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

NW corner of Liberty and Langrehr Road 2<sup>nd</sup> Election District 4<sup>th</sup> Councilmanic District (8200 Liberty Road)

SMO Realty, LLC Legal Owner

- \* BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY
- \* Case No. 08-061-SPHXA

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

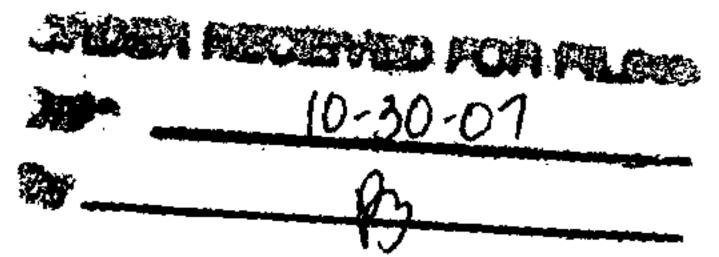
This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Exception, Variance, and Special Hearing filed by Steve Stookey on behalf of the legal owner of the subject property, SMO Realty, LLC.

The Special Exception request is to use the subject property for an automotive service station with a convenience store and car wash as uses in combination.

The Variance requests are as follows:

- From Sections 238.2 and 102.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of six feet and a rear yard setback of 15.3 feet in lieu of the required 30 feet, and to permit a minimum distance between buildings of 45.3 feet in lieu of the required 60 feet; and
- From Section 419.3.A.1 of the B.C.Z.R. to permit five stacking spaces for the rollover car wash in lieu of the required nine spaces.
- During the hearing, Petitioner also amended their Petition, without objection, to include a
  request for variance from the Baltimore County Landscape Manual to permit a 10 foot
  landscaping setback in lieu of the required 15 feet.

The Special Hearing relief is requested pursuant to Section 500.7 of the B.C.Z.R. to approve an amendment to the special exceptions granted in Case Nos. 83-105-X and 88-269-X to



allow for changes in the site layout. The subject property as it currently exists is shown on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1. The layout of the property with the proposed improvements and requests for relief are more fully shown on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the special exception, variance, and special hearing requests was Steve Stookey on behalf of Petitioner SMO Realty LLC, Sebastian A. Cross, Esquire, attorney for Petitioner, and Matthew T. Allen with Bohler Engineering, the engineering consultant who prepared the site plan. Appearing as Protestants in opposition to the requested relief were Joe Martinez of 3604 Langrehr Road, and Ebenezer and Zelda Olarewaju of 3607 Langrehr Road. There were no other Protestants or interested persons in attendance at the hearing.

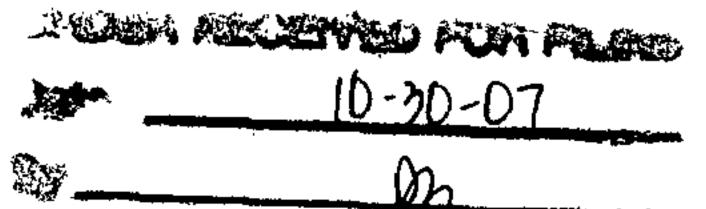
Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing 39,750 square feet or 0.91 acre, more or less, and zoned B.R.-A.S. The property is situated at the corner of Liberty Road and Langrehr Road, east of Rolling Road and west of Milford Mill Road in the Randallstown area of Baltimore County. The existing use is an automotive service station and car wash. The proposed use is an automotive service station with a convenience store and car wash as uses in combination. The property as it exists today encompasses Lots 5-13 and Lots 78 and 79 as shown on Petitioner's Exhibit 2.

The property has been in use as an automotive service station since before 1965. Historically, the property has been the subject of several prior zoning hearings. In Case No. 66-247-X, when the property consisted of Lots 5 – 13, a special exception use was requested to permit modernization of the existing non-conforming use as a gas station. The special exception was granted on May 12, 1966 with restrictions. In Case No. 83-105-A, variances were requested to permit a setback of 15 feet from the street right-of-way in lieu of the required 35 feet, 48 feet

from the street centerline in lieu of the required 60 feet, and a canopy setback of six feet in lieu of the required 10 feet. The setback variances were granted on November 5, 1982, with the same restrictions as in prior Case No. 66-247-X. In Case No. 88-289-X, special exception use was requested for a car wash in combination with the existing service station. The special exception was granted on June 17, 1988.

Finally, in Case No. 03-300-SPH involving Lots 78 and 79, which were then owned by Richard and William Stitely, a request for special hearing was filed in order to allow construction of a residence on an undersized lot (50 feet). The special hearing was denied by then Deputy Zoning Commissioner Timothy Kotroco on March 10, 2003. It is worth mentioning that in his Order, Mr. Kotroco noted that the property consisting of Lots 78 and 79 is located adjacent to a Shell gasoline station (the subject of the instant petitions), and that the property is zoned B.R.-A.S., which is a zoning classification permitting gasoline stations and is not the most suitable classification for a residential dwelling. In addition, at the hearing in 2003, the same neighbors that are protesting Petitioner's requests in the instant matter, Mr. Martinez and Mr. and Mrs. Olarewaju, opposed the development of Lots 78 and 79 for a residential dwelling. At that time, these neighbors believed the property in its unimproved condition provided a desirable buffer between the commercial use and their neighborhood, and asked that the special hearing be denied and that no house be constructed on this open lot.

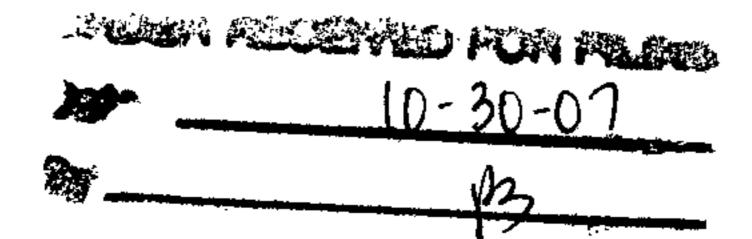
Fast-forwarding to 2007 and the instant Petitions, the property that consists of Lots 78 and 79 is now owned by Petitioner, having been purchased by SMO Realty, LLC several years ago. In addition, SMO Realty, LLC, which is also known as Southern Maryland Oil, has owned the service station property consisting of Lots 5 – 13 for about five years, and owns approximately 250 other gas station facilities throughout Delaware, Maryland, the District of Columbia, and Virginia. The Shell automotive service station on the subject property has an existing one-story



building constructed in the early 1960's comprising three service bays for vehicle repairs, a small snack shop area, and an attached carwash. The property also has three gas pump islands and a kiosk for purchasing fuel. In keeping with Petitioner's long-range plan to improve its facilities, Petitioner desires to raze the existing structures and replace them with more modern facilities, including eight new gas pump islands with a canopy covering, a separate rollover carwash, and a 3,200 square foot "Dash-In" convenience store. This plan is also in keeping with the trend, according to Petitioner, of replacing traditional "service stations" which include the sale of fuel, vehicle repairs, and very minimal convenience store amenities, with facilities that can meet a number of needs for customers in one trip, including fuel, a rollover carwash (which takes up less space and is quicker and easier for customers than traditional carwash facilities), and a larger, more wide-ranging convenience store.

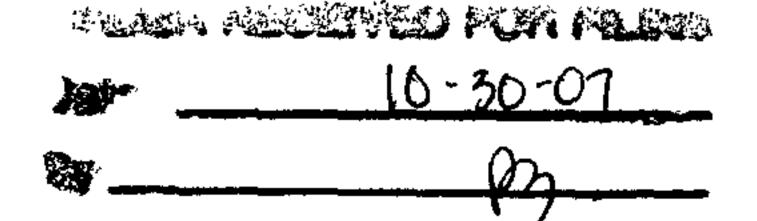
In support of the requests for relief, Petitioner indicates that the subject property is situated on Liberty Road, a major collector road, in a commercial corridor. It is a heavily traveled area located less than one mile from the Baltimore Beltway. Petitioner also notes that the B.L. and R.O. zoning along Liberty Road is indicative of the commercial character fronting that road, with residential use further off the main thoroughfare, into adjacent neighborhoods. The area is also part of an ongoing business revitalization in this area of Liberty Road, which the County generally supports, and which is also supported by the Liberty Road Business Association.

Also testifying in support of the requests for relief was Petitioner's engineering consultant, Matthew Allen. Mr. Allen is a registered Professional Engineer in the State of Maryland with approximately 10 years of experience in commercial and residential development projects. He is currently involved in approximately 100 projects in the State of Maryland, including 15-20 in Baltimore County. He has testified frequently before this Commission as an expert in civil engineering and zoning, and was offered and accepted as such at the instant hearing. Mr. Allen



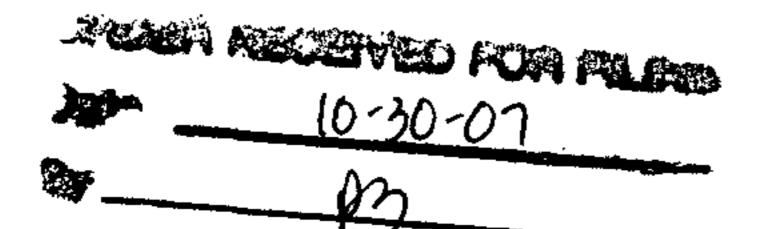
indicated that he is very familiar with the site having visited it on several occasions and having then evaluated the site and prepared Petitioner's Exhibit 2 site plan depicting the improvements and the parking and traffic flow layout.

Mr. Allen indicated the property is just less than one acre and the size limits some of the opportunities to utilize the property for permitted uses. In addition, the current unorthodox orientation of the parking configuration makes it not very efficient, nor the best use of the available space. The current layout has several dead-end drive aisles and very little "flow" for entering and exiting traffic. The parking is also configured to hold surplus vehicles which are left at the location for repairs or have been repaired and are awaiting customer pick-up. In addition, the building is placed at an angle at the northwest corner of the property and contributes very little to enhancing traffic flow. On the other hand, taking into account Petitioner's desire to modernize the facility and remove the vehicle repair aspect from the layout of the station, Mr. Allen indicated he prepared a site plan that utilizes the available space better. Reviewing Petitioner's Exhibit 2 site plan, it shows that each set of structures -- the cluster of gas pump islands, the rollover carwash, and the convenience store -- is fairly self-contained within the one site as a whole. The placement of the structures also enhances traffic flow by allowing patrons of one area not to be interrupted or inhibited by patrons using another service, and not to be obstructed by vehicles entering or exiting the site. In short, according to Mr. Allen, the proposed layout is prototypical of this multi-use service station, and the site would not be able to function as intended without such a layout, and without the attendant setback, stacking spaces, and landscape variances requested herein. In addition, Mr. Allen rendered his expert opinion that the proposed plan would not negatively impact the special exception criteria of Section 502.1 of the B.C.Z.R., and in particular, would not be detrimental to the health, safety, and general welfare of the community, and was within the spirit and intent of the zoning regulations.



Testifying against the requested relief were Mr. Martinez and Mr. and Mrs. Olarewaju. Mr. Olarewaju indicated that he has lived on the opposite side of Langrehr Road, across the street from the subject property for about 10 years. He did not oppose modernizing the service station, however, he objected to the expansion onto Lots 78 and 79. He believes that property values will be negatively impacted from Petitioner's plan. He also pointed out that the subject property often has trash and litter on the grounds, which sometimes finds its way into the adjoining residential neighborhood, as well as noise and traffic congestion. He believes increasing the overall capacity of the property will result in a like increase in trash, noise and congestion, as well as potential safety issues for traffic entering and exiting the facility to and from busy Liberty Road. Mr. Olarewaju introduced a zoning map of the area, which was marked and accepted into evidence as Protestants' Exhibit 1. It shows the residential and commercial combination of uses on and surrounding Liberty Road. Mr. Martinez lives next door to the subject property and has lived there for about five years. Mr. Martinez also does not oppose modernizing the station, but believes there is a big difference between modernization and expansion. He also believes Petitioner's plan will unfairly encroach into the neighborhood, and into his yard in particular since he lives right next door to Lots 78 and 79 where the convenience store is proposed. Mr. Martinez added that there is a supermarket nearby, thus reducing the need for the proposed convenience store.

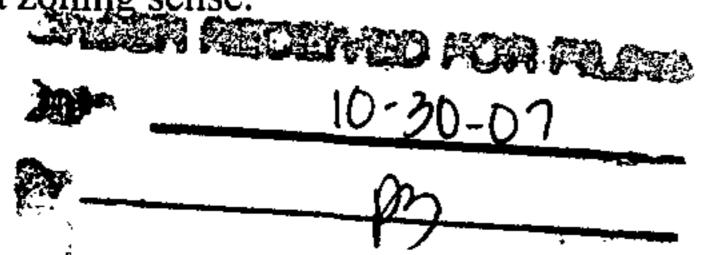
The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comment received from the Office of Planning dated August 24, 2007 indicates that the subject property is located in a Master Plan revitalization area. The retention and expansion of local businesses is a key component of revitalizing Liberty Road. However, an effort must be made to mitigate the impact of commercial expansion on adjacent residential uses. The Planning Office does not oppose the requested variances; however, that Office recommends that a



10 foot wood privacy fence and additional landscaping be provided, including a landscape plan and lighting plan, and provide architectural elevations of the proposed expansion.

In regard to the Special Exception, Petitioner seeks approval to use the subject property for an automotive service station, with a convenience store and car wash as uses in combination pursuant to Sections 405.4.E.1 and 405.4.E.2, respectively, and 405.6.A.3 of the B.C.Z.R., and to expand the station beyond the original confines of the site pursuant to Section 405.6.A.2 of the Considering the testimony and evidence presented, I am persuaded to grant the requested relief. I am certainly mindful of the testimony put forth by Mr. Olarewaju and Mr. Martinez as neighbors immediately adjacent to the subject property, and their concerns over the potential negative impacts of Petitioner's plan to modernize and expand the service station with a new rollover carwash and convenience store. It is very likely that there will be some residual impact where commercial businesses and residential neighborhoods are in such close proximity to one another. The difficulty is in reaching a workable balance between the economic and marketdriven needs of the business with the quality-of-life concerns of the community. In my judgment, the pendulum swings in favor of allowing Petitioner's plan to modernize the 40-plus year old facility with a new facility equipped with the conveniences and amenities customers desire in today's day and age. This is based on the location of the property in the center of a business revitalization area, the support of the business community, the lack of what could be characterized as widespread or substantial opposition to the plan, and the layout of the plan itself as discussed by Mr. Allen.

In regard to the variance requests, based on the testimony of Petitioner and based on the expert testimony of Mr. Allen, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. This makes the property unique in a zoning sense.



I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Finally, I find the variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

In regard to the request for special hearing, I am persuaded to grant this relief in order to formally amend the prior approvals granted in Case Nos. 83-105-X and 88-269-X to allow for the proposed changes in the site layout.

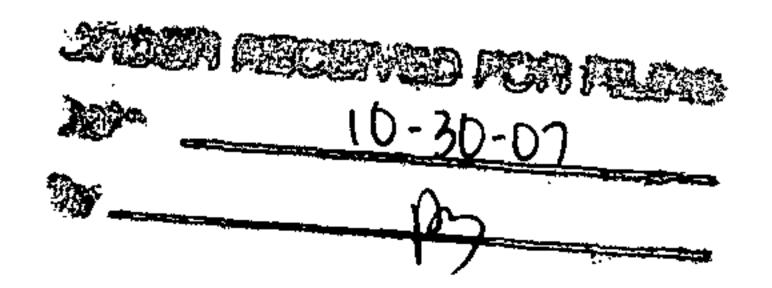
Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered, I find that Petitioner's requests for special exception, special hearing, and variance should be granted with conditions.

THEREFORE, IT IS ORDERED this \_\_\_\_\_\_ day of October, 2007, by the Deputy Zoning Commissioner, that Petitioner's request for Special Exception to use the subject property for an automotive service station with a convenience store and car wash as uses in combination be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the requests for Variance as follows:

- From Sections 238.2 and 102.2 of the B.C.Z.R. to permit a side yard setback of six feet and a rear yard setback of 15.3 feet in lieu of the required 30 feet, and to permit a minimum distance between buildings of 45.3 feet in lieu of the required 60 feet; and
- From Section 419.3.A.1 of the B.C.Z.R. to permit five stacking spaces for the roll-over car wash in lieu of the required nine spaces; and
- From the Baltimore County Landscape Manual to permit a 10 foot landscaping setback in lieu of the required 15 feet.

be and are hereby GRANTED; and



IT IS FURTHER ORDERED that Petitioner's request for Special Hearing pursuant to Section 500.7 of the B.C.Z.R. to approve an amendment to the special exceptions in Case No. 83-105-X and 88-269-X to allow for changes in the site layout be and is hereby GRANTED.

The relief granted herein shall be subject to the following conditions:

- 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 will be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioner shall comply with the recommendations set forth by the Office of Planning, subject to approval by the County's Landscape Architect, Avery Harden, as follows:
  - a) Petitioner shall provide a 10 foot wood privacy fence and additional landscaping (evergreen shrubbery) along the northwest property line, and in particular the property line running behind the proposed convenience store.
  - b) Petitioner shall provide architectural elevations of the proposed expansion. Materials should be consistent with that of the existing structure.
  - c) Petitioner shall provide a landscape plan to show additional trees and shrubs along the street (Liberty and Langrehr Road) frontages of the proposed site.
  - d) Petitioner shall show a lighting plan that will not be detrimental to adjacent residential uses. Lights should be human scale and reflect away from adjacent residential uses.
  - e) Petitioner shall install sidewalks along Liberty Road and Langrehr Road.

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

Deputy Zoning Commissioner for Baltimore County

THB:pz

10 - 30 - 07



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

October 30, 2007

SEBASTIAN CROSS, ESQUIRE GILDEA & SCHMIDT, LLC 600 WASHINGTON AVENUE, SUITE 200 TOWSON, MD 21204

Re: Petitions for Special Hearing, Special Exception and Variance

Case No. 08-061-SPHXA
Property: 8200 Liberty Road

Dear Mr. Cross:

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: Steve Stookey, SMO Inc., PO Box 2810, LaPlata MD 20646
Matthew Allen, Bohler Engineering, 810 Gleneagles Court, #300, Towson MD 21286
Joe Martinez, 3604 Langrehr Road, Baltimore MD 21244
Ebanezer and Zelda Olarewaju, 3607 Langrehr Road, Baltimore MD 21244



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	8200 Liberty Road		
	s presently zoned _	BR-AS	

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

An amendment to the special exceptions in Case No, 83-105-X and 88-269-X to allow for changes in the site layout.

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.

Legal Owner(s):

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:

### SMO Realty, LLC Name - Type or Print Name - Type or Print Signature By: Steve Stookey Signature SMO, Inc, Name - Type or Print Telephone No. Address Zip Code Signature By: Steve Stookey State City 6355 Crain Highway Attorney For Petitioner: Telephone No. Address 20646-4267 MD LaPlata Sebastian A. Cross Zip Code State City Name - Type or Print Representative to be Contacted: Signature Gildea & Schmidt, LLC Gildea & Schmidt, LLC Name Company (410) 821-0070 600 Washington Avenue, Suite 200 (410) 821-0070 600 Washington Avenue, Suite 200 Telephone No. Address Telephone No. Address 21204 MD 21204 MDTowson Towson Zip Code State Zip Code City City State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING \_\_\_\_\_\_ Case No. 08-061 574XA UNAVAILABLE FOR HEARING \_\_\_\_\_ REV 9/15/98



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at: 8200 Liberty Road which is presently zoned: BR-AS

Legal Owner(s):

45.3

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):

- 1. 238.2 and 102.2 of the BCZR, to permit a side yard setback of 6 feet and a rear yard setback of 15.3 feet in lieu of the required 30 feet and to permit a minimum distance between buildings of 50 feet in lieu of the required 60 feet;
- 2. Section 419.3.A.1 to permit five stacking spaces for the roll-over car wash in lieu of the required nine spaces; and
- 3. For such other and further relief as the Zoning Commissoner for Baltimore County may require.

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

To be presented at hearing.

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

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

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

# Contract Purchaser/Lessee:

Attorney For Petitioner:

Sebastian A. Cross

Gildea & Schmidt, LLC

600 Washington Avenue, Suite 200

Name - Type or Frint

Name - Type or Print

Signature

Address

Signature

Company

City

### SMO Realty, LLC Name - Type or Print Signature By: Steve Stockey SMO, Inc, Name - Type or Print Signature By: Steve Stookey 6355 Crain Highway Telephone No. Address 20646-4267 MD LaPlata Zip Code State Representative to be Contacted: Sebastian A. Cross Name (410) 821-0070 600 Washington Avenue, Suite 200 Telephone No. Address 21204 Zip Code

Address	<del></del>	Telephone No.	Address	
Towson	MD	21204	Towson	MD
City	State	Zip Code	City	State
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Case No.	08-06158			
			UNAVAILABLE FOR HE	ARING
REV 9/15/98		Reviewed By	7	ate
	10-30	-07		

Telephone No.

(410) 821-0070

Telephone No.

State

Zip Code

City



22630 Davis Drive, Suite 200 Sterling, VA 20164

PHONE 703.709.9500 FAX 703.709.9501

# DESCRIPTION TO ACCOMPANY SPECIAL EXCEPTION, VARIANCE AND SPECIAL HEARING PETITIONS

SMO, INC, PETITIONER
8200 LIBERTY ROAD
BALTIMORE, MARYLAND 21244
2<sup>ND</sup> ELECTION DISTRICT
4<sup>TH</sup> COUNCILMANIC DISTRICT

Beginning at a point marking the intersection of the northerly right-of-way limits of Liberty Road – MD Rte. 26 (variable width right-of-way) with the westerly right-of-way limits of Langrehr Road (variable width right-of-way), thence with said northerly right-of-way limits of Liberty Road, North 65 degrees - 29 minutes - 42 seconds West, 215.00 feet to a point marking the intersection of the division line between Lot 4, Section A, Lagathia (plat book WHM 9, folio 15) on the west, and Lot 5, Section A, Lagathia (plat book WHM 9, folio 15) on the east, thence with said division line, North 24 degrees - 30 minutes - 18 seconds East, 150.00 feet to a point marking the intersection with the division line between Lot 35, Section A, Lagathia (plat book WHM 9, folio 15) on the north and Lots 5, 6, and 7 of Section A, Lagathia (plat book WHM 9, folio 15) on the south, thence, South 65 degrees -29 minutes - 42 seconds East, 75.00 feet to a point marking the intersection of the division line between lots 35 and 36 on the west, and lots 78 and 79 on the east, thence with said division line, North 24 degrees - 30 minutes - 18 seconds East, 50.00 feet to a point marking the intersection of the division line between Lot 77 on the north and Lot 78 on the south, thence with said division line, South 65 degrees - 29 minutes - 42 seconds East, 150.00 feet to a point marking the intersection of said division line with the westerly rightof-way limits of said Langrehr Road, thence with said right-of-way limits the following three courses and distances, South 24 degrees - 30 minutes - 18 seconds West, 50.00 feet to a point, thence continuing, North 65 degrees - 29 minutes - 42 seconds West, 10.00 feet to a point, thence continuing, South 24 degrees - 30 minutes - 18 seconds West 150.00 feet to the point of beginning.

The site contains 39,750 square feet, or 0.91 acres, more or less.

Known as Lots 5 through 12 and part of Lot 13 and Lots 78 and 79 as shown on the Plat of Section A, Lagathia, which is recorded in the land records of Baltimore County in plat book WHM 9, folio 15.

OTHER OFFICE LOCATIONS:

 Southborough, MA 508.480.9900  Albany, NY 518.438.9900  Purchase, NY 914,251,9800

 Ronkonkoma, NY 631.738.1200 Warren, NJ
 908.668.8300

 Center Valley, PA 610.709.9971

 Chalfont, PA 215.996.9100

 Towson, MD 410.821.7900  Warrenton, VA 540.349.4500  Bowie, MD 301.809.4500  Fort Lauderdale, FL 954.202.7000

### **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: #08-061-SPHXA

8200 Liberty Road

N/west corner of Liberty Road and Langrehr Road 2nd Election District - 4th Councilmanic District

Legal Owner(s): SMO Realty, Inc.

Special Hearing: to approve an amendment to the special exceptions in Case No. 83-105-X and 88-269-X to al. low for changes in the site layout. Special Exception: for an automotive service station with a convenience store and car wash as uses in combination. Variance: to permit a side yard setback of 6 feet and a rear yard setback of 15.3 feet in lieu of the required 30 feet and to permit a minimum distance between buildings of 45.3 feet in lieu of the required 60 feet and to permit five stacking spaces for the roll-over car wash in lieu of the required, nine spaces, 1

Hearing: Friday, October 5, 2007 at 9:00 a.m. in Room 407, County Courts Bullding, 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 Comp. missioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. 9/271 Sept. 20

# CERTIFICATE OF PUBLICATION

9/20
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive-weeks, the first publication appearing
on $\frac{9/20}{2007}$ .
The Jeffersonian  Arbutus Times  Catonsville Times
☐ Towson Times ☐ Owings Mills Times
☐ NE Booster/Reporter ☐ North County News

LEGAL ADVERTISING

Amount Date Acct YELLO BS <u>0</u> Total: Rept Catg Sub Rev Source Co 101 Rev PINK - AGENCY OFFICE OF BUDGET AND FINANCE BALTIMORE COUNTY, MARYLAND स्र Sub Orgn MISCELLANEOUS RECEIPT Orgn JA ( WHITE - CASHIER 200 Agcy DISTRIBUTION From: Fund For: Rec

# CERTIFICATE OF POSTING

·- -	RE: Case No.: 08-06-5PHXA
ميدان دري موان ما الله الله الله الله الله الله الله ا	Petitioner/Developer: SMO
	Date of Hearing/Closing: 10-5-07
more County Department of nits and Development Management nty Office Building, Room 111 West Chesapeake Avenue son, Maryland 21204	
N: Kristen Matthews ((410) 887-33	194}
ies and Gentlemen:	
sign(s) were posted on	9-17-07 (Month, Day, Year)
·	Sincerely,
	(Signature of Sign Poster) (Date)
ZONING NOTICE  CASE # OBOS SPIXA	SSG Robert Black
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD	(Print Name) 1508 Leslie Road
PLACE: "NO BOLLLY FOR . TOWARD 2020"	(Address)
RECUEST: SPECIAL TRANSPORT OF ANY NO. 188 M. 7 X 10  IN SPECIAL EXCEPTIONS OF CHICA AS 63 M. 5 X AND 188 M. 7 X 10  AND HAS CHIMAS IN THE SAIR LAYOUT EMPLOY SHE MAD  AN AUTOMOTIVE SHOULD SHOULD THE A CANTENES SHEET AND  AND CAR WASH AS LOSS IN CONTRIBUTION SHEETING.	Dundalk, Maryland 21222
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THE CONTINUE OF MALE SHAPE AND PROPERTY OF LAW PARTY OF LAW PARTY OF THE PARTY OF T	(410) 282-7940
	(Telephone Number)



JAMES T. SMITH, JR. County Executive

August 27, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

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: 08-061-SPHXA

8200 Liberty Road
N/west corner of Liberty Road and Langrehr Road
2nd Election District – 4th Councilmanic District
Legal Owners: SMO Realty, Inc.

Special Hearing to approve an amendment to the special exceptions in Case No. 83-105-X and 88-269-X to allow for changes in the site layout. Special Exception for an automotive service station with a convenience store and car wash as uses in combination. Variance to permit a side yard setback of 6 feet and a rear yard setback of 15.3 feet in lieu of the required 30 feet and to permit a minimum distance between buildings of 45.3 feet in lieu of the required 60 feet and to permit five stacking spaces for the roll-over car wash in lieu of the required nine spaces.

Hearing: Friday, October 5, 2007 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Sebastian Cross, Gildea & Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204 SMO Realty, LLC, 6355 Crain Highway, LaPlata 20646

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPT. 20, 2007.

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

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 20, 2007 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt

600 Washington Avenue, Ste. 200

Towson, MD 21204

410-821-0070

# **NOTICE OF ZONING HEARING**

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

CASE NUMBER: 08-061-SPHXA

8200 Liberty Road

N/west corner of Liberty Road and Langrehr Road 2<sup>nd</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: SMO Realty, Inc.

Special Hearing to approve an amendment to the special exceptions in Case No. 83-105-X and 88-269-X to allow for changes in the site layout. Special Exception for an automotive service station with a convenience store and car wash as uses in combination. Variance to permit a side yard setback of 6 feet and a rear yard setback of 15.3 feet in lieu of the required 30 feet and to permit a minimum distance between buildings of 45.3 feet in lieu of the required 60 feet and to permit five stacking spaces for the roll-over car wash in lieu of the required nine spaces.

Hearing: Friday, October 5, 2007 at 9:00 a.m. in Room 407, County Courts Building,

494 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

# ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

or Newspaper Advertising:
m Number or Case Number
etitioner: SMO Realty, LLC
Idress or Location: 8200 Liberty Road
EASE FORWARD ADVERTISING BILL TO
ame. Cildea & Schnidt CC
idress 600 Washington Are Svite 200
Tawson Md 21204
lephone Number:



JAMES T. SMITH, JR. County Executive

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

September 26, 2007

Sebastian A. Cross Gildea & Schmidt, LLC 600 Washington Avenue, Suite 200 Towson, MD 21204

Dear Mr. Cross:

RE: Case Number: 08-061-SPHXA, 8200 Liberty Road

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 2, 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 Rillal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

People's Counsel C.

SMO Realty, LLC 6355 Crain Highway LaPlata 20646-4267



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

December 17, 2007

SEBASTIAN CROSS, ESQUIRE GILDEA & SCHMIDT, LLC 600 WASHINGTON AVENUE, SUITE 200 TOWSON, MD 21204

> Re: Petitions for Special Hearing, Special Exception and Variance Order on Motion for Reconsideration Case No. 08-061-SPHXA Property: 8200 Liberty Road

Dear Mr. Cross:

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,

Deputy Zoning Commissioner

for Baltimore County

Enclosure

c: Steve Stookey, SMO Inc., PO Box 2810, LaPlata MD 20646 Matthew Allen, Bohler Engineering, 810 Gleneagles Court, #300, Towson MD 21286 Joe Martinez, 3604 Langrehr Road, Baltimore MD 21244 Ebanezer and Zelda Olarewaju, 3607 Langrehr Road, Baltimore MD 21244

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

**DATE:** August 24, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

8200 Liberty Road

**INFORMATION:** 

**Item Number:** 

8-061

Petitioner:

SMO Realty

Zoning:

BR-AS

Requested Action:

The petitioner requests the following:

- 1. A special hearing to amend the special exception in Case No. 83-105-X 88-269-X to allow for change in the site layout.
- 2. A Special Exception for an automotive service station with a convenience store and car wash as uses in combination.
- 3. Petition for Variance from section 238.2 and 102.2 of the BCZR to permit a side yard setback of 15.3 feet in lieu of the required 30 feet and to permit a minimum distance between buildings of 50 feet in lieu of the required 60 feet.
- 4. Section 419.3 A.1 to permit five stacking spaces for the rollover car wash in lieu of the required nine spaces:
- 5. And for such other and further relief as the Zoning Commissioner for Baltimore County may require.

## SUMMARY OF RECOMMENDATIONS:

The subject property is located in a Master Plan designated revitalization area. The retention and expansion of the local businesses is a key component of revitalizing Liberty Road. However an effort must be made to mitigate the impact of commercial expansion on adjacent residential uses.

The Office of Planning does not oppose the requested variances if the petitioner accomplishes the following recommendations:

 Provide a 10 foot wood privacy fence and additional landscaping (evergreen shrubbery) along the northwest property line.

- Provide architectural elevations of the proposed expansion. Materials should be consistent with that of the existing structures.
- Provide a landscape plan to show additional trees and shrubs along the street (Liberty and Langrehr Rd) frontages of the proposed site.
- Show a lighting plan that will not be detrimental to adjacent residential uses. Lights should be human scale and reflect away from adjacent residential uses.
- Install sidewalks along the Liberty Road and Langrehr Road.

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

Reviewed by:

Division Chief:



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

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

# Maryland Department of Transportation

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

August 16, 2007

RE:

Baltimore County

Item No. 08-61-SPHXA

MD 26 (Liberty Road)

and Langrehr Road

8200-Liberty Road

SMO Gas Station Convenience Store Special Hearing and Special Exception

Variance

Dear Ms. Matthews:

Thank you for the opportunity to review the site plan to accompany petition for special exception, special exception and variance hearing on the subject of the above captioned, which was received on August 14, 2007. It is my understanding that the developer proposes a 3,122 square convenience store with eight (8) refueling islands and a car wash as well as 25 spaces for surface parking on a 0.91 acre site.

We have completed a cursory review of the site plan as well as existing conditions. Access onto the property is served by two full movement entrances onto MD 26 (Liberty Road) as well as one driveway onto Langrehr Road. The field assessment reveals that the existing eastern entrance onto Liberty Road needs to be removed. In furtherance of this comment, we would like to state for the record a concern that allowing the eastern entrance to remain open upon full build of the proposed intensified use may present some operational problems. The potential for vehicle impacts is highly probable when considering the traffic volumes on MD 26 (Liberty Road). Based on our guidelines and requirements we find proposed improvements for the 8200 Liberty Road property acceptable absent the eastern entrance.

In summation, this office requests that the Zoning Reviewer Planner consider our comments as a condition of approval in the matter of Case Number 8-61-SPHXA.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (<a href="mailey@sha.state.md.us">mbailey@sha.state.md.us</a>). Thank you for your attention.

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits

Division

 Ms. Kristen Matthews Page 2

### SDF/MB

Cc: SMO, INC, Owner

Mr. Matthew Allen, Consultant Engineer, Bohler Engineering

Ms. Erin Kuhn, ADE-Traffic, SHA

Mr. David Malkowski, District Engineer, SHA Mr. Michael Pasquariello, Utility Engineer, SHA

## BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** August 15, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 20, 2007

Item Nos. 052, 054, 056, 057, 058, 061, 062, 063, 065, 066, 067, 068, 071, 072,

073, 074, and 075

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-08152007.doc



700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

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

August 14, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 14, 2007

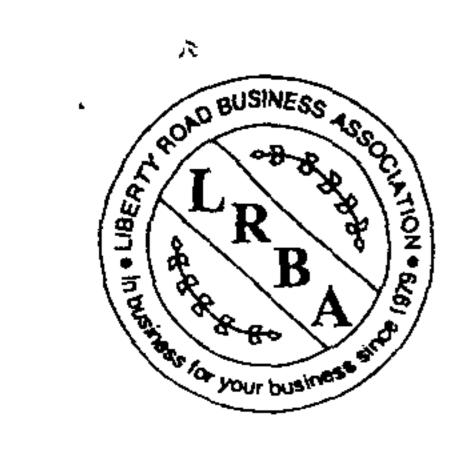
Item Number: Item Number 49 and 052 through 075

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

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

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

cc: File





"In Business For Your Business" P.O. Box 1417 Randalistown Maryland 21133 Tel: 410-655-7766 • Fax: 410-655-7767

October 4, 2007

Thomas H. Bostwick Deputy Zoning Commissioner Office of the Zoning Commissioner - 401 Bosley-Avenue, Suite 405 County Courts Building Towson MD 21204

Re:

SMO Realty, LLC/8200 Liberty Road

Case No.: 08-061-SPHXA

Dear Commissioner Bostwick:

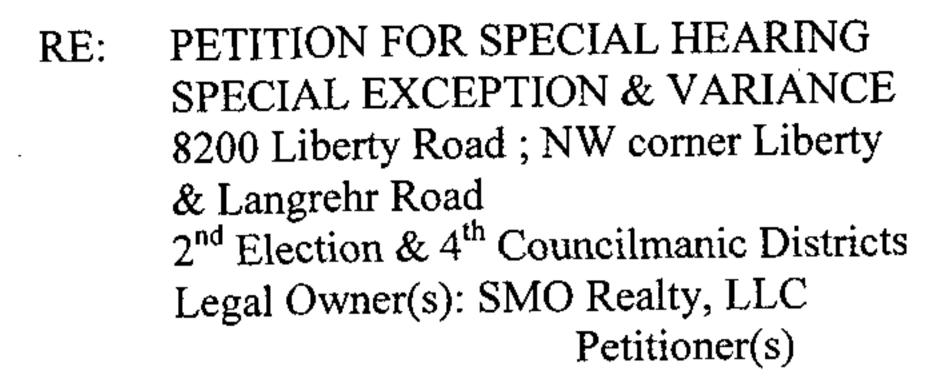
I am writing on behalf of the Liberty Road Business Association in regard to the above referenced development proposal from SMO Realty, LLC for a rehabilitation of their current Shell Service Station at 8200 Liberty Road. We have had an opportunity to meet with representatives from SMO Realty, LLC and viewed their development proposal along with the accompanying site plans and elevations. Upon this review, we have found the improvement proposed for this Shell Service Station would serve as a benefit to our community and as existing in a revitalization zone to Greater Baltimore County.

Therefore, this letter signifies our association's support of this development project and asks that you approve the Petitions for case 08-061-SPHXAas submitted to you. Thank you for your attention to this matter and please feel free to contact me with any further information you may require. As always I am

Charleen Wylie,
Precident

President

E-mail: LRBA@verizon.net Website: LRBAinfo.com



- BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* 08-061-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 16th day of August, 2007, a copy of the foregoing Entry of Appearance was mailed to Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

AUG 1 6 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per....

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CASE NAME_	CASE NUMBER	DATE

# SITIZEN'S SIGN-IN SHEET

E- MAIL	anoduce Comastruct					
STATE,	Baltimere MD 21244 Baltimere MD 21244					
ADDRESS	3609 Longrehr Road 3607 Lastaerre RD					
NAME	EBENEZER OUREWESTA ZELDA DIAREMASA					

# PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 08-061-594XA
DATE

# PETITIONER'S SICK-IN SHEET

E- MAIL											
CITY, STATE, ZIP	704501 MM D 1/10801	~ 40 212PC									
ADDRESS	200 Washinsta A ve	510 6/2 confes Ct S. k 300									
NAME	Sehrs Lian Closs	Then									

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

NW corner of Liberty and Langrehr 2<sup>nd</sup> Election District 4<sup>th</sup> Councilmanic District (8200 Liberty Road)

SMO Realty, LLC

Legal Owner/Petitioner

- \* BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY

\* Case No. 08-061-SPHXA

# ORDER ON PETITIONER'S MOTION FOR RECONSIDERATION

This matter comes before the Zoning Commissioner a Motion for Reconsideration filed by the Petitioner/Owner of the subject property, SMO Realty, LLC, of the decision rendered in the above captioned matter. This Motion for Reconsideration is filed pursuant to Rule 4(k) of Appendix G of the Baltimore County Zoning Regulations ("BCZR") wherein the rules of practice and procedure before the Zoning Commissioner for Baltimore County are provided. Rule 4(k) permits a party to file a Motion for Reconsideration on an Order issued by the Zoning Commissioner. This Motion must be filed within 30 days of the date the Order was issued, and must state with specifity the grounds and reasons for their request.

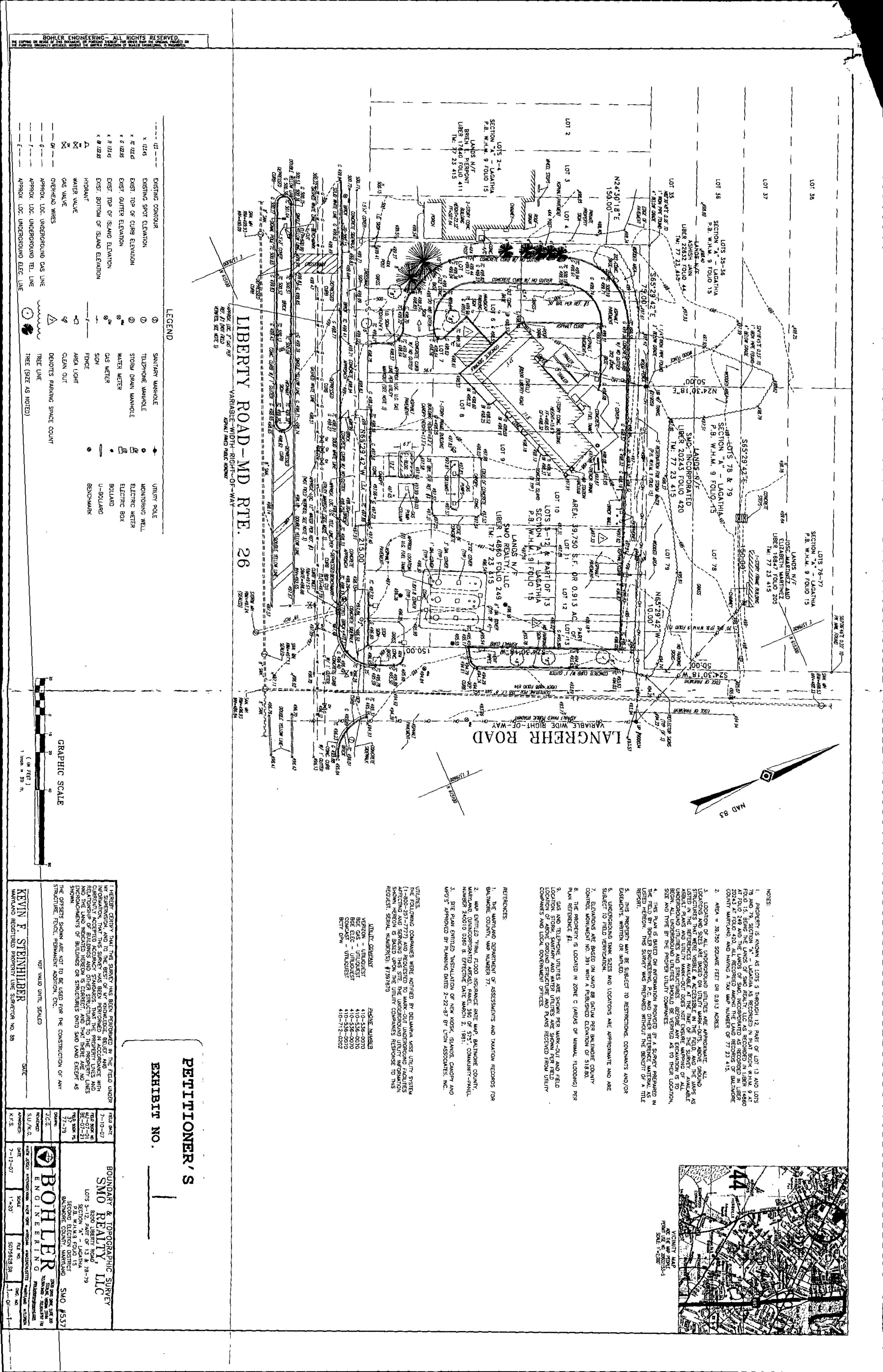
The Motion for Reconsideration filed seeks to amend the decision as it relates to certain aspects of landscaping and screening on site. After the conclusion of the hearing and prior to the issuing of the Zoning Commissioner's Order, Petitioners met with certain members of the community in order to address their concerns expressed at the hearing. As a result they have made modifications to the site plan which have now incorporated a ten foot high decorative fence extending westward off the west boundary of the convenience store terminating at the fencing for the dumpster enclosure and off of the rear of the convenience store perpendicular to Langrehr Road eventually turning 90 degrees parallel to Langrehr Road terminating in the site parking lot.

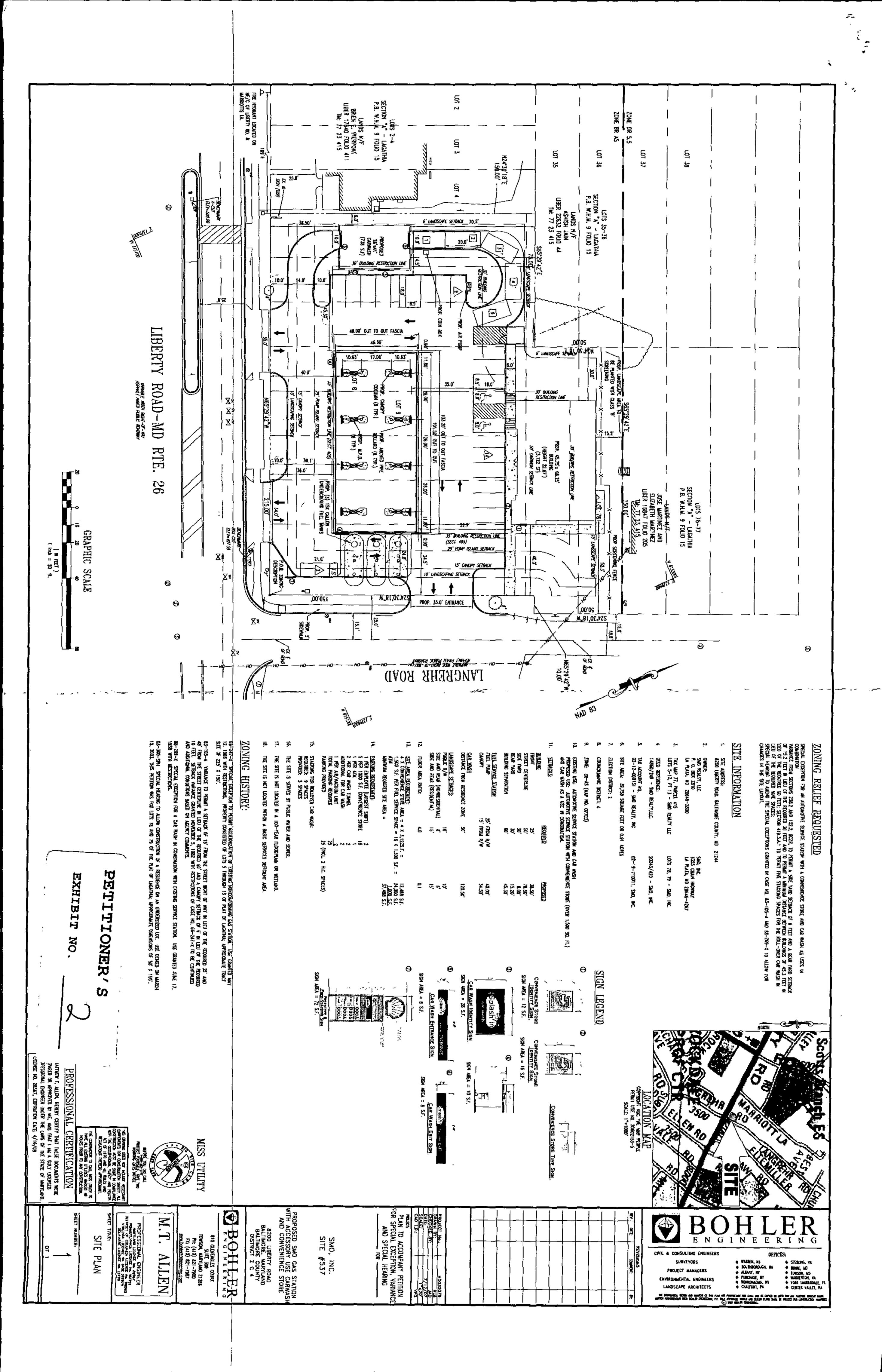
These fences have been established in order to provide more landscaping and screening not only for the neighboring property owner of Joe Martinez but also for Langrehr Road itself.

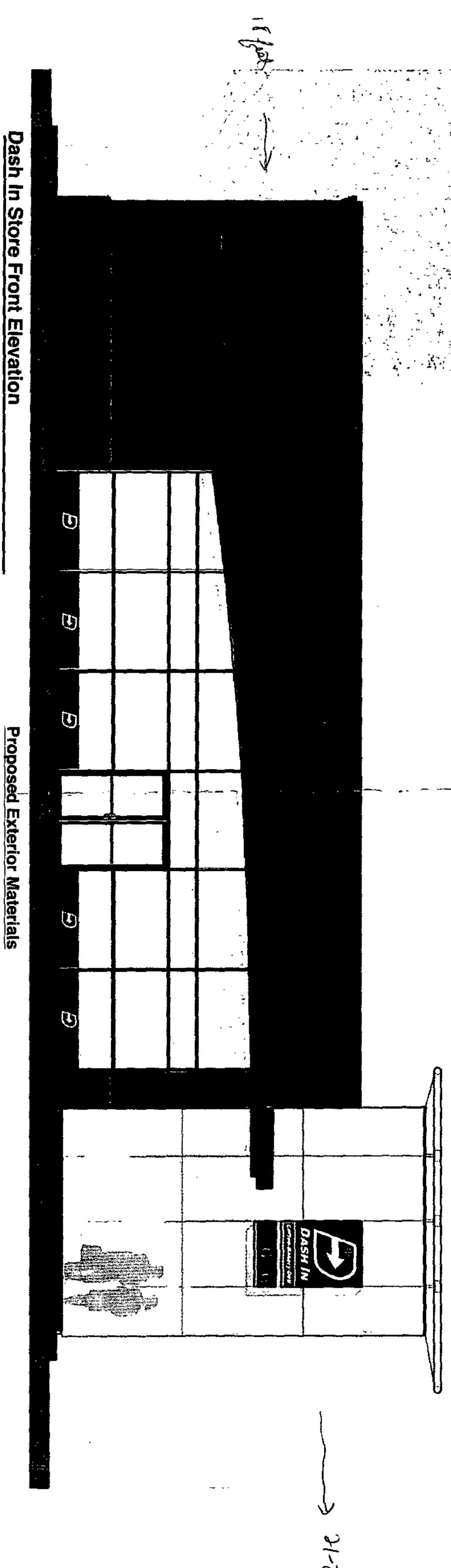
As this amended site plan has been made as a result of concerns expressed by the community, this amended site plan, as submitted, shall establish the landscaping and screening for this site. As such, this Order now amends the Findings of Fact and Conclusions of Law for Case Number 08-061-SPHXA, as to the landscaping and screening to incorporate that demonstrated on this amended landscaping plan.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB/pz







SIN

Brick: Old Virginia Brick, Wakefield Modular Series, Light Red w/ Plain Mortar

Block: Split Face Block, Nitterhouse Block, J92 Rustic Blend, "La Plata Red" 8," X 16" X 12", Call Mark Adams Belair Road Supply Co. 301-843-9393

Metal Panel: Alcan Alucobond (Bone White A2000-D) painted with Benjamin Moore metal grade paint (Shenandoah Taupe / AC-36)

Exterior Metal Grade Paint (window mullions, door frame): Black

Exterior Metal Grade Paint *(canopy)*; Benjamin Moore Chilli Pepper #2004-20 Semi Gloss

Window Glass: 1" Thick Oval Pane Insulated Glass (Manufacturer: Kawneer)

Door Glass: 1 **/4**<sup>n</sup> Thick Tempered Glass (Manufacturer: Kawneer)

1010 wisconsin avenue, suite 405 washington, dc 20007 RE cture | design 202.466.6116 202.466.6235 GEN@COREdc.com © core group, pc 2007



PETITIONER'

EXHIBIT

