESTANT'S
EXHIBIT NO. 5

BZA
CBA





Protestants Ex

as of 12/18/2006

PROTESTANT'S

EXHIBIT NO. 6

Board of CBA

Protestants Ex 7
as of 12/18/2006









PROTESTANT'S
EXHIBIT NO. 7

Bd 9
CBA





Protestants' Ex 9

as of 12/18/2002

PROTESTANT'S

EXHIBIT NO. 9

Bd 10
CBA









Protestants' Ex 10
as of 12/18/2006

PROTESTANT'S
EXHIBIT NO. 10

Board
17 CBA

PROTESTANT'S

EXHIBIT NO. 11A

12A
CBA

11/18/
2:44 PM



CBA
Pto. 12 B

PROTESTANT'S
EXHIBIT NO. 11B

CBA
12 C

PROTESTANT'S
EXHIBIT NO. 11C

8/12/06
10:47 AM

CBA
120

PROTESTANT'S

EXHIBIT NO. 11 D

8/19/06
8:36 AM

PROTESTANT'S
EXHIBIT NO. 11E



CBA
12 E

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PROTESTANT'S
EXHIBIT NO. 11F

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12 F

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PROTESTANT'S

EXHIBIT NO. 11 G



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12 G

PROTESTANT'S

EXHIBIT NO. 11 H



CBA 12 H

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PROTESTANT'S

EXHIBIT NO. 11 I



11 I
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PROTESTANT'S

EXHIBIT NO. 11 5



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PROTESTANT'S
EXHIBIT NO. 11K

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PROTESTANT'S

EXHIBIT NO. 11



CMA
12

PROTESTANT'S

EXHIBIT NO. 11M



CBA 12/11

8/12 & 8:13 AM

PROTESTANT'S

EXHIBIT NO. 11 N



CBA
12 N

PROTESTANT'S

EXHIBIT NO. 110

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120

7/12/01
11:43 AM

PROTESTANT'S

EXHIBIT NO. 11



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11:33 AM



PROTESTANT'S

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PROTESTANT'S
EXHIBIT NO. 11R

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12R

PROTESTANT'S

EXHIBIT NO. 115



CB# 125



PROTESTANT'S

EXHIBIT NO. 11T

CBA
12T



PROTESTANT'S

EXHIBIT NO. 11 (5)

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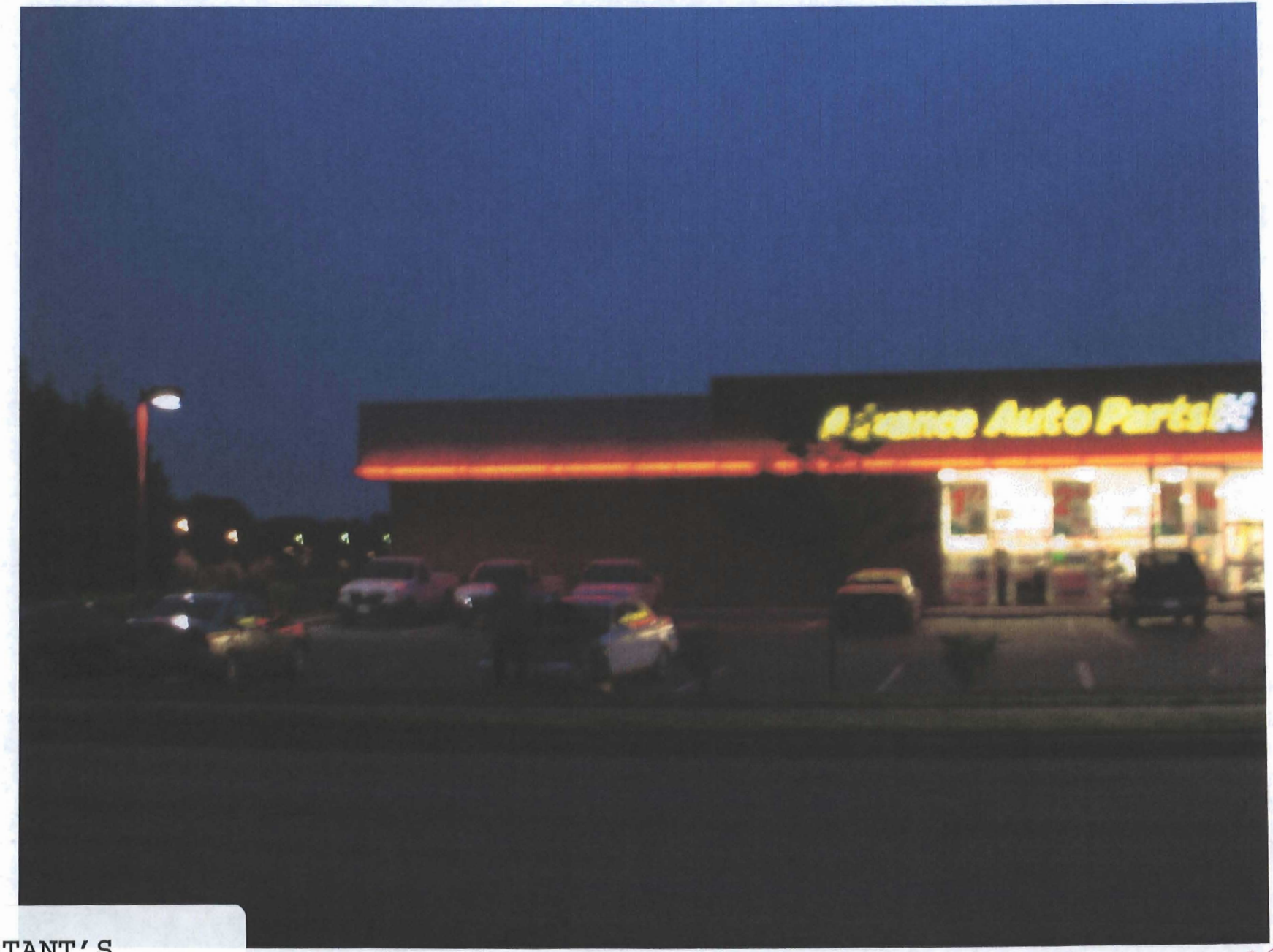
PROTESTANT'S

EXHIBIT NO. 11V

CBA

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7:32 PM



PROTESTANT'S

EXHIBIT NO. 11W

CBA
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6/13/06
7:40 PM



PROTESTANT'S

EXHIBIT NO. 11 X

CBA
12 X

8/19/04
8:36AM



PROTESTANT'S

EXHIBIT NO. 11 4

CBA

12 4

8/28/06
7:21 AM



PROTESTANT'S

EXHIBIT NO. 11 2

CBA
12 2

9/19/05 -
6:54 PM



PROTESTANT'S

EXHIBIT NO. 11AA

CBA
12 AA

10/18/06
6:15 PM



PROTESTANT'S

EXHIBIT NO. 11 BB

CBA

12 BB

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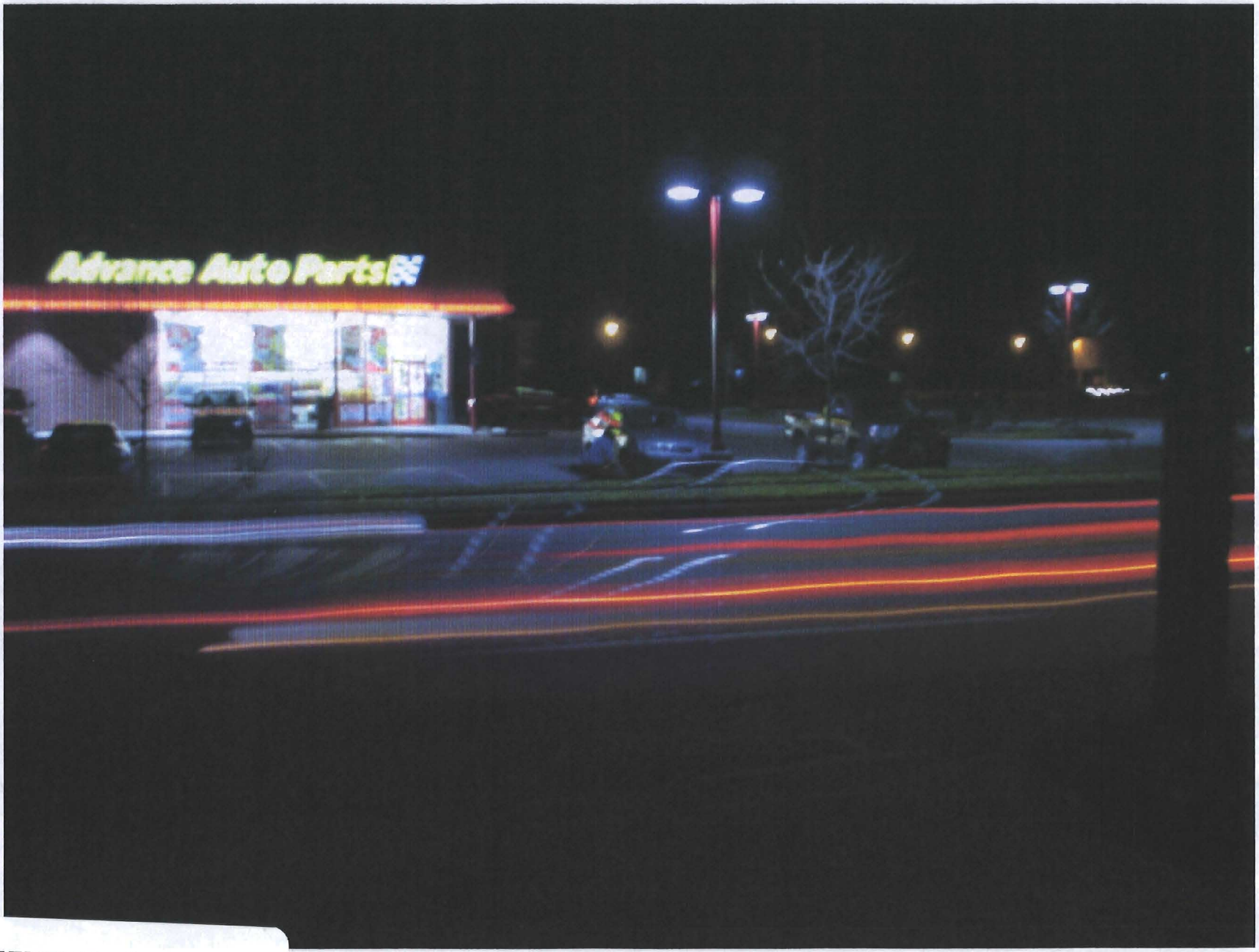


BALTIMORE COUNTY

EXHIBIT NO. 11 CC

CBA
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11/17/06
6:50 PM



BALTIMORE COUNTY

EXHIBIT NO. 11 DD

CBA

12 DD

11/17/04
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BALTIMORE COUNTY

EXHIBIT NO. 11 EE

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12 EE

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BA138

4:37 PM



BA 137

Bd 13D



4/26/07
9:23 PM



BD 13E

4/26/07
9:23 PM



P 137

2101 N. Rolling Rd



BA 136

1/21/07 4:20 PM



PD 134

PROTESTANT'S EXHIBITS

2

00700082 "A"

supplemental

5

Case No.: 07-082 SPH X

Exhibit Sheet

Petitioner/Developer | Protestant

No. 1	RESUME JEFFREY BAINBRIDGE	DEED – 8/29/02 Rolling Heights Lot A to BP Products North Amer
No. 2	CZMP – 2000 Zoning Map ISSUES BL-AS	DEED – BP PRODUCTS NORTH AMERICA to JK Ghauri INC
No. 3	Letter – Hoffman to Kelley Zoning Reclassification – subject Property	PHotographs of Property (Collection of 4 Photographs)
No. 4	ZONING ORDER CASE NO. 01-408-X	Collectively – Photo's of EXISTING CONDITIONS TRAVEL WAYS
No. 5 1D	Morris & Ritchie (Case NO 01-408X 12/21/00 – Plan Submitted as Petitioner Exhibit 1B	PHotographs – Collectively denoting topography of SITE
No. 6 1D	SITE PLAN to Accompany Petition	Collectively – Photographs (2) Topography – Before Grading – ground falls toward Residential area
No. 7	William P. Monk Morris & Ritchie RESUME – QUALIFICATIONS	PARKING SIGNAGE – Collectively – 4 PHotoGRAPHS
No. 8	AERIAL MAP WITH SUPERIMPOSED ZONING LINES	Photo – N to S Rolly Rd top – from Dogwood
No. 9	Collectively 9A thru 9D	(THERE IS NO #9)
No. 10	EXISTING CONDITIONS SUBJECT PROPERTY	PHOTO'S – 1 – from NW's Deserts Party 2 – from advance to Home #4 – Walgreens Access 3 – from advance to M's Desert
No. 11	ROLLING HEIGHTS BUSINESS PARK – approved Plat 2/6/89	11A thru 11EE Collectively
No. 12	RECORD PLAT 1/14/01 SM 73-137	

22657-02

SS# 16855
Rolling Road & Dogwood Road,
Lot 3-A

DEED

This Deed is made this 29th day of August, 2002, from Rolling Heights Lot A Limited Partnership, a Maryland limited partnership ("Grantor") to BP Products North America Inc., a Maryland corporation ("Grantee").

WITNESSETH, that in consideration of the sum of Nine Hundred Thousand Dollars ($900,000.00), the receipt of which is hereby acknowledged, Grantor does grant and convey unto Grantee, its successors and assigns, in fee simple, all that property situate in Baltimore County, State of Maryland, described as follows:

Beginning for the same at a point located on the southwesterly right-of-way line of Rolling Road (70' wide), said point being also located at the northerly most corner of Lot 3-A as laid out and shown on a plat entitled "Second Amended Plat of Rolling Heights Business Park – Section 1 – Phase 1" dated March 28, 2001 and recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. 73, folio 137.

Thence binding on said southwesterly right-of-way line of Rolling Road and binding on the outlines of Lot 3-A aforesaid, referring all courses of this description to the meridian of the Maryland Coordinate System as noted on the aforementioned plat,

1. South 22 degrees 19 minutes 11 seconds East, 196.10 feet to a point;

Thence leaving said right-of-way line and binding on the outlines of Lot 3-A aforesaid, the following four (4) courses and distances, viz:

2. South 67 degrees 40 minutes 49 seconds West, 259.00 feet to a point;

3. North 22 degrees 19 minutes 11 seconds West, 166.43 feet to a point;

4. North 15 degrees 27 minutes 46 seconds East, 37.54 feet to a point;

5. North 67 degrees 40 minutes 49 seconds East, 236.00 feet to the point and place of beginning.

REVIEWED SDAT
TS 9/4/02
BY DATE

Containing an area of 1.158 acres of land, more or less.

Being all of Lot 3-A as laid out and shown on a plat entitled "Second Amended Plat of Rolling Heights Business Park – Section 1 – Phase 1"

734460.1 8/29/02

PROTESTANT'S
EXHIBIT NO. 1

DEED

THIS INDENTURE made the 15 day of June in the year of our Lord, Two Thousand Six (2006)

BETWEEN BP PRODUCTS NORTH AMERICA INC. (hereinafter called the "**Grantor**"), of the one part, and J K GHAURI, Inc., a Maryland corporation (hereinafter called the "**Grantee**"), of the other part,

WITNESSETH that Grantor for and in consideration of the sum of **NINE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS ($950,000.00)** lawful money of the United States of America, unto it well and truly paid by Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant bargain and sell, release and confirm unto Grantee, his heirs and assigns,

ALL THAT CERTAIN lot or piece of ground situate in County of Baltimore, State of Maryland, more particularly described on Exhibit "A" (the "**Property**") attached hereto and made a part hereof.

BEING known and designated as 2200 Rolling Road, Woodlawn, Maryland 21244.

BEING Tax Parcel Number 23-00-012310.

BEING the same premises which Rolling Heights Lot A Limited Partnership by Deed dated August 29, 2002 and recorded in the Office of the Recorder of Deeds of Baltimore County, Maryland in Deed Book 16777, Page 615, granted and conveyed unto Grantor, in fee.

UNDER AND SUBJECT to all currently valid and binding agreements, easements and restrictions of record, if any, and all applicable zoning laws and municipal regulations and environmental laws and regulations.

UNDER AND SUBJECT to the permitted encumbrances as set forth on Exhibit "B," attached hereto and incorporated herein.

TOGETHER with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging or in any wise appertaining, and the reversions and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever of Grantor, as well at law as in equity, of, in, and to the same.

TO HAVE AND TO HOLD the said lot or piece of ground above described with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or

PROTESTANT'S

EXHIBIT NO. 2

WILLIAM P. MONK
Principal

Project Assignment:

Expert Witness / Project Manager

Years of Experience:

MRA:	6
Other Firms:	25

Education:

Master of Urban Planning, University of Illinois, 1975
Bachelor of Urban Planning, University of Illinois, 1973

Professional Affiliations:

Mayor's Transition Committee for Economic Development, Mayor Martin O'Malley, City of Baltimore 1999-2000

Greater Towson Committee (formerly Towson Development Corporation)
President 1998-2000
Bd. of Directors 1994-2006

National Association of Industrial and Office Properties

Past Member:

American Planning Association, Member

National Golf Association, Member

Qualifications:

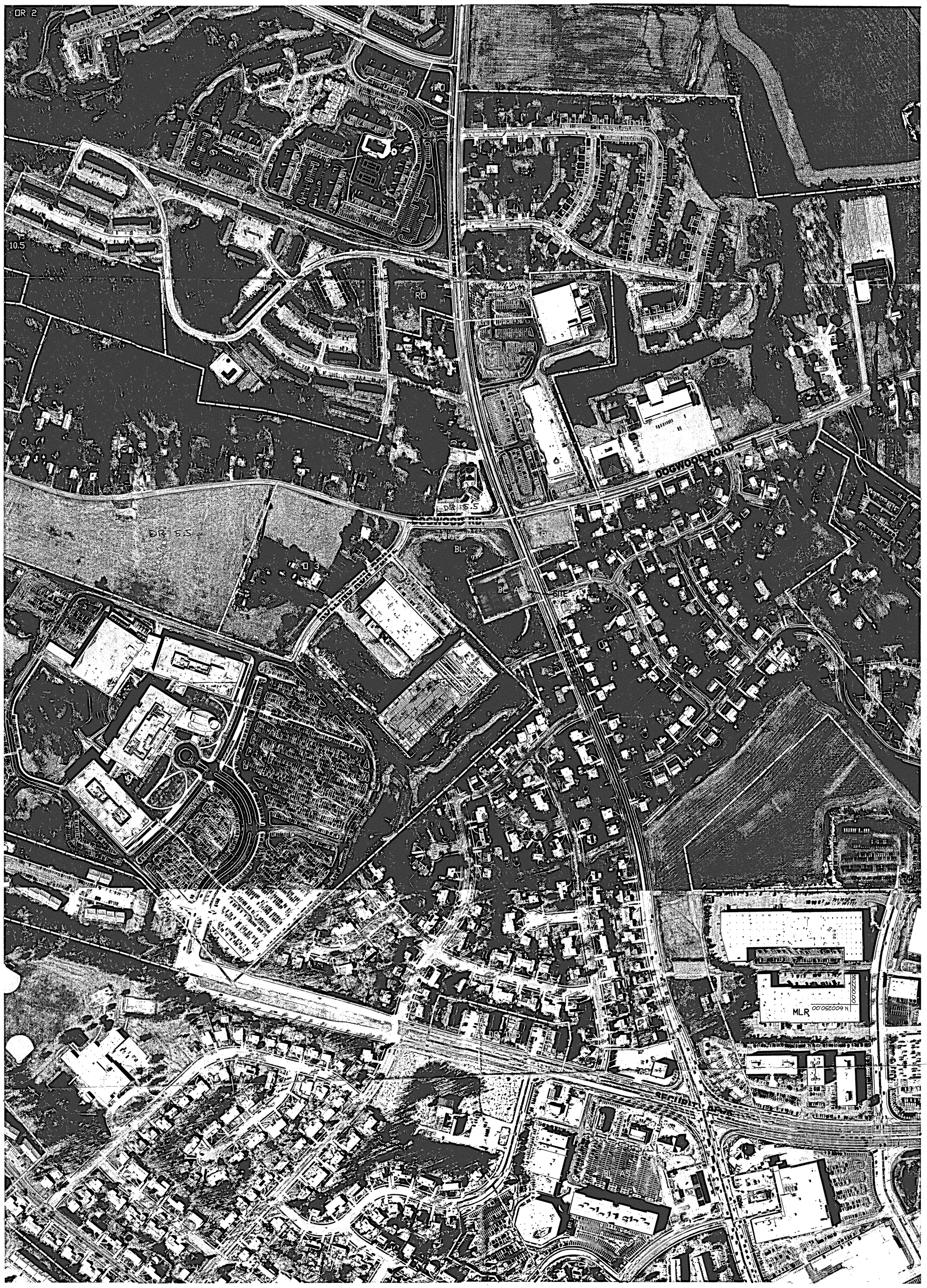
Mr. Monk is a Principal of MRA and provides site planning, project management, government and community liaison services, and expert witness testimony for commercial, industrial, and residential projects.

His experience also includes golf course community master planning and golf course routing design.

Mr. Monk has extensive experience providing expert witness testimony. He is an approved expert witness in twelve jurisdictions throughout the mid-Atlantic region, including Prince George's County, Annapolis, Anne Arundel County, Baltimore, Baltimore County, Carroll County, Frederick County, Harford County, Howard County, and St. Charles Community in Maryland. Furthermore, he has testified in more than 400 zoning hearings over the past 25 years.

MORRIS & RITCHIE ASSOCIATES, INC.

PETITIONER'S
EXHIBIT NO. 7



SCALE: 1"=200'

PETITIONER'S EXHIBIT 8

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748

MRAGTA.COM

4440\PLANNING\PLOT\SPECIAL VARIANCE\4440-zoning-REV.dwg, 10/17/2006 7:36:28 AM, DHisley



PETITIONER'S

EXHIBIT NO. 9A

PET EXH 9(a)



PETITIONER'S EXHIBIT 9(b)



PET EXH 9 (C)



PETITIONER'S EXHIBIT 9(d)



MRA

PETITIONER'S EXHIBIT

NO. 10

GENERAL SITE DATA: (3RD AMENDMENT)
DRC #110600C, PDM #01-315

A) LOT 1A:
1) SITE AREA: 1.76 AC. OR 76,666 SF
2) ZONING: BL
3) EXISTING USE: VACANT
4) PROPOSED USE: OFFICE
5) PARKING CALCULATIONS:
A) PARKING REQUIRED: 28,080 SF @ 3.3/1000 = 93 SPACES
B) PARKING PROPOSED: 93 SPACES (INCLUDES 4 HC SPACES)
6) BUILDING SETBACKS: REQUIRED / PROPOSED
FRONT: 10 FEET / 65 FEET
SIDE: NON E / 22 FT (WEST), 32 FT (EAST)
REAR: NONE / 275 FEET
7) FLOOR AREA RATIO CALCULATIONS: ALLOWED = 3.0 ; PROPOSED = 0.37

B) LOT 2A:
1) SITE AREA: 1.53 AC. OR 66,647 SF
2) ZONING: BL AND BL-AS
3) EXISTING USE: VACANT
4) PROPOSED USE: PHARMACY
5) PARKING CALCULATIONS:
A) PARKING REQUIRED: 15,070 SF @ 5/1000 = 76 SPACES
B) PARKING PROPOSED: 76 SPACES (INCLUDES 4 HC SPACES)
6) BUILDING SETBACKS: REQUIRED / PROPOSED
FRONT: 10 FEET / 125 FT (ROLLING RD) 82 FT (DOGWOOD RD)
SIDE: NONE / 34 FEET (WEST)
REAR: NONE / 22 FEET
7) DRIVE THRU STACKING: REQUIRED = 6 ; PROPOSED = 6
8) FLOOR AREA RATIO CALCULATIONS: ALLOWED = 3.0 ; PROPOSED = 0.23

C) LOT 3A:
1) SITE AREA: 1.17 AC. OR 50,846 SF
2) ZONING: BL-AS
3) EXISTING USE: VACANT
4) PROPOSED USE: GAS PUMPS, CONVENIENCE STORE AND CAR WASH
5) PARKING CALCULATIONS:
A) PARKING REQUIRED: 23 SPACES
B) PARKING PROPOSED: 34 SPACES (INCLUDES 2 HC SPACES)
6) BUILDING SETBACKS: REQUIRED / PROPOSED
FRONT: 80 FEET / 140 FEET
SIDE: NONE / 51 FT (NORTH), 49 FT (SOUTH)
REAR: NONE / 80 FEET
GAS CANOPY SETBACK: FRONT REQUIRED = 15 FT ; PROPOSED = 85 FT
FUEL PUMPS SETBACK: FRONT REQUIRED = 25 FT ; PROPOSED = 75 FT
7) CAR WASH STACKING: REQUIRED = 9 ; PROPOSED = 9
8) FLOOR AREA RATIO CALCULATIONS: ALLOWED = 3.0 ; PROPOSED = 0.08

D) LOT 4A:
1) SITE AREA: 1.80 AC. OR 78,408 SF
2) ZONING: BL AND BL-AS
3) EXISTING USES: VACANT
4) PROPOSED USE: BANK
5) PARKING CALCULATIONS:
A) PARKING REQUIRED: 2,400 SF @ 3.3/1000 = 8 SPACES
B) PARKING PROPOSED: 87 SPACES (INCLUDES 4 HC SPACES)
6) BUILDING SETBACKS: REQUIRED / PROPOSED
FRONT: 10 FEET / 80 FEET
SIDE: NONE / 70 FT (NORTH), 110 FT (SOUTH)
REAR: NONE / 100 FEET
7) FLOOR AREA RATIO CALCULATIONS: ALLOWED: 3.0; PROPOSED: 0.03
8) DRIVE THRU STACKING: REQUIRED = 7 ; PROPOSED = 7

GENERAL SITE DATA: 4TH AMENDMENT
1) SITE AREA: 1.80 AC. OR 78,408 SF
2) ZONING: BL AND BL-AS
3) EXISTING USE: VACANT
4) PROPOSED USE: AUTO PARTS STORE
5) PARKING CALCULATIONS:
A) PARKING REQUIRED: 6,809 SF @ 5/1,000 = 34 SPACES
B) PARKING PROPOSED: 44 SPACES (INCLUDING 2 HC SPACES)
6) BUILDING SETBACKS: REQUIRED / PROPOSED
FRONT: 10' / 80'
REAR: 0' / 102.4'
SIDE: 0' 68.5' (EAST) & 91.6' (WEST)
7) FLOOR AREA RATIO CALCULATIONS: ALLOWED: 3.0; PROPOSED: 0.086

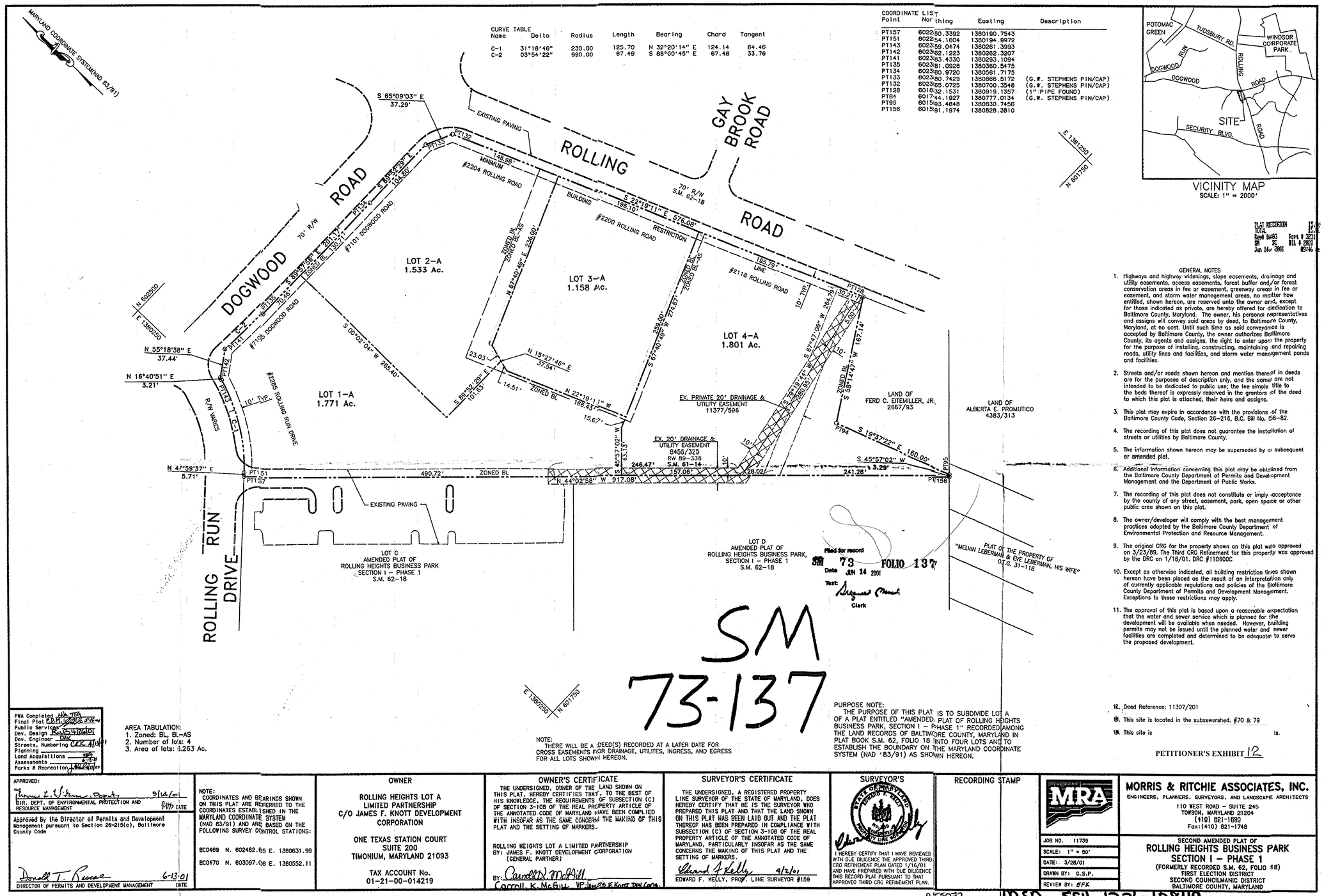
4TH AMENDMENT BY BOHLER ENGINEERING, P.C.

REASON FOR 4TH AMENDMENT TO REPLACE THE BANK WITH AN AUTO PARTS STORE.

BALTIMORE COUNTY, MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On 3/25/87 With The Following Action Taken
4TH Amendment PLAN APPROVED
Plan Approved DPW
Plan Approved OPZ
Plan Disapproved
Continued Mtg. Accepted
Plan Referred To Plan. Bd.

THOMAS B. FEDERLINE & MARIAN J. 5236/32
JOHN C. QUINN & ELIZABETH M. 3379/247
MARGUERITE C. REIBLICH 1205/244
WILLIAM P. SCHAPER JR. & AGNES 2715/322
BENS RUN WATERSHED
DEAD RUN WATERSHED
LIMIT OF EX. WOODED AREA
EASEMENT AREA TO BE CONVEYED TO ADJACENT PROPERTIES
ZONE D.R. 5.5
ZONE MLR
ZONE BL
ZONE BL-AS
ROLLING HEIGHTS DRIVE
DOGWOOD ROAD
GAY BROOK ROAD
MUNFORD ROAD
GREENGAGE ROAD
EDGAR A. KULP 4968/
ANTHONY LAMARTINA 4540/25
JAY E. COHEN ET. UX. 5699/335
JOSEPH L. MORISETTE, JR. 4362/322
DAVID L. KELLER ET. UX. 5804/462
ELIZ. C. BEACH 4855/182
ANNA B. DUDECK 5848/849
ASHOKE K. DHAWAN 6562/279
ROCCI J. FIORINITI ET. UX. 4383/313
CHADWICK MANOR SECTION IV W.J.R. 27/131
CHADWICK MANOR SECTION IV W.J.R. 21/131
ST. JOHN'S EVANGELICAL LUTHERAN CHURCH
EDWARDS MEMORIAL METHODIST EPISCOPAL CHURCH

Proposed Office- 2 Levels (14,040 SF/floor) (28,080 SF total)
FF = 436.00'
LOT 1A (1.76 AC.)
Proposed Pharmacy (15,070 SF)
FF= 436.00
LOT 2A (1.53 AC.)
Drive-Thru
Loading Area
Proposed Convenience Store (4,224 SF)
Proposed Gas Pumps with a Canopy
Underground Gas Tanks
LOT 3A (1.17 AC.)
LOT 4A (1.8 AC.)
BLDG. C 56,000 S.F. 36,800 S.F. OFFICE 19,200 S.F. WAREHOUSE ONE STORY
BLDG. D 56,000 S.F. 36,800 S.F. OFFICE 19,200 S.F. WAREHOUSE ONE STORY
BLDG. E 93,000 SF. FF ELEV. 434.15
BLDG. F 54,400 S.F. ONE STORY
BLDG. G 49,000 S.F. MULTI-STORY
BLDG. H 49,000 S.F. MULTI-STORY
PROPOSED BLDG. E
LOT 'D' PROP. 3 STY.
FF = 436.30
FF = 430.30
FF = 425.30
SET APPROVED PLANS FOR HEALTH CARE FINANCING ADMINISTRATION
WETLANDS APPROX. LIMIT OF HYDRIC SOILS
SHALLOW MARSH STORM WATER MANAGEMENT POND NO 1 (WQ DRY SM. LATER OF 1.20 DA. OR CREATION OF SWM IN THIS AREA) (SEE TEXT = PHASE 2 FOR COMPLETE AREA)
STORM WATER MANAGEMENT POND NO. 2
EX. STORM MANAGEMENT POND
TE: CONSTRUCTION IN THIS AREA SUBJECT TO EFFECTS, IF ANY, OF LIMIT OF HYDRIC WETLANDS
AMENITY AREA
TOT. AREA = 1.80 AC.±
WOODED AREA = 0.86 AC.±
NET AREA = 0.94 AC.±
LIMIT OF DISTURBANCE
EX. 8" WATER
EX. 12" WATER
EX. 8" SEWER
EX. 6" SEWER
EX. 15" STORM DRAIN
EX. 24" STORM DRAIN
EX. 30" STORM DRAIN
EX. 36" STORM DRAIN
EX. 42" STORM DRAIN
EX. 48" STORM DRAIN
EX. 54" STORM DRAIN
EX. 60" STORM DRAIN
EX. 66" STORM DRAIN
EX. 72" STORM DRAIN
EX. 84" STORM DRAIN
EX. 96" STORM DRAIN
EX. 108" STORM DRAIN
EX. 120" STORM DRAIN
EX. 132" STORM DRAIN
EX. 144" STORM DRAIN
EX. 156" STORM DRAIN
EX. 168" STORM DRAIN
EX. 180" STORM DRAIN
EX.



Filed for record
SM 73 FOLIO 137
Date JUN 14 2001
Test:
Clerk

SM
73-137

NOTE:
THERE WILL BE A DEED(S) RECORDED AT A LATER DATE FOR CROSS EASEMENTS FOR DRAINAGE, UTILITES, INGRESS, AND EGRESS FOR ALL LOTS SHOWN HEREON.

PURPOSE NOTE:
THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT A OF A PLAT ENTITLED "AMENDED PLAT OF ROLLING HEIGHTS BUSINESS PARK, SECTION I - PHASE 1" RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN PLAT BOOK S.M. 62, FOLIO 18 INTO FOUR LOTS AND TO ESTABLISH THE BOUNDARY ON THE MARYLAND COORDINATE SYSTEM (NAD '83/91) AS SHOWN HEREON.

GENERAL NOTES

1. Highways and highway widenings, slope easements, drainage and utility easements, access easements, forest buffer and/or forest conservation areas in fee or easement, greenway areas in fee or easement, and storm water management areas, no matter how entitled, shown hereon, are reserved unto the owner and, except for those indicated as private, are hereby offered for dedication to Baltimore County, Maryland. The owner, his personal representatives and assigns will convey said areas by deed, to Baltimore County, Maryland, at no cost. Until such time as said conveyance is accepted by Baltimore County, the owner authorizes Baltimore County, its agents and assigns, the right to enter upon the property for the purpose of installing, constructing, maintaining and repairing roads, utility lines and facilities, and storm water management ponds and facilities.
2. Streets and/or roads shown hereon and mention thereof in deeds are for the purposes of description only, and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.
3. This plat may expire in accordance with the provisions of the Baltimore County Code, Section 26-216, B.C. Bill No. 56-82.
4. The recording of this plat does not guarantee the installation of streets or utilities by Baltimore County.
5. The information shown hereon may be superseded by a subsequent or amended plat.
6. Additional information concerning this plat may be obtained from the Baltimore County Department of Permits and Development Management and the Department of Public Works.
7. The recording of this plat does not constitute or imply acceptance by the county of any street, easement, park, open space or other public area shown on this plat.
8. The owner/developer will comply with the best management practices adopted by the Baltimore County Department of Environmental Protection and Resource Management.
9. The original CRG for the property shown on this plat was approved on 3/23/89. The Third CRG Refinement for this property was approved by the DRC on 1/16/01. DRC #110600C
10. Except as otherwise indicated, all building restriction lines shown hereon have been placed as the result of an interpretation only of currently applicable regulations and policies of the Baltimore County Department of Permits and Development Management. Exceptions to these restrictions may apply.
11. The approval of this plat is based upon a reasonable expectation that the water and sewer service which is planned for the development will be available when needed. However, building permits may not be issued until the planned water and sewer facilities are completed and determined to be adequate to serve the proposed development.
12. Deed Reference: 11307/201
13. This site is located in the subsewershed. #70 & 79
14. This site is ta.

PETITIONER'S EXHIBIT 12

PWA Completed N/A TED
Final Plat D.E.M. 6/5/01 SFK
Public Services 5/25/2001
Dev. Design DAK
Dev. Engineer DAK
Streets, Numbering CRK 6/5/01
Planning
Land Acquisitions TED
Assessments TED
Parks & Recreation

AREA TABULATION:
1. Zoned: BL, BL-AS
2. Number of lots: 4
3. Area of lots: 4.263 Ac.

APPROVED:
James J. Hume, Deputy 5/14/01
DIR. DEPT. OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT DATE

Approved by the Director of Permits and Development Management pursuant to Section 26-215(c), Baltimore County Code

Donald T. Rascoe 6-13-01
DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT DATE

NOTE:
COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE COORDINATES ESTABLISHED IN THE MARYLAND COORDINATE SYSTEM (NAD 83/91) AND ARE BASED ON THE FOLLOWING SURVEY CONTROL STATIONS:

BC0469 N. 602482.65 E. 1380631.98

BC0470 N. 603097.08 E. 1380552.11

OWNER

ROLLING HEIGHTS LOT A
LIMITED PARTNERSHIP
C/O JAMES F. KNOTT DEVELOPMENT CORPORATION

ONE TEXAS STATION COURT
SUITE 200
TIMONIUM, MARYLAND 21093

TAX ACCOUNT No.
01-21-00-014219

OWNER'S CERTIFICATE

THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT, TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENTS OF SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND HAVE BEEN COMPLIED WITH INSOFAR AS THE SAME CONCERN THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS.

ROLLING HEIGHTS LOT A LIMITED PARTNERSHIP
BY: JAMES F. KNOTT DEVELOPMENT CORPORATION
(GENERAL PARTNER)

BY: Carroll D. McGill
Carroll K. McGill VP. James F. Knott Dev. Corp.

SURVEYOR'S CERTIFICATE

THE UNDERSIGNED, A REGISTERED PROPERTY LINE SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INSOFAR AS THE SAME CONCERNS THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS.

Edward F. Kelly 4/2/01
EDWARD F. KELLY, PROP. LINE SURVEYOR #159

SURVEYOR'S

STATE OF MARYLAND
EDWARD F. KELLY
No. 159
PROPERTY LINE SURVEYOR

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE APPROVED THIRD CRG REFINEMENT PLAN DATED 1/16/01 AND HAVE PREPARED WITH DUE DILIGENCE THIS RECORD PLAT PURSUANT TO THAT APPROVED THIRD CRG REFINEMENT PLAN.

RECORDING STAMP

P55072

MRA

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
110 WEST ROAD - SUITE 245
TOWSON, MARYLAND 21204
(410) 821-1690
Fax:(410) 821-1748

JOB NO. 11739
SCALE: 1" = 50'
DATE: 3/28/01
DRAWN BY: G.S.P.
REVIEW BY: EFK

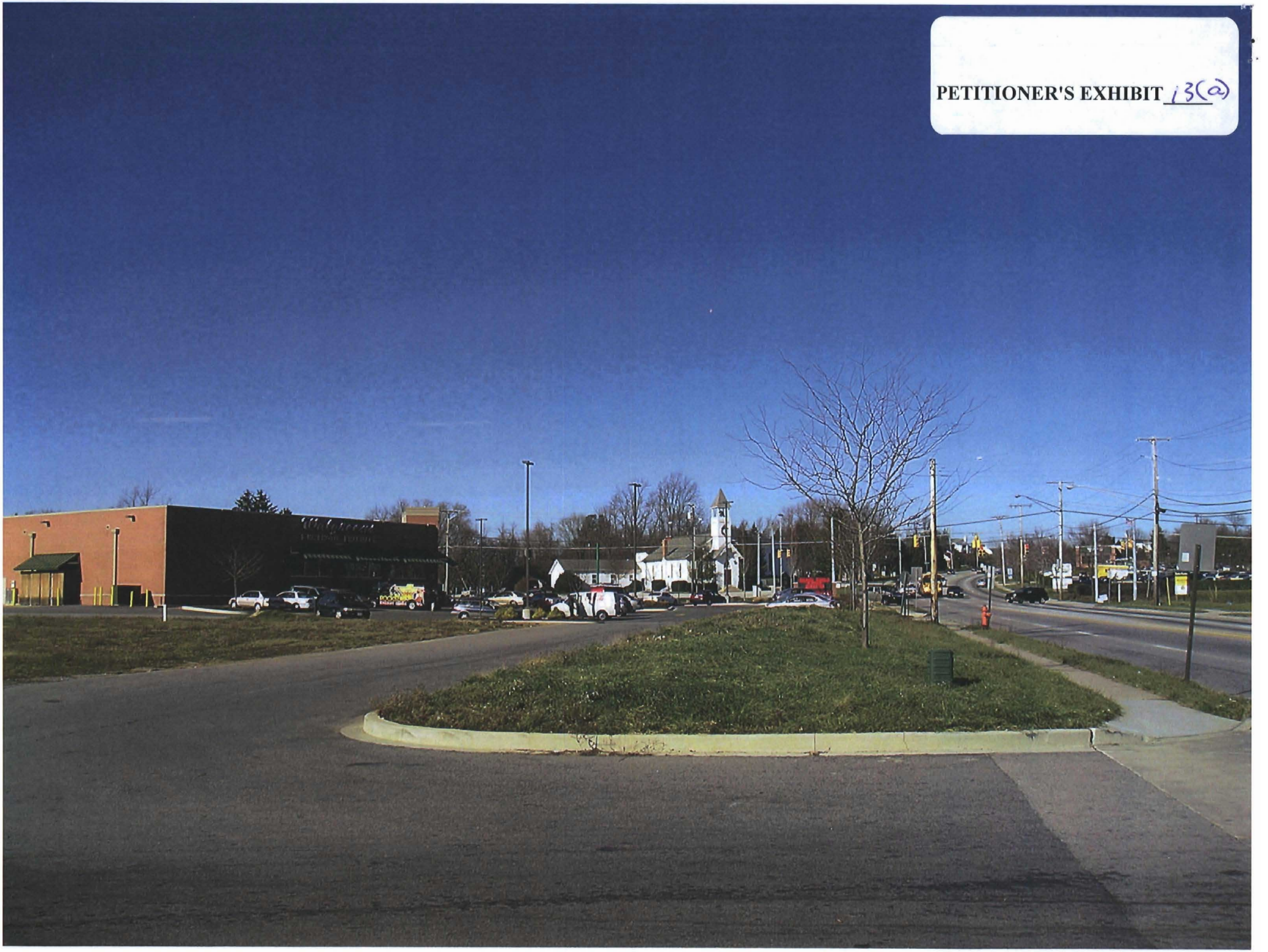
SECOND AMENDED PLAT OF
ROLLING HEIGHTS BUSINESS PARK
SECTION I - PHASE 1
(FORMERLY RECORDED S.M. 62, FOLIO 18)
FIRST ELECTION DISTRICT
SECOND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

MSA SSU 1236-10849

/data/11739/rplat1

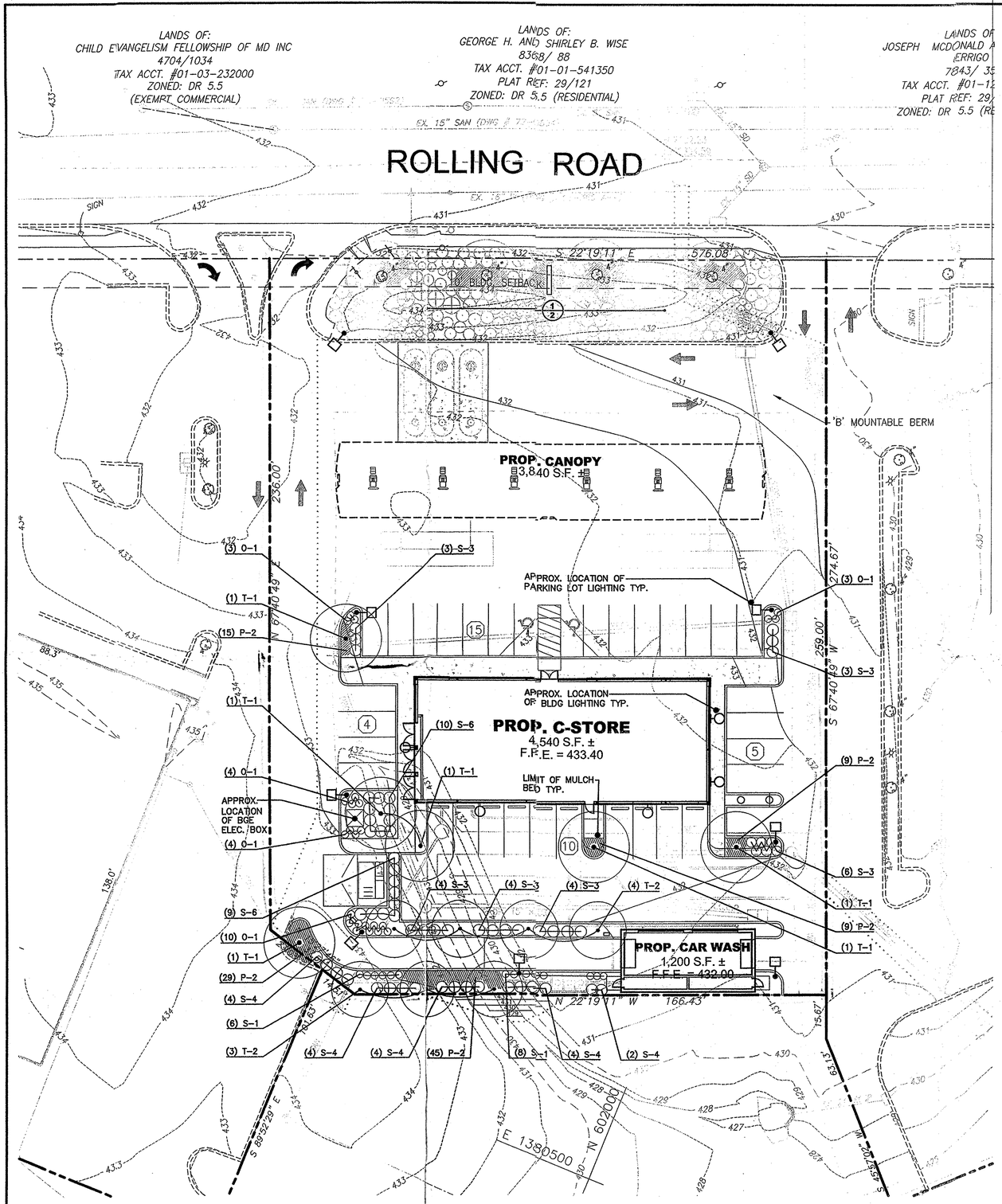
WALGREENS ROLLING & DOGWOOD #12043

PETITIONER'S EXHIBIT 13(a)





PETITIONER'S EXHIBIT 14(a)



LANDSCAPE CALCULATIONS:

REQUIRED LANDSCAPING

NO.	DESCRIPTION	RATE	QUANTITY	PLANTING UNITS (PU)
1.	FRONTAGE TO ADJACENT ROAD	1 PU/40 LF	196 LF	5 PU
2.	FRONTAGE TO INTERIOR ROAD	1 PU/20 LF	493 LF	25 PU
3.	PARKING LOT INTERIOR	1 PU/12 LF	34 PS	3 PU
4.	SERVICE LANE ADJ. TO COMM.	1 PU/20 LF	110 LF	6 PU
5.	DUMPSTER SCREENING	1 PU/15 SP.	40 LF	3 PU
6.	FUEL STATION ADJ. TO PUBLIC ROAD	1 PU/15 LF	196 LF	14 PU
7.	FUEL STATION ADJ. TO COMMERCIAL	1 PU/10 LF	700 LF	70 PU
8.	CREDIT FOR EX. SHADE TREE	1 PU/TREE	4	-4 PU
			TOTAL REQUIRED LANDSCAPING	122 PU

PROPOSED LANDSCAPING

NO.	DESCRIPTION	RATE	QUANTITY	PLANTING UNITS (PU)
1.	SHADE TREES	1 PU/TREE	13	13 PU
2.	SHRUBS	1 PU/5	305	61 PU
3.	GRASSES & GROUNDCOVERS	1 PU/25 Gal.	242 Gal.	9.6 PU
			TOTAL PROPOSED LANDSCAPING	83.6 PU *

* A REQUEST FOR THE MODIFICATION OF STANDARDS TO PERMIT 83.6 PU IN LIEU OF THE REQUIRED 122 PU.

PLANT LIST

SHADE TREES

KEY	QTY.	BOTANICAL NAME/ COMMON NAME	SIZE	ROOT	REMARKS
T-1	6	Acer rubrum 'Red Sunset' Red Sunset Maple	2"-2 1/2"	B & B	
T-2	7	Carpinus betula 'Fastigiata' Columnar European Hornbeam	2"-2 1/2"	B & B	

SHRUBS

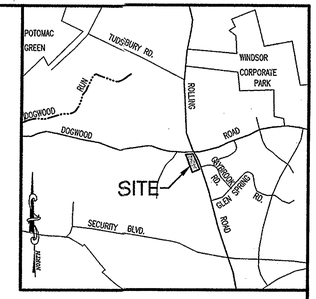
S-1	69	Berberis t. 'Atropurpurea' Crimson Pygmy Barberry	15"-18"	Cont.	
S-2	24	Chamaecyparis pisifera filifera aurea 'Gold Mop' Gold Mop Cypress	18"-24"	Cont.	
S-3	110	Juniperus chinensis sargentii Sargents Juniper	18"-24" *	Cont.	* spread
S-4	18	Juniperus chinensis 'Sea Green' Sea Green Juniper	18"-24"	Cont.	
S-5	47	Juniperus squanata 'Blue Star' Blue Star Juniper	18"-24" *	Cont.	* spread
S-6	19	Prunus laurocerasus 'Otto Luyken' Otto Luyken Cherry Laurel	24"-30"	Cont.	
S-7	10	Spirea japonica 'Little Princess' Little Princess Spirea	15"-30"	Cont.	
S-8	8	Virburnum x juddii Judd Virburnim	3' - 4'	B & B	

ORNAMENTAL GRASS

O-1	75	Pennisetum alopecuroides 'Hameln' Hameln Dwarf Fountain Grass	2 Gal.	Cont.	2 1/2' O.C.

PERENNIALS

P-1	31	Hemerocalis "Happy Returns' Happy Returns daylilies	1 Gal.	Cont.	18" O.C.
P-2	244	Liriope muscari 'Variegata' Variegated Liriope	1 Qt.	Cont.	18" O.C.



VICINITY MAP

SCALE: 1" = 2000'

BENCHMARKS

BC0469-THIS BENCHMARK IS A CAPPED PIPE LOCATED ON THE EMMARTS CHURCH CORNER OF ROLLING AND DOGWOOD. IT IS BETWEEN THE STONE MEMORIAL AND A SIGN.
N 602,482.65
E 1,380,631.99
ELEV. 436.91

TR100-THIS BENCHMARK IS LOCATED ON SITE NEAR THE MIDPOINT OF THE PROPERTY LINE CURVE ON ROLLING RUN DRIVE. IT IS A PIECE OF REBAR WITH A CAP.
N 602,307.53
E 1,380,240.27
ELEV. 437.52

LEGEND

- PROP. PROPERTY LINE
- EX. CONTOUR
- PROP. CONTOUR
- EX. CURB & GUTTER
- PROP. CURB & GUTTER
- EX. SANITARY
- PROP. SANITARY
- EX. STORM DRAIN
- PROP. STORM DRAIN
- EX. WATER
- PROP. WATER
- PROPOSED SHADE TREE
- PROPOSED SHRUB AND GRASS
- PROPOSED GROUNDCOVER
- LIMIT OF MULCH BED

OWNER

BP PRODUCTS NORTH AMERICA, INC.
1 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
CONTACT: MR. JEFFREY BAINBRIDGE
PHONE: (410) 494-3700

DEVELOPER

5915 CLEAR RIDGE ROAD
ELKRIDGE, MARYLAND 21075
CONTACT: MR. KHALID AZAM
PHONE: (410) 379-6402

PETITIONER'S EXHIBIT 15

L-1

NORTH

FINAL LANDSCAPE PLAN
LANDSCAPE ARCHITECT CERTIFICATION FORM

IT IS CERTIFIED THAT THIS LANDSCAPE PLAN IS IN COMPLIANCE WITH ALL PLANS PREVIOUSLY APPROVED BY BALTIMORE COUNTY AND THE BALTIMORE COUNTY COMMENTS ATTENDANT.

SIGNATURE — James D. Martin III — PRINT NAME

11.08.05 — DATE

AFFIX SEAL

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
www.mragta.com

STATE OF MARYLAND — JAMES D. MARTIN III — NO. 9230 — LICENSED LANDSCAPE ARCHITECT — 11.08.05

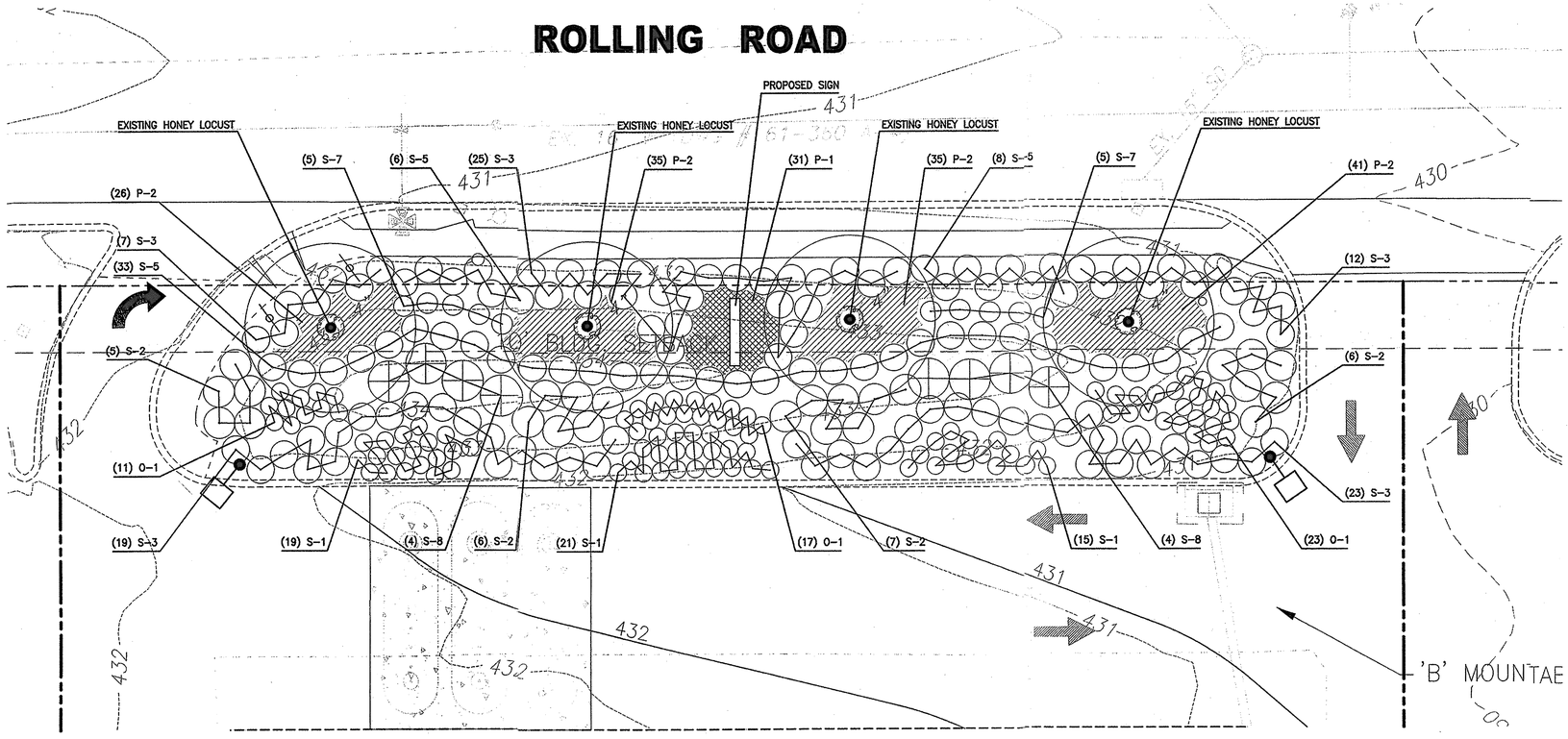
LANDSCAPE PLAN

BP GAS STATION, C-STORE & CAR WASH AT 2200 ROLLING ROAD

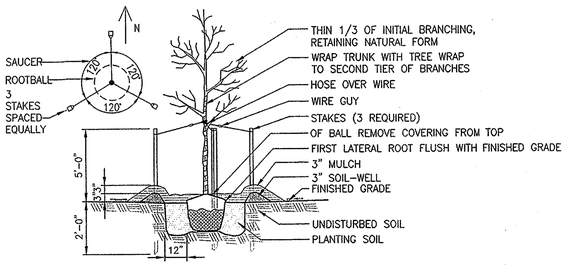
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
	BALTIMORE COUNTY DEPT. OF PERMITS & DEV. MGMT. LANDSCAPE PLAN APPROVED	JOB NO.:	14440
		SCALE:	1" = 20'
		DATE:	11/02/05
	E. Avery Harden	DRAWN BY:	JAB
		DESIGN BY:	JK
	E. Avery Harden Date: 11-2-05 County Landscape Architect	REVIEW BY:	JH
		SHEET:	1 OF 2

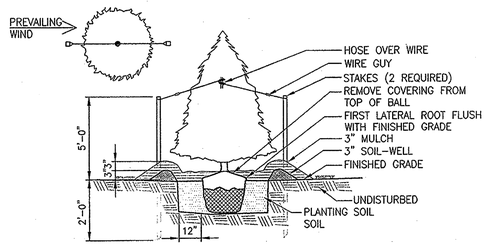
ROLLING ROAD



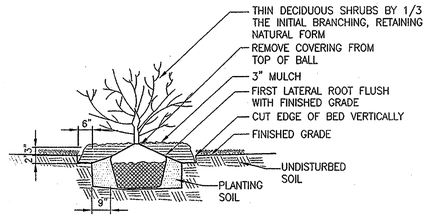
1/2 LANDSCAPE DETAIL
SCALE: 1"=10'



DECIDUOUS TREE DETAIL
NOT TO SCALE

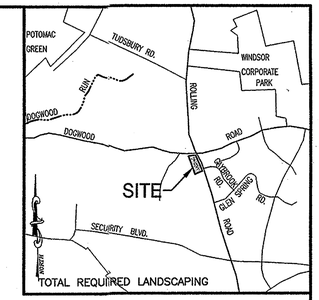


EVERGREEN TREE DETAIL
NOT TO SCALE



SHRUB DETAIL
NOT TO SCALE

NORTH



VICINITY MAP
SCALE: 1" = 2000'

BENCHMARKS

BC0469-THIS BENCHMARK IS A CAPPED PIPE LOCATED ON THE EMMARTS CHURCH CORNER OF ROLLING AND DOGWOOD. IT IS BETWEEN THE STONE MEMORIAL AND A SIGN.
N 602,462.65
E 1,380,631.99
ELEV. 436.91

TR100-THIS BENCHMARK IS LOCATED ON SITE NEAR THE MIDPOINT OF THE PROPERTY LINE CURVE ON ROLLING RUN DRIVE. IT IS A PIECE OF REBAR WITH A CAP.
N 602,307.53
E 1,380,240.27
ELEV. 437.52

GENERAL NOTES

1. CONTRACTOR SHALL CONTACT "MISS UTILITY" (800-257-7777) AND SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES WITHIN THE PROJECT AREA PRIOR TO INSTALLATION OF PLANT MATERIAL.
2. PROPOSED LOCATIONS OF PLANT MATERIAL SHALL BE STAKED IN THE FIELD BY THE CONTRACTOR FOR APPROVAL BY OWNER'S REPRESENTATIVE PRIOR TO PLANTING.
3. PLANT MATERIAL AND BEDS SHALL RECEIVE A MINIMUM 3-INCH DEPTH OF MULCH.
4. ALL AREAS DISTURBED BY PLANTING OPERATIONS SHALL BE REPAIRED BY THE CONTRACTOR TO THE SATISFACTION OF THE OWNER'S REPRESENTATIVE.
5. QUANTITIES OF TREES, EVERGREENS, AND SHRUBS NOTED ON THE PLANT LIST ARE BASED UPON THE GRAPHIC SYMBOLS SHOWN ON THE DRAWINGS. IF THERE IS A DISCREPANCY BETWEEN GRAPHIC SYMBOLS AND QUANTITIES SHOWN IN THE PLANT LIST, THE GREATER QUANTITY SHALL APPLY. CONTACT OWNER'S REPRESENTATIVE IF A DISCREPANCY IS FOUND BETWEEN THE QUANTITIES NOTED IN THE PLANT LIST AND THE SYMBOL COUNT OF PLANT MATERIALS SHOWN ON THE DRAWINGS.
6. ALL PLANT MATERIALS SHALL BE NURSERY GROWN AND SHALL COMPLY WITH THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1), LATEST EDITION, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
7. ALL TREES TO CONFORM TO THE AMERICAN ASSOCIATION OF NURSERYMEN'S STANDARDS: SECTION 1.1.2.4. HEIGHT OF BRANCHING. ALL TREES TO BE MATCHED.
8. ALL PLANT MATERIALS TO BE FULL HEAVY SPECIMENS.
9. THIS DRAWING IS FOR LANDSCAPING INFORMATION ONLY. REFER TO SITE GRADING, UTILITY, AND SEDIMENT AND EROSION CONTROL FOR AILL OTHER INFORMATION

PETITIONER'S EXHIBIT____

L-2

FINAL LANDSCAPE PLAN
OWNER'S CERTIFICATION FORM

I CERTIFY THAT I HAVE REVIEWED THIS FINAL LANDSCAPE PLAN; THAT I AM AWARE OF THE REGULATIONS PRESENTED IN THE BALTIMORE COUNTY LANDSCAPE MANUAL; AND I AGREE TO COMPLY WITH THESE REGULATIONS AND ALL APPLICABLE POLICY, GUIDELINES AND ORDINANCES. I AGREE TO CERTIFY THE IMPLEMENTATION OF THIS APPROVED FINAL LANDSCAPE PLAN UPON COMPLETION OF THE LANDSCAPE INSTALLATION PRIOR TO PWA CLOSEOUT IF APPLICABLE OR NOT LATER THAN ONE (1) YEAR FROM THE DATE OF APPROVAL OF THIS PLAN TO THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT DEVELOPMENT PLANS REVIEW, COUNTY OFFICE BUILDING, ROOM 207, TOWSON, MD. 21204.

APPLICANT'S SIGNATURE — DATE 11-02-05 — PRINT NAME KHALID AZAM

ADDRESS (PRINT) 5915 CLEAR RIDGE ROAD — STREET

CITY ELKRIDGE — STATE MD — ZIP 21075

PDM #_____ BUILDING PERMIT #_____

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
www.mragta.com

STATE OF MARYLAND JAMES D. MARTIN III LICENSED LANDSCAPE ARCHITECT NO. 3230 11/15/05

LANDSCAPE PLAN

BP GAS STATION, C-STORE & CAR WASH AT 2200 ROLLING ROAD

BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO.:	14440
		SCALE:	AS NOTED
		DATE:	11/02/05
		DRAWN BY:	JAB
		DESIGN BY:	JK
		REVIEW BY:	JH
		SHEET:	2 OF 2

10

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 09/26/05
OEA: CAC
HISTORIC DISTRICT/BLDG.

PERMIT #: B 606844
RECEIPT #: A 529457
CONTROL #: ARC
XREF #:

FEE: $ 88.00
PAID:
PAID BY:
INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

PROPERTY ADDRESS 2200 ROLLING ROAD BALTIMORE MD 21244
SUITE/SPACE/FLOOR
SUBDIV: ROLLING HEIGHTS BUS PARK
TAX ACCOUNT #: 2300018310
DISTRICT/PRECINCT 01

YES [ ] NO [X]
DO NOT KNOW [ ]

OWNER'S INFORMATION (LAST,FIRST)
NAME: KHALID F. AZAM
ADDR: 5915 CLEAR RIDGE ROAD
ELKRIDGE, MD 21075

DOES THIS BLDG. HAVE SPRINKLERS
YES — NO —

APPLICANT INFORMATION
NAME: Ernest Ehrhardt
COMPANY: MORRIS & RITCHIE ASSOCIATES, INC.
STREET 1220-C EAST JOPPA ROAD, SUITE 505
CITY,ST,ZIP TOWSON, MD 21286
PHONE #: (410) 821-1690 MHIC # MHBR #
APPLICANT SIGNATURE:
DRC#
PLANS: CONST 0 PLOT 8 PLAT 0 DATA 0 EL 2 PL 2
TENANT
CONTR: T.B.D.
ENGNR:
SELLR:

TYPE OF IMPROVEMENT
1. ____ NEW BLDG CONST
2. ____ ADDITION
3. ____ ALTERATION
4. ____ REPAIR
5. ____ WRECKING
6. ____ MOVING
7. X OTHER GRADING

DESCRIBE PROPOSED WORK:
Grade 43,560sf of disturbance for future gas station.
Permit expires 2 years from date of issue

TYPE OF USE

RESIDENTIAL
01. ___ ONE FAMILY
02. ___ TWO FAMILY
03. ___ THREE AND FOUR FAMILY
04. ___ FIVE OR MORE FAMILY (ENTER NO UNITS)_____
05. ___ SWIMMING POOL
06. ___ GARAGE
07. ___ OTHER

NON-RESIDENTIAL
08. ___ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. ___ CHURCH, OTHER RELIGIOUS BUILDING
10. ___ FENCE (LENGTH ____ HEIGHT ____)
11. ___ INDUSTRIAL, STORAGE BUILDING
12. ___ PARKING GARAGE
13. X SERVICE STATION, REPAIR GARAGE
14. ___ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. ___ OFFICE, BANK, PROFESSIONAL
16. ___ PUBLIC UTILITY
17. ___ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. ___ SIGN
19. ___ STORE ___ MERCANTILE ___ RESTAURANT SPECIFY TYPE
20. ___ SWIMMING POOL SPECIFY TYPE
21. ___ TANK, TOWER
22. ___ TRANSIENT HOTEL, MOTEL (NO. UNITS_____)
23. ___ OTHER

TYPE FOUNDATION
1. _ SLAB
2. _ BLOCK
3. _ CONCRETE

BASEMENT
1. _ FULL
2. _ PARTIAL
3. _ NONE

TYPE OF CONSTRUCTION
1. ___ MASONRY
2. ___ WOOD FRAME
3. ___ STRUCTURE STEEL
4. ___ REINF. CONCRETE

TYPE OF HEATING FUEL
1. ___ GAS 3. ___ ELECTRICITY
2. ___ OIL 4. ___ COAL

TYPE OF WATER SUPPLY
1. ___ PUBLIC SYSTEM ___ EXISTS ___ PROPOSED
2. ___ PRIVATE SYSTEM ___ EXISTS ___ PROPOSED

TYPE OF SEWAGE DISPOSAL
1. ___ PUBLIC SEWER ___ EXISTS ___ PROPOSED
2. ___ PRIVATE SYSTEM
___ SEPTIC ___ EXISTS ___ PROPOSED
___ PRIVY ___ EXISTS ___ PROPOSED

CENTRAL AIR: 1. ___ 2. ___
ESTIMATED COST: $ 12000.00 OF MATERIALS AND LABOR
PROPOSED USE: GRADING
EXISTING USE: VACANT

OWNERSHIP
1. ___ PRIVATELY OWNED 2. ___ PUBLICLY OWNED 3. ___ SALE 4. ___ RENTAL

RESIDENTIAL CATEGORY: 1. ___ DETACHED 2. ___ SEMI-DET. 3. ___ GROUP 4. ___ TOWNHSE 5. ___ MIDRISE 6. ___ HIRISE
#EFF: ___ #1BED: ___ #2BED: ___ #3BED: ___ TOT BED: ___ TOT APTS/CONDOS: ___
1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. ___ 2. ___ BATHROOMS CLASS 06
POWDER ROOMS ___ KITCHENS ___ LIBER 43 FOLIO 137

BUILDING SIZE
FLOOR 43,600
WIDTH
DEPTH
HEIGHT
STORIES
LOT #'S
CORNER LOT 1. ___ YES 2. ___ NO

LOT SIZE AND SETBACKS
SIZE 1.16ac
FRONT STREET 0
SIDE STREET
FRONT SETBK NC
SIDE SETBK
SIDE STR SETBK
REAR SETBK
ZONING

APPROVAL SIGNATURES — DATE

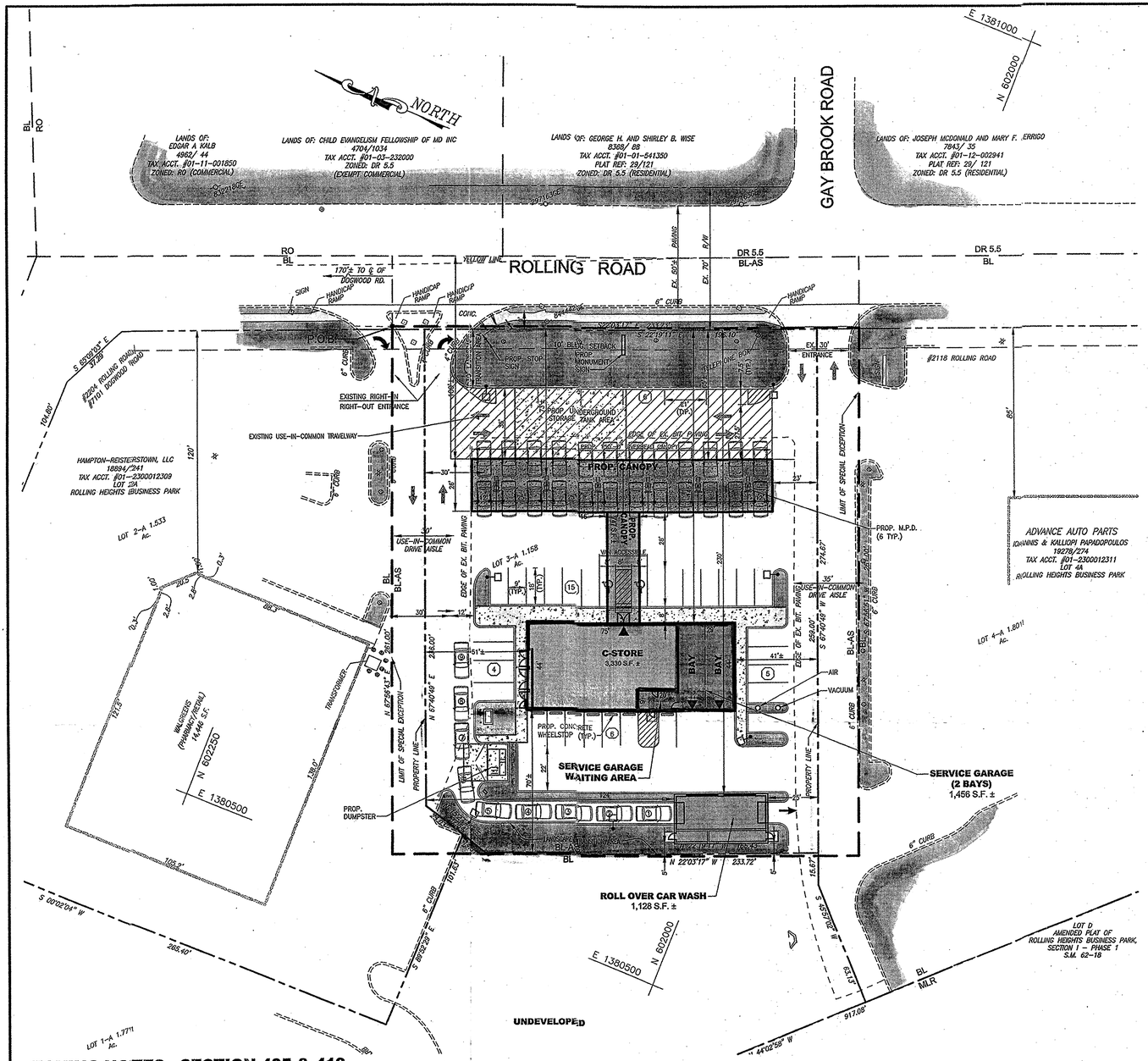
BLD INSP	:	:
BLD PLAN	:	:
FIRE	:	:
NC SEDI CTL	RA - 4/16 OK TO FILE VMK Emmett	9/26/05
ZONING	RA - [illegible]	9/26/05
PUB SERV	:	:
ENVRMNT	:	:
	:	:
PERMITS	:	:

PETITIONER'S EXHIBIT 16

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO

Need 8 sets

Rm 123 [illegible]


NORTH
E 1381000
N 602000
GAY BROOK ROAD
LANDS OF: EDGAR A KALB 4962/ 44 TAX ACCT. #01-11-001850 ZONED: RO (COMMERCIAL)
LANDS OF: CHILD EVANGELISM FELLOWSHIP OF MD INC 4704/1034 TAX ACCT. #01-03-232000 ZONED: DR 5.5 (EXEMPT: COMMERCIAL)
LANDS OF: GEORGE H. AND SHIRLEY B. WISE 8368/ 88 TAX ACCT. #01-01-541350 PLAT REF: 29/121 ZONED: DR 5.5 (RESIDENTIAL)
LANDS OF: JOSEPH MCDONALD AND MARY F. ERRIGO 7843/ 35 TAX ACCT. #01-12-002941 PLAT REF: 29/ 121 ZONED: DR 5.5 (RESIDENTIAL)
ROLLING ROAD
RO
BL
DR 5.5
BL-AS
170'± TO C OF DOGWOOD RD.
YELLOW LINE
EX. 60'R
EX. 70' R/W
PAVING
SIGN
HANDICAP RAMP
CONC.
6" CURB
P.O.B.
S 52°03'05" E 104.89'
#2204 ROLLING ROAD
#7101 DOGWOOD ROAD
EXISTING RIGHT-IN RIGHT-OUT ENTRANCE
EXISTING USE-IN-COMMON TRAVELWAY
HAMPTON-REISTERSTOWN, LLC 18894/241 TAX ACCT. #01-2300012309 LOT 2A ROLLING HEIGHTS BUSINESS PARK
LOT 2-A 1.533 Ac.
120'
30'
USE-IN-COMMON DRIVE AISLE
PROP. STOP SIGN
10' BLDG. SETBACK FROM MONUMENT SIGN
PROP. MONUMENT SIGN
PROP. UNDERGROUND STORAGE TANK AREA
EDGE OF EX. BIT. PAVING
PROP. CANOPY
CANOPY 23'x57'6"
VIN ACCESSIBLE
C-STORE 3,330 S.F. ±
BAY
BAY
AIR
VACUUM
PROP. CONCRETE WHEELSTOP (TYP.)
SERVICE GARAGE WAITING AREA
SERVICE GARAGE (2 BAYS) 1,456 S.F. ±
PROP. DUMPSTER
ROLL OVER CAR WASH 1,128 S.F. ±
EX. 30' ENTRANCE
#2118 ROLLING ROAD
ADVANCE AUTO PARTS IOANNIS & KALLIOPI PAPADOPOULOS 19278/274 TAX ACCT. #01-2300012311 LOT 4A ROLLING HEIGHTS BUSINESS PARK
LOT 4-A 1.8011 Ac.
LIMIT OF SPECIAL EXCEPTION
PROP. M.P.D. (6 TYP.)
LOT 3-A 1.158 Ac.
WALGREENS (PHARMACY/DRIVE-IN) 14,148 S.F.
N 602250
E 1380500
N 67°24'43" E 181.60'
TRANSFORMER
N 6°40'48" E 234.00'
S 6°40'48" W 234.00'
S 83°19'12" E 6" CURB
S 00°02'04" W 265.40'
LOT 1-A 1.7771 Ac.
UNDEVELOPED
N 22°03'17" W 233.72'
S 45°02'56" W 917.08'
LOT D AMENDED PLAT OF ROLLING HEIGHTS BUSINESS PARK, SECTION I - PHASE 1 S.M. 62-18
BL MLR
6" CURB
6" CURB
6" CURB

APPEAL

Petition for Special Hearing and Special Exception
2202 Rolling Road
West side Rolling Road, 170 feet southeast of centerline of Dogwood Road
1st Election District – 1st Councilmanic District
Legal Owner(s): J K Ghauri, Inc.

Case No.: 07-082-SPHX

Petition for Special Hearing and Special Exception (August 21, 2006)

Zoning Description of Property

Notice of Zoning Hearing (September 11, 2006)

Certification of Publication (October 3, 2006)

Certificate of Posting (October 2, 2006) by Robert Black

Entry of Appearance by People's Counsel (September 5, 2006)

Petitioner(s) Sign-In Sheet – 2 Sheets

Protestant(s) Sign-In Sheet – None

Citizen(s) Sign-In Sheet – 2 Sheets

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Resume – Jeffrey Bainbridge
2. CZMP – Zoning map issues
3. Letter from Robert Hoffman to Mr. Keller
4. Zoning order Case No. 01-408-X
5. Plan to accompany Special Exception
6. Site plan to accompany Special Hearing and Special Exception
7. Resume – William Monk
8. Aerial map
9. (A-D) – Photographs
10. Existing conditions subject property
11. Rolling Heights Business Park – approved plat
12. Record plat
13. (A-B) – Photographs
14. Photographs - Landscape buffer
15. Landscape plan
16. Grading permit
17. Colorized plan

Protestants' Exhibits:

1. Deed – 8/29/02
2. Deed – to JKGhauri
3. Photographs of property
4. Photographs of existing conditions
5. Photographs denoting topography
6. Photographs before grading
7. Parking signage photographs
8. None
9. Photograph
10. Photographs
11. Photographs (A-EE)

Miscellaneous (Not Marked as Exhibit)

1. Entry of appearance from Michael Tanczyn 10/13/06
2. Letter from Michael Tanczyn – 10/18/06
3. Letter from Michael Tanczyn – 1/3/07
4. Zoning map

Zoning Commissioner's Order (GRANTED in accordance w/order – January 24, 2007)

Notice of Appeal received on February 16, 2007 from Michael P. Tanczyn, P.A.

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Khalid Azam 5915 Clear Ridge Road Elkridge 21075
Michael P. Tanczyn, P.A. 606 Baltimore Avenue, Suite 606 Towson 21204
Jeff Bainbridge 1414 Forest Glen Court Baltimore 21228
Glenn Cook 9900 Franklin Square Drive, Suite H Baltimore 21236
Bill Monk 110 West Road, Suite 245 Towson 21286
M. Grace Morissette 2117 N. Rolling Road Baltimore 21244-1823
Jay E. Cohen 2119 N. Rolling Road Windsor Mill 21244
Tonia A. Gardner 7007 Gaymount Road Windsor Mill 21244
Al and Ruth Rackus 7014 Gaymount Road Windsor Mill 21244
Nadirah Bradley 2108 Gaybrook Road Baltimore 21244
Joan A. Brooks 7007 Dogwood Road Windsor Mill 21244
Doranna Leskins 2119 Gaybrook Road Windsor Mill 21244
George Wise 2201 Rolling Road Windsor Mill 21244
Mickey Cornelius 9900 Franklin Square Drive, Suite H Baltimore 21236
James and Hazel Smith 2109 Rolling Road Windsor Mill 21244
Horace and Marie Alexander 2111 N. Rolling Road Windsor Mill 21244
James Schriefer 7025 Glen Spring Road Baltimore 21244
William and Virginia Mann 2109 Gaybrook Road Baltimore 21244
Carol A. Castle 2104 Kalb Manor Road Baltimore 21244
Cecil and Diann Cupid 7027 Glen Spring Road Baltimore 21244
Maria Johnson 2121 Gaybrook Road Baltimore 21244
Michael Kerr 7003 Gaymount Road Baltimore 21244
Ralph and Mary Brock 7023 Glen Spring Road Baltimore 21244
John Stilling, Jr. 2121 N. Rolling Road Baltimore 21244
Patricia Coby 2107 Kalb Manor Road Baltimore 21244
Arnold Jablon David Karceski Venable LLP 210 Allegheny Avenue Towson 21204

date sent April 3, 2007, amf

Case No.: 07-082 SPHX

Exhibit Sheet - Continued

	Petitioner/Developer	Protestant
No. 13	Photo's Landscape Edge 3A 3B with 30' Wide Landscape Buffer + Berm	
No. 14	Photo's N + S of Site } Landscape Buffer + improvements	
No. 15	Landscape Plan (2 Pages) 11/28/05 Avery Harden Approved	
No. 16	Grading Permit 9/26/05 B 606 844	
No. 17	Colorized Plan - (SAME AS Petitioners #6)	
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

Baltimore County 2000 Comprehensive Zoning Map Issues

Issue Number	Owner, Petitioner	Location	Existing Zoning and Acres	Requested Zoning and Acres	Planning Board Recommendations	County Council Decisions	Comments
1-022	Paradise Assisted Living Inc	6348 Frederick Rd, east of Briarwood Rd	DR 5.5 0.6 Total 0.6	DR 10.5 0.6 Total 0.6	DR 10.5 0.6 Total 0.6	DR 5.5 0.6 Total 0.6	
1-023	Mr. & Mrs. Edward Wood Sr.	1201 Maiden Choice Ln, 400' east of Westland Blvd	DR 5.5 0.7 Total 0.7	ROA RO or 0.7 Total 0.7	DR 5.5 0.7 Total 0.7	DR 5.5 0.7 Total 0.7	See Issue 1-069
1-024	Kensington Associates	Northeast corner of Wilkens Ave and Maiden Choice Ln	DR 5.5 0.1 OR 2 10.8 Total 10.9	BL 10.9 Total 10.9	BL 10.9 Total 10.9	BL 10.9 Total 10.9	See Issue 1-029
1-025	Rolling Road Plaza	Northwest corner of Rolling Rd and Powers Ln	DR 3.5 0.8 BL 5.9 Total 6.7	BM 6.7 Total 6.7	DR 3.5 0.8 BL 5.9 Total 6.7	DR 3.5 0.8 BL 5.9 Total 6.7	See Issue 1-064
1-026	Jim Koons Limited Partnership II	2003 Rolling Rd, 1300' north of Security Blvd	DR 5.5 1.0 Total 1.0	BM 1.0 Total 1.0	DR 5.5 1.0 Total 1.0	DR 5.5 1.0 Total 1.0	
1-027	Merry Hill, LLC	Powers Ln, southwest of Nuwood Dr and Nuwood Circle	DR 2 4.8 Total 4.8	DR 16 4.8 Total 4.8	DR 2 4.8 Total 4.8	DR 16 4.8 Total 4.8	See Issue 1-046 Covenant Agreement
1-028	Rolling Heights Lot A LP	2285 Rolling Run Dr, southeast of intersection of Rolling Run Dr and Dogwood Rd	MLR 6.3 Total 6.3	BL AS 6.3 Total 6.3	MLR 6.3 Total 6.3	BL AS 1.6 BL 4.7 Total 6.3	See Issues 1-017, 1-034, 1-035 Overlay Adopted

Baltimore County 2000 Comprehensive Zoning Map Issues

2000 COMPREHENSIVE ZONING MAP PROCESS APPLICATION

This form and the required materials must be presented in person

Baltimore County Office of Planning
401 Bosley Avenue, Suite 406
Towson Maryland 21204
410-887-3480
www.co.ba.md.us

OFFICE USE ONLY

Issue No. 1-028
Council District FIRST
Planner DIANA ITTER

Received on 10/27/99
Fee (non-refundable) 1310.00
Receipt No. 075041

APPLICANT INFORMATION

Rolling Heights Lot A Limited Partnership
1. Name

2. Organization (if applicable)

110 West Road, S-203
3. Mailing Address

Towson, Maryland 21204-2321
4. City, State, Zip Code

5. Home Phone
410-321-1000
5a. Business Phone

Robert A. Hoffman
6. Attorney or Representative

Venable, Baetjer & Howard
Firm Name (if applicable)

210 Allegheny Avenue
Address

Towson, Maryland 21204
City, State, Zip Code

410-494-6200
Business Phone

PROPERTY INFORMATION

Rolling Heights Lot A Limited Partnerhsip
7. Property Owner's Name

6.263
9. Total Acreage of Property

0 1 2 1 0 0 0 1 4 2 1 9
11. Property Tax Number (12 Digits)

Property Tax Number

Property Tax Number

2285 Rolling Run Drive
8. Property Street Address

Southeast intersection of Rolling Run Drive and Dogwood Road
10. Distance to nearest street/intersection (give name)

87/177 (Lot A)
12. Tax Map Number / Parcel Number

Tax Map Number / Parcel Number

Tax Map Number / Parcel Number

RECLASSIFICATION INFORMATION

6.263+, net excluding right-of-way
13. Acreage of land requested for rezoning

MLR (6.263+)
15. Existing zoning (acres per zone)

Industrial park
17. Existing use of parcel

(1-012, 1988)
19. Zoning history (issue/case no., year, type)

2B
14. 1000' scale zoning map no.

NW2 G and NW3 G
200' scale zoning map no.

BL-AS (6.263+)
16. Requested zoning (acres per zone)

Commercial
18. Proposed use of parcel

THE INFORMATION SHOWN ON THIS FORM IS ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE

(SIGNATURE)
Robert A. Hoffman

10/26
Date

OWNER ACKNOWLEDGEMENT: Are you the owner of the property? No ___ Yes X If you are the owner, please sign below.

MID

GN (44 SF± PER SIDE)

1-B

tnership

PDM #01-408-X

The recipient of these materials understands that copyright in the materials is owned by BP, and also, that the materials contain privileged and confidential business information of BP. Accordingly, the recipient agrees to retain these materials in strict confidence and agrees not to disclose these materials to any other party and further agrees not to make copies of the materials. The recipient agrees to use the materials only for the limited purpose for which BP has made the materials available, and recipient agrees to return all materials to BP either upon completion of the intended purpose or upon the request of BP, whichever comes first.

DEVELOPMENT INFORMATION:

NEW BUILD (STICK-BUILD)

4200 SERIES HARMONY

–

6 MPD

STARTING GATE CANOPY

SITE ADDRESS:

ROLLING RD. @ DOGWOOD RD.

ROLLING HEIGHTS BUSINESS PARK
BALTIMORE COUNTY, MD

SS #16855

SCALE: 1"=20'	ALLIANCE Z&DM: JL
DATE: 12/21/00	BP REPM: JB
DESIGNED BY: WM/SL	ALLIANCE PM: MS
DRAWN BY: SL	FILE NAME: MRA #11738
CHECKED BY: WM	

DRAWING TITLE:

PLAN TO ACCOMPANY SPECIAL EXCEPTION APPLICATION

SHEET NO:

1 OF 3

PETITIONER'S EXHIBIT 5

ZONING RELIEF REQUESTED

1. **SPECIAL HEARING -**
   SPECIAL HEARING TO CONFIRM THAT THE SPECIAL EXCEPTION APPROVED IN CASE NO. 01-408-X FOR A FUEL SERVICE STATION ON AN INDIVIDUAL SITE IN COMBINATION WITH A CONVENIENCE STORE WITH A SALES FLOOR AREA LARGER THAN 1,500 SQUARE FEET AND A ROLL-OVER CAR WASH HAS BEEN UTILIZED IN ACCORDANCE WITH SECTION 502.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS AND TO AMEND THE SITE PLAN APPROVAL IN CASE NO. 01-408-X TO ADD SERVICE BAYS.
2. **SPECIAL EXCEPTION-**
   SPECIAL EXCEPTION PURSUANT TO SECTIONS 405.2.B.1, 405.4.E.1, AND 405.E.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR A FUEL SERVICE STATION ON AN INDIVIDUAL SITE IN COMBINATION WITH A CONVENIENCE STORE WITH A SALES FLOOR AREA LARGER THAN 1,500 SQUARE FEET AND A ROLL-OVER CAR WASH.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748

www.mragta.com

SITE PLAN
TO ACCOMPANY SPECIAL HEARING/ SPECIAL EXCEPTION APPLICATION
GAS STATION, C-STORE, & ROLLOVER CAR WASH
2202 ROLLING ROAD

BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	JOB NO.: 14440.02
		SCALE: 1" = 30'
		DATE: 08/18/06
		DRAWN BY: JAB
		DESIGN BY: WPM
		REVIEW BY: WPM
		SHEET: 1 OF 1

EXHIBIT 6

AIRPORTS

CENTERS / CHILD CARE / YOUTH / VISITORS

COMMERCIAL/ RETAIL CENTERS

Target Store, Owings Mills, Maryland - Provided preliminary assessment and recommendations for the proposed 100,000-SF retail store with 500 parking spaces on a 12.5-acre site.

***Canton* Crossing, Baltimore City, Maryland** - Master planning for six square block of mixed-use development incorporating hotel, office, retail, food market, structured parking, restaurant, and marina.

Glen Burnie Super Block, Anne Arundel County, Maryland - Prepared site plan for redevelopment of key five± acre parcel in heart of Glen Burnie Urban Renewal District. Project includes food store anchor, retail, office, residential, structured parking, and town center plaza with skating rink.

BP Amoco Oil Company, Baltimore-Washington - Site/zoning feasibility studies and civil engineering for more than 80 sites.

Chick-fil-A, Inc., Baltimore-Washington - Site/zoning feasibility studies and civil engineering for more than 30 sites.

Hagerstown Commons, Hagerstown, Maryland - A 42-acre, 350,000-SF, phased, mixed-use center containing office, retail and a cinema-plex.

Commerce Place, Prince George's County, Maryland - A 43-acre, 480,000-SF mixed-use retail, office and cinema-plex development.

Manassas Center, Manassas, Virginia - A ten-acre mixed-use, retail strip shopping center and low-rise office development project.

Taco Bell Corporation, Baltimore-Metropolitan - Evaluation of more than 75 sites for proposed Taco Bell Restaurants.

Arundel Crossing East, Anne Arundel County, Maryland - Prepared a 40-acre site development plan containing both a Super K-Mart Store (190,000± SF) and a Hechingers Home Care Center (130,000 SF.)

Allied Signal Company, Harbor Point, Baltimore, Maryland - Prepared mixed-use master plan for a 20± acre site strategically located at entry to Baltimore's Inner Harbor. Includes retail, office, housing, entertainment, marina, and cruise ship docking facilities.

Kentucky Fried Chicken Restaurants, Baltimore-Washington - Site and zoning feasibility studies and civil engineering for more than 20 sites.

Old Town Mall, Baltimore, Maryland - Prepared site plans for re-design of historic urban renewal project, anchored by supermarket.

Boston Street Quay, Baltimore, Maryland - Prepared site plans for three-acre mixed-use development project on Baltimore's Inner Harbor waterfront, in Canton, incorporating retail, housing, and pier restaurant, with waterfront pedestrian promenade.

Tyson's Corner, Virginia - Preparation of site plan alternatives for a two-acre, multi-story retail/office and parking project containing more than 160,000 SF with structured parking.

Krispy Kreme Restaurants, Baltimore-Washington - Site and zoning feasibility studies and civil engineering for more than 15 sites.

Light House Point, Boston Street, Canton, Maryland - Prepared master plan for large scale mixed use waterfront development in historic Canton on Baltimore's "Gold Coast." Project includes housing, marina, specialty/maritime retail, restaurants, and pedestrian waterfront promenade.

Office Condominium Site Assessments, Mid-Atlantic Region - Prepared over 75 site development plans for the development of suburban office parks. Projects range in size from 5,000 SF to over 100,000 SF.

Liberty Valley Country Club, Baltimore County, Maryland - Assisted client through the special exception and variance procedures and obtained approval for redevelopment of Liberty Valley Country Club. Prepared golf course preliminary design plan.

Landover Center Rezoning, Prince George's County, Maryland - Prepared the master plan for a 15-acre mixed-use retail, motel, and office building project. He also served as expert witness in the successful rezoning.

Lee Property Master Plan, Frederick County, Maryland - Preparation of a 102-acre mixed-use commercial complex containing over 400,000 SF of office, research and development space, a 190,000-SF Wal-Mart Super Store, a hotel/conference center complex and open space system. A historic Guilford farmstead comprising approximately 15 acres is the centerpiece of the complex. This area is on the National Register of Historic Places. The master plan calls for the conversion of historic farmhouse into an inn/restaurant while retaining the farmstead outbuildings and incorporating them into an educational/learning center.

Arundel Delight Quarry, Baltimore County, Maryland - This one 125-acre parcel in northwest Baltimore County utilizes an abandoned quarry as its centerpiece by transforming it into a 25-acre lake. The master plan calls for a mix of commercial (village center), employment (office), elderly care/retirement community and a mix of housing types (estate and carriage homes). Additionally an extensive open space system along with active recreational facilities and a Baltimore County fire station are incorporated into this unique master plan. This master plan was prepared over a period of 18 months in concert with a community and business task force that resulted in the approval of the overall master plan and securing the appropriate zoning to accommodate the mix of uses.

Patapsco Planned Community, Baltimore County, Maryland - Preparation of master plan for an 800-acre planned residential and commercial project. Plan includes country club, open space system, community shopping facilities/office, research and development park and a mix of residential housing types.

Run About Cove, Anne Arundel County, Maryland - 110-acre residential community containing over 700 housing units with a commercial village center and extensive recreational/open space amenities.

Edmondson Square Shopping Center, Baltimore, Maryland - Prepared site development plans for redevelopment of the six-acre site for new Giant Food, Hollywood Video, and Advance Auto Parts stores.

U-Store, Anne Arundel County, Maryland - Prepared site development plans of an eight-acre parcel for 120,000-SF self-storage facility including subdivision to create pad sites.

Point Breeze Business Center, Baltimore, Maryland - Prepared plans for re-development of existing 5.5-acre parking and loading area to create more functional utilization of the area and to including staging for trucks waiting to load. Included critical area mitigation for part of the site.

Columbia Tech Center, Howard County, Maryland - Prepare site plans for 58,750-SF office/warehouse development on 6.5 acres. Plans included record plats to consolidate lots, road plans, stormwater management and water plans.

Nextel Corporation, Baltimore County, Maryland - Preparation of site plans for construction of wireless telecommunication facilities.

Towson Overlook, Baltimore County, Maryland - Re-development of 13-acre site to add 75,000 SF to the existing 50,000-SF shopping center.

Rite Aid, Baltimore County, Maryland - Site plans and subdivision for construction of a new Rite Aid store in an existing shopping center.

Parts America, Baltimore, Maryland - Site plans for construction of two freestanding stores.

DOMICILIARY FACILITIES

Decatur Street Townhomes, Baltimore, *Maryland* - *Project Manager responsible for master planning and civil* engineering for 72 housing units at Locust Point.

Luzerne Townhomes, Canton Mills, and Fleet Street Townhomes, Baltimore, *Maryland* - *Project Manager* responsible for master planning and civil engineering for an urban in-fill residential projects in Baltimore City.

Apartment Buildings / Condo

Hotels/Motels

Retirement Communities

EDUCATIONAL FACILITIES

Elementary - High School

St. Marks School, Baltimore County, Maryland - Prepared plans and assisted client in obtaining rezoning for the historic renovation and redevelopment of the former St. Marks School on Winters Lane in Catonsville.

College / University

Technology Center at University of Maryland Baltimore County, Catonsville, Maryland - Provided master planning for expansion of the South Campus to include two to three new research & technology buildings and conference center ranging in size from 60,000-100,000 SF each.

University of Maryland Baltimore County, Main Campus Master Planning for the Technology Development Center (TDC) and the Technology Research Center (TRC), Catonsville, Maryland - Provided master planning for expansion of the TDC and TRC facilities to include research, teaching, and conferencing facilities totaling 150,000-200,000 SF.

University of Maryland Baltimore County, Technology Development Center Parking Facilities, Catonsville,

Conceptual Planning:

Lake Diamond Country Club, Pinehurst, North Carolina - An 18-hole semi-private golf course and residential community.

Potomac Point Golf Links, St. Mary's County, Maryland - An 18-hole semi-private golf course and residential community with marina and commercial village center.

Liberty Valley Country Club, Baltimore County, Maryland - A nine-hole executive par three semi-private/daily fee golf course.

Baltimore County, Department of Recreation and Parks, Baltimore County, Maryland - An 18-hole public golf course.

Hunters Green Golf Course, Washington, County, Maryland - An 18-hole daily fee course integrated into an 850-acre PUD, including residential, retail, office, industrial, and recreational uses.

Redesign/Master Planning:

Country Club of Maryland, Towson, Maryland - An 18-hole private golf course.

Golf Course Planning and Design:

Lake Diamond Golf and Country Club, Pinehurst, North Carolina - Preparation of a master plan incorporating an 18-hole golf course with club facilities and a "public golf center" including driving range, chipping and pitching greens and miniature golf course. Golf course routing is through dense pine forests and sand hills indigenous to the Pinehurst area. Lake Diamond (44 acres) provides a unique natural amenity. Estate home sites, community beach and recreation area, and the golf course are situated along the lake frontage. The Lake Diamond subdivision has been modified and incorporated into the overall master plan. The plan encompasses approximately 350 acres and includes estate homesites (20,000 SF+/-) and fairway cottage sites (7,000-8,000 SF).

Baltimore County, Maryland - Preparation of a golf course routing plan on approximately 210 acres of state-owned property adjacent to the Patapsco River. This unique golf course routing plan is laid out around a number of environmentally sensitive wetland areas and is integrated with a proposed equestrian riding center and riding trails, which tie into a public open space network along the Patapsco River.

Hunters Green Planned Business Park, Washington County, Maryland - This golf course routing plan is integrated through an 850-acre planned unit development including residential, retail, office, and industrial uses. A series of environmentally sensitive areas and stream are utilized to enhance the natural features and playability of the course. The project also contains an inn and conference center adjacent to the golf course, both of which provide a central focus for the overall development plan.

Liberty Valley Country Club, Baltimore County, Maryland - A nine-hole executive par three golf course has been laid out on a portion of the former Hidden Valley Golf Course. The course is situated in a stream valley and incorporates large teeing areas to maximize the flexibility and allow play from multiple tees. A clubhouse with banquet and dining facilities, along with an olympic-size swimming pool and tennis courts are included.

Potomac Point Golf Links, St. Mary's County, Maryland - Prepared three alternative golf course routing plans within the context of an 800 (+)-acre planned community along the Potomac River in southern Maryland. Each routing plan

Maryland - Principal-In-Charge of site planning, civil engineering, and surveying for a 330-car satellite parking facility with shuttle bus pickup.

FIRE STATIONS

GOVERNMENTAL FACILITIES

GOVERNMENTAL FACILITIES

Federal

State

E Street Extension, SHA Feasibility Assessment, City of Frederick, Maryland - Principal-In-Charge responsible for analyzing the Frederick Brickworks property and development of an expansion and phasing program based upon the E Street extension.

County

HEALTH CARE FACILITIES/HOSPITAL / NURSING HOME PROJECTS

INDUSTRIAL / MANUFACTURING FACILITIES

LIBRARIES

MARINAS

MUSEUMS

OFFICE BUILDINGS

PARKING STRUCTURES

POLICE

RECREATIONAL FACILITIES / PARKS

The following is a list of golf course projects/golf community master plans of which William Monk, Inc. has been involved.

encompassed different areas of the overall tract. The property, which offered a unique design challenge, included heavily wooded areas, tidal and non-tidal wetlands, fresh water lakes, a reclaimed sand quarry, and Potomac River and an inland bay frontages.

Each routing plan was developed within the context of the overall planned community, which included a wide range of residential product. This included single family estate lots, attached housing, condominium, and golf village home sites along with community commercial village and marina.

The golf course routing plan considered is described below.

The Potomac Point Links will be a unique 18-hole linksland style golf course built within the reclaimed sand hills of the former quarry site. The individual holes blend with the sand hills and ponds of this environmental award winning reclamation project providing a truly unique golf experience unmatched in this region. The course, which will be open to the public, is designed to be challenging and playable for all skill levels. Emphasis is placed on strategic shot making skills rather than strength while the usage of multiple tees allows the course to play from over 6,700 yards to slightly less than 4,900 yards. The unique character of the course incorporates both grass bunkers and swales, waste bunkers, mounding, a system of ponds and streams and natural vegetation and grasses all of which reinforce the linkslands style of golf course architecture. The natural setting for the course is further enhanced by broad vistas of Breton Bay from many locations on the course. A public driving range with lesson tee, practice putting and chipping greens, pro shop, and clubhouse will provide the necessary support facilities.

RELIGIOUS FACILITIES

RESEARCH & DEVELOPMENT FACILITIES

RESTAURANTS

ROADWAY/HIGHWAYS

* **E Street Extension, SHA Feasibility Assessment, City of Frederick, Maryland** - Principal-In-Charge responsible for analyzing the Frederick Brickworks property and development of an expansion and phasing program based upon the E Street extension.

WAREHOUSES

UTILITY FACILITIES

WILLIAM P. MONK
JURISDICTIONS WHERE WORK HAS BEEN PERFORMED

MARYLAND
Aberdeen
Annapolis*
Anne Arundel County
Baltimore*
Baltimore County*
Bel Air
Bowie
Charles County
Calvert County
Cambridge
Caroline County
Carroll County*
Cecil County
Centreville
Chesapeake Beach
College Park
Columbia
Easton
Ellicott City
Frederick
Frederick County*
Gaithersburg
Hagerstown
Hampstead
Harford County*
Havre de Grace
Howard County*
Kent County
Laurel
Montgomery County
Ocean City
Perryville
Prince George's County*
Queen Anne's Co.
Rockville
St. Charles Community*
St. Mary's County
St. Michael's
Salisbury
Talbot County
Washington County
Westminster

DELAWARE
Dover
Kent County
Milford
Newark
Rehobeth Beach
Sussex County

DISTRICT OF COLUMBIA

NEW JERSEY
Cherry Hill
Dover Township
Mountainside
Pequannock Township
Perth Amboy
Piscataway*
Wall Township*
Pompton Plains
Toms River

NORTH CAROLINA
Pinehurst

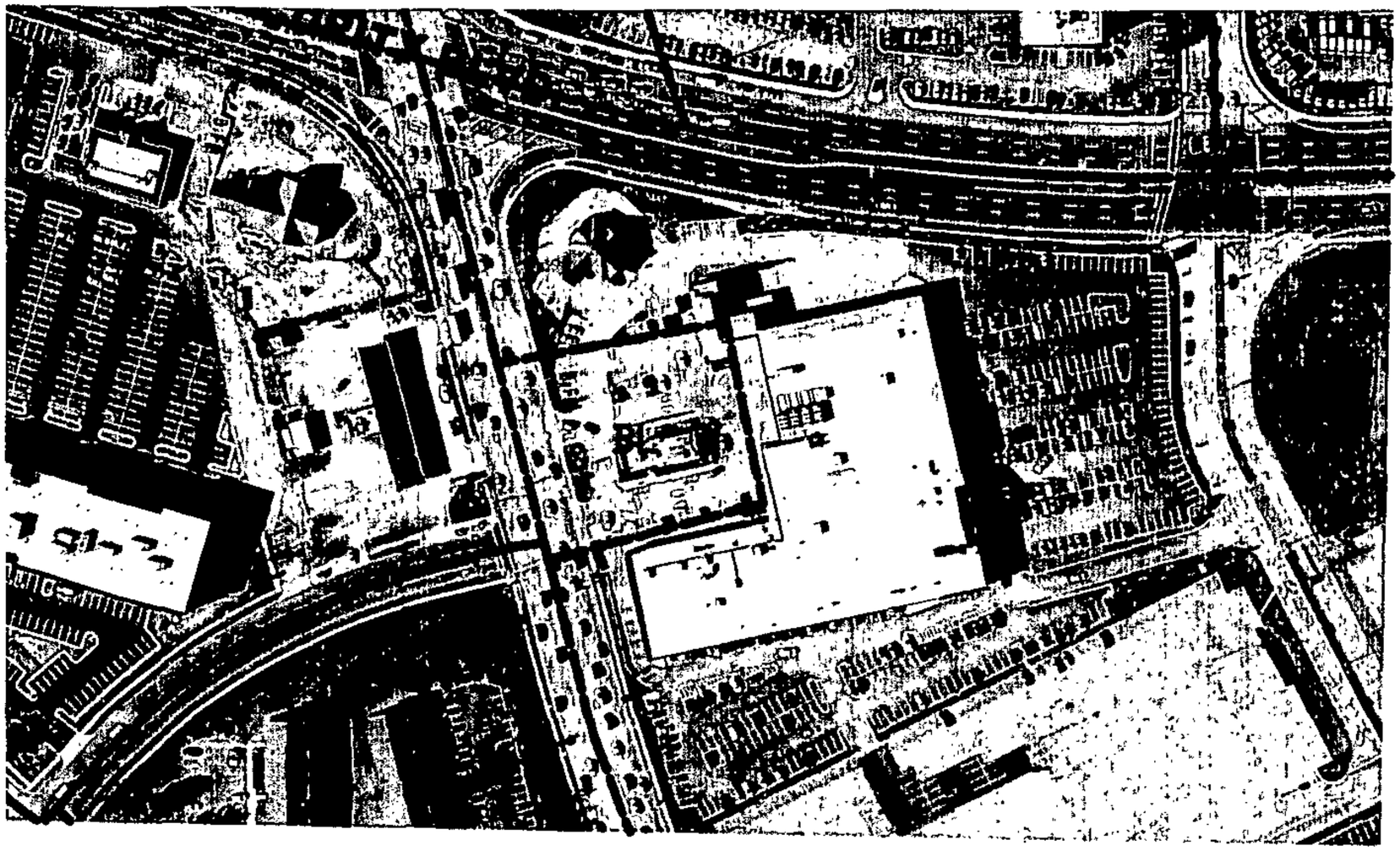
PENNSYLVANIA
Bucks County
Chester County
Montgomery County
Paoli
Shrewsbury

VIRGINIA
Alexandria
Arlington
Arlington County
Chesterfield County
(Richmond area)
Fairfax City
Fairfax County
Falls Church
Fauquier County
Henrico County
(Richmond area)

VIRGINIA (Cont'd.)
Herndon
Leesburg
Loudon County
Manassas
Manassas Park
McLean
Prince William County
Quantico
Richmond
Sterling
Vienna

WEST VIRGINIA
Martinsburg

***EXPERT WITNESS**



SCALE: 1"=200'

PETITIONER'S EXHIBIT 8

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748

MRAGTA.COM

CAS TO BE BITUMINOUS CONCRETE PAVING WITH PERMANENT

PARKING AREAS TO BE DIRECTED AWAY FROM ADJACENT PROPERTIES.
WAREHOUSE AREAS AS DEFINED BY THIS PLAN WILL NOT ED OR DECREASED SUBSTANTIALLY WITH OUT FURTHER ROVAL.
SED SIGNS WILL MEET SECTION 413.8 (B.C.Z.R.)
E CHANGES OR NEW LEASE LINES WILL REQUIRE COMPLIANCE G REGULATIONS PRIOR TO FINAL ZONING APPROVAL. A EMENT WILL BE SUBMITTED WHEN FINAL BUILDING TION IS COMPLETED.
WILL BE BACKFILLED WITH CLEAN EARTH PRIOR TO

SPOSAL SYSTEMS WILL BE PUMPED AND EITHER OR REMOVED PRIOR TO GRADING.
TANKS ON THE PORCH OF THE HOUSE WILL BE PUMPED DISPOSED OF BEFORE DEMOLITION.
GROUND FUEL TANK WILL BE REMOVED AFTER OBTAINING O DO SO AND UNDER THE SUPERVISION OF THE WASTE T SECTION OF D.L.P.R.M.
RESPONSIBILITY FOR CONSTRUCTION OF SEWER NSION, WATER MAIN, AND TRAFFIC SIGNAL WORK E SUBJECT TO NEGOTIATION.

BLDG. G – 49000 S.F. GENERAL OFFICE – 3.3/1000 S.F.
SPACES REQUIRED – 162
SPACES PROPOSED – 172
BLDG. H – 49000 S.F. GENERAL OFFICE – 3.3/1000 S.F.
OVERALL SPACES REQUIRED – 1072
OVERALL SPACES PROPOSED – 1298
SIZE SPACE – 7.5' X 18' – 519 SPACES – 40% OF TOTAL
– 8.5' X 18' – 779 SPACES

9. DEED REFERENCE – 8832/693, 8291/799
10. TAX ACCOUNT NO. 01–18–100800, 01–13–855441
11. ALL LAND WILL BE RETAINED BY DEVELOPER. LOT LINES WILL BE ESTABLISHED AROUND VARIOUS BUILDINGS FOR FINANCING PURPOSES. ALL LOTS WILL HAVE ACCESS TO PUBLIC ROADS & UTILITIES BY EASEMENT AGREEMENTS.
12. ACCESS DRIVES, PARKING AREAS, UTILITIES & SWM AREAS OUT SIDE PUBLIC EASEMENTS & RIGHT-OF-WAYS WILL BE MAINTAINED BY ROLLING HEIGHTS BUSINESS ASSOCIATION.
13.
14. ALL EX. BLDGS. TO BE REMOVED.
15. ALL BLDG. TO BE REMOVED WILL BE SURVEYED FOR ASBESTOS PRIOR TO REMOVAL.
16. EX. SITE IS PREDOMINANTLY AGRICULTURAL WITH SOME FOREST WOODLAND. NO STREAMS, SPRINGS, OR FLOODPLAINS HAVE BEEN SHOWN. CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE STREAM BUFFER OR WETLANDS EXCEPT AS PERMITTED BY BALTIMORE COUNTY WATER QUALITY MANAGEMENT POLICY.

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On
12/2/89 With The Following Action Taken
PLAN APPROVED
DEC 2 1989
Plan Approved DPW David L. Thomas PUBLIC SERVICES CRG NO. 89052
Plan Approved OPZ Carol Flaco PLANNING NO.
Approval Expiration Date 3-23-91 CRG PLAN

BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On
3-23-89 With The Following Action Taken
PLAN APPROVED
Plan Approved DPW David L. Thomas PUBLIC SERVICES CRG NO. 89052
Plan Approved OPZ Carol Flaco PLANNING NO.
Approval Expiration Date 3-23-91 CRG PLAN
Plan Disapproved
Continued Mtg. Requested
Plan Referred To Plan. Rd.

RECEIVED
JAN 16 2001
OFFICE OF PLANNING

PETITIONER'S EXHIBIT 11

Third Amended
12-22-00

DEC 19 2002

ROLLING HEIGHTS BUSINESS PARK
SECTION I, PHASE I & II
DATE: FEBRUARY 6, 1989

SHEET NO.	OF
1	3

DATE
3-17-89
5-17-89
5-17-89
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5-17-89
5-18-89

E PROPERTY OF
EVE LEBERMAN, HIS WIFE"
31-118

by the DRC on 1/16/01. DRC #110600C

10. Except as otherwise indicated, all building restriction lines shown hereon have been placed as the result of an interpretation only of currently applicable regulations and policies of the Baltimore County Department of Permits and Development Management. Exceptions to these restrictions may apply.

11. The approval of this plat is based upon a reasonable expectation that the water and sewer service which is planned for the development will be available when needed. However, building permits may not be issued until the planned water and sewer facilities are completed and determined to be adequate to serve the proposed development.

12. Deed Reference: 11307/201

13. This site is located in the subsewershed. #70 & 79

14. This site is

ts.

PETITIONER'S EXHIBIT 12

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AMP

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS

110 WEST ROAD - SUITE 245
TOWSON, MARYLAND 21204
(410) 821-1690
Fax:(410) 821-1748

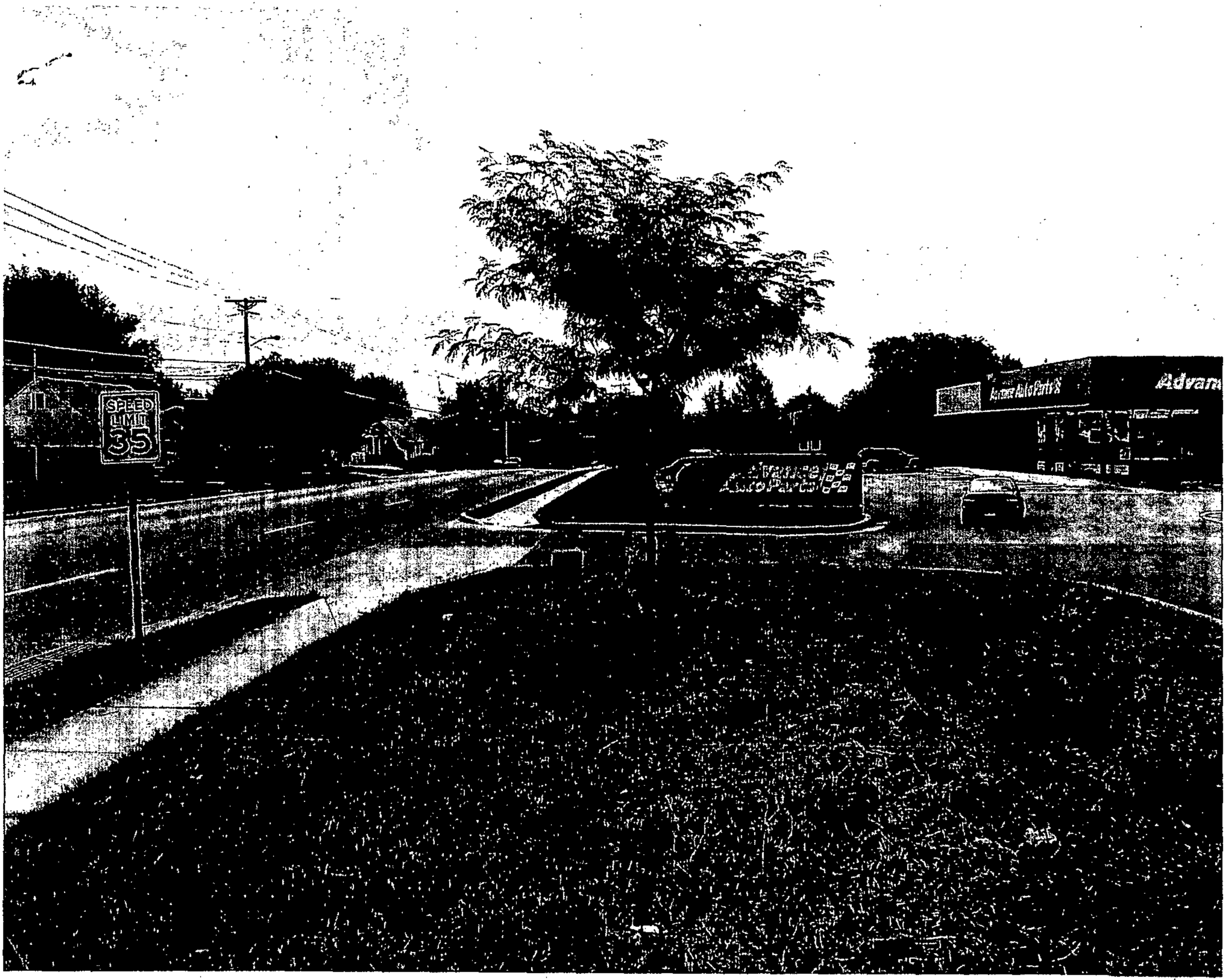
JOB NO. 11739
SCALE: 1" = 50'
DATE: 3/28/01
DRAWN BY: G.S.P.
REVIEW BY: SFK

SECOND AMENDED PLAT OF
ROLLING HEIGHTS BUSINESS PARK
SECTION I - PHASE 1
(FORMERLY RECORDED S.M. 62, FOLIO 18)
FIRST ELECTION DISTRICT
SECOND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

/data/11739/rplat1

MSA S514 1236-10849

WALGREENS ROLLING & DOGWOOD #12


SPEED
LIMIT
35
Advan

OWNER

BP PRODUCTS NORTH AMERICA, INC.
1 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
CONTACT: MR. JEFFREY BAINBRIDGE
PHONE: (410) 494-3700

DEVELOPER

5915 CLEAR RIDGE ROAD
ELKRIDGE, MARYLAND 21075
CONTACT: MR. KHALID AZAM
PHONE: (410) 379-6402

PETITIONER'S EXHIBIT 15

L-1

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748

www.mragta.com

STATE OF MARYLAND
JAMES D. MARTIN, III
NO 3230
LICENSED LANDSCAPE ARCHITECT
11.08.05

LANDSCAPE PLAN

BP GAS STATION, C-STORE & CAR WASH AT 2200 ROLLING ROAD

BALTIMORE COUNTY, MARYLAND

RM

APPROVED

AME

AL

DATE	REVISIONS

BALTIMORE COUNTY
DEPT. OF PERMITS & DEV. MGMT.
LANDSCAPE PLAN APPROVED

E. Avery Harden
E. Avery Harden Date: 11-28-05
County Landscape Architect

JOB NO.:	14440
SCALE:	1" = 20'
DATE:	11/02/05
DRAWN BY:	JAB
DESIGN BY:	JK
REVIEW BY:	JH
SHEET:	1 OF 2

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 09/26/95
OEA: 96/nr

PERMIT #: B 686845
RECEIPT #: A 529458
CONTROL #: SWM
XREF #:

FEE: 100
PAID:
PAID BY:
INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

PROPERTY ADDRESS 2200 KELLY ROAD BALTIMORE, MD 21244
SUITE/SPACE/FLOOR
SUBDIV:
TAX ACCOUNT #: 3300012370
DISTRICT/PRECINCT 01 —

HISTORIC DISTRICT/BLDG.
☐ YES ☒ NO
☐ DO NOT KNOW

OWNER'S INFORMATION (LAST,FIRST)
NAME: AZAM, KHALID F.
ADDR: 5915 CLEAR RIDGE ROAD
ELKRIDGE, MD 21075

DOES THIS BLDG. HAVE SPRINKLERS
YES — NO —

APPLICANT INFORMATION
NAME: Fred Ellerbe
COMPANY: MORRIS & RITCHIE ASSOCIATES, INC.
STREET 1220-C EAST JOPPA ROAD SUITE 315
CITY,ST,ZIP TOWSON MD 21286
PHONE #: (410) 821-1690 MHIC # MHBR #
APPLICANT SIGNATURE:
DRC#
PLANS: CONST 0 PLOT X PLAT 0 DATA 0 EL 2 PL 2
TENANT
CONTR: T.B.D.
ENGNR:
SELLR:

TYPE OF IMPROVEMENT
1. ___ NEW BLDG CONST
2. ___ ADDITION
3. ___ ALTERATION
4. ___ REPAIR
5. ___ WRECKING
6. ___ MOVING
7. X OTHER SWM

DESCRIBE PROPOSED WORK:
Storm water management for ATS AC drainage area. Plant approx 2 yards from toe of berm

TYPE OF USE

RESIDENTIAL
01. ___ ONE FAMILY
02. ___ TWO FAMILY
03. ___ THREE AND FOUR FAMILY
04. ___ FIVE OR MORE FAMILY (ENTER NO UNITS) ___
05. ___ SWIMMING POOL
06. ___ GARAGE
07. ___ OTHER

NON-RESIDENTIAL
08. ___ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. ___ CHURCH, OTHER RELIGIOUS BUILDING
10. ___ FENCE (LENGTH ___ HEIGHT ___)
11. ___ INDUSTRIAL, STORAGE BUILDING
12. ___ PARKING GARAGE
13. X SERVICE STATION, REPAIR GARAGE
14. ___ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. ___ OFFICE, BANK, PROFESSIONAL
16. ___ PUBLIC UTILITY
17. ___ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. ___ SIGN
19. ___ STORE ___ MERCANTILE ___ RESTAURANT SPECIFY TYPE ___
20. ___ SWIMMING POOL ___ SPECIFY TYPE
21. ___ TANK, TOWER
22. ___ TRANSIENT HOTEL, MOTEL (NO. UNITS ___)
23. ___ OTHER ___

TYPE FOUNDATION
1. _ SLAB
2. _ BLOCK
3. _ CONCRETE

BASEMENT
1. _ FULL
2. _ PARTIAL
3. _ NONE

TYPE OF CONSTRUCTION
1. ___ MASONRY
2. ___ WOOD FRAME
3. ___ STRUCTURE STEEL
4. ___ REINF. CONCRETE

TYPE OF HEATING FUEL
1. ___ GAS 3. ___ ELECTRICITY
2. ___ OIL 4. ___ COAL

TYPE OF WATER SUPPLY
1. ___ PUBLIC SYSTEM ___ EXISTS ___ PROPOSED
2. ___ PRIVATE SYSTEM ___ EXISTS ___ PROPOSED

TYPE OF SEWAGE DISPOSAL
1. ___ PUBLIC SEWER ___ EXISTS ___ PROPOSED
2. ___ PRIVATE SYSTEM
___ SEPTIC ___ EXISTS ___ PROPOSED
___ PRIVY ___ EXISTS ___ PROPOSED

CENTRAL AIR: 1. 2.
ESTIMATED COST: $ 50000.00 OF MATERIALS AND LABOR
PROPOSED USE: SWM
EXISTING USE: VACANT

OWNERSHIP
1. ___ PRIVATELY OWNED 2. ___ PUBLICLY OWNED 3. ___ SALE 4. ___ RENTAL

RESIDENTIAL CATEGORY: 1. ___ DETACHED 2. ___ SEMI-DET. 3. ___ GROUP 4. ___ TOWNHSE 5. ___ MIDRISE 6. ___ HIRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS:
1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. Y 2. N
POWDER ROOMS
BATHROOMS
KITCHENS
CLASS 06
LIBER 173 FOLIO 137

BUILDING SIZE
FLOOR
WIDTH
DEPTH
HEIGHT
STORIES
LOT #'S
CORNER LOT
1. ___ YES 2. ___ NO

LOT SIZE AND SETBACKS
SIZE 1.160AC
FRONT STREET
SIDE STREET
FRONT SETBK
SIDE SETBK
SIDE STR SETBK
REAR SETBK
ZONING

APPROVAL SIGNATURES		DATE
BLD INSP		
BLD PLAN		
FIRE		
NCSEDI CTL	DA 416 OK TO ISSUE PER Memo of 9/26/95	
ZONING	RC-11 CCP	9/26/95
PUB SERV		
ENVRMNT		
PLANNING	EM 406	
PERMITS		

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

DM MA Tax Map 47 Grid 1 Parcel 5

RTH

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MR.
REVIEW

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ZONING RELIEF REQUESTED

1. **SPECIAL HEARING -**
   SPECIAL HEARING TO CONFIRM THAT THE SPECIAL EXCEPTION APPROVED IN CASE NO. 01-408-X FOR A FUEL SERVICE STATION ON AN INDIVIDUAL SITE IN COMBINATION WITH A CONVENIENCE STORE WITH A SALES FLOOR AREA LARGER THAN 1,500 SQUARE FEET AND A ROLL-OVER CAR WASH HAS BEEN UTILIZED IN ACCORDANCE WITH SECTION 502.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS AND TO AMEND THE SITE PLAN APPROVAL IN CASE NO. 01-408-X TO ADD SERVICE BAYS.
2. **SPECIAL EXCEPTION-**
   SPECIAL EXCEPTION PURSUANT TO SECTIONS 405.2.B.1, 405.4.E.1, AND 405.E.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR A FUEL SERVICE STATION ON AN INDIVIDUAL SITE IN COMBINATION WITH A CONVENIENCE STORE WITH A SALES FLOOR AREA LARGER THAN 1,500 SQUARE FEET AND A ROLL-OVER CAR WASH.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748

www.mragta.com

SITE PLAN
TO ACCOMPANY SPECIAL HEARING/ SPECIAL EXCEPTION APPLICATION
GAS STATION, C-STORE, & ROLLOVER CAR WASH
2202 ROLLING ROAD

BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	JOB NO.: 14440.02
		SCALE: 1" = 30'
		DATE: 08/18/06

dated March 28, 2001 and recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. 73, folio 137.

TOGETHER with all the improvements located thereon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

SUBJECT TO AND TOGETHER WITH the Rolling Heights Storm Water Management Facility Declaration dated November 2, 2001 and recorded among the Land Records of Baltimore County (the "Land Records") at Liber 15763, Page 369.

SUBJECT TO AND TOGETHER WITH a Declaration of Covenants dated November 2, 2001 and recorded among the Land Records at Liber 15763, Page 413.

SUBJECT TO AND TOGETHER WITH a Reciprocal Easement Agreement with Covenants, Conditions and Restrictions dated November 2, 2001 and recorded among the Land Records at Liber 15763, Page 423.

TO HAVE AND TO HOLD the said described lot of ground and premises to Grantee, its successors and assigns, in fee simple.

AND Grantor hereby covenants that it will warrant specially the property hereby granted and that it will execute such further assurances of the same as may be requisite.

GRANTOR HEREBY CERTIFIES that the conveyance made by this Deed is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of Grantor's property or assets.

BY the execution of this Deed, Grantor hereby certifies under the penalties of perjury that the actual consideration paid or to be paid, including the amount of any mortgage or deed of trust outstanding, is as herein above set forth.

IN WITNESS WHEREOF, ROLLING HEIGHTS LOT A LIMITED PARTNERSHIP, a Maryland limited partnership, has caused these presents to be signed in its corporate name as of the date first written above.

ROLLING HEIGHTS LOT A
LIMITED PARTNERSHIP

By: James F. Knott Development
Corporation, its General Partner

By: _____ (SEAL)
Name: Carroll K. McGill
Title: Vice President

734460 | 8/29/02

STATE OF MARYLAND
COUNTY OF BALTIMORE

I hereby certify, that on this 29th day of August, 2002, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Carroll K. McGill, Vice President of James F. Knott Development Corporation, a Maryland corporation, the general partner of ROLLING HEIGHTS LOT A LIMITED PARTNERSHIP, a Maryland limited partnership, which subscriber is known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing deed, and acknowledged that she executed this deed, only authorized to do so, in her capacity as aforesaid for the purpose herein contained.

Sue Palmer
Notary Public

SUE PALMER NOTARY PUBLIC BALTIMORE COUNTY, MD

My commission expires on 4/1/06.

Grantor's Address: Rolling Heights Lot A Limited Partnership
One Texas Station Court
Suite 200
Timonium, Maryland 21093

Grantee's Address: BP PRODUCTS NORTH AMERICA INC.
One West Pennsylvania Avenue
Towson, Maryland 21204

AFTER RECORDING RETURN TO:
Mary Wiley
Anchor Title Company
10715 Charter Drive
Suite 100
Columbia, Maryland 21044

I HEREBY CERTIFY that this Deed has been prepared by the undersigned who is an attorney admitted to the Court of Appeals of Maryland.

James E. Goodrich

State of Maryland Land Instrument Intake Sheet

| | Baltimore City | X | County: Baltimore

Information provided is for the use of the Clerk's Office and State Department of Assessments and Taxation, and the County Finance Office only.

(Type or Print in Black Ink Only All Copies Must Be Legible)

IMP FD SURE $ 5.00
RECORDING FEE 20.00
TR TAX STATE 4,500.00
TOTAL 4,525.60
Rcpt # 5720
SM TD Blk # 400
Sep 04, 2002 10:21 am

1 Type(s) of Instruments — (| | Check Box If Addendum Intake Form is Attached.)

I	Deed		Mortgage		Other		Other
	Deed of Trust		Lease				

2 Conveyance Check Box

X	Improved Sale Arms-Length *[1]*		Unimproved Sale Arms-Length *[2]*		Multiple Arms Length *[3]*		Not an Arms-Length Sale *[9]*

3 Tax Exemptions (If Applicable) — Cite or Explain Authority

Recordation	
State Transfer	N/A
County Transfer	

4 Consideration and Tax Calculations

Consideration	Amount
Purchase Price/Consideration	$ 900,000.00
Any New Mortgage	$
Balance of Existing Mortgage	$
Other:	$
Other:	$
Full Cash Value	$

Finance Office Use Only	
Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	$
x ( )% =	$
Less Exemption Amount	$
Total Transfer Tax =	$
Recordation Tax Consideration	$
x ( ) per $500 =	$
TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 25.00	$
Surcharge	$ 5.00	$
State Recordation Tax 2nd	$ 4,500.00	$
State Transfer Tax 4500	$ 4,500.00	$
County Transfer Tax	$ 13,500.00	$
Other 5	$	$
Other	$	$

SDAT

Agent:

Tax Bill:

C.B. Credit:

Ag. Tax/Other:

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No.(1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
01	23-00-012310	11307-201			(5)

Subdivision Name	Lot (3a)	Block(3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage(4)
	3-A				1.158A+

Location/Address of Property Being Conveyed (2): 2200 Rolling Road,

Other Property Identifiers (if applicable):

Water Meter Account No.:

Residential [X] or Non-Residential [ ] | Fee Simple [X] or Ground Rent [ ] | Amount: $N/A

Partial Conveyance? [ ] Yes [X] No | Description/Amt. of SqFt/Acreage Transferred: N/A

If Partial Conveyance, List Improvements Conveyed: N/A

7 Transferred From

Doc. 1 – Grantor(s) Name(s)	Doc. 2 – Grantor(s) Name(s)
Rolling Heights Lot A Limited Partnership	
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	Doc. 2 – Owner(s) of Record, if Different from Grantor(s)

8 Transferred To

Doc. 1 – Grantee(s) Name(s)	Doc. 2 – Grantee(s) Name(s)
BP Products North America Inc.	

New Owner's (Grantee) Mailing Address:
One West Pennsylvania Ave. Towson, Maryland 21204

9 Other Names to Be Indexed

Doc. 1 – Additional Names to be Indexed (Optional)	Doc. 2 – Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name:
Firm: Anchor Title Company
Address: 10715 Charter Drive Suite 100 Columbia, MD 21044
Phone: Telephone: 410-730-4545 Fax: 410-730-7642

[X] Return to Contact Person
[ ] Hold for Pickup
[ ] Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

[X] Yes [ ] No Will the property being conveyed be the grantee's principal residence?
[ ] Yes [X] No Does transfer include personal property? If yes, identify:
[X] Yes [ ] No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)

Assessment Use Only - Do Not Write Below This Line

[ ] Verification [ ] Agricultural Verification [ ] Whole [ ] Part [ ] Tran. Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No.

Year		Geo.	Map	Sub.	Block
		Zoning	Grid	Plat	Lot
		Use	Parcel	Section	Occ. Cd.
		Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

DUPLICATE PAID RECEIPT
REVALIDATION
BUSINESS ACTUAL TIME
9/05/2002 9/04/2002 10:13:17
REG M502 MAIN JENA JEE DRAWER 2
RECEIPT # 22657B 9/04/2002 OFLN
DEPT 7 RECORDATION TAXES
ACCOUNT NO 2300012310
$18,000.00
CA .00
Baltimore County, Maryland

22657-02

mentioned and intended so to be, with the appurtenances, unto Grantee, his heirs and assigns, to and for the only proper use and behoof of Grantee, his heirs and assigns forever, in fee simple.

UNDER AND SUBJECT AS AFORESAID.

AND Grantor for itself, and its successors does covenant, promise and agree, to and with Grantee, his heirs and assigns, by these presents, that Grantor, its successors and assigns, all and singular the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto Grantee, his heirs and assigns, against Grantor, its successors and assigns, and against all and every person and persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it, them, or any of them, shall and will, SUBJECT AS AFORESAID, WARRANT AND forever DEFEND.

The Grantor hereby represents and warrants that the within conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor within the meaning of Title 3 of the Corporations and Associations Article of the Annotated Code of Maryland, as amended.

IN WITNESS WHEREOF, *Grantor* has hereunto set its hand and seal on the day and year first above written.

SEALED AND DELIVERED IN THE PRESENCE OF US:

APPROVED
AS TO FORM
AS TO FORM-SM

GRANTOR:

Witness:

By: _____
Name: Diana L. Bradley
Date: JUNE 14, 2006

BP PRODUCTS NORTH AMERICA INC.

By: _____
Name: CRYSTAL E. ASHBY
Title: VICE PRESIDENT

This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an attorney admitted to practice before the Court of Appeals of Maryland.

_____
Robert J. Yerman, Esquire

0024085 230

STATE/COMMONWEALTH OF :
: **SS**
COUNTY OF :

On this 14th day of June, 2006, before me, the undersigned officer, personally appeared Christel Bastian who acknowledged himself/herself to be the Vice President of BP Products North America Inc., a Maryland corporation, and that he/she as such Vice President being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as Vice President.

Amanda L Graser
Notary Public

My Commission Expires: 9/11/07

Notary Public
[Notarial Seal]

OFFICIAL SEAL
AMANDA L GRASER
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:09/11/07

EXHIBIT "A"

BEGINNING for the same at a point located on the southwesterly right-of-way line of Rolling Road (70' wide), said point being also located at the northerly most corner of Lot 3-A as laid out and shown on a plat entitled "Second Amended Plat of Rolling Heights Business Park – Section 1 – Phase 1" dated March 28, 2001 and recorded among the Land Records of Baltimore County, Maryland in Plat Book SM 73, folio 137.

THENCE binding on said southwesterly right-of-way line of Rolling Road and binding on the outlines of Lot 3-A aforesaid, referring all courses of this description to the meridian of the Maryland Coordinate System as noted on the aforementioned plat, South 22 degrees 19 minutes 11 seconds East, 196.10 feet to a point;

THENCE leaving said right-of-way line and binding on the outlines of Lot 3-A aforesaid, the following four (4) courses and distances, viz:

1. South 67 degrees 40 minutes 49 seconds West, 259.00 feet to a point;

2. North 22 degrees 19 minutes 11 seconds West, 166.43 feet to a point;

3. North 15 degrees 27 minutes 46 seconds East 37.54 feet to a point;

4. North 67 degrees 40 minutes 49 seconds East, 236 feet to a point and place of beginning.

CONTAINING an area of 1.158 acres of land, more or less.

SUBJECT TO AND TOGETHER WITH the Rolling Heights Storm Water Management Facility Declaration dated November 2, 2001 and recorded among the Land Records of Baltimore County (the "**Land Records**") at Liber 15763, Page 369.

SUBJECT TO AND TOGETHER WITH a Declaration of Covenants dated November 2, 2001 and recorded among the Land Records at Liber 15763, Page 413.

SUBJECT TO AND TOGETHER WITH a Reciprocal Easement Agreement with Covenants, Conditions and Restrictions, dated November 2, 2001 and recorded among the Land Records at Liber 15763, Page 423.

EXHIBIT "B"

1. Rights of adjoining property owners in and to the party walls of the property.
2. Right-of-Way Agreement recorded in Liber WMI 120, folio 510.
3. Agreement on poles, etc. recorded in Liber 872, folio 250.
4. Agreement on poles, etc. recorded in Liber 3495, folio 252.
5. Inquisition recorded in Liber 6146, folio 173.
6. Deed recorded in Liber 8095, folio 61.
7. Agreement on sewers, etc. recorded in Liber 8455, folio 325.
8. Agreement on poles, etc. recorded in Liber 8481, folio 144.
9. Deed recorded in Liber 8526, folio 712.
10. Deed recorded in Liber 9900, folio 281.
11. Deed recorded in Liber 9508, folio 513.
12. Easement recorded in Liber 11377, folio 596.
13. Easement Agreement recorded in Liber 11377, folio 600.
14. Declaration recorded in Liber 15763, folio 373.
15. Declaration recorded in Liber 15763, folio 413.
16. Easement recorded in Liber 15763, folio 423.
17. Setback line, easements, roads, rights-of-way and all terms and conditions appearing on the plat recorded in Liber SM 73, folio 137.
18. Existing leases, easements, sidetrack and license agreements, whether or not of record.
19. Encroachments, overlaps and other matters that would be disclosed on an accurate survey.
20. Grantee covenants and agrees, for himself and his grantees, successors and assigns, that no part of the real estate conveyed shall be used by Grantee, or Grantee's executors, grantees, heirs and assigns, for the purpose of conducting or carrying on the business of selling, handling or dealing in gasoline, diesel fuel, kerosene, benzol, naphtha, greases, lubricating oils, or any fuel used for internal combustion engines, or lubricants in any form, unless such business is supplied, either directly or indirectly, by Grantor (the

"**Brand Restriction**"). In the event that Grantor performs a "market withdrawal" (as such term is defined in the context of the Petroleum Marketing Practices Act, 15 U.S.C. § 2801 et seq.) from the greater Baltimore metropolitan and surrounding area, Grantor shall execute, upon request from Grantee, in recordable form and otherwise acceptable to Grantee in its reasonable discretion, a waiver of "Brand Restriction." Such restriction and covenant shall bind and restrict the Property as a covenant and restriction running with the land and is deemed to benefit Grantor as the owner or lessee of property within a distance of five (5) miles from the Property and as the operator or supplier of retail operations within a distance of five (5) miles from the Property. The restrictive covenant set forth in this Paragraph shall remain in full force and effect for a term of fifteen (15) years from the date set forth herein, whereupon this restrictive covenant will automatically lapse and terminate and be of no further force or effect. The foregoing restriction shall not prohibit Grantee from operating a service station and/or a convenience store business within the aforementioned five (5) mile area on property other than the Property.

21. Grantee covenants and agrees, for himself, his executors, grantees, heirs and assigns, that no part of the Property herein conveyed shall be used by Grantee or by Grantee's executors, grantees, heirs and assigns, for the purpose of conducting or carrying on the business of a convenience store, which shall be defined as any retail business with its primary emphasis placed on providing the public with a convenient location to quickly purchase from a wide array of consumable products and services, unless Grantee's service station business is supplied, either directly or indirectly, by Grantor. Such restriction and covenant shall bind and restrict the Property as a covenant and restriction running with the land and is deemed to benefit Grantor as the owner or lessee of property within a distance of five (5) miles from the Property and as the operator or supplier of retail operations within a distance of five (5) miles from the Property. The restrictive covenant set forth in this Paragraph shall remain in full force and effect for a term of fifteen (15) years from the date set forth herein, whereupon this restrictive covenant will automatically lapse and terminate and be of no further force or effect. The foregoing restriction shall not prohibit Grantee from operating a service station and/or a convenience store business within the aforementioned five (5) mile area on property other than the Property.

22. No water wells, either for potable or other use, with the exception of remediation, monitoring, or investigation wells, will be installed on any part of the Property. Grantee shall not install remediation or monitoring wells without the prior written consent of Grantor. The restriction and covenant set forth in this Paragraph shall run with the land for the benefit and protection of any adjoining property of Grantor and/or other property of Grantor used and operated by Grantor or its representatives for such purposes within a distance of five (5) miles from the Property, whether owned or leased by Grantor or its representatives. This restrictive covenant shall remain in full force and effect indefinitely, unless waived in writing by Grantor (at which time this restrictive covenant will lapse and terminate and be of no further force and effect).

23. The Property shall be used solely and exclusively for commercial and/or industrial purposes. If applicable state environmental laws and regulations define commercial and/or industrial use, any use which is not deemed to be commercial or industrial use by such laws and regulations will also not be a commercial or industrial use as the terms are used herein. The restriction and covenant set forth in this Paragraph shall run with the land for the benefit and protection of any adjoining property of Grantor and/or other property of Grantor used and operated by Grantor or its representatives for such purposes within a distance of five (5) miles from the Property, whether owned or leased by Grantor or its representatives. This restrictive covenant will remain in full force and effect indefinitely, unless waived in writing by Grantor (at which time this restrictive covenant will lapse and terminate and be of no further force and effect).

24. No part of the Property will be used for residential purposes or for the purpose of operating a child care or elder care facility, a nursing home facility or hospice, a medical or dental facility, a school, a church or other place of worship, a park or hospital. The restriction and covenant set forth in this Paragraph shall run with the land for the benefit and protection of any adjoining property of Grantor and/or other property of Grantor used and operated by Grantor or its representatives for such purposes within a distance of five (5) miles from the Property, whether owned or leased by Grantor or its representatives. The restrictive covenant set forth in this Paragraph will remain in full force and effect indefinitely, unless waived in writing by Grantor (at which time this restrictive covenant will lapse and terminate and be of no further force and effect).

25. The foregoing covenants and restrictions (#20-24) shall run with the land and be binding on said Grantee, his heirs, executors, grantees and assigns and inure to the benefit of Grantor herein, its successors and assigns.

26. If, within fifteen (15) years of the date set forth herein (the "**Refusal Term**"), Grantee receives a bona fide offer from a third party to purchase or lease all or part of the Property and any additions thereto, or any improvements or personal property then located thereon, which offer Grantee desires to accept, Grantee shall, within twenty (20) days after Grantee's receipt of such offer, notify Grantor by giving Grantor a fully-executed copy of the offer. Grantor shall have the right and option (the "**Refusal Option**") for sixty (60) days after the receipt of such notice to elect to purchase or lease such property for the same consideration and on the same terms and conditions as contained in such offer. If Grantor exercises its Refusal Option, Grantor shall give written notice thereof to Grantee within such sixty (60) day period, failing which Grantee shall have the right (subject to the restrictions and covenants set forth herein and in all other agreements between Grantor and Grantee) to sell or lease such property to such third party, but only for the same consideration and on the same terms and conditions as contained in the said offer and in any case subject to this Refusal Option which shall remain in full force and effect during the Refusal Term. Any sale or lease of the Property by Grantee shall be null and void unless and until Grantee has fully complied with the foregoing requirements.

This Refusal Option shall run with the land during the Refusal Term and shall bind Grantee, and Grantee's heirs, devisees, representatives, successors and assigns, and the

failure of Grantor to exercise its Refusal Option in any one case shall not affect Grantor's right to exercise its Refusal Option thereafter.

Any sale or lease of the Property to any third party during the Refusal Term shall be subject to this Refusal Option and all of the provisions, rights and options herein contained. No failure by Grantor to exercise its Refusal Option, nor any waiver by Grantor thereof, shall in any event be deemed or construed to be a waiver or release of any of Grantee's other obligations to Grantor under any other agreement between Grantee and Grantor.

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of § 10-912 of Maryland's Tax General Article. Section 10-912 states that certain tax payments must be withheld when a deed or other instrument that affects a change in ownership of real property is recorded. The requirements of § 10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

Name of Transferor

BP PRODUCTS NORTH AMERICA, INC

- ☐ I, Transferor, am a resident of the State of Maryland.
- ☒ Transferor is a resident entity under § 10-912(A)(4) of Maryland's Tax General Article, I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.
- ☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC § 121.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

Witness

Name

Signature

Witness/Attest

BP PRODUCTS NORTH AMERICA INC
Name of Entity

By: CRYSTAL ASHBY

CRYSTAL E ASHBY
Name

VICE PRESIDENT
Title

APPROVED
AS TO FORM
AS TO FORM-SM

0021085 231

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

1 Type(s) of Instruments (☐ Check Box if Addendum Intake Form is Attached.)

☒ Deed ☐ Deed of Trust | ☐ Mortgage ☐ Lease | ☐ Other ☒ 2nd DOT | ☐ Other

2 Conveyance Type Check Box

☒ Improved Sale Arms-Length [1] | ☐ Unimproved Sale Arms-Length [2] | ☐ Multiple Accounts Arms-Length [3] | ☐ Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation: None
State Transfer:
County Transfer:

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only	
		Transfer and Recordation Tax Consideration	
Purchase Price/Consideration	$ 950,000.00	Transfer Tax Consideration	$
Any New Mortgage	$ 700,000.00	X ( ) % =	$
Balance of Existing Mortgage	$	Less Exemption Amount –	$
Other:	$	Total Transfer Tax =	$ 14,250.00
		Recordation Tax Consideration	$
Other:	$	X ( ) per $500 =	$ ~~4,750.00~~
Full Cash Value	$ 950,000.00	TOTAL DUE	$ 52750

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20.00	$ 75.00
Surcharge	$ 20.00	$ 20.00
State Recordation Tax	$ 4750.00	$ 20
State Transfer Tax	$ 4750.00	$ 20
County Transfer Tax	$ 14250.00	$ 20
Other	$	$ 750
Other	$	$

Agent:
Tax Bill:
C.B. Credit:
Ag. Tax/Other: N

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
23	00-012310	16777/615			☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)

Location/Address of Property Being Conveyed (2): 2200 Rolling Rd

Other Property Identifiers (if applicable):

Water Meter Account No.: None

Residential ☐ or Non-Residential ☑ | Fee Simple ☑ or Ground Rent ☐ Amount:

Partial Conveyance? ☐ Yes ☒ No | Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
BP Products North America, Inc	JK Ghanem, Inc
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 - Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
JK Ghanem, Inc	M & T Bank

New Owner's (Grantee) Mailing Address: 5915 Clear Ridge Rd, Glenridge, MD 21244

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: Robert Yerman
Firm: Ann Lee Talley
Address: 1414 Key Highway #301
Baltimore 21230 Phone: (410) 752 5400

☑ Return to Contact Person
☐ Hold for Pickup
☐ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☒ No Will the property being conveyed be the grantee's principal residence?
☐ Yes ☒ No Does transfer include personal property? If yes, identify:
☐ Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No.:

Year	19	19	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

6/29/2006

BUSINESS ACTUAL TIME DRW
6/27/2006 13:24:52 2
RECEIPT JEVA JEE
ACCOUNT NO. 23000123310 6/27/2006 DFLN
DEPT. 704 RECORDATION TAXES
Land
Buildings
TOT $19,507.50
CK $.00 CA
Baltimore County, Maryland

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (6/95)

Scope Recording Validation
DEP FD STATE 1 30.00
RECORDING FEE 20.00
TAX STATE 14750.00
SURC 4750.00
Rect Book Rent 1 95445
LL Pik 1 3437
Jun 27, 2006 02:32 pm

0 0 2 0 0 6 5 : 2 3 8

Addendum
State of Maryland Land Instrument Intake Sheet
☐ Baltimore City ☒ County: Baltimore

The addendum form should be used when one transaction involves more than two instruments. Each instrument should be itemized in accordance with Section No. 1 of the Intake Sheet.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

5 (Continued) **Fees**

Amount of Fees	Doc. 3	Doc. 4	Doc. 5	Doc. 6
Recording Charge	$ 75.00	$	$	$
Surcharge	$ 20.00	$	$	$
State Recordation Tax	$ 567.50	$	$	$
State Transfer Tax	$	$	$	$
County Transfer Tax	$	$	$	$
Other	$	$	$	$
Other	$	$	$	$

7 (Continued) **Transferred From**

Doc. 3 - Grantor(s) Name(s)	Doc. 4 - Grantor(s) Name(s)
JK Ghosn	
Doc. 5 - Grantor(s) Name(s)	**Doc. 6 - Grantor(s) Name(s)**
Doc. 3 - Owner(s) of Record, if Different from Grantor(s)	**Doc. 4 - Owner(s) of Record, if Different from Grantor(s)**
Doc. 5 - Owner(s) of Record, if Different from Grantor(s)	**Doc. 6 - Owner(s) of Record, if Different from Grantor(s)**

8 (Continued) **Transferred To**

Doc. 3 - Grantee(s) Name(s)	Doc. 4 - Grantee(s) Name(s)
M & T Bank	
Doc. 5 - Grantee(s) Name(s)	**Doc. 6 - Grantee(s) Name(s)**

9 (Continued) **Other Names to be Indexed**

Doc. 3 - Additional Names to be Indexed (Optional)	Doc. 4 - Additional Names to be Indexed (Optional)
Doc. 5 - Additional Names to be Indexed (Optional)	**Doc. 6 - Additional Names to be Indexed (Optional)**

Special Instructions

Special Recording Instructions (if any)

23-00012310

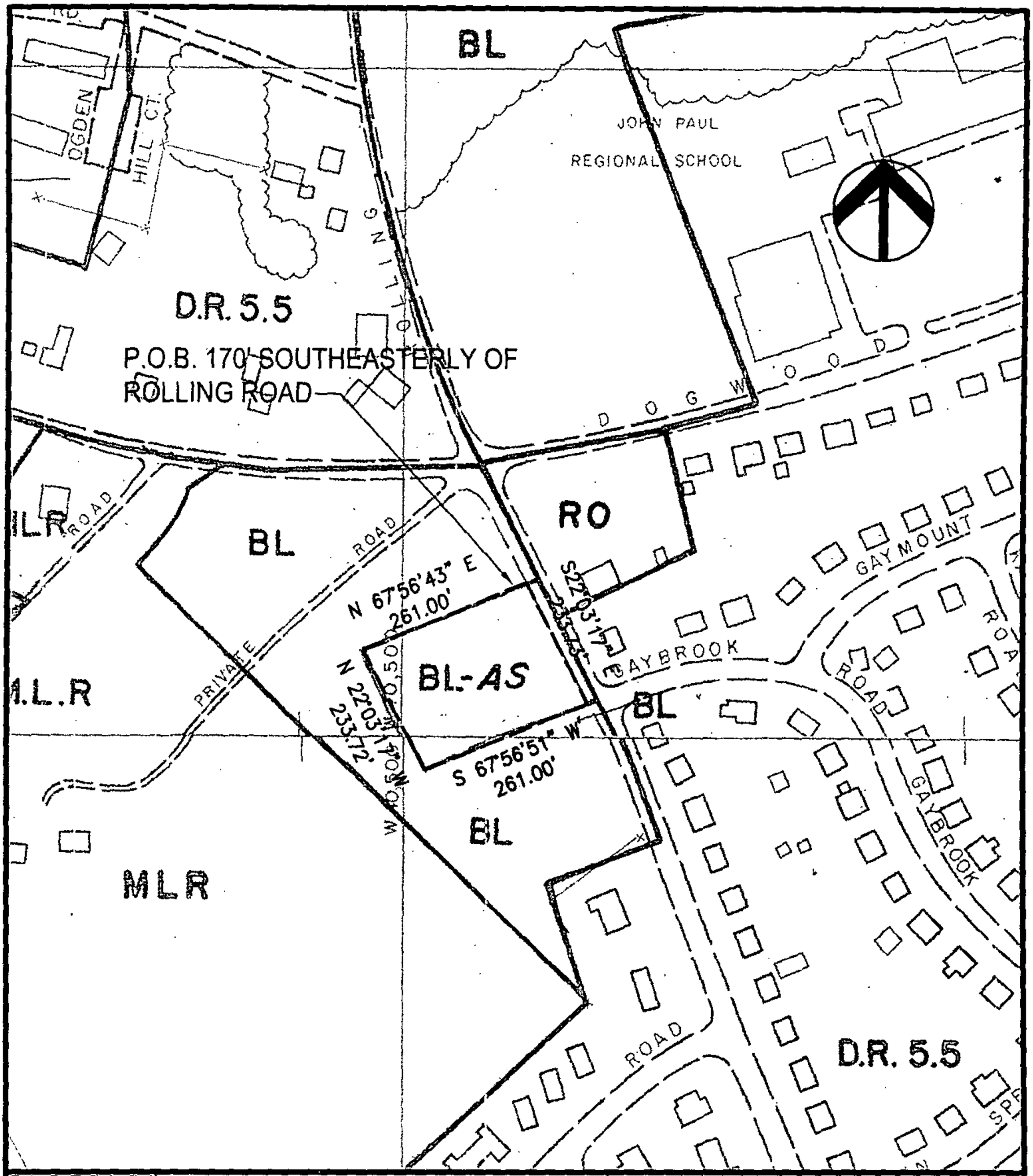
RECORDATION TAX NOT REQUIRED
Director of Budget and Finance
BALTIMORE COUNTY, MARYLAND
T.P. ART 12-108

DOC # 2 3 4 5 6

Initial: JAB

Date 6-27-06

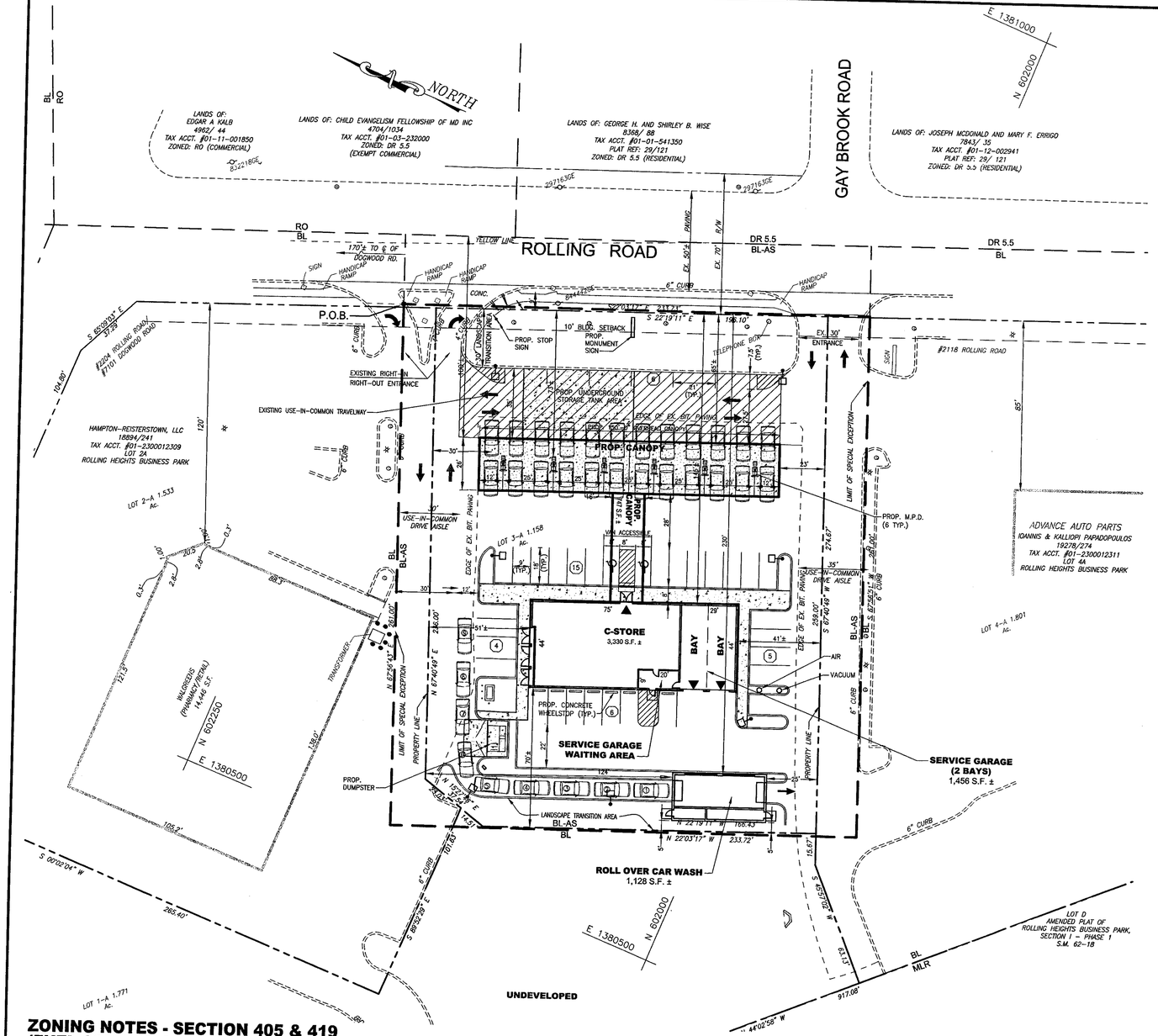
Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-301 (6/95)



MRA	**MORRIS & RITCHIE ASSOCIATES, INC.** ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS 1220-C EAST JOPPA ROAD, SUITE 505 TOWSON, MARYLAND 21286 (410) 821-1690 FAX: (410) 821-1748 MRAGTA.COM	**ZONING MAP** **2202 ROLLING ROAD** 1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT BALTIMORE COUNTY

SCALE:	DATE:	DRAWN BY:	DESIGN BY:	REVIEW BY:	JOB NO. :
1"=200'	08/18/06	JAB	WPM	JVH	14440.02

Hend 5



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

A. REQUIRED SITE AREA:

	SF±
FUEL SERVICE STATION (12 FUELING POSITIONS x 1,500 SF)	= 18,000
CONVENIENCE STORE (4 x 3,120 SF)	= 12,480
SERVICE GARAGE (MINOR VEHICLE REPAIR) (2 x 1,300 S.F.)	= 2,600
ATM	= 1,000
TOTAL AREA REQUIRED	= 34,080
TOTAL AREA (GROSS)	= 50,443

B. BUILDING AREA:

CONVENIENCE STORE	= 3,120
SERVICE BAY AREA	= 1,456
TOTAL AREA (GROSS)	= 4,576

C. SETBACKS (TO PROPERTY LINES):

	BUILDING		CANOPY		FUEL PUMPS	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
FRONT	102.5'±	148'±	15'	65'±	25'	73'±
SIDE	0'	41'±				
REAR	0'	67'±				

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

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

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

G. PARKING CALCULATIONS:

A. PARKING REQUIRED

C-STORE	SPACES
3,120 SF. @ 5/1000	= 16
SERVICE BAYS (2) @ 3 PER BAY	= 6
1 SPACE PER ATM	= 1
1 SPACE FOR AIR UNIT	= 1
CAR WASH DRYING SPACES (2 PER BAY)	= 2
ADDITIONAL SPACES (ROLLOVER CAR WASH)	= 2
VACUUM SPACE	= 1
TOTAL REQUIRED	= 29

B. PARKING PROVIDED:
INCLUDING 2 HANDICAP SPACES = 37

H. CAR WASH STACKING:

ROLL OVER CARWASH	
REQUIRED - (9'x20')	= 9
PROVIDED	= 9

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

SECTION 405.4.D.1 ANCILLARY USES

1. MINOR VEHICLE REPAIR OR DIAGNOSTIC SERVICES TO VEHICLES, EXCEPT THOSE WHICH ARE UNLICENSED OR WHICH HAVE A STATE MOTOR VEHICLE ADMINISTRATION TRANSPORTER OR A DEALER LICENSE. ADDITIONAL SITE AREA OF 1,300 FEET PER SERVICE BAY SHALL BE PROVIDED.
   A. TYPE OF SERVICE AND REPAIRS INCLUDED BUT ARE NOT LIMITED TO THE SALE AND INSTALLATION OF MUFFLERS, SMALL AUTO PARTS AND ACCESSORIES AND SHALL REMAIN ACCESSORY TO THE FUEL SERVICE STATION OPERATION.
   B. ALL SERVICE AND REPAIRS SHALL TAKE PLACE WITHIN COMPLETELY ENCLOSED BUILDINGS.
   C. THE COMBINED AREA FOR SALES, DISPLAY AND CUSTOMER WAITING ROOM MAY NOT EXCEED 500 SQUARE FEET.
   D. STORAGE OF TOW TRUCKS, DAMAGED OR DISABLED VEHICLES OR PARTS IS SUBJECT TO SECTION 405A.

GENERAL NOTES

1. OWNER / DEVELOPER:
MR. KHALID AZAM
5915 CLEAR RIDGE ROAD
ELKRIDGE, MARYLAND 21075
PHONE: (410) 379-6402

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

3. PROPERTY INFORMATION:
   A. ZONING: = BL-AS (BUSINESS LOCAL - AUTOMOTIVE SERVICES)
   B. GROSS AREA OF SITE = LOT #3-A ROLLING HEIGHTS BUSINESS PARK 1.158 Ac. ± (50,443 S.F. ±)
   C. PROPERTY ADDRESS: = 2200 ROLLING ROAD BALTIMORE, MD 21244
   D. ELECTION DISTRICT: = 1
   E. COUNCILMANIC DISTRICT: = 1
   F. BALTIMORE COUNTY ADC MAP = MAP 33, GRID A-8
   G. CENSUS TRACT: 4015.01
   H. BALTIMORE REFERENCE TAX MAP = MAP 87, GRID 23, PARCEL 177
   I. DEED REFERENCES: = 16777/615
   J. TAX ACCOUNT NO: = 1-2300012310
   K. ZONING MAP REFERENCE: = NW 3-G

4. EXISTING LAND USE: VACANT - APPROVED FOR GAS STATION IN COMBINATION WITH C-STORE AND ROLL OVER CAR WASH (PER CASE #01-408-X) SEE ITEM #20 BELOW.

5. PROPOSED USE: GAS STATION IN COMBINATION WITH C-STORE, SERVICES BAYS (2), AND ROLLOVER CARWASH.

6. HEIGHT AND AREA REGULATIONS FOR BL-AS ZONE:
   A. RETAIL:
      1. MAXIMUM BUILDING HEIGHT ALLOWED = 40 FEET
         BUILDING HEIGHT PROPOSED (ONE STORY) = 29 FEET
      2. MAXIMUM FLOOR AREA RATIO PERMITTED: 3.0
         PROPOSED FLOOR AREA RATIO: 0.12

7. ALL SIGNAGE SHALL BE IN ACCORDANCE WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS. SIGN(S) TO BE GROUND MOUNTED (FREE STANDING), NOT TO EXCEED 8' IN HEIGHT INCLUDING ANY FOUNDATION BASE ELEMENT. WHERE APPLIED, FOUNDATION BASE ELEMENT TO BE CONSTRUCTED OF BRICK, SIMILAR TO THE EXTERIOR BUILDING FACADE.

8. THE PROPOSED MONUMENT SIGN SHALL NOT EXCEED 50 SQ. FT.

9. PROPERTY LINE INFORMATION IS FROM A RECORD PLAT PERFORMED BY MORRIS & RITCHIE ASSOCIATES, INC., 03/28/01.

10. THERE ARE NO KNOWN EXISTING WELLS NOR SEPTIC FIELDS ONSITE, OR WITHIN 100' OF THE PROPERTY.

11. THERE ARE NO KNOWN SIGNIFICANT REGULATED PLANT OR WILDLIFE COMMUNITIES ON-SITE.

12. THERE ARE NO 100-YEAR FLOODPLAINS ON SITE.

13. THERE ARE NO KNOWN WETLANDS ON-SITE.

14. THIS SITE WILL BE SERVICED BY EXISTING PUBLIC WATER AND SANITARY SERVICE.

15. STORMWATER MANAGEMENT IS PROVIDED IN AN EXISTING REGIONAL FACILITY.

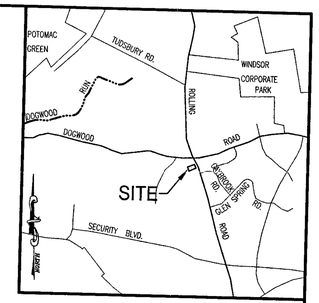
16. ALL SCREENING AND LANDSCAPING SHALL BE IN ACCORDANCE WITH THE CURRENT BALTIMORE COUNTY LANDSCAPE MANUAL, AS SHOWN ON THE APPROVED LANDSCAPE PLAN. STREET EDGE PLANTING MATERIALS AND BUFFER YARDS TO CONFORM WITH CONCEPTUAL LANDSCAPE PLAN PREPARED BY MORRIS & RITCHIE ASSOCIATES, INC. (MRA), DATED 8/8/2000.

17. ALL LIGHTING FIXTURES SHALL BE DESIGNED TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS, SEE LIGHTING PLANS. ALL PARKING LOT LIGHTING TO CONFORM TO IES STANDARDS (ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA).

18. ALL PARKING SHALL BE MACADAM DUSTLESS SURFACE WITH CONCRETE CURBING.

19. THERE ARE NO KNOWN EXISTING UNDERGROUND STORAGE TANKS ON THIS SITE.

20. PREVIOUS ZONING CASES:
   1. RECLASSIFICATION OF SITE, ITEM #1-028 APPROVED BY BALTIMORE COUNTY COUNCIL, DECEMBER, 2000.
   2. CASE NO. 01-408-X:
      THEREFORE, IT IS ORDERED THIS 9TH DAY OF JULY, 201, BY THIS DEPUTY ZONING COMMISSIONER, THAT THE PETITIONERS' REQUEST FOR SPECIAL EXCEPTION, TO PERMIT A FUEL SERVICE STATION USE IN COMBINATION WITH A CONVENIENCE STORE AND ROLLOVER CAR WASH, BE AND IS HEREBY APPROVED. THE FOLLOWING CONDITIONS WILL BE IMPOSED:
      A. THE PETITIONERS MAY APPLY FOR THEIR PERMIT UPON RECEIPT OF THE ORDER; HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS IS AT THEIR OWN RISK UNTIL THE 30-OKAY APPEAL PERIOD FROM THE DATE OF THIS ORDER HAS EXPIRED. IF AN APPEAL IS FILED AND THIS ORDER IS REVERSED, THE RELIEF GRANTED HEREIN SHALL BE RESCINDED.
      B. THE PROPOSED MONUMENT SIGN SHOULD NOT EXCEED 50 SQ. FT.
      C. THE PETITIONERS SHALL NOT BE PERMITTED TO INSTALL OUTDOOR SPEAKERS ON THE PROPERTY.
      D. THE PETITIONERS SHALL BE REQUIRED TO SUBMIT A LANDSCAPING PLAN TO MR. AVERY HARDEN, LANDSCAPE ARCHITECT FOR BALTIMORE COUNTY, FOR HIS REVIEW AND APPROVAL.
      E. WHEN APPLYING FOR BUILDING PERMIT, THE SITE PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER.



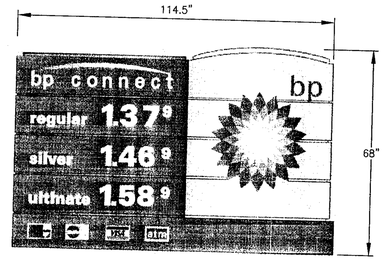
VICINITY MAP

SCALE: 1" = 2000'

BENCHMARKS

BC0469-THIS BENCHMARK IS A CAPPED PIPE LOCATED ON THE EMMARTS CHURCH CORNER OF ROLLING AND DOGWOOD. IT IS BETWEEN THE STONE MEMORIAL AND A SIGN.
N 602,482.65
E 1,380,631.99
ELEV. 436.91

TR100-THIS BENCHMARK IS LOCATED ON SITE NEAR THE MIDPOINT OF THE PROPERTY LINE CURVE ON ROLLING RUN DRIVE. IT IS A PIECE OF REBAR WITH A CAP.
N 602,307.53
E 1,380,240.27
ELEV. 437.52



SIGN DETAIL

MONUMENT MID

NOT TO SCALE

FREESTANDING, GROUND-MOUNTED DOUBLEFACE ILLUMINATED SIGN (44 SF± PER SIDE)

ZONING RELIEF REQUESTED

1. **SPECIAL HEARING -**
SPECIAL HEARING TO CONFIRM THAT THE SPECIAL EXCEPTION APPROVED IN CASE NO. 01-408-X FOR A FUEL SERVICE STATION ON AN INDIVIDUAL SITE IN COMBINATION WITH A CONVENIENCE STORE WITH A SALES FLOOR AREA LARGER THAN 1,500 SQUARE FEET AND A ROLL-OVER CAR WASH HAS BEEN UTILIZED IN ACCORDANCE WITH SECTION 502.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS AND TO AMEND THE SITE PLAN APPROVAL IN CASE NO. 01-408-X TO ADD SERVICE BAYS.
2. **SPECIAL EXCEPTION-**
SPECIAL EXCEPTION PURSUANT TO SECTIONS 405.2.B.1, 405.4.E.1, AND 405.E.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR A FUEL SERVICE STATION ON AN INDIVIDUAL SITE IN COMBINATION WITH A CONVENIENCE STORE WITH A SALES FLOOR AREA LARGER THAN 1,500 SQUARE FEET AND A ROLL-OVER CAR WASH.

PDM #01-408-X

MRA

MORRIS & RITCHIE ASSOCIATES, INC.
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SITE PLAN
TO ACCOMPANY SPECIAL HEARING/ SPECIAL EXCEPTION APPLICATION GAS STATION, C-STORE, & ROLLOVER CAR WASH 2202 ROLLING ROAD

BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO.:	14440.02
		SCALE:	1" = 30'
		DATE:	08/18/06
		DRAWN BY:	JAB
		DESIGN BY:	WPM
		REVIEW BY:	WPM
		SHEET:	1 OF 1

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