

IN RE: **PETITIONS FOR SPECIAL EXCEPTION *
AND VARIANCE**

E/S Old Sulphur Spring Road, 250' N c/line *
Of Sulfur Spring Road
(3828 Washington Boulevard) *
13th Election District
1st Council District *

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

Lorimar Management, LLC, *Legal Owner*; *
American Commercial Fueling, *Contract Lessee*
Petitioner(s) *

Case No. 08-296-XA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owner of the subject property, Lorimar Management, LLC, by Thomas Drescher, managing member, and the Lessee, American Commercial Fueling, by its chief executive officer Rolfe Robertson, through their attorney, Jeffrey H. Scherr, Esquire. The Petitioners request a special exception to use the subject property as a Truck Stop under Section 253.2(A)(13) of the Baltimore County Zoning Regulations (B.C.Z.R.) and a variance from Section 255.1 (pursuant to Section 238.2) of the B.C.Z.R. to permit a side setback of 6' in lieu of the required 30'. The subject property and requested relief are more particularly described on the amended redlined¹ site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 6.

Appearing at the requisite public hearing in support of the request were Thomas Drescher on behalf of the property owner, Lorimar Management, LLC; Alan G. Weaver, P.E. and Rolfe Robertson, managing members of American Commercial Fueling, and Jeffrey H. Scherr, Esquire, attorney for the Petitioners. Additionally, Ken Colbert, a professional engineer with Colbert Matz Rosenfelt, Inc., the consulting firm who prepared the site plan for this property,

¹ The amended plan eliminated the need for a 17' rear yard setback variance in lieu of the 50' required in an M.L. zone.

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Date A-15-08
By [Signature]

was offered and accepted as an expert witness in the areas of civil engineering, site planning, zoning, and the development process in Baltimore County. G. Wesley Guckert, a traffic engineer with the Traffic Group, Inc., was offered and accepted as an expert witness in traffic engineering. The requested approval was not contested and no member of the community, or any representatives of the various County reviewing agencies, appeared or testified at the hearing.

Testimony was offered describing the subject property and proposed use under the Petition for Special Exception by Ken Colbert. Lorimar Management, LLC owns an irregularly shaped tract consisting of three (3) lots of record and containing 3.58 acres in area, located on the east side of Old Sulphur Spring Road northeast of Sulphur Spring Road and Washington Boulevard in Halethorpe. The subject property under consideration is a portion of Lorimar Management's property at the northern tip of the tract and contains 1.001 acres, more or less, zoned M.L. This site is located in generally an industrial area and adjacent to property that is currently occupied by Security Equipment Co., owned by Lorimar Management, LLC. The location of this property and the surrounding areas are more particularly illustrated on the aerial photo (Petitioners' Exhibit 3) and the applicable page of the Street's Guide (Petitioners' Exhibit 2). It was indicated that the right-of-way from Interstate 695 runs along the northeastern boundary; a perpetual drainage ditch and easement runs through the property (legal description for which is Petitioners' Exhibit 7), over which improvements may not be constructed, and requires all improvements be constructed to the side of the property closest to Sulphur Spring Road.

As noted above, the Petitioners desire to use the property entitled "Limit of Special Exception" as shown on Petitioners' Exhibit 6 as a "Truck Stop", which is defined in Section 101 of the B.C.Z.R. to mean:

"A structure or land used or intend to be used *primarily* for the sale of fuel for trucks and, usually, incidental service or repair of trucks; or a group of facilities consisting of such a use and attendant eating, sleeping or truck parking facilities. As used in this definition, the term "trucks" does not include any vehicle whose maximum gross weight is 10,000 pounds or less, as rated by the State Motor Vehicle Administration. [Bill No. 18-1976]"

Unlike a traditional Truck Stop as defined above, Petitioners proposed use of the property is to be used primarily for fueling of local commercial delivery trucks whose maximum gross weight is greater than 10,000 pounds as noted in Section 101. The Truck Stop will be unattended and will be an open 24-hour/7-day per week facility. It will not provide restrooms, eating, sleeping or customer parking facilities, or repair services on the property. The Truck Stop will provide four (4) fuel-dispensing islands, three (3) of which will dispense diesel fuel and one (1) of which will also dispense gasoline. The only other products or services available at this location will be an oil dispensing vending machine and one or more food and drink vending machine(s). American Commercial Fueling has designed its Truck Stop to have a circular one-way entry and exit pattern to facilitate prompt fuel dispensing to customers with limited wait times. The design and traffic circulation of the Truck Stop were demonstrated at the hearing by Mr. Weaver and very similar, if not identical, to the facility approved in Case No. 08-255-X.

The Truck Stop will be controlled and monitored through a system of computers stored in a utility shed and security cameras located on the instant property. Maintenance and cleaning services will be provided to ensure cleanliness of the site. It is also noted that the facility will not be open to the general public. Instead, each commercial customer desiring to use the Truck Stop will be required to enter into a contract with American Commercial Fueling and will be given an electronic identification card which activates the fuel pumps and vending machines. It is anticipated that the primary customers for the station will be the businesses in the commercial and industrial area described above and shown on Petitioners' Exhibit 8.

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Petitioners' engineer, Mr. Colbert, further testified that the Truck Stop will meet or exceed all governmental (State and Federal) safety regulations with respect to the storage and dispensing of fuels and otherwise satisfies the standards set forth in Section 502.1 of the B.C.Z.R. for granting a special exception.

This Commission also received a letter from the Greater Arbutus Community Alliance, Inc. (Petitioners' Exhibit 1), which raised three concerns: 1) whether truck traffic exiting the Truck Stop will use local residential streets to access I-695 and I-95; 2) whether the Truck Stop could become a full Service Truck Stop; and 3) whether there are environmental issues with the fueling supply for the Truck Stop. As stated, no community representative appeared at the hearing, but Mr. Guckert and Mr. Weaver addressed these concerns.

Mr. Guckert testified that no new traffic is created by the trucks using this proposed Truck Stop, rather, all such trucks would be in the neighborhood for deliveries. In addition, based on the Alexandria Drafting Company (ADC) map book, Petitioners' Exhibit 2, Mr. Guckert demonstrated through his testimony that the major surrounding roads of Sulphur Spring Road and Washington Boulevard provide highway access and the trucks would more likely than not use neighborhood streets only when making deliveries in such a manor as trucks would otherwise make whether or not this Truck Stop is approved.

As to the community's second concern, it is clear that the Special Exception sought is for the use described and any further or additional use, assuming the size of the site would accommodate such use, would have to be pursuant to a further public hearing. As to the community's third concern, Mr. Colbert's testimony noted above satisfactorily addressed this concern demonstrating that there would be none.

Section 502.1 of the B.C.Z.R. is clear regarding the standards that must be applied when a Zoning Commissioner considers a special exception. Based upon the testimony and evidence

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presented, the proposed use of the property as a Truck Stop as described above conforms with the commercial and industrial uses of the surrounding properties and as noted above, the Truck Stop will meet or exceed all governmental safety regulations with respect to the underground fuel storage tanks and the dispensing of those fuels. Consequently, such a proposed use: (i) will not be detrimental to the health, safety or general welfare of the Arbutus locality; (ii) will not create congestion in the roads; (iii) will not create a potential hazard from fire or other danger; (iv) will not be detrimental to the environmental and natural resources of the site; (v) will not otherwise interfere with the provision for adequate facilities in the area; and (vi) will not otherwise be inconsistent with the purposes of the property's zoning classification or the spirit and intent of the B.C.Z.R.

Moreover, neither the community nor the agency representatives that have reviewed this proposal submitted any adverse Zoning Advisory Committee (ZAC) comments and do not oppose the Petitioners request. Therefore, I find that the criteria outlined in Section 502.1 of the B.C.Z.R. and the case law set forth in *Shultz v. Pritts*, 291 Md. 1 (1981) as the leading authority have been satisfied and that the requested special exception relief should be granted. Notably, this can be granted without incurring a detrimental impact to adjacent properties or the surrounding locale.

Based on the testimony and evidence offered, I am easily persuaded that the Variance relief should be granted. The character of the surrounding locale is such that the use does not detrimentally impact the health, safety and general welfare of the locale. I am also persuaded that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. Based on the irregular shape of the site and the existence of the drainage ditch that bisects this property, I find that it is different from all other properties in the neighborhood and causes practical difficulty in using the site in the manner proposed. The proposed use is also in strict harmony with the spirit

and intent of the area regulations and the proposed dispenser islands will not face I-695 or have any impact on it.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the Petitions for Special Exception and Variance shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County on this 15th day of April 2008 that the Petition for Special Exception to permit a truck stop, pursuant to Section 253.2(A)(13) of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioners' Exhibit 6, be and is hereby GRANTED; and

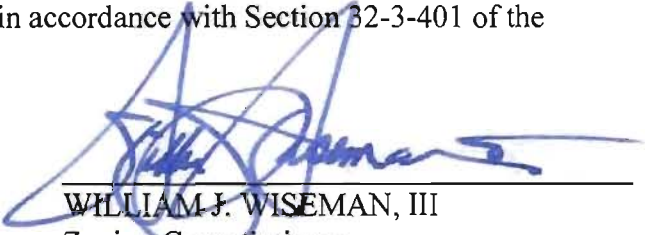
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 255.1 (Section 238.2) of the B.C.Z.R. to permit a side setback of 6' in lieu of the required 30' for a proposed building in an M.L. zone, be and is hereby GRANTED;

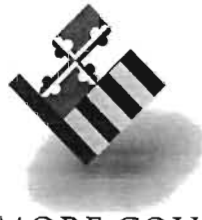
IT IS FURTHER ORDERED, for the reasons stated above, that the portion of the Petition for Variance seeking relief from Sections 255.2 and 243.3 of the B.C.Z.R., to permit a rear setback of 17' in lieu of the required 50', be and is hereby DISMISSED AS MOOT.

IT IS ALSO FURTHER ORDERED, for the reasons stated above, that this decision is subject to the following condition precedent to the relief granted:

The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

April 15, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

Jeffrey H. Scherr, Esquire
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE

E/S Old Sulphur Spring Road, 250' N c/line of Sulfur Spring Road
(3828 Washington Boulevard)

13th Election District - 1st Council District

Lorimar Management, *Legal Owner*; American Commercial Fueling,
Contract Lessee - Petitioner(s)

Case No. 08-296-XA

Dear Mr. Scherr:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

- c: Thomas Drescher, Lorimar Management, LLC, 3828 Washington Boulevard, Baltimore, MD 21227
Rolfe Robertson & Alan G. Weaver, P.E., American Commercial Fueling, 23 East Eager Street,
Suite 100, Baltimore, MD 21202
Kenneth J. Colbert, P.E., Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G,
Baltimore, MD 21209
G. Wesley Guckert, The Traffic Group, Inc., 9900 Franklin Square Drive, Suite H,
Baltimore, MD 21236
People's Counsel; File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at: 3828 Washington Boulevard

which is presently zoned ML

Deed Reference Tax Account # 1700001900

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 of hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

To permit a truck stop in an ML zone under Section 253.2 (A) (13)

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.

Contract Purchaser/Lessee:

Rolfe Robertson American Commercial Fueling

Name - Type or Print

Signature

23 East Eager Street, Suite 100

410-522-2210

Address.

Telephone No.

Baltimore

Md. 21202

City

State Zip Code

Attorney For Petitioner:

Jeffrey Scherr, Esq.

Name - Type or Print

Signature

Kramon & Graham, P.A.

Company

One South Street, Suite 2600

410-752-6030

Address

Telephone No.

Baltimore

Md. 21202

City

State Zip Code

Legal Owner(s):

Thomas Drescher, Owner, Lorimar Management LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

3828 Washington Blvd

410-247-9600

Address.

Telephone No.

Baltimore

Md. 21227

City

State Zip Code

Representative to be Contacted:

Kenneth J. Colbert, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

Case No. 08-296-XA

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 1/9/08

ORDER RECEIVED FOR FILING

Date _____

By _____



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 3828 Washington Blvd

which is presently zoned ML

Deed Reference 14800/680 Tax Account # 1700001900

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 of thereof, 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)

Reasons to be presented at the hearing.

Property 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:

Rolfe Robertson, American Commercial Fueling

Name - Type or Print

Signature

23 East Eager Street, Suite 100

410-522-2210

Address.

Telephone No.

Baltimore

MD 21202

City

State Zip Code

Attorney For Petitioner:

Jeffrey Scherr, Esq.

Name - Type or Print

Signature

Kramon & Graham, P.A.

Company

One South Street, Suite 2600

410-752-6030

Address

Telephone No.

Baltimore

MD 21202

City

State Zip Code

Legal Owner(s):

Thomas Drescher, Owner, Lorimar Management, LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

3828 Washington Blvd

410-247-9600

Address.

Telephone No.

Baltimore

MD 21227

City

State Zip Code

Representative to be Contacted:

Kenneth J. Colbert, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

Case No. 08-296-XA

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 7/9/08

ORDER RECEIVED FOR FILING

Date 4-15-08

By 120

Attachment for the Petition for Variance for 3828 Washington Boulevard

To permit a side setback of 6' in lieu of 30' required in an ML zone, not within 100' of an Interstate Highway, as per Section 255.1, and Section 238.2 of the BCZR and

To permit a rear setback of 17' in lieu of 50' required in an ML zone, within 100' of an Interstate Highway, as per Section 255.2 and 243.3 of the BCZR.

2

Amended -
not needed
Ted Line submitted

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 3828 WASHINGTON BOULEVARD

Beginning at a point on the east side of Old Sulphur Spring Road, which is of varying width, at a distance of 250 feet, more or less, north of the centerline of Sulphur Spring Road, which is 80 feet wide, thence the following courses and distances:

Northerly 186 ft.;
Easterly 62 ft.;
Northeasterly 125 ft.;
Northeasterly 25 ft.;
Southeasterly 165 ft.;
S 46°W, 164 ft.;
N 83°W, 90 ft.;
S 50°W, 75 ft.;
Northeasterly 14 ft.; thence
Southwesterly 34 ft. to the Point of Beginning



Containing 1.0 acre of land, more or less, and being a portion of parcels 492 and 135, which are recorded in Deed Liber 14800, folio 680. Also known as #3828 Washington Boulevard and located in the 13th Election District, 1st Councilmanic District.

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: #08-296-XA

3828 Washington Boulevard

E/side of Old Sulphur Spring Road, 250 ft. N of c/line of Sulphur Spring Road

13th Election District - 1st Councilmanic District

Legal Owner(s): Thomas Drescher, Lorimar Management

Contract Purchaser: Rolfe Robertson

Special Exception: to permit a truck stop in an ML zone under Section 253.2(A)(13). **Variance:** to permit a side setback of 6 feet in lieu of 30 feet required in an ML zone, not within 100 feet of an Interstate Highway and to permit a rear setback of 17 feet in lieu of 50 feet required in an ML zone, within 100 feet of an Interstate Highway.

Hearing: Friday, March 21, 2008 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

3/016 Mar. 6

165771

CERTIFICATE OF PUBLICATION

3/6/, 2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/6/, 2008.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **09724**

Date: **1/9/08**

PAID RECEIPT

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			0150				580.00
								225.00

Total: **705.00**

Rec

From: **CONBERT MATZ ROSENFELT INC.**

For:

ITEM # 296 08-296-KA
3838 WASHINGTON BLVD

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

BUSINESS ACTUAL TIME DM
 1/1/2000 1/19/2000 15:12:26 Y
 REC 003 WASH DC FOR REP
 RECEIPT 8 325000 1/19/2000 OFFI
 Dept 5 508 ZONING VERIFICATION
 009724
 Recpt Tot 705.00
 705.00 00 4.00 CA
 Baltimore County, Maryland

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 03/5/08

Case Number: 08-296-XA

Petitioner / Developer: JEFFREY SCHERR, ESQ. KRAMON & GRAHAM
THOMAS DRESCHER, LORIMAR MANAGEMENT~ ROLFE ROBERTSON~
KENNETH COLBERT, OF COLBERT, MATZ & ROSENFELT INC.

Date of Hearing (Closing): MARCH 21, 2008

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
3828 WASHINGTON BOULEVARD

The sign(s) were posted on: 03/01/08



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 08-296-XA
Petitioner: AMERICAN COMMERCIAL FUELING
Address or Location: 3828 WASHINGTON BLVD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. ROLFE ROBERTSON
Address: AMERICAN COMMERCIAL FUELING
23 E. EAGER ST., SUITE 100
BALTO. MD 21202
Telephone Number: 410-522-2210



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

February 20, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

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: 08-296-XA

3828 Washington Boulevard

E/side of Old Sulphur Spring Road, 250 ft. N of c/line of Sulphur Spring Road

13th Election District – 1st Councilmanic District

Legal Owners: Thomas Drescher, Lorimar Management

Contract Purchaser: Rolfe Robertson

Special Exception to permit a truck stop in an ML zone under Section 253.2(A)(13). Variance to permit a side setback of 6 feet in lieu of 30 feet required in an ML zone, not within 100 feet of an Interstate Highway and to permit a rear setback of 17 feet in lieu of 50 feet required in an ML zone, within 100 feet of an Interstate Highway.

Hearing: Friday, March 21, 2008 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Jeffrey Scherr, Kramon & Graham, One South Street, Ste. 260, Baltimore 21202
Thomas Drescher, Lorimar Management, 3828 Washington Blvd., Baltimore 21227
Rolfe Robertson, 23 East Eager Street, Ste. 100, Baltimore 21202
Kenneth Colbert, 2835 Smith Avenue, Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MARCH 6, 2008.**
- (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, March 6, 2008 Issue - Jeffersonian

Please forward billing to:

Rolfe Robertson
23 East Eager Street, Ste. 100
Baltimore, MD 21202

410-522-2210

NOTICE OF ZONING HEARING

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CASE NUMBER: 08-296-XA

3828 Washington Boulevard

E/side of Old Sulphur Spring Road, 250 ft. N of c/line of Sulphur Spring Road

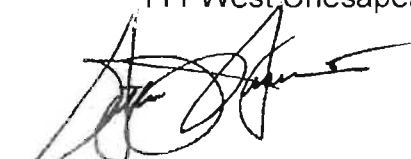
13th Election District – 1st Councilmanic District

Legal Owners: Thomas Drescher, Lorimar Management

Contract Purchaser: Rolfe Robertson

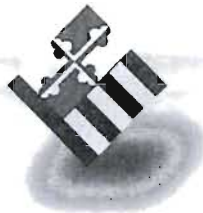
Special Exception to permit a truck stop in an ML zone under Section 253.2(A)(13). Variance to permit a side setback of 6 feet in lieu of 30 feet required in an ML zone, not within 100 feet of an Interstate Highway and to permit a rear setback of 17 feet in lieu of 50 feet required in an ML zone, within 100 feet of an Interstate Highway.

Hearing: Friday, March 21, 2008 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

March 13, 2008

Jeffrey Scherr, Esquire
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, MD 21202

Dear Mr. Scherr:

RE: Case Number: 08-296-XA, 3828 Washington Boulevard

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 9, 2008. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Thomas Drescher, Owner Lorimar Management LLC 3828 Washington Blvd Baltimore 21227
Rolfe Robertson American Commercial Fueling 23 East Eager Street, Suite 100 Baltimore 21202
Kenneth J. Colbert, P.E. Colbert Matz Rosenfelt, Inc 2835 Smith Avenue, Suite G Baltimore 21209



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

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

Maryland Department of Transportation

Date: JAN. 15, 2008

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

RE: Baltimore County
Item No. 8-296-XA
3828 WASHINGTON BLVD.
LORIMAR MANAGEMENT, LLC
SPECIAL EXCEPTION
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-296-XA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Foster

Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 7, 2008

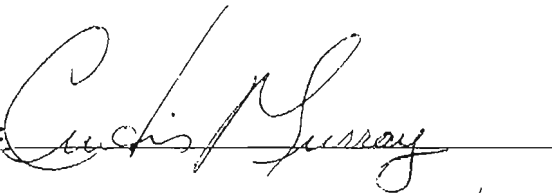
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-296- Special Exception**

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

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

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 15, 2008

FROM: ^{DM}Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 21, 2008
Item Nos. ~~08~~ 288, 289, 290, 291, 293,
294, 295, 296, and 297

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-01152008.doc

BW 3/42 10am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JAN 15 2008

BY: _____

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: January 15, 2008

SUBJECT: Zoning Item # 08-296-XA
Address 3828 Washington Boulevard
(American Commercial Fueling)

Zoning Advisory Committee Meeting of January 14, 2008

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

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

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

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

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

Additional Comments:

Reviewer: John Russo

Date: 1/15/08

BALTIMORE COUNTY, MARYLAND

Interoffice Memorandum

DATE: January 9, 2008

TO: Zoning Commissioner & File

FROM: Donna Thompson, Planner II
Zoning Review

SUBJECT: Petition for Special Exception and Variance
08-296-XA
3828 Washington Boulevard

The above petitions were taken in for a "truck stop". As shown on the plan, the special exception boundary goes through parking spaces marked as "parking for security equipment employee passenger vehicles". Zoning Review believes that the special exception area should include entire parking spaces as shown in the parking calculations for the site plan submitted with the petitions. The engineer for this project, Kenneth J. Colbert with Colbert Matz Rosenfelt, Inc. has explained to me that the owner wanted to follow lease lines.

DT

Cc: Kenneth J. Colbert, Colbert Matz Rosenfelt, Inc.

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE
3828 Washington Boulevard; E/S Old Sulphur * ZONING COMMISSIONER
Spring Road, 250' N c/line Sulpher Spring Rd
13th Election & 1st Councilmanic Districts * FOR
Legal Owner(s): Lorimar Management LLC
Contract Purchaser(s): American Commercial * BALTIMORE COUNTY
Fueling, by Rolfe Robertson
Petitioner(s) * 08-296-XA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of January, 2008, a copy of the foregoing Entry of Appearance was mailed Kenneth Colbert, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Jeffrey Scherr, Esquire, Kramon & Graham, P.A. One South Street, Suite 2600, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

JAN 22 2008

Per _____

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Lochearn Improvement Association, Inc.

3810 Lochearn Drive
Baltimore, Maryland 21207
410-298-0518

April 6, 2008

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

RECEIVED
APR 09 2008

BY:.....

In regards to: 3815 Lochearn Drive-Goldfadim Property
Administrative Approval of Undersized Lot
Formal Demand For Hearing

Dear Mr. Wiseman,

The Lochearn Improvement Association, Inc. is a community association that is composed of 665 homes in northwest Baltimore County. Our bounties are Liberty Road on the North; Laurel Drive on the South; Oak Avenue on the East and Arbutus Drive and Campfield Roads on the West. These bounties are composed of nine streets and twenty-five blocks which include the 3800 block of Lochearn Drive.

There are seventeen homes in the 3800 block of Lochearn Drive of which fifteen are members of the Lochearn Improvement Association. Nine of these members asked the Association to request a hearing on their behalf. All of the members' homes are within one thousand feet of 3815 Lochearn Drive.

Sincerely,



Christine Cypress, President Lochearn Improvement Association, Inc.

3/26

Bill Wiseman - Case 08-296-XA

From: Patricia Zook
To: gaca@bcpl.net
Date: 03/04/08 11:18 AM
Subject: Case 08-296-XA
CC: Wiley, Debra; Wiseman, Bill

Hello -

This is in response to correspondence dated March 3, 2008 that we received from Paula Wolf, President, The Greater Arbutus Community Alliance, Inc. The subject case is actually scheduled for a hearing on Friday, March 21, 2008 at 11:00 am, not tomorrow as referenced in your letter. We will forward your comments to the Petitioner's attorney. The case description is listed below for your reference.

CASE NUMBER: 8-296-XA

3828 Washington Boulevard

Location: E side Old Sulphur Spring Road, 250 feet N of c/a Sulphur Spring Road.

13th Election District, 1st Councilmanic District

Legal Owner: Thomas Drescher, Owner, Lorimar Management LLC

Contract Purchaser: Rolfe Robertson, American Commercial Fueling

SPECIAL EXCEPTION To permit a truck stop in an ML zone under Section 253.2 (A) (13).

VARIANCE To permit a side setback of 6 feet in lieu of 30 feet required in an ML zone, not within 100 feet of an Interstate Highway and to permit a rear setback of 17 feet in lieu of 50 feet required in an ML zone, within 100 feet of an Interstate Highway.

Hearing: Friday, 3/21/2008 at 11:00:00 AM, County Office Building, 111 West Chesapeake Avenue, Room 106, Towson

Patti Zook
Baltimore County
Office of the Zoning Commissioner
County Courts Building
401 Bosley Avenue, Room 405
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

*Per Patti -
email came same day
as undeliverable*

CASE NAME _____
CASE NUMBER 08-296-XA
DATE 3-21-08

CASE NAME _____
CASE NUMBER 08-296-XA
DATE 3-21-08

[illegible]

Fuel station would not be truck stop

BY MARCIA AMES

The last thing the intersection of Washington Boulevard and Sulphur Spring Road in Arbutus needs is a new truck stop.

So went the initial community reaction to American Commercial Fueling's plan to install fuel pumps at 3828 Washington Blvd., with access by way of Sulphur Spring Road.

During the week, a steady stream of vehicles lines up on Sulphur Spring Road waiting for the traffic signal to grant access to Washington Boulevard and access to the Baltimore Beltway.

"So the big concern is, are tractor trailers going to do the same thing?" said Lorna Rudnikas, president of the Greater Bloomfield Community Association.

Residents of her community, which is just west of Washington Boulevard and north of Lansdowne Road, use the busy intersection on a regular basis, she said.

Project manager Kenneth Colbert addressed some community concerns during an informal meeting March 19 with a few community leaders, including Joseph Kinsey, former president of the Halethorpe Improvement Association. Kinsey was unavailable for comment.

Neither Rudnikas nor Craig Rankin, president of the Lansdowne Improvement Association, were able to attend the meeting.

Colbert explained that American Commercial Fueling serves large box trucks, not the 18-wheelers that serve as a de facto road block when they attempt to turn left in busy traffic.

And while county zoning regulations lump truck fueling stations into the "truck stop" category which includes other services such as restaurants and sleeping facilities, Colbert says his client deals strictly in fuel service.

His plan for the installation shows four, canopied fuel-dispenser islands, eight parking spaces, a grouping of three underground storage tanks

for fuel and a 120-square-foot equipment building.

Although the site's design will allow larger trucks to enter and use the facility, American Commercial Fueling typically contracts with companies having box trucks for short-distance delivery, Colbert said.

"They do not typically cater to the tractor trailer crowd," he said. "They do not look for the over-the-road trucker that is going from Baltimore to California."

The service also is not open to the public. Each customer must have a contract with the company and use an electronic identification card to operate the fuel pumps and vending machines.

"Sometimes they may have a vending machine for sodas, but they don't want people to stay there," Colbert said of the company's operating plan. "Go get your fuel and leave."

Founded in 2005, American Commercial Fueling has a site on Boston Street and likely will add two or three fuel stops, in Baltimore and in the north and west areas of the county, he said.

The plan received no public opposition during its March 21 zoning hearing, Colbert noted.

A county zoning decision required to allow the installation was pending March 28.

Truck stops are allowed in a manufacturing zone, but only with approval from the zoning commissioner or his deputy.

Also pending was zoning relief to allow a side yard of 6 feet instead of the 30 feet required for the installation, as well as a rear yard 17 feet deep instead of the 50 feet required.

The Baltimore County's Development Review Committee decided March 24 to grant the plan a limited exemption from the full development review process.

"They are exempt from the Community Input Meeting and the Hearing Officer's Hearing," said Colleen Kelly, a project manager with the county's Department of Permits and Development Management, referring to steps in the full development review process that allow for public comment.

No timeline was available, Colbert said.

E-mail Marcia Ames at mames@patuxent.com.

APR. 13, 2008 Jeffersonian

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 2,****Section 253, Manufacturing, Light (M.L.) Zone Use Regulations [Bill No. 100-1970]**

4. Industrial medical clinics.
5. Employees' recreation facilities.
6. Excavations, uncontrolled.
7. Parking spaces (see Section 409).
8. Signs (see Section 450). [Bill No. 89-1997]

G. Hotels and motels when within an M.L. Zone which is part of a contiguous area of 25 acres or more of industrial zoning, and provided that the combined tract areas developed for such uses do not occupy more than 25% of the particular contiguous area of industrial zoning in which they are located. [Bill No. 82-1984]

253.2 Uses permitted by special exception. The uses listed in this subsection are permitted by special exception only (see Section 502).

A. The following industrial, quasi-industrial, transportation, storage or quasi-public uses or utilities: ^{EN}

1. Airstrips or airports, where it is shown that such use will serve primarily the industrial uses in the same area.
2. Airports, general aviation, if located in accordance with the Master Plan.
3. Excavations, controlled, involving the use of explosives (see Section 403).
4. Moving and storage establishments. [Bill No. 18-1976]
5. Sanitary or rubble landfills (see Section 412). [Bill No. 97-1987]
6. Storage, warehousing or distribution not permitted as of right.
7. Sludge disposal facility - co-landfilling (see Section 412A.2.A). [Bill No. 46-1982]

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 2,****Section 253, Manufacturing, Light (M.L.) Zone Use Regulations [Bill No. 100-1970]**

8. Sludge disposal facility - composting (see Section 412A.2.B). [Bill No. 46-1982]
9. Sludge disposal facility - handling in general (see Section 412A.2.C). [Bill No. 46-1982]
10. Sludge disposal facility - incineration (see Section 412A.2.D). [Bill No. 46-1982]
11. Sludge disposal facility - landspreading (see Section 412A.2.E). [Bill No. 46-1982]
12. Trucking facilities (see Sections 410 and 410A). [Bill No. 18-1976]
13. Truck stops. [Bill No. 18-1976 ^{EN}]
14. Utilities not permitted under the provisions of Section 253.1.

B. The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area: [Bill No. 172-1993] ^{EN}

1. Automotive-service stations, subject, further, to the provisions of Section 405.
2. Car washes, subject, further, to the provisions of Section 419.
3. Garages, service, including establishments for the service or repair of trucks, of truck trailers or of freight-shipping containers designed to be mounted on chassis for part or all of their transport. [Bill No. 218-1980]
4. Union halls or other places of assembly for employment-related activities.

C. The following interim uses, provided that it is shown by the petitioner and verified by the Director of Public Works that public sewerage and water supply facilities will not be available to the site of any such use for a period of at least two years after the time the petition is heard, and provided, further, that any such use shall be discontinued and the grant of the special exception shall expire on a date within a year after such time as public sewerage and water supply facilities do become available to the site, as shall be more particularly stipulated in the order granting the special exception. [Bill No. 21-1996] ^{EN}

1. Amusement parks.
2. Farms or limited-acreage wholesale flower farms.

Case No.: 08-296-XA 3828 WASHINGTON BLVD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Greater Ashburton Community Alliance Inc.	
No. 2	Aerial MAP	
No. 3	Close up of Area	
No. 4	TRAFFIC GROUP Statistics of Road use	
No. 5	SITE PLAN	
No. 6	RED LINE PLAN	
No. 7	EASEMENT WITH SHA - drainage Ditch	
No. 8	COLORIZED ZONING EXHIBIT.	
No. 9		
No. 10		
No. 11		
No. 12		

THE DEED. Made this 28TH day of OCTOBER, in the year 1974, by and between the STATE

HIGHWAY ADMINISTRATION of the DEPARTMENT OF TRANSPORTATION, acting for and on behalf of the STATE OF MARYLAND, party of the first part; hereinafter sometimes called the "GRANTOR"; and

✓ William G. Schmelyun

EC 26-74 245707# ***20020
EC 26-74 245707CB ***17820
EC 26-74 245705C ***22.00

hereinafter sometimes called the "GRANTEE(S)".

WHEREAS, the State Highway Administration of the Department of Transportation, acting for and on behalf of the State of Maryland, has heretofore acquired certain property and rights, situate lying and being in Baltimore County(ies), State of Maryland, and

WHEREAS, the said Grantor has constructed, or is about to construct (a) certain State Highway(s) and/or Bridge(s) known and designated as

Project B 635-11-420 (Baltimore County Beltway - South of Wilkens Ave. to Patapsco River)

and,

WHEREAS, the said Grantor has prepared, or caused to be prepared, (a) Right of Way Plat(s) designated as State Highway Administration's Plat(s) numbered

43427 (revised 11/20/72)

which Plat(s) has (have) been recorded among the Land Records of the aforesaid County(ies) in the appropriate Plat Book, and

WHEREAS, the said Plat(s) show(s) the land, easements, rights and controls of access which have been determined by the said State Highway Administration as necessary to be retained by the State for the construction, operation, maintenance, use and protection of the highway(s) and/or bridge(s) constructed, or to be constructed, as aforesaid, and

WHEREAS, the State Highway Administration has agreed, for good and valuable considerations, to convey unto the "GRANTEE(S)" herein, certain land, hereinafter described, which the Grantor has determined to no longer need by it in connection with the construction, operation, maintenance, use and protection of the State Highway System, and

WHEREAS, under the provisions of Section 6, Article 97B of the Annotated Code of Maryland as amended, it is necessary for the State Highway Administrator - Chairman, State Roads Commission only to execute the deed conveying this property.

NOW, THEREFORE, THIS DEED WITNESSETH: That for and in consideration of the sum of One (\$1.00) Dollar, and other good and valuable considerations, the receipt of which is hereby acknowledged, the said party of the first part does hereby grant, convey and quit claim unto

William G. Schmelyun, his heirs and assigns,

all right title and interest of the State Highway Administration and the State of Maryland, in and to all of the following described lot(s) or parcel(s) of land, situate, lying and being in Baltimore County(ies), State of Maryland, and described as follows:

to wit:-

~~RECORDED~~

12-26-74
TRANSFER TAX NOT REQUIRED
William F. Laudman
Acting Director of Finance
Per: Gene C. Porter
Authorized Signature
6-12-A

PETITIONER'S

EXHIBIT NO. 7

STATE ROADS COMMISSION OF MARYLAND
TO
WILLIAM G. SCHMELYUN

Right of Way Project: B-635-11-420
Project: Baltimore County Beltway
South of Wilkens Avenue to
Patapsco River.
Item No.: 35903-A

.....
PARCEL NO. 1.

BEGINNING for the same at a point in the southwesternmost right of way line and right of way line of through highway of the Baltimore Beltway leading from Hollins Ferry Road to Southwestern Blvd., said point of beginning being the intersection of the aforementioned southwesternmost right of way line and right of way line of through highway (Baltimore Beltway) and the northwesternmost right of way line and right of way line of through highway of the connection between Relocated Washington Blvd. and the Baltimore Beltway,

SAID POINT OF BEGINNING being situated 201 feet measured at right angles to the left of station 114+84 $\pm$ of the base line of right of way (Baltimore Beltway) as said base line of right of way is delineated on the State Highway Administration-State Roads Commission of Maryland's Plat numbered 43427 (revised 11/20/72), attached hereto and made a part hereof; running thence and binding along the aforesaid northwesternmost right of way line and right of way line of through highway of the connection between relocated Washington Blvd. and the Baltimore Beltway, in a southwesterly direction 158 feet $\pm$ to intersect the right of way line and existing right of way line of relocated Washington Blvd., running thence and binding thereon and continuing in a southwesterly direction 48 feet $\pm$, to intersect a line of division previously established as a right of way line and right of way line of through highway, said line of division being more particularly defined on State Roads Commission of Maryland's plat numbered 18353 (revised 2/7/56), recorded May 11, 1961, among the land records of Baltimore County, running thence and binding thereon the following five (5) directions and distances, viz.: in a northwesterly direction 112 feet $\pm$, thence continuing in a northwesterly direction 65 feet $\pm$, thence in a northerly direction 65 feet $\pm$, thence continuing in a northerly direction 71 feet $\pm$, thence in a northeasterly direction 64 feet $\pm$ to intersect the aforementioned southwesternmost right of way line and right of way line of through highway of the Baltimore Beltway, running thence and binding thereon in a southeasterly direction 247 feet $\pm$ to the place of beginning.

CONTAINING 0.96 acres $\pm$, and being designated as parcel 1 on the State Highway Administration-State Roads Commission of Maryland's plat numbered 43427 (revised 11/20/72), attached hereto and made a part hereof.

BEING PART OF THE LAND which was acquired from Caton Corporation through condemnation proceedings by the State of Maryland to the use of the State Roads Commission of Maryland in No. 592 law in the Circuit Court of Baltimore County.

THE ABOVE DESCRIBED PARCEL OF LAND being subject to the Perpetual Easement for Drainage Ditch of the State Highway Administration-State Roads Commission of Maryland, shown cross hatched thus:  on the State Highway Administration-State Roads Commission of Maryland's Plat numbered 43427 (revised 11/20/72), attached hereto and made a part hereof.

THE ABOVE DESCRIBED PARCEL of land being subject to the Denial of Access Provisions of the State Highway Administration-State Roads Commission of Maryland as indicated on the State Highway Administration-State Roads Commission of Maryland's plat numbered 43427 (revised 11/20/72); attached hereto and made a part hereof.

Right of Way Project No.: B-635-11-420

Project: Baltimore County Beltway -
South of Wilkens Ave. to
Patapsco River.

Item No.: 35903

.....
PARCEL NO. 2

BEGINNING for the same at a point in the easterly right of way line of re-located Sulphur Spring Rd. leading from Washington Blvd. to the Baltimore Beltway, said point of beginning being the intersection of the aforementioned easterly right of way line (Holoc. Sulphur Spring Rd.) and a line of division previously established as a right of way line and right of way line of through highway, said line of division being more particularly defined on State Roads Commission of Maryland's plat numbered 18353 (revised 2/7/56) recorded May 11, 1961, among the land records of Baltimore County,

SAID POINT OF BEGINNING being situated 40 feet measured at right angles to the right of Station 8+87 $\pm$ of the base line of right of way (relocated Sulphur Spring Rd.) as said base line of right of way is delineated on the State Highway Administration-State Roads Commission of Maryland's plat numbered 43427 (revised 11/20/72), attached hereto and made a part hereof; running thence and binding along the aforesaid line of division the following three (3) directions and distances, viz.: in an easterly direction 62 feet $\pm$, thence in a northeasterly direction 125 feet $\pm$, thence continuing in a northeasterly direction 25 feet $\pm$ to intersect the southwesternmost right of way line and right of way line of through highway of the Baltimore Beltway, running thence and binding thereon in a southeasterly direction 132 feet $\pm$ to intersect a line of division previously established as a right of way line and right of way line of through highway, said line of division being more particularly defined on the State Roads Commission of Maryland's plats numbered 18353 (revised 2/7/56) and 18354 (revised 6/15/56) recorded May 11, 1961, among the land records of Baltimore County; running thence and binding thereon in a southwesterly direction 305 feet $\pm$ to intersect the aforementioned easterly right of way line of Relocated Sulphur Spring Rd., running thence and binding thereon the three (3) following directions and distances, viz.: in a northwesterly direction 30 feet $\pm$, thence in a southwesterly direction 34 feet $\pm$, thence in a northerly direction 186 feet $\pm$ to the place of beginning.

CONTAINING 0.85 acres $\pm$ and being designated as parcel 2 on the State Highway Administration, State Roads Commission of Maryland's plat numbered 43427 (revised 11/20/72), attached hereto and made a part hereof.

BEING PART OF THE LAND which, was acquired from Catherine Schmelyun through condemnation proceedings by the State of Maryland to the use of the State Roads Commission of Maryland in Liber No. 4 Folio 11 Law in the Circuit Court of Baltimore County.

BEING PART OF THE LAND which was acquired from Ceton Corporation through condemnation proceedings by the State of Maryland to the use of the State Roads Commission of Maryland in No. 592 Law in the Circuit Court of Baltimore County.

THE ABOVE DESCRIBED PARCEL of land being subject to the Denial of Access Provisions of the State Highway Administration-State Roads Commission of Maryland as indicated on the State Highway Administration-State Roads Commission of Maryland's plat numbered 43427 (revised 11/20/72), attached hereto and made a part hereof.

1. The purpose of this map is to show the location of the proposed project and the surrounding area. The map is intended to provide information to the public and to the State of Maryland.

2. The map is based on the following information:

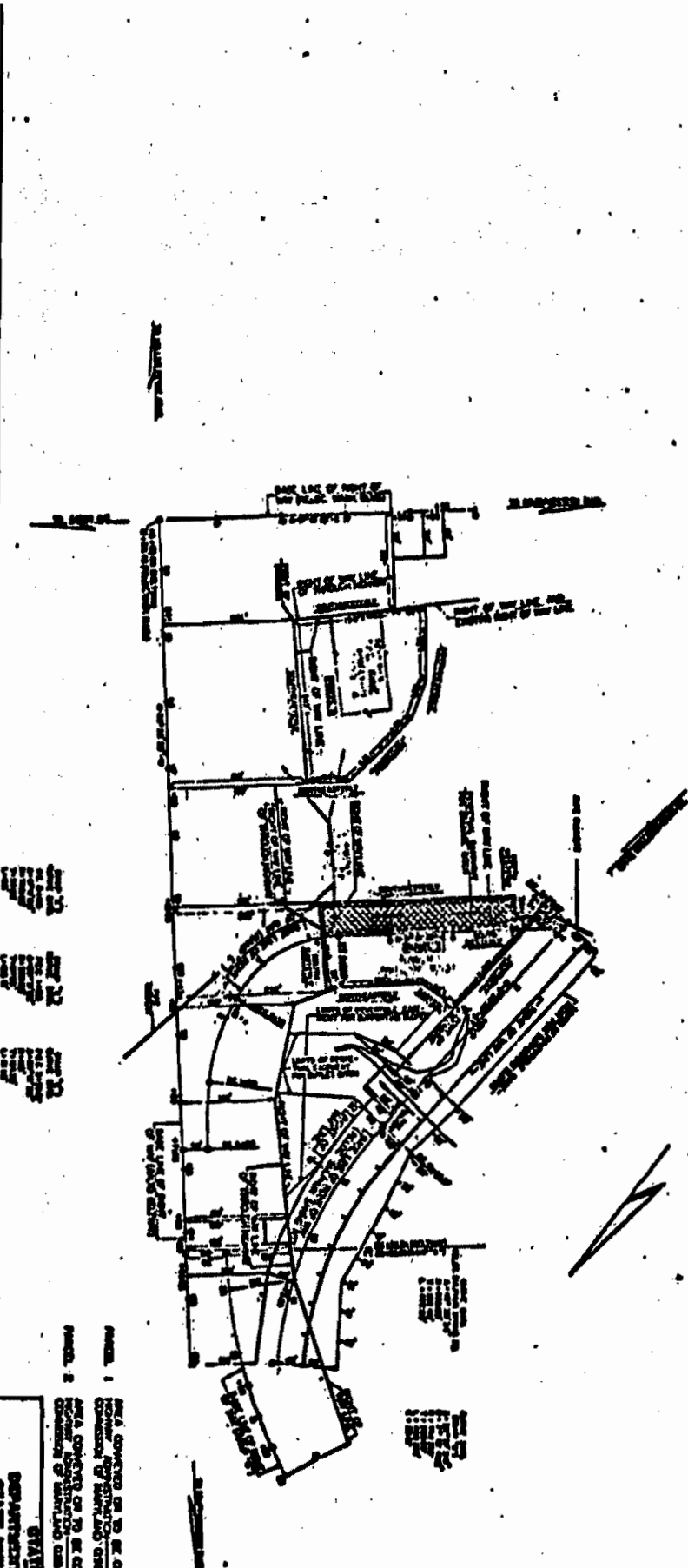
- a. Aerial photographs of the area.
- b. The State of Maryland's official map.
- c. The project's location and boundaries.

3. The map is intended to provide information to the public and to the State of Maryland.

4. The map is based on the following information:

- a. Aerial photographs of the area.
- b. The State of Maryland's official map.
- c. The project's location and boundaries.

5. The map is intended to provide information to the public and to the State of Maryland.



6. The map is intended to provide information to the public and to the State of Maryland.

RESERVING, HOWEVER, UNTO THE STATE OF MARYLAND TO THE USE OF THE STATE HIGHWAY ADMINISTRATION, its successors and assigns forever, all of the following described land, easements, rights, privileges and controls,

ALL THE LAND AND PREMISES, together with the appurtenances thereto belonging, or in anywise appertaining, lying between the outermost lines designated "Right of Way Lines", as shown and/or indicated, on State Highway Administration's Plats Numbered

43427 (Revised 11/20/72)

all of which plats are made a part hereof, and which are duly recorded, or intended to be recorded among the Land Records of the aforesaid County(ies).

~~The right to create, use and maintain on the area of the land shown hatched thus  on the above designated plats, such slopes as are necessary to retain and support the highway and/or adjacent property; it being agreed between the parties hereto, however, that at such time as the contour of the land over which this steep easement is retained is changed so that the easement required for slopes is no longer necessary to retain, support or protect the highway construction within the area retained as aforesaid, then said easement for slopes shall cease to exist.~~

The perpetual right to create, use and maintain on the area of the land shown cross-hatched thus  on the above designated plats, such stream changes, side ditches, inlet ditches, outlet ditches, pipes, culverts and all other drainage facilities as are necessary in the opinion of the State Highway Administration to adequately drain the highway or adjacent property and/or control the flow of water through these drainage structures to be built to protect said highway.

~~The perpetual right to discharge the flow of water from such stream changes, side ditches, inlet ditches, outlet ditches, pipes, culverts and all other drainage facilities as are necessary in the opinion of the State Highway Administration to adequately drain the highway or adjacent property and/or control the flow of water through these drainage structures to be built to protect said highway (either within the areas shown cross-hatched thus  or within the limits of the areas heretofore retained in fee simple) into existing waterways or natural drainage courses, as indicated by the symbol  and/or upon the existing ground, as indicated by the symbol , at the outlet end of the drainage facilities so created by the Grantor, all of which shall be shown graphically and indicated by appropriate symbols and explanatory notations on the aforesaid plats.~~

ANY AND ALL RIGHT WHATSOEVER of the GRANTEEES, their heirs, successors and assigns, of any means whatsoever of ingress or egress between the THROUGH HIGHWAY and their remaining property across the lines which are designated "Right of Way Lines of Through Highway", to the end that there never will be any vehicular, pedestrian and/or animal access to or from said Through Highway and their remaining property across these lines which are so marked on the above mentioned plats, except by means of such public road connections as are authorized by law.

~~ANY AND ALL RIGHT WHATSOEVER of the GRANTEEES, their heirs, successors and assigns, of vehicular ingress or egress between their remaining property and the highway across those portions of the right of way lines heretofore marked "THROUGH-OUT THE PORTION OF THE RIGHT OF WAY LINE ALL VEHICULAR ACCESS IS DENIED", to the end that there never will be any vehicular access to or from said highway and their remaining property across these portions of the said right of way lines as so marked on the above mentioned plats.~~

The perpetual right to erect and maintain between October 1st and April 1st of each year, snow fences within 100 feet of the land hereby retained in fee simple, provided that said snow fences shall not interfere with the construction and use of buildings now erected or hereafter erected or with growing crops,

SUBJECT TO and excepting from the operation and effect of this deed any and all rights and reservations that may have been granted or reserved by former owners of this property or their predecessors in title and/or covenants or restrictions which may have been established with respect to said land by such former owners or their predecessors in title.

SUBJECT TO and excepting from the operation and effect of this deed any and all existing rights now held or used by any public utility or public utilities across or adjacent to the land herein conveyed.

TOGETHER with the buildings and improvements thereon, and the rights, roads, ways, waters, privileges and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the land and premises, heretofore described and mentioned, to the extent of the State's right, title and interest thereto, unto and to,

William G. Schmelyun, his heirs and assigns, in fee simple,

SUBJECT, HOWEVER, TO EACH AND EVERY RESERVATION, RESTRICTION, CONDITION, COVENANT AND CONTROL SET FORTH IN THIS INSTRUMENT OF WRITING.

AND THE GRANTEE(S) HEREIN, by the acceptance of this deed, do hereby covenant and agree, on behalf of themselves, their heirs, successors and assigns, to abide by and respect each and every reservation, restriction, condition, covenant and control set forth in this instrument of writing, it being the intention herof to perpetuate all of rights and privileges retained by the State of Maryland, to the use of the State Highway Administration, by this deed. It is expressly understood and agreed that these covenants shall run with and bind the property hereby conveyed and the remaining property of the "GRANTEE(S)" and shall be binding upon the "GRANTEE(S)", their heirs, successors and assigns, forever.

IN TESTIMONY WHEREOF, Witness the hands and seals of the parties hereto:

WITNESS:-

STATE HIGHWAY ADMINISTRATION
of the
DEPARTMENT OF TRANSPORTATION OF MARYLAND

Ad Smith

Bernard J. Evans (SEAL)
State Highway Administrator

Approved as to Form and Legal Sufficiency

Elis Barr
Special Attorney

Concurred in by

Calvin W. R. ...
Director, Office of Real Estate

STATE OF MARYLAND, CITY OF BALTIMORE, To WH:

I HEREBY CERTIFY that on this 28TH day of October in the year 1974 before me, the subscribing, a Notary Public of the State of Maryland, in and for the City aforesaid, personally appeared

Bernard J. Evans

State Highway Administrator and acknowledged the foregoing deed to be the act of the State Highway Administration, and at the same time made oath in due form of law that he is fully authorized to execute and acknowledge the same.

WITNESS MY HAND AND NOTARIAL SEAL



Frank J. Parkhouse
Notary Public

Rec'd for record DEC 26 1974 at 12:28
Per Elmer H. Kahline, Jr., Clerk
Mail to R.C. Murray
Receipt No. 16 22.00

My Commission expires July 1, 1978

**TRANSACTION STATISTICS FOR THE WEEK - MONDAY, 3/14/2008 TO FRIDAY, 3/18/2008 FOR
AMERICAN COMMERCIAL FUELING SITE IN JESSUP, MD**

# OF TRANSACTIONS FROM MIDNIGHT TO 4:00AM	5	AS A % OF TOTAL TRANSACTIONS	0.72%	
# OF TRANSACTIONS FROM 4:00AM TO 7:30AM	193	AS A % OF TOTAL TRANSACTIONS	27.85%	
# OF TRANSACTIONS FROM 7:30AM TO 9:00AM	112	AS A % OF TOTAL TRANSACTIONS	16.16%	AM RUSH
# OF TRANSACTIONS FROM 9:00AM TO 4:30PM	294	AS A % OF TOTAL TRANSACTIONS	42.42%	
# OF TRANSACTIONS FROM 4:30PM TO 6:00PM	38	AS A % OF TOTAL TRANSACTIONS	5.48%	PM RUSH
# OF TRANSACTIONS FROM 6:00PM TO 10:00PM	41	AS A % OF TOTAL TRANSACTIONS	5.92%	
# OF TRANSACTIONS FROM 10:00PM TO MIDNIGHT	10	AS A % OF TOTAL TRANSACTIONS	1.44%	
			100.00%	

TOTAL TRANSACTIONS FOR THE WEEK	693
TRANSACTIONS PER DAY	139

AVG TRANSACTIONS PER DAY - AM RUSH HOUR	22
AVG TRANSACTIONS PER DAY - PM RUSH HOUR	8
TOTAL DAILY TRANSACTIONS DURING RUSH HOUR	30

AS A % OF TOTAL DAILY TRANSACTIONS 21.65%

[Handwritten Signature]
700,000

PETITIONER' S

EXHIBIT NO.

4

BW

3-21-08

The Greater Arbutus Community Alliance, Inc.

P. O. Box 18223
Halethorpe, MD 21227
www.arbutus.org

March 3, 2008

Office of the Zoning Commissioner
Mr. William J. Wiseman, III
Baltimore County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case #08-296-XA
3828 Washington Blvd.

Dear Commissioner Wiseman;

We have received information regarding the referenced request for a special exception to permit a truck stop in an ML zone, and a variance related to setback. The Greater Arbutus Community Alliance has the following concerns relative to this request:

- 1) The site of this proposed fueling facility is not on a "main" road but is on one of the various branches and dead end streets that have been created by the bifurcation of Sulphur Spring Rd. and Washington Blvd. at various times over the past fifty-plus years. In order to access the site from I-95 or I-695, vehicles will need to exit those interstate highways, enter Rte. 1 (Washington Blvd.), and then turn onto Old Sulphur Spring Rd. (one of the dead end spurs). For egress, this will involve only right hand turns. The problem will begin for our surrounding communities when the drivers then attempt to reverse the route, and find that there is no traffic signal permitting them to easily make a left hand turn from Old Sulphur Spring Rd. back towards Washington Blvd. I suspect that at that point, many drivers will elect to make a right hand turn at Sulphur Spring Rd. and proceed through the communities of Halethorpe and Arbutus in order to return to I-95 or continue to Catonsville or Elkridge via Rolling Rd. or Selma Ave. to Southwestern Blvd. respectively.
- 2) Once the petitioner has been successful in obtaining a variance for a fueling station, what if anything will prevent him (or her) from creating a full scale truck stop on site, with the attendant increase in traffic, pollution, etc.?

PETITIONER'S

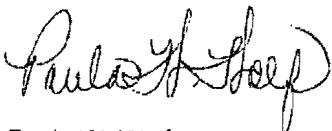
EXHIBIT NO. 1

- 3) Is there any environmental impact study available to address fuel storage facilities on site? The proposed location is situated in what is geologically referred to as the Arbutus Canyon. Is a subsurface engineering report on file?

It is my understanding that the petitioner was asked to contact the community to discuss the issues that I have raised. As of this evening, he has not done so. It is possible that with some better understanding of the petitioner's request, we may not oppose his plan. However, we cannot support the present case without additional information.

I regret that I am unable to attend the hearing tomorrow in person to address these issues. It is my sincere hope that the Commissioner will consider them as he reviews the petitioner's request.

Respectfully,



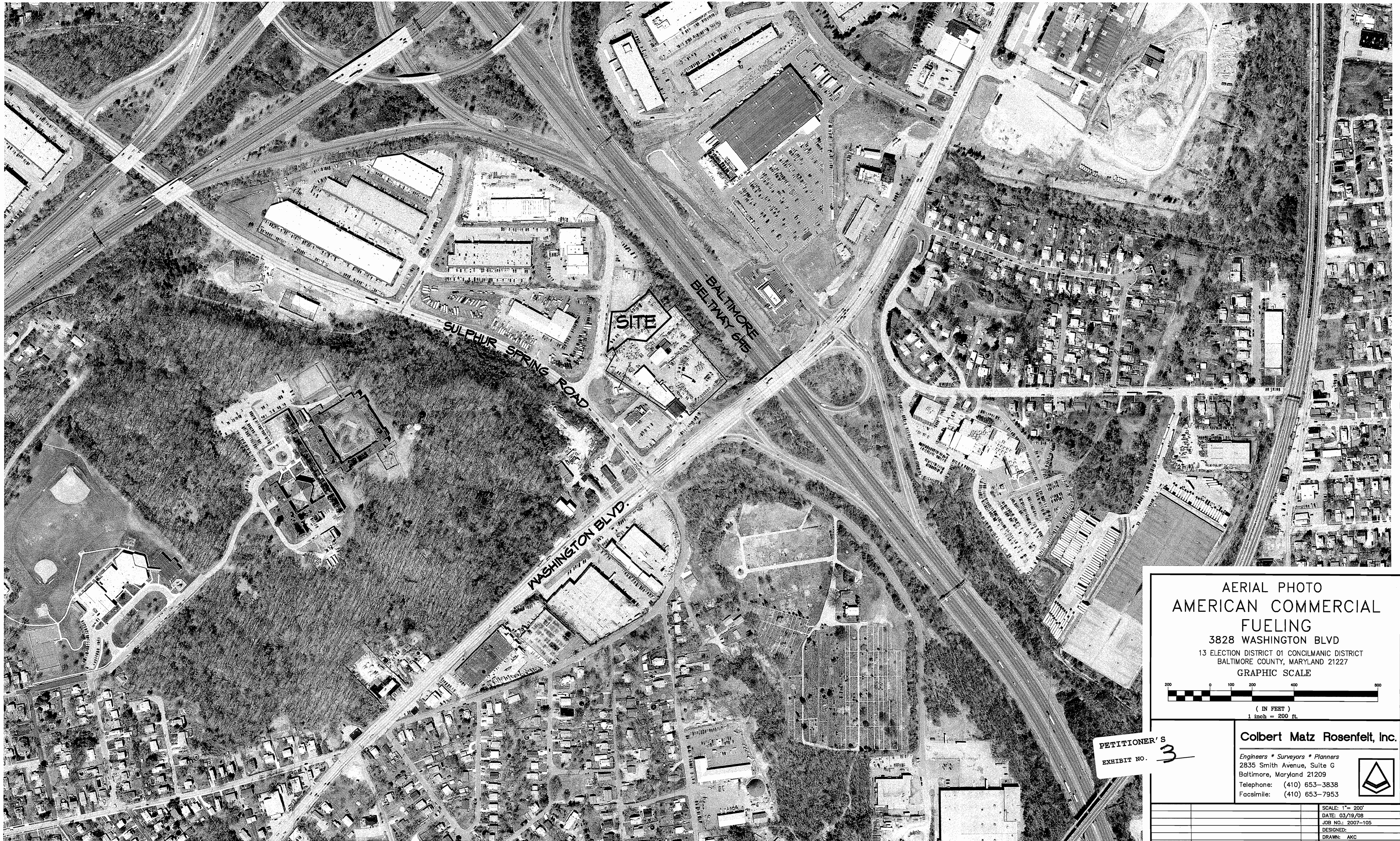
Paula W. Wolf
President

C: Lorna Rudnikas
Greater Bloomfield Community Association

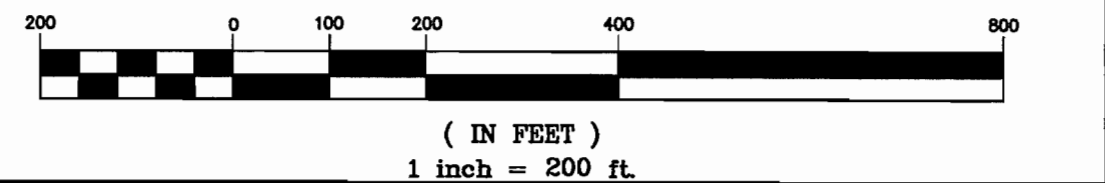
Sandra Cullen
Halethorpe Improvement Association

Theresa Lowry
Maryland Citizens for the Environment
Southwest Leadership Team

Baltimore County Councilman (The Honorable) Samuel Moxley
c/o Bryan Sheppard (Executive Assistant)



AERIAL PHOTO
AMERICAN COMMERCIAL
FUELING
3828 WASHINGTON BLVD
13 ELECTION DISTRICT 01 CONCLIMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND 21227
GRAPHIC SCALE

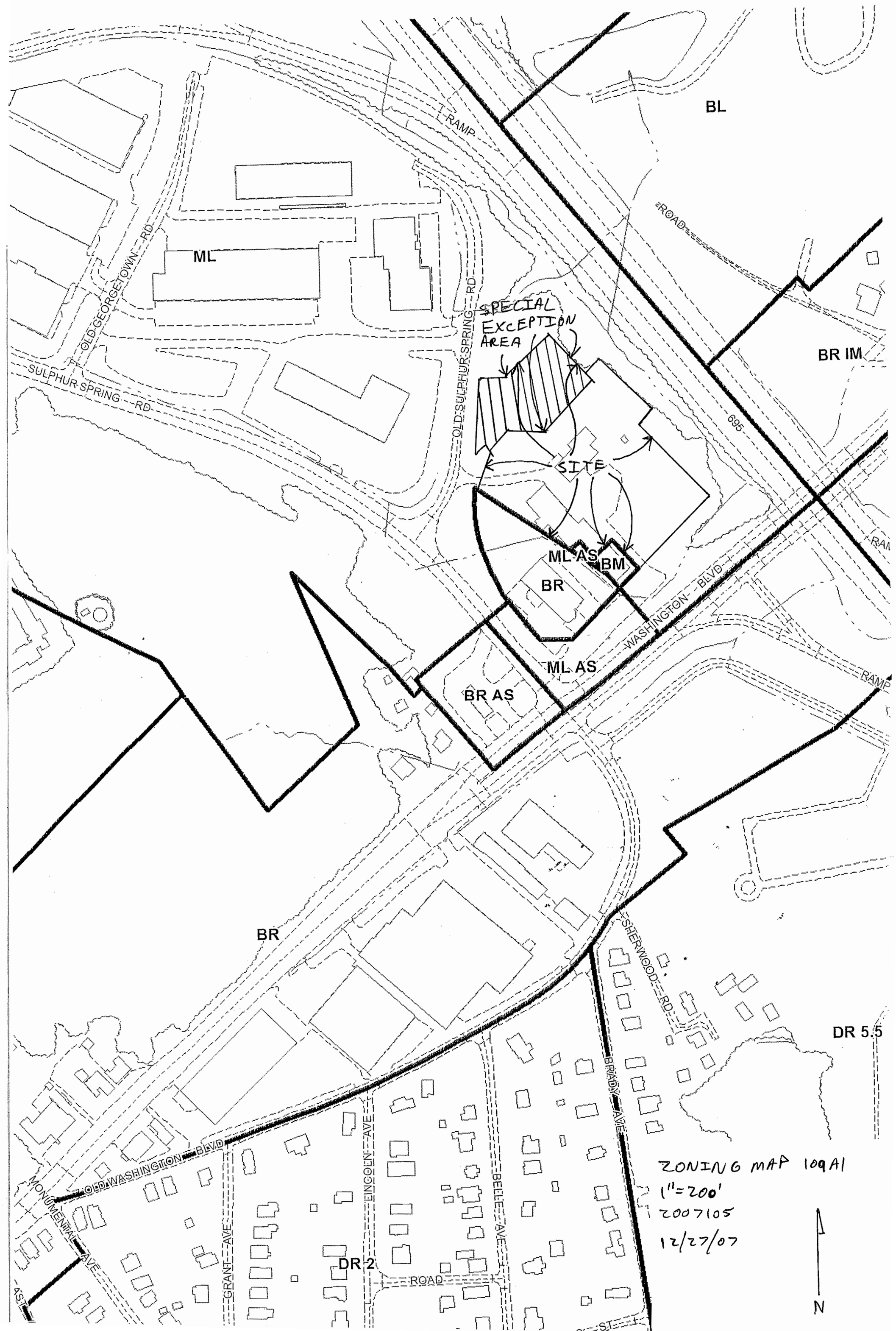


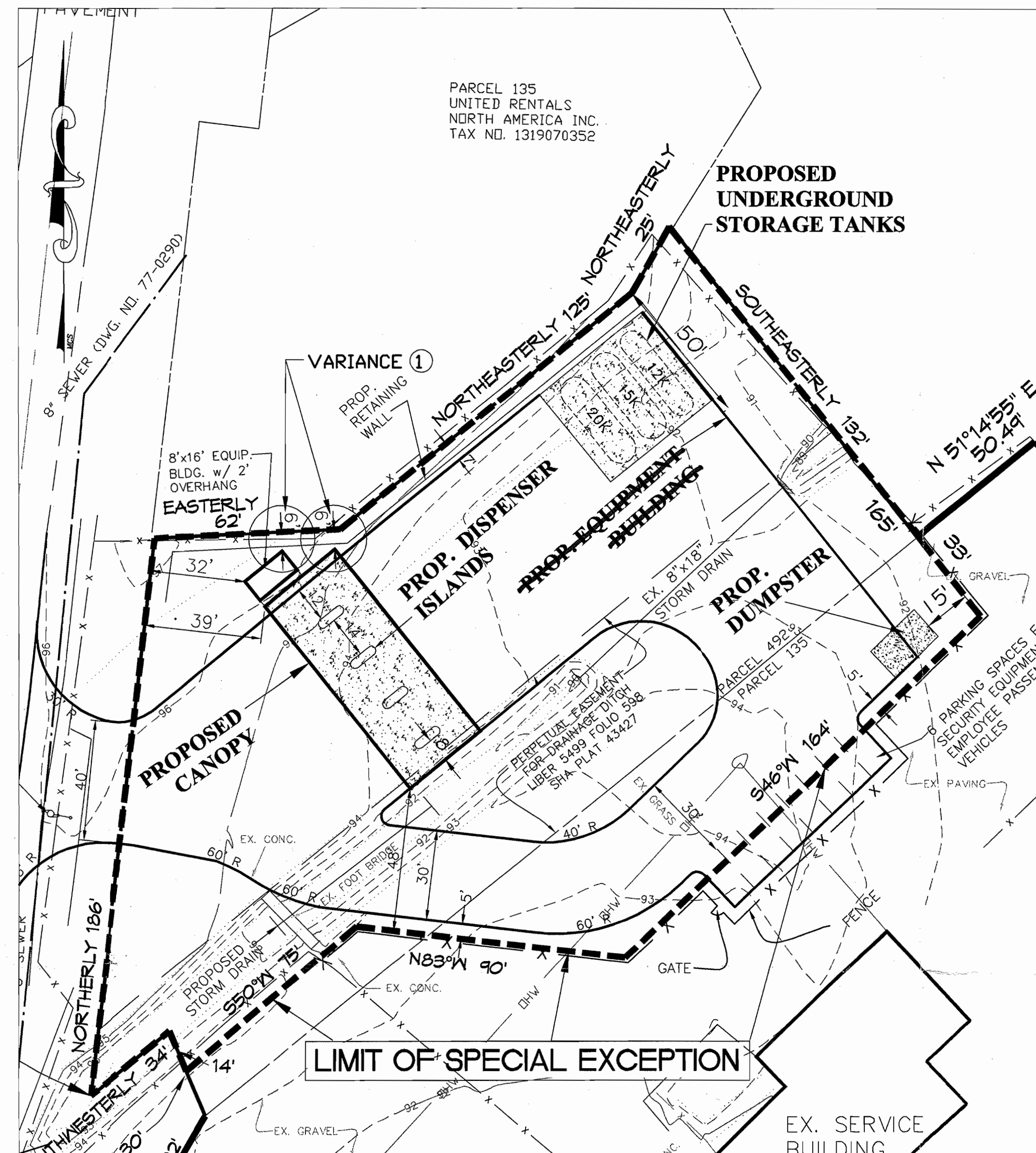
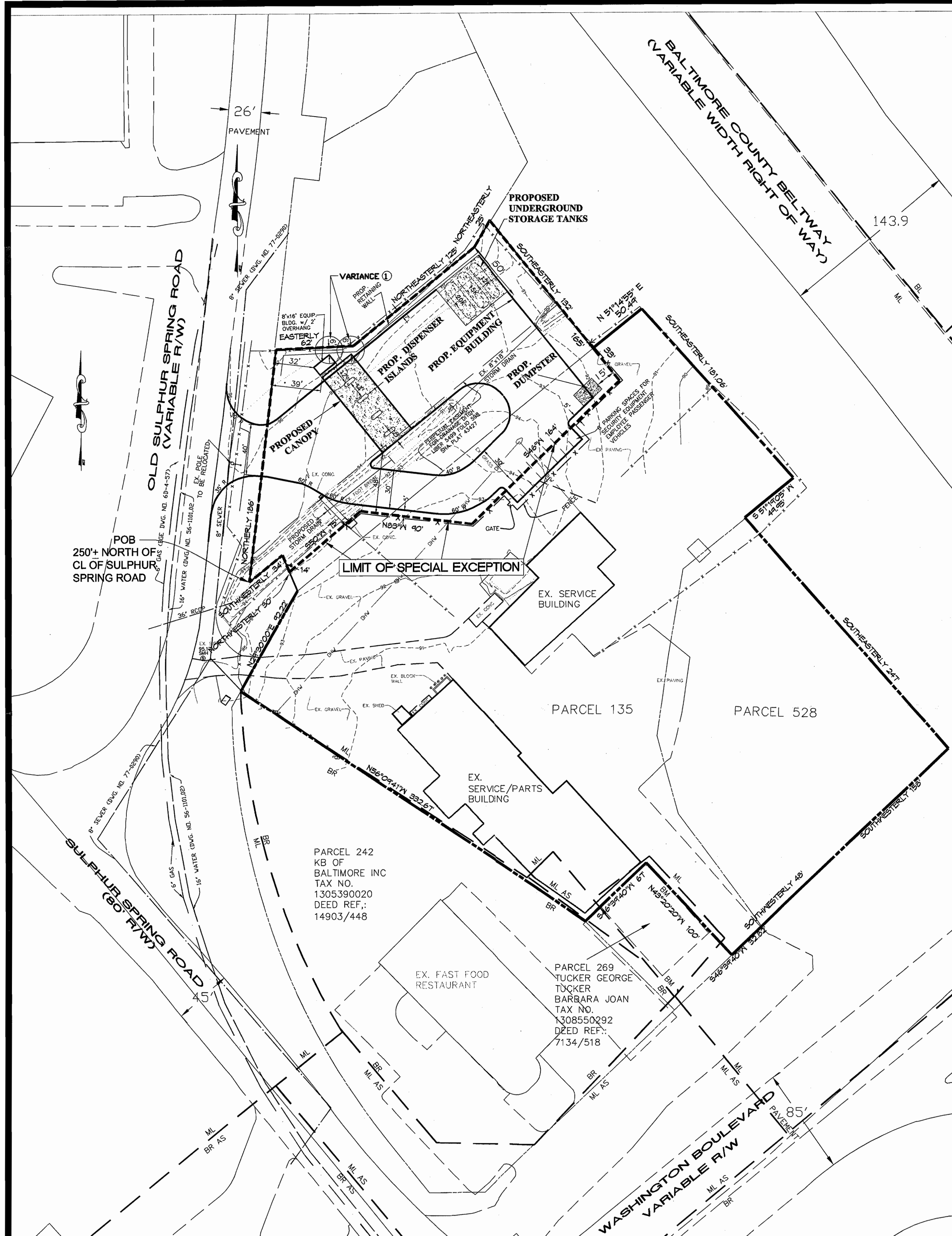
PETITIONER'S
EXHIBIT NO. **3**

Colbert Matz Rosenfelt, Inc.
*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



			SCALE: 1"= 200'
			DATE: 03/19/08
			JOB NO.: 2007-105
			DESIGNED:
			DRAWN: AKC
			CHECKED: KJC
			FILE: 2007105 ZONING MAPS.dwg
			DRAWING
			NUMBER: ZON-1
DATE	REVISIONS:	BY	SHEET 1 OF 3

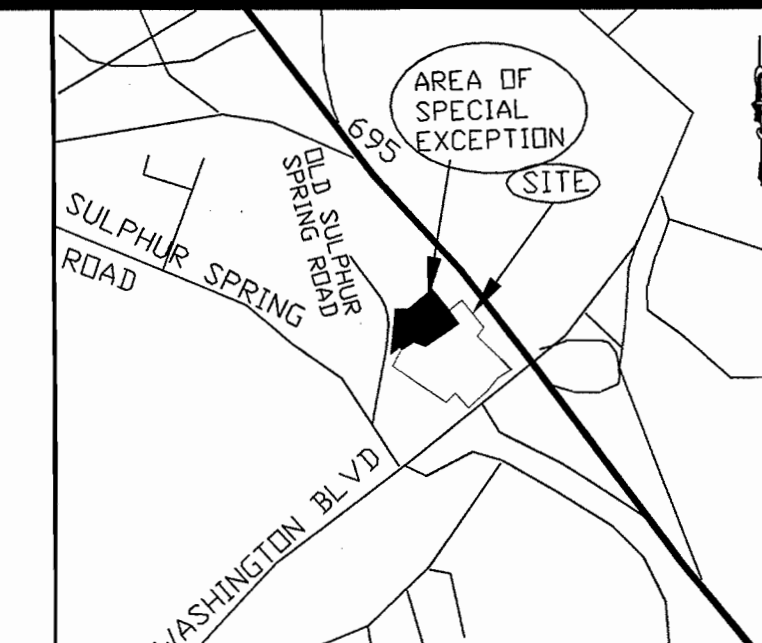




SPECIAL EXCEPTION FOR A TRUCK STOP IN AN ML ZONE PER SECTION 253.2(A)(13)

REQUIRED SETBACK VARIANCES:

- ① TO PERMIT A SIDE SETBACK OF 6' IN LIEU OF 30' REQUIRED IN AN ML ZONE, NOT WITHIN 100' OF AN INTERSTATE HIGHWAY, AS PER SECTION 255.1, AND SECTION 238.2 OF THE BCZR AND
- ② TO PERMIT A REAR SETBACK OF 17' IN LIEU OF 50' REQUIRED IN AN ML ZONE, NOT WITHIN 100' OF AN INTERSTATE HIGHWAY, AS PER SECTION 255.2 AND 243.3 OF THE BCZR



NOTES:

1. OWNER: LORMAR MANAGEMENT LLC
3828 WASHINGTON BLVD
BALTIMORE, MD 21227

DEVELOPER: ROLFE ROBERTSON
AMERICAN COMMERCIAL FUELING
23 E. EAGER STREET, SUITE 100
BALTIMORE, MD 21202
2. SITE DATA:
MAP 109 PARCEL 492
TAX ACCOUNT NO.: 1700001900
MAP 109 PARCEL 135
TAX ACCOUNT NO.: 1319070351
MAP 109 PARCEL 528
TAX ACCOUNT NO.: 1700001899

ELECTION DISTRICT: 13
COUNCILMANIC DISTRICT: 1
3828 WASHINGTON BLVD
ZONED: ML, ML-AS, AND BM
DEED REFERENCE: 14800680
AREA: 3.58 ACRES (155,916 SF)

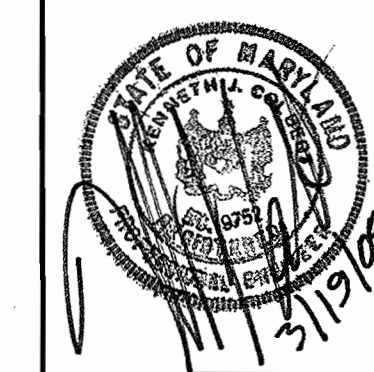
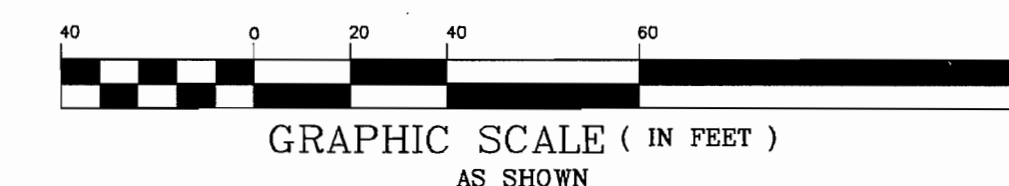
AREA OF SPECIAL EXCEPTION:
1.001 ACRE (43,607.27 SF)
3. EXISTING USE: VACANT
PROPOSED USE: TRUCK STOP
4. THE PROPOSED TRUCK STOP MEETS THE DEFINITION IN THE BCZR AS A "STRUCTURE OR LAND USED OR INTENDED TO BE USED PRIMARILY FOR THE SALE OF FUEL FOR TRUCKS." THE FACILITY WILL BE USED FOR CONTRACT SALES OF FUEL PRIMARILY TO TRUCK FLEETS.
5. FLOOR AREA RATIO: N/A
6. PARKING CALCULATIONS:
THERE ARE NO SPECIFIC PARKING REQUIREMENTS IN THE BCZR.
12 PARKING SPACES WILL BE PROVIDED.
PARKING WILL BE DURABLE AND DUSTLESS PAVING.
PARKING STRIPING WILL BE PERMANENT.
7. THERE ARE NO STREAMS, WETLANDS OR FLOODPLAINS ON THIS PROPERTY.
8. THERE ARE NO PREVIOUS COMMERCIAL PERMITS ON FILE.
9. THERE ARE NO EXISTING WELLS, SEPTIC TANKS OR UNDERGROUND STORAGE TANKS ON THIS SITE.
10. ALL PROPOSED SIGNAGE SHALL COMPLY WITH SEC. 450.4 OF THE B.C.Z.R.
11. SUBJECT SITE TO BE SERVED BY EXISTING PUBLIC WATER AND SEWER.
12. THE PROPERTY IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA
13. THERE ARE NO KNOWN HISTORICAL STRUCTURES OR ARCHAEOLOGICAL AREAS ASSOCIATED WITH THIS SITE.
14. ONSITE TOPOGRAPHIC INFORMATION IS BASED ON A FIELD SURVEY BY COLBERT MATZ ROSENFELT, INC. THE PROPERTY BOUNDARY IS BASED ON DEEDS AND A LOCATION DRAWING BY BPS/ LAND TECHNOLOGY INC., DATED OCTOBER 20, 2000.

PETITIONER'S

EXHIBIT NO. 6

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND VARIANCES AMERICAN COMMERCIAL FUELING 3828 WASHINGTON BLVD.

13 ELECTION DISTRICT 01 COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.



Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

Professional Certification

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 9752

Expiration Date: 02/28/10

SCALE: AS SHOWN

DATE: 03/19/08

JOB NO.: 2007105

DESIGNED:

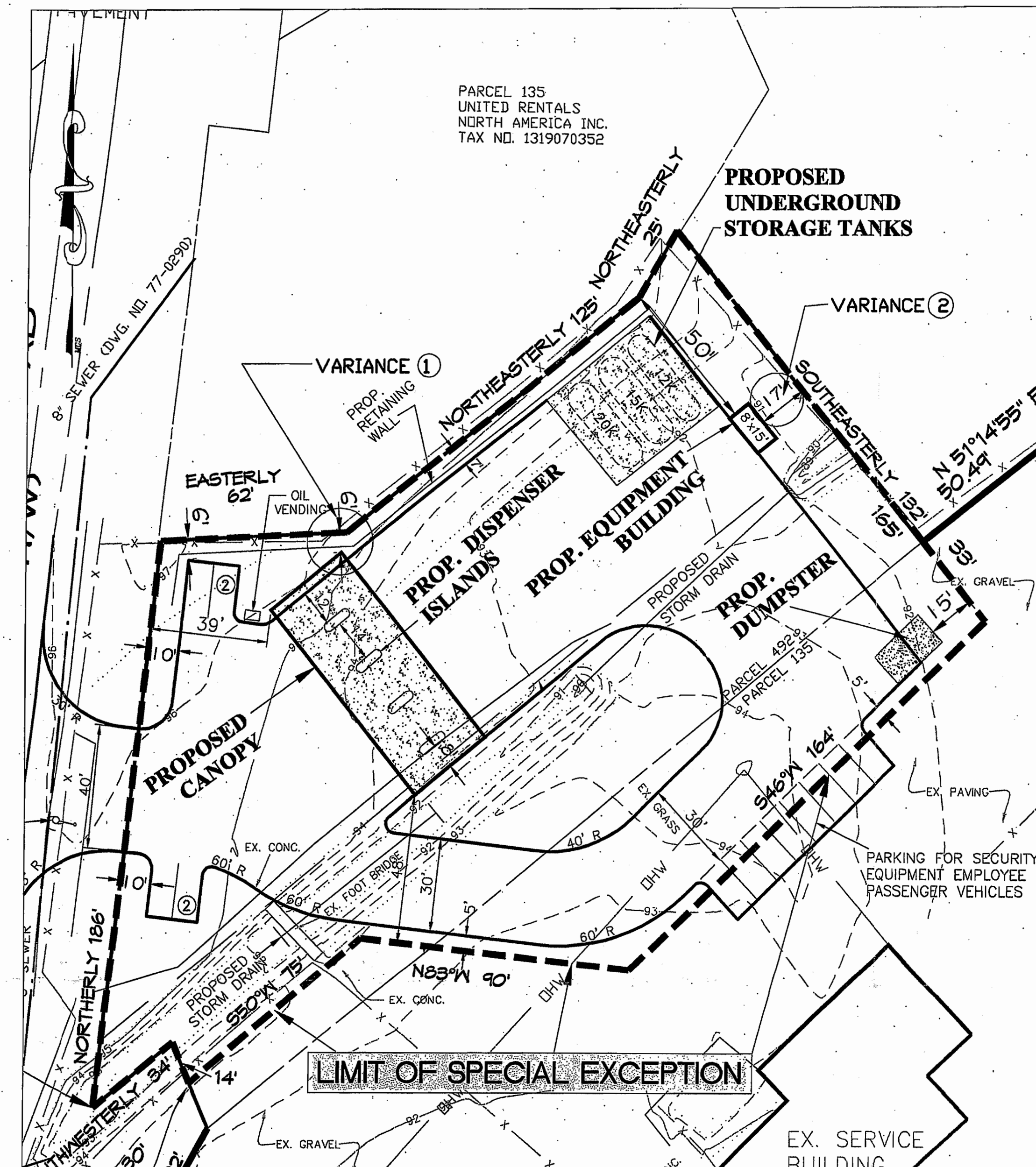
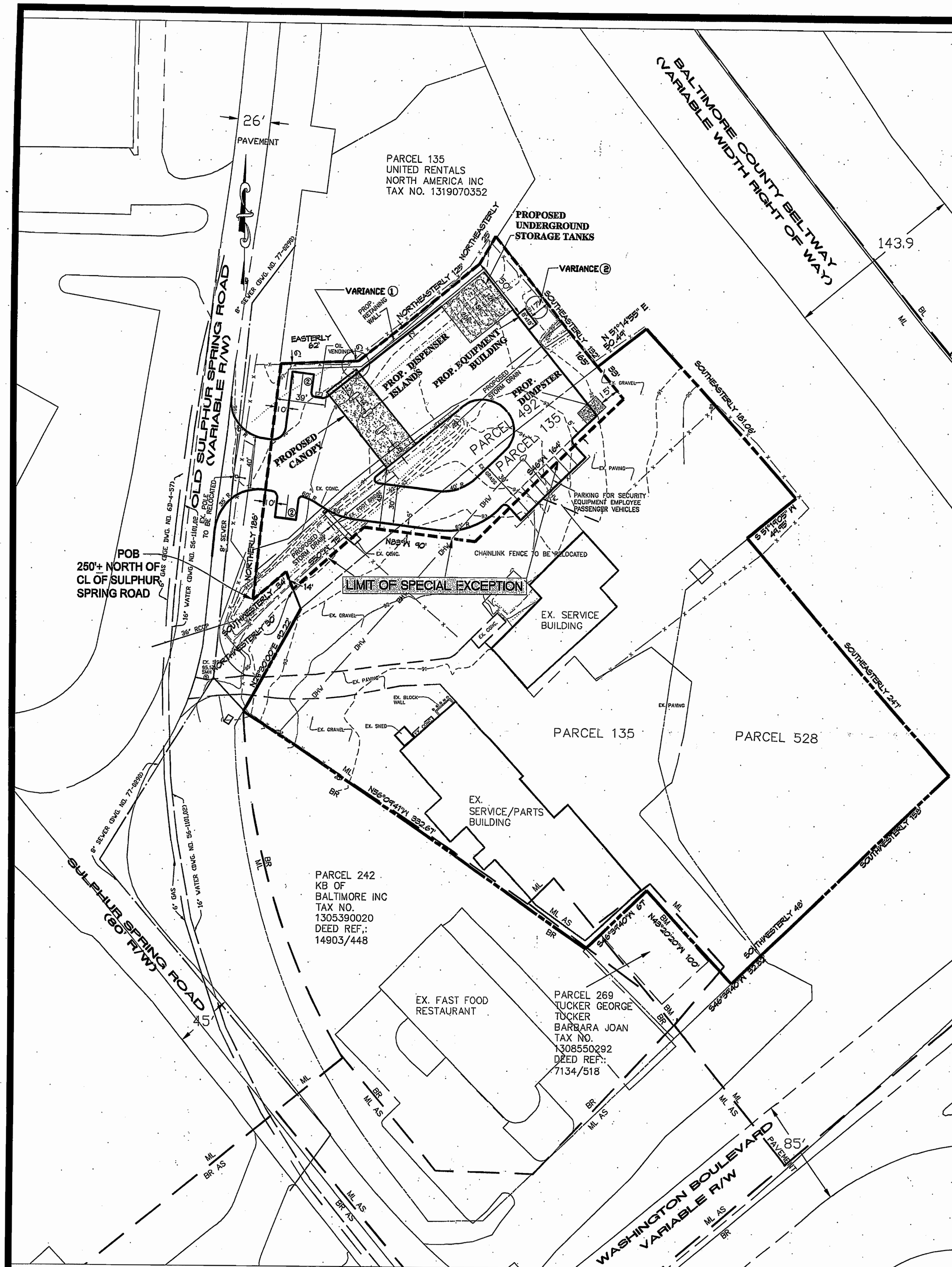
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CHECKED: JMF/KJC

FILE: 2007105_ZONE_ACF.dwg

DRAWING NUMBER: ZON-1

NO. DATE REVISIONS: BY SHEET 1 OF 1

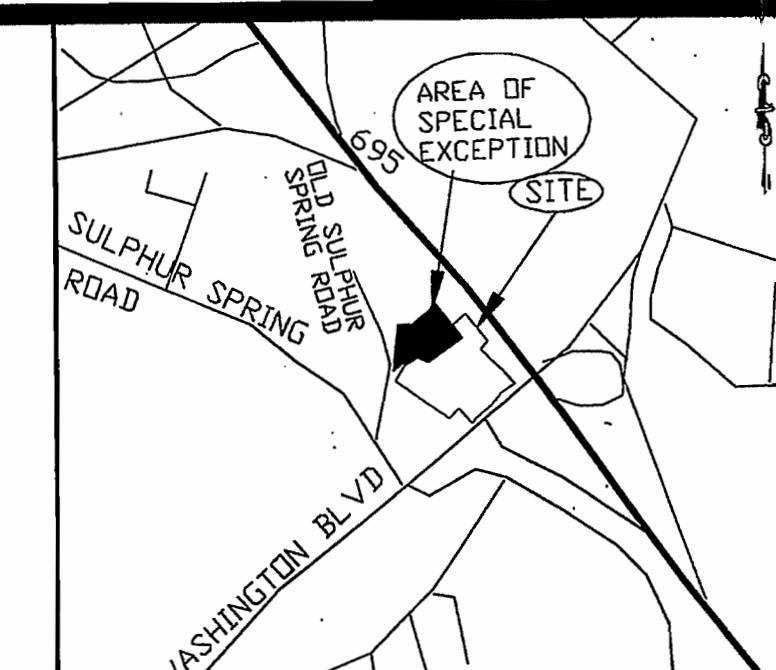


DETAIL OF AREA OF PROPOSED TRUCK STOP

SPECIAL EXCEPTION FOR A TRUCK STOP IN AN ML ZONE PER SECTION 253.2(A)(13)

REQUIRED SETBACK VARIANCES:

- ① TO PERMIT A SIDE SETBACK OF 6' IN LIEU OF 30' REQUIRED IN AN ML ZONE, NOT WITHIN 100' OF AN INTERSTATE HIGHWAY, AS PER SECTION 255.1, AND SECTION 238.2 OF THE BCZR AND
- ② TO PERMIT A REAR SETBACK OF 17' IN LIEU OF 50' REQUIRED IN AN ML ZONE, WITHIN 100' OF AN INTERSTATE HIGHWAY, AS PER SECTION 255.2 AND 243.3 OF THE BCZR.



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3828 WASHINGTON BLVD
BALTIMORE, MD 21227
2. DEVELOPER:
ROLFE ROBERTSON
AMERICAN COMMERCIAL FUELING
23 E. EAGER STREET, SUITE 100
BALTIMORE, MD 21202
3. SITE DATA:
MAP 109 PARCEL 492
TAX ACCOUNT NO.: 1700001900
MAP 109 PARCEL 135
TAX ACCOUNT NO.: 1319070351
MAP 109 PARCEL 528
TAX ACCOUNT NO.: 1700001899
4. ELECTION DISTRICT: 13
COUNCILMANIC DISTRICT: 1
3828 WASHINGTON BLVD
ZONED: ML, ML-AS, AND BM
DEED REFERENCE: 14800/680
AREA: 3.58 ACRES (155,916 SF)
5. AREA OF SPECIAL EXCEPTION:
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PROPOSED USE: TRUCK STOP
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8. FLOOR AREA RATIO: N/A
9. PARKING CALCULATIONS:
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PARKING STRIPING WILL BE PERMANENT.
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PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND VARIANCES
AMERICAN COMMERCIAL FUELING
3828 WASHINGTON BLVD.

13 ELECTION DISTRICT 01 COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.



Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.
License No. 9752
Expiration Date: 2/28/08

PETITIONER'S

EXHIBIT NO. 5

NO. DATE REVISIONS: BY SHEET 1 OF 1

08-296-XA



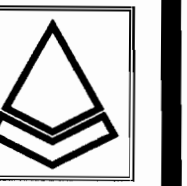
AREA MAP
AMERICAN COMMERCIAL
FUELING

3828 WASHINGTON BLVD
13 ELECTION DISTRICT 01 CONCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND 21227

PETITIONER'S
EXHIBIT NO. 2

Colbert Matz Rosenfelt, Inc.

*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



SCALE: 1"=1000'
DATE: 03/19/08
JOB NO.: 2007-105
DESIGNED:
DRAWN: AKC
CHECKED: KJC
FILE: 2007105 ADC MAPS.dwg
DRAWING
NUMBER: AREA

DATE	REVISIONS:	BY	SHEET 1 OF 1
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