

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
E/S York Road, 30' N c/line Margate Road	*	ZONING COMMISSIONER
(1601 York Road)		
8 th Election District	*	OF
3 rd Council District	*	BALTIMORE COUNTY
Arianna, LLC, <i>Legal Owner</i>	*	Case No. 08-394-SPH
Petitioner	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the property, Arianna, LLC, by its managing member Gholamali Honar, through their attorney Arnold Jablon, Esquire. The Petitioner requests a special hearing to amend site plans previously approved in Case Nos. 4516-X and 78-240-A to permit a gas and go service instead of full service; to confirm the site layout is non-conforming; or, in the alternative, to approve a modified parking plan to confirm existing conditions, pursuant to Section 409.12.B of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief requested are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request on behalf of the Petitioner were Arnold Jablon, Esquire of Venable, LLP; Thomas J. Wiley, a licensed architect with Wiley & Associates, the firm that prepared the site plan, and David Flowers, a land use consultant, who has been recognized and accepted as an expert in land use and zoning matters before this Commission. Also present were Gholamali Honar and his wife, Fereshieh Honor. There were no Protestants or other interested persons present nor were there any adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies.

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 Date 5-1-08
 By 30

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located at the northeast corner of York Road and Margate Road in Lutherville. The subject property contains an area of 19,930 square feet, zoned B.R.-A.S. It is, and has been since 1958, improved with a fuel service station. As noted above, the property was the subject of two (2) previous zoning decisions. In Case No. 4516-X, a special exception for a fuel service station use was granted. Copies of the Order and approved site plan were accepted into evidence and marked as Petitioner's Exhibits 3 and 4. In Case No. 78-240-A, a variance was granted to permit a front yard setback of 5' in lieu of the required 10' for a canopy over the gasoline pumps. Copies of this Order and accompanying site plan were also presented and accepted into evidence as Petitioner's Exhibits 5 and 6.

In 1958, the special exception approval was given for a full service station only, gas pumps and vehicle repairs. The Petitioner now proposes the elimination of vehicle repairs and instead substitutes a small 1,435 square foot convenience store. Petitioner's Exhibit 1 illustrates that the site and the layout of the service station existing today are consistent and indeed unchanged from the site plans previously approved in 1958 and in 1978. Comparisons of the three (3) site plans evidence that the site is unchanged from the original inception of the gas station. The Petitioner proposes no construction, no expansion of either the site itself or the existing building, which is shown on both site plans approved in Case Nos. 4516-X and 78-240-A. The footprint and location of the building is and continues to be unchanged. The site plans in 4516-X and 78-240-A show that the building was to be used for a car wash, repairs of vehicles, restrooms, storage and office. Both show two pump islands, each with four pumps.

The purpose of this Petition is to allow the Petitioner to substitute a convenience store for the car wash and repair bays that were used for minor vehicle repairs. There is to be no change

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Date 5-1-08
By [signature]

to the footprint of the existing building, to any other use on site, nor to the site itself. The sole purpose of this Petition is to permit the Petitioner to switch from a full service station to a gas and go with a small convenience store. However, as Mr. Flowers testified, there is one provision of the current zoning regulations governing fuel service stations that the current site cannot satisfy. The Petitioner thus raises the question whether it must conform to the current regulations or is the site layout non-conforming? If the latter, then the Petitioner argues it is exempt from satisfying current zoning provisions.

The petition for special hearing filed herein requests that this Commission confirm that the site layout is non-conforming, or, if not, then to approve a modified parking plan to confirm existing conditions. The site plan prepared for this case by Mr. Wiley (Petitioner's Exhibit 1) shows that the site layout complies with all standards set out in B.C.Z.R. Section 405.4A. The site layout conforms to Section 405.4A, entitled "site development", and specifically Section 405.4A.3 "Access, internal circulation and vehicle reservoir capacity", and satisfies all of the parking and stacking requirements set out therein, including compliance with Section 409, with but one exception. Section 405.4A.3.b requires the site to be "laid out to preclude vehicles waiting on the street or blocking the right-of-way before gaining entrance." With the required multiproduct dispensers (MPD) and stacking spaces imposed on the plan, if the spaces closest to York Road were used to capacity, then the access points from York Road would be blocked. It is from this requirement that the Petitioner requests confirmation of a non-conforming use.

The pump islands and the access points from York Road have been in their present location since 1958, when the service station was first approved. The site plans submitted in this case are consistent. Nothing has changed, except the zoning regulations, dramatically.

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In 1958, the subject property was zoned B.R., as it was in 1978, and as it is today. In 1958, a fuel service station required a special exception, as it was in 1978 and as it does today. In 1958, however, the regulations governing them were sparse. (See Petitioner's Exhibits 8 and 9, 1955 B.C.Z.R., Section 405). There were no regulations governing site layout, none dealing with fuel pump spaces or stacking, and none dealing with access. There was no regulation requiring the site layout to prevent vehicles from blocking a right-of-way before entering the site or to prevent stacking on the street. By 1978, the regulations governing fuel service had changed. By County Council Bill No. 40-1967, requirements for site layout had been adopted and the Section 405.4.A.4 stated:

- (a.) The paved areas on the site for any such service station shall be laid out so as to provide for automobile circulation sufficiently free as to preclude *any likelihood* of vehicles waiting on the street or blocking the right of way before gaining entrance. (Emphasis Added) [Petitioner's Exhibit 10, Section 405.4, 1978 B.C.Z.R.]

Today's regulations state:

- (b.) All internal paved areas of a fuel service station site used for parking, driveway, aisles and stacking purposes shall comply with Section 409 and *shall* be laid out to preclude vehicles waiting on the street or blocking the right of way before gaining entrance. (Emphasis Added) [Bill No. 172-1993.]

As these regulations evolved, the County Council adopted grandfathering provisions for fuel service stations then lawfully existing. The evidence submitted, the testimony proffered and provided attested to the lawful continuing existence of the fuel service station at the subject property. The cumulative testimony of Messrs. Flowers and Honar (managing member), and evidence submitted confirms the fuel service use at the subject location meets the provisions of each of the grandfathering provisions contained in Bill 40-1967 (Petitioner's Exhibit 11) and Bill 172-1993 (Petitioner's Exhibit 10). It is important to underscore, however, and Mr. Flowers confirmed, the site layout indeed meets all of the current regulations, except the one described

above. Further, it is also important to note that Mr. Honar testified there has never been an issue of blocking access to the gas pumps. There has never been an impediment to traffic on York Road caused by vehicle congestion on site. There is another gas station on the southeast side of York and Margate, and there has never been a back up to enter into either of these sites.

Current Section 405 requires a special exception for a convenience store only if it were greater than 1,500 square feet. A convenience store less than 1,500 square feet is permitted as of right in a B.R. zone. The convenience store requires parking at a rate of five spaces per 1,000 square feet, and five spaces are provided. Current regulations require eight spaces for the MPD and eight spaces are provided. In addition, there will be a maximum of one employee on any shift, which requires one space and one is also provided. One space is provided for a self-serve air pump and one space is provided for an ATM, both of which will be provided. All are, therefore, in conformity with current regulations.

The proposed convenience store like the fuel service will be open 24 hours/7 days a week. The current fuel service is already operating 24/7.

The Petitioner's service station is located in a heavily traveled, highly commercial area, on York Road. There is one residence bordering the property, to the northeast, on Margate Road. There is a large buffer between the residence and the station, owned by the Petitioner. This grassy area forms, for practical purposes, a large side yard for this home. There is then a fence and trees, bordering the paved area of the site, that further buffers the fuel service station from the residential area. The subject property is located on the northeast corner of the intersection of Margate and York and on the southeast corner, as stated above, is another fuel service station.

Both Mr. Jablon and Mr. Flowers opined that the requirements of Section 502.1 of the B.C.Z.R. will be satisfied and that should the amendments to the previously approved site plans

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be approved, there would be no injury to the public health, safety or general welfare. Further, that, if approved, the proposed amendment would not create any adverse impact and would be consistent with the current zoning. The proposed convenience store is consistent with the adjacent and other existing uses in the immediate area of the site. It is consistent with the B.R. zoning.

I further find that the current site layout is non-conforming. When approved, in 1958, the site and use conformed to all the then existing zoning regulations. Inasmuch as there have been no changes to the site or its layout, the site layout is non-conforming. I find that the site is not subject to current B.C.Z.R. Section 405.4A.3.b.

After due consideration of the testimony and evidence presented, I am persuaded to grant the special hearing relief to: (1) amend the site plans approved in Case Nos. 4516-X and 78-240-A; (2) to permit gas and go fuel service instead of full service in order to permit a convenience store of less than 1,500 square feet, and (3) confirm the site layout is non-conforming and approve the site plan and will also find that the subject site layout satisfies the provisions of B.C.Z.R. Section 409.12, as both are described on Petitioner's Exhibit 1.

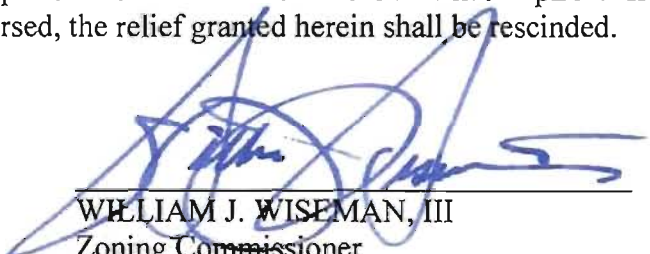
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of May 2008, that the Petition for Special Hearing seeking relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to: (1) amend site plans and Orders approved in Case Nos. 4516-X and 78-240-A; (2) to permit gas and go fuel service instead of full service and to permit a convenience store of less than 1,500 square feet; (3) to confirm the site layout is non-conforming, and (4) to approve a modified parking plan to confirm

COPIES RESERVED FOR FILING
Date 5-1-08
By 32

the existing conditions pursuant to B.C.Z.R. Section 409.12, in accordance with Petitioner's Exhibits 1 and 2, be and are hereby GRANTED, subject to the following:

1. Petitioners may apply for a building permit and be granted same upon receipt of this Order; however, the Petitioner is 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.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

CANCER RECEIVED FOR FILING
Date 5-1-08
By 103



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1601 York Road

which is presently zoned BR-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)

- (1) to amend site plans approved in case #78-240A and case # 4516X;
- (2) to permit gas and go fuel service instead of full service; and
- (3) to confirm the site layout is non-conforming; or, in alternative,
- (4) to approve a modified parking plan to confirm existing conditions, pursuant to section 409.12.B, BCZR

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:

Arnold Jablon

Name - Type or Print _____

Signature _____

Venable, LLP

Company _____

210 Allegheny Ave. 410 494 6298

Address _____ Telephone No. _____

Towson, Maryland 21204

City _____ State _____ Zip Code _____

Legal Owner(s):

Arianna, LLC

Name - Type or Print _____

Signature _____

Gholamali Honar

Name - Type or Print _____

Signature _____

6137 Golden Bell Way

Address _____ Telephone No. _____

Columbia, Maryland 21045

City _____ State _____ Zip Code _____

Representative to be Contacted:

Arnold Jablon

Name _____

210 Allegheny Ave., 410 494 6298

Address _____ Telephone No. _____

Towson, Maryland 21204

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 08-394-SPH

REV 9/15/98

ORDER RECEIVED FOR HEARING

Reviewed By D.T. Date 2/26/08

Date 5-1-08 **DROPPED**

By [Signature]

ZONING DESCRIPTION

Beginning for the same at a point on the easterly side of York Road, as now laid out 66 feet wide, said point of beginning being located a distance of 201.65', measured in a southeasterly direction along the easterly side of York Road, from the end of the last or North 13 degrees 45 minutes West 100.25' line of the tract of land which by deed dated August 15, 1940, and recorded among the Land Records of Baltimore County in Liber 1114, folio 457, was conveyed by John Hessian and Ella A. Hessian, his wife, to Robert E. Shock and Edna M. Shock, his wife, said point of beginning being also a the intersection with the northwest side of Margate Road as laid out 60' wide a recorded Plan to accompany R/O/W Agreement as prepared by Baltimore County Department of Public Works; running thence, from the beginning with the northwest side of Margate Road by a curve to the left having a radius of 25' the arc of said curve subtending a chord running south 66 degrees 31minutes 51 seconds East 34.68' to a point, thence, continuing along the northwest side of Margate Road by a curve to the left, having a radius of 1390.72', the arc of said curve subtending a chord running North 66 degrees 56 minutes 37 seconds East 125.92' to a point; thence, leaving the northwest side of Margate Road, for the following two lines of division now made, North 22 degree 36 minutes 00 seconds West 141.48'; and South 67 degrees 24 minutes 00 seconds West 149.97', to a point on the easterly side of York Road; thence along the easterly side of York Road South 22 degrees 36 minutes 00 seconds East 117.50, to the point and place of beginning.

BEING the same property conveyed to Arianna LLC by deed from Amoco Oil Company, dated February 16, 2006 and recorded in Liber 23406, folio 456.

The property is known as 1601 York Road, Timonium.

Containing 19,930 SF or .457 ac, more or less.

Note: the above description is for zoning purposes only and is not to be sued for contracts, conveyances or agreements.

08-394-SPH

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: #08-394-SPH

1607 York Road

E/side of York Road, 30 feet north of centerline of Margate Road

8th Election District - 3rd Councilmanic District

Legal Owner(s): Arianna, LLC

Special Hearing: to amend site plans approved in Case 78-240-A and Case 04-516-X; to permit gas and go fuel service instead of full service, and to confirm the site layout is non-conforming; or in the alternative, to approve a modified parking plan to confirm existing conditions, pursuant to Section 409.12.9, BCZR.

Hearing: Friday, April 18, 2008 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
4/011 Apr. 3 168887

CERTIFICATE OF PUBLICATION

4/3, 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 4/3, 2008.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **11089**

PAID RECEIPT

Date: **2/26/08**

BUSINESS ACTUAL TIME
 2/27/2008 2/26/2008 11:37:2

REC #02 MAIL JEVA JEE

>>RECEIPT # 564994 2/26/2008

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				325.00

Dept 5 528 ZONING VERIFICATI

011089

Recpt Tot \$325.00

\$325.00 CK \$0.00

Baltimore County, Maryland

Total: **325.00**

Rec

From: **ARNOLD JABLON**

For: **08-294-SPH 1601 YORK RD.**

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTINGRE: Case No.: OB-394-SPHPetitioner/Developer: ARIANNALLCDate of Hearing/Closing: 4-18-08

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:

1601 ~~Hwy 9~~ York RD

The sign(s) were posted on

4-3-08
(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)4-9-08
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

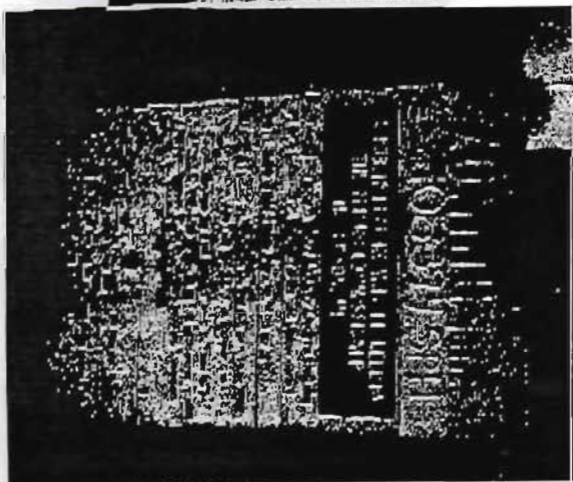
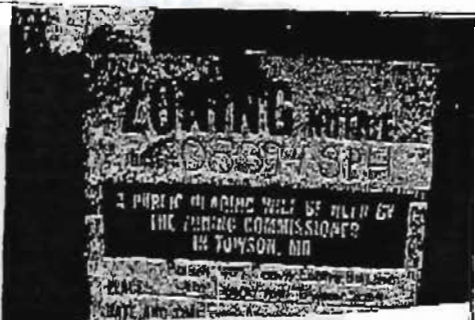
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





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: 08-394 - SPH

Petitioner: ARIANNA, LLC

Address or Location: 1601 YORK RD.

PLEASE FORWARD ADVERTISING BILL TO:

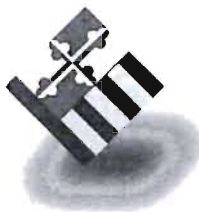
Name: AMY DONTILL

Address: VENABLE, LLP

210 ALLEGHENY AVE.

TOWSON, MD 21204

Telephone Number: 410-494-6244



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY KOTROCO, Director
March 11, 2008
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: 08-394-SPH

1601 York Road

E/side of York Road, 30 feet north of centerline of Margate Road

8th Election District – 3rd Councilmanic District

Legal Owners: Arianna, LLC

Special Hearing to amend site plans approved in Case 78-240-A and Case 04-516-X; to permit gas and go fuel service instead of full service, and to confirm the site layout is non-conforming; or in the alternative, to approve a modified parking plan to confirm existing conditions, pursuant to Section 409.12.B, BCZR.

Hearing: Friday, April 18, 2008 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, 210 Allegheny Avenue, Towson 21204
Arianna, LLC, Gholamali Honar, 6137 Golden Bell Way, Columbia 21045

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 3, 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.

Please publish
Tuesday,
April 15, 2008
Thanks

TO: PATUXENT PUBLISHING COMPANY
~~Thursday, April 3, 2008~~ Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-887-4587

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: 08-394-SPH

1601 York Road

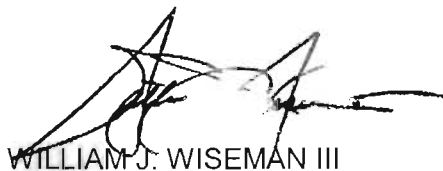
E/side of York Road, 30 feet north of centerline of Margate Road

8th Election District – 3rd Councilmanic District

Legal Owners: Arianna, LLC

Special Hearing to amend site plans approved in Case 78-240-A and Case 04-516-X; to permit gas and go fuel service instead of full service, and to confirm the site layout is non-conforming; or in the alternative, to approve a modified parking plan to confirm existing conditions, pursuant to Section 409.12.B, BCZR.

Hearing: Friday, April 18, 2008 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

PETITIONER' S

EXHIBIT NO. 13
A three N



















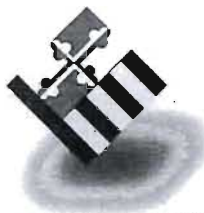












BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

April 9, 2008

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

Dear Mr. Jablon:

RE: Case Number: 08-394-SPH, 1601 York Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 26, 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
Arianna, LLC Gholamali Honar 6137 Golden Bell Way Columbia 21045



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
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 10, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 3, 2008

Item Number: 394

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: March 5, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For March 10, 2008
Item Nos. 08-377, 384, 387, 388,
389, 390, 391, 392, 393, 394, 395, 396,
397, and 398

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-03052008.doc

BW 4/18
11 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 18, 2008

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

RECEIVED
MAR 25 2008

BY: _____

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-394- Special Hearing**

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 Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:

Candis Murray

Division Chief:

Sam Taylor

CM/LL



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vvw2.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 08 Account Number - 0819033172

Owner Information

Owner Name: ARIANNA LLC **Use:** COMMERCIAL
Principal Residence: NO
Mailing Address: 1601 YORK RD **Deed Reference:** 1) /23406/ 456
 LUTHERVILLE TIMONIUM MD 21093-5604 2)

Location & Structure Information

Premises Address: 1601 YORK RD **Legal Description:** .457 AC
 1601 YORK RD
 NE COR MARGATE RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
60	18	242						2	Plat Ref:

Special Tax Areas: Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1956	1,620 SF	19,930.00 SF	20

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	618,400	783,400		
Improvements:	119,600	184,700		
Total:	738,000	968,100	738,000	814,700
Preferential Land:	0	0	0	0

Transfer Information

Seller: AMOCO OIL COMPANY	Date: 02/16/2006	Price: \$698,947
Type: IMPROVED ARMS-LENGTH	Deed1: /23406/ 456	Deed2:
Seller: SHEELER MARGARET S FORD EVELYN S	Date: 03/10/1995	Price: \$80,000
Type: NOT ARMS-LENGTH	Deed1: /10969/ 432	Deed2:
Seller: SHOCK ROBERT E	Date: 12/20/1974	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5498/ 497	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

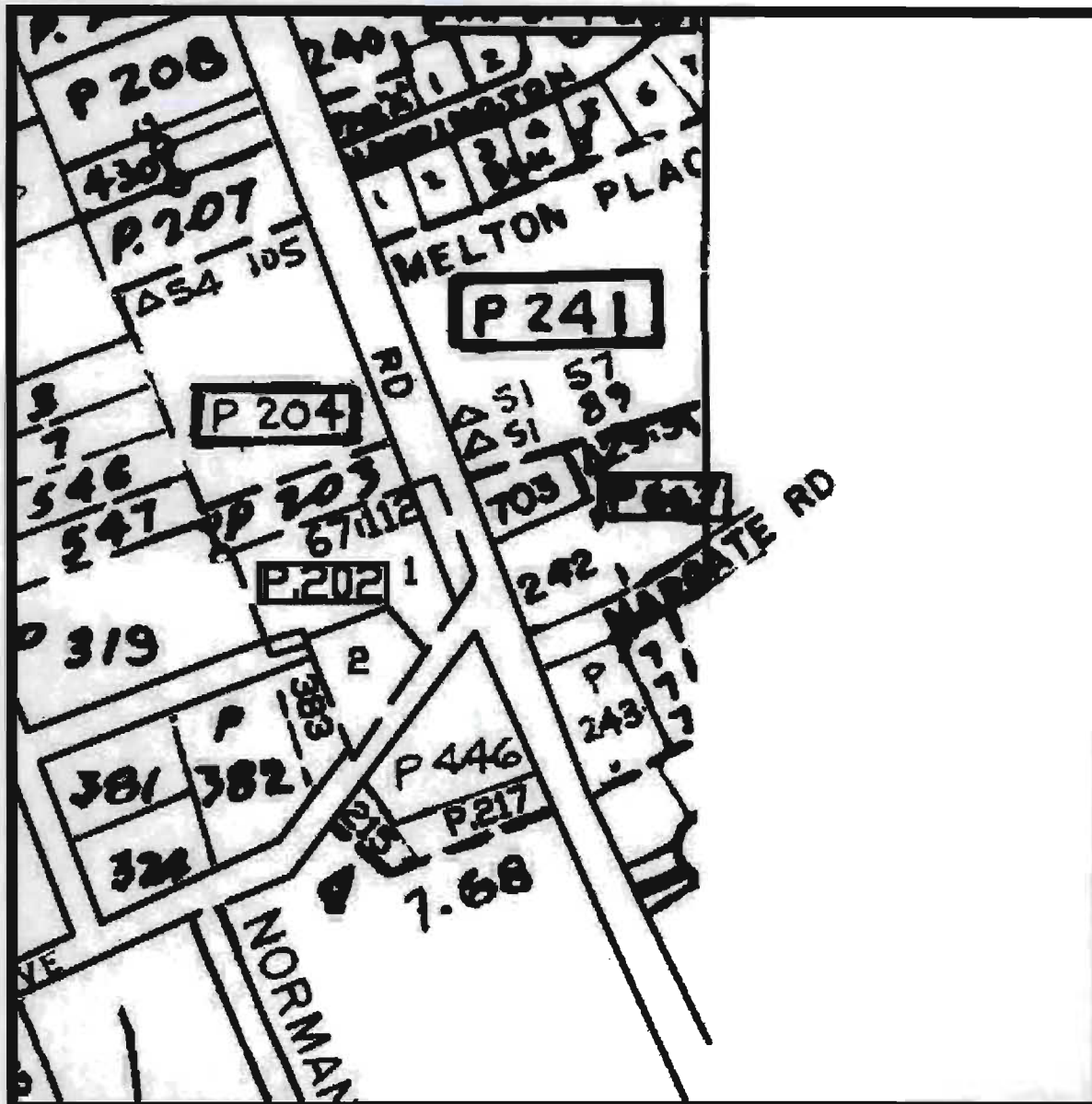
Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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[New Search](#)

District - 08 Account Number - 0819033172



Property maps provided courtesy of the Maryland Department of Planning ©2004.
For more information on electronic mapping applications, visit the Maryland Department of Planning web
site at www.mdp.state.md.us/tax_mos.htm



within a one-mile radius of the proposed fuel service station establishes that there is no need for the proposed use, unless rebutted to the Zoning Commissioner's satisfaction by market data.

405.4 Standards.

A. Site development.

1. Site dimensions. The area of any fuel service station site shall be no less than 15,000 square feet or 1,500 times the number of fuel service spaces (as defined in Section 101), whichever is greater. If any use permitted under Section 405.4.D or 405.4.E is added to the fuel service station, the area of the site shall be increased in accordance with the provisions of those sections.
2. Setbacks.
 - a. No main structure of a service station shall be set back less than 35 feet from any street right-of-way; no fuel pump shall be set back less than 25 feet from any street right-of-way; no canopy shall be set back less than 15 feet from any street right-of-way.
 - b. Except at the required access driveways, a landscape transition area shall be provided along the entire perimeter of fuel service stations. Such area shall have a minimum width of 10 feet if the fuel service station abuts a public right-of-way, and six feet in all side and rear yards abutting nonresidentially zoned land, except that service stations located within 50 feet of any residentially zoned property (other than a residential zone line in a public right-of-way) shall provide a buffer measuring no less than 15 feet from that property line.
 - c. The landscape transition area shall be vegetated and screened in accordance with the Landscape Manual requirements for automotive uses.
 - d. Other setbacks shall be as required by these regulations.
3. Access, internal circulation and vehicle reservoir capacity.
 - a. The number and location of access driveways shall be determined by the hearing officer or Zoning Commissioner based upon the recommendations of the Director of Public Works and the Office of Planning.
 - b. All internal paved areas of a fuel service station site used for parking, driveway, aisles and stacking purposes shall comply with Section 409 and shall be laid out to preclude vehicles waiting on the street or blocking the right-of-way before gaining entrance.
 - c. In addition to the fuel service space, at least one stacking space shall be provided:

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 4, SPECIAL REGULATIONS****Section 409, Off-Street Parking and Loading [Bill Nos. 26-1988; 36-1988]****409.12** Other requirements.

A. The off-street parking requirements in Section 409 shall supersede any off-street parking requirements adopted pursuant to the authority of Section 504.

B. If the requirements for parking space or loading space in Section 409 would create an undue hardship, the Zoning Commissioner may approve a modified plan upon petition and after a public hearing, the procedure for which is set forth in Section 409.8.B.1 above.

Section 410, Class I Trucking Facilities (Truck Terminals) [Bill No. 18-1976 ^{EN}]

410.1 Nonconforming and other existing Class I trucking facilities. The provisions of this subsection apply to Class I trucking facilities existing on the effective date of this section.

A. Plans.

1. If the owner of or authorized agent for a Class I trucking facility believes that approved plans of that trucking facility are on file with the Office of Planning or Department of Permits and Development Management on the effective date of this section, he must so notify the Zoning Commissioner, in writing, within six months after that date, unless he has filed or will file plans as provided in Paragraph 2 below. Within 30 days after he receives the written notice, the Zoning Commissioner shall inform the owner or agent whether the plans are, in fact, on file and, if they are on file, whether they meet the requirements of Section 410.3.C.1. If the plans do not meet those requirements, the owner or agent shall file plans that do meet the requirements, within one year after the effective date of this section.

2. If approved plans of a Class I trucking facility are not on file with the Office of Planning or the Department of Permits and Development Management on the effective date of this section, or if the Zoning Commissioner is not notified under Paragraph 1, the owner of or authorized agent for the trucking facility must file plans of the facility, meeting the requirements of Section 410.3.C.1, within one year after that date.

3. Within 30 days after the effective date of this section, the Zoning Commissioner shall publish a checklist of requirements for plans submitted pursuant to Paragraph 2. The checklist must indicate among other things, one or more acceptable scales to which plans must be drawn.

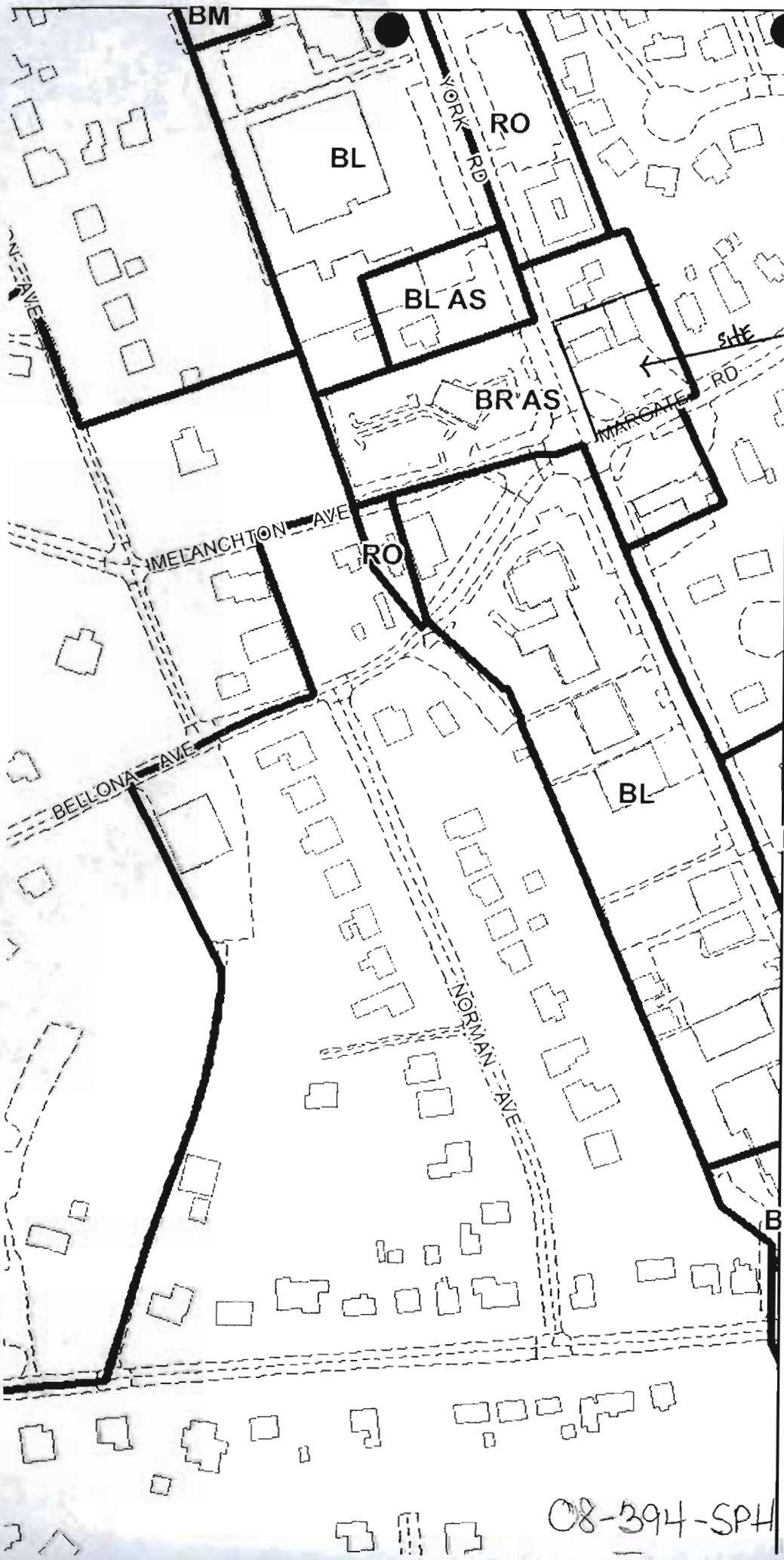
4. The mere submission of plans under this paragraph will not establish the legality of any Class I trucking facility.

B. Rulings, etc., as to nonconformance with respect to certain provisions.

1. Within one year after the date the Zoning Commissioner acknowledges the adequacy of previously filed plans of a trucking facility or accepts new plans for the facility, as provided under Subsection A, he shall review the plans and issue a ruling whether or not the facility conforms with the provisions listed in Paragraph 2 below and, if not conforming with any such provision, whether the nonconformance may be allowed to stand under the provisions of Paragraph 3. If the provision requires the recommendation or approval of authorities other than the Zoning Commissioner, the ruling with respect to conformance with that provision may be made only upon such recommendation or approval.

CASE NAME 08-394 SPT
CASE NUMBER _____
DATE 4-18-08

[illegible]



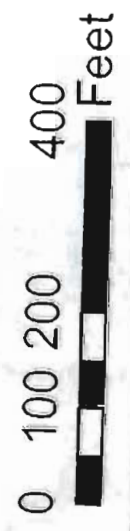
08-394-SPH

Data Sources:
 Planimetric Data - Baltimore County
 OIT/GIS Services Unit
 1:2400, from 1995/96 photography
 Zoning - Baltimore County Office of Planning
 1:2400, 2004

1

Scale

1" = 200'



060B2	060C2	061A2	061B2
060B3	060C3	061A3	061B3
069B1	069C1	070A1	070B1

Case No.: 08-394 SPH 1601 York Rd

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	COLORIZED PLAN DENOTING LANDSCAPING.	
No. 3	1958 ORDER 4516 - X	
No. 4	1958 SITE PLAN (SAME WITHN COMPRES)	
No. 5	1978 ORDER 78-240 A	
No. 6	Site Plan - 1978 Hearing	
No. 7	AREAL ZONING ZONING MAP -	
No. 8	1955 Zoning Regs	
No. 9	1955 Zoning Regulations Section 405 - Limited	
No. 10	1978 Regulations - GAS Station Standards	Sect Page 160 - 405. 4.A.4
No. 11	Sect. 405.8 BILL NO. 40, 1967	
No. 12	Council Bill 172-93	

Case No.:

08-394 - SPH

1601 York Rd

Exhibit Sheet - Continued

Petitioner/Developer

Protestant

No. 13	Photo's Existing Conditions	Actual
No. 14		
No. 15		
No. 16		
No. 17		
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of fact: that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners.

the above Variance should be had; and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit a front yard setback of five feet in lieu of the required ten feet, for a canopy over a gasoline pump, should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of May, 1978, that the above Petition for the aforementioned Variance should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the State Highway Administration, the Department of Public Works, and the Department of Planning and Zoning. Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 1978, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE May 17, 1978 John J. Carroll

78-240A

ORDERED BY the Zoning Commissioner of Baltimore County this 17th day of September, 1958, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 20th day of October, 1958, at 9 o'clock P. M.

Zoning Commissioner
of Baltimore County

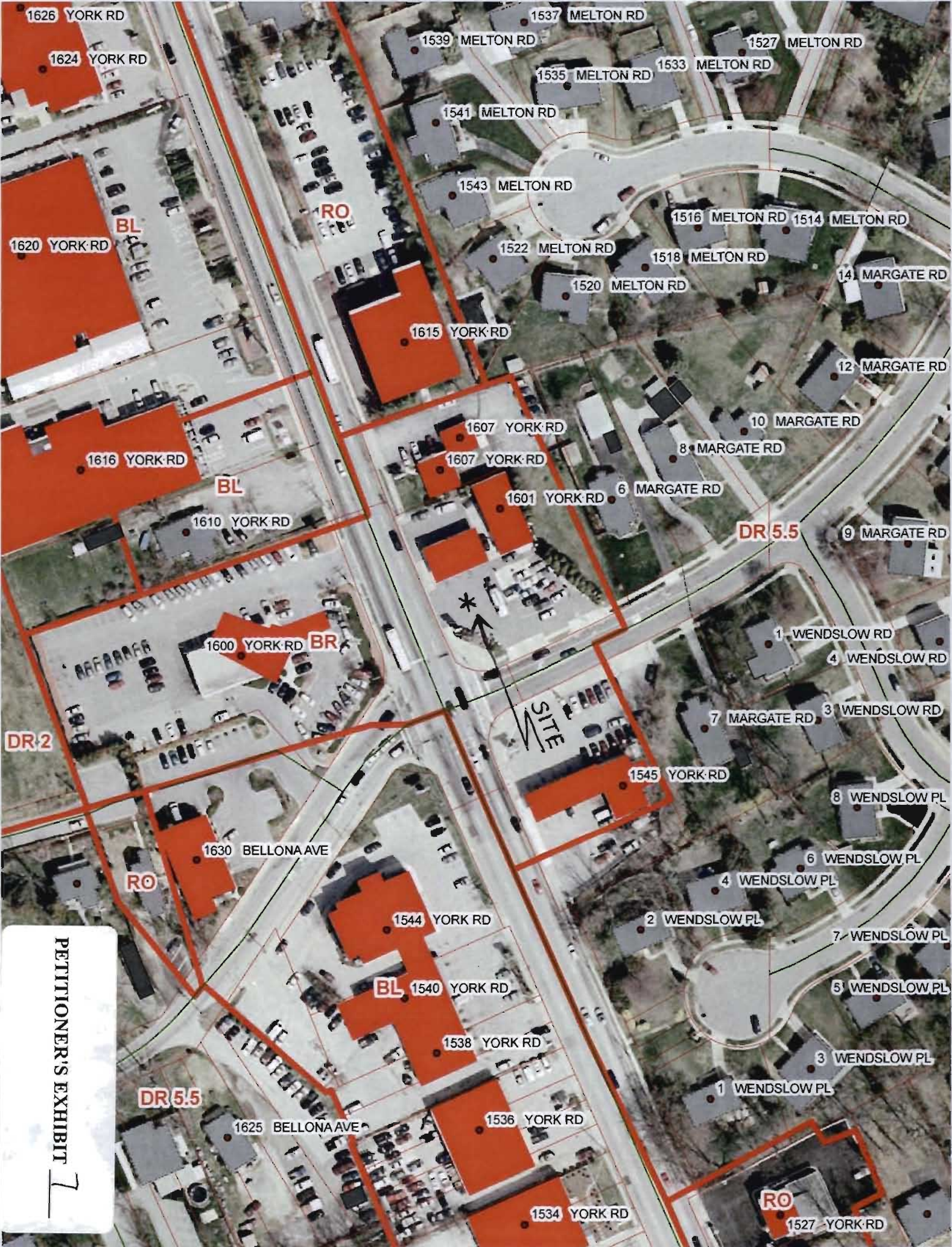
Upon hearing on the above petition for a special exception to use the property described therein for a Gasoline Service Station and it appearing that by reason of location, the safety, health and the general welfare of the locality not being detrimentally affected, the special exception should be granted, therefore:

It is this 30th day of October, 1958 by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid special exception should be and the same is hereby granted, subject, however, to approval of plans for the development of said property by the Office of Planning and the Bureau of Land Development.

William S. Coleman
Zoning Commissioner
of Baltimore County

It is this 22nd day of October, 1959 by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid special exception is hereby extended for a period of one (1) year from October 30, 1959 to October 30, 1960.

William S. Coleman
Zoning Commissioner of
Baltimore County



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1616 YORK RD

DR 2

RO

DR 5.5

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**BALTIMORE COUNTY
ZONING REGULATIONS**

ADOPTED BY
COUNTY COMMISSIONERS
OF
BALTIMORE COUNTY

March 30, 1955, in accordance with Title 30, Section
532 (c) of the Code of Public Local Laws of Baltimore
County (1955 Edition).

1955

Michael J. Birmingham
President

Robert B. Hamill
Augustine J. Muller

County Commissioners of Baltimore County

Francis T. Peach
County Solicitor

George M. Berry
Deputy Solicitor

Wilsie H. Adams
Zoning Commissioner

PETITIONER'S EXHIBIT 8

B. R. Zone—Business, Roadside

Section 236—USE REGULATIONS

The following uses only are permitted:

236.1—Uses permitted and as limited in B. M. Zone.

236.2—Bottling establishment, soft drink;
Greenhouse;
Laboratory;
Motel or motor court;
Printing, lithographing, or publishing plant,
employing over 25 persons;
Volunteer fire company.

236.3—The following uses when located at least 50 feet from the residential zone boundaries at the ends of the commercially zoned frontage:

Building materials storage and sales yard;
Farm implements, sales and service;
Feed and grain sales and storage;
Kennel;
Lumber yard;
Public utility storage yard;
Stone or monument works;
Storage of inflammable liquids and gases
underground (for requirements see Baltimore County Building Code);
Tire retreading or recapping.

236.4 — Special Exceptions — The following uses when permitted as Special Exceptions (see Sections 270 and 502):

Airport;
Amusement park;
Boat yard and/or marine railway;
Bus terminal;
Cemetery (see Section 401);
Contractor's equipment storage yard;
Excavations, controlled (see Section 403);
Filling station (see Section 405);
Golf driving range, miniature golf, and baseball batting range;
Hospital Class B (see Section 407);
Living quarters in a commercial building;
Poultry, commercial killing of;
Public utility uses other than those noted in Sections 200.11, 230.9 and 236.3 (see Section 411);
Race track, commercial;

EXCAVATIONS, CONTROLLED

proposed use of land during excavation and grading plans after excavation shall be directed to the Zoning Commissioner. Any Special Exception granted hereunder may include the right to erect and operate buildings, machinery, and equipment for a temporary period, consistent with other provisions of the order of the Zoning Commissioner, or the Board of Zoning Appeals, on appeal. All pertinent requirements of the Baltimore County Health Department Regulations and the Baltimore County Building Code shall be incorporated by the Zoning Commissioner and the Board of Zoning Appeals, on appeal, in approving any application hereunder.

Section 404—FARMING

404.1—Any farming use, or combination of uses, as defined in Section 101, must be located on at least 3 acres of land.

404.2—All accessory buildings except farmers' roadside stands shall be governed by the same area requirements as those applicable to a principal building in the zone in which the farm is located.

404.3—Commercial reduction of inedible animal or vegetable matter and commercial slaughtering, except killing of poultry produced on the premises, are prohibited.

404.4—Commercial piggeries (hog raising for other than family use) are permitted only on a farm of at least 10 acres, and no hogs shall be permitted within 150 feet of any land zoned or used for residential purposes.

404.5—Manure must be stored in places removed at least 100 feet from all boundary lines of the lot.

404.6—Farmers' roadside stands must be set back at least 35 feet from the nearer edge of the street pavement.

Section 405—FILLING STATIONS

405.1—Lighting—All lighting installations shall be such and be so arranged as not to increase traffic hazards or to cause direct or glaring reflection into residential premises.

405.2—Pump islands shall be located not less than 10 feet from the street right-of-way line. The Zoning Commissioner, however, before granting any Special

FILLING STATIONS

Exception hereunder, shall consult with the office of Planning regarding any proposed future street right-of-way widening at such location.

405.3 — Repairs — Only minor and emergency repairs and customary services such as tire and chain service are permitted outside of a building. Body or fender repairs or repainting shall not be considered as emergency repairs, and in no case shall work be done outside which involves considerable noise, dust, paint or lacquer spray mist, or other objectionable characteristics.

405.4—Storage and parking—No continuous storage or continuous parking of vehicles is permitted outside of a building when the station is closed for business, except for emergencies.

405.5—Storage of inflammable liquids—See regulations in Baltimore County Building Code.

Section 406—GOLF DRIVING RANGE, MINIATURE GOLF, AND BASEBALL BATTING RANGE

406.1—All lighting installations shall be such and be so arranged as not to increase traffic hazards or to cause direct or glaring reflection into adjoining premises.

406.2—Enough offstreet parking space shall be provided so that parking on an adjoining access street or highway is unnecessary.

Section 407—HOSPITALS

407.1—Class A, as defined in Section 101 and conditioned as follows:

- a. The lot area shall be as follows:
 - (1) For hospitals with 100 beds or more—
at least 5 acres;
 - (2) For hospitals with from 50 to 100 beds—
at least 4 acres;
 - (3) For hospitals with less than 50 beds—
at least 3 acres.
- b. No part of any building shall be less than 100 feet from any bounding lot or street line;
- c. Adequate offstreet parking space shall be provided, but not less than the number of spaces specified in Section 409.2

405.4—Standards—Individual Sites. Any service station not located in a planned shopping center, drive-in cluster, or industrial park, shall be considered as being situated on an individual site, unless it is located in a parking garage. All service stations situated on individual sites shall comply with the applicable standards of this subsection, other area regulations in the Baltimore County Zoning Regulations notwithstanding. [Bill No. 40, 1967.]

A. Site Layout and Size; Street Improvements.¹² [Bill No. 40, 1967.]

- 19XA;
1. Site Dimensions. The area of any such service station site shall be at least 15,000 square feet or the number of square feet equal to the product of 1,500 times the total of the number of fuel servicing spaces plus the number of customary, one-car service bays, whichever is greater. The minimum site width, measured along the major street to which the station has access, shall be the number of feet equal to the product of 65 times the number of access driveways on such street, but in no case less than 90 feet. (On corner lots, the width shall include any length of a straight projection of the lot line along the major street to a straight projection of the side lot line.) [Bill No. 40, 1967.]
 2. Setbacks. Notwithstanding other provisions of these Regulations: 84-359-A; 85-107A
 - a. No main structure of any such use, except a canopy, shall be set back less than 35 feet from any street right of way or less than 60 feet from the centerline thereof, except as otherwise provided in Sub-subparagraph c, below; no canopy shall be set back less than 10 feet from such right of way or less than 35 feet from such centerline; no gasoline pump or pump island shall be set back less than 15 feet from any such right of way or less than 40 feet from such centerline; and no sign permitted shall be set back less than six feet from any such right of way or less than 31 feet from such centerline.
 - b. Visual obstructions shall be prohibited at street or street-alley intersections adjacent to automotive-service station sites as prohibited for lots in residential zones under Subsection 102.5.
 - c. In any case where face-rear building orientation is required pursuant to Sub-subparagraph 405.4.B.1.a or otherwise occurs, the minimum required front setback shall be 6 feet from the street right of way and 31 feet from the centerline of the street, whichever is greater, except in the case of a dual highway, where the minimum required front setback shall be 10 feet from the street right of way. In the case of face-side building orientation, the minimum required side setback shall be the same as the minimum required front setback for face-rear stations. [B.C.Z.R., 1955, Subsection 405.2; Bill No. 40, 1967]
- 317A;

12. The reference to "Street Improvements" here and in the title of Sub-paragraph 3 derives from a Sub-subparagraph 405.4.A.3.c proposed in the Planning Board's final report recommending the legislation on which Bill No. 40, 1967 was based but omitted.

3. Access and Street Improvements.¹³

-185XSPHA;

- a. No such use shall be permitted more than two access driveways on any street frontage nor a total of more than three access driveways; except that a total of four access driveways may be permitted or required on a corner site at the intersection of two major (non-local) streets if and as jointly recommended by the County Traffic Engineer and the Director of Planning. The curb tangent length between any access driveway and any corner at a street intersection or any other access driveway on the site shall be not less than 20 feet; the curb tangent length between any access driveway and any property line shall be not less than 10 feet. [Bill No. 40, 1967]
- b. No entrance to any such use shall be less than 24 nor more than 35 feet from curb to curb, measured at the right-of-way line. The acute angle of intersection formed by the centerline of any driveway providing access for traffic moving in only one direction and the centerline of the street shall be not less than 45 degrees. No driveway providing access for traffic moving in two directions shall vary more than five degrees from a right angle with the street. [Bill No. 40, 1967]
[Bill No. 40, 1967.]

4. Internal Circulation and Vehicle Reservoir Capacity.

- a. The paved areas on the site for any such service station shall be laid out so as to provide for automobile circulation sufficiently free as to preclude any likelihood of vehicles waiting on the street or blocking the right of way before gaining entrance. [Bill No. 40, 1967.]
- b. At least one waiting space in line shall be provided on the site for each fuel servicing space (in addition to the servicing spaces themselves).
[Bill No. 40, 1967.]

5. Parking Spaces. Parking spaces on the site of any such service station shall be provided at a rate of at least three per service bay, not including servicing spaces in the bays. [Bill No. 40, 1967.]

¹³. See note 12 above.

-233X; 405.7—Conversion. Conversion of any conforming service-station building to another use, permitted in the basic zone and/or district in which the site is located, shall require approval of the overall plan of the entire site by the Director of Planning and the Zoning Commissioner. [Bill No. 40, 1967.]

314XSPHA; 405.8²⁰—Service Stations Existing on December 31, 1967. Notwithstanding other provisions of these Zoning Regulations to the contrary, any automotive-service station which legally existed on December 31, 1967 and which has not lost its permitted status by reason of the termination of a special exception applying thereto shall be governed by the provisions of the following paragraphs: [Bills No. 40, 1967; No. 69, 1968.]

- A. Subject to the provisions of Paragraph C, below, the main structure of any such automotive-service station may be expanded or reconstructed and any ancillary uses listed in paragraph 405.4.C may be added to any such establishment, provided that such station and all such expansion, reconstruction, or addition of uses: is either confined to the limits of the site as it existed on December 31, 1967 or to an expanded site as approved under Paragraph B; is located in a B.L., B.R., B.M., M.L., or M.H. Zone; and, in the judgement of the Zoning Commissioner, would be done in such a manner that the station would be improved so as to be more in keeping with the purposes of Subsections 405.4 and 405.5 of these regulations. [Bills No. 40, 1967, Paragraph 405.8.F and Subsection 405.9; No. 69, 1968.]
- B. Subject to the provisions of Paragraph C, below, the site of any such automotive-service station may be expanded provided that such expansion and the arrangement of the entire site, in the judgement of the Zoning Commissioner, after public hearing, would be done in such a manner that the station would be improved so as to be more in keeping with the purposes of Subsections 405.4 and 405.5 of these regulations, and provided that such expansion is limited to a B.L., B.M., B.R., M.L., or M.H. Zone. [Bills No. 40, 1967, Paragraph 405.8.F and Subsection 405.9; No. 69, 1968.]
- 252A; C. Any expansion, reconstruction, or addition of ancillary uses permitted under Paragraphs A and B shall be in accord with a plan for the entire site as approved by the Director of Planning and the Zoning Commissioner. Further, any addition of ancillary uses shall be subject to the site-area and screening requirements of Subsection 405.4 or 405.5. [Bills No. 40, 1967, Paragraph 405.8.F and Subsection 405.9; No. 69, 1968.]

20. Under Bill No. 69, 1968, former Paragraphs A subsection, all enacted under Bill No. 40, 1 Paragraphs A, B, and C were promulgated to previously regulated under former Paragraph redesignated as Paragraph D; and Subsection inter alia, the matters previously regulated under

and I of this

PETITIONER'S EXHIBIT 11

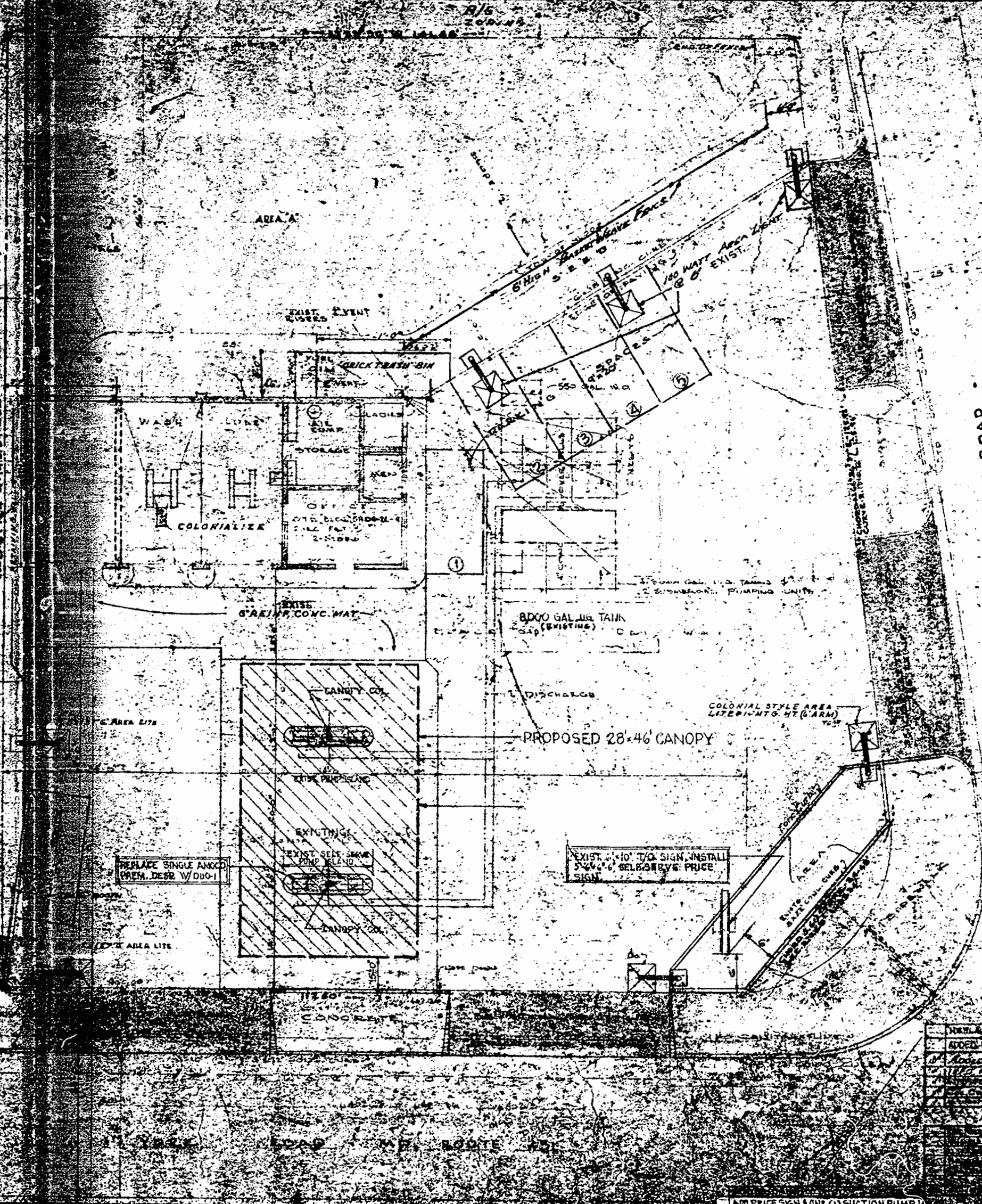
within a one-mile radius of the proposed fuel service station establishes that there is no need for the proposed use, unless rebutted to the Zoning Commissioner's satisfaction by market data.

405.4 Standards.

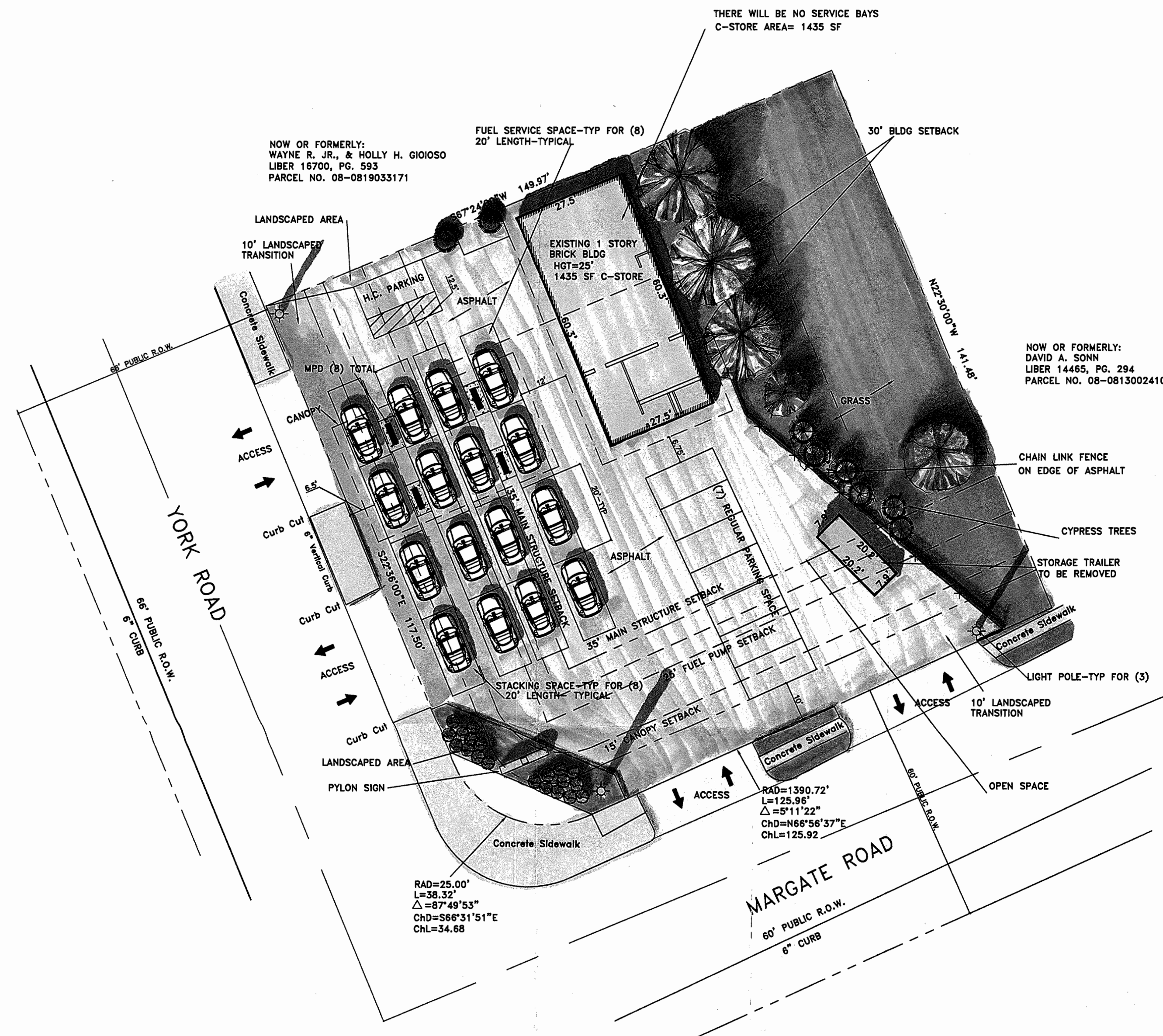
A. Site development.

1. Site dimensions. The area of any fuel service station site shall be no less than 15,000 square feet or 1,500 times the number of fuel service spaces (as defined in Section 101), whichever is greater. If any use permitted under Section 405.4.D or 405.4.E is added to the fuel service station, the area of the site shall be increased in accordance with the provisions of those sections.
2. Setbacks.
 - a. No main structure of a service station shall be set back less than 35 feet from any street right-of-way; no fuel pump shall be set back less than 25 feet from any street right-of-way; no canopy shall be set back less than 15 feet from any street right-of-way.
 - b. Except at the required access driveways, a landscape transition area shall be provided along the entire perimeter of fuel service stations. Such area shall have a minimum width of 10 feet if the fuel service station abuts a public right-of-way, and six feet in all side and rear yards abutting nonresidentially zoned land, except that service stations located within 50 feet of any residentially zoned property (other than a residential zone line in a public right-of-way) shall provide a buffer measuring no less than 15 feet from that property line.
 - c. The landscape transition area shall be vegetated and screened in accordance with the Landscape Manual requirements for automotive uses.
 - d. Other setbacks shall be as required by these regulations.
3. Access, internal circulation and vehicle reservoir capacity.
 - a. The number and location of access driveways shall be determined by the hearing officer or Zoning Commissioner based upon the recommendations of the Director of Public Works and the Office of Planning.
 - ✓ b. All internal paved areas of a fuel service station site used for parking, driveway, aisles and stacking purposes shall comply with Section 409 and shall be laid out to preclude vehicles waiting on the street or blocking the right-of-way before gaining entrance.
 - c. In addition to the fuel service space, at least one stacking space shall be provided:

Council Bill 172-93

[illegible]

1	WHEEL RACE STARTING TANK	7-1	12-1
2	ADDED 8000 GAL TANK	B.1	5-2
3	ADDED 8000 GAL TANK	7-1	5-2
4	1100 GAL	5-4	4-1
5	CHANGING	7-1	5-2
6	CHANGING	7-1	5-2
7	CHANGING	7-1	5-2
8	CHANGING	7-1	5-2
9	CHANGING	7-1	5-2
10	CHANGING	7-1	5-2
11	CHANGING	7-1	5-2
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97	CHANGING	7-1	5-2
98	CHANGING	7-1	5-2
99	CHANGING	7-1	5-2
100	CHANGING	7-1	5-2



SITE PLAN FOR A PETITION FOR A SPECIAL HEARING

1" = 20'-0"

ZONING

ZONING CLASSIFICATION - BR/AS (BUSINESS ROADSIDE/AUTOMOTIVE SERVICE)
 MAXIMUM BUILDING HGT - 40'
 BUILDING SETBACKS: FRONT - 0'; SIDE - 30'; R/W - 35'
 FUEL PUMP SETBACK - 25' FROM R/W
 CANOPY SETBACK - 15' FROM R/W
 PARKING SETBACKS - NONE
 PARKING RATIO - (a) 1 SPACE PER EMPLOYEE ON THE LARGEST SHIFT; (b) 3 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR A CONVENIENCE STORE UP TO 1,500 SF (CONVENIENCE STORE LARGER THAN 1,500 SF SHALL BE SUBJECT OF THE PARKING REQUIREMENTS FOR RETAIL USES IN ACCORDANCE WITH SECTION 409, INCLUDING THE FIRST 1,500 SF); (c) 3 SPACES PER SERVICE BAY NOT COUNTING SERVICE SPACES IN THE BAYS; (d) 1 SPACE PER SELF-SERVICE AIR OR VACUUM CLEANER UNIT; (e) 1 SPACE PER AUTOMATIC TELLER MACHINE.
 STACKING FOR FUEL PUMPS TO COMPLY WITH SECTION 405.4A.3c, BCZR

ZONING HISTORY

1958 - APPROVAL FOR GASOLINE FUEL SERVICE STATION - CASE 4516X
 1978-PERMISSION GRANTED TO BUILD EXISTING CANOPY - CASE# 78-240-A

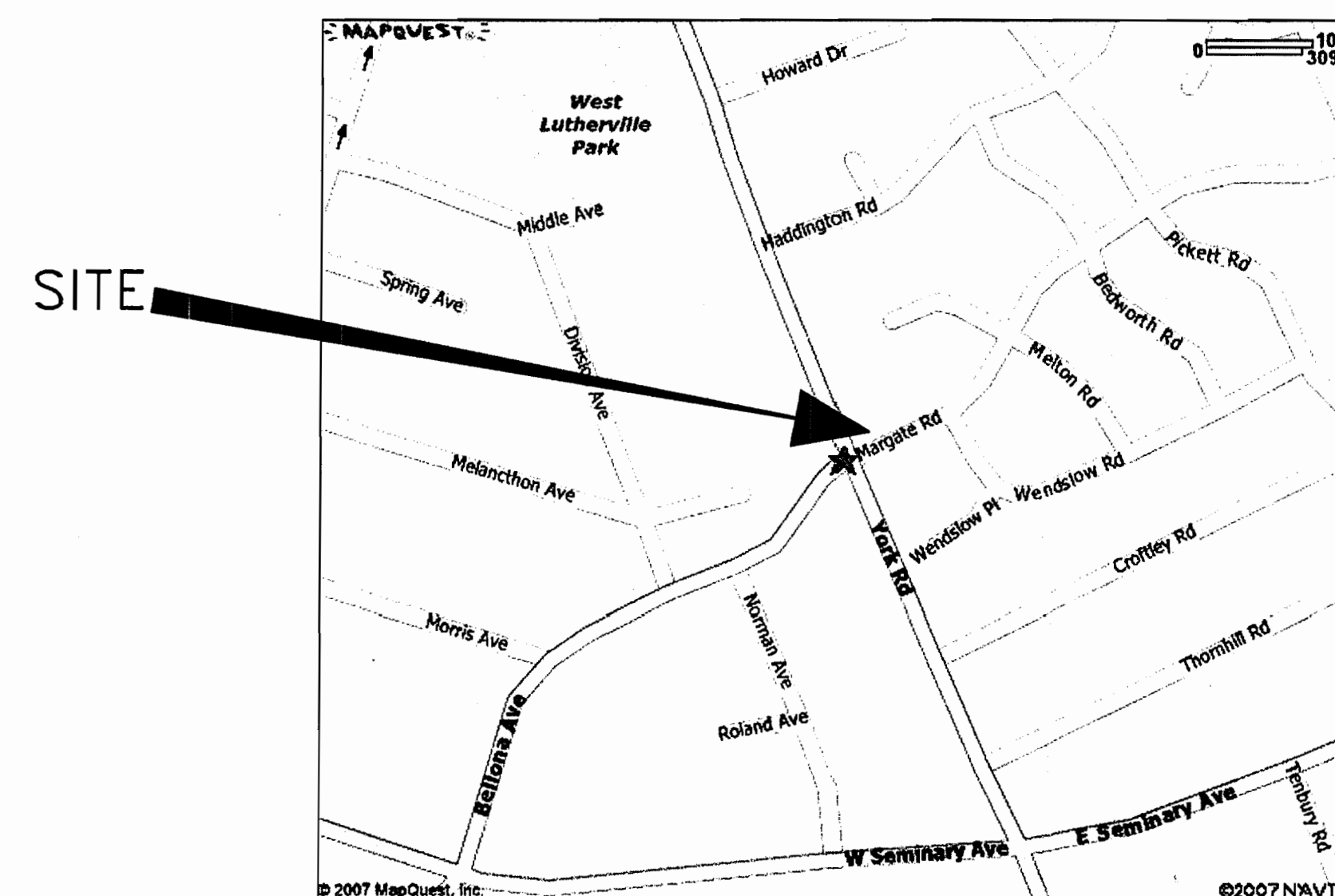
OWNERSHIP OF PROPERTY: ARIANNA LLC
 1601 YORK RD
 LUTHERVILLE, MD 21093

LAND AREA: 19,930 SF
 MAP: 60
 GRID: 18
 PARCEL: 242
 TAX ACCOUNT #: 08-0819033172

ELECTION DISTRICT: 8
 COUNCILMANIC DISTRICT: 3

SPECIAL HEARINGS TO :

- (1) AMEND SITE PLAN APPROVED IN CASE#78-240-A;
- (2) TO PERMIT GAS AND GO FUEL SERVICE INSTEAD OF FULL SERVICE; AND
- (3) TO CONFIRM THAT THE SITE LAYOUT IS NON-CONFORMING; OR, IN ALTERNATIVE ,
- (4) TO APPROVE A MODIFIED PARKING PLAN TO CONFIRM EXISTING CONDITIONS, PURSUANT TO SECTION 409.12.B (BCZR)



VICINITY MAP

1:500

PARKING CALCULATIONS

REQUIRED PARKING:
 CONVENIENCE STORE: 1435 SF / 3 SP/1000 SF =(4.3) SPACES
 EMPLOYEES: 1/EMPLOYEE X 1 EMPLOYEES= (1.0) SPACES
 (1) SPACE/SELF SERVE AIR OR
 VACUUM CLEANER UNITx1 ATM = (1.0) SPACE
 (1) SPACE/ATMx1 ATM = (1.0) SPACE
 TOTAL REQUIRED PARKING (7.3) PARKING SPACES

PROVIDED PARKING:
 STANDARD PARKING - (7) SPACES
 ACCESSIBLE PARKING (1) SPACE
 TOTAL PROVIDED PARKING (8.0) SPACES

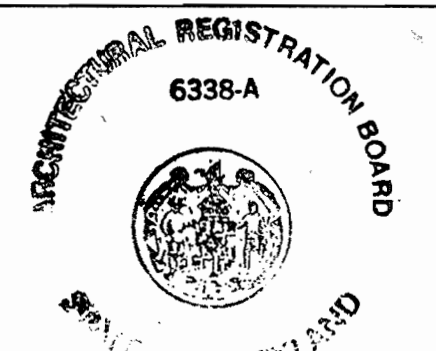
REQUIRED FUEL SERVICE SPACES:
 (1) FUEL SERVICE SPACE/MDP DISPENSER x 8 MDPS = (8) SPACES
 TOTAL PROVIDED FUEL SERVICE SPACES : (8) SPACES

REQUIRED STACKING SPACES:
 (1) STACKING SPACE/PUMP MPD x (8) MPDS = (8) STACKING SPACES
 TOTAL PROVIDED STACKING SPACES (8) STACKING SPACES

BUILDING USE: GAS STATION/CONVENIENCE STORE
 BUILDING HGT: 25'
 NUMBER OF STORIES: 1
 BUILDING IS NOT IN FLOODPLAIN
 FAR: 0.072

CONDITIONS SHOWN ARE EXISTING
 TO REMAIN IN PLACE
 NO CHANGES TO SITE ARE PROPOSED

PETITIONER'S EXHIBIT 2



WILEY & ASSOCIATES
 525 MAIN STREET #101
 LAUREL, MARYLAND
 PHONE: (301) 776-2780



PROJECT: MARGATE BP
 1601 YORK ROAD
 LUTHERVILLE, MD

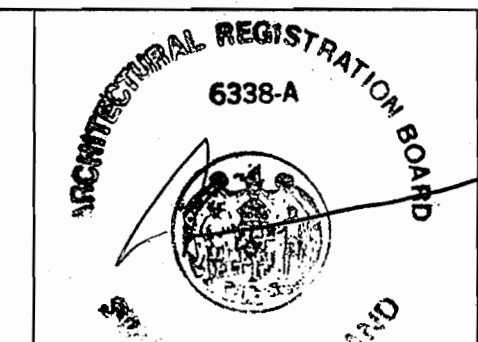
SHEET TITLE:
 SITE PLAN
 PLAN TO ACCOMPANY
 PERMIT B661273

REVISIONS:
 PLAN FOR SPECIAL HEARING PREPARED 8-20-07
 STACKING SPACES REVISED 11-10-07
 REVISED PER COUNTY COMMENTS 1-12-08
 REVISED PER COUNTY COMMENTS 2-9-08
 REVISED PER COUNTY COMMENTS 2-15-08

SCALE: 1"=20'-0"

Site-1

DATE: JUNE 11, 2007



WILEY & ASSOCIATES
525 MAIN STREET #101
LAUREL, MARYLAND
PHONE: (301) 776-2780



PROJECT:
MARGATE BP
1601 YORK ROAD
LUTHERVILLE, MD

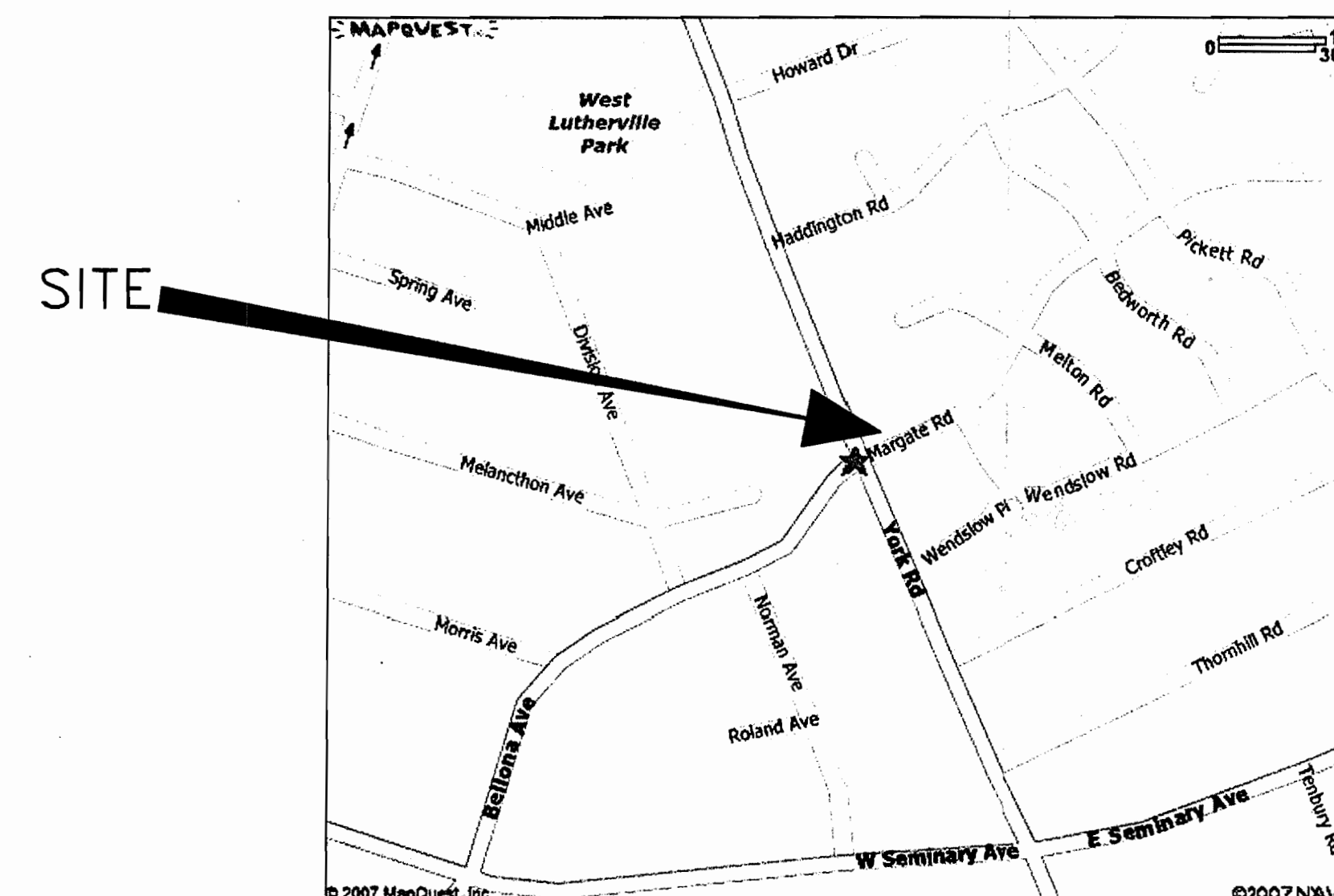
SHEET TITLE:
SITE PLAN
PLAN TO ACCOMPANY
PERMIT B661273

REVISIONS:
1- PLAN FOR SPECIAL HEARING PREPARED 8-20-07
2- STACKING SPACES REVISED 11-10-07
3- REVISED PER COUNTY COMMENTS 1-12-08
4- REVISED PER COUNTY COMMENTS 2-5-08
5- REVISED PER COUNTY COMMENTS 2-15-08

SCALE: 1"=20'-0"

Site-1

DATE: JUNE 11, 2007



VICINTY MAP

1:500

PARKING CALCULATIONS

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EMPLOYEES: 1/EMPLOYEE X 1 EMPLOYEES= (1.0) SPACES
(1) SPACE/SELF SERVE AIR OR
VACUUM CLEANER UNITx1 ATM = (1.0) SPACE
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ACCESSIBLE PARKING (1) SPACE
TOTAL PROVIDED PARKING (8.0) SPACES

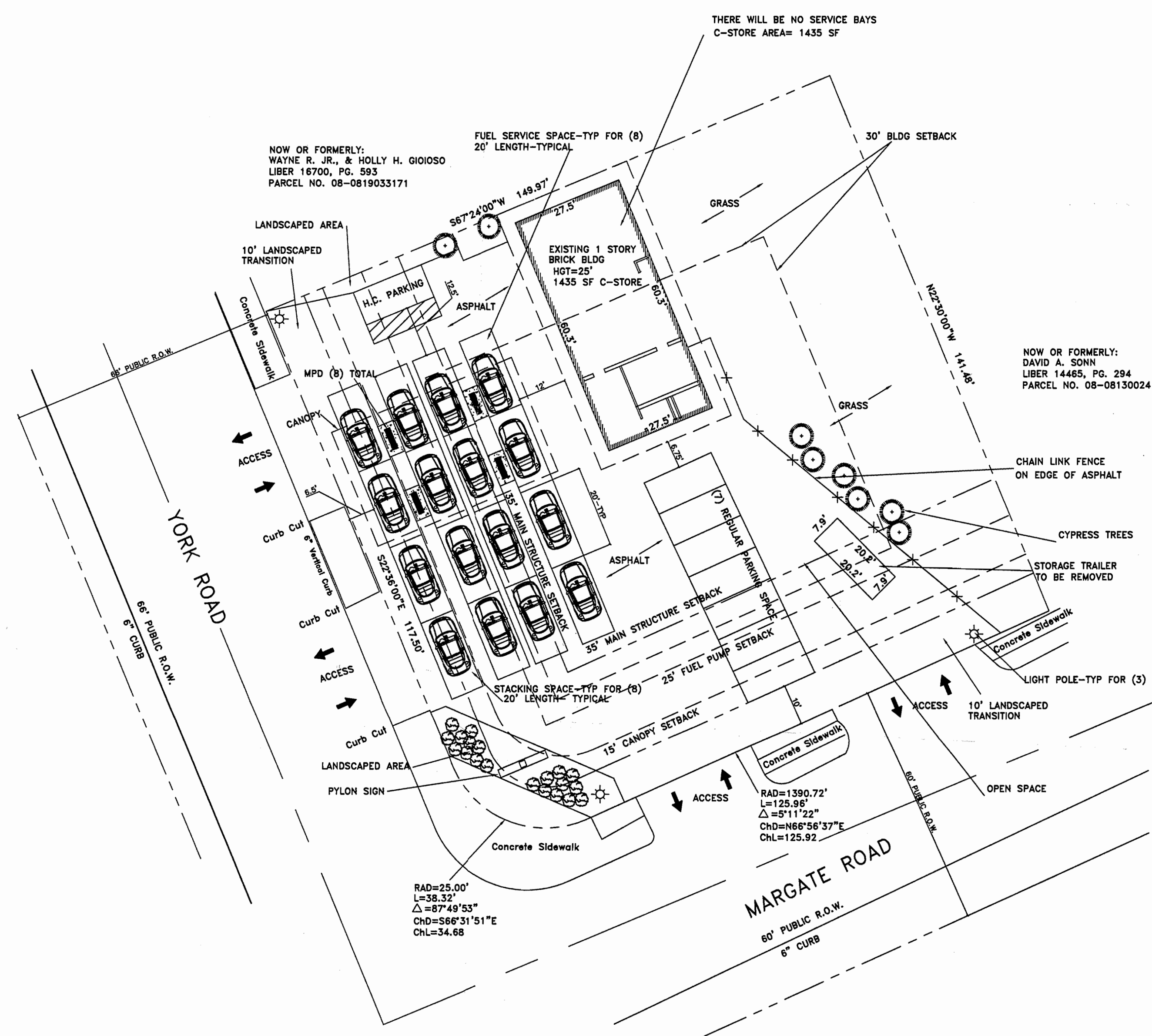
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(1) STACKING SPACE/PUMP MPD x (8) MPDS = (8) STACKING SPACES
TOTAL PROVIDED STACKING SPACES (8) STACKING SPACES

BUILDING USE: GAS STATION/CONVENIENCE STORE
BUILDING HGT: 25'
NUMBER OF STORIES: 1
BUILDING IS NOT IN FLOODPLAIN
FAR: 0.072

CONDITIONS SHOWN ARE EXISTING
TO REMAIN IN PLACE
NO CHANGES TO SITE ARE PROPOSED

PETITIONER'S EXHIBIT



SITE PLAN FOR A PETITION FOR A SPECIAL HEARING

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1601 YORK RD
LUTHERVILLE, MD 21093

LAND AREA: 19,930 SF
MAP: 60
GRID: 18
PARCEL: 242
TAX ACCOUNT #: 08-0819033172

ELECTION DISTRICT: 8
COUNCILMANIC DISTRICT: 3

1" = 20'-0"

SPECIAL HEARINGS TO :

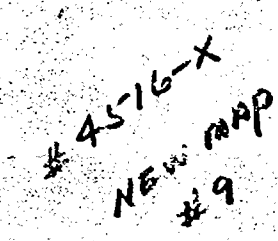
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- (2) TO PERMIT GAS AND GO FUEL SERVICE INSTEAD OF FULL SERVICE; AND
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- (4) TO APPROVE A MODIFIED PARKING PLAN TO CONFIRM EXISTING CONDITIONS, PURSUANT TO SECTION 409.12.B (BCZR)

ZONING

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CANOPY SETBACK - 15' FROM R/W
PARKING SETBACKS - NONE
PARKING RATIO - (a) 1 SPACE PER EMPLOYEE ON THE LARGEST SHIFT; (b) 3 SPACES PER 1,000 SF OF GROSS FLOOR AREA FOR A CONVENIENCE STORE UP TO 1,500 SF (CONVENIENCE STORE LARGER THAN 1,500 SF SHALL BE SUBJECT OF THE PARKING REQUIREMENTS FOR RETAIL USES IN ACCORDANCE WITH SECTION 409, INCLUDING THE FIRST 1,500 SF; (c) 3 SPACES PER SERVICE BAY NOT COUNTING SERVICE SPACES IN THE BAYS; (d) 1 SPACE PER SELF-SERVICE AIR OR VACUUM CLEANER UNIT; (e) 1 SPACE PER AUTOMATIC TELLER MACHINE.
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ZONING HISTORY

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PETITIONER'S EXHIBIT 7