

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
<u>ZULFIQAR CHEEMA</u> –LEGAL OWNER	*	COUNTY BOARD OF APPEALS
FOR A SPECIAL HEARING, SPECIAL		
EXCEPTION AND VARIANCE ON PROPERTY	*	OF
LOCATED ON THE N/s CARROLL ISLAND RD		
380' E OF C/L OF EASTERN AVENUE	*	BALTIMORE COUNTY
(17 CARROLL ISLAND ROAD)		
	*	CASE NO. 08-313-SPHXA
15 TH ELECTION DISTRICT		
6 TH COUNCIL DISTRICT	*	

* * * * *

OPINION

This matter comes to the Board on appeal by the Bowleys Quarters Improvement Association, Byron Livingston, and David Cahlander of the final decision of the Zoning Commissioner dated March 25, 2008. Zoning Commissioner William Wiseman granted a Petition for Special Hearing to approve an amended site plan and order to that approved in Zoning Case No. 88-63-XA and to make a determination that the parking requirements pursuant to *Baltimore County Zoning Regulations* (BCZR) §§ 409.10A and 409.12 had been met. In addition, an appeal was taken of the decision of the Zoning Commissioner granting a Petition for Special Exception to allow the use in common with a service station of a convenience store larger than 1,500 square feet in size, a rollover car wash, and a carryout restaurant pursuant to BCZR §§ 230.13, 405.4E.1, 405.4E.2, 405.4E.10 and 419.1. Finally, an appeal was taken from the decision of the Zoning Commissioner granting a Petition for Variance from BCZR § 409.4C to permit a two-way aisle of 16 feet in lieu of the permitted 22 feet; from BCZR § 405.4A.2.b to permit a rear yard perimeter setback of 2.79 feet in lieu of the required 6 feet and to permit a front yard setback of 8 feet in lieu of the required 10 feet. A hearing was held before the Board on October 15, 2008. The Petitioner, Zulfiqar Cheema, was represented by John B. Gontrum, Esquire, and Whiteford, Taylor & Preston, LLP. Peter Max Zimmerman, Esquire, represented

the Baltimore County Office of People's Counsel. The Appellant/Protestant Bowleys Quarters Improvement Association (BQIA) appeared through its President Michael Vivirito. Other members of the BQIA also appeared as well as the adjoining property owner Mr. Michael Wagner. Public Deliberation immediately followed the hearing on October 15, 2008.

Background

Prior to the commencement of the hearing, Petitioner through his counsel withdrew his Petition for Special Exception for the car wash and withdrew his Petition for Variance from the aisle width requirements. In addition, the Petitioner entered an amended site plan as Petitioner's Exhibit 1, which contained amendments and notes initialed by Petitioner's engineer, Patrick Richardson dated both September 9, 2008 and October 15, 2008. These amendments and notes as well as the overall plan reflected an agreement reached among the parties and presented to the Board as a proposed resolution consistent with relevant legal standards.

The significant amendments to the original petition are as follows: the amended petition is for a special exception for a relocated and expanded service station and convenience store over 1,500 square feet in size and for a carryout restaurant, thus eliminating the carwash; the amended variances are for a rear yard parking setback of 2.79 feet instead of the required 6 feet and a front yard landscape buffer of 8 feet instead of the required 10 feet. By complying with the two-way aisle standard, there is eliminated the need for a variance for a two-way aisle of 16 feet instead of 22 feet. In addition, the amendments include as a condition a privacy fence, 6 feet high, along the boundary with the Skidmore/Wagner properties and another condition that the existing trees along or near the Skidmore/Wagner properties' boundary shall remain. Finally, the conditions provide that the stormwater management shall meet or exceed critical area standards, thereby retaining and improving the existing stormwater management pond. The amended petition in its entirety modifies the order and plan approved in Case No. 88-63-XA.

The subject property consists of a net area of 47,130 square feet, more or less. It is located in a commercial area on the north side of Carroll Island Road just east of its intersection with Eastern Avenue at the entrance to the Bowleys Quarters peninsula. As shown on the Petitioner's site plan (Petitioner's Exhibit 1), it currently is occupied by a BP service station with 4 pump stations accommodating 8 vehicles, an existing 897 square foot convenience store and cashier and a large canopy. There are two existing entrances off of Carroll Island Road on which the property fronts accessing the site. Along the rear of the site is a chain link fence, and there is a wooded buffer along the western side of the property. The property lies wholly within the Chesapeake Bay Critical Area within an Intense Development Area district. The property is zoned "Business, Local – Automotive Services" (B.L. – A.S.).

In support of his case, the Petitioner presented Patrick C. Richardson, Jr., a registered engineer employed by Richardson Engineering LLC. Mr. Richardson was accepted by the Board as an expert in land use and zoning in Baltimore County. He prepared the amended site plan with an initialed "PCR" revision date of October 15, 2008 and testified that it fairly and accurately depicted the existing conditions as well as the Petitioner's proposal. The amended site plan was admitted as Petitioner's Exhibit 1. He testified also as to the location of the property and its current usage.

Mr. Richardson stated that the Petitioner in his amended proposal seeks to remove the existing convenience store and relocate it as part of a 4,368 square foot building, which would contain in addition to rest rooms and office a 2,800 square foot convenience store and a 1,258 square foot carry out. Two additional fuel pump stations would be added in the location now occupied by the current convenience store serving an additional 4 vehicles. Consequently, at any one time 12 vehicles would be able to pump fuel. Parking is provided as required under the Zoning Regulations for the uses of the site which also include an ATM machine and 2 vacuum

cleaner units. Twenty-eight spaces are provided in accordance with the zoning regulations. Consequently, there is no need to interpret the regulations further to determine whether this parking is appropriate. Under the reconfigured plan the internal aisle widths for vehicle passage also meet zoning standards.

With the elimination of the car wash, the existing stand of trees along the western border of the property will remain. In addition, Petitioner has agreed to place a privacy fence at least 6 feet in height along this border. The primary concern expressed by Mr. Wagner was of patrons of the subject site using his parking lot for parking. The approved site plan in Case No. 88-63-XA (Petitioner's Exhibit 2) only showed 6 parking spaces. The augmentation of proposed parking on the subject property in addition to the privacy fence alleviated this concern.

Mr. Richardson testified that the entrances to the site would remain the same and that the increased number of fuel service islands as well as the increased number of parking spaces should prevent any future congestion on the site extending onto Carroll Island Road. In addition, the existing stormwater management pond would be enhanced and augmented with sand filters, which require on-going maintenance subject to inspection by representatives of Baltimore County's Department of Environmental and Resource Management. According to Mr. Richardson, the sand filters will enable the site to reduce pollutant run off from the site by 17% over its existing condition. The critical area regulations require a pollutant reduction of 10%.

Mr. Richardson also testified with respect to the special exception requirements of BCZR § 502.1. The proposed layout will not increase congestion on the roads, and the increased parking and additional fuel stations should improve existing conditions. The site is served by adequate public water and sewer. The uses are permitted by the zoning regulations independently and by special exception in conjunction with a fuel service station. The enhanced

storm water management facility should produce pollutant reduction which exceeds by 70% the requirements for the site. This represents a benefit to the community over existing conditions.

This Board also recognizes that the concerns of the Appellants in this matter have been resolved by the withdrawal of the Special Exception request for the car wash, the withdrawal of the variance request for the aisle width, and the presentation of the amended plan with the added conditions on the plan. The Bowleys Quarters Improvement Association was particularly concerned over the potential for traffic congestion on Carroll Island Road caused by the stacking of vehicles to access not only the fuel pump stations but also the car wash. The withdrawal of the car wash proposal and the improvement of internal circulation addressed this issue. Mr. Vivirito on behalf of the Appellants testified that as a result of these changes, the Appellants are satisfied that the requirements of the BCZR for the granting of the requested amended relief have been met. They are not in opposition to the amended requests.

Decision

Based on the testimony and exhibits presented, this Board finds that in accordance with the decision of *Peoples' Counsel for Baltimore County, et al v. Loyola College in Maryland*, No. 137, September Term, 2007, the criteria for approving the special exception requests have been met. There is no evidence of particular conditions existing at this site which make the uses of the land sought through the special exception and the special hearing have a more deleterious impact at this location than elsewhere in the zone. The conditions contained in Section 502.1 of the BCZR also have been met, and it appears for reasons stated above that if, as amended and restricted, this special exception is granted, and the relief sought in the Special Hearing is granted to Petitioner, there will be no injury to the health, safety or general welfare of the locality involved.

Two variance requests were made from BCZR § 405.4A.2.b to permit a rear yard perimeter setback of 2.79 feet in lieu of the required 6 feet and to permit a front yard setback of 8 feet in lieu of the required 10 feet. These setbacks relate to the proximity of the parking area from the rear of the site in one location, and the width of a landscape island in the front of the property along Carroll Island Road. It is important to note that at the time of the granting of the original special exception in Zoning Case No. 88-63-XA, these setback requirements did not exist. Petitioner's Exhibit 2 shows the same relationship of parking to the rear line at the same location as the proposed site plan and also shows the same landscape island in the same location as proposed. It is the change of zoning regulations enacted in County Council Bill 172-1993, after the construction of the existing improvements, which created the necessity for the variance. Testimony indicated that the improvements on the site were legally constructed in accordance with an approved site plan. There was testimony that the layout of the site was in response to the configuration of the site in order to provide adequate internal circulation and to prevent congestion on Carroll Island Road.

The Board has reviewed the decision of the Court of Special Appeals in *Cromwell v. Ward*, 102 Md. App. 691 (1995). The Court set a clear two-step process for deciding variances in the *Cromwell* case. The Court stated:

"The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is--in and of itself--unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship. If that first step results in a supportable finding of uniqueness or unusualness, then a second step is taken in the process, i.e., a determination of whether practical difficulty and/or unreasonable hardship, resulting from the disproportionate impact of the ordinance caused by the property's uniqueness, exists. Further consideration must then be given to the general purposes of the zoning ordinance. (Footnote omitted) *Id.* at 694-695 (1995).

The Court went on to state its interpretation of the "uniqueness" factor by stating:

"In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. *Id.* at 710(1995) quoting *North v. St. Mary's County*, 99 Md. App. at 512, 638 A.2d 1175 (1994).

This Board finds that the property in question is unique in its shape and configuration within the meaning of *Cromwell v. Ward*, based on the uncontested facts presented. The property's shape is such that strict compliance with the regulations in place today would create a practical difficulty. As the site plan indicates, strict conformance with the regulations in place today would require removal of legally placed paving and parking and would benefit no one. Therefore, based on the above findings, the Board will grant the remaining requested variances.

O R D E R

THEREFORE, IT IS, this 20th day of November, 2008, by the Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to approve an amended site plan and order from that approved in Zoning Case No. 88-63-XA in accordance with Petitioner's Exhibit 1, the site plan revised with note initialed October 15, 2008, is hereby **GRANTED**; and

ORDERED that the Petition for Special Hearing to make a determination that the parking requirements pursuant to Baltimore County Zoning Regulations (BCZR) §§ 409.10A and 409.12 had been met is **DISMISSED AS MOOT**; and

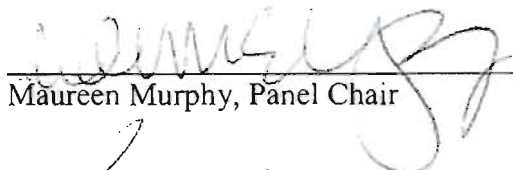
ORDERED that the Petition for Special Exception to allow the use in common with a service station of a convenience store larger than 1,500 square feet in size, and a carry-out restaurant in accordance with Petitioner's Exhibit 1 and subject to the conditions thereon is **GRANTED**; and

ORDERED that the Petition for Special Exception for a carwash is **WITHDRAWN**; that the Petition for Variance for a two-way aisle width of 16 feet in lieu of 22 feet is **WITHDRAWN**; that there shall be a privacy fence 6 feet high along the boundary of the Skidmore/Wagner properties; that the trees along the Skidmore/Wagner properties shall remain; and that the stormwater management shall meet the Chesapeake Bay Critical Area standards; and

ORDERED that the Petition for Variance from BCZR § 405.4A.2.b to permit a rear yard perimeter setback of 2.79 feet in lieu of the required 6 feet and to permit a front yard setback of 8 feet in lieu of the required 10 feet is **GRANTED**.

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

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen Murphy, Panel Chair


Lawrence S. Wescott


Andrew M. Belt

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION AND VARIANCE
N/S Carroll Island Rd., 380' E of Intersection *
Carroll Island Road and Eastern Avenue
(17 Carroll Island Road) *

BEFORE THE
ZONING COMMISSIONER
OF

15th Election District *
6th Council District

BALTIMORE COUNTY

CASE NO. 08-313-SPHXA

Zulfiqar Cheema, Owner
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, Zulfiqar Cheema, by and through his attorney John B. Gontrum, Esquire. The Petitioner requests a special hearing to approve an amended site plan and Order from that approved in Zoning Case No. 88-63-XA and to determine parking requirements pursuant to Sections 409.10A and 409.12 of the Baltimore County Zoning Regulations (B.C.Z.R.). A special exception is sought to allow the use in common of a service station with a convenience store larger than 1,500 square feet in size, a roll-over car wash, and a carry-out restaurant pursuant to B.C.Z.R. Sections 230.13, 405.4E.1, 405.4E.2, 405.4E.10 and 419.1. Variance relief is requested from B.C.Z.R. Section 409.4C to permit a two-way aisle of 16 feet in lieu of the permitted 22 feet and from Section 405.4A.2.b to permit a rear yard perimeter setback of 2.79 feet in lieu of the required 6 feet and a front yard setback of 8 feet in lieu of the required 10 feet. The subject property and the requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

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By [Signature]

Appearing at the requisite public hearing in support of the requests were the owner Zulfiqar Cheema, Patrick (Rick) C. Richardson, a Professional Engineer with Richardson Engineering, LLC, who prepared the site plan for this property, and John B. Gontrum, Esquire, representing the Petitioner. Ronald Leonard of Chase Auto Care, a service garage facility located in the area, appeared as an interested citizen. There were no adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies. No one appeared in opposition to the request. The case proceeded informally by proffer and by testimony.

Testimony and evidence indicated that the property is an irregular shaped parcel located on the north side of Carroll Island Road two properties removed from the intersection of Carroll Island Road and Eastern Avenue to the west. The property is zoned B.L. - A.S., lies within the urban-rural demarcation line and is served by public water and sewer. It also lies within the Chesapeake Bay Critical Area (C.B.C.A.) and is mapped as an intensively developed area. Consequently, there will be a requirement imposed on the developer of the site to reduce pollutants and improve the quality of water runoff from the site as it exists today.

As noted, this property was the subject of a previous petition for special exception in Case No. 88-63-XA. A copy of the site plan filed in that case was accepted into evidence and marked as Petitioner's Exhibit 2. At that time approval was given for a fuel service station, with a small convenience store of less than 1,000 square feet centrally located between the four fuel islands. Petitioner's Exhibit 3, an aerial photo taken from the Baltimore County website, indicates current parking and improvements in conformance with the previously approved site plan. A substantial canopy covers the four fuel islands.

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It is recognized that the zoning regulations have changed since the original service station was approved and configured in July 1987. At that time the perimeter setback requirements contained in B.C.Z.R. Section 405.4A.2.b did not exist, and, consequently, the configuration for which variances are now sought was shown on Petitioner's Exhibit 2 and approved without variance.¹ The layout of the site created by that site plan for parking along Carroll Island Road and for parking along the eastern and northern boundaries of the site has remained in use to the present time. A variance was granted in that case from the sign size limitations to permit a double-faced sign containing 183.02 square feet in lieu of the permitted 100 square feet.

The primary changes to the previously granted special exception involve not only the removal of the previously approved concrete building, and its replacement with two more pumps to the four now existing and approved, but also the addition of a 3,910 square foot building containing a convenience store and carry out on the western side of the property and the addition of a roll-over car wash on the western boundary of the site. Petitioner's Exhibit 1 indicates that the property directly adjacent to the western boundary of the site is also zoned B.L.-A.S. An existing storm water management facility will be filled in, and a new storm water management facility including underground sand filters for water quality is proposed. Any such facility will have to undergo scrutiny and approval by the Department of Permits and Development Management prior to the construction of any new buildings.

B.C.Z.R. Section 230.13 permits service stations by special exception subject to the provisions of Section 405. A car wash also is permitted by special exception by that section. Section 405 permits by special exception a roll-over car wash, convenience stores and carry-out

¹ County Council Bill No. 172-93 substantially amended the regulations pertaining to fuel service stations.

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restaurants as uses in common with fuel service stations.

The car wash will be a single bay car wash with exterior stacking for nine vehicles. The stacking lane begins well into the site. Run off from the wash will be collected by grates upon exiting the car wash and prior to entering the main portion of the site. There is neither direct access to the car wash nor direct exiting from the car wash onto Carroll Island Road. The existing access points to the service station will remain, and the car wash will use the existing access points on the site. Although there are trees and a sewer easement along the western property line, most of the area used by the stacking lanes and car wash is already cleared of trees (Petitioner's Exhibit 3).

There are no residences in proximity to the property impacted by the proposed use. It is projected that the car wash would be open 24 hours a day. Mr. Richardson testified that the intersection of Carroll Island Road and Eastern Avenue, although busy, is neither now deficient nor is it proposed as a deficient intersection. Not only are the required stacking spaces provided for the car wash, but a parking space also is provided for the vacuum cleaner, and four spaces are provided for the car wash including two spaces for cars to be dried and two spaces for employees.

The convenience store also requires parking at a rate of five spaces per 1,000 square feet and 15 spaces are being provided. The convenience store, deli, gas station and car wash together are anticipated to have a maximum of four employees on any one shift. Like the car wash, the convenience store is anticipated to have a 24-hour/7-day a week operation. The operation of the facility currently is 24 hours a day, 7 days a week. An ATM machine would also be located in the carry out, and a parking space has been allocated to this use.

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Finally, the Petitioner requests as part of the convenience store building to have a small carry-out area of 600 square feet in the far corner of the building from the street. The fare from this carry-out would be similar to that of most convenience stores at service stations.

The car wash is set back almost 49 feet from the right-of-way line of Carroll Island Road. The convenience store building is set back about 70 feet from the right-of-way line, and between the parking and car wash areas the front of the property will be landscaped and buffered. An additional area varying between 10 feet and 18 feet in depth exists along the road frontage of Carroll Island Road, and this area also will be used for landscaping.

It should be noted that B.C.Z.R. Section 405 also requires that the site be appropriately sized to accommodate not only the service station use but also any uses of the site in combination with the service station. A minimum of 15,000 square feet is required for the service station pumps alone. A total of 31,600 square feet is required to support the various proposed uses per Section 405.4D.2 of the B.C.Z.R. This site provides about 50% more than the requirement in that it consists of 47,130 square feet. The floor area ratio is less than 10% of the site.

The Office of Planning has commented that it does not object to the relief sought for the subject property provided that the Office has the opportunity to review and approve the following: Building elevations indicating materials, a landscape plan, the location and design of all proposed signage, the location and design of proposed lighting and an indication on the site plan of a pedestrian connection from the building to the sidewalk on Carroll Island Road. As Mr. Richardson noted, the plans and designs will be part of the development approval process in any event, and there is no objection to providing pedestrian access to the convenience store.

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Both Mr. Gontrum and Mr. Richardson related the exhibits and testimony to the requirements of Section 502.1 of the B.C.Z.R. to indicate that the special exception requests would not be injurious to the public health, safety or general welfare, and that, if granted, the special exception uses would not create adverse conditions at this location greater than that inherently found in such uses at similarly zoned locations.

Perhaps the most interesting testimony came from Mr. Leonard, who did not appear at the behest of the Petitioner. He operates a business in the area and is familiar with the existing service station. He had seen the notice and was concerned over the environmental impact of the proposed development. He was particularly concerned over the impact of the development on storm water, for he was familiar with the existing pond on the property and was curious about the impact of the proposed building and car wash. Upon hearing from Mr. Richardson about the sand filter treatment with which he (Leonard) was familiar from personal experience, he spoke favorably about the proposed uses of the site. He believed that the sand filters would work to reduce pollutants and improve the quality of water runoff leaving this site as described by Mr. Richardson in conformance with critical area criteria. He further believed that if done properly there would not only be no harm to the public health, safety and general welfare from the car wash, convenience store and carry out but also such uses in combination would serve the community well. He was familiar with the day-to-day operation of the service station, and he had no problem with it.

The setbacks on the site, as previously noted, date from the original construction of the service station in the late 1980's and are consistent with the regulations in place at the time of approval of the service station. At that time no parking spaces were allocated to the eastern boundary of the site although it is clear from Petitioner's Exhibit 3 that the eastern portion of the

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By [signature]

site has been used for parking and is currently paved. Petitioner's Exhibit 1 shows parking along the eastern boundary of the site and also shows that the distance between the rear of the parking space and the aisle for the easternmost gas pump diminishes to 16 feet. Because a two-way access aisle is proposed for this area, a variance is sought from the 22-foot aisle width requirement. Mr. Richardson testified that he eliminated one space from the area and agreed that it should be landscaped to prevent parking in the area. By eliminating the space vehicles using the spaces adjoining it on either side would be able to back up without interfering with vehicles in the service pump lanes.

It is clear to me that vehicles have been parking in these areas for years, and the pumps have not moved, and are not proposed to move any closer to this parking area. It also is clear to me that more parking spaces are being provided on this site than may be necessary under the counts used by the zoning regulations. The parking requirements look at each use as a separate use standing on its own, yet clearly the same employees manning the service station will also be serving the convenience store, delicatessen and car wash. There is no need, for example, for the car wash to use 2 additional parking spaces over and above drying spaces, when 4 spaces are provided for employees of the service station. Similarly, employees are usually figured into the parking count of 5 spaces per 1,000 square feet for convenience stores and carry out. Although I have the ability pursuant to the zoning regulations to adjust the parking requirements, I am reluctant to do so. I would prefer to have the site contain more than needed parking rather than less than needed parking. While I do not foresee more than 25 spaces occupied at any one time under the most favorable circumstances, there may be times when parking is tight, and I would rather err by having too much parking rather than too little, especially since customer access to

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this site from the parking lots across Carroll Island Road may be perilous². Consequently, I am of the opinion that the variance request to diminish the aisle to 16 feet should be granted. There is a very small area impacted by this reduction, well inside the lot, and based on its location within the site, the fact that it has existed in this configuration for more than 18 years apparently without issue, and the fact that there appears to be ample access through the site elsewhere, I believe that the variance is appropriate. Similarly, I believe it would create a practical difficulty not to grant the variances requested from B.C.Z.R. Section 405.4A.2.b given the fact that these setbacks were previously approved and the parking lot and pumps were located subject to those approvals and that the approvals have not had any negative impact on any adjoining property. I will, therefore, credit the Order of July 31, 1987 in Case No. 88-63-XA as creating a presumption of correctness in this regard.

Petitioner's proposal is consistent with the adjacent and other existing uses in the immediate area of the site. It also is consistent with the existing A.S. District (Automotive Services) overlay. Although no one from the community appeared in opposition to the proposed uses, I am cognizant of the concern of the community that properties be upgraded in appearance. I am particularly pleased, therefore, with the comment of the Office of Planning, to which agency I would look to ensure that the new buildings including the materials and the landscaping be of such quality as to enhance the site and the community.

Both the Department of Environmental Protection and Resource Management (DEPRM) and Mr. Richardson indicated that redevelopment of the site will require that pollutant loadings caused by runoff be reduced by 10%. I consider that to be a positive outcome brought about by

² Although Petitioner's Exhibit 1 indicates that dwellings exist across Carroll Island Road from the subject site, Petitioner's Exhibits 3 and 4 indicate that in the past those dwellings were replaced by a parking lot.

the proposed development. Prior to the issuance of any building permits the requirements of DEPRM including those of the storm water management bureau will have to be satisfied as well as the requirements of the State Critical Area Commission. I find, therefore, based on the evidence and testimony presented that the special hearing and special exception relief should be granted.

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

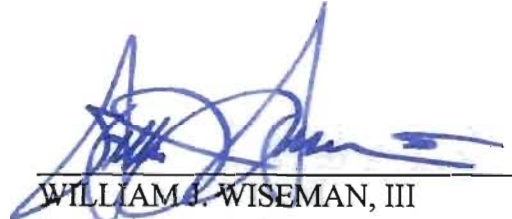
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of March 2008 that the Petition for Special Hearing to approve an amended site plan and Order from that approved in Zoning Case No. 88-63-XA and make a determination that the parking requirements pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Sections 409.10A and 409.12 shall be GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception pursuant to Sections 230.13, 405.4E.1, 405.4E.2, 405.4E.10 and 419.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow the use in common of a service station with a convenience store larger than 1,500 square feet in size, a roll-over car wash, and a carry-out restaurant, be and is hereby granted; and

IT IS FURTHER ORDERED that the Petition for Variance from Section 409.4C of the Baltimore County Zoning Regulations to permit a two-way aisle of 16 feet in lieu of the permitted 22 feet and from Section 405.4A.2.b of the B.C.Z.R. to permit a rear yard perimeter setback of 2.79 feet in lieu of the required 6 feet and a front yard setback of 8 feet in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. Petitioner may apply for building permits and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The Petitioner shall also submit to the Office of Planning, as part of the project's review criteria for approval: a) building elevations including materials; b) a landscape plan; c) the location and design of all proposed signage; and d) the location and design of proposed lighting.
3. The Petitioner shall indicate on an amended site plan a pedestrian connection from the convenience store building to the sidewalk on Carroll Island Road.

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

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Date 3-25-08

BY 123



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 17 CORRELL ISLAND ROAD
which is presently zoned BL-AS

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

(This box to be completed by planner)

AN Amended site Plan and order in case no. 88-63-XA
and to determine parking requirements pursuant to
sections 409.10A and 409.12

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

WALTER D. TAYLOR & PRESTON
Company

210 W. PENNSYLVANIA AVE
Address

BALTIMORE, MD 21204
City State Zip Code

Legal Owner(s):

ZULFIQAR CHEEMA
Name - Type or Print

Signature

Name - Type or Print

Signature 443-691-5000

800 MERRITT BLVD
Address

Dundalk, Md. 21204
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 08-313-SPHXA UNDER RECEIVED FOR HEARING

REV 9/15/98

Reviewed By CM Date 1-16-08

Date 3-25-08

By ISW



CBA Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 17 CARROLL ISLAND RD
which is presently zoned BL-AS

Deed Reference: 23288/130 Tax Account # 1508800120 1513200930 1513200931

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)

409.4C to Permit a Two-way aisle of 16' in lieu of required 25'

405.4A.2.6 to Permit a Rear yard permission setback of 2.75' in lieu of required 6' and a Front yard setback of 8' in lieu of required 10'

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

Existing front and rear setbacks were shown on previously approved plan and have been in place for over 20 years creating a practical difficulty if modified; aisle distance should be modified based on configuration of site and ability of cars to access spaces without hindrance and for such other reasons as 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

ZULFIQAR CHEEMA

Name - Type or Print

Signature

Name - Type or Print

Signature

800 MERRITT BLVD

443-691-5000

Address

DUNDALK

MD

Telephone No.

21222

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Case No. DB-313-SPHXA

Office Use Only

Estimated Length of Hearing

Unavailable For Hearing

ORDER RECEIVED FOR FILING

Date 3-25-08

Reviewed by CM

Date 1-16-08

REV 8/20/07

By [Signature]



CBCA

Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 17 CARROLL ISLAND RD
which is presently zoned BL-AS

Deed Reference: 23288/130 Tax Account # 1508800120 1513200931
1513200930

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

a use in common of a service station and convenience store
larger than 1500 square feet and roll over car wash
and carry-out restaurant pursuant to sections 230.13
and 405.48.1, 405.48.2 and 405.48.10 and 419.1

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:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address

Telephone No.

Name - Type or Print

City

State

Zip Code

Signature

Attorney For Petitioner:

800 MERRITT BLVD 443-691-5000
Address Telephone No.

Name - Type or Print

DUNDALK MD 21222
City State Zip Code

Signature

Representative to be Contacted:

Company

Name

Address

Address

Telephone No.

City

State

Zip Code

City

State

Zip Code

Case No. 313 DB-SYHXA

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

ORDER RECEIVED FOR FILING

Date 3-25-08

By BW

Reviewed By CM Date 1-16-08

**ZONING DESCRIPTION
17 CARROLL ISLAND ROAD
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the north side of Carroll Island Road, a variable width right of way; at a distance of 380 feet more or less, from the centerline intersection of Carroll Island Road and Eastern Avenue, 65 feet wide; thence leaving said right of way the following courses and distances, (1) North 31 degrees 07 minutes 57 seconds East 137.14 feet, (2) North 73 degrees 54 minutes 57 seconds East 22.00 feet, (3) North 38 degrees 19 minutes 57 seconds East 44.50 feet, (4) North 43 degrees 08 minutes 57 seconds East 37.40 feet, (5) South 40 degrees 27 minutes 47 seconds East 210.57 feet, (6) South 01 degrees 44 minutes 26 seconds East 105.96 feet, (7) South 28 degrees 21 minutes 54 seconds West 56.68 feet, to a point on a curve on the north side of Carroll Island Road, (8) thence binding on said right of way Northwesterly by a tangential curve to the right having a radius of 784.00 feet, an arc length of 56.59 feet, the chord of said arc bearing North 58 degrees 37 minutes 18 seconds West 56.58 feet, (9) by a tangential curve to the left having a radius of 860.25 feet, an arc length of 88.77 feet, the chord of said arc bearing North 59 degrees 30 minutes 43 seconds West 88.73 feet, (10) by a tangential curve to the right having a radius of 860.25 feet, an arc length of 144.79 feet, the chord of said arc bearing North 67 degrees 17 minutes 19 seconds West 144.61 feet, to the point of beginning.

Containing a net area of 47,130 square feet or 1.082 acres.

A circular professional engineer seal for the State of Maryland is visible. The seal contains the text "STATE OF MARYLAND", "REGISTERED PROFESSIONAL ENGINEER", and "EXPIRATION DATE 12/31/2010". A handwritten signature in black ink is written over the seal.

11/15/08

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: #08-313-SPHXA

17 Carroll Island Road

N/side of Carroll Island Road, 380 ft. east from Intersection Carroll Island and Eastern Avenue

15th Election District - 6th Councilmanic District

Legal Owner(s): Zulfiqar Cheema

Special Hearing: to approve an amended site plan and order in case no. 88-63-XA and to determine parking requirements. **Special Exception:** for a use in common of a service station and convenience store larger than 1,500 square feet and roll over car wash and carry out-restaurant. **Variance:** to permit a two-way aisle of 16 feet in lieu of required 22 feet and to permit a rear yard perimeter setback of 2.79 feet in lieu of the required 6 feet and a front yard setback of 8 feet in lieu of 10 feet.

Hearing: Thursday, March 13, 2008 at 9:00 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.

JT/2/814 Feb. 26

164816

CERTIFICATE OF PUBLICATION

2/28/2008

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 2/26/2008.

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

J. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 09741

Date:

01/16/2008

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				800-

Total:

\$ 800-

Rec
From:

A & Z INC

For:

17 CARROLL ISLAND RD

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

08-313-SPHXA

CASHIER'S
VALIDATION

PAID RECEIPT

01/16/2008
09741
800.00
01/16/2008
09741
800.00
01/16/2008
09741
800.00

CERTIFICATE OF POSTING

RE: Case No.: 08-313-SPAXA

Petitioner/Developer: ZULFIQAR

CHEEMA

Date of Hearing/Closing: 3-13-08

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

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

Ladies and Gentlemen:

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

17 CARROLL ISLAND ROAD

The sign(s) were posted on 3-3-08
(Month, Day, Year)

Sincerely,

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

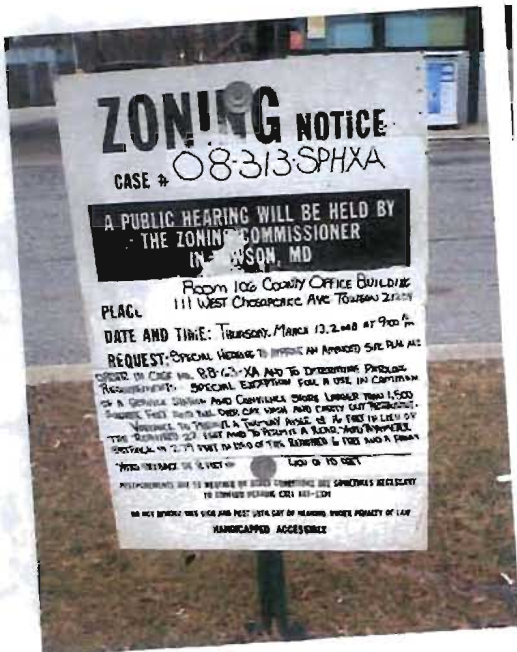
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ZONING APPEAL

PUBLIC HEARING

CASE NUMBER

08-313 ^{SPH}_{XA}

FOR INFORMATION CALL

410-887-3180

DO NOT REMOVE
UNDER PENALTY OF LAW

BALTIMORE COUNTY BOARD OF APPEALS

Requested: May 28, 2008

APPEAL SIGN POSTING REQUEST

CASE NO.: 08-313-SPHXA

17 Carroll Island Road

15th ELECTION DISTRICT

APPEALED: 4/14/2008

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

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

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building, Suite 203
102 W. Chesapeake Avenue
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 08-313-SPHXA

LEGAL OWNER: ZULFIQAR CHEEMA

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

17 CARROLL ISLAND ROAD

N/S CARROLL ISLAND RD, 380' E OF CARROLL ISLAND & EASTERN
AVENUE

The sign was posted on 9/3/8, 2008.

By: Chen
(Signature of Sign Poster)

J. Chen
(Print Name)

RECEIVED
OCT 09 2008

BALTIMORE COUNTY
BOARD OF APPEALS

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: 08-313-SPHXA

Petitioner: ZULFIQAR CHEEMA

Address or Location: 17 CARROLL ISLAND RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: ZULFIQAR CHEEMA

Address: 800 MERRITT BLVD
DUNDALK, MD 21222

Telephone Number: 443-691-5000

Revised 7/11/05 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 26, 2008 Issue - Jeffersonian

Please forward billing to:
Zulfiqar Cheema
800 Merritt Blvd.
Dundalk, MD 21222

443-691-5000

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: 08-313-SPHXA

17 Carroll Island Road

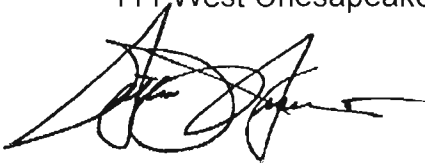
N/side of Carroll Island Road, 380 ft. east from intersection Carroll Island and Eastern Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Zulfiqar Cheema

Special Hearing to approve an amended site plan and order in case no, 88-63-XA and to determine parking requirements. Special Exception for a use in common of a service station and convenience store larger than 1,500 square feet and roll over car wash and carry out-restaurant. Variance to permit a two-way aisle if 16 feet in lieu of required 22 feet and to permit a rear yard perimeter setback of 2.79 feet in lieu of the required 6 feet and a front yard setback of 8 feet in lieu of 10 feet.

Hearing: Thursday, March 13, 2008 at 9:00 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.



County Board of Appeals of Baltimore County

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

**Hearing Room #2, Jefferson Building
105 W. Chesapeake Avenue, Second Floor
(adjacent to Suite 203)**

September 10, 2008

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 08-313-SPHXA

IN THE MATTER OF: ZULFIQAR CHEEMA –LO /Petitioner
17 Carroll Island Road 15th E; 6th C

3/25/2008 – Z.C.'s decision in which requested zoning relief was
GRANTED with restrictions.

which had been assigned for hearing on 10/08/08 has been POSTPONED at the request of BQIA due to unavailability of a witness; and has been

REASSIGNED FOR:

WEDNESDAY, OCTOBER 15, 2008, at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

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

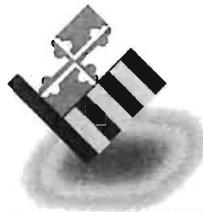
Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Petitioner : John B. Gontrum, Esquire
Appellant /Petitioner : Zulfiqar Cheema
Rick Richardson /Richardson Engineering, LLC

Ronald Leonard /Chase Auto Care
Michael Vivirito
Byron Livingston /Bowleys Quarters IA, Inc.
David Cahlander

Lisa Hoerger., Natural Resources Planner
State of Maryland, CBCAC

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



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 5, 2008

John B. Gontrum
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue
Towson, MD 21204

Dear Mr. Gontrum:

RE: Case Number: 08-313-SPHXA, 17 Carroll Island Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 16, 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
Zulfiqar Cheema 800 Merritt Blvd Dundalk 21222

BW 3/13
9AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAR 06 2008

BY: _____

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: March 6, 2008

SUBJECT: Zoning Item # 08-313-SPHXA
Address 17 Carroll Island Road
(Cheema Property)

Zoning Advisory Committee Meeting of January 28, 2008

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

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

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

X 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:

There is a groundwater contamination investigation on this site. Contact MDE Oil Control for more information. – *S. Farinetti; Ground Water Management*

The property is within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area, and therefore the 10% pollutant reduction requirements apply as well as the 100 foot buffer from all tributary and intermittent streams. A Critical Area Administrative Variance is necessary to impact the 100-foot buffer, and there is no guarantee of approval. – *Regina Esslinger; Environmental Impact Review*



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

January 29, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 29, 2008

Item Number: 304.313.321

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 1, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For February 4, 2008
Item Nos. 08-298, 299, 300, 301, 302, 304,
306, 307, 308, 309, 310, 311, 312, 313, 314,
316, 317, 318, 319, 320, 321, 322 and 323

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

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS- 02042008.doc



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

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

Maryland Department of Transportation

Date: JAN. 30, 2008

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

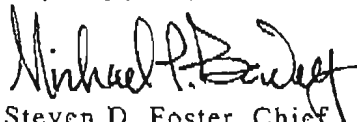
RE: Baltimore County
Item No. 8-313-SPHXA
17 CARROLL ISLAND RD
CHEEMA PROPERTY
SPECIAL HENNING
SPECIAL EXCEPTION
VARIANCE

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. 8-313-SPHXA.

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,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SPECIAL EXCEPTION & VARIANCE
17 Carroll Island Rd; N/S Carroll Island Rd, * ZONING COMMISSIONER
380' E intersection Carroll Island & Eastern Ave
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Zulfiqar Cheema
Petitioner(s) * BALTIMORE COUNTY
* 08-313-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

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 25th day of January, 2008, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JAN 25 2008

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 12, 2008

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

RECEIVED
MAR 12 2008

SUBJECT: 17 Carroll Island Road

BY: _____

INFORMATION:

Item Number: 08-313

Petitioner: John. B. Gontrum, Whiteford, Taylor and Preston, LLP

Zoning: BL-AS

Requested Action: Petition for Special Hearing to amend a site plan and order in case No. 88-63XZ and to determine parking requirements pursuant to Section 409.10A and 409.12;
Petition for Special exception for a use in common service station and convenience store larger than 1500 square feet and roll over car wash/carryout restaurant pursuant to sections 230.13, 405.4E.1, 405.4E.1, 405.4E.2 and 405.4E.10 and 419.1; of the BCZR and a variance from Section 409.4C to permit a two way aisle of 16 feet in lieu of required 22 feet, and section 405.4A .2.B to permit a rear yard setback of 2.70 feet in lieu of the required 6 feet and a front yard setback of 8 feet in lieu of the required 10 feet.

SUMMARY OF RECOMMENDATIONS: The Office of Planning has reviewed the subject requests for special exception, special hearing, and variances for the subject property. This office does not object to the granting of these requests, provided that the following additional information is provided to the planning office for review and approval:

- Building elevations indicating materials
- A landscape plan
- The location and design of all proposed signage
- The location and design of proposed lighting

- An indication on the site plan of a pedestrian connection from the building to the sidewalk on Carroll Island Road

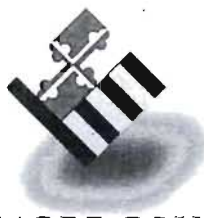
Prepared by:

Curtis Murray

Division Chief:

John Jackson

AFK/LL: CM



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
May 27, 2008
*Department of Permits and
Development Management*

John Gontrum, Esq.
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue
Towson, MD 21204

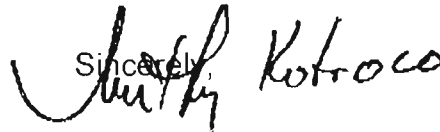
Dear Mr. Gontrum:

RE: Case: 08-313-SPHXA, 17 Carroll Island Road

Please be advised that an appeal of the above-referenced case was filed in this office on April 14, 2008 from the Bowleys Quarters Improvement Association. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,


Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Zulfiqar Cheema, 17 Carroll Island Road, Baltimore 21220
Rick Richardson, Richardson Engineering, LLC, 30 E. Joppa Rd, Ste. 500,
Timonium 21093
Ronald Leonard, 11720 Eastern Avenue, Baltimore 21220
Michael Vivirito, 3619 Bay Drive, Baltimore 21220
CBCA, 1804 West Street, Ste. 100, Annapolis 21401

RECEIVED

MAY 27 2008

BALTIMORE COUNTY
BOARD OF APPEALS

SPH – To approve an amended site plan and Order in Case No. 88-63-XA and to determine parking requirements per § 409.10A and 409.12 of BCZR; SE – To allow use in common of service station w/convenience store larger than 1500 sf, roll-over car wash and carry-out restaurant; VAR – to permit 2-way aisle of 16' ilo permitted 22' and rear and front yard setbacks

3/25/08 – Z.C.'s Order in which requested relief was GRANTED with restrictions.

7/03/08 – Letter from John B. Gontrum, Esquire, counsel for Petitioner, requesting that this matter be scheduled for hearing; People's Counsel copied.

7/07/08 – Response to Mr. Gontrum; case will be scheduled in normal course, falling probably in early Fall 2008. Copy to People's Counsel.

8/11/08 - Notice of Assignment sent to following; assigned for hearing on Wednesday, October 8, 2008, at 11:00 a.m.:

John B. Gontrum, Esquire
Zulfiqar Cheema
Rick Richardson /Richardson Engineering, LLC
Ronald Leonard /Chase Auto Care
Michael Vivirito
Byron Livingston /Bowleys Quarters IA, Inc.
David Cahlander
Lisa Hoerger., Natural Resources Planner
State of Maryland, CBCAC
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

9/09/08 – T/C and follow-up letter sent via facsimile from Mike Vivirito /BQIA requesting postponement of 10/08/08 hearing due to unavailability of witness Mark Wagner, who has a pre-paid vacation 10/04 through 10/14/08; copy of letter forwarded to Mr. Gontrum by Mr. Vivirito. Date of 10/15/08 will be open and available for this matter; Mr. Wagner can attend on 10/15/08.
-- T/C to Mr. Gontrum regarding requested postponement and availability of 10/15/08. Mr. Gontrum confirmed his availability on 10/15/08. Notice to be sent.

9/10/08 – Notice of PP and Reassignment sent to parties; case reassigned to Wednesday, October 15, 2008 at 10:00 a.m. Copy via FAX to Messrs. Gontrum and Vivirito.

10/15/08 – Board convened for hearing (Murphy, Wescott, Belt); concluded this date; deliberated at conclusion; issues resolved; relief granted pursuant to evidence /testimony presented; certain relief dismissed as moot or withdrawn; proposed order to be submitted by counsel.

11/06/08 – Draft submitted by Mr. Gontrum for review, final printing, signature and issuance.

WHITEFORD, TAYLOR & PRESTON L.L.P.

JOHN B. GONTRUM
DIRECT LINE (410) 832-2055
DIRECT FAX (410) 339-4058
JGontrum@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

BALTIMORE, MD
COLUMBIA, MD
FALLS CHURCH, VA
TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

July 1, 2008

Ms. Kathleen Bianco, Administrator
Board of Appeals for Baltimore County
400 Washington Avenue, Room 49
Towson, Maryland 21204

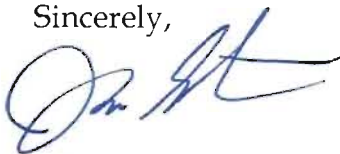
Re: 17 Carroll Island Road
Case No. 08-313-SPHXA

Dear Ms. Bianco:

We received notice in May that an appeal had been taken in the above-referenced case. We would respectfully request that the matter be set in for a hearing on the Special Exception and Variance at your earliest convenience.

Best wishes.

Sincerely,



John B. Gontrum

JBG:lsp

cc: Peter Max Zimmerman, Esq.
Carole S. Demilio, Esq.





County Board of Appeals of Baltimore County

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

July 7, 2008

John B. Gontrum, Esquire
WHITEFORD TAYLOR & PRESTON LLP
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

RE: *In the Matter of: Zulfiqar Cheema, LO /Petitioner*
Case No. 08-313-SPHXA

Dear Mr. Gontrum:

This will acknowledge receipt of your letter dated July 1 2008, regarding the scheduling of the subject matter for hearing.

This case will be assigned a hearing date in the normal course of scheduling, which should place the hearing in the early part of Fall 2008.

Please contact me if I can be of any further assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Kathleen C. Bianco".

Kathleen C. Bianco
Administrator

c: Office of People's Counsel

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: ZULFIQAR CHEEMA 08-313-SPHXA

DATE: October 15, 2008

BOARD/PANEL: Maureen Murphy
 Andrew Belt
 Lawrence Wescott

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate an appeal of the following:

1. Petitioner seeks an amended special hearing to approve an amended site plan and to determine parking requirements; a special exception to allow the use in common of a service station with a convenience store, and carry-out restaurant; and variances to permit a two-way aisle of 16 feet in lieu of the permitted 22 feet and to permit a rear yard perimeter setback of 2.79 feet in lieu of the required 6 feet, and a front yard setback of 8 feet in lieu of the required 10 feet.
2. Is the property unique pursuant to the conditions set forth in Cromwell vs. Ward?
3. If the property is unique pursuant to the conditions set forth in Cromwell vs. Ward; will failure to grant the Variance present a practical difficulty or unusual hardship on the property owner?

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The existing structure was built to conform to the BCZR's in effect at the time it was built in 1988.
- Petitioner has addressed the concerns of the citizens in the community and has amended his plan and site plan to fit the criteria of the citizens. The Petitioner has made arrangements such as he is keeping the trees and eliminating the originally proposed carwash. He is also putting in a sand filter to limit the amount of pollutants entering the Chesapeake Bay Critical Area. These efforts by the Petitioner will have a good effect on the community. The expansion of the gas station will also help the community by having more pumps congestion will be cut down.
- The configuration of the property is unique and therefore it meets the uniqueness requirements of Cromwell v. Ward.
- Not granting the variance would be a practical difficulty on the Petitioner because he would have to tear down the existing structure (built in 1988) and rebuild to meet today's standards.

DECISION BY BOARD MEMBERS: The property does fit the conditions of Cromwell vs. Ward for uniqueness and practical difficulty.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT Petitioner's request for an amended special hearing, special exception and variance relief to approve an amended site plan and to determine parking requirements; to allow the use in common of a service station with a convenience store, and carry-out restaurant; and to permit a two-way aisle of 16 feet in lieu of the permitted 22 feet and to permit a rear yard perimeter setback of 2.79 feet in lieu of the required 6 feet, and a front yard setback of 8 feet in lieu of the required 10 feet.

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

Respectfully Submitted,


Sunny Cannington

4-18-08

Eastern Hairlines
9 Carroll Island Rd
Balto. MD 21220

To Whom It May Concern:

I am against any building on the
property next to my business located
on 9 Carroll Island Rd.

MARK WAGNER, OWNER

Mark Wagner

EASTERN HAIRLINES
Full Service Hair, Nails & Massage Salon
9 Carroll Island Road
Baltimore, Maryland 21220
410-344-0705

Mark Wagner

8:30 to 4:00

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19

THE REGULATIONS

ARTICLE 1, GENERAL PROVISIONS

Section 101, Definitions [BCZR 1955]

RESTAURANT, CARRY - OUT -- An establishment whose principal business is the sale of ready-to-consume food and beverages to customers who order their food and beverages over the counter, by telephone or by fax machine and whose principal characteristic is that food and beverages are consumed off the premises. [Bill No. 110-1993]

RESTAURANT, FAST-FOOD -- An establishment whose principal business is to sell ready-to-consume food and beverages in disposable containers and which is not a drive-in restaurant. A fast-food restaurant has some or all of the following characteristics:

Prepackaged frozen, chilled or sealed food and meals are cooked in advance for immediate sale.

Food and beverages are ordered over the counter or by motorists from within their vehicles.

Food and beverages are consumed on the premises of the restaurant or within a motor vehicle on or off the premises. [Bill No. 110-1993]

RESTAURANT, FAST-FOOD, DRIVE-THROUGH ONLY -- A fast-food restaurant, as defined in Section 101, except that no customer seating is provided inside the restaurant. Food and beverages are ordered by motorists from a drive-through lane or from a walk-up window on the outside of the building or within a vestibule. Orders are primarily consumed off the premises, but restaurants may provide seating at tables outside the building on the premises. [Bill No. 110-1993]

RESTAURANT, STANDARD -- A facility or part of a facility used primarily for serving meals and beverages to persons seated at tables on the premises of the establishment. The term includes cafes, cafeterias, tearooms and outdoor cafes. The term does not include a catering hall. A standard restaurant may offer a carry - out service, provided that such service is accessory to the principal restaurant operations. A standard restaurant may include a Class 6 brewery as an accessory use. [Bill Nos. 110-1993; 185-1995]

RESTRICTED PARKING SPACE -- A parking space in any parking facility which is designated by the owner or operator of the parking facility as being reserved or restricted for the exclusive use of any person or class of persons at all times or during any designated time periods and is clearly identified by a sign, located on an immediately adjacent wall or post, or by painting on the immediately adjacent wall or on the pavement within the parking space. [Bill No. 26-1988]

RIDESHARING -- A form of transportation wherein shared rides are prearranged for people traveling at similar times from approximately the same origin to approximately the same destination. This term includes carpools, vanpools or similar arrangements where more than one person occupies a vehicle for the length of a trip. [Bill No. 26-1988]

RIDING STABLE -- A building where riding horses are boarded or kept for hire. ^{EN}

RUBBLE -- Building demolition debris, tree stumps and other land clearing debris, solidified road paving debris and other similar wastes authorized by the approving authority. Rubble does not include garbage, friable asbestos, refractory brick, liquid petroleum products, hazardous materials (as defined in § 7-101 of the Environment Article of the Annotated Code of Maryland) or free liquid. [Bill Nos. 97-1987; 137-2004]

RUBBLE LANDFILL -- Rubble landfill means a system of rubble disposal or land reclamation for public or private use for which a permit has been issued if required. [Bill No. 97-1987]

CASE NAME 17 CARROLL ISLAND PD
CASE NUMBER 08-33-SPHKA
DATE 3/13/08

NAME _____

CITY, STATE, ZIP

E-MAIL

RICK RICHARDSON	30 E PADONIA RD ST 500	TIMONIUM MD 21093	RICK @ RICHARDSON ENGINEERING
-----------------	------------------------	-------------------	-------------------------------

John B. Gonthum Esq.

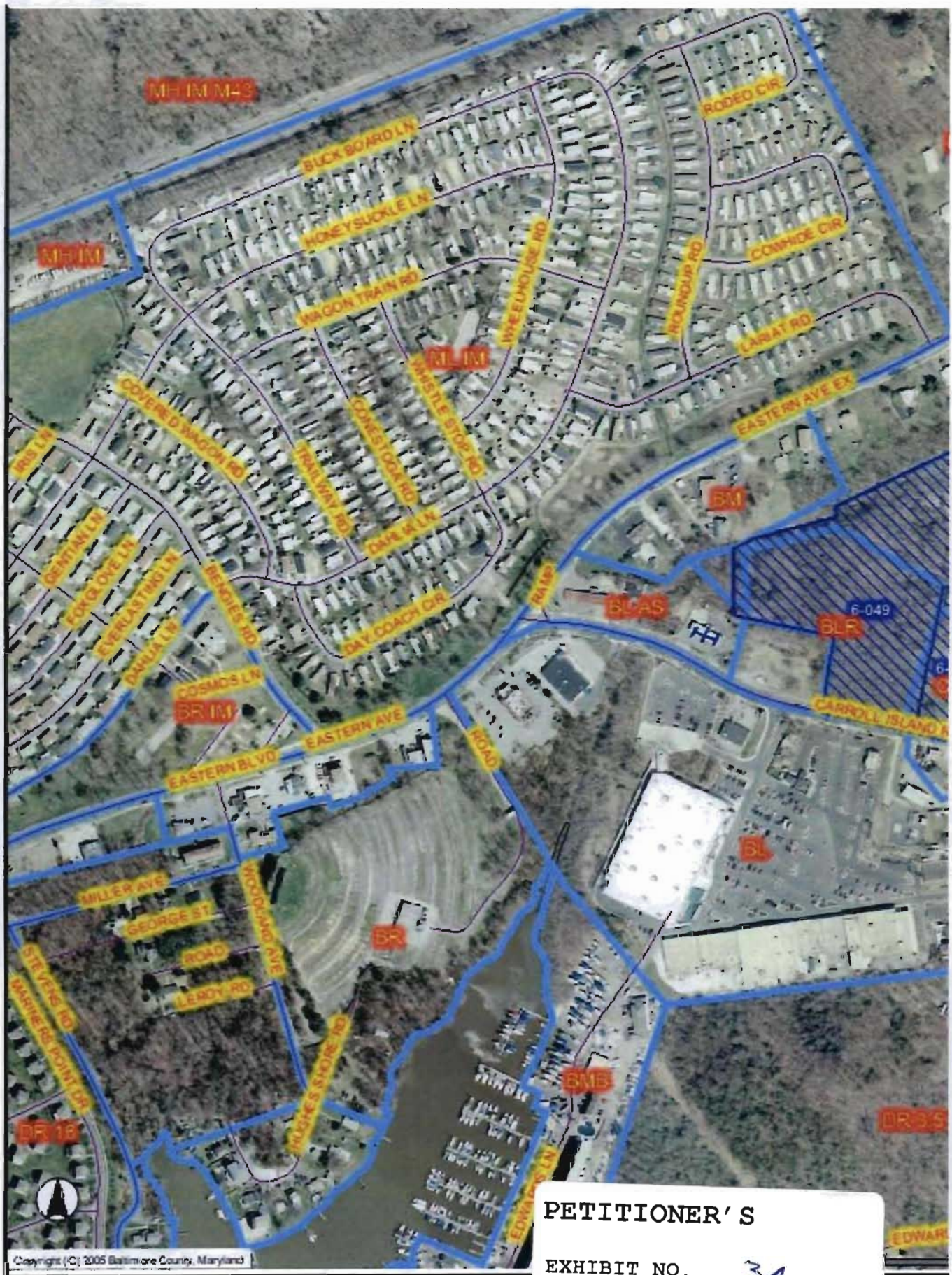
Case No.: 08-313-SPHXA 17 CARROLL ISLAND RD.

Exhibit Sheet

Petitioner/Developer

Protestant

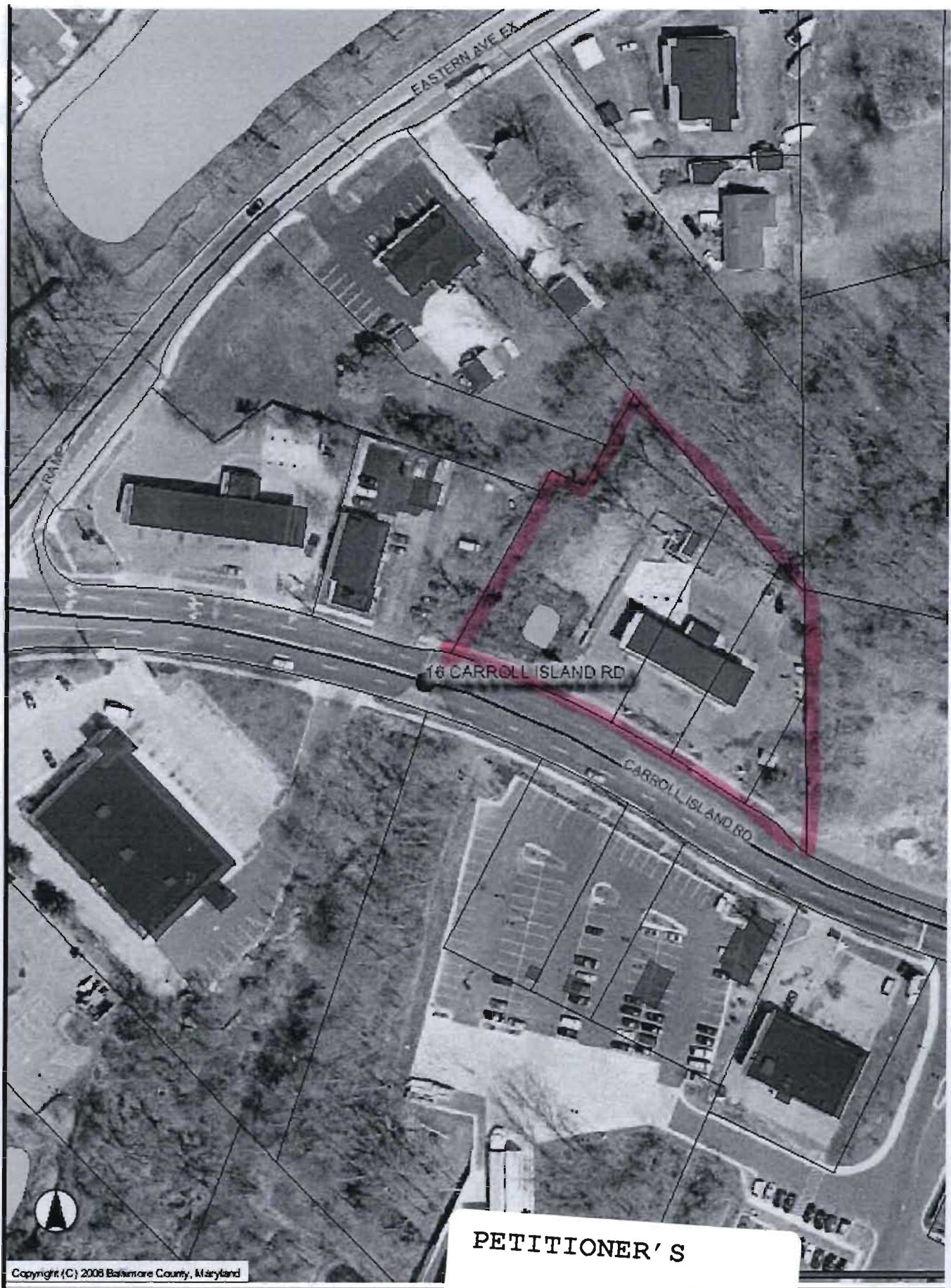
No. 1	RED LINED SITE PLAN	
No. 2	SITE PLAN APPROVED IN CASE NO. 88-63-XA	
No. 3	3A - Aerial of Area 3B - Close-up of Site	
No. 4	Aerial depicting Property boundaries	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





PETITIONER'S

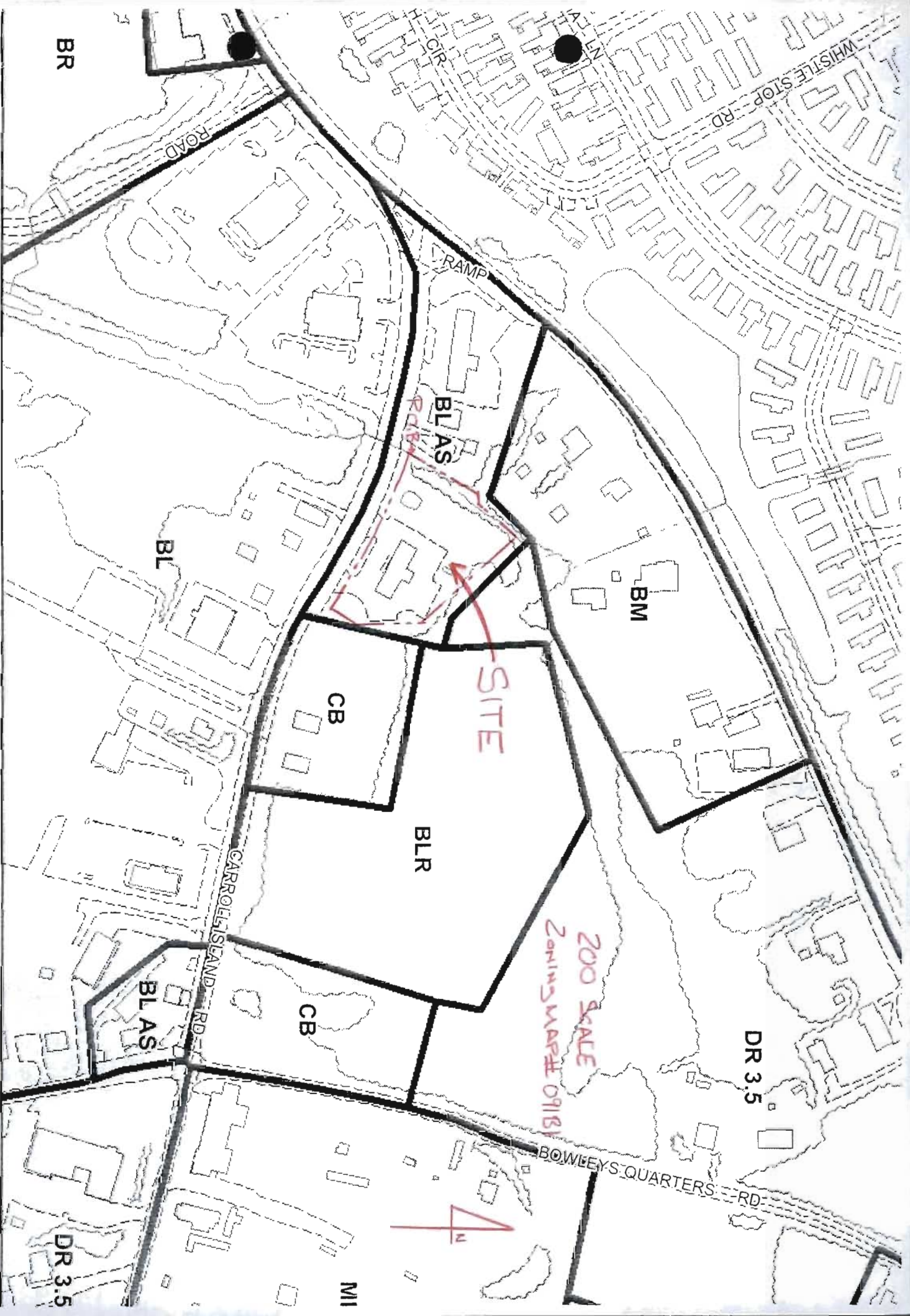
EXHIBIT NO. 303



Legend

3/3

R:



Verified 10/15/08
SC

People's Council.

- ✓ PC #1 - Rule & Papers
- ✓ PC #2 - Fund Plan
- ✓ PC #3 - Attache Sheet

Let. Ex lats

- ✓ #1 - CURRENT papers. - TO BE SUBMITTED
- ✓ #2 - 1987 Plan. By RICHARDSON
- 3. ~~Attache Sheet.~~

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a
duly elected member of the (Board of Directors) (Zoning Committee)
of the BOWKEYS QUARTERS IMPROVEMENT Association. INC.

ATTEST:

B. Q. I. Association INC.

Wilma G. Blythe
Secretary

Michael Verrito
President

DATE: 1-8-2008

BOWKEYS QUARTERS IMPROVEMENT ASSOCIATION INC.

RESOLVED: That the position of the _____
B. Q. I. Association ^{INC.} as adopted by the (Board
of Directors) (Zoning Committee) on the zoning matter known as:

CASE # 08-313-SPHXA

IN THE MATTER OF: ZULFIQAR CHEEMA - LO/PETITIONER BP
STATION - 17 CARROLL ISLAND RD, 15TH E, 6TH C

is that:

WE ARE OPPOSED TO THE BUILDING OF A CAR WASH

THIS WAS DISCUSSED AND VOTED ON AT OUR BOARD MTG. SEPT. 9, 2008

THIS WAS DISCUSSED AND VOTED ON AT OUR GENERAL MTG. SEPT. 11, 2008

AS WITNESS OUR HANDS AND SEAL THIS 11TH day of
SEPTEMBER, 2008.

ATTEST:

B. Q. I. Association INC.

Wilma G. Blythe
Secretary

Michael Viorito
President

ATTENDANCE SHEET 10/15/08
CHEEMA 8.313 SPHXA

MIKE VIVIRITO - PRES. BOWLEYS QUARTERS IMP. ASSOC.
3619 BAY DR. 21220

John Schmidt. Bowley Quarters Imp. Assoc.
3833 CLARKS P. RD. - 21220

ANTHONY E. SEREN 3800 NEW SECTION RD BOIA

MARK WAGNER 9 CARROLL Island RD

P.C. # 3



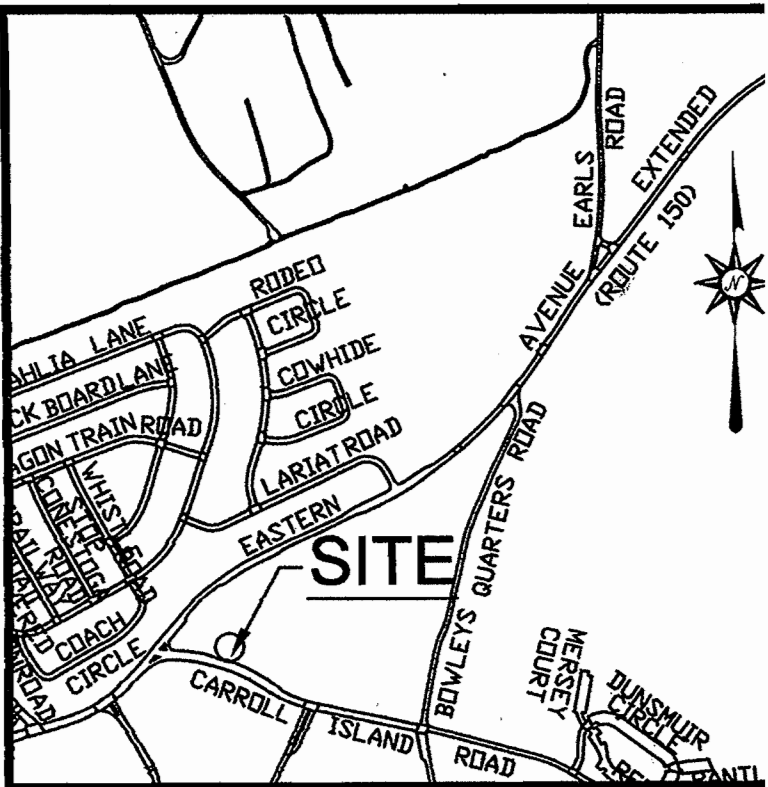
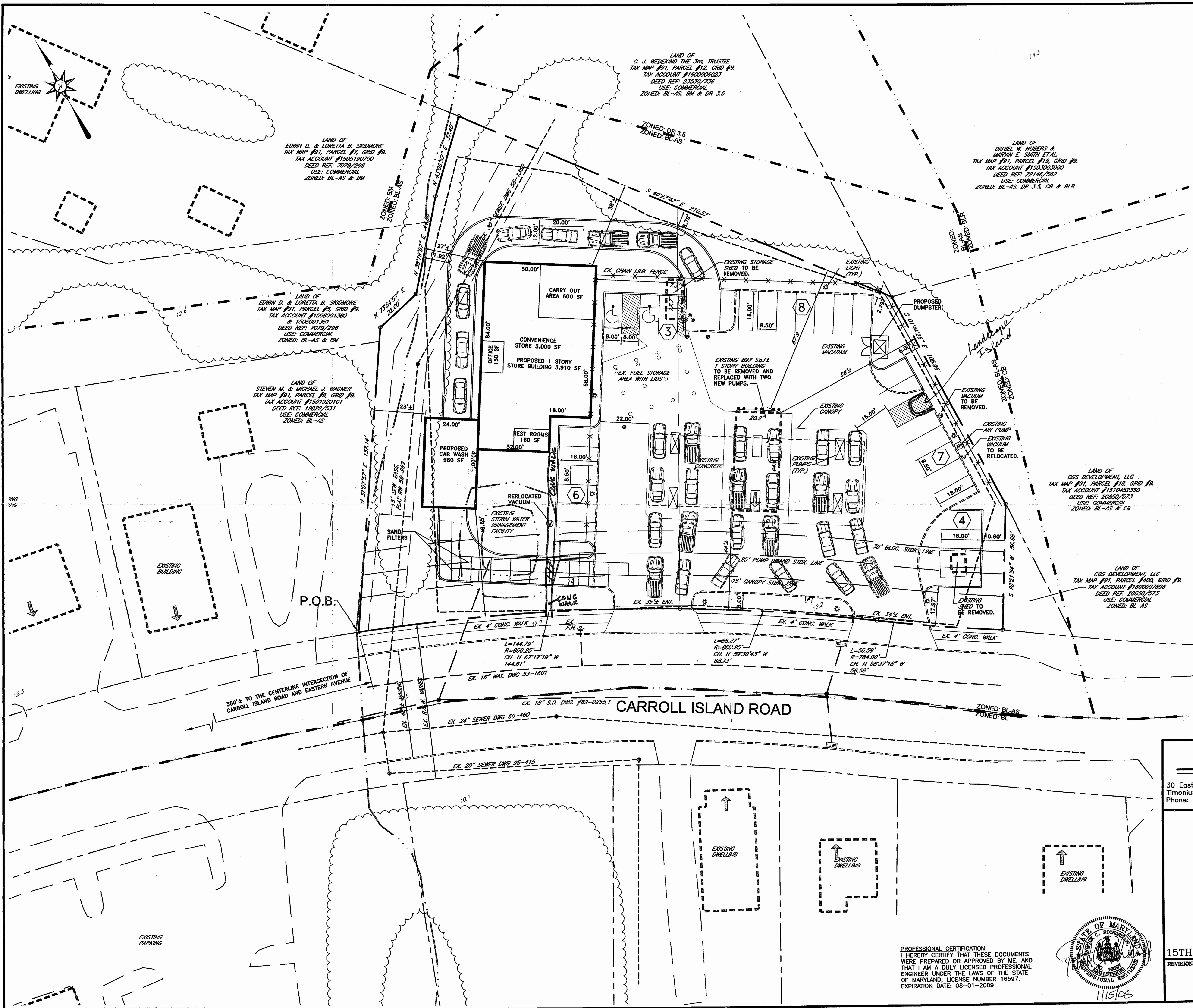
Produced by Baltimore County GIS Services Unit
Date: September 12, 2008
Date of Imagery: 2007

1 inch equals 50 feet

The Cadastral Information on this Plot was compiled from existing deed information. This Information is not to be considered authoritative. The Survey Information was not field checked and Certified by a licensed land surveyor.



P.C. Ex. 2



GENERAL NOTES:

- OWNER: ZULFIQAR CHEEMA
#17 CARROLL ISLAND ROAD
BALTIMORE, MARYLAND 21220-2205
- SITE AREA:
GROSS: 55,858 Sq.Ft. or 1.282 Ac.±
NET: 47,130 Sq.Ft. or 1.082 Ac.±
- BUILDING AREAS:
EXISTING: 1,026 Sq.Ft.
PROPOSED: 4,870 Sq.Ft. (3,910 CONVENIENCE STORE WITH CARRY OUT, 960 CAR WASH)
TOTAL: 4,870 Sq.Ft. (EXIST. BLDGS. TO BE REMOVED)
- REQUIRED MINIMUM LOT AREA (SECTION 405.4.0.2):
GAS PUMPS 6 x 1,500/PU/MP = USE 15,000 SF (min)
C-STORE 4 x 3,000 SF = 12,000 SF
CARRY OUT RESTAURANT 6 x 600 SF = 3,600 SF
ATM 1 x 1,000/EA = 1,000 SF
TOTAL REQUIRED: 31,600 SF
TOTAL PROVIDED: 47,130 SF
- UTILITIES:
WATER: PUBLIC SEWER: PUBLIC
- USES:
EXISTING: GAS STATION w/ C-STORE LESS THAN 1,500 SF
PROPOSED: MULTI-USE
1. GAS STATION
2. CAR WASH
3. CONVENIENCE STORE GREATER THAN 1,500 SF WITH CARRY OUT
- PARKING REQUIRED:
GAS STATION 1 PER EMPLOYEE MAX. 4 PER SHIFT = 4 SPACES
CAR WASH 2 PER TUNNEL FOR DRYING = 2 SPACES
2 ADDITIONAL SPACES = 2 SPACES
VACUUM CLEANER 1 PER UNIT x 1 UNIT = 1 SPACES
CONVENIENCE STORE 3,000 Sq.Ft. @ 5/1000 = 15 SPACES
ATM MACHINE 1 PER UNIT x 1 UNITS = 1 SPACE
CARRY OUT RESTAURANT 600 Sq.Ft. @ 5/1000 = 3 SPACES
TOTAL REQUIRED 28 SPACES (2 HANDICAPPED, 26 REGULAR).
- SETBACKS: REQUIRED
FRONT 10' 48"±
SIDE NONE 23"±
REAR 20' 38"±
- DEED REF: 23288/130
- TAX ACCOUNT #1508800120, #1513200930 & #1513200931.
- COUNCILMANIC DISTRICT: 6TH
- WATERSHED: MIDDLE RIVER
- FLOOR AREA RATIO: 4,760 ÷ 55,858 = .085
- ZONING: BL-AS
(PER 1"-200' ZONING MAP 091B1)
- TAX MAP #91 PARCEL #9, #10 & #11.
- ALL PROPOSED SIGNS ARE TO CONFORM TO BCZR.
- SPECIAL HEARING: ZONING CASE 88-63-XA, SPECIAL EXCEPTION FOR A FOOD STORE USE IN COMBINATION WITH AN AUTOMOTIVE SERVICE STATION WITH LESS THAN 1,500 Sq.Ft. RETAIL SALES AREA.
VARIANCE: SECTION 413.2 TO PERMIT A DOUBLE FACE I.D. SIGN OF 183.02 Sq.Ft. IN LIEU OF THE ALLOWED 100 Sq.Ft.
GRANTED JULY 31, 1987 SUBJECT TO THE FOLLOWING RESTRICTION: THE PETITIONER SHALL SATISFY ANY CONDITIONS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AS TO MINIMIZE IMPACT ON THE CHESAPEAKE BAY CRITICAL AREA, PURSUANT TO THE CHESAPEAKE BAY CRITICAL AREA LEGISLATION, IN A LETTER DATED OCTOBER 26, 1987 FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT. THE DEVELOPMENT ON THIS SITE IS IN CONFORMANCE WITH THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE DOES NOT LIE WITHIN THE 100 YEAR FLOODPLAIN.
- THE SITE LIES ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA (IDA).
- PREVIOUS BUILDING PERMITS: NONE ON FILE, PREVIOUS IMPROVEMENTS CONSTRUCTED IN 1988

Richardson Engineering LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY A
ZONING PETITION
FOR
BP GAS STATION
17 CARROLL ISLAND ROAD
PETITIONER'S
EXHIBIT NO. 1

15TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

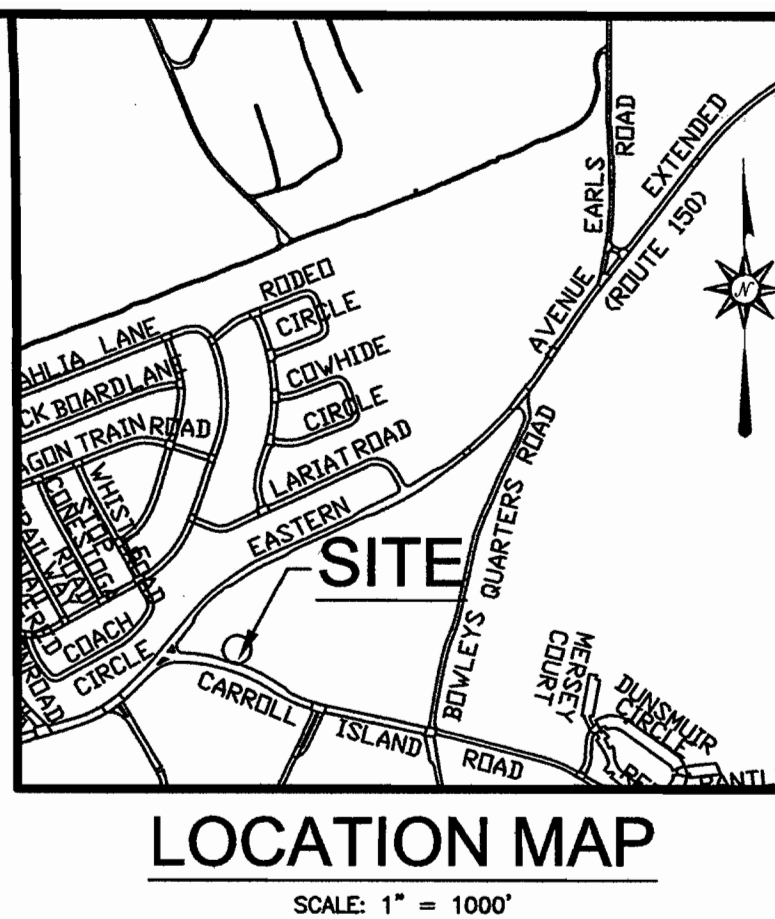
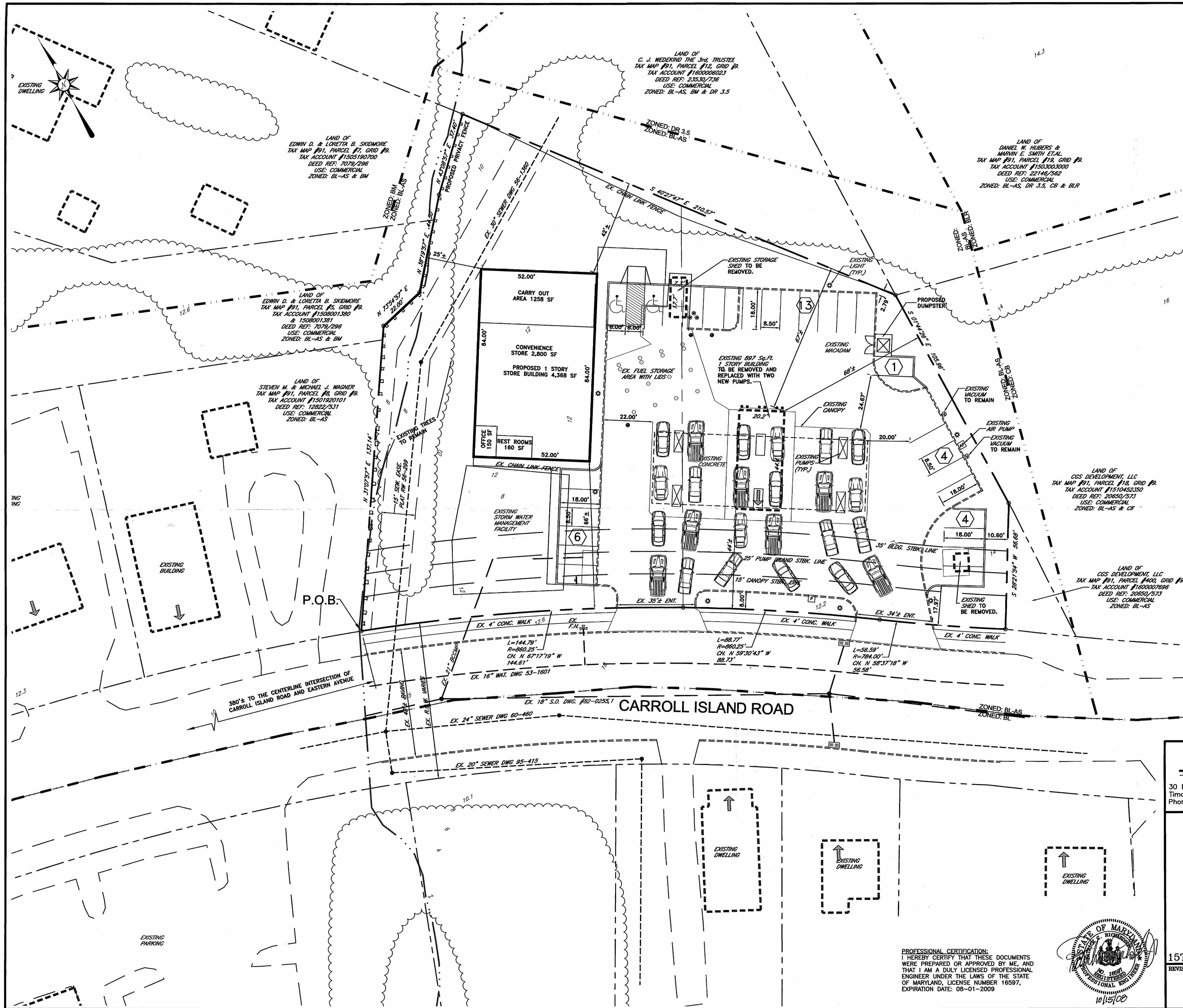
REVISIONS

DRAWN BY: CND DESIGNED BY: PCR SCALE: 1" = 20'

DATE: 01-08-08 JOB NO.: 07102 SHEET NO.: 1 OF 1

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 NUMBER 16597.
EXPIRATION DATE: 08-01-2009





GENERAL NOTES:

- OWNER: ZULFIQAR CHEEMA
#17 CARROLL ISLAND ROAD
BALTIMORE, MARYLAND 21220-2205
- SITE AREA:
GROSS: 55,858 Sq.Ft. or 1.282 Ac.±
NET: 47,130 Sq.Ft. or 1.082 Ac.±
- BUILDING AREAS:
EXISTING: 1,026 Sq.Ft.
PROPOSED: 4,368 Sq.Ft. (EXIST. BLDGS. TO BE REMOVED)
- REQUIRED MINIMUM LOT AREA (SECTION 405.4.2.2):
GAS PUMPS 6 x 1,500/PUMP = USE 15,000 SF (min)
C-STORE 4 x 2,800 SF = 11,200 SF
CARRY OUT RESTAURANT 6 x 1,258 SF = 7,548 SF
ATM 1 x 1,000/EA = 1,000 SF
TOTAL REQUIRED: 34,748 SF
TOTAL PROVIDED: 47,130 SF
- UTILITIES:
WATER: PUBLIC
SEWER: PUBLIC
- USES:
EXISTING: GAS STATION w/ C-STORE LESS THAN 1,500 SF
PROPOSED: MULTI-USE
1. GAS STATION
2. CONVENIENCE STORE GREATER THAN 1,500 SF WITH CARRY OUT
- PARKING REQUIRED:
GAS STATION 1 PER EMPLOYEE MAX. 4 PER SHIFT = 4 SPACES
VACUUM CLEANER 1 PER UNIT X 2 UNIT = 2 SPACES
CONVENIENCE STORE 2,800 Sq.Ft. @ 5/1000 = 14 SPACES
ATM MACHINE 1 PER UNIT X 1 UNIT = 1 SPACE
CARRY OUT RESTAURANT 1,258 Sq.Ft. @ 5/1000 = 28 SPACES
TOTAL REQUIRED: 28 SPACES (2 HANDICAPPED, 26 REGULAR)
- SETBACKS: REQUIRED PROVIDED
FRONT 10' 68'±
SIDE NONE 25'±
REAR 20' 42'±
- DEED REF: 23288/130
- TAX ACCOUNT #1508800120, #1513200930 & #1513200931.
- COUNCILMANIC DISTRICT: 6TH
- WATERSHED: MIDDLE RIVER
- FLOOR AREA RATIO: 4,760 ÷ 55,858 = .085
- ZONING: BL-AS
- (PER "1"-200' ZONING MAP 091B1)
- TAX MAP #91 PARCEL #9, #10 & #11.
- ALL PROPOSED SIGNS ARE TO CONFORM TO BCZR.
- SPECIAL HEARING: ZONING CASE 88-63-XA, SPECIAL EXCEPTION FOR A FOOD STORE USE IN COMBINATION WITH AN AUTOMOTIVE SERVICE STATION WITH LESS THAN 1,500 Sq.Ft. RETAIL SALES AREA. VARIANCE SECTION 413.2 TO PERMIT A DOUBLE FACE I.D. SIGN OF 183.02 Sq.Ft. IN LIEU OF THE ALLOWED 100 Sq.Ft. GRANTED JULY 31, 1987 SUBJECT TO THE FOLLOWING RESTRICTION. THE PETITIONER SHALL SATISFY ANY CONCERNS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AS TO MINIMIZE IMPACT ON THE CHESAPEAKE BAY CRITICAL AREA. PURSUANT TO THE CHESAPEAKE BAY CRITICAL AREA LEGISLATION, IN A LETTER DATED OCTOBER 26, 1987 FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT, THE DEVELOPMENT ON THIS SITE IS IN CONFORMANCE WITH THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE DOES NOT LIE WITHIN THE 100 YEAR FLOODPLAIN.
- THE SITE LIES ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA (IDA).
- PREVIOUS BUILDING PERMITS: NONE ON FILE, PREVIOUS IMPROVEMENTS CONSTRUCTED IN 1988
- SPECIAL EXCEPTION FOR CONVENIENCE STORE OVER 1500 SF AND FOOD CARRY OUT
- SPECIAL HEARING TO AMEND PLAN AND ORDER IN CASE 88-63-XA, VARIANCE FROM BCZR SECTION 405.4.A.2.b TO PERMIT A REAR YARD SETBACK OF 2.79 FEET IN LIEU OF REQUIRED 6' AND A FRONT YARD SETBACK OF 6' IN LIEU OF REQUIRED 10'
- PROPOSED 6' HIGH PRIVACY FENCE ALONG SKIDMORE/WAGNER PROPERTIES
- EXISTING TREES ALONG SKIDMORE/WAGNER PROPERTIES TO REMAIN.
- STORMWATER MANAGEMENT TO MEET CRITICAL AREA STANDARDS

Richardson Engineering LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

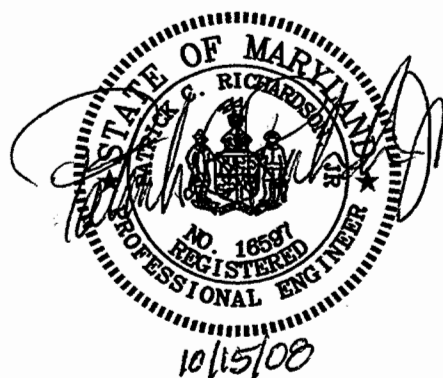
AMENDED PLAN TO ACCOMPANY A
ZONING PETITION
FOR

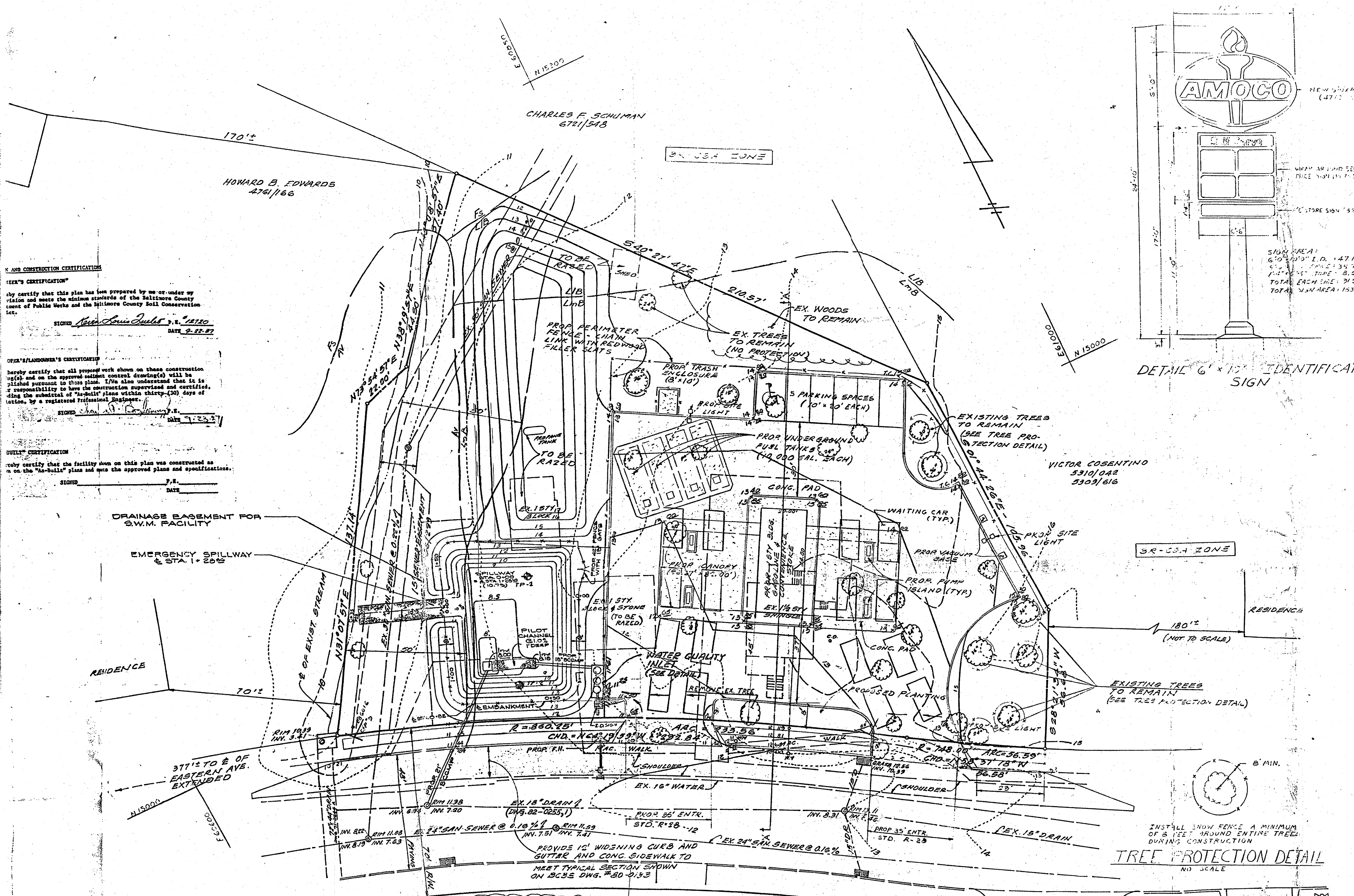
BP GAS STATION
17 CARROLL ISLAND ROAD

PET. Ex. 1

15TH ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND		
REVISIONS	10-09-08 REVISED LAYOUT	DRAWN BY: CND	DESIGNED BY: PCR	SCALE: 1" = 20'
DATE:	01-08-08	JOB NO.:	07102	SHEET NO.:
				1 OF 1

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 NUMBER 16597,
EXPIRATION DATE: 08-01-2009





LEGEND

EXISTING CONTOURS	12
PROPOSED CONTOURS	13
EXISTING CURB & GUTTER	==
PROPOSED CONC. CURB	---
PROPOSED BITUMINOUS PAVING	[Symbol]
TEST BORING	TP-1
DRAINAGE LINES	[Symbol]
PROP. SITE LIGHTING	[Symbol]
SOIL BOUNDARY	L/S
PROPOSED CONCRETE	[Symbol]
PROPOSED FENCE	X

SEAL AND CONSTRUCTION CERTIFICATION

SEAL CERTIFICATION

I hereby certify that this plan has been prepared by me or under my supervision and meets the minimum standards of the Baltimore County Department of Public Works and the Baltimore County Soil Conservation District.

SIGNED: *Victor Cosentino*, P.E. DATE: 8-10-88

OVERSEER'S CERTIFICATION

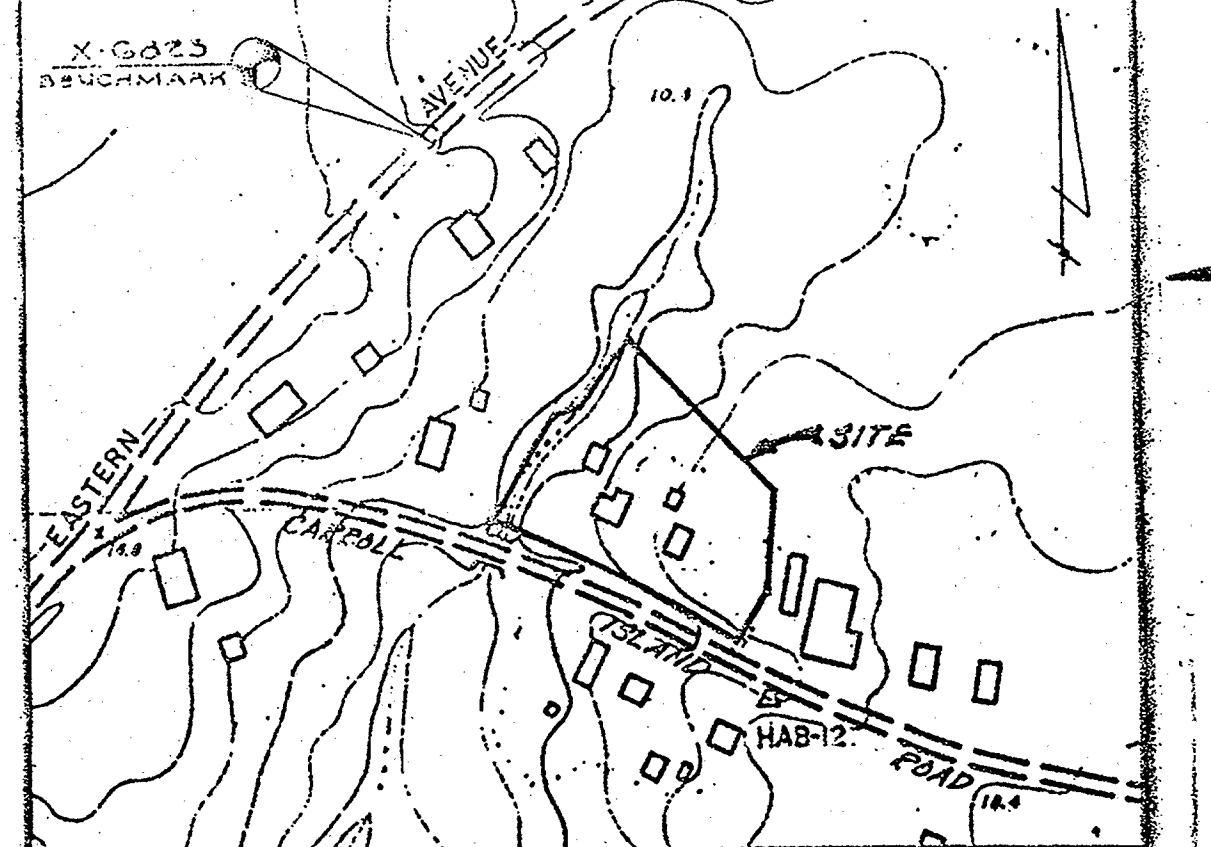
I hereby certify that all proposed work shown on these construction drawings will be done in accordance with the approved plans and specifications, and that I am responsible for the construction of the project.

SIGNED: *Victor Cosentino*, P.E. DATE: 8-10-88

BUILT CERTIFICATION

I hereby certify that the facility shown on this plan was constructed as shown on the "As-Built" plans and meets the approved plans and specifications.

SIGNED: _____ DATE: _____



LOCATION PLAN
SCALE: 1"=200'

BENCHMARK X-6825
N 15405.97 E 60612.87
75' Iron bar north edge paving Eastern Avenue 100' west of pumping station.

- GENERAL NOTES**
- Construction shall be in accordance with Baltimore County Standard Specifications and Details for Construction (1988 Edition) as amended.
 - Bearings shown are referred to the True Meridian as established for the Baltimore Metropolitan District.
 - Elevations are based on Baltimore County Datum.
 - Survey Control Data: Baltimore County Benchmark X-6825 N 15405.97 E 60612.87 Elev. 13.121 7/8" Iron bar north edge paving Eastern Avenue 100' west of pumping station.
 - The Contractor shall contact "Miss Utility" (1-800-257-7777) at least 48 hours prior to starting work.
 - The Contractor shall verify the location of the utilities shown prior to any new construction which connects to the existing utilities. The locations shown hereon are based on available information and are not guaranteed.
 - Areas shown to be paved shall be bituminous concrete surface and all curb shown on site shall be 6" high by 12" wide concrete.
 - Site lighting shall be a maximum of 14" high. Perimeter lighting shall be directed downward and into site.
 - All existing structures on site to be razed.

- NOTES**
- Existing Zone BR-65A
 - Proposed Zone No change but with a special exception for a convenience store
- Special Hearing: Special Exception Case 88-63-KA
For a food store use in combination with an automotive service station with less than 5,000 s.f. retail sales area.
- Variance: Section 413.2 to permit a double face I.D. sign of 180.02 s.f. in lieu of the allowed 100 s.f.
- Petition for Special Exception 88-63-KA

- Granted July 31, 1987 subject to the following restriction. The Petitioner shall satisfy any condition of the Department of Environmental Protection as to minimize impact on the Chesapeake Bay Critical Area, pursuant to the Chesapeake Bay Critical Area legislation. In a letter dated October 24, 1987 from the Department of Environmental Protection and Resource Management, the development on this site is in conformance with the Chesapeake Bay Critical Area.
- Lot Area Requirements:
 - Four dispenser islands with four dispensers capable of serving eight cars at one time.
 - Total servicing spaces = 8
 - Total servicing bays = 8
 - Total waiting spaces = 8
 - 8 fuel bays @ 1500 = 12,000 s.f. (15,000 s.f. Min.)
 - 8 car spaces @ 1500 = 12,000 s.f. (15,000 s.f. Min.)
 - Total Site Area Requirement = 27,000 s.f.
 - Site Area Provided = 47,026 s.f.
 - Minimum Road Frontage Req. = 2 x 65' = 130'
 - Road Frontage Provided = 230'
- Existing Use: Residence
 - Proposed Use: Gasoline Station with Convenience Store
 - Off Street Parking
 - Parking required @ 1 space/200 s.f. Retail (500 = 200) = 5
 - Parking provided: 22
 - All parking spaces shall be 10' x 20'
 - All paving shall be bituminous concrete surface
 - All curb shown on site shall be 6" high by 12" wide concrete
 - Landscape Requirements
 - Screening shall meet the requirements of the Baltimore County Landscape Manual. (Refer to approved landscape plan).

Baltimore County Soil Conservation District

APPROVED FOR STORM WATER MANAGEMENT

Victor Cosentino 8-10-88 DATE
DISTRICT OFFICIAL
TECHNICAL REVIEW FOR DISTRICT
BY: _____ DATE: _____
BALTO. CO. DEPT. OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Baltimore County Soil Conservation District

APPROVED FOR SMALL POND

Victor Cosentino 8-8-88 DATE
DISTRICT OFFICIAL
TECHNICAL REVIEW FOR DISTRICT
BY: _____ DATE: _____
BALTO. CO. DEPT. OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

APPROVED: _____ Chief

Storm Water Management Division
BALTO. CO. DEPT. OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

COMMERCIAL

REVISOR: 5 AUGUST 1988

apr associates, inc.
surveys-engineers

1217 HANFORD ROAD
BALTIMORE, MD 21204
PHONE: 344-4312

AMOCO OIL COMPANY

SITE DEVELOPMENT AND STORMWATER MANAGEMENT PLAN

CARROLL ISLAND ROAD

15th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: 1"=20'

SEPTEMBER 8, 1988