IN RE: PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING & VARIANCE

SE side of Loch Raven Blvd., 740 feet SW of Taylor Avenue 9<sup>th</sup> Election District 5<sup>th</sup> Councilmanic District (6819 Loch Raven Boulevard) \* BEFORE THE

\* DEPUTY ZONING

COMMISSIONER

\* FOR BALTIMORE COUNTY

Iman Crown, Inc.; Humanvun Sheikh, President Legal Owner

Case No. 08-032-SPHXA

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception, and Variance filed by the legal owners of the subject property, Iman Crown, Inc., by Humanvun Sheikh, President. The requests for relief are as follows:

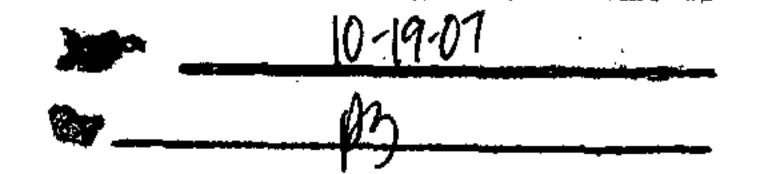
The Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), requesting approval of the utilization of all previously granted variance relief (including without limitation that relief granted in Case No. 04-341-SPHXA), approval of an enlarged convenience store and the addition of a separate carry-out restaurant as ancillary uses to the existing principal use as a fuel service station, together with the proposed rollover car wash (the prior approval granted for a rollover car wash in Case No. 04-341-SPHXA was not implemented within the time frame of Section 502.3 of B.C.Z.R.), approval pursuant to Sections 409.12.B and 409.8.B.1 of the B.C.Z.R. of a modified parking plan and modified stacking/parking requirements for the proposed uses in accordance with the specific detail shown on the site plan, and approval of an amendment to the site plans in Case Nos. 04-341-SPHXA, 90-93-SPHX, 86-65-A and 70-229-RX (collectively the "Prior Cases") consistent with the relief requested herein.

The Special Exception request seeks approval pursuant to Section 405.4.E.2 of the B.C.Z.R. for a rollover car wash, and pursuant to Section 405.4.E.10 of the B.C.Z.R. for a carry-out restaurant, both in combination with a fuel service station. The Special Exception request also seeks pursuant to Section 405.6.A.3 of the B.C.Z.R. to permit the proposed uses in combination, and proposes a five year time frame from the granting of the requested relief for utiliation of the proposed special exception uses.

The Variance request seeks relief in the alternative (if the modified parking plan is not approved as part of the Special Hearing request) from Section 405.4.A.3.c(2) of the B.C.Z.R. to permit a single fuel space, without an additional stacking space behind multi-product dispenser vehicle nos. 3 and 6, and from Section 409.4.A and C of the B.C.Z.R. to permit a driveway/aisle width of 14 feet in lieu of the 20 feet required behind multi-product dispenser vehicle nos. 3 and 6. During the hearing the variance relief regarding the driveway/aisle width was reduced to 16 feet in lieu of the 20 feet required as originally shown on the site plan. The subject property and the requested relief are more particularly described on the site plan which was marked and accepted into evidence Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the special hearing, special exception and variance requests was Petitioner Humanvun Sheikh, President of Iman Crown, Inc., Howard L. Alderman, Jr., Esquire, attorney for Petitioner, and Rick Richardson with Richardson Engineering, LLC, the Professional Engineer who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

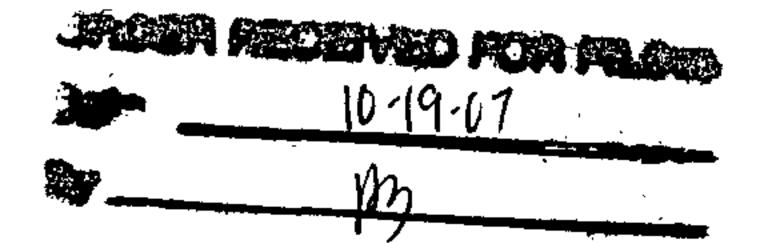
Testimony and evidence offered revealed that the subject property is an irregular-shaped parcel containing a gross area of 0.69 acre, more or less, and presently zoned B.L.-C.C.C. The property is located approximately 700 feet south of Taylor Avenue on the east side of Loch Raven Boulevard, in the Hillendale/Loch Raven Village area of Baltimore County. To the north and east



WEDER FROM CONFECURE

of the subject property is the Hillendale Shopping Center, to the south is a commercial building that was at one time a McDonalds restaurant site, the Loch Raven Shopping Center is on the west side of Loch Raven Boulevard, and the entire subject property is surrounded by B.L.-C.C.C. commercial zoning. The site is served by existing public utilities.

The subject property has been considered in four prior zoning cases. In Case No. 70-299-RX, a request to redistrict the property to a classification of B.L.-C.S.A. was approved, and a special exception request for a coin operated car wash was granted; however, the car wash was never constructed. In Case No. 86-65-A, a variance was granted to permit a double-faced sign larger than permitted under the then sign regulations, with a total of 181.3 square feet. Thereafter, in Case No. 90-93-SPHX, special exception relief to permit a convenience store of less than 5,000 square feet as a second, principal use in combination with a gasoline service station was denied. However, that case did recognize the existing gas-and-go operation, as well as the attendant kiosk then located on the property that handled the sale of small convenience items, as well as the sale of fuel. Subsequently, the Baltimore County Council adopted modifications to the B.C.Z.R. (Bill No. 172-1993) that now permits convenience stores of less than 1,500 square feet as ancillary uses of right, which may also be used in combination with a fuel service station. More recently in Case No. 04-341-SPHXA, then Zoning Commissioner Lawrence E. Schmidt granted a special exception to allow a rollover car wash (which was never constructed) as a use in combination with a fuel service station, granted a special hearing request to approve the addition of the ancillary uses of convenience store kiosk and self-service vacuum stations to the existing principal use as a fuel service station and ancillary ATM machine, and granted certain variance relief regarding setbacks, landscaping, transition areas and amenity open space. A copy of the 2004 case was marked and accepted into evidence as Petitioner's Exhibit 2.



In the instant matter, Petitioner proposes to retain the four existing double-sided fuel dispensers, all covered by the existing canopy, and to remove the two existing single-sided fuel dispensers. The existing convenience food store kiosk and the two single-sided fuel dispensers are to be removed and replaced with a 1,008 square foot convenience store to be located in the center area under the canopy. The existing ATM facility and building will be removed and replaced with parking spaces and the ATM machine moved into the convenience store. The proposed rollover car wash building will have attached to it a carry-out food area of approximately 460 square feet. There will be no seating in the carry-out area.

The B.C.Z.R. contains special regulations applicable to fuel service stations and uses in combination therewith. Section 405.4.D.2 of the B.C.Z.R. specifies minimum lot area requirements for eight fueling dispensers as 15,000 square feet; the proposed 460 square foot carry-out restaurant requires six times its size in land area (2,760 square feet); the ATM requires 1,000 square feet of additional land area; and the proposed 1,008 square foot convenience store requires four times its size in land area (4,032 square feet). Thus, for all of the uses proposed, the B.C.Z.R. requires a minimum lot size of 22,792 square feet, with the subject property being approximately one third larger than required, having a total of 30,422 square feet of land area. General Note 3 on Petitioner's Exhibit 1 sets forth these calculations in detail. The parking requirement for all uses (existing and proposed) is a total of 15 spaces and, in addition to stacking spaces for the rollover car wash and certain fuel dispensers, 15 spaces have been provided.

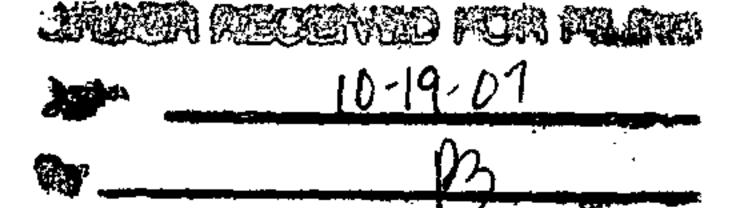
The proposed rollover car wash will be open 24 hours daily and will provide only exterior washing at an average manufacturer's rated hourly production of 25 cars. In a rollover car wash, the vehicles remain stationary while the equipment "rolls over" the vehicle. As a result, the B.C.Z.R. requires nine single-file stacking spaces (excluding the car in the tunnel) and, as depicted on the site plan, nine spaces are provided. Additionally, the two drying spaces, two vacuum

spaces and two "additional" spaces required by the B.C.Z.R. in conjunction with a rollover car wash and vacuums have all been provided on the subject property. The required parking for the two employees has also been provided.

When the 2004 case was heard and the site plan considered, there were no fuel dispenser stacking spaces behind vehicle nos. 3 & 6 and the then existing aisle width was 16 feet. However, these deficiencies in the site plan were never noticed by Petitioner or its representatives, nor any of the County review personnel and, therefore, were not addressed in the 2004 Order. The relief requested in the present case addresses these issues, recognizing that the improvements were constructed in accordance with the approvals, including the site plan, of the 2004 case.

The rollover car wash has not changed in design or scope since being approved in the 2004 case. The larger convenience store will include the ATM machine and will be placed in the area where the convenience store kiosk and the two single-sided fuel dispensers approved in the 2004 case are presently located. Additional parking required for the carry-out food use will occupy the area formerly used for the structure which houses the ATM machine. The existing, screened dumpsters will remain.

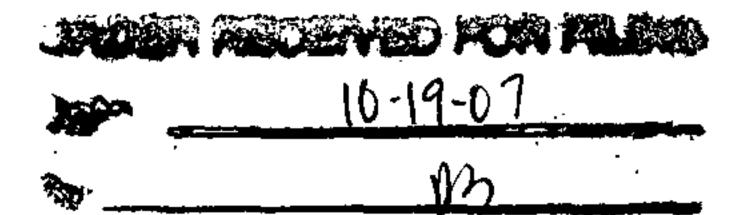
There were no negative comments from reviewing County and State agencies which comprise the Zoning Advisory Committee. The comment from the Office of Planning dated August 13, 2007 has requested conditions on the grant of any relief regarding building materials, design, etc., including that building elevations of the proposed carry out restaurant and car wash facility be submitted, that the building façade and dumpster enclosure shall be brick, to provide multiple stationary trash cans with lids, and to provide landscaping and indicate what types of landscaping are provided in the landscape plan. The State Highway Administration comment was clear that before any proposed improvements can be constructed along the two points of ingress



and egress from the subject property to Loch Raven Boulevard, a State Highway Access Permit must be obtained.

In addition, People's Counsel for Baltimore County, subsequent to their Entry of Appearance, sent a letter dated September 19, 2007 to the Zoning Commissioner, accompanied by an email message dated September 18, 2007 containing written comments from Stephen Weber, Chief of the Division of Traffic Engineering for Baltimore County. Mr. Weber's comments were marked and accepted into evidence as Baltimore County Exhibit 1. Although Mr. Weber noted some general "reservations" about the traffic circulation on the subject property, he specifically expressed no significant traffic concerns regarding impacts on the surrounding road system. An additional concern of Mr. Weber relates to peak hour periods and the potential parking for the convenience store and carry-out uses, fuel pump stacking and cars queued for the car wash. Mr. Weber notes candidly that any such problems will be self-contained and self-regulating, with customers not returning if the uses and circulation patterns present an inconvenient situation on the subject property. Also, Mr. Weber noted specifically that there is no foreseen problem with traffic backing up onto Loch Raven Boulevard.

Based on the testimony and evidence presented, I am persuaded that the proposed uses can operate in combination without overcrowding the land, and without detriment to the community. The uses proposed are consistent with the zoning of the subject property and can be conducted, as noted by Mr. Weber, without resulting in congestion in adjacent roadways. The evidence presented shows clearly that there are no facts or circumstances that are peculiar to this site that would cause adverse impacts from the proposed uses, or otherwise inherent to those uses, if the same uses were conducted on similarly zoned properties located elsewhere. *See, Schultz v. Pritts*, 432 A.2d 1319 (1981).



Furthermore, I am persuaded that the requested modified parking plan should be approved. The proposed parking spaces are proximate to the uses they will serve. The drive aisle width and fuel dispenser stacking spaces exist and function well on the subject site today, and will not change with the addition of the proposed uses. Petitioner has crafted what appears to be the most efficient use of the space for parking and stacking vehicles, and would face an undue burden if the modified parking relief were not granted. The points of ingress and egress to Loch Raven Boulevard must be modified to meet the requirements of the SHA. Approval of the modified parking plan, subject to the conditions below, renders the alternative variance relief of the two stacking spaces and reduction of drive aisle width moot.

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

THEREFORE, IT IS ORDERED this \_\_\_\_\_\_ day of October, 2007, by the Deputy Zoning Commissioner, that Petitioner's request for Special Hearing for the affirmation and approval of the utilization of all previously granted variance relief, the addition of an enlarged convenience store and a separate carry-out restaurant as ancillary uses and uses in combination with the existing principal use as a fuel service station, approval of a modified parking plan and modified stacking/parking requirements for the proposed uses in accordance with the specific detail shown on the site plan, approval of enlargement and/or relocation of existing uses on the subject property, and approval of an amendment to the site plans in the Prior Cases consistent with the relief requested, be and are hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's request for Special Exception pursuant to Section 405.4.E.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) for approval of a

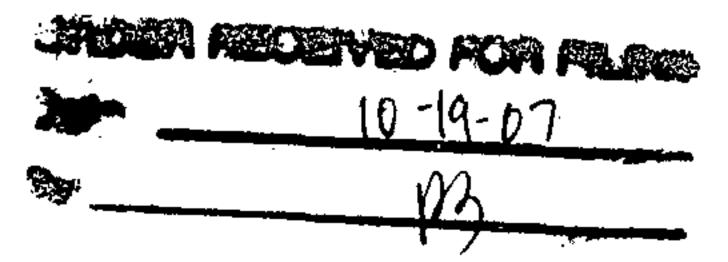
	10-19-07
<b>*</b> _	<b>W</b>

rollover car wash, and pursuant to Section 405.4.E.10 of the B.C.Z.R. for approval of a carry-out restaurant, both in combination with a fuel service station pursuant to Section 405.6.A.3 of the B.C.Z.R., as well as approval pursuant to Section 502.3 of the B.C.Z.R. of a period not exceeding five years from the date of this Order for utilization of the proposed special exception uses, be and are hereby GRANTED; and

IT IS FURTHER ORDERED that, having granted the Special Exception for the modified parking plan for existing parking/stacking spaces and drive aisle width, the alternative Variance relief is hereby DISMISSED AS MOOT.

The following restrictions are conditions precedent to the relief granted herein:

- 1. Petitioner may apply for its permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioner shall submit building elevations of the proposed carry out restaurant and car wash facility to the Office of Planning for review and approval.
- 3. The building façade of the proposed building must be brick. The dumpster enclosure shall also be brick.
- 4. Petitioner shall submit elevations of all proposed signage to the Office of Planning for review and approval.
- 5. Petitioner shall provide multiple stationary trash cans with lids to reduce the possibility of excess litter near the proposed carry out restaurant.
- 6. Petitioner shall provide landscaping near the bend of the stacked parking area on the northwest corner of the site and the terminus of the stacked parking in the vicinity of the existing ATM building.
- 7. Petitioner shall indicate what vegetation will be used for landscaping along Loch Raven Boulevard or preferably submit a landscape plan to the Baltimore County Landscape Architect for review and approval.
- 8. Petitioner shall be required to obtain a State Highway Access Permit to the points of ingress/egress from the subject property along Loch Raven Boulevard (MD 542).



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

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

TYOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

October 19, 2007

HOWARD ALDERMAN, ESQUIRE LEVIN & GANN 502 WASHINGTON AVENUE, 8<sup>TH</sup> FLOOR TOWSON, MD 21204

---- Re: Petitions-for Special Hearing, Special Exception and Variance

Case No. 08-032-SPHXA

Property: 6819 Loch Raven Boulevard

Dear Mr. Alderman:

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

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

Very truly yours,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz Enclosure

c: Rick Richardson, Richardson Engineering, Inc., 30 East Padonia Road, Suite 500, Timonium MD 21030

Humanvun Sheikh, President, Iman Crown, Inc., 6819 Loch Raven Blvd., Towson MD 21286



## Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	6819 Loch Raven Blvd.
	s presently zoned <u>BL-CCC</u>

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: Legal Owner(s): NONE IMAN CROWN, INC. Name - Type or Print Name - Type or Print By: Signature Signature Humanyun/Sheikh, President Address Telephone No. Name - Type or Print City State Zip Code Signature 6819 Loch Raven Boulevard 443-562-2273 Attorney For Petitioner: Address Telephone No. Howard L. Alderman, Jr., Esquire Baltimore MD 21286 plame - Type or Print City State Zip Code owai Representative to be Contacted: Richardson Engineering, LLC Attn: Rick Richardson Levin & Gann, PA Company Name 502 Washington Avenue, Suite 800 410-321-0600 30 East Padonia Road, Suite 500 410-560-1502 Address Telephone No. **Address** Telephone No. Timonium MD 21093 Towson Maryland 21204 City State Zip Code City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. 08-032 JPHXA UNAVAILABLE FOR HEARING REV 9/15/98

## ATTACHMENT.

## PETITION FOR SPECIAL HEARING.

CASE NO. U/SI HAA	CASE NO:	07-	-SPHXA
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Address:

6819 Loch Raven Boulevard

Legal Owners:

IMAN CROWN, INC.

Present Zoning:

**BL-CCC** 

## REQUESTED RELIEF:

"why the Zoning Commissioner should," utilizing all previously granted variance relief (including without limitation that relief granted in Case No. 04-341-SPHXA), [1] approve the addition of the ancillary uses of an enlarged convenience store and a separate carry out restaurant to the existing principal use fuel service station, together with the proposed roll-over car wash (the prior approval granted for a roll-over car wash in Case No. 04-341-SPHXA was not implemented within the time frame of BCZR § 502.3); and [2] approve, pursuant to BCZR §§409.12.B and 409.8.B.1, a modified parking plan and modified parking requirements for the proposed uses in accordance with the specific detail shown on the Plat to accompany this Petition; and [3] approve an amendment to the site plans in Case Nos. 04-341-SPHXA, 90-93-XSPH, 86-65-A and 70-229-RX consistent with the relief requested and site plan to accompany this Petition; and [4] such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR to permit the existing and proposed uses.

## FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

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

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



## Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 6819 Loch Raven Blvd.

which is presently zoned BL-CCC

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

## SEE ATTACHED

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

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

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

### Legal Owner(s): Contract Purchaser/Lessee: NONE IMAN CROWN, INC. Name - Type or Print Name - Type or Print Umayu-By: Signature Signature Humanyun Sheikh. President Name - Type or Print Telephone No. Address City Zip Code Signature State 443-562-2273 6819 Loch Raven Boulevard Attorney For Petitioner: Address Telephone No. MD 21286 Howard L. Alderman, Jr., Esquire Towson State Zip Code City Name - Type or Print Lderala Representative to be Contacted: Signature Richardson Engineering, LLC Attn: Rick Richardson Levin & Gann, PA Nottingham Centre, 8th Floor Name Company 502 Washington Avenue 410-321-0600 30 East Padonia Road, Suite 500 410-560-1502 Telephone No. Address Telephone No. Address 21093 MD Timonium Towson, MD 21204 Zip Code City City Zip Code State State OFFICE USE ONLY Case No. 08-072-5PHXA ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING JNP REV 09/15/98 DEPTED AND RUE

08-032-SPNXA

## **ATTACHMENT**

## PETITION FOR SPECIAL EXCEPTION

CASE NO:	<u>07-</u>	-SPHXA	
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Address:

6819 Loch Rayen Boulevard

Legal Owners:

IMAN CROWN, INC.

Present Zoning:

**BL-CCC** 

## REQUESTED RELIEF:

## Special Exception Uses Requested:

- per BCZR Section 405.4E.2, a roll-over car wash and per BCZR Section 405.4E.10
  a carry-out restaurant, both in combination with a fuel service station; and pursuant
  to BCZR § 405.6A.3 to permit the proposed uses in combination proposed as shown
  on the Plat to accompany this Petition within a period of five (5) years from the
  granting of the requested relief; and
- such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR to permit the existing and proposed uses.

NOTE:

this is the same special exception relief (roll over car wash) requested and granted in Case No. 04-341-SPHXA; the relief granted lapsed before it was implemented

## FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

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

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



## Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 6819 LOCH RAVEN BOULEVARD

which is presently zoned BL-CCC

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

## SEE ATTACHED

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

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

MANUAL PLANS

regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

## SEE ATTACHED

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning

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. Legal Owner(s): Contract Purchaser/Lessee: IMAN CROWN, INC. NONE Name - Type or Printa Name - Type or Print MM BYTH Signatura Signature SHEIKH HUMANYUN Telephone No. Name - Type or Print Address Zip Code Signature State City 443-562-2273 6819 Loch Raven Boulevard Attorney For Petitioner: Telephone No. Address Howard L. Alderman, Jr., Esquire 21286 MD BALTIMORE Zip Code Name / Type or Print State City Representative to be Contacted: Signature Richardson Engineering, LLC Attn: Rick Richardson Levin & Gann, PA Nottingham Centre, 8th Floor Name Company 502 Washington Avenue 410-321-0600 410-560-1502 30 East Padonia Road, Suite 500 Telephone No. Address Telephone No. Address 21093 MD Lutherville Towson, MD 21204 Zip Code City State Zip Code City State OFFICE USE ONLY Case No. () 8 - 032-5PHXA ESTIMATED LENGTH OF HEARING \_\_\_ UNAVAILABLE FOR HEARING Reviewed By JNP REV 9/15/98

## Petition for Variance [continuation sheet]

CASE NO: 07- -SPHXA

Address:

6819 Loch Raven Boulevard

Legal Owners:

IMAN CROWN, INC.

Present Zoning:

**BL-CCC** 

## Variance Relief Requested:

If the modified parking plan is not approved as part of the Special Hearing Petition filed herewith: [1] from BCZR § 405.4A.3.c.(2) to permit a single fuel space, without an additional stacking space behind multi-product dispenser vehicles No. 3 & 6; and [2] from BCZR § 409.4A & C to permit a driveway/aisle width of feet in lieu of the 20 feet required behind multi-product dispenser vehicles No. 3 & 6; and [3] such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR to permit the existing and proposed uses.

## Justification:

- existing topography of the subject property;
- irregular shape of existing lot;
- configuration of existing improvements; and
- such further justification as will be presented at the time of the hearing on this Petition.

## FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

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

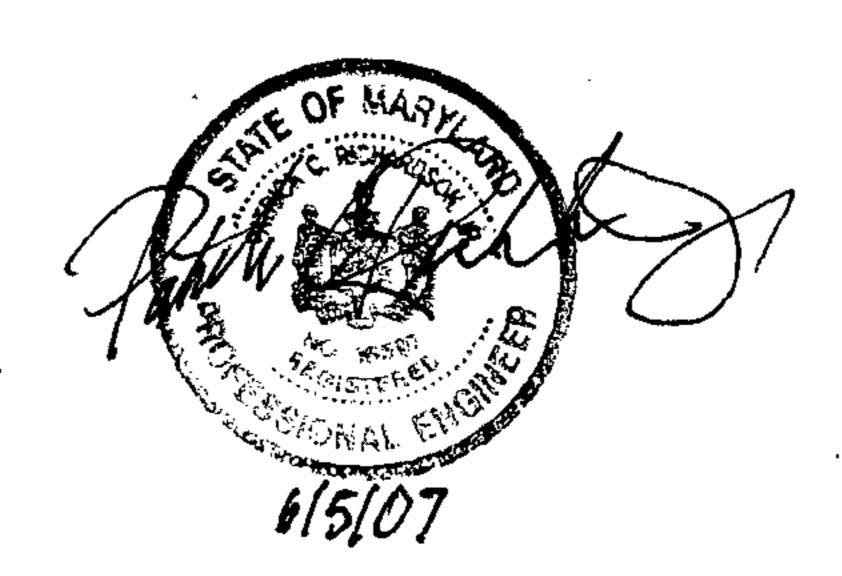
(410) 321-0600 Fax: (410) 296-2801 halderman@LevinGann.com 30 East Padonia Road, Suite 500 Timonium, Maryland 21093

410-560-1502, fax 443-901-1208

## ZONING DESCRIPTION 6819 LOCH RAVEN BOULEVARD 9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point on the Southeast side of Loch Raven Boulevard, 90 feet wide; at a distance of 740 feet more or less, from the centerline intersection of Loch Raven Boulevard and Taylor Avenue, 80 feet wide; and running thence from said place of beginning, binding on the said Southeast side of Loch Raven Boulevard, (1) South 36 degrees 25 minutes West 189.96 feet; thence leaving the said southeast side of said Loch Raven Boulevard and running (2) South 77 degrees 20 minutes East 174.47 feet, (3) North 36 degrees 25 minutes East 119.69 feet, (4) North 53 degrees 35 minutes West 159.70 to the point of beginning.

Containing a net area of 0.57± acres or 24,724 square feet of land, more or less.



## NOTICE OF ZONÍNG HEARING

County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 08-032-SPHXA

6819 Loch Ravier

1. Case: # 08-032-SPHXA

och Raven Blvd. side of Loch Raven Blvd., 740 ft. s/west of Case: 6819 L S/east Taylor 9th El

ection District - 5th Councilmanic District Owner(s): Iman Crown, Inc.

Legal

Special Hearing: utilizing all previously granted variance relief (including w/out limitation that relief granted in 64-1814-SPHXA), to approve the addition of the ancillary uses of an enlarged convenience store and a separate carry out restaurant to the existing principal use fuel service station, together with the proposed roll-over car wash in 64-341-167-17. To approva granted for a roll-over car wash in 64-341-157-17. To approve a modified parking plan and modified parking requirements for the proposed uses in accompany this petition and to approve an amendment to the site plans 04-341-SPHXA, 90-3-XSPH, 86-65-A & 70-129-A consistent with the relief requested and site plan to accompany this petition and to approve an amendment to the site plans 04-341-SPHXA, 90-3-XSPH, 86-65-A & 70-129-A consistent with the relief requested and site plan to accompany this petition and to permit the proposed uses in accompany this petition with a period of 5 yrs. from the granting of the requested relief. Variance: if the modified parking of the requested relief. Variance: if the modified parking of the requested relief. Variance: if the modified parking of the requested relief. Variance: if the modified parking than is not approved as part of the Special Hearing petition with a period of 5 yrs. from fied herewith to permit a single fuel space. Wrout an additional stacking space behind multi-product dispenser vehicles No. 3 & 6 and to permit a driveway/aisle width of a Hearing: Tuestay, September 25, 2007 at 9:00 e.m. In Amanny: Tuestay, September 25, 2007 at 9:00 e.m. In Special Amanny: Tuestay, September 25, 2007 at 9:00 e.m. In Special Amanny: Tuestay, September 25, 2007 at 9:00 e.m. In Special Amanny: Tuestay, September 25, 2007 at 9:00 e.m. In Special Amanny: Tuestay, September 25, 2007 at 9:00 e.m. In Special Amanny: Tuestay, September 25, 2007 at 9:00 e.m. In Special Amanny: Tuestay, September 25, 2007 at 9:00 e.m. In Special Amanny: Tuestay, September 25, 2007 at 9:00 e.m. In Special Amanny: Tuestay, September 25, 200

anue, Towson 21204.

I.J. WISEMAN, III WILLIAN

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. Zoning C

Contact t

## OF PUBLICATION

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

The Jeffersonian

Arbutus Times

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## CERTIFICATE OF POSTING

RE: Case No.: <u>O8-032-SPHXA</u>

Petitioner/Developer: <u>TMAN</u>

CROWN FAC

Date of Hearing/Closing: 9-25-07

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

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

Ladies and Gentlemen:

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

6819 Loch RAVEN BLVD

The sign(s) were posted on

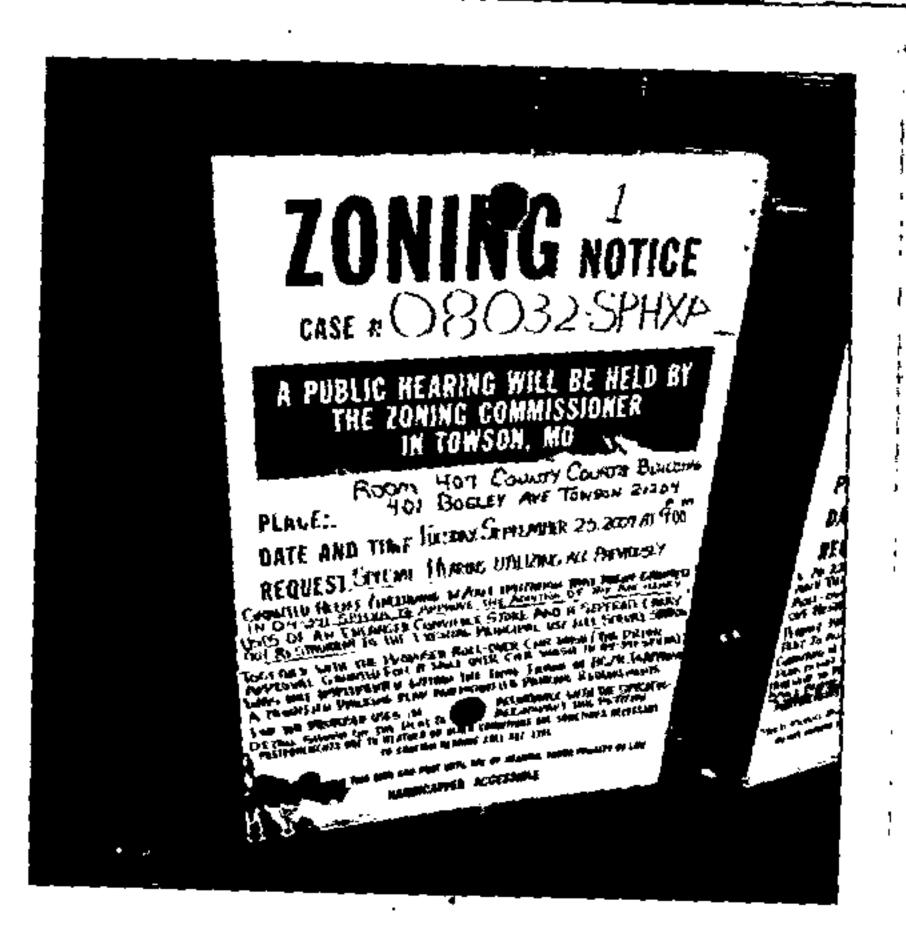
SSG Robert A Black 1508 Leslie Road Dundalk, MD 21222 (Month, Day, Year)

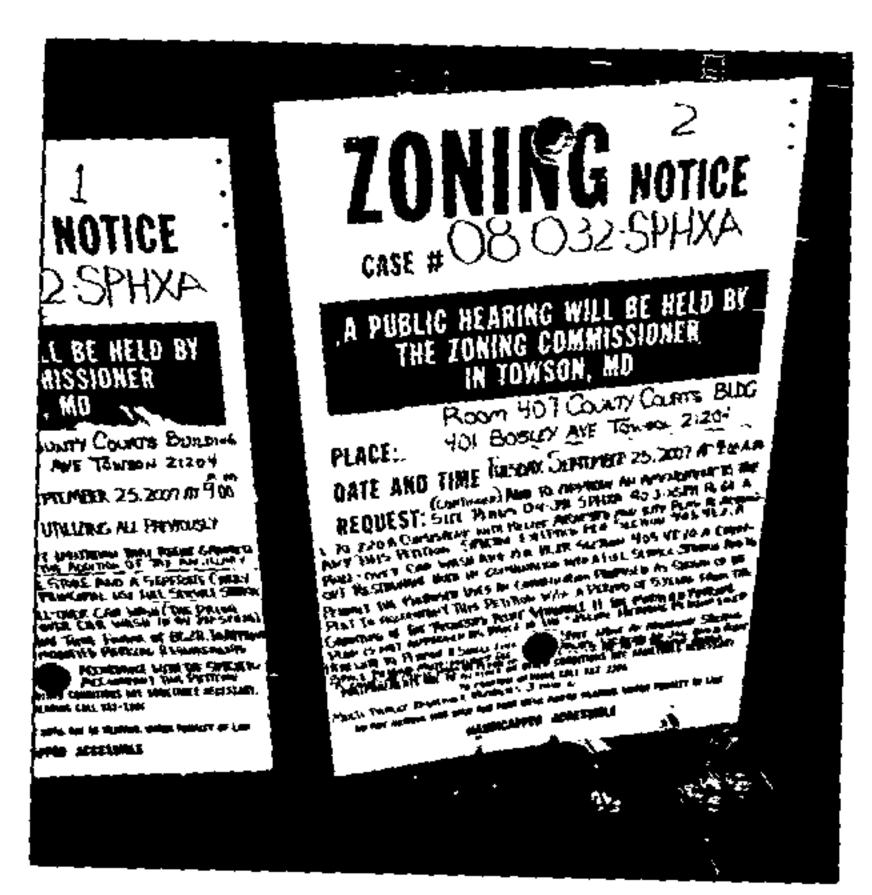
Sincerely,

410-282-7940

Robert Black 9-12.07

(Consture of Sign Poster) - (Date)







August 13, 2007

JAMES T. SMITH, JR.

TIMOTHY M. KOTROCO, Director The Zoning Description of Baltimore County, by authority of the Zoning Description Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property-adentified enterein as follows:

CASE NUMBER: 08-032-SPHXA

6819 Loch Raven Blvd.

S/east side of Loch Raven Blvd., 740 ft. s/west of Taylor Avenue

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

Legal Owner: Iman Crown, Inc.

Special Hearing utilizing all previously granted variance relief (including w/out limitation that relief granted in 04-341-SPHXA), to approve the addition of the ancillary uses of an enlarged convenience store and a separate carry out restaurant to the existing principal use fuel service station, together with the proposed roll-over car wash (the prior approval granted for a roll-over car wash in 04-341-SPHXA) was not implemented within the time frame of BCZR, to approve a modified parking plan and modified parking requirements for the proposed uses in accordance with the specific detail shown on the Plat to accompany this petition and to approve an amendment to the site plans 04-341-SPHXA, 90-3-XSPH, 86-65-A & 70-229-A consistent with the relief requested and site plan to accompany this petition. Special Exception per Section 405.4E.2, a roll-over car wash and per BCZR Section 405.4E.10 a carry-out restaurant, both in combination with a fuel service station and to permit the proposed uses in combination proposed as shown on the Plat to accompany this petition w/in a period of 5 yrs. from the granting of the requested relief. Variance - if the modified parking plan is not approved as part of the Special Hearing petition filed herewith to permit a single fuel space, w/out an additional stacking space behind multi-product dispenser vehicles No. 3 & 6 and to permit a driveway/aisle width of 14 feet in lieu of the 20 feet required behind multi-product dispenser vehicles 3 & 6.

Hearing: Tuesday, September 25, 2007 at 9:00 a.m. in Room 407, County Courts Building,

401/Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204 Iman Crown, Inc., 6819 Loch Raven Blvd., Baltimore 21286 Rick Richardson, 30 E. Padonia Road, Ste. 500, Timonium 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 10, 2007.

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



Tuesday, September 10, 2007 Issue - Jeffersonian

Please forward billing to:

Iman Crown, Inc. 6819 Loch Raven Blvd. Baltimore, MD 21286

410-821-6939

## 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: 08-032-SPHXA

6819 Loch Raven Blvd.

S/east side of Loch Raven Blvd., 740 ft. s/west of Taylor Avenue

9th Election District – 5th Councilmanic District

Legal Owner: Iman Crown, Inc.

Special Hearing utilizing all previously granted variance relief (including w/out limitation that relief granted in 04-341-SPHXA), to approve the addition of the ancillary uses of an enlarged convenience store and a separate carry out restaurant to the existing principal use fuel service station, together with the proposed roll-over car wash (the prior approval granted for a roll-over car wash in 04-341-SPHXA) was not implemented within the time frame of BCZR, to approve a modified parking plan and modified parking requirements for the proposed uses in accordance with the specific detail shown on the Plat to accompany this petition and to approve an amendment to the site plans 04-341-SPHXA, 90-3-XSPH, 86-65-A & 70-229-A consistent with the relief requested and site plan to accompany this petition. Special Exception per Section 405.4E.2, a roll-over car wash and per BCZR Section 405.4E.10 a carry-out restaurant, both in combination with a fuel service station and to permit the proposed uses in combination proposed as shown on the Plat to accompany this petition w/in a period of 5 yrs. from the granting of the requested relief. Variance — if the modified parking plan is not approved as part of the Special Hearing petition filed herewith to permit a single fuel space, w/out an additional stacking space behind multi-product dispenser vehicles No. 3 & 6 and to permit a driveway/aisle width of 14 feet in lieu of the 20 feet required behind multi-product dispenser vehicles 3 & 6.

Hearing: Tuesday, September 25, 2007 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Amenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

## ZONING REVIEW

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number 08-032- SPHXA
Petitioner IMAN CROWN, INC
Address or Location. 6819 LOCH RAVEN BEVD .
PLEASE FORWARD ADVERTISING BILL TO
Name IMAN CROWN, INC.
Address 6819 LOCH RAVEN BLVD
BALT MID 21286
Telephone Number: 410 82/ 6939



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 18, 2007

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

Dear Mr. Alderman:

RE: Case Number: 08-032-SPHXA, 6819 Loch Raven Boulevard

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 18, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours, U. Call Rollall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf Enclosures

c: People's Counsel

Iman Crown, Inc. Hlumayin Shuki 6819 Loch Raven Boulevard Baltimore 21286 Richardson Engineering, LLC Rick Richardson 30 East Padonia Road, Suite 500 Timonium 21093

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**DATE:** August 13, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

6819 Loch Raven Boulevard

INFORMATION:

Item Number:

8-032

Petitioner:

Humanyun Sheikh

Zoning:

BL CCC

Requested Action:

Special Hearing, Special Exception and Variance

## SUMMARY OF RECOMMENDATIONS:

The Office of Planning requests that the following conditions be met before a decision is rendered on the petitioner's request:

- 1. Submit building elevations of the proposed carryout restaurant and car wash facility.
- 2. The proposed building façade of the proposed building must be brick. The dumpster enclosure shall also be brick as well.
- Submit elevations of all proposed signage.
- 4. Provide multiple stationary trash cans with lids to reduce the possibility of excess litter near the proposed carry out restaurant.
- 5. Provide landscaping near the bend of the stacked parking area on the northwest corner of the site and at the terminus of the stacked parking in the vicinity of the existing ATM building.
- 6. Indicate what proposed vegetation will be used for landscaping along Loch Raven Boulevard or preferably submit a landscape plan.

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

Reviewed by:

Division Chief:

AFK/LL: CM

## BALTIMORE COUNTY, MARYLAND

## INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 30, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For July 30, 2007

Item Nos. 08-020, 021, 022, 023, 026, 029, 031, 032, 033, and 034

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-07302007.doc

RE: PETITION FOR SPECIAL HEARING
SPECIAL EXCEPTION & VARIANCE
6819 Loch Raven Boulevard; SE/S Loch
Raven Blvd, 740 SW Taylor Avenue
9th Election & 5th Councilmanic Districts
Legal Owner(s): Iman Crown, Inc
Petitioner(s)

BEFORE THE

\* ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* 08-032-SPHXA

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of July, 2007, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLc, 30 East Padonia Road, Suite 500, Timonium, MD 21093 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JUL 27 2007

Per....

HERNAX ZIMMERMAN

People's Counsel for Baltimore County



JAMES T. SMITH, JR. County Executive

. JOHN J. HOHMAN, Chief
Fire Department

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

July 25, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 23, 2007

Item Number: 020 through 034

Pursuant to youk request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File

TB 9/25

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**DATE:** August 13, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

6819 Loch Raven Boulevard

**INFORMATION:** 

Item Number:

8-032

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Zoning:

BL CCC

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- 6. Indicate what proposed vegetation will be used for landscaping along Loch Raven Boulevard or preferably submit a landscape plan.

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

Reviewed by:

Division Chief: AFK/LL: CM

## Baltimore County, Marylana





OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

> 410-887-2188 Fax: 410-823-4236

PETER MAX ZIMMERMAN People's Counsel

CAROLE S. DEMILIO Deputy People's Counsel

September 19, 2007

William J. Wiseman, III, Zoning Commissioner County Courts Building 401 Bosley Avenue, Suite 405 Towson, Maryland 21204

Petition for Special Hearing, Special Exception & Variance

Iman Crown, Inc- Petitioners Case No: 08-032-SPHXA

Dear Mr. Wiseman,

Because this case focuses on parking issues, we asked Stephen E. Weber, Chief of Traffic Engineering, to review the site plan. As a result, he sent us the enclosed email dated September 18, 2006. I am forwarding it to you for your review and consideration at the hearing.

Thank you for your attention.

Sincerely,

Peter Max Zimmerman

People's Counsel for Baltimore County

Howard L. Alderman, Jr. Esquire cc: Stephen Weber, Chief of Traffic Engineering



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary Neil J. Pedersen, Administrator

## Maryland Department of Transportation

July 23, 2007

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

RE: Baltimore County

Item No. 8-32-SPH

MD 542 (Loch Raven Boulevard)

Spirit Gas

6819 Loch Raven Boulevard

Special Hearing, Special Exception

& Variance

Dear Ms. Matthews:

Thank you for the opportunity to review the ZAC Agenda Case Number 8-32-SPHXA for the above captioned, which was received on July 20, 2007. We have completed a review of the referenced plan and as well as a field inspection. The results of the review reveal that an access permit is necessary for the proposed improvements along the property fronting MD 542. We recommend that as a condition of Spirit Gas-Special Hearing, Special Exception and Variance approval the owner/developer be required to obtain a permit. Coordination with this office is necessary to obtain a State Highway Access Permit.

Please include our comments in staff report to the Zoning Hearing officer. Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (<u>mbailey@sha.state.md.us</u>). Thank you for your attention.

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits

Division

## SDF/MB

Ca.

Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA

Mr. Rick Richardson, Richardson Engineering, LLC

Mr. Humayun Sheikh, Owner, Iman Crown, Inc.

# PLEASE PRINT CLEARLY

CASE NAME 6819 LULY CHOUNDS
CASE NUMBER 08-032-SPHAN
DATE 25 SPT 07

# PETITIONER'S SIGN-IN SHEE

E- MAIL		RICK @ RICK BE SON STANKES INC. XIL	UDDIENTE @ Att.									
CITY, STATE, ZIP	Josep an mescal	Timenium mo 21083	TOWSUM, M-D 2286									
ADDRESS	17	Palmia led 5.	4									
NAME	Hawley L. Harmanle	RICK KICHADSON PE	Humayun sulakut								-	

IN RE: PETITIONS FOR SPECIAL HEARING SPECIAL EXCEPTION & VARIANCE -

SE/S Loch Raven Boulevard, 740' SW of

Taylor Avenue

(6819 Loch Raven Boulevard)

9<sup>th</sup> Election District

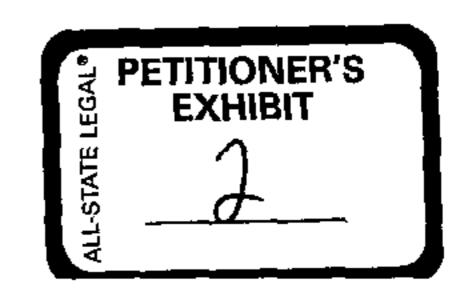
Iman Crown, Inc.
Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 04-341-SPHXA

· \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

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



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

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

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

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

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

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

4.5

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

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

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

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

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

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

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

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

4

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

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

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

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

IT IS FURTHER ORDERED that the Petition for Variance seeking relief as follows:

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

Ex Ex

forth in Section 101 of the B.C.Z.R.; 3) from Section 405.4.A.2(a) of the B.C.Z.R. to permit; 1) the existing fuel pumps to be located 19 feet from the road right-of-way in lieu of the required 25 feet; and 2) the existing canopy to be located 8.6 feet from the road right-of-way in lieu of the required 15 feet; and 4) from Section 405.4.A.2(b) of the B.C.Z.R. to permit landscape transition areas as follows: front - 4 feet in lieu of the required 10 feet; side - 5 feet in lieu of the required 6 feet; and rear - 4 feet in lieu of the required 6 feet, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioners shall submit elevation drawings of the proposed car wash/convenience store building and a revised plan for landscaping treatments consistent with Petitioner's Exhibit 2 to the Office of Planning for review and approval. The exterior façade of the proposed building shall be done in brick to match the adjacent shopping center
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

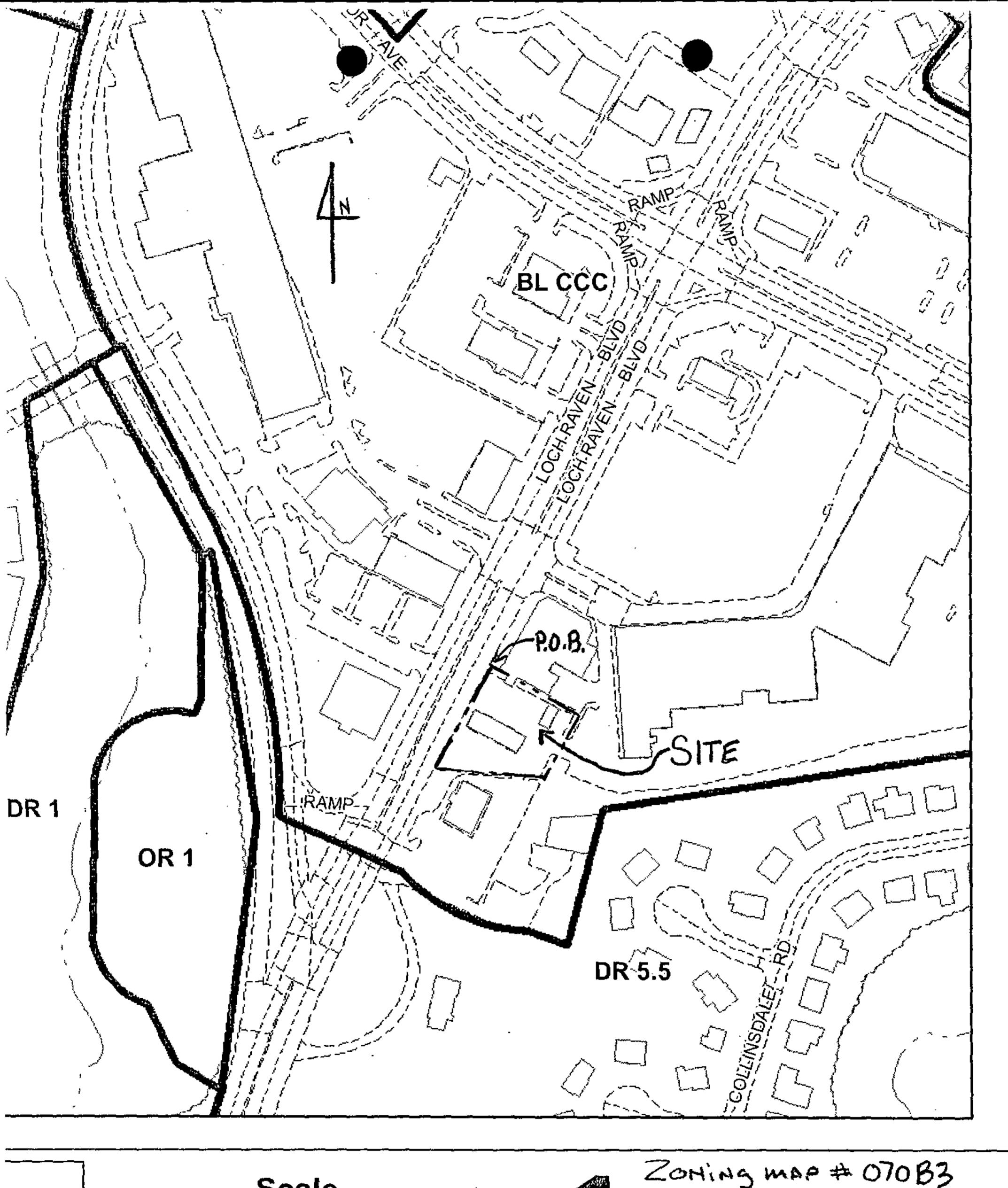
IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of existing conditions and uses on the property as nonconforming, pursuant to Section 405.2B of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DENIED; and,

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

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



071A2

071A3

081A1

Scale

1" = 200'

100 200 400

Feet

**Data Sources:** 

Planametric Data - Baltimore County OIT/GIS Services Unit 1:2400, from 1995/96 photography 08-032-SPHKA Zoning - Baltimore County Office of Planning 1:2400, 2004

From:

Stephen Weber

To:

People's Counsel 09/18/2007 1:20 PM

Date: Subject:

Case No. 08-032-SPHXA

Peter -

We have examined the subject case at 6819 Loch Raven Blvd. While we have some reservations about the proper functioning of the site, we do not have any significant traffic concerns with respect to its impacts on the surrounding road system. There is no parking allowed on Loch Raven Blvd and no other nearby roadways or residential properties onto which overflow parking would occur. We also don't see the use causing any problems with vehicles queueing out onto Loch Raven Blvd.

The parking arrangement on site displays concern dealing with the fact that the proposal seeks to introduce a carry-out restaurant onto the property along with the convenience store. Considering parking spaces for employees who are operating the convenience store, cooking food and serving walk-up customers, and servicing the roll-over car wash when it requires attention, and then adding those queued up for the car wash, those queued up at the pumps waiting for gas, and then those who will leave their cars at the pumps to go get their convenience food, pay for gas, and/or pick-up their carry out food, the site does not lend itself for a very efficient operation and it appears could develop circulation problems trying to get vehicles on and off the lot during peak demand periods. However, during those times it does appear that the problems would generally be self-contained problems inflicted on the customers to the site. It appears at the worst it could result in customers getting upset with the poor circulation and difficulties getting onto/off of the site and thus not returning if the problems are that severe. Thus it will probably tend to be a self-regulating situation.

Should you have any questions or wish to discuss the matter further, please feel free to give me a call.

Stephen E. Weber, Chief Div. of Traffic Engineering Baltimore County, Maryland 111 W. Chesapeake Avenue, Rm. 326 Towson, MD 21204 (410) 887-3554

BALTIMORE COUNTY

EXHIBIT NO.

