

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE – W/S Reisterstown Rd.		
(MD Rte. 140), 73' to c/line of Intersection	*	ZONING COMMISSIONER
Of Reisterstown & Village Roads		
(1718 Reisterstown Road)	*	FOR
3 rd Election District	*	BALTIMORE COUNTY
2 nd Council District	*	Case No. 08-405-SPHA
Alphon, Inc.	*	
Petitioner	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the property, Alphon, Inc., by its President, Philip J. Diamond, through their attorney, Deborah C. Dopkin, Esquire. The Petitioner seeks relief pursuant to Sections 500.6 and 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to amend the site plan in Case No. 03-372 SPHXA which granted a special exception request for a restaurant, including fast food, as a use in combination with a fuel service station on August 4, 2003 and specifically to amend the plan permitting a two (2) bay addition in the rear of the existing service garage building and to approve a modified parking plan pursuant to B.C.Z.R. Section 409.12B. In addition, Petitioner seeks a variance from Sections 405.4A.3.d (1), (3) & (4) and 409.6A.2 to permit 22 parking spaces in lieu of the required 35 spaces; and from Section 405.4A.1 to permit a lot area of 28,147 square feet in lieu of the 28,420 square feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

COPIES RECEIVED FOR FILING
 Date: 5-12-08
 By: [Signature]

Appearing at the requisite public hearing in support of the request were Philip J. Diamond, President, Alphon, Inc., property owner, Patrick C. Richardson, P.E., a principal of Richardson Engineering, LLC, the consultants who prepared the site plan for this property, and Deborah C. Dopkin, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present; however, it is noted that a letter of support was received from the Pikesville Chamber of Commerce (Petitioner's Exhibit 4). In addition, there were no adverse Zoning Advisory Committee (ZAC) comments from any agency, including the State Highway Administration (SHA) and the Office of Planning which also considers the impacts of the proposal as part of the Design Review for the Pikesville Revitalization District.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the south side of Reisterstown Road, just south of its interchange with the Baltimore Beltway (I-695) in Reisterstown. The property contains a gross area of 28,174 square feet, more or less, zoned B.L.-A.S. The B.L. (Business-Local) zoning classification permits and promotes business uses of property so zoned and the A.S. (Automotive Service) district overlay promotes automotive uses. The subject property is improved with a one-story fuel service station that has existed at this location for thirty-eight (38) years. In fact, the site was originally developed as a fuel service station pursuant to the approval granted in Case No. 70-122-SPHX in 1970. The use was later expanded under a special exception request in Case No. 90-13-SPHXA as set forth above. Case No. 03-372 SPHXA amended the prior cases to permit the replacement of an existing convenience store with a Subway Sandwich Shop, a use in combination with the fuel service station which has been in operation for several years.

Mr. Richardson described the surrounding uses and explained that the property has frontage on Reisterstown Road (Maryland Route 140) and is located just south of the interchange

CASE NO. 03-372 SPHXA
Date 5-12-08
By [Signature]

with 1-695. Reisterstown Road in this vicinity is a highly developed commercial corridor, which serves the residential communities to the interior. As presently configured, the existing structure is an irregular shaped building which features five (5) service bays and a convenience store. The Petitioner enjoys a good relationship with neighboring property owners and proposes the construction of an 827 square foot addition at the rear of the existing building to add two (2) service bays, for a total of seven service bays.

It is important to explain that the proposed construction will not be visible from the street nor will it in any way change the existing uses at the site. However, by virtue of this addition, the parking requirement increases to 35 spaces and the required lot area increases to 27,420 square feet. Otherwise, there will be no changes to the fuel service operation. Gasoline is presently sold from 7:00 A.M. to 10:00 P.M., automotive services from 8:00 A.M. to 5:00 P.M., and the Subway Sandwich Shop operates from 10:00 A.M. to 10:00 P.M. It was also indicated at the hearing that the Petitioner has complied with the requirements of the prior Order regarding landscaping, but that due to the heavy traffic and maintenance of Reisterstown Road, sustaining any landscaping has been difficult. No damaged or disabled vehicles are proposed to be stored outside the building.

Addressing the parking variance, Mr. Diamond testified that he has entered into an agreement with the adjoining owner of the Cummins Appliance Company (Cummins) lying immediately to the south and west of the subject property (*See* Petitioner's Exhibit 3), which has excess parking on its site. Petitioner has in return granted to Cummins an easement (of record) providing a means of access through the subject property to the shared and signalized entrance with the Hilton Hotel. The owner of Cummins has granted the Petitioner the right to utilize the excess parking spaces on its site, which more than offsets Petitioner's deficiency.

Testimony further proffered on behalf of Mr. Richardson, an expert in land use and zoning in Baltimore County, indicated that the use is consistent with B.C.Z.R. Section 405 and with the Section 502.1 requirements.

Turning next to the Petition for Special Hearing, I find that the proposed fuel service station and accessory uses will not overburden the site and meet the requirements of Sections 409.12B and 502.1 of the B.C.Z.R. The fact that there will be no change in use and that the proposal is not visible to any adjoining property or from the road, is a persuasive factor. It does not appear that the proposed use will detrimentally impact traffic patterns in the area nor parking on the site itself. In this regard, it is to be noted that access to the site is by way of two curb cuts along Reisterstown Road. Additionally, there is a third means of access from the adjacent property, which is the site of the Pikesville Hilton Hotel. These multiple means of access will promote appropriate traffic flow through the site.

Similarly, special hearing relief will be granted to allow amendments to the previously approved site plan in Case No. 03-372 SPHXA. These changes are necessary to accommodate the proposed addition and to accommodate demand for repair services.

Based on the testimony and evidence presented in this case, I find the property is unique in a zoning sense. I further find that strict compliance with the Zoning Regulations would result in practical difficulty or unreasonable hardship. Finally, I find that Petitioner's special hearing and variance requests can be granted in strict harmony with the spirit and intent of the regulations, and in such manner as to grant relief without injury to public health, safety or general welfare of the locale. One of the attributes of the service garage proposed is the absence of an area for damaged and disabled vehicles; consequently, such vehicles should not be stored or allowed to remain on the site.

RECEIVED FOR PLANNING
DATE 5-12-83
BY [signature]

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.

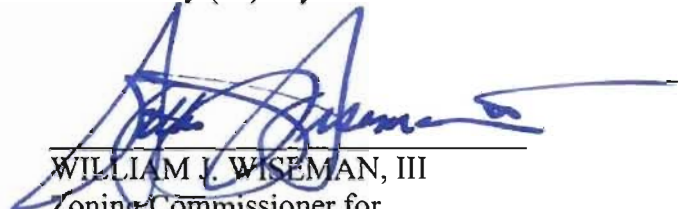
THEREFORE, IT IS ORDERED by this Zoning Commissioner for Baltimore County, this 12th day of May 2008, that the Petitioner for Special Hearing seeking relief pursuant to Sections 500.6 and 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to: (1) amend site plans and Orders approved in Case Nos. 90-13-SPHXA and 03-372-SPHXA; and (2) to approve a modified parking plan pursuant to B.C.Z.R. Section 409.12B, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from B.C.Z.R. Section 405.4A.3.d (1), (3) and (4) and 409.6A.2 of the B.C.Z.R. to allow 22 parking spaces in lieu of the required 35; and from Section 405.4A.1 to permit a lot area of 28,174 square feet in lieu of the 27,420 square feet, in accordance with Petitioner's Exhibits 1 and 3, be and are hereby GRANTED, subject to the following conditions:

- 1) The Petitioner may apply for their permit and be granted same upon receipt of this Order; however, 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.
- 2) The architectural elevations of the proposed two (2) bay 827 square foot service bay addition has been reviewed by the Office of Planning and deemed to be acceptable in terms of the Pikesville Design Review criteria. The said addition shall be constructed in compliance with the approved elevation drawings.
- 3) No body or fender work shall be performed on site including the painting of vehicles.
- 4) No vehicles in a damaged or disabled state may be stored or allowed to remain on the property for more than thirty (30) days.

CASE FILED FOR PLANNING
Date 5-12-08
By [signature]

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


WILLIAM I. WISEMAN, III
Zoning Commissioner for
Baltimore County

WJW:dlw

RECEIVED FOR PLANS
Date 5-12-08
By [signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

May 12, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

Deborah Dopkin, Esquire
409 Washington Avenue
Towson, MD 21204

RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
W/S Reisterstown Rd. (MD Rte. 140), 73' to c/line of Intersection of
Reisterstown & Village Roads
(1718 Reisterstown Road)
3rd Election District - 2nd Council District
Alphon, Inc. - Petitioner
Case No. 08-405-SPHA

Dear Ms. Dopkin:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'William J. Wiseman III', written over the words 'Very truly yours,'.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Philip J. Diamond, President, Alphon, Inc., 1718 Reisterstown Road,
Baltimore, MD 21208
Patrick C. Richardson, P.E., Richardson Engineering, LLC, 30 East Padonia Road,
Suite 500, Timonium, MD 21093
People's Counsel; Office of Planning; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1718 Reisterstown 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)

See Attached

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

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be 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:

Deborah C. Dopkin, Esquire

Name - Type or Print _____

Signature _____

Deborah C. Dopkin, P.A.

Company _____

409 Washington Avenue, Suite 1000 (410-821-0200)

Address _____ Telephone No. _____

Towson, Maryland 21204

City _____ State _____ Zip Code _____

Legal Owner(s):

Alphon, Inc.

Name - Type or Print _____

Signature _____

Philip J. Diamond, President

Name - Type or Print _____

Signature _____

1718 Reisterstown Road (410-486-1739)

Address _____ Telephone No. _____

Baltimore, Maryland 21208

City _____ State _____ Zip Code _____

Representative to be Contacted:

Richardson Engineering, Inc.

Name _____

30 E. Padonia Road, Suite 500 (410-560-1502)

Address _____ Telephone No. _____

Timonium, Maryland 21093

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 08-405 SPHA

REV 9/15/98

UNAVAILABLE FOR HEARING _____

Reviewed By _____

Date 2-28-08

Date 5-12-08

By ISW

Special Hearing Petition to approve

an amendment to the previously approved site plan in Case No. 03-372; and
a modified parking plan pursuant to Section 409.12.B



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 1718 Reisterstown Road
which is presently zoned BL-AS

Deed Reference: 11 782 / 253 Tax Account # 17 0 0 0 0 1 5 0 8

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

SEE ATTACHED

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

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

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:

Deborah C. Dopkin, Esquire

Name - Type or Print

Signature

Deborah C. Dopkin, P.A.

Company

409 Washington Avenue, #1000 (410-821-0200)

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

Legal Owner(s):

Alphon, Inc.

Name - Type or Print

Signature

Philip J. Diamond, President

Name - Type or Print

Signature

1718 Reisterstown Road (410-486-1739)

Address Telephone No.

Baltimore, Maryland 21208

City State Zip Code

Representative to be Contacted:

Richardson Engineering, Inc.

Name

30 E. Padonia Road, Suite 500 (410-560-1502)

Address Telephone No.

Timonium, Maryland 21093

City State Zip Code

Case No. 08-405-SPHA

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

REV 8/20/07

ORDER RESERVED FOR FILING

Date

5-12-08

By

[Signature]

Reviewed by

[Signature]

Date

2-28-08

Variance Petition to approve

From Section 405.4.A.3.d(1), d(3) and d(4) and from Section 409.6.A.2 to permit 22 parking spaces in lieu of the required 35 spaces;

From Section 405.4.A.1 to permit a lot area of 28,174 square feet in lieu of the required 28,420 square feet..

**ZONING DESCRIPTION
1718 REISTERSTOWN ROAD
(MARYLAND ROUTE #140)
3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the west side of Reisterstown Road, a variable width; at a distance of 73 feet more or less, from the centerline intersection of Reisterstown Road and Village Road 50 feet wide; thence leaving said right of way the following courses and distances, (1) South 47 degrees 48 minutes 50 seconds West 151.81 feet, (2) North 42 degrees 05 minutes 15 seconds West 194.38 feet, (3) North 47 degrees 50 minutes 30 seconds East 139.00 feet to point on the west side of Reisterstown Road, thence binding on west side of Reisterstown Road (4) South 42 degrees 07 minutes 47 seconds East 31.29 feet, (5) South 46 degrees 34 minutes 23 seconds East 163.50 feet, to the point of beginning.

Containing a net area of 28,174 square feet or 0.646 acres.



2/21/08

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: #08-405-SPHA

1718 Reisterstown Road

W/side of Reisterstown Road, 73 feet +/- from centerline of Village Road

3rd Election District - 2nd Councilmanic District

Legal Owners: Alphon, Inc., Philip Diamond, Pres.

Special Hearing: to approve an amendment to the previously approved site plan in Case 03-372-SPHXA; and a modified parking plan. **Variance:** to permit 22 parking spaces in lieu of the required 35 spaces and to permit a lot area of 28,174 square feet in lieu of the 28,420 square feet.

Hearing: Tuesday, May 6, 2008 at 9:00 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) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
4/466 April 24 171411

CERTIFICATE OF PUBLICATION

4/24/2008

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 4/24/2008.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 11115

Date:

2-29

PAID RECEIPT

BUSINESS ACTUAL TIME 10:14:16

REC 001 WALTON JRIC INC

>>RECEIPT # 345389 2/29/2008 0011

Dept 5 520 ZONING VERIFICATION

011115

Recpt Tot 1650.00

1650.00 CK 1.00 CA

Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			150				650

Total:

650

Rec

From:

DIAMOND SUNDAY

For:

08-405 SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-405-SPHA

Petitioner/Developer: ALPHONZ INC.

PHILIP DIAMOND, PRES.

Date of Hearing/Closing: ~~5-8-08~~
5-6-08

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:

1718 REISTERSTOWN ROAD

The sign(s) were posted on

4-21-08

(Month, Day, Year)

Sincerely,

Robert Black

(Signature of Sign Poster)

4-22-08

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

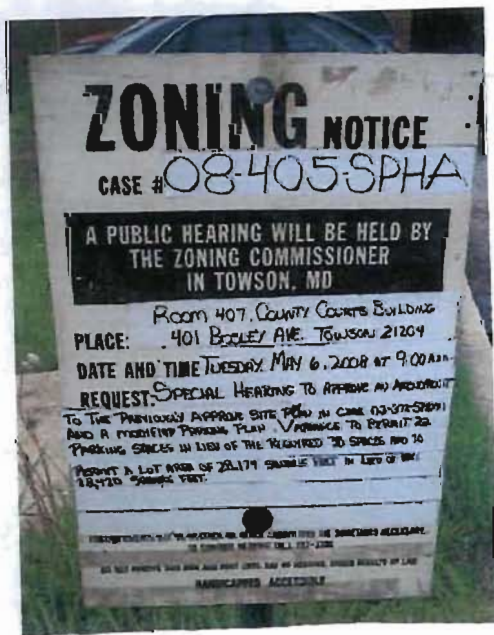
(Address)

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: 08-405 SPN A
Petitioner: Alphon, Inc.
Address or Location: 1718 REISTERSTOWN RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Deborah C Dopkin, Esq
Address: 409 Washington Ave
Ste 1000
TOWSON, MD 21204
Telephone Number: 410-821-0200

Revised 2/20/98 - SCJ



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 17, 2008
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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

CASE NUMBER: 08-405-SPHA

1718 Reisterstown Road

W/side of Reisterstown Road, 73 feet +/- from centerline of Village Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Alphon, Inc., Philip Diamond, Pres.

Special Hearing to approve an amendment to the previously approve site plan in Case 03-372-SPHXA; and a modified parking plan. Variance to permit 22 parking spaces in lieu of the required 35 spaces and to permit a lot area of 28,174 square feet in lieu of the 27,420 square feet.

Hearing: Tuesday, May 6, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Deborah Dopkin, 409 Washington Avenue, Ste. 1000, Towson 21204
Philip Diamond, Alphon, Inc., 1718 Reisterstown Road, Baltimore 21208
Richardson Engineering, 30 E. Padonia Road, Ste. 500, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 21, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 22, 2008 Issue - Jeffersonian

Please forward billing to:

Deborah Dopkin
409 Washington Avenue, Ste. 1000
Towson, MD 21204

410-821-0200

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: 08-405-SPHA

1718 Reisterstown Road

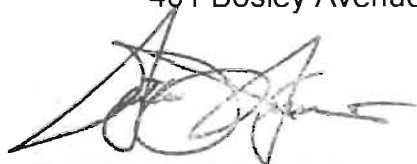
W/side of Reisterstown Road, 73 feet +/- from centerline of Village Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Alphon, Inc., Philip Diamond, Pres.

Special Hearing to approve an amendment to the previously approve site plan in Case 03-372-SPHXA; and a modified parking plan. Variance to permit 22 parking spaces in lieu of the required 35 spaces and to permit a lot area of 28,174 square feet in lieu of the 27, 420 square feet.

Hearing: Tuesday, May 6, 2008 at 9:00 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.



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 30, 2008

Deborah C. Dopkin, Esquire
409 Washington Avenue, Suite 1000
Towson, MD 21204

Dear Ms. Dopkin:

RE: Case Number: 08-405-SPHA, 1718 Reisterstown 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 28, 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
Alphon, Inc. Philip J. Diamond, President 1718 Reisterstown Road Baltimore 21208
Richardson Engineering, Inc. 30 E. Padonia Road, Suite 500 Timonium 21093

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



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

Maryland Department of Transportation

March 10, 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. 08-405-SPHA
MD 140 (Reisterstown Road)
southeast of I-695
1718 Reisterstown Road
Full Service Gas Station
Case No. 08-405-SPHA

Dear Ms. Matthews:

Thank you for the opportunity to review of the plan to accompany zoning petition and proposed improvements on the subject of the above captioned, which was received March 4th. We understand that this plan illustrates a proposal to add 827 s/f for service bays 22 parking spaces in lieu of 35 spaces.

We have completed a cursory review of the site plan as well as existing conditions. Access onto the property is to be served by one full movement entrance onto Reisterstown Road. The State Highway Administration (SHA) has determined that the proposed entrance is adequate for the intended use. Based on our guidelines and requirements we find proposed improvements for the 1718 Reisterstown Road property acceptable.

In summation, this office requests that the Zoning Reviewer Planner consider our comments as a condition of approval in the matter of Case Number 08-405-A.

If you have any questions or need clarifications regarding this matter, please feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

A handwritten signature in black ink that reads "Michael P. Bailey".

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. Dennis A. Kennedy, Permits & Plans Review, Baltimore County
Mr. Joe Merrey, Permits & Development Management, Balto. Co.
Mr. David Malkowski, District Engineer, SHA
Mr. Patrick C. Richardson, Engineer, Richardson Engineering, LLC,

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 13, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For March 17 2008
Item Nos. 08-371, 400, 401, 402, 403, 404,
405, 406, 408, 409, 410, 411, 412, 413, 414,
416, and 417

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-03132008.doc



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 12, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 10, 2008

Item Number: 400,403,404,405,406,407,409,410,411,412,413,414,415,416 and 417

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.

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

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

cc: File

BW 5/6
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 27, 2008

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

SUBJECT: 1718 Reisterstown Road

INFORMATION:

Item Number: 8-405

Petitioner: Alphon, Inc.

Zoning: BL-AS

Requested Action: Special Hearing

RECEIVED
APR 01 2008

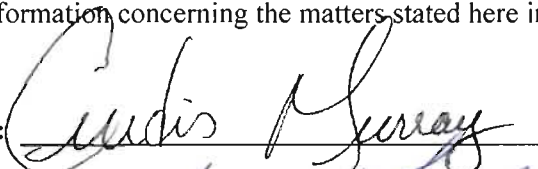
BY:.....

The property in question is within the Pikesville Revitalization District and is within an area designated as Urban Convenience in the Pikesville Revitalization Update 2003. The proposed 827 square foot, 2 service bay addition is to the rear of the existing office. Planning staff on March 2, 2007 reviewed and approved the architectural elevation drawings for the 2 bay addition as part of the Pikesville Design Review area's administrative review. Approval was contingent upon this special hearing.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends approval of the special hearing and modified parking plan provided the architectural elevation drawings are in compliance with those approved by this office.

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

Reviewed by: 

Division Chief: 
AFK/LL: CM

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
1718 Reisterstown Road; W/S Reisterstown * ZONING COMMISSIONER
Road, 73' c/line village road *
3rd Election & 2nd Councilmanic Districts * FOR
Legal Owner(s): Alphon, Inc *
Petitioner(s) * BALTIMORE COUNTY
* 08-405-SPHA

* * * * *

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.

RECEIVED

Mar 11 2008

Per _____

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 2008, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, 30 E. Padonia Road, Suite 500, Timonium, MD 21093 and Deborah C. Dopkin, Esquire, 409 Washington Avenue, St 1000, Towson, MD, 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



April 30, 2008

Mr. William J. Wiseman III
Baltimore County Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Maryland 21204

Dear Mr. Wiseman:

This letter is to express the support of the Pikesville Chamber of Commerce for the expansion of Diamond Sunoco. This business is a valued member of the Chamber and is a growing business in the Pikesville revitalization area.

The addition of two bays will not impact on any neighboring business and will allow Diamond Sunoco to better serve their customers.

Sincerely,

Sherrie Becker
Executive Director

5/2 Had Andrew, Zon. Rev. Search via computer - when is hearing, etc.
since no info. provided in ltr. - per Andrew, nothing came
up based on info.
7 Church Lane, Suite 14 • Pikesville, Maryland 21208 • 410.484.2337 • Fax 410.484.4151
Email pikesvillechamber@verizon.net • www.pikesvillechamber.org
5/8 Left voice mail msg. - Ms. Becker - need add'l info. 5/12 When closing
file, determined this case was
5:20 P.M.



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 v1.1)

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

Account Identifier: District - 03 **Account Number -** 1700001508

Owner Information

Owner Name: ALPHON INC **Use:** COMMERCIAL
Principal Residence: NO
Mailing Address: 1718 REISTERSTOWN RD **Deed Reference:** 1) /11780/ 253
 BALTIMORE MD 21208 2)

Location & Structure Information

Premises Address **Legal Description**
 1718 REISTERSTOWN RD SWS REISTERSTOWN RD
 BALTIMORE MD 21208-2903 .644 AC
 700 SE BALTIMORE BELTWA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
68	20	220						1	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1998	4,072 SF	28,174.00 SF	20

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2007	07/01/2007	07/01/2008
Land	373,500	506,700		
Improvements:	325,600	391,000		
Total:	699,100	897,700	765,300	831,500
Preferential Land:	0	0	0	0

Transfer Information

Seller: MOBIL OIL CORPORATION	Date: 09/04/1996	Price: \$280,000
Type: IMPROVED ARMS-LENGTH	Deed1: /11780/ 253	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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

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

District - 03 Account Number - 1700001508



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



Prior Case

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE -
W/S Reisterstown Road, 1120' N of the c/l * ZONING COMMISSIONER
Naylors Lane
(1718 Reisterstown Road) * OF BALTIMORE COUNTY
3rd Election District
2nd Council District * Case No. 03-372-SPHXA
Alphon, Inc.
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, Alphon, Inc., through their attorney, Deborah C. Dopkin, Esquire. The Petitioners request a special hearing to approve an amendment to the previously approved site plan in Case No. 90-13-SPHXA, and a special exception to allow a restaurant, including fast food, as a use in combination with a fuel service station, pursuant to Section 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioners request variance relief as follows: **1)** From Section 405.4.A.3.d (1), d (3) and d (4) and Section 409.6.2 of the B.C.Z.R. to allow 22 parking spaces in lieu of the required 29; **2)** from Section 405.4.A.2.a to permit a 22-foot setback from a fuel pump to a street right of-way in lieu of the required 25 feet; from Section 405.4.A.2.a to permit a 10-foot setback from a canopy to a street right-of-way in lieu of the required 15 feet; **3 and 4)** from Section 405.4.A.2.b to permit landscape transition area(s) (LTA) abutting a public right-of-way of 5 feet and 0 feet in lieu of the required 10 feet each; and, **5)** from Section 450.4.1.5(b) to permit freestanding signs of 155 sq.ft. total in lieu of the maximum allowed 75 sq.ft. In open hearing, Variance Request No. 5 was amended and reduced to allow signage of 98.33 sq.ft. in lieu of the permitted 75 sq.ft. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Philip J. Diamond, President, Alphon, Inc., property owners, Robert Rosenfelt, a representative of Colbert Matz Rosenfelt, Inc., the consultants who prepared the site plan for this property, and Deborah C. Dopkin, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present; however, a letter of concern/opposition was received regarding Variance Requests Nos. 1 and 5 from Sudbrook Park, Inc., a community association in the vicinity of the subject property. Additionally, a letter of support was received from the Pikesville Chamber of Commerce.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the south side of Reisterstown Road (Maryland Route 140), just south of its interchange with the Baltimore Beltway (I-695) in Reisterstown. The property contains a gross area of 28,174 sq.ft. more or less, zoned B.L.-A.S. The B.L. (Business-Local) zoning classification permits and promotes business uses of property so zoned and the A.S. (Automotive Service) district overlay promotes automotive uses. The subject property is improved with a one-story fuel service station that has existed at this location for many years. In fact, the site was originally developed as a fuel service station pursuant to the approval granted in Case No. 70-122-SPHX in 1970. The use was later expanded under a special exception request in Case No. 90-13-SPHXA. It is to be noted that in that case, variance relief was granted from the then existing sign regulations to permit a sign package in excess of 200 sq.ft. Specifically, approval was granted in that case to allow seven signs for a total sign area of 205 sq.ft.

As noted above, the property has frontage on Reisterstown Road (Maryland Route 140) and is located just south of the interchange with I-695. Reisterstown Road in this vicinity is a highly developed commercial corridor, which serves the residential communities to the interior. As presently configured, the existing structure is an irregular shaped building which features five service bays and a convenience store. The Petitioners propose constructing a 10.7' x 3.5' addition to fill in a notch and "square off" the front corner of the existing building and converting the convenience store operation to a fast-food restaurant. Testimony indicated that the Petitioners have entered into negotiations to locate a Subway Sandwich Shop within the convenience store

area. With the proposed improvements and conversion of the existing convenience store area, the restaurant area will occupy 720 sq.ft. in area.

It was indicated at the hearing that but for the proposed construction and conversion of the convenience store to a fast-food restaurant, that there will be no changes to the operation of the fuel service operation. Gasoline is presently sold from 7AM to 11PM and the Subway restaurant will have consistent hours of operation from 10AM to 11PM. It was also indicated that the fuel service station's busiest time of day is normally during the morning rush hour before the Subway restaurant would be open. Additionally, the service bays close at 5PM before the dinner hour when additional traffic is expected to patronize the Subway restaurant. For all of these reasons, the Petitioners believe that there will be no traffic congestion on the site in that the separate uses on the property will not compete with one another. It was also indicated at the hearing that the Petitioner has met with Avery Harden, the County's Landscape Architect. Apparently, a landscape plan has been developed for this site and preliminarily approved by Mr. Harden.

Turning first to the Petition for Special Exception, I easily find that the relief requested should be granted. The installation of a fast-food restaurant on the subject site is consistent with redevelopment of fuel service stations throughout Baltimore County. I particularly find that the proposed fuel service station and accessory uses will not overburden the site and meet the requirements of Section 502.1 of the B.C.Z.R. The fact that the different uses generate patrons at different times of the day is a persuasive factor. It does not appear that the proposed use will detrimentally impact traffic patterns in the area. In this regard, it is to be noted that access to the site is by way of two curb cuts along Reisterstown Road. Additionally, there is a third means of access from the adjacent property, which is the site of the Pikesville Hilton Hotel. These multiple means of access will promote appropriate traffic flow through the site.

Similarly, special hearing relief will be granted to allow amendments to the previously approved site plan in Case No. 90-13-SPHXA. These changes are necessary to accommodate the proposed redevelopment of the site, and as noted above, appear appropriate and in compliance with the requirements set out in Section 502.1 of the B.C.Z.R.

The variance request that generated the most comment was Variance Request No. 5 relative to signage. As noted above, variance relief was previously granted a number of years ago from the then existing sign regulations to allow 205 sq.ft. of signage. The current proposal, as amended, contemplates a significant reduction of signage on the site. As noted above, the amended Petition requests relief to permit 98.33 sq.ft. of freestanding signs in lieu of the 75 sq.ft. allowed. In this regard, the Petitioners are removing two signs that are presently located on the façade of the building. These signs depict the winged Pegasus Mobil trademark. Additionally, a previously approved building-mounted sign advertising the Mobil brand will be removed. Lastly, the Petitioners have deducted from their request the signs that advertise the price of fuel sold on the premises. These signs are exempt from computation of the signage area under the B.C.Z.R., pursuant to Business Regulation Article, Title 10 of the Annotated Code of Maryland.

As noted above, a letter of opposition was received from the community association known as Sudbrook Park, Inc. That letter indicates opposition to the original variance requesting relief to allow 155 sq.ft. of signage in lieu of the 75 sq.ft. permitted. The letter indicates that the Association objects to the “doubling” of the current signage. In this regard, it is to be noted that the current signage will be reduced and not increased. Apparently, Sudbrook Park, Inc. is unaware of the prior sign variance that was granted in 1990. Its position on the current sign package cannot be determined, and no representative from that organization was present at the hearing. Similarly, a comment in opposition to the request was received from the Office of Planning. Again, that comment does not appear to appreciate the prior sign variance that was granted and the fact that the total signage on the property will actually be reduced under the current proposal.

Based upon the testimony and evidence presented, I am persuaded to approve variance relief to permit the new sign package, as amended. I believe that the proposal represents an improvement to existing conditions and meets the requirements of Section 307 of the B.C.Z.R. The other variances requested largely relate to existing conditions. The number of parking spaces required is generated by the multiple uses on the property, i.e., the fuel service station, fast food restaurant and service garage. Additionally, the setback variances relate to existing conditions due

to the location of the existing canopy and recent improvements to Reisterstown Road. No additional construction is proposed on the site other than the small "notch" to round out the corner of the existing building. The use of the property will not be dramatically different than present. I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R.

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, as amended, shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of May, 2003 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 90-13-SPHXA, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to allow a restaurant, including fast food, as a use in combination with a fuel service station, pursuant to Section 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

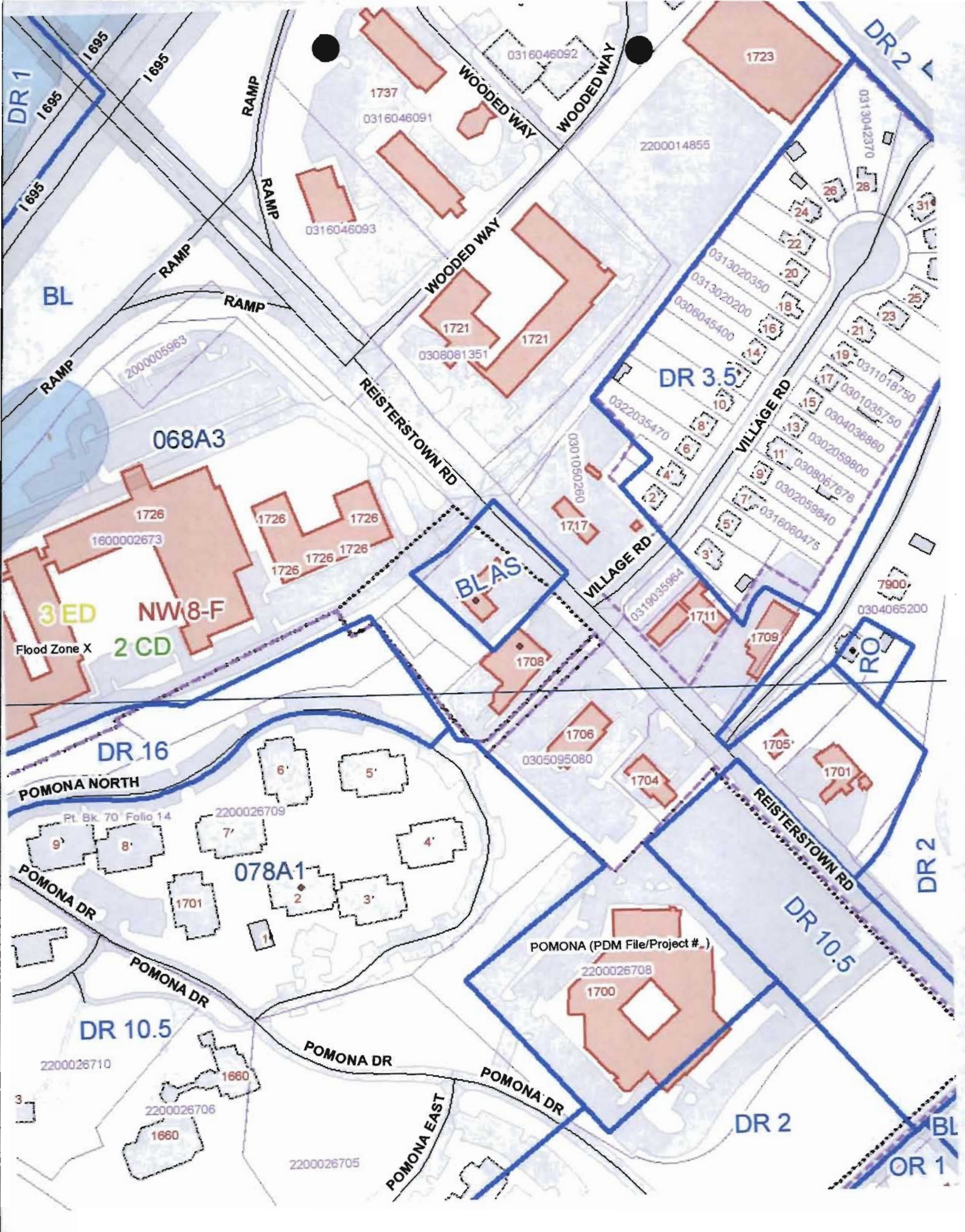
IT IS FURTHER ORDERED that the Petition for Variance seeking relief as follows: 1) From Section 405.4.A.3.d (1), d (3) and d (4) and Section 409.6.2 of the B.C.Z.R. to allow 22 parking spaces in lieu of the required 29; 2) from Section 405.4.A.2.a to permit a 22-foot setback from a fuel pump to a street right of-way in lieu of the required 25 feet; from Section 405.4.A.2.a to permit a 10-foot setback from a canopy to a street right-of-way in lieu of the required 15 feet; 3 and 4) from Section 405.4.A.2.b to permit landscape transition area(s) (LTA) abutting a public right-of-way of 5 feet and 0 feet in lieu of the required 10 feet each; and, 5) from Section 450.4.1.5(b) to permit freestanding signs of 98.33 sq.ft. total, as amended, in lieu of the maximum allowed 75 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall implement the landscape plan approved by the County's Landscape Architect, Avery Harden.
- 3) When applying for any permits, the site plan and/or landscape plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450.4.1.5(b) to permit freestanding signs of 155 sq.ft. total in lieu of the maximum allowed 75 sq.ft., be and is hereby DISMISSED AS MOOT.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County



Case No.: 08-405-SPHA

1718 Reisterstown RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	MULTIPLE PHOTO'S OF EXISTING CONDITIONS Collectively -	
No. 3	WRITTEN AGREEMENT FOR ADJOINING PARKING ARRANGEMENT	
No. 4	PIKESVILLE CHAMBER OF COMMERCE - SUPPORT	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO.

2

* Adjacent
Parking - for
argument

410 484-1333
Fax 410 486-0582



ESTABLISHED 1928
MHIC # 1344

SALES-INSTALLATION-SERVICE

1708 REISTERSTOWN ROAD
PIKESVILLE, MD 21208-2903

THIS NOTE IS CONFIRM AN ARRANGEMENT BETWEEN PHIL DIAMOND OF DIAMOND SUNOCO (AND HIS SUCCESSORS) AND CUMMINS APPLIANCE COMPANY (AND THEIR SUCCESSORS) THAT PHIL DIAMOND HAS USE OF SEVERAL OF OUR PARKING SPACES IN THE REAR OF OUR BUILDING IN EXCHANGE FOR HIS GRANTING US ACCESS THROUGH HIS PROPERTY TO OUR REAR PARKING LOT. PLEASE DON'T HESITATE TO CONTACT ME IF I CAN ANSWER ANY FURTHER QUESTIONS.

HOWARD CUMMINS
V.P. CUMMINS APPLIANCE CO.
NOVEMBER 26, 2007

PETITIONER' S

EXHIBIT NO. 3



April 30, 2008

Mr. William J. Wiseman III
Baltimore County Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Maryland 21204

Dear Mr. Wiseman:

This letter is to express the support of the Pikesville Chamber of Commerce for the expansion of Diamond Sunoco. This business is a valued member of the Chamber and is a growing business in the Pikesville revitalization area.

The addition of two bays will not impact on any neighboring business and will allow Diamond Sunoco to better serve their customers.

Sincerely,

A handwritten signature in black ink that reads 'Sherrie Becker'. The signature is written in a cursive style with a large, looped 'S' at the beginning.

Sherrie Becker
Executive Director

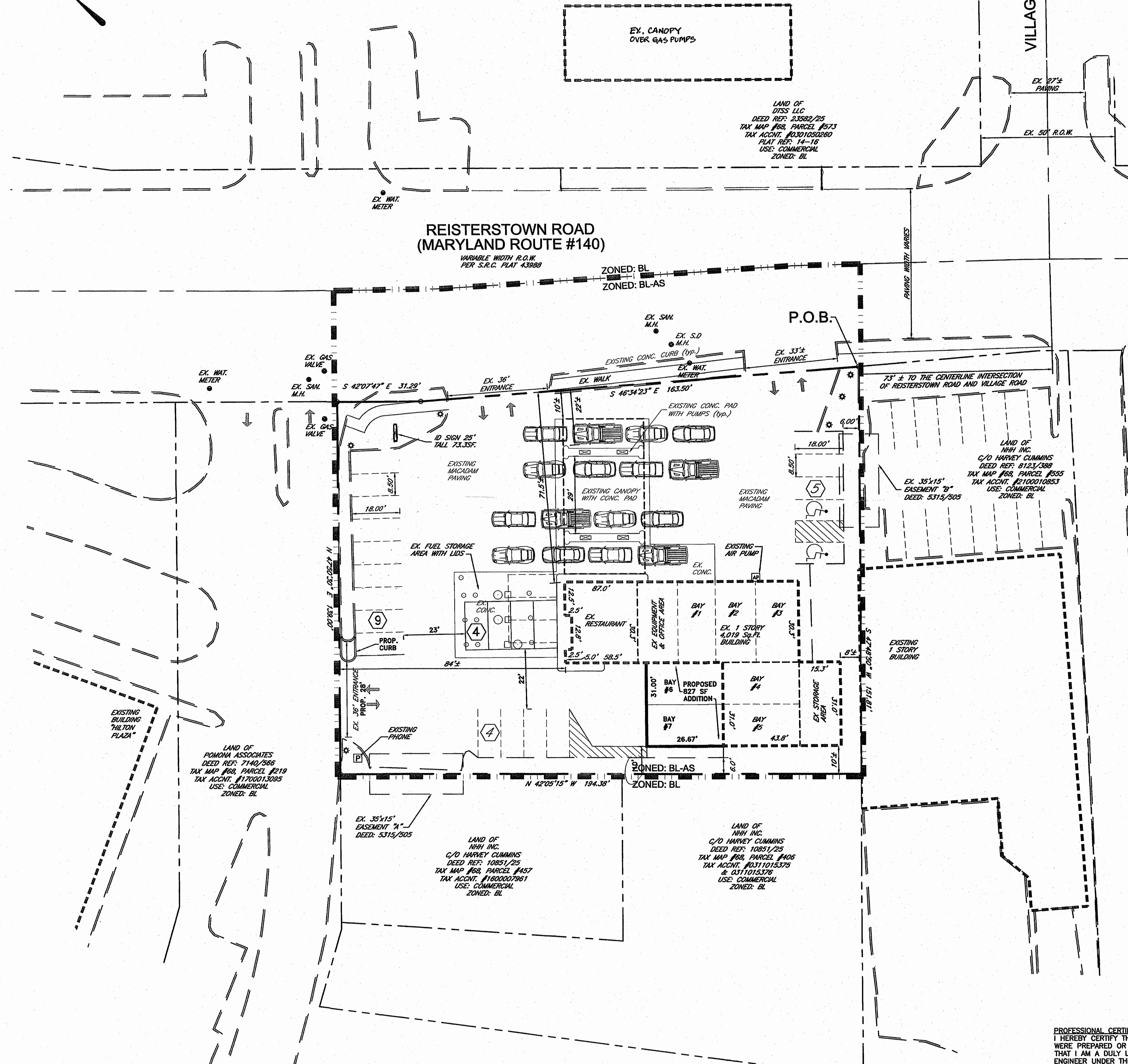
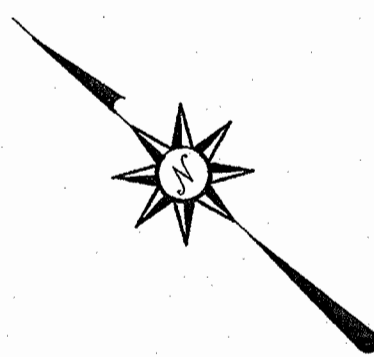
7 Church Lane, Suite 14 • Pikesville, Maryland 21208 • 410.484.2337 • Fax 410.484.4151
Email pikesvillechamber@verizon.net • www.pikesvillechamber.org

PETITIONER' S

EXHIBIT NO.

4





ORDER

THEREFORE, IT IS THIS 4th day of August, 2003 by the County Board of Appeals of Baltimore County

ORDERED that Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 90-13-SPHXA, in accordance with the Petitioner's site plan (Petitioner's Exhibit #1) be and the same is hereby GRANTED; and it is further

ORDERED that the Petition for Special Exception to allow a restaurant, including fast food, as a use in combination with a fuel service station, pursuant to § 405.4.E.10 BCZR, in accordance with the site plan, is hereby GRANTED; and it is further

ORDERED that the Petition for Variance is also granted as follows:

- from § 405.4.A.3.d(1), d(3) and d(4) and § 409.6.2 BCZR to allow 22 parking spaces in lieu of the required 29;
- from § 405.4.A.2 to permit a 22-foot setback from a fuel pump to a street right-of-way in lieu of the required 25 feet; from § 405.4.A.2.a to permit a 10-foot setback from a canopy to a street right-of-way in lieu of the required 15 feet;
- from § 405.4.A.2.b to permit landscape transition areas abutting a public right-of-way of 5 feet and 0 feet in lieu of the required 10 feet each.

The above approval shall be subject to the following restrictions:

Case No. 03-372-SPHXA (Petitioner: Philip Diamond, President)

- The Petitioner may apply for his 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 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.
- The Petitioner shall implement the landscape plan approved by the County's Landscape Architect, Avery Harden.
- When applying for any permits, the site plan and/or landscape plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that Petitioner's request for variance for a 98.33 square-foot sign, as amended, in lieu of the 75 square-foot sign permitted by the regulations, be and the same is WITHDRAWN AND DISMISSED, and that portion of the Deputy Zoning Commissioner's Order in which said variance was granted, including any and all relief granted therein with regard to this variance request, is rendered null and void.

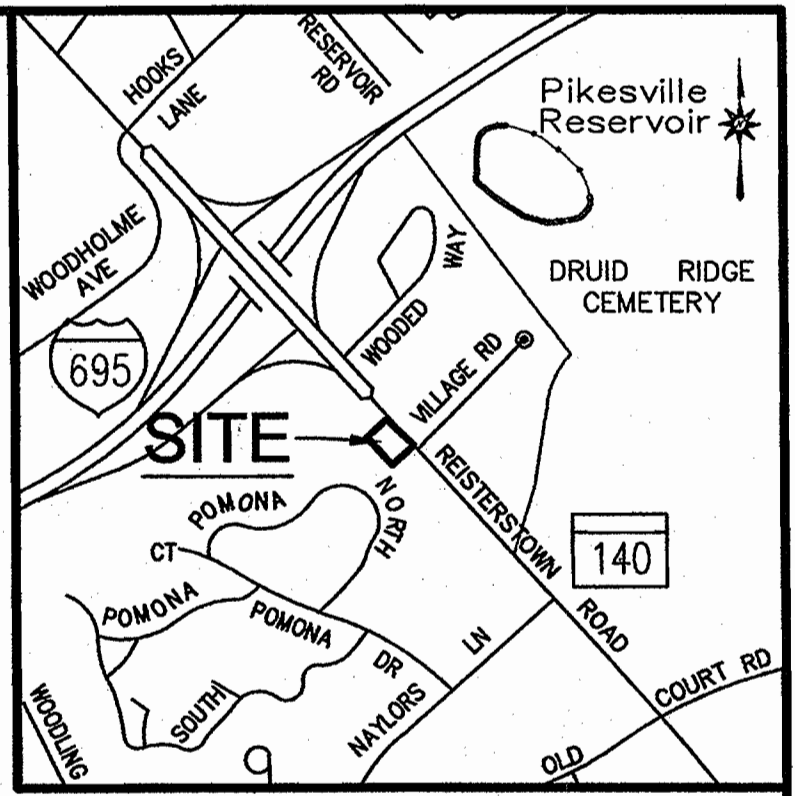
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Panel Chairman

Margaret Worrell

Richard K. Krish



LOCATION MAP

SCALE: 1" = 100'

GENERAL NOTES:

- OWNER: ALOHON, INC. PHILIP J. DIAMOND, PRESIDENT #1718 REISTERSTOWN ROAD BALTIMORE, MARYLAND 21208 410-486-1739
- SITE AREA: GROSS: 33,904 Sq.Ft. or 0.778 Ac.± NET: 28,174 Sq.Ft. or 0.646 Ac.±
- BUILDING AREAS: EXISTING: 4,019 Sq.Ft. PROPOSED: 827 Sq.Ft. TOTAL: 4,846 Sq.Ft.
- REQUIRED MINIMUM LOT AREA (SECTION 405.4.D.2): SERVICE STATION 4 x 1,500/PUMP = USE 15,000 SF (min) SERVICE BAY 7 x 1,300 SF = 9,100 SF RESTAURANT 6 x 720 SF = 4,320 SF TOTAL REQUIRED: 28,420 SF TOTAL PROVIDED: 28,174 SF
- UTILITIES: WATER: PUBLIC SEWER: PUBLIC
- EXISTING: GAS STATION WITH VEHICLE REPAIR AND RESTAURANT. PROPOSED: NO CHANGE PROPOSED
- PARKING: REQUIRED: 3 PER SERVICE BAY, 7 BAYS = 21 SPACES 16 PER 1,000 SF RESTAURANT, 720 SF REST. = 12 SPACES 1 PER EMPLOYEE, 1 EMPLOYEE = 1 SPACE 1 PER SELF SERVICE AIR PUMP = 1 SPACE TOTAL REQUIRED: 35 SPACES TOTAL PROVIDED: 22 SPACES (2 HANDICAPPED, 20 REGULAR)
- *NOTE: THE SERVICE BAY PARKING REQUIREMENTS INCLUDE PARKING FOR SERVICE EMPLOYEES, AS CONFIRMED BY THE ZONING STAFF IN REPLY OF 11/22/96 TO A ZONING CLARIFICATION REQUEST.
- SETBACKS: REQUIRED: FRONT 10' SIDE 0' REAR 0' CANOPY 15' PUMPS 25' PROVIDED: 72'± 8'± 10'± 10'± (VARIANCE PREVIOUSLY GRANTED) 22'± (VARIANCE PREVIOUSLY GRANTED)
- RESTROOMS, COMPRESSED AIR AND WATER ARE PROVIDED FOR CUSTOMERS
- DEED REF: 11780/253
- TAX ACCOUNT #1700001508.
- COUNCILMANIC DISTRICT: 2ND
- WATERSHED: GWYNNS FALLS
- FLOOR AREA RATIO: MAX. PERMITTED: 3.0 PROVIDED: 4,846 ÷ 33,904 = .143
- ZONING: BL-AS (PER 1"=200' ZONING MAP 06B83)
- TAX MAP #68 PARCEL #220.
- ALL PROPOSED SIGNS ARE TO CONFORM TO BCZR.
- THE SITE DOES NOT LIE WITHIN THE 100 YEAR FLOODPLAIN.
- THE SITE LIES ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA (IDA).
- PREVIOUS COMMERCIAL PERMIT: #8019839; 2003 FOR INTERNAL OPERATIONS OF FOOD STORE.
- THE EXISTING GAS STATION WAS BUILT UNDER A SPECIAL EXCEPTION (CASE #90-13-SPHXA). A BUILDING ADDITION TO THE RESTAURANT WAS APPROVED BY THE DEVELOPMENT REVIEW COMMITTEE ON SEPTEMBER 3, 1996 AS A LIMITED EXEMPTION UNDER SECTION 26-171(A)(7) OF THE DEVELOPMENT REGULATIONS. THE RESTAURANT ADDITION WAS ALSO APPROVED BY THE PLANNING OFFICE, THE DEPARTMENT OF PUBLIC WORKS AND THE ZONING OFFICE UNDER THE PROVISIONS OF SECTION 405.6 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
- CASE #03-372-SPHXA, THE ZONING COMMISSIONER GRANTED ON MAY 5TH, 2003 A SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCES TO PERMIT CONSTRUCTION OF THE RESTAURANT. THE SIGN AND SIGN VARIANCE REQUEST WAS ALSO MODIFIED IN A BOARD OF APPEALS CASE ON AUGUST 4TH, 2003.
- DRC #031703A-ON MAY 12, 2003, THE DEVELOPMENT REVIEW COMMITTEE APPROVED A LIMITED EXEMPTION UNDER SECTION 26-171 (a)(7) FOR CONSTRUCTION OF THE RESTAURANT.
- NO STORAGE OF DAMAGED AND DISABLED VEHICLES ARE PERMITTED OUTSIDE OF THE BUILDING EXCEPT IN ACCORDANCE WITH SECTION 405A OF BCZR. NO OUTSIDE STORAGE OF DAMAGED OR DISABLED VEHICLES ARE PROPOSED ON THIS SITE.

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

DIAMOND SUNOCO
1718 REISTERSTOWN ROAD
(MARYLAND ROUTE #140)

3RD ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND		
REVISIONS	PETITIONER'S	DRAWN BY: CND	DESIGNED BY: DNM	SCALE: 1" = 20'
	EXHIBIT NO. 1	DATE: 02-19-08	JOB NO.: 07097	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

