

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

SE Corner Middleborough Road and *
Back River Neck Road *
(1601 Middleborough Road) *

15th Election District *
5th Election District *

Two Farms, Inc. *
Petitioner *

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 2009-0166-SPHA

* * * * *

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 Two Farms, Inc., legal owner of the subject property, by and through its attorney David H. Karceski, Esquire with Venable LLP. The zoning relief in this case relates to a rollover car wash building on the property and a proposed sign for the car wash that operates in combination with a Royal Farms fuel service station and convenience store. By way of the petition for special hearing, Petitioner requests an amendment to the Order and site plan previously approved in Case No. 01-316-XA and to remove Restriction No. 3 of the Order, which limits the hours of operation for the car wash facility to 8:00 a.m. to 8:00 p.m., seven (7) days per week. In addition, Petitioner requests variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to Section 450.4.5.f, to allow a freestanding order board enterprise sign with a height of 7 feet, in lieu of the permitted 6 feet. The subject property and requested relief are more particularly described on the two-page redlined site plan, which was submitted into evidence and marked as Petitioner's Exhibit 1A-1B.

Appearing at the requisite public hearing in support of the relief requested were Jeffrey Bainbridge, Director of Real Estate for Royal Farms; Cindy Deken, Construction and Facilities

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Date 2-25-09
By [Signature]

Leader for Royal Farms; Art Leonard and Steve Warfield, Professional Engineers with Matis Warfield, Inc., the consultants who prepared the site plan for this property, and David Singer with Clean Edge, the company that services Royal Farms' rollover car wash at this location. David H. Karceski, Esquire and Arnold E. Jablon, Esquire appeared as counsel for Petitioner. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence reveals that the subject property is presently improved with a Royal Farms fuel service station in combination with a convenience store and rollover car wash building. By way of brief history, all of the site's improvements were approved by two (2) prior zoning cases, Case Nos. 96-272-XA (the 1996 Case) and 01-316-XA (the 2001 Case). In the 1996 case, the then Deputy Zoning Commissioner granted the original special exception for the fuel service station in combination with a convenience store on .486± acres of land zoned B.R.-A.S. This portion of the site includes the existing convenience store building and the fuel pump island located at the corner of the site where Middleborough and Back River Neck Roads intersect. In Case No. 01-316-XA, the then Zoning Commissioner approved an expansion of the fuel service station, increasing the site's total special exception area to 1.404± acres. The expanded portion of the site, which was the subject of the 2001 case, is located immediately southeast of the convenience store building. As a result of the 2001 special exception, an additional fuel station pump island and the rollover car wash were approved. Certain restrictions were imposed in Case No. 01-316-XA, including a condition that relates to the hours of operation for the car wash. Restriction No. 3 of this Order provides that "[t]he hours of operation of the proposed car wash facility shall be limited to from 8:00 a.m. to 8:00 p.m., seven days per week." It is the rollover car wash and proposed freestanding sign, which will serve as an order (or menu) board for the car wash that is the subject of petitions filed in the instant case.

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Petitioner requests, by its special hearing petition, permission to operate its rollover car wash twenty-four (24) hours a day, seven (7) days per week. This request, if approved, would allow the car wash to operate consistent with the hours of operation for the fuel service station and the convenience store, which are also twenty-four (24) hours per day operations. A review of Petitioner's site plan indicates that certain single-family dwellings are located east of the site along Middleborough Road. The closest of these residences, with an address of 1609 Middleborough Road, is owned by Ms. Eugenia Colvin. Petitioner's Exhibit 2, an aerial photograph/zoning map obtained from the Office of Planning's website, confirms that Ms. Colvin's property is indeed the closest residential property and is adjacent to the site's eastern boundary line. Other single-family dwellings in the vicinity of the site are, at a minimum, twice as far away from the Petitioner's car wash structure in comparison to Ms. Colvin's property. They are also either on the opposite side of Middleborough Road - a four (4) lane roadway - from the site or on the other (or east) side of Ms. Colvin's property from the Royal Farms Store.

Certain restrictions were imposed in the 2001 case for the benefit of Ms. Colvin. These restrictions related to installation of a buffer between Ms. Colvin's property and the Royal Farms site, maintenance of a drainage ditch near the property line Royal Farms shares with Ms. Colvin, and, of course, the hours of operation of the car wash. Following the 2001 case, Petitioner constructed and is now operating the car wash, subject to the 8:00 a.m. to 8:00 p.m. hours of operation restriction. The location of the car wash is as shown and indicated on Petitioner's Exhibit 1A-1B. Prior to the public hearing in the instant case, Petitioner met with Ms. Colvin to discuss the car wash and its current operation. After this meeting, Ms. Colvin confirmed for Petitioner by an e-mail dated December 9, 2008 (Petitioner's Exhibit 3), that the car wash "has no impact on [her] home-property" and that she has "no objection" to the car wash being open

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By [signature]

twenty-four (24) hours per day. While Ms. Colvin was able to confirm that the car wash, now operating, is no longer a concern for her, she also mentioned that she is appreciative that Royal Farms has relocated its trash enclosure to the northwestern end of the site. Additionally, the only other concern she noted in her December 2008 e-mail was the continued maintenance of the drainage ditch. While these two (2) concerns do not relate specifically to the requests regarding the car wash, Royal Farms' site plan filed in this case does show the trash enclosure location Ms. Colvin prefers and, as Petitioner confirmed, the drainage ditch is in good condition.

In addition to Ms. Colvin's position that there is no need to limit the car wash hours of operation, Mr. Warfield, Petitioner's professional engineer, provided expert testimony regarding removal of the car wash restriction. He visited the site recently to observe the car wash and indicated that he is familiar with the location of the car wash building and how the single bay car wash operates. It was Mr. Warfield's expert opinion that allowing the car wash to operate twenty-four (24) hours per day would have no adverse impact on the surrounding area and that application of the criteria required by Section 502.1 of the Zoning Regulations supports removal of the restriction imposed in the 2001 case. In addition, the testimony and evidence presented by Petitioner in support of removing the subject restriction, the reviewing County agencies did not issue any Zoning Advisory Committee (ZAC) comments in opposition to the removal of the restriction, and no interested citizens attended the public hearing in opposition.

The requested variance relief relates to an *order board sign* proposed by Petitioner, a sign detail for which was accepted into evidence as Petitioner's Exhibit 4. Clearly, this sign would operate as a sign for ordering purposes and, as shown on Exhibit 4, provide a menu of options for patrons as similar signs do in connection with restaurant uses and their drive-through lanes. Specifically, in order to identify the different choices of car washes offered to Royal Farms

patrons that they may select, Petitioner proposes to install one (1) 7-foot tall freestanding sign, in lieu of the permitted height of 6 feet, in the vicinity of the stacking space area for the car wash. Petitioner explained that the primary purpose of this sign (as evidenced by its proposed size and intended location approximately 100 feet from the site's nearest road frontage) is not for off-site advertising but rather to make customers already on-site aware of the car wash entry point and multiple types of washes available. Notwithstanding the fact that the requested sign requires a height variance, Petitioner was careful to note two (2) distinguishing facts that are relevant here: (1) this sign will not exceed the total sign face area permitted by the regulations; and (2) Petitioner does not propose any additional signs on the car wash building to identify the use.

It is clear that the specific need for the variance is generated by the unique physical characteristics of the site. Testimony and evidence offered by Petitioner regarding the proposed sign disclosed that the subject property has an unusual, elongated shape defined by its irregular road frontages. Vehicular access points exist along these road frontages at six (6) different locations, all of which serve the site's multiple uses. These site features justify a single freestanding order board sign, one foot taller than permitted by right (7 feet), for the benefit of patrons on-site for other purposes and approaching the car wash from other points on the property in their vehicles. Petitioner further explained that strict application of the B.C.Z.R. to the subject property would result in a practical difficulty and unreasonable hardship. Requiring Petitioner to adhere to the height limitation in the B.C.Z.R. (6 feet) would make it difficult for Petitioner to adequately identify the car wash options available to patrons already on-site for other purposes. With regard to any adverse impact, Petitioner asserts that the desired sign with a height of 7 feet, at the location shown on Petitioner's Exhibit 1A-1B, is appropriate and will have no off-site impacts. Petitioner also noted that the Office of Planning and the other reviewing

agencies that make up the Zoning Advisory Committee offered no objections to the requested sign relief.

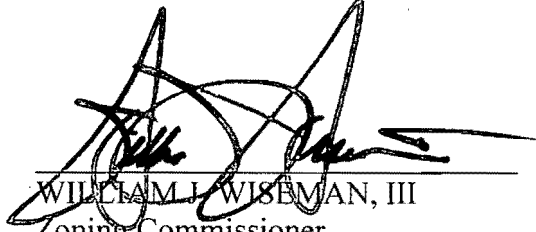
After due consideration of the testimony and evidence presented, it is clear that both petitions for special hearing and variance should be granted. With regard to the special hearing relief to remove the car wash restriction from the 2001 case, I find that allowing the car wash to operate twenty-four (24) hours per day will not have any adverse impact on the surrounding area and that application of the elements contained in Section 502.1 of the Zoning Regulations confirm that removal of the restriction is appropriate in the instant case. I also find that Petitioner has satisfied its burden of proof for the requested sign variance, contained in Section 307.1 of the regulations. The subject site is clearly unique with regard to this request and, based on the distinctive features of the site, requiring Petitioner to adhere strictly to the requirements of the B.C.Z.R. would cause a practical difficulty. Additionally, a review of the sign detail for the proposed sign (Petitioner's Exhibit 4) and the location intended for the sign, shown on Petitioner's Exhibit 1B, confirms that the sign will not have an adverse impact on the surrounding properties in the vicinity of the site.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 25th day of February 2009, that the Petition for Special Hearing to approve an amendment to the Order and site plan previously granted in Case No. 01-316-XA and to authorize the removal of Restriction No. 3 of the Order, which limits the hours of operation for the car wash facility to 8:00 a.m. to 8:00 p.m., seven (7) days per week, be and is hereby GRANTED;

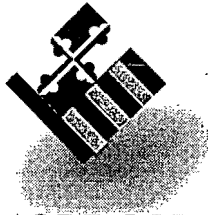
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450.4.5.f of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a freestanding order board enterprise sign with a height of 7 feet, in lieu of the permitted 6 feet, in accordance with Petitioner's Exhibit 1A-1B, be and is hereby GRANTED, subject to the following restriction:

1. The Petitioner may apply for its building permits and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at its 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

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2-25-09
103



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 25, 2009

David H. Karceski, Esquire
Arnold E. Jablon, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SE Corner Middleborough Road and Back River Neck Road
(1601 Middleborough Road)
15th Election District - 5th Election District
Two Farms, Inc. - Petitioner
Case No. 2009-0166-SPHA

Dear Counsel:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over the typed name.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Jeffrey Bainbridge, Director, Real Estate, Royal Farms, 3611 Roland Avenue,
Baltimore, MD 21211
Cindy Deken, Construction and Facilities Leader, Royal Farms, 3611 Roland Avenue,
Baltimore, MD 21211
Art Leonard, P.E. & Steve Warfield, P.E., Matis Warfield, Inc., 10540 York Road, Suite M,
Hunt Valley, MD 21080
David Singer, Clean Edge Co. (via e-mail: dsinger@cleanedgeco.com)
People's Counsel; DEPRM; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1601 Middleborough 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:

David H. Karceski, Esquire

Name - Type or Print

Signature

Venable, LLP

Company

210 Allegheny Avenue (410) 494-6200

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

Legal Owner(s):

Two Farms Inc.

Name - Type or Print

Signature

By: John Kemp, President

Name - Type or Print

Signature

3611 Roland Avenue (410) 889-0200

Address

Telephone No.

Baltimore

MD

21211

City

State

Zip Code

Representative to be Contacted:

David H. Karceski

Name

210 Allegheny Avenue (410) 494-6200

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No.

REV 9/15/98

Reviewed By

Date

Date

By

Petition for Special Hearing
1601 Middleborough Road

To amend the Order and site plan previously approved in Case No. 01-316-XA and to remove Restriction No. 3 of the Order, which limits the hours of operation for the car wash facility to 8:00 a.m. to 8:00 p.m., seven days per week.



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 1601 Middleborough Road
which is presently zoned BL-AS

Deed Reference: 11136 / 189 Tax Account # 1507410560

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.)

To be determined at hearing.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

David H. Karczeski, Esquire
Name - Type or Print _____
Signature _____
Venable, LLP
Company
210 Allegheny Avenue (410) 494-6200
Address Telephone No.
Towson Maryland 21204
City State Zip Code

Legal Owner(s):

Two Farms Inc.
Name - Type or Print _____
Signature John M. Kemp
By: John Kemp, President
Name - Type or Print _____
Signature John M. Kemp
3611 Roland Avenue (410) 889-0200
Address Telephone No.
Baltimore MD 21211
City State Zip Code

Representative to be Contacted:

David H. Karczeski
Name
210 Allegheny Avenue (410) 494-6200
Address Telephone No.
Towson Maryland 21204
City State Zip Code

Case No. 2009-0166 SPHA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

REV 8/20/07

Reviewed by JAM Date 1-28-09

ORDER RECEIVED FOR FILING

Date 2-25-09

By 192

Petition for Variance
1601 Middleborough Road

1. Variance from BCZR Section 450.4.5.f to allow a free-standing order board enterprise sign with a height of 7 feet, in lieu of the permitted 6 feet.

December 8, 2008

ZONING DESCRIPTION

Beginning at a point on the east side of Back River Neck Road, which is 60' wide at the distance of 55.8'± southeast of the centerline of the nearest improved intersecting street, Middleborough Road, which is of variable width. Thence the following courses and distances:

North 31° 12' 55" East 25.39', to the south side of Middleborough Road, thence running and binding on the said south side Middleborough Road the following courses, South 58° 47' 05" East 55.00', North 31° 12' 55" East 7.68', South 58° 18' 45" East 96.66', South 69° 50' 18" East 78.07', North 85° 56' 27" East 55.99', North 85° 55' 59" East 50.00', North 77° 29' 02" East 50.30' thence leaving the south side of Middleborough Road for the following courses, South 09° 07' 45" East 217.55', South 80° 52' 15" West 168.70' to the east side of Back River Neck Road and binding on said east side of Back River Neck Road by a curve to the left with a Radius of 5759.58' for a length of 83.71', North 38° 56' 29" West 302.87' to the place of beginning as recorded in Deed Liber 7446, Folio 515 and Deed Liber 11136, Folio 189.

Being parts of Lots 67 and Lot 68 in the subdivision of Hilltop Park, as recorded in Baltimore County Plat Book 8 Folio 32 containing 61,180 S.F. or 1.404 acres of land more or less and subject to Baltimore County right-of-way agreement #85-224-1.

Also known as 1601 Middleborough Road and 311 Back River Neck Road and located in the 15th Election District.

This description is for the purpose of accompanying a Petition for a Special Hearing only.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 35084

Date:

01/29/09

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
1/30/2009 1/29/2009 10:27:31 2

REG W502 WALKIN JEVA JEE
>> RECEIPT # 621572 1/29/2009 OFLN

Den: 5 528 ZONING VERIFICATION
CR ID. 035084

Recpt Tot \$325.00
\$325.00 CK \$0.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				325.00

Total:

\$ 325.00

Rec From: Revisions

For: Venable

2009-0166-SPH/A

CK # 005688

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

VENABLE LLP

005688

OUR REF NUMBER	YOUR INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
		01/27/09	\$325.00 (CDM)			
		25107:115534	- Royal Farm Stores/Back River Neck Road			
		Baltimore County, MD				
		Filing fee				

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: #2009-0166-SPH

1601 Middleborough Road

E/side of Back River Neck Road, 55.8 feet +/- s/east of center line of Middleborough Road

15th Election District - 5th Councilmanic District

Legal Owner(s): Two Farris, Inc.

Special Hearing: to amend the order and site plan previously approved in case 01-316-XA and to remove restriction no. 3 of the order, which limits the hours of operation for the car wash facility to 8:00 p.m., seven days per week. **Variance:** to allow a freestanding order board enterprise sign with a height of 7 feet, in lieu of the permitted 6 feet.

Hearing: Wednesday, February 18, 2009 at 2:00 p.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 2/615 Feb. 3

193378

CERTIFICATE OF PUBLICATION

2/5/, 2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/3/, 2009.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2009-0166-SPH

Petitioner/Developer: _____

Two Farms, Inc..

Date of Hearing/closing Feb18 2009

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

Attn : Kristin Matthews

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 Middleborough Road

The sign(s) were posted on _____ Feb 3, 2009
(Month, Day, Year)

Sincerely,

Robert Black 2-10-09
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2009-0166-SPHA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

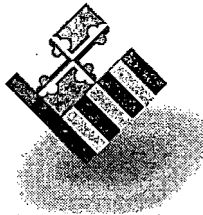
PLACE: Room 104, JEFFERSON BUILDING 21204
105 W. CHESAPEAKE AVENUE, TOWSON

DATE AND TIME: WEDNESDAY, FEBRUARY 18, 2009 AT 2:00 P.M.

REQUEST: SPECIAL HEARING TO AMEND THE ORDER AND
SITE PLAN PREVIOUSLY APPROVED IN CASE 01-316-XA AND TO REMOVE
RESTRICTION NO. 3 OF THE ORDER, WHICH LIMITS THE HOURS OF
OPERATION FOR THE CAR WASH FACILITY TO 8:00 P.M., SEVEN DAYS PER
WEEK. VARIANCE TO ALLOW A FREESTANDING ORDER BORED
ENTERPRISE SIGN WITH A HEIGHT OF 7 FEET, IN LIEU OF THE PERMITTED
6 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
January 21, 2009
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: 2009-0166-SPH

1601 Middleborough Road

E/side of Back River Neck Road, 55.8 feet +/- s/east of centerline of Middleborough Road

15th Election District – 5th Councilmanic District

Legal Owners: Two Farms, Inc.

Special Hearing to amend the order and site plan previously approved in case 01-316-XA and to remove restriction no. 3 of the order, which limits the hours of operation for the car wash facility to 8:00 p.m., seven days per week.

Hearing: Wednesday, February 18, 2009 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: David Karceski, 210 Allegheny Avenue, Towson 21204
Two Farms, John Kemp, 3611 Roland Avenue, Baltimore 21211

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 3, 2009.**
- (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, February 3, 2009 Issue - Jeffersonian

Please forward billing to:
Amy Dontell-Matte
210 Allegheny Avenue
Towson, MD 21204

410-494-6244

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: 2009-0166-SPH

1601 Middleborough Road

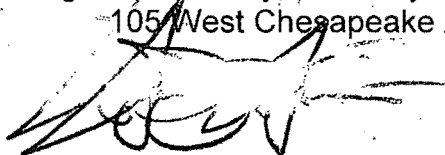
E/side of Back River Neck Road, 55.8 feet +/- s/east of centerline of Middleborough Road

15th Election District – 5th Councilmanic District

Legal Owners: Two Farms, Inc.

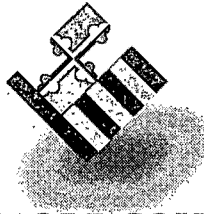
Special Hearing to amend the order and site plan previously approved in case 01-316-XA and to remove restriction no. 3 of the order, which limits the hours of operation for the car wash facility to 8:00 p.m., seven days per week.

Hearing: Wednesday, February 18, 2009 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
January 29, 2009
Department of Permits and
Development Management

NEW 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: 2009-0166-SPHA

1601 Middleborough Road

E/side of Back River Neck Road, 55.8 feet +/- s/east of centerline of Middleborough Road

15th Election District – 5th Councilmanic District

Legal Owners: Two Farms, Inc.

Special Hearing to amend the order and site plan previously approved in case 01-316-XA and to remove restriction no. 3 of the order, which limits the hours of operation for the car wash facility to 8:00 p.m., seven days per week. Variance to allow a freestanding order board enterprise sign with a height of 7 feet, in lieu of the permitted 6 feet.

Hearing: Wednesday, February 18, 2009 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: David Karciski, 210 Allegheny Avenue, Towson 21204
Two Farms, John Kemp, 3611 Roland Avenue, Baltimore 21211

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 3, 2009.**
- (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, February 3, 2009 Issue - Jeffersonian

Please forward billing to:
Amy Dontell-Matte
210 Allegheny Avenue
Towson, MD 21204

410-494-6244

CORRECTED 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: 2009-0166-SPHA

1601 Middleborough Road

E/side of Back River Neck Road, 55.8 feet +/- s/east of centerline of Middleborough Road

15th Election District – 5th Councilmanic District

Legal Owners: Two Farms, Inc.

Special Hearing to amend the order and site plan previously approved in case 01-316-XA and to remove restriction no. 3 of the order, which limits the hours of operation for the car wash facility to 8:00 p.m., seven days per week. Variance to allow a freestanding order board enterprise sign with a height of 7 feet, in lieu of the permitted 6 feet.

Hearing: Wednesday, February 18, 2009 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**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/neighbor 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:

0166

Petitioner:

~~Two~~ FARMS, INC.

Address or Location:

1601 MIDDLE BOROUGH Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name:

Amy Donte11

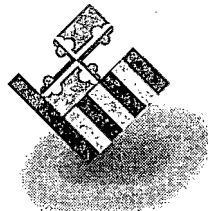
Address:

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 M. KOTROCO, *Director*
Department of Permits and
Development Management
February 12, 2009

David H. Karceski
Venable, LLP
210 Allegheny Ave.
Towson, MD 21204

Dear: David H. Karceski

RE: Case Number 2009-0166-SPHA, 1601 Middleborough Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 28, 2009. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Two Farms, INC.; 3611 Roland Ave.; Baltimore, MD, 21211



BALTIMORE COUNTY
MARYLAND

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

February 2, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 2, 2009

Item Numbers **0166**, 0190, 0191, 0192, 0193, 0194, 0195, 0196

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

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 18, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For December 22, 2008
Item Nos. 2009-0153, 0158, 0159, 0160,
0161, 0162, 0163, 0164, 0165, and 0166.

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

DAK:CEN:lrk
cc: File
ZAC-122208 -NO COMMENTS

BW
2-18-09
2pm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 22, 2009

RECEIVED

JAN 29 2009

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

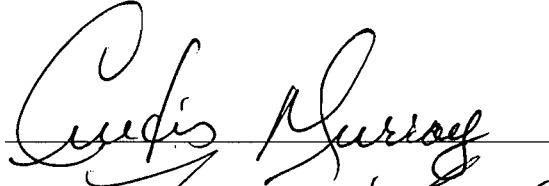
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-166- Special Hearing**

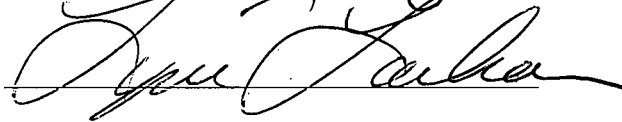
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:
CM/LL



BW 2/18 2pm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 4, 2009

RECEIVED

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

FEB 05 2009

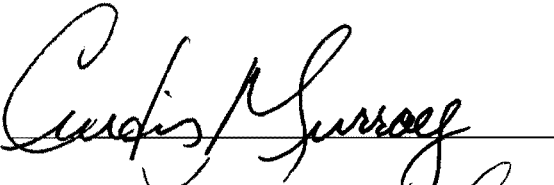
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-166- Additional Petition for Variance**

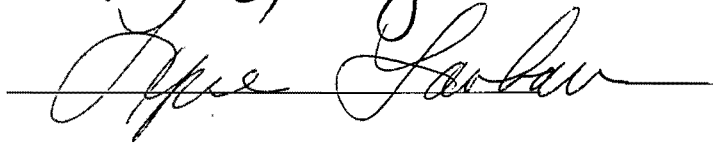
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:
CM/LL



BW 2/18 2 pm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 21 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: 1/21/09

SUBJECT: Zoning Item # 09-166-SPH
Address 1601 Middleborough Raoad
(Two Farms, Inc.)

Zoning Advisory Committee Meeting of December 15, 2008.

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

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

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

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

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

Additional Comments:

Reviewer:

Date:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

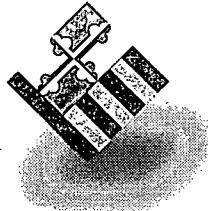
DATE: February 4, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For February 9, 2009
Item Nos. ~~2009-0166~~, 0191, 0192, 0193, and 0194

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

DAK:CEN:lrk
cc: File
ZAC-02092009 -NO COMMENTS



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

December 16, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: December 15, 2008

Item No.: 2009-0135-A, 2009-0153-X, 2009-0158-SPHAXA, 2009-0159-A,
2009-0160-A, 2009-0161-SPHXA, 2009-0162-A, 2009-0163-A,
2009-0165-A, AND **2009-0166-SPH.**

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.

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

Don W. Muddiman, Acting Lieutenant
Fire Marshal's Office
(Office) 410-887-4880
MS-1102F

cc: File



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 12/16/2008

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

RE: Baltimore County
Item No 2009-0166-SPH
1601 MIDDLEBOROUGH RD
Two Farms INC
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0166-SPH

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB





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

State Highway
Administration

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

Maryland Department of Transportation

Date: FEB. 6, 2009

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

RE: Baltimore County
Item No 2009-0166-SPHA
1601 MIDDLEBOROUGH RD
TWO FARMS, INC.
SPECIAL HEARING
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0166-SPHA.

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

Very truly yours,

Fed¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

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



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1601 Middleborough Road; 55.8' SE * ZONING COMMISSIONER
Middleborough Rd & Back River Neck Road *
15th Election & 5th Councilmanic Districts * FOR
Legal Owner(s): Two Farms Inc *
Petitioner(s) * BALTIMORE COUNTY
* 09-166-SPH

* * * * *

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

DEC 8 0 2008

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 30th day of December, 2008, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

t 410.494.6365
f 410.821.0147
cdmudd@venable.com

January 27, 2009

HAND-DELIVERED

W. Carl Richards, Zoning Supervisor
Baltimore County Department of
Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: **REQUEST FOR RECIRCULATION OF PLANS**

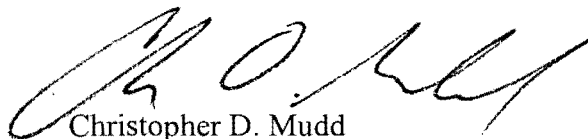
Royal Farms – 1601 Middleborough Road
Case No. 2009-0166-SPH
6th Councilmanic District, 15th Election District

Dear Mr. Richards:

This firm represents Two Farms, Inc., legal owner of the above-referenced property and petitioner in the above-referenced case. Following our filing of Case No. 2009-0166-SPH, it has been determined that our client requires a variance for a proposed sign on the subject property. I have enclosed 3 copies of a petition for variance, 2 copies of a revised site plan showing the proposed sign, and a \$325.00 check for the variance request. I ask that your office please replace the plans and petitions currently in the case file with the enclosed revised plans and petitions, re-circulate the plans to the appropriate County agencies, and update the case number to reflect the addition of the variance (2009-0166-SPHA).

If you have any questions or require any additional information, please contact me.
Thank you for your attention to this matter.

Very truly yours,



Christopher D. Mudd

CDM

cc: David H. Karceski, Esquire

IN RE: **PETITION FOR VARIANCE**

SE Corner Middleborough Road and
Back River Neck Road
(1601 Middleborough Road)

15th Election District
5th Council District

Two Farms, Inc.
Petitioner

*
*
*
*
*

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0127-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Two Farms, Inc., legal owner of the subject property, by and through its attorney David H. Karceski, Esquire with Venable LLP. Petitioner requests variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) for certain signage proposed for the Royal Farms Store use on the property, as follows: from Section 450.4.5.a to allow ten (10) wall-mounted enterprise signs on a building with a total of five (5) of these on one wall, in lieu of the permitted three (3) signs on a building with two (2) on one wall, respectively; and from Section 450.4.5.b to allow a free-standing enterprise sign with a height of 29 feet in lieu of the permitted 25 feet. The subject property and requested relief are more particularly described on a four-page redlined site plan submitted into evidence and marked as Petitioner's Exhibit 1A – 1D.

Appearing at the requisite public hearing in support of the relief requested were Jeffrey Bainbridge, Director of Real Estate for Royal Farms; Art Leonard and Steve Warfield, Professional Engineers with Matis Warfield, Inc., the consultants who prepared the site plan for this property. David H. Karceski, Esquire and Christopher Mudd, Esquire appeared as counsel for Petitioner. There were no Protestants or other interested persons present.

Carl Richards - Plans

From: "Mudd, Christopher D." <CDMudd@Venable.com>
To: "Carl Richards" <CRichards@baltimorecountymd.gov>
Date: 12/8/2008 3:43 PM
Subject: Plans

Carl,

I just left with Rose a set of plans and descriptions for the Royal Farms/Middleborough Rd. site. That is the one that we filed as a Variance & Special Hearing, and I gave you a letter last week requesting that we split them into two separate cases (the variance to keep the current number, and the special hearing to get a new number). You asked me for plans & descriptions for the special hearing case to complete the new file (the petitions are in the existing file). And that is what I have delivered.

Please let me know if you need any additional information. I will check back later this week for the new case #.

Thanks,

Chris

Christopher D. Mudd | Associate | Venable LLP
410.494.6365 | f 410.821.0147
110 Allegheny Avenue, Towson, MD 21204
CDMudd@Venable.com | www.venable.com

Previous case
that needs to
be split

2009-0127-JAH

J.S. Treasury Circular 230 Notice: Any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties that may be imposed by the Internal Revenue Code or by any other applicable tax authority; or (b) promoting, marketing or recommending to another party any tax-related matter addressed herein. This disclosure on all outbound e-mails to assure compliance with new standards of professional practice, pursuant to which certain tax advice must satisfy the form and substance.

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by e-mail and delete the message without copying or disclosing it.

From: Debra Wiley
To: cmudd@venable.com; Karceski, David
Date: 02/17/09 9:03:41 AM
Subject: Case No. 2009-0166-SPHA - 2/18 @ 2 PM

Good Morning Gentlemen,

When Chris stopped in last Wednesday, he brought to our attention that a petition for variance was added to the above case. In my reviewing the case file, the paperwork correctly reflects this for the sign posting; however, a copy of the Revised Jeffersonian advertisement is missing that includes the variance portion.

By copy of this e-mail to both Kristen and LaShenda, I am hoping that perhaps the Jeffersonian copy just came in late and it will find its way here by tomorrow's hearing.

Thanks to all for your usual cooperation.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

CC: Matthews, Kristen; Williams, LaShenda

CASE NAME 1601 Middlesex County
CASE NUMBER 09-166-50HA
DATE 2/18/09

[illegible]

Case No.: 2009-0166-SPHA 1601 Middleborough RD.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	1A 1B	
No. 2	Aerial Photo of Site	
No. 3	Letter From Eugenia Colvin - NO OPPOSITION TO HOURS OF OPERATION	
No. 4	Colorized Sign	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Fuel Islands and Car Wash Improvement Area
Superimposed over Baltimore County Aerial Photograph
With Distances to Nearby Single Family Dwellings

ROYAL FARMS STORE
1601 Middleborough Road and 311 Back River Neck Road
Baltimore, Maryland 21221
Store #15

Councilmanic District 6
Tax Map 97 Parcel 418 and Lots 67&68
Scale: 1" = 50'

Election District 15
February 16, 2009
Sheet 2 of 2

PETITIONER'S

EXHIBIT NO. 2

Matis Warfield

consulting engineers
10540 York Road, Suite 300
Hunt Valley, MD 21086
phone 410-663-7084
fax 410-663-1768
www.matiswarfield.com

Cindy Deken

From: Jean Colvin [indianacrepoodles@yahoo.com]
Sent: Tuesday, December 09, 2008 6:22 PM
To: cdeken@royalfarms.com
Subject: RE: Catching up...

Hi Cindy:

In regards to the car wash being open 24 hours, I have no objection. If it remains as it is at present, there is no impact on my home-property. The relocated trash enclosure has solved the noise problem and I sincerely request it remain where it is.

The only request I have is that the storm drain be maintained in such condition to provide the drainage it now has. My only concern that in future years that it is maintained. .

Eugenia Colvin
 Property Owner

--- On Tue, 12/2/08, Cindy Deken <cdeken@royalfarms.com> wrote:

From: Cindy Deken <cdeken@royalfarms.com>
 Subject: RE: Catching up...
 To: cdeken@royalfarms.com, indianacrepoodles@yahoo.com
 Date: Tuesday, December 2, 2008, 9:16 AM

Cindy Deken

Construction & Facilities Leader

Royal Farms

3611 Roland Ave

Baltimore, MD 21211

cdeken@royalfarms.com

cell-410.371.9580

fax-443.296.8384

From: Cindy Deken [mailto:cdeken@royalfarms.com]
Sent: Wednesday, November 19, 2008 3:39 PM
To: 'indianacrepoodles@yahoo.com'
Subject: Catching up....

PETITIONER' S

EXHIBIT NO.

3

2/18/2009

Eugenia,

It was good to see you Friday. I was glad to find you safe and sound. Thanks again for your time.

I wanted to circle back with you about the car wash hours of operation. Are you OK with 24/7 operation of the car wash? Does the car wash operation have a negative impact on your home/property? We at Royal Farms are working to obtain longer hours of operation along with the relocated trash enclosure and some additional signage. It's important to us to know we'll not be inconveniencing you with these changes.

Thanks again for your patience through the years of this process.

Talk to you soon,

Cindy

Cindy Deken

Construction & Facilities Leader

Royal Farms

3611 Roland Ave

Baltimore, MD 21211

cdeken@royalfarms.com

cell-410.371.9580

fax-443.296.8384

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 270.9.2/1785 - Release Date: 11/13/2008 9:12 AM

2/18/2009

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 270.9.11/1816 - Release Date: 11/27/2008 7:53 PM

No virus found in this incoming message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 270.9.14/1829 - Release Date: 12/4/2008 2:59 PM

ROYAL FARMS Car Wash

Real Clean. Real Fast.

20¢ OFF every gallon of gas with ANY wash!

CLEAN SHIELD COMBINATITON WASH

- Undercarriage Wash
- Chemical Wheel Cleaner
- HP Wheel / Rocker Wash
- Triple Foam Bath
- Soft Touch Wash
- Clear Coat Sealant
- CleanShield Protectant
- Spot Free Rinse
- Dryer

CleanEDGE
CleanSHIELD

\$12

ULTIMATE WASH

- Undercarriage Wash
- Chemical Wheel Cleaner
- HP Wheel / Rocker Wash
- Triple Foam Bath
- Soft Touch Wash
- Clear Coat Sealant
- Spot Free Rinse
- Dryer

\$10

PREMIUM WASH

- Undercarriage Wash
- Foam Bath
- Soft Touch Wash
- Clear Coat Sealant
- Spot Free Rinse
- Dryer

\$8

EXPRESS WASH

- Foam Bath
- Spot Free Rinse

\$6

PETITIONER' S

EXHIBIT NO. 4

SCHEMATIC PLANT KEY

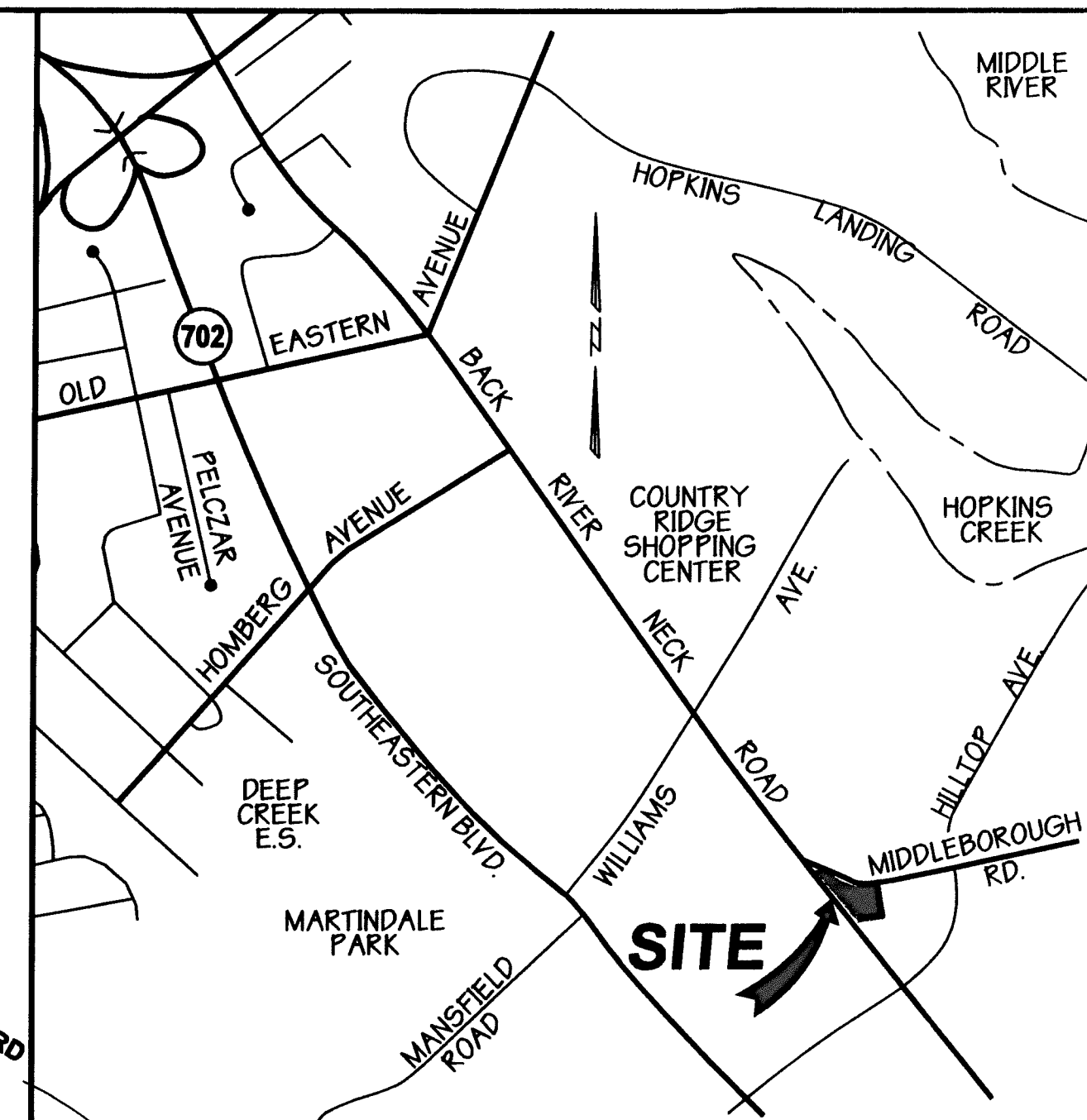
KEY	QUANTITY	TYPE
	11	MAJOR DECIDUOUS TREE
	6	FLOWERING TREE
	17	EVERGREEN TREE
	212	EVERGREEN SHRUB

NOTE:
EXISTING LANDSCAPING IS SUFFICIENT TO SATISFY BALTIMORE COUNTY STANDARDS; THEREFORE, CALCULATIONS AND PROPOSED PLANTING APPLY ONLY TO THE EXPANSION AREA.

PLANTING CALCULATIONS

PUS REQUIRED:
1 PU/15 L.F. CLASS 'B' SCREENING ADJ. TO RDWY. @ 212 LF = 14 PUS
1 PU/10 L.F. CLASS 'C' SCREENING ADJ. TO RESIDENTIAL @ 145 LF = 15 PUS
1 PU/10 L.F. CLASS 'C' SCREENING ADJ. TO COMMERCIAL @ 242 LF = 24 PUS
TOTAL PUS REQUIRED = 53 PUS

PUS PROVIDED:
11 MAJOR DECIDUOUS TREES = 11 PUS
6 FLOWERING TREES = 6 PUS
17 EVERGREEN TREES = 17 PUS
212 SHRUBS = 212 PUS
TOTAL PUS PROVIDED = 64 PUS



VICINITY MAP

SCALE: 1" = 1000'

FOREST BUFFER VARIANCE
APPROVED 11/3/00
FOREST BUFFER ENHANCEMENT
PLANTING (HATCHED AREA)
- 20' CROWNED TREE
- 5' SWEET PEPPERBUSH
- 5' SWEET GUM
- 10' WILLOW OAK

LEGEND

PROPERTY LINE	
EX. FIRE HYDRANT	
EX. WATER	
EX. STORM DRAIN	
EX. SANITARY	
PROP. WATER	
PROP. STORM DRAIN	
PROP. SANITARY	
EX. CURB & GUTTER	
PROP. CONC. C & G	
EX. TELEPHONE MANHOLE	
EX. CHAIN LINK FENCE	
EX. PARKING LOT LIGHT	
EX. UTILITY POLE	
EX. GUY WIRE	
EX. OVERHEAD LINE	
EX. ZONING LINE	
PROP. CONCRETE	
FUEL PUMP	
EX. EVERGREEN	
EX. DECIDUOUS TREE	
EX. FLOWERING TREE	
EX. PARSONS JUNIPER	
EX. LEATHER LEAF MAHONIA	
EX. ARROWWOOD	
NEW CONC. C & G	
SITE LIGHTING	

PETITIONER'S

EXHIBIT NO. **1B**

BACK RIVER NECK ROAD

SITE PLAN

SCALE: 1" = 20'

SHEET INDEX

Sheet 1 of 2 SITE PLAN
Sheet 2 of 2 LOCATION PLAN, ZONING MAP, ZONING ORDER, NOTES & SIGN DETAIL

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OWNER
Two Farms, Inc.
3611 Roland Avenue
Baltimore, Maryland 21211-2408
(410) 889-0200

Plan to Accompany A Petition for a Special Hearing and Variance

ROYAL FARMS STORE

1601 Middleborough Road and 311 Back River Neck Road
Baltimore, Maryland 21221
Store #15

Councilman District 6
Tax Map 97 Parcel 418 and Lots 67&68
Scale: 1" = 20'

Election District 15
Rev. January 26, 2009
Sheet 1 of 2